

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **January 16, 2007**

RE: **Analysis Report**

Balances As Of:	<u>1/10/07</u>	<u>1/12/06</u>
<u>GSD 4% RESERVE FUND</u>	* \$21,260,307	\$13,333,475
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$31,206,038	\$22,750,559
USD	\$12,243,660	\$8,433,994
<u>GENERAL PURPOSE</u>		
<u>SCHOOL FUND</u>	\$37,753,270	\$38,771,091

* Assumes estimated revenues in fiscal year 2007 in the amount of \$13,554,032

– RESOLUTIONS –

RESOLUTION NO. RS2006-1675 (GREER) – This resolution appropriates \$5,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Nashville Inner City Ministry, Inc., to provide partial funding for its program services. This organization provides life skills classes for 1,000 inner-city youth, ages four to eighteen.

These funds will be used to pay for part of the transportation costs to bus youth to and from the life skills classes.

State law allows local government to make grants to nonprofit organizations, provided that certain information is submitted by the organization proving their eligibility for the funds, including a statement as to the proposed use of local government funding, a letter from the Internal Revenue Service evidencing its tax exempt status, and a copy of its annual audit in compliance with state law. In order to facilitate compliance with the state law requirements, the Metropolitan Code of Laws sets out specific information that nonprofit organizations must provide in order to receive Metro funding.

These requirements are as follows:

1. A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization;
2. A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization under the Internal Revenue Code;
3. A statement of the nature and extent of the organization's program that serves the residents of the Metropolitan Government;
4. The proposed use of the funds to be provided by the Metropolitan Government;
5. The proposed budget of the organization, indicating all sources of funds and a line-item identification of the proposed expenditure of Metropolitan Government funds;
6. A copy of the organization's audit for the most recent fiscal year.

Nashville Inner City Ministry, Inc., has provided the necessary information required by both state and local law to be eligible to receive these funds. However, the department of law has opined that this appropriation violates the Establishment Clause of the First Amendment to the U.S. Constitution since the life skills program offered by Nashville Inner City Ministry, Inc. is based on Biblical principles. The U.S. Supreme Court has interpreted the First Amendment to prohibit municipalities from appropriating funds to religious organizations if the funding creates an "excessive entanglement" with religion. Although Nashville Inner City Ministry, Inc. has proposed to use these funds for transportation costs, the overall mission of the organization is religious in nature. The council office recommends that this appropriation be withdrawn in light of the concerns as to its constitutionality.

RESOLUTION NO. RS2007-1709 (RYMAN & GILMORE) – This resolution accepts a grant in the amount of \$599,872 from the Robert Wood Johnson Foundation to the Metropolitan health department for the development of information systems to enhance the emergency preparedness of public health services. These funds will be used to pay for personnel and indirect costs associated with redesigning the business processes of the health department.

RESOLUTION NO. RS2007-1710 (RYMAN & GILMORE) – This resolution approves a contract between the Metropolitan board of health and Douglas Cornish, DDS, to provide dental services to the homeless at the Downtown Clinic. Dr. Cornish will receive \$60 per hour to treat the patients up to a maximum of twenty hours per week. Total compensation is not to exceed \$15,360. Dr. Cornish is required to maintain a \$1 million errors and omissions insurance policy and agrees to indemnify the Metropolitan Government from any claims arising from the performance of the dental services. The term of the contract is from November 1, 2006 through June 30, 2007, with a possible extension of four additional one-year terms.

A similar contract was approved by the Council in December 2006 for dental services to be provided by Anissa Burgess, DDS.

RESOLUTION NO. RS2007-1711 (GILMORE & RYMAN) – This resolution approves an amendment to a contract between the Metropolitan board of Health and STD Free, Inc., for services regarding sexually

transmitted diseases. Pursuant to this contract, STD Free, Inc., provides a variety of services to the health department regarding sexually transmitted diseases, including organizing and developing a STD prevention community coalition, providing awareness and educational interventions, and advising the health department regarding appropriate approaches to reducing the transmission of sexually transmitted diseases in the Nashville area. STD Free, Inc., is compensated at the rate of \$146,000 per year to provide these services.

The amendment adds the required conflict of interest provisions and a prohibition on the use of funds for lobbying purposes.

RESOLUTION NO. RS2007-1712 (GILMORE & RYMAN) – This resolution approves a grant in the amount of \$368,700 from the Greater Nashville Regional Council to the Metropolitan social services commission for homemaker and nutrition services. These funds are used to provide home delivered meals to homebound persons, as well as homemaker and personal care services. Metro social services will be reimbursed \$6.64 per meal and \$21.50 per hour for homemaker and personal care services. The term of the grant is from July 1, 2006 through June 30, 2007.

RESOLUTION NO. RS2007-1713 (WILLIAMS, BROWN & RYMAN) – This resolution ratifies an agreement with the City of Oak Hill for the distribution of street and road funds for road repairs by Oak Hill during the 2005-2006 fiscal year. The City of Oak Hill, along with the satellite cities of Belle Meade and Forest Hills, maintain the roads within their corporate limits instead of Metro public works. The cities of Goodlettsville and Berry Hill do not participate in such contracts with Metro because they do not turn over their state tax revenues to Metro. Ordinance No. O87-1935 established a procedure for the distribution of street and road funds to the eligible satellite cities and provided that these annual contracts are to be ratified by resolution of the Metro Council with 21 affirmative votes.

Pursuant to this agreement, the City of Oak Hill will be paid \$88,000. There is a provision in the contract expressly stating that this contract shall not be used or referred to in any way as part of the satellite cities' pending lawsuit against the Metropolitan Government.

RESOLUTION NO. RS2007-1714 (CRADDOCK, FORKUM & OTHERS) – This resolution approves an application for a Transportation Enhancement Program grant from the state department of transportation for improvements to the historic Amqui Station train depot in Madison. Metro is seeking \$509,829 in federal pass-through funds for this project. If awarded, the grant funds will be used to restore the Amqui Station train depot and to turn the station into a railroad museum. The Amqui Station was built in 1910 as a switching station located at the junction of the L&N Railroad lines stretching from the north and northwest. After the L&N Railroad vacated the station in 1978, Johnny Cash purchased the building and moved it to his home in Hendersonville, where it was used to display Mr. Cash's railroad memorabilia. After Mr. Cash's death in 2003, the building was purchased by Halo Properties and donated back to the Madison community.

Discover Madison, Inc., an affiliate organization of the Madison Area Chamber of Commerce, will be responsible for the improvements and maintenance of the Amqui Station train depot as a museum. In addition, Discover Madison, Inc., will be responsible for the \$127,468 required local match for the grant.

RESOLUTION NO. RS2007-1715 (RYMAN & HAUSSER) – This resolution approves a grant in the amount of \$90,714.92 from the U.S. department of homeland security to the mayor's office of emergency management to provide training equipment for the police academy. These funds will be used to purchase personal protective equipment consisting of chemical suits, gloves, helmets and boots. The term of the grant is from November 1, 2006 through January 31, 2007.

RESOLUTION NO. RS2007-1716 (HAUSSER & RYMAN) – This resolution approves an annual grant in the amount of \$250,000 from the U.S. department of justice to the Metropolitan police department for gang resistance training. These funds are for the gang resistance education and training (GREAT) program, which uses law enforcement officers to provide instruction to school-aged children in life-skill competencies, gang awareness, and antiviolenace techniques. The police department's 34 school resource officers are certified to teach this program. In addition to approving the grant, this resolution approves a recent amendment to the grant that extends the term through June 30, 2007. The reason for the amendment is that the grant was not awarded by the federal government until nine months into the proposed project period.

RESOLUTION NO. RS2007-1717 (RYMAN & HAUSSER) – This resolution approves an application for a grant in the amount of \$157,700 from the U.S. department of justice to the Davidson County sheriff's office to increase access to mental health services for offenders who are mentally ill. The funds will be used to implement the Mental Health Transition Program that will provide mental health specific supervision, education, employment assistance, and post-release supervision. The specific target population for this program is mentally ill individuals who are homeless and have a history of arrest and incarceration. A portion of the funds will be used to pay the salary of a mental health specialist that will be responsible for implementing the program.

RESOLUTION NO. RS2007-1718 (CRADDOCK, FORKUM & RYMAN) – This resolution would permit remaining council infrastructure funds to be used for the installation of police cameras within the public right-of-way. Resolution No. RS2002-920, as amended, appropriated \$2,000,000 from the council infrastructure improvement program reserve account, as provided in the 2001-2002 operating budget, for council infrastructure improvements, with not more than \$57,142.85 to be spent in any one council district. An additional \$350,000 was appropriated for the council infrastructure program as part of the 2002-2003 operating budget, with not more than \$10,000 to be spent in any one council district. An amendment was approved by the council in 2004 allowing any remaining infrastructure funds to be used for right-of-way improvements, including the installation of flagpoles and median reconstruction.

Unspent funds from the prior infrastructure program were carried over into the current fiscal year's operating budget. The council infrastructure appropriation resolution, as amended, currently allows such funds to be used for drainage activities, street paving activities, park equipment and activities, sidewalk construction and repairs, the installation of flagpoles, and median reconstruction. This resolution amends the prior council infrastructure program resolution to expressly allow the funds to be used for the installation of police surveillance cameras, as well.

RESOLUTION NOS. RS2007-1719 THROUGH RS2007-1722 – These four resolutions appropriate funds from the council discretionary reserve account. The council appropriated \$1.95 million as part of the fiscal year 2006-2007 substitute operating budget to a reserve account for the council infrastructure program, nonprofit grants and other council initiatives. It was anticipated that each of the forty council members have \$48,750 in "discretionary funds" to be appropriated from the reserve account at a later date.

State law allows local government to make grants to nonprofit organizations, provided that certain information is submitted by the organization proving their eligibility for the funds, including a statement as to the proposed use of local government funding, a letter from the Internal Revenue Service evidencing its tax exempt status, and a copy of its annual audit in compliance with state law. In order to

facilitate compliance with the state law requirements, the Metropolitan Code of Laws sets out specific information that nonprofit organizations must provide in order to receive Metro funding.

These requirements are as follows:

1. A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization;
2. A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization under the Internal Revenue Code;
3. A statement of the nature and extent of the organization's program that serves the residents of the Metropolitan Government;
4. The proposed use of the funds to be provided by the Metropolitan Government;
5. The proposed budget of the organization, indicating all sources of funds and a line-item identification of the proposed expenditure of Metropolitan Government funds;
6. A copy of the organization's audit for the most recent fiscal year.

The four organizations to receive funding through these resolutions have provided the necessary information required by both state and local law. Additional resolutions will be forthcoming once members of council inform the council office as to how they wish to have their funds allocated and all of the required information has been received.

Resolution No. RS2007-1719 (Tygard) appropriates \$1,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Nashville Humane Association, to provide partial funding for its program services. This organization provides humane care and treatment for animals needing protection in Davidson County. These funds will be used to pay for part of the costs of the "ROVER" mobile spay/neuter program.

Resolution No. RS2007-1720 (Briley) appropriates \$5,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Stand For Children Leadership Center, Inc. This organization provides advocacy groups for children and schools. This organization is headquartered in Portland, Oregon, but is properly registered to operate in Tennessee. These funds will be used to pay for part of the salaries and fringes for the paid staff in Nashville.

Resolution No. RS2007-1721 (Greer, Gilmore & Whitmore) appropriates \$9,500 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Ujima House, Inc. This organization provides support to victims of domestic violence. These funds will be used to pay for part of the operational costs to provide direct shelter for victims of domestic violence.

The members of council requesting this grant and the amount designated from each are as follows:

Ronnie Greer	\$5,000
Brenda Gilmore	\$3,500
Ed Whitmore	\$1,000

Resolution No. RS2007-1722 (Greer) appropriates \$10,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Aphasis House, Inc. This organization provides housing for men being released from incarceration. These funds will be used to provide part of the salary, office equipment, and furniture for a case manager.

RESOLUTION NO. RS2007-1723 (Ryman, Neighbors & Others) – This resolution appropriates \$14,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Metropolitan Board of Parks and Recreation for improvements to the Shelby Park Baseball Field. The funds will specifically be used to purchase a new scoreboard for the ball field. These funds are being appropriated from the same reserve account as the previous resolutions appropriating grant funds to nonprofit organizations.

The members of council requesting this grant and the amount designated from each are as follows:

Rip Ryman	\$2,000
Diane Neighbors	\$2,000
David Briley	\$2,000
Buck Dozier	\$2,000
Jim Forkum	\$2,000
Mike Jameson	\$2,000
Lynn Williams	\$2,000

The board of parks and recreation has approved the use of these funds to purchase the scoreboard.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2005-651 (WALLACE) – This ordinance amends the Metropolitan Code of Laws to limit the types of traffic violations for which a vehicle may be towed by the Metropolitan police department. Presently, the Code provides that any vehicle which is parked, stopped, or standing in violation of any ordinances, except overtime parking, may be towed by the police department. This ordinance would provide that vehicles can be towed only when parked in violation of an ordinance or regulation and are (1) causing a safety hazard, (2) blocking pedestrian or vehicle access to property or a street, alley, or driveway, or (3) disrupting the flow of traffic.

This ordinance does not affect the authority to tow vehicles in violation of obstructing the orderly flow of traffic, parked on thoroughfares more than 48 hours without current registration, or are disabled so as to obstruct traffic, and other similar instances.

ORDINANCE NO. BL2006-998 (WALLACE, RYMAN & OTHERS) – This ordinance amends the Metropolitan Code of Laws to prohibit any temporary or permanent encroachment in the public right-of-way without a permit from Metro. The code currently technically prohibits persons from placing encroachments into the right-of-way except when permitted by Metro. The code provides that the council may grant encroachments within the right-of-way by ordinance, and may grant aerial encroachments over the right-of-way by resolution. However, the ordinance does not define the term “encroachment”. Thus, an argument can be made that temporary encroachments, such as news racks, do not require a permit from Metro.

This ordinance would require that a permit be obtained from Metro for all permanent or temporary encroachments in the right-of-way, including signs, sandwich boards, vegetation, news racks, fences, and walls. Any person or entity requesting such an encroachment would be required to pay a permit fee of \$100 to Metro, and must provide a public liability insurance policy in an amount directed by the department of law holding Metro harmless from claims or damages arising from the installation or maintenance of the encroachment.

The department of law has raised several First Amendment concerns related to this ordinance. The legal department recommends that any such ordinance contain specific licensing criteria, establish time periods

for deciding whether to grant or deny a permit, provide the cost basis for the permit fee, and specify whether the fee is per box or per entity. The legal department is currently working on a draft of a new ordinance modeled after news rack ordinances from other cities that have withstood legal challenge. The department of public works and the department of law will be meeting in the upcoming days to address the cost analysis for implementation of the new ordinance. The council office recommends that this ordinance be deferred so that the new ordinance can proceed.

ORDINANCE NO. BL2006-1065 (WALLACE) – This ordinance, as amended, amends the Metropolitan Code of Laws to prohibit chain link fences along arterial and collector streets. The code currently prohibits the use of barbed or razor wire on fences along sidewalks within the urban services district. This ordinance would essentially prohibit any chain link fence along the right-of-way of a collector or arterial street, which are the classifications used for the major streets and roads in Davidson County. This ordinance would apply to both the urban services district and the general services district, and would prohibit chain link fences in both commercial and residential areas. The ordinance expressly exempts temporary fencing and fences used around places of incarceration.

The council office would point out that this ordinance could result in a substantial cost to the Metropolitan Government, especially schools, if Metro facilities were required to have stone, brick or wood fences. A map showing all arterial and collector streets has previously been provided to the council by the planning department staff.

ORDINANCE NO. BL2006-1262 (JAMESON) – This ordinance amends the building code to allow the installation of plumbing fixtures designed to reduce or eliminate water consumption. The code currently requires all plumbing fixtures be supplied with water. However, recent technological advancements in the plumbing fixture industry designed to conserve water have resulted in the development of the “non-water urinal,” which uses a specialized cartridge in the drain that allows waste fluids through while preventing odors from being released. This technology has been endorsed by the U.S. Green Building Council. This ordinance would allow the installation of these non-water urinals, as well as other plumbing fixtures specifically designed to reduce water consumption.

ORDINANCE NOS. BL2006-1277 (COLEMAN & RYMAN) – This ordinance authorizes the Metropolitan Government to enter into participation a agreement with Wood Ridge Development, LLC, to provide public sewer service to the Carothers Crossing urban design overlay subdivision in Davidson County. This is a typical agreement entered into by Metro acting through the department of water and sewerage services whereby private developers contribute a portion of the cost to extend or upgrade public water and sewer services. The funds collected pursuant to these agreements will be deposited into the water and sewer extension and replacement fund.

Pursuant to the agreement, the developer will purchase sewer capacity from the City of LaVergne to transport the sewage from the Davidson County portion of the development through Metro’s collection and treatment system. The developer will be responsible for the capital cost of the required off site construction and will reimburse Metro for its cost to purchase the capacity in LaVergne’s sewer system, which is estimated to be \$1,425,000. The developer further agrees to reimburse Metro at the rate of \$1,000 per connection for 3,000 sewer connections in addition to the fees currently assessed by Metro for this development.

ORDINANCE NO. BL2006-1304 (RYMAN, LORING & WHITMORE) – This ordinance names the portion of Gateway Boulevard between Davidson Street (on the east side of the Korean War Veterans Memorial Bridge) and Fourth Avenue South as “Korean War Veterans Memorial Boulevard”. In January 2006, the council renamed the Gateway Bridge as the “Korean War Veterans Memorial Bridge.” This ordinance

would rename the portion of Gateway Boulevard tying the bridge into downtown to coincide with the name of the bridge.

The council office would point out that in June of last year the council renamed this portion of roadway (formerly Franklin Street) as "Gateway Boulevard", which was five months after the bridge was named.

If the council desires to rename this section of right-of-way again, the department of public works recommends that the ordinance be amended to rename Gateway Boulevard between South Second Street and Fourth Avenue South. This ordinance has been referred to the planning commission and the ECD board. The council office recommends that this ordinance be deferred until the planning commission and the ECD board have made their recommendation.

ORDINANCE NO. BL2006-1305 (RYMAN) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Cates-Kottas Development to provide public sewer service to section 14 of the Brookfield subdivision in Williamson County. The developer has agreed to contribute \$34,000 toward the cost of the project in aid of construction for a total of 17 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 Metropolitan Government, acting through 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 council has already approved previous agreements with this developer for sewer connections to homes in this same subdivision.

ORDINANCE NO. BL2006-1306 (WHITE, ISABEL & RYMAN) – This ordinance authorizes the director of public property administration to exercise an option to purchase approximately 11 acres of property located at 1014 and 1015 Stones River Road to be used by the department of parks and recreation as part of the Stones River Greenway, and approves the grant of a conservation easement for the property to The Land Trust for Tennessee, Inc. This is the "Stone Hall" property currently owned by Gilbert Stroud Merritt, III, which is of great historical significance to Nashville dating back to the time when the property was a Native American hunting ground. This property was settled by Nashville founder Colonel John Donelson in the 1780s. Stone Hall was built on the property by Dempsey Weaver Cantrell shortly after the 1916 fire of Edgefield. A log cabin known as "Eversong" was moved to the property in the 1930s.

Metro has an option to purchase the Stone Hall tract and the Eversong tract for \$1,975,000, which represents the fair market value of the property. The funding for the purchase price consists of the following: \$800,000 from the Tennessee Department of Transportation; \$400,000 from Tennessee Department of Environment and Conservation; \$300,000 in private donations; and \$475,000 from Metro parks bond funds. The option agreement, and corresponding deed if the option is exercised, include a number of restrictive covenants that will "run with the land", meaning they remain on the property forever. These covenants include the following requirements:

- (1) That the property be preserved intact solely as a Metro greenways public park;
- (2) That none of the property will be developed for commercial or residential purposes;
- (3) That Stone Hall and Eversong will be preserved and that no more than 10,000 square feet be added onto the existing buildings;
- (4) That the proposed future development road connecting Central Pike to the adjoining 379-home development be located behind Stone Hall;
- (5) That the name of the park will remain the "Stone Hall Park and Nature Center", and that the name of the large stone house remain "Stone Hall" and the cabin by the river remain "Eversong";

(6) That no buildings, gardens or other projects on the property may be named for any individual or organization; and

(7) That two bronze plaques shall be erected and maintained at Metro's expense. The precise wording for the plaques is included as an exhibit to the deed. One plaque is to provide a history of the property and the other plaque thanks the Judge Gilbert Stroud Merritt family.

The deed also requires that Metro lease Mr. Merritt the Stone Hall residence for six months and the remainder of the property for one year at no cost.

This ordinance also grants a perpetual conservation easement to The Land Trust for Tennessee, Inc., to enable The Land Trust to oversee the preservation of the Stones Hall historic structure, the preservation of the remainder of the property for passive outdoor recreation and education of the public, and the preservation of the natural habitat and open space.

There is a proposed amendment to the conservation easement that would allow construction traffic for the adjacent development to use the proposed development road, and would increase the permitted width of the portion of the development road closest to Lebanon Road.

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

ORDINANCE NO. BL2006-1307 (WALLACE) – This ordinance amends the Metropolitan Code to delete the \$200.00 police department impound lot (tow-in lot) storage fee, except for those vehicles that are seized as a result of criminal activity. On June 27, 2006, the Council enacted Ordinance No. BL2006-1094 to implement an additional flat \$200.00 storage fee for vehicles stored at the tow-in lot over and above the daily storage charges. This fee was part of an increase in various fees charged by the Metropolitan Government to generate additional revenue needed to balance the operating budget. The fiscal year 2006-2007 operating budget relied on approximately \$23.8 million in "revenue enhancements" in order to balance the budget. The \$200 storage fee is currently not charged for items left less than two hours, or for stolen vehicles that are claimed by the owner within 24 hours. This ordinance would make the \$200 storage fee applicable only to those vehicles that are seized as a result of suspected criminal activity. If this ordinance is adopted, the fee would no longer apply to vehicles towed to the tow-in lot for minor parking infractions.

The director of finance submitted a letter to the council as to why he cannot certify the availability of funds for this ordinance. Since this ordinance was enacted as a revenue enhancement to balance the current operating budget, the police department would have to cut services to offset the lost revenue.

ORDINANCE NO. BL2006-1308 (FORKUM) – This ordinance amends the Metropolitan Code to make persons operating motorized wheelchairs or scooters subject to the same regulations and privileges provided by the code to pedestrians. The Metro Code currently defines pedestrian as "any person afoot." Pedestrians crossing a roadway are required by the code to use a marked crosswalk where available, and when not available, are required to yield to vehicles on the roadway. Since persons operating motorized wheelchairs are not afoot, they are technically not subject to the regulations and protections in the code applicable to pedestrians. Concerns have been expressed regarding the safety of persons in motorized wheel chairs crossing busy thoroughfares at places other than crosswalks. This ordinance simply makes the pedestrian provisions in the code apply to persons with a mobility impairment operating a motorized wheelchair or similar vehicle.

ORDINANCE NO. BL2006-1309 (WALLACE) – This ordinance amends the Metropolitan Code provisions pertaining to the naming of streets and roads to remove the requirement that a person be deceased for two years before a street could be named in their honor. In 1993, the council enacted the existing street naming ordinance as a result of a study group involving members of council and the

administration in an effort to create a uniform policy governing the naming of public rights-of-way. Under the current ordinance, there are to be no honorary street signs, no streets named for a living person, and a waiting period of two years must pass before naming a street after a person who is deceased. This ordinance would retain the prohibition on naming a street after a living person, but would delete the two year waiting period.

ORDINANCE NO. BL2006-1310 (JAMESON) – This ordinance authorizes a property tax exemption for nonprofit community and performing arts organizations. State law allows local governments to exempt property owned by nonprofit community and performing arts organizations from property taxes as a charitable or educational use of property. In order to qualify for the exemption, the community and performing arts organizations must meet specific criteria set out in the state law, including evidence of its nonprofit status, restrictions on the membership of the board of directors, a requirement that the organization notify the attorney general prior to the sale of any of the exempt property, and a requirement that the organization file an annual report with the property assessor stating the listing of activities and uses of the property, as well as the financial condition of the organization.

This ordinance simply makes the state law property tax exemption for nonprofit community and performing arts organizations applicable in Davidson County. This exemption would apply to arts organizations owning real property within the area of the Metropolitan Government, such as the Tennessee Performing Arts Center (TPAC).

- BILLS ON THIRD READING -

ORDINANCE NO. BL2006-1178 (NEIGHBORS & TYGARD & OTHERS) – This zoning text change would designate “car wash” as a use permitted with conditions under the zoning code, rather than requiring car washes to be a part of a specific plan (SP) district. In March 2006, the Council enacted Ordinance No. BL2006-972 making most automotive uses no longer permitted in the commercial zoning districts. Rather, such uses have to be approved individually by the council as part of an SP district. The SP district was created by the council in September 2005 to give the council more control over how the property is developed than a straight zone change to another zoning district. The SP district is designed to be an alternative zoning process to address the unique characteristics of an individual property through a site specific plan. A detailed plan is to be created for each property, which must be followed by the developer.

This ordinance essentially puts car washes back in the same position they were in prior to the enactment of Ordinance No. BL2006-972, which is permitted with conditions. According to statements made by former Councilmember Amanda McClendon, the original sponsor of Ordinance No. BL2006-972, car washes were not intended to be included in the ordinance addressing automotive uses.

This ordinance also specifies certain conditions that must be met before a car wash can be permitted. These conditions are as follows:

1. The car wash would have to be set back at least fifty feet from any residential district.
2. The washing facilities must be located within an enclosed structure.
3. Car washes must be separated from adjacent property by a 6-8 foot tall masonry wall.
4. Hours of operation would be limited to 8:00 a.m. to 10:00 p.m. if the car wash is located within 100 feet of a residential district.
5. No outdoor loud speakers would be permitted.
6. No vehicles for sale may be parked on the premises.

This ordinance has been approved by the planning commission with a recommendation that the council address parking for automatic car washes. There may be an amendment to this ordinance incorporating some additional conditions for car washes recommended by the planning staff, as well as a prohibition on the use of local streets for vehicular ingress and egress.

ORDINANCE NO. BL2006-1214 (GREER) – This ordinance abandons an unnumbered alley located between Culvert Street and Alley # 2086. This closure has been requested by Lukens Engineering Consultants on behalf of the adjacent property owner who wishes to consolidate the two parcels. This portion of right-of-way is no longer needed for government purposes. Consent of the affected property owners is on file with the department of public works. All easements will be retained by the Metropolitan Government.

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

ORDINANCE NO. BL2006-1236 (SHULMAN) – This ordinance, as amended, amends the Metropolitan Code of Laws to increase the fee charged to wrecker driver permit applicants for background investigations. The code currently sets the fee for wrecker driver background checks at \$10.00. According to the transportation licensing commission, this fee only covers background checks to determine Davidson County criminal history, and that a more thorough background check is needed to protect public safety. This ordinance would increase the \$10.00 fee to \$40.00, and would authorize the transportation and licensing commission to adopt future increases to cover the investigation cost subject to approval of the council by resolution.

ORDINANCE NO. BL2006-1243 (SHULMAN, FORKUM & OTHERS) – This ordinance declares the Randalls Learning Center property located at 3501 Byron Avenue to be surplus and authorizes the director of public property administration to dispose of the property. The board of education has determined that the Randalls Learning Center is no longer needed for school purposes and has transferred the property to the director of public property administration. The proceeds from the sale of the property will be credited to the schools unappropriated school fund. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2006-1283 (CRADDOCK, GOTTO & OTHERS) – This zoning text change amends the code provisions pertaining to mobile vendors. In August 2006, the council enacted Ordinance No. BL2006-1087, which added various setback and parking requirements for mobile vendors on private property. As a result of the enactment of Ordinance No. BL2006-1087, the code now requires mobile vendors to maintain a 20-foot setback from the right-of-way and prohibits mobile vendors from being located within 100 feet of a major intersection or within 1,500 feet of another mobile vendor. Further, mobile vendors must include six parking spaces for up to 1,200 feet of retail space, plus one space for each additional 200 square feet.

This ordinance would essentially delete the substantive provisions of the prior ordinance and, instead, prohibit mobile vendors from being located outdoors. Mobile vendors within the commercial zoning districts would be required to be located within a permanent, enclosed structure. The parking requirements for mobile vendors would remain as they currently exist in the code. This ordinance would apply to mobile vendors selling goods, wares or merchandise at a temporary location and/or on a temporary basis, but would not apply to street vendors licensed by the county clerk. The ordinance further would specifically not apply to mobile vendors selling food items only.

Unlike Ordinance No. BL2006-1087, this ordinance would not grandfather in mobile vendors that currently have a valid use and occupancy permit to operate as a mobile vendor at a particular location. Thus, all existing vendors selling merchandise outdoors within commercial zoning districts would be prohibited under this ordinance.

This ordinance has been approved by the planning commission.

