

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **January 20, 2004**

RE: **Analysis Report**

Balances As Of:
1/15/03

1/14/04

<u>GSD 4% RESERVE FUND</u>	\$25,339,246	\$4,592,776
<u>CONTINGENCY ACCOUNTS</u>		
GSD	\$50,000	\$50,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$22,750,559	\$35,400,789
USD	\$8,433,994	\$13,909,890
<u>GENERAL PURPOSE</u> <u>SCHOOL FUND</u>	\$38,771,091	\$53,181,288

- RESOLUTIONS -

RESOLUTION NO. RS2003-113 (BRILEY, ADKINS & OTHERS) – This resolution establishes a citizens’ task force to review the Standards for Ethical Conduct section of the Metro Code and to make a recommendation to the Council regarding necessary changes to the Code. This resolution is the result of meetings held by various Members of Council regarding the Council’s ethics policy. Discussions at these meetings included concerns about the current financial disclosure requirements, the process for disclosure of Council gatherings, and the composition and conduct of the Council board of ethical conduct. This resolution establishes a task force to address these concerns and report back to the Council.

The task force will be composed of eleven members. The Executive Committee of the Council will recommend eight members, who upon recommendation are to be appointed by a majority vote of the Council. These eight members are to be representative of the following six categories:

1. Two members are to be former Members of Council or Vice Mayors.
2. One member is to be a representative of the Nashville Bar Association.
3. One member is to be a representative of the Napier-Looby Bar Association.
4. Two members are to be trained in the study of contemporary ethics representing the institutes of higher learning in Nashville.
5. One member is to be a corporate ethicist.
6. One member is to be a certified public accountant.

The Metropolitan director of law, the special counsel to the Council, and the secretary of the Council Board of Ethical Conduct are to be the remaining three members of the task force. The task force is specifically authorized to rely upon outside experts and is to issue a report to the Council not later than June 30, 2004. The report to the Council is to include a comparison of the Metro Standards of Ethical Conduct with standards from other jurisdictions, an evaluation of the existing Metro standards, and suggested changes to the Metro Standards of Ethical Conduct. The task force is to hold at least one public hearing prior to issuing this report.

RESOLUTION NO. RS2004-140 (TYGARD, ISABEL & OTHERS) – This resolution establishes a task force to determine the highest and best use for the downtown thermal plant property. As a result of the construction of the new district energy system, the thermal plant is no longer being used by the Metropolitan Government. The Nashville Sounds baseball team has proposed that a downtown stadium be constructed on the now vacant thermal plant site. Although no official proposal for the construction of a stadium has been filed with the Council, this resolution would create a task force to determine the highest and best use of the property. The task force will be charged with the duty of establishing the current fair market value of the thermal plant property and of soliciting and reviewing any and all proposals for the development of the property. The task force is to report its findings to the Council within 60 days of convening.

(continued on next page)

RESOLUTION NO. RS2004-140 (continued)

The task force will consist of 18 members to be selected and appointed by the vice mayor. The task force is to include a representative from the following professions, agencies, and associations:

1. A licensed and practicing architect
2. A licensed and practicing engineer
3. Assessor of Property or designee
4. A certified public accountant or other person with financial or banking background
5. Director of the Metropolitan Convention and Visitors Bureau or designee
6. Director of the Metropolitan Planning Commission or designee
7. Director of the Nashville Sports Council or designee
8. Director of the Regional Transportation Authority or designee
9. Executive Director of MDHA or designee
10. Member of the Downtown Partnership owning commercial office or retail property
11. Member of the Downtown Partnership owning multi-family residential property
12. Member of the Nashville Business Coalition
13. President of the Nashville Chamber of Commerce or designee
14. President of the Nashville Hotel/Motel Association or designee
15. Representative of the public relations industry
16. Three members of the Metropolitan Council; one each from the Planning and Zoning Committee, the Budget and Finance Committee, and the Parks and Recreation Committee.

The task force is to give notice of all meetings to the public and is expressly authorized to rely on outside experts in determining the highest and best use of the property.

RESOLUTION NO. RS2004-141 (WALLACE) – This resolution appropriates \$2 million in urban development action grant (UDAG) repayments for the John Henry Hale HOPE VI affordable housing program. The UDAG program is a federal program whereby federal funds are loaned to developers, which loans are repaid to the Metropolitan development and housing agency (MDHA) instead of the federal government. MDHA is required by federal law to use the UDAG loan repayments in the “pocket of poverty” areas of the Metropolitan Government. MDHA is applying to the U.S. department of housing and urban development for \$20 million in HOPE VI funds for an affordable housing initiative at the John Henry Hale Homes housing development. Pursuant to this resolution, MDHA will use the \$2 million in UDAG repayments as leverage for the HOPE VI funds. If the federal government does not approve MDHA’s application for the HOPE VI funds by December 31, 2004, the fund allocation approved by this resolution shall become null and void.

RESOLUTION NO. RS2004-142 (BRILEY & WALLACE) – This resolution authorizes the submission of a foreign trade subzone application by Sanford, LP, and approves an agreement between Sanford, LP and the Metropolitan Government for the operation of a foreign trade subzone. State law authorizes non-profit corporations and municipalities to apply to the federal government for a grant of the right to establish, operate, and maintain foreign trade zones. Foreign trade zones were first initiated by the federal government to encourage importing and exporting activities and to promote development. The Metropolitan Government is the grantee for a foreign trade zone in this area. Sanford, LP (continued on next page)

RESOLUTION NO. RS2004-142 (continued)

desires to operate a foreign trade subzone and has requested the Metropolitan Government's assistance in establishing such subzone. Sanford, LP is engaged in the business of assembling and distributing writing utensils and office supplies. Sanford, LP has prepared a subzone application to be submitted to the foreign trade zones board and has entered into an agreement with the Metropolitan Government to operate the subzone. This resolution authorizes the submission of the application and approves the agreement with Metro.

Ordinance No. BL2000-499 requires that any contractual agreements for the establishment and management of a foreign trade zone must be approved by resolution of the Council receiving 21 affirmative votes. Pursuant to the agreement approved by this resolution, Metro will grant the authority to Sanford, LP to conduct assembly, packaging, distribution, quality testing, repair, and storage operations for pens, pencils, markers, art products, other various writing utensils, and office/school products at two facilities in Shelbyville and one in Lewisburg, Tennessee. In exchange for this authorization, Sanford, LP will pay the Metropolitan Government an annual fee of \$21,999.96. The term of the agreement is for ten years, with extensions thereafter on a year-to-year basis. Sanford, LP agrees to indemnify the Metropolitan Government for claims arising out of its activities and will be required to maintain \$1 million in liability insurance naming the Metropolitan Government as additional insured.

RESOLUTION NO. RS2004-143 (TUCKER, WILHOITE & BRILEY) – This resolution amends the pay plan for employees of the general government to include a salary for members of the Metropolitan board of public education. On June 3, 2003, the Council adopted a resolution submitting an amendment to the Metropolitan Charter for ratification by the voters to allow the members of the board of education to be compensated as part of the general pay plan. This proposed amendment was ratified by the voters on August 7, 2003. Pursuant to the Charter, the civil service commission approves the general pay plan and amendments to the plan, which is then submitted to the director of personnel for recommendation. Once the pay plan, or an amendment to the plan, has been recommended by the director of personnel, the mayor then reviews the plan subject to modification and submits the plan to the Council for adoption. A citizens' advisory committee was asked to assist in this process by conducting a study to recommend an appropriate level of compensation for members of the board of education. The citizens' advisory committee recommended that this compensation be set at a rate not less than \$14,000 annually. The civil service commission agreed with this recommendation and, therefore, this resolution has been submitted to the Council to approve an amendment to the pay plan to include a salary for members of the board of public education in the amount of \$14,000 per year.

The compensation will take effect for all current board of education members upon this resolution's adoption and signature by the mayor. The compensation will not apply retroactively to the date that the members were elected.

RESOLUTION NO. RS2004-144 (BRILEY) - This resolution approves an amendment to a contract of employment between the Metropolitan Government and Tillman L. Lay of the law firm of Miller, Canfield, Paddock & Stone to represent the Metropolitan Government in the appeal of a federal communications commission (FCC) ruling. On March 15, 2002, the FCC ruled that cable modem service did not fit within the definition of cable television service. As a result of this ruling, franchising authorities such as Metro can no longer require cable television providers to include revenues generated from cable modem service in computation of the 5% franchise fee. The revenues from Comcast's cable modem service generated \$465,000 in franchise fees to Metro during 2001. Several national organizations that represent cities and counties, including the national league of cities (NLC) and the national association of telecommunications officers and advisors (NATOA), appealed this ruling and retained Tillman L. Lay to represent them in this matter. Metro has joined with 37 other affected municipalities who pooled their resources to retain Mr. Lay by contributing between five and ten thousand dollars each to one of the appealing organizations. On August 6, 2003, the Ninth Circuit U.S. Court of Appeals reversed the FCC, but relied on grounds that may not provide relief to the Metropolitan Government and the other municipalities joined in the appeal. Therefore, the law firm of Miller, Canfield, Paddock & Stone has decided to seek an *en banc* review by the full Ninth Circuit.

The original employment contract provided that the Metropolitan Government would provide \$5,000 for its share of the legal costs to appeal the ruling. This resolution amends the contract to increase the total compensation paid by the Metropolitan Government for the legal services to \$10,000. The Metropolitan Charter provides that the council may by resolution authorize the mayor to employ special counsel and pay a reasonable compensation. The Council Office is of the opinion that this amendment is appropriate.

RESOLUTION NOS. RS2004-145 & RS2003-146 (DREAD & BRILEY) - These two resolutions approve amendments to grants from the Tennessee emergency management agency to the Metropolitan Government to provide emergency preparation services and enhancements. These resolutions approve amendments to extend the expiration date of the grants from December 31, 2003, to June 30, 2004.

Resolution No. RS2004-145 extends the expiration date for a grant for support of the evaluation and enhancement of existing local emergency operations plans and terrorism incident annexes. The grant provides \$40,000 to revise the basic emergency operations plans and to develop emergency management standard operating procedures.

Resolution No. RS2004-146 extends the expiration date for a grant in the amount of \$19,969 to develop a community emergency response instruction team.

RESOLUTION NO. RS2004-147 (BRILEY) - This resolution approves a grant in the amount of \$5,000 from the Frist Foundation to the mayor's office of children and youth for support of the Nashville Youth Alliance (NYA). The NYA is an association of 33 government and non-profit agencies that serve Nashville youth ages 13-21. These funds will be used to assist the mayor's office of children and youth in its role of providing staffing and support for NYA meetings.

RESOLUTION NOS. RS2004-148, RS2004-149 & RS2004-150 – These three resolutions ratify agreements between the Metropolitan Government and the cities of Belle Meade, Forest Hills, and Oak Hill 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 state tax revenues 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 2003-2004 are as follows:

Resolution No. RS2004-148 (WHITSON & BRILEY) – City of Belle Meade – \$51,000

Resolution No. RS2004-149 (WILLIAMS & BRILEY) – City of Forest Hills – \$83,000

Resolution No. RS2004-150 (WILLIAMS & BRILEY) – City of Oak Hill – \$88,000

There are several errors regarding these three resolutions, which should be corrected prior to their adoption. First, the resolutions provide that each eligible city shall be compensated at the rate of 13 cents per square yard. The amount should actually be 15 cents per square yard, as per the contract. Second, Section 3 of each of the resolutions should be amended to correct a grammatical error in the effective date clause. Finally, the resolutions state that the agreements with the cities are attached to and made a part of the resolution. However, only Resolution No. RS2004-148 has an agreement attached. The Council should not approve contracts by resolution when there is no contract attached to the legislation.

RESOLUTION NOS. RS2004-151, RS2004-152 & RS2004-153 – These three resolutions authorize the mayor to enter into supplemental licensing agreements with the Nashville and Eastern Railroad Corporation for the purpose of constructing and maintaining sewer lines in the railroad right-of-way. The Metropolitan Government has entered into numerous of these agreements with the railroad to allow Metro water and sewerage services to construct water and sewer lines. These license agreements are in perpetuity with an annual license fee that increases every three years based upon the national consumer price index average. These three resolutions approve supplemental licensing agreements that increase the annual fee paid by Metro.

Resolution No. RS2004-151 (WHITE & BRILEY) approves an increase in the license fee for the sewer line at M.P. 8.34 from \$142.31 to \$152.28 annually.

Resolution No. RS2004-152 (WHITE & BRILEY) approves an increase in the license fee for the sewer line at M.P. 7.88 from \$71.69 to \$76.71 annually.

Resolution No. RS2004-153 (BROWN & BRILEY) approves an increase in the license fee for the sewer line at M.P. 6.29 from \$147.66 to \$158.00 annually.

RESOLUTION NO. RS2004-154 (BRILEY) – This resolution approves a grant in the amount of \$87,542.64 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to coordinate resources to ensure the effective and efficient delivery of workforce services in workforce development area 9. Workforce development area 9 consists of the counties of Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Williamson and Wilson. These federal pass-through funds provide funding for NCAC to provide space and access to employment and training programs administered through NCAC. The term of this grant is from July 1, 2003, through June 30, 2004, with a possible one-year extension.

RESOLUTION NO. RS2004-155 (BRILEY) – This resolution approves a grant in the amount of \$3 million from the U.S. department of labor to the Nashville career advancement center (NCAC) to provide high technology skills training in the Nashville area. These grant funds have been awarded for a H-1B technical skills training program to be implemented by NCAC. NCAC has partnered with the Tennessee Biotechnology Association, Middle Tennessee Biomedical Association, Nashville Technology Council, Center for Information Technology Education of Tennessee, Vanderbilt University, Middle Tennessee State University, and Nashville State Technical Community College to develop and implement the program. These grant funds will be distributed to participating employers to provide training to employees in high technology jobs in the information technology, biotechnology, engineering, architecture, and biomedical fields. Training plans have been submitted by employers on a first-come-first-serve basis. Ten of the eighteen employers that registered for H-1B training are small businesses. It is estimated that 350 current employees and 50 unemployed workers will be served by this program. Approximately \$2 million will be distributed to the participating employers to train workers, while approximately \$750,000 will be used for administrative and training costs. A required local match of \$286,000 from NCAC's operating budget is being provided for NCAC's internal administrative and programmatic costs. The program funded by this grant is expected to be in effect for a period of three years.

A detailed statement of this project was attached to this legislation and is on file with the Council Office.

RESOLUTION NO. RS2004-156 (DREAD) – This resolution approves the application for and acceptance of a grant in the amount of \$6,814 from the Tennessee emergency management agency to the mayor's office of emergency management to develop and implement a local citizens corps council for the promotion of citizens corps activities and programs. The citizens corps council is to be comprised of representatives from the emergency management and first responder community, volunteer and civic organizations, faith based affiliations, veteran and senior population, and the business and industry sector.

This resolution should be amended to clarify that the resolution only accepts the grant award. Although federal law requires that federal grant applications be approved by the local legislative body, this is an agreement between the Metropolitan Government and the state, which does not require Council approval of the application.

RESOLUTION NO. RS2004-157 (BRILEY) – This resolution authorizes the department of law to compromise and settle the claim of Caren Joy Lantz against the Metropolitan Government in the amount of \$18,000. On March 26, 2003, a blockage in a sewer main caused a backup in Ms. Lantz’s home at 1700 Bernard Avenue. Sewage flowed from the bathroom into two other rooms and the crawlspace of the home. The claims division of the department of law contracted Servpro Cleaning and Restoration Services to clean and sanitize the area. The repairs were to begin the third week of April, but were delayed due to an issue regarding whether mold was developing. The claims division contracted with Gobbell Hayes Partners, a mold remediation specialist, to clean and test the home. Repairs to the home were completed on May 30, 2003. The repairs consisted of the replacement of the bathroom floor, replacement of carpet in one bedroom, and the replacement of the hardwood flooring in another bedroom. Metro has already paid \$16,540.04 for the cleaning and remediation services, as well as food and lodging reimbursements. This payment was not submitted to and approved by the Council as payment of a claim, but the legal department has stated that the initial response to such a sewage backup is considered a matter of public safety.

In addition to the expenses already paid by Metro, Ms. Lantz has replaced the air ducts in the home and made some electrical repairs totaling \$2,761.70 at her own expense. She also replaced various personal property items totaling \$3,801.90 at her own expense. Although Metro has already paid approximately \$1,400 in food and lodging expenses, Ms. Lantz incurred approximately \$2,000 in additional meals and lodging costs. Ms. Lantz’s total out-of-pocket expenses to date are \$8,512.26, and there is an estimated future repair cost of \$6,000 to repair the interior walls and exterior of the home. The department of law recommends settling this claim in the amount of \$18,000, which will compensate Ms. Lantz for her out-of-pocket expenses, future repairs, and \$3,487.74 in loss of use and enjoyment of the home for approximately two months.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2003-94 (WALLACE) – This ordinance amends the Metropolitan Code of Laws to prohibit the collection of garbage between the hours of eleven p.m. and seven a.m., and to include a permit forfeiture provision for multiple violations of this restriction. The Code currently prevents the collection of garbage between the hours of eleven p.m. and seven a.m. when the garbage container is within 300 feet of a residential structure that is not located within the commercial core (CC) and core frame (CF) zoning districts. This ordinance would make the collection time restriction apply countywide and it would not be limited to residential areas. This ordinance also includes a provision that would require the revocation of a private collection permit for a permit holder found guilty of violating the collection time restriction more than twice. If a permit holder's permit is revoked pursuant to this ordinance, the permit holder would not be eligible to reapply for a private collection permit for one year.

ORDINANCE NO. BL2003-95 (SHULMAN) – This ordinance amends the Metropolitan Code of Laws to require that information regarding the enactment of all ordinances amending the Metro Code, other than zoning ordinances, be posted on the government access channel. The information to be posted includes the caption of the ordinance, the sponsor(s), and the date in which the ordinance became effective.

ORDINANCE NO. BL2003-113 (DREAD) – This ordinance amends the Metropolitan Code of Laws to allow liquor sales at retail locations on collector streets provided that the location is on a lot within the mixed-use general (MUG) zoning district. The Code currently limits the location of liquor stores to commercial areas within the urban services district. The Code further limits such locations to those that have principal access to an existing major street or road as shown on the major street plan. This ordinance would allow liquor stores at locations within the MUG zoning district with a principal access to a collector street as well. The MUG district is intended for a moderately high intensity mixture of residential, retail, and office uses.

ORDINANCE NO. BL2003-114 (DREAD & GILMORE) – This ordinance approves an increase in the basic rate charged by the division of emergency ambulance and rescue service for the transportation of patients to hospitals. The last increase in the rate charged for patient transportation was in 1995, when the rate increased from \$125.00 to \$280.00. This ordinance increases the rate charged to \$650.00, with an additional charge of \$5.00 per mile. There is currently no mileage charge incorporated into the fee structure. This \$650.00 will be a single rate for transportation to hospitals. In the past, patients were billed separately for supplies in addition to the transportation rate.

The finance director, in his memorandum to the Council regarding this fee increase dated December 15, 2003, stated that the increase is necessary to help offset the operating loss of providing emergency medical services. The annual loss to taxpayers to subsidize these services is approximately \$8.6 million. It is anticipated that increasing the fee to \$650.00, plus the \$5.00 mileage charge, will net approximately \$8 million annually to help the emergency medical service reduce its property tax subsidy.

(continued on next page)

ORDINANCE NO. BL2003-114 (continued)

It is important to note that these fees are almost entirely paid by private insurance, Medicare, TennCare, and workers compensation programs. Individuals pay less than 10% of the total payments for the service. All persons needing ambulance services are provided such services without regard to their ability to pay. Increasing the rate to \$650.00 is within the Medicare allowable rates, and Medicare and TennCare patients are not billed for charges not paid by Medicare or TennCare. This increase will cause Nashville's ambulance transportation charge to be in line with other comparable cities.

This ordinance provides that the rate charged by the division of emergency ambulance is to be increased effective January 1, 2004. The Council Office would point out that there may be an issue as to whether such an increased fee can be charged retroactively, since the earliest this ordinance could be enacted and signed by the Mayor would be after the February 3, 2004, Council meeting.

ORDINANCE NO. BL2003-115 (NEIGHBORS) – This ordinance approves an agreement between the Metropolitan social services commission and Nashville State Technical Community College to provide clinical experience for students enrolled in the early childhood education program at the college. This is a practicum affiliation agreement similar to those entered into by the health department and various colleges for public health training of student nurses. This agreement is for a term of one year and does not involve any monetary compensation. The clinical experience will be provided at the social services commission's facility located at 611 Stockell Street.

The agreement provides that the students will receive forty-five hours of participatory clinical practicum experience with young children. The social services commission employees will supervise the college students and the commission will remain responsible for the education and care of the children and for maintaining sufficient staffing to carry out regular duties of the facility. Since the college is a state-owned facility, the college cannot indemnify the Metropolitan Government for causes of action or maintain liability insurance. The agreement provides that any and all claims against the college must be heard and determined by the Tennessee claims commission. The agreement does provide that neither party will be responsible for injury or damage except as a result of their own negligence.

ORDINANCE NO. BL2003-116 (FOSTER) – This ordinance authorizes the acquisition of property interests to five parcels of property on Edmonson Pike, by negotiation or condemnation, for the addition of a turn lane on Edmonson Pike just north of Old Hickory Boulevard. The funds for this project are available from the GSD multi-purpose improvement bonds of 2002. Any amendments to this ordinance may be approved by resolution of the Council receiving 21 affirmative votes.

This acquisition has been approved by the planning commission.

ORDINANCE NO. BL2003-117 (SHULMAN) – This ordinance authorizes the director of public property administration to acquire an easement to a parcel of property by negotiation or condemnation for stormwater drainage improvements at 1107 Woodvale Drive. The estimated cost for the easement is \$1,500 and will be paid from the stormwater fund. Amendments to this ordinance may be approved by resolution of the Council. This ordinance has been approved by the planning commission.

Section 2 of this ordinance should be amended to conform to the purpose of the ordinance. An easement interest is to be acquired in the real property, not the acquisition of the real property itself. This ordinance should also be amended to correct an error regarding the date of planning commission approval.

ORDINANCE NO. BL2003-118 (SHULMAN) – This ordinance accepts five deeds of perpetual channel improvement easements in connection with the North First Street river bank stabilization project. Alley-Cassety Coal Company, Inc., has granted the easements to the Metropolitan Government for the purpose of protecting the existing sewer line and the river bank along the Cumberland River between the Jefferson Street bridge and the CSX railroad bridge. Alley-Cassety Coal Company, Inc., is granting two easements for each parcel of property: a fifty-foot permanent channel easement across the property and a twenty-foot temporary construction easement. The channel easements are perpetual and assignable by the Metropolitan Government. The deeds expressly state that use of the land by the Metropolitan Government is subject to federal and state pollution laws.

Alley-Cassety Coal Company, Inc., has also granted the Metropolitan Government a right of entry for the property for the purpose of restoration of the river bank. This right of entry is to expire October 24, 2004.

This ordinance has been approved by the planning commission. This ordinance should be amended to correct an error regarding the date of planning commission approval.

ORDINANCE NO. BL2003-119 (GILMORE) – This ordinance authorizes the Metropolitan Government to accept a donation of \$1,152.00 from the Centenary United Methodist Church. The Council Office was informed that this donation was made by the church in lieu of property taxes. Although religious institutions are exempt from property taxation under state law, the members of this church elected to make a contribution to the Metropolitan Government based on the beliefs of its members. The funds have been deposited into the general fund. All donations received by the Metropolitan Government must be approved by ordinance.

ORDINANCE NO. BL2003-120 (GILMORE) – This ordinance accepts \$77,500 in cash donations and appropriates these funds, plus \$20,000 in matching funds, to fund a professional services contract between the Metropolitan Government and Day Wilburn Associates, Inc., for the transportation component of the Harding/White Bridge land use plan. The Metro planning department is in the process of examining the long-range land planning and transportation planning regarding the intersection of White Bridge Road and Harding Pike. Recent proposals to redevelop property near this intersection have resulted in the need for a transportation master plan for this area.

(continued on next page)

ORDINANCE NO. BL2003-120 (continued)

The Metropolitan Government, on behalf of the planning department, has entered into a contract with Day Wilburn Associates, Inc., to develop the Harding/White Bridge transportation master plan component of the detailed neighborhood plan for the area. The master plan will develop a list of transportation projects to be undertaken as redevelopment occurs. Ordinance No. O85-885, as amended, authorizes the Metropolitan Government to enter into professional services agreements upon the recommendation of the architectural and engineering review board without requiring Council approval. The total cost for this personal service contract is \$97,500. This ordinance accepts \$77,500 in cash donations and appropriates along with this amount an additional \$20,000 match to fund the total cost of the contract. H.G. Hill Realty and St. Thomas Hospital have each contributed \$36,250 toward this contract, and Tony Giarratana has contributed \$5,000.

Any amendments to the donations may be approved by a resolution of the Council receiving 21 affirmative votes. This ordinance has been approved by the planning commission.

p:second

- BILLS ON THIRD READING -

ORDINANCE NO. BL2003-38 (WALLACE) – This ordinance amends the Metropolitan Code of Laws to require only that street vendors be in possession of, but not wear, their identification badges issued by the Davidson County Clerk. The Code requires all street vendors to obtain a permit from the County Clerk upon meeting certain criteria and payment of a fee in order to be allowed to sell merchandise on the streets and sidewalks of the Metropolitan Government. The County Clerk issues identification badges to all street vendors and the Code requires that they be worn at all times. This ordinance would amend the Code to require only that street vendors and their employees be in possession of the I.D. badges at all times.

ORDINANCE NO. BL2003-96 (SHULMAN) – This ordinance amends the Metropolitan Code of Laws to designate the responsibility of operating all Metropolitan Government-owned cemeteries to the Metropolitan historical commission, and to designate the additional responsibility to the historical commission to approve markers and stones in the cemeteries prior to their installation. The Code currently provides that the board of parks and recreation shall have the responsibility of operating and maintaining all cemeteries owned by the Metropolitan Government, and is authorized to implement rules and regulations concerning their operation. The Metropolitan Government currently owns and operates two cemeteries: the historic Nashville City Cemetery and the County Cemetery on 18th Avenue North. This ordinance would delegate the cemetery operation responsibilities to the historical commission instead of the board of parks and recreation. For more than twenty years, the historical commission has been operating the cemeteries under an agreement with the board of parks and recreation. This ordinance simply amends the Code to reflect this existing arrangement. In addition, the historical commission would also have the responsibility under this ordinance to approve the stones and markers in advance to ensure that they are appropriate in keeping with the historic nature of the cemetery. The board of parks and recreation would still be responsible for the maintenance of the cemeteries, which includes mowing.

ORDINANCE NO. BL2003-97 (FORKUM) – This ordinance closes an unbuilt portion of Lawrence Avenue at the southern terminus of Palmer Avenue. Metro has determined that there is no future governmental need for this portion of Lawrence Avenue. This closure has been requested by Pedro Martinez. Metro will retain all easements.

The Council office requested planning staff on December 8, 2003, and again on January 13, 2004, to provide documentation showing the consent of affected property owners in accordance with Rule 18 of the Council Rules of Procedure. This information was not made available to the Council office at the time this analysis was prepared. This ordinance should be deferred until this information is provided to the Council. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-98 (WHITMORE) – This ordinance, as amended, renames a portion of 37th Avenue North, between Georgia Avenue and Indiana Avenue, as “Elizabeth Jordon Street”.

The Council office requested the planning staff on December 8, 2003, and again on January 13, 2004, to provide documentation showing the notice sent to affected residents. This ordinance should be deferred until this information is provided to the Council. This ordinance has been approved by the planning commission, and has been referred to the ECD board.

ORDINANCE NO. BL2003-99 (LORING) – This ordinance names a part of alley #2089 and alley #2090, between Spring Valley Road and alley #2090, as “Spring Valley Lane”.

The Council office requested planning staff on December 8, 2003, and again on January 13, 2004, to provide documentation showing the consent of affected property owners in accordance with Rule 18 of the Council Rules of Procedure. This ordinance should be deferred until this information is provided to the Council. This ordinance has been approved by the planning commission and the ECD board.

ORDINANCE NO. BL2003-100 (DREAD) – This ordinance, as amended, amends the Metropolitan Code of Laws to transfer the administration of the Metropolitan Government’s pre-trial release program from the Metropolitan general sessions court to the Davidson County sheriff’s office. The sheriff’s office formerly administered the pre-trial release program before it was transferred to general sessions in 1993. The pre-trial release program was created by state law primarily to assist with jail overcrowding. The program allows for the release of certain low-risk, nonviolent criminal offenders prior to their trial without having to post bond.

The general sessions court has requested the transfer of the pre-trial release program to the sheriff’s office for several reasons. First, the pretrial program is the only program within general sessions that operates twenty-four hours a day, seven days a week. This has resulted in staffing difficulties, which the sheriff’s department is better equipped to handle. Second, a duplication of efforts by the pre-trial and sheriff’s staff has been occurring regarding the criminal intake process. Finally, it has been a perceived conflict for the general sessions court to be involved in managing a program that determines the release of a criminal defendant.

This ordinance also authorizes the director of finance to adjust the budgets of the general sessions court and sheriff’s office as necessary regarding this transfer.

ORDINANCE NO. BL2003-101 (WALLACE & GILMORE) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Beazer Homes Corporation, d/b/a Phillips Builders, to provide public sewer service to Ballenger Farms, Phase One, in Williamson County. The Owl Creek Trunk sewer project was built by the department of water and sewerage services in anticipation that private developers would desire to participate in providing service to new developments. The agreement provides that Phillips Builders will contribute \$90,000 in lieu of construction for a total of 45 single-family connections. Phillips Builders has deposited \$90,000 in escrow with the Metropolitan Government for these connections. The Metropolitan Government frequently enters into this type of agreement with developers to provide service in parts of Williamson County.

ORDINANCE NO. BL2003-102 (LORING) – This ordinance abandons a twenty-foot sewer easement on property owned by James Ray located at 254 Spence Lane. The department of water and sewerage services, nor any other public utility, is using this easement to be abandoned. Any future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-103 (BRADLEY & GILMORE) – This ordinance authorizes the director of public property administration to acquire an easement to a parcel of property located at 500 Hickory Hollow Trace to permit the construction of water mains, sanitary sewers, reservoirs, and stormwater improvements in connection with the Rural Hill Townhouses project. The estimated cost for these acquisitions is \$2,000, which is to be paid initially from the water and sewer extension and replacement fund. The developer of the townhouses, Alliance Constructors, Incorporated, has agreed to pay the actual cost of this easement acquisition, and this ordinance authorizes the director of water and sewerage services to execute an agreement with the developer to recover these costs. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-104 (TOLER) – This ordinance authorizes the director of public property administration to acquire property interests to fifteen parcels of property, by negotiation or condemnation, in connection with the Edmonson Pike / Cloverland Drive intersection improvements project. The intersection improvements to be made consist of the addition of left turn lanes for northbound Edmonson Pike and eastbound Cloverland Drive, and a right turn lane for southbound Edmonson Pike. The funds for this project are to be provided from GSD multi-purpose improvement bonds of 2002. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-105 (SUMMERS) – This ordinance abandons and relocates a portion of an 8” sewer line and easement on property owned by Browning & Bacon Properties, LLC located at West End and Craighead Avenues. The existing sewer line and accompanying easement are no longer being used by the department of water and sewerage services. This abandonment is conditioned upon the installation and acceptance by Metro water and sewer of the proposed relocation. Any future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-106 (RYMAN, WALLACE & SHULMAN) – This ordinance abandons a portion of a 10’ drainage easement and relocates it to a 15’ drainage easement on property owned by Brothers’ Properties, LLC, located at the Laemmle-Janson subdivision on Myatt Drive. The existing 10’ drainage easement is no longer being used by the department of water and sewerage services. This abandonment is conditioned upon the installation and acceptance by Metro water and sewer of the proposed relocation. Any future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-107 (WALLACE & SHULMAN) -This ordinance authorizes the director of public property administration to acquire easements to six parcels of property to permit the construction of a 36”water main at Nashville-BNA/Airport. The parcel for which property interests are to be acquired are commercial properties located on Briley Parkway, International Plaza, Knight of Columbus Boulevard, and McGavock Pike. The estimated cost for these acquisitions is \$9,000, which is to be paid from the water and sewer extension and replacement fund. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-108 (WALLACE, GREER & 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 as follows:

- 18th Avenue North
- 23rd Avenue North
- 24th Avenue North
- South 14th Street
- Laurent Street
- Lebanon Pike
- Benjamin Street
- Lillian Street
- South 15th Street
- Crutcher Street
- Warner Street
- Graybar Lane
- Richards Street
- 19th Avenue North
- Capers Avenue
- Hamilton Avenue
- Moore Avenue
- Martin Street
- Burbank Avenue
- Sevier Court
- Sevier Street
- Russell Street
- Glen Echo Road

The cost of these property acquisitions will be funded by USD improvement bonds of 2001. Any future amendments to this ordinance may be approved by Resolution of the Council. This ordinance has been approved by the planning commission.