

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **December 5, 2006**

RE: **Analysis Report**

Balances As Of:	<u>11/29/06</u>	<u>11/30/05</u>
<u>GSD 4% RESERVE FUND</u>	* \$21,260,307	\$31,010,163
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$31,216,038	Unavailable
USD	\$12,243,660	Unavailable
<u>GENERAL PURPOSE SCHOOL FUND</u>	\$37,753,270	Unavailable

* Assumes estimated revenues in fiscal year 2007 in the amount of \$19,615,087

– RESOLUTIONS –

RESOLUTION NO. RS2006-1618 (RYMAN) – This resolution approves a grant in the amount of \$6,000 from the University of Tennessee to the Metro department of human resources to provide professional development, supervisory, and management training for Metro employees. The term of the grant is from July 1, 2006 through June 30, 2007.

RESOLUTION NO. RS2006-1625 (ISABEL) – This resolution appropriates \$1,500 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Watkins Institute. This organization provides visual arts education and community arts outreach. These funds will be used to pay for a portion of the salary costs of their instructors. The Council Office would point out that the material provided by Watkins Institute indicates that the school is in the “best financial position ever”, with \$2,301,600 budgeted for salaries and instructors. Watkins Institute has confirmed that this grant would have no impact on the salaries or number of instructors employed by the school.

State law allows local government to make grants to nonprofit organizations, provided that certain information is submitted by the organization proving their eligibility for the funds, including a statement as to the proposed use of local government funding, a letter from the Internal Revenue Service evidencing its tax exempt status, and a copy of its annual audit in compliance with state law. In order to facilitate compliance with the state law requirements, the Metropolitan Code of Laws sets out specific information that nonprofit organizations must provide in order to receive Metro funding.

These requirements are as follows:

1. A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization;
2. A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization under the Internal Revenue Code;
3. A statement of the nature and extent of the organization's program that serves the residents of the Metropolitan Government;
4. The proposed use of the funds to be provided by the Metropolitan Government;
5. The proposed budget of the organization, indicating all sources of funds and a line-item identification of the proposed expenditure of Metropolitan Government funds;
6. A copy of the organization's audit for the most recent fiscal year.

Watkins Institute has provided the necessary information required by both state and local law to be eligible to receive these funds.

RESOLUTION NOS. RS2006-1630 THROUGH RS2006-1639 (RYMAN) – These ten resolutions appropriate funds from the general fund reserve fund (4% fund) to various departments. Four percent funds may only be used for the purchase of equipment and repairs to buildings. These projects were included as part of the mayor's capital spending plan, but held until adequate funding was in place. The total amount of these ten resolutions is \$4,701,600. The balance in the general fund reserve fund as of November 15, 2006, was \$21,260,307. This consists of unrealized revenue for fiscal year 2007 in the amount of \$19,656,912. The (continued on next page)

RESOLUTION NOS. RS2006-1630 THROUGH RS2006-1639 (continued)

resolutions provide that "The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund." Copies of the supporting information sheets required by Ordinance No. O86-1534 are attached to this analysis.

Resolution No. RS2006-1630 appropriates \$400,000 from the general fund reserve fund to the assessor of property for the Patriot Properties computer software program.

Resolution No. RS2006-1631 appropriates \$18,000 from the general fund reserve fund to the trustee for three printers, two laptop computers, and two copiers.

Resolution No. RS2006-1632 appropriates \$500,000 from the general fund reserve fund to the election commission for 160 new electronic voting machines.

Resolution No. RS2006-1633 appropriates \$600,000 from the general fund reserve fund to the general sessions court to reimburse the court for the relocation of the DUI and traffic school to the Metro south east (MSE) facility.

Resolution No. RS2006-1634 appropriates \$200,000 from the general fund reserve fund to the human resources department for an applicant tracking system.

Resolution No. RS2006-1635 appropriates \$178,600 from the general fund reserve fund to the law department for case management application upgrade and support.

Resolution No. RS2006-1636 appropriates \$43,000 from the general fund reserve fund to the Metropolitan clerk for automated filing systems machinery and equipment.

Resolution No. RS2006-1637 appropriates \$1,500,000 from the general fund reserve fund to information technology services for the hardware/software technology revolving fund.

Resolution No. RS2006-1638 appropriates \$1,250,000 from the general fund reserve fund to the public library for new and replacement books and materials.

Resolution No. RS2006-1639 appropriates \$12,000 from the general fund reserve fund to the council office for six laptop computers.

RESOLUTION NO. RS2006-1664 (NEIGHBORS & RYMAN) – This resolution modifies the existing master list of architectural and engineering firms to add the firm Vanus, Inc., of Tampa, Florida. The Metro Code provides that all government contracts for architect and engineering services be with firms included on the master list. This resolution simply adds this firm to the master list so that they will be eligible to bid on Metro projects. It does not mean that contracts will be awarded to the firm.

RESOLUTION NO. RS2006-1665 (JAMESON) – This resolution appropriates \$569,770 in state department of finance and administration grant funds to the Davidson County drug court to provide treatment to persons addicted to methamphetamine. In August 2005, the council approved a state grant in the amount of \$1,395,687 for this program and appropriated funds for fiscal year 2006. This resolution appropriates the remaining grant funds to the drug court for fiscal year 2007.

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RESOLUTION NO. RS2006-1665 (continued)

These funds are used by the drug court to pay the salaries of administrative, medical, and clinical staff to manage and facilitate the treatment of the thirty additional residents for the methamphetamine program.

RESOLUTION NO. RS2006-1666 (GILMORE & JAMESON) – This resolution approves a contract between the Metropolitan board of health and SysTech International, LLC, for operation of the automobile emission testing program. In 1981, in order to comply with the federal Clean Air Act, the Metropolitan board of health established a mandatory light-duty vehicle emission testing program. In 1981, the council approved a modification to the program allowing a private contractor to conduct the inspections at a fee of \$6.00. That same year, the council approved a contract with MARTA, Inc. to conduct the test for \$6.00 per inspection, with \$1.00 going to Metro.

In July 1990, the council approved a contract with Hamilton Test Systems to operate the inspection program, with an inspection fee of \$6.00 and \$1.10 going to Metro. In 1994, Hamilton Test Systems became Envirotech Systems, Corp., and the Council approved an amendment to the contract reflecting the name change. In 1995, the contract with Envirotech Systems was extended. In 2001, the council approved an amendment to the Metro board of health automobile emission testing regulations to incorporate additional standards for automobile emission testing promulgated by the environmental protection agency (EPA). These new regulations required that additional equipment be purchased to administer an on-board diagnostic test. As a result of the additional testing requirements, the council ratified the board of health's decision to increase the inspection fee to \$10.00, with \$1.80 going to Metro. The council also approved a new contract with Envirotech Systems to administer the emission testing program, which contract extended through June 30, 2006. The contract was given an emergency one year extension in May of 2006.

A request for proposals (RFP) was issued by the purchasing agent for the emission testing program. The contract was awarded to SysTech International, and this resolution approves the new contract. The term of the contract is from July 1, 2007 through June 30, 2012, with a possible five year extension. Any extension of the contract must be approved by the council by resolution. Pursuant to the terms of the contract, Metro will receive \$4.50 out of the \$10.00 charged for each inspection. In addition, beginning in the second year of the contract, Metro would receive \$7.25 for every vehicle inspected that exceeds a 2% increase in the number of vehicles inspected in the previous year. If the contract is extended past the 2012 deadline, Metro will receive \$5.00 per inspection. There are approximately 580,000 registered light duty vehicles that would be subject to inspection under this contract. If the average number of vehicles inspected falls below this benchmark then the percentage of the fee retained by Metro will be adjusted accordingly.

SysTech International's municipal clients include Salt Lake County, UT; New York City; and Memphis, TN. SysTech also provides the vehicle emission testing for the following states: Oregon, Connecticut, Washington, Virginia, North Carolina, and Rhode Island. SysTech has (continued on next page)

RESOLUTION NO. RS2006-1666 (continued)

proposed several additional services/technologies that are not being provided under the current contract. A summary of some of the changes is as follows:

- An advanced electronic reporting system giving Metro easy on-line access to emission testing information
- The use of six mobile emission testing vans that can be deployed for on-site testing of vehicles
- Wireless data systems and handheld testers
- A license plate recognition camera wait time system to record wait times for individual vehicles
- Credit/debit card payment availability, as opposed to the current cash only system
- Visual inspection cameras to see the exhaust system underneath the vehicle
- Possible self-service testing kiosks at each of the six testing stations, plus a possibility of ten additional kiosks. This would require a modification of the existing testing regulations by the board of health prior to implementing self-service kiosk testing.

SysTech International will be required to maintain general commercial liability insurance in the amount of \$2 million per occurrence and automobile insurance in the amount of \$1 million per occurrence naming the Metropolitan Government as additional insured. SysTech will also be required to indemnify the Metropolitan Government from any claims arising out of the negligent or intentional acts of the contractor. The council office would point out that the \$2 million performance bond attached to the resolution has not been executed. A letter from the bond guaranty company included as part of the resolution anticipates that the bond will be in place by December 5, 2006. The council office recommends that the council receive confirmation of the bond prior to adopting this resolution.

A housekeeping amendment should be prepared and offered for this ordinance correcting a typographical error in the effective date clause.

RESOLUTION NOS. RS2006-1667 & RS2006-1668 – These two resolutions approve grants between the Tennessee department of transportation (TDOT) and the Metropolitan Government for road resurfacing. Pursuant to these agreements, TDOT will be responsible for covering 75% of the resurfacing cost, with Metro paying the remaining 25%. The projects are to be completed by July 31, 2008.

Resolution No. RS2006-1667 (Gotto & Jameson) approves a grant in the amount of \$140,325 from the state department of transportation (TDOT) to the Metropolitan Government to resurface a portion of Old Hickory Boulevard. Specifically, these funds will be used to resurface 0.6 miles of Old Hickory Boulevard in the Hermitage area between I-40 and Bell Road. Metro will be required to contribute \$37,954.39 in matching funds, plus an in-kind match of \$8,820.61 for a total match of \$46,755.

Resolution No. RS2006-1668 (Wallace, Shulman & others) approves a grant in the amount of \$578,475 from the state department of transportation (TDOT) to the Metropolitan Government to resurface a 2.7 mile portion of Granny White Pike / 12th Avenue South from Woodmont Boulevard to Division Street. Metro will be required to contribute \$156,459.85 in matching funds, plus an in-kind match of \$36,365.15 for a total match of \$192,825.

RESOLUTION NO. RS2006-1669 (WALLACE) – This resolution approves a grant in the amount of \$150,000 from the state department of finance and administration to the Nashville Farmer’s Market for interior and exterior improvements at the market. The term of the grant is from July 1, 2006, through June 30, 2009. These funds will be used for interior renovations, painting, and extension of the water lines to the north end of the market.

RESOLUTION NO. RS2006-1670 (GOTTO & JAMESON) – This resolution authorizes the Metropolitan Government to enter into an interlocal agreement with the Gladeville Utility District to provide customer information needed to bill for sewer service provided by the Metro department of water and sewerage services. Under state law, municipalities are authorized to enter into interlocal agreements with other public agencies for joint undertakings, subject to approval by the local legislative body. Gladeville Utility District provides water service to certain properties in Davidson County, but does not provide sewer service. Rather, sewer service is provided to these properties by the Metro water department. In order to determine the sewer portion of the bill, the water department relies on the actual water usage indicated on the water meter. Pursuant to this agreement, Gladeville Utility District will provide the Metro water department the actual water consumption for these customers in an electronic format. The utility district will be responsible for reading the water meters on a monthly basis and Metro will pay \$0.25 per meter read. The agreement further provides that Metro water services will have the authority to turn off water service for Metro sewer customers receiving water from Gladeville Utility District if sewer bills remain delinquent for more than thirty days. Metro will be entitled to charge such delinquent customers its standard turn on and turn off charges.

RESOLUTION NO. RS2006-1671 (COLEMAN & JAMESON) – This resolution amends Ordinance No. BL2005-924 by authorizing the acquisition of additional property by negotiation or condemnation for the construction of a new high school in the Antioch area. In February 2006, the Council enacted Ordinance No. BL2005-924 authorizing the acquisition of approximately 48 acres of property for the construction of a new high school. It has been determined that two additional parcels are needed for infrastructure purposes in connection with the construction of the school. Metro has an option to purchase the additional property for \$108,600. Ordinance No. BL2005-924 provided that future amendments to the ordinance may be approved by resolution of the council receiving twenty-one affirmative votes. This resolution has been approved by the planning commission.

RESOLUTION NOS. RS2006-1672 THROUGH RS2006-1675 – These four resolutions appropriate funds from the council discretionary reserve account. The council appropriated \$1.95 million as part of the fiscal year 2006-2007 substitute operating budget to a reserve account for the council infrastructure program, nonprofit grants and other council initiatives. It was anticipated that each of the forty council members have \$48,750 in “discretionary funds” to be appropriated from the reserve account at a later date.

State law allows local government to make grants to nonprofit organizations, provided that certain information is submitted by the organization proving their eligibility for the funds, including a statement as to the proposed use of local government funding, a letter from the Internal Revenue Service evidencing its tax exempt status, and a copy of its annual audit in compliance with state law. In order to facilitate compliance with the state law requirements, the Metropolitan Code of Laws sets out specific information that nonprofit organizations must provide in order to receive Metro funding.

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RESOLUTION NOS. RS2006-1672 THROUGH RS2006-1675 (continued)

These requirements are as follows:

1. A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization;
2. A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization under the Internal Revenue Code;
3. A statement of the nature and extent of the organization's program that serves the residents of the Metropolitan Government;
4. The proposed use of the funds to be provided by the Metropolitan Government;
5. The proposed budget of the organization, indicating all sources of funds and a line-item identification of the proposed expenditure of Metropolitan Government funds;
6. A copy of the organization's audit for the most recent fiscal year.

The four organizations to receive funding through these resolutions have provided the necessary information required by both state and local law. Additional resolutions will be forthcoming once members of council inform the council office as to how they wish to have their funds allocated and all of the required information has been received.

Resolution No. RS2006-1672 (Gilmore, Greer & Others) appropriates \$20,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Community ALERT to provide partial funding for its program services. This organization provides assistance for at-risk youth, as well as incarcerated persons and their families. These funds will be used to pay for part of the general operating costs of the program, including audit and bookkeeping services, instructional materials, rent, and telephone service. The members of council requesting this grant and the amount designated from each are as follows:

Brenda Gilmore	\$5,000
Ronnie Greer	\$5,000
Edward Whitmore	\$5,000
Carolyn Baldwin Tucker	\$3,000
Rip Ryman	\$2,000

Resolution No. RS2006-1673 (Briley, Gilmore & Dozier) appropriates \$10,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Cumberland Region Tomorrow to provide partial funding for its program services. This organization provides support and encouragement of growth planning, with an emphasis on land use, transportation and preservation of the rural landscape and character of the region. These funds will be used to pay for part of the salaries and fringe benefits of the staff of the organization. The members of council requesting this grant and the amount designated from each are as follows:

David Briley	\$5,000
Brenda Gilmore	\$4,000
Buck Dozier	\$1,000

Resolution No. RS2006-1674 (Tucker & Gilmore) appropriates \$7,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Metrocenter Teachers' Apartments, Inc., to provide partial funding for its program services. This organization provides affordable housing for low-income senior citizens in Nashville and Davidson County. These funds will be used to pay for (continued on next page)

RESOLUTION NOS. RS2006-1672 THROUGH RS2006-1675 (continued)

part of the costs of van maintenance and a van driver to provide transportation for the residents. The members of council requesting this grant and the amount designated from each are as follows:

Carolyn Baldwin Tucker	\$5,000
Brenda Gilmore	\$2,000

Resolution No. RS2006-1675 (Greer) appropriates \$5,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Nashville Inner City Ministry, Inc., to provide partial funding for its program services. This organization provides life skills classes for 1,000 inner-city youth, ages four to eighteen. These funds will be used to pay for part of the transportation costs to bus youth to and from the life skills classes.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2006-1210 (MURRAY) – This ordinance renames Spring Court as “Lischey Place”. This renaming request was made by the Metropolitan development and housing agency. This section of roadway now ties into Lischey Place dedicated by the plat for the Sam Levy homes. This street renaming is in conjunction with the right-of-way abandonment as part of Ordinance No. BL2006-1211. This ordinance has been approved by the planning commission and the ECD board.

ORDINANCE NOS. BL2006-1211 AND BL2006-1214 – These two ordinances abandon portions of Metropolitan Government right-of-way that are no longer needed for government purposes. Consents of the affected property owners are on file with the department of public works. These ordinances have been approved by the planning commission and the traffic and parking commission.

Ordinance No. BL2006-1211 (Murray) abandons a portion of Meridian Street and Spring Court right-of-way across from the Sam Levy homes. This closure has been requested by the Metropolitan development and housing agency. All easements will be retained by the Metropolitan Government. The roadway and utilities have been relocated and new right-of-way has been dedicated by a recorded plat.

Ordinance No. BL2006-1214 (Greer) abandons an unnumbered alley located between Culvert Street and Alley # 2086. This closure has been requested by Lukens Engineering Consultants on behalf of the adjacent property owner who wishes to consolidate the two parcels. All easements will be retained by the Metropolitan Government.

ORDINANCE NO. BL2006-1236 (SHULMAN) – This ordinance amends the Metropolitan code of laws to allow the transportation and licensing commission to increase the fee charged to wrecker driver permit applicants for background investigations. The code currently sets the fee for wrecker driver background checks at \$10.00. According to the transportation licensing commission, this fee only covers background checks to determine Davidson County criminal history, and that a more thorough background check is needed to protect public safety. This ordinance would delete the \$10.00 fee referenced in the code, and would authorize the transportation and licensing commission to charge a fee “for the cost of investigation.” The amount to be charged would be set by the commission and could not exceed the actual costs for obtaining the background check.

ORDINANCE NO. BL2006-1243 (SHULMAN, FORKUM & RYMAN) – This ordinance declares the Randalls Learning Center property located at 3501 Byron Avenue to be surplus and authorizes the director of public property administration to dispose of the property. The board of education has determined that the Randalls Learning Center is no longer needed for school purposes and has transferred the property to the director of public property administration. The proceeds from the sale of the property will be credited to the schools unappropriated school fund.

This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2006-1248 (SUMMERS) – This ordinance authorizes the acceptance of easements for various stormwater projects in west Nashville. Easements for the following properties are being donated at no cost to the Metropolitan Government:

- 23 White Bridge Pike
- 1215 21st Avenue South
- 3723 Keystone Avenue
- 75 Lester Avenue
- 3634 Central Pike

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2006-1262 (JAMESON) – This ordinance amends the building code to allow the installation of plumbing fixtures designed to reduce or eliminate water consumption. The code currently requires all plumbing fixtures be supplied with water. However, recent technological advancements in the plumbing fixture industry designed to conserve water have resulted in the development of the “non-water urinal,” which uses a specialized cartridge in the drain that allows waste fluids through while preventing odors from being released. This technology has been endorsed by the U.S. Green Building Council. This ordinance would allow the installation of these non-water urinals, as well as other plumbing fixtures specifically designed to reduce water consumption.

ORDINANCE NO. BL2006-1265 (ISABEL) – This ordinance amends the Metropolitan code to prohibit persons or firms contracting with the Metropolitan Government to provide employee background checks from selling, transferring or transmitting any information obtained about any prospective or existing employee to anyone other than the Metropolitan Government. The purchasing agent would be required to include a statement of this prohibition in all invitations to bid or requests for proposals for background check services. Any contractor found to be in violation of this prohibition would be subject to suspension or debarment.

The director of finance has refused to certify that funds are available for this ordinance. According to the director of finance’s letter to the council, prohibiting contractors from including information obtained about Metro job applicants as part of background investigations for other clients would severely limit Metro’s ability to obtain contractors to perform the investigatory services.

ORDINANCE NO. BL2006-1266 (GILMORE) – This ordinance would reinstate the waiver of the 2.5% processing fee for payments made by credit or debit card for payments made by

senior citizens to the Metro trustee for property taxes. State law mandates that local governments collect a credit or debit card processing fee not to exceed 5% when collecting funds on behalf of the government. However, this state law allows local governments to waive this processing fee, which the Metropolitan Government elected to do by ordinance in 2001. In June of 2006, the council approved an amendment to the 2001 ordinance to repeal the fee waiver for processing the credit and debit card payments, except in the case of point of sale transactions. A point of sale transaction is where the goods or services are purchased directly from Metro face-to-face or "over the counter", such as payment for greens fees at Metro golf courses. The fee waiver was eliminated as a result of an abuse by mortgage companies that pay a large amount of property taxes by credit card. The credit card companies charge a fee for certain payments made by credit card, which Metro was having to absorb.

This ordinance would reinstate the credit card processing fee waiver only for property taxes paid by credit or debit cards by property owners 62 years of age and older. All other non-face-to-face transactions, including property tax payments made by phone or Internet by persons under 62 years of age, would still be charged a 2.5% processing fee added when paying by credit or debit card. The additional \$1 million savings to be realized from the credit card processing fee was used to balance the fiscal year 2007 operating budget.

The director of finance has refused to certify that funds are available for this ordinance since waiving the processing fee for senior citizens making property tax payments over the phone or internet by credit card would substantially reduce the estimated \$1 million savings. Further, it would be very difficult for the trustee to verify whether property owners making payments over the phone were 62 years of age or older.

ORDINANCE NO. BL2006-1267 (COLE) – This ordinance abandons a portion of the Rosecliff Drive right-of-way between Dugger Drive and Rosebank Avenue. This closure has been requested by General Construction Company, and is necessary for the recording of the Rosebank Cove cluster lot subdivision. There is no future need for this section of right-of-way by the Metropolitan Government, but Metro will retain all easements. This ordinance has been approved by the planning commission. Consent of the affected property owners is on file with the department of public works.

ORDINANCE NOS. BL2006-1268 (WHITE & RYMAN) – This ordinance accepts a contribution in the amount of \$80,000 from Dr. Chris Pardue to fund traffic infrastructure improvements in the vicinity of the Dobson Chapel Road and Central Pike intersection. Dr. Pardue developed land near this intersection, which increased the need for traffic infrastructure improvements in the area. The total contribution includes \$8,500 for engineering services provided by Dr. Pardue, and \$71,500 for construction costs. These funds will be deposited into a fund designated by the director of finance as a contribution toward the improvements.

ORDINANCE NOS. BL2006-1269 THROUGH BL2006-1272 – These four ordinances authorize the acceptance of easements for various stormwater projects in Davidson County. These easements are being donated at no cost to the Metropolitan Government. These ordinances have been approved by the planning commission.

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ORDINANCE NOS. BL2006-1269 THROUGH BL2006-1272

Ordinance No. BL2006-1269 (Hunt, Forkum & others) accepts easements for the following properties:

- Knights of Columbus Boulevard, unnumbered
- 3564 Dickerson Pike
- 2911 Woodlawn Drive
- 315 Harrison Street
- 705 and 709 3rd Avenue North
- Criddle Street, unnumbered
- 1066 Firestone Parkway
- Old Hickory Boulevard., unnumbered
- 200 East Campbell Road
- 2214 Hobson Pike #423
- 500 Hospital Drive
- 224 Stewarts Ferry Pike

Ordinance No. BL2006-1270 (Toler & Wallace) accepts easements for the following properties:

- 5315 Hickory Hollow Lane
- 726 4th Avenue North
- 41 Hart Street
- West Trinity Lane, unnumbered
- 1125 8th Avenue South
- 3102 West End Circle
- 664 Vernon Avenue
- 350 Hermitage Avenue
- 1556 Bell Road
- 5813 Nolensville Pike
- 4250 Andrew Jackson Parkway
- 1136 Lebanon Pike
- Omohundro Place, unnumbered
- 6401 Nolensville Pike

Ordinance No. BL2006-1271 (Toler, Murray & others) accepts easements for the following properties:

- 4220 LaVergne Couchville Pike
- 6029 Nolensville Pike
- 2500 Murfreesboro Pike
- 725 McFerrin Avenue
- 735 Harding Place
- 120 21st Avenue South
- 2900 Lebanon Pike
- Route 2 Monroe Crossing
- 2995 Sidco Drive
- 254 Spence Lane

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Ordinance No. BL2006-1272 (Williams, Forkum & others) accepts easements for the following properties:

- 809 and 825 Hamilton Crossings
- 4151 Saundersville Road
- 1200 Bryan Street
- 4301 Harding Pike
- North Dupont Avenue, unnumbered
- 3921 Cross Creek Road
- 224 Stewarts Ferry Pike
- 6399 Charlotte Pike
- 921 Division Street
- 820 Hillview Heights

ORDINANCE NOS. BL2006-1273 THROUGH BL2006-1276 – These four ordinances abandon water and sewer lines and easements that are no longer needed by the department of water and sewerage services. The ordinances provide that future amendments may be approved by resolution of the council. These ordinances have been approved by the planning commission.

Ordinance No. BL2006-1273 (Wallace) abandons an 8-inch sewer line, manhole and easement at the located at 8th Avenue North and Monroe Street. The existing sewer line and easement will be replaced with a new manhole.

Ordinance No. BL2006-1274 (Toler) abandons an 8-inch sanitary sewer line and easement at the St. Martin's Square project on Old Hickory Boulevard. The existing sewer line will be replaced with another 8-inch sewer line.

Ordinance No. BL2006-1275 (Forkum) abandons an 8-inch sanitary sewer line and easement at the Advance Auto Parts store located at 314 Gallatin Pike. The existing sewer line will be replaced with another 8-inch sewer line.

Ordinance No. BL2006-1276 (Adkins) abandons an 8-inch sanitary sewer line 8-inch water line and easement at the Providence Park subdivision. The existing water and sewer lines will be replaced with new lines and the installation of two fire hydrants.

ORDINANCE NOS. BL2006-1277 THROUGH BL2006-1281 – These five ordinances authorize the Metropolitan Government to enter into participation agreements with private property owners and/or developers to provide public sewer service to properties in Davidson and Williamson Counties. These are typical agreements entered into by Metro acting through the department of water and sewerage services whereby private developers contribute a portion of the cost to extend or upgrade public water and sewer services. The funds collected pursuant to these agreements will be deposited into the water and sewer extension and replacement fund.

Ordinance No. BL2006-1277 (Ryman) authorizes the Metropolitan Government to participate with Wood Ridge Development, LLC to provide public sewer service to the Carothers Crossing urban design overlay subdivision in Davidson County. Pursuant to the agreement, the developer will purchase sewer capacity from the City of LaVergne to transport the sewage flow (continued on next page)

ORDINANCE NOS. BL2006-1277 THROUGH BL2006-1281 (continued)

from the Davidson County portion of the development through Metro's collection and treatment system. The developer will be responsible for the capital cost of the required off site construction and will reimburse Metro for its cost to purchase the capacity in LaVergne's sewer system, which is estimated to be \$1,425,000. The developer further agrees to reimburse Metro at the rate of \$1,000 per connection for 3,000 sewer connections in addition to the fees currently assessed by Metro for this development.

Ordinance No. BL2006-1278 (Ryman) authorizes the Metropolitan Government to participate with the Williamson County Schools to provide public sewer service to the new Nolensville Elementary School. The Williamson County Schools agree to pay \$74,000 as a contribution in aid of construction for 37 units of flow needed to service the school.

Ordinance No. BL2006-1279 (Ryman) authorizes the Metropolitan Government to participate with Cates-Kottas Development to provide public sewer service to phase two of the Bennington subdivision in Williamson County. The developer has agreed to pay \$54,000 as a contribution in aid of construction for a total of 27 single-family connections.

Ordinance No. BL2006-1280 (Ryman) authorizes the Metropolitan Government to participate with Cates-Kottas Development to provide public sewer service to phase three of the Bennington subdivision in Williamson County. The developer has agreed to pay \$12,000 as a contribution in aid of construction for a total of 6 single-family connections.

Ordinance No. BL2006-1281 (Toler & Ryman) authorizes the Metropolitan Government to participate with Burkitt Place Development, LLC to provide public sewer service to the Burkitt Place subdivision in Davidson and Williamson Counties. The developer has agreed to pay \$62,000 as a contribution in aid of construction for a total of 31 single-family connections.

ORDINANCE NO. BL2006-1282 (GREER, BRILEY & OTHERS) – This ordinance authorizes the mayor to submit the annual update to the five year consolidated plan for housing and community development programs for the Metropolitan Government to the U.S. department of housing and urban development (HUD). This five year consolidated plan was prepared by the Metropolitan development and housing agency (MDHA) and is administered by MDHA. The plan includes the allocation of funds received from HUD for community development block grants (CDBG), the HOME investment partnerships program (HOME), the emergency shelter grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA).

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

CDBG funds are based on new entitlement funding in the amount of \$5,100,000, with program income of \$600,000 during the coming year. These CDBG funds are designated for affordable housing activities to provide matching funds and for neighborhood activity funds for youth (continued on next page)

ORDINANCE NO. BL2006-1282 (continued)

initiative programs and community projects. A large portion of the CDBG funds are targeted at specific neighborhood strategy areas (NSAs) and commercial district areas. Some of funds will

be used for planning initiatives in the following three commercial district target areas: 8th and Lafayette, Clarksville Highway and Nolensville Road. Maps that set out the boundaries for all of the NSAs and commercial district target areas are on file with MDHA and are included as part of the ordinance on file with the Metropolitan clerk. The greatest portion of CDBG funds are used for housing rehabilitation, infill housing related projects, and neighborhood-related public facilities.

HOME funds are to provide a mixture of owner-occupied and rental rehabilitation, new housing ownership programs, new multi-family housing opportunities, down payment assistance and housing assistance through non-profit community housing development organizations. A required twenty-five percent local match must be provided from repayments of urban development action grants (UDAG). UDAGs are federal loans made to qualifying programs, essentially in the downtown area, which are repaid to the Metropolitan Government to be expended in approved programs that target persons living in pockets of poverty. The annual update show proposed HOME program allocations of \$3,150,000 over the next three years.

ESG funds are allocated to local homeless shelter providers to help cover operational expenses, rehabilitation, prevention, and essential services. Local matching funds required under this program must be provided by the local non-profits that participate in the program as subgrantees. The consolidated plan update shows a proposed allocation of \$220,000 in ESG funds over the next three years.

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

Attached at the end of this analysis are the program allocations under these various programs beginning April 1, 2007, through March 31, 2010. These federal programs funded by HUD have been in existence for over 30 years.

ORDINANCE NO. BL2006-1287 (NEIGHBORS) – This ordinance adopts the re-codified Metropolitan Code prepared by Municipal Code Corporation to include all ordinances enacted on or before April 4, 2006. The Metropolitan Government recently entered into a contract with Municipal Code Corporation for the re-codification of our code. The re-codification process has been completed and the new revised code has been delivered to Metro.

ORDINANCE NO. BL2006-1288 (RYMAN) – This ordinance amends the employee benefit section of the Metropolitan Code of Laws to remove the January 1, 2007 sunset date for the “in-line-of-duty medical treatment network” pilot program. In December 2003, the council enacted Ordinance No. BL2003-58 to authorize the “in-line-of-duty medical treatment network” for a two-year period ending January 1, 2006. The pilot program was extended by the employee benefit board and the council for an additional year in December 2005. At the time (continued on next page)

ORDINANCE NO. BL2006-1288 (continued)

Ordinance No. BL2003-58 was enacted, the code provided that the employee benefit board was authorized to establish a panel of pre-approved medical providers to furnish treatment for in-line-of-duty injuries to be known as the “in-line-of-duty medical treatment network”, if the employee benefit board determined it was financially feasible to do so. The code provided that

once such a network is established, medical care benefits (health insurance) would no longer cover work-related injuries, but such injuries would be covered by Metro through the network instead. This provision is similar to the workers' compensation laws applicable to private employers whereby an employer may furnish an injured employee with a list of three or more doctors from which the employee may select for treatment. Ordinance No. BL2003-58 provided that at the end of the pilot period, the program will terminate and the benefit board will determine whether to continue the network. The employee benefit board has voted to remove the January 1, 2007 sunset date to allow the board to expend the amount of time necessary to resolve plan design matters for the network.

ORDINANCE NO. BL2006-1289 (BURCH) – This ordinance abandons a 15-foot public utility drainage easement encumbering property located at the Elm Run and Elm Run Court intersection for the Trailwood Subdivision. This easement will be replaced by 20-foot drainage easement on the same property. This ordinance has been approved by the planning commission.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2005-629 (SUMMERS) – This zoning text change would require any planned unit development (PUD) that is inactive for six years to be reviewed by the planning commission and submitted to the council for approval prior to the issuance of any building or grading permits. This ordinance is of the same subject matter as Ordinance No. BL2004-224, which was deferred indefinitely in January 2005. Ordinance No. BL2004-224 would have required that all modifications to PUDs more than four years old be submitted to the council for approval. The ordinance also would have required council approval of all PUDs more than eight years old prior to the issuance of a building or grading permit.

This ordinance is a more comprehensive approach to the subject matter addressed by the prior ordinance. This ordinance classifies PUDs as "inactive" if (1) no building permit has been issued and substantial construction (not including site grading) has not begun; (2) less than sixty percent of the non-residential floor area allowed by the PUD has been constructed and six years have elapsed since the most recent building was completed; or (3) fewer than seventy-five percent of the residential units allowed by the PUD have been constructed and six years have elapsed since the most recent building was completed. The only exception is for PUDs with phasing schedules exceeding six years.

If a PUD has been determined to be inactive, no grading or building permit may be issued until the planning commission has reviewed the PUD and the Council takes action. Review of the inactive PUD can be initiated by the planning commission, a member of council, or the property owner affected by the inactive PUD. The planning commission will have ninety days to make a recommendation regarding the inactive PUD to the council. The council then will have six (continued on next page)

ORDINANCE NO. BL2005-629 (continued)

months to take final action on the PUD or phase of the PUD. The council has the option of re-approving, amending, or canceling the existing PUD, including making changes to the underlying base zoning district. If the council fails to take action within six months, the property may be developed according to the original PUD.

This ordinance has been disapproved by the planning commission.

SUBSTITUTE ORDINANCE NO. BL2006-1125 (FOSTER) – This ordinance, as substituted, names the new Head Center campus for the southeast quadrant of Davidson County, located at 445 Cotton Lane, the “Phillip A. Pratt Campus” and names the center itself the Susan Gray Head Start Center. 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. Phillip A. Pratt, a lifelong Nashvillian, was owner of the Jefferson Street Carpet Service until his death in 1998. The property on which the new Head Start Center is being constructed was owned by the Pratt family for many years. Susan Gray was a professor at Peabody College who is credited as being the inspiration for the founding of the head start program in North America.

The council office would point out that this property was purchased from the Pratt family at fair market value.

The Metro action commission has recommended approval of this substitute ordinance.

SUBSTITUTE ORDINANCE NO. BL2006-1185 (CRAFTON) – This ordinance amends the Metropolitan Code of Laws to declare English to be the official language of the Metropolitan Government, and to require that all government communications and publications be in English, with certain exceptions. State law currently establishes English as the official language of the State of Tennessee, and requires all communications and publications produced by governmental entities to be in English. This substitute ordinance essentially incorporates this state provision into the Metro code with the intent that the Metropolitan Government communicate in English first, except when required by federal law or when necessary to protect or promote public health, safety or welfare.

Prior to the introduction and adoption of the substitute ordinance, the department of law submitted a memorandum to the council raising several legal issues associated with the original version of the bill, which would have required all government communications to be in English only. Since this substitute ordinance is no longer “English-only” legislation, the council office is of the opinion that all legal issues raised by the department of law have been adequately addressed.

ORDINANCE NO. BL2006-1191 (TOLER) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Spring Hollow Development, LLC to provide sewer service to the Silver Stream Farm development in Williamson County, and also accepts an easement from Spring Hollow Development, LLC. The developer has agreed to contribute \$8,000 toward the cost of the project in aid of construction for a total of four single-family home connections. This amount will be offset by the \$5,000 value of the easement being granted to Metro, resulting in a net contribution of \$3,000. The easement will be used (continued on next page)

ORDINANCE NO. BL2006-1191 (continued)

for future expansion of the Mill Creek trunk line. 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.

ORDINANCE NO. BL2006-1209 (SHULMAN) – This ordinance renames a portion of Observatory Drive as “North Observatory Drive” and another portion as “South Observatory Drive”. This name change is necessary due to some duplicate addresses on Observatory Drive. This will help speed emergency service to the location. This ordinance has been approved by the planning commission and the ECD board.

ORDINANCE NOS. BL2006-1212 (TOLER) – This ordinance abandons the right-of-way and easement for a portion of Carothers Road, east of Battle Road. There will be no need for this right-of-way once the two new local roads in the Carothers Crossing subdivision are accepted by Metro, which have already been approved by the planning commission and the council as part of the Carothers Crossing urban design overlay. This closure has been requested by Wood Ridge Investments. Consent of the 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. BL2006-1232 (BURCH) – This ordinance establishes a centralized employee safety program for the Metropolitan Government. As part of this fiscal year’s operating budget, the council approved the funding for a division of employee safety and the transfer of all risk management and safety functions to the department of law. The funding for this division is through a premium paid by all Metro departments to the department of law.

The code currently provides that employee safety functions are to be administered by the employee benefit board. This ordinance creates the division of employee safety within the department of law that will serve various safety-related functions and transfers administration of the safety program from the benefit board to the department of law. The employee safety division will implement and administer a program of compliance with the state occupational health and safety standards, as well as develop policies to minimize hazards and reduce work-related injuries. The division will also investigate all in-line-of-duty injury claims to determine the cause of the injury and prevent such injuries in the future.

ORDINANCE NO. BL2006-1233 (SUMMERS) – This ordinance amends the Metropolitan code of laws to require the mayor to notify the council upon making any multi-year funding agreements or commitments to nonprofit organizations. This ordinance would apply to both formal and informal agreements or commitments. Such notice would have to be sent to the council within thirty days of making a funding commitment.

The council office would point out that the mayor does not have the authority to enter into funding agreements without the approval of the council.

ORDINANCE NO. BL2006-1239 (JAMESON & BROWN) – This ordinance, as amended, is a comprehensive revision to the Metropolitan code provisions pertaining to water service connections and lines, and regulations governing use of the sewer system. The purpose of the ordinance is to update the code language to current industry standards and practices of Metro water services, and to clarify who is responsible for the maintenance of certain portions of the service lines.

The primary change made by this ordinance is to specifically designate which portions of the water and sewer lines are under the responsibility of the department of water and sewerage services and which are the responsibility of the customer. This has been a matter of contention in the past, especially when there is a failure in a sewer main. The ordinance provides that the department will own and maintain the meter and the portion of the water line extending from the water main to the meter. The customer will own, maintain and operate the portion of the water line from the meter box to the structure, and will own and maintain all required backflow prevention and pressure reducing devices on the customer side of the meter. Sewer lines will be owned and maintained by the customer from the sewer main to the structure served. If the owner experiences a sewer service interruption as a result of a sewer service interruption, and demonstrates a good faith effort to remedy the problem, the department will make the necessary repairs from the main to the boundary of the right-of-way or sewer easement. The property owner will first have to provide an excavated access to the sewer service at the boundary line. Residential customers will not be billed for the work done by the water department, but commercial customers will be required to reimburse the department for its expenses associated with the repair.

This ordinance also makes changes to the code provisions outlining when connection to the sewer system is required. The code requires that all existing buildings connect to the sewer system whenever service becomes available, and all new buildings must connect at the time they are constructed. This ordinance consolidates these provisions into one section to require owners of improved property contiguous to public rights-of-way or easements containing public sewers to connect within sixty days of being notified by the department to do so. All service fees and charges will be billed on the next billing cycle.

This ordinance also deletes certain specific procedures contained in the code pertaining to service line installations and ditch regulations, instead requiring such construction to be in accordance with the water department's specifications. In addition, the ordinance clarifies that all sewer connections and service lines must be either through the public right-of-way or Metro utility easements to the property being served. Further, the ordinance authorizes the water department to charge the customer for any related expenses associated with shutting off and reinstating water service whenever the customer fails to repair their portion of the service line. The code currently authorizes the department to charge a \$3.00 fee for shutting off and reinstating water service in such circumstances.

ORDINANCE NO. BL2006-1240 (BROWN) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Roy Maynard to provide one public sewer service connection to 1119 Waller Road in Williamson County. This is a typical agreement entered into by Metro acting through the department of water and sewerage services whereby private developers contribute a portion of the cost to extend or upgrade public water and sewer services. Pursuant to this agreement, Mr. Maynard has agreed to pay \$2,000 for one single-family home sewer connection. These funds are to be deposited into the water and sewer extension and replacement fund.

ORDINANCE NO. BL2006-1241 (RYMAN & BROWN) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Nolensville Paint and Body to provide one public sewer service connection to Haley Industrial Park in Williamson County. This is a typical agreement entered into by Metro acting through the department of water and sewerage services whereby private developers contribute a portion of the cost to extend or upgrade public water and sewer services. Pursuant to this agreement, Nolensville

Paint and Body has agreed to pay \$2,000 for the single sewer connection. These funds are to be deposited into the water and sewer extension and replacement fund.

ORDINANCE NO. BL2006-1242 (BROWN & RYMAN) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with TWD I Partnership to provide a public pressure sewer extension through the construction of a sewerage pump station and force main for the Reserve at Old Hickory subdivision. The construction of the pump station will be at the sole expense of the developer. In addition, TWD agrees to contribute \$200,000 toward the additional operation and maintenance costs for the proposed pump station and force main. This amount is to be paid at the time TWD requests a sewer connection permit. The agreement provides that future amendments may be approved by resolution of the council, however, no such provision is included in the ordinance itself.

ORDINANCE NO. BL2006-1244 (ADKINS, FOSTER & RYMAN) – This ordinance accepts a donation of 12.61 acres of property located in the vicinity of Edmonson Pike and Nolensville Road for the benefit of the department of parks and recreation. This property is being donated by H.G. Hill Realty Company, LLC. If the property ceases to be used as a public park, the property will revert to H.G. Hill Realty. The board of parks and recreation has recommended that the Metropolitan Government accept this property. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2006-1245 THROUGH BL2006-1247 – These three ordinances authorize the acceptance of easements for various stormwater projects in Davidson County. These easements are being donated at no cost to the Metropolitan Government. These ordinances have been approved by the planning commission.

Ordinance No. BL2006-1245 (Cole & Brown) accepts easements for the following properties:

- 1132 Delmas Avenue
- 1134 Delmas Avenue
- 1136 Delmas Avenue
- 2700 Bronte Avenue
- 2704 Bronte Avenue
- 2706 Bronte Avenue
- 2708 Bronte Avenue
- 638 Northview Avenue
- 1640 Northview Avenue
- 1642 Northview Avenue
- 1700 Northview Avenue
- 1702 Northview Avenue
- 1301 Otay Street

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ORDINANCE NOS. BL2006-1245 THROUGH BL2006-1247 (continued)

Ordinance No. BL2006-1246 (Ryman, Jameson & Others) accepts easements for the following properties:

- 4020 Jordon Station Road
- 1433 Cowan Court

- 5811 River Road
- 8283 River Road
- 5431 Edmondson Pike
- 711 Myatt Center Lane
- 1000 Gallatin Pike
- Gallatin Pike, unnumbered
- 1008 Gallatin Pike

Ordinance No. BL2006-1247 (Hart, Tygard & Summers) accepts easements for the following properties:

- 8101 Highway 100
- 1010 E. Trinity Lane
- 2900 Lebanon Pike
- 2121 Metrocenter Boulevard
- 655 Grassmere Park Drive
- 329 Donelson Pike
- 407 42nd Avenue North

ORDINANCE NO. BL2006-1249 (ADKINS & BROWN) – This ordinance authorizes the director of public property administration to acquire easements, by negotiation or condemnation, in connection with the installation of a 36-inch water main at the CSX railroad crossing yard on Powell Avenue. All costs associated with this acquisition will be paid from the water and sewer extension and replacement fund. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2006-1251 & BL2006-1252 – These two ordinances abandon water and sewer lines and easements that are no longer needed by the department of water and sewerage services. The ordinances provide that future amendments may be approved by resolution of the council. These ordinances have been approved by the planning commission.

Ordinance No. BL2006-1251 (Adkins & Brown) abandons a 12-inch water line and easement at the Wal-Mart project located at the Nolensville Pike and Harding Place intersection. The existing water line will be replaced by a new 10-inch water line and two fire hydrants.

Ordinance No. BL2006-1252 (Burch & Brown) abandons an 8-inch sanitary sewer line and easement at the Kaplan School project on Dabbs Avenue. The caption of the ordinance provides that the existing sewer line will be replaced with another 8-inch sewer line and three fire hydrants, however the body of the ordinance does not provide for this replacement.

ORDINANCE NO. BL2006-1261 (HAUSSER) – This ordinance amends the Metropolitan code to require the police department to provide quarterly and annual crime reports to the council public safety committee. The quarterly reports are to include an update of criminal activity during the previous quarter broken down by type of crime and by police sector. The annual report will be due on or before January 30 of each year, and is to include the following information:

- Crimes allegedly committed during the previous year broken down by type of crime, by police sector and by council district.

- Maps showing crime hotspots.
- City-wide crime figures for each of the previous five years.

ORDINANCE NO. BL2006-1263 (WHITMORE & WALLACE) – This ordinance, as amended, amends the building code to require applicants for building and demolition permits to submit a plan for the disposal of construction and demolition waste at the time the permit is requested. The property standards code already requires that exterior property areas be maintained in a clean and sanitary condition and prohibits the storage of trash, debris, and building materials on the property. The plan of disposal is also to include a signed statement by the applicant that no construction and demolition waste is to be stored on the property that is not in accordance with the property standards code.

ORDINANCE NO. BL2006-1264 (WALLS, EVANS & OTHERS) – This ordinance approves various real property transactions associated with the expansion of the west Nashville police precinct on Charlotte Pike and improvements to the H.G. Hill park. Nashville West Shopping Center, LLC (Nashville West), is currently constructing a large retail development in the vicinity of the police station and is in need of various construction easements from Metro to complete the project. Metro desires to expand the police precinct and park and is in need of property owned by Nashville West. This rather complex ordinance consists of eleven different property transactions, which are summarized as follows:

- The director of public property administration will be authorized to exercise an option to acquire the two-acre tract next to the police precinct at an acquisition cost to be determined by a qualified independent appraiser selected by Metro. Under the option contract, Metro has two years to purchase the property before the option expires. However, it is anticipated that Metro will exercise the option within the next several months. This property will be used for the expansion of the police precinct and upgrades to H.G. Hill Park, which is located next to the precinct.
- Metro is granting two temporary construction easements to Nashville West. One easement is for 5.51 acres and the other is for 0.21 acres.
- Metro is granting two permanent access easements to Nashville West. One is a 35' easement across the park property consisting of 0.35 acres. The other is an 11' sidewalk and access easement along the Charlotte Pike right-of-way adjacent to the park consisting of 0.11 acres.
- Metro is granting a 20' easement totaling 0.21 acres to Nashville Electric Service along the Charlotte Pike right-of-way.
- Metro is granting three public utility and drainage easements located on the park property. The easements consist of 0.19 acres, 0.03 acres and 0.20 acres, respectively.
- Metro is abandoning an 8" sanitary sewer line and easement, which is to be replaced with a sewer line and easement of equal size.

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ORDINANCE NO. BL2006-1264 (continued)

The council office recommends that the option contract included in this ordinance either be amended to include a fixed price, or the ordinance be amended to simply authorize the director to acquire the property by negotiation.

The planning commission approved this ordinance subject to the condition that construction on the property to be acquired be consistent with the planned unit development (PUD) plan

adopted by the council. The council has already approved a PUD showing a building to be constructed on the property to be acquired as part of the Nashville West development. This PUD will have to be amended by the council before the police precinct can be expanded.

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