

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **December 19, 2006**

RE: **Analysis Report**

Balances As Of:	<u>12/13/06</u>	<u>12/14/05</u>
<u>GSD 4% RESERVE FUND</u>	* \$21,260,307	\$22,356,763
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$31,206,038	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 \$18,305,024

– RESOLUTIONS –

RESOLUTION NO. RS2006-1633 (RYMAN) – This resolution appropriates \$600,000 from the general fund reserve fund (4% 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. Four percent funds may only be used for the purchase of equipment and repairs to buildings. The balance in the general fund reserve fund as of December 13, 2006, was \$21,260,307. This consists of unrealized revenue for fiscal year 2007 in the amount of \$18,305,024. The resolution provides that “The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund.” A copy of the supporting information sheet required by Ordinance No. O86-1534 is attached to this analysis.

RESOLUTION NOS. RS2006-1675 THROUGH RS2006-1687 – These five 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.

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 five 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. RS2006-1675 (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.

The department of law has opined that this appropriation violates the Establishment Clause of the First Amendment to the U.S. Constitution since the life skills program offered by Nashville Inner City Ministry, Inc. is based on Biblical principles. The U.S. Supreme Court has interpreted the First Amendment to prohibit municipalities from appropriating funds to religious organizations if the funding creates an "excessive entanglement" with religion. Although Nashville Inner City Ministry, Inc. has proposed to use these funds for transportation costs, the overall mission of the organization is religious in nature. The council office recommends that this appropriation be withdrawn in light of the concerns as to its constitutionality.

Resolution No. RS2006-1684 (Forkum, Gilmore & Others) appropriates \$25,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Senior Citizens, Inc. This organization provides hundreds of educational and wellness programs for persons 55 and over. These funds will be used to pay for the following programs:

- \$6,000 for recreational, health/wellness, and educational activities at the Donelson Senior Center
- \$2,000 for dinner theatre performances at the Senior Center for the Arts
- \$7,000 for recreational, health/wellness, and educational activities at the Knowles Senior Center
- \$5,000 for activities at the Northwest Seniors Program
- \$5,000 for transportation services for seniors living in the Madison area through the Madison Station Senior Center

The members of council requesting this grant and the amount designated from each are as follows:

Brenda Gilmore	\$5,000
Jim Forkum	\$5,000
Ronnie Greer	\$5,000
Ludye Wallace	\$5,000
Diane Neighbors	\$4,000
Adam Dread	\$1,000

Resolution No. RS2006-1685 (Gilmore, Isabel) appropriates \$22,250 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Continental T-Belles Track Club, Inc. This organization provides organized training and track meets for females between the ages of six and eighteen to develop their character and positive self image. These funds will be used to provide transportation, lodging, and entry fees for track meets as well as partial payment of professional fees, supplies, and insurance.

The members of council requesting this grant and the amount designated from each are as follows:

Brenda Gilmore	\$15,000
Jamie Isabel	\$7,250

Resolution No. RS2006-1686 (Tygard) 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 the Bellevue Exchange Club Foundation, Inc. This organization provides various community programs. These funds will be used for the following purposes:

- \$2,500 to build a picnic pavilion at Bellevue Middle School for community use
- \$2,500 for public access defibrillators at local schools and ball fields
- \$2,500 for lighting upgrades at the Exchange Club ball field
- \$2,500 for a beautification project at the Bellevue Recycling Center

The members of council requesting this grant and the amount designated from each are as follows:

Charlie Tygard	\$5,000
Eric Crafton	\$5,000

Resolution No. RS2006-1687 (Hunt) 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 the Education Equal Opportunity Group, Inc. This organization provides educational and professional learning opportunities for at-risk junior high, high school, and college students. These funds will be used for the following purposes:

- \$3,000 to sponsor ten students from Metro public high schools to participate in the 6th Annual Project Save-A-Student Leadership and Training Conference
- \$2,000 to provide technical assistance through the purchase of a laptop computer.

RESOLUTION NO. RS2006-1688 (GILMORE & RYMAN) – This resolution approves a grant in the amount of \$54,900 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 January 1, 2007 through December 31, 2007.

RESOLUTION NO. RS2006-1689 (GILMORE & RYMAN) – This resolution approves an agreement between the Metropolitan board of health and Columbia State Community College for the training of veterinary technician students. Pursuant to this agreement, the Metro health department will provide veterinary clinical training experience to Columbia State students at the Metro animal control facility. Students will not receive any compensation and there is no cost to the Metropolitan Government for providing this service. The term of the agreement is from October 1, 2006, through September 30, 2007. The contract may be extended for an additional four years upon agreement of the parties. The school will be required to provide assurance that the students are covered by health insurance, and to designate a staff person to serve as a coordinator of the program and as a liaison between the school and Metro. The school will also be required to maintain professional liability insurance for its students.

RESOLUTION NO. RS2006-1690 (GILMORE & RYMAN) – This resolution approves a grant in the amount of \$807,543 from the U.S. department of health and human services to the Metro board of health to provide healthcare services to homeless persons at the downtown clinic. The term of this grant is from November 1, 2006 through October 31, 2007. There is no required local match for this grant.

RESOLUTION NO. RS2006-1691 (GILMORE & RYMAN) – This resolution approves a contract between the Metropolitan board of health and Anissa Burgess, DDS, to provide dental services to the homeless at the Downtown Clinic. Dr. Burgess will receive \$60 per hour to treat the patients up to a maximum of twenty hours per week. Total compensation is not to exceed \$38,400. Dr. Burgess is required to maintain a \$1 million errors and omissions insurance policy and agrees to indemnify the Metropolitan Government from any claims arising from the performance of the dental services. The term of the contract is from November 1, 2006 through June 30, 2007, with a possible extension of four additional one-year terms.

RESOLUTION NOS. RS2006-1692 (RYMAN & HAUSSER) – This resolution approves a contract with the City of Goodlettsville for access to the Metro police department’s Mug Shot system. The police department for the City of Goodlettsville will be granted access to mug shot images and booking information. Goodlettsville will be responsible for its own costs associated with this agreement and will be required to pay the police department for one software license at a cost of \$1,399. The term of this agreement is for one year, but may be renewed at the discretion of the chief of police for an additional four one-year periods.

The Metropolitan Government has entered similar agreements with the cities of Brentwood and Franklin.

RESOLUTION NO. RS2006-1693 (RYMAN & HAUSSER) – This resolution accepts a grant in the amount of \$941,743.83 from the state department of transportation to the Metropolitan police department to enhance enforcement of driving under the influence (DUI) laws. These grant funds will be used by the police department to pay a team of ten police officers, two sergeants, and one lieutenant to provide enhanced DUI enforcement at targeted locations between the hours of 7:00 p.m. and 3:00 a.m. on Thursdays, Fridays and Saturdays. The term of the grant is from October 1, 2006 through September 30, 2007.

RESOLUTION NO. RS2006-1694 (HAUSSER & RYMAN) – This resolution approves an amendment to a \$400,000 grant from the U.S. department of homeland security to the mayor’s office of emergency management to sustain key homeland security programs. These funds are used to help prepare for and protect the public in the event of a terrorist attack. This resolution simply extends the term of the grant until March 31, 2007 to allow the remaining funds to be utilized.

RESOLUTION NO. RS2006-1695 (COLEMAN & RYMAN) – This resolution approves an application for a grant in the amount of \$2,000,000 from the state department of transportation (TDOT) to the Metro board of parks and recreation for improvements to the Cumberland River Greenway – Opry Mills connector. The Metropolitan Government has already received a TDOT grant for the Cumberland River pedestrian bridge. This grant application is for funding to construct a 4,335 linear-foot paved trail beginning at Wave Country on Two Rivers Parkway (the current terminus of the Stones River Greenway) to connect it to tunnels beneath Briley Parkway, which are currently under construction by TDOT. The funds will also be used for lighting of the TDOT tunnels, two trailheads, and construction of a trail and boardwalk from the tunnels along the Cumberland River to the parking lot at Opry Mills mall. If awarded, there will be a required local match of \$500,000 to be provided through bond funds allocated for the construction of greenways.

RESOLUTION NOS. RS2006-1696 (COLEMAN & RYMAN) – This resolution approves a fast track infrastructure development program grant in the amount of \$343,000 from the state department of economic and community development for improvements to the Gateway Pro Partners, LLC, parking lot expansion project. The FIDP, formerly known as the Tennessee industrial infrastructure program, is a state program in which the Metropolitan Government, the Greater Nashville Regional Council, and private businesses participate to obtain grant funds for infrastructure improvements. The funds are available to businesses that create new jobs through the expansion of new facilities.

Gateway was founded in 1985, and is now the third largest personal computer manufacturer in the United States. Gateway has selected the Nashville area as the location for its new Configuration Center facility to be located at 1621 Heil Quaker Boulevard in southeastern Davidson County. This relocation will create approximately 250 new jobs in the county.

These grant funds will be used to fund the addition of a 200 space, 19,000 square foot parking lot at the Gateway facility. In order to construct the parking lot, two new entrances will be required from Corporate Drive, and an existing wetland pond will need to be expanded. The term of the grant is from October 6, 2006 through June 30, 2011. There is a required match of \$616,408 to be provided by Gateway.

RESOLUTION NO. RS2006-1697 (RYMAN) – This resolution authorizes the department of law to accept \$8,575.24 in compromise and settlement of the Metropolitan Government's property damage claim against V. Johnson, LLC. On June 20, 2006, a Metro police officer was stopped on Spring Street near Dickerson Road to assist a stranded motorist. As the officer was exiting the patrol car to place traffic cones on the roadway, a delivery van driven by an employee of V. Johnson, LLC, struck the rear of the police car and the officer. The accident report indicates that the employee of V. Johnson, LLC, was driving in a reckless manner. The 1999 Ford Crown Victoria sustained substantial damage and was considered a total loss.

The department of law recommends accepting \$8,575.24 in settlement of this claim, which represents the total value of the damaged police car. This settlement only represents the property damage claim. The officer was injured in the accident, and his injuries will be addressed at a later date.

RESOLUTION NOS. RS2006-1698 (JAMESON) – This resolution authorizes Walgreens Company to install and maintain a sign above the right-of-way at 226 5th Avenue North. This will be a historic replica sign measuring 2 ½ feet tall by 4 feet wide. This sign installation is part of a larger renovation of the exterior of the downtown Walgreens exterior. Ordinance No. O87-1890 allows such aerial encroachments to be approved by resolution of the council rather than ordinance. Walgreens has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the sign, and is required to provide a \$300,000 certificate of public liability insurance naming the Metropolitan Government as an insured party.

RESOLUTION NO. RS2006-1699 (JAMESON & RYMAN) – This resolution approves an amendment to the memorandum of understanding (MOU) between the Metropolitan Government, the Nashville Sounds, the industrial development board (IDB), the Metropolitan development and housing agency (MDHA), and Struever Bros. Eccles & Rouse regarding the construction of a new \$43 million minor league baseball stadium and mixed-use development on the former thermal site property by extending the outside closing date. The MOU, which was approved by the council in February 2006, essentially sets forth the agreement reached by the parties for the financing and construction of the ballpark and mixed-use development, and establishes the conditions that must be satisfied in order for the project to be constructed.

The original MOU included a December 31, 2006 closing deadline, at which time the thermal transfer site property would be transferred to MDHA and then leased to the Sounds, and the mixed-use tract would be sold to Struever Bros. Struever Bros. is to develop the mixed-use tract, which is to be completed at the same time as the stadium. One of the conditions that must be satisfied prior to closing is that the financing for the development be irrevocably committed. The Sounds are responsible for obtaining \$23 million in private financing, in addition to the \$20 million in tax increment financing, to be used to repay the debt on the construction of the stadium. The parties have been unable to finalize the necessary financing and therefore are requesting an extension of the closing date to April 15, 2007. The prior ordinance approving the MOU provided that any future amendments may be approved by resolution of the council receiving twenty-one affirmative votes.

In addition to extending the closing date, this amendment makes several changes to the terms of the MOU, most of which are related to environmental remediation on the site. The original MOU obligated the Metropolitan Government to convey the property free of any environmental contamination. The MOU provided that if Metro was unable to obtain a "No Further Action" letter from TDEC by December 31, 2006, then any party may terminate the MOU. Although TDEC has signed off on the remedial plan, Metro has been unable to obtain a "No Further Action" letter. Therefore, it is necessary that the MOU be amended to enable the project to move forward.

The amendment provides that the Sounds, Struever Bros. and Metro will be bound by the terms of a remedial workplan for the thermal site prepared by Breedlove, Dennis Young & Associates, Inc., Metro's environmental consultant. If, after fully complying with the terms of the remedial plan, TDEC refuses to issue a No Further Action letter, Metro will continue to seek TDEC's final approval at our own expense. However, Struever Bros. and the Sounds expressly waive all claims against Metro related to the environmental condition of the site. Metro will provide the environmental consultants to implement the remedial plan and will be responsible for paying the costs associated with the removal and/or repositioning of contaminated materials on the site. Since the master plan for the construction of the stadium and mixed-use development require the excavation of approximately 2 million cubic yards of soil and rock, Metro will be responsible for those remediation costs in excess of the costs that would have been incurred by the developer if no contamination had been found. Once a No Further Action letter is issued by TDEC, Metro, the IDB and MDHA will have no further responsibility for future environmental obligations.

The council office has requested a cost estimate for implementation of the remediation plan. Metro, as owner of the thermal transfer site, is ultimately responsible for the environmental remediation on the site whether the property is developed as a ballpark or not.

The amended MOU also incorporates several provisions the Sounds and Struever Bros. committed to at the time the agreement was approved by the council in February 2006. This includes an increase in the goal for diversified business enterprise (DBE) contract awards from fifteen percent to twenty percent. A DBE is defined in the amended MOU as a business at least fifty-one percent (51%) of which is owned or controlled by minority group members or women. Further, the MOU will expressly state that it is the intent of the Sounds and Struever Bros. that no one category of DBEs receive more than one-half of the total contracting work allocated to DBEs.

The MOU will also allow nonprofit organizations to use the stadium so long as the dates do not conflict with Sounds games, practices or other scheduled events. The Sounds will be required to accommodate the use of Sounds-controlled concessions at events sponsored by nonprofit organizations to maximize the concessions profits for the organizations. In addition, the MOU will require the Sounds to co-sponsor a "First Public Use Day" for the ballpark prior to the first game for the benefit of Habitat for Humanity. The council office would point out that it is highly unusual to include such a provision for the benefit of a single nonprofit organization.

This amendment to the MOU has been approved by MDHA and the IDB.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2005-651 (WALLACE) – This ordinance amends the Metropolitan Code of Laws to limit the types of traffic violations for which a vehicle may be towed by the Metropolitan police department. Presently, the Code provides that any vehicle which is parked, stopped, or standing in violation of any ordinances, except overtime parking, may be towed by the police department. This ordinance would provide that vehicles can be towed only when parked in violation of an ordinance or regulation and are (1) causing a safety hazard, (2) blocking pedestrian or vehicle access to property or a street, alley, or driveway, or (3) disrupting the flow of traffic.

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

ORDINANCE NO. BL2006-998 (WALLACE, RYMAN & OTHERS) – This ordinance amends the Metropolitan Code of Laws to prohibit any temporary or permanent encroachment in the public right-of-way without a permit from Metro. The code currently technically prohibits persons from placing encroachments into the right-of-way except when permitted by Metro. The code provides that the council may grant encroachments within the right-of-way by ordinance, and may grant aerial encroachments over the right-of-way by resolution. However, the ordinance does not define the term "encroachment". Thus, an argument can be made that temporary encroachments, such as news racks, do not require a permit from Metro.

This ordinance would require that a permit be obtained from Metro for all permanent or temporary encroachments in the right-of-way, including signs, sandwich boards, vegetation, news racks, fences, and walls. Any person or entity requesting such an encroachment would be required to pay a permit fee of \$100 to Metro, and must provide a public liability insurance policy in an amount directed by the department of law holding Metro harmless from claims or damages arising from the installation or maintenance of the encroachment.

The department of law has raised several First Amendment concerns related to this ordinance. The legal department recommends that any such ordinance contain specific licensing criteria, establish time periods for deciding whether to grant or deny a permit, provide the cost basis for the permit fee, and specify whether the fee is per box or per entity. The legal department is currently working on a draft of a new ordinance modeled after news rack ordinances from other cities that have withstood legal challenge. The council office recommends that this ordinance be deferred so that the new ordinance can proceed.

ORDINANCE NO. BL2006-1065 (WALLACE) – This ordinance, as amended, amends the Metropolitan Code of Laws to prohibit chain link fences along arterial and collector streets. The code currently prohibits the use of barbed or razor wire on fences along sidewalks within the urban services district. This ordinance would essentially prohibit any chain link fence along the right-of-way of a collector or arterial street, which are the classifications used for the major streets and roads in Davidson County. This ordinance would apply to both the urban services district and the general services district, and would prohibit chain link fences in both commercial and residential areas. The ordinance expressly exempts temporary fencing and fences used around places of incarceration.

The council office would point out that this ordinance could result in a substantial cost to the Metropolitan Government, especially schools, if Metro facilities were required to have stone, brick or wood fences. A map showing all arterial and collector streets has previously been provided to the council by the planning department staff.

ORDINANCE NO. BL2006-1214 (GREER) – This ordinance 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. This portion of right-of-way is no longer needed for government purposes. Consent of the affected property owners is on file with the department of public works. All easements will be retained by the Metropolitan Government.

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

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.

There will be an amendment offered setting the charge of the background investigations at a fixed amount.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2006-937 (BRILEY & CRAFTON) – This zoning text change amends the definition of “two-family structure” to allow two-family dwelling units to be separate structures. The zoning code currently defines a two-family structure as two attached dwelling units forming a single structure connected by not less than eight feet of continuous floor, roof and walls. A common practice in recent years has been for developers to build two separate single-family structures, but construct a connecting wall between the two to allow both structures to be on a single lot. This ordinance would essentially remove the requirement that a connector wall be constructed between the units. This ordinance has been approved by the planning commission.

There may be a proposed amendment for this ordinance that would require structures on corner lots to meet the front setback requirements for both streets in order to be eligible for consideration as a detached two-family dwelling.

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 (MURRAY) – This ordinance 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. 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. BL2006-1243 (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. BL2006-1261 (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. BL2006-1267 (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.

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

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. BL2006-1278 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. BL2006-1278 (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 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 (BURCH & 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 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 (BROWN, BURCH & RYMAN) – 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.