

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION
CALLED MEETING

Date: Tuesday, February 6, 1996
Time: 5:00 p.m.
Place MPC Main Conference Room

Roll Call

Present:

James Lawson, Vice Chairman
Arnett Bodenhamer
Council member Stewart Clifton
William Harbison
William Manier
Ann Nielson

Absent:

Gilbert N. Smith, Chairman
Mayor Philip Bredesen
Janet Jernigan
Stephen Smith

Also Present:

Executive Office:

Jeff Browning, Director and Secretary
Carolyn Perry, Secretary II

Others Present:

Christine Bradley, Mayor's Office
Sue Cain, Legal Department
Gayle Ray, Sheriff
Durward Hall, Council member
Janis Sontany, Council member

Vice-Chairman Lawson called the meeting to order.

Ms. Nielson moved and Mr. Harbison seconded the motion, which passed unanimously to dispense with the rule that a called meeting be by the Commission Chairman or by three members of the Commission.

Mr. Browning stated the called meeting was required to receive a planning commission action on a matter prior to the council meeting at 7:00 p.m. He stated the matter involved an amendment to a memorandum of understanding involving the transfer of several pieces of property, specifically the Farmer's Market property on Jefferson Street and the Middle Tennessee Mental Health Institute property on Murfreesboro Road, among Metro, the State of Tennessee, MDHA, the Farmers Market Board and the Airport Authority.

The Commission previously approved a very similar agreement and this is an amendment to that agreement. The original agreement acknowledged various land transfers between the parties mentioned. Metro would transfer to the State the properties on Jefferson Street that were formerly the Farmers' Market. The State would build a new Farmers' Market along Eighth Avenue. The State would agree to transfer part of the Mental Health property on Murfreesboro Road to Metro. It was part of that agreement that the Airport Authority was entitled to some of the Mental Health Institute property.

The change before the Commission is one that will give greater specificity to some of the provisions in the original agreement. The original agreement, for example, did not stipulate what properties on the Mental Health Institute property Metro would gain. This agreement now stipulates, with legal descriptions, those properties. The agreement also postpones by approximately two years the point in time when the Mental Health property will transfer to the Metropolitan Government. The agreement also stipulates the payment that will be made, \$327,000 per year, by Metro to the State as lease payments for use of the Mental Health Institute property, until possession is taken by Metro in March, 1998.

The reason for the emergency is that Metro currently houses DUI prisoners on the site and the lease for that facility expires today. Council must take action to extend the lease tonight and the Planning Commission must render a recommendation to the Council before they can take action.

This is a mandatory referral in which the Commission is to consider and make a referral to the Council regarding any leases, sales or purchases of property by Metro, and the issue is the area and extent of these leases and land acquisitions or land sales. Staff is recommending approval.

Ms. Nielson stated it was her understanding that whether the Commission approved or disapproved this, the State has access to the buildings on the property and could be housing prisoners regardless.

Mr. Browning stated that was true.

Council member Sontany stated her concerns were with community safety and stated the buildings are not adequate to house prisoners.

Considerable discussion occurred among the Commission members about the issue before the Commission, and what action was appropriate by the Commission. Council member Clifton stated one way to frame the Commission's issue is whether the Commission approves of the use of the state property by Metro.

Sue Cain from the Department of Law reminded the Commission that this is an amendment to an agreement which the Commission had already approved. This amendment clarified many issues in the earlier agreement including what land would transfer to Metro.

Council member Durward Hall expressed his concerns regarding land use and security.

Sheriff Gayle Ray expressed her concerns regarding the 170 DUI inmates that were presently being housed at this facility. She sympathized with the Council members and community but urged the Commission to approve the agreement.

Several Commission members stated that safety was a real concern that should be addressed. However, that was an issue that should be addressed from the operational point of view. It was further stated that use of the facilities for housing prisoners would continue regardless of the action taken by the Commission.

The Commission stated that the real issue before them was if the land transactions that were covered in the earlier agreement were still beneficial to Metro and served to implement the General Plan. If those arrangements were still desirable, was the current amendment an improvement to the original agreement. It was pointed out that the land transfers involving the Farmer's Market had already taken place or had been committed beyond a point of no return. It was further pointed out that the transactions involving the mental health institute property were still desirable, in that the land could be used by Metro and the Airport Authority in the future. The amendments to the agreement were improvements in that they clarified many provisions in the original agreement.

Council member Clifton moved and Mr. Harbison seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. R96-89

“BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Resolution No. R96-161, an amendment to the amended and restated joint memorandum of understanding between Metropolitan Government, the State of Tennessee, The Metropolitan Development and Housing Agency, the Farmers' Market Board, and the Metropolitan Nashville Airport Authority.

Adjournment:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:00 p.m.

Chairman

Secretary

Minute Approval:
This 8th day of February, 1996