

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Office

DATE: **April 19, 2005**

RE: **Analysis Report**

Balances As Of:	<u>4/13/05</u>	<u>4/14/04</u>
<u>GSD 4% RESERVE FUND</u>	* \$12,403,275	\$32,110,235
<u>CONTINGENCY ACCOUNTS</u>		
GSD	- 0 -	\$50,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$28,765,661	\$24,729,757
USD	\$5,003,020	\$8,433,994
<u>GENERAL PURPOSE</u> <u>SCHOOL FUND</u>	\$25,250,424	\$38,771,091

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

– RESOLUTIONS –

**RESOLUTION NO. RS2005-778** (GILMORE) – This resolution provides a proposed amendment to the Metropolitan Charter to extend the number of consecutive terms that the vice mayor and members of council can serve from two terms to three terms. The Council, pursuant to the Charter, may only adopt two resolutions during the term of the Council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the Council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. This resolution provides that the date for holding the referendum election on this Charter amendment is to be the August general election in 2006, since there are no regular elections to be held in 2005. State election law requires that resolutions requiring the holding of elections on questions submitted to the people which are to be held at the regular election must be filed with the election commission not less than 60 days prior to the August election. Thus, this resolution must be deferred indefinitely.

**RESOLUTION NOS. RS2005-779 & RS2005-780** (NEIGHBORS) – These two resolutions supplement and amend certain previous bond resolutions and approve the sale of the general obligation refunding bonds Series 2005B and general obligation bonds Series 2005A. On April 5, 2005, the Council approved two resolutions, RS2005-746 and RS2005-747, authorizing the issuance of certain refunding and general obligation bonds. RS2005-746 authorized the refunding of additional general obligation multipurpose refunding bonds, increasing the total amount of bonds authorized to be refunded to \$566,000,000. This is to refinance outstanding bonds of the Metropolitan Government in order to take advantage of favorable interest rates. RS2005-747 authorized the issuance of general obligation bonds in the amount of \$175,000,000 to retire the Metropolitan Government’s outstanding general obligation commercial paper. Since commercial paper is a short-term financing mechanism, it is necessary to proceed with selling the long-term bonds while the market is favorable.

These two resolutions authorize the sale of the bonds to the bidder with the lowest true interest cost to the Metropolitan Government, and authorize the distribution of the preliminary official statement for the bonds. These bonds have been advertised in the Tennessean and the Bond Buyer publications. Substitute resolutions will be filed for these two resolutions once all the bids have been received.

**Resolution No. RS2005-779** awards the sale of the Metropolitan Government’s general obligation bonds, series 2005A, with a principal amount not to exceed \$175,000,000.

**Resolution No. RS2005-780** awards the sale of the Metropolitan Government’s general obligation refunding bonds, series 2005B, with a principal amount not to exceed \$566,000,000.

**RESOLUTION NO. RS2005-781** (NEIGHBORS) – This resolution approves the new four year plan for reappraisal and equalization of assessment for Davidson County, and approves receipt of state funds for a share in local costs under contracts with the state regarding performance of state reappraisal functions by the Metro assessor of property. Pursuant to state law, a reappraisal of all (continued on next page)

**RESOLUTION NO. RS2005-781** (continued)

property must be conducted in every county at least every six years, but local governments are allowed by state law to conduct an appraisal every four years.

The reappraisal program will begin July 1, 2005, and provides for the reevaluation of some 227,700 parcels of property in Davidson County. The property reevaluation will be completed in the year 2009, which will be the next reevaluation year. The cost of the reappraisal program, which is funded in the annual operating budget of the assessor of property, funds the salary and benefits for some 42 employees and other related costs for the program. The state will provide an estimated \$209,182 annually to assist in this reappraisal program. The total cost of the program is estimated to be as follows:

<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>FY</b>
<b>2005-2006</b>	<b>2006-2007</b>	<b>2007-2008</b>	<b>2008-2009</b>
\$1,791,000	\$1,865,000	\$1,920,000	\$2,163,000

**RESOLUTION NO. RS2005-782** (NEIGHBORS) – This annual resolution calls the Metropolitan board of equalization (MBOE) into regular session convening June 1, 2005 and adjourning June 17, 2005, and calls the MBOE into special session convening June 20, 2005 to complete any unfinished business regarding appeals on pro-rated assessments. The special session shall not extend beyond May 31, 2006. The MBOE always meets during the month of June to hear assessments on real property. State law authorizes county legislative bodies to fix the number of days the board of equalization shall sit in regular session and to call the board into special session to complete unfinished business.

**RESOLUTION NO. RS2005-783** (NEIGHBORS) – This resolution approves the waiver of certain benefit overpayments made to two pensioners in the Metro employee benefit system, which were caused by employee benefit board staff errors. The Metropolitan Code of Laws permits the benefit board to waive such overpayments provided that the beneficiary was without fault or knowledge of the error and would be deprived of income for living expenses if forced to repay the amount of overpayment. The overpayments consist of \$876.86 to one pensioner and \$237.78 to another pensioner. The employee benefit board has approved the waiver and it must be approved by the Metropolitan Council before it becomes final. The employee benefit board has a continuing program that reviews all pension payments to assure our pensioners are being paid the correct amount. If the pensioners are underpaid, the back payments are automatically paid without Council approval.

**RESOLUTION NO. RS2005-784** (NEIGHBORS & COLE) – This resolution approves an amendment to a grant from the state department of health to the Metro board of health to increase bioterrorism preparedness and response capabilities. The original grant was in the amount of \$1,068,400 and is to fund collaboration efforts by the health department with emergency personnel and hospitals regarding emergency preparedness, the development of a chemical terrorism response plan and a regional bioterrorism preparedness plan, and data monitoring and surveillance. This resolution decreases the amount of the grant by \$144,779, for a revised total grant award of \$923,621, and modifies the scope of services.

**RESOLUTION NO. RS2005-785** (NEIGHBORS & COLE) – This resolution accepts a grant in the amount of \$51,000 from the state department of health to the Metropolitan health department for

adolescent pregnancy prevention services. The term of the grant is from July 1, 2005 through June 30, 2006. The funds will be used to pay the salary of an adolescent pregnancy prevention program specialist. The specialist's duties will include making presentations concerning adolescent sexual behaviors, pregnancy, and parenting to community groups, writing articles, and organizing community awareness events.

**RESOLUTION NO. RS2005-786** (NEIGHBORS & COLE) – This resolution accepts a grant in the amount of \$370,000 from the state department of health to the Metropolitan board of health to provide family planning services in accordance with state law. The term of the grant is from July 1, 2005 through June 30, 2006. This grant award consists of \$329,900 in federal funds and \$40,100 in state funds.

**RESOLUTION NO. RS2005-787** (NEIGHBORS & COLE) – This resolution accepts a grant in the amount of \$50,000 from the state department of health to the Metropolitan board of health to provide renal intervention services. The term of the grant is from July 1, 2005 through June 30, 2006. These grant funds will be used to pay the salary of a nurse coordinator to provide case management services to at least 75 persons who are at risk of developing end stage renal disease. At risk individuals are defined as persons who are diabetic and/or hypertensive and who demonstrate early signs of kidney damage.

**RESOLUTION NO. RS2005-788** (COLE & NEIGHBORS) – This resolution accepts a grant in the amount of \$18,569 from the state department of health to the Metropolitan board of health for a community based screening and education program targeting teens at risk of pregnancy. The term of the grant is from May 1, 2005 through April 30, 2006.

**RESOLUTION NO. RS2005-789** (COLE & NEIGHBORS) – This resolution approves a contract between the Metropolitan board of health and Vanderbilt University for the health department's participation in the Tuberculosis Trials Consortium. Vanderbilt received a grant from the U.S. department of health and human services for this project. This contract provides for a pass-through of a portion of the grant funds in the amount of \$70,115.99 to the health department to pay part of the salaries and expenses for two nurses to participate in the project. The term of the contract was from April 1, 2004 through September 30, 2004. This resolution simply approves the reimbursement to the health department for services it provided during the contract period.

**RESOLUTION NO. RS2005-790** (NEIGHBORS & COLE) – This resolution accepts a grant in the amount of \$181,476 from the U.S. environmental protection agency to the Metropolitan board of health for the maintenance and operation of the air pollution control program of the health department. The health department is responsible for enforcing the provisions of the federal clean air act within the jurisdiction of the Metropolitan Government. The term of the grant is from October 1, 2004 through September 30, 2005. There is a required local match of \$145,283 to be provided from the health department's budget.

**RESOLUTION NO. RS2005-791** (NEIGHBORS) – This resolution accepts a grant in the amount of \$2,250 from the state department of state to the public library for archives management. The term of

the grant is from January 1, 2005 through June 30, 2005. These funds will be used to transfer 16mm motion picture film to digital.

**RESOLUTION NO. RS2005-792** (RYMAN & NEIGHBORS) – This resolution approves an application for an annual grant in the amount of \$256,000 to the U.S. department of treasury, bureau of alcohol, tobacco and firearms, on behalf of the Metropolitan police department for the gang resistance education and training (GREAT) program. If awarded, the funds will be used to provide educational programs in the schools to educate youth about the dangers associated with joining a street gang, and to discourage children and youth from participating in gang activity. The program is directed primarily at middle school students. The grant application provides that 4,800 6<sup>th</sup> grade students and 700 7<sup>th</sup> grade students will be served by this program.

**RESOLUTION NO. RS2005-793** (RYMAN, NEIGHBORS & SHULMAN) – This resolution accepts a grant in the amount of \$84,827.23 from the International Organization of Migration to the Metropolitan Government to reimburse Metro for assisting with the Iraqi national election that occurred in Nashville in January 2005. These funds will be appropriated to the following departments in the following amounts:

- Police department \$55,617.08
- Public works department \$23,334.10
- Mayor’s office of emergency management \$5,876.05

**RESOLUTION NO. RS2005-794** (NEIGHBORS & SHULMAN) – This resolution authorizes the director of public property administration to exercise an option to purchase the home located at 383 Wimpole Drive as part of the Wimpole Drive home buyout along Mill Creek. This home has been determined to be flood-prone, which makes it eligible for the home buyout program using federal and state funds. The parcel is to be acquired at a cost of \$126,000.

**RESOLUTION NO. RS2005-795** (SHULMAN & NEIGHBORS) – This resolution authorizes the Metropolitan Government to enter into an interlocal agreement with the Nolensville College Grove Utility District to provide water service to two parcels of property in the Burkitt Place subdivision in Williamson County. Under state law, municipalities are authorized to enter into interlocal agreements with other public agencies for joint undertakings, subject to approval by the local legislative body. The contract provides that the cost of connecting these two parcels to Metro’s water distribution lines will be at the sole expense of the developer. Metro will bill these two new customers in Williamson County at Metro water services’ published water rates.

**RESOLUTION NO. RS2005-796** (NEIGHBORS) – This resolution authorizes the department of law to settle the Metropolitan Government’s claim in the Leap Wireless International, Inc. and Cricket Communications, Inc. Chapter 11 bankruptcy, resulting in a payment to Metro in the amount of

\$950,000. Leap Wireless International, Inc., through its subsidiary Cricket Communications, Inc., ("Cricket") owes the Metropolitan Government \$1,154,611.47, including penalties and interest, for unpaid 2002 and 2003 utility personal property taxes. On April 13, 2003, Leap Wireless and Cricket filed for protection under Chapter 11 of the federal bankruptcy laws in the U.S. Bankruptcy Court for the Southern District of California. The court set a deadline of July 28, 2003 for governmental units to file proofs of claim, and a deadline of October 15, 2003, to file administrative claims. The Metropolitan Government did not find out about the bankruptcy until June 2004, after the deadline for filing claims. Cricket filed an adversary proceeding against Metro in an effort to void the liens securing Cricket's tax indebtedness to Metro. Cricket argued that the liens are void since a proof of claim was not timely filed, that Cricket's property was assessed too high by the state, and that Metro is not entitled to penalties and interest under law. Cricket contends that the correct tax base is one-half the value as that assessed by the state.

In September 2004, Metro filed its proof of claim and a response to the adversary proceeding. The total amount of the claim is \$863,495.50 for 2002 taxes and \$291,115.97 for 2003 taxes. The department of law recommends settling the claim for the amount of \$950,000, which represents approximately 82% of the combined claim amount. The bankruptcy court could disallow some or all of the claims since the proof of claim was not filed in a timely manner, regardless of when Metro received actual notice of the bankruptcy proceedings. Further, the court could, as it has in the past, reassess the taxes, which could substantially lower Metro's claim. In addition, Metro would incur substantial litigation costs in hiring a law firm in California that specializes in bankruptcy matters.

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**- BILLS ON SECOND READING -**

**ORDINANCE NO. BL2004-183** (SHULMAN & HAUSSER) – This ordinance amends the Metropolitan Code of Laws to require the board of parks and recreation to designate an area of Elmington Park as a “dog friendly zone.” The Code currently provides that a dog may only be brought into a park if the dog is on a leash not exceeding three feet in length. This ordinance would allow dogs to run freely in this designated area without being on a leash.

**ORDINANCE NO. BL2004-345** (MURRAY & MCCLENDON) – This ordinance amends the Metropolitan Code of Laws to require that the front entrances of new single-family homes face a public or private street. This ordinance would prevent constructing homes on narrow lots that face another home, instead of facing the street. This ordinance would not apply to single-family homes located in agricultural or residential zoning districts with a minimum 80,000 square foot lot, nor would it apply to commercial areas.

There is a proposed amendment to accommodate certain zone districts and PUDs.

**ORDINANCE NO. BL2005-508** (NEIGHBORS & SHULMAN) – This ordinance amends the Metropolitan code of laws provisions pertaining to the surcharge that is charged by the department of water and sewerage services for treating ammonia that is placed into our sewer system. The code currently includes a formula for collection of this surcharge that is essentially based upon the payments for costs to treat biological oxygen demand (BOD). The current surcharge is 4.6 times the rate to treat BOD. By law, these fees must relate to the actual cost of the service and cannot be used to generate revenue.

This ordinance would delete the formula for determining the amount of the ammonia surcharge, and would add a provision allowing the department of water and sewerage services to set the amount of the surcharge on an annual basis, based on the actual cost of treatment.

The council office would caution the practice of delegating fee setting to departments.

**ORDINANCE NO. BL2005-579** (WALLACE) – This ordinance amends the dumpster collection restrictions contained in the Metropolitan Code of Laws to extend the distance from residential structures for which nighttime dumpster collection is prohibited. The Code currently prohibits the emptying of trash dumpsters located within 300 feet of a residential structure between the hours of 11:00 p.m. and 7:00 a.m. This ordinance would extend the distance to 600 feet. In addition, the Code requires that dumpsters contain “non-metal” lids. This ordinance would further clarify that such lids must be constructed of plastic or a rubberized material. Finally, this ordinance would provide that the police department is expressly authorized to enforce the Code provisions regarding the hours of dumpster collection, although the police department is already responsible for enforcing the ordinances of the Metropolitan Government.

**ORDINANCE NO. BL2005-580** (SUMMERS) – This ordinance amends the Metropolitan Code of Laws regarding ethical standards for members and prospective members of boards and commission of the Metropolitan Government. The Code currently provides ethical standards for board and commission members. Whenever a member has or is likely to have a conflict of interest in connection with a matter pending before the board or commission, the member is to either disqualify himself/herself from further action on the matter, or disclose the nature of the conflict, at which time he/she may proceed to take action on the matter. The Code currently does not restrict any person having a real or perceived conflict of interest from serving on any board or commission.

This ordinance would prohibit certain persons from being eligible to serve on a board or commission, and would provide for certain reporting requirements for members of boards and commissions. First, this ordinance would provide that no person shall be eligible to serve on a board or commission who (1) knows or should know that he/she has or is likely to have a financial interest or personal interest in a matter before the board; (2) is an employee of any business that routinely brings matters before the board or commission; or (3) is an employee of a print or broadcast news media business engaged in reporting actions taken by the Metropolitan Government. "Personal interest" under the ordinance means any interest arising from relationships with immediate family or business associations. "Financial interest" means any interest that yields a monetary or material benefit to the member, or to any person employing the member or someone in his/her immediate family. Second, this ordinance would amend the conflict of interest provisions in the Code to require board and commission members who know or should know they have a personal or financial interest in any matter pending before the board or commission, or is an employee of any business bringing a matter before the commission, to publicly disclose the conflict in writing to the board or commission and to abstain from participating in the discussion or vote on the matter.

In addition, this ordinance would add certain disclosure requirements for members of boards and commissions. Under the ordinance, members would be required to disclose all positions of employment, every source of income in excess of \$5,000, any benefit received by a member's immediate family derived from transactions with Metro, and all ownership interests in real property. The Code currently does not include any disclosure requirements.

The Council Office is of the opinion that the provisions of this ordinance pertaining to the eligibility of persons to serve on boards and commissions created by the Metropolitan Charter are not enforceable. Section 11.102 of the Charter, under the General Provisions for Administrative Boards and Commissions chapter, has the heading "Qualifications for members." The only qualification stated in the section is that every member of a board or commission must have been a resident of Davidson County or had their principal place of business in Davidson County for at least one year. Section 11.101 of the Charter provides that the general provisions in the chapter apply to all administrative boards or commissions, unless another specific Charter provision pertaining to a particular board or commission provides otherwise. Since the additional qualifications contained in this ordinance exceed those contained in the Charter, a Charter amendment would be necessary in order for the provisions of this ordinance to be effective.

**SUBSTITUTE ORDINANCE NO. BL2005-581** (TYGARD, DREAD & OTHERS) – This substitute ordinance names the Davidson County sheriff's office academy training complex located at 710 South Fifth Street as the "Jerry Newson Center." The sheriff's office training complex houses the training academy, civil warrants division, transportation division, investigation division, orders of protection (continued on next page)

**SUBSTITUTE ORDINANCE NO. BL2005-581** (continued)



unit, communications division, and the dispatch unit. Jerry Newson served as correctional officer, correctional supervisor, and a warrant officer with the sheriff's department from 1988 to 1995. On September 22, 1995, Mr. Newson was shot and killed in the line of duty while attempting to serve a warrant.

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.

**ORDINANCE NO. BL2005-582** (COLE, NEIGHBORS & MURRAY) – This ordinance establishes a homelessness commission in Nashville. The federal interagency council on homelessness has initiated an effort in cities across the country to develop 10-year plans to end chronic homelessness. Chronic homelessness is defined as being continuously homeless for more than a year or having at least four episodes of homelessness in a three-year period. The mayor has appointed a task force to develop such a plan for Nashville. The task force has been meeting and has created a "Strategic Plan to End Chronic Homelessness in Nashville 2005-2015", which calls for a commission to be established to oversee implementation of the plan.

The commission is to be composed of the following members:

1. Eleven persons appointed by the mayor, three of whom shall have personally experienced homelessness.
2. Four members of Council consisting of a member of the health, hospitals and social services committee, a member of the budget and finance committee, the vice mayor (or designee), and another member of Council chosen by the vice mayor. Such members of council are to serve a two year term.
3. Seven Metropolitan Government officials including:
  - The mayor (or designee)
  - The director of the social services department (or designee)
  - The director of MDHA (or designee)
  - The director of the health department (or designee)
  - The director of the Nashville career advancement center (or designee)
  - The director of the Metropolitan action commission (or designee)
  - The chief of police (or designee)

The homelessness commission is to have the following duties and responsibilities:

1. To assume accountability for implementation of the Strategic Plan to End Chronic Homelessness in Nashville 2005-2015;
2. To implement a coordinated and focused approach to ending chronic homelessness;
3. To develop measurable, time-framed objectives for implementation of the 10 Year Plan, and to provide ongoing evaluation and revision of the 10 Year Plan;
4. To assure participation of all stakeholders including homeless persons;
5. To establish procedures to assure that policies, services and funding within the control of Metropolitan Government departments and agencies are consistent with the 10 Year Plan.;
6. To maintain accurate, current data on homeless populations;

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**ORDINANCE NO. BL2005-582** (continued)

7. To educate the public, service providers and other interested parties on the 10 Year Plan; and
8. To issue an annual report on the commission's progress in meeting the goals of the 10 Year Plan.

Since Members of Council are to serve on the commission, this ordinance expressly provides that the commission is not to be deemed a board or commission of the Metropolitan Government. The Metropolitan Charter prohibits Members of Council from serving on any board or commission of the Metropolitan Government unless another specific Charter provision provides otherwise.

**ORDINANCE NO. BL2005-583** (KERSTETTER & TOLER) – This ordinance amends the Metropolitan Code of Laws to expand the hours of the juvenile curfew. The current curfew makes it unlawful for children under the age of 18 to be on public property or private property without the consent of the owner between the hours of eleven p.m. and five a.m., Sunday through Thursday, and twelve midnight to five a.m. Friday and Saturday, during the months of September through May. The curfew for the months of June through August is twelve midnight to five a.m. seven days a week. This ordinance would remove the distinction between the school year and the summer, and make the hours of the curfew eleven p.m. to five a.m. Sunday through Thursday, and midnight to five a.m. on Friday and Saturday.

**ORDINANCE NO. BL2005-585** (LORING & NEIGHBORS) – This ordinance approves a lease agreement between the Metropolitan Government and Two Rivers Corporate Centre, L.P. for property located at 2501 McGavock Pike to be used as office and professional training space by the board of education. This property, located in the Opryland area, has been converted from retail space into an office complex. Metro is seeking to lease 24,372 square feet of the space to be used by the board of education for professional development classes for teachers and other school board personnel. The term of the lease is from September 1, 2005 through August 30, 2010. The monthly rent payments pursuant to the lease are as follows:

- Year 1: \$23,472.48 per month
- Year 2: \$23,941.86 per month
- Year 3: \$24,420.70 per month
- Year 4: \$24,909.12 per month
- Year 5: \$25,407.30 per month

Two Rivers Corporate Centre, L.P. (the "lessor") will be responsible for paying operating expenses of the facility up to \$4 per square foot during each calendar year. Operating expenses include repair of the building, supplies, utilities, trash removal, insurance, and maintenance of the common area. The Metropolitan Government will be responsible for operating expenses in excess of \$4 per square foot, but Metro's portion of additional rental for common area maintenance and insurance is capped not to exceed 4% in any calendar year. The lessor is required to build out the space according to Metro's requirements. The lessor is also required to maintain and repair both the interior and exterior of the premises, including all electrical wiring and HVAC systems, and to insure that the premises are ADA compliant.

This lease has been approved by the planning commission.

**ORDINANCE NO. BL2005-586** (WALLACE) – This ordinance closes a section of surplus right-of-way and certain contiguous property along Commerce Street between 8<sup>th</sup> Avenue North and 9<sup>th</sup> Avenue, and authorizes the conveyance of the property to Lifeway Christian Resources of the

Southern Baptist Convention. The Metropolitan Government has determined that there is no need for the right-of-way or contiguous property and is willing to convey the property, consisting of a total of 8,378 square feet, to Lifeway for compensation. Metro will retain all easements. This ordinance has been approved by the planning commission.

**ORDINANCE NOS. BL2005-587 THRU BL2005-589** – These three ordinance authorize the acceptance of easements for various stormwater projects in Davidson County. These easements are being donated at no cost to the Metropolitan Government. The easements will be filed in the office of the register of deeds to evidence their acceptance. These three ordinances have been referred to the planning commission.

**Ordinance No. BL2005-587** (Summers, Craddock & Others) accepts easements for the following properties:

813 Massman Drive  
14985 Old Hickory Boulevard  
1515 Wedgewood Avenue  
Neighborly Avenue, unnumbered  
6007 Neighborly Avenue  
2215 Garland Avenue  
1700 Antioch Pike  
726 Old Hickory Boulevard  
6750 Centennial Boulevard  
2870 Elm Hill Pike  
908 Tower Place  
6601 Sugar Valley Drive  
1551 Heil Quaker Boulevard

**Ordinance No. BL2005-588** (Whitmore, Brown & Others) accepts easements for the following properties:

810 Bellevue Road  
1654 Elm Hill Pike  
4285 Sidco Drive  
West End Avenue, unnumbered  
Park Drive, unnumbered  
1631 Bell Road  
345 Swinging Bridge Road  
7121 Highway 70 South

**Ordinance No. BL2005-589** (Wallace, Summers & Others) accepts easements for the following properties:

5302 Pennsylvania Avenue  
1015, 1017, 1021, 1023, 1027, and 1031 Scovel Street  
3801 Logistics Way  
4220 Harding Pike  
Kenilwood Drive, unnumbered  
331 East Palestine Avenue  
3474 Dickerson Pike  
3777 Nolensville Pike

**ORDINANCE NO. BL2005-590** (TOLER) – This ordinance renames a portion of Battle Road as “Burkitt Road”. This section of roadway is located in the curve between one section of Battle Road and the intersection with Burkitt Road.

This ordinance has been approved by the planning commission and the ECD board.

**ORDINANCE NO. BL2005-591** (TOLER) – This ordinance renames a portion of Wilson Pike between the Davidson/Williamson County line and Old Hickory Boulevard as “Wilson Pike Circle”. This section of roadway is already named Wilson Pike Circle on the Williamson County side of the line.

This ordinance has been approved by the planning commission and the ECD board.

**ORDINANCE NO. BL2005-592** (CRADDOCK) – This ordinance abandons an unbuilt 200-foot section of Rothwood Avenue from its current eastern terminus northwestward. This closure has been requested by James Dillard for Dillard Holdings, LLC. The Metropolitan Government will retain all easements.

This ordinance has been approved by the planning commission and the traffic and parking commission. Consent of affected property owners is on file with the department of public works.

**ORDINANCE NO. BL2005-593** (GREER) – This ordinance renames a portion of Wedgewood Avenue as “Wedgewood Park”. This section of Wedgewood Avenue to be renamed is located between Ridley Boulevard and a cul-de-sac.

This ordinance has been approved by the planning commission and the ECD board.

**ORDINANCE NOS. BL2005-594 THRU BL2005-597** – These four ordinances abandon sections of Metropolitan Government right-of-way that are no longer needed by the Metropolitan Government. The Metropolitan Government will retain all access and utility easements.

**Ordinance No. BL2005-594** (Hausser) abandons a 93-foot unimproved portion of Alley #916 from the present southwest end of alley #914, and abandons a portion of Alley #914 from 29<sup>th</sup> Avenue South to the present southerly end of Alley # 916 in the Vanderbilt area. A new alley right-of-way is to be dedicated. This ordinance has been approved by the planning commission and the traffic and parking commission. Consent of affected property owners is on file with the department of public works.

**Ordinance No. BL2005-595** (Wallace) abandons the unbuilt alley #202 from Van Buren Street to the railroad right-of-way. This closure has been requested by Andrew B. DiMartino on behalf of S.E.C., Inc. This ordinance has been approved by the planning commission and the traffic and parking commission. Consent of affected property owners is on file with the department of public works.

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**ORDINANCE NOS. BL2005-594 THRU BL2005-597** (continued)

**Ordinance No. BL2005-596** (Wallace) closes Alley #530 from Jefferson Street north to the I-40 right-of-way. This ordinance has been referred to the planning commission and the traffic and parking commission.

This ordinance must be deferred pursuant to the Charter, as the traffic and parking commission has yet to consider the matter. In addition, consent of the affected property owners has not been provided, as is required by Council Rule 8.

**Substitute Ordinance No. BL2005-597** (Wallace) closes Alley #216 from Phillips Street southward to Alley #574. This ordinance has been referred to the planning commission and the traffic and parking commission.

This ordinance must be deferred pursuant to the Charter, as the traffic and parking commission has yet to consider the matter. In addition, consent of the affected property owners has not been provided, as is required by Council Rule 8.

**ORDINANCE NO. BL2005-598** (JAMESON & SHULMAN) – This ordinance abandons right-of-way and a utility easement for a portion of the area surrounding the Metropolitan Courthouse, known as the “Public Square”, and consolidates the area into a single lot. In 1975, a portion of Deaderick Street and Second Avenue North next to the courthouse was closed so that parking and plaza areas could be constructed. However, the right-of-way for this area was never formally abandoned. In addition, the public square is comprised of four lots, although the use of the parcels gives the appearance of one lot. This ordinance abandons the right-of-way and an unused utility easement, and consolidates the parcels into one lot to reconcile the public record with the actual use of the property.

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

**ORDINANCE NOS. BL2005-599 AND BL2005-600** – These two ordinances abandon stormwater drainage easements that are no longer being used by the department of water and sewerage services. These two ordinances have been approved by the planning commission.

**Ordinance No. BL2005-599** (Greer & Shulman) abandons a twenty-foot easement at the Melrose Shopping Center. A fifteen-foot stormwater drainage easement will be replacing the existing easement.

**Ordinance No. BL2005-600** (Williams & Shulman) abandons a fifteen-foot stormwater drainage easement affecting two parcels on Wallace Road, and authorizes the acceptance of replacement twenty-foot easements. The grants of the new easements have been executed by the respective property owners.

**ORDINANCE NOS. BL2005-601 & BL2005-602** – These two ordinances authorize the Metropolitan Government to enter into a participation agreement with private developers to provide sewer service to subdivisions in Williamson County. These developers have agreed to contribute

\$2,000 per connection toward the cost of the projects in aid of construction. These funds are to be deposited into the water and sewer extension and replacement fund. 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. BL2005-601** (Shulman & Neighbors) approves a participation agreement with Frank. V. Buonaiuto to provide sewer service to the Eugene Downing property in Williamson County. The developer has agreed to pay \$4,000 for 2 single-family connections.

**Ordinance No. BL2005-602** (Shulman) approves a participation agreement with Cates-Kottas Development to provide sewer service to the Brookfield subdivision in Williamson County. The developer has agreed to pay \$32,000 for 16 single-family connections.

**ORDINANCE NO. BL2005-634** (JAMESON) - This ordinance authorizes the Doubletree Hotel to install and maintain stamped concrete that will overlay the sidewalk, and install four new trees in the sidewalk at 315 4th Avenue North. The Doubletree Hotel (Sun Rockpoint Nashville Hotel Lessee, Inc.) has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the stamped concrete and trees, and is required to provide a \$300,000 certificate of public liability insurance naming the Metropolitan Government as an insured party. This ordinance has been approved by the planning commission.

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**- BILLS ON THIRD READING -**

**ORDINANCE NO. BL2005-521** (WILHOITE) – This ordinance renames a portion of Long Hunter Court as “Nashboro Greens”. This is a private road that intersects with and then runs parallel to Longhunter Lane. The planning commission has sent notices to the affected residents regarding this name change.

This ordinance has been approved by the planning commission and the ECD board.

**SUBSTITUTE ORDINANCE NO. BL2005-531** (BRILEY) – This substitute ordinance amends the Metropolitan Code of Laws to make the ordinance prohibiting loitering during school hours applicable to students that have been suspended or expelled from school. The Code currently prohibits a child under the age of 18 who is subject to the state compulsory school attendance law from loitering in public places during school hours. No child may be taken into custody for violation of this provision until an investigation with the proper school officials has been made to determine if the child is required to be at school. However, the language of this section does not expressly apply to students that are suspended or expelled. Instead, expelled or suspended students may be loitering around the school grounds, but are not in violation of the Code because they are not “required” to be at school.

This ordinance is a result of discussions between the juvenile court and the police department regarding suspended and expelled students loitering around school premises. This ordinance would provide that a child under the age of 18 who is subject to the state compulsory attendance law, but who is suspended or expelled from school, or otherwise in violation of the compulsory attendance law, is prohibited from loitering in public places.

**ORDINANCE NO. BL2005-576** (LORING) – This ordinance authorizes the director of public property administration to acquire and or exchange property by negotiation or condemnation for the purpose of acquiring land and easements in connection with the Omohundro 48” water main – alternate 36” water main and master meter installations. The Metropolitan Government currently owns land adjacent to the properties needed for the project that can possibly be exchanged as compensation for the property. In the event Metro has to purchase the property, the required funds will be paid from the water and sewer extension and replacement fund. Pursuant to this ordinance, Metro is to acquire three parcels in fee simple and temporary construction easements for thirteen parcels. The ordinance provides that the acquisition of additional easements for these same purposes may be authorized by adoption of a resolution by the council.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2005-578** (RYMAN & MCCLENDON) – This ordinance accepts a donation of \$142.06 from Fred’s Inc., for the benefit of the Metropolitan police department. This donation is being given in recognition and appreciation of the work done by the police department.