

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **February 3, 2004**

RE: **Analysis Report**

Balances As Of:
1/29/03

1/14/04

<u>GSD 4% RESERVE FUND</u>	\$25,050,401	\$9,596,703
 <u>CONTINGENCY ACCOUNTS</u>		
GSD	\$50,000	\$50,000
USD	\$50,000	\$50,000
 <u>GENERAL FUND</u>		
GSD	\$22,725,560	\$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.

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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. RS2004-163 (NEIGHBORS) – This resolution approves an amendment to the lease agreement between Meharry Medical College and the Metropolitan Government to permit Metro, or its sublessee or assignee, to vacate any portion of the leased premises upon 30 days written notice to Meharry. This 30-year lease agreement was entered into in 1994 to provide for a new General Hospital. Revenue bonds were issued by the health and educational facilities board to finance the construction of the hospital. Pursuant to the lease agreement, Metro pays annual rent to Meharry in the amount of \$4 million. The lease agreement provided that any amendments to the lease were subject to the approval of the council by resolution receiving 21 affirmative votes.

This lease amendment relates to the right of Metro's sublessees and assignees to vacate the premises. The lease agreement provides that Metro as tenant has the right to sublet the premises with the consent of the bond insurer and to assign Metro's rights and interest in the lease to a third party with the consent of Meharry. The lease agreement also provides that Metro reserves the right to vacate the premises prior to expiration of the lease upon 30 days written notice. Metro would still be obligated to pay all future lease payments if it elected to vacate the premises. The purpose of this amendment is to expressly provide that

Metro's assignees and sublessees (presently the Metropolitan hospital authority) also have the right to vacate the premises upon 30 days notice. Although it can be argued that under common law assignees and sublessees have whatever rights the tenant has, this amendment would make it clear that they have the right to vacate.

RESOLUTION NO. RS2004-164 (GILMORE & NEIGHBORS) – This resolution approves an annual grant in the amount of \$379,000 from the state department of health to the Metropolitan board of health to provide immunization services for children and adults, and for the control of vaccine-preventable diseases. The term of this grant is from January 1, 2004, through December 31, 2004. These are federal pass through funds that are used to pay the salaries of health department employees who provide the immunization services.

RESOLUTION NO. RS2004-165 (WALLACE & GILMORE) – This resolution approves the submittal of a waste reduction grant application to the Tennessee department of environment and conservation for the purpose of funding Metro's multi-family recycling program. Metro is seeking \$139,035 in state funds with a local match of \$149,050. The grant application states that during the past year and a half, Nashville has become one of the leading U.S. cities in recycling with a 31% recycling rate. The purpose of these grant funds will be to expand Metro's current pilot recycling program for apartments and condominiums. Metro is currently providing this service to 17 apartment and condominium complexes and desires to expand this service. These funds will be used to purchase 400 recycling dumpsters at a cost of \$544.50 each. The multi-family recycling dumpsters will be emptied once a week and the contents will be taken to Rivergate Recycling.

Section 2 of this resolution should be amended to reflect that the local match will be provided by bond funds, not the department of public works' budget, as this is a capital expenditure rather than an operating expense.

RESOLUTION NO. RS2004-166 (GREER) – This resolution adds a bill paying station to the list locations for payment of water and sewer bills from the department of water and sewerage services. All bill paying stations must be approved by resolution of the Council. This resolution adds Computer House at 2218 - 8th Avenue South as a bill paying station.

RESOLUTION NOS. RS2004-167 & RS2004-168 – These two 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 two resolutions approve supplemental licensing agreements that increase the annual fee paid by Metro. The Council approved three similar agreements at the January 20, 2004, council meeting.

Resolution No. RS2004-167 (GILMORE) approves an increase in the license fee for the sewer line at M.P. 1.38 from \$858.60 to \$918.71 annually.

Resolution No. RS2004-168 (GOTTO & GILMORE) approves an increase in the license fee for the sewer line at M.P. 13.22 from \$71.50 to \$76.51 annually.

RESOLUTION NO. RS2004-169 (JAMESON) – This resolution authorizes Global Café, Inc., to install and maintain an awning above the public right-of-way at 322 Broadway. Global Café, Inc. has agreed to indemnify the Metropolitan Government for any claims arising from the installation or maintenance of the awning, and will be required to furnish a certificate of public liability insurance naming Metro as an insured party.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2004-170 (GILMORE) – This resolution compromises and settles the lawsuits of Alonzo Holbert against two Metro police officers involved in the arrest of Mr. Holbert. On June 7, 2001, Mr. Holbert was arrested on suspicion of driving under the influence after a motor vehicle accident in which the passenger in Mr. Holbert's car was seriously injured. Mr. Holbert was handcuffed and placed in the back of a patrol car. Mr. Holbert became agitated, moved his handcuffed hands in front of him, and kicked out the back window of the patrol car to escape. He was pursued by two officers on foot, and when the officers reached Mr. Holbert he actively resisted arrest. The officers used open palm strikes, heel strikes, and baton strikes to subdue him, which was recorded on videotape by Channel 5 News. The view on the videotape is somewhat blocked, but it is possible to conclude from the footage that the officers struck Mr. Holbert while he was on the ground. The officers involved in the incident were charged by the office of professional accountability with violating the police department's general order on use of force, but were found not to have violated the general order.

Mr. Holbert filed a civil rights suit in federal court and an intentional tort claim in state court against the officers. He alleges that his eye was injured during the incident. He was treated by an ophthalmic surgeon and it is possible that he may develop glaucoma or cataracts over the next decade. The position of the department of law is that Mr. Holbert's eye was injured as a result of the serious automobile collision, not the actions of the officers. A witness after the collision saw Mr. Holbert with a cut near his left eye.

Since the officers involved in the incident were acting within the scope of employment, the Metropolitan Government has a duty to defend them and is liable for any damages that might be awarded. The department of law recommends settling these lawsuits in the amount of \$35,000 to be paid from the judgments and losses fund. Since suit was filed in both federal and state court alleging a civil rights violation and an intentional tort claim, Metro could be subject to the payment of attorney fees and punitive damages, in addition to compensatory damages, were the plaintiff to prevail at trial.

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- 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. BL2004-122 (WALLACE, NEIGHBORS & WHITSON) – This ordinance amends the Metropolitan Code of Laws regarding the control of traffic in temporary work zones. The Code currently provides that the installation and maintenance of temporary traffic-control devices and the use of barricades for street construction shall meet the requirements of the latest edition of the Manual for Uniform Traffic Control Devices (MUTCD). The Code does not place any restrictions regarding the training of persons directing traffic flow around construction sites. Off-duty police officers have routinely been used to monitor and direct traffic at these temporary construction work zones.

This ordinance would establish additional regulations regarding temporary work zones and traffic control devices. This ordinance retains the basic requirement of the current Code that all temporary work zones and traffic control devices must be in compliance with the most recent edition of the MUTCD. In addition, this ordinance would require that only those persons who have been trained in proper temporary traffic control practices and have a basic understanding of the principles contained in MUTCD may supervise the placement and maintenance of temporary traffic control devices or barricades at temporary traffic control zones. Pursuant to this ordinance, training provided by a nationally recognized organization such as the American Traffic Safety Services Association or a qualified engineer would suffice. This ordinance would prohibit off-duty police officers from working at such temporary work zones unless they received training regarding the MUTCD. Metro police officers currently do not receive training regarding the MUTCD because they are already authorized by law to direct traffic and receive traffic control training at the police academy.

ORDINANCE NO. BL2004-123 (ISABEL) – This ordinance closes Alley #1059 and an unnumbered alley located between North Avondale Circle and Avondale Circle. This closure has been requested by Gene and Teresa George, the adjacent property owners. Metro will retain all easements.

This ordinance has been approved by the planning commission and traffic and parking commission. Documentation showing consent of the affected property owners has been requested from the department of public works.

ORDINANCE NO. BL2004-124 (JAMESON) – This ordinance authorizes the Historic Edgefield Homeowners Association to install 27 street sign encroachments located at the corners of South 5th, 6th, 7th, 8th, 9th, and 10th Streets, and Woodland Street, Russell Street, Fatherland Street, Prospect Street, Boscobel Street, and Shelby Avenue. Plans for these encroachments are on file with the director of public works. The homeowners association has agreed to indemnify the Metropolitan Government for any claims arising from the installation and maintenance of the encroachment, and is required to maintain a \$300,000 certificate of public liability insurance naming the Metropolitan Government as additional insured.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2004-125 (ISABEL, WHITMORE & OTHERS) – This ordinance names the new north police precinct station in honor of retired Captain William David Bodenhamer. The Metro Code of Laws provides that no building of the Metropolitan Government may be named except pursuant to an ordinance enacted by the Council. The Code further requires that biographical information regarding the person in honor of whom the building is named be attached to the ordinance. The last ordinance naming a Metro building was enacted in 1997, which named the fire station located at 4201 Gallatin Road in honor of the late Chief Russell Campbell.

ORDINANCE NO. BL2004-126 (SUMMERS & SHULMAN) – This ordinance declares a parcel of property owned by the Metropolitan Government located off of Woodmont Boulevard to be surplus, and authorizes the director of public property administration to sell the property for the highest and best price. 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 referred to the planning commission.

ORDINANCE NO. BL2004-127 (BRILEY) – This ordinance approves a lease agreement between the Metropolitan Government, the Nashville Academy Theatre and Nashville Children’s Theatre for the lease of property on the Howard campus located at 724 Second Avenue South. The Nashville Academy Theatre and Nashville Children’s Theatre have leased this property since 1973. The term of this new lease will be for fifteen years, with a possible extension of three consecutive five-year terms. The rental amount paid to Metro will be \$1.00 per year for the life of the lease. The premises are only to be used for the operation of a nonprofit theatre including public performances, educational programs, the sale of merchandise, concession sales, and a café. Nashville Academy Theatre and Nashville Children’s Theatre will pay all utility costs and will be responsible for all maintenance of the building. The theatre will be permitted to add on or renovate the premises subject to the approval of the director of public property administration. The Theatre will also maintain liability insurance in the amount of \$1,000,000, and agrees to indemnify the Metropolitan Government for any claims arising from the Theatre’s willful misconduct or grossly negligent acts.

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ORDINANCE NO. BL2004-127 (continued)

Pursuant to the lease agreement, Metro will be entitled to use the theatre up to 12 times a year and will provide self-insured liability coverage for each occasion that Metro exercises its right to use the facility. There is a typographical error in Section 11 of the lease agreement, in that the lessee is listed as the party to provide the self-insured liability coverage in such occasions, when it should be the lessor.

This ordinance has been approved by the planning commission. Amendments to this lease may be approved by resolution of the Council receiving 21 affirmative votes.

ORDINANCE NO. BL2004-128 (BRILEY) – This ordinance amends the Metropolitan Code of Laws to ensure that Metro’s pension plan is in compliance with federal tax laws. This ordinance makes what is essentially a housekeeping change that will not affect the benefit calculations for any member of the pension plan. The amendment relates to the use of mortality tables to determine a member’s equivalent annual benefit. The IRS requires that the language in this ordinance be part of the Code of Laws so that Metro’s pension plan will remain qualified under the federal tax laws to maintain certain benefits.

ORDINANCE NO. BL2004-129 (BRILEY) – This ordinance approves a license agreement between the Metropolitan Government and United States Filter Corporation for the use of U.S. Filter’s patented process related to the removal of sulfides from flow in sewer lines. Nashville has been a customer of U.S. Filter for over twenty years, and in consideration of this long-term relationship, U.S. Filter is granting the license for the nominal fee of \$1.00 per year. The patented sulfide removal process is used as part of Metro Water Services’ wastewater odor control program. This license is to expire not later than December 9, 2008.

ORDINANCE NOS. BL2004-130 & BL2004-131 – These two ordinances authorize the director of public property to acquire certain property interests by negotiation or condemnation to enable the department of public works to replace two box bridges. The costs of these projects are to be funded by 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. These two ordinances have been referred to the planning commission.

Ordinance No. BL2004-130 (HUGHES) authorizes the acquisition of property interests in connection with the Brick Church Lane over North Fork of Ewing Creek box bridge replacement project.

Ordinance No. BL2004-131 (BRILEY) authorizes the acquisition of property interest in connection with the Dry Fork Road over Carney Creek box bridge replacement project.

ORDINANCE NOS. BL2004-132, BL2004-133 & BL2004-134 – These three ordinances authorize the Metropolitan Government to enter into participation agreements to provide improved public water and sewer service. These are typical participation agreements entered into by the Metropolitan Government acting through the department of water and sewerage services whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service.

Ordinance No. BL2004-132 (TOLER & BRILEY) approves a participation agreement between Metro and Richard Argo to provide improved public sewer services from the existing public sewer at Sugar Valley Drive to the private property at 6262 Nolensville Road. This project consists of the extension of approximately 915 feet of 8” sewer main. Metro will contribute the lesser of \$45,000 or 75% of the construction costs. Richard Argo has agreed to contribute the remaining \$15,000 or 25% of the construction cost.

Ordinance No. BL2004-133 (WHITMORE & BRILEY) approves a participation agreement between Metro and Baty Development Group, LLC, for the installation of approximately 2,500 feet of 12” water main extending along 31st Avenue North from the 12” main in Parthenon Avenue to the end of an existing 10” main in West End Circle. Metro will contribute the lesser of \$190,000 or 85% of the projected construction cost, with Baty Development Group contributing the remaining construction costs. Baty Development Group agrees to have the water main installed by a licensed contractor subject to Metro’s standards. Metro will contribute its portion of the construction costs once the water main has been accepted and deeded to Metro.

Ordinance No. BL2004-134 (BRILEY) approves a participation agreement between Metro and Tiara Development to provide sewer service to phase 3 of the Willowmet Subdivision in Williamson County. Tiara Development has agreed to contribute \$52,000 in lieu of construction for a total of 26 single-family connections.

ORDINANCE NO. BL2004-135 (MCCLENDON & WALLACE) – This ordinance abandons and relocates a portion of a sewer line and easement located between 1st Avenue South and 2nd Avenue South at Franklin Street. The abandonment is conditioned upon the installation and acceptance of the relocated 10” sewer line. The department of water and sewerage services is no longer using the portion of the sewer line and easement to be abandoned. Amendments to this ordinance may be approved by resolution of the Council. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2004-136 (WALLACE) – This ordinance abandons an existing sewer line and easement located on 13 parcels of property on Willowbrook Drive. The department of water and sewerage services is no longer using this sewer line and easement. Amendments to this ordinance may be approved by resolution of the Council. This ordinance has been approved by the planning commission.

- BILLS ON THIRD READING -

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 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. BL2003-105 (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. BL2003-114 (DREAD & GILMORE) – This ordinance, as amended, 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.

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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.

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 Edmondson Pike, by negotiation or condemnation, for the addition of a turn lane on Edmondson 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, as amended, 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.

ORDINANCE NO. BL2003-118 (SHULMAN) - This ordinance, as amended, 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.

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.

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.