

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **December 15, 2009**

RE: **Analysis Report**

Balances As Of:	<u>12/9/09</u>	<u>12/9/08</u>
<u>GSD 4% RESERVE FUND</u>	* \$24,450,556	\$27,892,850
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	\$25,156,861	\$19,994,029
USD	\$22,180,965	\$13,510,632
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	\$27,354,208	\$52,554,640

* Assumes estimated revenues in fiscal year 2010 in the amount of \$23,023,700

– BILLS ON PUBLIC HEARING & THIRD READING –

ORDINANCE NOS. BL2009-579 through BL2009-582 – These four ordinances adopt plans of service and approve the extension of the boundaries of the urban services district to include additional properties on Whites Creek Pike and Saunders Avenue. The Metropolitan Charter provides that general services district property may be annexed into the urban services district, in accordance with state law annexation procedures, whenever such areas come to need urban services. State law requires that a plan of services be considered by the planning commission and then be adopted by the council before an ordinance to extend the boundaries of the urban services district can be approved on final reading. The planning commission considered the proposed plans of service and submitted its recommendations to the Metropolitan clerk.

These parcels to be annexed into the urban services district already receive police protection, fire protection, and water and sewer service at essentially the same levels as USD properties. Therefore, the only additional services that will be rendered under the plan of services are street lighting, trash collection, and recycling. The Charter requires that in order for such property to be annexed into the urban services district, the Metropolitan Government must be able to provide these additional services within one year after property taxes become due.

State law requires that the council hold a public hearing on both the plans of service and the annexation ordinances prior to their adoption on third and final reading.

Ordinance No. BL2009-579 (Hunt), as amended, adopts the proposed plan of services for the annexation of three parcels of property located at 4105, 4125 and 4225 Whites Creek Pike. The purpose of this annexation is to allow for a new tourist attraction in the area that will include an artisan distillery where alcohol will be manufactured and sold. Pursuant to the Metro Charter, alcoholic beverages with an alcohol content of greater than five percent by weight cannot be manufactured or sold within the general services district. The tourist attraction on this property is also to include retail space and a live entertainment venue. This site is the former Barbara Mandrell property. The annual cost to provide these additional services is presently \$2,400, with an initial start-up cost of \$19,000.

Ordinance No. BL2009-580 (Hunt) extends the boundaries of the urban services district to include the three Whites Creek Pike properties noted above.

Ordinance No. BL2009-581 (Craddock) adopts the proposed plan of services for the annexation of 44 parcels of property located within the Golden Oak subdivision on Saunders Avenue totaling 11.77 acres. The annual cost to provide these additional services is presently \$4,900, with an initial start-up cost of \$23,500.

Ordinance No. BL2009-582 (Craddock) extends the boundaries of the urban services district to include Golden Oak subdivision on Saunders Avenue.

– RESOLUTIONS –

RESOLUTION NO. RS2009-1068 (STEINE & BAKER) – This resolution approves a grant in the amount of \$277,777.27 from the state department of transportation to the sheriff's office to support DUI arrests through a mobile booking station. This mobile booking station will be situated closer to the DUI enforcement activities of the police department, especially on weekends and holidays. This saves police officers from having to take DUI offenders downtown for booking.

These grant funds will be used to purchase the equipment necessary for the mobile booking station.

The term of this grant is from October 1, 2009 through September 30, 2010. An identical grant was approved by the council in December 2008.

RESOLUTION NO. RS2009-1069 (BAKER & STEINE) – This resolution approves an agreement between U.S. immigration and customs enforcement (ICE) and the Metropolitan Government for the reimbursement of overtime expenses incurred by the police department in assisting ICE with Treasury investigations. These funds are available through the U.S. treasury forfeiture fund to pay overtime costs, fuel and equipment for local agencies participating with federal law enforcement officials in joint operations and investigations.

The term of this agreement expires on September 30, 2011. The agreement provides that Metro may be reimbursed up to \$15,000 for each officer assigned to the joint operation.

RESOLUTION NO. RS2009-1070 (STEINE) – This resolution approves a grant in the amount of \$61,789 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide funding for various NCAC programs and staff training. These federal pass-through funds will be used to update the area labor market study with the chamber of commerce, to expand the Healthcare Career Handbook statewide, and for staff capacity building and teamwork training. The term of the grant is from October 1, 2009 through June 30, 2010.

RESOLUTION NO. RS2009-1071 (STEINE & TYGARD) – This resolution approves an amendment to a low income home energy assistance program grant from the state department of human services to the Metropolitan action commission (MAC) to provide financial assistance with heating costs to eligible recipients. This resolution increases the amount of the grant by \$1,428,428 for a new grant total of \$3,666,255. There will be a local match of \$104,600 to be provided through the MAC operating budget.

RESOLUTION NO. RS2009-1072 (STEINE) – This resolution approves a grant and an amendment to the grant from the Friends of Centennial Park and the Parthenon to the Metropolitan parks department to provide funding for a full-time Metro parks employee. The original grant in the amount of \$60,000 was to fund the position of President of the Conservancy. The amendment to the grant increases the grant award by \$10,000. There is a required local match of \$2,066 to be provided by the parks department.

RESOLUTION NO. RS2009-1073 (STEINE) – This resolution appropriates \$300,000 from the general fund reserve fund (4% fund) to the department of parks and recreation. Four percent funds may only be used for the purchase of equipment and repairs to buildings. The balance in the general fund reserve fund as of December 9, 2009, was \$24,450,556. This consists of unrealized revenue for fiscal year 2009 in the amount of \$19,131,279. The resolution provides that “The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund.” A copy of the supporting information sheet required by Ordinance No. O86-1534 is attached to this analysis.

RESOLUTION NO. RS2009-1074 (STEINE) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Alyssa Poland against the Metropolitan Government for the amount of \$8,297. On March 17, 2009, an unmarked police vehicle struck the rear of the vehicle driven by Ms. Poland when she stopped at a yellow light at the intersection of Gallatin Pike and Ardee Avenue. Ms. Poland sustained a cervical muscular strain, incurring medical bills totaling \$5,797.

The department of law recommends settling this claim for \$8,297 to be paid out of the self-insured liability fund, as the police officer was clearly at fault. The police officer received disciplinary action consisting of a written reprimand.

RESOLUTION NO. RS2009-1075 (STEINE) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Sheila Stevenson against the Metropolitan Government for the amount of \$23,000. On January 2, 2009, Ms. Stevenson was traveling north on Dickerson Pike when she slowed for stopped traffic in front of her. A Metro police officer failed to stop in time and struck Ms. Stevenson’s vehicle, which caused her to collide with the vehicle in front of her. Ms. Stevenson incurred soft tissue injuries to her head, neck, hip, and back, resulting in medical bills totaling \$12,582.

The department of law recommends settling this claim for \$23,000 to be paid out of the self-insured liability fund, as the police report indicates that the police officer caused the accident by failing to reduce speed. The police officer received disciplinary action consisting of a written reprimand.

RESOLUTION NO. RS2009-1076 (STEINE) – This resolution authorizes the department of law to settle the Metropolitan Government’s property damage claim against AGI Transportation, Incorporated for the amount of \$11,900. On January 15, 2009, an AGI truck struck a historic rock wall while attempting to make a right turn from Highway 100 onto Old Hickory Boulevard. This resolution settles the claim for the cost to repair the wall.

RESOLUTION NO. RS2009-1077 (STEINE) – This resolution authorizes the department of law to settle the Metropolitan Government’s claim against Kamal M. Sergeyous for the amount of \$8,388.80. On November 13, 2008, a Metro police officer was struck by a vehicle driven by Kamal Sergeyous at the intersection of Murfreesboro Pike and Antioch Pike. The officer had her emergency equipment activated at the time of the accident. The officer was injured in the accident resulting in medical expenses to the Metropolitan Government of \$6,832.55 and lost wages of \$1,556.25, for a total loss of \$8,388.80. This resolution accepts the full amount of the damages incurred by the Metropolitan Government.

RESOLUTION NO. RS2009-1078 (STEINE) – This resolution authorizes the department of law to settle the Metropolitan Government's property damage claim against Trina Underwood for the amount of \$14,093.80. On March 27, 2009, Ms. Underwood was traveling west on Charlotte Avenue when she left the roadway and struck fire station No. 19 located at 319 21st Avenue North. Ms. Underwood was talking on her cell phone at the time of the accident and failed to see that traffic had stopped in front of her. She swerved to avoid the stopped traffic, jumped the curb, and hit the fire station causing damage to two air conditioning units and a large awning. This resolution settles the claim for the amount of damage to the Metro property.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2009-585 (CRAFTON & DUVALL) – This ordinance would restrict the use of the Tennessee State Fairgrounds property to the uses that were in effect as of October 1, 2009. The Metropolitan Government is the owner of the 129-acre fairgrounds property, which is currently under the control and operation of the Metropolitan board of fair commissioners. The fair board was originally created by a private act of the Tennessee General Assembly in 1909 for the purpose of establishing, maintaining, and operating a fair. The fairgrounds was leased to the State of Tennessee for a 99 year term in 1911, but this lease was terminated in 1923, making the Metropolitan Government the fee simple owner of the property. As a result of declining revenue from the fairgrounds, the fair board, at the recommendation of the Mayor, voted in October 2009 to continue operation of the fairgrounds through June 30, 2010, and to explore alternative accommodations for events held at the fairgrounds. Subsequently, the mayor recommended that all events at the fairgrounds other than the racetrack and the fair itself be continued through December 31, 2010.

This ordinance would restrict the fairgrounds property from being used for anything other than a fair, racetrack, expo center (including flea markets, trade shows, conferences, special events, Christmas Village, etc.), storage facility for the Davidson County Election Commission, headquarters for senior citizens centers, Metropolitan Nashville Public School bus parking, public health vaccination dispensing, and as a site for emergency management coordination, which are the current uses of the property. The ordinance would also require the fair board to explore the feasibility of a partnership with a private corporation for the redevelopment of a portion of the fairgrounds property as a corporate center. This public-private partnership is to include the creation of a master development plan whereby the private entity would agree to assist with the redevelopment of the Metro-owned property for fairgrounds purposes in exchange for obtaining the portion of the property necessary for construction of a corporate center at a below-market value price.

There is a proposed amendment that would remove the requirement pertaining to the exploration of a public-private partnership for development of the site.

The council office would point out that council approval will be required prior to the transfer or redevelopment of the fairgrounds property, whether this ordinance is approved or not.

ORDINANCE NO. BL2009-587 (JAMESON & GILMORE) – This is a housekeeping ordinance that amends the Metro Code to remove any non-zoning references to the commercial core (CC) zoning district, which is to be replaced by the new “downtown code” (DTC) that is the subject matter of Ordinance No. BL2009-586. The DTC ordinance is to be considered on second reading at the January public hearing meeting. Numerous sections outside of the zoning code reference the CC district, which, if not amended, would cause confusion once the district is replaced by the new DTC district.

ORDINANCE NO. BL2009-599 (MOORE, LANGSTER, & GILMORE) – This ordinance authorizes the mayor to submit the 2010-2014 consolidated plan for housing and community development programs for the Metropolitan Government to the U.S. department of housing and urban development (HUD). This five year consolidated plan was prepared by the Metropolitan development and housing agency (MDHA) and is to be administered by MDHA. The plan includes the allocation of funds received from HUD for community development block grants (CDBG), the HOME investment partnerships program, the emergency shelter grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA).

CDBG funds are based on federal funding in the amount of \$4,900,000. The largest portion of the CDBG funds are to be spent on a neighborhood improvement program (\$1,225,000), a community economic development program (\$400,000), a community services program (\$735,000), and a homeowner emergency repair program (\$1,115,000). The neighborhood improvement program provides resources to nonprofit organizations, to fund neighborhood infrastructure projects, and to enhance the aesthetics of qualifying neighborhoods. The community economic development program provides financing options to businesses located in low-income areas to make improvements to their property, to provide assistance to local businesses to create jobs, and to assist in the creation and sustainability of small businesses. The community services program provides financial assistance to nonprofit organizations that provide services to enhance quality of life. The homeowner emergency rehabilitation program provides funds to correct plumbing, roofing, electrical, and HVAC problems that threaten the health or safety of the occupants.

The actual expenditure of CDBG funds will be submitted to the council for approval by resolution.

HOME funds are to provide a mixture of owner-occupied and rental rehabilitation (\$840,000), down payment assistance (\$500,000), and assistance to developers to increase the affordable housing stock (\$1,380,000).

ESG funds (\$220,000) are allocated to local homeless shelter providers to help cover operational expenses and essential services. Local matching funds required under this program must be provided by the local non-profits that participate in the program.

The **HOPWA** program (\$795,000) provides housing related assistance for low-income persons with AIDS and their families.

The ordinance expressly provides that none of these funds will be used for any property acquisition involving the use of eminent domain.

ORDINANCE NO. BL2009-600 (JERNIGAN) – This ordinance amends the Metro beer code to require that notice be sent to the district councilmember upon the filing of an application for a caterer's beer permit, a special events beer permit, or a temporary beer permit with the beer board. All persons or businesses desiring a beer permit must file an application under oath with the beer board stating, among other things, that no one with a five percent or greater ownership interest in the company has been convicted of a crime involving moral turpitude or an alcoholic beverage related crime within the past 10 years. The application must also include

the location where beer is to be sold with floor plans and diagrams. The beer board then submits the application to the police department for a background check.

This ordinance would require the beer board to notify the district councilmember within three days after the filing of a caterer's beer permit, special events beer permit, or temporary beer permit application. The councilmember would have five days in which to submit written comments or concerns about possible community concerns associated with the sale of beer by the applicant and/or at the proposed temporary or special event.

ORDINANCE NO. BL2009-601 (JERNIGAN) – This ordinance amends the Metro Code to allow disabled drivers to park on both sides of 11 streets in the Old Hickory area. The Code currently provides that the department of public works has the authority to post signs stating no parking is allowed on streets that are 20 feet or less, or that parking is only allowed on one side of the street with a width of 30 feet or less. A number of streets in the Old Hickory Village are narrow and, therefore, parking is currently not allowed on both sides of the street. This ordinance would allow persons with a valid disabled driver placard or license plate to park on both sides of the following streets, in either direction:

1. Berry Street
2. Birdsall Street
3. Bryan Street
4. Clarke Street
5. Cleves Street
6. Debow Street
7. Dodson Street
8. Elliston Street
9. Jones Street
10. Lawrence Street
11. Overton Street

This ordinance has been referred to the traffic and parking commission.

ORDINANCE NO. BL2009-602 (CLAIBORNE) – This ordinance amends the Metro Code to prohibit the issuance of a house moving permit if the applicant has been found guilty within the past year of violating the code provisions pertaining to the moving of houses. The code currently requires persons desiring to move a house to obtain a permit from the department of codes administration. Once a house has been moved from its foundation, it must be moved from the site within 30 days. The owner of the house then has 90 days after it is moved to make the necessary improvements to the structure to bring it up to code standards, although the department of codes administration may grant extensions upon the showing of delay caused by matters beyond the control of the owner or house mover.

Although these timeframes are expressly provided in the code, many house movers fail to follow these provisions and houses have been left for months after they have been moved from the foundation and had the brick or siding removed. This ordinance would prohibit such an offender from obtaining another house moving permit if they have been found guilty of violating the house moving code provisions or failing to satisfy the conditions of a permit within the past 12 months.

A meeting was held at the codes department offices on December 8, 2009, to allow house movers an opportunity to express their thoughts about this ordinance. All known house moving contractors operating in Davidson County were invited to participate in this meeting. As a result of this meeting, this ordinance is to be deferred indefinitely in light of a more comprehensive house moving ordinance to be filed in the near future.

ORDINANCE NO. BL2009-603 (HUNT) – This ordinance approves the routine adoption of the additions, deletions, and/or other amendments to the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government made during the previous year. These amendments are submitted annually by the department of public works. The map shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2009-604 (COLEMAN, STEINE & MATTHEWS) – This ordinance authorizes the director of public property administration to accept the donation of three parcels of property in the vicinity of Murfreesboro Pike and Hobson Pike for use as part of the parks system. The first parcel consisting of 16 acres was donated by Old Hickory Commons, LLC. The remaining two tracts totaling approximately 6 acres were donated by TWD I Partnership.

This ordinance has been approved by the board of parks and recreation and the planning commission.

The deeds that are attached to this ordinance were executed by the donors in 2005, but the parks department would not agree to accept the property until the construction of the subdivision was far enough along that sufficient access to the property was available. There is an amendment to this ordinance substituting two of the warranty deeds with revised, newly-executed deeds.

ORDINANCE NO. BL2009-605 (JAMESON & HUNT) – This ordinance abandons a 15 foot water and sewer easement for property located at 714 Ramsey Street. This easement, which contains a private sanitary sewer line at the proposed East River Apartments, is no longer needed by the department of water and sewerage services. This ordinance has been approved by the planning commission.

– BILLS ON THIRD READING –

SUBSTITUTE ORDINANCE NO. BL2009-491 (STANLEY & COLEMAN) – This substitute ordinance, as amended, amends the Metropolitan Code to prohibit the parking of large trucks on Metropolitan Government streets. The code currently allows the traffic and parking commission to set load limits for vehicles on local streets and to erect signs giving the load limits. Failure to abide by the load limitations results in a fifty dollar fine. There is an exception to the load limitations for delivering and picking-up materials and merchandise.

This ordinance would expressly prohibit the parking of trucks or motor vehicles of more than eighteen thousand pounds gross weight, or of trailers or semi-trailers, on Metro streets at any time of day except while actually engaged in loading or unloading. The ordinance also authorizes police officers to move or require the removal of an illegally parked truck.

This ordinance has been approved by the traffic and parking commission.

ORDINANCE NO. BL2009-570 (COLEMAN, TYGARD & OTHERS) – This ordinance approves a lease agreement between the Metropolitan Government and Hickory Hollow Mall Limited Partnership for space to enable the health department to operate a federal women, infants and children (WIC) program clinic at the mall. Metro is leasing 2,809 square feet of space at a monthly rental cost of \$1,872.67. The space is being leased “as is”, though the mall will be responsible for the maintenance of the HVAC system. Metro will be responsible for janitorial services within the leased premises, as well as providing maintenance for the space. Utilities will be provided by the mall, but Metro is responsible for paying its share of utilities in the amount of \$578.81 per month, which amount is to increase by ten percent each year. The term of the lease is through October 31, 2012, but may be extended for two additional one-year terms.

This lease agreement has been approved by the planning commission. Future amendments to the lease may be approved by resolution.

ORDINANCE NO. BL2009-575 (MITCHELL) – This ordinance renames Old River Road Pike, extending between two sections of River Road Pike, as “Horton Hollow Lane”. The realignment of River Road Pike caused several sections of Old River Road Pike to remain. This name change was requested by a resident in the area because visitors and delivery vehicles often have difficulty locating property on Old River Road Pike, and the residents are concerned that this could cause a delay in emergency services.

This name change has been approved by the traffic and parking commission.

ORDINANCE NO. BL2009-583 (STEINE) – This ordinance grants a telecommunications franchise to CenturyTel Fiber Company II, LLC, d/b/a Light Core, in accordance with the Metro Code. Light Core is a St. Louis, Missouri-based company that provides wholesale bandwidth transport services to telecommunications carriers and service providers in the United States. The company will have a fifteen year franchise and will be required to pay five percent of its gross revenues to the Metropolitan Government as consideration for granting the franchise. Light Core is also required to provide a bond in the amount of \$500,000 guaranteeing the

company's performance of its obligations under the franchise, as well as a \$1,000,000 certificate of liability insurance naming the Metropolitan Government as additional insured.

The application for this franchise has been approved by the planning commission.

ORDINANCE NO. BL2009-584 (MCGUIRE, STEINE & HUNT) – This ordinance authorizes the acquisition of seven utility easements for the Caldwell Lane water and sewer project. The estimated cost for this acquisition is \$10,500, which is to be paid from the water and sewer extension and replacement fund. The acquisition of additional easements for this same project may be approved by resolution.

This ordinance approves the acquisition of easements for the following properties:

1. 1105 Glendale Lane
2. 4401 Scenic Drive
3. 4300 Scenic Drive
4. 4015 Lealand Lane
5. 965 Caldwell Lane
6. 811 Caldwell Lane
7. 3915 Franklin Pike

This ordinance has been approved by the planning commission.