



## METRO COUNCIL OFFICE

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MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Mike Jameson, Director and Special Counsel  
Mike Curl, Finance Manager  
Metropolitan Council Office

COUNCIL MEETING DATE: September 19, 2017

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 9/13/17:

4% Reserve Fund	\$39,816,604*
Metro Self Insured Liability Claims	\$6,211,693
Judgments & Losses	\$3,654,374
Schools Self Insured Liability Claims	\$4,198,956
Self-Insured Property Loss Aggregate	\$6,352,009
Employee Blanket Bond Claims	\$658,049
Police Professional Liability Claims	\$2,411,284
Death Benefit	\$1,593,646

\*This assumes unrealized estimated revenues in FY18 of \$30,414,435.

Note: No fiscal note is included for any legislation without significant financial impact.

**- PROPOSED RULES AMENDMENT -**

Proposed amendments to Rules Nos. 11, 15, 17 and 28 of the Rules of Procedure of the Metropolitan Council have been submitted to the Rules, Confirmations, and Public Elections Committee and will be submitted to the full Council. A color copy of the proposed Rules revisions (with all proposed new language in red) is attached as an exhibit to this analysis.

If adopted, the overall effect of the Rules revisions would be to alter the timing of the Council's consideration of the Capital Improvements Budget and capital spending plan bond resolutions, and to alter related deadlines.

Under the Metro Charter, Council consideration of the operating budget occurs between May 1<sup>st</sup> and June 30<sup>th</sup>. (Charter, §§6.06, 6.13). The Capital Improvements Budget (CIB) is likewise submitted and considered within this period -- submitted by May 15<sup>th</sup> and acted upon by the Council by June 15<sup>th</sup>. (Charter, §6.13).

To provide more time for consideration of the CIB, the proposed revisions to Rules 11, 15 and 17 would require Council submission of CIB budget requests by October 15<sup>th</sup>, whereupon the Planning Department would submit a report to Council by December 1<sup>st</sup> regarding each reviewed request. Thereafter, Council members' CIB requests would be prioritized at a joint meeting(s) of the Budget and Finance Committee and Planning, Zoning and Historical Committee.

The proposed revisions to Council Rule 28 would preclude the Council from considering capital spending plans (resolutions issuing or approving bond or debt obligations) while Council is considering any pending Annual Operating Budget ordinance. The intent of the proposed revision is to avoid the period during which Council is otherwise preoccupied with Operating and Capital Improvements budgets.

**– RESOLUTION ON PUBLIC HEARING –**

**RESOLUTION NO. RS2017-863** (ROBERTS) – This resolution would approve an exemption for 51 North Taproom, LLC, located at 704 51st Avenue North, from the minimum distance requirements for obtaining a beer permit.

The Metro Code of Laws 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, several exceptions exist to the distance requirements. Facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code Section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing each to obtain a beer permit upon the adoption of a resolution by the Council. (See, Code Section 7.08.090(E)). Until recently, this Code section further required restaurants to have state on-premises liquor consumption licenses to obtain such exemption. However, Ordinance No. BL2016-454, which was passed on November 15, 2016, eliminated this requirement.

A public hearing must be held by the Council prior to voting on resolutions brought under Section 7.08.090(E).

– RESOLUTIONS –

**RESOLUTION NO. RS2017-779** (ELROD) – Ordinance No. BL2016-235 and Resolution No. RS2016-391 raised several fees charged by the Public Works Department which had not been increased during the last 12 to 27 years and were no longer sufficient to cover the actual costs of providing the services. Section 8 of Ordinance No. BL2016-235, as approved by Council, allowed any future amendments to the ordinance to be approved by resolution.

The resolution now under consideration would make additional changes to these fees for the services required for the closure of rights-of-way in a high impact area.

It is anticipated, however, that the sponsor will defer this resolution.

*Fiscal Note: Section 3 of Ordinance No. BL2016-235 specified that permits for the temporary closure of rights-of-way within high impact areas of Metro would be \$100 per fifty linear feet closed for five days or less. For closures longer than five days, the rate would be \$20 per day. The resolution under consideration would double these amounts, charging \$200 and \$40 respectively.*

*Section 4 of the earlier ordinance specified a processing fee of \$30. This resolution would double this processing fee to \$60. The administrative fee of \$100 would remain the same in high impact areas, but be reduced to \$50 outside of high impact areas.*

*Section 5 of the earlier ordinance specified a permit fee of \$230 for special events. This resolution would double this to \$460. The administrative fee of \$100 would remain the same in high impact areas, but be reduced to \$50 outside of high impact areas.*

*Public Works is required to charge fees no higher than necessary to recover their costs for performing a specific function or service. It should be noted that no study has yet been performed to confirm the need for increasing the fees as proposed by this resolution.*

**RESOLUTION NO. RS2017-780** (ELROD) – This resolution would amend Ordinance No. BL2016-235 to add a new Subsection 13.20.030.I. to the "Permits" Section of the Metro Code of Laws. This would specify requirements for a right-of-way site management plan permit. Under this new subsection, permits requiring the temporary closure or obstruction of any right-of-way in Metro for a period of longer than twenty (20) calendar days would require a right-of-way site management plan permit.

Such site management plans would be required to include the following:

- a) Dates and/or times the right-of-way would be closed and/or obstructed;
- b) Reasons for the duration of the closure and/or obstruction;
- c) Considerations for using covered scaffolding in areas with high pedestrian traffic and commercial uses;
- d) Description of the equipment to be used and justifications for its use;
- e) Plan for coordinating site deliveries;
- f) Plan for communicating about updates and changes to the closure;
- g) Plan for regular removal and clean-up;
- h) Plan for signage and re-routing of pedestrians, cyclists, and vehicles; and
- i) Description of the fencing type to be used.

Public Works currently issues closure permits in five-day increments. It is possible that a twenty-day permit could increase right-of-way disruptions if permit holders felt less impetus to clear the right-of-way when projects were completed early.

The ordinance would further require that film permits and special events permits requiring closure or obstruction of rights-of-way for more than twenty (20) days must further obtain site management plan permits.

It is anticipated, however, that the sponsor will defer this resolution.

*Fiscal Note: The new Subsection 13.20.030.I would require a fee of fifty dollars (\$50) for a right-of-way site management plan permit.*

*Subsection 2.62.030 of the MCL specifies the duties and powers to regulate film activities. A new Subsection H would be added to require a right-of-way site management plan permit and a fee of fifty dollars (\$50) for film permits requiring the temporary closure or obstruction of a right-of-way within Metro for a period of longer than twenty (20) calendar days.*

*Subsection 2.62.040 of the MCL specifies the duties and powers to regulate special events. A new Subsection H would be added to require a right-of-way site management plan permit and a fee of fifty dollars (\$50) for special event permits requiring the temporary closure or obstruction of a right-of-way within Metro for a period of longer than twenty (20) calendar days.*

*Public Works is required to charge fees no higher than necessary to recover their costs for performing a specific function or service. It should be noted that no study has yet been performed to confirm the need for increasing the fees as proposed by this resolution.*

**BILL NO. BL2017-864** (GLOVER, VERCHER, & OTHERS) – This ordinance would authorize the Director of Public Property to exercise an option agreement for the purchase of two flood-prone properties for Metro Water Services.

The property at 5168 Hunters Point Lane as well as the property at 5170 Hunters Point Lane would each be acquired for the fair market value of one hundred twenty-four thousand dollars (\$124,000) for a total of two hundred forty-eight thousand dollars (\$248,000). Section 2.24.250.F of the Metro Code allows the Director of Public Property Administration to negotiate the purchase of such property, subject to approval of the Metro Council by resolution.

This has been approved by the Planning Commission.

*Fiscal Note: The cost of the acquisition of these properties would be paid from the FY17 Capital Projects Fund.*

**RESOLUTIONS NO. RS2017-865 THROUGH RS2017-870** – These resolutions would approve intergovernmental agreements between the Tennessee Department of Transportation (TDOT) and the Metro Department of Public Works for the reimbursement of railroad crossing safety improvements. The locations are as follows:

- **RESOLUTION NO. RS2017-865** (PARDUE, VERCHER, & OTHERS) - Bakers Station Road.
- **RESOLUTION NO. RS2017-866** (O'CONNELL, VERCHER, & OTHERS) – 14th Avenue North.
- **RESOLUTION NO. RS2017-867** (M. JOHNSON, VERCHER, AND OTHERS) – Post Road.
- **RESOLUTION NO. RS2017-868** (SLEDGE, VERCHER, & OTHERS) – Sadler Avenue.
- **RESOLUTION NO. RS2017-869** (VANREECE, VERCHER, & OTHERS) – Nesbitt Lane.
- **RESOLUTION NO. RS2017-870** (FREEMAN, VERCHER, & OTHERS) – Old Glenrose Avenue.

*Fiscal Note: TDOT would reimburse 100% of Metro's costs for these projects from their programmed safety funds for the improvement of various railroad crossings throughout Davidson County. The specific cost estimates are as follows:*

- Bakers Station Road - \$25,985
- 14th Avenue North - \$6,960
- Post Road - \$181,446.13
- Sadler Avenue - \$6,753
- Nesbitt Lane - \$6,512.27
- Old Glenrose Avenue - \$10,924.47

**RESOLUTION NO. RS2017-871** (VERCHER, RHOTEN, & ALLEN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2017-872** (RHOTEN & ELROD) – This resolution would give authority to the Metro Department of Water and Sewerage Services (MWSS) to waive grading permits for at grade Metro Greenway's trail projects. It would also give MWSS the authority to approve water quality buffer disturbances for Metro Greenway's trail projects constructed by or for the Metro Board of Parks and Recreation.

MWSS administers the grading permit and the water quality buffer requirements in accordance with Volume 1 of the Metro Stormwater Management Manual. However, at grade Metro Greenway's trails result in minimal impacts to stormwater quality and quantity considerations. Therefore, just cause exists for MWSS to waive grading permits and approve buffer disturbances for at grade Metro Greenway's trail projects.

These projects would continue to be reviewed and approved by Metro Waters Services National Pollutant Discharge Elimination System (NPDES) Office staff to minimize impacts to natural resources and any associated drainage features. Projects not approved by the NPDES Office would then require application for a variance with the Stormwater Management Committee.

According to the requirements of Section 2.206.010 of the Metro Code of Laws, this exemption from compliance with the Metro Stormwater Management Manual would require approval by resolution receiving at least twenty-one (21) affirmative votes of Council for just cause.

*Fiscal Note: MWSS has confirmed they should have no financial impact caused by this change.*

**RESOLUTION NO. RS2017-873** (ELROD) – This resolution would exempt the construction and/or maintenance of water lines, sanitary sewer lines, and stormwater drainage projects by or for the Metro Department of Water and Sewerage Services (MWSS) from water quality buffer requirements contained in Volume 1 of the Metro Stormwater Management Manual.

The Stormwater Management Manual requires water quality buffers be preserved along Metro's community waters for new development, significant redevelopment, and sites needing a grading permit. Due to the volume and logistics of the construction and/or maintenance of water lines, sanitary sewer lines, and stormwater drainage projects performed by MWSS, just cause exists for exempting these projects from compliance with these buffer requirements.

These projects would continue to be reviewed and approved by Metro Waters Services National Pollutant Discharge Elimination System (NPDES) Office staff to minimize impacts to water quality buffers and any associated drainage features. Projects not approved by the NPDES Office would then require application for a variance with the Stormwater Management Committee.

According to the requirements of Section 2.206.010 of the Metro Code of Laws (MCL), this exemption from compliance with the Metro Stormwater Management Manual would require

approval by resolution receiving at least twenty-one (21) affirmative votes of Council for just cause.

*Fiscal Note: MWSS has confirmed they should have no financial impact caused by this change.*

**RESOLUTION NO. RS2017-874** (O'CONNELL, ELROD, & ALLEN) - This resolution would authorize NP 5th, LLC to construct, install, and maintain an aerial encroachment at 410 Fifth Avenue South. The encroachment consists of two (2) projecting, cantilever wall signs, 5'4" wide by 20' tall, installed at a height of 50'.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a \$2 million certificate of public liability insurance to the Metropolitan Clerk naming the Metropolitan Government as an insured party. The applicant must also hold the Metropolitan Government harmless from all claims connected with the installation.

Metropolitan Government retains the right to pass resolutions or ordinances regulating the use of surrounding streets, including the right to construct and maintain utilities, and to order the relocation of facilities at the expense of NP 5th, LLC. Metro further retains the right to repeal approval of the encroachment, if demanded by public welfare, without liability.

Plans for the encroachment must be submitted to the Director of Public Works for approval, along with all work and materials; and the installation, when completed, must be approved by the Director.

The sign's construction must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

This proposal has been approved by the Planning Commission.

**RESOLUTION NO. RS2017-875** (VERCHER & ELROD) – This resolution would approve an application for a state recycling grant in the amount of \$120,422. The state technically calls this a “rebate”, but it functions in the same manner as a grant.

*Fiscal Note: These funds would be used to partially defray the cost of operating the Metro recycling centers. There would be a required match of \$120,422 to be provided from Public Works' operating budget.*

**RESOLUTION NO. RS2017-876** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Mr. James Fletcher against the Metropolitan Government in the amount of \$8,200.

This settlement is the result of a traffic accident on February 8, 2017. Mr. Fletcher was stopped at the traffic light on Eastland Avenue at the intersection of Gallatin Avenue. A Public Works employee let his foot up on the brake pedal stop pad, allowing his idling vehicle to roll forward and rear-end Mr. Fletcher.

Mr. Fletcher sought treatment for cervical, lumbar, and thoracic sprains. Mr. Fletcher has agreed to accept a total of \$8,200 in full settlement of this case, based upon \$6,813 for reimbursement of his medical expenses plus \$1,387 for pain and suffering.

The Department of Law recommends settlement of this claim for \$8,200 to be paid out of the Self-Insured Liability Fund. If this case proceeds to trial, the Metropolitan Government will likely be found negligent because the Metro vehicle was following improperly.

Disciplinary action against the employee consisted of a verbal reprimand.

*Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$8,200.*

**RESOLUTION NO. RS2017-877** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Ms. Sheila Keeton against the Metropolitan Government in the amount of \$10,000.

This settlement is the result of an incident on September 27, 2016. Ms. Keeton was walking in front of 3200 Blackwood Drive when she tripped and fell due to the cracked and uneven concrete in the sidewalk.

Ms. Keeton sought treatment for a fractured nose, chipped tooth, and a laceration to her chin. Ms. Keeton has agreed to accept a total of \$10,000 in full settlement of this case, based upon \$4,376.94 for reimbursement of her medical expenses plus \$5,623.06 for pain and suffering.

The Department of Law recommends settlement of this claim for \$10,000 to be paid out of the Self-Insured Liability Fund. If this case proceeds to trial, the Metropolitan Government would likely be found negligent since the sidewalk is maintained by the Public Works Department.

*Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$10,000.*

**RESOLUTION NO. RS2017-878** (VERCHER & ROBERTS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2017-879** (VERCHER & ROBERTS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2017-880** (VERCHER, ROBERTS, & VANREECE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2017-883** (HAYWOOD) – This resolution would elect three (3) members to the Board of Directors of the Industrial Development Board (IDB) of the Metropolitan Government at the regular meeting on September 19, 2017. The terms of three existing members have now expired.

Five persons were nominated at the September 5, 2017 Council meeting to fill these vacancies: Ms. Ginger Hausser, Ms. Cristina Allen, Ms. Saletta Holloway, Ms. Lindsey Cox, and Mr. Eddie Gray.

Upon election, a Substitute Resolution will be submitted adding the names of the elected members. The three persons elected will serve for a term expiring on September 19, 2023.

– ORDINANCES ON SECOND READING –

**BILL NO. BL2017-801** (ELROD) – Chapter 13.02 of the Metro Code of Laws currently requires a permit from the Public Works Department for any excavation or other obstruction of the public right-of-way (ROW). This ordinance would add requirements for any such excavation or other obstruction lasting six (6) months or longer.

In addition to Public Works, the proposed ordinance would require approval to be obtained from the Director of the Mayor's Office of Neighborhoods and Community Engagement and the Director of Transportation and Sustainability for excavations or obstructions lasting six (6) months or more.

The ordinance would also require a report to the Council at the end of each quarter by the Director of Transportation and Sustainability for all permits that close or occupy any portion of the public ROW for more than six months. This report would be required to include the following information:

1. The date the permit was issued;
2. The date the permit was renewed, if applicable;
3. The location of the closed or occupied ROW;
4. The Council district in which the closed or occupied ROW is located;
5. The original expiration date of the permit and the original planned date to reopen the ROW, if applicable; and
6. The revised expiration date of the permit and the revised planned date to reopen the ROW, if applicable.

*Fiscal Note: The fee for an obstruction permit would be fifty-five dollars (\$55) per day per location.*

**BILL NO. BL2017-802** (ELROD) – This ordinance would amend the Metro Code of Laws to revise the penalties for improper right-of-way closures.

Section 13.20.040 currently addresses penalties whenever work requiring a required permit under this chapter is begun before the permit is issued. In those cases, the fees for any permits subsequently issued are tripled. The amended language under consideration would replace this with several new penalties, as follows:

1. Any person who digs any excavation or causes any obstruction in the public ROW without a proper permit would pay a penalty of fifty dollars (\$50) per day for each day of such work;
2. Any person who fails to provide proper public notice as required by Section 13.20.020.B would be required to pay fifty dollars (\$50) per day for each day such work is done without the proper permit and public notice;

3. Any person who performs work in the public ROW exceeding the scope of their permit would be required to pay a penalty of fifty dollars (\$50) per day for each day such work is done. In addition, a separate penalty would be imposed for each individual violation if multiple violations occurred on the same day; and
4. Any person with a valid permit who performed work in a dangerous manner would also be required to pay a similar penalty of fifty dollars (\$50) per day for each day such work is done. In addition, a separate penalty would be imposed for each individual violation if multiple violations occurred on the same day.

In addition to these changes, the Public Works Director would be required to establish a process by which members of the public can electronically submit reports or evidence of any potential violations of this chapter.

Finally, Section 13.20.060 currently requires all such work to be done only within the hours stipulated on their permit. This section would be modified to specify that any person found guilty of two or more violations of this section would be disqualified from obtaining further permits for a period not to exceed six (6) months in addition to the new penalties specified in Section 13.20.040.

It is anticipated that the sponsor will defer this ordinance.

*Fiscal Note: The multiple fifty dollar (\$50) penalties that would be enacted by this ordinance should result in additional revenue within "Fines, Forfeits, and Penalties". However, it would be speculative to predict the amount of this additional revenue. In addition, it is unknown if these fees would be sufficient to cover the additional administrative costs.*

**BILL NO. BL2017-865** (ELROD, FREEMAN, & OTHERS) – This ordinance would make five changes to Chapter 2.48 of the Metropolitan Code of Laws (MCL) by adding a new Section 2.48.040 establishing new reporting requirements by the Department of Public Works. The ordinance is modeled after state legislation for managing Tennessee Department of Transportation projects.

Paragraph A would require the Director of Public Works to be responsible for the day-to-day management of the department and to keep a detailed record of all business of the department.

Paragraph B would require a new Projects Report describing each significant capital project of Public Works including construction and repair of sidewalks, streets, bridges, bikeways, pedestrian enhancements, and other such infrastructure improvements that are to be started, completed, or which will be ongoing within the ensuing three (3) years. For the purposes of this section, a "significant Public Works capital project" is any Public Works project with a total cost over \$150,000.

This report would be submitted annually with each proposed budget to the Council and would include the following additional information:

- a. the date or projected date upon which each project would be started and completed;
- b. the physical location of each project, designating the Metropolitan Council district(s) involved;
- c. the stage of work the project is in, such as designing, engineering, right of way acquisition, excavation, construction, clean-up, etc.;
- d. the final, projected, or anticipated cost of each project; and
- e. a designation of the priority of each project relative to the other listed projects.

These reports would be publicly accessible at all times after submission to the Council and would be maintained on the Metro's Open Data portal in a format established by the ITS Department.

A publicly accessible on-line map of these projects would also be maintained. Each project would be denoted on the map, including information required in MCL 2.48.040.B.2. The map would include at least:

- a. projects in the Projects list;
- b. projects that have been allocated money in any capital spending plan that are not completed;
- c. projects for which Public Works has received funding from the Tennessee Department of Transportation (TDOT) or other sources; and
- d. any other significant Public Works capital project that is in progress, has been appropriated funding, had funds spent on it, or is reasonably anticipated in the future to have funds spent on it.

Paragraph C would require a Quarterly Report on District Projects to be submitted to each member of the Council, describing the construction or implementation status of each capital project by Public Works within the members' respective districts and would include the following:

- a. the physical location of each project;
- b. the final, projected, or anticipated cost of each such project;
- c. the date or projected date upon which the project would be started and completed, including notation of any delays or accelerations and the reasons therefor;
- d. any changes in previously disclosed project dates, and the reasons for such changes;
- e. notification of all public hearings in which the Department of Public Works is participating regarding such projects; and
- f. any additional information that the Director determines would be of assistance to the Metro Council member to better understand Public Works' operations within the member's district.

Paragraph D would require the preparation of a proposed annual budget for Public Works that discloses the allocation of all anticipated funds for the ensuing fiscal year for each capital project within the Projects Report and includes what projects would be undertaken in the event additional funds are appropriated or otherwise become available. The Director would be allowed to designate funds for unanticipated projects, provided that advance notice of at least thirty (30) days is submitted to the Council.

Paragraph E would clarify that the requirements of this new Section would not apply to projects, funds, or allocations required for purposes of emergency or disaster response.

It is anticipated that the sponsor will introduce a housekeeping amendment to correct minor phrasing errors.

*Fiscal Note: The details and costs for implementing these new requirements have not yet been determined. Public Works has already paid for a new system that provides most of the information specified in this ordinance. Council members should be able to go into the system at any time to see the data. This is the same system that was demonstrated to the Finance and Public Works Committees at a special called meeting.*

*Some of the existing reports might need to be reformatted. The costs for this have not yet been defined, but should be minimal.*

**BILL NO. BL2017-866** (A. DAVIS, O'CONNELL) – This ordinance would modify Section 7.08.130 of the Metro Code of Laws (MCL) pertaining to the presence of intoxicating beverages from a distillery on the premises of a permit holder under Chapter 7.08.

The MCL currently prohibits any intoxicating beverage with an alcoholic content in excess of eight percent (8%) by weight from being brought onto the premises of any permit holder. This ordinance would add a provision to say that any permit holder that is also the holder of a "Brewer's Notice" and is adjacent to and shares common interior and/or enclosed exterior areas with a distillery that holds a valid license would be allowed to permit alcoholic beverages, open or sealed, from that distillery to be brought onto the premises. The only restriction in this new provision would be that any sealed containers must remain sealed while on the premises of the permittee.

**BILL NO. BL2017-867** (SWOPE) – This ordinance would add a new chapter to the Metro Code of Laws (MCL). Chapter 10.28 would be added as "Control of Excessive Vegetation". Sections of this new chapter would be added as follows:

- 10.28.010 "Excessive growth and accumulation prohibited" - This requires all premises and exterior property to be maintained free from weeds in excess of twelve (12) inches. This requirement does not apply to cultivated flowers or gardens.

(MCL §10.26.010, prohibiting weeds in excess of twelve inches, provides an exception for “properties in a natural state.”)

- 10.28.020 "Board of Property Standards and Appeals" - This would empower the Board of Property Standards and Appeals to hear matter involving control of excessive vegetation.
- 10.28.030 "Department of Codes Administration" - The Department of Codes Administration (Codes) would be designated as the appropriate entity to administer and enforce this chapter. Codes would investigate any alleged violations and compose a report of any violation.
- 10.28.040 "Application of this Chapter" - These requirements would apply both to occupied and unoccupied properties.
- 10.28.050 "Notice of violation" - In cases of violations, Codes would give notice to the owner to immediately remedy the violation.
- 10.28.060 "Failure to comply—Remedy by Department of Codes Administration" - The Codes Department would have the following authorizations:
  - A. After ten (10) days from the date of the notice, Codes would begin the process to remedy and remove the violation or condition at a fair and reasonable cost.
  - B. Codes would have the authority to clear lots found to be in violation of Section 12.28.010 and charge a reasonable fee.
  - C. Within sixty (60) days of the date the violation is remedied, Codes would submit a statement of the cost to the Metro Trustee. Codes would be authorized to record a lien against the property.
  - D. Persons failing to take the required remedial action under Subsection 10.28.060.A would be subject to a fine of up to fifty dollars (\$50) per day. Such fines could not exceed a total of two hundred fifty dollars (\$250) on any one lot.
  - E. Nothing in this chapter would prevent the Codes Department from seeking a remedy for any violation of Section 10.28.010 in a court of competent jurisdiction.
- 10.28.070 "Appeals to Board of Property Standards and Appeals" - Property owners would have the right to appeal actions by the Codes Department to the Board of Property Standards and Appeals within ten (10) days of receipt of the notice. The Board would also have the authority to hear appeals from decision of the Urban Forester regarding the designation and removal of hazard trees, tree permits relating to public trees, and permits for arborists.
- 10.28.080 "Collection of costs" - The Metro Trustee, upon receipt of a lien and a statement of costs, would collect the costs in the same manner as the taxes are collected.
- 10.28.090 "Right to Appeal" - Property owners would have the right to appeal any order or other action by the Board of Property Standards and Appeals to a court of competent jurisdiction.

MCL Chapter 10.28 existed until 2016 as “Control of Excessive Vegetation” and created the vegetation control board. That chapter was repealed by Ordinance No. BL2016-124.

*Fiscal Note: The Director of the Department of Codes Administration has advised that the operational budget dollars and personnel necessary to implement the changes per this new*

*chapter were previously added to the department's FY18 budget. Accordingly, no additional funding would be required.*

*The Office of the Trustee has indicated that this change may trigger the need for a software upgrade in the Trustee's Office. The office is checking with software vendors to verify what would be required. As long as the costs do not exceed \$10,000, it can be absorbed within the Trustee's current budget.*

**BILL NO. BL2017-868** (VERCHER) – This ordinance would add language to Section 16.24.190 of the Metro Code of Laws (MCL) concerning prosecution for repeat violations of the Property Standards Code.

Section 16.24.190 of the Metro Code provides for expedited processing against property standards offenders who commit "a repeat violation of this chapter." This language has been construed by enforcing courts, however, to include only infractions of *precisely the same* Code section. Violations by the same offender of *slightly different* offenses within the same chapter have not resulted in expedited processing under current interpretations.

The ordinance under consideration would clarify that expedited proceedings at law are permitted for "a repeat violation of the same regulation, or any other regulation, within this chapter".

**BILL NO. BL2017-869** (VERCHER, ALLEN, & VANREECE) – This ordinance would approve a contract between Metro and the United Way for the continuation of the Nashville Financial Empowerment Center. Metro was the recipient of a grant from Bloomberg Philanthropies for the purpose of operating the financial empowerment program through December 2015. This program provided financial counseling services at various locations, including the Levy Place Center, the Casa Azafran Community Center, and the United Way family resources centers, as well as Metro Action Commission and social services facilities.

The term of this contract would be from July 1, 2017 through June 30, 2018. The United Way is to conduct a minimum of 1,575 counseling sessions during this period. At least five (5) full-time (or equivalent) counselors would be retained and supervised to provide these services.

*Fiscal Note: Metro would pay an amount not to exceed \$250,000 to the United Way to operate at least two financial empowerment centers. The services to be provided include budget counseling, educating clients about credit and banking, and referrals to other social service agencies.*

**BILL NO. BL2017-870** (VERCHER, ALLEN, & ROSENBERG) – This ordinance would declare the property located at 3410 Knight Drive as surplus and authorize the Director of Public Property Administration to sell the property to KIPP Nashville.

This 19.97 acre property is commonly known as the Ewing Park School. An appraisal of the property prepared in October 2016 by Neiman-Ross Associates, Inc. estimated the then-current market value of the property at three million six hundred thousand dollars (\$3,600,000). The Nashville Board of Public Education has declared the property to be surplus and no other Metro entity has indicated any further need for the property or improvements. Under section 2.24.250 of the Metro Code, when property held by the board of education is no longer suited or needed for school purposes, the board may direct the director of public property to sell the property.

*Fiscal Note: Metro would be paid three million four hundred twenty thousand dollars (\$3,420,000) for the fee simple sale of the property.*

**BILL NO. BL2017-871** (GLOVER, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation, donations, or condemnation for public projects for Central Pike Improvements.

This has been approved by the Planning Commission.

*Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY16 Capital Projects Fund.*

**BILL NO. BL2017-872** (GLOVER, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for public projects for Andrew Jackson Parkway Sidewalk Improvements.

This has been approved by the Planning Commission.

*Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.*

**BILL NO. BL2017-873** (HAGAR, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for public projects for Andrew Jackson Parkway Sidewalk Improvements.

This has been approved by the Planning Commission.

*Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.*

**BILL NO. BL2017-874** (ROBERTS, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for public projects for Annex Avenue Sidewalk Improvements.

This has been approved by the Planning Commission.

*Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.*

**BILL NO. BL2017-875** (HASTINGS, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for public projects for John Mallette Drive Sidewalk Improvements.

This has been approved by the Planning Commission.

*Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.*

**BILL NO. BL2017-876** (DOWELL, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for public projects for Mt. View Road Sidewalk Improvements.

This has been approved by the Planning Commission.

*Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.*

**BILL NO. BL2017-877** (O'CONNELL, ELROS, & ALLEN) – This ordinance would authorize Nashville Music Row Hotel Owner, LLC to install, construct, and maintain underground encroachments in the right-of-way located at 1 Music Square West. These would consist of five (5) bollards encroaching the right-of-way.

Nashville Music Row Hotel Owner, LLC has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

**BILL NO. BL2017-878** (O'CONNELL, ELROD, & ALLEN) – This ordinance would abandon existing sewer main and easements and to accept new sewer main, a sanitary sewer manhole, a fire hydrant and easements for property located at 700 4th Avenue North. It has been determined by Metro Water Services that this easement is no longer needed.

Amendments to this legislation may be approved by resolution.

This has been approved by the Planning Commission.

**BILL NO. BL2017-879** (WITHERS, ELROD, & ALLEN) – This ordinance would abandon existing combined sewer line and easements and to accept new combined sewer and water lines, combined sewer manholes, a fire hydrant, and any associated easements for property located at 809 Main Street. It has been determined by Metro Water Services that this easement is no longer needed.

Amendments to this legislation may be approved by resolution.

This has been approved by the Planning Commission.

**BILL NO. BL2017-880** (S. DAVIS, ELROD, & ALLEN) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Richardson Avenue right-of-way.

This has been approved by the Traffic and Parking Commission and the Planning Commission.

**BILL NO. BL2017-881** (O'CONNELL, ELROD, & ALLEN) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley Number 925 right-of-way and easement.

This has been approved by the Traffic and Parking Commission and the Planning Commission.

**BILL NO. BL2017-882** (O'CONNELL, ELROD, & ALLEN) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Lea Avenue and Alley Number 114 right-of-way.

This has been approved by the Traffic and Parking Commission and the Planning Commission.

– ORDINANCES ON THIRD READING –

**SUBSTITUTE BILL NO. BL2017-835** (MURPHY) – Section 16.28.230 of the Metro Code of Laws (MCL) requires building permits holders to post their building permit cards on the front of the premises before work begins. Such permit is required to be maintained in this position until a Certificate of Occupancy has been issued.

As substituted, this ordinance would add a requirement for a project information sign to be posted in English and Spanish at all project sites for all projects requiring a building permit. Public infrastructure projects and permits obtained by homeowners / residents working on their own residence would be excluded. This sign would be required to list a phone number for the project applicant as well as a phone number to use for submitting a complaint to the Codes Department.

One double-sided 24" (vertical) x 36" (horizontal) sign would be required to be posted for every fifty (50) feet of site frontage, up to a maximum of three. For sites located within or adjacent to residential zone districts, such signs would be required to state as follows;

"No work is allowed to be performed on this site between the hours of 12:00 midnight Saturday night and 12:00 midnight Sunday night, unless a special permit issued by the Director of Codes Administration is posted in a conspicuous place on these premises. No noise in excess of 70 Db(a) shall be emitted from construction equipment in or beside residential districts between 9:00 pm and 6:00 am."

For all other sites, similar language would be required, minus the excess noise prohibition. In all cases, the signs would disclose that no work could be performed on Sunday absent a special permit issued by the director of codes administration.

**BILL NO. BL2017-859** (O'CONNELL) – Section 17.04.060 of the Metro Code provides definitions of general terms within the zoning code. Among the defined terms is "telecommunications facility" which essentially refers to a variety of devices and equipment that transmit signals used for communication. The current definition does not specify that such equipment is located above ground. The current ordinance would simply add "above ground" to the definition to clarify that buried or underground equipment is not included within the definition.

**BILL NO. BL2017-860** (COOPER & BEDNE) – Ordinance No. BL2013-420 created a small business economic development incentive grant program that included a provision to provide cash grants to businesses that invested in blighted areas. The program was modeled after state legislation that allows local governments to make grants directly to developers who invest in blighted property "to encourage the repair, rebuilding and renovations of existing facilities and structures in neighborhoods whose stability depends upon the elimination of blight and the upgrading of structural needs of a facility." (Tenn. Code Ann. § 7-51-1901, *et seq.*)

These grants can only be used for the purpose of constructing or rehabilitating the exterior portions of commercial property located within a redevelopment district approved by the Council. The value of the property could not exceed \$1,000,000 at the time the grant application was made in order for a business to be eligible to receive the funds. The amount of the grant would be 10% of the documented investment of the business to fix up the property, up to a maximum grant amount of \$50,000. This grant program is managed by the Mayor's Office of Economic and Community Development, with grants awarded on a first-come-first-served basis.

This grant program was added to the Metro Code as Section 2.212.030. Subsequently, Ordinance No. BL2016-147 made two changes to this section in an effort to expand its application. The original language specified that the grant funds for this purpose were to be used for the exterior portions of commercial property located within "a redevelopment district approved by the Metropolitan Council." The new language deleted the reference to redevelopment districts approved by the Council and replaced it with "blighted commercial property located within Eligible Census Tracts."

Under the current Code language, an "Eligible Census Tract" is defined as those "where at least 65% of households are at or below 80% AMI [average median income]." This paragraph goes on to require the Mayor's Office of Economic and Community Development to maintain, on file and open for inspection, a list and map of eligible census tracts, to be updated annually.

The ordinance under consideration would modify the eligibility requirements for the blighted property grant program as well as establish an historic preservation grant program. Section 2.212.030 of the Metro Code of Laws (MCL) lists the details of the blighted property grant program. This section currently requires the construction or rehabilitation investment to exceed \$100,000. As noted, the amount of the grant is currently defined at 10% of the documented investment, up to a maximum grant amount of \$50,000.

Under the pending ordinance, this section would be amended to require the investment to exceed \$10,000. The grant amount available would be up to 50% of the documented investment, with the maximum grant amount remaining at \$50,000.

Section 2.215.020 would be added to the MCL to define a new program for "Historic Preservation Grants". These grants would be administered through the Office of Economic and Community Development. Grants would be awarded to property owners who make improvements to the exterior of historically significant structures for the purpose of preserving the historic character of the structures.

Such grants would be used for the rehabilitation of the exterior portions of historically significant structures within eligible census tracts, defined as those "where at least 65% of households are at or below 80% AMI" (the same definition as the blighted property grant program). These grants would require a minimum expenditure by the property owner of \$5,000. The grant

amount could not exceed the greater of 50% of the cost of improvements to the exterior or \$50,000.

*Fiscal Note: Funding for the new historic preservation grants would be made from funds appropriated for that purpose. For FY18, one hundred fifty thousand dollars (\$150,000) was appropriated for "Historic Preservation". This would be used as the funding source for the grants during FY18. Any unused portion of these funds would not carry over into FY19.*

*Although the criteria for awarding blighted property grants would be changed, the maximum grant amount for any project would remain \$50,000. The total appropriated for this purpose would remain unchanged.*

**BILL NO. BL2017-861** (VANREECE, PRIDEMORE, & COOPER) – This ordinance would add guidelines to the Metro Code of Laws (MCL) for the Metro Nashville Arts Commission's sole source procurement of public art projects, products, and services.

The existing language in Section 4.12.060 would be split into separate paragraphs -- A and C. A new Paragraph B would be added to enable the Arts Commission to determine that there is only one source for a public art project, product, or service. When this occurs, the Arts Commission would then be required to transmit a written sole source justification to the Purchasing Agent for review and approval. The justification would be required to include the factual basis for the conclusion there is only one source for the product, project, or service.

**SUBSTITUTE BILL NO. BL2017-862** (ALLEN & ELROD) – This ordinance would authorize ECG Belcourt, LLC to install, construct, and maintain aerial and underground encroachments in the right-of-way located at 2111 Belcourt Avenue. These would consist of a canopy and closure slab within the Alley #802 right-of-way and three (3) bicycle racks in the right-of-way of 2111 Belcourt Avenue.

ECG Belcourt, LLC has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

**SUBSTITUTE BILL NO. BL2017-863** (O'CONNELL, ALLEN, & ELROD) – This ordinance would authorize LMV M Tower Holdings, LLC c/o Lennar Multifamily Communities, LLC, to install, construct, and maintain underground and aerial encroachments in the right-of-way located at 818 19th Avenue South. These would consist of awnings and irrigation lines and raised planters encroaching the right-of-way.

LMV M Tower Holdings, LLC c/o Lennar Multifamily Communities, LLC has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

**BILL NO. BL2017-864** (O'CONNELL, ALLEN, & ELROD) – This ordinance would authorize Simpson Housing LLLP and Affiliates to install, construct, and maintain underground encroachments in the right-of-way located at 111 17th Avenue South. These would consist of underground electric for lighting, electrical outlets, and underground irrigation lines for street trees encroaching the right-of-way.

Simpson Housing LLLP and Affiliates has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

**GRANTS AND DONATIONS LEGISLATION – SEPTEMBER 19, 2017**

<b>Legislative Number</b>	<b>Parties</b>	<b>Amount</b>	<b>Local Cash Match</b>	<b>Term</b>	<b>Purpose</b>
<b>RS2017-871</b>	<b>From:</b> Tennessee Historical Commission  <b>To:</b> Metro Nashville Historical Commission	Not to exceed \$24,000	\$16,000	October 1, 2017 through September 30, 2018	The grant proceeds would be used to provide a Fort Negley Park Cultural Landscape Plan.
<b>RS2017-878</b>	<b>From:</b> Tennessee Department of Finance and Administration  <b>To:</b> Metro Nashville Police Department	\$960,000	\$0	The end date of the grant would be extended to June 30, 2021.	The proceeds from this first amendment would be used for the Internet Crimes Against Children Unit  The new grant total would be \$1,200,000.
<b>RS2017-879</b>	<b>From:</b> Tennessee Department of Finance and Administration  <b>To:</b> Metro Nashville Police Department	\$550,672	\$137,668	The end date of the grant would be extended to June 30, 2020.	The proceeds from this second amendment would be used to support the provision of mental health services and criminal justice system advocacy to victims of violent crime.  The new grant total would be \$1,206,917. The new total of the local cash match would be \$301,729.
<b>RS2017-880</b>	<b>From:</b> Tennessee Department of Transportation  <b>To:</b> Davidson County Sheriff's Office	Not to exceed \$180,300	\$0	July 1, 2017 through June 30, 2018.	The grant proceeds would be used to provide litter pickup along state and county roads as well as litter prevention education

## EXHIBIT

### PROPOSED REVISED COUNCIL OPERATING RULES

September 2017

#### 11. Filing deadlines; emergency items

All ordinances and resolutions ~~(except resolutions to amend the Capital Improvements Budget, as provided below)~~ shall be filed in the Metropolitan Clerk's Office not later than noon on the Tuesday at least one week prior to a regular meeting of the Council and not later than 11:00 a.m. of the third day, excluding Saturdays and Sundays, preceding the day of any other Council meeting. No ordinance or resolution may be filed unless the originals have first been delivered to the Council Office not later than Noon on the second Friday preceding the regular meeting date or not later than Noon the fourth day, excluding Saturdays and Sundays, preceding the day of any other Council meeting. Legislation prepared by the Metro Council Office must be requested at least forty-eight (48) hours prior to this delivery deadline.

~~All resolutions to amend the Capital Improvements Budget shall be filed in the Metropolitan Clerk's Office not later than 11:00 a.m. on the second Friday preceding the regular meeting of the Council and not later than 11:00 a.m. of the tenth day, excluding Saturdays and Sundays, preceding the day of any other Council meeting. Upon the filing of such resolution to amend the Capital Improvements Budget, the Metropolitan Clerk shall promptly provide copies of said resolution to each member of the Council. No resolution to amend the Capital Improvements Budget may be filed unless the originals have first been delivered to the Council Office not later than Noon the second day, excluding Saturdays and Sundays, preceding the day such resolution is to be filed with the Metropolitan Clerk's Office.~~

All amendments to, or substitutes for, an ordinance or a resolution, or any requested late-filed legislation, shall be delivered to the Council Office not later than Noon on the Friday immediately preceding the regular meeting date. In the event of a special meeting, delivery shall occur ~~or~~ not later than Noon the second day -- excluding Saturdays and Sundays -- preceding the day of such Council meeting.

The Council may not consider any ordinance, resolution, amendment or substitute not filed in accordance with the three preceding paragraphs.

No ordinance, resolution, amendments or substitute submitted after these prescribed deadlines will be considered by the Council except on an emergency basis. Any sponsor of such late legislation must appear before the Rules, Confirmations and Public Elections committee immediately prior to the regular meeting to disclose the nature of the emergency for such late-filed legislation, or submit a letter providing this information to the committee. Late ordinances and late resolutions will still be referred to other appropriate committees per Rule 15. At the subsequent regular meeting, the sponsor must state on the introduction thereof that an emergency exists, must state the nature of the emergency, and must request a suspension of the rules.

## **15. Committee referrals; amendments to legislation**

All resolutions, and all ordinances upon their first reading, must be referred to the appropriate committee(s) of the Council by the Vice Mayor. The Vice Mayor may delegate this responsibility to the Metropolitan Clerk. Except for zoning matters, budget, revenue service charges, economic development incentive ordinances or tax ordinances, no ordinance may be amended or substituted after second reading. No motion to amend the Capital Improvements Budget for the ensuing fiscal year shall be entertained by the Council unless such amendment ~~was submitted in compliance with Rule 17. has been submitted to the Budget and Finance Committee for a recommendation.~~

The committee assignment shall be indicated on the Council agenda. No vote will be taken on any resolution or on any ordinance on third and final reading until a committee has made a recommendation regarding the legislation.

The committee to which an ordinance or resolution has been referred shall make a report to the Council at the next regular meeting after its referral.

Written copies of all amendments or substitutes to resolutions and ordinances, other than substitute resolutions awarding the sale of Metropolitan Government debt by public bid, must be distributed to all members not later than 9:00 a.m. on the Monday preceding a Tuesday regular meeting of the Council prior to any action being taken upon such matters by the Council or by any committee to which the matter has been referred. Distribution shall be made by electronic mail to all members, on-line posting on the Metropolitan Council website, and placement of hard copies on members' chamber desks.

## **17. Capital Improvements Budget and ~~Capital project resolution requirements~~**

~~No resolution or ordinance proposing to expend or appropriate funds or to authorize the borrowing of funds for capital improvement projects (including the issuance of bonds or notes), upon being filed, shall be placed upon the agenda by the Metropolitan Clerk unless and until said legislation shall list the projects to be funded and the estimated cost of each project, and shall also comply with the requirements of Rule 28. [Moved to Rule 28]~~

~~By October 15<sup>th</sup> of each year, members of Council shall submit all of their Capital Improvements Budget requests for the ensuing fiscal year to the Council Office for review by the Department of Finance, Planning Department, and implementing departments in order to identify costs, timeline and alignment with the General Plan. By December 1<sup>st</sup> of each year, a report of the reviewed requests shall be prepared by the Planning Department for review by the Budget and Finance Committee and Planning, Zoning and Historical Committee. Prior to the Capital Improvements submittal date established by the Director of Finance, the Budget and Finance Committee and Planning, Zoning and Historical Committee shall hold at least one joint meeting to prioritize Capital Improvement Budget requests on behalf of the Metropolitan Council in order to submit~~

the requests in the format and timeline established by the Director of Finance for the Capital Improvements Budget development for the ensuing fiscal year. No Capital Improvements Budget requests shall be considered by the Council unless submitted in accordance with this rule.

**28. Appropriation of funds – Requirements for capital project resolutions, bond issuances, and debt obligations**

The Council may not consider any resolution issuing, determining to issue, or otherwise approving any bond or other debt obligation during the pendency of any ordinance adopting the Annual Operating Budget of the Metropolitan Government.

The Council may not consider any resolution issuing, determining to issue, or otherwise approving any bond or other debt obligation unless the resolution (or an attachment thereto) complies with the following requirements: (a) identify the total amount to be financed; (b) identify each of the purposes of the amount to be financed; (c) for each such purpose, identify the portion of the total amount to be financed that is to be allocated to that purpose; and (d) for each such purpose, with reasonable specificity, describe any subparts or categories within that purpose and identify the portion of the total amount to be allocated for each subpart or category.

No resolution or ordinance involving the appropriation or expenditure of funds may be considered by the Council if the department, agency or office benefiting from the appropriation or expenditure has failed for thirty or more days to respond to a request for information submitted by the Council or any committee of the Council. [*Paragraph order switched.*]

**RELOCATED FROM RULE 17:** No resolution or ordinance proposing to expend or appropriate funds or to authorize the borrowing of funds for capital improvements projects (including the issuance of bonds or notes), upon being filed, shall be placed upon the agenda by the Metropolitan Clerk unless and until said legislation shall list the projects to be funded and the estimated cost of each project, ~~and shall also comply with the requirements of Rule 28.~~