

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **July 18, 2006**

RE: **Analysis Report**

Balances As Of:	<u>7/13/06</u>	<u>7/13/05</u>
<u>GSD 4% RESERVE FUND</u>	\$24,861,880	\$33,428,741
<u>CONTINGENCY ACCOUNTS</u>		
GSD	Unavailable	\$ - 4,608
USD	Unavailable	\$50,000
<u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE SCHOOL FUND</u>	Unavailable	Unavailable

– RESOLUTIONS –

RESOLUTION NO. RS2006-1329 (MCCLENDON) – This resolution determines to issue \$296,325,332 in GSD general obligation bonds and \$22,356,150 in USD general obligation bonds to provide funding for various projects contained in the mayor’s capital spending plan. This is the first step in the process toward the ultimate sale of the bonds by public bid to provide the necessary financing for the projects. The general obligation bonds to be issued provide funding for some 57 GSD projects, and the USD bonds will provide funding for 5 projects. This debt will be paid from the debt service of the GSD and the USD.

The projects to be financed with the GSD bonds include:

- Convention center capital projects
- District energy system service projects
- ADA improvements to Metro facilities
- Infrastructure improvements at the Fulton complex
- Renovations to the temporary city hall building for future use by Metro departments
- E-budget system enhancements
- Roof replacements and repair at various Metro buildings
- Renovation to the Knowles Home and Bordeaux long-term care facilities
- Restoration of the Nashville City Cemetery
- Land acquisition for the Bellevue and Goodlettsville branch libraries
- Funding for a new downtown transit center for MTA
- Construction of the new Cane Ridge high school in the Antioch area
- A new scoreboard and control room at the Gaylord Entertainment Center
- A \$5 million capital contribution to the Nashville Symphony Hall
- A \$5 million capital contribution to the African American Museum

A detailed list of all capital projects to be funded by this bond issue, including the estimated cost for each project, is attached to this analysis.

Pursuant to the Metro Charter, the council may issue bonds for the purpose of financing the cost of any public improvement or property the Metropolitan Government is authorized by charter to acquire, construct or improve. Further, state law authorizes local governments to issue bonds for “public works projects.” The council office questions the legality of using government-issued general obligation bond funds for contributions to private nonprofit entities.

RESOLUTION NO. RS2006-1356 (MCCLENDON) – This resolution approves an application for a grant in the amount of \$456,360 from the U.S. department of homeland security to enhance the Metropolitan Government’s delivery of advanced life support. If awarded, these funds will be used to purchase EMS equipment and to provide training to personnel about treating patients in chemical, biological, radiological, nuclear, and explosive incidents. The equipment to be purchased includes CPR mannequins, stethoscopes, computer equipment, an arrhythmia simulator, medical bags, and an all-terrain vehicle designed to enter areas of downtown Nashville during crowded special events. The funds will also be used to pay the salary of a departmental fitness director to set up training programs for EMS personnel. There will be a required local match of \$114,090 once the grant is awarded.

RESOLUTION NO. RS2006-1374 (WALLACE & DOZIER) – This resolution approves an amendment to a lease agreement between the Metropolitan Government and Signature Center, G.P. for the lease

of 4,945 feet of office space located in the building located at 1900 Church Street for use by the police advocacy support services (PASS) division. This amendment extends the term for five years beginning July 1, 2006, and ending June 30, 2011. The base rent will be \$19.89 per square foot over for the next five years, which equates to \$8,196.34 monthly. Signature Center, G.P. will also provide Metro with a \$12,000 allowance for improvements to the leased premises. Both Metro and Signature Center, G.P. will have a one-time option to terminate the lease at the end of the first eighteen months of the extension period. This lease amendment has been approved by the planning commission.

RESOLUTION NOS. RS2006-1400 & RS2006-1401 - (SUMMERS) – These two resolutions provide proposed amendments to the Metropolitan Charter. The Council, pursuant to the Charter, may only adopt two resolutions during the term of the council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. These resolutions provide that the date for holding the referendum election on these Charter amendments is to be the November 7, 2006, general election. In order to comply with state election law, amendments to the Charter for the November 2006 ballot would need to be adopted by the Council at the September 19 council meeting. The council office recommends deferring these amendments until such time.

Resolution No. RS2005-1400 provides an amendment to the Charter that would require the mayor to give the annual “State of Metro” address to the council during the fourth quarter of each fiscal year. The address would have to be given in the council chamber or other suitable Metro-owned facility, and is to be open to the general public.

Resolution No. RS2006-1401 provides an amendment to the Charter that would reduce the size of the Metropolitan Council to thirty-five members and eliminate the position of councilmember-at-large. This provision would take effect at the August 2007 election.

RESOLUTION NO. RS2006-1402 - (MCLENDON & WALLS) – This resolution approves an extension of the reimbursement date for the outstanding loan from the Metropolitan Government to the Hospital Authority in the amount of \$6,748,700. In April of 2006, the council approved an additional loan to the Hospital Authority in the amount of \$6,748,700 to allow General Hospital to remain open through June 30, 2006. At the time of the April loan, the Hospital Authority had a previous loan balance of \$13.7 million, which was after Metro essentially forgave \$50 million in Hospital Authority debt in fiscal year 2006. This loan was to be secured by the receivables of the Hospital Authority and was to be repaid by June 30, 2006. The council amended the April loan resolution to require council approval of any renewal or extension of the loan. Last month, the Hospital Authority informed the council that an extension of the loan would be required in order for it to be able to provide a 2% cost of living pay raise for Hospital Authority employees.

(continued on next page)

RESOLUTION NO. RS2006-1402, continued

This resolution extends the term of the loan until June 30, 2007, for a total outstanding loan amount of \$20,448,700. Based upon the information provided in the 2005 Comprehensive Annual Financial

Report (CAFR), the annual certified audit of the Metropolitan Government, it is unlikely that the Hospital Authority will be able to repay this loan in this fiscal year either. The CAFR notes that General Hospital had a net deficit as of June 30, 2005 in the amount of \$40.8 million, and that it may be unable to continue as a going concern due to its lack of sufficient cash flow. A recent study performed by Navigant recommended a course of action for the Hospital Authority to take to reduce its expenses and increase revenues.

RESOLUTION NO. RS2006-1403 - (GREER, FORKUM & OTHERS) – This resolution amends Resolution No. RS2006-1331 to require certain information to be submitted to the council upon the sale of tax receivables of the Metropolitan Government. On June 27, 2006, the council adopted Resolution No. RS2006-1331 electing to sell the tax receivables of the Metropolitan Government. The state senate and house passed legislation on May 23rd and 25th, respectively, that allows Davidson County and Knox County to elect to sell their tax receivables to public or private parties. Tax receivables are defined under the new state law as the right to receive revenue from a tax secured by a lien on real property that remains unpaid after its due date (delinquent tax bills).

This resolution would require the finance department to provide the following information to the council within three business days of the sale of tax receivables:

1. The date and time of the sale;
2. The name of the purchaser of the tax receivables; and
3. The discount rate percentage and total amount of the discount between the sale price and the amount of taxes owed.

RESOLUTION NO. RS2006-1404 (WALLACE, GREER & OTHERS) – This resolution appropriates \$3,673,434 in housing and community development block grant (CDBG) funds. CDBG funds are designated for affordable housing activities to provide matching funds and for neighborhood activity funds for youth initiative programs and community projects. A large portion of the CDBG funds are targeted at specific neighborhood strategy areas (NSAs) and commercial district areas. These funds will be used as follows:

General Administration	\$521,852
Planning and Urban Environmental Design	\$379,529
Rehabilitation	\$1,280,909
Property Acquisition	\$308,367
Relocation	\$47,441
Economic Development	\$237,205
Affordable Housing Assistance	\$156,555
Youth Initiatives Program	\$266,576
Civic Design Center Assistance	\$75,000
Section 108 Loan Repayment	\$400,000

RESOLUTION NO. RS2006-1405 (MCCLENDON) – This resolution approves an annual grant in the amount of \$908,079 from the state department of human services to the Metro juvenile court to provide funds for the child support enforcement program. The term of this grant is from July 1, 2006 through June 30, 2007, with a possible extension of four additional one-year periods. The vast majority of these funds are used to pay the salaries and benefits for juvenile court employees,

including referees, working in the area of child support enforcement. Metro will provide a local match in the amount of \$467,798 from the juvenile court operating budget.

RESOLUTION NO. RS2006-1406 (WALLS & MCCLENDON) – This resolution approves a professional services contract between the Metropolitan board of health and Terry L. Edwards for psychological and counseling services to homeless persons at the downtown clinic. Dr. Edwards has been selected to provide psychological testing and assessment services, substance abuse treatment services, and mental health counseling services up to twenty-one hours per week. Dr. Edwards will be compensated at the rate of \$60.00 per hour for these services. The initial contract term is to end August 31, 2006, but this resolution also approves an extension of the contract until August 31, 2007. Dr. Edwards will be required to maintain professional liability insurance in the amount of \$41 million to protect the Metropolitan Government.

RESOLUTION NO. RS2006-1407 (WALLS & MCCLENDON) - This resolution approves a contract between the Metropolitan board of health and Baptist Hospital for assistance in providing services to women eligible for the federal women, infants and children (WIC) assistance program. Pursuant to this contract, Baptist Hospital agrees to make information about the WIC program to eligible women receiving prenatal and postpartum services. The hospital will provide access to medical records, with patient consent, to WIC staff to allow them to make a determination as to the patients eligibility for the program. Baptist Hospital will not be compensated for providing these services. The term of the contract is from April 15, 2006 through April 15, 2008.

RESOLUTION NO. RS2006-1408 (WALLS & MCCLENDON) – This resolution approves a contract between the Metropolitan board of health and the state health department to provide for laboratory services for testing particulate matter and other environmental tests. The federal Clean Air Act requires that local government test for particulate matter 2.5 microns or greater in size using licensed testing facilities. The state’s facility possesses the required license for these tests. The term of this contract is from July 1, 2006 through June 30, 2007. Pursuant to this contract, Metro will pay \$24 per test to be billed monthly.

RESOLUTION NO. RS2006-1409 (WALLS & MCCLENDON) – This resolution approves an application for a child welfare program improvement grant in the amount of \$400,000 from the U.S. department of health and human services to Metro social services for the ACCESS project. The ACCESS project (Always Connecting Caregivers to Education, Services and Systems) will target children in informal relative caregiver families since these children are the most at risk of entering foster care. Informal relative caregivers are those relatives who have physical custody of a child, but may not have legal custody, and may or may not be receiving financial assistance. The program will consist of a project director, a community administrator, a service system manager and assistant manager, and two relative advocates who will focus on preventative interventions. If awarded, there will be a required local match of \$71,565.

RESOLUTION NO. RS2006-1410 (WALLS & MCCLENDON) – This resolution approves an annual grant in the amount of \$291,148 from the state department of human services to the Metro social services commission for adult homemaker services. These services to be provided include protective supervision, teaching of homemaker skills, household management, shopping and household tasks, and personal care. The homemaker program is for elderly persons and adults with mental and/or

physical disabilities who need assistance in performing daily living activities. Metro social services is to provide 7,000 hours of homemaker services to eligible adults in Davidson County. The term of this grant is from July 1, 2006, through June 30, 2007. There is a required local match of \$72,787 to be provided from the operating budget of the department of social services.

RESOLUTION NO. RS2006-1411 (WALLS & MCCLENDON) – This resolution appropriates \$1,922,829 in grant funds from the state department of human services to the Metropolitan action commission (MAC) for low income energy assistance services. MAC has previously accepted a \$12.6 million grant from the state to provide funding assistance programs through fiscal year 2009. The portion of the state funds being appropriated by this resolution are used by MAC for their Energy Assistance Program, which provides financial assistance to eligible low-income persons to help pay their energy costs. The benefit amount is determined by MAC based upon income, energy burden and other required documentation as specified by the state plan. There is a required local match in the amount of \$145,000.

RESOLUTION NO. RS2006-1412 (WALLS & MCCLENDON) – This resolution appropriates \$78,000 in grant funds from Vanderbilt University to the Metropolitan action commission (MAC) for early childhood mathematics programs. Vanderbilt is the recipient of a federal grant to implement an Early Childhood Mathematics Project. These federal pass-through funds will be used by MAC to train Head Start teachers to implement the mathematics curriculum. The term of this grant will expire on May 31, 2008.

RESOLUTION NO. RS2006-1413 (MCCLENDON & DOZIER) – This resolution accepts a grant in the amount of \$115,025 from the state emergency management agency to the mayor's office of emergency management to support homeland security capabilities. These federal pass-through funds will be used to complete an initial strategy implementation plan (ISIP) based upon the state's homeland security strategy. The term of this grant is from May 1, 2006 through October 31, 2006.

RESOLUTION NO. RS2006-1414 (MCCLENDON) – This resolution approves an annual grant in the amount of \$5,136 from the state department of human services to the Nashville career advancement center for operation of the Tennessee career center. The state department of workforce and development has a network of career centers across the state where employers can go to find workers, and where job seekers can get assistance and career information. The term of this grant is from July 1, 2006 through June 30, 2007.

RESOLUTION NO. RS2006-1415 (MCCLENDON) – This resolution approves an amendment to an annual grant in the amount of \$1,053,157.50 from the state department of human services to the Nashville career advancement center (NCAC) to provide Families First services to eligible participants. (continued on next page)

RESOLUTION NO. RS2006-1415, continued

The original grant was in the amount of \$1,053,157.50, with a term of July 1, 2004, through June 30, 2006. The funds are used to provide services to Families First participants that lead to employment, career advancement, and economic self-sufficiency. Such support services include vehicle repairs and expenses, dental assistance, optical services, and employment-related support services. This

resolution extends the term of the grant until June 30, 2007, and increases the grant award by \$449,921.25, for a new total of \$1,503,078.75.

RESOLUTION NOS. RS2006-1416 & 1417 (MCCLENDON) – These two resolutions approve grants from the state department of labor and workforce development to the Metropolitan Government to provide employment services. The term of the grants is from April 1, 2006 through June 30, 2008. The programs to be funded by these grants will be administered by the Nashville career advancement center (NCAC).

Resolution No. RS2006-1416 approves a grant in the amount of \$1,158,793 to provide training for youth facing serious barriers to employment.

Resolution No. RS2006-1417 approves an administrative grant in the amount of \$128,754 to prepare adults, youth and dislocated workers for re-entry into the labor force and to provide training for those facing serious barriers to employment.

RESOLUTION NO. RS2006-1418 (MCCLENDON) – This resolution approves an annual grant in the amount of \$315,000 from the state department of human services to the Nashville career advancement center (NCAC) to provide employability services, social adjustment services, and English language training to refugees. The term of the grant is from July 1, 2006 through June 30, 2007. Some of the services to be provided include English language training, employer outreach activities, citizenship preparation classes, school orientation programs, basic educational services, and interpreter services.

RESOLUTION NO. RS2006-1419 (WALLS & MCCLENDON) – This resolution approves an amendment to a grant from the Greater Nashville Regional Council to the Metropolitan social services commission for nutrition services. These grant funds are essentially federal pass-through funds to provide nutritious meals to low-income handicapped and elderly individuals in Nashville. The funds are used to provide the food and transportation for congregate meals, as well as at-home delivery of hot meals to various areas that have a high concentration of low-income elderly residents. The original contract was in the amount of \$499,600. This resolution increases the amount of the grant by \$1,210,400, for a new grant total of \$1,710,000, and adds transportation services that are to be provided.

RESOLUTION NOS. RS2006-1420 & RS2006-1421 (MCCLENDON & DOZIER) – These two resolutions approve contracts with the City of Brentwood and the City of Franklin for access to the Metro police department's Mug Shot system. The police departments for these two cities will be granted access to mug shot images and booking information. The cities will be responsible for their (continued on next page)

RESOLUTION NOS. RS2006-1420 & RS2006-1421, continued

own costs associated with this agreement and will each be required to pay the police department for one software license at a cost of \$1,399 per license. The term of this agreement is for one year, but may be renewed at the discretion of the chief of police for an additional four one-year periods.

Resolution No. RS2006-1420 approves an agreement with the City of Brentwood.

Resolution No. RS2006-1421 approves an agreement with the City of Franklin.

RESOLUTION NO. RS2006-1422 (MCCLENDON & DOZIER) – This resolution approves a grant from the state department of finance and administration to the Metro police department for the Victims of Crime Act victim assistance grant project. The grant is in the amount of \$163,578, and will be paid in annual increments of \$54,526 over a term of July 1, 2006 through June 30, 2009. A local match in the amount of \$13,632 is required for each year of the grant term. The term of the grant may be extended for an additional year. These funds will be used to pay the salary and benefits of a full-time police crisis counselor to provide support for victims of violent crimes, including crisis intervention, counseling, and therapy services.

RESOLUTION NO. RS2006-1423 (MCCLENDON & DOZIER) – This resolution approves a grant in the amount of \$433,305 from the state department of finance and administration to the district attorney general's office to provide services to victims of crime. These funds will be used to pay the salaries and benefits for one Hispanic advocate and two child and family advocates employed by the district attorney's office. The advocates will provide crisis counseling to victims of crime, assist the victims with filing for expense reimbursement, and participate in pretrial meetings. Some of the funding will also be used for printed materials for victims of crime and for travel expenses. The term of the grant is from July 1, 2006 through June 30, 2009. The grant will be paid in three annual increments of \$144,435. There is a required local match of \$36,108 for each year of the grant to be provided through the district attorney's office budget.

RESOLUTION NO. RS2006-1424 (DOZIER) – This resolution accepts a grant in the amount of \$1,000 from the Wal-Mart Foundation to the Metro fire department. These funds will be used for the fire department's community service programs.

RESOLUTION NO. RS2006-1425 (GILMORE, TOLER & MCCLENDON) – This resolution approves a grant in the amount of \$211,703.70 from the state department of transportation to the Metropolitan Government for the replacement of the bridge on Dry Fork Road over Dry Creek. This is a typical bridge replacement agreement with the state whereby the state provides eighty percent of the construction costs and Metro pays the remaining twenty percent. Metro's required local match for this grant is \$52,925.93. The project is to be completed not later than July 1, 2008.

RESOLUTION NO. RS2006-1426 (MCCLENDON) – This resolution modifies the existing master list of architectural and engineering firms to add the firm Civic Engineering and Information Technologies, Inc., of Nashville, Tennessee. The Metro Code provides that all government contracts for architect and engineering services be with firms located on the master list.

RESOLUTION NO. RS2006-1427 (MCCLENDON) – This resolution authorizes the department of law to compromise and settle the lawsuit brought by Stanley Corlew against the Metropolitan Government in the amount of \$26,500. on December 24, 2003, Mr. Stanley was driving westbound on Moorman's Arm Road near the intersection of Crouch Drive and Chateau Valley Drive when his vehicle was struck by a another vehicle proceeding through the intersection traveling on Crouch Drive. The stop sign controlling this intersection had been knocked down three days earlier during a previous

accident. The police report from the previous accident noted that the stop sign was damaged. Thus, the Metropolitan Government had actual notice of the dangerous condition.

Mr. Corlew injured his neck, back and shoulder and incurred medical bills totaling \$8,586.50. He also had \$2,771.04 in lost wages. The department of law recommends settling this lawsuit for \$26,500, which consists of the medical bills and lost wages plus \$15,142.46 for pain and suffering. Since the Metropolitan Government had actual notice of the defective stop sign, we are liable under the Governmental Tort Liability Act. This amount is to be paid from the self-insured liability fund.

RESOLUTION NO. RS2006-1428 (MCCLENDON) – This resolution authorizes the department of law to compromise and settle the lawsuit brought by Barbara Dyson against the Metropolitan Government in the amount of \$120,000. On December 4, 2003, Ms. Dyson, a Metro action commission employee, was a passenger in a vehicle driven by her supervisor in route to a seminar in Bowling Green, Kentucky when the driver lost control of the vehicle and struck a light pole. Ms. Dyson’s supervisor was driving her own personal vehicle, but was acting in the course of her employment when the accident occurred. The accident report indicates that the driver was traveling too fast for the wet road conditions at the time of the accident.

Ms. Dyson sought treatment at Metro General Hospital the day after the accident complaining of pain in her back, neck, right shoulder, right foot and ankle. She received physical therapy for more than a year, and ultimately underwent arthroscopic surgery, which revealed a tear in her rotator cuff. The orthopedist has recommended an additional surgery to her ankle at an estimated cost of \$7,000. Ms. Dyson’s evaluating doctor assessed a fifteen percent impairment rating to her right upper extremity and a thirteen percent impairment to the body as a whole.

To date, Ms. Dyson’s medical bills total \$62,238.04. The Metropolitan Government has paid \$7,093.44 of these bills through her injury on duty (IOD) claim. After a lengthy discovery process, the department of law recommends settling this lawsuit for \$120,000. This amount is to be paid from the self-insured liability fund. No disciplinary action was taken against the Metro action commission employee that was driving the vehicle.

RESOLUTION NO. RS2006-1429 (NEIGHBORS) – This resolution purports to authorize TM investments, LLC to install and maintain an aerial encroachment at 4900 Linbar Drive. However, the resolution is to allow a pole sign in the ground for an existing business. Although the code does allow aerial encroachments to be approved by resolution rather than ordinance, a pole sign is not an aerial encroachment. Thus, this resolution should be withdrawn and an ordinance filed in its place.

p:resol

- BILLS ON SECOND READING -

ORDINANCE NO. BL2006-998 (WALLACE & RYMAN) – This ordinance amends the Metropolitan Code of Laws to prohibit any temporary or permanent encroachment in the public right-of-way without a permit from Metro. The Code currently technically prohibits persons from placing encroachments into the right-of-way except when permitted by Metro. The Code provides that the council may grant encroachments within the right-of-way by ordinance, and may grant aerial encroachments over the right-of-way by resolution. However, the ordinance does not define the term “encroachment”. Thus, an argument can be made that temporary encroachments, such as news racks, do not require a permit from Metro.

This ordinance would require that a permit be obtained from Metro for all permanent or temporary encroachments in the right-of-way, including signs, sandwich boards, vegetation, news racks, fences, and walls. Any person or entity requesting such an encroachment would be required to pay a permit fee of \$100 to Metro, and must provide a public liability insurance policy in an amount directed by the department of law holding Metro harmless from claims or damages arising from the installation or maintenance of the encroachment.

ORDINANCE NO. BL2006-1016 (DREAD) – This ordinance amends the Metropolitan Code of Laws to require after hours clubs to obtain a permit from the beer permit board. According to documentation prepared by the police department, 563 calls for police assistance were answered at after hours establishments between January 1, 2004 and December 31, 2005. However, after hours clubs are not regulated by any Metro agency unless they serve beer or are considered sexually oriented businesses. Therefore, it is difficult for police and other Metro agencies to make sure these clubs are being operated in a safe manner.

This ordinance essentially incorporates after hours establishments into the regulations governing dancehalls. The Code currently requires that all dancehalls obtain a permit from the beer permit board in order to operate. By broadening these regulations to include after hours clubs, such establishments would have to submit an application to the beer permit board, along with a \$500 application fee, indicating the name of the applicant, name and location of the business, and the name of any person or entity having at least a five percent ownership interest in the establishment. There would be a \$100 renewal fee for the permit. The ordinance defines “after hours establishment” as a commercial establishment open to the public after 3:00 a.m. that allows customers to bring alcoholic beverages onto the premises.

Pursuant to this ordinance, no permit could be issued for any after hours establishment if any person having at least a five percent ownership interest in the establishment has been convicted during the past five years of a crime of moral turpitude. The beer permit board defines a crime of moral turpitude as being murder, any sex crime, the sale of illegal drugs, and embezzlement. In addition, it would be unlawful for an after hours establishment to allow any indecent or violent act to occur on the premises, or to allow persons under the age of twenty-one to consume alcohol on the premises. Failure by a permit holder to abide by this provision would make the permit holder strictly liable for property damage or injury caused by anyone under the age of twenty-one that was consuming alcohol on the premises. After hours establishments would also be responsible for providing licensed security guards to patrol the premises. The ordinance grants the authority to the beer permit board to adopt rules and regulations to effectuate the purpose of the law and to secure compliance.

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ORDINANCE NO. BL2006-1016, continued

There is a substitute for this ordinance that makes various technical modifications to some of the language suggested by the department of law.

ORDINANCE NO. BL2006-1051 (FOSTER) – This zoning text change would require that any increase in the number of residential units within a planned unit development (PUD) be considered as a PUD amendment, rather than a modification, which would require council approval. The zoning code currently provides that any increase in the number of residential units beyond what the council has last approved is to be treated as a PUD amendment and must be submitted to the council. However, if the number of residential units was previously decreased, any increase does not require council approval so long as the number of units does not exceed the number originally approved by the council when the PUD was enacted. This ordinance would require any increase in the number of residential units to be approved by the council.

There is a proposed amendment that simply clarifies the intent of this ordinance, which was recommended by the planning commission staff. The amendment also makes the ordinance apply on a prospective basis only, so that existing PUDs will not be affected. The planning commission recommended disapproval of this ordinance.

ORDINANCE NO. BL2006-1065 (WALLACE) – This ordinance amends the Metropolitan Code of Laws to prohibit chain link fences along arterial and collector streets. The Code currently prohibits the use of barbed or razor wire on fences along sidewalks within the urban services district. This ordinance would essentially prohibit any chain link fence along the right-of-way of a collector or arterial street, which are the classifications used for the major streets and roads in Davidson County. This ordinance would apply to both the urban services district and the general services district, and would prohibit chain link fences in both commercial and residential areas.

The council office would point out that this ordinance could result in a substantial cost to the Metropolitan Government, especially schools, if Metro facilities were required to have stone, brick or wood fences.

ORDINANCE NO. BL2006-1066 (MCCLENDON) – This ordinance amends the Metropolitan Code of Laws to require property owners to obtain a permit bond for certain residential construction and repairs. The building code currently only requires contractors to post a permit bond for construction, demolition, and repair work. Although individual property owners performing the work themselves must obtain a building permit, they are not required to post a permit bond.

This ordinance would require residential property owners that have been granted more than two extensions for a permit to construct, erect, alter or repair his/her residential building or structure to post a bond to ensure that the work is completed in an adequate and timely manner.

ORDINANCE NO. BL2006-1097 (COLEMAN) – This ordinance amends the Metropolitan Code of Laws to require that apprentice electricians be licensed, and to require that apprentice electricians be enrolled in a nationally accredited apprenticeship program. In June 2004, the council enacted a similar ordinance for apprentice plumbers. This ordinance essentially mirrors the prior plumber ordinance but changes a few words to try and make it applicable to electricians.

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ORDINANCE NO. BL2006-1097, continued

The Code currently requires all electrical contractors, master electricians, equipment contractors, electrical equipment installers, low-voltage contractors and low-voltage wiring installers to obtain a license from the department of codes administration. The Code does not require apprentice electricians to obtain a license. This ordinance purports to require apprentice electricians to be licensed, although the ordinance really only adds a definition of apprentice electrician to the Code. "Apprentice electrician" is defined as one enrolled in an apprenticeship registered with the U.S. department of labor, bureau of apprenticeship and training, or any nationally accredited apprenticeship program, which consists of a minimum 8,000 hours of practical experience combined with a minimum of 600 hours of classroom training. However, since this ordinance does not require a license for apprentice electricians, this definition is merely superfluous. The council office recommends that this ordinance be amended to add licensing provisions for apprentice electricians to section 6.20.010 of the code if this is the council's intent.

This ordinance also incorporates the grandfather language from the plumber licensing ordinance and makes it applicable to master electricians, electrical equipment installers and low-voltage wiring installers. The council office is of the opinion that this provision is not needed, since this ordinance does not modify the licensing requirements for such occupations. If the council desires to include some form of a grandfather provision in this ordinance, the ordinance should be amended to adequately accomplish this.

Finally, this ordinance includes additional penalty provisions for violations that are copied almost verbatim from the plumber licensing ordinance. The Code currently provides that the board of electrical examiners and appeals has the authority to revoke or suspend a certificate upon proof that a plumber violated a rule or regulation of the board, practiced fraud or deception in making an application, is incompetent to perform electrician services, has allowed his/her certificate to be used by another to perform electrical services, or is guilty of other unprofessional or dishonorable conduct. This ordinance adds two additional grounds justifying suspension or revocation: (1) Where an electrician or electrical contractor permits himself or his company to represent itself as being in the business of electrical services if it doesn't employ a master electrician; and (2) Knowingly took out a permit for electrical work to be performed by a person without a license. In addition to suspension or revocation, this ordinance also authorizes the board to impose penalties, including but not limited to stop work orders, fines, and suspension of work privileges. The ordinance further provides that the department of codes administration shall have the authority to enforce the applicable Code provisions through the use of work-site inspections and unannounced work-place inspections.

This ordinance should also be amended to correct a section number that refers to the plumber licensing chapter rather than the chapter applicable to electricians.

ORDINANCE NO. BL2006-1098 (JAMESON) – This ordinance, as amended, amends the Metropolitan Code of Laws to prohibit persons convicted of driving under the influence (DUI) within the past three years from obtaining a beer permit. The Code currently prohibits a person that has been convicted of a crime of moral turpitude within the past ten years from obtaining a beer permit. The beer board defines "crimes of moral turpitude" as premeditated murder, embezzlement, the sale of illegal drugs, and all sex crimes. State law gives broad authority to local governments to regulate the sale of beer, including the ability to pass ordinances governing the issuance of licenses to sell beer. The Tennessee attorney general recently opined that this broad authority includes prohibiting persons convicted of DUI from obtaining a beer permit.

ORDINANCE NO. BL2006-1119 (BROWN & NEIGHBORS) – This ordinance authorizes the department of water and sewerage services to acquire a sanitary sewer easement for three

unnumbered tracts of property located off of Lakeshore Drive at Old Hickory Lake. This easement is required for the completion of a three-inch force main for a water/sewer project in the area.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2006-1120 (LORING & MCCLENDON) – This ordinance adopts the property identification maps for the Metropolitan Government identifying all parcels of property within Davidson County as of January 1, 2006. These maps are adopted on an annual basis as the official maps for the identification of real estate for tax assessment purposes.

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- BILLS ON THIRD READING -

ORDINANCE NO. BL2006-974 (DOZIER & WALLACE) - This zoning text change would allow signs with graphics or electronic displays to be located on property within the urban services district (USD) that is oriented to a four-lane or controlled access state highway with a speed limit of forty miles per hour or less. The Zoning Code currently requires that signs with changeable text and graphics remain static for at least two seconds. In 2004, the Council created an exception to this provision to allow graphic and video display signs within the commercial attraction (CA) zoning district, which essentially is limited to the Opryland/Music Valley Drive area.

This ordinance would expand the exception, currently limited to commercial attraction areas, to include all state maintained four-lane roads and controlled access highways located within the USD with a speed limit of forty miles per hour or less. According to the planning staff analysis, this would allow video signs on approximately 69 miles of state highways in Davidson County. This includes a 4.7 mile section of West End Avenue, a 4.7 mile section of Dickerson Pike, a 7.1 mile section of Nolensville Road, a 4 mile section of Charlotte Pike, and a 2.6 mile section of Franklin Road.

The Council Office would point out that the prohibition on video signs was included in the Code for public safety reasons to limit driver distractions.

The Council Office has been requested to prepare several amendments for this ordinance. Two proposed amendments would make the provisions of the ordinance inapplicable to property along Dickerson Pike, Highway 100, Harding Place, and Hillsboro Road. Two other proposed amendments would only permit these video signs as part of a planned unit development (PUD) or a specific plan (SP) district.

This ordinance has been disapproved by the planning commission.

ORDINANCE NOS. BL2006-1062 & BL2006-1063 (DOZIER) – These two ordinances amend the taxicab provisions of the Metropolitan Code of Laws at the request of the transportation licensing commission.

Ordinance No. BL2006-1062 amends the Metro Code to allow taxicab drivers to discharge passengers away from the curb whenever access to curb space is blocked by parked vehicles. The Code currently requires taxicab drivers to discharge passengers only when they are able to pull up next to a curb. Since many vehicles park on the street in the downtown area, it is often difficult for taxicab drivers to find open curb space to discharge passengers. This ordinance would allow drivers in such a case to pull to the far right hand lane and discharge passengers from the right side of the vehicle.

Ordinance No. BL2006-1063, as amended, amends the Metro Code to allow the transportation licensing commission to set temporary fuel surcharges. The Metro Code sets the maximum fares that taxicabs can charge passengers, but does not include any provisions enabling the commission to set additional fees. Due to the high cost of gasoline, the transportation licensing commission desires the authority to authorize a temporary fuel charge in accordance with rules established by the commission. Such a fuel surcharge would be limited to a six month period and could not exceed five percent of the fare.

ORDINANCE NO. BL2006-1069 (CRAFTON) – This ordinance amends the building code provisions of the Metro Code of Laws to prohibit the issuance of a building permit if the applicant or property owner has violated a stop work order within the past year for the property for which the permit is sought, or has violated T.C.A. § 7-51-1201 pertaining to the demolition of historic buildings. The building code provides that the director of codes administration may issue a stop work order in writing if work on any building or structure is being done contrary to the building code or in a dangerous or unsafe manner. When an emergency exists, the director is not required to give written notice of the stop work order. Further, state law provides that no residential structure may be demolished without approval by the local legislative body if the structure was (1) constructed before 1865; (2) is repairable at a reasonable cost; and (3) the structure has a historical significance besides age itself.

This ordinance would prohibit any applicant from obtaining a building permit if they have been found by a court to have violated a stop work order within the past twelve months for the property for which the permit is sought, or if they have violated state law by demolishing a historic residential structure on the property for which the permit is sought within the past year.

ORDINANCE NO. BL2006-1079 (WALLACE & BRILEY) – This ordinance, as amended, declares the Municipal Garage located at 413 Fifth Avenue North to be surplus and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. This property will be deeded over to the Metropolitan transit authority (MTA) for construction of the new central bus terminal. According to Metro real property services, additional property will need to be acquired for this project at a later date. Any revenues generated by MTA for operation of the garage would be reduced from the Metropolitan Government’s subsidy for MTA.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2006-1087 (HART, FORKUM & OTHERS) – This zoning text change, as amended, adds various setback and parking requirements for mobile vendors on private property. This ordinance is in response to the proliferation of mobile vendors along certain main thoroughfares in Nashville. This ordinance would apply to mobile vendors selling goods, wares or merchandise, but would not apply to street vendors licensed by the county clerk. The ordinance further would specifically not apply to mobile vendors selling food items only.

The zoning code currently requires mobile non-food vendors to obtain a use and occupancy permit from the department of codes administration. Not all mobile vendors seek to obtain a use and occupancy permit and enforcement of this requirement is difficult due to the ability of vendors to easily move from one place to another. Pursuant to this ordinance, the following setback and parking requirements would apply to mobile vendors:

1. Mobile vendors would be required to maintain a 20-foot setback from the right-of-way.
2. No mobile vendor could be located within 100 feet of a major intersection.
3. Mobile vendors could not be located within 1,500 feet of another mobile vendor.
4. A minimum of six parking spaces must be available adjacent to the vending area for the sole use of the mobile vendor.

(continued on next page)

ORDINANCE NO. BL2006-1087, continued

This ordinance expressly grandfathers in any mobile vendor that currently has a valid use and occupancy permit to operate as a mobile vendor at a particular location. Thus, existing vendors that are lawfully permitted would not have to abide by the setback and parking requirements. However, existing vendors that are operating illegally would be required to comply with this new law.

This ordinance was disapproved by the planning commission.

ORDINANCE NO. BL2006-1094 (MCCLENDON) – This ordinance amends the wrecker licensing provisions of the Metro code to increase the police department impound lot (tow-in lot) storage fees. The Code currently provides a daily charge for motor vehicles stored at the tow-in lot. The daily storage fee is \$10 for motorcycles and \$15 for automobiles. There are also daily storage fees for boats, tractors and motor homes. There is no storage fee for the first two hours and there is no storage fee for recovered stolen vehicles, provided the owner claims the vehicle within twenty-four hours after being notified by the police department. The daily storage fees were last increased in 2005.

In addition to the daily storage fee, this ordinance would establish a flat fee of \$200 per item stored in the tow-in lot. The \$200 fee would not be charged for items left two hours or less, nor would it apply to stolen vehicles that are recovered within 24 hours. Thus, if this ordinance is enacted, the owner of a vehicle left at the tow-in lot for three hours would pay \$215, as opposed to the \$15 the owner would currently have to pay.

The council office would point out that by amending the wrecker licensing section of the Code, private wrecker companies would also be allowed to charge this \$200 flat fee, in addition to the daily storage rate, for storing vehicles at their private lots. In order to pass constitutional muster, wrecker licensing ordinances and associated fees must be applied uniformly. Further, the Metropolitan Government legally cannot impose fees that exceed the cost for providing the government service. There is no documentation attached to this ordinance that gives a cost basis to justify this substantial fee increase. The council office would advise the council not to enact this ordinance until such documentation is provided.

There is a proposed amendment that would make the \$200 flat fee only applicable to vehicles stored at the Metro police tow-in lot, not private lots. If this ordinance is amended, the charging of such a fee by private wrecker companies would need to be addressed by the transportation licensing commission.

ORDINANCE NO. BL2006-1096 (BRILEY & RYMAN) – This ordinance amends the Metropolitan Code of Laws to require the Metropolitan employee benefit board to provide an annual report to the council regarding the Metro pension system. Such report would be due on December 31 and is to include the following information from the previous fiscal year:

1. The annual contribution made by Metro to the pension system.
2. The most recent actuarial valuation report of the pension plans and a summary of the key plan provisions.
3. The total number, average age, average years of service, and average salary of police department personnel.
4. The total number of police pensioners, along with the total monthly or annual benefit amounts.
5. The normal cost of police pensioners within the Metro pension system.

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