

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **December 21, 2004**

RE: **Analysis Report**

Balances As Of:	<u>12/15/04</u>	<u>12/10/03</u>
<u>GSD 4% RESERVE FUND</u>	* \$13,333,475	\$18,390,584
<u>CONTINGENCY ACCOUNTS</u>		
GSD	\$4,000	\$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

* Assumes estimated revenues in fiscal year 2005 in the amount of \$18,738,500.

**Changes in Emergency Nonconsent Towing Fees
Proposed in Ordinance No. BL2004-435**

Changes in Rate Schedule for Nonconsent Towing of Vehicles Less than 7,000 Pounds:

A. Vehicles Under Seven Thousand Pounds.

1. Towing:

a. Vehicles towed to the metro impound lot to and within the I-265 Loop; sixty-five dollars maximum. [No additional fees may be charged for using other equipment, including dollies, trailers, lifts, slim-jims, go-jacks, winching, or for mileage*].

b. Vehicles towed to metro impound lot outside the I-265 Loop, to and including Briley Parkway/White Bridge Road/Woodmont Avenue/Thompson Lane Circle; seventy-five dollars maximum. [No additional fees may be charged for using other equipment, including dollies, trailers, lifts, slim-jims, go-jacks, winching, or for mileage*].

c. Vehicles towed to metro impound lot from outside Briley Parkway/White Bridge Road/Woodmont Avenue/ Thompson Lane Circle out to the Davidson County line; eighty-five dollars maximum. [No additional fees may be charged for using other equipment, including dollies, trailers, lifts, slimjims, go-jacks, winching, or for mileage*].

d. Vehicles towed to company lot; [No additional fees may be charged for using other equipment, including dollies, trailers, lifts, slim-jims, go-jacks, winching, or for mileage*].

i. Vehicles involved
in

an accident	\$85.00 maximum
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ii. All other vehicles 75.00
maximum

2. Labor:

Charges for labor, including winching, may be charged only after the first hour, and may not exceed a rate of seventy-five dollars per hour. If more than one wrecker is required to remove a vehicle, the rate chargeable for each additional wrecker may not exceed the base rate of seventy-five dollars per hour after the first hour.

3. Mileage:

*Mileage charges may only be incurred for out-of county miles and only when towing at a police officer's request. This rate is not to exceed two dollars per mile.

4. Storage:

Storage rate per day, after first two hours: fifteen dollars maximum (charges for the second day of storage may not be charged until vehicle has been held on lot for twenty-six hours).

Current Rate Schedule for Nonconsent Towing of Vehicles Over 5,000

Pounds:

1. Trucks:

a. Towing only, base rate:

i.	Straight trucks, vans, etc.	\$ 70.00
ii.	Tandem axle, not loaded	80.00
iii.	Tandem axle, loaded	95.00
b.	Mileage rate, per mile:	
i.	Loaded	4.00
ii.	Not loaded	3.00
c.	Hourly rate:	
i.	Labor, preparation for towing	40.00
ii.	Labor, operation of wrecker	40.00
(A)	Class B wrecker (after first hour)	65.00
(B)	Class C wrecker (after first hour)	175.00

***No storage fee may be charged for vehicles stored two hours or less.*

Proposed New Rate Schedule for Nonconsent Emergency Towing of Vehicles Over 7,000 pounds:

1. Base Rates - Base rates apply in the following situations: Towed vehicles shall mean those vehicles which can be driven, but are towed to the lot at the request of the owner or police officer. Driven vehicles shall mean those vehicles driven to the lot by a wrecker company driver at the request of the owner or police officer. Wrecked vehicles shall mean those vehicles that cannot be driven, and must be towed to the lot.

	Towed	Driven	Wrecked
Straight Trucks and Vans:	\$150	\$105	\$170
Tandem-Axle, Not Loaded:	\$175	\$105	\$195
Tandem-Axle, Loaded:	\$200	\$105	\$220
Recreational Vehicles:			
26 Feet & Under in Length:	\$140	\$105	\$160
Over 26 Feet in Length:	\$155	\$105	\$175
Buses (Large):	\$200	\$105	\$225

Labor Rates after first hour for wrecker and driver:

- i. Class B Wrecker \$150 per hour
- ii. Class C Wrecker \$250 per hour
- iii. Class C Rotator, if needed \$300 per hour

Changes in Other Miscellaneous Rates

1. Recovery of vehicle submerged in water \$105
2. Storage rates, per day (after first two hours on the lot):
 - a. Car \$15
 - b. Tractor \$20
 - c. Motor Home, 26 Feet and Under in Length \$25
 - d. Motor Home, More than 26 Feet in Length \$30
 - e. Tractor-Trailer, Commercial Bus, House Trailer \$30
 - f. Boat, Under 19 Feet in Length \$15
 - g. Boat, 19 to 26 Feet in Length \$25
 - h. Boat, More Than 26 Feet in Length 30

Fee to drop vehicle once it is attached, but before wrecker departs: \$35

Maximum fee a firm engaged in nonconsent towing can charge the owner of a towed vehicle: \$65 plus storage fees not to exceed \$15 per day.

– RESOLUTIONS –

RESOLUTION NO. RS2004-647 (WALLACE) – This resolution appropriates \$4,000 from the contingency account of the general fund of the general services district to Ujima House, Inc., to provide partial funding for its program services. Ujima House, Inc., is a nonprofit organization that provides services to victims of domestic violence, consisting of temporary housing, clothing, food, crisis intervention/counseling, and education services.

The contingency account of the general fund has typically been reserved by the council for emergency purposes. The operating budget for fiscal year 2004-2005 set aside \$50,000 in the contingency account to be used for such emergencies. On October 19, 2004, the Council appropriated \$26,000 from the contingency account of the general fund to Ujima House, Inc. Then, on December 7, 2004, the Council appropriated another \$20,000 from the contingency account to Exchange Club Family Center, Inc., leaving a balance in the account of \$4,000. This resolution appropriates the remaining contingency account balance to Ujima House, Inc.

As the Council is aware, state law allows local governments to make grants to nonprofit organizations, provided that certain information is submitted by the organization proving their eligibility for such funds. Ujima house, Inc., has submitted a statement as to the proposed use of Metro funding, a letter from the Internal Revenue Service evidencing its tax exempt status, and a copy of its annual audit in compliance with state law.

RESOLUTION NO. RS2004-648 (BRILEY & NEIGHBORS) – This resolution amends the general pay plan for employees of the Metropolitan Government by adding certain new emergency telecommunications positions to be created by Ordinance No. BL2004-426, which is currently on third reading. The new positions to be added include emergency telecommunications officers 1, 2, 3 and 4; emergency telecommunications trainer; emergency communications supervisor; emergency communications manager; and emergency communications assistant director. The minimum and maximum annual salaries of these various new positions will be as follows:

Emergency Telecommunications Officer 1	\$25,407 to \$33,030
Emergency Telecommunications Officer 2	\$28,321 to \$36,817
Emergency Telecommunications Officer 3	\$34,855 to \$45,313
Emergency Telecommunications Officer 4	\$38,500 to \$50,047
Emergency Telecommunications Trainer	\$42,396 to \$55,113
Emergency Telecommunications Supervisor	\$46,580 to \$60,548
Emergency Telecommunications Manager	\$55,827 to \$78,388
Emergency Telecommunications Assistant Director	\$66,387 to \$98,527

This resolution cannot be adopted until the ordinance creating the positions (Ordinance No. BL2004-426) has been approved on third and final reading. Therefore, this resolution should be moved to the heel of the agenda.

RESOLUTION NO. RS2004-649 (COLE & NEIGHBORS) – This resolution approves an annual grant in the amount of \$654,940 from the United States department of health and human services to the Metro health department to provide primary healthcare services to the homeless in Nashville. The term of the grant is from November 1, 2004, through October 31, 2005. The notice of grant award from the federal government recommends similar additional funding for this program in each of the next three years.

RESOLUTION NO. RS2004-650 (WILHOITE & NEIGHBORS) – This resolution approves a grant in the amount of \$84,250 from the state department of state to the public library to purchase computers and software. These grant funds will be used to purchase personal and laptop computers, computer peripherals, and library management software. The resolution provides that there is a required local match of \$100,260, however, the grant agreement does not indicate that any matching funds are required.

RESOLUTION NO. RS2004-651 (NEIGHBORS) – This resolution compromises and settles the claim of John and Susie Yoon against the Metropolitan Government for the amount of \$41,827.97. On October 19, 2004, the sewer backed up into the basement floor of the Murfreesboro Road Office Plaza located at 1040 Murfreesboro Road. Servpro of Madison provided water extraction and sanitation of the basement floor area at a cost of \$41,827.97. The department of law recommends settling this claim for the cost of the services provided by Servpro. This amount is to be paid from the self-insured liability fund.

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- BILLS ON SECOND READING -

ORDINANCE NO. BL2004-409 (SHULMAN) – This zoning text change amends the Code to provide for the waiver of application fees for certain rezonings initiated by the planning commission and members of Council. The Zoning Code currently provides that fees for processing zoning applications shall be waived for any large area rezonings initiated by the planning commission or the Council that further the general plan. The department of law has recently interpreted this provision to mean that only the Council as a whole, not an individual member of Council, may initiate a zoning application in order to have the fee waived. In addition, the current language in the Code does not define “large area.” This has caused some confusion in the past since it is sometimes unclear whether a proposed zone change qualifies as a “large area rezoning”.

This ordinance would provide that the zoning application fee may be waived for any rezoning of fifty or more parcels introduced by the planning commission to implement the general plan. This ordinance would also add a new provision to the Code that would allow a waiver of zoning application fees for any rezoning request of fifty or more parcels introduced by individual members of Council for the purpose of rezoning the property to a single-family (RS) district, or for the purpose of applying the urban design overlay district, historic preservation district, neighborhood conservation district, or urban zoning overlay district.

The planning commission has made no recommendation regarding this zoning text change. Section 18.02 of the Metropolitan Charter provides that no zoning ordinance may be approved by the Council on second reading unless the planning commission has made a recommendation, or 30 days have elapsed since the referral of the ordinance to the planning commission. This ordinance was referred to the planning commission on October 5, 2004. Thus, the 30 days have elapsed since the referral of this ordinance to the planning commission, effectively resulting in an approval of the ordinance by the commission.

There is a housekeeping amendment for this ordinance correcting a section number. There may also be a proposed amendment that would delete the fifty parcel minimum requirement for a fee waiver and substitute a fixed acreage, such as five acres, instead.

ORDINANCE NO. BL2004-421 (COLE) – This ordinance, as amended, amends the Metropolitan Code of Laws to provide reporting requirements for nonprofit organizations receiving grants from the Metropolitan Government. State law requires that all organizations desiring financial assistance from the Metropolitan Government submit “a copy of an annual audit”, but this state law provision does not define the term “audit”. As a result, there has been some confusion as to the type of financial information that nonprofit organizations must submit in order to receive grants from the Metropolitan Government. The finance department has in the past been willing to accept other information in lieu of an audit, such as a copy of a tax return, for some start-up nonprofit entities. However, the department of law has recently interpreted the state law provision in question to require that such nonprofit entities file an annual audit with the Metropolitan Clerk before obtaining governmental funding. The legal opinion issued by a Metropolitan Attorney quotes a Tennessee Supreme Court case in which the Court states that “an audit, as the term is commonly use, is ... the methodical examination of records with intent to verify the accuracy.” A Tennessee Attorney General opinion from 1991 states that although an audit is required, the audit does not have to be prepared by an independent accountant. The Attorney General opinion further provides that the local legislative body can adopt regulations to clarify the type of audit required.

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ORDINANCE NO. BL2004-421 (continued)

In an effort to clarify the type of information required, this ordinance amends the Code to include a specific list of information that must be submitted to the Metropolitan Government prior to the disbursement of any grant funds to nonprofit organizations. This ordinance is modeled after a law currently in place in Knoxville, Tennessee. Pursuant to this ordinance, all nonprofit organizations would be required to submit the following information:

- A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization.
- A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization.
- A statement of the nature and extent of the organization's program that serves the residents of the metropolitan government.
- The proposed use of the funds to be provided by the metropolitan government.
- The proposed budget of the organization.
- A copy of the organization's audit for the most recent fiscal year. The ordinance defines the term "audit" as "a formal examination of the organization's accounting records and financial situation in accordance with the generally accepted auditing standards issued by the American Institute of Certified Public Accountants."

This ordinance expressly exempts nonprofit civic and charitable organizations receiving grants from the arts commission, as these appropriations are governed by another specific code section.

ORDINANCE NO. BL2004-433 (NEIGHBORS) – This ordinance approves the annual contract between the Metropolitan Government and the emergency communications district (ECD) relative to operation of the enhanced-911 service for fiscal year 2004-2005. The contract specifies certain services to be provided by the department of public works and the department of information technology services. The department of public works will maintain an updated street and house number system, and the department of information technology services will provide day-to-day staff and support services for the ECD board. Metro will also train its employees who will operate the system. The ECD is to pay the public works department \$4,826 for its services, and is to pay \$37,885 to the department of information technology services for its services. The contract provides that Metro is to be reimbursed for its training costs as well.

ORDINANCE NO. BL2004-434 (WALLACE) – This ordinance amends the Metro procurement code to require that all contracts for consulting and performance auditing services be approved by resolution of the Council receiving twenty-one affirmative votes. Certain contracts are already required to be approved by the Council under the procurement code, such as contracts regarding the collection or disposal of waste with an annual payment in excess of \$500,000. The Metropolitan Government frequently contracts with various firms and individuals to perform consulting and auditing services for the government, including legal services, financial advisory services, architectural services, and engineering services. This ordinance would require Council approval before such contracts could be entered into.

ORDINANCE NO. BL2004-435 (NEIGHBORS & HAUSSER) – This ordinance increases the rate schedule wrecker companies may charge for providing emergency towing services. Under the Metropolitan Code of Laws, “emergency towing” occurs in one of three situations: (1) When a vehicle is parked or stopped in violation of any Metro ordinance; (2) When a vehicle is obstructing traffic flow; or (3) When a vehicle is disabled by an accident and is obstructing traffic such that its removal or storage for safekeeping is necessary in the interest of public safety and protection of property. Wrecker companies are specifically licensed by the transportation licensing commission to provide emergency towing services. The commission has divided Davidson County into various emergency towing zones, which are serviced by certain companies. In order for a wrecker company to be licensed to provide emergency towing services, it must state under oath that it will provide 24-hour service, that it will be equipped with a two-way radio, and that it will provide a direct line of communication for the police department. This ordinance provides for various rate increases regarding emergency towing services.

First, this ordinance would allow the transportation licensing commission to set the licensing rates for emergency towing companies based on the volume of emergency towing operations performed within the particular emergency service zone. The current licensing fee is a flat \$500.00. Second, this ordinance increases the fees that may be charged for performing various emergency towing services including the maximum towing fees to transport vehicles to the Metro impound lot, the maximum labor charges, and storage fees. The current fee schedule makes a distinction between vehicles less than 5,000 pounds, and those over 5,000 pounds. This ordinance amends this provision to distinguish between vehicles over and under 7,000 pounds. This ordinance also adds a provision that would allow “waiting time” charges not to exceed ½ the allowable labor rates whenever wreckers are required to wait at the scene until emergency personnel have completed their work. Emergency wrecker companies would also be allowed to charge an additional 25% whenever the use of outside labor and equipment is required.

Attached to this analysis is a document detailing the changes to be made by this ordinance in the fee schedule. The current fee is crossed out and the proposed new fee is underlined.

There is a housekeeping amendment to this ordinance that clarifies the distinction between vehicles over seven thousand pounds. The current ordinance mistakenly provides a distinction over “seven hundred” pounds.

ORDINANCE NOS. BL2004-436 THRU BL2004-451 & BL2004-453 THRU BL2004-456 –

These twenty ordinances authorize the acceptance of easements for various stormwater projects in Davidson County. All of these easements have been executed by the respective property owners and are being donated at no cost to the Metropolitan Government. These easements will be filed in the office of the register of deeds to evidence their acceptance. These twenty ordinances accepting easements have all been approved by the planning commission.

Ordinance No. BL2004-436 (Summers & Hausser) accepts an easement for property located at 4801 Alabama Avenue.

Ordinance No. BL2004-437 (Toler) accepts an easement for property located at 1101 Banbury Lane.

Ordinance No. BL2004-438 (Jameson) accepts easements for property located at 1614 and 1616 Boscobel Street.

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ORDINANCE NOS. BL2004-436 THRU BL2004-451 & BL2004-453 THRU BL2004-456

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Ordinance No. BL2004-439 (Gilmore) accepts easements for property located at 4637 and 4641 Bull Run Road.

Ordinance No. BL2004-440 (White) accepts an easement for property located at 3528 Central Pike.

Ordinance No. BL2004-441 (Toler) accepts easements for property located at 6625, 6621, 6613, 6617, 6609, and 6605 Christiansted Lane.

Ordinance No. BL2004-442 (Loring) accepts an easement for property located at 590 Claridge Drive.

Ordinance No. BL2004-443 (Ryman) accepts an easement for property located at 1245 Dickerson Pike.

Ordinance No. BL2004-444 (Tucker) accepts easements for property located at 3534 and 3530 Dickerson Pike.

Ordinance No. BL2004-445 (Alexander & Neighbors) accepts an easement for property located at 121 Dowdy Court.

Ordinance No. BL2004-446 (Cole) accepts an easement for property located at 1100 Kirkland Avenue.

Ordinance No. BL2004-447 (Isabel) accepts an easement for property located at 3006 Hillside Road.

Ordinance No. BL2004-448 (Toler) accepts an easement for property located at 6775 Holt Road.

Ordinance No. BL2004-449 (White) accepts an easement for property located at 2879 Lincrest Drive. This ordinance should be amended to correct the name of the street on which this property is located.

Ordinance No. BL2004-450 (Tygard) accepts an easement for property located at 8116 Highway 100.

Ordinance No. BL2004-451 (Adkins) accepts an easement for property located at 3758 Nolensville Pike.

Ordinance No. BL2004-453 (Walls) accepts an easement for property located at 6309 Robertson Avenue.

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ORDINANCE NOS. BL2004-436 THRU BL2004-451 & BL2004-453 THRU BL2004-456

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Ordinance No. BL2004-454 (Hausser) accepts an easement for property located at 2021 24th Avenue South.

Ordinance No. BL2004-455 (Shulman) accepts an easement for property located at 910 Tower Place.

Ordinance No. BL2004-456 (Summers & Hausser) accepts an easement for property located at 4021 Woodmont Boulevard.

ORDINANCE NO. BL2004-452 (Gilmore) – This ordinance grants an easement to BellSouth Communications, Inc., at the southwest corner of Owen Bradley Park in the Music Row area. BellSouth is purchasing this 18'x 20' easement for \$7,000 to be used as a platform pad supporting metal cabinets that will allow BellSouth to convert fiber optic communication lines to copper wire communication lines. BellSouth is required to fully landscape the area around the easement pursuant to the approval of the department of parks and recreation. This ordinance further grants the authority to the director of parks and the director of public property administration to execute the appropriate documents to carry out the grant of this easement. Any amendments to this easement grant may be approved by resolution of the Council.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2004-457 (MURRAY & SHULMAN) – This ordinance abandons a 6" and 12" water line and easements, and an 8" sewer line and easement for the Sam Levy Homes Hope VI development. These water and sewer lines will be replaced by a new public 8" and 12" water line, and a new public 8" sewer line.

This ordinance has been approved by the planning commission.

This ordinance should be amended to delete a duplicated section.

ORDINANCE NO. BL2004-458 (TOLER) – This ordinance authorizes United Telephone Company to install and maintain an underground communications cable at Burkitt Road and Battle Road. United Telephone Company has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the underground cable, and is required to furnish a \$300,000 certificate of public liability insurance naming the Metropolitan Government as an insured party. This ordinance is only effective so long as United Telephone Company does not offer local telecommunications service. Should the company elect to provide local telephone service, they would be required to obtain a franchise from the Metropolitan Government.

- BILLS ON THIRD READING -

SUBSTITUTE ORDINANCE NO. BL2004-424 (JAMESON & LORING) – This substitute ordinance approves Amendment No. 7 to the capitol mall redevelopment project plan. The capitol mall redevelopment plan basically governs the redevelopment of the downtown area. The last amendment to this plan in June 2002 extended the boundaries of the redevelopment district, amended the sign regulations, added an appeal process for denial of development permits, extended the duration period for the plan until 2030, and increased the tax increment financing cap from \$80 million to \$95 million.

This amendment to the redevelopment plan makes several textual and map changes to the plan. This amendment provides for the preservation and enhancement of historic structures on lower Broadway and the Ryman Auditorium. The plan, as amended, will provide that the Ryman should be renovated as a museum or other appropriate use and be incorporated into the development of the entire block including a public park, plaza, or pedestrian mall. This amendment will also allow tower developments to be constructed in the area up to 23 stories. The current plan includes a restriction on the construction of a high-rise structure next to the Ryman. Pursuant to the amendment, the tallest building shall be built on Commerce Street with the scale diminishing toward Broadway.

The amendment further plans for the redevelopment of property south of Broadway. The intent is to provide land for various high intensity uses compatible with existing civic and cultural facilities located south of Broadway. Some principal uses for the property may include arts and entertainment, office, retail, hotel, residential, structured parking, civic facilities, and public spaces. The redevelopment of this area should accommodate a strong pedestrian environment, and vehicle access is to be restricted for new development located on any future extension of Gateway Boulevard.

The planning commission has approved this ordinance.

ORDINANCE NO. BL2004-425 (MURRAY, NEIGHBORS & OTHERS) – This ordinance authorizes the mayor to submit the five year consolidated plan for housing and community development programs for the Metropolitan Government to the U.S. department of housing and urban development (HUD). This five year consolidated plan was prepared by the Metropolitan development and housing agency (MDHA) and is to be administered by MDHA. The plan includes the allocation of funds received from HUD for community development block grants (CDBG), the HOME investment partnerships program (HOME), the emergency shelter grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA).

Any property that may need to be acquired under any of these programs may only be acquired for public use and approved by ordinance, unless the owner consents in writing to sell the property for the program. The exercise of the power of eminent domain under the development plan is expressly reserved for the Metropolitan Council, except in the case of open projects approved by the council in accordance with state law. Additionally, all requested program expenditures must be approved by resolution of the Metropolitan Council.

CDBG funds are based on new entitlement funding in the amount of \$5,900,000, with program income of \$600,000 during the coming year. These CDBG funds are designated for affordable housing activities to provide matching funds and for neighborhood activity funds for youth initiative (continued on next page)

ORDINANCE NO. BL2004-425 (continued)

programs and community projects associated with storm water drainage, sidewalks, park improvements, and other localized needs. A large portion of the CDBG funds are targeted at specific residential neighborhood strategy areas (NSAs) and commercial district areas. These funds will be used for planning initiatives in two new commercial district target areas. The two commercial district target areas are the Murfreesboro Road and the 8th and Lafayette commercial districts. Maps that set out the boundaries for all of the NSAs and commercial district target areas are on file with MDHA. The greatest portion of CDBG funds are used for housing rehabilitation, infill housing related projects, and neighborhood-related public facilities.

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

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

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

Attached at the end of this analysis are the program allocations under these various programs beginning April 1, 2005, through March 31, 2008. These federal programs funded by HUD have been in existence for over 30 years.

ORDINANCE NO. BL2004-426 (RYMAN) – This ordinance creates several positions within the Metropolitan Government, enabling them to be a part of the employee pay plan. The Metropolitan Charter requires that newly created positions be approved by ordinance upon recommendation from the mayor and the civil service commission. This ordinance creates the positions of emergency telecommunications officers 1, 2, 3 and 4; emergency telecommunications trainer; emergency communications supervisor; emergency communications manager; and emergency communications assistant director. These new emergency communications positions will be in the classified service of the Metropolitan Government.

ORDINANCE NO. BL2004-427 (MCLENDON & BRADLEY) – This ordinance amends two sections of the Metropolitan Code of Laws to provide further regulations and prohibitions on the use of barbed wired fencing. Ordinance No. BL2004-346, enacted on October 5, 2004, amended the Code to specify the types of materials that may be used for the construction of fences. Such materials include woven wire/chain link, wood, wrought iron, metal or vinyl slats, masonry, and certain synthetic materials. This ordinance amends the same section of the Code as Ordinance No. BL2004-346 to prohibit barbed wire fencing in all residential zoning districts, unless the property is zoned for the keeping of domestic animals/livestock and all necessary permits have been issued by the state and the Metro health department.

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ORDINANCE NO. BL2004-427 (continued)

This ordinance also amends the streets and sidewalks section of the Code regarding barbed and razor wire along sidewalks. The Code currently prohibits barbed wire fencing along a sidewalk. This ordinance would prohibit razor wire along sidewalks as well. The ordinance provides that a single strand of barbed wire may be stretched across the top of any fence over seven feet tall to prevent persons from climbing the fence.

ORDINANCE NO. BL2004-428 (BRILEY) – This ordinance amends the Metropolitan Code of Laws to require the department of law to report to the Council all judgments entered against the Metropolitan Government within 30 days from the date the judgment becomes final. The report is to include the name of the parties, the docket number, the amount of the judgment, and a summary of the facts giving rise to the lawsuit.

ORDINANCE NO. BL2004-429 (NEIGHBORS, TUCKER & RYMAN) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Thomas L. Cunningham to provide public water service to a 62-lot subdivision known as Dawnbrook. This project consists of the construction of approximately 14,000 lineal feet of 12-inch water main along Campbell Road near Old Dickerson Road. Mr. Cunningham has agreed to contribute \$2,500 for each lot, for a total payment of \$155,000 to Metro. This is a typical participation agreement entered into by the water department whereby private developers contribute a portion of the cost to extend public water service.

ORDINANCE NO. BL2004-430 (MURRAY & SHULMAN) – This ordinance approves a contract with the state department of transportation for the signalization of the Dickerson Pike and Spring Street intersection. The estimated cost of this signalization project is \$50,000, which is to be paid by the Metropolitan Government. Future amendments to this contract may be approved by resolution of the Council receiving 21 affirmative votes.

p:billstrd