

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **August 6, 2009**

RE: **Analysis Report**

Balances As Of:	<u>7/29/09</u>	<u>7/30/08</u>
<u>GSD 4% RESERVE FUND</u>	* \$29,610,997	\$30,527,202
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	Unavailable	Unavailable

* Assumes estimated revenues in fiscal year 2010 in the amount of \$22,713,318

– RESOLUTIONS –

RESOLUTION NO. RS2009-869 (FORKUM & BENNETT) – This resolution approves a federal stimulus Edward Byrne Memorial Justice Assistance grant in the amount of \$110,000 from the Tennessee department of finance and administration to the Metropolitan public defender’s office to provide assistance to at-risk youth. These funds will be used to pay the salary of an attorney in the public defender’s office for two years who will provide assistance to troubled youth, including attendance at school disciplinary meetings, individual education plan meetings, and other meetings pertaining to mental health or social services. This program is modeled after a program in Seattle, Washington. The term of the grant is from July 1, 2009 through June 30, 2011.

RESOLUTION NO. RS2009-870 (BENNETT & FORKUM) – This resolution approves an application for a juvenile accountability block grant in the amount \$111,238 from the state commission on children and youth to the juvenile court. These funds are federal pass through dollars that would be used for the continued funding of two full time community-based probation officers and partial funding for an intake probation officer in the juvenile court’s diversion program. The juvenile court would be required to provide a cash match of \$12,360 from its operating budget if the grant is awarded.

RESOLUTION NO. RS2009-871 (FORKUM & BENNETT) – This resolution approves an application for an Edward Byrne Memorial Justice Assistance grant in the amount of \$933,270 from the U.S. department of justice to the Metropolitan police department to purchase equipment. This is a continuation of a local law enforcement block grant to purchase technology to upgrade and enhance the advanced records management system.

RESOLUTION NO. RS2009-872 (BENNETT & FORKUM) – This resolution approves an amendment to a federal stimulus grant in the amount of \$56,000 from the U.S. department of justice, acting through the Tennessee department of finance and administration, to the Metropolitan police department for the victim intervention program. These funds are used to pay for translators through the Tennessee Language Institute, to print program brochures in English and Spanish, and to purchase materials for victims of crime and their families. The term of the grant is from July 1, 2009 through June 30, 2011.

An incorrect version of the contract was sent by the state when the grant was approved. This amendment uses the correct contract model to include the American Recovery and Reinvestment Act language only.

RESOLUTION NO. RS2009-873 (FORKUM & BENNETT) – This resolution approves an application for a federal stimulus grant in the amount of \$4,167,475 from the U.S. department of homeland security to the Metropolitan fire department for the construction of a new fire station to replace the existing station at 320 Joyner Avenue. These funds would cover the demolition, environmental assessment, and construction of the new fire hall.

RESOLUTION NO. RS2009-874 (FORKUM & MCGUIRE) – 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 \$217,541 for the services to be provided, with a contract term of August 1, 2009 through July 31, 2010. The funding for this contract consists of federal pass-through funds that must be used for direct HIV services.

RESOLUTION NO. RS2009-875 (FORKUM & MCGUIRE) – This resolution approves an annual grant in the amount of \$40,000 from the state department of health to the Metropolitan health department for rape prevention education services. These federal pass-through funds will be used to implement training programs, interventions with peer groups, and primary prevention activities. The term of the grant is from July 1, 2009, through October 31, 2010.

RESOLUTION NO. RS2009-876 (MCGUIRE & FORKUM) – This resolution accepts a grant in the amount of \$255,000 from the state department of health to the Metropolitan health department for adolescent pregnancy prevention services. The funds will be used to pay the salary of an adolescent pregnancy prevention program coordinator for five years. The coordinator's duties will include making presentations concerning adolescent sexual behavior, pregnancy, and parenting to community groups; writing articles; developing public service announcements; researching programs that can be channeled to established service providers; arranging parenting classes; and organizing community awareness events. The term of the grant is from July 1, 2009 through June 30, 2014.

RESOLUTION NO. RS2009-877 (MCGUIRE & FORKUM) – This resolution approves a grant in the amount of \$202,200 from the state department of health to the Metropolitan department of health to enhance the health and well-being of women, infants, and families. These funds are for the fetal-infant mortality review program, which is a program 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, 2009 through June 30, 2010.

RESOLUTION NO. RS2009-878 (MCGUIRE & FORKUM) – This resolution approves an application for a federal stimulus grant in the amount of \$250,000 from the U.S. department of health and human services to the Metropolitan social services commission to provide capacity building services to nonprofit organizations. The funds will be used to assist nonprofit organizations in designing programs to make such organizations eligible for access to federal stimulus funding. Metro social services will partner with the United Way and the IMF-Peniel Initiative to provide community education and outreach about the stimulus funding. If awarded, there will be a required local match of \$62,500.

RESOLUTION NO. RS2009-879 (MCGUIRE & FORKUM) – This resolution appropriates \$751,477 in federal stimulus funds from the U.S. department of health and human services to the Metropolitan action commission to support the head start program. The head start program in Nashville provides early childhood education services to approximately 1,500 three and four year olds from economically disadvantaged families. These funds will cover cost of living raises for head start employees plus the purchase of a new curriculum.

RESOLUTION NO. RS2009-880 (TOLER) – This resolution approves a contract with the state department of transportation concerning the maintenance of enhanced traffic signals at Murfreesboro Road and Millwood Drive under the Mill Creek bridge. The state is providing the funding for the signalization improvements, but Metro will be responsible for maintaining the signals and the solar powered devices after installation. This is a typical contract between TDOT and the Metropolitan Government for signalization projects involving state roads.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2009-489 (MAYNARD, BARRY & JERNIGAN) – This ordinance amends the Metropolitan Code to prohibit handguns in Metro parks. For many years, the Metro Code and state law expressly prohibited firearms within local parks. The Tennessee General Assembly recently enacted a law to allow handgun carry permit holders to possess their handguns while in any state or local park, natural area, nature trail, greenway, etc. However, the state bill was amended to allow local governments to opt out of the law.

In accordance with the state law opt-out provisions, this ordinance states that persons with handgun permits are prohibited from possessing the gun while within a park that is owned or operated by the Metropolitan Government. This would include all park facilities and greenways. The ordinance also directs the parks department to erect the required signage stating that handguns are prohibited.

ORDINANCE NO. BL2009-500 (JAMESON & STEINE) – This ordinance names the observation towers overlooking Public Square Park in front of the Metropolitan Courthouse the “Thomas H. Shriver Towers”. Thomas Humphries Shriver was elected as Davidson County District Attorney in 1966 where he served until 1987. As district attorney, Thomas Shriver was responsible for hiring Adolpho A. Birch as the first African-American assistant district attorney in the state of Tennessee, as well as Martha Craig Daughtrey as the first female prosecutor in Tennessee. Adolpho A. Birch went on to become Chief Justice of Tennessee Supreme Court, and Martha Craig Daughtrey later served as a Tennessee Supreme Court Justice and as a judge on the U.S. Court of Appeals for the Sixth Circuit. Thomas Shriver was elected as a criminal court judge in Davidson County in 1987, where he served until his death in 1997.

The Metropolitan Code provides that no building of the Metropolitan Government may be named except pursuant to an ordinance enacted by the council. The naming of the towers has been approved by the board of parks and recreation.

ORDINANCE NO. BL2009-501 (HOLLEMAN, MOORE & JAMESON) – This ordinance abolishes the Community Education Alliance and creates a new Community Education Commission as recommended by the Community Education Task Force. In March 2009, the council adopted Resolution No. RS2009-661 to create a task force charged with studying the changing role of community education and determining how community education may best serve Nashville’s residents. The existing community education model in Nashville was created by the council by ordinance in 1976. At that time, the primary focus of community education was to provide a mechanism for adults to receive their high school equivalency diploma. Today, the community education alliance provides a wide variety of educational, social, and recreational programming.

Concerns regarding financial accountability for community education and reduced participation in the alliance’s programs have raised questions about the viability of this thirty year old governance model, and how best to ensure the most-needed community education services are being provided. The task force recommended a new governance structure for community education modeled after the Metropolitan action commission. This ordinance essentially implements the recommendations of the task force.

First, this ordinance formally accepts the recommendations of the task force. The fiscal year 2010 operating budget conditioned the funding for community education upon the approval of

the task force's recommendations. Thus, this ordinance is necessary in order for the community education program to continue through the fiscal year.

Second, the ordinance repeals the existing provisions in the code providing for the community education alliance. Effective November 1, 2009, the community education alliance will cease to exist.

Third, the ordinance creates a new community education commission that will be responsible for the oversight of the community education program. The commission will consist of seven members to be appointed as follows:

- Two members appointed by the mayor and confirmed by the council.
- Three members appointed by the council, with one representing a nonprofit adult literacy organization, one representing the community education council, and one representing an education advocacy group.
- One member appointed by the director of schools as his representative.
- One member appointed by the mayor to serve as his representative.

The commission will have the authority to establish rules and regulations for the community education program, as well as establishing a fee structure for the classes and allocating the revenues among the various sites. The commission will also be charged with hiring an executive director and other employees to operate the program. The executive director and commission employees will be in the unclassified service. The duties and responsibilities of the executive director will be for the oversight and management of the community education budget, the supervision of employees, and the management of the various community education sites. The executive director will be required to submit regular reports to the commission and the director of finance regarding the operation of the program, including the number of participants and the revenue generated.

The commission will also have the authority to enter into a memorandum of understanding with the board of education for the use of school facilities.

ORDINANCE NO. BL2009-502 (BARRY, GARRETT & OTHERS) – This ordinance amends the Metropolitan Code to make it unlawful for the Metropolitan Government to discriminate on the basis of sexual orientation or gender identity in employment practices. This ordinance is modeled after the language used in the board of education's agreement with the teachers union, which was approved by the board in 2008.

Pursuant to this ordinance, the Metropolitan Government would be prohibited from basing decisions as to whether to hire, fire, or promote an employee because of the person's gender identity or sexual orientation. Employees found to be discriminating on the basis of gender identity or sexual orientation would be subject to disciplinary action under the civil service rules. While the ordinance does not include any specific definitions for "sexual orientation" or "gender identity", the courts have held that these terms are of common usage and are not impermissibly vague.

This ordinance would only apply to the Metropolitan Government; not to any employer in the private sector. Further, this ordinance would not provide partner medical and/or pension benefits for homosexual Metro employees. The ordinance is strictly limited to employment practices.

ORDINANCE NO. BL2009-503 (DOMINY & DUVALL) – This ordinance amends the Metropolitan Code pertaining to sustainable building design standards for new and renovated Metropolitan Government buildings and facilities to allow an alternative to LEED certification based upon reduced energy use. Sustainable building design standards encompass the following broad topics: efficient management of energy and water resources, management of material resources and waste, protection of environmental quality, protection of occupant health and indoor environmental quality, reinforcement of natural systems, and integrating the design approach. In June 2007, the council enacted Substitute Ordinance No. BL2007-1374 to adopt the U.S. Green Building Council’s (USGBC) LEED program as the standard for Metropolitan Government sustainable building practices. LEED is an acronym for Leadership in Energy and Environmental Design, which uses a green building rating system developed by the USGBC. The rating system contains prerequisites and credits in six categories: sustainable site planning, improving energy efficiency, conserving materials and resources, embracing indoor environmental quality, safeguarding water, and innovation in design.

This ordinance would allow the Metropolitan Government to pursue an alternative sustainable development design standard to LEED certification based upon pre-determined energy reduction and efficiencies. If Metro chose to pursue an alternative to LEED, the contractor would be required to warrant for a three year period that the annual energy use for the building will be less than similar buildings based upon the following time-based objectives or upon the U.S. department of energy “Energy Star” program:

- o Fiscal year 2010 – 10% energy reduction
- o Fiscal year 2011 – 17% energy reduction
- o Fiscal year 2012 – 17% energy reduction
- o Fiscal year 2013 and beyond – 25% energy reduction

or

- o Fiscal year 2010 – Energy Star “Target Finder” rating of 55
- o Fiscal year 2011 – Energy Star “Target Finder” rating of 65
- o Fiscal year 2012 – Energy Star “Target Finder” rating of 65
- o Fiscal year 2013 and beyond – Energy Star “Target Finder” rating of 75

An independent consultant would determine whether the required energy reduction has been met. If the energy use objectives are not met, the contractor (or other entity warranting the energy use) will be responsible for reimbursing Metro for the cost of the excess energy use.

ORDINANCE NO. BL2009-504 (FORKUM) – This ordinance approves a contract between the Metropolitan Government and The Land Trust for Tennessee, Inc., for the planning and management of an open space planning project. The purpose of this project is to inventory the natural resources of Davidson County and create a plan for the conservation and development of these resources. The Land Trust will be responsible for procuring a consultant to develop the plan and for organizing an advisory committee for the project. The project will create specific goals and policy recommendations for natural resource preservation, as well as public land acquisition, protection, and enhancement to be provided to various Metro agencies and private organizations. The three phases of the project will be as follows: (1) development of a county-wide green infrastructure inventory and analysis; (2) a public participation process; and (3) development of formal recommendations for resource preservation.

The total cost of the project is \$275,000, with Metro providing \$151,250 and The Land Trust providing the remainder of the funding. This project is to be completed within 16 months. Amendments to this contract may be approved by a resolution adopted by the council receiving 21 affirmative votes.

ORDINANCE NO. BL2009-505 (HOLLEMAN & TOLER) – This ordinance authorizes the Metropolitan Government to enter into a utility relocation contract with the state department of transportation (TDOT) to relocate certain department of water and sewerage services’ facilities required by TDOT’s interchange improvement project at Interstate 40 and Briley Parkway/Robertson Avenue. This is the second phase of the interchange project, which is being funded by federal stimulus money. TDOT is responsible for 100% of the relocation costs, estimated to be \$745,934. This is a typical agreement entered into by Metro and TDOT for the relocation of utilities associated with TDOT improvement projects.

ORDINANCE NO. BL2009-506 (HUNT, JAMESON & OTHERS) – This ordinance authorizes the acceptance of easements for various stormwater projects in Davidson County. These easements are being acquired at no cost to the Metropolitan Government. This ordinance has been approved by the planning commission.

Easements are being accepted by the property owners for the following properties:

Property Address / Council District

- 401 Edenwold Road – 10
- 1398 County Hospital Road – 1
- 937 Herman Street – 19
- 8200 Highway 100 – 35
- 4210 A Harding Pike – 24
- 3366 Briley Park Boulevard South – 3
- 6604 Charlotte Pike – 20
- Nolensville Pike, unnumbered – 31
- 6640 Nolensville Pike – 31
- 705 Drexel Street – 19
- 306 White Bridge Pike – 24
- 800 Main Street – 6
- Cecilia Avenue, unnumbered – 2
- 1802 20th Avenue South – 18
- 715 Massman Drive – 15

ORDINANCE NO. BL2008-507 (JAMESON) – This ordinance authorizes Union Street Holdings, LLC to install and maintain aerial and underground encroachments for Union Street Plaza and Hotel Indigo at 315 Union Street. These encroachments will include two canopies, decorative scored concrete sidewalk, a lift in the sidewalk for trash removal, an underground ventilation shaft and venting gates, container-style planters with trees, basement encroachments under the sidewalk, and a flagpole. Union Street Holdings, 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 \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2009-508 (CRAFTON) – This ordinance authorizes Charlotte Road Baptist Church to install, construct and maintain a sign encroachment at 7511 Charlotte Pike. The church desires to install a new sign in the Charlotte Pike right-of-way so that it is visible from the roadway. Charlotte Road Baptist Church has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to post a \$3 million 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.

– BILLS ON THIRD READING –

SUBSTITUTE ORDINANCE NO. BL2008-350 (HODGE, DUVALL & BURCH) – This substitute ordinance, as amended, amends the Metro Code by adopting the 2006 edition of the International Fire Code with certain local amendments in place of the National Fire Prevention Association (NFPA) fire code and life safety code, which were adopted pursuant to Ordinance No. BL2007-1390 in April 2007. As part of Ordinance No. BL2007-1390, the council adopted several local amendments to the NFPA fire code and life safety code that are more restrictive than the national standard and the state requirements. The state of Tennessee recently adopted the 2006 International Fire Code as the standard for use throughout the entire state, which became effective on December 20, 2008.

This substitute ordinance is a consensus bill recommended by the fire department, the codes department, and Metro water services that adopts the International Fire Code with a number of local amendments. Some of the local amendments included as part of the ordinance are as follows:

- The NFPA life safety code would continue to apply to government buildings, schools, daycares, healthcare occupancies, and residential board and care occupancies.
- The substitute specifies that whenever there is a conflict between the building code and the fire code, the more stringent provision shall apply. This is the method the fire marshal and codes department have been using for some time.
- The fire department will have the authority to inspect existing buildings to ensure compliance with the fire code.
- The substitute includes some special exemptions from the more stringent fire-flow requirements for existing building lots, which includes infill lots in an established subdivision. Single and two-family homes less than 3,600 square feet on existing building lots would be exempt from the fire-flow requirements contained in Appendix B of the IFC as long as such existing building lots either (1) meet the Insurance Services Office (ISO) fire-flow requirements; (2) have a fire hydrant within 500 feet that flows at least 750 gallons per minute with 20 psi pressure; (3) have a fire hydrant within 500 feet and a secondary fire hydrant within 1,000 feet, even if such hydrants do not pump 750 gallons per minute; or (4) they meet the fire-flow requirements that were set forth by the fire marshal at the time the subdivision plat was approved. Single and two-family dwellings exceeding 3,600 square feet constructed on existing building lots must either meet the ISO requirements or Appendix B of the IFC.
- Bars and nightclubs with an occupancy exceeding 200 persons would be required to retrofit with sprinklers not later than September 30, 2012. This essentially gives these establishments an additional three years in which to retrofit. However, those establishments that have a history of violations for overcrowding or unpermitted pyrotechnics would be required to retrofit upon being ordered to do so by the fire marshal.
- High rises would continue to be required to retrofit with sprinklers immediately, as was required a number of years ago. However, those high rises that have yet to come into compliance with the sprinkler retrofit requirement would have until September 30, 2012 if they have a fire watch in place and are equipped with a standpipe and hose system.

Local governments that enforce their own fire codes have the authority under state law to adopt a code that is at least as restrictive as the state standards. Thus, local government

regulations can be more restrictive than the state standards but cannot be less restrictive. State law requires local governments to adopt a code edition that is within six years of the latest published editions.

ORDINANCE NO. BL2009-462 (COLEMAN) – This zoning text amendment rewrites the conditions applicable to cellular telephone towers. The Code allows cell towers as a use permitted with conditions in all zoning districts. In order to obtain a permit to build a cell tower, the applicant must demonstrate that existing towers in the area cannot accommodate the new equipment, must meet setback and height restrictions, and must install a landscaping buffer yard. Further, the district councilmember must be given the opportunity to hold a community meeting on the tower when the tower is proposed to be in or near a residential zoning district.

This ordinance, which is modeled after Chattanooga’s cellular tower ordinance, would broaden the information that must be submitted at the time of an application for a cellular tower and would further specify certain conditions regarding setbacks, landscaping, and site plans. First, the ordinance would require the applicant to provide the following information at the time of application for the final site plan or building permit:

1. A schematic site plan and landscaping plan.
2. Identification of the intended users of the tower.
3. A statement justifying the location that considers alternatives to the proposed site and describes why no existing facilities in the coverage area are available. A map of the coverage area identifying all service providers must be submitted. The applicant must show that the tower will have minimum visual impact upon adjacent residential properties.
4. Documentation of the number of users that can be accommodated by the new tower.
5. Proof of an enforceable bond or letter of credit to ensure the removal of the tower when it ceases to be used for a year.

Second, the ordinance sets forth some specific landscaping requirements. The code currently requires cell towers to have an “A” buffer yard. This ordinance would require all tower pads that are not screened with existing structures or natural vegetation to have a 10-foot buffer yard. The ordinance includes specific recommended species of vegetation for the buffer yard, and the property owner will be responsible for maintaining the landscaping. No screening will be required if the base of the tower is not visible from an adjoining property or right-of-way.

Third, the ordinance includes some specific requirements for new towers to facilitate future co-location. A new tower between 100 and 200 feet tall would be required to accommodate three additional personal communication system applications and three additional single antenna applications (i.e., 911, two-way radio, and emergency communication applications). Towers would be required to accommodate an additional personal communication system application and single antenna application for each additional 50 feet above 200 feet tall.

Fourth, the towers would be required to be setback the distance equal to the height of the “lowest engineered failure point”, but not less than 50 feet from adjacent property lines. The height requirements would be set by the district bulk tables in the zoning code.

Finally, any tower that ceases to be used for twelve months would be considered abandoned, and the owner would be responsible for taking the tower down.

The notification provisions contained in the existing code would continue to apply under this ordinance.

This ordinance has been approved by the planning commission.

There is a substitute for this ordinance that addresses several issues raised by the telecommunications industry, and protects the ordinance against a challenge that it is inconsistent with state law. There is also an amendment to the substitute that would provide an incentive for companies installing the towers to include a tornado siren if sirens are unavailable in the area.

ORDINANCE NO. BL2009-477 (TYGARD) – This zoning text change creates a new land use for small wind energy facilities (windmills). This ordinance is similar to an ordinance modeled after the small wind energy system ordinance adopted in Carroll County, Maryland that was deferred indefinitely by the council in September of 2008.

According to the definitions in the ordinance, small wind energy systems are equipment used to convert or transfer wind energy into electricity. The zoning code currently does not allow small wind energy systems as a permitted use. This ordinance would allow small wind energy facilities as a use permitted with conditions in all zoning districts. Small wind energy facilities are defined as those consisting of one tower and turbine, and having a rated capacity of not more than 100 kilowatts. Facilities with two or more towers and turbines that produce more than 100 kilowatts would be considered large wind energy facilities. The large facilities would only be permitted as part of a specific plan (SP) district adopted by the council.

The ordinance includes three pages of conditions that would be applicable to small wind energy facilities. These conditions include the following:

- The maximum height of the facility would be 15 feet above the maximum building height allowed under the base zoning district.
- The facility must be setback the greater of one and one-half times the height of the tower from the nearest property line or a distance equal to the height of the facility from any occupied buildings.
- No guy wires or anchors could be closer than five feet from the property line.
- An information sign identifying the owner of the facility and a contact phone number must be placed on the facility.
- No lighting of the facility will be permitted.
- The facility cannot generate noise in excess of 60 decibels measured from the closest occupied building.
- Nashville Electric Service must approve the site plan before the facility can operate.
- The applicant must provide a removal bond or other form of financial security to ensure that the facility will be removed when it ceases to be used for a year.

In addition to the above conditions, the ordinance requires someone desiring to install a windmill to submit a very detailed site plan prepared by a licensed engineer. The site plan must include 12 specific requirements contained in the ordinance. These include identification of all existing buildings on site and within 600 feet of the site's boundary; the location of the proposed tower and associated infrastructure; existing tree cover; the location of other windmills within 2,000 feet of the proposed location; proposed landscaping changes; tower foundation blueprints signed by a licensed engineer; a statement from a licensed engineer that

the wind turbine will meet the noise standards in this ordinance; an electrical diagram; documentation regarding the manufacturer of the facility; color photos showing how the facility will look when completed; and an operation and maintenance plan.

If the purpose of this ordinance is to encourage the placement of wind energy facilities in the county to further Metro's goal of becoming the "greenest city in the southeast", it is questionable whether this ordinance lives up to its purpose. The complex conditions included in the bill would likely act as a deterrent to the average person seeking to install a windmill on his/her property. However, if the purpose is to protect the neighbors from any possible negative impact associated with the windmill, then this ordinance certainly offers plenty of protection.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2009-481 (HARRISON) – This is a routine ordinance that readopts the Metropolitan Code prepared by Municipal Code Corporation to include all ordinances enacted on or before March 17, 2009. Municipal Code Corporation has the contract with Metro to codify all ordinances enacted by the council, as well as to update and maintain the on-line version of the code. The council periodically readopts the code to make sure the printed and online versions are kept up to date.

ORDINANCE NO. BL2009-482 (COLEMAN, CRAFTON & OTHERS) – This ordinance amends the Metro procurement code pertaining to performance and payment bonds that Metro construction contractors must provide. The code currently requires contractors to submit a performance bond and payment bond for all construction contracts in excess of \$1,000. This has been a barrier for small and disadvantaged businesses seeking Metro construction contracts because it is sometimes difficult for them to obtain such bonds. This ordinance raises the amount of the contracts for which bonds are required from \$1,000 to \$100,000.

ORDINANCE NO. BL2009-484 (FORKUM) – This ordinance approves a lease agreement between the Metropolitan Government and Joe and Sung Cha Suarez, d/b/a Take-A-Break, for the continued lease of space for a snack shop in the 222 Third Avenue North building. The lease agreement will be for an initial term expiring on April 30, 2010, with an option to continue on a month-to-month basis. The rent for the premises will be \$170 per month. The space is being leased "as is", and the tenants will be responsible for any damage done to the building. The tenants must maintain commercial general liability insurance in the amount of \$1 million per occurrence.

This lease agreement has been approved by the planning commission. Future amendments to the lease may be approved by resolution.

ORDINANCE NO. BL2009-485 (CLAIBORNE & TOLER) – This ordinance abandons 1,240 feet of an existing 8-inch water main and three fire hydrants, and abandons 720 feet of an existing 8-inch sewer line and two manholes located on Piedmont Natural Gas property on Century Boulevard. These water and sewer lines and easements are no longer needed by the department of water and sewerage services. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2009-486 (TODD & TOLER) – This ordinance abandons a 10-foot water and sewer easement at 915 Otter Creek Road. This utility easement is no longer needed by the department of water and sewerage services. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2009-487 (MOORE, GILMORE & FORKUM) – This ordinance declares three parcels of Metropolitan Government-owned property 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 proceeds of the sales will be credited to the general fund. This ordinance approves the disposition of the following properties:

<u>Address – Location</u>	<u>Council District</u>
6641 Brookmont Terrace	23
420 Humphreys Street	17
1719 Jo Johnston Avenue	19

ORDINANCE NO. BL2009-488 (MCGUIRE & FORKUM) – This ordinance approves an amendment to the intergovernmental agreement between the Metropolitan Government and the hospital authority. This agreement, which was approved in 1999, set forth the duties and funding for the hospital authority. One of the provisions in the agreement required the hospital authority to maintain commercial general liability insurance in the amount of \$20 million and professional liability insurance in the amount of \$20 million for general hospital and the clinic. The hospital authority now desires to reduce these insurance requirements to \$10 million and to add the Bordeaux Long Term Care and Knowles Home facilities to the insurance policies.

This ordinance simply approves an amendment to accomplish the hospital authority’s desires regarding the insurance coverage.

ORDINANCE NO. BL2009-490 (LALONDE & GOTTO) – This ordinance approves an exchange of easement rights between the Metropolitan Government and Blakemore Primitive Baptist Church for properties located at 2401 and 2411-B Blakemore Avenue. The church property is next to Fannie Mae Dees Park. Due to a previous closing of an alley and the widening of Blakemore Avenue, vehicles must travel across the Metro property in order to access the church. And park patrons must cross part of the church’s property in order to access the parking area for Fannie Mae Dees Park.

This ordinance will officially exchange perpetual easements between the church and Metro. Metro is granting the church an easement for ingress and egress to their property along the Metro asphalt driveway. Metro is also granting an easement for the purpose of parking or landscaping on a section of property between the driveway and the church’s property line. The church will be required to prohibit its members from parking on the Metro property unless expressly authorized by the parks department. In return, the church is granting Metro an easement for access to the parking area located at the rear portion of the church’s property.

Amendments to this ordinance may be approved by resolution. This ordinance has been approved by the parks board and by the planning commission.

ORDINANCE NO. BL2009-492 (GOTTO) – This ordinance adopts the property identification maps for the Metropolitan Government identifying property as of January 1, 2009, as the official maps for the identification of real estate for tax assessment purposes. These maps are adopted on an annual basis.

ORDINANCE NO. BL2009-493 (COLEMAN, FORKUM & TOLER) – This ordinance approves an agreement between the Metropolitan Government and Summerfield Village, LLP pertaining to funding for storm water infrastructure improvements. Summerfield has developed property in the vicinity of Murfreesboro Road and Pin Hook Road. As a requirement for approval of the development, Summerfield secured a performance bond to guarantee the construction of on-site storm water infrastructure improvements. Summerfield has completed all of the improvements with the exception of a contribution in the amount of \$182,000 for storm water improvements in the vicinity of the project.

This agreement accepts \$182,000 from Summerfield for storm water projects to be completed by Metro water services near the development. In exchange for the payment, Metro agrees to release Summerfield from its remaining bond obligation.

ORDINANCE NOS. BL2009-494 (COLE & TOLER) – This ordinance authorizes the acquisition and acceptance of three permanent drainage easements required for use in public projects to be completed by the department of water and sewerage services. Easements are being acquired for property located at 1611 Cahal Avenue and 1608 and 1610 Emerson Street. 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. BL2009-495 & BL2009-496 – These two ordinances abandon water and sewer 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. BL2009-495 (Foster & Toler) abandons a 20-foot public utility easement for property located at 544 McMurray Drive.

Ordinance No. BL2009-496 (Toler) abandons a 10-foot drainage easement for property at 8212 Ramstone Way. The ordinance also approves an adjustment of a 16-inch sewer manhole vent located on the property.

ORDINANCE NO. BL2009-497 (GILMORE & TOLER) – This ordinance abandons the easement retained by Metro when the old 11th Avenue South right-of-way was abandoned in 2006. Ordinance No. BL2006-930 abandoned a portion of the 11th Avenue South and 12th Avenue South right-of-way at the request of the Metropolitan development and housing agency. The ordinance retained all easements, but the 11th Avenue easement is no longer being used by the department of water and sewerage services. This ordinance simply abandons the easement.

This ordinance has been approved by the planning commission.