

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Office

DATE: **October 4, 2005**

RE: **Analysis Report**

Balances As Of:	<u>9/28/05</u>	<u>9/29/04</u>
<u>GSD 4% RESERVE FUND</u>	*\$31,037,663	\$13,120,468
<u>CONTINGENCY ACCOUNTS</u>		
GSD	\$50,000	\$50,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE</u>		
<u>SCHOOL FUND</u>	Unavailable	Unavailable

\* Assumes estimated revenues in fiscal year 2006 in the amount of \$21,037,500.

**– RESOLUTIONS –**

**RESOLUTION NO. RS2005-927** (BRILEY & BRADLEY) – This resolution establishes a task force on telecommunications innovation to explore the feasibility of using Metropolitan Government resources to provide broadband technology and advanced telecommunications services to the public. The task force is to be made up of twelve members appointed by the vice mayor, and is to include representatives from the following: the director of the department of information technology systems or his designee; members of the business, technology, and telecommunication communities; persons with a background in community technology; persons with expertise in telecommunications and technology law; citizens with an interest in technology and telecommunications; and three members of council. The purpose of the task force will be to examine the feasibility of using Metropolitan Government resources in a network available to the public that would allow public data access and transmission, and to make recommendations to the council about which technologies the city should pursue. The task force is to submit its final report to the council within 180 days.

**RESOLUTION NO. RS2005-961** (COLE & NEIGHBORS) – This resolution approves a grant in the amount of \$82,400 from the state department of health to the Metropolitan board of health for food safety services. These federal pass-through funds will be used to pay the salary of an environmental specialist with experience in restaurant inspections and food safety whose primary responsibility will be to participate in multi-state consortium projects through the center for disease control. The term of the grant is from July 1, 2005 through December 31, 2006.

**RESOLUTION NO. RS2005-962** (COLE & NEIGHBORS) – This resolution approves an amendment to a grant agreement between the U.S. environmental protection agency and the board of health relative to the comprehensive air pollution program. This amendment decreases the amount of funding by \$88,872 for a new total of \$350,055. In addition, this amendment decreases the amount of the required Metro match by \$45,850 for a new total match of \$253,765. This is essentially an accounting technique so that these unexpended funds can be rolled over into the current fiscal year's grant. The other terms of the grant agreement will remain unchanged.

**RESOLUTION NO. RS2005-963** (COLE & NEIGHBORS) – This resolution approves a grant in the amount of \$84,600 from the state department of health to the Metropolitan board of health to provide community intervention services. The term of the grant is from July 1, 2005 through December 31, 2005. The health department will use these funds to provide community prevention intervention services for at-risk children under thirteen years of age to help reduce substance abuse, pregnancy, violence, and drop-out rates.

**RESOLUTION NO. RS2005-964** (COLE & NEIGHBORS) – This resolution approves a grant in the amount of \$6,000 from the state department of health to the Metropolitan board of health to purchase and distribute child safety seats to low-income families. These funds will be disbursed on a quarterly basis.

**RESOLUTION NO. RS2005-965** (COLE & NEIGHBORS) – This resolution approves an annual grant in the amount of \$130,200 from the state department of health to the Metropolitan health department for alcohol and drug abuse diagnosis, prevention, rehabilitation, and treatment services. The term of the grant is from July 1, 2005 through June 30, 2006. These funds will be used for assessments, outpatient services, and partial hospitalization services.

**RESOLUTION NO. RS2005-966** (COLE & NEIGHBORS) – This resolution approves an amendment to an annual grant in the amount of \$450,800 from the Greater Nashville Regional Council to the Metropolitan social services commission to provide personal care, homemaker, meal delivery, and caregiver support services. These funds are used to assist persons who are homebound or unable to perform at least one instrumental activity of daily living. This amendment increases the amount of the grant by \$357,500, for a total grant award of \$808,300. The amendment also increases the amount of the required local match by \$30,350, for a total match of \$68,772.23 to be provided from the operating budget of the social services commission.

**RESOLUTION NO. RS200-989** (WALLACE) – This resolution appropriates \$75,000 from the unappropriated fund balance of the general services district to fund a best practices study. This appropriation would provide funds to employ necessary consultants to conduct a Best Practices Study of the council office. Such study would include a study of the current council office, current staffing of the council office, and the need for additional staffing.

Rule 15 of the Council Rules of Procedure provides that "no resolution or ordinance involving the appropriation or expenditure of money, upon being filed, shall be placed on the agenda by the Metropolitan clerk until the Director of Finance has furnished a statement of the availability of funds." The director of finance has provided a statement that the funds are not available for this appropriation. The council has established a policy of maintaining a minimum unappropriated fund balance of five percent. The substitute budget adopted by the council for this fiscal year did not fund this study.

It is estimated that the unappropriated fund balance will be close to five percent, but the exact amount will not be determined until the audit is completed later this year. Adoption of this resolution could be deemed by credit rating agencies as a violation of the previous council policy adopted by resolution.

**RESOLUTION NO. RS2005-997** (LORING) – This resolution elects three members to the board of directors of the industrial development board of the Metropolitan Government. Pursuant to state law, all members of the board of directors of the industrial development board must be elected by the council. The three members elected will serve a term of six years expiring August 23, 2011. The following four persons have been nominated by members of council to fill these positions, of which three are to be elected: Colonel Robert Whitworth, Nettie Scalf, Anedra Henley, and Nathaniel Harris.

A substitute resolution including the names of the three members elected will be offered after the election is held by the council.

**RESOLUTION NO. RS2005-998** (GILMORE) - This resolution submits a proposed plan of services to the planning commission for the extension of the urban services district to include 33 parcels of property located on Cato Road. The Metropolitan Charter provides that general services district property may be annexed into the urban services district, in accordance with state law annexation procedures, whenever such areas come to need urban services. State law requires that a plan of services first be considered by the planning commission and then adopted by the council after public hearing, before an ordinance to extend the boundaries of the urban services district can be acted upon. This resolution submits the proposed plan of services to the planning commission and gives them 90 days to render a report, in accordance with state law.

These parcels already receive police protection, fire protection, and water and sewer service at essentially the same levels as urban services district properties. Therefore, the only additional services that will be rendered under the plan of services are street lighting, trash collection, and recycling. The Charter requires that in order for such property to be annexed into the urban services district, the Metropolitan Government must be able to provide these additional services within one year after property taxes become due. Pursuant to the plan of services, the annual cost to the Metropolitan Government to provide these additional services to the area to be annexed is estimated to be \$4,464.26.

**RESOLUTION NO. RS2005-999** (WALLS) – This resolution approves a contract between Foundations Associates, Inc., and the Metropolitan board of health to provide residential treatment services and halfway house placement to homeless persons with co-occurring disorders of mental illness and chemical dependency. Pursuant to this grant, Metro agrees to pay Foundations Associates \$80,000 to provide these services for the remainder of the fiscal year. The contract provides that Foundations Associates will be paid \$175 a day for the first through third day of client residential treatment, and \$110 per day for days four through twenty-one, for a maximum of \$2,500 for each client treated. Foundations Associates will be compensated for halfway house placement services in the amount of \$14.25 per day. The contractor will be required to maintain general liability, automobile, workers' compensation and professional liability insurance. In addition, the contractor agrees to indemnify the Metropolitan Government for any claims resulting from its actions in performing the contract, and agrees to pay Metro's litigation expenses in the event Metro prevails in any legal action to enforce the terms of the contract.

**RESOLUTION NO. RS2005-1000** (DOZIER & MCCLENDON) – This resolution approves a direct appropriation grant from the State of Tennessee to the Davidson County drug court in the amount of \$655,000. These funds are anticipated revenues in the state trial courts' budget, and will be used for the residential drug court program.

**RESOLUTION NO. RS2005-1001** (COLEMAN, TOLER & FOSTER) – This resolution accepts a grant in the amount of \$1,971,765 from the state emergency management agency to the Metropolitan Government for the acquisition and demolition of sixteen flood-prone properties. This federally funded program is to acquire properties that have experienced repeated flooding or are in serious danger of flooding due to their proximity to a floodway or floodplain. The term of the grant is from July 27, 2005 through September 30, 2008. There is a required local match of \$657,255 to be (continued on next page)

**RESOLUTION NO. RS2005-1001** (continued)

provided by the department of water and sewerage services. The sixteen parcels to be acquired and the estimated acquisition and demolition costs are as follows:

4804 Blackman Court	\$ 259,490.00
303 Milner Court	\$ 171,740.00
4947 Edmondson Pike	\$ 117,660.00
4951 Edmondson Pike	\$ 128,710.00
281 Elysian Fields Road	\$ 147,950.00
5049 Briarwood Drive	\$ 201,380.00
505 Paragon Mills Road	\$ 208,010.00
497 Paragon Mills Road	\$ 229,590.00
109 Cedarvalley Court	\$ 131,440.00
3428 Brick Church Pike	\$ 100,110.00
5010 Suter Drive	\$ 165,110.00
5016 Suter Court	\$ 149,770.00
105 Cedarvalley Court	\$ 125,070.00
641 Brook Drive	\$ 144,050.00
4804 Milner Drive	\$ 187,990.00
637 Brook Drive	\$ 160,950.00
Total	\$2,629,020.00

**RESOLUTION NOS. RS2005-1002 & RS2005-1003** – These two resolutions approve agreements with the state treasury department in order to deposit local funds relative to two bridge construction projects to be undertaken by the state department of transportation (TDOT) into the Local Government Investment Pool. Pursuant to state law, local funds to be used for TDOT projects can be deposited into in the local government investment pool so that interest may be earned on the funds until they are used by the state. Ordinance Nos. BL2005-782 and BL2005-783, currently on third reading, approve the contracts with TDOT for the construction of the bridges and establish required local match.

**Resolution No. RS2005-1002** (Toler & McClendon) approves a local government investment pool agreement for the replacement of the bridge on Westlawn Drive over Branch LM 0.41.

**Resolution No. RS2005-1003** (Shulman & McClendon) approves a local government investment pool agreement for the replacement of the bridge on Battery Lane over Brown’s Creek.

**RESOLUTION NOS. RS2005-1004 THRU RS2005-1006** – These three resolutions approve supplemental licensing agreements with Nashville and Eastern Railroad Corporation to increase the rental fee paid for sewer lines located in the railroad right-of-way. The original agreements were approved by the council in 1993, and the rental amount has not been adjusted since that time. The supplemental agreements provide that the fees are to be adjusted every three years hereafter based upon the consumer price index. The rental cost is to be paid from the water and sewer operation and maintenance fund.

**Resolution No. RS2005-1004** (Toler, Jameson & McClendon) increases the rental fee from \$77.12 to \$83.29 for the sewer line located at M.P. 0.90 V.H.

**Resolution No. RS2005-1005** (Loring, McClendon & Toler) increases the rental fee from \$77.12 to \$83.29 for the sewer line located at M.P. 1.96 V.H.

**Resolution No. RS2005-1006** (Shulman & McClendon) increases the rental fee from \$115.56 to \$124.81 for the sewer line located at M.P. 1.73 V.H.

**RESOLUTION NO. RS2005-1007** (JAMESON) – This resolution authorizes Nashville Midnight Oil, LLC to install and maintain a sign above the sidewalk at 305 Broadway. The sign to be installed will read "Whiskey Island Bar", and will measure 60 inches wide and 37 inches tall. Nashville Midnight Oil, LLC has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments, and is required to post a \$300,000 certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party. Ordinance O87-1890 authorizes aerial encroachments to be approved by resolution rather than ordinance.

This resolution has been approved by the planning commission.

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**- BILLS ON SECOND READING -**

**ORDINANCE NO. BL2005-717** (KERSTETTER, ALEXANDER & TYGARD) – This ordinance amends the Metropolitan Code of Laws to allow apprentice plumbers to work under the direction of a licensed plumber as an alternative to an apprenticeship program registered with the U.S. department of labor. In June 2004, the council enacted major modifications to the plumber certification provisions of the Metro code. The 2004 amendment requires that plumbers now be “licensed” rather than “certified”. The 2004 ordinance also requires apprentice plumbers to be enrolled in a registered apprenticeship program and complete 2,000 hours of practical experience and 600 hours of classroom training. Thus, a person is unable to obtain an apprentice license if he/she merely works under the direction of a licensed plumber.

This ordinance would allow a person to obtain an apprentice license if the person is either enrolled in a registered apprenticeship program or is regularly employed as an apprentice by a state registered and bonded plumbing contractor, and who works at the trade of plumbing under a licensed master or journeyman plumber toward obtaining a minimum 8,000 hours of practical experience.

**ORDINANCE NO. BL2005-769** (NEIGHBORS) – This ordinance amends the Metropolitan Code of Laws to authorize the Metropolitan public health department to require connection to the public sewer system when public health concerns are identified. The Code currently requires that all new buildings connect to the public sewer at their own expense where sewer access is available, and allows the director of the department of water and sewerage services to require existing buildings to connect when access becomes available. This ordinance would amend the sewer system regulations to enable the health department to require sewer connections as well.

**ORDINANCE NO. BL2005-777** (WALLACE) – This ordinance amends the Metropolitan Code of Laws provisions governing grant funding by the Metropolitan Government to nonprofit organizations. Earlier this year, the council enacted Ordinance No. BL2004-421 to clarify the information that must be provided by nonprofit organizations to obtain grant funding from the Metropolitan Government, in accordance with state law. State law requires that the nonprofit organization have a current tax-exempt status from the IRS, and that an audit be submitted prior to obtaining the funds. Ordinance No. BL2004-421 included a list of information that must be provided, such as proposed use of the funds, a copy of the organization’s charter or bylaws, a statement regarding the nature of the organization’s programming, and a copy of the organization’s budget.

This ordinance would require nonprofit organizations seeking grant funding from the Metropolitan Government to make their request not later than April 15<sup>th</sup>, for funding in the next fiscal year’s operating budget. In addition, the amount of grants made by the Metropolitan Government to nonprofit organizations would be limited to twenty percent of the organization’s total operating budget.

**ORDINANCE NOS. BL2005-789, BL2005-790 & BL2005-791** – These three ordinances authorize the director of public property administration and the director of parks to accept easements for use in connection with the development of Metro’s greenway system. These ordinances have been approved by the planning commission.

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**ORDINANCE NOS. BL2005-789, BL2005-790 & BL2005-791** (continued)

**Ordinance No. BL2005-789** (White) accepts a conservation greenway easement from Donelson Christian, Inc. for 1.48 acres of property for use in the development of the Stone's River greenway.

**Ordinance No. BL2005-790** (White) accepts a conservation greenway easement from the Donelson Civitan Foundation for 12.85 acres of property for use in the development of the Stone's River greenway and construction of a footbridge over the Stones River.

**Ordinance No. BL2005-791** (Shulman) accepts a conservation greenway easement from UniFirst Corporation for 1.48 acres of property for use in the development of the Stone's River greenway.

**ORDINANCE NOS. BL2005-792 & BL2005-793** (NEIGHBORS & SHULMAN) – These two ordinances authorize the Metropolitan Government to enter into participation agreements with private developers to provide sewer service to subdivisions in Williamson County. These developers have agreed to contribute \$2,000 per connection toward the cost of the projects in aid of construction. These funds are to be deposited into the water and sewer extension and replacement fund. These are typical participation agreements entered into by the Metropolitan Government, acting through the department of water and sewerage services, whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service.

**Ordinance No. BL2005-792** approves a participation agreement with Tiara Development to provide sewer service to the Willowmet subdivision – phase 5 in Williamson County. The developer has agreed to pay \$78,000 for a total of 39 single-family connections.

**Ordinance No. BL2005-793** approves a participation agreement with Beazer Homes Corporation to provide sewer service to the Ballenger Farms subdivision – Phase 3 in Williamson County. The developer has agreed to pay \$190,000 for 95 single-family connections.

**ORDINANCE NO. BL2005-794** (RYMAN & NEIGHBORS) – This ordinance approves the annual contract between the Metropolitan Government and the emergency communications district (ECD) relative to operation of the enhanced-911 service for fiscal year 2005-2006. The contract specifies certain services to be provided by the department of public works and the department of general services. The department of public works will maintain an updated street and house number system, and the department of general services will provide day-to-day staff and support services for the ECD board. Metro will also train its employees who will operate the system. In previous contracts, the department of information technology services provided the staffing and support services for the board. The ECD is to pay the public works department \$4,826 for its services, and is to pay \$37,885 to the department of general services for the staffing and support. The contract provides that Metro is to be reimbursed for its training costs as well.

**ORDINANCE NO. BL2005-795** (JAMESON) – This ordinance renames a portion of Shelby Avenue, between 3<sup>rd</sup> Avenue South and 4<sup>th</sup> Avenue South, as "Symphony Place". This section of roadway is directly north of the new symphony hall that is under construction, and has not been used as road for many years due to its location under the Shelby Street bridge. This ordinance has been referred to the planning commission and approved by the ECD board.



**- BILLS ON THIRD READING -**

**ORDINANCE NO. BL2004-123** (ISABEL) – This ordinance, as amended, closes an unnumbered alley located between North Avondale Circle and Avondale Circle. This closure has been requested by Gene and Teresa George, the adjacent property owners. Metro will retain all easements. This ordinance has been approved by the planning commission and traffic and parking commission.

**ORDINANCE NO. BL2005-706** (JAMESON & COLE) – This ordinance amends the Metropolitan Code of Laws to establish a process and procedure for the naming of Metropolitan Government buildings and open spaces. The Code currently provides that all Metropolitan Government buildings may only be named by ordinance. Such ordinance must include biographical information about the person for whom the building is to be named.

This ordinance would add specific procedures and restrictions to the Code for naming buildings. First, no public structure or space would be able to be named after a living person, unless the person contributed money or land for the structure or space with an express condition on the donation that it be named in a certain manner. Second, no public structure or space could be named in honor of an elected or appointed public official while the official is in office. Third, the ordinance would place the administration of naming public buildings in the hands of the Metropolitan historic zoning commission. The commission would be required to establish a formal procedure for the naming of the buildings, including a specific mechanism for soliciting and measuring public input. Once the commission decides on a name, the commission would then forward its recommendation to the council for approval by resolution receiving 21 affirmative votes.

The provisions of this ordinance would not apply to the board of parks and recreation, the library board, the Metropolitan transit authority, and the board of public education, as these boards are responsible for the naming of buildings under their control.

There may be a proposed amendment offered for this ordinance that would expressly exclude the board of parks and recreation and the school board from the applicability of the ordinance, and would place the administration of naming public buildings with the historical commission rather than the historic zoning commission. As this ordinance is currently on third and final reading, unanimous consent of the council will be required in order for this amendment to be considered.

**ORDINANCE NO. BL2005-718** (HART) – This ordinance amends the Metropolitan Code of Laws to prohibit the parking of boats and trailers in the front yards of residential property. In June 2002, the council amended the code to prohibit the parking of motor vehicles in yards, but did not address boats and trailers. This ordinance would require that all trailers and watercraft stored on private single-family and two-family residential property be parked on a paved or graveled driveway, or behind the rear façade of the structure.

**ORDINANCE NO. BL2005-731** (MCCLENDON & NEIGHBORS) – This ordinance, as amended, approves a contract between the Metropolitan Government and Loss Prevention Specialists, Inc. for the recovery of funds belonging to the Metropolitan Government. Loss Prevention Specialists is one of the largest civil recovery providers in the country, specializing in locating and recovering funds (continued on next page)

**ORDINANCE NO. BL2005-731** (continued)

owed to companies and governments. Loss Prevention Specialists has identified \$13,607 belonging to the Metropolitan Government and has contacted Metro proposing to recover this sum for a 20% finder's fee. This contract provides that the company will locate and remit these funds in exchange for the finder's fee. The ordinance expressly states that Loss Prevention Specialists, Inc., does not have the authority to negotiate or enter into any settlement agreement on behalf of the Metropolitan Government. Future amendments to this agreement may be approved by resolution of the council.

**ORDINANCE NO. BL2005-732** (NEIGHBORS & RYMAN) – This ordinance authorizes the mayor's office of emergency management to accept donations for the 2005 Emergency Preparedness Challenge to be held in Nashville on September 23-24, 2005. The Emergency Preparedness Challenge is a local terrorism preparedness exercise for emergency providers in Davidson, Williamson, Wilson, and Sumner Counties. This exercise will involve approximately 1,000 first responders and 3,000 volunteers to serve as patients. State law authorizes local political subdivisions of the state to accept donations through the local legislative body for the purpose of emergency preparedness. This ordinance would authorize the office of emergency management to accept "donations in the form of services, equipment, supplies, materials, and funds" to use for the 2005 Emergency Preparedness Challenge. The ordinance provides that any funds not expended for this purpose shall be used by the office of emergency management for any subsequent emergency management exercise. The council office would point out that acceptance of donations in this method is contrary to the council's policy of requiring identification of the donation and the donor in the legislation.

**ORDINANCE NO. BL2005-761** (LORING, WILLIAMS & OTHERS) – This zoning text change amends various provisions of the code regarding the eligibility, placement, lot size, and design standards of two-family structures (duplexes). This ordinance is a modified draft of Ordinance No. BL2004-408, which was deferred indefinitely in November 2004. Under the current zoning code, duplexes are permitted by right in the RM (multi-family) zoning districts, the mixed-use districts, and the OR (office and residential) districts. Duplexes are permitted with conditions in the AR2a and R (one and two-family) districts. The code currently does not limit the concentration of duplexes and does not require any particular design standards applicable only to duplexes.

This ordinance would substantially alter the permitted location, placement and design of duplexes in Davidson County. First, this ordinance would require that the minimum lot size for duplexes in the R districts be at least 120 percent of the minimum lot size for single-family homes. Second, the ordinance would restrict the number of duplexes on a given block. A maximum of four duplexes would be permitted on any one block, and in no event would more than two duplexes be allowed to be constructed next to each other. Third, the ordinance places some standards on the design of duplexes. If more than one entrance is proposed, one must face the street and the other must be located to "compliment and enhance the neighborhood's development character." In addition, garages must be recessed at least five feet from the front façade and be designed to compliment the neighborhood's character. No driveway access would be allowed if the lot is served by an alley unless at least fifty percent of the lots on the same block face have driveways. Fourth, this ordinance would allow two detached dwelling units on those lots where duplexes are permitted. The zoning code currently requires that all duplexes be attached. This provision would essentially allow two single-family homes on one lot without going through the subdivision process.

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**ORDINANCE NO. BL2005-761** (continued)

Finally, a development plan would have to be submitted to and approved by the planning director for duplexes that would be the lesser of 5,000 square feet or 30% of the total lot area. No site work could begin, nor could any building or grading permit be issued, until the planning director approves this plan. The standards for reviewing the development plan are based on comparable structures in the neighborhood. "Comparable structures" include structures across the street, next door, or located to the rear of the lot. The proposed duplex would be required to have similar height, roof pitch, massing, building placement, and building materials as the comparable structures. In addition, the development plan for any structure eligible for listing on the national register of historic places would first have to be approved by the Metropolitan historic zoning commission before being considered by the planning department. Further, the ordinance would expressly prohibit the board of zoning appeals from being able to grant a variance on a duplex development plan.

The Council Office is of the opinion that the design limitations on two-family structures contained in this ordinance violate state law. The Tennessee Code Annotated, as part of the granting of zoning power to county and municipal governments, limits zoning ordinances to the regulation of the following: (1) the location, height and size of buildings and other structures; (2) the percentage of lots which can be occupied; (3) the size of yards and open spaces; (4) the density and distribution of population; and (5) the uses of property. A separate statute provides for design standards as part of historic zoning districts, however, this statute does not extend to design restrictions as part of other zoning ordinances. Although the zoning code currently includes various design-related provisions, this ordinance, extend the design standards and design review process into uncharted territory.

Adoption of this ordinance would create hundreds of nonconforming uses that could result in a loss of value for existing properties and also a loss of revenue to Metro. Enforcement and necessary due process of law issues make such a district subject to abuse. This ordinance allows the executive director of the planning commission great latitude and allows appeals to the planning commission. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2005-770** (WILHOITE) – This ordinance would allow the Nashville fire department to accept donations upon approval of a resolution adopted by the council. Currently, all donations made to the Metropolitan Government must be approved by ordinance, even though the amount of the donation may only be a few hundred dollars. In 2002, the council enacted an ordinance allowing grants to be approved by resolution rather than ordinance to help speed up the grant process. This ordinance is modeled after the 2002 ordinance in an effort to expedite the acceptance of donations made to the fire department.

**ORDINANCE NO. BL2006-771** (NEIGHBORS & RYMAN) – This ordinance authorizes the acceptance of the donation of a horse to the Metropolitan Government for the use and benefit of the police department. This Tennessee Walking Horse, named Sunfire's Storm Chaser, is being donated by Mr. Ben Downing of Dayton, Ohio.

**ORDINANCE NO. BL2005-772** (NEIGHBORS & RYMAN) – This ordinance authorizes the Metropolitan Government to donate a surplus 1981 Massey Ferguson tractor to Andrew Jackson Police Youth Camp, Inc., for use at its camp facility. This tractor has been declared to be surplus by the board of parks and recreation. The Metropolitan Government has determined that the tractor is no longer needed for governmental purposes.

**ORDINANCE NO. BL2005-773** (TOLER) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Centex Homes to provide sewer service to the Hills of

Concord Place and Villas of Concord Place subdivisions in Davidson County. The developer has agreed to contribute \$44,000 toward the cost of the projects in aid of construction for 22 single-family home connections. These funds are to be deposited into the water and sewer extension and replacement fund. This is a typical participation 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.

**SUBSTITUTE ORDINANCE NO. BL2005-774** (HAUSSER) – This substitute ordinance abandons a public right-of-way easement encumbering property located at 2218 Ashwood Avenue. An ordinance enacted by the Nashville City Council in the 1930’s attempted to abandon this 25-foot section of right-of-way. However, a 1944 Chancery Court decree declared that the prior ordinance was of no effect and referenced the public right-of-way easement as being valid, which has been in the chain of title for the property since 1944. This ordinance simply cleans up the chain of title by abandoning the right-of-way. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2005-775** (HAUSSER & NEIGHBORS) – This ordinance abandons an eight-inch, ten-inch, and twelve inch sanitary sewer line and easement located at 29<sup>th</sup> Avenue South and Vanderbilt Place. A relocated sewer line will be replacing the eight-inch and ten-inch lines. The existing lines are no longer being used by the department of water and sewerage services. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2005-776** (CRADDOCK, SUMMERS & OTHERS) – This ordinance would amend the ethics provisions of the Metropolitan code of laws to prohibit Members of Council from accepting gratuitous meals from organizations and agencies. The prohibition would apply for agencies that have had or are likely to have matters pending with the council. Ordinance No. BL2005-659, the new standards of conduct ordinance recommended by the ethics review task force, has been amended to include the provisions of this ordinance. Ordinance No. BL2005-659 and this ordinance should not both be adopted, as they amend the same section of the code.

**ORDINANCE NO. BL2005-778** (TYGARD) – This ordinance renames a portion of Temple Road between Marler Road and Templegate Drive as “Claxton Court”. This renaming is necessary since Temple Road has been relocated. This ordinance has been approved by to the planning commission and approved by the ECD board.

**ORDINANCE NO. BL2005-779** (WALLACE) – This ordinance abandons a 19-foot wide section of Garfield Street right-of-way between 8<sup>th</sup> Avenue North and Nassau Street. This closure has been requested by Century 21 Seals. The Metropolitan Government will retain all easements. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2005-780** (WHITE) – This ordinance names a private drive in the Noel Cove subdivision “Noel Cove Circle”. This ordinance was requested by Councilman White in an effort to assist emergency personnel in locating residences in this subdivision. This ordinance has been approved by the planning commission and the ECD board.

**ORDINANCE NO. BL2005-781** (WALLACE) - This ordinance authorizes Christ Church Cathedral to install and maintain two light poles in the sidewalk at 900 Broadway to improve visibility. Christ

Church Cathedral has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the light poles, 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.

**ORDINANCE NOS. BL2005-782 AND BL2005-783** (SHULMAN) – These two ordinances authorize the Metropolitan Government to enter into participation agreements with private developers to provide sewer service to subdivisions in Williamson County. These developers have agreed to contribute \$2,000 per connection toward the cost of the projects in aid of construction. These funds are to be deposited into the water and sewer extension and replacement fund. These are typical participation agreements entered into by the Metropolitan Government, acting through the department of water and sewerage services, whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service.

**Ordinance No. BL2005-782** approves a participation agreement with Cates-Kottas Development to provide sewer service to the Bennington subdivision – phase 1 in Williamson County. The developer has agreed to pay \$80,000 for a total of 40 single-family connections.

**Ordinance No. BL2005-783** approves a participation agreement with Waggoner Development, LLC, to provide sewer service to the Galestone subdivision – Phase 1E subdivision in Williamson County. The developer has agreed to pay \$126,000 for 63 single-family connections.

**ORDINANCE NO. BL2005-784** (SHULMAN) – This ordinance approves a contract with the state department of transportation for the installation of traffic signals at the southbound off-ramp of Ellington Parkway at Cleveland Street. Pursuant to this contract, the state will install the signals, and Metro will maintain and provide electricity for the signals. Future amendments to this contract may be approved by resolution of the council.

**ORDINANCE NOS. BL2005-785 & BL2005-786** (SHULMAN) – These two ordinances approve contracts between the Metropolitan Government and the state department of transportation for bridge replacements. Pursuant to these contracts, the state department of transportation will cover 80 percent of the estimated costs for the replacements using federal highway funds. The remaining 20 percent will be paid by Metro, as well as any amounts exceeding the estimated costs. Metro will be responsible for relocating water and sewer utilities, but the state will be responsible for obtaining the relocation of other non-government utilities. Future amendments to these contracts and any additional contracts associated with these projects may be approved by resolution of the council.

**Ordinance No. BL2005-785** approves a contract for the replacement of the bridge on Westlawn Drive over Branch LM0.41. The estimated cost of the project is \$515,000, with Metro paying \$103,000 of the cost.

**Ordinance No. BL2005-786** approves a contract for the replacement of the bridge on Battery Lane over Brown’s Creek. The estimated cost of the project is \$645,000, with Metro paying \$129,000 of the cost.

**ORDINANCE NO. BL2005-787** (WALLACE) – This ordinance approves a contract between the state department of transportation (TDOT), CSX Transportation, Inc., and the Metropolitan Government

regarding the replacement of the Demonbreun Street bridge. In August 2004, the Council approved a contract between the Metropolitan Government and TDOT for the replacement of the viaduct bridge on Demonbreun Street over 11<sup>th</sup> Avenue North and the CSX Railroad tracks. This ordinance approves the contract with CSX, which is necessary in order for the project to proceed. Since the bridge will be over CSX right-of-way, TDOT must have the consent of the railroad to construct the bridge. This is essentially an agreement between TDOT and CSX, with Metro being a party simply because it owns the bridge structure and roadway. A similar contract with CSX was approved by the Council in February 2005. This new contract includes the revised cost estimates for the railroad work.

Pursuant to this contract, CSX agrees to allow TDOT to construct the bridge in accordance with the construction and right-of-way plans submitted to CSX. In addition, TDOT agrees to reimburse CSX in the amount of \$394,232 for the railroad work that must be done on the project. TDOT must require that its contractor carry a performance bond guaranteeing the completion of the bridge, and maintain liability and property damage insurance. Metro agrees that it will have the legal and financial responsibility for maintaining the bridge once it is completed. This ordinance also provides that all future contracts with CSX pertaining to bridge and roadway projects may be approved by resolution of the Council, rather than by ordinance. Negotiating with the railroad for these types of projects is often a time-consuming process. This will better able the department of public works to adhere to construction schedules for roadway construction projects where CSX permission is required.

**ORDINANCE NO. BL2005-788** (COLEMAN) – This ordinance readopts the Code of the Metropolitan Government to include all ordinances enacted on or before May 17, 2005.

p:billstrd