

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **November 20, 2007**

RE: **Analysis Report**

Balances As Of:	<u>11/15/07</u>	<u>11/15/06</u>
<u>GSD 4% RESERVE FUND</u>	* \$26,540,553	\$21,260,307
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	Unavailable	\$30,979,538
USD	Unavailable	\$12,243,660
<u>GENERAL PURPOSE SCHOOL FUND</u>	Unavailable	\$37,753,270

* Assumes estimated revenues in fiscal year 2008 in the amount of \$21,601,932

– RESOLUTIONS –

RESOLUTION NO. RS2007-45 (JAMESON & COLE) – This resolution approves a grant in the amount \$105,190 from the state commission on children and youth to the juvenile court for juvenile accountability incentive block grant program services. These funds are federal pass through dollars that are used to fund certain salaried positions and professional services in the juvenile court. Specifically, the grant will fund two full time community-based probation officers and partial funding for an intake probation officer in the juvenile court’s diversion program. The term of the grant is from October 1, 2007, through September 30, 2008, with a possible one-year extension.

The juvenile court will be required to provide a cash match of \$11,688 from its operating budget.

RESOLUTION NO. RS2007-46 (CRADDOCK & COLE) – This resolution approves a grant in the amount of \$886,099 from the state department of finance and administration to the Davidson County drug court to provide treatment to persons addicted to methamphetamine. The term of this grant is from July 1, 2007 though June 30, 2009, with a possible extension of three additional one-year periods. The drug court will use these grant funds for a Meth Pilot Program with the goal of reducing recidivism for meth offenders by offering long-term residential treatment and to teach life skills necessary for living meth-free. This program will involve the hiring of additional administrative, medical and clinical staff to manage and facilitate the treatment of 30 additional residents, and for a male dormitory to house the additional participants.

RESOLUTION NO. RS2007-47 (FOSTER, JAMESON & COLE) – 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.

This is the resubmittal of a previous grant application, which was approved by the council in December 2006.

RESOLUTION NO. RS2007-48 (CRADDOCK, FORKUM & COLE) – This resolution approves an intergovernmental agreement between the state property utilization division and the Metro police department for the acceptance of equipment to be utilized by the police department’s drill and ceremony team. The state has agreed to supply the drill and ceremony team with sixty .45 caliber semi-automatic pistols. The police department will be required to pay shipping, processing, and transfer fees in the amount of \$1,273 from the department’s budget.

RESOLUTION NO. RS2007-49 (COLE) – This resolution appropriates \$25,000 in direct appropriation grant funds from the state department of human services to the Metropolitan action commission (MAC) for programs to increase awareness of poverty issues and to assist low-income families. These funds will be used for educational and promotional methods to increase poverty awareness. The funds can also be used to provide assistance to low-income families on a case-by-case basis for services that are not covered under other grant-funded programs operated by MAC.

RESOLUTION NO. RS2007-50 (MAYNARD) – This resolution approves a contract between Tennessee State University and the Metropolitan board of health to provide clinical experience to students enrolled in the TSU dental hygiene degree completion program. This clinical experience will take place at the Lentz Public Health Center, and will be available to students that are already licensed to practice dental hygiene in Tennessee. Pursuant to this contract, the health department will coordinate the externship experience, and provide observational opportunities and practical experience.

The term of the contract is from September 1, 2007 through September 1, 2012, but may be terminated by either party upon 30 days written notice. TSU will be required to maintain professional liability insurance coverage in the amount of \$1 million. The health department will have the responsibility of setting the eligibility standards for participation in the program and to evaluate the results of the student background checks.

RESOLUTION NO. RS2007-51 (MAYNARD & COLE) – This resolution approves a contract between the Metropolitan health department and the United Way of Metropolitan Nashville to arrange for assistance in the planning, development and delivery of services for minority individuals infected with or affected by HIV/AIDS. The services to be coordinated include case management, medical, nursing, dental, diagnostic, rehabilitation, and home health services for persons eligible under the Ryan White Treatment Modernization Act of 2006. United Way is to be paid \$186,698 to perform the services under this contract, which are essentially pass-through funds from the federal government. All of the federal funding must be used for direct HIV services.

The council has approved similar contracts with the United Way to provide these services to persons with HIV/AIDS, but this particular program is to benefit minorities.

RESOLUTION NO. RS2007-52 (MAYNARD & COLE) – This resolution approves an amendment to a grant from the Saint Thomas Health Services Fund to the Metropolitan board of health to coordinate behavioral health services for uninsured and underinsured persons. The health department uses these grant funds for a behavioral health advisory board composed of various behavioral health providers to oversee the development of a volunteer network of mental health and alcohol and drug treatment providers. The health department is to recruit behavioral health providers to participate in the volunteer network.

This resolution approves a one-year extension of the grant until November 21, 2008, and increases the amount of the grant by \$59,749 for a total grant award of \$117,735.

RESOLUTION NO. RS2007-53 (MAYNARD & COLE) – This resolution accepts a grant in the amount of \$155,861 from the U.S. environmental protection agency to the Metropolitan board of health for the operation of the air pollution control program of the health department. The health department is responsible for enforcing the provisions of the federal clean air act within the jurisdiction of the Metropolitan Government. The term of the grant is from October 1, 2007 through September 30, 2009. There is a required local match of \$560,000 to be provided from the health department's budget.

RESOLUTION NO. RS2007-54 (MAYNARD & COLE) – This resolution approves an annual 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, 2008 through December 31, 2008.

RESOLUTION NO. RS2007-55 (MAYNARD & COLE) - This resolution approves a grant in the amount of \$250,000 from the state department of health to the Metro health department for the implementation of a diabetes project. The health department will coordinate the implementation of a program that focuses on preventing Type 2 diabetes for approximately 300 inner city youth ages 11 to 15 in high risk areas. A breakdown of the grant budget is as follows:

- \$55,400 for professional fees
- \$50,400 to fund the salaries of a program manager and clerical administrator
- \$1,500 for travel expenses
- \$18,000 to sponsor events
- \$50,300 to purchase exercise equipment

The term of the grant is from December 1, 2007 though November 30, 2008. There is a required local match in the amount of \$323,233 to be provided through the health department's operating budget.

RESOLUTION NO. RS2007-56 (MAYNARD & COLE) – This resolution approves an amendment to a grant from the state department of health to the Metropolitan health department for sexually transmitted disease services and HIV/AIDS prevention and surveillance. This is an annual federal pass-through grant that pays the salaries of health department employees to provide these services. The funds are to be used for HIV prevention, active surveillance of HIV/AIDS cases, diagnostic and treatment services, and disease intervention services.

The original amount of the grant was for \$1,103,300, with a term from January 1, 2007 through December 31, 2007. This resolution approves a \$182,000 increase in the amount of the grant, for a new grant total of \$1,285,300.

RESOLUTION NO. RS2007-57 (EVANS & COLE) – This resolution approves a contract between the state department of transportation and the Metropolitan Government for the resurfacing of Stewart's Ferry Pike from the Interstate 40 bridge to Lebanon Pike. The total cost of this project is \$656,400, with Metro providing \$30,946.58 in cash and \$133,153.42 as an in-kind contribution, and the state providing the balance of \$492,300. This is a typical contract with the state for road resurfacing authorized under the state-aid highway system program.

RESOLUTION NO. RS2007-58 (EVANS & COLE) – This resolution approves an annual grant from the state department of environment and conservation to the Metropolitan Government to provide assistance in maintaining and operating a permanent household hazardous collection site located at 941 Dr. Richard Adams Drive. This grant has typically been awarded on an annual basis. However, this resolution approves a five-year agreement with an annual payment to Metro of \$85,000, for a total grant award of \$425,000. The term of this grant is from November 1, 2007 through June 30, 2012.

RESOLUTION NO. RS2007-59 (COLE, TOLER & EVANS) – This resolution authorizes the Metropolitan Government to enter into an interlocal agreement with the City of La Vergne to transport wastewater from property in Davidson County through the City of La Vergne's sewer system, and back into Metro's system. 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. Due to topography issues, certain areas within Metro's sewage system and La Vergne's system need to be interconnected to provide efficient sewage flow to a treatment facility. Although it is physically possible to pump the sewage without leaving Davidson County, it will be much cheaper to use La Vergne's sewer capacity to transport the sewage flow.

Metro will have two points of connection to La Vergne's system: Blake Moore Road and Carothers Crossing at the Rutherford/Davidson County line. The purpose of this agreement is to accommodate the additional capacity resulting from the very large Carothers Crossing subdivision. Metro will be required to install a wastewater metering device and flow metering devices at all points of connection into La Vergne's system. La Vergne has agreed to accept a maximum of 1,000 gallons per hour at the Blake Moore connection and 11,667 gallons per hour at the Carothers Crossing connection. Metro will be required to pay \$0.21 per 1,000 gallons of flow. In addition, Metro agrees to pay a capital cost of \$325,775, which will be paid by a surcharge in the amount of \$0.84 per 1,000 gallons until the full amount is paid. However, pursuant to a separate agreement, Metro will collect these amounts from the Carothers Crossing developer. Thus, Metro Water Services will not be expending its own resources in performance of this contract.

La Vergne currently does not have the sewer capacity to take on more sewage flow than the maximum amounts stated above. Therefore, if Metro determines that additional capacity will be needed in the future because of further development of the Carothers Crossing subdivision, it will give La Vergne 36 months advanced notice and the capital costs of the expansion will be divided among Metro and La Vergne.

The term of this contract is for twenty years. The contract may be terminated by either party upon three years written notice.

RESOLUTION NO. RS2007-60 (EVANS) – This resolution approves an agreement with the City of Oak Hill for the distribution of street and road funds for road repairs by Oak Hill during the 2006-2007 fiscal year. The City of Oak Hill, along with the satellite cities of Belle Meade and Forest Hills, maintain the roads within their corporate limits instead of Metro public works. The cities of Goodlettsville and Berry Hill do not participate in such contracts with Metro because they do not turn over their state tax revenues to Metro. Ordinance No. O87-1935 established a procedure for the distribution of street and road funds to the eligible satellite cities and provided that these annual contracts are to be ratified by resolution of the Metro Council with 21 affirmative votes.

Pursuant to this agreement, the City of Oak Hill will be paid \$88,000 for the maintenance of its streets.

The council office would point out that stated term of the contract is for the 2006-2007 fiscal year and may not be extended. The contract provides that the \$88,000 payment shall be paid not later than July 30, 2007. However, the City of Oak Hill did not sign the contract until November 12, 2007.

RESOLUTION NO. RS2007-61 (COLE & EVANS) – This resolution approves a fast track infrastructure development program (FIDP) grant in the amount of \$688,704 from the state department of economic and community development to the Metropolitan Government to install network, telecommunications infrastructure and data cabling for Accredo Health Group, Inc. The FIDP 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. These funds are available to businesses that create new jobs through the expansion of facilities. In November 2004, the council enacted Ordinance No. BL2004-382, which transferred the administration of this program from the industrial development board and the mayor's office of economic development to the department of public works.

These grant funds will be used to pay for network improvements, telecommunications infrastructure, and data cabling at Accredo Health Group, Inc.'s new headquarters and distribution facility in the Metrocenter area. Accredo has agreed to invest at least \$5,800,000 in real property and \$7,800,000 in personal property within three years for this facility. This new facility will retain 120 jobs in Nashville and create 148 new jobs between 2007 and 2010. Accredo, which is a subsidiary of Medco Health Solutions, provides specialized pharmacy services pursuant to agreements with biotechnology drug manufacturers related to the treatment of chronic diseases.

The term of this grant is from September 26, 2007 through August 31, 2012. There is a required match of \$459,136, which is to be provided by Accredo. No Metropolitan Government funds are pledged as matching funds for this grant.

RESOLUTION NO. RS2007-62 (MAYNARD, GILMORE & COLE) – This resolution approves an application for a Transportation Enhancement Program grant from the state department of transportation for improvements to Interstate 40 at 28th Avenue and Jefferson Street in North Nashville. Metro is seeking \$640,000 in federal pass-through funds for this project. If awarded, the grant funds will be used for phase 1 of new Gateway to Heritage streetscape improvements to beautify the entrances to the community. These streetscape improvements will consist of the planting of various trees, plant beds, new grass, an irrigation system, and directional signage for motorists exiting I-40.

Tennessee State University, Fisk University and Meharry Medical College have agreed to use their grounds-keeping crews to assist with the general maintenance of the corridor. In addition, Jefferson Street United Merchants Partnership (JUMP) plans to hire a crew to provide weekly maintenance and clean-up of the project. If awarded, there will be a \$160,000 required local match for the grant.

RESOLUTION NO. RS2007-63 (COLE & TYGARD) - This resolution approves a grant in the amount of \$999,374.84 from the state department of transportation, through the Governor's Highway Safety Program, to the Metro police department for an enhanced DUI enforcement initiative. The purpose of the grant is to reduce traffic related crash fatalities, especially focusing on alcohol or drug impaired drivers. These federal pass-through funds will be used by the police department for three safety initiatives geared toward reducing impaired driving.

The first initiative is a 52-week program that involves an enhanced enforcement team consisting of ten officers, two sergeants, and one lieutenant working Thursday through Sunday nights and on the five holidays associated with heavy alcohol consumption: St. Patrick's Day, Memorial Day, Independence Day, Labor Day, and New Years Eve. The second initiative consists of a sergeant and up to five officers to work strategically placed sobriety checkpoints. The third initiative involves the utilization of public service announcements to send an educational message regarding impaired driving.

The term of the grant is from October 1, 2007 through September 30, 2008.

RESOLUTION NO. RS2007-64 (MAYNARD, GILMORE & COLE) – This resolution authorizes Access Fiber Group, Inc., to install and maintain fiber optic aerial telecommunications cable on existing utility poles in Davidson County. Access Fiber Group, Inc., plans to construct approximately 26 miles of cable within Davidson County starting at the intersection of Franklin Street and 2nd Avenue North, winding around the city, and ultimately ending at the intersection of James Robertson Parkway and Gay Street. The purpose of the aerial cable installation is to serve the Bank of New York facility at 420 Woodfolk Avenue, which operates as a back-up financial data center. Access Fiber Group, Inc. is to pay all costs related to the construction and maintenance of the cable. The plans and specifications for the cable must be submitted to and approved by the director of public works. Further, Access Fiber Group, Inc. must obtain a \$1,000,000 certificate of liability insurance naming Metro as an insured party.

Ordinance No. O87-1890 allows such aerial encroachments to be approved by resolution of the council rather than ordinance since no excavation is required in the right-of-way.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2007-65 (COLE) – This resolution authorizes the department of law to settle the lawsuit of Deanna and Jason Covington against the Metropolitan Government for the amount of \$15,000. On September 8, 2005, Mrs. Covington and her husband were traveling east on Union Street near the intersection of Second Avenue North when their vehicle was struck by a vehicle driven by a Davidson County sheriff's office employee. The employee ran the red light at the Union Street intersection as a result of faulty brakes. The brakes on this particular vehicle had recently been repaired by Metro fleet management.

Mrs. Covington was 30 weeks pregnant at the time of the accident. Both she and her husband were injured in the accident, and they incurred combined medical bills totaling \$8,570.55.

Since liability for this accident is undisputed, the department of law recommends settling the lawsuit for \$15,000. The settlement amount represents \$9,250 to compensate Mrs. Covington and \$5,750 for Mr. Covington. No disciplinary action was taken against the Metro employee involved in the accident.

RESOLUTION NOS. RS2007-66 and RS2007-67 (COLE & CRADDOCK) – These two resolutions authorize the department of law to settle the separate claims of Amanda Hamilton and Michael McDaniel against the Metropolitan Government for a total amount of \$60,000. On March 2, 2007, an office of emergency management employee was traveling on Stewart's Ferry Pike when he ran the red light at the intersection of Laurel Drive and struck the left side of Amanda Hamilton's vehicle. Ms. Hamilton and her two passengers were injured in the accident. Ms. Hamilton was transported to Vanderbilt Hospital where she was treated for serious injuries consisting of a broken bone and multiple lacerations and bruises. Her medical bills and lost wages total \$28,704.92. Mr. McDaniel, one of the passengers in Ms. Hamilton's vehicle, was transported to Summit Medical Center for treatment of his injuries. He incurred medical expenses and lost wages in the amount of \$4,416.

Since Metro's liability is clear in this case, the department of law recommends settling these claims for \$48,000 for Ms. Hamilton and \$12,000 for Mr. McDaniel. The department of law has attempted to contact the third person in the car, but has not received any information.

The Metro employee involved in this accident was not permitted to drive a Metro vehicle for 120 days after this accident.

Resolution No. RS2007-66 approves the settlement of Amanda Hamilton's claim for \$48,000.

Resolution No. RS2007-67 approves the settlement of Michael McDaniel's claim for \$12,000.

RESOLUTION NO. RS2007-68 (COLE & EVANS) – This resolution authorizes the department of law to compromise and settle the recovery claim of the Metropolitan Government against Abdinoor Ido in the amount of \$8,392.75. On June 17, 2007, a Metro police officer was stopped in traffic on Carroll Street at University Court when his vehicle was struck by a vehicle driven by Mr. Ido as he was backing out of a driveway. The Metro police vehicle sustained damage in the amount of \$8,392.75. This resolution accepts the amount of the property damage to the Metro vehicle to settle this claim.

RESOLUTION NO. RS2007-69 (COLE & CRADDOCK) – This resolution authorizes the department of law to compromise and settle the recovery claim of the Metropolitan Government against Cynthia Jackson in the amount of \$8,561.24. On November 14, 2006, Ms. Jackson, while allegedly driving under the influence of alcohol, was traveling west on Glenrose Avenue when she drifted into the east bound lanes striking the left side of another vehicle and then colliding head on with a Metro police car. Ms. Jackson was arrested at the scene of the accident for DUI. The 2001 Chevy Impala police car was considered a total loss. This resolution settles the claim for the value of the totaled police car.

There is a typographical error in the resolution regarding the date of the accident.

RESOLUTION NO. RS2007-70 (COLE) – This resolution authorizes the department of law to settle the lawsuit of Randolph Kinzer, Mona Lisa Kinzer, and Medicare against the Metropolitan Government for a total settlement amount of \$55,000. On July 6, 2005, a large crowd was gathered at Centennial Park to watch a children’s movie at the band shell. Parks police officers were assigned to the area for traffic control purposes and to assist citizens in the park. At approximately 9:00 p.m., parks police Officer Harris observed a vehicle driven by Mr. Kinzer going across the grass. Officer Harris radioed Officer Owens to stop the vehicle. Officer Owens briefly talked with Mr. Kinzer and offered to assist him with parking, but Mr. Kinzer drove away. Officer Owens attempted to chase the vehicle on foot and radioed to Officer Wells for assistance.

Officer Wells stepped in front Mr. Kinzer’s vehicle and, with his gun drawn, ordered him to stop. Mr. Kinzer briefly stopped, rolled forward, stopped again, and continued to roll forward. Officer Wells fired three shots, all of which struck Mr. Kinzer. The first shot was fired at the front of the car through the windshield and the second shot was fired from the passenger headlight position. The third shot, however, was clearly fired from the side of the vehicle. Officer Wells testified that he fired because he was in fear for his life. Mr. Kinzer suffers from serious mental incapacities, and had not been taking his prescribed medication at the time of this incident.

Mr. Kinzer was seriously injured as a result of being shot three times, and has incurred medical bills totaling \$71,641.95. Medicare has asserted a lien for \$7,366.13.

The department of law recommends settling this lawsuit for \$55,000, with \$47,633.87 being paid to the Kinzers and \$6,366.13 paid to Medicare. The police department’s Use of Force Board determined that Officer Wells’ final discharge of his gun violated departmental policy. Were this case to go to trial, it is likely that a jury would award Mr. Kinzer in excess of \$55,000. This amount is to be paid from the judgments and losses fund.

No disciplinary action was taken against Officer Wells, but he and the other parks police officers were required to attend 8 hours of remedial use of force training.

RESOLUTION NO. RS2007-71 (COLE) – This resolution authorizes the department of law to settle the claim of Shanna McMillan against the Metropolitan Government for the amount \$34,559.30. On November 6, 2006, a Metro public works employee was driving a recycling truck in the right lane on Main Street when he attempted to make a u-turn. The employee did not notice a vehicle in the left lane when he attempted the u-turn, and a collision resulted. Ms. McMillan’s 2006 Ford Taurus, which was valued at \$11,922.10, was totaled in the accident. In addition, she incurred \$15,754.64 in medical bills and \$882.56 in lost wages.

The department of law recommends settling this claim for \$34,559.30, which compensates Ms. McMillan for the property damage, lost wages, and medicals, plus \$6,000 for pain and suffering. This amount is to be paid from the self-insured liability fund.

The Metro employee involved in this accident received a one-day suspension.

RESOLUTION NO. RS2007-72 (COLE) – This resolution authorizes the department of law to compromise and settle the recovery claim of the Metropolitan Government against Elizabeth Rich in the amount of \$5,705.53. On September 12, 2006, a Metro codes department employee was stopped on Church Street waiting to turn into the NES parking lot when his vehicle was struck in the rear by Ms. Rich’s vehicle. As a result of the accident, the Metropolitan Government incurred medical and

injury-on-duty expenses in the amount of \$5,705.53. This resolution settles the claim for the amount paid by Metro.

RESOLUTION NO. RS2007-73 (COLE & CRADDOCK) – This resolution authorizes the department of law to compromise and settle the recovery claim of the Metropolitan Government against Jason Sims in the amount of \$7,200.40. On February 6, 2006, a fire department captain was traveling east on Lafayette Street when Mr. Sims ran the traffic light at the Second Avenue North intersection and struck the fire department vehicle causing \$7,200.40 in damage. This resolution settles the claim for the amount of the property damage to the Metro vehicle.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2007-4 (PAGE & MAYNARD) – This ordinance would regulate the “booting” of vehicles within the area of the Metropolitan Government. Certain companies operating within the Nashville area have agreements with businesses to place a disabling device on vehicles parked on their private property without authorization or without paying the required parking fee. The code does not expressly prohibit this activity.

This ordinance would prohibit anyone from towing a vehicle that has been booted unless the boot has remained on for twenty-four hours. The vehicle owner would be able to have the boot removed by paying a \$65 fee plus one day of storage, which is not to exceed \$15. Each booting device would be required to display the telephone number for the booting company, which must be answered 24 hours a day. Someone from the booting company must be available to remove the boot within one hour from being called.

This ordinance was recommended by the director of the transportation licensing commission. A similar ordinance was withdrawn in August 2007.

ORDINANCE NO. BL2007-7 (GILMORE) – This ordinance abandons portions of the right-of-way for Alley No. 222 from Second Avenue North to Van Buren Street. This closure has been requested by Metro real property services. All easements are being retained by Metro Government. 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. BL2007-8 (BAKER) – This ordinance abandons portions of the right-of-way for Alley No. 1219 from Georgia Avenue to Delaware Avenue. This closure has been requested by Barge, Waggoner, Sumner & Cannon on behalf of the property owner/developer. This entire block is now owned by one owner who desires to develop the property in a consolidated manner. All easements are being retained by Metro Government. 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 NOS. BL2007-38 & BL2007-39 – These two ordinances amend the Metropolitan Code provisions pertaining to nonprofit organizations that receive funding from the Metropolitan Government. In August 2007, the council enacted Ordinance No. BL2007-1451, as amended, to require nonprofit organizations receiving Metro funding to either submit quarterly reports to the Council Rules Committee, or make their board meetings open to the public. Ordinance No. BL2007-1451 was filed in response to a *City Paper* article about a reporter being kept out of a Nashville Chamber of Commerce board meeting where an endorsement of pending state legislation was being discussed regarding telecommunications companies providing video services. In its original form, BL2007-1451 would have required all nonprofit organizations that receive funding through the general fund of the Metropolitan Government or the hotel/motel occupancy tax to make all of their board meetings open to the public. The ordinance was subsequently amended to either require board meetings to be open when the expenditure of Metropolitan Government funds is being deliberated, or in the alternative, submit quarterly reports regarding how the Metro grant funding is being used. The ordinance expressly excludes nonprofit organizations that receive funding from Metro for specific services provided pursuant to a contract.

The Metropolitan finance department already tracks all grants made by the government to nonprofit organizations to ensure that the funds are spent in accordance with the requirements of the grant agreement. The finance department can demand a return of the grant funding in the event they determine that the funds were not spent properly or were not adequately accounted for. Thus, the reporting requirements contained in Ordinance No. BL2007-1451 essentially results in a duplication of efforts in that the nonprofits are required not only to submit information to the finance department, but also to the Council Rules Committee.

The council office would point out that the ordinance provides no guidance regarding the type of information or the format in which it is to be provided to the Rules committee. Further, the ordinance does not require any specific action to be taken by the committee, other than to simply receive the report.

Ordinance No. BL2007-38 (Ryman and Steine) would repeal Ordinance No. BL2007-1451 in its entirety.

Ordinance No. BL2007-39 (Steine & Ryman) would amend Ordinance No. BL2007-1451 to exempt nonprofit organizations receiving grant funds through the Metropolitan Nashville arts commission. Organizations seeking arts commission funds must submit a detailed application to the commission, and the organization is personally visited prior to receiving funds to ensure it is legitimate. Further, both state and local law already exempt nonprofit organizations receiving arts commission grants from having to submit a copy of their annual audit and budget to the council since the arts commission grant application process is so involved.

ORDINANCE NO. BL2007-40 (WILHOITE) – This ordinance amends the Metro building code to impose regulations on the boarding of vacant homes and buildings. Currently, if a dwelling or structure is determined by the codes department to be unfit for human habitation and the owner fails to repair the property, the department can close the building and require that the doors and windows be boarded-up. There are no current regulations regarding the type of boards that can be used or the aesthetic appearance of the boards.

This ordinance would require property owners to “lock, board or otherwise secure” all openings on the first floor of a vacant building. If the property owner chooses to board up the property, it must be done using one-half inch thick plywood, which must be painted a color that is consistent with the building. Further, all boards would have to be cut to fit into the windows and doors, not over them.

The council office would point out that the requirements contained in this ordinance would apply to all vacant properties, regardless of whether the codes department has designated the building unfit for human occupancy.

ORDINANCE NO. BL2007-41 (COLE) – This ordinance approves a lease agreement between Legends Properties, LLC and the Nashville career advancement center (NCAC) for lease of property located at 155 Legends Drive for use as classroom and office space for the Wilson County NCAC program. The term of the lease is for five years, with a possible extension of three additional five year terms. NCAC is leasing 4,100 square feet of space, which represents approximately ten percent of the complex. The annual rent amount for the lease is based upon the square footage multiplied by \$12.50 for year one, \$13.50 for year two, and \$15.50 for years three to five. This results in total

monthly payments of \$4,270.83 in year one, \$4,612.50 in year two, and \$5,295.83 for the remainder of the term. If the option to extend the lease is exercised, the rent will be increased based upon a consumer price index. The lease payments will be paid from federal pass through funds and will result in no real cost to Metro. Legends Properties will be responsible for taxes, insurance, and maintenance of the property. NCAC agrees to make a one time payment of \$31,040 for the build out of the premises. NCAC also agrees to pay the cost of all utilities.

This lease agreement for property in Wilson County is being submitted to the council for approval because NCAC administers the provisions of the Workforce Investment Act of 1998 for the counties of Davidson, Rutherford, Wilson, and Trousdale.

ORDINANCE NO. BL2007-42 (MATTHEWS, FOSTER & COLE) – This ordinance authorizes the director of public property administration to accept property located at 5619 and 5623 Old Hickory Boulevard from Mary Lee Proctor O’Neil and Catherine Proctor Grose for use as part of the parks system. This property, totaling approximately 234 acres, must be used and maintained as a park or greenway for at least 90 years. This property will be part of Beaman Park.

This ordinance has been approved by the board of parks and recreation and the planning commission.

ORDINANCE NO. BL2007-43 (HUNT) – This ordinance renames Heartdale Place as “Barbara Lynn Way”, and renames Trailway Drive as “Lauren Evelyn Way”, from Chesapeake Drive to the dead end of the streets. These two streets are basically stub streets that will connect to a proposed development. The request for the name change was submitted by Littlejohn Engineering. Although the Metro Code prohibits naming streets after living people, there is nothing in the application documents that would indicate Barbara Lynn and Lauren Evelyn are actual living persons.

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

ORDINANCE NO. BL2007-46 (LANGSTER, JAMESON & 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. The majority of the CDBG funds will be used as follows:

- \$550,000 for administration of the program
- \$400,000 for planning
- \$325,000 for property acquisition
- \$1,350,000 for housing rehabilitation
- \$1,250,000 for the NSAs and commercial district target areas

The following three new NSAs are being added to the plan: Jefferson Street, Bordeaux Hills, and 8th & Lafayette. Maps that set out the boundaries for all of the NSAs and commercial district target areas are on file with MDHA.

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 shows proposed HOME program allocations of \$3,150,000 for next year.

ESG funds are allocated to local homeless shelter providers to help cover operational expenses, prevention services, and essential services. Most of the funds are distributed to subgrantee shelters to cover their operational costs. 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 next year.

The **HOPWA** program provides housing related assistance for low-income persons with AIDS and their families. The plan shows proposed allocations in the amount of \$737,000 for this program.

These federal programs funded by HUD have been in existence for over 30 years.

ORDINANCE NO. BL2007-47 (FORKUM & RYMAN) – This ordinance amends the Metropolitan Code provisions pertaining to the installation of private fire hydrants. Since 1988, the code has prohibited new residential or commercial buildings from being located more than 500 feet from a fire hydrant. The code includes certain specifications for private fire hydrants, including the size of the water main, color of the hydrant, and that the hydrant be installed in accordance with an approved plan.

This ordinance would exempt single-family residential homes constructed on a lot of five acres or more in size from the 500-foot fire hydrant requirement.

ORDINANCE NO. BL2007-48 (COLE) – This ordinance establishes the property tax relief program for low-income elderly residents of the Metropolitan Government for fiscal year 2007-2008. State law

allows county legislative bodies to appropriate funds for a tax relief program and establish guidelines for participation in the program and the disbursement of such funds. The council appropriated \$1,216,500 in the current fiscal year's operating budget for a property tax relief program for the elderly, which is approximately \$200,000 more than was appropriated for the last fiscal year.

This ordinance authorizes the Metropolitan trustee to establish rules and procedures for implementation of the program and directs the trustee to disburse the funds accordingly to all eligible taxpayers. All persons who qualify for the state property tax relief program and whose income does not exceed \$24,000 annually will qualify for this program. As this budgetary appropriation is non-recurring funding, this program will expire on June 30, 2008.

This tax relief program has been in place for a number of years. This program is different from the tax freeze program for senior citizens, which will not take effect until the next fiscal year.

ORDINANCE NO. BL2007-49 (EVANS & STANLEY) – This ordinance declares Metropolitan Government-owned property located at 4186 Dodson Chapel Road to be surplus, and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. The Metropolitan board of public education has determined that this property is no longer needed for school purposes. Pursuant to the Metro Charter, the council must approve the disposition of all property maintained by the school board before it can be sold. The proceeds of the sale will be credited to the unappropriated school fund.

This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2007-50 & BL2007-51 – These two ordinances authorize the Metropolitan Government to enter into participation agreements with private developers to provide public sewer service to properties in Davidson and Williamson Counties. Back in 1998, the department of water and sewer services expanded two trunk sewer lines in anticipation of private developments tying on to the system. Pursuant to these agreements, the developers will contribute \$2,000 per single-family connection to the sewer system in aid of construction. These funds are to be deposited into the water and sewer extension and replacement fund. These are typical participation agreements entered into by the department of water and sewerage services whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service. The properties benefiting from the sewer connections become regular customers of Metro water services and pay the same sewer rates as customers in Davidson County.

The council office would point out that the Metropolitan Government is legally obligated to provide sewer service to these customers in Williamson County. Were Metro water services to refuse to treat the sewage or "turn off the tap", Metro would be in violation of numerous state and federal environmental regulations, which would result in substantial fines and remedial expenses.

Ordinance No. BL2007-50 (Toler, Evans & Cole) approves a participation agreement with Burkitt Place Development, LLC to provide public sewer service to phases 2-A, 2-B and 2-G of the Burkitt Place subdivision in Davidson and Williamson Counties. Burkitt Place Development, LLC has agreed to contribute \$106,000 toward the cost of the project in aid of construction for a total of 53 single-family home connections. The council has approved similar ordinances in the past for previous phases of this subdivision.

Ordinance No. BL2007-51 (Cole & Evans) approves a participation agreement with Ken Kelly Property to provide public sewer service to one parcel located at Nolensville Road and Britain Lane in Williamson County. Ken Kelly Property agrees to contribute \$2,000 for one unit of flow.

ORDINANCE NO. BL2007-52 (FORKUM, EVANS & COLE) – This ordinance authorizes the acquisition of easements in conjunction with the department of water and sewerage services' Sanitarium Road sewer extension project. Easements are to be acquired for 123, 125, 127, 128, 129, 130, 131, 132, 133, 135, 136, and 139 Sanitarium Road, as well as 1515 Sutherland Drive and 1120 Cheyenne Boulevard. The estimated total cost of the easements is \$21,000, which will be paid from the water and sewer extension and replacement fund.

This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2007-53 through BL2007-55 – These three ordinances authorize the negotiation, acquisition and acceptance of easements required for various projects to be completed by the department of water and sewerage services. The ordinances provide that future amendments may be approved by resolution of the council. These three ordinances have been approved by the planning commission.

Ordinance Nos. BL2007-53 and BL2007-54 (Gotto, Ryman & others) authorize the acquisition of 45 easements for property located at John Hager Road, Seven Points Circle, Leona Pass, Paul's Trail, Christina Court, Rachael's Meadow Court, Springfield Highway, Edgebrook Road, Kayla Drive, and Miami Avenue. The property owners have already executed grants of these easements at no cost to Metro, which are necessary for the installation of sewer grinder pumps.

Ordinance No. BL2007-55 (Gotto, Evans & Cole) – authorizes the acquisition of easements across Corps of Engineers property located at Stewarts Ferry Pike and Earhart Road necessary for the installation of a 12" water main. The department of water and sewerage services will be acquiring a 20' permanent easement and a 10' temporary easement for the project. There is no anticipated cost for the acquisition of the easements.

ORDINANCE NO. BL2007-56 (COLE, EVANS & CLAIBORNE) – This ordinance authorizes the director of public property administration to acquire property located at 1130 Visco Drive required for the construction of the water department's Barker Road equalization tanks project. The estimated cost of the acquisition is \$1.5 million, which will be paid out of the water and sewer extension and replacement fund.

ORDINANCE NOS. BL2007-57 through BL2007-59 – These three ordinances authorize the acceptance of easements for various stormwater projects in Davidson County. These easements are necessary for the completion of the projects, and are being acquired at no cost to the Metropolitan Government. Future amendments to these ordinances may be approved by resolution of the council. These ordinances have been approved by the planning commission.

Ordinance No. BL2007-57 (Harrison, Forkum & others) accepts stormwater easements for the following properties:

- 106 Kenner Avenue

- 4601 Ashland City Highway
- 7305 Sonya Drive
- 520 Cowan Street
- 230 Rudy Circle
- 558 Bell Road
- 421 and 501 Forest Park Road
- 247 Old Hickory Boulevard
- 2927 Brick Church Pike
- 103 28th Avenue North
- 1654 Elm Hill Pike
- Elm Hill Pike, unnumbered
- 72 and 84 Hermitage Avenue
- Hermitage Avenue, unnumbered
- 2518 Una Antioch Pike
- 5995 Cane Ridge Road
- 1040 Cornelia Street
- 4106B Hillsboro Pike

Ordinance No. BL2007-58 (Cole, Adkins & Evans) accepts stormwater easements for the following properties:

- 4871 and 4874 Shasta Drive
- 4009 Vailwood Drive
- 4005, 4009 and 4014 Skyline Drive
- 744 Greymont Avenue
- 1601 and 1603 Northview Avenue
- 1601 and 1608 Emerson Street
- 1607 Cahal Avenue

Ordinance No. BL2007-59 (Cole & Evans) accepts stormwater easements for 3620 and 3624 Brighton Road.

ORDINANCE NO. BL2007-60 & BL2007-61 – 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. BL2007-60 (Ryman, Cole, Evans) abandons an 8” sanitary sewer line and easement at the Wal-Mart expansion project located at Liberty Lane and Gallatin Pike. The existing sewer line will be replaced by a new 8” line at the property.

Ordinance No. BL2007-61 (Evans) abandons a water/sewer easement located in Alley No. 1894, between Thompson Lane and Collier Avenue.

ORDINANCE NO. BL2007-62 (JAMESON) – This ordinance abandons the right-of-way for Alley No. 287 between Shelby Avenue and Alley No. 264, west of South 10th Street. This closure has been requested by GSS Consultants, LLC, on behalf of the property owner. This portion of right-of-way is

no longer needed for government purposes. Consent of the affected property owner 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.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2007-5 (HUNT, MATTHEWS & OTHERS) – This ordinance authorizes Tennessee Independent Telecommunications Group, LLC, doing business as Iris Networks, to construct, install, and maintain fiber optic cable in Davidson County. Iris Networks plans to construct approximately 13.7 miles of cable in Davidson County, using both aerial and underground facilities. The route will begin at the corner of Jo Johnston Avenue and 16th Avenue North, and will eventually terminate at 1391 Bellavista Drive. Iris Networks is to pay all costs related to the construction and maintenance of the cable.

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

The provisions of this ordinance will be effective as long as Iris Networks does not offer local telecommunications service to retail customers in Davidson County. Communications companies are prohibited from offering local telecommunications service without first obtaining a telecommunications franchise from Metro.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2007-6 (CLAIBORNE) – This ordinance abandons the Lakeland Court right-of-way from Lakeland Drive southward to the dead end. This closure has been requested on behalf of the abutting property owners. 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. BL2007-36 (JAMESON) – This zoning text change amends the provisions in the zoning code that allow the floor area of parking garage liner buildings to be exempt from the calculation of the floor area ratio (FAR) for the garage to establish different requirements for residential and non-residential buildings. In July 2007, the council approved Ordinance No. BL2007-1531 to allow the first 20 feet of depth for liner buildings within the CC, CF, ORI and mixed-used zoning districts that house office, residential or other non-parking commercial uses to be exempt from the FAR calculation. "Liner buildings" are buildings that are shallow in depth but wide to the street, and area used to hide parking garages from the street view. These liner buildings may be used either for commercial or residential purposes.

This ordinance would make a distinction between residential and non-residential uses in the liner buildings as it pertains to the FAR exemption. A minimum of forty percent of the front façade of the first floor for non-residential liner buildings would have to be clear or lightly tinted windows and doors in order to qualify for the FAR exemption. For residential liner buildings, a minimum of twenty-five percent of the front façade on the first level must be clear or tinted windows or doors. Upper floors

would be required to have a minimum of twenty-five percent glazing in order to be eligible for the square footage calculation exemption.

There is a proposed amendment for this ordinance to clarify that the floor area of the liner buildings constructed in conformance with the requirements of this ordinance shall be exempt from the calculation of floor area ratio. While this is obviously the intent of the ordinance, this provision should specifically be included.

This ordinance has been approved by the planning commission.