

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **August 19, 2008**

RE: **Analysis Report**

Balances As Of:	<u>8/13/08</u>	<u>8/15/07</u>
<u>GSD 4% RESERVE FUND</u>	* \$30,268,715	\$26,540,553
<u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE SCHOOL FUND</u>		
	Unavailable	Unavailable

* Assumes estimated revenues in fiscal year 2009 in the amount of \$23,337,983
(Includes pending 4% appropriation totaling \$391,000)

– RESOLUTIONS –

RESOLUTION NOS. RS2008-157, RS2008-263, RS2008-383, RS2008-404 & RS2008-405

– These five resolutions provide proposed amendments to the Metropolitan Charter. The council, pursuant to the Charter, may only adopt two resolutions during the term of the council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. This resolution provides that the date for holding the referendum election on the Charter amendments is to be the November 4, 2008 election. The Charter provides that resolutions proposing amendments to the Charter must be filed at least 80 days prior to the election. State election law provides that resolutions requiring the holding of elections on questions submitted to the people that are to be held at the November general election must be adopted at least 60 days prior to the election. Thus, if the council desires to submit any amendments for the November ballot, the resolution approving the amendment(s) will need to be approved at the August 19, 2008 meeting.

These proposed Charter amendments have been referred to the charter revision commission. However, the commission has yet to meet this term to consider any of the amendments. The charter revision commission is authorized by the Charter for the purpose of holding hearings and making recommendations to the council with respect to proposed Charter amendments. Pursuant to section 2.120.060 of the Metropolitan Code, the charter revision commission is to hold regular meetings at least quarterly for the conduct of its business. Since the charter revision commission's role is purely advisory, the council can proceed to consider the amendments without a recommendation from the commission.

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

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

Previous attempts by the council to alter the term limit provisions have failed to receive approval of the voters, with the exception of the amendment clarifying that the mayor can only serve two terms rather than three.

Resolution No. RS2008-263, as amended, is the same as Resolution No. RS2008-404, and thus should be withdrawn.

Resolution No. RS2008-383 (Craddock) provides a proposed amendment to the Charter to allow Metro to make attachments to NES poles for the purpose of installing and maintaining equipment necessary for the public safety without charge to Metro. This Charter amendment has been proposed as a response to issues regarding the installation of security cameras on NES poles. The police department has implemented a pilot project in which security cameras are installed in high crime areas to help prosecute and deter criminal activity. In addition, several members of council last term used their infrastructure funds to purchase cameras for installation in their district. Once the cameras were installed, the police department apparently has had difficulty getting NES to supply electricity to the cameras due to the lack of a contract with Metro.

The Charter grants extremely broad authority to the electric power board over the Nashville electric system. The Charter provides that neither the mayor nor the council can exercise any authority over the NES board except as specifically provided in the Charter. The Charter expressly provides that NES shall charge the Metropolitan Government for any electric service furnished to the government at the same rates applicable to all other customers.

This amendment would also require NES to submit its proposed pay plan to the council for approval by a resolution receiving 21 affirmative votes before the plan could become effective. If the resolution failed to receive council approval, the plan would be submitted to the civil service commission to prepare a pay plan to be submitted to the mayor and council in the same manner as the pay plan for general government employees.

At the request of the charter revision committee, the council office has reviewed the electric system revenue bond resolution adopted in 1985, as well as the power contract between the Tennessee Valley Authority (TVA) and NES. The bond resolution expressly prohibits NES from furnishing access to the electric system free of charge to any person or entity, whether public or private. Therefore, this proposed amendment could be deemed to be a violation of the bond covenants, which would place debt issued by NES in jeopardy and have a potential negative impact on rates. In addition, the contract between TVA and NES prohibits NES from making special concessions in rates to any consumer, either directly or indirectly. Since the TVA contract is authorized by federal law, it arguably would trump the Charter amendment provisions pertaining to the use of NES facilities by Metro.

Resolution No. RS2008-404 (Ryman & Gotto) provides a proposed amendment to the Charter to require the mayor to submit the operating budget for the Metropolitan Government to the council not later than May 1st. For most of the Metropolitan Government's 45 year existence, the operating budget was filed on May 25th, with a final approval deadline of June 30th. The council approved a resolution in 2006 placing an amendment to the Charter on the ballot that required a March 25th filing deadline for the budget. This amendment was approved by the voters in November 2006.

Requiring the budget to be filed not later than March 25th provides some real challenges for the Metropolitan Government. This requirement makes it very difficult for the director of finance to accurately predict projected revenues for the next fiscal year. A substantial portion of the Metropolitan Government's revenue is comprised of state funds, and the state legislature does not approve the state's budget until May at the earliest. As a compromise between the two budget filing dates, this Charter amendment would move the filing deadline from March 25th to May 1st.

Since the Charter is the bedrock document for the operation of the Metropolitan Government, the council office has historically cautioned the council against submitting Charter amendments for the

ballot unless absolutely necessary. The council office believes this particular amendment will greatly help the budgeting process for the Metropolitan Government, which will benefit all citizens of Nashville and Davidson County.

Resolution No. RS2008-405 (Gilmore & Wilhoite) provides a proposed amendment to the Charter to reduce the terms of the council representative on the planning and traffic & parking commissions from two years to one year. Pursuant to the Charter, the council elects one of its members to serve on the traffic & parking commission and one member to serve on the planning commission. When the Charter was originally adopted, the term of the council traffic & parking commission representative was one year, and the term of the council planning commission representative was to be coextensive with such councilmember's term of office. The Charter was amended by the voters in 1994 to increase the term of the traffic & parking commission member to two years. Subsequently, the Charter was amended in 1996 to specify a term of two years for the planning commission representative.

This amendment would reduce both positions to one year terms.

RESOLUTION NO. RS2008-406 (COLE) – This resolution approves a grant in the amount of \$9,000 from the Tennessee commission on children and youth to the juvenile court for employee training. These grant funds will be used to provide training opportunities for staff in the form of conferences, seminars, and community training.

RESOLUTION NO. RS2008-407 (MAYNARD & COLE) – This resolution approves an intergovernmental agreement between the state department of finance and administration and the Metropolitan social services commission to provide home-delivered meals to TennCare eligible elderly and disabled persons. The term of this contract is from July 1, 2008 through June 30, 2009. This agreement will allow Metro social services to be reimbursed for home delivered meals provided to TennCare eligible recipients at the cost rates established by the state. Metro also receives grant funding from the Greater Nashville Regional Council for the home delivery meal program.

State law allows such intergovernmental agreements to be approved by resolution.

RESOLUTION NO. RS2008-408 (MAYNARD & COLE) – This resolution approves a second amendment to a contract between the Metropolitan board of health and SysTech International, LLC, for operation of the automobile emission testing program. In December 2006, the council approved the contract with SysTech, thus ending the contractual relationship with Envirotech Systems, which had been operating the program since 1990. At the time of the expiration of the former contract, Envirotech was charging \$10.00 per test, with \$1.80 going to the Metro health department to fund the air pollution program.

A request for proposals (RFP) was issued by the purchasing agent for the emission testing program, which was awarded to SysTech. Pursuant to the terms of the contract, Metro was to receive \$4.50 out of the \$10.00 charged for each inspection. In June 2007, this contract was amended to reduce the inspection fee to \$9.00. Metro is to receive \$7.25 for every vehicle inspected that exceeds a 2% increase in the number of vehicles inspected in the previous year. If the contract is extended past the 2012 deadline, Metro will receive \$5.00 per inspection. There are approximately 580,000 registered light duty vehicles that are subject to inspection under this contract. If the average

number of vehicles inspected falls below this benchmark then the percentage of the fee retained by Metro will be adjusted accordingly.

SysTech International's municipal clients include Salt Lake County, UT; New York City; and Memphis, TN. SysTech also provides the vehicle emission testing for the following states: Oregon, Connecticut, Washington, Virginia, North Carolina, and Rhode Island.

SysTech proposed several additional services/technologies that were not required by the RFP and/or were not being provided under the previous contract. A summary of some of the major changes is as follows:

- An advanced electronic reporting system giving Metro easy on-line access to emission testing information
- The use of six mobile emission testing vans that can be deployed for on-site testing of vehicles
- Wireless data systems and handheld testers
- A license plate recognition camera wait time system to record wait times for individual vehicles
- Credit/debit card payment availability, as opposed to the current cash only system
- Visual inspection cameras to see the exhaust system underneath the vehicle
- Possible self-service testing kiosks at each of the six testing stations

As of July 1, 2008, SysTech has apparently failed to fulfill some of the contractual requirements above and beyond the requirements in the RFP. While some of these are minor issues, such as a failure to seal and restripe the pavement, painting the exterior of certain buildings, and installing new signage, there are some significant requirements that have not been satisfied. For example, SysTech was to open additional service lanes at some of the facilities, prepare a mobile unit operations plan to be delivered to Metro, and install numerous software updates, which have not been done. This second amendment to the contract adds a liquidated damages provision to protect Metro against SysTech's continued failure to fulfill these contractual requirements. Pursuant to the amendment, SysTech will be required to reimburse Metro \$500 for each day that these specific requirements remain incomplete or unfulfilled. The penalty will not begin to accrue until fifteen days after Metro gives notice of the problem.

In addition, the amendment includes a provision relieving SysTech of the ISO certification requirement if a written quality assurance plan is submitted to Metro. ISO certification, which is done by the International Organization for Standardization, is basically a set of standards for quality management.

RESOLUTION NO. RS2008-409 (MAYNARD & COLE) – This resolution approves a grant in the amount of \$202,200 from the state department of health to the department of health for the implementation of a fetal-infant mortality review program. These funds will be used to improve community resources and plan public health services that have a positive impact on the fetal-infant mortality rates. The majority of the funds will be used to pay the partial salaries of four positions in the health department to implement the program. The term of the grant is from July 1, 2008 through June 30, 2009.

RESOLUTION NO. RS2008-410 (MAYNARD & COLE) – This resolution approves an amendment to an annual grant in the amount of \$208,000 from the state department of health to the Metro health department for the commodity supplemental food program. This is a federal program that provides nutritious food to eligible low-income clients who are vulnerable to inadequate nutrition. The majority

of these federal funds are used to pay the salaries and benefits of the health department employees in the commodity food program.

This resolution approves a revision in the grant budget to allow for the purchase of a \$20,000 cargo van for home deliveries, and adds a new section to the contract providing that the state will have legal title to the vehicle.

RESOLUTION NO. RS2008-411 (MAYNARD & COLE) – This resolution approves an annual grant in the amount of \$35,000 from the state department of health to the Metropolitan health department for rape prevention education services. The term of the grant is from July 1, 2008, through June 30, 2009. These federal pass-through funds will be used to develop a comprehensive action plan, conduct educational seminars, prepare informational material, and provide training programs for college students.

RESOLUTION NO. RS2008-412 (COLE & MAYNARD) – This resolution approves a renewal of the contract between the Metropolitan health department and the United Way of Metropolitan Nashville to arrange for assistance in the planning, development and delivery of services for minority individuals infected with or affected by HIV/AIDS. The services to be coordinated include case management, medical, nursing, dental, diagnostic, rehabilitation, and home health services for persons eligible under the Ryan White Treatment Modernization Act of 2006. Pursuant to this contract, the Metro health department will pay \$211,298 for the services to be provided, with a contract term of August 1, 2008 through July 31, 2009. The funding for this contract consists of federal pass-through funds that must be used for direct HIV services.

RESOLUTION NO. RS2008-413 (COLE & MAYNARD) – This resolution approves an annual grant in the amount of \$34,200 from the state department of health to the Metropolitan board of health to provide renal intervention services. The term of the grant is from July 1, 2008 through June 30, 2009. These grant funds will be used to pay the partial salary of a nurse coordinator to provide case management services to at least 45 persons who are at risk of developing end stage renal disease. At risk individuals are defined as persons who are diabetic and/or hypertensive and who demonstrate early signs of kidney damage.

RESOLUTION NO. RS2008-414 (COLE & MAYNARD) – This resolution approves an amendment to a contract between the Metropolitan board of health and United Neighborhood Health Services to provide medical services to homeless clients of the health department. The health department receives state and federal grant funds to provide healthcare services for the homeless at the downtown clinic. In 2005, the health department entered into a contract with United Neighborhood Health Services to provide a portion of the medical services, which contract was extended in April of this year.

Pursuant to the contract, United Neighborhood Health Services provides examinations, diagnosis, and treatment of medical conditions of persons seen at the downtown clinic. In addition, they provide after-hours care for these patients. These services are provided by a licensed physician, nurse practitioner, and medical assistant.

Under the terms of the original contract, Metro was to pay \$75 per hour for doctor services, \$41 per hour for nurse practitioner services, and \$16 per hour for medical assistant services. This resolution increases the amount of the compensation to be paid under the contract. Metro will now pay \$90 per hour for doctor services, \$47 per hour for nurse practitioner services, and \$20 per hour for medical assistant services. The total compensation to be paid by Metro under the contract is not to exceed \$107,360, which is less than the amount of the original contract.

RESOLUTION NO. RS2008-415 (FOSTER & COLE) – This resolution approves an amendment to a grant from the Nashville Public Library Foundation to the public library to provide staffing for the special collections division. These grant funds are used to pay the salaries of two full-time positions for three years. These two positions are responsible for coordinating digital projects in the special collections division, assisting researchers and the general public in the use of special collections, and to process non-book collections.

This resolution approves a \$35,000 increase in the amount of the grant, for a new grant award of \$285,000, and extends the end date of the grant from November 30, 2008 through June 30, 2009.

RESOLUTION NO. RS2008-416 (COLE & CRADDOCK) – This resolution approves a grant in the amount of \$4,840 from the Community Foundation of Middle Tennessee to the Davidson County sheriff's department, working with Metro animal control, to teach inmates how to build dog houses. This grant is to support the sheriff's office PAWS program, which teaches inmates to train and care for animals. The grant funds will be used to build 36 dog houses for families who adopt pets from Metro animal control that need assistance with housing for the pet.

RESOLUTION NO. RS2008-417 (CRADDOCK & COLE) – This resolution approves a grant in the amount of \$128,132 from the U.S. department of homeland security to the Metropolitan Nashville fire department for the fire prevention and awareness program. These funds will be used to teach the fire department personnel about the various cultures in Nashville and their fire prevention knowledge, as well as to promote the fire safety campaign in the 22 predominant languages in Nashville. There is a required local match of \$32,033 to be provided through the fire department's operating budget.

RESOLUTION NO. RS2008-418 (COLE & GOTTO) – This resolution approves an application for a grant in the amount of \$7,020 from the state historical commission to the Metro historical commission to research and update historic property inventories, and for historic design review. If awarded, these grant funds will be used to identify historic properties in subarea 4 (Madison/Goodlettsville) and subarea 7 (West Nashville/Belle Meade/Charlotte Avenue), and to help develop policies to protect these properties. The grant funds will also be used to develop design guidelines for the Greenwood, Maxwell Heights and Germantown historic overlays.

There will be a required local match of \$4,680 to be provided from the historic commission operating budget.

RESOLUTION NOS. RS2008-419 & RS2008-420 – These two resolutions authorize the mayor to enter into supplemental licensing agreements with Nashville and Eastern Railroad Corporation to increase the rental fee paid for the water and sewer lines in the railroad right-of-way. These rental fees are to be paid from the water and sewer operation and maintenance fund.

Resolution No. RS2008-419 (Evans & Cole) approves an increase in the annual rental fee for the water line at M.P. 1.14 Old Hickory Branch from \$28.62 to \$31.49, to be adjusted every three years hereafter based upon the consumer price index.

Resolution No. RS2008-420 (Claiborne, Evans & Cole) approves an increase in the annual rental fee for the sewer line at M.P. 1.88 from \$1,550.82 to \$1,736.92, to be adjusted every three years hereafter based upon the consumer price index.

RESOLUTION NO. RS2008-421 (COLE) – This resolution appropriates \$391,000 from the general fund reserve fund (4% fund) to purchase equipment and furniture for the department of law. In June 2008, the council approved a lease agreement for 18,800 square feet of office space in the Washington Square building for the department of law. The department of law is currently located in several downtown buildings, which makes it difficult to coordinate operation of the department. Pursuant to the lease agreement, the lessor (Square Investment Holdings LP) is responsible for the build out of the new space for the legal department, but Metro is responsible for its own furniture and equipment. It is anticipated that this space will be ready by mid-October 2008. Therefore, it is necessary that Metro legal go ahead and purchase the required equipment to allow for a timely transition. The equipment to be purchased will consist of voice and data connections (phone system) and new furniture for the office space. Four percent funds may only be used for the purchase of equipment and repairs to buildings.

The balance in the general fund reserve fund as of August 13, 2008, was \$30,268,715. This consists of unrealized revenue for fiscal year 2009 in the amount of \$23,337,983. The resolution provides that "The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund." A copy of the supporting information sheet required by Ordinance No. O86-1534, is attached to this analysis.

RESOLUTION NO. RS2008-422 (COLE) – This resolution authorizes the department of law to compromise and settle the lawsuit brought by Debra L. Davis against the Metropolitan Government in the amount of \$13,000. On August 4, 2005, Ms. Davis was injured when her vehicle was struck from the rear by a Metro public works garbage truck on I-40 near the Fairfield Avenue entrance ramp. The collision pushed Ms. Davis' vehicle into the car in front of her driven by William Griffith, totaling both vehicles. The Metro garbage truck driver said Ms. Davis pulled out in front of him. However, this assertion is contradicted by both Ms. Davis and Mr. Griffith, who claim that Ms. Davis' car was stopped when the garbage truck came around the curve at a high rate of speed. The garbage truck driver is no longer a Metro employee, and, according to the department of law, cannot be located.

Ms. Davis sustained a strain to her neck and back, incurring medical bills totaling \$4,380.95. In addition, Ms. Davis' 1996 Ford Taurus was a total loss, which had a blue book value of \$1,665.

The department of law recommends settling this claim for \$13,000, as any recovery at trial would likely be somewhat higher. Mr. Griffith sustained no injuries in the accident, and his property damage claim has already been settled.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2008-258 (CRAFTON) – This ordinance amends the Metropolitan Code to impose an additional fee for building permits for construction or demolition permits within historic zoning overlays. The fee schedule in the building code for building permits is based upon the total valuation of the construction; the bigger the job, the higher the fee. If no building permit is needed for the issuance of a use and occupancy permit, the fee for the certificate is fifty dollars.

This ordinance would impose an additional fifty dollar fee to be charged for applications to demolish, repair, or construct a building within a historic zoning overlay. According to information provided by the historical commission, their staff handles approximately 325 cases per year. With the addition of the new historic zoning overlays in recent months, this number is expected to increase this year. By law, the Metropolitan Government cannot charge fees that exceed the cost of providing the service. The fiscal year 2009 budget for the historical commission historic zoning program is \$237,300. While some cases obviously take longer to review than others, a review of 400 cases this year would average out to be \$593.25 per case.

ORDINANCE NO. BL2008-259 (CRADDOCK, PAGE & OTHERS) – This ordinance amends the Metropolitan noise ordinance to add a “plainly audible” standard for determining violations and adding certain restrictions pertaining to motor vehicle noise. The current noise ordinance provides maximum decibel levels for the operation of sound amplification equipment. The code prohibits amplified noise in excess of 55 db(A) between 9:00 a.m. and 9:00 p.m. or fifty db(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property. In order for a person to be cited under the current law, a police officer has to take a measurement using a decibel meter. This makes enforcement of the noise ordinance difficult, as all officers do not carry decibel meters. Further, some citizens have complained that the maximum decibel levels in the ordinance are too high, while others have complained that the levels are unreasonably low.

A review of recently-enacted noise ordinances evidences a trend toward using a “plainly audible” standard, as opposed to fixed decibel levels. This ordinance simply removes the references to specific decibel levels in the noise ordinance and substitutes such levels with a provision prohibiting amplified noise that is plainly audible from the adjacent property line. If the amplified sound is on public property or within the public right-of-way, the operator would be in violation if the sound was plainly audible fifty feet or more from the source of the sound. The ordinance defines “plainly audible” as any sound which clearly can be heard by unimpaired auditory senses. The ordinance continues the existing exemption for downtown properties.

This ordinance also adds provisions regulating motor vehicle engine and exhaust noise. The code currently prohibits excessive car stereo noise, but contains no provisions applicable to the vehicle itself. This ordinance would prohibit a person from operating a motor vehicle that is not equipped with a muffler in good working order to prevent excessive noise. Further, the ordinance would prohibit the use of a “cut-out, by-pass, or similar muffler elimination unit”, or the operation of a motor vehicle with devices that amplify motor noise or motor vehicle exhaust noise. Finally, the ordinance would prohibit the operation of a motor vehicle if the exhaust noise is plainly audible at 200 feet.

ORDINANCE NOS. BL2008-260 through BL2008-262 – These three ordinances abandon portions of Metro right-of-way no longer needed for government purposes. The ordinances do retain all Metro easements.

Ordinance No. BL2008-260 (Gilmore) abandons a portion of Alley No. 236 from 16th Avenue South northeastward to a dead end between Broadway and McGavock Street. This closure has been requested by Climer and Associates on behalf of Beaman Automotive, which owns the property on both sides of the alley. This ordinance has been approved by the traffic and parking commission and the planning commission.

Ordinance No. BL2008-261 (Baker) abandons a portion of 58th Avenue North between 60th Avenue North and California Avenue. This closure has been requested by Frank Bessire, an adjacent property owner. Consent of the affected properties is on file with the department of public works. This ordinance has been approved by the traffic and parking commission and the planning commission.

Ordinance No. BL2008-262 (Langster) abandons a portion of Alley No. 699 from Acklen Park Drive to the dead end between Long Boulevard and I-440. This closure has been requested by Wills-Brooks Investments, an adjacent property owner. Consent of the affected properties is on file with the department of public works. This ordinance has been approved by the traffic and parking commission, but was disapproved by the planning commission.

ORDINANCE NO. BL2008-263 (JAMESON & EVANS) – This ordinance authorizes the director of public property administration to acquire utility easements by negotiation or condemnation for the purpose of constructing water mains, sanitary sewers, reservoirs, and stormwater improvements. This easement is necessary for the water department's Washington CSO control facility project. Easements are to be acquired for the following six parcels:

- o 111 North 2nd Street
- o 140 North 1st Street
- o 110 North 1st Street
- o Main Street, unnumbered
- o 5 Main Street
- o James Robertson Parkway, unnumbered

The total cost of the easements to be acquired is estimated to be \$12,000, which will be paid from the water and sewer extension and replacement fund. The ordinance provides that the acquisition of additional easements for this project may be authorized by a resolution adopted by the council.

This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2008-264 through BL2008-266 – These three ordinances authorize the acceptance of easements for various stormwater projects in Davidson County. These easements are being acquired at no cost to the Metropolitan Government. The planning commission has approved these three ordinances.

Ordinance No. BL2008-264 (Cole & Evans) authorizes acceptance of easements for the following eight properties:

- 1435 Litton Avenue
- 2909 Glenmeade Drive
- Glenmeade Drive, unnumbered
- 2910 Glenmeade Drive
- 2916 Murray Circle
- 2918 Murray Circle
- 2932 Glenmeade Drive
- 2934 Glenmeade Drive

Ordinance No. BL2008-265 (Bennett & Evans) authorizes acceptance of easements for the following four properties:

- 109 Dellway Drive
- 111 Dellway Drive
- 2700 A Brunswick Drive
- 2703 Brunswick Drive

Ordinance No. BL2008-266 (Coleman, Gilmore & Others) authorizes acceptance of easements for the following 25 properties:

- 860 Visco Drive
- 2930 Old Franklin Road
- Lombardia Court, unnumbered
- 1900 Lombardia Lane
- Bell Road, unnumbered
- 304, 306 and 308 White Bridge Road
- 3823 Cleghorn Avenue
- 185 and 199 Anthes Drive
- 218 Crestview Drive
- 2970, 2984, 2990, and 2994 Baby Ruth Lane
- 8000 Highway 100
- 25 Vantage Way
- 515 Spruce Street
- 600 Garfield Street
- 214 Welch Road
- 411 and 417 E Palestine Avenue
- 111 and 113 Kenner Avenue

ORDINANCE NO. BL2008-267 (GILMORE & EVANS) – This ordinance abandons a ten-foot public utility drainage easement that is no longer needed by the department of water and sewerage services for property located at 1320 Rosa L. Parks Boulevard. The ordinance provides that future amendments may be approved by resolution of the council. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2008-268 through BL2008-270 – These three ordinances authorize the Metropolitan Government to enter into participation agreements with private developers to provide public sewer service to properties in Davidson and Williamson Counties. Back in 1998, the department of water and sewer services expanded two trunk sewer lines in anticipation of private

developments tying on to the system. Pursuant to these agreements, the developers will contribute \$2,000 per single-family connection to the sewer system in aid of construction. These funds are to be deposited into the water and sewer extension and replacement fund. These are typical participation agreements 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.

Ordinance No. BL2008-268 (TOLER & COLE) approves a participation agreement with Burkitt Place Development, LLC, to provide public sewer service to phase 2F of the Burkitt Place subdivision in Davidson and Williamson Counties. The contractor has agreed to contribute \$42,000 toward the cost of the project in aid of construction for a total of 21 single-family home connections.

Ordinance No. BL2008-269 (COLE & EVANS) approves a participation agreement with Jim Haley to provide public sewer service to phase 4 of the Haley Industrial Park in Williamson County. Mr. Haley has agreed to contribute \$10,000 toward the cost of the project in aid of construction for a total of five industrial lot connections.

Ordinance No. BL2008-270 (EVANS & COLE) approves a participation agreement with Beazer Homes Corporation to provide public sewer service to phase 4 of the Ballenger Farms subdivision in Williamson County. The developer has agreed to contribute \$208,000 toward the cost of the project in aid of construction for a total of 104 single-family home connections.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2008-251 (ADKINS & COLE) – This ordinance amends the Metro Code to increase the hotel occupancy privilege tax by fifty cents for the support and promotion of large events. In August 2007, the council authorized the collection of four tourist accommodation taxes to create a funding mechanism for the construction of a new downtown convention center, as allowed by changes to the state law. One of the new tourist accommodation taxes was a \$2.00 tax upon the occupancy of each hotel room within the area of the Metropolitan Government. This tax can only be used for the purpose of paying construction costs of a new publicly-owned convention center with a cost in excess of \$400 million. Revenues from the \$2.00 tax can also be used for the operation, promotion, management and marketing of a new convention center.

In the spring of 2008, the Tennessee General Assembly enacted a new public act authorizing the metropolitan government, by ordinance, to increase the additional hotel occupancy privilege tax by fifty cents to be deposited into a new fund entitled "The Event and Marketing Fund". Appropriations from the new fund must be administered by a committee attached to a convention and visitors bureau, or similar entity approved by the mayor and the council. The state law requires that the five person committee be appointed by the mayor, and is to be made up of representatives of the following groups: one person nominated by the hotel and lodging association; one person from the hospitality industry; one representative from a hotel corporation with a single hotel in Nashville containing more than 2,900 rooms (Gaylord Opryland); and two members of the public to be selected by the mayor. All expenditures from the fund are subject to the approval of the Metropolitan finance director. If the increase is approved by the council, the state law provides that the tax is to sunset in six years.

This ordinance basically adopts the provisions of the state law and designates the Nashville Convention & Visitors Bureau (CVB) as the entity to which the committee is tied, since the CVB currently has a contract with Metro to provide tourism and convention marketing services.

One important distinction between the provisions of the state law and this ordinance concerns the types of events for which the additional funds may be used to promote. The state law requires this additional fifty cent hotel tax to be used for any purpose allowable under T.C.A. § 7-4-110(a)(1), which is the direct promotion of tourism. However, this ordinance includes a requirement that the funds be used "to support events or projects which are found by the committee to have a cumulative total economic impact on the Metropolitan Government of Nashville and Davidson County of greater than five million dollars (\$5,000,000.00)." The ordinance does not include any criteria for calculating total economic impact on the Metro Government.

As this ordinance is a tax measure, it is amendable on third reading pursuant to the council rules of procedure.

ORDINANCE NO. BL2008-252 (GOTTO & DOMINY) – This ordinance adopts the property identification maps for the Metropolitan Government identifying property as of January 1, 2008, as the official maps for the identification of real estate for tax assessment purposes. These maps are adopted on an annual basis.

ORDINANCE NO. BL2008-253 (COLE & EVANS) – This ordinance authorizes the Metropolitan Government to enter into a renewal of an easement by the U.S. Army Corps of Engineers for property at the intersection of Smith Springs Road and Rural Hill Road in the Percy Priest Lake area. The purpose of the easement is to allow the 8-inch water line and 8-inch sewer line, along with 20 feet of right-of-way, across three parcels of property owned by the federal government. This easement will be for a term of twenty years beginning January 15, 2008 and extending through January 14, 2028. There is no direct cost associated with this easement.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2008-254 (EVANS) – This ordinance abandons a twenty foot water and sewer easement for property located at 1707 14th Avenue South. This easement is no longer being used by the department of water and sewerage services. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2008-255 and BL2008-256 – These two ordinances abandon certain rights-of-way within the area of the Metropolitan Government. Consent of the affected property owners is on file with the department of public works. These ordinances have been approved by the planning commission and the traffic and parking commission.

Ordinance No. BL2008-255 (Moore) abandons a portion of Alley No. 1834 from Rosedale Avenue northwestward to a dead end between Nolensville Pike and Canady Avenue. This closure has been requested by I-440 Business Partners, the owner of the adjoining properties. This ordinance also abandons all Metro easements within the alley.

Ordinance No. BL2008-256 (Harrison) abandons a portion of Monticello Street southwestward from Monticello Drive. There is no future need for this portion of roadway, as Monticello Street is to be rededicated and realigned by the Woods at Monticello subdivision. This closure has been requested by Barge Waggoner Sumner and Cannon, Inc. on behalf of the developer. The adjacent property owner is the Metropolitan Development and Housing Agency.

ORDINANCE NO. BL2008-257 (JAMESON) – This ordinance authorizes Nashville Pinnacle, LLC to install and maintain an encroachment at 150 Third Avenue South for the Pinnacle at Symphony Place development. This encroachment will include landscaping along all four edges of the new facility bordered by the Shelby Street pedestrian bridge to the north, Demonbreun Street to the south, and Second and Third Avenues to the east and west. The encroachment will also consist of underground electrical ductwork and an aerial walkway bridge connecting the third floor of the building to the Shelby Street pedestrian bridge. Nashville Pinnacle, LLC has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachment, and is required to provide a \$1 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.