



METROPOLITAN COUNCIL

Metro Council Office

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

COUNCIL MEETING DATE: **September 9, 2014**

RE: **Analysis Report**

Unaudited Fund Balances as of 8/27/14:

4% Reserve Fund	\$41,399,137*
Metro Self Insured Liability Claims	\$4,340,636
Judgments & Losses	\$2,947,284
Schools Self Insured Liability Claims	\$2,117,315
Self-Insured Property Loss Aggregate	\$3,514,072
Employee Blanket Bond Claims	\$647,392
Police Professional Liability Claims	\$2,821,623
Death Benefit	\$776,073

*Assumes unrealized estimated revenues in fiscal year 2015 of \$27,133,900

– RESOLUTIONS –

RESOLUTION NO. RS2014-1205 (PRIDEMORE & BAKER) – This resolution approves an annual Edward Byrne Memorial Justice Assistance grant in the amount of \$532,216 from the U.S. department of justice to the Metropolitan police department for technology upgrades, supplies, and training. The grant does not provide any detail as to how the funds are specifically to be used, but this federal grant program allows for funding of a broad range of activities to prevent and control crime based upon local needs. The term of the grant program period is through September 20, 2017.

RESOLUTION NO. RS2014-1206 (PRIDEMORE & BAKER) – This resolution approves the annual agreement for services performed by the Metropolitan Government for the emergency communications district (ECD) relative to operation of the enhanced-911 service for fiscal year 2014-2015. The contract specifies the services to be provided by the Metro 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 five fleet vehicles and the associated maintenance. Metro also agrees to handle the procurement of goods and services upon request by the ECD, and will be responsible for training the Metro employees who will operate the system. Metro further agrees to provide a facility to serve as a backup center for the primary emergency communications center.

ECD is to reimburse the Metropolitan Government in the amount of \$4,900 for the services provided by the department of public works and \$11,300 for the use of the five fleet vehicles, plus the reimbursement of certain training costs, rental costs for the backup facility, telephone expenses, and equipment costs.

RESOLUTION NO. RS2014-1207 (PRIDEMORE & WEINER) – This resolution approves an internship affiliation agreement between the Nashville career advancement center (NCAC) and the University of Tennessee (UT) College of Social Work to provide field and internship instruction for social work students. Pursuant to this agreement, NCAC will provide a minimum of one hour of individual supervision per week for each student participating in the internship program. NCAC will also submit regular evaluations of the students. This agreement is to automatically renew each year unless terminated in writing.

Various Metro agencies participate with a number of colleges and universities to provide clinical and internship experience to students.

RESOLUTION NO. RS2014-1208 (PRIDEMORE & GILMORE) – This resolution approves a grant in the amount of \$100,000 from the Greater Nashville Regional Council to the Metropolitan social services commission for personal care, homemaker, and nutrition services. This grant is a combination of federal and state funds that will provide \$7,100 for personal care services, \$25,000 for homemaker services, and \$67,900 for nutrition services. The term of this grant is from July 1, 2014 through June 30, 2015.

RESOLUTION NO. RS2014-1209 (PRIDEMORE & A. DAVIS) – This resolution approves an intergovernmental agreement between Metro and the state department of environment and conservation (TDEC) for the cleanup and cost recovery of the River Village apartment complex located at 2121 26th Avenue North. This agreement is the result of the apartment complex owner’s failure to clean up the property.

Asbestos abatement permits were obtained for renovations at the complex in 2008 and 2011. In 2012, TDEC notified the owner of this complex, Shlomo Eplboim, on two occasions of improper solid waste disposal at the complex. Metro notified the owner in 2013 of the need for asbestos surveys, which confirmed asbestos in a debris pile on the property. The owner erected a fence around the debris pile in May 2013, but this fence was subsequently removed. In January 2014, Metro filed a public nuisance lawsuit against the owner and various other parties.

This agreement sets forth the responsibilities of Metro and TDEC regarding cleanup of the site. TDEC will be responsible for funding and coordinating the cleanup of River Village, which is estimated to take two weeks and cost \$250,000. Metro agrees to provide the water necessary for the cleanup. To the extent Metro is able to recover any funds from the nuisance lawsuit, Metro agrees to assign any recovery of funds from the nuisance lawsuit to TDEC until TDEC’s cleanup costs have been recovered. TDEC will also attempt to recoup its costs through Mr. Eplboim’s bankruptcy proceedings and various state law cost recovery provisions.

RESOLUTION NO. RS2014-1210 (CLAIBORNE, PRIDEMORE & BENNETT) – This resolution approves a grant in the amount of \$17,015.60 from the Friends of Two Rivers Mansion to the Metropolitan parks department to provide partial funding for a parks employee to oversee the activities scheduled at the mansion. The term of the grant extends through June 30, 2015. There is a required local match of \$38,721.66 to cover the remainder of the salary and benefits.

RESOLUTION NO. RS2014-1211 (HARMON) – This is a routine resolution approving the election of certain notaries public pursuant to Tennessee law.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2014-861 (HUNT & DOMINY) – This ordinance authorizes the acquisition of various easements and other property interests for 70 properties located along Bellshire Terrace Drive, Brick Church Lane, Brick Church Pike, Briley Park Boulevard South, Briley Park Boulevard North, Dickerson Pike, Northbrook Drive, Mulberry Way, and Westchester Drive for a Metro water services gravity pipe upgrade project. The estimated cost of this project is \$175,000. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-862 (PRIDEMORE, STEINE & DOMINY) – This ordinance authorizes the acquisition of right-of-way, drainage, and temporary construction easements for three properties on North Dupont Avenue for a sidewalk project. The acquisition costs will be funded out of capital funds previously appropriated for sidewalk projects. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-863 (CLAIBORNE, STEINE & OTHERS) – This ordinance authorizes the acquisition of right-of-way, drainage, and temporary construction easements for seven properties on Lebanon Pike for a sidewalk project. The acquisition costs will be funded out of capital funds previously appropriated for sidewalk projects. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-864 (HARRISON, STEINE & OTHERS) – This ordinance authorizes the acquisition of drainage easements, temporary construction easements, and other property interests for 13 properties on Lischey Avenue for a sidewalk project. The acquisition costs will be funded out of capital funds previously appropriated for sidewalk projects. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-865 (HARMON, STEINE & OTHERS) – This ordinance authorizes the acquisition of drainage easements, temporary construction easements, and other property interests for eight properties on Elysian Fields Road for a sidewalk project. The acquisition costs will be funded out of capital funds previously appropriated for sidewalk projects. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-866 (HARMON, DOMINY & HUNT) – This ordinance authorizes the acceptance of permanent easements for property located at 5037 Timberhill Drive for the Barrywood Drive stormwater improvement project. There is no cost associated with acquisition of the easements identified in the ordinance. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-867 (A. DAVIS, DOMINY & HUNT) – This ordinance authorizes the acceptance of permanent easements for property located at 2617 Neldia Court for a stormwater improvement project. There is no cost associated with acquisition of the easements identified in the ordinance. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-868 (BAKER, DOMINY & HUNT) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. O75-1262 when a portion of the former 23rd Avenue North right-of-way was abandoned for a property located at 5300 Indiana Avenue. There is no longer a government need for this easement. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-869 (DUVALL, DOMINY & HUNT) – This ordinance abandons an existing sewer pump station and easement and accepts 216 linear feet of eight inch sewer main for property located at 6019 Mt. View Road. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-870 (DUVALL, STEINE & DOMINY) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Normandy II General Partners to fund a portion of the operation and maintenance of a public pressure sewer extension at the Fawn Crossing development. Global Development, the previous developer of this subdivision, constructed a sewer pump station and had agreed to pay \$500 per lot to offset future costs associated with the operation of the pump station. Global Development subsequently went bankrupt and Normandy II General Partners now desires to develop the property.

Pursuant to this agreement, Normandy II GP will pay a total of \$48,000 representing \$250 per lot for 192 residential lots to offset the future costs associated with the maintenance of the pump station. This amount is to be paid at the time the developer files for final plat approval with the planning commission.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2014-770 (HUNT, S. DAVIS & OTHERS) – 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.

SUBSTITUTE ORDINANCE NO. BL2014-841 (BENNETT, S. DAVIS & OTHERS) – This ordinance, as amended, amends the Metro code to establish a minimum size for an outdoor animal enclosure. Under this ordinance, the minimum size of outdoor dog enclosures would be based upon the number and size of the dogs, as shown on the chart below.

Minimum square footage of unoccupied area (excluding doghouse) based on largest dog				
<u>Number of Dogs*</u>	<u>Up to 25 Pounds</u>	<u>25 to 50 Pounds</u>	<u>Over 50 Pounds</u>	<u>Over 100 Pounds</u>
1	20	50	80	100
2	50	80	100	150
3	80	100	150	200
4	100	150	200	250

*Add 50 square feet for each additional dog over and above four

Puppies less than three months in age would not be counted for purposes of determining the minimum size of the enclosure. The required amount of unoccupied space does not include that required for adequate shelter. The pen is also to provide adequate shade. The pen or secure enclosure must be constructed with chain link or other similar fencing material described in the Metro property standards code. The pen must be of sufficient height so as to prevent the dog from escaping and, if a top is used, it must be at least 12 inches above the head of the tallest dog.

ORDINANCE NO. BL2014-846 (TYGARD) – This ordinance amends the Metro Code provisions pertaining to the administration of the community garden grant program. This grant program was established by the council in 2013 using a \$25,000 allocation included in the fiscal year 2013-2014 operating budget to be administered by the Davidson County agricultural extension service. The fiscal year 2014-2015 budget ordinance included another \$25,000 appropriation for the program, but the substitute budget ordinance transferred administration of the program to the parks department.

This housekeeping ordinance simply amends the code provisions pertaining to the community garden grant program to reflect that it is now being administered by the parks department.

ORDINANCE NO. BL2014-847 (GARRETT) – This ordinance amends the Metropolitan Code to require Metro contracts for government relations and lobbying services to include a requirement that reports be submitted to the council regarding lobbying efforts on behalf of the Metro government. Metro has a competitively-bid contract with a lobbying firm to monitor legislation at the state level and lobby on Metro's behalf. The current lobbying firm, Bill Phillip's Company, was awarded a contract in 2011 for a term commencing January 1, 2012, and ending December 31, 2016.

This ordinance would require all future requests for proposals (RFPs) and resulting contracts for lobbying services to include a requirement that the following reports be submitted to the council:

1. While the Tennessee General Assembly is not in session, monthly reports stating the legislative goals identified by the mayor and any other officials of the Metropolitan Government.
2. During a legislative session of the Tennessee General Assembly, weekly reports regarding the impact pending legislation would have on the Metropolitan Government and the efforts to lobby for or against specific legislation at the direction of the administration.
3. Within thirty days of the conclusion of a legislative session of the Tennessee General Assembly, a report identifying the results of lobbying efforts taken on behalf of the Metropolitan Government and a summary of legislative action taken by the Tennessee General Assembly that is anticipated to have a significant impact on the Metropolitan Government.

ORDINANCE NO. BL2014-848 (STEINE & LANGSTER) – This ordinance authorizes the Metro health and educational facilities board to negotiate a payment in lieu of taxes (PILOT) agreement for the benefit of HCA. In May 2011, the council approved a property swap agreement with HCA for the construction of the new Lentz public health center located at 2512 Charlotte Avenue on property formerly owned by HCA. Metro swapped the former Lentz property on 23rd Avenue North for the Charlotte Avenue property and contracted with HCA to construct the new \$28.5 million health center. As an additional incentive to HCA, the 2011 agreement contemplated HCA obtaining a tax abatement in the form of a payment in lieu of tax (PILOT) agreement through the industrial development board (IDB) to provide a 100% tax (continued on next page)

ORDINANCE NO. BL2014-848, continued

abatement for the first five years, and a 50% abatement for the next five years. An amendment to this agreement was approved by the council in June 2014 to add the health and educational facilities board as an alternative to the IDB for the negotiation of the PILOT agreement.

HCA intends to initially use the former Lentz property as a parking area for Centennial Medical Center and other HCA facilities. The state definition of hospital institution "project" includes parking areas, which makes this property eligible to be owned by the health and educational facilities board for purposes of providing a tax abatement to HCA. The plans and timeframe for future development of the property by HCA have not been made public.

This PILOT agreement is to be effective from the date the health and educational facilities board takes title to the property for a maximum term of 14 years, though the actual duration of the abatement period will be ten years. HCA will have three years in which to develop the property before the abatement period starts so as to maximize the amount of the abatement. Once the abatement period commences, HCA will receive a 100% real and personal property tax abatement for years one through five, and a 50% abatement for years six through ten. HCA will pay 100% of the taxes owed on the property prior to the start of the abatement period, though this amount is to be offset by the amount of leasehold taxes HCA pays for the site. Since it is unclear what HCA will ultimately do with the property, there is really no way to accurately predict the amount of real and personal property taxes that will be abated. The property assessor's website lists a land value of \$2,705,100 for the old Lentz property, which would result in an annual tax bill of approximately \$49,000 if the property remained undeveloped and no abatement was granted.

If and when HCA develops the property, the company will be required to maintain a diversified business enterprise (DBE) goal of 20%, and will be required to use Metro's workforce development program with the goal of hiring Davidson County residents for the project.

ORDINANCE NO. BL2014-849 (BARRY) – This ordinance names the victim resource center inside the Ben West Building located at 100 James Robertson Parkway in honor of Jean Crowe. Jean Crowe has been the managing attorney of the family law section of the Legal Aid Society of Middle Tennessee and the Cumberland for more than 15 years. She was involved in the founding, and has served as the chair of, both the Domestic Violence Death Review Team and the Nashville Coalition Against Domestic Violence. Ms. Crowe also served on the mayor's domestic violence safety and accountability assessment team as an honorary team member.

This ordinance names the new victim resource center in the Ben West building the "Jean Crowe Advocacy Center" and directs the department of general services to erect the appropriate signage once the facility is completed. There are no restrictions in the Metropolitan Code regarding the naming of Metro facilities in honor of individuals, except that such action must be approved by ordinance of the council.

ORDINANCE NO. BL2014-850 (HARRISON) – This ordinance renames Trinity Hills Parkway at the terminus of Vista Lane as “Woodland Star Way”. The purpose of this name change is to eliminate the confusion associated with having two separate sections of Trinity Hills Parkway. This request has been submitted by Councilman Harrison and the department of public works. There are no residents using this section of roadway as an address so no address changes would be required.

This name change has been approved by the planning commission, and referred to the emergency communications district board and the traffic and parking commission.

ORDINANCE NO. BL2014-851 (GILMORE, DOMINY & HUNT) – This ordinance abandons 500 linear feet of a 30-inch combination sewer main and 720 feet of a 6-inch water main along 4th Avenue, and abandons 390 feet of 6-inch water main along Jackson Court between Harrison and Jackson Streets. This abandonment is necessary for the construction of the new minor league ballpark at Sulphur Dell. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-852 (GILMORE) – This ordinance abandons a portion of 4th Avenue north right-of-way and easement from Jackson Street southward approximately 700 feet to the proposed cul-de-sac. This right-of-way abandonment is necessary for the Sulphur Dell ballpark and the associated mixed-use development, as well as for the new parking garage. This ordinance has been approved by the planning commission and the traffic and parking commission. All affected property owners have consented to the proposed right-of-way abandonment.