

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **August 18, 2009**

RE: **Analysis Report**

Balances As Of:	<u>8/12/09</u>	<u>8/13/08</u>
<u>GSD 4% RESERVE FUND</u>	* \$29,809,032	\$30,268,715
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	Unavailable	Unavailable

* Assumes estimated revenues in fiscal year 2010 in the amount of \$23,023,700

– RESOLUTIONS –

RESOLUTION NO. RS2009-881 (FORKUM & GARRETT) – This resolution approves the creation of a convention center authority for the Metropolitan Government. In June of this year, the Tennessee general assembly approved the Convention Center Authorities Act of 2009 for the benefit of the Metropolitan Government, which allows local governments to create an entity similar to the sports authority to oversee the construction and operation of a convention center. The state law provides that such a convention center authority must be formed by resolution of the local legislative body, which resolution is also to approve the form of the charter for the authority and authorize the mayor to submit the charter to the Secretary of State.

As required by the state enabling legislation, the resolution states that the council determines it is “wise, expedient, necessary, and advisable” that a convention center authority be created. The authority is to be governed by a board of directors of not less than seven registered voters of the municipality to serve staggered terms. (The form of the charter submitted by the administration provides that the board of directors for Metro’s convention center authority is to consist of nine members.) The directors are to serve without compensation, and cannot be an elected official or employee of the municipality. The mayor is to appoint the directors to be confirmed by a resolution adopted by the council. The board is to be composed of members who are diverse in professional and educational background, ethnicity, race, gender, and area of residency within the municipality. At least one of the directors must be female and at least one must be a minority.

Once the authority is created and its members are appointed and confirmed, the authority will have a variety of powers established by state law, including:

- Acquiring property for construction of the convention center and necessary infrastructure;
- Leasing the convention center or portion thereof;
- Appointing and setting the compensation for officers, agents, and employees of the authority;
- Selling the naming rights for the convention center;
- Contracting with vendors, concessionaires, and convention center users;
- Borrowing money and/or issuing revenue bonds upon approval of the council by resolution; and
- Pledging assets of the authority as security for debt.

Revenue bonds issued by the authority may be for a term of up to forty years. The state law expressly provides that ad valorem property taxes may not be contributed or pledged for the payment of the bonds.

The state law authorizes the Metropolitan Government to transfer the project site to the authority upon approval of the council by resolution. A resolution would also be required prior to the authority selling substantially all of its assets. The board of directors is required to submit an annual audit to the state, as well as a copy of the audit and an annual report to the council. The Metropolitan Government can assign any of its staff to the authority, and can provide office space for the authority.

The Metropolitan convention center commission, which was created by ordinance in 1985, has the authority for the management and operation of the existing convention center. The commission will presumably continue to operate the existing convention until the new center is constructed.

The council office would point out that the creation of a convention center authority will provide the council with greater oversight concerning the proposed convention center than it currently has with MDHA managing the project. The proposed charter for the convention center authority submitted by the administration requires the authority to submit its annual budget and quarterly financial reports to the mayor and the council.

RESOLUTION NO. RS2009-882 (CRADDOCK) – This resolution submits a proposed plan of services to the planning commission for the annexation of property within the Golden Oak subdivision on Saunders Avenue into the urban services district (USD). State law requires that a plan of services be approved by the planning commission and then be adopted by the council after holding a public hearing before an ordinance extending the boundaries of the USD can be expanded. The property proposed for annexation includes 44 parcels consisting of a total of 11.77 acres. Some of the properties within this subdivision are already included in the urban services district. This annexation will bring the remainder of the subdivision into the USD.

These parcels of property already receive additional police protection, fire protection, water and sewer service, and street cleaning services. Thus, the only additional services that will be rendered under the plan of services are street lighting, trash collection, and recycling collection. The estimated cost for providing these services is \$4,900 annually, with an initial start-up cost of \$23,500.

RESOLUTION NO. RS2009-883 (FORKUM, BENNETT & TOLER) – This resolution approves an application for an annual grant in the amount of \$192,344 from the state department of transportation to the Davidson County sheriff's office for litter and trash pick-up along roads and highways, and litter prevention education. These grant funds will be used to fund the administration of a continuing program to use misdemeanor offenders under the custody of the sheriff's office to pick up roadside litter. The grant application specifies that \$48,900 of the funds will be used for litter prevention education. The term of the grant is from July 1, 2009 through June 30, 2010.

RESOLUTION NO. RS2009-884 (BENNETT & FORKUM) – This resolution approves a second 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. This amendment increases the grant amount by \$41,708 for a total grant award of \$4,019,544. The term of the grant expires June 30, 2010.

RESOLUTION NO. RS2009-885 (LANGSTER) – This resolution approves an intergovernmental agreement between the U.S. department of justice drug enforcement administration (DEA) and the Metropolitan police department for assistance with the Middle Tennessee drug enforcement task force. The purpose of the drug enforcement task force is to gather intelligence data and conduct undercover operations related to illegal drug trafficking. Pursuant to this agreement, the police department will assign one officer to the task force. The DEA will assign three special agents to the task force, and will provide the necessary funds and equipment to support the activities of the task force. The DEA agrees to reimburse the police department up to \$16,328.75 for overtime paid to the Metro officer participating in the drug enforcement task force. The term of this grant is from the date of its execution through September 29, 2010.

State law allows the Metropolitan Government to enter into intergovernmental agreements with federal agencies with approval of the council by resolution. Similar agreements with the DEA for overtime reimbursement have been approved by the council in recent years.

RESOLUTION NOS. RS2009-886 through RS2009-888 (LANGSTER) – These three resolutions approve intergovernmental agreements between the Metropolitan police department and the state of Tennessee for various state programs in which the police department participates. State law allows intergovernmental agreements to be approved by resolution of the council.

Resolution No. RS2009-886 approves an intergovernmental agreement with the Tennessee bureau of investigation (TBI) regarding the police department's participation in the Tennessee fusion center. This is an initiative of the state office of homeland security and the TBI to establish an intelligence unit to assist in the detection, prevention, and apprehension of persons involved in terrorist activities. This center will share law enforcement crime information components from all participating state and local public safety agencies. The police department agrees to appoint a person to serve as the project liaison and will ensure that the appropriate personnel are available for the training regarding the use of the software. The police department will be allowed to access the computer network to search for particular information about a subject based upon identification information such as social security numbers, physical characteristics, sex, race, and birth. The department will also be able to enter vehicle and property queries.

Resolution No. RS2009-887 approves an intergovernmental agreement with the Tennessee wildlife resources agency (TWRA) for the issuance of boating law enforcement commissions. The police department has requested that TWRA issue these commissions to select police officers to ensure the appropriate enforcement of maritime laws.

Resolution No. RS2009-888 approves an intergovernmental agreement with the Tennessee office of homeland security regarding state equipment used by the terrorism liaison officer. The office of homeland security partners with local law enforcement agencies to facilitate information sharing and critical infrastructure protection activities. The terrorism liaison officers serve as a conduit between the state's homeland security districts and the office of homeland security. This agreement simply sets forth the terms in which the terrorism liaison officer can use state-owned equipment in performance of the officer's duties.

RESOLUTION NO. RS2009-889 (FORKUM & MCGUIRE) – This resolution appropriates funds received from Piedmont Natural Gas to the Metropolitan action commission for the Share the Warmth program. This is an energy assistance program sponsored by Piedmont in which customers who choose to have their monthly bills rounded up to the nearest dollar contribute funds to provide direct financial assistance to low-income households to help with their energy costs. Piedmont is to contribute up to \$200,000 for the current fiscal year, which will be paid in monthly installments.

RESOLUTION NOS. RS2009-890 & RS2009-891 (MCGUIRE & FORKUM) – These two resolutions appropriate additional grant funds from the U.S. department of health and human services to the Metropolitan action commission (MAC) for the head start program.

Resolution No. RS2009-890 appropriates \$316,401 in additional funds to provide a 3.06 percent cost of living pay increase for head start staff. This increases the total amount of the grant to \$10,764,615.

Resolution No. RS2009-891 appropriates \$893.00 in additional funds to reflect a fifty percent reimbursement of expenses for attending a head start conference.

RESOLUTION NO. RS2009-892 (MCGUIRE & FORKUM) – This resolution approves a third amendment to a grant from the U.S. environmental protection agency to the Metropolitan board of health for 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, and these funds are used to help defray the cost of our air pollution control program. This resolution increases the amount of the grant by \$92,761, for a total grant award of \$774,692.

RESOLUTION NO. RS2009-893 (MCGUIRE & FORKUM) – This resolution approves a sixth 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 individuals infected with or affected by HIV/AIDS. Under the terms of this contract, the United Way provides a number of planning, administrative, and direct HIV/AIDS services under the provisions of the Ryan White Treatment Modernization Act of 2006.

The amendment increases the amount United Way is to be paid from \$3,161,675 to \$3,717,199 for providing the services. The funds paid to United Way are federal pass-through funds provided for the program.

RESOLUTION NO. RS2009-894 (MCGUIRE) – This resolution approves an amendment to a contract between the Metropolitan board of health and United Neighborhood Health Services to provide medical services to homeless clients of the health department. The health department receives state and federal grant funds to provide healthcare services for the homeless at the downtown clinic. This contract with United Neighborhood Health Services has been in place since 2005 to provide a portion of the medical services, including examinations, diagnosis, and treatment of medical conditions of persons seen at the downtown clinic.

This amendment adds an ancillary “business associate agreement” in order to comply with HIPAA. The agreement basically governs the disclosure of medical information by United Neighborhood Health Services.

RESOLUTION NO. RS2009-895 (MCGUIRE & FORKUM) – This resolution approves an application for a federal stimulus grant in the amount of \$366,700 from the Metropolitan housing and development agency to Metro social services for the Rapid Re-Housing Program. If awarded, these funds will be used to serve households with dependent children that have been living in emergency shelters or on the streets for at least seven consecutive days. The grant would be for a two-year period.

RESOLUTION NO. RS2009-896 (FORKUM) – This resolution approves an amendment to a grant in the amount of \$62,013 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide funding for implementation of the career readiness certificate program. These certificates are issued to persons completing the workforce training, including those that are participating in the plumbing and pipefitting apprenticeship training program.

This amendment extends the term of the grant from June 30, 2009 through September 30, 2009.

RESOLUTION NOS. RS2009-897 & RS2009-899 (FORKUM) – These two resolutions approve annual grants from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to prepare adults and dislocated workers for re-entry into the labor force, and to provide training for those facing serious barriers to productive employment. The grant terms are from July 1, 2009 through June 30, 2011. These grants provide part of the operating funding for the NCAC.

Resolution No. RS2009-897 approves a dislocated worker grant in the amount of \$687,203.

Resolution No. RS2009-899 approves an adult worker grant in the amount of \$315,789

RESOLUTION NO. RS2009-898 (FORKUM) – This resolution approves a grant in the amount of \$55,000 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to make resources available to Standard Candy. Under the terms of this federal pass-through grant, the Tennessee career center, which is operated by NCAC, will manage the recruitment campaign for Standard Candy based upon a hiring schedule of 210 new jobs. The term of the grant is from August 1, 2009 through June 30, 2010.

No Metropolitan Government funds or tax revenues are used in this grant.

RESOLUTION NO. RS2009-900 (FORKUM & TOLER) – This resolution approves an extension of the contract for recycling services between Metro public works and QRS, Inc. (formerly Rivergate Recycling). The original contract was entered into with Rivergate Recycling in 2004 through a competitive bid process. Under the contract, QRS is required to operate two facilities for the acceptance and processing of recyclable materials through Metro's recycling program. This includes recyclables collected through the Curby curbside recycling program, as well as the drop-off sites located throughout the county. The contract includes a guaranteed daily processing capacity of 250 tons per day, with a required recycling rate of at least 95 percent. The contract provides that QRS was to pay Metro \$10.00 per ton for recyclables collected through the Curby program for the years 2004 through 2009. Under the extended contract,

QRS will pay \$13.00 per ton in the first year, which will increase by fifty cents in each of the remaining four years. QRS also pays \$35.00 per ton for cardboard, \$45.00 per ton for paper, and a payment based upon a set formula for aluminum, metal, and plastic containers. QRS also pays an annual education payment of \$30,000 for the benefit of the Nashville Earth Day Festival and other education programs approved by Metro.

This amendment extends the term of the contract through November 1, 2014. The 2004 contract is set to terminate on November 1, 2009, but provides that it may be extended for six additional years upon approval of the council.

RESOLUTION NO. RS2009-901 (HUNT, FORKUM & TOLER) – This resolution approves an application for a grant in the amount of \$730 from the state department of agriculture to Metro water services to plant a 500 tree floodplain forest on property located on Ewingdale Drive that was purchased as part of a federal home buyout program. The trees will be planted using volunteer labor. There will be a required local match of \$730.

RESOLUTION NO. RS2009-902 (CRADDOCK, BENNETT & OTHERS) – This resolution approves an application for a federal stimulus grant in the amount of \$66,528,000 for sidewalk enhancements along the new Gallatin Road bus rapid transit route. This route consists of the thirteen mile stretch of Gallatin Road from downtown to the Sumner County line. Metro public works is applying for these grant funds from the state department of transportation as part of the Transportation Investment Generating Economic Recovery (TIGER) program. If awarded, these funds will be used to construct 36 miles of new sidewalks and 54 miles of sidewalk repairs in the neighborhoods within walking distance of the bus rapid transit line. Metro public works will be responsible for maintaining the sidewalks once completed.

RESOLUTION NO. RS2009-903 (STANLEY, FORKUM & TOLER) – This resolution approves a contract between the state department of transportation (TDOT), Metro public works, the Nashville & Eastern Railroad Corporation, and the Nashville & Eastern Railroad Authority for the widening of Central Pike from Lebanon Road to the west end of Stoner Creek Bridge, including the reconstruction of the railroad underpass structure over Central Pike. The total estimated cost for the railroad portion of the project is \$2,748,946, which is being funded by federal stimulus dollars. This agreement basically sets out the responsibilities each of the parties will have regarding the project. TDOT will be responsible for the road widening project. Once completed, Metro will have the responsibility for maintaining the roadway. The Railroad Corporation will be responsible for the reconstruction of the railroad underpass, with the Railroad Authority having the responsibility for maintaining the underpass once completed. The Railroad Authority agrees to grant easements to TDOT and Metro for the construction and maintenance of the roadway.

RESOLUTION NO. RS2009-904 (STANLEY, TOLER & FORKUM) – This resolution approves an amendment to a contract between the state department of transportation (TDOT) and Metro

public works for the widening of Central Pike from Lebanon Road to the west end of Stoner Creek Bridge, including the reconstruction of the railroad underpass structure over Central Pike. The original contract was approved by the council in 1999 by Ordinance No. O99-1563.

The purpose of the amendment is to reflect the use of federal stimulus funds for the project. The total estimated project cost appears to be \$4,888,734, with the federal government providing \$4,169,870 through the economic stimulus program and Metro providing the remaining \$718,864.

Ordinance No. O99-1563 allows amendments to the contract and additional agreements related to the project to be approved by resolution.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2009-491 (STANLEY & COLEMAN) – This ordinance amends the Metropolitan Code to prohibit commercial vehicles on local streets. The code currently allows the traffic and parking commission to set load limits for vehicles on local streets and to erect signs giving the load limits. Failure to abide by the load limitations results in a fifty dollar fine. There is an exception to the load limitations for delivering and picking-up materials and merchandise.

This ordinance would expressly prohibit commercial vehicles from operating on any local street or minor local street unless such vehicle is making a delivery or pick up, regardless of whether the traffic and parking commission has set a load limitation or not. The ordinance defines “commercial vehicle” as a truck tractor and/or semi-trailer used to transport goods.

This ordinance was deferred at the August 10, 2009 traffic and parking commission meeting. Since more than thirty days have passed since the ordinance was referred to the traffic and parking commission, the council can proceed with action on the ordinance on second reading.

ORDINANCE NO. BL2009-498 (STANLEY) – This ordinance amends the noise restrictions in the Metropolitan Code to add additional restrictions regarding noise from businesses that are contiguous to residential property. The noise ordinance currently prohibits the use of sound amplification equipment outside of the downtown area that is plainly audible from the boundary line of the nearest residentially occupied property. Downtown businesses are prohibited from mounting speakers to the exterior of a building or operating speakers outside the premises. Downtown restaurants with outdoor seating areas are exempt from this prohibition, provided the sound from the speakers does not exceed 85 decibels.

This ordinance would further restrict commercial noise outside the downtown area to prohibit the use of any outdoor amplification between the hours of nine p.m. and seven a.m. if the business is located within fifty linear feet from a residentially occupied property.

ORDINANCE NO. BL2009-502 (BARRY, GARRETT & OTHERS) – This ordinance amends the Metropolitan Code to make it unlawful for the Metropolitan Government to discriminate on the basis of sexual orientation or gender identity in employment practices. This ordinance is modeled after the language used in the board of education’s agreement with the teachers union, which was approved by the board in 2008.

Pursuant to this ordinance, the Metropolitan Government would be prohibited from basing decisions as to whether to hire, fire, or promote an employee because of the person’s gender identity or sexual orientation. Employees found to be discriminating on the basis of gender identity or sexual orientation would be subject to disciplinary action under the civil service rules. While the ordinance does not include any specific definitions for “sexual orientation” or “gender identity”, the courts have held that these terms are of common usage and are not impermissibly vague.

This ordinance would only apply to the Metropolitan Government; not to any employer in the private sector. Further, this ordinance would not provide partner medical and/or pension benefits for homosexual Metro employees. The ordinance is strictly limited to employment practices.

ORDINANCE NO. BL2009-503 (DOMINY & DUVALL) – This ordinance amends the Metropolitan Code pertaining to sustainable building design standards for new and renovated Metropolitan Government buildings and facilities to allow an alternative to LEED certification based upon reduced energy use. Sustainable building design standards encompass the following broad topics: efficient management of energy and water resources, management of material resources and waste, protection of environmental quality, protection of occupant health and indoor environmental quality, reinforcement of natural systems, and integrating the design approach. In June 2007, the council enacted Substitute Ordinance No. BL2007-1374 to adopt the U.S. Green Building Council's (USGBC) LEED program as the standard for Metropolitan Government sustainable building practices. LEED is an acronym for Leadership in Energy and Environmental Design, which uses a green building rating system developed by the USGBC. The rating system contains prerequisites and credits in six categories: sustainable site planning, improving energy efficiency, conserving materials and resources, embracing indoor environmental quality, safeguarding water, and innovation in design.

This ordinance would allow the Metropolitan Government to pursue an alternative sustainable development design standard to LEED certification based upon pre-determined energy reduction and efficiencies. If Metro chose to pursue an alternative to LEED, the contractor would be required to warrant for a three year period that the annual energy use for the building will be less than similar buildings based upon the following time-based objectives or upon the U.S. department of energy "Energy Star" program:

- o Fiscal year 2010 – 10% energy reduction
- o Fiscal year 2011 – 17% energy reduction
- o Fiscal year 2012 – 17% energy reduction
- o Fiscal year 2013 and beyond – 25% energy reduction

or

- o Fiscal year 2010 – Energy Star "Target Finder" rating of 55
- o Fiscal year 2011 – Energy Star "Target Finder" rating of 65
- o Fiscal year 2012 – Energy Star "Target Finder" rating of 65
- o Fiscal year 2013 and beyond – Energy Star "Target Finder" rating of 75

An independent consultant would determine whether the required energy reduction has been met. If the energy use objectives are not met, the contractor (or other entity warranting the energy use) will be responsible for reimbursing Metro for the cost of the excess energy use.

ORDINANCE NO. BL2009-509 (HUNT & RYMAN) – This ordinance amends the recently adopted 2006 edition of the International Fire Code (IFC) pertaining to the fire flow requirements for single-family homes constructed on lots of one acre in size or greater within the general services district (GSD). On August 6, 2009, the council enacted Substitute Ordinance No. BL2008-350 to adopt the International Fire Code with certain local amendments in place of the National Fire Prevention Association (NFPA) fire code and life safety code.

Substitute Ordinance No. BL2008-350 included some special exemptions from the more stringent fire-flow requirements for existing building lots, which includes infill lots in an established subdivision. Single and two-family homes less than 3,600 square feet on existing building lots are exempt from the fire-flow requirements contained in Appendix B of the IFC as long as such existing building lots either (1) meet the Insurance Services Office (ISO) fire-flow requirements; (2) have a fire hydrant within 500 feet that flows at least 750 gallons per minute

with 20 psi pressure; (3) have a fire hydrant within 500 feet and a secondary fire hydrant within 1,000 feet, even if such hydrants do not pump 750 gallons per minute; or (4) they meet the fire-flow requirements that were set forth by the fire marshal at the time the subdivision plat was approved. Single and two-family dwellings exceeding 3,600 square feet constructed on existing building lots must either meet the ISO requirements or Appendix B of the IFC.

This ordinance would add another exception from the more stringent fire flow requirements for single-family homes within the GSD constructed after May 30, 2009, on a lot of one acre in size or more. In the event such a lot of one acre in size or more within the GSD is subdivided in the future, all dwellings constructed on the subdivided lots would be required to meet the fire flow requirements of Appendix B of the International Fire Code.

Local governments that enforce their own fire codes have the authority under state law to adopt a code that is at least as restrictive as the state standards.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2009-489 (MAYNARD, BARRY & JERNIGAN) – This ordinance amends the Metropolitan Code to prohibit handguns in Metro parks. For many years, the Metro Code and state law expressly prohibited firearms within local parks. The Tennessee General Assembly recently enacted a law to allow handgun carry permit holders to possess their handguns while in any state or local park, natural area, nature trail, greenway, etc. However, the state bill was amended to allow local governments to opt out of the law.

In accordance with the state law opt-out provisions, this ordinance states that persons with handgun permits are prohibited from possessing the gun while within a park that is owned or operated by the Metropolitan Government. This would include all park facilities and greenways. The ordinance also directs the parks department to erect the required signage stating that handguns are prohibited.

ORDINANCE NO. BL2009-500 (JAMESON & STEINE) – This ordinance names the observation towers overlooking Public Square Park in front of the Metropolitan Courthouse the “Thomas H. Shriver Towers”. Thomas Humphries Shriver was elected as Davidson County District Attorney in 1966 where he served until 1987. As district attorney, Thomas Shriver was responsible for hiring Adolpho A. Birch as the first African-American assistant district attorney in the state of Tennessee, as well as Martha Craig Daughtrey as the first female prosecutor in Tennessee. Adolpho A. Birch went on to become Chief Justice of Tennessee Supreme Court, and Martha Craig Daughtrey later served as a Tennessee Supreme Court Justice and as a judge on the U.S. Court of Appeals for the Sixth Circuit. Thomas Shriver was elected as a criminal court judge in Davidson County in 1987, where he served until his death in 1997.

The Metropolitan Code provides that no building of the Metropolitan Government may be named except pursuant to an ordinance enacted by the council. The naming of the towers has been approved by the board of parks and recreation.

ORDINANCE NO. BL2009-501 (HOLLEMAN, MOORE & JAMESON) – This ordinance abolishes the Community Education Alliance and creates a new Community Education Commission as recommended by the Community Education Task Force. In March 2009, the council adopted Resolution No. RS2009-661 to create a task force charged with studying the changing role of community education and determining how community education may best serve Nashville’s residents. The existing community education model in Nashville was created by the council by ordinance in 1976. At that time, the primary focus of community education was to provide a mechanism for adults to receive their high school equivalency diploma. Today, the community education alliance provides a wide variety of educational, social, and recreational programming.

Concerns regarding financial accountability for community education and reduced participation in the alliance’s programs have raised questions about the viability of this thirty year old governance model, and how best to ensure the most-needed community education services are being provided. The task force recommended a new governance structure for community education modeled after the Metropolitan action commission. This ordinance essentially implements the recommendations of the task force.

First, this ordinance formally accepts the recommendations of the task force. The fiscal year 2010 operating budget conditioned the funding for community education upon the approval of

the task force's recommendations. Thus, this ordinance is necessary in order for the community education program to continue through the fiscal year.

Second, the ordinance repeals the existing provisions in the code providing for the community education alliance. Effective November 1, 2009, the community education alliance will cease to exist.

Third, the ordinance creates a new community education commission that will be responsible for the oversight of the community education program. The commission will consist of seven members to be appointed as follows:

- o Two members appointed by the mayor and confirmed by the council.
- o Three members appointed by the council, with one representing a nonprofit adult literacy organization, one representing the community education council, and one representing an education advocacy group.
- o One member appointed by the director of schools as his representative.
- o One member appointed by the mayor to serve as his representative.

The commission will have the authority to establish rules and regulations for the community education program, as well as establishing a fee structure for the classes and allocating the revenues among the various sites. The commission will also be charged with hiring an executive director and other employees to operate the program. The executive director and commission employees will be in the unclassified service. The duties and responsibilities of the executive director will be for the oversight and management of the community education budget, the supervision of employees, and the management of the various community education sites. The executive director will be required to submit regular reports to the commission and the director of finance regarding the operation of the program, including the number of participants and the revenue generated.

The commission will also have the authority to enter into a memorandum of understanding with the board of education for the use of school facilities.

ORDINANCE NO. BL2009-504 (FORKUM) – This ordinance approves a contract between the Metropolitan Government and The Land Trust for Tennessee, Inc., for the planning and management of an open space planning project. The purpose of this project is to inventory the natural resources of Davidson County and create a plan for the conservation and development of these resources. The Land Trust will be responsible for procuring a consultant to develop the plan and for organizing an advisory committee for the project. The project will create specific goals and policy recommendations for natural resource preservation, as well as public land acquisition, protection, and enhancement to be provided to various Metro agencies and private organizations. The three phases of the project will be as follows: (1) development of a county-wide green infrastructure inventory and analysis; (2) a public participation process; and (3) development of formal recommendations for resource preservation.

The total cost of the project is \$275,000, with Metro providing \$151,250 and The Land Trust providing the remainder of the funding. This project is to be completed within 16 months. Amendments to this contract may be approved by a resolution adopted by the council receiving 21 affirmative votes.

ORDINANCE NO. BL2009-505 (HOLLEMAN & TOLER) – This ordinance authorizes the Metropolitan Government to enter into a utility relocation contract with the state department of transportation (TDOT) to relocate certain department of water and sewerage services' facilities required by TDOT's interchange improvement project at Interstate 40 and Briley Parkway/Robertson Avenue. This is the second phase of the interchange project, which is being funded by federal stimulus money. TDOT is responsible for 100% of the relocation costs, estimated to be \$745,934. This is a typical agreement entered into by Metro and TDOT for the relocation of utilities associated with TDOT improvement projects.

ORDINANCE NO. BL2009-506 (HUNT, JAMESON & OTHERS) – This ordinance authorizes the acceptance of easements for various stormwater projects in Davidson County. These easements are being acquired at no cost to the Metropolitan Government. This ordinance has been approved by the planning commission.

Easements are being accepted by the property owners for the following properties:

Property Address / Council District

401 Edenvold Road – 10
1398 County Hospital Road – 1
937 Herman Street – 19
8200 Highway 100 – 35
4210 A Harding Pike – 24
3366 Briley Park Boulevard South – 3
6604 Charlotte Pike – 20
Nolensville Pike, unnumbered – 31
6640 Nolensville Pike – 31
705 Drexel Street – 19
306 White Bridge Pike – 24
800 Main Street – 6
Cecilia Avenue, unnumbered – 2
1802 20th Avenue South – 18
715 Massman Drive – 15

ORDINANCE NO. BL2008-507 (JAMESON) – This ordinance authorizes Union Street Holdings, LLC to install and maintain aerial and underground encroachments for Union Street Plaza and Hotel Indigo at 315 Union Street. These encroachments will include two canopies, decorative scored concrete sidewalk, a lift in the sidewalk for trash removal, an underground ventilation shaft and venting gates, container-style planters with trees, basement encroachments under the sidewalk, and a flagpole. Union Street Holdings, LLC has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachment, and is required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2009-508 (CRAFTON) – This ordinance authorizes Charlotte Road Baptist Church to install, construct and maintain a sign encroachment at 7511 Charlotte Pike. The church desires to install a new sign in the Charlotte Pike right-of-way so that it is visible

from the roadway. Charlotte Road Baptist Church has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to post a \$3 million certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.