

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **October 6, 2009**

RE: **Analysis Report**

Balances As Of:	<u>9/30/09</u>	<u>9/30/08</u>
<u>GSD 4% RESERVE FUND</u>	* \$28,272,406	\$30,751,910
<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. RS2009-953 through RS2009-961 (PAGE & COLE) – These nine resolutions ratify the appointment of the persons submitted by the mayor to form the initial board of directors for the convention center authority for the Metropolitan Government. On August 21, 2009, the Council adopted Resolution No. RS2009-881 to create the convention center authority in accordance with state law. The Convention Center Authorities Act of 2009 provides that 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 directors are to serve without compensation, and cannot be an elected official or employee of the municipality. Such directors are appointed by the mayor and 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.

The members appointed will hold over at the end of their terms until their successors are appointed. The nine resolutions are as follows:

Resolution No. RS2009-953 confirms the appointment of Vonda McDaniel to serve a two-year term expiring September 30, 2011.

Resolution No. RS2009-954 confirms the appointment of Leo Waters to serve a two-year term expiring September 30, 2011.

Resolution No. RS2009-955 confirms the appointment of William E. McDonald to serve a two-year term expiring September 30, 2011.

Resolution No. RS2009-956 confirms the appointment of Darrell A. Drumwright to serve a three-year term expiring September 30, 2012.

Resolution No. RS2009-957 confirms the appointment of W. Lucas Simons to serve a three-year term expiring September 30, 2012.

Resolution No. RS2009-958 confirms the appointment of Mona Lisa Warren to serve a three-year term expiring September 30, 2012.

Resolution No. RS2009-959 confirms the appointment of C. Mark Arnold to serve a four-year term expiring September 30, 2013.

Resolution No. RS2009-960 confirms the appointment of Marty G. Dickens to serve a four-year term expiring September 30, 2013.

Resolution No. RS2009-961 confirms the appointment of Ken Levitan to serve a four-year term expiring September 30, 2013.

RESOLUTION NO. RS2009-962 (GOTTO, STEINE & OTHERS) - This resolution confirms the election of three members to the board of directors of the industrial development board (IDB) of the Metropolitan Government. Four persons have been nominated to fill three vacancies on the IDB board. The election will be held by the council on October 6, 2009, to elect three members for six-year terms. A late substitute resolution will be offered once the election has concluded.

RESOLUTION NO. RS2009-963 (HUNT) – This resolution submits a proposed plan of services to the planning commission for the annexation of three parcels of property on Whites Creek Pike 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 purpose of this annexation is to allow for a new tourist attraction in the area that will include an artisan distillery where alcohol will be manufactured and sold. Pursuant to the Metro Charter, alcoholic beverages with an alcohol content of greater than five percent by weight cannot be manufactured or sold within the general services district. The tourist attraction on this property is also to include retail space and a live entertainment venue. This site is the former Barbara Mandrell property.

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 \$330 annually, with an initial start-up cost of \$10,000.

RESOLUTION NO. RS2009-964 (STEINE) – This resolution approves an intergovernmental agreement between the State of Minnesota and the Metropolitan Government to enable Metro to take advantage of purchasing contracts procured by Minnesota through its participation in the Western States Contracting Alliance. The Metropolitan Government has been purchasing computers from Dell under this arrangement for some time, but the existing contract has just expired. Through a public bidding process, Minnesota has entered into a contract with Dell to purchase computers at a better price than we could obtain on our own. This agreement will allow us to continue purchasing Dell computers at the favorable price.

State law allows local governments to enter into cooperative purchasing agreements with other governments for the procurement of supplies, services, or construction. Further, the Metropolitan procurement code authorizes the purchasing agent, to the extent permitted by state law, to enter into cooperative purchasing agreements. The Tennessee Attorney General has opined that such agreements are permissible under state law.

RESOLUTION NO. RS2009-965 (STEINE & BAKER) – This resolution amends the lease agreement between the Metropolitan Government and Parkway Towers, LLC, for the lease of space at Parkway Towers for the public defender. The original lease agreement was approved by the council in 2003 for 30,736 square feet. The public defender's office has requested a 500 square foot reduction in the space, and Parkway Towers has agreed to this reduction. The reduction in square footage will lower the annual rental payments by approximately \$15,000.

The lease amendment also specifies certain improvements Parkway Towers is to make to the leased space, such as painting, carpet cleaning, new lighting, window tinting, and replacement blinds.

This lease amendment has been approved by the planning commission.

RESOLUTION NO. RS2009-966 (TYGARD) – This resolution approves an amendment to a contract between Vanderbilt University Medical Center and the Metropolitan board of health for the training of Vanderbilt medical residents in the tuberculosis elimination program. This contract was originally approved in October 2006 for a three year term extending through June 20, 2009. The purpose of the contract is to allow residents participating in Vanderbilt's Residency/Fellowship Program in Infectious Disease to participate in the tuberculosis elimination program. This resolution extends the term of the contract through June 30, 2010.

RESOLUTION NO. RS2009-967 (STEINE) – This resolution approves a second amendment to a grant from the Nashville Public Library Foundation to the public library to fund the Totally Outstanding Teen Advocates for the Library (T.O.T.A.L.) program. This program consists of a leadership team of five youth who are charged with developing and implementing a program to promote the benefits of the public library system to other teens. This amendment increases the amount of the grant by \$60,000 for fiscal year 2010, for a new grant total of \$230,000.

RESOLUTION NO. RS2009-968 (BAKER & STEINE) – This resolution approves a grant in the amount of \$310,000 from the U.S. department of justice to the Metropolitan police department to provide training for the gang resistance education and training (GREAT) program. Specifically, these grant funds will be used to pay the salaries of our police officers providing GREAT training to police officers across the region, as well as travel expenses, equipment and supplies.

The council office would point out that the resolution states this grant is for \$282,331. However, the grant documentation shows a grant amount of \$310,000 with no local match for a budget period of September 1, 2009, through December 31, 2010. The resolution should be amended to reflect the actual grant award.

RESOLUTION NO. RS2009-969 (STEINE & BAKER) – This resolution approves a federal stimulus grant in the amount of \$8,670,100 from the U.S. department of justice to the Metropolitan Government to hire new police officers. In April 2009, the council approved an application for a grant of \$20,808,240 to hire 120 new police officers. Although Metro did not receive the full amount applied for, the department of justice has awarded funds to cover the salary and fringe benefits for 50 officers for a three year period. Metro will be responsible for covering the costs of the new officers in the fourth year. After the fourth year, there will be no requirement that we continue to fund these positions.

RESOLUTION NO. RS2009-970 (STEINE & BAKER) – This resolution approves a grant in the amount of \$125,000 from the U.S. department of justice to the Metropolitan police department for the gang resistance education and training (GREAT) program. The GREAT program is a

school-based curriculum taught by police officers to middle school students. The primary goal of GREAT is to prevent youth delinquency, violence and gang membership. There is a required 10% local match, but the police department is providing \$5,635 more than the required match for a total match of \$19,524. These grant funds, including the local match, will be used as follows:

- \$64,395 in personnel costs and fringe benefits
- \$21,589 in travel expenses for officers to attend training in Los Angeles, CA; Orlando, FL; and Portland, OR
- \$44,820 for supplies, including T-shirts and other incentives
- \$13,720 for the summer camp program

RESOLUTION NOS. RS2009-971 & RS2009-972 (STEINE & BAKER) – These two resolutions approve a federal stimulus grant application and grant agreement from the state department of finance and administration to the Metropolitan Nashville police department for the reimbursement of overtime expenses for officers working in the domestic violence warrant reduction initiative.

Resolution No. RS2009-971 approves an application for a grant in the amount of \$45,330 to pay for overtime and benefits for four officers and one supervisor working one four-hour shift a week for 47 weeks solely for the purpose of serving outstanding domestic violence warrants. The grant obviously has already been submitted to the federal government, but was done so with a provision that the application is contingent upon approval of the council. The application states that there will be a required local match of \$23,463.

Resolution No. RS2009-972 approves an actual grant award of \$45,402 for the overtime and benefits described above. The actual required grant match is only \$15,134. The term of the grant is from September 1, 2009, through April 30, 2011.

RESOLUTION NO. RS2009-973 (STEINE & BAKER) – This resolution approves an application for a federal stimulus grant in the amount of \$7,000 from the Tennessee administrative office of the courts to the general sessions court for interpreter services to work in civil order of protection dockets. These interpreters will be available to assist non-English speaking persons in domestic violence order of protection cases.

RESOLUTION NO. RS2009-974 (STEINE) – This resolution modifies the existing master list of architectural and engineering firms to add four firms. The Metro Code provides that all government contracts for architect and engineering services be with firms included on the master list. This resolution simply adds the firms to the master list so that they will be eligible to bid on Metro projects. It does not mean that contracts will be awarded to the firms.

The architect/engineering firms to be added to the list are as follows:

- The CFP Group, LLC of Nashville, TN
- Cumberland Landesign of Nashville, TN
- R.W. Armstrong, Inc. of Brentwood, TN
- EDGE Planning, Landscape Architecture and Graphic Design of Nashville, TN

RESOLUTION NOS. RS2009-975, RS2009-976 & RS2009-977 – These three resolutions authorize the financing of a wastewater facilities project and a drinking water system improvement project through a loan from the state of Tennessee, and approve the necessary agreements associated with the projects. These two projects are being funded through the state wastewater facilities revolving loan fund and the drinking water revolving loan fund, which were established as part of the Wastewater Facilities Act of 1987 and the Drinking Water Revolving Loan Fund Act of 1997. The purpose of these loan funds is to facilitate compliance with state and federal environmental regulations by providing low-cost loans to water and sewer systems in Tennessee through the Tennessee local development authority. A portion of the loans will be forgiven by the state from funds received through the American Recovery and Reinvestment Act (ARRA).

These resolutions authorize the submission of the loan application and approve the loan agreements with the state department of environment and conservation and the Tennessee local development authority. The interest rates for the loans will be determined by the Tennessee local development authority at the time they approve the loans. These loans are for a term of 20 years.

In accordance with the requirements of the ARRA, these projects must start on or before February 17, 2010, or Metro will be required to return any funds received.

State law allows these agreements to be approved by resolution.

Resolution No. RS2009-975 (Steine & Hunt) approves an agreement with the Town of Nolensville for a wastewater facilities project consisting of the construction of an expanded sewer collection system connecting the Holt Road and Nolensville Historic District areas in Nolensville, Tennessee with the Metro water services (MWS) sewer system. The agreement defines the scope of the work and requires Nolensville to levy a special assessment on the customers to whom the sewer system will be available to cover the repayment of the loan. Nolensville will be required to obtain all necessary easements for the sewer work.

Resolution No. RS2009-976 (Steine & Hunt) approves the funding for a drinking water system improvement project consisting of the replacement of non-automated water meters with new automated meters to improve the efficiency of the system. The loan will be for an approximate amount of \$4.8 million, but is not to exceed \$8 million, and will be funded through the state drinking water revolving loan fund. The state will forgive forty percent of the actual loan amount through the ARRA funds. MWS had already planned to replace these meters, but this loan will enable the project to be accelerated. The loan payments will be paid by MWS from customer revenues.

Resolution No. RS2009-977 (Hunt & Steine) approves the funding for the Nolensville sewer connection project. The project will be funded through a \$1,080,000 loan from the state wastewater facilities revolving loan fund. The state will forgive \$432,000 in loan principal through the ARRA funds received. The remaining loan balance and interest will be paid through a special assessment charged by Nolensville to the customers benefitting from the extended sewer system, which is the subject matter of Resolution No. RS2009-975. These new customers will also pay the same sewer rates as all other MWS customers.

RESOLUTION NO. RS2009-978 (STEINE & HUNT) – This resolution approves amendments to agreements with the state department of environment and conservation (TDEC) regarding the maintenance of closed solid waste facilities. State law requires that all owners of closed landfills either put up a performance bond or execute a contract agreeing to pay a penalty if the site is not adequately maintained. The Metropolitan Government has entered into contracts with TDEC in lieu of a performance bond as assurance of financial responsibility for our solid waste facility maintenance duties. This resolution modifies the financial responsibility amounts for the Due West Superfund site and Bordeaux sanitary landfill, which were last changed in November 2008. The modifications to financial assurance for the two closed facilities are as follows:

- Bordeaux sanitary landfill – increase from \$2,552,008.00 to \$5,536,774.88;
- Due West Superfund site – decrease from \$2,012,056.00 to \$1,397,974.41.

These amounts would only be paid if Metro failed to adequately maintain the sites.

RESOLUTION NO. RS2009-979 (STEINE & BAKER) – This resolution authorizes the director of public property administration to exercise an option to purchase 6.14 acres of property located at 5500 Charlotte Avenue for the relocation of the west police precinct and construction of the new crime lab. This property, owned by Leonard M. Miller, Trustee for the Robert Frensley Family Trust, is the former location of the Performance Ford automobile dealership. Metro will have the option to purchase this property for \$4.2 million (subject to a supporting appraisal) on or before October 30, 2009, or within a reasonable time after performing its due diligence, including an appraisal, environmental site assessments, survey, and inspection. The property assessor's website lists the assessed value of this property as being \$2,912,100.

The council office would point out that the option contract states that the option is to become null and void if Metro does not give notice to the owner of its intent to exercise the option by September 30, 2009. However, this resolution will not be considered by the council until after the September 30th deadline. The contract expressly states that the purchase is contingent upon approval of the council.

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.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2009-980 (STEINE) – This resolution authorizes the department of law to compromise and settle the Metropolitan Government's property damage claim against Athens Food Services for the amount of \$6,380.20. On October 18, 2008, a Metro police officer was traveling south on Franklin Road responding to an alarm call with his lights and siren activated when a vehicle driven by Mohammed Rasras, owner of Athens Food Services, turned in front of the patrol car causing a collision. There were no injuries as a result of the accident, but the 2002 Chevrolet Impala police car was a total loss. This resolution settles the claim for the value of the vehicle.

RESOLUTION NO. RS2009-981 (STEINE) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Debra Parman against the Metropolitan Government for the amount of \$18,000. On March 17, 2009, a former employee of the mayor’s office of emergency management was attempting to cross Wedgewood Avenue at 15th Avenue South while operating a Metro vehicle when she struck a vehicle driven by Ms. Parman. The cause of the accident was determined to be the former Metro employee’s failure to yield the right-of-way. Ms. Parman suffered a sprained ankle and soft tissue injuries to her neck, chest, and sternum, incurring medical bills totaling \$4,677.

The department of law recommends settling this claim for \$18,000 to be paid out of the self-insured liability fund. Ms. Parman’s property damage claim has already been settled.

RESOLUTION NO. RS2009-982 (STEINE) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Kandiss Smith against the Metropolitan Government for the amount of \$6,200. On October 27, 2008, Ms. Smith turned onto South Fifth Street from Woodland Avenue and stopped suddenly because the street had been barricaded for the Titans game. A Metro police officer following Ms. Smith failed to notice she had stopped and struck the rear of her vehicle causing soft tissue injuries to her neck, knees, and lower back. Ms. Smith incurred medical bills totaling \$4,995.

The department of law recommends settling this claim for \$6,200 to be paid out of the self-insured liability fund. Ms. Smith’s property damage claim has already been settled.

The police officer involved in the accident received disciplinary action consisting of a written reprimand.

RESOLUTION NO. RS2009-983 (GILMORE) – This resolution authorizes Westview Condominium Association, Inc., to install, construct and maintain an awning encroachment over the right-of-way at 180 9th Avenue North. This awning will extend four feet over the sidewalk. Westview Condominium Association has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the awning, and is required to post a \$1 million 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 by ordinance.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2009-984 (JAMESON & BAKER) – This resolution authorizes Martin Corner, G.P., to install, construct and maintain a double-sided wall sign at 1012 Fatherland Street for the Hue Tan and Swim. This sign will measure three feet in height by three feet in width. Martin Corner 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 \$1 million 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 by ordinance.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2009-985 (JAMESON & BAKER) – This resolution authorizes MJM Real Estate Investment, LLC, to install, construct and maintain a sign encroachment over the right-of-way at 105 Broadway for Ali Baba Restaurant. This sign will extend 55 inches over the right-of-way and will measure 46 inches in height. MJM 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 \$1 million 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 by ordinance.

This resolution has been approved by the planning commission and the historical commission staff.

– 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. BL2009-524 (CRAFTON & GILMORE) – This ordinance would provide a one time traffic violation amnesty program for the Metropolitan Government. The purpose of this ordinance is to provide an incentive for traffic law violators to pay their outstanding tickets both to increase revenue for the Metropolitan Government and to assist violators whose license has been suspended for failure to pay the traffic fines and fees. There is approximately \$26 million in unpaid traffic tickets and court costs owed to the Metropolitan Government. Further, thousands upon thousands of drivers in Nashville are currently driving on a suspended license. Having a suspended drivers license reinstated is a complicated, time consuming, and expensive process.

This ordinance would provide a thirty day amnesty program for unpaid traffic fines assessed within the past three years. During the period from November 1, 2009, through November 30, 2009, violators would be allowed to pay one-half of the balance of outstanding tickets and court costs to essentially have the slate wiped clean.

Since the general sessions judges would have to adopt this program in order for it to become effective, this ordinance should either be withdrawn or deferred indefinitely in light of Resolution No. RS2009-988, which requests the general sessions court to establish a comprehensive program to provide assistance to persons whose drivers license has been suspended for failure to pay traffic violation fines and fees.

ORDINANCE NO. BL2009-525 (CRADDOCK & JERNIGAN) – This ordinance amends the Metropolitan Code to require booting companies to obtain a license from the transportation licensing commission in order to operate within the area of the Metropolitan Government. In June 2009, the council enacted Ordinance No. BL2009-434 to prohibit private companies from engaging in the practice of “booting” vehicles. This ordinance is an attempt to relax the outright prohibition and allow booting, provided the company is licensed and follows the specific requirements of this ordinance.

In order to obtain a license, the following would have to be provided to the commission:

1. Proof of a liability policy in the amount of \$500,000 naming the Metropolitan Government as additional insured.
2. Payment of a \$500 licensing fee. All fees received by the commission are to be used to defray the expenses of the commission in enforcing this ordinance.
3. A statement that the applicant is of a good moral character.
4. The names and addresses of at least two references regarding the applicant's financial responsibility.
5. The names and addresses of all employees of the company.

This ordinance would also require all employees of a booting service that will be installing and removing the booting devices to obtain a permit from the commission. This permit would be for a two-year period at a fee of \$150 plus \$40 for a background check. Future increases in the fee could be approved by resolution of the council. This employee permit must be carried by the employee while on duty. Employees would be required to wear an identification badge including the employee's name, company name, and permit number.

In addition to the permitting and licensing provisions, this ordinance sets forth a number of standards pertaining to the equipment used and the operation of the booting service. Each vehicle operated by the booting company would be required to include the company name on both sides of the vehicle and must be equipped with all of the equipment deemed by the commission to be necessary for the safe operation of the booting service. A notice would be affixed to the driver side window of every vehicle for which a booting device is installed. This notice must include a warning to the driver not to move the vehicle, the reason the booting device was installed, the 24-hour telephone number of the booting service, and the fee to remove the booting device, which cannot exceed fifty dollars.

This ordinance also includes a number of prohibited acts, which would allow for the suspension or revocation of a booting license. These prohibited acts include:

1. Towing a booted vehicle from private property if the boot has been on the vehicle for less than 24 hours.
2. Towing a booted vehicle from an attended commercial parking lot if the boot has been on the vehicle for less than four hours, or from an unattended commercial lot if the boot has been on for less than six hours.
3. Charging a booting fee in addition to the towing fee.
4. Failure to remove the boot within one hour after being called by the owner of the vehicle.

Commercial parking lots would not be allowed to use a booting service unless a permanently affixed sign is on the property advising drivers that violators will be booted with a maximum charge of fifty dollars. The sign must also include the number for the booting company. Further, unattended commercial parking lots would be prohibited from booting a vehicle unless such vehicle has three or more unpaid parking violations on the company's lots.

Finally, the ordinance includes a hearing process in the event a license is denied, suspended, or revoked.

License/permit fees charged by the Metropolitan Government cannot exceed the cost to the government for providing the service. The council office recommends that the council obtain a statement from the director of the transportation licensing commission or from the finance

department as to the reasonableness of the \$500 annual license fee before approving the ordinance on third reading.

ORDINANCE NO. BL2009-527 (CRAFTON) – This ordinance amends the water and sewer provisions of the Metropolitan Code to suspend the charging of tapping and capacity fees for a one year period. The council recently reduced the capacity fees by one-half in March 2009 as part of the Clean Water Infrastructure Program (Substitute Ordinance No. BL2009-407). The current capacity fees are \$250 per unit of flow for water and \$750 per unit of flow for sewer.

The current tapping fees are based upon the size of the connection, as follows:

Water Tap Fee

Size of tap	Fee
3/4"	\$ 430.00
1"	610.00
2"	780.00
3"	1,300.00
4"	1,730.00
6"	2,590.00
8"	3,460.00
10"	5,190.00
12"	6,200.00

Sewer Tap Fee

Size of tap	Fee
4" or 6"	\$ 860.00
8"	2,590.00
10"	3,850.00
12"	6,050.00
15"	6,900.00

This ordinance would suspend the charging of these capacity and tap fees for a period of 365 days following the effective date of this ordinance. The purpose of the ordinance as stated in the recitals is to stimulate the local economy and increase Metro’s property tax base during this period of economic recession.

The director of finance has refused to certify that funds are available for this ordinance since the council recently took action to reduce the capacity fees and the operating budget for Metro water services is based in part upon the revenue generated by these fees.

ORDINANCE NO. BL2009-540 (PAGE) – This is a routine ordinance that readopts the Metropolitan Code prepared by Municipal Code Corporation to include all ordinances enacted on or before June 10, 2009. Municipal Code Corporation has the contract with Metro to codify all ordinances enacted by the council, as well as to update and maintain the on-line version of the code. The council periodically readopts the code to make sure the printed and online versions are kept up to date.

ORDINANCE NO. BL2009-541 (STEINE, BAKER & LANGSTER) – This ordinance approves a clinical affiliation agreement between Davidson County community corrections and Vanderbilt University to provide student clinical instruction and training to nursing students. Students will not receive any compensation and there is no cost to the Metropolitan Government for providing this service. The term of the agreement is for five years, but may be terminated by either party upon 30 days written notice. Vanderbilt University will be required to provide assurance that the students are covered by health and professional liability insurance and that they have received the necessary vaccinations. Vanderbilt agrees to assume responsibility for all of its students participating in the program. Metro is a participant in similar clinical experience programs through the Metro health department and the Davidson County drug court.

ORDINANCE NO. BL2009-542 (BENNETT, STEINE & HUNT) – This ordinance authorizes the department of water and sewerage services to acquire a utility easement for property located at 4100 Saunders Avenue as part of the Nashville Commons at Skyline project. This acquisition will consist of a temporary construction easement and permanent water line easement at an estimated cost to Metro water services of \$1,500. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2009-543 (HUNT) – This ordinance abandons an 8-inch water line and easement and accepts a replacement 8-inch line and easement for airport authority property located at One Terminal Drive. This ordinance has been approved by the planning commission. Future amendments to this ordinance may be approved by resolution.

ORDINANCE NOS. BL2009-544 (HUNT & STEINE) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Patricia A. Wahl to provide public sewer service to property located on Rocky Fork Road in Williamson County. In 1998, the department of water and sewer services expanded the Mill Creek trunk sewer lines in anticipation of private developments tying on to the system. Pursuant to this agreement, Patricia A. Wahl will contribute \$6,000 toward the cost of the project in aid of construction for a total of 3 single-family home connections. These funds are to be deposited into the water and sewer extension and replacement fund.

This is a typical participation agreement entered into by the 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.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2008-216 (MOORE) – This ordinance amends the Metropolitan Code regarding the parking of motor vehicles on grassy areas. In June 2002, the council amended the code to require that all motor vehicles on private property be either stored inside a garage or parked on a paved or graveled area. Such paved/graveled area cannot exceed 25% of the total lot area. The department of codes administration has apparently interpreted the words “private property” in the existing ordinance to mean all property other than the public right-of-way. Thus, at least one public school has been cited for allowing parking on the grass as a fundraiser for special events in the vicinity of the school.

This ordinance simply amends the code to allow the parking of automobiles in grassy areas under the control of the Metropolitan board of public education during special events.

ORDINANCE NO. BL2009-526 (COLEMAN, CLAIBORNE & OTHERS) – This ordinance, as amended, amends the Metropolitan Code to make it unlawful for the Metropolitan Government to discriminate on the basis of non-merit factors. This ordinance would prohibit Metro from discriminating against any person in recruitment, examination, hiring, appointment, training, promotion, retention, or employee discipline race, age, color, religion, creed, sex, national origin, disabling condition, marital status, political affiliation, sexual orientation, group membership, gender identity, or other non-merit factor not substantially related to successful performance of the duties of the position.

This ordinance is only applicable to the Metropolitan Government; not to any employer in the private sector. Further, this ordinance would not provide partner medical and/or pension benefits.

ORDINANCE NO. BL2009-528 (RYMAN) – This ordinance abandons a portion of Old Baker Road between the two points it intersects with Baker Road. This closure has been requested by Lloyd C. Crawford, an adjacent property owner. This section of right-of-way is not maintained and is no longer needed for government purposes. The ordinance does retain all Metro easements. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2009-529 (TOLER & FORKUM) – This ordinance 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 original contract provided that QRS was to pay Metro \$10.00 per ton for recyclables collected through the Curby program for the years 2004 through 2009.

This amendment extends the term of the contract through November 1, 2014. Under the extended contract, QRS will pay Metro for recyclables received based upon a formula using a

percentage of the market value as determined by trade publications. There is a ceiling of \$30 per ton for Curby recyclables and \$40 per ton for mixed paper and comingled recyclables. There is also a floor of \$5 per ton for mixed paper and \$15 per ton for cardboard delivered. QRS will also make an annual payment of \$30,000 to Metro for educational programs directly related to increasing recycling participation.

ORDINANCE NOS. BL2009-530 & BL2009-531 – These two ordinances, as amended, authorize the director of public property administration to accept an easement and execute a lease agreement for use in the development of a greenway along the Cheatham County Railroad Authority tracks in the vicinity of Ed Temple Boulevard and Buchanan Street.

These two ordinances have been approved by the board of parks and recreation and referred to the planning commission.

Ordinance No. BL2009-530 (Langster, Forkum & Todd) accepts a 25-foot perpetual conservation easement encompassing 0.15 acre that will only be used for greenway purposes, include a bike/pedestrian pathway, nature trail, and/or natural area.

Ordinance No. BL2009-531 (Langster, Toler & Others) authorizes the director of public property to enter into a lease agreement with Nashville and Western Railroad Corporation for property adjacent to the area that is the subject matter of Ordinance No. BL2009-530. The property will be used only for greenway purposes. The nominal rent is to be \$2.09 per month for 20 years, or a one time lump sum payment of \$500. The railroad will have the authority to approve all improvements on the property prior to construction.

ORDINANCE NO. BL2009-532 (MATTHEWS, LANGSTER & OTHERS) – This ordinance authorizes the director of public property administration to accept the donation of property for use as part of the parks system. The first parcel consisting of 9.62 acres is being donated by Greenways for Nashville for use as part of Shelby Park. The second donation consists of 5.68 acres from Friends of Beaman located on each side of Blue Berry Hill Road.

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

ORDINANCE NO. BL2009-533 (LANGSTER, TOLER & OTHERS) – This ordinance authorizes the director of public property administration to accept conservation easements for use in the development of Metro’s greenway system to protect 290 acres in the Beaman to Bells Bend Corridor. Easements are to be accepted for the following properties:

- 5711 Old Hickory Boulevard and Old Hickory Boulevard, unnumbered – 27 acres
- 5268 Old Hickory Boulevard and Old Hickory Boulevard unnumbered – 43 acres
- 4443 Pecan Valley Road – 29.3 acres
- 4435 Pecan Valley Road – 73 acres
- Cleeces Ferry Road, unnumbered – 118 acres

ORDINANCE NO. BL2009-534 (TOLER) – This ordinance abandons an unnamed road from Holt Road southward to a dead end. This closure has been requested by Elm Hill Development

Corporation. This section of right-way is not needed for government purposes. The ordinance does retain all Metro easements. Consent of the affected property owners is on file with the department of public works.

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

ORDINANCE NO. BL2009-539 (STEINE) – This ordinance removes Ujima House, Inc., as one of the agencies to receive funding from the \$45.00 “victims assistance assessment” imposed on all criminal cases in Davidson County. State law allows local governments to impose this \$45.00 litigation tax to create a program or fund existing programs that assist victims of crime and their families. The state enabling legislation provides that the types of programs that can be funded through the assessment include “rape crisis centers, domestic violence shelters, victim of crime hotlines and information programs, individual, group and family counseling services, crisis intervention programs, support groups and other similar programs designed to assist victims of crime, their families or survivors.” On July 15, 2008, the council enacted Second Substitute Ordinance No. BL2008-218 to authorize the assessment and to designate six agencies to receive the funds, including Ujima House.

The finance department recently completed a routine audit of a previous Metro grant made to Ujima House in 2008 that evidenced serious deficiencies concerning the operation of the program. These deficiencies included: a failure of the board of directors to meet during the year-long grant period; more than \$8,000 in questionable expenses such as out-of-state department store purchases and travel expenses; and a failure to segregate Metro funds from other sources of funding. Further, the grant contract stated that Ujima House was to provide shelter to 75-100 women and children, but in fact only served one documented client and her three children during the grant period. As a result of these deficiencies, the department of finance has recommended that Ujima House immediately repay \$32,426 to the Metropolitan Government from the previous grant award.

The victims assistance assessment has generated \$13,336.37 for each of the agencies through July 2009. Upon enactment of this ordinance, the remaining five agencies to receive funding through the victims assistance assessment are CASA, Inc., the Mary Parish Center, the YWCA Domestic Violence Program, Nashville Children’s Alliance, and the Sexual Assault Center (formerly known as the Rape and Sexual Abuse Center).