

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **December 1, 2009**

RE: **Analysis Report**

Balances As Of: 11/24/09 11/28/08

GSD 4% RESERVE FUND * \$24,450,556 \$26,540,553

GENERAL FUND UNDESIGNATED FUND BALANCE

GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable

GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE

Unavailable	Unavailable
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* Assumes estimated revenues in fiscal year 2010 in the amount of \$23,023,700

– RESOLUTIONS –

RESOLUTION NO. RS2009-1046 (STEINE & TYGARD) – This resolution approves an interlocal agreement between the Metropolitan Government and the state department of state for the use of administrative law judges. State law allows the Metropolitan Government to contract with the secretary of state for the use of administrative law judges to hear appeals to boards and commissions on a case-by-case basis. Pursuant to this agreement, the state will make administrative law judges available for these appeals as needed at an hourly rate of \$100. The term of the contract is from January 1, 2010, through December 31, 2015.

RESOLUTION NO. RS2009-1047 (BAKER & STEINE) – This resolution approves an annual grant in the amount of \$111,238 from the state commission on children and youth to the juvenile court for juvenile accountability incentive block grant program services to enhance court staffing. These funds are federal pass through dollars that are used to fund two full-time community-based probation officers and partial funding for an intake probation officer in the juvenile court’s diversion program. The term of the grant is from October 1, 2009, through September 30, 2010.

The juvenile court will be required to provide a cash match of \$12,360 from its operating budget.

RESOLUTION NO. RS2009-1048 (RYMAN & STEINE) – This resolution approves an interlocal agreement between the Metropolitan Government and the City of Goodlettsville regarding payment in lieu of taxes (PILOT) agreements negotiated by the Goodlettsville industrial development board. Under state law, local governments can authorize their industrial development board (IDB) to enter into PILOT agreements with lessees as an incentive to spur economic development. Under PILOT programs, property owners/developers transfer property to be developed to the IDB, which qualifies as a tax exempt governmental entity and, therefore, can issue tax exempt bonds for development of the property. The developer/business then makes payments to the IDB in lieu of property taxes.

The City of Goodlettsville intends to authorize its IDB to enter into PILOT agreements with developers. However, this could have a negative impact on Metro tax revenues if the property is jointly located within Goodlettsville and Metropolitan Nashville and Davidson County. Under this agreement, Goodlettsville agrees that if it authorizes its IDB to negotiate PILOT agreements, it will require such agreements to be approved by the Goodlettsville board of commissioners. Further, Goodlettsville will not approve a PILOT agreement that provides for a payment in lieu of taxes less than the taxes that would otherwise go to the Metropolitan Government (but for the ownership of the project by the Goodlettsville IDB) without prior approval of the proposed PILOT agreement by the Metropolitan mayor and council.

The agreement also provides that Metro and Goodlettsville will seek a change in state law to prohibit IDBs of a municipality located totally or partially within the boundaries of the Metropolitan Government from negotiating PILOT agreements for less than the Metro taxes otherwise due without prior approval of Metro.

State law allows interlocal agreements to be approved by resolution.

RESOLUTION NO. RS2009-1049 (STEINE) – This resolution approves an interlocal agreement between the Metropolitan Government, Nashville Electric Service (NES) and the City of LaVergne for access to the 800-MHZ emergency radio dispatch and response system. The Metropolitan Government and NES jointly own and operate the emergency radio dispatch and radio response system utilizing 800-MHZ radio frequencies licensed by the Federal Communications Commission (FCC). This system was jointly funded by Metro and NES, with Metro now maintaining the system and NES contributing funds to maintain the system. LaVergne desires to have access to our emergency radio dispatch and response system, and agrees to pay a monthly usage and access fee as determined annually by the department of general services and the finance department. The term of this agreement begins upon approval by the council and extends through June 30, 2019.

RESOLUTION NO. RS2009-1050 (STEINE & BAKER) - This resolution approves a grant in the amount of \$940,788.95 from the state department of transportation to the Metro police department for the continuation of an enhanced DUI enforcement initiative. The purpose of the grant is to reduce traffic related crash fatalities, especially focusing on alcohol or drug impaired drivers. These federal pass-through funds will be used by the police department for two safety initiatives geared toward reducing impaired driving.

The first initiative involves an enhanced enforcement team consisting of ten officers, two sergeants, and one lieutenant working Thursday through Sunday nights and on the six holidays associated with heavy alcohol consumption: St. Patrick's Day, Cinco de Mayo, Memorial Day, Independence Day, Labor Day, and New Years Eve. The second initiative consists of a sergeant and five officers to work strategically placed sobriety checkpoints.

The term of the grant is from October 1, 2009 though September 30, 2010.

RESOLUTION NO. RS2009-1051 (GILMORE, STEINE & RYMAN) – This resolution appropriates \$10,000 in grant funds from the state department of agriculture to the Nashville farmers' market for promotion of the farmers' market. These grant funds will be used for print media inserts, updated farmers' market brochures, and to expand the local food promotion and signage packages. The term of the grant is from November 1, 2009, through April 30, 2010.

RESOLUTION NO. RS2009-1052 (GILMORE, STEINE & RYMAN) – This resolution appropriates \$50,000 in grant funds from the state department of agriculture to the Nashville farmers' market to conduct specialty crop auctions. These auctions are to be held twice a week during the growing season to provide an additional outlet for farmers to sell their product. This will allow buyers a better opportunity to find the quantities of produce they require. The term of the grant is from October 31, 2009, through September 30, 2012.

RESOLUTION NO. RS2009-1053 (MATTHEWS & STEINE) – This resolution approves a grant in the amount of \$306,000 from the state of Tennessee (Tennessee Heritage Conservation Trust Fund) to the Metropolitan board of parks and recreation to protect 290 acres in the Beaman to Bells Bend Corridor through the execution of five conservation easements. The council authorized the acceptance of the easements in September 2009 for the following properties:

- 5711 Old Hickory Boulevard and Old Hickory Boulevard, unnumbered – 27 acres
- 5268 Old Hickory Boulevard and Old Hickory Boulevard unnumbered – 43 acres
- 4443 Pecan Valley Road – 29.3 acres
- 4435 Pecan Valley Road – 73 acres
- Cleeves Ferry Road, unnumbered – 118 acres

The council actually approved this grant in September 2009, which contained a closing date of October 20, 2009. The only change in this new grant is to extend the closing date for these conservation easements until April 20, 2010. There is a required local match of \$250,000 to be provided by the parks department.

RESOLUTION NO. RS2009-1054 (STEINE & BAKER) – This resolution approves a contract between the state department of mental health and developmental disabilities and the juvenile court for inpatient mental health evaluations of juveniles. State law authorizes the juvenile court to order a mental health evaluation when the court has reason to believe the child is mentally ill. The inpatient mental evaluations can result in the child being held for up to thirty days, with the cost of the evaluation and treatment being the responsibility of the juvenile court.

The Middle Tennessee Mental Health Institute has the capacity to conduct these inpatient mental health evaluations and to provide the necessary treatment. This contract provides that the juvenile court will pay \$450 per day for these inpatient mental health services at the Middle Tennessee Mental Health Institute, which is one-half of the normal per diem rate. The term of the contract is from June 5, 2009, through June 30, 2010.

Whenever the juvenile court orders a mental health evaluation, the court inquires through the defense attorney whether the child's parents or guardians have insurance or other financial means to cover the costs of the evaluation.

RESOLUTION NO. RS2009-1055 (TYGARD & STEINE) – This resolution approves a grant in the amount of \$741,920 from the state department of agriculture to the Metropolitan health department for retail food store inspection, reporting, and enforcement. The health departments in urban areas provide these inspection services on behalf of the state. These funds will cover the inspection of all retail food stores in Davidson County every six months. The term of this grant is from January 1, 2010, through December 31, 2014.

RESOLUTION NO. RS2009-1056 (TYGARD & STEINE) – This resolution approves an amendment to a grant from the American Legacy Foundation to the Metropolitan board of health to target socio-economically disadvantaged adult smokers and their families to encourage smoke-free environments. These funds are used for the Clean Air for All program, which works with daycare facilities in Davidson County to educate parents about the dangers of second-hand smoke, and to provide incentives for families to designate their homes and cars as smoke-free. This amendment increases the amount of the grant by \$42,984 for a new total of \$129,013, and extends the term of the grant through December 4, 2010. The amendment also increases the amount of the required in-kind match by \$42,984.

RESOLUTION NO. RS2009-1057 (TYGARD & STEINE) – This resolution approves a second amendment to a grant from the U.S. department of health and human services to the

Metropolitan board of health to address the AIDS epidemic. These grant funds are used to provide direct financial assistance to clinical and social service providers in Nashville. This amendment increases the amount of the grant by \$15,513 by carrying over unobligated funds into the current grant budget period, for a new grant total of \$4,221,624.

RESOLUTION NO. RS2009-1058 (STEINE & TYGARD) – This resolution approves a grant in the amount of \$359,665 from the U.S. environmental protection agency (EPA) to the Metropolitan board of health to achieve established ambient air quality standards. These funds are used to collect data and to monitor the ambient air concentrations for ozone, fine particulate matter, regional haze, sulfur dioxide, carbon monoxide, and mercury. The Metro health department is responsible for air quality monitoring within Nashville and Davidson County on behalf of the EPA. The term of the grant is from October 1, 2009, through September 20, 2011.

RESOLUTION NO. RS2009-1059 (STEINE) – This resolution approves a grant in the amount of \$83,600 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to make resources available to Five Star Custom Foods, LTD to assist with the creation of 201 new jobs. The Tennessee Career Center, operated by NCAC, will manage the recruitment campaign for the company and provide on-the-job training. The term of the grant is from October 15, 2009 through September 30, 2010.

RESOLUTION NO. RS2009-1060 (STEINE) – This resolution approves a grant in the amount of \$78,000 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide funding for implementation of the career readiness certificate program. These certificates are issued to persons completing the workforce training at three campuses served by NCAC.

The term of the grant is from October 1, 2009 through June 30, 2010.

RESOLUTION NO. RS2009-1061 (STEINE) – This resolution approves a grant in the amount of \$165,000 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide training to employees at four private companies through the state incumbent worker training program. The term of the grant is from October 1, 2009 through June 30, 2010. The training to be provided is as follows:

1. Upgrade the skills of 60 workers at Fiserv Solutions, Inc., located in Davidson County. This will consist of training in lean manufacturing/process improvement. The amount of the state grant is \$27,990 with a required match of \$27,990 from Fiserv Solutions.
2. Upgrade the skills of 6 workers at Smyrna Air Center, Inc., located in Rutherford County. The employees will receive airframe and aircraft systems training. The amount of the state grant is \$50,000 with a required employer match of \$158,320.
3. Upgrade the skills of 17 workers at Goldner Associates located in Davidson County. This will consist of computer and business skills training. The amount of the state grant is \$40,814 with a required employer match of \$41,470.

4. Upgrade the skills of 38 workers at Ingram Content Companies located in Rutherford County. This will consist of curriculum-based product management training. The amount of the state grant is \$31,196 with a required employer match of \$35,562.

RESOLUTION NO. RS2009-1062 (HUNT & STEINE) – This resolution approves a grant in the amount of \$730 from the state department of agriculture to Metro water services to plant a 500 tree floodplain forest on property located on Ewingdale Drive that was purchased as part of a federal home buyout program. The trees will be planted using volunteer labor, and all trees must be planted by April 30, 2010. There is a required local match of \$730.

RESOLUTION NO. RS2009-1063 (HUNT & STEINE) – This resolution authorizes the Metropolitan Government to enter into a contract with the City of LaVergne for the acceptance and treatment of sewage flow from LaVergne's sewage collection system. Metro has contracts with various other municipalities to transport and treat their sewage. A number of these contracts have expired and the Metropolitan Government has been involved in litigation with several municipalities regarding the rates the cities would pay Metro to treat their sewage.

In 2007, the council approved a contract with the City of LaVergne to transport wastewater from property in Davidson County through the City of LaVergne's sewer system, and back into Metro's system. Due to topography issues, certain areas within Metro's sewage system and LaVergne's system need to be interconnected to provide efficient sewage flow to a treatment facility. Although it is physically possible to pump the sewage without leaving Davidson County, it is much cheaper to use LaVergne's sewer capacity to transport the sewage flow.

This resolution approves a contract with LaVergne that sets the rate calculation for the treatment of sewage by Metro, excluding the sewage that flows into LaVergne's system from Metro for transportation and then back into Metro's system for treatment. This new contract is for a term of ten years, but may be extended upon agreement of the parties. Under this new contract, LaVergne will pay \$1.17 per hundred cubic feet up to a maximum number of gallons for each point of connection. If the sewage flow exceeds the maximum level, the price will be 125% of this price for the excess amount of flow. The contract includes a built in annual adjustment for the price LaVergne will pay to have its sewage treated. For years two through five and seven through ten, the adjustment will be based upon the percentage increase or decrease in the service charge index published by the National Association of Clean Water Agencies. The adjustment in year six of the contract will be determined by a rate consultant mutually acceptable to both parties.

The contract also provides that LaVergne will make a retroactive payment to Metro for wholesale sewer treatment service rendered from July 1, 2007, to the present. The payment for the period from July 1, 2007, through June 1, 2009, will be at the rate of \$0.83 per 1,000 gallons of flow. The rate for services rendered from June 1, 2009, through the effective date of this contract will be \$1.17 per hundred cubic feet of flow. The payment is to be made in a lump sum after deducting the actual amounts paid by LaVergne during the period the rates were in dispute.

Finally, Metro agrees to dismiss its lawsuit LaVergne filed in 2007 regarding the disputed charges upon execution of this contract and receipt of the lump sum retroactive payment by LaVergne.

A similar contract with the City of Brentwood was approved at the last council meeting.

RESOLUTION NO. RS2009-1064 (STEINE) – This resolution authorizes the department of law to settle the personal injury claim of LeDaron Campbell against the Metropolitan Government for the amount of \$16,290. On May 2, 2009, a Metro police officer struck the rear of a vehicle attempting to merge onto Nolensville Pike from Harding Place. Mr. Campbell was a passenger in the vehicle and sustained injuries to his spleen, neck, and back, resulting in medical bills totaling \$13,290. The department of law recommends settling this claim for \$16,290 to be paid from the self-insured liability fund since the police officer was clearly at fault. The council previously approved the settlement of the driver's claim.

The Metro police officer involved in the accident received disciplinary action consisting of a three day suspension.

RESOLUTION NO. RS2009-1065 (STEINE) – This resolution authorizes the department of law to settle the personal injury claim of Sabrina Young against the Metropolitan Government for the amount of \$8,700. On February 27, 2009, a Metro public works truck driver was traveling on Creekwood Drive en route to pick up brush on Brickdale Lane. While attempting to back up after passing Brickdale Lane, the public works employee struck Ms. Young's vehicle causing injuries to her head and neck. Ms. Young incurred medical bills totaling \$4,883.70. The department of law recommends settling this claim for \$8,700 to be paid from the self-insured liability fund since the accident report designates the public works employee as being at fault. The property damage portion of this claim has already been settled.

The public works employee involved in the accident received disciplinary action consisting of a five day suspension.

– **BILLS ON SECOND READING** –

SUBSTITUTE ORDINANCE NO. BL2009-491 (STANLEY & COLEMAN) – This substitute ordinance amends the Metropolitan Code to prohibit the parking of large trucks on Metropolitan Government streets. The code currently allows the traffic and parking commission to set load limits for vehicles on local streets and to erect signs giving the load limits. Failure to abide by the load limitations results in a fifty dollar fine. There is an exception to the load limitations for delivering and picking-up materials and merchandise.

This ordinance would expressly prohibit the parking of trucks or motor vehicles of more than eighteen thousand pounds gross weight, or of trailers or semi-trailers, on Metro streets at any time of day except while actually engaged in loading or unloading. The ordinance also authorizes police officers to move or require the removal of an illegally parked truck.

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

SUBSTITUTE ORDINANCE NO. BL2009-568 (TYGARD) – This ordinance amends the public art financing provisions in the Metro Code to require that a portion of the bond proceeds set aside for public art be spent throughout Nashville and Davidson County. In 2000, the council enacted BL2000-250 to establish the “one percent for public art” program, which requires that one percent of all general obligation bonds issued by the Metropolitan Government for construction projects be set aside to fund public art. The definition of “construction project” in the ordinance includes the erection of new public buildings or structures, as well as the reconstruction or repairs to existing buildings and facilities where the value of the improvement exceeds fifty percent of the value. The 2000 ordinance required the arts commission to develop public art guidelines that include criteria for accepting donations or gifts (both of money and art), a procedure for the selection of artists or public art projects, and for placement of public art projects. The arts commission was also required to develop rules and regulations for the expenditure of the public art funds to be approved by a resolution of the council. The resolution approving the rules and regulations was adopted by the council in September 2001.

The one percent for public art program adopted in 2000 envisioned the incorporation of public art into new Metro buildings or facilities at the time they are constructed. The code specifically requires the arts commission to consult with the department responsible for a particular construction project regarding the design and placement of a public art project in connection with such construction project. However, some Metro facilities are not appropriate for public art, such as the new Metro water services biosolids facility. And individual construction projects may not generate sufficient funds for stand-alone public art projects. For these reasons, the code allows the percent for public art proceeds to accumulate until they are sufficient to fund a public art project.

In addition to the one percent for public art program, the council has appropriated a total of approximately \$21,300,000 to the arts commission since 2000 as part of the annual operating budgets, which is used to make grants to various arts organizations throughout Nashville and Davidson County.

Since 2000, the only public art project to be completed using the one percent for public art funds is the *Ghost Ballet for the East Bank Machineworks* located next to LP Field on the East

Bank of the Cumberland River in downtown Nashville. The arts commission has commissioned two artists for two public art projects at the Courthouse Public Square, but these projects have yet to be completed and installed at the public square. The budget for these two projects is estimated to be \$515,000. Further, the arts commission, working with the department of public works, has issued a request for proposals from interested artists to design bicycle racks for installation in the downtown area and adjacent neighborhoods. The current unencumbered balance in the one percent for public art fund, after deducting the contracted amount for the two public square pieces, is approximately \$1,935,000. This amount does not take into account the estimated cost of the bike rack project.

This ordinance would require that seventy-five percent of the general obligation bond proceeds set aside for public art be allocated equally among the nine school districts for public art projects within those districts. The public art projects to be completed using this portion of the fund would be distributed among various types of Metro property, such as parks, community centers, schools, libraries, police precincts, fire halls, and public rights-of-way. The metropolitan arts commission would be required to amend its public art regulations to include a method for choosing public art projects within the nine school districts.

The remaining twenty-five percent of the public art proceeds would be used for public art projects anywhere within the area of the Metropolitan Government in conformance with the public art guidelines already in place, provided that these funds could be combined with funds set aside for the nine school districts at the discretion of the arts commission.

The director of finance has declined to sign this ordinance as to availability of funds on the grounds that this is a policy decision rather than a financial one.

ORDINANCE NO. BL2009-578 (COLEMAN & DUVALL) – This ordinance amends the Metropolitan Code to exempt certain park and greenway property from the prohibition on the carrying of handguns. The Tennessee General Assembly enacted a law during the previous legislative session 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 August 2009, the council enacted Ordinance No. BL2009-578 to take advantage of the opt-out provision.

The state opt-out provision specifically allows local governments, upon the adoption of legislation by the local legislative body, to prohibit handgun carry permit holders from possessing such handgun while within or on a local park, provided that the prohibition shall apply to the entire park. Since the singular form of the word “park” is used in the state law, the council office is of the opinion that the council can exempt specific parks from the handgun prohibition, provided the entire park area is exempt.

On October 20, 2009, the council adopted Resolution No. RS2009-1009 requesting the parks department to provide a list of rural and/or isolated parks and greenways for purposes of a possible exemption from the prohibition on carrying handguns. The parks department responded with a list of nine properties that the department believed met the “rural and/or isolated” criteria. This ordinance simply exempts these nine properties from the handgun ban to allow carry permit holders to bring handguns on the premises. The list of properties is as follows:

1. Alvin Beaman Park (park and greenway) – 1,596 acres
4111 Little Marrowbone Road
2. Bells Bend Park (park and greenway) – 808 acres
4107 Old Hickory Boulevard
3. Cane Ridge Park – 280 acres
419 Battle Road
4. Couch Tract (to be a park and greenway) – 40 acres
13591 Old Hickory Boulevard
5. Cecil Rhea Crawford Park – 7 acres
6043 Cane Ridge Road
6. Hamilton Creek Park – 790 acres
2901 Bell Road
7. Morgan Road Property (former Tennessee Youth Center) – 98 acres
3000 Morgan Road
8. Peeler Park (park and greenway) – 662 acres
2043 Neelys Bend Road
9. Vulcano Tract (to be park and greenway) – 70 acres
6006 Culbertson Road

There are proposed amendments to delete some of the properties proposed for exemption. One park in particular, Hamilton Creek Park, must be removed from the list since this park is on U.S. Army Corps of Engineers property and federal regulations prohibit firearms on Corps property.

ORDINANCE NOS. BL2009-579 through BL2009-582 – These four ordinances adopt plans of service and approve the extension of the boundaries of the urban services district to include additional properties on Whites Creek Pike and Saunders Avenue. The Metropolitan Charter provides that general services district property may be annexed into the urban services district, in accordance with state law annexation procedures, whenever such areas come to need urban services. State law requires that a plan of services be considered by the planning commission and then be adopted by the council before an ordinance to extend the boundaries of the urban services district can be approved on final reading. The planning commission considered the proposed plans of service and submitted its recommendations to the Metropolitan clerk.

These parcels to be annexed into the urban services district already receive police protection, fire protection, and water and sewer service at essentially the same levels as USD properties. Therefore, the only additional services that will be rendered under the plan of services are street lighting, trash collection, and recycling. The Charter requires that in order for such property to be annexed into the urban services district, the Metropolitan Government must be able to provide these additional services within one year after property taxes become due.

State law requires that the council hold a public hearing on both the plans of service and the annexation ordinances prior to their adoption on third and final reading.

Ordinance No. BL2009-579 (Hunt) adopts the proposed plan of services for the annexation of three parcels of property located at 4105, 4125 and 4225 Whites Creek Pike. The purpose of this annexation is to allow for a new tourist attraction in the area that will include an artisan distillery where alcohol will be manufactured and sold. Pursuant to the Metro Charter, alcoholic

beverages with an alcohol content of greater than five percent by weight cannot be manufactured or sold within the general services district. The tourist attraction on this property is also to include retail space and a live entertainment venue. This site is the former Barbara Mandrell property. The annual cost to provide these additional services is presently \$330, with an initial start-up cost of \$10,000.

Ordinance No. BL2009-580 (Hunt) extends the boundaries of the urban services district to include the three Whites Creek Pike properties noted above.

Ordinance No. BL2009-581 (Craddock) adopts the proposed plan of services for the annexation of 44 parcels of property located within the Golden Oak subdivision on Saunders Avenue totaling 11.77 acres. The annual cost to provide these additional services is presently \$4,900, with an initial start-up cost of \$23,500.

Ordinance No. BL2009-582 (Craddock) extends the boundaries of the urban services district to include Golden Oak subdivision on Saunders Avenue.

ORDINANCE NO. BL2009-583 (STEINE) – This ordinance grants a telecommunications franchise to CenturyTel Fiber Company II, LLC, d/b/a Light Core, in accordance with the Metro Code. Light Core is a St. Louis, Missouri-based company that provides wholesale bandwidth transport services to telecommunications carriers and service providers in the United States. The company will have a fifteen year franchise and will be required to pay five percent of its gross revenues to the Metropolitan Government as consideration for granting the franchise.

Light Core is also required to provide a bond in the amount of \$500,000 guaranteeing the company's performance of its obligations under the franchise, as well as a \$1,000,000 certificate of liability insurance naming the Metropolitan Government as additional insured.

The application for this franchise has been approved by the planning commission.

ORDINANCE NO. BL2009-584 (STEINE & HUNT) – This ordinance authorizes the acquisition of seven utility easements for the Caldwell Lane water and sewer project. The estimated cost for this acquisition is \$10,500, which is to be paid from the water and sewer extension and replacement fund. The acquisition of additional easements for this same project may be approved by resolution.

This ordinance approves the acquisition of easements for the following properties:

1. 1105 Glendale Lane
2. 4401 Scenic Drive
3. 4300 Scenic Drive
4. 4015 Lealand Lane
5. 965 Caldwell Lane
6. 811 Caldwell Lane
7. 3915 Franklin Pike

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2009-585 (CRAFTON) – This ordinance would restrict the use of the Tennessee State Fairgrounds property to the uses that were in effect as of October 1, 2009. The Metropolitan Government is the owner of the 129-acre fairgrounds property, which is currently under the control and operation of the Metropolitan board of fair commissioners. The fair board was originally created by a private act of the Tennessee General Assembly in 1909 for the purpose of establishing, maintaining, and operating a fair. The fairgrounds was leased to the State of Tennessee for a 99 year term in 1911, but this lease was terminated in 1923, making the Metropolitan Government the fee simple owner of the property. As a result of declining revenue from the fairgrounds, the fair board, at the recommendation of the Mayor, voted in October 2009 to continue operation of the fairgrounds through June 30, 2010, and to explore alternative accommodations for events held at the fairgrounds. Subsequently, the mayor recommended that all events at the fairgrounds other than the racetrack and the fair itself be continued through December 31, 2010.

This ordinance would restrict the fairgrounds property from being used for anything other than a fair, racetrack, expo center (including flea markets, trade shows, conferences, special events, Christmas Village, etc.), storage facility for the Davidson County Election Commission, headquarters for senior citizens centers, Metropolitan Nashville Public School bus parking, public health vaccination dispensing, and as a site for emergency management coordination, which are the current uses of the property. The ordinance would also require the fair board to explore the feasibility of a partnership with a private corporation for the redevelopment of a portion of the fairgrounds property as a corporate center. This public-private partnership is to include the creation of a master development plan whereby the private entity would agree to assist with the redevelopment of the Metro-owned property for fairgrounds purposes in exchange for obtaining the portion of the property necessary for construction of a corporate center at a below-market value price.

The council office would point out that council approval will be required prior to the transfer or redevelopment of the fairgrounds property, whether this ordinance is approved or not.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2009-570 (COLEMAN, TYGARD & OTHERS) – This ordinance approves a lease agreement between the Metropolitan Government and Hickory Hollow Mall Limited Partnership for space to enable the health department to operate a federal women, infants and children (WIC) program clinic at the mall. Metro is leasing 2,809 square feet of space at a monthly rental cost of \$1,872.67. The space is being leased “as is”, though the mall will be responsible for the maintenance of the HVAC system. Metro will be responsible for janitorial services within the leased premises, as well as providing maintenance for the space. Utilities will be provided by the mall, but Metro is responsible for paying its share of utilities in the amount of \$578.81 per month, which amount is to increase by ten percent each year. The term of the lease is through October 31, 2012, but may be extended for two additional one-year terms.

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

ORDINANCE NO. BL2009-571 (STEINE, BAKER & MAYNARD) – This ordinance approves the annual contract for services performed by the Metropolitan Government for the emergency communications district (ECD) relative to operation of the enhanced-911 service for fiscal year 2009-2010. The contract specifies certain services to be provided by the emergency communications center, the department of public works and the department of general services. The department of public works will maintain an updated Master Street Address Guide, and the department of general services will provide day-to-day staff and support services for operation of the enhanced-911 emergency communications systems. Metro also agrees to handle the procurement of goods and services upon request by the ECD through our purchasing division. Metro will also be responsible for training the Metro employees who will operate the system. ECD is to reimburse the Metropolitan Government in the amount of \$4,900 for the services provided by the department of public works provided in the 2009-2010 fiscal year, plus the reimbursement of certain training costs, telephone expenses and equipment costs.

ORDINANCE NO. BL2009-572 (HUNT) – This ordinance abandons an 8-inch and 10-inch water line and easement, and accepts a replacement 10-inch line and easement at the Belmont University Residence Hall No. 4 located on East Belmont Circle at 1900 Belmont Boulevard and 1515 Wedgewood Avenue. This ordinance has been approved by the planning commission. Future amendments to this ordinance may be approved by resolution.

ORDINANCE NO. BL2009-574 (STEINE & GARRETT) – This ordinance grants a telecommunications franchise to DukeNet Communications, LLC, in accordance with the Metro Code. DukeNet is a North Carolina-based company that develops and manages fiber optic telecommunications systems in several southeastern states. DukeNet desires to use approximately 60 miles of existing fiber optic cable that it will lease from Nashville Electric Service for the purpose of providing telecommunications services for cell tower sites in Davidson County. The company will have a fifteen year franchise and will be required to pay five percent of its gross revenues to the Metropolitan Government as consideration for granting the franchise.

DukeNet is also required to provide a bond in the amount of \$500,000 guaranteeing the company's performance of its obligations under the franchise, as well as a \$1,000,000 certificate of liability insurance naming the Metropolitan Government as additional insured.

The application for this franchise has been approved by the planning commission.

ORDINANCE NO. BL2009-575 (MITCHELL) – This ordinance renames Old River Road Pike, extending between two sections of River Road Pike, as “Horton Hollow Lane”. The realignment of River Road Pike caused several sections of Old River Road Pike to remain. This name change was requested by a resident in the area because visitors and delivery vehicles often have difficulty locating property on Old River Road Pike, and the residents are concerned that this could cause a delay in emergency services.

This name change has been approved by the traffic and parking commission.

ORDINANCE NO. BL2009-576 (GOTTO, HUNT & STEINE) – This ordinance authorizes the acquisition of two permanent utility easements and five temporary easements for the Rockwood water and sewer project. The estimated cost for this acquisition is \$1,000, which is to be paid from the water and sewer extension and replacement fund. The acquisition of additional easements for this same project may be approved by resolution.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2009-577 (CLAIBORNE, LALONDE & STEINE) – This ordinance approves a lease agreement between the Metropolitan Nashville public schools (MNPS) and Simon Youth Foundation for space at Opry Mills Mall for the operation of an adult high school program known as the Academy at Opry Mills. The Academy at Opry Mills is a program specifically to serve young adults that dropped out of high school in their senior year. The program enables these students to continue outside employment while working toward obtaining their high school diploma in a non-traditional school setting.

The Simon Youth Foundation is a nonprofit organization that establishes and operates education resource centers within shopping malls owned by Simon Property Group, L.P. The Mills properties, which include the Opry Mills Mall, are owned by Simon Property Group. Pursuant to this lease agreement, the Simon Youth Foundation will not charge MNPS any rent for use of the 3,356 square feet of space that was formerly used as a career center. MNPS will be required to provide quantitative and qualitative data annually to the Simon Youth Foundation about The Academy. Scholarship opportunities will be provided by the Simon Youth Foundation to graduating students at its discretion. The Simon Youth Foundation will also make capital improvements to the property based upon a set schedule, and has already made a \$25,000 cash contribution toward preparation of the school facility. The term of the agreement is for one year, which will be automatically renewed unless terminated by either party upon 60 days written notice.

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