

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Office

DATE: **June 21, 2005**

RE: **Analysis Report**

Balances As Of:	<u>6/15/05</u>	<u>6/9/04</u>
<u>GSD 4% RESERVE FUND</u>	* \$12,397,245	\$37,452,900
<u>CONTINGENCY ACCOUNTS</u>		
GSD	-\$4,608	\$50,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$28,815,661	\$24,762,257
USD	\$5,003,020	\$8,433,994
<u>GENERAL PURPOSE SCHOOL FUND</u>	\$25,250,424	\$38,771,091

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

– **BILL ON PUBLIC HEARING** –

**ORDINANCE NO. BL2005-663** (NEIGHBORS) – This ordinance is the operating budget of the Metropolitan Government for the fiscal year 2005-2006. The proposed budget filed by the mayor provides for the following proposed funding:

• General Fund of the General Services District	\$ 642,349,000
• Schools Fund of the General Services District	540,750,500
• Schools Debt Service Fund	53,620,000
• Debt Service – General Services District	<u>96,333,700</u>
<b>TOTAL GENERAL SERVICES DISTRICT BUDGET</b>	<b>\$1,333,053,200</b>
• General Fund of the Urban Services District	\$ 96,999,000
• Debt Service – Urban Services District	<u>20,895,600</u>
<b>TOTAL URBAN SERVICES DISTRICT BUDGET</b>	<b>\$ 117,894,600</b>
<b>TOTAL OPERATING BUDGET</b>	<b>\$1,450,947,800</b>

The substitute budget adopted by the council for the current fiscal year is \$1,356,511,100. The Mayor’s proposed budget is an increase of \$104,033,200 or 7.7%.

In order to fund this budget there is a proposed tax increase of \$0.84 per \$100 of assessed value. This is 25% over the “certified tax rate” in the general services district (GSD). There is no increase for the urban services district (USD). The total tax increase necessary for USD residents is therefore a 21% increase over the certified tax rate.

\$10,883,900 is appropriated from the total GSD unappropriated fund balance, compared to a total of \$47,178,700 in the current year’s budget. \$3,951,300 is appropriated for use from the USD unappropriated fund balance, as compared to \$5,431,400 in the current year’s budget.

The proposed budget funds the first year of a new pay plan that provides a 3% across the board pay raise for Metro employees in the first year, and 2% in each of the next two fiscal years. According to the Finance Department, the cost of the pay plan funding for the first year is \$23,819,000, accounting for approximately 16 cents of the tax increase. Revenue growth is currently expected to be sufficient to fund the 2% increases in the second and third year.

The proposed budget also includes a negative expense of \$14,651,000 in the GSD and \$2,650,000 in the USD to account for savings that are anticipated to occur during the upcoming fiscal year. The corresponding amount in the current fiscal year’s budget is \$9,916,300 in the GSD.

Six new internal service fees payable to the departments of finance, human resources, and general services are included in this budget as part of the ongoing effort to implement full cost recovery within Metro Government. These fees will appear as increased expenditures in the operational budgets of various departments, paid to these three departments in six new internal service funds. Finance, human resources, and general services will now primarily operate within these new funds rather than continue to be funded directly by general fund appropriations. According to the finance department, the reduced appropriations to these three departments are expected to more than offset the increased appropriations to other departments to pay these new fees, creating a net reduction in general fund appropriations of \$15,871,300 , with the difference coming from fees paid from non-tax funds. (continued on next page)

**ORDINANCE NO. BL2005-663** (continued)

Improvements are provided to a number of departments in addition to these internal service fee increases, highlighted by:

- Hospitals and Knowles Home Subsidy - \$16,488,200 (\$44,322,600 total)
- Health - \$2,388,000
- Parks - \$3,139,500
- Police - \$2,467,100
- Fire & Emergency Ambulance (GSD and USD) - \$1,381,900
- Emergency Communications Center - \$1,046,900

In addition to the \$44.3 million subsidy for the hospital authority, this budget provides a plan for repayment of approximately \$50 million in debt owed by the hospital authority to the Metropolitan Government. For several years, the hospital authority has been operating substantially over budget. The deficit has been covered by the Metropolitan Government each year, and has resulted in an accumulated debt of between \$50-60 million. The debt repayment plan would utilize the additional debt capacity in the debt service reserve fund balances, which will be made possible by increased revenues from the proposed property tax increase. The proposed budget provides for an initial debt repayment of approximately \$7.5 million in fiscal year 2006, although the details of the debt repayment have not yet been completely worked out.

The operating budget for schools is increased by \$30,219,100 for an increase of 5.9%. \$4,285,000 is appropriated from this total to fund the actuarial contribution to the Metro Teachers Pension Plan.

No money is appropriated from the unappropriated fund balance of the Schools Fund for operational increases in FY06, leaving this fund with a projected balance of \$16,972,700 or 3.1% of the operational budget. According to state law, this balance cannot go below 3%.

\$10,271,300 will be appropriated from the Schools Debt Service, resulting in an unappropriated fund balance of \$61,330,700 by the end of the year.

The budget ordinance is amendable on third reading.

**– RESOLUTIONS –**

**RESOLUTION NO. RS2005-847** (NEIGHBORS) – This resolution establishes the certified tax rate of the Metropolitan Government. State law requires that once the county reappraisal program is completed, a tax rate be set that will receive the same amount of revenue that was received in the previous year based on the old assessment values and tax levy, as a government may not realize greater revenue by means of the reappraisal program. The purpose of the reappraisal program is to assure that property assessments are “equalized” by having all property appraised at the same time. The certified tax rate for the GSD is \$3.33 and \$0.65 for the USD for a total rate in the USD of \$3.98.

The council must adopt this resolution establishing the certified tax rate prior to adopting the ordinance filed by the mayor increasing property taxes. This resolution may not be adopted until the state board of equalization has approved the certified tax rate. The Council Office would recommend that this resolution be deferred until it is approved by the state board of equalization.

**RESOLUTION NOS. RS2005-872, RS2005-873 & RS2005-874** (BRILEY & NEIGHBORS) – These three resolutions adopt new pay plans for employees of Metropolitan Government, with the exception of the board of education. The pay plan that is currently in effect was based upon a reclassification study, commonly referred to as the Mercer study. The Mercer study provided for an average salary increase of 4% for fiscal year 2002, with a 3% increase in both fiscal years 2003 and 2005. There was no pay raise for Metropolitan Government employees in fiscal year 2005.

These new pay plans provide for an across-the-board increase in pay for all employees in the government over three years, consisting of 3% for fiscal year 2006 and a 2% raise in each of the next two fiscal years. The funding for the 3% pay increase for the next fiscal year will be generated from the proposed \$0.84 tax increase. The remaining two years in the plan are estimated to be funded from increased revenues and savings generated by the Metropolitan Government. During the first five years of employment, incremental raises are provided on an annual basis of about 3%. After five years, incremental step raises occur every two years for a maximum of ten incremental steps.

These pay plans provide for a continuation of “open ranges” for department heads, assistant department heads, and upper management personnel. The open range classifications were implemented in the 2001 pay plans and include a minimum and maximum amount for each range. Pay increases for open range employees are not in incremental steps based on years of service, but may be granted based upon employee evaluations. These pay plans also continue bonus plans as a way to grant employees a pay increase without permanently increasing base pay. A lump sum may be paid to employees up to a maximum of the equivalent of a two-step increase from the employee’s current pay.

These pay plans may not be amended by the council except by making uniform changes by increasing or decreasing the percentage of pay increases at the relationship between pay grades must remain the same.

**Resolution No. RS2005-872** approves the general pay plan.

**Resolution No. RS2005-873** approves the pay plan for fire and police departments.

**Resolution No. RS2005-874** approves the pay plan for the board of health.

All of these pay plans have been approved by the civil service commission or the health board and the mayor; and funds have been certified by the director of finance if funds in the operating budget are approved. These pay plans should be deferred and tracked with the budget ordinance, as they may not be adopted until the budget is adopted.

**RESOLUTION NO. RS2005-875** (DOZIER) – This resolution provides a proposed amendment to the Metropolitan Charter that would require the mayor to submit his proposed budget to the council not later than March 25<sup>th</sup>, rather than May 25<sup>th</sup>, as has been required by the Charter since 1963. Under this proposed amendment, the council would still have until June 30<sup>th</sup> to adopt a substitute budget, which would give the council three months to deliberate on the budget.

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**RESOLUTION NO. RS2005-875** (continued)

The council office would point out that it would be very difficult for the director of finance to accurately predict projected revenues for the next fiscal year by March 25<sup>th</sup>. A substantial portion of the Metropolitan Government's revenue is comprised of state funds, and the state legislature does not approve the state's budget until May at the earliest.

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. The Charter also requires that proposed amendments to the Charter be filed not less than 80 days prior to the referendum election. 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.

**RESOLUTION NO. RS2005-876** (NEIGHBORS) – This resolution approves a contract between the Metropolitan Government and Factory Mutual Insurance Co. (FM Global) for a property and casualty insurance policy for property owned by the Metropolitan Government. The term of this policy is for five years commencing July 1, 2005, with an annual premium payment of \$1,611,234. This policy is the result of a request for proposals (RFP) issued by the Metropolitan Government to obtain the best coverage at the most competitive price. Although the Metropolitan Government is essentially self-insured for liability purposes, we do maintain property and casualty insurance for our buildings. The Metropolitan Government currently has approximately \$5 billion in insured values. The Code of Laws provides that the purchase of fire and extended insurance coverage must be approved by resolution of the council.

Several improvements have been made to this policy over the insurance policy currently in existence. First, the total premium is approximately \$366,000 less than the current policy. Second, the new policy provides fifty percent more coverage per loss. Third, the new policy will cover damage resulting for terrorist incidents at all of our buildings, not just a limited number. Finally, this policy includes infrastructure coverage for damage to streets and roads, street lights, traffic signals, etc.

**RESOLUTION NO. RS2005-877** (JAMESON, WHITE & NEIGHBORS) – This resolution approves an amendment to a contract between the Metropolitan traffic and parking commission and the Nashville Downtown Partnership for management of Metro's parking facilities. In 2002, the Council approved the initial three-year contract, which included a possible two-year extension. The ordinance approving the contract was amended to require council approval of any extensions of the contract. Pursuant to the initial contract, the Downtown Partnership guaranteed that the net operating revenue of the Metro parking facilities under the Partnership's management would not be less than the net operating revenue for fiscal year 2002. Any surplus revenue generated would be divided equally between the Downtown (continued on next page)

**RESOLUTION NO. RS2005-877** (continued)

Partnership and the Metropolitan Government for downtown area improvement projects. The contract provided that the traffic and parking commission would continue to set the parking rates, but that the Partnership would be responsible for hiring personnel to staff the facilities and for general maintenance of the facilities.

This resolution extends the term of the contract through June 30, 2007. This resolution also amends the contract to add the new courthouse garage to the list of facilities managed by the Downtown Partnership. In addition, the allocation of surplus revenue would be modified to provide that the use of the portion allocated to the Metropolitan Government will be at the sole discretion of Metro, not just for downtown area improvement projects. The portion of surplus revenue allocated to the Downtown Partnership would still have to be used to improve the downtown area.

This resolution has been approved by the traffic and parking commission.

**RESOLUTION NO. RS2005-878** (NEIGHBORS & COLE) – This resolution approves a grant in the amount of \$12,400 from the state department of health to the Metropolitan health department for a childhood lead poisoning prevention program. The term of the grant is from July 1, 2005, through June 30, 2006. This grant is comprised of federal pass-through funds that are used to provide case management for children with elevated blood lead levels, and to provide lead poisoning educational information to private care providers.

**RESOLUTION NO. RS2005-879** (NEIGHBORS & COLE) – This resolution approves a grant in the amount of \$55,000 from the state department of health to the Metropolitan health department for breast and cervical screenings. The term of the grant is from July 1, 2005, through June 30, 2006. These federal pass-through funds will be used to pay the salary of a regional coordinator to continue implementation of a screening service for breast and cervical cancer by reaching out to targeted populations, monitoring women with abnormal test results, and providing community education about the importance of early screening.

**RESOLUTION NO. RS2005-880** (NEIGHBORS & COLE) – This resolution approves a grant in the amount of \$375,300 from the state department of health to the Metropolitan health department for health promotion, rape prevention, tobacco prevention, and community development programs. The term of the grant is from July 1, 2005, through June 30, 2006. This grant is comprised of \$220,300 in federal pass-through funds and \$155,000 in state funds. The breakdown of the grant funding and services to be provided are as follows:

1. Health Promotion Services - \$155,000: Provide various services with the goals of reducing health disparities and addressing core functions of public health. The grant funds will be used to provide community needs assessments, on-going monitoring of community health status, and the development of prevention and intervention strategies.
2. Health Promotion Services - \$116,000: Develop a comprehensive annual plan based on the essential services of public health, and participate in health promotion campaigns.

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**RESOLUTION NO. RS2005-880** (continued)

3. Rape Prevention Education - \$20,000: Conduct educational seminars, preparation of informational material, operation of hotlines, training programs for students, and development of a comprehensive annual action plan.
4. Tobacco Use Prevention Services - \$84,300: Develop a comprehensive annual action plan to prevent initiation of tobacco use among young people, promote quitting among adult and youth tobacco users, and partner with community organizations to implement counter-marketing campaigns.

**RESOLUTION NO. RS2005-881** (TOLER & COLEMAN) – This resolution approves an application for a grant from the state emergency management agency to the Metropolitan Government for flood plain home buyouts and relocation assistance. The Metropolitan Government is seeking \$1,971,765 in federal pass-through funds to purchase 16 parcels of property that are in danger of flooding due to their proximity to a flood plain. This grant, if awarded, will be funded through the federal hazard mitigation grant program, which assists local governments in mitigating costs incurred as a result of floods or natural disasters. There will be a required local match of \$657,255 for this grant. The properties to be acquired and demolished include the following:

109 Cedar Valley Court  
105 Cedar Valley Court  
4804 Blackman Court  
303 Milner Court  
4947 Edmonson Pike  
4951 Edmonson Pike  
5049 Briarwood Drive  
505 Paragon Mills Road  
497 Paragon Mills Road  
3428 Brick Church Pike  
5010 Suter Drive  
5016 Suter Drive  
641 Brook Drive  
4804 Milner Drive  
637 Brook Drive  
281 Elysian Fields Road

**RESOLUTION NO. RS2005-882** (RYMAN & NEIGHBORS) – This resolution approves an amendment to a grant in the amount of \$150,000 from U.S. department of justice for the Project Safe Neighborhoods (PSN) program. These grant funds are used by the police department to analyze firearms-related violent crime data, develop interventions, and measure the effectiveness of the interventions in reducing gun-related violent crime. The purpose of the PSN initiative is to bring federal, state, and local agencies together to reduce gun violence in America. This resolution simply extends the term of the grant until September 30, 2007.

**RESOLUTION NO. RS2005-883** (WILHOITE & NEIGHBORS) – This resolution approves an annual grant in the amount of \$8,000 from the state department of state to the Nashville public library to provide library services to the disadvantaged. These grant funds will be used to provide for the improvement of library services for individuals who are living below the federal poverty level or who are economically, educationally, physically, or otherwise disadvantaged. The term of this grant is from May 1, 2005, through June 30, 2006.

**RESOLUTION NO. RS2005-884** (WILLIAMS, NEIGHBORS & SHULMAN) – This resolution ratifies an agreement with the City of Oak Hill for the distribution of street and road funds for road repairs by Oak Hill. The City of Oak Hill, along with the satellite cities of Belle Meade and Forest Hills, have agreed to maintain the roads within their corporate limits. The cities of Goodlettsville and Berry Hill do not participate in such contracts with Metro because they do not turn over their state tax revenues to Metro. Ordinance No. O87-1935 established a procedure for the distribution of street and road funds to the eligible satellite cities and provided that these annual contracts are to be ratified by resolution of the Metro Council with 21 affirmative votes. The eligible cities are paid \$0.15 per square yard of streets and roads to be maintained. Agreements with the City of Belle Meade and the City of Forest Hills were approved by the council in February 2005. Pursuant to this agreement, the City of Oak Hill will be paid \$88,000.

**RESOLUTION NO. RS2005-885** (SHULMAN) – This resolution approves the surcharge that is charged by the department of water and sewerage services for treating ammonia that is placed into our sewer system. In May of this year, the council enacted an ordinance that allowed the department of water and sewerage services to set the amount of the ammonia 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. This resolution approves a surcharge rate for treatment of ammonia in the amount of \$37.36 per 100 pounds of ammonia.

**RESOLUTION NO. RS2005-886** (NEIGHBORS & SHULMAN) – This resolution approves a supplemental licensing agreement with Nashville and Eastern Railroad Corporation to increase the rental fee paid for the water line in the railroad right-of-way at M.P. 1.88. The original license agreement, approved by the council and executed in 1987, provided that Metro would pay \$1,435.94 annually for the license. This resolution increases the rental fee to \$1,550.82 per year, to be adjusted every three years hereafter based upon the consumer price index. This rental cost is paid from the water and sewer operation and maintenance fund.

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**- BILLS ON THIRD READING -**

**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. BL2005-521** (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.

Although this ordinance purports to rename the road by amending the official street and alley maintenance and acceptance map, this section of roadway is actually a private road. The Metropolitan Code of Laws does provide that the Council can name private streets and roads by ordinance, however such ordinances should not amend the official street and alley acceptance and maintenance map. Ordinance No. BL2005-710, currently on first reading, is a new bill that would correctly name this private street. This ordinance should be withdrawn, or at least deferred until the new ordinance reaches third reading.

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

**ORDINANCE NO. BL2005-585** (LORING & NEIGHBORS) – This ordinance, as amended, 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.

The board of education has informed the council that over \$1 million dollars is to be provided by private contributions to cover the lease costs. This ordinance, as amended, provides that approval by the Council is conditioned upon the board of education’s ability to secure the private funding satisfactory to the director of finance.

**ORDINANCE NOS. BL2005-596 & BL2005-597** (WALLACE) – These two ordinances abandon sections of Metropolitan Government right-of-way that are no longer needed by the Metropolitan Government.

**Ordinance No. BL2005-596** 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** closes an unbuilt 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 documentation regarding consent of the affected property owners.

**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 (continued on next page)

**ORDINANCE NO. BL2005-630** (continued)

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.

A bill correcting a technical error in this ordinance that could affect its validity has been adopted on first reading and will be on second reading at the July council public hearing meeting. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2005-633** (LORING) – This zoning text change would allow a property's frontage along a controlled-access highway (interstate) to be used in calculating permissible sign area. Presently, the zoning code does not allow a property's frontage on a controlled-access highway to be considered, but only allows frontage along a street to be used in calculating the sign area. This ordinance would allow either the lot frontage or the controlled-access highway frontage to be used in determining the permissible sign area, whichever would result in the largest sign. This ordinance was disapproved by the planning commission.

**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 approved by the planning commission.