

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **September 21, 2010**

RE: **Analysis Report**

Balances As Of:	<u>9/15/10</u>	<u>9/9/09</u>
<u>GSD 4% RESERVE FUND</u>	* \$29,959,991	\$28,272,406
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	Unavailable	Unavailable

* Assumes estimated revenues in fiscal year 2011 in the amount of \$22,848,832

– RESOLUTIONS –

RESOLUTION NO. RS2010-1203 (MATTHEWS & MOORE) – This resolution appropriates \$550,000 in community development block grant (CDBG) funds for improvements in the Bordeaux Hills neighborhood strategy area. CDBG funds are designated by federal law to be used for affordable housing activities and for neighborhood community improvement projects. These funds will be used for the construction of new sidewalks on portions of Panorama Drive and Hinkle Drive, installation of signage throughout the neighborhood, and improvements to Bordeaux Gardens Park. Plans for these improvements are available for review at the offices of the Metropolitan development and housing agency.

RESOLUTION NO. RS2010-1337 (TYGARD & CRADDOCK) – This resolution authorizes the Metropolitan Council public safety committee to conduct an investigation regarding the loss of in-car camera video footage for approximately 1,600 police traffic stops. In May 2010, a vendor for the Metropolitan Nashville Police Department (MNPd), ICOP Digital, Inc., performed a remote software update to the MNPd's in-car camera system that apparently resulted in the deletion of approximately 1,600 recorded traffic stops. The MNPd uses camera units to record and save traffic stops on a hard drive in the car, which are then uploaded to a computer server located at the MNPd headquarters. The purpose of the in-car camera system is to provide visual and audio documentation of the traffic stops (especially those involving suspected DUI offenders) that can be submitted as evidence in court.

Though never used, there is a provision in the Metropolitan Charter authorizing the council, in aid of its legislative functions, to conduct investigations by the whole council or any of its committees upon adoption of a resolution receiving 30 affirmative votes. The Charter further authorizes the council to compel the attendance of witnesses and the production of books, papers, and records pertinent to an investigation or hearing, and to administer oaths to witnesses. This resolution provides that the committee is to make a report of its findings to the council following the conclusion of the investigation concerning the deletion of the traffic stop video footage that occurred in May 2010. The resolution also provides that the vice mayor may temporarily appoint additional members to the public safety committee as necessary for the purpose of conducting the investigation.

RESOLUTION NO. RS2010-1345 (BENNETT, STEINE & TYGARD) – This resolution approves a contract between the Metropolitan board of health and Financial Marketing Concepts, Inc., (FMC) to provide a discount prescription drug card to residents of the Metropolitan Government. FMC has created a discount prescription drug card known as the Coast2Coast Rx card and wants to partner with the health department to provide the card to residents free of charge. Holders of the free card will be eligible to receive discounts on prescription drugs, as well as discounted imaging and lab tests. FMC will create a website regarding the program as a link from the Metro website. The contract provides that FMC agrees to pay Metro a royalty of fifty cents per filled prescription up to 6,000 per month. The royalty will increase to sixty cents from 6,001 to 10,000 filled prescriptions, to seventy cents for 10,001 to 15,000 prescriptions, and to seventy-five cents for more than 15,000 prescriptions. The amount of the royalty would drop to (continued on next page)

RESOLUTION NO. RS2010-1345 (continued)

twenty-five cents per prescription in the event the Metropolitan Government endorses any other prescription discount card program. There is a typographical error in the schedule outlining the amount of royalties to be paid.

This agreement will renew automatically every year unless terminated by Metro with thirty days written notice to FMC.

The council office would point out that it is questionable whether the Metropolitan Government has the legal authority to raise funds in the manner set forth in this contract. FMC has the authority to make a non-binding contribution to the Metropolitan Government, which contribution would need to be accepted by resolution or ordinance of the council (depending on the value of the contribution). However, this contract would essentially pay Metro a higher royalty for agreeing not to endorse any other prescription discount card program. The council office recommends that this provision in the contract be modified to clarify that FMC desires to make a voluntary donation to the Metropolitan Government and that the donation is not contractually contingent upon Metro's decision whether to endorse any other prescription drug discount program. The council office has discussed this matter with the director of law who is in agreement with this modification.

RESOLUTION NO. RS2010-1363 (BARRY) – This resolution determines to issue \$250,000,000 in GSD general obligation bonds to provide funding for various projects contained in the mayor's 2010-2011 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. It is not anticipated that any long term debt will be issued within the next year. However, approval of this initial resolution will allow the Metropolitan Government to use its commercial paper program to provide short term financing to commence construction prior to the sale of the long term bonds.

The capital spending plan will provide funding for 31 projects. This debt will be paid from the debt service of the GSD. Since these are general obligations of the Metropolitan Government, the full faith and credit of the government is pledged.

Some of the projects to be financed include:

- \$18,000,000 for a community center, library, and health center at Hickory Hollow Mall
- \$16,000,000 for a police precinct and SWAT Team relocation to the former Peterbilt facility
- \$14,065,000 for various park projects
- \$5,000,000 for an open space fund
- \$18,000,000 to construct the 28th Avenue connector
- \$12,500,000 for sidewalks
- \$3,000,000 for new bikeways
- \$15,000,000 for a new elementary school in the Cane Ridge area
- \$10,000,000 to renovate the Highland Heights School building

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.

RESOLUTION NO. RS2010-1364 (RYMAN & BARRY) – This resolution approves an interlocal agreement between the Metropolitan convention center authority (CCA) and the Metropolitan arts commission for art project management services for the Music City Center (MCC). The CCA has budgeted a maximum of \$2 million to be used in the acquisition and placement of art within the MCC. Pursuant to this agreement, the arts commission will provide art project management services for the CCA as it relates to art within the convention center building and as part of the convention center complex. These services will include drafting a public art master plan for the MCC complex and assisting the CCA with the procurement of art for the MCC, which will include utilization of a citizen panel and the Music City Center public art committee to make art project recommendations to the CCA. The public art committee will be a 7-member committee to oversee the public art program for the complex. The CCA and the arts commission will each appoint three members, with the seventh member appointed by the mayor.

The arts commission will also be responsible for developing a concept plan for the type of art to be included, developing an art acquisition plan, management of the MCC citizen public art selection panel, management of the contracting process with the artists, and providing a supervising architect. The CCA will pay the arts commission \$200,000 for its services and will pay all of the expenses associated with procuring the art. The arts commission agrees to contribute \$750,000 from the public art fund to be used for the acquisition and placement of public art at the MCC complex. The CCA will have the sole authority to make decisions about the incorporation of art into the facility and will be responsible for paying all of the cost for procuring the art for the interior of the facility.

The term of this agreement is from the effective date through six months after the completion of the MCC, but in no event is the term to exceed five years.

RESOLUTION NO. RS2010-1365 (BARRY & LANGSTER) – This resolution approves an application for a juvenile accountability block grant in the amount \$126,216 from the state commission on children and youth to the juvenile court. These federal pass through funds would be used for the continued funding of two full time community-based probation officers and partial funding for an intake probation officer in the juvenile court's diversion program. The juvenile court would be required to provide a cash match of \$14,024 from its operating budget if the grant is awarded.

RESOLUTION NOS. RS2010-1366 & RS2010-1367 (LANGSTER & BARRY) – These two resolutions approve intergovernmental agreements for the temporary housing of female juvenile detainees. Since the Metro juvenile justice center sustained serious damage during the May flooding, Metro was forced to find an alternate location to house the female juvenile detainees. In July 2010, the council approved an intergovernmental agreement between the Davidson County juvenile court and the Williamson County juvenile court for a sixty day period. Metro desires to extend this agreement for a one year period and to approve a supplemental agreement with the state.

State law allows intergovernmental agreements to be approved by resolution.

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RESOLUTION NOS. RS2010-1366 & RS2010-1367 (continued)

Resolution No. RS2010-1366 approves an extension of an intergovernmental agreement with Williamson County whereby the Williamson County juvenile court will continue to house Metro's female juvenile detainees, to the extent it has space available, through September 21, 2011, for \$125 per day for each detainee. The Davidson County juvenile court will be responsible for all transportation costs and for medical/dental care provided to the detainees while under Williamson County's supervision.

Resolution No. RS2010-1367 approves an intergovernmental agreement with the state department of children's services (DCS) for the use of one housing unit at the state's New Visions facility to house up to 12 female juvenile detainees. Metro will reimburse DCS for the cost of meals for its detainees and will be responsible for all transportation costs. The term of this agreement is through September 21, 2011, but either party may terminate the agreement upon 30 days written notice.

RESOLUTION NO. RS2010-1368 (BARRY) – This resolution approves an application for a grant in the amount of \$2,000 from the National Center for Civic Innovation to the finance department for the government performance reporting trailblazer program. These funds will be used to advertise the Citizens' Guide to Metro's Performance website on a LED digital billboard somewhere in downtown Nashville.

RESOLUTION NO. RS2010-1369 (BARRY) – This resolution appropriates \$6,969,000 from the general fund reserve fund (4% fund) to ten departments. Four percent funds may only be used for the purchase of equipment and repairs to buildings. The total amount of the resolution is \$6,969,000. The balance in the general fund reserve fund as of September 15, 2010, was \$29,959,991. This consists of unrealized revenue for fiscal year 2011 in the amount of \$22,848,832. The resolution provides that "The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund." Copies of the supporting information sheets required by Ordinance No. O86-1534 are attached to this analysis. The following departments and agencies are to receive funding:

Assessor of Property – \$100,000 for computer equipment, scanners, printers, and software.

Bordeaux Long-Term Care – \$33,600 for bariatric beds and computers.

Finance – \$2,500,000 for various building and property repairs and equipment replacement related to the flood.

General Hospital – \$157,200 for miscellaneous medical equipment.

General Services – \$3,000,000 for miscellaneous facility equipment, maintenance, and vehicle replacements.

General Sessions Court – \$60,000 for the final phase of the traffic school interactive voice response system.

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RESOLUTION NO. RS2010-1369 (continued)

Historical Commission – \$25,000 for historic markers and replacement posts.

Information Technology Services – \$68,000 for replacement of mobile production equipment for Metro3.

Knowles Home – \$9,400 for replacement air conditioning units and an ice machine.

Parks and Recreation – \$400,000 for miscellaneous new and replacement equipment, furnishings and maintenance.

Public Works – \$355,800 for replacement parking meters and new recycling boxes.

Sheriff – \$260,000 for a security system software upgrade.

RESOLUTION NO. RS2010-1370 (BARRY & MAYNARD) – This resolution approves a grant in the amount of \$7,000 from the state arts commission to the Metropolitan board of parks and recreation to supplement the Big Band dance program in Centennial Park. This program provides free big band dances to the public. The parks will use this funding for the purpose of continuing the dance program this year. There is a required local in-kind match of \$7,000 to be provided by the parks department.

RESOLUTION NO. RS2010-1371 (MAYNARD & BARRY) – This resolution approves an annual grant in the amount of \$187,822 from the state department of state to the Nashville public library system to assist persons that have difficulty using the library. These funds are for general library services, library services to the hearing impaired, materials for the disadvantaged, and to purchase library materials to be used in the interlibrary loan process. The term of this grant is from September 1, 2010, through June 30, 2011.

RESOLUTION NO. RS2010-1372 (HARRISON, BARRY & OTHERS) – This resolution approves an application for a grant from the state emergency management agency to the Metropolitan Government to acquire and demolish eighty-one flood-prone properties in the Delray Drive and West Hamilton Avenue areas as part of the first round of anticipated home buyouts. These properties are located in the Richland Creek and Whites Creek floodways, which qualify them for assistance under the federal hazard mitigation assistance grant program. These federal pass-through funds will be used to acquire and demolish the homes. The properties will be maintained in the future by Metro water services as open space. Properties are only acquired under this program on a voluntary sale basis.

Once the grant is awarded, a resolution accepting and appropriating the grant funds will be submitted for council approval.

RESOLUTION NO. RS2010-1373 (BENNETT, BARRY & HODGE) – This resolution approves a Safe Routes for Schools project agreement between the Tennessee department of transportation and the Metropolitan department of public works to construct sidewalks along Oakwood Avenue in the vicinity of Tom Joy Elementary School. This contract is funded through a federal pass-through grant program made available for the benefit of specific schools with infrastructure issues that act as an impediment to students safely walking and biking to school. Based on the grant application approved in back in 2008, there are currently over 400 students attending Tom Joy that do not have bus service, with over 100 students walking or biking to school. These grant funds will be used to construct 1,570 linear feet of sidewalks including handicap ramps, pavement repairs, and traffic striping. Metro agrees to complete these improvements within two years.

RESOLUTION NO. RS2010-1374 (BARRY & HODGE) – This resolution approves an application for a recycling rebate grant in the amount of \$41,782 from the state department of environment and conservation for the benefit of the department of public works. These funds will be used to defray the cost of operating the Metro recycling centers. There is a required match of \$41,782 that will be provided from the department's operating budget.

RESOLUTION NO. RS2010-1375 (RYMAN, HODGE & BARRY) – This resolution authorizes the Metropolitan Government to enter into a contract with the City of Goodlettsville for the acceptance and treatment of its sewage flow. Metro has contracts with a number of other municipalities and utility districts to transport and treat their sewage. Metro water services has negotiated new uniform sewage treatment rates with the various municipalities and utility districts, which is the subject matter of this contract.

This contract is for a term of ten years, but may be extended upon agreement of the parties. Under this new contract, the utility district will pay \$1.00 per hundred cubic feet up to a maximum number of gallons for each point of connection. If the sewage flow exceeds the maximum level, the price will be 125% of this price for the excess amount of flow. The contract includes a built in annual adjustment for the sewage treatment price. For years two through five and seven through ten, the adjustment will be based upon the percentage increase or decrease in the service charge index published by the National Association of Clean Water Agencies. The adjustment in year six of the contract will be determined by a rate consultant mutually acceptable to both parties.

The contract provides that Goodlettsville will be given a capital cost credit as provided by the previous contract. The new contract also provides that Goodlettsville will operate an industrial pretreatment program within its service area at its sole expense.

RESOLUTION NO. RS2010-1376 (BARRY & GOTTO) – This resolution approves an intergovernmental agreement in the form of a memorandum of understanding between the state department of finance and administration and the Metropolitan Government, acting through the Metropolitan planning department, for the sharing of GIS (geographic information system) data. Pursuant to this agreement, Metro will provide the state will access to our GIS data to support the development of a statewide GIS property database. This agreement may be terminated by either party with 30 days written notice.

RESOLUTION NO. RS2010-1377 (JAMESON, MOORE & OTHERS) – This resolution approves an application for a federal grant in the amount of \$900,000 to fund a master plan for the Lafayette Street area of downtown Nashville. The purpose of the plan will be to help transform the area into a “complete neighborhood” with various uses, a mixture of housing prices, and a realignment of the street grid to support active transportation options. If the grant is awarded, there will be a required local match of \$500,000. This resolution approves both the pre-application and application for the grant.

RESOLUTION NO. RS2010-1378 (HODGE & BARRY) – This resolution approves an annual grant in the amount of \$163,077 from the state department of transportation to the Davidson County sheriff’s office for litter and trash pick-up along roads and highways, and litter prevention education. These grant funds will be used to fund the administration of a continuing program to use misdemeanor offenders under the custody of the sheriff’s office to pick up roadside litter. The grant contract provides that \$48,900 of the funds will be used for litter prevention education. The term of the grant is from July 1, 2010 through June 30, 2011.

RESOLUTION NO. RS2010-1379 (LANGSTER, BARRY & BAKER) – This resolution approves the annual contract for services performed by the Metropolitan Government for the emergency communications district (ECD) relative to operation of the enhanced-911 service for fiscal year 2010-2011. The contract specifies certain services to be provided by the Metro emergency communications center, the department of public works, and the department of general services. The department of public works will maintain an updated Master Street Address Guide, and the department of general services will provide day-to-day staff and support services for operation of the enhanced-911 emergency communications systems, as well as five fleet vehicles. Metro also agrees to handle the procurement of goods and services upon request by the ECD through our purchasing division. Metro will also be responsible for training the Metro employees who will operate the system. ECD is to reimburse the Metropolitan Government in the amount of \$4,900 for the services provided by the department of public works and \$8,257 for the use of the five fleet vehicles, plus the reimbursement of certain training costs, telephone expenses, and equipment costs.

RESOLUTION NO. RS2010-1380 (BARRY & LANGSTER) – This resolution approves an application for a grant in the amount of \$1,085,285.75 from the Tennessee emergency management agency to the Metropolitan Government for homeland security preparedness activities. These funds would be used to implement the state homeland security strategy and the national preparedness goals through the purchase of equipment and training activities.

RESOLUTION NO. RS2010-1381 (LANGSTER & BARRY) – This resolution approves the continuation of an Edward Byrne Memorial Justice Assistance Grant in the amount of \$857,577 from the U.S. department of justice to the Metropolitan Government to support a broad range of activities to prevent and control crime. The grant application approved in July 2010 provided that these federal funds were to be allocated as follows:

- **District attorney:** \$85,743.25 to pay salary and benefits for a part-time case assistant DA or victim advocate;

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RESOLUTION NO. RS2010-1381 (continued)

- **Public defender:** \$14,031.09 to employ a part-time intervention specialist to assist attorneys assigned to the Juvenile Division;
- **Juvenile court:** \$26,341.60 for broadband access to satellite probation offices;
- **JIS:** \$42,739.09 to purchase four new servers to replace outdated ones;
- **Sheriff:** \$107,592.44 to fund the salary and benefits for the director of community outreach, and to purchase restraints, ammunition, and cameras for the security and safety program;
- **Police:** \$264,487.83 for technology purchases to upgrade and enhance the warrant division filing system;
- **Schools:** \$97,224.99 to install additional closed-circuit television cameras in schools;
- **Parks:** \$14,868.77 to purchase digital cameras, night vision goggles, and first responder kits for the parks police;
- **Drug Court:** \$126,594.18 for the operational costs of their current drug treatment program;
- **Indirect Costs:** \$77,953.75.

The term of the grant is through September 30, 2013, but this is the fiscal year 2010 portion of the funding.

RESOLUTION NO. RS2010-1382 (BARRY) – This resolution approves a grant in the amount of \$165,000 from the state department of labor and workforce development to the Nashville career advancement center for the incumbent worker training program. These federal funds, under the Workforce Investment Act of 1998, are used to train employees of businesses that apply for and receive the training assistance. The term of the grant is from July 1, 2010 to June 30, 2011.

RESOLUTION NO. RS2010-1383 (BARRY) – This resolution approves a grant in the amount of \$66,000 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to make resources available for Keystone Automotive in Davidson County. Keystone is in the process of expanding its Nashville facility, which will create 188 new jobs. These funds will be used to provide employee recruitment, initial applicant screening, and on-the-job training. The term of the grant is July 1, 2010 through June 30, 2011.

RESOLUTION NO. RS2010-1384 (BARRY & FORKUM) – This resolution approves a continuation of a contract between the Metropolitan board of health and Hands On Nashville to coordinate the training of community volunteers to be used in preparedness activities. Pursuant to this contract, Hands On Nashville is responsible for recruiting and training volunteers to staff the activation, operation, and de-activation of points-of-dispensing during widespread emergencies such as a flu epidemic or bioterrorism attack. These volunteers will be responsible for performing tasks ranging from setting up dispensing stations to handing out vaccinations. Hands On Nashville will receive reimbursement in the amount of \$16.25 for each volunteer, for a maximum total of \$22,000 under the contract. The term of the contract is from the date of approval by the council through July 31, 2011, with a possible extension of three additional one-year terms.

RESOLUTION NO. RS2010-1385 (BARRY & FORKUM) – This resolution approves a grant in the amount of \$787,100 from the state department of health to the Metropolitan board of health to provide care coordination services for the children's special services program. This grant funds the salaries of health department personnel in the children's special services program whose duties include providing care coordination services for the children's special services program, comprehensive pediatric and developmental assessments, audiology and speech pathology services, as well as administrative and clinical support. The term of the grant is from July 1, 2010 through June 30, 2011.

RESOLUTION NO. RS2010-1386 (BARRY & FORKUM) – This resolution approves a contract between the Metropolitan board of health and Community Food Advocates to increase access to healthy food and physical activity opportunities in low-income neighborhoods. Community Food Advocates will be paid \$640,156 for its services, which funds are provided through a federal stimulus grant received by the health department. The services to be provided under the contract include developing a comprehensive community garden and urban agricultural program for Nashville, creating a healthy corner store network of 29 stores that have committed to offering healthier food options, and to create a food policy council to build support for healthy eating initiatives. The term of the contract is from August 1, 2010 through July 21, 2012, but can be terminated by Metro without cause with 30 days written notice to the contractor.

RESOLUTION NO. RS2010-1387 (BARRY & FORKUM) – This resolution approves a grant in the amount of \$202,200 from the state department of health to the Metropolitan department of health to enhance the health and well-being of women, infants, and families. These funds are for the fetal-infant mortality review program, which is a program to improve community resources and plan public health services that have a positive impact on the fetal-infant mortality rates. The majority of the funds will be used to pay the salaries of the health department employees implementing the program. The term of the grant is from July 1, 2010 through June 30, 2011.

RESOLUTION NO. RS2010-1388 (BARRY & FORKUM) – This resolution approves an annual grant in the amount of \$881,600 from the state department of health to the Metropolitan board of health for bioterrorism preparedness services. These federal pass-through funds are primarily used to pay the salaries of the health department personnel that provide the public health emergency preparedness program for Metro.

The term of the grant is from August 1, 2010 through July 31, 2011.

RESOLUTION NO. RS2010-1389 (BARRY & FORKUM) – This resolution approves an annual grant in the amount of \$227,200 from the state department of health to the Metro health department for the commodity supplemental food program. This is a federal program that provides nutritious food to eligible low-income clients who are vulnerable to inadequate nutrition. The majority of these federal pass-through funds are used to pay the salaries and benefits of the health department employees in the commodity food program. The term of the grant is from October 1, 2010, through September 30, 2011.

RESOLUTION NO. RS2010-1390 (FORKUM & BARRY) – This resolution approves an amendment to a grant in the amount of \$201,961 from the state department of finance and administration to the Metropolitan board of health for the infant mortality program, focusing on African American and Latina teenagers. These funds are used to pay the salaries of a program coordinator and two other program personnel. This amendment extends the term of the grant through June 30, 2011.

RESOLUTION NO. RS2010-1391 (FORKUM & BARRY) – This resolution approves an amendment to a grant in the amount of \$170,636 from the state department of finance and administration to the Metropolitan board of health to create a team of health ambassadors from each of the five historically Black colleges and universities in Tennessee. This grant funds a coordinator position for the program. These teams consist of four students each from Fisk University, Meharry Medical College, Knoxville College, Lane College, and LeMonye-Owen College. This amendment extends the term of the grant through June 30, 2011, and carries forward \$76,251 from fiscal year 2010 to fiscal year 2011.

RESOLUTION NO. RS2010-1392 (BARRY & FORKUM) – This resolution approves an amendment to a contract between the Metropolitan board of health and Matthew Walker Comprehensive Health Center for a mobile clinic to provide early periodic screening diagnosis and treatment exams to middle school children. This amendment extends the term of the contract through June 30, 2011, and increases the amount of the compensation for the health department to \$108,500. Under this contract, the health department provides the mobile clinic unit, as well as the driver of the unit and coordinator of the program.

RESOLUTION NOS. RS2010-1393 & RS2010-1394 (BARRY & FORKUM) – These two resolutions approve business associate agreements between the board of health and private contractors to prevent the disclosure of protected health information. These business associate agreements are necessary in order to comply with HIPPA.

Resolution No. RS2010-1393 approves a business associate agreement with Hands On Nashville.

Resolution No. RS2010-1394 approves a business associate agreement with Community Food Advocates.

RESOLUTION NO. RS2010-1395 (BARRY) – This resolution authorizes the department of law to compromise and settle the Metropolitan Government's claim against Philip Beisswenger in the amount of \$9,648.57. On July 24, 2009, a Metro police officer was stopped in traffic on Woodmont Boulevard when the rear of his patrol car was struck by a vehicle driven by Mr. Beisswenger, causing the officer to collide with the vehicle in front. The impact caused soft tissue injuries to the police officer's neck, resulting in medical expenses of \$9,648.57. This resolution reimburses the Metropolitan Government for the amount of the medical bills.

The settlement of Metro's claim against Mr. Beisswenger in the amount of \$15,451.24 for the damage to the patrol car was approved by the council in May 2010.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2010-733 (MCGUIRE & STEINE) – This ordinance declares the Walter Stokes School property located at 3701 Belmont Boulevard 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. The board of education has determined that this property is no longer needed for school purposes and has transferred it to the director of public property administration. The proceeds of the sale will be credited to the unappropriated school fund.

ORDINANCE NO. BL2010-734 (HOLLEMAN, JAMESON & COLE) – This ordinance amends the Metropolitan Code to provide free parking at parking meters for environmentally friendly vehicles. The Mayor's green ribbon committee on environmental sustainability 2009 report recommended that Metro provide free parking for clean technology vehicles, including those powered by electricity, electric hybrid, and biofuel. In an effort to implement this recommendation, this ordinance would provide free parking for any vehicle that has a certain minimum environmental performance score from the U.S. environmental protection agency (EPA). A vehicle's environmental performance score can easily be obtained by inputting the vehicle's information into the green vehicle guide located on the EPA's website.

This ordinance would require the county clerk to issue a sticker to vehicles eligible for the free parking upon the payment of a \$4.00 processing fee. The county clerk's office will determine the vehicle's eligibility by using the guide on the EPA website. Vehicles possessing the sticker would be allowed to park for free for up to three hours at any parking meter in Nashville.

There is a proposed amendment to this ordinance to clarify that the sticker must be obtained annually, to increase the annual sticker fee to \$5.00, to specify that vehicles cannot park longer than the maximum time limit stated on the meter, to delay the effective date until January 1, 2011, and to add a sunset provision.

ORDINANCE NO. BL2010-747 (JAMESON & GILMORE) – This ordinance amends the Metropolitan Code to exempt artisan distilleries selling commemorative liquor bottles from the street requirements applicable to liquor stores. The code requires all establishments engaged in the retail sale of liquor to have their principal access to a major street. The zoning code was amended last year to add "artisan distillery" as a new use in the zoning code, which is permitted in the CC, CF, and industrial zoning districts. In order to qualify as an artisan distillery, the operator is limited to producing alcoholic beverages in quantities not to exceed 1,000 barrels per month, with one barrel holding 55 gallons. The purpose of this ordinance was to allow smaller-scale distilleries in the downtown area to serve as tourist attractions. However, the 2009 ordinance did not amend the retail liquor provisions in the code pertaining to street access.

This ordinance would exempt artisan distilleries from the major street access requirements as long as their liquor retail activity is limited to the sale of commemorative bottles of alcoholic beverages produced on site.

ORDINANCE NO. BL2010-748 (JERNIGAN) – This ordinance amends the Metropolitan Code to prohibit the parking of large trucks on streets with weight restrictions. The code currently prohibits the operation of vehicles in excess of the weight limits set by the traffic and parking commission. However, the code does not expressly prohibit the parking of such vehicles on these streets. The ordinance clarifies that parking or standing a truck on these streets is also prohibited.

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

ORDINANCE NO. BL2010-749 (CRADDOCK) – This ordinance amends the Metropolitan Code to clarify that licensed booting companies are only allowed to engage in the practice of booting on commercial parking lots. In June 2009, the council enacted Ordinance No. BL2009-434 to prohibit private companies from engaging in the practice of “booting” vehicles. A few months later, the council enacted Ordinance No. BL2009-525 to allow booting, provided the company is licensed and follows the specific requirements of the Code. Since the enactment of Ordinance No. BL2009-525, certain issues have arisen regarding booting companies operating at apartment complexes. The transportation licensing commission director has recommended that the Council enact an ordinance to address these concerns.

This ordinance adds a new section to the booting provisions in the code to clarify that licensed booting companies are only allowed to engage in the practice of booting on commercial parking lots.

ORDINANCE NO. BL2010-750 (STEINE & HARRISON) – This ordinance authorizes the industrial development board of the Metropolitan Government (IDB) to negotiate and accept payments in lieu of ad valorem taxes (PILOT) for the benefit of HealthSpring, Inc. HealthSpring is a Nashville-based company that provides coordinated care health plans with a primary focus on the Medicare Advantage market. The company currently leases office space in three buildings in the Metro Center complex and has approximately 750 employees at its Metro Center offices. HealthSpring is looking to consolidate their existing data center and information technology operations by constructing a new 170,000 square foot facility in Metro Center. HealthSpring will be partnering with Southeast Venture, who is constructing the building. It is anticipated that this new facility will add 315 jobs in Nashville. According to HealthSpring's recent filings with the securities and exchange commission, the company has entered into an agreement to purchase Bravo Health, Inc., for \$545 million in cash. HealthSpring's quarterly report shows total revenue in the amount of \$1.5 billion for the six month period ending June 30, 2010, with a net income of \$89.6 million for the same period.

As an incentive to HealthSpring, the administration has proposed that the council authorize the IDB to enter into a PILOT agreement with the company that will essentially provide them with a property tax abatement. State law permits local governments to delegate the authority to industrial development boards to enter such agreements provided that the payments are in furtherance of the public purpose of the board. PILOT programs have been used by the Metropolitan Government in the past to provide incentives to large employers to create more job opportunities, and are subject to approval by the council. Some of the more prominent (continued on next page)

ORDINANCE NO. BL2010-750 (continued)

PILOT agreements from previous years include agreements with Columbia/HCA Healthcare Corporation, Inc., and Dell Computer Corporation. Most recently, the council approved a PILOT for LKQ Automotive in August 2010.

Pursuant to this ordinance, the council would be delegating the authority to the IDB to negotiate and accept payments in lieu of both real and personal property taxes. The ordinance will effectively result in a 100% personal property tax abatement for the company for three years and a real property tax abatement for ten years. As a point of reference, HealthSpring's 2009 personal property tax bill was approximately \$23,000. The percentage of the real property tax abatement will be as follows:

- Years 0 – 4 100% real property tax abatement
- Years 5 – 7 60% real property tax abatement
- Years 8 – 10 40% real property tax abatement

This ordinance provides that HealthSpring will be making a \$16,000,000 capital investment in the real property for phase I and a \$12,000,000 - \$14,000,000 investment for phase II. In addition, the company will be investing \$23,000,000 in personal property over the course of five years for a total capital investment of approximately \$53,000,000. Using these capital investment amounts as a basis for valuation of the property, the council would be approving a total tax abatement of approximately \$3,700,000 over the next ten years. A spreadsheet prepared by the council office showing this calculation is attached to this analysis. It is important to note that the cost of a project is only one factor the assessor of property considers in determining the appraised value of the property. Thus, the actual amount of tax revenue Metro will be foregoing could be higher or lower than the council office's projection. The council office would also point out that since HealthSpring will be vacating the existing space it is leasing in order to consolidate into one new facility, this could have a negative impact on the assessed value of the buildings being vacated.

State law allows the council to require the PILOT agreement to be submitted to the council for approval once it is negotiated. This ordinance does not provide for any subsequent council approval of the PILOT agreement. However, the ordinance does provide that the final version of the PILOT agreement must be approved as to legality by the Metro director of law.

ORDINANCE NO. BL2010-751 (RYMAN) – This is a routine ordinance that readopts the Metropolitan Code prepared by Municipal Code Corporation to include all ordinances enacted on or before February 16, 2010. Municipal Code Corporation has the contract with Metro to codify all ordinances enacted by the council, as well as to update and maintain the on-line version of the code. The council periodically readopts the code to make sure the printed and online versions are kept up to date.

ORDINANCE NO. BL2010-752 (GILMORE) – This ordinance abandons a portion of McGavock Street from 9th Avenue South to Alley No. 115. This portion of McGavock Street is no longer needed for government purposes. Metro will retain all easements. Consent of the affected property owners is included as an attachment to the ordinance. This closure has been requested by the U.S. general services administration as part of the widening of Demonbreun Street from 8th to 9th Avenues. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2010-755 (LANGSTER) – This ordinance approves a memorandum of understanding (MOU) between the Metropolitan police department and the International Association of Chiefs of Police (IACP) regarding participation in an officer injury study. The purpose of the MOU is to study how police officers get hurt and to provide the police department with information to address areas of vulnerability. The IACP will study the data and develop practical resources to assist the police department in identifying and responding to officer injury vulnerabilities. There is no cost to the Metropolitan Government for entering into this MOU.

SUBSTITUTE ORDINANCE NO. BL2010-756 (LANGSTER, HODGE & OTHERS) – This ordinance authorizes the acquisition of property by negotiation or condemnation necessary for the 28th/31st Avenue connector project. In June 2009, the council approved the planning of a 28th/31st Avenue connector as part of the mayor's 2009 capital spending plan. The connector will run from Park Plaza to the south side of the Nashville and Western railroad tracks east of Charlotte Pike. Funding for the construction of the connector is included as part of the mayor's proposed 2010-2011 capital spending plan, which is the subject matter of Resolution No. RS2010-1363.

This ordinance authorizes the acquisition of a portion of the following properties:

1. 2555 Park Plaza
2. 2545 Park Plaza
3. 331 28th Avenue North
4. 336 28th Avenue North
5. 350 28th Avenue North
6. 337 28th Avenue North
7. 341 28th Avenue North
8. 351 28th Avenue North
9. 28th Avenue, unnumbered
10. 2801 Charlotte Avenue
11. 3020 Charlotte Avenue
12. Charlotte Avenue, unnumbered

This ordinance does not provide an estimated cost for this property acquisition. The acquisition of additional easements for this same project may be approved by resolution.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2010-757 (BENNETT, BARRY & HODGE) – This ordinance authorizes the acquisition and acceptance of three drainage easements and 25 temporary construction easements for the construction of sidewalks and associated improvements along the west side of Oakwood Avenue between Slaydon Avenue and Bullock Avenue. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2010-758 and BL2010-759 (CRAFTON & EVANS) – These two ordinances adopt a plan of service and approve the extension of the boundaries of the urban services district (USD) to include approximately 960 individual parcels in the Bellevue area located along Old Hickory Boulevard between Interstate 40 and Highway 70 South. 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 approved the plan of services at its August 12, 2010, meeting.

These parcels of property already receive additional police protection, fire protection, water and sewer service, and street cleaning services. While the majority of the area is within the Harpeth Valley Utility District service area, the properties receive the same level of water and sewer service that properties served by Metro water services within the USD receive. Thus, the only additional services that will be rendered under the plan of services are street lighting, trash collection, and recycling collection. According to the department of public works, the estimated cost for providing these services is \$41,900 annually, with an initial start-up cost of \$287,500. Based upon information provided to the council office by the property assessor's office, this annexation would result in increased annual tax revenues to Metro of approximately \$781,000.

State law requires that the council hold a public hearing on both the plan of service and the annexation ordinance prior to their adoption on third and final reading. There is an amendment for these ordinances making a housekeeping correction to the list of properties to be annexed. Once the bills are amended, they should be deferred one meeting so that the corrected bill can be advertised for public hearing.

Ordinance No. BL2010-758 adopts the proposed plan of services for the annexation of these Old Hickory Boulevard properties.

Ordinance No. BL2010-759 extends the boundaries of the urban services district to include the properties noted above.

– BILLS ON THIRD READING –

SUBSTITUTE ORDINANCE NO. BL2010-637 (HUNT & TOLER) – This ordinance amends the restrictions in the zoning code to allow recycling operations at recycling facilities to be conducted outdoors. The zoning code only allows recycling facilities as a use permitted with conditions (PC) use in the industrial districts. A recycling facility is defined in the zoning code as any facility that separates, processes, converts, treats, or otherwise prepares non-putrescible waste for recycling. Non-putrescible waste consists of material that is not capable of decomposing. Such facilities are required to meet certain conditions in order to operate as a recycling facility. These conditions include the following:

1. A minimum lot size of one acre;
2. A building setback of at least 150 feet from a residential zoning district or legally occupied residential structure;
3. Driveway access can be from a local street as long as the street is not bounded by any residential zoning district from the driveway to an intersection with a collector or major street;
4. Opaque fencing at least eight feet in height is required along all zoning districts permitting residential uses. For facilities not adjacent to zoning districts permitting residential uses, the entire facility must be enclosed by an eight-foot tall chain link fence;
5. All sorting and separation activity must take place within an enclosed structure;
6. The enclosed areas of recycling facilities must have concrete floors, and high traffic areas around the facilities must be paved;
7. The hours of operation are limited from 7:00 a.m. to 6:00 p.m. for any facility adjacent to a zoning district permitting residential uses; and
8. Light and glare must be directed on-site for facilities adjacent to a zoning district permitting residential uses.

The requirement that the recycling operations take place entirely within an enclosed structure has acted as a barrier to the opening of these facilities, which has likely resulted in more debris being taken to landfills.

This ordinance would delete the requirement in the Zoning Code that the compacting, sorting, processing or storage of materials at recycling facilities take place entirely within an enclosed building unless the facility is located within 1,000 feet of certain residentially-zoned districts. It is important to point out that under this substitute only a small number of sites in Davidson County would be eligible for outdoor recycling. Most of these available sites are located in the Cockrill Bend, Omohundro, and Sidco industrial areas.

This ordinance has been approved by the planning commission.

There is a second substitute for this ordinance that would essentially allow construction/demolition recycling activity to take place outdoors, but all other recycling activity involving putrescible waste would continue to be required to take place inside an enclosed building. The second substitute would designate this use as a use permitted with conditions in (continued on next page)

SUBSTITUTE ORDINANCE NO. BL2010-637 (continued)

the same manner as standard recycling facilities noted above. The conditions that would apply to C&D recycling facilities are as follows:

1. A minimum lot size of one acre is required.
2. All construction/demolition recycling facility sites must be located at least 1,000 feet away from any residentially-zoned property. If located closer than 1,000 feet, a completely enclosed building shall be required for all compacting, sorting, processing and storage of any waste, debris, and materials.
3. Opaque fencing must be erected along all residential zoning districts.
4. Driveway access can be from any local street, provided that street is not bounded by any residential zoning district from the driveway access point to the street's intersection with a major street.

The second substitute also incorporates by reference the provisions of Ordinance No. BL2010-718 applicable to construction/demolition recycling facilities, which was approved in August 2010.

ORDINANCE NO. BL2010-650 (GOTTO & JERNIGAN) – This ordinance amends the Metro Code to require the department of public works to inform disabled drivers parking at Metro facilities that there is no charge for parking their vehicles. State law prohibits local governments from charging a fee to park in any municipally-owned garage or metered spot for a vehicle with a valid disabled driver license plate or placard. This ordinance would require that either signs be posted within a parking meter zone or a statement be included on all meters informing drivers about this state law. Signs would also be required at the entrances to all Metro-owned parking garages.

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

SUBSTITUTE ORDINANCE NO. BL2010-714 (HOLLIN & COLE) – This substitute ordinance amends the beer permit requirement provisions in the Metro Code to exempt restaurants that already have a state on-premises liquor consumption license from Metro's minimum distance requirements to obtain a beer permit upon the adoption of a resolution by the council. The code currently 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, in 2003, the council enacted Substitute Ordinance No. BL2003-1353 establishing an exemption from the minimum distance requirements for restaurants located on property subject to a planned unit development (PUD) that already have a state on-premises liquor consumption license. Substitute Ordinance No. BL2003-1353 was essentially a compromise bill in an effort to provide a mechanism for restaurants with a state liquor license to obtain an on-sale beer permit without meeting the established distance requirements in the code. Pursuant to state law, the Tennessee alcoholic beverage commission can take the applicant's location into consideration when determining whether to grant a license for on-premises consumption, but no set distance requirements are included in the state law.

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SUBSTITUTE ORDINANCE NO. BL2010-714 (continued)

This ordinance would repeal the existing beer PUD provisions in the code and substitute them with a mechanism to exempt any restaurant possessing a valid license issued by the state alcoholic beverage commission for on-premises liquor consumption from the Metro beer permit distance requirements upon the adoption of a resolution by the council with twenty-one affirmative votes. A public hearing before the council would be required before the resolution could be considered. Notice of the public hearing must be provided at the expense of the applicant. If the council failed to act on the resolution within sixty days of being notified by the beer board that the application has been filed, the resolution would be deemed approved. This is the same process as is provided in the zoning code for a number of special exception uses including airport runways, landfills, and waste transfer stations.

ORDINANCE NO. BL2010-725 (HOLLIN) – This zoning text change amends the Metro Code to provide for the waiver of application fees for members of council requesting the rezoning of ten or more parcels from a specific plan (SP) zoning district to another base zoning district. In 2005, the council enacted an ordinance to provide that the zoning application fee may be waived for rezoning requests initiated by members of council in the following circumstances:

1. To rezone property from a greater intensity residential use to a lesser intensity residential use (i.e., an "R" district to an "RS" district); or
2. To rezone property from an office, commercial, or industrial district to a residential or residential single-family district; or
3. To apply the urban design overlay district, historic preservation district, neighborhood conservation overlay district, or urban zoning overlay district to the property.

This ordinance would extend the fee waiver provisions to apply to ten or more parcels being rezoned by a member of council from an SP district to another zoning district.

The planning commission voted to make no recommendation regarding this zoning text change on the grounds that this is a matter of council policy.

ORDINANCE NO. BL2010-732 (STEINE) – This ordinance adopts the state enabling legislation to permit personal property taxes for properties damaged by the May 2010 flood to be prorated. This is a companion ordinance to BL2010-695 approved in July, which allows real property taxes to be prorated for flood damaged properties. Under this ordinance, businesses will be able to apply to the property assessor's office to have their assessments prorated for commercial and industrial tangible personal property that was destroyed in the flood and not replaced within 30 days.

Pursuant to state law, this ordinance must be approved by the council on third reading with at least 27 affirmative votes in order to become effective.

ORDINANCE NO. BL2010-735 (PAGE & CLAIBORNE) – This ordinance amends the Metropolitan Code provisions pertaining to the parking and storage of boats on single and two-family residential property. In 2002, the council amended the code to prohibit the parking of motor vehicles in yards, but did not address boats and trailers. Subsequently, in 2006, this code section was amended to require that all trailers and watercraft stored on private single-family and two-family residential property be parked on a paved or graveled driveway, or in the back yard. This ordinance would extend this provision further to require the parked boats to be fully operational and licensed by the Tennessee wildlife resources agency (TWRA). The TWRA requires that all boats used on the water to have a valid license. However, TWRA does not check boats stored on land.

ORDINANCE NO. BL2010-745 (DOMINY) – This amendment to the Metro zoning code would designate recreation center as a special exception use in the agricultural (AG and AR2a) zoning districts. “Recreation center” is defined in the zoning code as a community center, playground, park, swimming pool, and/or playing field available to the membership of a club or general public. This is a special exception use in all R, RS and RM zoning districts, but is currently prohibited in the agricultural districts.

In order to operate as a special exception use, the applicant must demonstrate to the board of zoning appeals that all of the required standards and regulations in the zoning code have been satisfied. The zoning code includes minimum setbacks for recreation centers. In addition, recreation centers must install landscape buffer screening and must have driveway access to a collector or arterial street.

The planning commission recommended approval of this zoning text change.