



METROPOLITAN COUNCIL

Metro Council Office

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **July 1, 2014**

RE: **Analysis Report**

Unaudited Fund Balances as of 6/25/14:

4% Reserve Fund	\$13,186,106*
Metro Self Insured Liability Claims	\$4,518,461
Judgments & Losses	\$3,123,426
Schools Self Insured Liability Claims	\$1,933,402
Self-Insured Property Loss Aggregate	\$6,224,282
Employee Blanket Bond Claims	\$648,152
Police Professional Liability Claims	\$2,823,710
Death Benefit	\$776,647

*Assumes unrealized estimated revenues in fiscal year 2014 of \$1,701,462.

– BILL ON PUBLIC HEARING –

RESOLUTION NO. RS2014-1140 (A. DAVIS) – This resolution approves an exemption for Mitchell’s Deli located at 1306B McGavock Pike from the minimum distance requirements for obtaining a beer permit. The Metro code prevents a beer permit from being issued to an establishment located within 100 feet of a church, school, park, daycare, or one or two family residence. However, the code provides a mechanism to exempt restaurants that already have a state on-premises liquor consumption license from Metro’s minimum distance requirements to obtain a beer permit upon the adoption of a resolution by the council. A public hearing must be held by the council prior to voting on this resolution.

– BILL ON PUBLIC HEARING AND SECOND READING –

ORDINANCE NO. BL2014-772 (WEINER) – This ordinance amends the Metro zoning code provisions applicable to construction/demolition (C&D) landfills. Specifically, this ordinance modifies the lot size, setback, street standards, landscaping, and hours of operation for such facilities. C&D landfills are permitted with conditions in the commercial and industrial zoning districts, and permitted as a special exception use upon approval of the board of zoning appeals in the agricultural and intensive mixed use districts. Currently, such facilities must be located on at least a one acre lot, and must be setback at least 250 feet from any residential zoning district boundary and 500 feet from any residential structure. This ordinance would increase the minimum lot size to five acres and increase the setback to 1,000 feet from residential, office, and mixed-use properties. This ordinance would also prohibit the operation of C&D facilities between the hours of 6:00 p.m. and 7:00 a.m.

– RESOLUTIONS –

RESOLUTION NO. RS2014-1109 (HUNT) – This resolution approves the application fee for contextual overlay district applications. Ordinance No. BL2014-771 on public hearing and second reading would establish the contextual overlay district. The Metropolitan zoning code provides that standardized fee schedules may be established to partially defray the processing and administration costs for zoning applications. Such a fee schedule must be approved by resolution of the council in order to be effective.

This resolution sets an \$800 application fee for contextual overlay districts. This resolution should be deferred to track with BL2014-771.

RESOLUTION NO. RS2014-1141 (STEINE) – This resolution approves the issuance of tax-exempt public improvement revenue refunding bonds in a principal amount not to exceed \$20 million. In February 1996, the council authorized the issuance of revenue bonds by the sports authority to pay the costs of constructing LP Field. A portion of this debt was refunded in 2004 and in 2013. The sports authority now desires to refund up to \$20 million of the outstanding bonds to obtain a more favorable interest rate.

This bond issue does not pledge the property tax revenues of the Metropolitan Government, but instead pledges certain revenues consisting of payments in lieu of taxes, parking revenues, lease payments from TSU for its football games, and certain non-tax fees and revenues of the Metropolitan Government. The resolution provides that the minimum present-value savings from the refunded bonds shall not be less than 3.5%. It is estimated that this refunding will result in present value savings to Metro of \$1.8 million.

In addition to approving the issuance of the refunding bonds and pledging the revenues as security for the bonds, this resolution approves Metro's execution of a fourth supplemental trust indenture and authorizes the distribution of a preliminary official statement in connection with the sale of the bonds. Piper Jaffray will be the lead underwriter in the sale of the refunding bonds.

This refunding bond issue was approved by the sports authority on June 18, 2014.

RESOLUTION NO. RS2014-1142 (STEINE) – This resolution appropriates \$5,000 from the Fund for Cities of Services, Inc. to the mayor's office for home energy retrofits. The council approved a memorandum of understanding with the Fund for Cities of Service in January 2013 and subsequently appropriated the \$25,000 grant from Cities of Service in March 2013. The \$25,000 was used to help fund a partnership with several private organizations to retrofit 26 homes in the Chestnut Hill community and 25 homes in North and East Nashville. The Fund for Cities for Service has awarded an additional \$5,000 as a bonus payment for meeting the performance targets set forth in the agreement.

RESOLUTION NO. RS2014-1143 (STEINE & LANGSTER) – This resolution approves a grant in the amount of \$7,500 from the Frist Foundation to the Metro arts commission to create a mobile website to provide an opportunity for tourists and residents to self-curate arts and cultural sites in Nashville. The mobile website would be compatible with all phone applications, Facebook, and other social media.

RESOLUTION NO. RS2014-1144 (STEINE & LANGSTER) – This resolution approves an annual grant in the amount of \$434,333 from the state department of children’s services to the juvenile court to provide case management and family support services to children at high risk of state custody. The grant will be used for the continued funding of case manager positions in the community-based probation division of the juvenile court. These intervention services are provided to youth at risk of custody due to delinquency, status offenses, or unruly behavior. The programs funded by this grant are to provide services to 450 children. The term of this grant is from July 1, 2014 through June 30, 2015.

RESOLUTION NO. RS2014-1145 (STEINE & LANGSTER) – This resolution approves an amendment to a grant from the state department of human services to the Davidson County juvenile court to enforce federal and state mandated child support guidelines concerning children born out of wedlock. This is a continuation of a grant used to fund part of the juvenile court referee salaries for the purpose of hearing child support cases and paternity hearings on an expedited basis. This amendment retains three case manager positions and increases the amount of the grant by \$987,210 for a new grant total of \$1,894,834.10. The case managers work with noncustodial parents to achieve long-term compliance with child support orders and connect them with appropriate agencies to assist in overcoming barriers to compliance. The amendment also increases the amount of the local match by \$508,563 for a new match total of \$976,166.90. The term of this grant is to expire June 30, 2015.

RESOLUTION NO. RS2014-1146 (STEINE & LANGSTER) – This resolution approves a grant in the amount of \$4,392,942 from the state department of correction to the state trial courts to fund the Davidson County community corrections program. This is a routine grant from the state to fund this program, which provides alternative punishments for non-violent offenders consisting of offender supervision, residential programs, and day reporting center programs. The grant will provide \$1,464,314 annually in fiscal years 2015, 2016, and 2017.

RESOLUTION NO. RS2014-1147 (STEINE & WESTERHOLM) – This resolution extends the date for the mandatory utilization of the injury-on-duty clinic for non-emergency situations until January 1, 2015. In November 2013, the council approved an amendment to the Metro Code to establish a Metro injury-on-duty (IOD) clinic and approved an agreement with Concentra Health Services, Inc. for operation of the clinic. The purpose of the IOD clinic is to help control IOD expenses, which have dramatically increased over the past several years.

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RESOLUTION NO. RS2014-1147 (continued)

The November 2013 ordinance provided that from the date of enactment of the ordinance through June 30, 2014, non-emergency and follow-up treatment would be furnished either at an IOD medical clinic or through the existing IOD network. After June 30, 2014 (or at a later date determined by the council by resolution), only specialized non-emergency medical treatment not available at the IOD clinic would be furnished through the network. All other treatment would take place at the IOD clinic.

This resolution extends the date for the mandatory use of the IOD clinic from June 30, 2014 until January 1, 2015.

RESOLUTION NO. RS2014-1148 (STEINE, MAYNARD & LANGSTER) – This resolution approves an amendment to a grant from the Greater Nashville Regional Council to the Metropolitan social services commission for meal delivery and transportation services to eligible senior citizens and disabled persons. This grant is a combination of federal and state funds that will be used to provide nutritious meals through meal delivery services and congregate meal sites. This amendment increases the amount of the grant by \$21,306, for a total grant amount of \$949,535. The amendment also increases the total amount of the required cash match by \$2,367.33 to be provided through the social services commission's operating budget.

RESOLUTION NO. RS2014-1149 (STEINE & LANGSTER) – This resolution approves a grant in the amount of \$2,022,571 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to establish programs and deliver services to prepare youth workers for entry into the labor force. This federal pass-through grant provides operational funding for the NCAC. The term of the grant is from April 1, 2014, through June 30, 2016.

RESOLUTION NO. RS2014-1150 (STEINE & DOMINY) – This resolution approves a grant in the amount of \$85,000 from the state department of environment and conservation to the Metropolitan Government to provide assistance in maintaining and operating a permanent household hazardous waste collection site located at 941 Dr. Richard Adams Drive. The term of this grant is from July 1, 2014 through June 30, 2015.

RESOLUTION NO. RS2014-1151 (STEINE) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Larry Spurlock against the Metropolitan Government in the amount of \$10,000. On October 16, 2013, a Metro codes inspector backed a Metro vehicle into Mr. Spurlock while he was standing in his driveway, causing injuries to his leg. Mr. Spurlock's medical bills total \$3,711.08. This resolution settles the claim for the amount of medical bills plus \$6,288.92 for pain and suffering.

The Metro employee that caused the injury received disciplinary action consisting of a written reprimand.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2014-771 (HUNT, ALLEN & OTHERS) – This ordinance amends the Metro zoning code to create the “contextual overlay district”. The planning commission recently approved changes to the subdivision regulations to require proposed infill lots to be compatible with surrounding lots. In conjunction with these changes, the planning commission has proposed the creation of a new contextual overlay district that could be used in established neighborhoods to ensure infill lot compatibility. The standards in this ordinance could be used in place of an urban design overlay (UDO) district if so desired by the residents and district council member. UDOs take a great deal of staff time to develop, which results in a lengthy process to establish the districts. The contextual overlay district would provide fixed design standards and contextual measurements that could be applied to specific neighborhoods in a quicker fashion. A separate zoning bill applying the overlay to specific neighborhoods would be required in order for the standards to become effective for a particular neighborhood.

The minimum required street setback under the contextual overlay would be the average setback of the two developed lots abutting either side of the infill lot. The maximum height of any primary structure could not exceed 35 feet or 125% of the average height of the principal structures on the two lots abutting either side of the lot, whichever is less. The maximum building coverage could not exceed 150% of the average building coverage of the two abutting developed lots on either side. If the lot has access to an improved alley, the driveway access must be to the alley. The front of any detached garage must be located to the rear of the primary structure. The garage door for attached garages must face the side or rear property line.

A contextual overlay district would not be permitted in areas with a historic overlay district already in place. Adoption of a historic overlay district would supersede a previously adopted contextual overlay. Once a contextual overlay has been adopted, a final site plan must be approved by the zoning administrator before obtaining a building permit. No modifications to the design standards in the overlay would be permitted. Council members would be permitted to file an application for a contextual overlay without paying a filing fee.

The zoning code was recently amended to modify the setback requirements for infill lots in existing established neighborhoods to require the street setback to be the average of the street setback of the lots immediately adjacent on either side of the lot, up to three times the street setback otherwise provided in the code for that base zoning district. Such change would still be applicable in established neighborhoods where a contextual overlay has not been adopted.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-783 (A. DAVIS, STEINE & OTHERS) – This ordinance authorizes the acquisition of property located at 864 Idlewild Drive for a Metro water services project. This property is to be used for the construction of the Gibson Creek equalization facility as part of the Clean Water Nashville Overflow Abatement program. The estimated acquisition cost for the property is \$40,400. The ordinance provides that future amendments to this legislation may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-818 (STEINE) – This ordinance amends the Metro Code regarding the approval of grants and the acceptance of donations. In 2002, the council enacted Ordinance No. BL2002-1186 to provide that all grants to Metro could be approved by resolution of the council instead of exclusively by ordinance. The purpose of the 2002 ordinance was to implement the recommendation of an independent consultant to help speed up the grant approval process. Although this ordinance has been the law since 2002, it was never officially codified in the Metro Code. Subsequently, in 2006 the council approved Ordinance No. BL2006-1015 to allow donations of less than \$5,000 to be approved by resolution. Donations in excess of \$5,000 must be approved by ordinance.

This ordinance codifies the existing practice regarding the approval of grants by resolution, and provides that all donations of less than \$5,000 may be accepted by the recipient department without council action. The amount of staff time and resources associated with approving small donations by resolution in many cases outweighs the value of the donation. Donations in excess of \$5,000 would require council approval by resolution.

ORDINANCE NO. BL2014-819 (A. DAVIS) – This ordinance amends the Metro property standards code pertaining to the definition of high weeds. This code provision was last amended in 2005 to require all exterior property areas to be maintained free from weeds in excess of twelve inches. "Weeds" include all grasses, annual plants, and vegetation, but does not include trees, shrubs, cultivated flowers, ornamental grasses, and gardens. The code also exempts parks and greenways, as well as property in a "natural state" subject to an intentional design on file with the beautification commission. The codes department has interpreted the exclusion of shrubs as preventing the department from citing property owners who have wild, uncultivated bushes growing in their yards.

This ordinance would define "weeds" as all grasses, annual plants, and vegetation that grow without reasonable intent or purpose to cultivate, harvest, or use for human consumption, or are not otherwise trimmed or controlled. Ornamental grasses, trees, trimmed shrubs, or cultivated flowers and gardens would not be considered weeds.

ORDINANCE NO. BL2014-820 (STEINE & DOMINY) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Carillon II Investment Partners to fund the operation and maintenance of a public pressure sewer extension at the Heron Pointe development. The developer will be will be constructing 3,899 linear feet of 4" sewer main and a new pump station to serve the three phases of the Heron Pointe subdivision in lieu of constructing multiple individual sewer pump stations. Carillon has agreed to pay \$250,000 to offset the future costs associated with the maintenance of this infrastructure.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2014-770 (HUNT, S. DAVIS & ALLEN) – This ordinance amends the Metro zoning code to allow two-family dwelling units to be separate structures. The zoning code currently defines a two-family structure as two attached dwelling units forming a single structure connected by not less than eight feet of continuous floor, roof, and walls. A common practice in recent years has been for developers to build two separate single-family structures, but construct a connecting wall between the two to allow both structures to be on a single lot. In 2008, the council amended the zoning code to remove the connector wall requirement for properties outside of the urban zoning overlay.

This ordinance would require two-family units to either be attached in the manner of a traditional duplex or be two separate units separated by at least six feet. The height of two detached units on a single lot could not exceed 1.5 times the width of the structure to prevent two tall, skinny structures on one lot. This ordinance would also allow existing two-family structures to remove the connector wall that was required when the structures were built. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-776 (GILMORE) – This ordinance amends the Metro zoning code to create a “Music City Cultural Heritage Overlay District” for parts of Broadway, Second Avenue North, and Printer’s Alley in downtown Nashville. This ordinance is partially modeled after an ordinance in San Francisco, CA. The purpose of the Music City Cultural Heritage Overlay District is to protect specific areas of downtown that are considered integral to Nashville’s identity. The ordinance would require new businesses locating on Lower Broadway, Second Avenue or Printer’s Alley to “contribute to the cultural fabric of the district”. For retail businesses, 75% of the items offered for sale must support the cultural heritage district by promoting the district or musicians, craftsmen/makers, or performance venues. Other businesses would be required to include a live performance venue.

As written, this ordinance also would prohibit chain establishments (identified in the ordinance as “formula uses”). A formula use is defined in the ordinance as an establishment that, along with eleven or more other establishments, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark, or a servicemark.

This ordinance was disapproved by the planning commission.

ORDINANCE NO. BL2014-785 (MITCHELL, STEINE & OTHERS) – This ordinance, as amended, authorizes the acquisition of property located at Cabot Drive (unnumbered) for the construction of the Davidson Branch equalization facility. This equalization facility is one of the projects required by the EPA consent decree. The estimated acquisition cost for the property is \$125,000. The ordinance includes a letter of intent from Metro water services (MWS) stating that MWS commits to using reasonable efforts to locate the proposed wet weather storage tank and pumping station as far as practical from the West Harpeth Funeral Home, and that MWS intends to pursue an exchange of property with West Harpeth Funeral Home that would allow MWS to acquire or use a portion of the funeral home property as an access road for utility construction and allow the funeral home to acquire or use a portion of Metro property located at 6950 Charlotte Pike.

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ORDINANCE NO. BL2014-785 (continued)

The ordinance provides that future amendments to this legislation may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-789 (STEINE) – This ordinance approves a partnership agreement between EMS World Expo and the Nashville fire department (NFD). The EMS World Expo will be held in Nashville in November 2014. Pursuant to this agreement, The EMS World Expo will give NFD a 10' x 20' exhibit space at the conference and three complimentary conference passes, as well as other discounted conference registrations and free exhibit hall passes, for a total value of \$6,625. NFD agrees to send out an email blast to promote the Expo and to provide ridealongs for Expo attendees.

ORDINANCE NO. BL2014-790 (STEINE) – This ordinance authorizes the department of information technology services to accept the donation of eight laptops from Dell, Inc. The total value of the laptops is \$8,546.16. These laptops were loaned to Metro for testing while the laptop request for proposals process was pending. Dell's policy is to write off demo equipment at the end of the testing period, so Dell donated the computers to Metro.

Donations of more than \$5,000 currently must be approved by ordinance and donations of under \$5,000 must be approved by resolution. Ordinance No. BL2014-818 on second reading would allow departments to accept donations valued over \$5,000 by resolution and under \$5,000 with no council action.

ORDINANCE NO. BL2014-791 (CLAIBORNE) – This ordinance abandons a small remnant portion of McGavock Pike right-of-way at its terminus near the intersection with Brownwood Drive. This closure has been requested to extend a paved parking area. All utility easements are to be retained. This ordinance has been approved by the planning commission and traffic and parking commission.

ORDINANCE NO. BL2014-792 (LANGSTER, DOMINY & HUNT) – This ordinance abandons 447 linear feet of an 8-inch sewer main and easement, authorizes the construction of 178 linear feet of replacement 8-inch sewer main, and authorizes the relocation of 20 linear feet of 6-inch water main for properties located at 415 27th Avenue North, 27th Avenue North, unnumbered, and 28th Avenue North, unnumbered. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-793 (DOMINY & HUNT) – This ordinance abandons 620 linear feet of an 8-inch sewer main and easement, accepts 838 linear feet of 8-inch sewer main and easement, replaces 100 linear feet of 8-inch sewer main with 10-in main, and accepts two fire hydrant assemblies for properties located at 2033, 4000, and 4002 Hillsboro Pike and 2035 Richard Jones Road. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-794 (GILMORE, DOMINY & HUNT) – This ordinance authorizes Metro water services to negotiate and accept permanent and temporary easements for the Jefferson Street stormwater improvement project for various properties located along 14th Avenue North, 16th Avenue North, 17th Avenue North, Meharry Boulevard, and Jefferson Street. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-795 (DOMINY & HUNT) – This ordinance authorizes Metro water services to negotiate and accept permanent and temporary easements for the Jamesborough Place stormwater improvement project for 18 properties located along Granny White Pike, Jamesborough Place, Jamesborough Court, Lone Oak Road, and Belmont Park Terrace. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-796 (GILMORE, DOMINY & HUNT) – This ordinance grants a permanent easement to Piedmont Natural Gas Company across the new downtown baseball park property. New gas lines must be installed on the property as part of the construction of the ballpark, and Piedmont needs an easement for the purpose of installing and maintaining the pipelines. This easement is 20 feet wide and will encompass 0.38 acres. This easement is being granted at no cost to Piedmont. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-797 (GILMORE, DOMINY & HUNT) – This ordinance abandons utility easements for properties that make up the site of the new Sulphur Dell ballpark. These easements were retained when an alley was closed in 1952, and Metro water services no longer has a need for the easements. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-798 (BAKER, DOMINY & HUNT) – This ordinance abandons a utility easement for properties located at 4912 Michigan Avenue. This easement was retained when a portion of 50th Avenue North was abandoned in 1977, and Metro water services no longer has a need for the easement. This ordinance has been approved by the planning commission.