

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director  
Metropolitan Council Office

DATE: **November 13, 2012**

RE: **Analysis Report**

Balances As Of:	<b><u>10/31/12</u></b>	<b><u>11/9/11</u></b>
<u>GSD 4% RESERVE FUND</u>	*\$28,756,746	\$35,787,151
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	Unavailable	\$50,000
USD	Unavailable	\$50,000
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	Unavailable	Unavailable

**\* Assumes estimated revenues in fiscal year 2012 in the amount of \$25,514,400**

**– BILLS ON PUBLIC HEARING –**

**ORDINANCE NO. BL2012-264** (STITES) – This ordinance amends the Metro zoning code provisions pertaining to planned unit development (PUD) districts approved under a previous zoning code. PUDs that were adopted prior to 1998 were grandfathered in when the current zoning code was adopted, though amendments to these older PUDs (other than minor changes) must be approved by the council. The code provides that all of the other provisions of the zoning code become applicable when these older PUDs are amended by council. This text change amends this provision to clarify that language specifically included in an amendment to an older PUD would prevail over conflicting zoning code provisions.

The planning commission recommended approval of this ordinance with an amendment clarifying that current building and fire code requirements would still apply when the PUD is amended.

**ORDINANCE NO. BL2012-280** (GILMORE & CLAIBORNE) – This ordinance amends the zoning code to modify the composition of the historic zoning commission to broaden the eligibility requirements for representatives of the downtown area. The historic zoning commission consists of nine members, two of which must be business or property owners within a downtown historic overlay district or listed in the National Register of Historic Places in the downtown area. This ordinance would create an alternative to the business/property owner requirement that would allow persons having a business interest in downtown property within a historic overlay district or listed in the National Register of Historic Places.

This ordinance has been approved by the planning commission.

**– RESOLUTIONS –**

**RESOLUTION NO. RS2012-464** (MCGUIRE & TODD) – This resolution elects two members to the board of directors of the Metro health and educational facilities board. State law requires that members of this board be elected by the council as opposed to being appointed by the mayor and confirmed by the council. Two persons have been nominated to fill the vacancies: Mr. Walker Batts and Ms. Susan Tinney. This resolution essentially formalizes the election vote.

**RESOLUTION NO. RS2012-465** (MATTHEW, BENNETT & LANGSTER) – This resolution approves an application for a grant in the amount of \$265,909 from the Tennessee emergency management agency to the Metropolitan Government for homeland security preparedness activities. These federal pass-through funds would be used to implement the state homeland security strategy and the national preparedness goals through information sharing and intelligence as part of the Tennessee Fusion Center, and equipment and training to sustain law enforcement terrorism prevention capabilities.

**RESOLUTION NO. RS2012-466** (MATTHEWS) – This resolution accepts a donation of \$361.42 from Charlie Tygard to the department of public works to cover the costs associated with making and installing a sign designating the Georgia Avenue bridge over Richland Creek as the Audrey Baker Memorial Bridge, which is the subject matter of Ordinance No. BL2012-265 on third reading. This resolution should be moved to the heel of the agenda so that BL2012-265 can be considered first.

Donations to the Metropolitan Government must be approved by the council.

**RESOLUTION NO. RS2012-467** (WEINER, MATTHEWS & LANGSTER) – This resolution approves a grant in the amount of \$150,000 from the state department of health to the Metro health department to reduce the risk of adolescent diabetes by focusing on obesity prevention through physical activity and exercise. This grant is for the continued funding of a “stepping” program coordinated by the health department at various community centers geared toward preventing Type 2 diabetes through physical activity and exercise for approximately 150 at-risk youth. The term of the grant is from August 15, 2012 through June 30, 2013.

**RESOLUTION NO. RS2012-468** (WEINER & MATTHEWS) – This resolution approves a memorandum of understanding between the Metropolitan board of health and Nashville Electric Service to provide a worksite POD for medical professionals to distribute antibiotics, vaccines, and antivirals (mass prophylaxis) in the event of a public health emergency. The health department will be responsible for obtaining the mass prophylaxis from the state and delivering them to Dell during a public health emergency. NES will be responsible for distributing the prophylaxis, and will not receive any form of compensation for providing these services. This contract is for a term of two years, but may be extended for two additional one-year terms.

The council has approved several similar agreements with other entities over the past two years.

**RESOLUTION NO. RS2012-469** (WEINER & MATTHEWS) – This resolution approves a memorandum of understanding between Vanderbilt University Medical Center and the Metropolitan board of health for the continued training of Vanderbilt medical residents in the tuberculosis elimination program. The purpose of the agreement is to allow residents participating in Vanderbilt’s Infectious Disease Fellowship Program to receive training through the health department’s tuberculosis elimination program. Vanderbilt will assign residents to work with the tuberculosis trials consortium for ½ day per week. Vanderbilt will be responsible for the direction and supervision of the residents, as well as for maintaining liability insurance coverage. The term of the agreement is from July 1, 2012 through June 30, 2013, but may be renewed for four additional one year terms.

**RESOLUTION NO. RS2012-470** (WEINER, MATTHEWS & LANGSTER) – This resolution approves an intergovernmental agreement among the federal government, the state department of health, and the Metropolitan board of health regarding the administration of vaccines for underinsured children. This agreement essentially grants the authority to the health department to immunize federally vaccine-eligible children who are underinsured. The health department’s responsibilities will include vaccinating walk-in underinsured children at its clinics and screening for vaccine eligibility under the federal program.

**RESOLUTION NO. RS2012-471** (WEINER & MATTHEWS) – This resolution approves an intergovernmental agreement between the state department of health and the Metropolitan board of health regarding a state non-recurring vaccine appropriation. The state has appropriated funding to make up front purchases of vaccines to be administered by local health departments to persons who are insured or otherwise eligible to pay for the vaccine. The health department will be responsible for billing the insurance company or collecting the fee from the patient. The vaccines include MMP, Varicella, Tdap, and Hepatitis B.

**RESOLUTION NO. RS2012-472** (GILMORE) – This resolution authorizes Hard Rock Café to install and maintain a new sign encroachment at its restaurant located at 100 Broadway. This sign will measure twelve feet in height, and will be located twelve feet above the sidewalk. Hard Rock Café must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of this wall-mounted building sign, and is required to post a certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the planning commission.

**RESOLUTION NO. RS2012-473** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the claims of Mark White and Martha Stevens against the Metropolitan Government for a total amount of \$13,400. On February 1, 2011, a sheriff’s office deputy eased into the intersection of McKennell Drive and Riverside Drive in an attempt to see around two mailboxes. Ms. Stevens was traveling north on Riverside Drive at the same time and struck the sheriff’s office vehicle when it pulled into her path. Ms. Stevens suffered hip and back pain resulting in chiropractic expenses totaling \$3,296. Mr. White, who was a passenger in Ms. Stevens’ car also suffered pain in his back and hip, and incurred chiropractor bills totaling \$2,915.

The department of law recommends settling this claim for \$13,400 since Ms. Stevens clearly had the right-of-way when the collision occurred. The settlement will result in \$6,700 each for Ms. Stevens and Mr. White. This amount is to be paid from the self-insured liability fund.

The employee involved in the accident received disciplinary action consisting of a one day suspension as a result of a logbook error discovered after the accident, but not for the accident itself.

**RESOLUTION NO. RS2012-474** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Dwight Sutherly against the Metropolitan Government in the amount of \$35,000. On November 3, 2009, a Metro codes inspector collided with Mr. Sutherly's vehicle at the intersection of Roosevelt Avenue and Myatt Drive. The codes inspector stated that he did not see the vehicle, and thus did not yield the right-of-way. Mr. Sutherly incurred \$9,132.30 in medical bills as a result of the accident, and was assigned a 1 to 2% permanent disability rating. It has been determined that Mr. Sutherly may also need future medical treatment for his injuries. Mr. Sutherly also incurred \$7,712.12 in lost wages as a result of the accident.

The department of law recommends settling this claim for \$35,000 given the injuries sustained, medical bills, lost wages, and pain and suffering. This amount is to be paid from the self-insured liability fund.

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

**RESOLUTION NO. RS2012-475** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the lawsuit brought by the estate of Mavis Combs and Ms. Combs's family against the Metropolitan Government for the amount of \$67,618.80 to be paid out of the judgments and losses fund. Ms. Combs was a 30-year employee of the police department who died prior to completing the pension application process. Ms. Combs's granddaughter, Mary Shawhan, was serving as power of attorney for Ms. Combs prior to her death. Ms. Shawhan commenced the pension application process on November 20, 2009, at which time she was given a list of documents to provide. After having difficulty obtaining the required copy of Ms. Combs's social security card, Ms. Shawhan made several calls to the Metro employee processing the pension application, which calls were not returned. Ms. Combs died on February 7, 2010 before completing the pension process.

Ms. Combs is survived by one adult daughter and three grandchildren. The Combs estate and her family filed suit against the Metropolitan Government in probate court seeking the pension benefits. The trial court ruled that the family was ineligible to receive the pension benefits under the Metro Code. The family appealed the case to the Tennessee Court of Appeals, who recently affirmed the trial court's decision. The Court of Appeals expressed some concern regarding the Metro pension application process, but determined there were no legal grounds raised in the complaint that would grant survivor pension benefits to the three adult grandchildren. The family has filed an application to the Tennessee Supreme Court requesting permission to challenge the Court of Appeal's ruling.

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**RESOLUTION NO. RS2012-475** (continued)

Given Ms. Combs's 30 years of service to Metro, the department of law recommends settling this claim for \$67,618.80, which is the maximum amount Ms. Combs would have received if she had elected to take the deferred retirement option plan (DROP) at the time of retirement. A DROP is a lump sum pension option available to employees that have at least 25 years of service and are eligible for a normal (as opposed to early) pension. Although the court determined that Metro followed the law in denying the pension benefits, it is apparent that the red tape associated with the pension process (such as requiring a copy of the social security card when the social security number was already on file) contributed to the delay. Furthermore, the failure of the Metro employee to return Ms. Shawhan's calls only exacerbated the delay. The plaintiffs have agreed to dismiss their appeal to the Tennessee Supreme Court pending approval of this settlement. The benefit board's pension committee, in conjunction with its consultant, is reviewing best practices with regard to Metro's pension application process.

The Metro employee involved received disciplinary action consisting of a five day suspension for performance issues.

**RESOLUTION NO. RS2012-476** (A. DAVIS) – This resolution approves the election of notaries public in accordance with state law.

**– BILLS ON SECOND READING –**

**ORDINANCE NO. BL2012-281** (BENNETT, HARRISON & MATTHEWS) – This ordinance amends the Metro code to transfer the administrative support for the transportation licensing commission (TLC) to the department of public works. The TLC is responsible for the licensing and oversight of wreckers, taxicabs, horse-drawn carriages, and other passenger vehicles for hire. The code currently provides that the TLC is to hire its own staff consisting of a director and inspectors.

In July 2012, RPM Transportation Consultants conducted a study of the regulation of taxicabs and other passenger vehicles for hire in Nashville and recommended that the TLC staff be moved under the department of public works. The study noted that this change would provide additional accountability and oversight, and would result in some economies of scale and potential cost savings.

This ordinance amends the code to provide that the TLC support staff, including the executive director and inspectors, are to be employed by the department of public works subject to the civil service provisions in the charter. The ordinance does not change anything in the code pertaining to the composition or function of the TLC.

There is a proposed amendment for this ordinance submitted by the departments of public works and finance to transfer the budget of the transportation licensing commission to public works, as well.

**ORDINANCE NO. BL2012-282** (BARRY & A. DAVIS) – This ordinance amends the Metro code to further specify the type of certified payroll information that must be retained by government contractors, and to specifically provide for the public inspection of this information. The code currently requires Metro contractors for public works projects to furnish payroll records at the request of the purchasing agent. These payroll records are to include employee names, hours worked, and rates paid. Such information is to be kept by the contractor for a period of one year.

This ordinance adds employee addresses to the list of information that must be retained, and provides that such payroll records must be provided to the public in accordance with the Tennessee public records act. All such records are to exclude social security numbers, as well as any information deemed to be confidential under applicable law.

There is a proposed amendment for this ordinance being offered at the request of the purchasing agent to clarify that the retention of the records is on a one year rolling basis, and to allow the purchasing agent to enter into contracts for the necessary review and investigation of the payroll records to determine compliance with the procurement code requirements.

**ORDINANCE NO. BL2012-283** (CLAIBORNE) – This ordinance amends the Metro code provisions pertaining to commercial solicitations. The code currently requires commercial solicitors to obtain a permit from the police department, but the requirements are minimal and do not include a mechanism for oversight and appeal. The current provisions were last amended in 1996. This ordinance is being filed in response to constituent complaints regarding recent aggressive sales techniques engaged in by certain commercial solicitors.

This ordinance is modeled after the commercial solicitation ordinance in Fort Collins, CO implemented in 2011. The ordinance was prepared with the input of the Metropolitan clerk, the police department, and the department of law. Under this ordinance, commercial solicitation permits would be issued by the Metropolitan clerk as opposed to the police department. Along with the permit application, the company would be required to provide a list of all persons who will be authorized to engage in commercial solicitation under the permit. The clerk would be responsible for issuing photo ID cards to the commercial solicitors, which must be worn at all times while soliciting. A background check would be conducted for all commercial solicitors. Persons convicted of certain criminal offenses would be prohibited from obtaining a permit or ID badge.

The clerk would be responsible for maintaining a list of all persons allowed to solicit under a company's permit. The permit fees would be determined by the clerk in an amount necessary to offset the costs of preparing and issuing the permits and associated ID badges. These fees must be ratified by council resolution. Once issued, commercial solicitation permits would be valid for two years. Denials, suspensions, and revocations of a license or ID badge could be appealed to the board of alarm appeals.

In addition to the revised permitting procedures and requirements, this ordinance would create a "No Solicitation List" to be maintained on the clerk's website similar to the "Do Not Call List" that would allow residents to electronically add their address to the list. Commercial solicitors would be responsible for periodically obtaining an updated copy of the no solicitation list, and would be prohibited from soliciting at any residence included on the list. Once added, a residence would remain on the list unless the resident requests to have his/her address removed.

The ordinance also prohibits commercial solicitation if a "no soliciting" or "no trespassing" sign is posted at the entrance to residential property. Commercial solicitors would further be prohibited from using any deceptive practices to obtain a visit at a private residence for the purpose of selling goods or services.

The clerk would be authorized to promulgate rules and regulations to implement the ordinance. The provisions of the ordinance are to be implemented not later than April 1, 2013.



**ORDINANCE NO. BL2012-284** (STANLEY) – This ordinance amends the Metro code to require the department of public works to install speed cushions as part of a traffic management program if petitioned by a majority of the resident homeowners on the street. The Metro traffic management program is an initiative of the department of public works to address speeding traffic on local residential streets used as cut-through streets to avoid congestion on major roadways and overloaded intersections. Upon the request of a neighborhood for participation in the traffic management program, public works staff conducts field inspections and consults with residents to identify the traffic issues. Upon a determination that the street qualifies for the neighborhood traffic management program, public works staff works with the neighborhood to choose the appropriate traffic management techniques, which must be approved by 67% of the residents in the affected area.

This ordinance would require public works to install rubber speed cushions for a street within the neighborhood traffic management program upon the request of 55% of the resident homeowners having ingress and egress to the street. Absentee homeowners and renters would not count as part of the 55% determination. The speed cushions would be installed in lieu of or in addition to the other traffic calming devices recommended by the chief traffic engineer.

The finance director has refused to certify availability of funds for this ordinance given the inability to determine the possible costs associated with implementing the ordinance. A copy of the finance director's letter is attached to this analysis.

**ORDINANCE NO. BL2012-285** (MOORE, GILMORE & OTHERS) – This ordinance approves an agreement between the state department of transportation (TDOT) and the Metro board of parks and recreation for the lease of property to be used as a greenway trail. This state-owned right-of-way totaling approximately 5.2 acres is bounded by Granny White Pike, Gale Lane, Lealand Lane, and I-440. The state has agreed to construct the greenway trail at its own expense, and there is no rental cost associated with the lease agreement. The term of the lease is through May 31, 2017, but may be terminated by either party with 60 days written notice. Future amendments or extensions of the agreement may be approved by resolution.

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

**ORDINANCE NO. BL2012-286** (CLAIBORNE, GILMORE & MATTHEWS) – This ordinance approves a renewal of a lease agreement between the U.S. Army and the board of parks and recreation for 8.62 acres of property adjacent to the Cheatham lock and dam for continued use as a park facility known as Lock II Park. The lease is for a term beginning May 1, 2012 and extending through April 30, 2022. There is no rental cost to Metro Government under the terms of the lease, but Metro must use and maintain the property as a public park. The lease also requires Metro to maintain the historic lockmaster's house, commissary, and barn in accordance with federal standards, as well as to paint the lockmaster's house and repair its roof within the first two years of the lease. The estimated cost to paint the building and repair the roof is \$50,000. The annual cost to maintain the property is approximately \$7,500.

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**ORDINANCE NO. BL2012-286** (continued)

This property has been leased to Metro by the U.S. Army for many years. Future amendments to this lease may be approved by resolution of the council. This lease agreement has been approved by the planning commission and the board of parks and recreation.

**ORDINANCE NO. BL2012-287** (GILMORE, WEINER & MATTHEWS) – This ordinance approves a lease agreement between the state department of transportation (TDOT) and the Metro board of parks and recreation for property located along the Harpeth River in Bellevue, and approves a sublease of the property to the Harpeth Youth Soccer Association (HYSA). This is essentially a renewal of an existing lease and sublease arrangement for this 46-acre property. There is no rental cost associated with either the lease or sublease. The terms of the agreements are for twenty-five years from January 1, 2013 through December 31, 2037.

The agreement with the state simply requires that the property be used for public recreation purposes. The sublease agreement with HYSA requires the property to be used exclusively as a public recreational soccer park. HYSA is not permitted to charge admission to the property except for tournaments and special events. HYSA is entitled to keep all concession revenue, but the net proceeds must be used by HYSA for the operation, maintenance, and improvement of the property. HYSA will be responsible for all maintenance of the property and utility costs, and is required to maintain liability insurance in the amount of \$1,000,000 naming the state and Metro as additional insured.

The agreements may be cancelled by the state, Metro, or HYSA with 60 days written notice. Future amendments to the leases may be approved by resolution of the council. These agreements have been approved by the planning commission and the board of parks and recreation.

**ORDINANCE NO. BL2012-288** (MATTHEWS & GILMORE) – This ordinance authorizes the construction and maintenance of wetland mitigation projects in Bells Bend Park and authorizes the execution and filing of notice of land use restrictions regarding the projects. The parks board and the Friends of Bells Bend Park are working to implement the recommendations of a master plan that includes wetland enhancements in the park. In October 2011, the council approved an amended memorandum of understanding between the Metropolitan Government, the board of parks and recreation, the Metropolitan Nashville airport authority, the federal aviation administration (FAA), and the Friends of Bells Bend related to the construction of a 1.2 acre wetland in Bells Bend Park. The purpose of this wetland is to provide a compensatory mitigation site as a result of the extension of the runway safety area at John C. Tune Airport, which is being funded by the FAA.

Subsequently, the state department of transportation (TDOT) entered into a contract with Friends of Bells Bend Park to provide for the purchase of wetland restoration services for 10 acres in the park. TDOT has agreed to pay \$300,000 for these wetland restoration services, but is not actually purchasing the property. The 10-acre wetland project is a requirement of the state department of environment and conservation (TDEC) as a result of a TDOT road (continued on next page)

**ORDINANCE NO. BL2012-288** (continued)

construction project in another part of the state. The proposed wetland restoration and enhancements will include the construction of two berms, removing invasive vegetation, and the construction of a water control system to create a feature dominated by wetland species. Metro is a party to the transaction simply because the parks department had land available in Bells Bend Park that can be used for wetland mitigation. There is no direct cost to Metro as a result of the project.

This ordinance approves the construction and maintenance of the wetland restoration project, approves an agreement with the Friends of Bells Bend for the project, and authorizes the execution and filing of the notice of land use restrictions required by the U.S. Army Corps of Engineers and TDEC. All contractors retained by the Friends of Bells Bend for the project must maintain liability insurance in the amount of \$1,000,000 per occurrence naming Metro as an additional insured. The land use restrictions will prohibit any future commercial or industrial activity, road construction, or motor vehicle operation on the property. These restrictions will run with the land in perpetuity unless cancelled by TDEC.

Amendments to the agreement and notice of land use restrictions may be approved by resolution. This ordinance has been approved by the parks board and the planning commission.

**ORDINANCE NO. BL2012-289** (TODD) – This ordinance abandons Johnstone Court from Hobbs Road southward to its terminus. This closure has been requested by Harpeth Hall School. The ordinance retains all existing utility easements. Harpeth Hall School is the only affected property owner.

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

**ORDINANCE NO. BL2012-290** (GILMORE) – This ordinance abandons a portion of Music Circle East right-of-way behind the sidewalk at the corner of Division Street and Music Circle East. The abandonment of the 2,266 square foot portion of right-of-way has been requested by Littlejohn Engineering Associates on behalf of the adjoining property owners. The ordinance retains all existing utility easements. Consent of the affected property owners is attached to the legislation.

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

**– BILLS ON THIRD READING –**

**ORDINANCE NO. BL2012-262** (MATTHEWS) – This ordinance, as amended, amends the Metropolitan Code to establish a procedure for the use of honorary street signs. The code currently prohibits all types of honorary street signs. This ordinance would allow the council, by ordinance, to authorize and direct the department of public works to install honorary street signs beneath the official street name sign for any street identified on the official street and alley acceptance and maintenance map. Such honorary street signs would be brown in color with white lettering. No honorary street sign could be installed honoring a living person, and no more than five honorary street names could be publicly funded in each calendar year. After the fifth honorary street, the honorary signs would have to be privately funded. A member of council would not be permitted to sponsor more than one ordinance in each calendar year naming an honorary street for which the costs of the signs are to be borne by the department of public works.

**ORDINANCE NO. BL2012-265** (TYGARD & LANGSTER) – This ordinance names the bridge on Georgia Avenue over Richland Creek in honor of Audrey Baker, who passed away on November 15, 2011. Ms. Baker was a longtime resident of west Nashville, and was very active in the community. The Metro code provides that no Metropolitan Government building or structure can be named except by ordinance adopted by the council.

**ORDINANCE NO. BL2012-266** (CLAIBORNE, TODD & DUVALL) – This ordinance amends the Metro code to eliminate the subsidized health insurance benefits for future members of council after they leave office. The code currently allows all elected officials participating in the comprehensive health care plan to continue participation in the plan after they leave office. If the elected official has served eight years, he/she may continue to participate in the plan by paying the Metro subsidized rate paid by employees, which is 25% of the premium. However, if the elected official has served less than eight years, he/she must pay 100% of the premium in order to continue participation in the plan.

This ordinance would eliminate the subsidized health insurance benefit for members of council after they leave office unless they have served 10 years. For those who do serve at least 10 years, which is the modified minimum vesting period under the recently enacted Ordinance No. BL2012-237, such members would be eligible to continue participation in the medical plan under the same terms and conditions as retired Metropolitan Government employees hired after January 1, 2013, and at the contribution rates based upon years of service as provided in BL2012-237.

The ordinance grandfathers in all current members of council and those former members of council that already participate in the health insurance plan. All other members serving a first term beginning in 2015 could participate in the plan after leaving office if they pay 100% of the premium.

According to information provided by the department of human resources, the subsidized health insurance for former members of council costs Metro approximately \$300,000 per year.

**ORDINANCE NO. BL2012-267** (GILMORE, WESTERHOLM & MOORE) – This ordinance authorizes Nashville Downtown Partnership to install and maintain bike kiosks within the public right-of-way at fourteen locations in the downtown area. The bikes and kiosks are funded through the federal Communities Putting Prevention to Work grant administered by the health department. The kiosks will serve a total of 190 “B-cycle” bikes in the bikeshare program. B-cycle member riders will be able to swipe their card at the kiosk to unlock the bike. The kiosks will be powered with AC or solar electricity, where available.

This ordinance will allow the installation of 20 total kiosks at the following locations:

- Commerce Street and 2nd Avenue North
- Deaderick Street and 5th Avenue North
- 4th Avenue North and James Robertson Parkway
- Church Street between 5th Avenue North and 4th Avenue North
- 3rd Avenue North and Union Street
- Victory Way at the base of the Pedestrian Bridge
- 6th Avenue North and Union Street
- 11th Avenue South/12th Avenue South
- 16th Avenue South
- 9th Avenue South and Demonbreun Street
- Jefferson Street and Dr. D.B. Todd Boulevard
- Wedgewood Avenue and 21st Avenue South
- Hermitage Avenue and Middleton Street
- 3rd Avenue North and Symphony Place at the base of the Pedestrian Street Bridge

The Downtown Partnership has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the kiosks, 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 NOS. BL2012-268 and BL2012-269** – These two ordinances authorize the acquisition of interests in property for Metro water services projects. The ordinances provide that the acquisition of additional easements or property rights for the same projects may be approved by resolution. These ordinances have been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

**Ordinance No. BL2012-268** (Potts, Matthews and Baker) authorizes the acquisition of property located at 6950 Charlotte Pike for the Davidson Branch equalization facility project. The estimated acquisition cost for the property is \$100,000.

**Ordinance No. BL2012-269** (Potts, Evans and Matthews) authorizes the acquisition of a portion of property located at 826 Cammack Court for a reservoir and detention basin project. The council already authorized the acquisition of an easement for the project, but Metro water services has determined that it needs to acquire the property in fee simple. The estimated acquisition cost for the property is \$56,500.

**ORDINANCE NO. BL2012-270** (POTTS & MCGUIRE) – This ordinance accepts 868 feet of an 8" water main, 1,284 feet of an 8" sewer main, and two fire hydrants on property located at Duncanwood Drive, unnumbered. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2012-271** (POTTS, GILMORE & MATTHEWS) – This ordinance abandons 570 feet of existing 10 and 12-inch sewer lines and the corresponding easements for property located at 1515 Demonbreun Street at the corner of Demonbreun and Division Street. This abandonment is needed for the private development of the property. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2012-272** (TENPENNY) – This ordinance changes the name of a portion of Powell Avenue to "Old Powell Avenue". This street name change is being brought at the request of the emergency communications center to assist emergency service response by eliminating two separate segments of Powell Avenue.

This name change has been approved by the planning commission and the emergency communications district board.