

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **February 19, 2008**

RE: **Analysis Report**

Balances As Of:	<u>2/13/08</u>	<u>1/31/07</u>
<u>GSD 4% RESERVE FUND</u>	* \$21,556,153	\$21,260,307
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$23,492,103	\$31,131,038
USD	\$15,945,572	\$12,243,660
<u>GENERAL PURPOSE SCHOOL FUND</u>	\$61,508,540	\$37,753,270

* Assumes estimated revenues in fiscal year 2008 in the amount of \$23,722,200

– RESOLUTIONS –

SUBSTITUTE RESOLUTION NO. RS2008-144 (COLE & MAYNARD) – This substitute resolution approves a third extension of the reimbursement date for the outstanding loan from the Metropolitan Government to the hospital authority, and increases the loan amount by \$11,500,000. In April of 2006, the council approved an intra-governmental loan to the hospital authority in the amount of \$6,748,700 to allow General Hospital to remain open through June 30, 2006. At the time of the April 2006 loan, the hospital authority had a previous loan balance of \$13.7 million, which was after Metro essentially forgave \$50 million in hospital authority debt in fiscal year 2006. This loan was to be secured by the receivables of the hospital authority and was to be repaid by June 30, 2006. In July 2006, the council approved an extension of the loan, which was to be repaid not later than June 30, 2007. Again, in June 2007, the council approved another extension of the loan until June 30, 2008, for a total outstanding loan amount of \$20,448,700. This loan was to be secured by all of the hospital authority's net assets, instead of just their receivables.

It is apparent that the hospital authority will not be able to repay the loan to Metro by June 30, 2008. Further, the hospital authority needs an additional loan of \$11,500,000 to keep General Hospital open from March through June of this year. Although General Hospital is expected to receive some additional money from the state during this fiscal year, the state funds will not be sufficient to enable the hospital to continue operating without additional help from the Metropolitan Government.

This resolution extends the reimbursement date of the loan until June 30, 2009, and increases the amount of the loan to \$31,948,700. This new loan agreement provides that the loan is secured by all of the hospital authority's net assets. The resolution requires the hospital authority to submit a monthly financial report to the finance director, as well as the chairs of the council budget and finance and health, hospitals and social services committees, so long as the loan remains outstanding.

Since fiscal year 2004, the Metropolitan Government has provided a direct subsidy for the hospital authority from the general fund totaling \$256,383,400, including the \$50,000,000 loan write-off in 2006. In addition to the subsidy from the general fund, the Metropolitan Government has loaned the hospital authority a considerable amount of money over the past five years. If this \$11,500,000 loan increase is approved, this will bring the total outstanding amount owed to Metro to \$46,000,000 for operating and capital expenses. A May 2006 study performed by Navigant Consulting, Inc., made a number of recommendations for the hospital authority to increase its cash flow. While some of these initiatives have been implemented by the hospital authority, the 2007 Comprehensive Annual Financial Report (CAFR), the annual certified audit of the Metropolitan Government, notes that General Hospital had a net deficit as of June 30, 2007 in the amount of \$7 million. The CAFR further states that General Hospital may be unable to continue as a going concern due to its lack of sufficient cash flow.

Given the Metropolitan Government's current financial strains, the government likely will not be able to continue to support General Hospital at such a high level. The hospital authority must find a way to dramatically increase revenues and/or decrease expenses.

RESOLUTION NO. RS2008-152 (TOLER, FOSTER & COLE) – This resolution authorizes the director of public property administration to exercise options to purchase two tracts of property for use as part of the Mill Creek greenway system. The first tract to be acquired consists of 40 acres located at 13951 Old Hickory Boulevard. This property is being acquired at a cost of \$1,250,000. The second tract located at 46036 Culbertson Road consists of 72.72 acres. The acquisition price for this property

is \$7,600 an acre for flood prone property and \$25,000 an acre for the remainder. The final price is to be determined upon the receipt of a certified survey. The funds for these property acquisitions are from previously issued commercial paper as part of the August 2006 capital spending plan.

The council office would point out that the Metro Code allows for the acquisition of property through the exercise of a negotiated option to sell at a fixed price, which is subject to approval of the council by resolution. Although a mechanism for determining the price of the 72-acre tract is included in the option, it is questionable whether this qualifies as a "fixed price" under the Code.

This resolution has been approved by the board of parks and recreation.

RESOLUTION NO. RS2008-157 (COLEMAN) – This resolution provides a proposed amendment to the Metropolitan Charter regarding term limits for members of council. The Charter currently limits holders of "elected office authorized or created by the Charter" to two consecutive terms by making such office holders ineligible to serve a third term if they have served more than a single term during the previous two terms of office. Thus, for purposes of the Charter term limits provision, a member of council completing any part of partial term and serving a full consecutive term is prohibited from running again for the same office. This proposed Charter amendment would expressly provide that persons serving in the office of mayor, vice mayor, district councilmember, or councilmember-at-large would be ineligible to run for a succeeding term if such person has served more than one-half of a four year term and a consecutive complete four year term. This would essentially mean that serving less than two years of a term would not count as a first term for purposes of term limits.

This Charter amendment would also provide that the offices of district councilmember and councilmember-at-large are separate offices for the purposes of the term limits provision. This would clarify the issue as to whether a district councilmember serving two consecutive terms can be elected at-large, or vice versa.

The council, pursuant to the Charter, may only adopt two resolutions during the term of the council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. This resolution provides that the date for holding the referendum election on the Charter amendments is to be the August 7, 2008 general election. The Charter provides that resolutions proposing amendments to the Charter must be filed at least 80 days prior to the election. State election law provides that resolutions requiring the holding of elections on questions submitted to the people must be adopted between 45 and 60 days prior to the election. Thus, this resolution should be deferred indefinitely.

This proposed Charter amendment has been referred to the charter revision commission.

RESOLUTION NO. RS2008-158 (MURRAY) – This resolution sets a public hearing for the creation of the Skyline Redevelopment Plan administered by the Metropolitan development and housing agency. This proposed plan is the subject matter of Ordinance No. BL2008-154, presently on first reading. The public hearing will be held Tuesday, March 18, 2008 at 6:30 p.m. in the council chamber to receive public input on the redevelopment plan.

RESOLUTION NO. RS2008-159 (COLE) – This resolution approves an amendment to a grant from the state board of probation and parole to the Metropolitan Government for funding the Davidson County community corrections program. This program provides alternative punishments for non-violent offenders consisting of offender supervision, residential programs, and day reporting center programs. The original grant was in the amount of \$2,459,274, and was subsequently amended several times to increase the amount of the grant award. This resolution further amends the grant to increase the amount by \$84,643 for a total grant award of \$3,977,836.

RESOLUTION NO. RS2008-160 (COLE) – This resolution approves a grant in the amount of \$143,836 from the Community Foundation of Middle Tennessee to the office of the district attorney general to provide personnel to review, coordinate, and prosecute firearms cases. These funds will be used to pay the salary of an assistant district attorney to review and prosecute serious gun related crimes. The term of the grant is from September 1, 2007 through August 31, 2010.

RESOLUTION NO. RS2008-161 (COLE & CRADDOCK) – This resolution approves an application for a \$237,930 grant from the Memorial Foundation to the Davidson County sheriff's office to purchase and install educational software for use by inmates. If awarded, these grant funds will be used to purchase PLATO educational software for the educational labs in all five of the sheriff's office jail facilities. This software is designed to increase offenders' education skills (including GED testing), life skills, and employment training. The grant application evidences that the existing educational computer system used by the sheriff's office is outdated and is in constant need of repair.

RESOLUTION NO. RS2008-162 (COLE) – This resolution approves a grant in the amount of \$93,808 from the state department of agriculture to the Nashville farmers' market to add new lighting and ceiling fans in the outdoor shed at the market. The funds will be used to purchase and install six new ten-foot fans at a cost of \$36,020. These grant funds will also be used to purchase and install new lighting at a cost of \$57,788. The term of the grant is from January 1, 2008 through June 1, 2009.

RESOLUTION NO. RS2008-163 (MAYNARD & COLE) – This resolution approves an amendment to an annual grant from the state department of health to the Metropolitan health department for breast and cervical cancer screenings. The amendment increases the amount of the grant by \$39,200, for a total grant award of \$94,200. These federal pass-through funds will be used to pay the salary of a regional coordinator to continue implementation of a screening service for breast and cervical cancer by reaching out to targeted populations, monitoring women with abnormal test results, and providing community education about the importance of early screening. In addition, the increased funds will be used in part to support an outreach and education project by scheduling presentations for volunteers and processing the paperwork after the presentations.

RESOLUTION NO. RS2008-164 (MAYNARD & COLE) – This resolution approves an amendment to 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 resolution extends the term of the contract for one month to expire on March 31, 2008.

RESOLUTION NO. RS2008-165 (MAYNARD & COLE) – This resolution approves an amendment to a grant in the amount of \$121,000 from the state department of health and human services to the Metro board of health to provide healthcare services to homeless persons at the downtown clinic. The resolution increases the grant by \$80,000 for a total grant award of \$201,000. These funds are used to provide primary care services to uninsured homeless persons.

RESOLUTION NO. RS2008-166 (MAYNARD & COLE) – This resolution appropriates \$2,590 in additional grant funds from the state department of human services to the Metro action commission (MAC) to provide assistance to low income and/or homeless individuals in Davidson County. MAC previously accepted a grant in the amount of \$5,446,078 from the state department of human services for the assistance program, with a grant term from 2004 through the 2009 fiscal year. This amount was increased in May 2007 by \$158,566.93 as a result of additional carry-over funds from the state. This resolution appropriates an additional \$2,590 to assist MAC clients with rent payments, mortgage payments, utilities, medications, and other similar needs. These new funds will increase the total grant award to \$5,607,224.93.

This resolution should be amended to clarify that the grant agreement itself is with the state department of human services, not the U.S. department of health and human services.

RESOLUTION NOS. RS2008-167 through RS2008-169 - These three resolutions approve applications for Safe Routes for Schools grants from the Tennessee Department of Transportation. These federal pass-through grants are made available for the benefit of specific schools will infrastructure issues that act as an impediment to students safely walking and biking to school. These grant applications are a joint effort between Metro Nashville public schools and Metro public works. It is estimated in the grant applications that these projects would potentially increase the number of students walking or biking to these three schools by 5 to 8 percent. In addition to the infrastructure improvements, the funds would be used to provide pedestrian and bicycle safety education to students attending the three schools that live within the "Parent Responsibility Zone", meaning they have no access to bus transportation. This education program will be through a contract with Walk/Bike Nashville.

Resolution No. RS2008-167 (Cole & Jameson) approves an application for a grant in the amount of \$249,969.72 for the benefit of Thomas Edison Elementary School. There are currently 170 students attending Thomas Edison Elementary that do not have bus service, with only one student walking to school and none biking. These grant funds would be used to fill in sidewalk gaps in the area, add a crosswalk from Belle Oaks Drive across Mt. View Road, and place additional signage to increase awareness among drivers of the presence of pedestrians. The cost of the infrastructure improvements is estimated to be \$233,177.00, plus \$16,792.72 for the education program.

Resolution No. RS2008-168 (Cole & Jameson) approves an application for a grant in the amount of \$234,552.89 for the benefit of Tom Joy Elementary School. There are currently 422 students

attending Tom Joy that do not have bus service, with 105 students walking or biking to school. These grant funds would be used to construct sidewalks along Oakwood Avenue and place additional signage to increase awareness among drivers of the presence of pedestrians. The cost of the infrastructure improvements is estimated to be \$217,923.20, plus \$16,629.69 for the education program.

Resolution No. RS2008-169 (Wilhoite, Cole & Jameson) approves an application for a grant in the amount of \$249,667.02 for the benefit of Una Elementary School. There are currently 311 students attending Una Elementary that do not have bus service. Currently, only five students walk or bike to school. If awarded, these grant funds will be used to place a crosswalk at Borowood Drive across Murfreesboro Pike (located across from an apartment complex), fill in sidewalk gaps in the area, and place additional signage to increase awareness among drivers of the presence of pedestrians. The cost of the infrastructure improvements is estimated to be \$230,928.95, plus \$18,748.07 for the education program.

RESOLUTION NOS. RS2008-170 AND RS2008-171 (JAMESON) – These two resolutions authorize the installation, construction, and maintenance of aerial encroachments over the public right-of-way. The applicants have agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments, and are required to post a certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party. Ordinance No. O87-1890 authorizes aerial encroachments to be approved by resolution rather than ordinance. These resolutions have been approved by the planning commission.

Resolution No. RS2008-170 authorizes Legend’s Corner, Inc., to install a 7’-6” by 6’ sign over the right-of-way at 424 Broadway. This aerial encroachment was requested by Joslin and Son signs on behalf of the applicant, Legend’s Corner.

Resolution No. RS2008-171 authorizes Nashville Crossroads, Inc., to install a 12’ by 6’ sign over the right-of-way at 419 Broadway. This aerial encroachment was requested by Joslin and Son signs on behalf of the applicant, Nashville Crossroads.

RESOLUTION NO. RS2008-172 (COLE) – This resolution authorizes the department of law to compromise and settle the claim of Naomi Halsey McClure against the Metropolitan Government for the amount of \$130,000. On June 6, 2006, Ms. McClure was riding her Trek hybrid bicycle west down Church Street in the direction of the YMCA after leaving the downtown public library. Ms. McClure was riding on the right shoulder of the road since there are no bike lanes on Church Street. Upon reaching the 9th Avenue intersection, Ms. McClure’s front tire lodged between the longitudinal grates of a storm sewer causing her to flip over the handlebars. Upon going to the hospital later that evening, it was determined that Ms. McClure suffered blunt abdominal trauma, including a lacerated liver and spleen, traumatic pancreatitis, and bruising. She was hospitalized for four days, incurring medical bills in the amount of \$44,790.30.

Ms. McClure filed suit against the Metropolitan Government alleging that Metro was negligent in using an unsafe sewer grate design. In fact, the sewer grates along Church Street had recently been replaced with perpendicular grates by public works as part of the Church Street rehabilitation project, but this project stopped at 8th Avenue. The grate at 9th Avenue was still of the old design. As part of

her demand of \$250,000, Ms. McClure filed a report from a traffic engineer supporting her argument that Metro was negligent in using an unsafe grate design.

While the Metropolitan Government does have some defenses that the government was not negligent, the department of law recommends settling the claim for \$130,000. Given that parallel grates are a known hazard, and that Ms. McClure had ridden across at least two perpendicular grates before hitting the parallel grate, it is likely that a jury would assess a portion of the fault against the Metropolitan Government.

– BILLS ON SECOND READING –

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.

There is a proposed amendment that would only require the boarding or securing of vacant property when ordered by the director of the department of codes administration. The aesthetic requirements regarding the boarding of property would continue to apply to all property owners that choose to board their property, whether ordered to by the codes director or not, except in the case of a natural disaster or in the interest of public safety. The amendment also changes types of boarding materials that are permitted to include 3/8-inch plywood, OSB, composite board or other equivalent material.

ORDINANCE NO. BL2008-116 (PAGE) – This ordinance amends the Metropolitan Code provisions pertaining to after hours clubs to basically make some technical corrections and clarifications to the existing ordinance. In August 2007, the council enacted Ordinance No. BL2007-1546 to require after hours establishments to obtain a permit from the department of codes administration. The ordinance defined “after hours establishments” as commercial establishments open to the public after 3:00 a.m. that allow customers to bring alcoholic beverages onto the premises, or nightclubs marketed to teenagers and open to persons under the age of 18 without the presence of a parent or legal guardian. Applicants are required by the ordinance to pay a one-time permit application fee of \$250 plus the cost for providing background checks. There is a \$100 renewal fee for the permit.

Pursuant to Ordinance No. BL2007-1546, no permit can be issued for any after hours establishment if any person having at least a five percent ownership interest in the establishment has been convicted during the past ten years of a crime of moral turpitude or if the establishment has had a beer permit revoked within the past five years. In addition, it is unlawful for an after hours establishment to allow any indecent or violent act to occur on the premises, to allow persons under the age of eighteen to loiter about the premises when alcoholic beverages are being consumed, or to allow anyone under the age of 21 to consume alcohol on the premises. Failure by a permit holder to abide by this provision would make the permit holder strictly liable for property damage or injury caused by anyone under the age of twenty-one that was consuming alcohol on the premises.

After hours establishments are also responsible for providing an adequate number of security guards to patrol the premises, including parking facilities used by the establishment. In addition, the establishment is required to submit a security plan to the police department at the time the

application is filed, which plan is to be monitored by the police department on an ongoing basis. If the police department determines that the security plan is no longer sufficient, a new plan must be submitted within seven days or the permit is to be revoked. Further, the code provides that the police department is to regularly enter these establishments to ensure they are complying with the requirements of the ordinance.

This ordinance makes a number of technical corrections to the previous ordinance. The original version of the after hours establishment ordinance would have placed the licensing and enforcement responsibility with the beer board. It was determined that the beer board does not have adequate staff to handle these responsibilities, so the ordinance was modified to place the responsibilities with the department of codes administration. When the ordinance was modified, several references to the beer board did not get changed. This ordinance simply corrects the error. The ordinance also reduces the time period in which the owner of an after hours establishment that has been convicted of a crime of moral turpitude would be prohibited from obtaining a permit from ten years to five years. The ordinance further adds a definition of "moral turpitude" to include all sex-related crimes, premeditated murder, the illegal sale of class 1 and class 2 controlled substances, embezzlement and crimes involving dishonesty.

ORDINANCE NO. BL2008-117 (WILHOITE) – This ordinance amends the wrecker equipment provisions in the Metro Code to require wrecker operators to keep the wrecker boom in an upright position when not in use. The code currently authorizes the transportation licensing commission to enact rules and regulations pertaining to equipment on wreckers, but the code does not provide any express restrictions on the use of the boom while the wrecker is not transporting a vehicle. This ordinance would require all wrecker operators to keep the wrecker boom in its full, upright position except while the wrecker is actually in the process of towing a vehicle.

There is a proposed amendment to clarify that wreckers with undercarriage wheel lifts can operate on the roadway if the wheel lift is completely retracted. This amendment was suggested by the director of the transportation licensing commission with the input of towing professionals.

ORDINANCE NO. BL2008-118 (STANLEY) – This ordinance amends the health regulations in the Metro Code to prohibit the excessive accumulation of mulch on residential property. The Metro Code currently prohibits the accumulation of trash and debris on residential property, but does not specifically address the dumping of large amounts of mulch for use as fill material.

This ordinance would prohibit owners and occupants of residentially-zoned property of one-half acre in size or greater from covering more than five percent of the total lot area with mulch. Such property owners could continue to use mulch for landscaping purposes as long as they do not exceed the five percent maximum lot coverage. Since mulch is biodegradable, it is questionable why anyone would attempt to use it as fill material. In any event, at least one residential property owner has been dumping large quantities of mulch on their property to fill in the yard. This ordinance further provides that the excessive accumulation of mulch as fill material is declared to be a danger to the public health, safety and welfare.

There is a housekeeping amendment for this ordinance to correct a typographical error in a section number.

ORDINANCE NO. BL2008-119 (JAMESON & GILMORE) – This ordinance authorizes Dolphini Networks to install and maintain fiber optic cable along Demonbreun Street and 6th Avenue South.

Dolphini Networks plans to run cable from Cummins Station to the Sommet Center on 6th Avenue. The fiber optic cable will be solely to serve the Sommet Center, using both aerial and underground facilities. Dolphini Networks is to pay all costs related to the construction and maintenance of the cable.

Dolphini Networks must maintain a \$1 million certificate of liability insurance naming Metro as an insured party. The provisions of this ordinance will be effective as long as Dolphini 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. BL2008-120 (HARRISON & COLE) – This ordinance approves a lease agreement between the Metropolitan Government and Firstcal Industrial 2 Acquisition, LLC for approximately 15,946 square feet of space on property located at 621 Mainstream Drive, known as Corners II, to be used as office space for the Nashville career advancement center (NCAC). Metro first leased 22,181 square feet of office space for NCAC at this location in 2002, and the prior lease has now expired.

The lease is for a term to begin upon approval by the council and extending through September 7, 2010, with an optional one year extension. The rent to be paid by Metro will be \$232,511 for the first year, with 3% annual increases thereafter. The base rent for the premises and annual increases will be paid according to the following schedule:

<u>Year</u>	<u>Per Month</u>	<u>Per Year</u>
2008	\$19,376	\$232,511
2009	\$19,515	\$234,182
2010	\$19,957	\$239,486

Firstcal Industrial will be responsible for maintaining all building systems, the exterior and interior of the building, the electrical and air conditioning systems, and for insuring that the premises comply with the requirements of the ADA. Firstcal will also be responsible for paying all utilities for the premises and for paying the casualty insurance for the premises. Metro will be responsible for insuring the contents of the office. Metro will also be required to supply its own janitorial services.

This lease agreement may be amended by resolution of the council receiving 21 affirmative votes.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2008-121 (CRADDOCK & COLE) – This ordinance approves the annual contract between the Metropolitan Government and the emergency communications district (ECD) relative to operation of the enhanced-911 service for fiscal year 2006-2007. The contract specifies certain services to be provided by the emergency communications center, the department of public works and the department of general services. The department of public works will maintain an updated Master Street Address Guide, and the department of general services will provide day-to-day staff and support services for operation of the enhanced-911 emergency communications systems. In the past, such support services were provided by the emergency communications center staff. Metro will also train its employees who will operate the system. ECD is to reimburse the Metropolitan

Government in the amount of \$42,711 for the services provided in the 2007-2008 fiscal year, plus the reimbursement of training costs.

ORDINANCE NOS. BL2008-122 & BL2008-123 (BAKER & EVANS) – 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. BL2008-122 abandons an 8" water line and easement at 5934 O'Brien Avenue for the Haven West Town Homes water relocation project. The existing water line will be replaced by a new 8" line at the property.

Ordinance No. BL2008-123 abandons a 36" sanitary sewer line and easement at 711 and 703 Basswood Avenue, 6614 Robertson Avenue, and Spencer Avenue, unnumbered. The existing sewer line will be replaced by a new 42" line on the properties.

ORDINANCE NO. BL2008-124 (MOORE & EVANS) – This ordinance abandons the water and sewer easement that was retained by Metro when a portion of the Trabue Street right-of-way was abandoned at 700 Hamilton Avenue. This easement is no longer being used by the department of water and sewerage services, or any other public utility, and there is no reason it should be retained.

This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2008-125 through BL2008-127 and BL2008-130 through BL2008-132 – These six ordinances abandon water and sewer lines, drainage pipes and easements that are no longer being used by the department of water and sewerage services. These ordinances have been approved by the planning commission.

Ordinance No. BL2008-125 (Gilmore & Evans) abandons a 10" sanitary sewer line and easement at the Downtown YMCA, located at 213 and 211 McLemore Street, and 1000 Church Street. The existing sewer line will be replaced by a new 8" line on the properties.

Ordinance No. BL2008-126 (Holleman & Evans) abandons a 20' public utility drainage easement located within the Alley No. 1701 right-of-way. This ordinance does not abandon the 20' drainage easement located along the property line of two parcels on Wilson Boulevard.

Ordinance No. BL2008-127 (Matthews & Evans) abandons a public utility drainage easement and drainage pipe at 4349 Shady Dale Road. The existing sewer line will be replaced by a new drainage pipe and easement on the property.

Ordinance No. BL2008-130 (Durbin & Evans) abandons an 8" sanitary sewer line and accompanying easement for the Belmont United Methodist Church expansion project located at 1906 – 21st Avenue South, 1908 – 21st Avenue South, 1905 – 20th Avenue South, and 1901 – 20th Avenue South. The existing sewer line will be replaced by a new 8" line at the properties.

Ordinance No. BL2008-131 (Duvall & Evans) abandons an 8" sanitary sewer line and accompanying easement in conjunction with the Rural Hill Church of Christ project located at 558 Bell Road. The existing sewer line will be replaced by a new 8" line at the property.

Ordinance No. BL2008-132 (Evans) abandons an 8" sanitary sewer line and easement for the Heritage Hills project on Lebanon Pike. The existing sanitary sewer line will be replaced by a new 8" sanitary sewer line, a 6" water line, a 3" water line, and 10 fire hydrants.

The council office recommends that several of these ordinances be amended to clarify that the abandonment will not take effect until the replacement lines have been constructed and dedicated. Although the captions of the ordinance provide that the replacement lines are being accepted, the actual ordinances themselves do not provide as such.

ORDINANCE NO. BL2008-128 (GILMORE) – This ordinance abandons the right-of-way for Alley No. 437, from 17th Avenue South to Alley No. 442, between Edgehill Avenue and Grand Avenue. This closure has been requested by H. Ray Ragsdale, the owner of the adjoining tracts. This portion of the right-of-way is no longer needed for government purposes. This ordinance has been approved by the traffic and parking commission, but has been disapproved by the planning commission.

ORDINANCE NO. BL2008-129 (GILMORE) – This ordinance renames 8th Avenue North, between Charlotte Avenue and Church Street, as "Rosa L. Parks Boulevard". The majority of 8th Avenue (including Metrocenter Boulevard and Clarksville Highway) was renamed "Rosa L. Parks Boulevard" by the Tennessee General Assembly last year, as this is a state route. There is a portion of 8th Avenue North from Charlotte Avenue to Church Street that is Metro roadway, which can be renamed by the council.

Pursuant to the Metro Code, the planning department is required to mail out notices to all property owners that would be affected by the renaming of a street and give them the opportunity to provide written comments about the name change. The planning department is also required to forward all comments received to the council. A letter from The American Legion, Department of Tennessee, raising concerns regarding this name change has been provided to the council.

This ordinance has been referred to the planning commission and the traffic and parking commission.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2007-71 (JAMESON & COLE) – This ordinance declares Metropolitan Government-owned property located at 217 South 10th Street 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 action commission has determined that it no longer needs this property for its program services. The proceeds of the sale will be credited to the GSD general fund unappropriated fund balance.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2007-103 (PAGE) – This ordinance abandons the right-of-way for Alley No. 1893 from Thompson Lane southward to a dead end just east of Nolensville Pike. This closure has been requested by Car Sum TN Nashville, LLC, (Action Nissan), which is the owner of all adjoining tracts. This portion of right-of-way is no longer needed for government purposes. 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. BL2007-104 (GILMORE) – This ordinance abandons the right-of-way for Alley No. 236 from 17th Avenue South southward to a dead end between Broadway and Division Street. This closure has been requested by Kennedy Capital Group, 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 traffic and parking commission. This ordinance has been disapproved by the planning commission.

ORDINANCE NO. BL2008-112 (STANLEY & COLE) – This ordinance declares two parcels of Metropolitan Government-owned property located off of Panama Drive 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. These two parcels were acquired by Metro as a result of the Metro water service's acquisition of the First Suburban Utility District, but are no longer needed by the government. The proceeds of the sale will be credited to the water department's revenue fund. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2008-113 (COLE & CRADDOCK) – This ordinance accepts a donation of \$25,000 from Cornerstone Church for the benefit of the Metropolitan Nashville police department and fire department. The letter accompanying the donation provides that the funds are to be divided at Metro's discretion between the police department and fire department. The resolution appropriates \$12,500 of the funds to the police department and \$12,500 to the fire department.