

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Office

DATE: **May 17, 2005**

RE: **Analysis Report**

Balances As Of:	<u>5/11/05</u>	<u>5/12/04</u>
<u>GSD 4% RESERVE FUND</u>	* \$12,393,245	\$32,948,160
<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 NOS. RS2005-820 & RS2005-821** – These two resolutions provide proposed amendments to the Metropolitan Charter. 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. These resolutions provide that the date for holding the referendum election on these Charter amendments 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, these resolutions must be deferred indefinitely.

**Resolution No. RS2005-820** (Wallace) provides an amendment to the Charter that would give the vice mayor some additional duties. Under the Charter, the primary duty of the vice mayor is to serve as presiding officer of the council. In addition, in the event the office of mayor becomes vacant, the vice mayor would serve as acting mayor until the vacancy is filled. This Charter amendment would provide that in the event the mayor leaves town for more than forty-eight hours, the vice mayor would serve as acting mayor until the mayor returns. The amendment would also provide that whenever the mayor is unable to attend an event or function at which an official representative from the Metropolitan Government is warranted, the mayor shall designate the vice mayor to attend in place of the mayor.

**Resolution No. RS2005-821** (Summers) provides an amendment to the Charter that would reduce the size of the Metropolitan Council to thirty-five members and eliminate the position of councilmember-at-large. The amendment would also provide that the vice mayor is to be elected by the council from the membership of the council, rather than being a separate office elected by the voters. These provisions would take effect at the August 2007 election.

**RESOLUTION NOS. RS2005-822 & RS2005-823** – These two resolutions appropriate funds from the general fund reserve fund (4% fund) for the purchase of equipment and building repairs for the Metropolitan Council. Four percent funds may only be used for the purchase of equipment and repairs to buildings. The balance in the general fund reserve fund as of April 15, 2005, was \$12,403,275. The 4% fund balance assumes unrealized estimated revenue for fiscal year 2005 in the amount of \$18,738,500. Copies of the supporting information sheets required by Ordinance No. O86-1534 are attached to this analysis.

**Resolution No. RS2005-822** (Neighbors & Gotto) appropriates \$4,000 from the general fund reserve fund to purchase and install a tempered glass or Plexiglas wall between the public seating area and the council floor area in the Council Chamber. As stated above, Ordinance No. O86-1534 requires that information justifying the expenditure of four percent funds be included as part of the resolution. The information sheet is required to be signed by the respective department head. The Council Office would point out that the information sheet attached to this resolution was signed by the chair of the council budget and finance committee, not a department head.

There is a proposed amendment to this resolution that would reduce the appropriation to \$600 to purchase stanchions and roping, rather than a Plexiglas wall.

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**RESOLUTION NOS. RS2005-822 & RS2005-823** (continued)

**Resolution No. RS2005-823** (Neighbors & Coleman) appropriates \$6,030 from the general fund reserve fund to purchase electronic equipment for the Metropolitan Council. These funds will be used to purchase two digital cameras with accessories, two PowerPoint projectors with cases, and two tripod screens with cases. This equipment will be available for Members of Council to check out for use at community meetings and other councilmanic functions. This is recommended and requested by the Executive Committee.

**RESOLUTION NO. RS2005-824** (NEIGHBORS) – This resolution is an annual, routine housekeeping matter required by state law that classifies all public roads in Davidson County. By adoption of this resolution, those roads and alleys listed on the street and alley acceptance and maintenance map under Ordinance No. BL2005-520, including any changes since the adoption of the map, are classified as public roads.

**RESOLUTION NOS. RS2005-825 thru RS2005-832** (COLE & NEIGHBORS) – These eight resolutions approve grants from the state department of health to the Metropolitan board of health to provide a variety of local health programs and services. The term of these grants is from July 1, 2005, through June 30, 2006. These grants from the state provide significant funding for the operation of the local health department.

**Resolution No. RS2005-825** approves an annual grant in the amount of \$75,000 from the state department of health to provide primary dental services to the homeless at the Downtown Clinic. The funds will cover the partial salary for an attending dentist from Meharry School of Dentistry to supervise dental care providers and to treat some dental clinic patients. The funding will also be used to employ an office assistant. It is estimated that services will be provided to approximately 1,200 patients.

**Resolution No. RS2005-826** approves a grant in the amount of \$550,600 from the state department of health to provide a TennCare outreach program for enrolled children. These funds will be used to pay salaries and indirect costs of health department employees to conduct community outreach activities designed to reach pre-teen and teen populations, and to conduct "Welcome to TennCare" meetings for new recipients.

**Resolution No. RS2005-827** accepts an annual grant from the state department of health for inspection of hotels, food service establishments, tattoo studios, body-piercing establishments, swimming pools, and organized camps. The Metro board of health will receive an amount not to exceed \$1,235,000 for these inspection services.

**Resolution No. RS2005-828** approves a grant in the amount of \$862,000 from the state department of health to provide medical services and care coordination services for the children's special services program. These funds will be used to pay the salaries of health department personnel in the children's special services program whose duties include making financial and medical eligibility determinations for enrolled children, comprehensive pediatric and developmental assessments, audiology and speech pathology services, as well as administrative and clinical support. This grant is comprised of \$307,582 in state funds and \$345,774 in federal funds.

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**RESOLUTION NOS. RS2005-825 thru RS2005-832** (continued)

**Resolution No. RS2005-829** approves an annual grant in the amount of \$659,700 from the state department of health to fund the child Healthy Start program in Metro. The purpose of this program is to provide home visitation, counseling, and education services regarding child health by public health nurses. The program focuses on children from birth to three years of age, and will provide initial services at birth or prenatal services to at least 200 first time at-risk parents.

**Resolution No. RS2005-830** approves a grant in the amount of \$211,200 from the state department of health to provide Families First home visit program services.

**Resolution No. RS2005-831** approves a grant in the amount of \$696,000 from the state department of health to provide school-based oral disease prevention services. These funds will be used to retain dental personnel to provide oral disease prevention services to school children in grades K-8 attending schools with a high population of low-income students. The oral disease prevention services to be provided include oral health education, dental screenings, and referral and follow-up for children who need urgent dental treatment.

**Resolution No. RS2005-832** approves a grant in the amount of \$1,327,200 from the state department of health for tuberculosis (TB) outreach and control services. These funds will be used to provide and oversee direct patient care to all TB cases, to operate a TB clinic, to monitor existing and suspected TB cases, to conduct targeted TB testing activities, and to provide TB education and training services. This grant is comprised of \$1,025,900 in state funds and \$301,300 in federal funds.

**RESOLUTION NO. RS2005-833** (COLE & NEIGHBORS) – This resolution approves an annual contract between the Metropolitan health department and the state department of health to provide for laboratory services and testing for particulate matter and other environmental tests. The federal Clean Air Act requires local governments to test for particulate matter 2.5 microns or greater in size using licensed testing facilities. The state’s facility is such a licensed facility. The term of the contract is from July 1, 2005, through June 30, 2006. The state will charge Metro \$24 for each test it conducts. The estimated cost for this program is \$28,000 annually.

**RESOLUTION NO. RS2005-834** (COLE & NEIGHBORS) – This resolution approves an amendment to an annual grant from the state department of health to the Metropolitan health department for alcohol and drug abuse diagnosis, prevention, rehabilitation, and treatment services. The original grant was in the amount of \$130,200. This resolution increases the amount of the grant by \$31,700 for a total award of \$161,900. The majority of these grant funds are federal pass through funds, with the remainder of the funds coming from the state.

**RESOLUTION NO. RS2005-835** (COLE & NEIGHBORS) – This resolution approves a grant in the amount of \$399,000 from the state department of health to fund the help us grow successfully (HUGS) program. The services to be provided by this program include regular home visits and periodic health status, developmental, behavioral, and nutritional assessments. This grant is comprised of \$179,949 in state funds and \$202,293 in federal funds.

**RESOLUTION NOS. RS2005-836 & RS2005-837** (BRILEY & NEIGHBORS) – These two resolutions approve annual grants from the state department of labor and workforce development,

under the provisions of the Workforce Investment Act of 1998, to provide funding to the Nashville career advancement center (NCAC) to prepare adults, youth, and dislocated workers for re-entry into the labor force, and to offer training to those facing serious barriers to productive employment. These are essentially federal pass-through funds that provide operating funds for NCAC. The term of the two grants is from April 1, 2005, through June 30, 2007.

**Resolution No. RS2005-836** approves a youth worker grant in the amount of \$390,562.20.

**Resolution No. RS2005-837** approves an administration grant in the amount of \$43,395.80.

**RESOLUTION NO. RS2005-838** (NEIGHBORS & COLEMAN) – This resolution accepts a grant from the State of Tennessee, department of military, in an amount not to exceed \$167,130 for the acquisition and demolition of properties located at 4955 Edmondson Pike and 412 Brook View Estates Drive. This federal pass-through grant is part of the on-going Seven Mile Creek area home buyout program to purchase flood-prone properties. The grant requires a local match of \$55,710.

**RESOLUTION NO. RS2005-839** (RYMAN, NEIGHBORS & WILLIAMS) – This resolution approves an amendment to a grant from the U.S. department of justice to the Metropolitan police department for the Community Oriented Police Services (COPS) in schools program. The original grant was approved in 2001 for an amount of \$1,199,140, with a term extending through August 31, 2004. The funds were used to hire ten police officers to be stationed at public schools. This resolution extends the term of the grant until February 28, 2006. This extension will allow the police department some additional time to meet the grant requirements and complete the draw down of funds.

**RESOLUTION NO. RS2005-840** (NEIGHBORS) – This resolution settles the lawsuit brought by Derrick and Juanita Carter against the Metropolitan Government for the amount of \$25,000. On May 13, 2002, a water sewer department employee was driving a loaded dump truck on Bell Road at the I-24 intersection when he struck the rear end of the Carter's truck, which was stopped at a red light. Derrick Carter suffered injuries to his neck, back and knee, resulting in medical bills totaling \$4,659. Juanita Carter sustained injuries to her lower back, resulting in medical bills totaling \$6,245. The repair costs for the damage to the Carter's vehicle and car rental have already been paid by the Metropolitan claims division.

The department of law recommends settling this lawsuit for \$25,000, as liability is not an issue and a damage award at trial would likely be higher. This settlement represents \$9,904 in medical bills and \$15,096 in pain and suffering. There was no disciplinary action taken against the Metro employee involved in this accident.

**RESOLUTION NO. RS2005-841** (NEIGHBORS) – This resolution settles the lawsuit brought by Jeremiah McNeese against the Metropolitan Government for the amount of \$75,000. On January 16,

2003, a Metropolitan police officer was driving on the entrance ramp to I-24 at Woodland Street when he swerved to avoid a car sliding down the entrance ramp and struck a stranded truck on Interstate Drive. Mr. McNeese had stopped to assist the stranded truck and was standing behind its tailgate when the truck was struck by the police car, pinning him between the two vehicles. Mr. McNeese was taken to Skyline Hospital, where he was diagnosed with a dislocated left shoulder and abrasions/contusion on his right shin. He subsequently underwent surgery to his shoulder and his doctor has recommended that he have surgery on his shin in the future.

The department of law recommends settling this lawsuit for \$75,000, which consists of \$32,128.22 in medical bills, \$15,000 in anticipated future medical expenses, \$4,000 for lost income, and \$23,871.78 for pain and suffering. The department of law has estimated that a jury verdict, were the case to go to trial, could exceed \$100,000. The police officer involved in this accident was given a written reprimand for driving too fast given the road conditions.

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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, redevelopment districts, and zoning overlays.

**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 NOS. BL2005-595 THRU BL2005-597** (WALLACE) – These three ordinances abandon sections of Metropolitan Government right-of-way that are no longer needed by the Metropolitan Government.

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**ORDINANCE NOS. BL2005-595 THRU BL2005-597** (continued)

**Ordinance No. BL2005-595** abandons the unbuilt Alley No. 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. Consent of affected property owners is on file with the department of public works. This ordinance has been approved by the planning commission and the traffic and parking commission.

**Ordinance No. BL2005-596** (Wallace) closes Alley No. 530 from Jefferson Street north to the I-40 right-of-way. This ordinance has been approved by the planning commission and the traffic and parking commission. The department of public works has not received documentation regarding consent of the affected property owners. Adoption of this ordinance prior to receiving such documentation could result in legal liability to the Metropolitan Government.

**Substitute Ordinance No. BL2005-597** (Wallace) closes Alley No. 216 from Phillips Street southward to Alley #574. This ordinance has been approved by the planning commission and the traffic and parking commission. The department of public works has received an acknowledgement from the Metropolitan development and housing agency (MDHA), which is a property owner affected by this ordinance. However, no other acknowledgement has been received.

**ORDINANCE NO. BL2005-635** (HAUSSER & JAMESON) – This ordinance amends the graffiti chapter of the Metropolitan code of laws to change the definition of “felt tip marker” and “graffiti stick”. The code currently prohibits minors from possessing graffiti implements on public property or on private property without the consent of the owner. Graffiti implements include felt tip markers and graffiti sticks with a tip width of one-eighth of an inch or greater. There is an exception to the prohibition of graffiti implements by minors when such implements are necessary for a school activity.

This ordinance would amend the definition of graffiti stick and felt-tip marker by increasing the width of the tip from one-eighth of an inch to one-quarter of an inch for purposes of being classified as a graffiti implement. This ordinance is related to Ordinance No. BL2004-259 on third and final reading, which would prohibit the sale of graffiti implements to minors.

**ORDINANCE NO. BL2005-636** (SHULMAN) – This ordinance amends dumpster collection restrictions contained in the Metropolitan Code of Laws to provide additional reporting requirements for owners of dumpsters. 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. In addition, the Code requires that all dumpster-type containers located within three hundred feet of any building or structure used for residential purposes contain a label that identifies the owner of the container, a telephone number for the owner, the telephone number for the metropolitan department of codes administration, and non-metal lids on the top of the containers.

This ordinance would add some reporting requirements for holders of permits for the private collection of garbage that own dumpster-type containers. The permit holders would be required to furnish the department of public works with a list of all of their dumpsters located within 300 feet of a residence. This list must be updated on a quarterly basis. If the list is not provided to the department of public works, the permit is to be revoked. This ordinance would also provide that in the event a private collector’s permit holder violates the nighttime collection ordinance more than three times in a given calendar year, the department of public works shall revoke the permit. Finally, this ordinance would require the department of public works to provide the Council with a quarterly report listing all documented violations of the ordinance, all citizen complaints of violations of the ordinance, and actions taken to remedy the violations.



**ORDINANCE NO. BL2005-637** (WALLACE) – This ordinance amends the Metropolitan code of laws to permit parking within the central business improvement district (CBID) between the hours of 6:00 p.m. and 6:00 a.m. Thursday evenings through Sunday evenings in places where signs would otherwise prohibit parking. This would essentially allow parking in no standing zones and loading zones.

This ordinance has been referred to the traffic and parking commission. Pursuant to the Charter, this ordinance should be deferred since the traffic and parking commission has not had thirty days to make a recommendation on the ordinance.

**ORDINANCE NO. BL2005-638** (BRILEY) – This ordinance amends the Metropolitan code of laws regarding the composition of the Metropolitan action commission. Two members of council currently serve on the commission: the chair of the health, hospitals, and welfare committee, and the chair of the personnel committee. Since the chairs of these two committees only serve as chair for one year, their membership on the Metropolitan action commission is limited to one year. This ordinance would provide that these two committees would elect a member of the committee to serve on the Metropolitan action commission for a two-year term. The two chairs of the committees presently serving on the commission would continue to serve until the expiration of their terms as committee chairs.

There is a housekeeping amendment for this ordinance that would clarify the name of the two council committees that are to elect a member to serve on the Metropolitan action commission.

**ORDINANCE NO. BL2005-639** (TUCKER) – This ordinance would amend the Metropolitan code of laws to restrict members of Metropolitan boards and commissions created by ordinance from serving more than two consecutive terms. There are approximately 60 boards and commissions of the Metropolitan Government. Of these, 16 were created by the Charter. The Charter does not limit the number of terms for which members of boards and commissions can serve. Therefore, the council cannot by ordinance place term limits pertaining to members of boards and commissions created by Charter. Those boards and commission created by Charter include the board of education, the board of health, the planning commission, the traffic and parking commission, and the board of parks and recreation.

This ordinance would place a two consecutive term limit on members of boards and commissions, other than those created by Charter. Several of the boards and commissions already have a two term limit. These include the electrical examiners and appeals board, the fire and building code appeals board, the gas and mechanical examiners and appeals board, the plumbing examiners and appeals board, the human relations commission, the historic zoning commission, and the board of zoning appeals. The ordinance specifically provides that it would not operate to remove sitting members of boards and commissions, but would apply upon the expiration of their respective terms.

A list of all of the boards and commissions along with their respective terms is attached at the end of this analysis.

**ORDINANCE NO. BL2005-640** (NEIGHBORS) – This ordinance authorizes the Metropolitan department of law to compromise and settle the claim of Calvin B. Champion, on behalf of Calvin D. Champion, deceased, against one current police officer and two former police officers for the amount of \$400,000.

On April 30, 2000, a relief caregiver employed by Outlook Nashville, Inc., was assigned to care for Mr. Champion, a 32-year-old mentally disabled and autistic man, so that his regular caregiver could have the weekend off. The female caregiver took Mr. Champion, along with her three-year-old son, to the Babies "R" Us store on Nolensville Road. Mr. Champion became agitated in the van, which was parked in the store parking lot, and started hitting himself and the child. The caregiver removed Mr. Champion from the van, at which time he grabbed her shirt and ripped it. Some passers-by called 911 after observing what happened in the parking lot. The caregiver also subsequently called 911 and told the operator that she was the caregiver for a mentally ill man who was out of control. At this time, a female police officer approached the van and the caregiver hung up the phone.

The officer ordered Mr. Champion, who continued to hit and bite himself, to stop and stand where he was, but he kept advancing towards her and grabbed her shirt collar. She then sprayed pepper spray in Mr. Champion's face. At this point, Mr. Champion proceeded to enter the store, wipe his face on some clothing, and exit the store. As they exited, another officer arrived at the scene. The female officer told the arriving officer that she had sprayed Mr. Champion and that he was mentally ill. The officers attempted to take Mr. Champion into custody, but he pulled away from them and grabbed the female officer by the throat with both of his hands. A third officer arrived on the scene and a decision was made to take Mr. Champion to the ground inside the store on the carpeted foyer. After laying him on the ground, one officer held his legs while the other officers supported his upper body.

Mr. Champion continued to struggle and kick violently, and the officers attempted to calm him down by talking to him and patting on him. He was then handcuffed and a hobble restraint was placed on his legs. One of the officers attempted to contact the Mobile Crisis Response Team, which is an entity separate from the police department that has counselors available to assist the police if they encounter mentally unstable persons. Mobile Crisis did not have any counselors to send to the store at the time. While the officers were attempting to find a place to take Mr. Champion, he vomited on the floor. The caregiver's supervisor was reached, but was unable to provide any information about Mr. Champion's medical history or his diagnosis. One officer left to go to his patrol car, and upon returning Mr. Champion had vomited again. The officers pulled his head back a couple of feet so his face would not be near the vomit. After vomiting a third time, an officer checked his mouth to make sure he could breathe. At this point, an EMT first responder arrived on the scene. Mr. Champion's body then twitched and he vomited a fourth time. The first responder requested the officers to remove the handcuffs and they complied. The EMTs suctioned Mr. Champion's airway and proceeded to give him CPR. He was taken to the hospital in an ambulance, but did not survive. The official cause of death was determined to be "asphyxia due to position and gastric aspiration during restraint."

Mr. Champion's father and other family members filed suit in federal court against Outlook Nashville, Inc., the relief caregiver, the Metropolitan Government, and the three officers individually alleging that Mr. Champion's civil rights were violated due to excessive force by the police officers. At trial, a number of store employees testified that the officers lay on Mr. Champion's back until he stopped moving, and that one officer repeatedly pepper sprayed him after he was restrained. The officers disputed these witness accounts. The jury returned a verdict against Outlook Nashville and the (continued on next page)

**ORDINANCE NO. BL2005-640** (continued)

caregiver in the amount of \$3.5 million, and against the three officers in the amount of \$300,000 each. In addition, the plaintiffs were awarded attorney's fees and costs pursuant to federal law. The Metropolitan Government was not found to be at fault in causing Mr. Champion's death and had been previously dismissed from the lawsuit. The plaintiffs subsequently settled with Outlook Nashville and the caregiver for an undisclosed sum. The judgment against the officers was appealed but affirmed by the Sixth Circuit Court of Appeals in all respects, as well as the dismissal of the Metropolitan Government from the lawsuit. A petition for writ of certiorari was then filed on behalf of the three officers, which was denied by the U.S. Supreme Court.

The department of law and the chief of police recommend settling the case for the total amount of \$400,000, inclusive of attorney fees, to release all three officers. Although this is designated in the ordinance as a settlement, it is technically an indemnification of the officer's conduct, which was found by the jury and the federal courts to be a violation of the federal Civil Rights Act.

Section 2.40.140 of the Metropolitan code of laws provides that the Metropolitan Government is authorized to indemnify a government employee for a judgment against him/her up to \$50,000 for each person injured if the judgment results from conduct arising out of the performance of the employee's official duties, and the department of law has furnished defense counsel to the employee. In this case, the three officers were authorized to retain their own lawyer to represent them in negotiating a settlement after the judgment was entered.

In essence, the Council is being asked to approve indemnification in an amount of \$250,000 over and above the authority given to the department of law. The Council Office would caution the Council to consider the adoption of this ordinance based solely upon the facts of this unfortunate incident, and not as an expression of changing the current policy on indemnification.

No disciplinary action was taken against any of the three officers involved in this incident. There was no office of professional accountability investigation into this matter, and the district attorney agreed with the medical examiner's finding of accidental death.

**ORDINANCE NO. BL2005-641** (WHITSON, SHULMAN & NEIGHBORS) – This ordinance authorizes the Metropolitan Government to enter into a utility relocation contract with the state department of transportation (TDOT) in connection with the slide repair on Highway 70 at 9 Mile Hill. TDOT is working to repair and relocate a portion of the roadway on 9 Mile Hill, as the edge of the highway is literally sliding down a steep embankment. As a result of this project, it is necessary to relocate some water and sewer lines, 46% of which are located on public highway right-of-way and 54% of which are located on private utility right-of-way. TDOT is liable for the relocation of utilities on private utility right-of-way, but is not liable for moving utilities on publicly owned right-of-way. Pursuant to this contract, the Metropolitan Government will relocate the water and sewer lines and is responsible for paying the entire \$82,072 cost of the relocation. These funds will be paid from the water and sewer extension and replacement fund, and will be transferred by the state from Metro's local government investment pool account upon completion of the project.

**ORDINANCE NO. BL2005-642** (GILMORE) – This ordinance amends the Metropolitan Government geographical information systems map to rename a private drive. Private streets and roads are

named and included on our maps for purposes of providing emergency services, although the roadways are not maintained by the Metropolitan Government. This ordinance renames Denton Allen Road as "Briar Patch Lane". This private drive extends off of Cotton Patch Road.

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

**ORDINANCE NO. BL2005-643** (MURRAY) – This ordinance abandons a portion of the North Third Street right-of-way from Grace Street to its terminus. This closure has been requested by the Metropolitan parks department. There is no future governmental need for this section of roadway. Metro will retain all easements. Consent of affected property owners is on file with the department of public works. This ordinance has been approved by the planning commission and the traffic and parking commission.

**ORDINANCE NO. BL2005-644** (HAUSSER) – This ordinance accepts a paved alley adjacent to Love Circle as public right-of-way to be maintained by the department of public works. The majority of the paved portion of this alley is already on Metropolitan Government property.

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

There is a housekeeping amendment for this ordinance to reflect the most recent ordinance adopting the official street and alley acceptance and maintenance map.

**ORDINANCE NO. BL2005-645** (WHITMORE) – This ordinance closes a 100-foot portion of 31<sup>st</sup> Avenue North from Alley No. 1202 northward, and abandons an unnumbered alley from 31<sup>st</sup> Avenue North to I-440. This closure has been requested by Issac L. White of Hella Temple/Masonic Temple. There is no future governmental need for this section of roadway. The Metropolitan Government will retain all easements. Consent of affected property owners is on file with the department of public works. This ordinance has been approved by the planning commission and traffic and parking commission.

**ORDINANCE NO. BL2005-646** (TOLER, NEIGHBORS & SHULMAN) – This ordinance accepts \$200,000 from Pulte Homes to fund traffic infrastructure improvements at Cloverland Drive. The development of the Wolf Chase subdivision in the area of Cloverland Drive has necessitated certain infrastructure improvements. These funds will be deposited into a fund designated by the director of finance as a contribution towards the improvements.

**ORDINANCE NOS. BL2005-647** (SHULMAN & NEIGHBORS) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with John and Gail Chamberlain to provide sewer service to their property in Williamson County. This is a typical agreement 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. The Chamberlains have agreed to pay \$2,000 for one single-family home connection. These funds are to be deposited into the water and sewer extension and replacement fund.

**ORDINANCE NO. BL2005-651** (WALLACE) – This ordinance amends the Metropolitan code of laws to limit the types of traffic violations for which a vehicle may be towed by the Metropolitan police department. Presently, the Code provides that any vehicle which is parked, stopped, or standing in

violation of any ordinances, except overtime parking, may be towed by the police department. This ordinance would provide that vehicles can be towed only when parked in violation of an ordinance or regulation and are (1) causing a safety hazard, (2) blocking pedestrian or vehicle access to property or a street, alley, or driveway, or (3) disrupting the flow of traffic.

This ordinance does not affect the authority to tow vehicles in violation of obstructing the orderly flow of traffic, parked on thoroughfares more than 48 hours without current registration, or are disabled so as to obstruct traffic, and other similar instances.

**ORDINANCE NOS. BL2005-652 AND BL2005-653** (BRADLEY & SHULMAN) – These two ordinances authorize the Metropolitan Government to enter into a renewal of two easements on property at J. Percy Priest Dam and Reservoir owned by the U.S. Army Corps of Engineers. These easements are being renewed for a twenty year period on behalf of the department of water and sewerage services at no cost to the Metropolitan Government. These two ordinances have been referred to the planning commission.

**Ordinance No. BL2005-652** renews an easement for a sewer line located on a 0.18 acre parcel of property adjacent to Smith Springs Road. The term of the easement is from December 20, 2003, through December 19, 2023.

**Ordinance No. BL2005-653** renews an easement for a water pipeline located on a 0.25 acre parcel of property adjacent to Hamilton Church Road. The term of the easement is from June 12, 2004, through June 11, 2024.

**ORDINANCE NO. BL2005-654** (SHULMAN, BRILEY & TUCKER) – This ordinance authorizes Nashville Data Link, Inc., to construct, install, and maintain fiber optic cable in Davidson County. Nashville Data Link, Inc., plans to construct approximately 19.21 miles of cable along eight different segments in Davidson County. These segments include lines along portions of Bell Road, Cane Ridge Road, Home Road, Gallatin Pike, Keeling Avenue, Trinity Lane, Hickory Hills Boulevard, Trinity Lane, and Brick Church Pike. Nashville Data Link, Inc., is to pay all costs related to the construction and maintenance of the cable.

The plans and specifications for the cable must be submitted to and approved by the director of public works. The mayor and the Metropolitan Council reserve the right to repeal this ordinance at any time, and Nashville Data Link, Inc., would be required to remove the cable at their own expense. This authority granted to Nashville Data Link, Inc., will not interfere with Metro's existing utility rights. Further, Nashville Data Link, Inc., must obtain a \$1 million certificate of liability insurance naming Metro as insured if the cable is installed on existing poles, or a \$10 million certificate of insurance if installation of the cable requires any excavation in the right-of-way of Metro.

Similar ordinances allowing Nashville Data Link to install fiber optic cable were enacted in April of 2002 and June of 2004.

This ordinance has been referred to the planning commission.

**ORDINANCE NO. BL2005-655** (ISABEL) – This ordinance authorizes the director of public property administration to acquire two parcels of property and 16 utility easements by negotiation or condemnation in connection with the 18<sup>th</sup> Avenue North drainage improvement project. The cost of acquiring the property and easements will be paid from the water and sewer extension and

replacement fund. The ordinance provides that the acquisition of additional easements or properties for these projects may be authorized by a resolution adopted by the Council. Easements are to be required for the following properties: 1707 Nubell Street, Nubell Street unnumbered, 2201 18<sup>th</sup> Avenue North, three unnumbered parcels on 18<sup>th</sup> Avenue North, and 1718, 1724, 1726, 1728, 1730, 1732, 1734, 1736, 1729, and 1733 Kellow Street. An unnumbered parcel on Hughes Street and 2319 - 23<sup>rd</sup> Avenue North are to be acquired in fee simple.

This ordinance has been approved by the planning commission.

p:second

**- BILLS ON THIRD READING -**

**ORDINANCE NO. BL2004-259** (MCCLENDON, HAUSSER & OTHERS) – This ordinance amends the Metro Code relative to graffiti to make it unlawful to sell graffiti implements to minors. The Code defines “graffiti implements” as aerosol paint containers, felt tip markers (greater than 1/8 inch), and graffiti sticks. The “graffiti stick” is a device that contains paint, chalk, wax, or similar substance capable of being applied by pressure leaving a mark of at least 1/8 inch in width, and which is not water soluble. Presently, it is unlawful to have graffiti implements in your possession in any public facility, recreation facility or public building, and within 100 feet of any underpass, bridge abutment, or similar type of infrastructure, unless authorized by the Metropolitan Government. This ordinance would add another restriction prohibiting the sale of graffiti implements to persons under the age of eighteen.

Ordinance No. BL2005-635, currently on second reading, would increase the tip size of markers to ¼ of an inch for purposes of being classified as a graffiti implement.

**ORDINANCE NO. BL2004-431** (GREER) – This zoning text change, as amended, would require the planning commission to notify the district councilmember of all requests to modify a planned unit development (PUD) within five days of receiving the request. The zoning code currently does not require that district councilmembers be notified about PUD plans. The code makes a distinction between major and minor modifications to a PUD plan. Major modifications require council approval by ordinance, whereas minor modifications only require approval of the planning commission, or in many cases can be handled administratively upon approval of the executive director of the planning commission. Modifications to PUDs that must be approved by council include:

- Land area being added or removed.
- Modification of special performance criteria or design standards set forth in the enacting ordinance.
- A change in land use beyond that permitted by the underlying zoning district.

The planning commission can consider all minor modifications subject to the following limitations:

- The change does not alter the basic development concept of the PUD.
- The boundary of the PUD is not expanded.
- There is no change in the general PUD classification (i.e. residential to commercial).
- There is no deviation from special performance criteria or design standards.
- No new vehicle access point to an existing street is proposed.
- There is no change from a PUD approved exclusively for single family homes to any other type of residential structure.
- The total floor area of commercial property is not increased more than ten percent.
- The range of permitted uses is not expanded beyond that allowed in the underlying zoning district.

According to the planning commission staff analysis, minor modifications that are approved by the executive director of the planning commission include restriping a parking lot, moving the location of a dumpster, modifications to landscaping, and small additions. This ordinance would require that notification be sent to district councilmembers of all PUD modifications, regardless of the magnitude of the modification.

This ordinance has been disapproved by the planning commission.

**ORDINANCE NO. BL2005-508** (NEIGHBORS & SHULMAN) – This ordinance, as amended, 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, subject to approval by resolution of the Council receiving twenty-one affirmative votes.

**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.

**ORDINANCE NO. BL2005-553** (GOTTO) – This zoning text change would require the planning commission to send written notice to the district councilmember of all master development plan applications for planned unit developments (PUDs) within five days of receiving the application. The written notice is to include the substance of the proposed development. The code requires that such applications, at a minimum, include the total area of the development, the general orientation and size of the buildings in the development, a proposed development schedule, and a traffic impact study if required by the code.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2005-574** (BRADLEY) – This zoning text change amends the provisions pertaining to the calculation of permissible sign area, height and placement. The Code sets out a mathematical formula used to determine the maximum sign area, sign height, and sign placements. The Code currently provides that when a canopy, either freestanding or extending from a building, extends over a kiosk or pump island (at a gas station) it shall be assumed that the canopy has walls that extend to the ground for the purpose of calculating facade area to determine the allowable amount of on-premises building signage. This allows gas stations to get facade “credit” for the invisible wall extending from the bottom of the canopy to the ground, thus increasing the total allowable on-premises sign area. This ordinance would delete this “invisible wall” provision.

This ordinance has been approved by the planning commission.

**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. The requirements set out in the code have been satisfied for this 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;
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.

**SUBSTITUTE ORDINANCE NO. BL2005-583** (KERSTETTER & TOLER) – This substitute 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 make the hours of the curfew eleven p.m. to five a.m. seven days a week, 365 days a year.

**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 approved by 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

(continued on next page)

**ORDINANCE NOS. BL2005-587 THRU BL2005-589** (continued)

**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. Notification of this name change was sent by the planning commission staff to the affected property owners.

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. Notification of this name change was sent by the planning commission staff to the affected property owners.

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. Notification of this name change was sent by the

planning commission staff to the affected property owners. This ordinance has been approved by the planning commission and the ECD board.

**ORDINANCE NO. BL2005-594** (HAUSSER) – This ordinance 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. Consent of affected property owners is on file with the department of public works. The Metropolitan Government will retain all access and utility easements. This ordinance has been approved by the planning commission and the traffic and parking commission.

**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 granting 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.

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**ORDINANCE NOS. BL2005-601 & BL2005-602** (continued)

**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. BL2005-628** (BRADLEY, SHULMAN & OTHERS) – This ordinance amends the zoning code to require all electrical and communication utilities to be located underground for all new residential construction where a new street is to be constructed or an existing street is to be extended, or where utilities are already located underground. This ordinance is the result of meetings between various interested parties including NES, BellSouth, Comcast, the Utilities Caucus, M.D.H.A. (affordable housing), private developers, the homebuilder’s association, public works, planning, Metro water services, the Mayor’s Office, and members of council. The ordinance only applies to residential development, not office, commercial, or industrial developments. The utilities that must be placed underground include electric lines, cable television, telephone lines, communication cable, and exterior lighting. Water, sewer, and gas lines are presently installed underground as part of an industry standard.

The ordinance includes various exemptions from the underground utility requirement. These exemptions include residential lots greater than 40,000 square feet in size, emergency utility lines, electrical distribution lines on major streets, or utility lines where severe disruption of service or difficulty in repair would result from placing the lines underground. In addition, a property owner and/or developer affected by this ordinance may appeal to the board of zoning appeals to obtain a variance. The ordinance expressly provides that the developer and/or property owner is responsible for paying the cost of placing the utility lines underground, not the Metropolitan Government or the utility. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2005-630** (MCCLENDON) – This zoning text change would add a new land use to the zoning code called “Animal Hospital”. Such a facility would be approved by right in the industrial warehousing (IWD) and industrial restrictive (IR) zoning districts. “Animal hospital” would be defined as an enterprise for the care and treatment of the diseases and injuries of animals, and where animals may be boarded during their treatment and convalescence. This would include facilities that provide extensive care, diagnostic testing, diagnostic imaging, and diagnostic services for ill and injured animals.

This zoning text change was prompted by a private veterinarian group seeking to locate an animal hospital in Nashville. The only other such facility in Tennessee is located at the University of Tennessee in Knoxville.

The council office would point out that although the body of the ordinance creates a new use, the caption of the ordinance only purports to amend the definition section of the code. Thus, the provisions of the ordinance creating the Animal Hospital use may exceed the scope of the caption and may affect its validity. The council office recommends that a subsequent ordinance be filed after adoption of this ordinance that specifically creates the use “Animal Hospital”. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2005-631** (GREER & WALLACE) – This zoning text change would allow nonconforming single-family homes located in non-residential zoning districts to be rebuilt if damaged or destroyed by fire or other casualty. State law currently allows duplexes located in non-residential districts to be rebuilt if they are destroyed, since they are considered commercial property for purposes of their nonconforming status. However, single-family homes receive no such protection under state law. Thus, whenever someone seeks to rebuild a destroyed home that is a nonconforming use, they are unable to receive a building permit under the Code. Furthermore, lending institutions will not approve mortgages for these nonconforming properties, since the owners are unable to obtain an official zoning letter certifying that the property is properly zoned to allow a residential use. This ordinance would allow single-family homes in non-residential districts that are damaged or destroyed involuntarily may be rebuilt within one year of the date of damage, regardless of the percentage of damage or destruction.

According to the planning commission staff analysis, there are currently 1,003 nonconforming single-family properties, 78% of which lie within the urban services district. This ordinance has been approved by the planning commission.

There is a proposed amendment for this ordinance that would delete the requirement that the home be destroyed by involuntary means.

**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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## Attachment for Ordinance No. BL2005-639

### Boards and Commissions Created by Charter

1.	Board of Education	Six-year terms – no limit
2.	Board of Health	Five-year terms – no limit
3.	Hospital Authority	Five-year terms – no limit
4.	Board of Equalization	Two-year terms – no limit
5.	NES Board	Five-year terms – no limit
6.	MTA	Five-year terms – no limit
7.	Planning Commission	Four-year terms – no limit
8.	Board of Fair Commissioners	Five-year terms – no limit
9.	Farmers Market Board	Five-year terms – no limit
10.	Agricultural Extension Board	Three-year terms – no limit
11.	Traffic and Parking Commission	Five-year terms – no limit
12.	Board of Parks and Recreation	Five-year terms – no limit
13.	Social Services Commission	Five-year terms – no limit
14.	Library Board	Seven-year terms – no limit
15.	Civil Service Commission	Five- year terms – no limit
16.	Employee Benefit Board	Three-year terms – no limit

### Other Boards and Commissions

1.	Electrical Examiners & Appeals	Two 4 year terms max
2.	Fire and Building Code Appeals	Two 4 year terms max
3.	Gas & Mechanical Examiners & Appeals	Two 4 year terms max
4.	Property Standards & Appeals	Two 4 year terms max
5.	Plumbing Examiners & Appeals	Two 4 year terms max
6.	Metro Safety Advisory Board	Two-year terms – no limit
7.	Transportation Licensing Commission	Two-year terms – no limit
8.	Metro Action Commission	Three-year terms – no limit
9.	Arts Commission	Four-year terms – no limit
10.	Auditorium Commission	Three-year terms – no limit
11.	Charter Revision Commission	Four-year terms – no limit
12.	Convention Center Commission	Three-year terms – no limit
13.	Historical Commission	Four-year terms – no limit
14.	Human Relations Commission	Two 3 year terms max
15.	Public Records Commission	Hold office only for term of the appointing official
16.	Tourism & Convention Commission	Three-year terms - no limit
17.	Beautification & Environment Commission	Two 3 year terms max
18.	Greenway Commission	Three-year terms – no limit
19.	Emergency Communications District	Four-year terms – no limit
20.	Community Ed Alliance	Two-year terms – no limit

**Attachment for Ordinance No. BL2005-639**

21.	District Management Corp.	Three-year terms – no limit
22.	Alarm Appeals Board	Two-year terms – no limit
23.	Beer Board	Four-year terms – no limit
24.	CATV Special Committee	Three-year terms – no limit
25.	Public Educational & Govt. Access	Three-year terms – no limit
26.	Community Corrections Advisory Board	Two-year terms – no limit
27.	Educational Access Corp. (MEAC)	Three-year terms – no limit
28.	Board of Ethical Conduct	Three-year terms – no limit
29.	Health & Educational Facilities Board	Six-year terms – no limit
30.	Historical Commission	Four-year terms – no limit
31.	Historic Zoning Commission	Five-year terms – no limit
32.	Human Relations Commission	Two 3 year terms max
33.	Industrial Development Board	Six-year terms – no limit
34.	Procurement Standards Board	Three-year terms – no limit
35.	Procurement Appeals Board	Mayor determines qualifications and terms
36.	Public Records Commission	Term is concurrent w/ Council & Mayor terms
37.	Safety Advisory Board	Two-year terms – no limit
38.	Solid Waste Regional Board	Six-year terms – no limit
39.	Sports Authority	Six-year terms – no limit
40.	Stormwater Mgt. Committee	Four-year terms – no limit
41.	Thermal Transfer Corp.	Three-year terms – no limit
42.	Vegetation Control Board	Four-year terms – no limit
43.	Wastewater Hearing Authority	One and Two year terms – no limit
44.	Work Release Commission	Four-year terms – no limit
45.	Board of Zoning Appeals	Two 5 year terms max