

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Office

DATE: **January 15, 2008**

RE: **Analysis Report**

Balances As Of:	<u>1/9/08</u>	<u>1/10/07</u>
<u>GSD 4% RESERVE FUND</u>	* \$21,556,153	\$21,260,307
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$23,400,202	\$31,206,038
USD	\$15,945,572	\$12,243,660
<u>GENERAL PURPOSE SCHOOL FUND</u>	\$61,508,398	\$37,753,270

\* Assumes estimated revenues in fiscal year 2008 in the amount of \$23,722,200

– RESOLUTIONS –

**RESOLUTION NO. RS2007-64** (HUNT, EVANS & OTHERS) – This resolution authorizes Access Fiber Group, Inc., to install and maintain fiber optic aerial telecommunications cable on existing utility poles in Davidson County. Access Fiber Group, Inc. plans to construct approximately 26 miles of cable within Davidson County starting at the intersection of Franklin Street and 2<sup>nd</sup> Avenue North, winding around the city, and ultimately ending at the intersection of James Robertson Parkway and Gay Street. The purpose of the aerial cable installation is to serve the Bank of New York facility at 420 Woodfolk Avenue, which operates as a back-up financial data center. Access Fiber Group, Inc. is to pay all costs related to the construction and maintenance of the cable. The plans and specifications for the cable must be submitted to and approved by the director of public works. Further, Access Fiber Group, Inc. must obtain a \$1,000,000 certificate of liability insurance naming Metro as an insured party.

Ordinance No. O87-1890 allows such aerial encroachments to be approved by resolution of the council rather than ordinance since no excavation is required in the right-of-way.

After further review of this resolution, questions have been raised as to whether the applicant may actually be preparing to provide telecommunications service, which would require the applicant to obtain a franchise from the Metropolitan Government rather than an aerial encroachment. The council office recommends that this resolution at least be amended to expressly state that the applicant will not provide telecommunications service or solicit business from any commercial properties along the route. Further, the amendment should provide that the telecommunications cable is solely for the benefit of the Bank of New York facility, and that a franchise agreement must be obtained in the event the applicant or any owner of the cable desires to provide telecommunications service in the future.

This resolution has been approved by the planning commission.

**SUBSTITUTE RESOLUTION NO. RS2007-78** (CRAFTON, MITCHELL & TYGARD) – This substitute 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, which would include the public schools, 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.

**RESOLUTION NOS. RS2007-92 through RS2007-102** (COLE) – These eleven resolutions appropriate funds from the general fund reserve fund (4% fund) to various departments. Four percent funds may only be used for the purchase of equipment and repairs to buildings. These projects were included as part of the mayor's capital spending plan, but held until adequate funding was in place. The total amount of these seven resolutions is \$4,984,400. The balance in the general fund reserve fund as of January 9, 2008, was \$26,540,553. This consists of unrealized revenue for fiscal year 2008 in the amount of \$13,919,250. The resolutions provide that "The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund." Copies of the supporting information sheets required by Ordinance No. O86-1534 are attached to this analysis.

**Resolution No. RS2007-92** appropriates \$25,000 from the general fund reserve fund to the juvenile court for equipment for the detention center.

**Resolution No. RS2007-93** appropriates \$200,000 from the general fund reserve fund to the county clerk for an online motor vehicle tag renewal system. This will be a web-based program that will allow citizens to renew their vehicle registrations 24 hours a day, 7 days a week.

**Resolution No. RS2007-94** appropriates \$750,000 from the general fund reserve fund to the fire department to purchase various firefighting equipment, including 50 automated external defibrillators, replacement fire hoses, full body vacuums, and personal protective equipment.

**Resolution No. RS2007-95** appropriates \$1,430,000 from the general fund reserve fund to the police department for helicopter blades, miscellaneous equipment, records management hardware, and roaming software and hardware.

**Resolution No. RS2007-96** appropriates \$55,000 from the general fund reserve fund to the Metro clerk for shelving and a document scanner.

**Resolution No. RS2007-97** appropriates \$40,000 from the general fund reserve fund to the finance department to provide funding for the completion of the records center at the Metro Southeast for the Metro Clerk. The records center provides document storage for many Metro departments and agencies, and is in need of additional shelf space. These funds would pay for the floor support to allow for the additional shelving.

**Resolution No. RS2007-98** appropriates \$1,250,000 from the general fund reserve fund to the public library for new and replacement books and materials.

**Resolution No. RS2007-99** appropriates \$85,900 from the general fund reserve fund to information technology services for equipment for Metro3.

**Resolution No. RS2007-100** appropriates \$61,000 from the general fund reserve fund to the health department for animal control storage.

**Resolution No. RS2007-101** appropriates \$1,022,500 from the general fund reserve fund to the general services department for building maintenance, roof repairs, and programs. The 4% fund information sheet indicates that \$350,000 of the funds is to be used for "Business Continuity – Consulting for implementation of Incident Manager, Completion of Plan Development, Planning and Execution of Full-Scale Exercise and Phase III of About Me System". Since the charter only allows 4% funds to be used for the purchase of equipment and building repairs, the council should receive further clarification from the department of general services as to the use of these funds. The council office is of the opinion that payment of consulting fees or services is not permitted from the 4% fund.

**Resolution No. RS2007-102** appropriates \$65,000 from the general fund reserve fund to the department of law for case management software.

**RESOLUTION NO. RS2008-126** (MAYNARD & COLE) – This resolution approves a grant in the amount of \$500,000 from the Greater Nashville Regional Council to the Metropolitan social services commission to provide personal care, homemaker, meal delivery, and caregiver support services. These funds are used to assist persons who are homebound or unable to perform at least one instrumental activity of daily living. Some of the specific services to be provided are as follows:

- To provide home-delivered meals to homebound persons.
- To assist homebound persons with routine household activities, including meal planning, light housekeeping, budgeting and shopping.
- Personal care assistance such as bathing, dressing, personal hygiene activities, and eating.
- Short-term supervision of mentally or physically disabled elderly adults to provide relief for the primary caregiver.

The term of this grant is from July 1, 2007 through June 30, 2008. The department of social services will be compensated for the above services at a rate of \$6.64 per meal and \$21.50 per hour for personal care and homemaker services.

**RESOLUTION NO. RS2008-127** (COLE) – This resolution approves a grant in the amount of \$55,352 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to make resources available to the Accredo Company. Accredo is a subsidiary of Medco Health Solutions that provides specialized pharmacy services pursuant to agreements with biotechnology drug manufacturers related to the treatment of chronic diseases. Accredo is constructing a new facility in the MetroCenter area. Under the terms of this federal pass-through grant, the Middle Tennessee career center, which is operated by NCAC, will manage the recruitment campaign for Accredo based upon a hiring schedule of 67 employees. The NCAC is to use its best efforts to refer qualified candidates from its existing customer pool of applicants from Rutherford, Davidson, Trousdale, and Wilson Counties. This grant consists of \$50,320 in program

funds plus \$5,032 in administrative funds. The term of the grant is from November 7, 2007, through April 30, 2008.

No Metropolitan Government funds or tax revenues are used in this grant.

**RESOLUTION NO. RS2008-128** (COLE) – This resolution approves a grant in the amount of \$7,999.20 from the Tennessee Supreme Court, Administrative Office of the Courts, to the Davidson County juvenile court clerk's office for the purchase of hardware and software. This equipment will be used to convert the existing analog courtroom recording equipment to digital recording. There is a required local match of \$888.80.

There is an amendment to this resolution to clarify that the grant funds are being appropriated to the juvenile court clerk's office, rather than the juvenile court.

**RESOLUTION NO. RS2008-129** (COLE & CRADDOCK) – This resolution approves an application for a grant from the U.S. department of homeland security to the Metropolitan Nashville fire department for three fire prevention and awareness programs. The fire department is seeking \$635,610 in federal funds for the following programs:

1. The creation of a citizen advisory council to teach the fire department personnel about the various cultures in Nashville and their fire prevention knowledge.
2. A safety and fire education program targeting 50,000 students from grades 3 through 12. The fire department currently has three full-time elementary teachers that will train 3,000 teachers about the program.
3. A program to train fire personnel on the basics of fire investigation.

There will be a required local match of \$158,903 to be provided through the fire department's operating budget. If the grant is awarded, the grant agreement must be approved by the council by resolution.

**RESOLUTION NO. RS2008-130** (COLE & CRADDOCK) – This resolution approves an application for a grant in the amount of \$150,000 from the U.S. department of justice to the Metropolitan police department for the gang resistance education and training (GREAT) program. The GREAT program is a school-based curriculum taught by police officers to middle school students. The primary goal of GREAT is to prevent youth delinquency, violence and gang membership. These grant funds will be used as follows:

- \$48,209.04 in personnel costs and fringe benefits
- \$6,048.00 in travel expenses
- \$95,742.96 for supplies, including T-shirts and other incentives
- \$24,000.00 in indirect costs

There will be a required local match in the amount of \$24,000 to be provided through the police department's operating budget. If the grant is awarded, the grant agreement must be approved by the council by resolution.

**RESOLUTION NO. RS2008-131** (COLE & CRADDOCK) – This resolution approves a grant in the amount of \$5,000 from the National Association of Drug Diversion Investigators, Inc. to the Metropolitan Nashville police department for the investigation of prescription drug diversion cases.

These funds will be used by the police department's diversion investigators to reduce prescription drug abuse in Davidson County.

**RESOLUTION NO. RS2008-132** (COLE & CRADDOCK) – This resolution approves an amendment to a grant in the amount of \$179,550 from the state emergency management agency to the mayor's office of emergency management for the buffer zone protection program. These are federal pass-through funds from the U.S. department of homeland security used to support the implementation of buffer zone protection plans outside the perimeter of identified critical infrastructure sites. These are protective measures that make it more difficult for terrorists to conduct surveillance or launch attacks within the immediate vicinity of high priority critical infrastructure targets. These funds are to purchase various imaging and detection equipment.

This amendment adds some boilerplate language to the grant contract regarding the services specified in the scope of services.

**RESOLUTION NO. RS2008-133** (ADKINS, COLE & EVANS) – This resolution authorizes the director of public property administration to exercise an option to purchase a flood prone parcel of property located at 4808 Milner Drive. This purchase is part of the department of water services' on-going program to purchase flood prone properties using federal grant funds. Metro has received approximately \$2 million in federal funds for this program. Metro has an option to purchase this property for \$210,000.

**RESOLUTION NO. RS2008-134** (COLE & CRADDOCK) – This resolution authorizes the department of law to compromise and settle the recovery claim of the Metropolitan Government against Hamlin Moorehead in the amount of \$12,619.82. On July 15, 2007, a Metro police officer was stopped on the side of the road issuing a traffic citation near the intersection of Briley Parkway and Murfreesboro Road when the officer's police car was struck from behind by a vehicle driven by Hamlin Moorehead. This collision caused the entire trunk of the police car to collapse and forced the police car into the motorcycle that had been pulled over during the traffic stop. Mr. Moorehead was arrested for DUI at the scene of the accident. The Metro police vehicle sustained damage in the amount of \$12,619.82. This resolution accepts the amount of the property damage to the Metro vehicle to settle this claim.

**– BILLS ON SECOND READING –**

**ORDINANCE NO. BL2007-101** (RYMAN, TOLER & OTHERS) – This ordinance amends the medical benefits portion of the Metro Code to clarify that Metro pensioners are entitled to receive healthcare insurance coverage in the same manner as Metro employees. The Metro Code expressly authorizes health and dental insurance benefits for Metro employees. In 1964, the original study and formulating committee for the Metropolitan Government recommended that Metro employees and pensioners receive healthcare benefits. This plan was approved by the benefit board and the council, and such benefits have been provided since 1964. However, in 1973 the section of the Code that expressly stated medical benefits were to be provided to pensioners was somehow deleted from the Code. It is unclear how or why this provision was deleted, since there is no reference in the 1973 ordinance that such a material change was being made. In any event, the Metropolitan Government has continuously provided health insurance for pensioners in the same manner as Metro employees.

The study and formulating committee has recommended that this error be corrected in the Code, since it has always been understood that pensioners would continue to receive health insurance. This ordinance essentially adds language back into the Code clarifying that Metro pensioners are entitled to medical care benefits.

Although this ordinance was recommended by the study and formulating committee, the benefit board was unable to reach a consensus regarding the appropriate action the council should take. Since the benefit board considered the matter for a reasonable amount of time and was unable to come to an agreement, the department of law advised the benefit board that the matter should proceed to the council without a board recommendation.

**ORDINANCE NO. BL2007-102** (DOMINY) – This ordinance renames Luna Court between Cherokee Hills Drive and Gasser Drive as “Luna Circle”. The request for the name change was submitted by Councilman Duane Dominy. The purpose of the name change is to improve public safety by eliminating two different streets with the same name.

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

**ORDINANCE NO. BL2007-103** (PAGE) – This ordinance abandons the right-of-way for Alley No. 1893 from Thompson Lane southward to a dead end just east of Nolensville Pike. This closure has been requested by Car Sum TN Nashville, LLC, (Action Nissan), which is the owner of all adjoining tracts. This portion of right-of-way is no longer needed for government purposes. 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. BL2007-104** (GILMORE) – This ordinance abandons the right-of-way for Alley No. 236 from 17<sup>th</sup> Avenue South southward to a dead end between Broadway and Division Street. This closure has been requested by Kennedy Capital Group, 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 traffic and parking commission. The recommendation of the planning commission was to disapprove as submitted, but to approve if the three parcels are consolidated into a single parcel.

**ORDINANCE NO. BL2007-105** (COLEMAN) – This ordinance authorizes Olive Branch Baptist Church to install, construct and maintain a sign encroachment consisting of warning signal beacons at a crosswalk to the offsite parking lot for the church located at 5988 Cane Ridge Road. Olive Branch Baptist Church has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the warning traffic beacons, and is required to post a \$300,000 certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.

**ORDINANCE NOS. BL2007-106 & BL2007-107** – 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.

**Ordinance No. BL2007-106** (TOLER, COLE & EVANS) approves a participation agreement with Burkitt Place Development LLC to provide public sewer service to phase 2E of the Burkitt Place subdivision. Burkitt Place Development LLC has agreed to contribute \$88,000 toward the cost of the project in aid of construction for a total of 44 single-family home connections.

**Ordinance No. BL2007-107** (COLE & EVANS) approves a participation agreement with Turnberry Homes to provide public sewer service to the phase 1 of the Catalina subdivision. Turnberry Homes has agreed to contribute \$76,000 toward the cost of the project in aid of construction for a total of 38 single-family home connections.

**ORDINANCE NO. BL2007-108** (HARRISON, JAMESON & OTHERS) – This ordinance authorizes the acceptance of 21 easements for various stormwater projects in Davidson County. Easements are to be accepted for the following properties:

- 1525 Natchez Trace – Council District 18
- 200 West Maplewood Lane – Council District 2
- 1700 – 18<sup>th</sup> Avenue South – Council District 19
- 7689 Highway 70 South – Council District 22
- Sidco Drive, unnumbered – Council District 16
- 4044 Andrew Jackson Way – Council District 12

- 1900 Eastland Avenue – Council District 6
- 1136 Myatt Boulevard – Council District 9
- 714 Stewarts Ferry Pike – Council District 14
- 322 Hermitage Avenue – Council District 15
- 2054 Rosa L. Parks Boulevard – Council District 2
- 2050 Rosa L. Parks Boulevard – Council District 2
- Temple Road, unnumbered – Council District 35
- Hurricane Creek Boulevard, unnumbered – Council District 32
- 1501 Chadwell Drive – Council District 4
- 1413 – 4<sup>th</sup> Avenue North – Council District 19
- 1415 – 4<sup>th</sup> Avenue North – Council District 19
- 1411 – 4<sup>th</sup> Avenue North – Council District 19
- 4<sup>th</sup> Avenue North, unnumbered – Council District 19
- 501 Church Street – Council District 6

**ORDINANCE NO. BL2008-111** (TYGARD, RYMAN & OTHERS) – This ordinance amends the health insurance benefits portion of the Metro Code pertaining to term-limited Members of Council that have served less than eight years. The Code currently allows all elected officials participating in the comprehensive health care plan to continue participation in the plan after they leave office. If the elected official has served eight years, he/she may continue to participate in the plan by paying the Metro subsidized rate paid by employees, which is 25% of the premium. However, if the elected official has served less than eight years, he/she must pay 100% of the premium in order to continue participation in the plan. When the provision to allow elected officials to receive health insurance after leaving office at the reduced premium was first proposed, the idea was to require the official to have served two terms to be eligible. However, such provision would require general sessions judges to serve 16 years (two eight year terms). Therefore, the ordinance submitted and adopted required eight years service (two four year terms for all elected officials or one eight year term for general sessions judges). All other former Metro employees must be receiving service or disability pensions to be eligible to receive health insurance benefits.

The department of law has opined that term-limited Members of Council that served part of one term and a consecutive second term are not eligible to continue to receive subsidized health insurance benefits after they leave office since they have not served eight years, as required by the Code. The employee benefit board has recommended that the council enact legislation to address those term-limited Members of Council that are negatively impacted by the eight year requirement.

This ordinance basically adds a new subsection to the Code regarding council member participation in the comprehensive health care plan. The ordinance would continue to allow Members of Council to participate in the health insurance program under the same terms and conditions as are available for regular Metro employee while they are in office. Those members of council holding office for eight years or more, or those term-limited members serving on or after August 31, 2007, that have served part of one term and a full consecutive term, would be eligible to continue to participate in the plan at the Metro subsidized rate. All other members serving less than two terms could continue participation in the plan if they pay 100% of the premium.

**– BILLS ON THIRD READING –**

**ORDINANCE NO. BL2007-45** (HOLLEMAN, JAMESON & OTHERS) – This zoning text change amends the code provisions outlining the powers and duties of the Metro historic zoning commission (MHZC) to allow MHZC to determine the appropriate setbacks for property within historic zoning overlay districts. The MHZC is currently authorized to make certain determinations for property within historic overlay districts, including the appropriateness of exterior architectural design, exterior alterations, building relocations, and demolitions. However, MHZC does not have the authority to alter the setback requirements established for the base zoning district. Property owners wishing to change the setbacks must obtain a variance from the board of zoning appeals, which often delays the project and results in additional expense to the property owner.

This ordinance would expand MHZC’s authority to determine whether it is appropriate in certain circumstances to vary from the base zoning district requirements regarding the setbacks of buildings within historic overlay districts to ensure that the construction matches the character of the neighborhood. MHZC already has the authority to regulate height and building massing within the historic overlays.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2007-66** (HUNT, CLAIBORNE & HODGE) – This ordinance, as amended, 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 upon any street, alley, sidewalk, public place or park 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 on public property.

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.

**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 NOS. BL2007-80 & BL2007-81** (EVANS & COLE) – These two ordinances authorize the Metropolitan Government to enter into participation agreements with private developers to provide public sewer service to properties in Williamson County. 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. BL2007-80** approves a participation agreement with Wells Property to provide public sewer service to one parcel located at 7150 Nolensville Road. Wells Property agrees to contribute \$2,000 for one unit of flow.

**Ordinance No. BL2007-81** approves a participation agreement with Cates-Kottas Development to provide public sewer service to Section 4 of the Benington subdivision. Cates-Kottas Development has agreed to contribute \$70,000 toward the cost of the project in aid of construction for a total of 35 single-family home connections.

**ORDINANCE NO. BL2007-82** (CRADDOCK & COLE) – This resolution accepts a donation of equipment from Vanderbilt University to the Metropolitan Nashville police department. The equipment to be donated consists of 75 lockers valued at \$11,865. Pursuant to Ordinance No. BL2006-1015, donations of items valued in excess of \$5,000 must be approved by ordinance.

**ORDINANCE NO. BL2007-83** (EVANS, TOLER & OTHERS) – This ordinance authorizes the acceptance of 34 easements for various stormwater projects in Davidson County. Easements are to be accepted for the following properties:

- 13105 Old Hickory Boulevard
- Old Hickory Boulevard, unnumbered
- 2708 Wortham Avenue
- 218 Crestview Drive
- 112 Harding Place
- 100 White Bridge Pike
- 7107 Carothers Road
- Carothers Road, unnumbered
- 5725 Maudina Avenue
- 5729 Maudina Avenue
- 5733 Maudina Avenue
- 1100 Russell Street

- 5737 Maudina Avenue
- 5741 Maudina Avenue
- 5745 Maudina Avenue
- 5749 Maudina Avenue
- 5753 Maudina Avenue
- 5757 Maudina Avenue
- 5761 Maudina Avenue
- 5765 Maudina Avenue
- 5769 Maudina Avenue
- 5773 Maudina Avenue
- Maudina Avenue, unnumbered
- 4900 Centennial Boulevard
- 8672 Burkitt Place Drive
- 2827 Murfreesboro Pike
- 468 Ponder Place
- 870 Murfreesboro Pike
- 8100 Highway 100
- 1000 Church Street
- McCrory Lane, unnumbered

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. BL2007-100** (TOLER) – This zoning text change would designate “vehicular rental/leasing” as a use permitted by right in the shopping center regional (SCR) district, rather than requiring vehicle rental facilities 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.

Vehicular rental and leasing includes the rental of cars, motorcycles, recreational vehicles, boats, recreational equipment, and light trucks and vans. This ordinance simply would designate vehicular rental and leasing as a permitted use in the SCR district. The SCR district is intended for high intensity retail, office and consumer service uses.

Although vehicular rental facilities would be permitted by right in the SCR district under this ordinance, any SCR property subject to a planned unit development (PUD) overlay that does not allow this type of use would likely require the individual PUD to be amended by the council before the facility could obtain a use and occupancy permit.

This ordinance has been referred to the planning commission.