

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Office

DATE: **December 4, 2007**

RE: **Analysis Report**

Balances As Of:	<u>11/28/07</u>	<u>11/29/06</u>
<u>GSD 4% RESERVE FUND</u>	* \$26,540,553	\$21,260,307
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	Unavailable	\$31,216,038
USD	Unavailable	\$12,243,660
<u>GENERAL PURPOSE SCHOOL FUND</u>	Unavailable	\$37,753,270

\* Assumes estimated revenues in fiscal year 2008 in the amount of \$19,911,510

– RESOLUTIONS –

**RESOLUTION NO. RS2007-65** (COLE) – This resolution authorizes the department of law to settle the lawsuit of Deanna and Jason Covington against the Metropolitan Government for the amount of \$15,000. On September 8, 2005, Mrs. Covington and her husband were traveling east on Union Street near the intersection of Second Avenue North when their vehicle was struck by a vehicle driven by a Davidson County sheriff's office employee. The employee ran the red light at the Union Street intersection as a result of faulty brakes. The brakes on this particular vehicle had recently been repaired by Metro fleet management.

Mrs. Covington was 30 weeks pregnant at the time of the accident. Both she and her husband were injured in the accident, and they incurred combined medical bills totaling \$8,570.55.

Since liability for this accident is undisputed, the department of law recommends settling the lawsuit for \$15,000. The settlement amount represents \$9,250 to compensate Mrs. Covington and \$5,750 for Mr. Covington. No disciplinary action was taken against the Metro employee involved in the accident.

**RESOLUTION NO. RS2007-78** (CRAFTON, MITCHELL & TYGARD) – This resolution approves an economic impact plan for the Bellevue Center mall, and authorizes the industrial development board (IDB) to take the necessary action to implement the plan. State law allows local industrial development boards to submit an economic impact plan for qualifying areas, which include areas containing an industrial park or certain commercial enterprises and office facilities. Once an economic impact plan has been approved by the local legislative body, the local industrial development corporation can issue bonds pledged by tax increment financing (TIF) based on the increased property taxes resulting from the development. TIF is a financing mechanism authorized by state law whereby the increased tax revenue generated by a development is used to pay the debt service on bonds issued for the construction of the project, which bonds are typically purchased by private financial institutions.

This economic impact plan will be limited to the 83-acre Bellevue Mall site, which is located on the north side of Interstate 40, east of Highway 70 South. The plan proposes that the IDB issue bonds not to exceed a maximum amount of \$12,287,000, plus all costs associated with the issuance of the bonds to assist with the financing of the project. The proceeds of the bonds will be used to construct a public space at the mall, update the signalization on Sawyer Brown Road and Highway 70, construct a privacy wall on the north end of the mall property, build a sidewalk along a portion of Sawyer Brown Road, and upgrade the water and sewer lines in the area.

The plan forecasts that the Bellevue Mall development project will result in the addition of a \$180 million facility to the property tax rolls. Once the TIF period is over, this is expected to generate \$1.8 million per year in increased property taxes. In addition, the plan estimates Metro's local option sales tax receipts for the redeveloped mall to be \$7,875,000 million annually. Further, the mall is estimated to create 1,800 to 2,300 new jobs when the project is completed.

The council office would point out that by authorizing the use of TIF for the Bellevue Mall facility the Metropolitan Government is essentially giving up its right to the future increased tax revenues generated by the facility for as long as the TIF is outstanding, or up to 30 years, whichever occurs first.

This resolution is to be deferred one meeting at the request of the administration.

**RESOLUTION NO. RS2007-79** (PAGE, BURCH & CLAIBORNE) – This resolution approves an application for a Transportation Enhancement Program grant from the state department of transportation for proposed streetscape enhancements along Murfreesboro Road between Bowwood Court and Foothill Drive. This application is being submitted by the metropolitan development and housing agency (MDHA). The application requests funding in the amount of \$564,100 for the first phase of the enhancement project, which will consist of new sidewalks from Bowwood Court to Foothill Drive on the north side of Murfreesboro Road, and crosswalks at three major streets. The new sidewalks will tie into the existing sidewalks near the Thompson Lane intersection, and the termination of the sidewalks at Foothill Drive will provide an access point for the residents at the senior citizens' facility.

MDHA has agreed to accept the oversight and management responsibility of the project, and will be responsible for providing the 20% match of \$182,600.

**RESOLUTION NO. RS2007-80 & RS2007-81** (COLE) – These two resolutions approve annual grants from the state arts commission to the Metro arts commission for the current fiscal year.

**Resolution No. RS2007-80** approves a state arts commission grant in the amount of \$50,000. There is a required local match in the amount of \$50,000 to be provided from the Metro arts commission budget. The funds will be used for general operating support of the arts commission, not as pass-through funding for other arts organizations.

**Resolution No. RS2007-81** approves a state arts commission grant in the amount of \$50,585 for the Arts Build Communities program. These funds will be used to make grants to non-profit organizations for community arts projects. These funds are provided in conjunction with the \$2,250,000 million provided by the operating budget to provide arts grants. There is a required local match in the amount of \$50,585 to be provided from the Metro arts commission budget.

**RESOLUTION NO. RS2007-82** (MAYNARD) – This resolution approves a contract between the Metropolitan board of health and Street Works to provide training to the health department's mobile clinic outreach worker. This training will consist of on-the-job instruction by accompanying the outreach worker into the community to identify prospective clients of the mobile clinic. Street Works will be paid \$25 per hour for these training services, up to a maximum amount of \$5,000. The contract term will expire June 30, 2008.

**RESOLUTION NO. RS2007-83** (MAYNARD & COLE) – This resolution approves an amendment to a grant from the U.S. environmental protection agency (EPA) to the Metropolitan board of health for the collection of data on the ambient air concentrations for fine particulate matter. The Metro health department is responsible for air quality monitoring within Nashville and Davidson County on behalf of the U.S. environmental protection agency (EPA). This amendment increases the amount of the grant by \$50,000 for a new grant total of \$463,653. The term of the grant is through March 31, 2008.

**RESOLUTION NOS. RS2007-84 & RS2007-85** (HUNT & COLE) – These two resolutions approve annual grants from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to prepare adults and dislocated workers for re-entry into the labor force, and to provide training for those facing serious barriers to productive employment. The grant terms are from October 1, 2007 through June 30, 2009. These grants provide part of the operating funding for the NCAC.

**Resolution No. RS2007-84** approves a dislocated worker grant in the amount of \$1,985,853.

**Resolution No. RS2007-85** approves an adult worker grant in the amount of \$1,488,431.

**RESOLUTION NO. RS2007-86** (CRADDOCK, EVANS & COLE) – This resolution approves an application for a Transportation Enhancement Program grant from the state department of transportation for improvements to the interchange of Gallatin Road and Briley Parkway in the Inglewood area. Metro is seeking \$616,994 in federal pass-through funds for this project. If awarded, the grant funds will be used for streetscape improvements and landscaping to enhance the aesthetic appearance and increase pedestrian access in the area. Specifically, these streetscape improvements will consist of the following:

- Construction of two lanes on each side of the Briley Parkway overpass for pedestrian and cyclist crossings.
- Construction of a 1,840 foot off-bridge walkway.
- Crosswalks at the key intersections near the Briley Parkway and Gallatin Road interchange.
- A landscaped boulevard to replace the concrete medians.
- Sixteen pedestrian lights on and off the Briley Parkway bridge.

If awarded, there will be a required 20% in-kind match of \$154,249 which will be provided by the Inglewood-Madison Streetscape Group.

**RESOLUTION NO. RS2007-87** (COLE & EVANS) – This resolution authorizes the mayor to enter into a supplemental licensing agreement with Nashville and Eastern Railroad Corporation to increase the rental fee paid for the sewer line in the railroad right-of-way at M.P. 3.21 from \$83.21 to \$91.54 annually. This rental fee is to be paid from the extension and replacement fund of the water and sewer department. This rental amount will be effective through June 1, 2010.

**RESOLUTION NO. RS2007-88** (COLE & EVANS) – This resolution approves a grant in the amount of \$146,940 from the state emergency management agency to the Metropolitan Government to fund the purchase and demolition of a home located at 4808 Milner Drive, which is located in the Seven Mile Creek floodplain. This property is being acquired on a voluntary basis and Metro will be required to provide matching funds consisting of 25% of the purchase price (\$48,980) to be provided from the stormwater division of Metro water services. In April 2007, the council approved an application for grant funds to acquire five homes located in a repetitively flooded area.

**RESOLUTION NO. RS2007-89** (CRADDOCK & COLE) – This resolution approves an application for a grant in the amount of \$1,130,538.28 from the state emergency management agency to the

mayor's office of emergency management to support homeland security capabilities. These federal pass-through funds will be used to enhance the coordination of regional efforts to prevent, respond to, and recover from incidents of terrorism. The funds will be divided among the following programs:

- \$282,712.23 for the state homeland security program
- \$583,636.91 for the law enforcement terrorism prevention program
- \$5,043.89 for the citizen corps program
- \$258,145.25 for the Metropolitan medical response system

Specifically, the funds will be used to develop a regional data sharing platform for emergency services, develop and implement a critical infrastructure protection program, increase citizen awareness and knowledge in the event of evacuation because of failures of the Wolf Creek Dam, data sharing with the Tennessee Fusion Center's consolidated records management system, and to provide personal protective equipment.

**RESOLUTION NO. RS2007-90** (COLE) – This resolution authorizes the department of law to settle the lawsuit of Sherita Patton against the Metropolitan Government for \$41,000. On June 2, 2005, a Metro public works employee, driving a public works truck with three other co-workers as passengers, was turning left out of a CeeBee Food Store parking lot onto Lafayette Street when he struck Ms. Patton, who was crossing the street on foot. The driver stated that he looked to his left before pulling out and did not see anything. As he began to pull out he looked to his right and saw Ms. Patton in the road. He attempted to stop, but the front of the truck hit Ms. Patton causing an injury to her knee. Ms. Patton eventually had knee surgery to repair a torn meniscus, and incurred medical bills totaling \$19,010.48.

Although Ms. Patton was illegally jay walking, the department of law is of the opinion that a court would likely assign the majority of the fault to the public works employee. Ms. Patton stated she was stationary before the truck hit her, a claim which cannot be refuted. The department of law recommends settling this lawsuit for \$41,000 to be paid from the self-insured liability fund.

The driver of the public works vehicle received a written reprimand.

**– BILLS ON SECOND READING –**

**ORDINANCE NO. BL2007-40** (WILHOITE) – This ordinance amends the Metro building code to impose regulations on the boarding of vacant homes and buildings. Currently, if a dwelling or structure is determined by the codes department to be unfit for human habitation and the owner fails to repair the property, the department can close the building and require that the doors and windows be boarded-up. There are no current regulations regarding the type of boards that can be used or the aesthetic appearance of the boards.

This ordinance would require property owners to “lock, board or otherwise secure” all openings on the first floor of a vacant building. If the property owner chooses to board up the property, it must be done using one-half inch thick plywood, which must be painted a color that is consistent with the building. Further, all boards would have to be cut to fit into the windows and doors, not over them.

The council office would point out that the requirements contained in this ordinance would apply to all vacant properties, regardless of whether the codes department has designated the building unfit for human occupancy.

**ORDINANCE NO. BL2007-66** (HUNT & CLAIBORNE) – This ordinance amends the Metro Code to prohibit aggressive panhandling and certain other panhandling activities. This ordinance is in large part modeled after an Indianapolis, Indiana ordinance, which was upheld by the Seventh Circuit Court of Appeals. The ordinance defines panhandling as any solicitation made in person requesting an immediate donation of money. Passively standing or sitting, performing music, or singing with a sign requesting a donation would not be considered panhandling. Aggressive panhandling is defined by the ordinance as approaching or speaking to another person in such a manner that would cause a reasonable person to fear for their safety, to persist in panhandling after a person has given a negative response, to block passage of a person being solicited for funds, to touch a solicited person, to render service to a motor vehicle without prior consent of the owner, or to engage in any other activity that would reasonably be construed as intended to intimidate or compel a person to give money. This ordinance would prohibit aggressive panhandling anywhere within the area of the Metropolitan Government. Further, the ordinance would prohibit panhandling at a bus stop, within 25 feet of an ATM machine, within 10 feet of the entrance to a public building, or at anytime after sunset.

Panhandling has been recognized by the federal courts as being speech that is protected by the First Amendment to the United States Constitution. Thus, regulations on panhandling are frequently subject to legal challenge. As stated above, the Seventh Circuit Court of Appeals upheld the Indianapolis ordinance in 2000. The court found that since the ordinance did not ban all panhandling, it was a reasonable time, place or manner restriction. In order to be a valid time, place or manner restriction, the ordinance must be content neutral, must be narrowly tailored to serve a significant governmental interest, and must leave open ample alternative channels of communication. The court noted that a city has a legitimate interest in protecting the safety of the citizens on its streets. The court held that by limiting the application of the ordinance to those times and places where citizens would most likely feel concerned about their safety, the law was narrowly tailored and thus did not violate the First Amendment. Further, the court held that the Indianapolis ordinance allowed other sufficient alternatives for panhandling since it did not ban all panhandling activity within the city.

The council office would point out that although this ordinance is similar to the Indianapolis ordinance, the ordinance could still be subject to a valid challenge that it violates the First

Amendment free speech protections. One difference between this ordinance and the Indianapolis ordinance is that Indianapolis's panhandling prohibitions are limited to public property, whereas this proposed ordinance would apply to any solicitation made in person, whether on public or private property. Second, the parties in the Indianapolis court case essentially stipulated that the ordinance is content neutral, which prevented the court from deciding whether the ordinance could be justified without regard to the content of the speech being regulated. For example, if the court had determined that the test for determining whether someone had violated the Indianapolis ordinance depended on whether the panhandler asked for cash as opposed to food, the ordinance would be content-based and thus subject to the strict scrutiny standard requiring the city to show that the regulation serves a compelling governmental interest and is narrowly tailored to serve that interest.

There is an amendment to this ordinance that would only prohibit aggressive panhandling and panhandling after dark on streets, sidewalks and public places. The council office is of the opinion that this amendment will further insulate the ordinance against legal challenge. The department of law has issued an opinion recommending similar changes in order to reduce the probability that a court would find the ordinance is not narrowly tailored to a legitimate governmental interest.

**ORDINANCE NO. BL2007-67** (EVANS & COLE) – This ordinance approves a participation agreement with BK Partners to provide public sewer service for the Pennington Towers Outfall-Holiday Travel Park sewage pumping station removal project in Davidson County. This project will consist of the removal of the existing pump station and replacement with 5,100 feet of gravity sewer, which will benefit both Metro and the developer. Pursuant to this agreement, Metro water services will contribute the lesser amount of \$200,000 or twenty percent of the actual construction costs of the project. BK Partners will be responsible for all remaining project costs.

**ORDINANCE NO. BL2007-68** (COLE & EVANS) – This ordinance approves a participation agreement with Texaco to provide public sewer service to the Haley Industrial Park located off Nolensville Road in Williamson County. Metro water services frequently enters into participation agreements with private developers whereby the developers contribute funds for upgrades to the sewer system in aid of construction. 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 this agreement, Texaco will contribute \$30,000 for a total of fifteen units of flow. These funds are to be deposited into the water and sewer extension and replacement fund.

The council office would point out that the Metropolitan Government is legally obligated to provide sewer service to this development in Williamson County. Were Metro water services to refuse to treat the sewage, Metro would be in violation of numerous state and federal environmental regulations, which would result in substantial fines and remedial expenses. 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 NOS. BL2007-69 & BL2007-70** – These two ordinances authorize the negotiation, acquisition and acceptance of easements required for various projects to be completed by the department of water and sewerage services. The ordinances provide that future amendments may be approved by resolution of the council. These two ordinances have been approved by the planning commission.

**Ordinance No. BL2007-69** (Jameson & Evans) authorizes the acquisition of easements for property located at 2009 Sevier Street and Davidson Street, unnumbered, for the Boscobel CSO sewer overflow abatement program. This ordinance also abandons an existing 12" sanitary sewer line and accompanying easement, which are no longer needed by the department of water and sewerage services.

**Ordinance No. BL2007-70** (Duvall & Cole) authorizes the acquisition of easements across 3677 Burwick Place and a parcel owned by the Corps of Engineers necessary for the YMCA/Army Corps of Engineers Smith Springs Road project. Any cost to Metro for the acquisition of the easements will be reimbursed by the YMCA.

**ORDINANCE NO. BL2007-71** (JAMESON & COLE) – This ordinance declares Metropolitan Government-owned property located at 217 South 10<sup>th</sup> Street to be surplus, and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. The Metropolitan action commission has determined that it no longer needs this property for its program services. The proceeds of the sale will be credited to the GSD general fund unappropriated fund balance.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2007-72** (COLE) – This ordinance declares Metropolitan Government-owned property located at 401 Center Street to be surplus, and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. The Metropolitan board of public education has determined that this property is no longer needed for school purposes. Pursuant to the Metro Charter, the council must approve the disposition of all property maintained by the school board before it can be sold. The proceeds of the sale will be credited to the unappropriated school fund.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2007-73** (EVANS & PAGE) – This ordinance abandons the water and sewer easement that was retained by Metro when an unnumbered alley was closed between Thompson Lane and Collier Drive. This easement is no longer being used by the department of water and sewerage services, or any other public utility, and there is no reason it should be retained.

This ordinance has been approved by the planning commission.

**ORDINANCE NOS. BL2007-74 & BL2007-75** – These two ordinances authorize the acceptance of easements for various stormwater projects in Davidson County. These easements are necessary for the completion of the projects, and are being acquired at no cost to the Metropolitan Government. Future amendments to these ordinances may be approved by resolution of the council. These ordinances have been approved by the planning commission.

**Ordinance No. BL2007-74** (Moore, Harrison & others) accepts stormwater easements for the following properties:

- 218 36th Avenue North

- 7109 Centennial Boulevard
- 1711 8th Avenue North
- 5319 Mt. View Road
- 541 and 551 Stewarts Ferry Pike
- 1910 Charlotte Avenue
- 2905 Parthenon Avenue
- 949 T. S. Jackson Avenue
- 3700 Batavia Street
- 3074 Sidco Drive
- 118 Acklen Park Drive
- 4815 Lebanon Pike
- 109 South 11th Street
- 3810 Central Pike
- 1421 Gould Boulevard
- 5843 Nolensville Pike
- Ann Street, unnumbered
- Big East Fork Road, unnumbered
- 7236 Centennial Boulevard
- 3431 Percy Priest Drive
- 243 Venture Circle
- 201 Great Circle Road
- 2901 Dickerson Pike
- 1518 4th Avenue South
- 3721 Murfreesboro Pike
- 3400 Briley Park Boulevard North

**Ordinance No. BL2007-75** (Page & Evans) accepts a total of 20 stormwater easements for the following properties:

- Foster Avenue, unnumbered
- Glenrose Avenue, unnumbered
- 94 Glenrose Avenue
- 102 B Glenrose Avenue
- 102 Glenrose Avenue
- 104 Glenrose Avenue
- 106 Glenrose Avenue
- 108 Glenrose Avenue
- 112 Glenrose Avenue
- 212 Glenrose Avenue
- 214 Glenrose Avenue
- 216 Glenrose Avenue
- 218 Glenrose Avenue
- 220 Glenrose Avenue
- 222 Glenrose Avenue
- 224 Glenrose Avenue
- 228 Glenrose Avenue
- 232 Glenrose Avenue

**ORDINANCE NO. BL2007-76** (DURBIN) – This ordinance abandons the right-of-way and easement for a portion of Battery Place between 1823 and 1901 Cedar Lane, southwestward to Alley No. 962. This section of right-of-way has never been improved and is currently being maintained by the adjacent property owners. This closure has been requested by Carole Kenner, one of the two adjacent property owners. Consent of all affected property owners is on file with the department of public works. One 20' by 50' Nashville Electric Service easement is to be retained within the southwest portion of the Battery Place right-of-way.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2007-77** (EVANS & GOTTO) – This ordinance approves the routine adoption of the additions, deletions, and/or other amendments to the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government made during the previous year. These amendments are submitted annually by the department of public works. The map shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro.

This ordinance has been approved by the planning commission.

**– BILLS ON THIRD READING –**

**ORDINANCE NO. BL2007-7** (GILMORE) – This ordinance abandons portions of the right-of-way for Alley No. 222 from Second Avenue North to Van Buren Street. This closure has been requested by Metro real property services. All easements are being retained by Metro Government. Consent of the affected property owners is on file with the department of public works. This ordinance has been approved by the planning commission and the traffic and parking commission.

**ORDINANCE NO. BL2007-8** (BAKER) – This ordinance abandons portions of the right-of-way for Alley No. 1219 from Georgia Avenue to Delaware Avenue. This closure has been requested by Barge, Waggoner, Sumner & Cannon on behalf of the property owner/developer. This entire block is now owned by one owner who desires to develop the property in a consolidated manner. All easements are being retained by Metro Government. Consent of the affected property owners is on file with the department of public works. This ordinance has been approved by the planning commission and the traffic and parking commission.

**ORDINANCE NO. BL2007-36** (JAMESON) – This zoning text change amends the provisions in the zoning code that allow the floor area of parking garage liner buildings to be exempt from the calculation of the floor area ratio (FAR) for the garage to establish different requirements for residential and non-residential buildings. In July 2007, the council approved Ordinance No. BL2007-1531 to allow the first 20 feet of depth for liner buildings within the CC, CF, ORI and mixed-used zoning districts that house office, residential or other non-parking commercial uses to be exempt from the FAR calculation. “Liner buildings” are buildings that are shallow in depth but wide to the street, and area used to hide parking garages from the street view. These liner buildings may be used either for commercial or residential purposes.

This ordinance would make a distinction between residential and non-residential uses in the liner buildings as it pertains to the FAR exemption. A minimum of forty percent of the front façade of the first floor for non-residential liner buildings would have to be clear or lightly tinted windows and doors in order to qualify for the FAR exemption. For residential liner buildings, a minimum of twenty-five percent of the front façade on the first level must be clear or tinted windows or doors. Upper floors would be required to have a minimum of twenty-five percent glazing in order to be eligible for the square footage calculation exemption.

There is a proposed amendment for this ordinance to clarify that the floor area of the liner buildings constructed in conformance with the requirements of this ordinance shall be exempt from the calculation of floor area ratio. While this is obviously the intent of the ordinance, this provision should specifically be included.

This ordinance has been approved by the planning commission.

**ORDINANCE NOS. BL2007-38 & BL2007-39** – These two ordinances amend the Metropolitan Code provisions pertaining to nonprofit organizations that receive funding from the Metropolitan Government. In August 2007, the council enacted Ordinance No. BL2007-1451, as amended, to require nonprofit organizations receiving Metro funding to either submit quarterly reports to the Council Rules Committee, or make their board meetings open to the public. Ordinance No. BL2007-

1451 was filed in response to a newspaper article about a reporter being kept out of a Nashville Chamber of Commerce board meeting where an endorsement of pending state legislation was being discussed regarding telecommunications companies providing video services. In its original form, BL2007-1451 would have required all nonprofit organizations that receive funding through the general fund of the Metropolitan Government or the hotel/motel occupancy tax to make all of their board meetings open to the public. The ordinance was subsequently amended to either require board meetings to be open when the expenditure of Metropolitan Government funds is being deliberated, or in the alternative, submit quarterly reports regarding how the Metro grant funding is being used. The ordinance expressly excludes nonprofit organizations that receive funding from Metro for specific services provided pursuant to a contract.

The Metropolitan finance department already tracks all grants made by the government to nonprofit organizations to ensure that the funds are spent in accordance with the requirements of the grant agreement. The finance department can demand a return of the grant funding in the event they determine that the funds were not spent properly or were not adequately accounted for. Thus, the reporting requirements contained in Ordinance No. BL2007-1451 essentially results in a duplication of efforts in that the nonprofits are required not only to submit information to the finance department, but also to the Council Rules Committee.

The council office would point out that the ordinance provides no guidance regarding the type of information or the format in which it is to be provided to the Rules committee. Further, the ordinance does not require any specific action to be taken by the committee, other than to simply receive the report.

**Ordinance No. BL2007-38** (Ryman and Steine) would repeal Ordinance No. BL2007-1451 in its entirety.

**Ordinance No. BL2007-39** (Steine & Ryman) would amend Ordinance No. BL2007-1451 to exempt nonprofit organizations receiving grant funds through the Metropolitan Nashville arts commission. Organizations seeking arts commission funds must submit a detailed application to the commission, and the organization is personally visited prior to receiving funds to ensure it is legitimate. Further, both state and local law already exempt nonprofit organizations receiving arts commission grants from having to submit a copy of their annual audit and budget to the council since the arts commission grant application process is so involved.

**ORDINANCE NO. BL2007-41** (COLE & STEINE) – This ordinance approves a lease agreement between Legends Properties, LLC and the Nashville career advancement center (NCAC) for lease of property located at 155 Legends Drive for use as classroom and office space for the Wilson County NCAC program. The term of the lease is for five years, with a possible extension of three additional five year terms. NCAC is leasing 4,100 square feet of space, which represents approximately ten percent of the complex. The annual rent amount for the lease is based upon the square footage multiplied by \$12.50 for year one, \$13.50 for year two, and \$15.50 for years three to five. This results in total monthly payments of \$4,270.83 in year one, \$4,612.50 in year two, and \$5,295.83 for the remainder of the term. If the option to extend the lease is exercised, the rent will be increased based upon a consumer price index. The lease payments will be paid from federal pass through funds and will result in no real cost to Metro. Legends Properties will be responsible for taxes, insurance, and maintenance of the property. NCAC agrees to make a one time payment of \$31,040 for the build out of the premises. NCAC also agrees to pay the cost of all utilities.

This lease agreement for property in Wilson County is being submitted to the council for approval because NCAC administers the provisions of the Workforce Investment Act of 1998 for the counties of Davidson, Rutherford, Wilson, and Trousdale.

**ORDINANCE NO. BL2007-42** (MATTHEWS, FOSTER & COLE) – This ordinance authorizes the director of public property administration to accept property located at 5619 and 5623 Old Hickory Boulevard from Mary Lee Proctor O’Neil and Catherine Proctor Grose for use as part of the parks system. This property, totaling approximately 234 acres, must be used and maintained as a park or greenway for at least 90 years. This property will be part of Beaman Park.

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

**ORDINANCE NO. BL2007-43** (HUNT) – This ordinance renames Heartdale Place as “Barbara Lynn Way”, and renames Trailway Drive as “Lauren Evelyn Way”, from Chesapeake Drive to the dead end of the streets. These two streets are basically stub streets that will connect to a proposed development. The request for the name change was submitted by Littlejohn Engineering. Although the Metro Code prohibits naming streets after living people, there is nothing in the application documents that would indicate Barbara Lynn and Lauren Evelyn are actual living persons.

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

**ORDINANCE NO. BL2007-46** (LANGSTER, JAMESON & OTHERS) – This ordinance authorizes the mayor to submit the annual update to the five year consolidated plan for housing and community development programs for the Metropolitan Government to the U.S. department of housing and urban development (HUD). This five year consolidated plan was prepared by the Metropolitan development and housing agency (MDHA) and is administered by MDHA. The plan includes the allocation of funds received from HUD for community development block grants (CDBG), the HOME investment partnerships program (HOME), the emergency shelter grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA).

Any property that may need to be acquired under any of these programs may only be acquired for public use and approved by ordinance, unless the owner consents in writing to sell the property for the program. The exercise of the power of eminent domain under the development plan is expressly reserved for the Metropolitan Council, except in the case of open projects approved by the council in accordance with state law. Additionally, all requested program expenditures must be approved by resolution of the council.

**CDBG** funds are based on new entitlement funding in the amount of \$5,100,000, with program income of \$600,000 during the coming year. These CDBG funds are designated for affordable housing activities to provide matching funds and for neighborhood activity funds for youth initiative programs and community projects. A large portion of the CDBG funds are targeted at specific neighborhood strategy areas (NSAs) and commercial district areas. The majority of the CDBG funds will be used as follows:

- \$550,000 for administration of the program
- \$400,000 for planning
- \$325,000 for property acquisition

- \$1,350,000 for housing rehabilitation
- \$1,250,000 for the NSAs and commercial district target areas

The following three new NSAs are being added to the plan: Jefferson Street, Bordeaux Hills, and 8<sup>th</sup> & Lafayette. Maps that set out the boundaries for all of the NSAs and commercial district target areas are on file with MDHA.

**HOME** funds are to provide a mixture of owner-occupied and rental rehabilitation, new housing ownership programs, new multi-family housing opportunities, down payment assistance and housing assistance through non-profit community housing development organizations. A required twenty-five percent local match must be provided from repayments of urban development action grants (UDAG). UDAGs are federal loans made to qualifying programs, essentially in the downtown area, which are repaid to the Metropolitan Government to be expended in approved programs that target persons living in pockets of poverty. The annual update shows proposed HOME program allocations of \$3,150,000 for next year.

**ESG** funds are allocated to local homeless shelter providers to help cover operational expenses, prevention services, and essential services. Most of the funds are distributed to subgrantee shelters to cover their operational costs. Local matching funds required under this program must be provided by the local non-profits that participate in the program as subgrantees. The consolidated plan update shows a proposed allocation of \$220,000 in ESG funds next year.

The **HOPWA** program provides housing related assistance for low-income persons with AIDS and their families. The plan shows proposed allocations in the amount of \$737,000 for this program.

These federal programs funded by HUD have been in existence for over 30 years.

**ORDINANCE NO. BL2007-47** (FORKUM & RYMAN) – This ordinance amends the Metropolitan Code provisions pertaining to the installation of private fire hydrants. Since 1988, the code has prohibited new residential or commercial buildings from being located more than 500 feet from a fire hydrant. The code includes certain specifications for private fire hydrants, including the size of the water main, color of the hydrant, and that the hydrant be installed in accordance with an approved plan.

This ordinance would exempt single-family residential homes constructed on a lot of five acres or more in size from the 500-foot fire hydrant requirement.

**ORDINANCE NO. BL2007-48** (COLE, STEINE & CRAFTON) – This ordinance establishes the property tax relief program for low-income elderly residents of the Metropolitan Government for fiscal year 2007-2008. State law allows county legislative bodies to appropriate funds for a tax relief program and establish guidelines for participation in the program and the disbursement of such funds. The council appropriated \$1,216,500 in the current fiscal year's operating budget for a property tax relief program for the elderly, which is approximately \$200,000 more than was appropriated for the last fiscal year.

This ordinance authorizes the Metropolitan trustee to establish rules and procedures for implementation of the program and directs the trustee to disburse the funds accordingly to all eligible taxpayers. All persons who qualify for the state property tax relief program and whose income does not exceed \$24,000 annually will qualify for this program. As this budgetary appropriation is non-recurring funding, this program will expire on June 30, 2008.

This tax relief program has been in place for a number of years. This program is different from the tax freeze program for senior citizens, which will not take effect until the next fiscal year.

**ORDINANCE NO. BL2007-49** (EVANS & STANLEY) – This ordinance declares Metropolitan Government-owned property located at 4186 Dodson Chapel Road to be surplus, and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. The Metropolitan board of public education has determined that this property is no longer needed for school purposes. Pursuant to the Metro Charter, the council must approve the disposition of all property maintained by the school board before it can be sold. The proceeds of the sale will be credited to the unappropriated school fund.

This ordinance has been approved by the planning commission.

**ORDINANCE NOS. BL2007-50 & BL2007-51** – These two 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.

The council office would point out that the Metropolitan Government is legally obligated to provide sewer service to these customers in Williamson County. Were Metro water services to refuse to treat the sewage or “turn off the tap”, Metro would be in violation of numerous state and federal environmental regulations, which would result in substantial fines and remedial expenses.

**Ordinance No. BL2007-50** (Toler, Evans & Cole) approves a participation agreement with Burkitt Place Development, LLC to provide public sewer service to phases 2-A, 2-B and 2-G of the Burkitt Place subdivision in Davidson and Williamson Counties. Burkitt Place Development, LLC has agreed to contribute \$106,000 toward the cost of the project in aid of construction for a total of 53 single-family home connections. The council has approved similar ordinances in the past for previous phases of this subdivision.

**Ordinance No. BL2007-51** (Cole & Evans) approves a participation agreement with Ken Kelly Property to provide public sewer service to one parcel located at Nolensville Road and Britain Lane in Williamson County. Ken Kelly Property agrees to contribute \$2,000 for one unit of flow.

**ORDINANCE NO. BL2007-52** (FORKUM, EVANS & COLE) – This ordinance authorizes the acquisition of easements in conjunction with the department of water and sewerage services’ Sanitarium Road sewer extension project. Easements are to be acquired for 123, 125, 127, 128, 129, 130, 131, 132, 133, 135, 136, and 139 Sanitarium Road, as well as 1515 Sutherland Drive and 1120

Cheyenne Boulevard. The estimated total cost of the easements is \$21,000, which will be paid from the water and sewer extension and replacement fund.

This ordinance has been approved by the planning commission.

**ORDINANCE NOS. BL2007-53 through BL2007-55** – These three ordinances authorize the negotiation, acquisition and acceptance of easements required for various projects to be completed by the department of water and sewerage services. The ordinances provide that future amendments may be approved by resolution of the council. These three ordinances have been approved by the planning commission.

**Ordinance Nos. BL2007-53 and BL2007-54** (Gotto, Ryman & others) authorize the acquisition of 45 easements for property located at John Hager Road, Seven Points Circle, Leona Pass, Paul's Trail, Christina Court, Rachael's Meadow Court, Springfield Highway, Edgebrook Road, Kayla Drive, and Miami Avenue. The property owners have already executed grants of these easements at no cost to Metro, which are necessary for the installation of sewer grinder pumps.

**Ordinance No. BL2007-55** (Gotto, Evans & Cole) – authorizes the acquisition of easements across Corps of Engineers property located at Stewarts Ferry Pike and Earhart Road necessary for the installation of a 12" water main. The department of water and sewerage services will be acquiring a 20' permanent easement and a 10' temporary easement for the project. There is no anticipated cost for the acquisition of the easements.

**ORDINANCE NO. BL2007-56** (COLE, EVANS & CLAIBORNE) – This ordinance authorizes the director of public property administration to acquire property located at 1130 Visco Drive required for the construction of the water department's Barker Road equalization tanks project. The estimated cost of the acquisition is \$1.5 million, which will be paid out of the water and sewer extension and replacement fund. This ordinance has been approved by the planning commission.

**ORDINANCE NOS. BL2007-57 through BL2007-59** – These three ordinances authorize the acceptance of easements for various stormwater projects in Davidson County. These easements are necessary for the completion of the projects, and are being acquired at no cost to the Metropolitan Government. Future amendments to these ordinances may be approved by resolution of the council. These ordinances have been approved by the planning commission.

**Ordinance No. BL2007-57** (Harrison, Forkum & others) accepts stormwater easements for the following properties:

- 106 Kenner Avenue
- 4601 Ashland City Highway
- 7305 Sonya Drive
- 520 Cowan Street
- 230 Rudy Circle
- 558 Bell Road
- 421 and 501 Forest Park Road
- 247 Old Hickory Boulevard
- 2927 Brick Church Pike
- 103 28<sup>th</sup> Avenue North

- 1654 Elm Hill Pike
- Elm Hill Pike, unnumbered
- 72 and 84 Hermitage Avenue
- Hermitage Avenue, unnumbered
- 2518 Una Antioch Pike
- 5995 Cane Ridge Road
- 1040 Cornelia Street
- 4106B Hillsboro Pike

**Ordinance No. BL2007-58** (Cole, Adkins & Evans) accepts stormwater easements for the following properties:

- 4871 and 4874 Shasta Drive
- 4009 Vailwood Drive
- 4005, 4009 and 4014 Skyline Drive
- 744 Greymont Avenue
- 1601 and 1603 Northview Avenue
- 1601 and 1608 Emerson Street
- 1607 Cahal Avenue

**Ordinance No. BL2007-59** (Cole & Evans) accepts stormwater easements for 3620 and 3624 Brighton Road.

**ORDINANCE NO. BL2007-60 & BL2007-61** – These two ordinances abandon water and sewer lines and easements that are no longer needed by the department of water and sewerage services. The ordinances provide that future amendments may be approved by resolution of the council.

These ordinances have been approved by the planning commission.

**Ordinance No. BL2007-60** (Ryman, Cole, Evans) abandons an 8” sanitary sewer line and easement at the Wal-Mart expansion project located at Liberty Lane and Gallatin Pike. The existing sewer line will be replaced by a new 8” line at the property.

**Ordinance No. BL2007-61** (Evans) abandons a water/sewer easement located in Alley No. 1894, between Thompson Lane and Collier Avenue.

**ORDINANCE NO. BL2007-62** (JAMESON) – This ordinance abandons the right-of-way for Alley No. 287 between Shelby Avenue and Alley No. 264, west of South 10<sup>th</sup> Street. This closure has been requested by GSS Consultants, LLC, on behalf of the property owner. This portion of right-of-way is no longer needed for government purposes. Consent of the affected property owner 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.