

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Staff

DATE: **August 21, 2001**

RE: **Analysis Report**

Balances As Of:	<u>8/16/01</u>	<u>8/10/00</u>
<u>GSD 4% RESERVE FUND</u>	\$14,574,458	\$7,885,285
<u>CONTINGENCY ACCOUNTS</u>		
GSD	\$50,000	\$50,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE</u>		
<u>SCHOOL FUND</u>	Unavailable	Unavailable
<u>SOLID WASTE</u>		
<u>DISPOSAL FUND</u>		
Solid Waste Activities	Unavailable	Unavailable

- RESOLUTIONS -

RESOLUTION NO. RS2001-702 (WALLACE) – This resolution authorizes Faison’s, Inc., and John M. Ferguson to install and maintain two awnings over the right-of-way of the sidewalk at 12th Avenue North and Porter Street. These installations are being requested by Scott Jones of Crown Tent and Awning on behalf of Faison’s and Mr. Ferguson. The planning commission has approved these installations, and the company will be required to maintain \$300,000 of public liability insurance.

RESOLUTION NO. RS2001-709 (GENTRY) – This resolution approves the change of the deadline for application for deferral payment of real property taxes from March 1st of each year to December 31st of each year. In June of this year the council adopted a real property tax deferral program for qualified elderly or disabled residents of the Metropolitan Government. This is the program that allows persons 65 years of age or older or persons who are totally disabled to defer payment of real property taxes on their place of residence. The program is subject to certain income limitations and provides that unpaid taxes would accrue a rate of six percent per year interest until finally paid. The taxes and interest are paid upon death or when the property is sold. The state legislature adopted a change in state law that allows local legislative governing bodies to make this change in date of application. By adopting this new date it will make the program eligible during this calendar year.

As the original resolution was adopted by a two-thirds vote of the council, staff is of the opinion that this resolution also requires a two-thirds vote of the council for adoption.

RESOLUTION NO. RS2001-710 (BRILEY & WATERS) – This resolution approves an amendment to a grant agreement between the state department of finance and administration and the general sessions court for creation of a mental health court. The amount is increased from \$160,372 to \$278,845, an increase of \$118,473, payable over the remaining years of the grant that expires June 30, 2004. Metro’s match also increases by \$13,165 annually.

The ordinance which originally approved the execution of this agreement provided the agreement could be amended by resolution receiving 21 affirmative votes.

RESOLUTION NO. RS2001-711 (HAND & GENTRY) – This resolution approves an amendment to a grant agreement between the U.S. department of treasury and the Metropolitan police department for a gang resistance education and training (GREAT) program. The amendment extends the term through January 15, 2002, and increases the amount received by \$150,000.

The ordinance which originally approved the execution of this agreement provided the agreement could be amended by resolution receiving 21 affirmative votes.

RESOLUTION NO. RS2001-712 (HOLLOWAY & GENTRY) – This resolution approves a grant agreement between the state department of health and the Metro health department in the amount of \$218,200 to fund staffing for the Women, Infants and Children (WIC) program which provides nutritious food to low income women, infants and children. The term of the grant begins October 1, 2001, and expires September 30, 2002.

RESOLUTION NO. RS2001-713 (HOLLOWAY & GENTRY) – This resolution approves Amendment No. 1 to an annual grant agreement between the state department of health and the Metro health department to provide funding for immunization services for children and adults, especially those children entering school. The amendment provides for an amount of \$389,000, and extends the term one year beginning January 1, 2001, and expiring December 31, 2001.

RESOLUTION NO. RS2001-714 (HOLLOWAY & GENTRY) – This resolution approves Amendment No. 1 to a contract between the state department of agriculture and the Metro health department to provide inspection, reporting and enforcement of retail food stores in Davidson County. The term of this contract is for four years beginning January 1, 2000, and extending through December 31, 2004. The health department has been conducting these inspections for several years. These retail food store inspection services are done by local health departments in urban cities. Our health inspectors will make inspections of every retail food store twice each year. To cover the cost of these inspections, Metro will be paid \$68,000 per year.

Metro provides similar services for the inspection of restaurants, thereby avoiding duplication of services provided in the Metro and state health codes.

This resolution will be withdrawn at the request of the health department, as there are changes needed to the contract.

RESOLUTION NO. RS2001-715 (HOLLOWAY & GENTRY) – This resolution approves a new agreement between the U.S. environmental protection agency (EPA) and the Metro health department to provide for a study to determine ambient concentrations of hazardous air pollutants in Nashville. Metro will receive \$80,784. This grant is for a term beginning June 25, 2001, and expiring June 1, 2003.

RESOLUTION NO. RS2001-716 (HOLLOWAY & GENTRY) – This resolution approves an amendment to Regulation 8 of the Metro board of health relative to inspection of light-duty vehicles. Under regulations of the environmental protection agency (EPA), the Metropolitan Government is required to test motor vehicles for emissions to assure compliance with the Clean Air Act. This program was originally adopted in 1981. In 1981 the cost for automobile emissions testing was set at \$6 for individually owned vehicles, and \$3 per vehicle for fleet owned vehicles. The new amendments, which under the Metropolitan Code require ratification by the council, adopt additional

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RESOLUTION NO. RS2001-716 (Continued)

standards for the automobile emissions testing which was mandated by the EPA. As a result of these new standards for testing, new equipment must be purchased. Automobiles of model year 1996 or newer will also be subject to an anti-tampering test. Additionally, these new vehicles will require an on-board diagnostic test. Vehicles of model year 1975-1995 will continue to be tested as previously tested. Automobiles of model year prior to 1975 are exempted from testing, as are brand new vehicles being titled for the first time. There are no changes in the exemptions from the testing standards. These changed standards and fee increases under this Regulation 8 also will be applied by the state in the counties of Sumner, Rutherford, Wilson and Williamson.

The fee will be increased from the current \$6 to \$10 for individually owned vehicles, and the fee increased from \$3 to \$5 per fleet owned vehicle. Failure of the Metropolitan Government to continue to comply with vehicle emissions standards can result in loss of significant federal funds.

The fee increases will become effective October 1, 2001, and there will be an amendment to the resolution that specifically provides for the effective date of the fee increase.

RESOLUTION NO. RS2001-717 (GENTRY) – This resolution authorizes the mayor to enter into a grant agreement with the state department of labor to provide funding for the Nashville Career Advancement Center to provide \$3,308,999.36 for the Families First support services. The term of the grant begins July 1, 2001, and extends through June 30, 2002. Under this program, in addition to providing job search and development skills, participants will also be able to engage in adult basic education, including parenting, reasoning, work-place and problem solving skills. Also to be provided will be instruction on general education diploma (GED), if needed, and English as a second language (ESL).

RESOLUTION NO. RS2001-718 (WALLACE) – This resolution authorizes Marianne W. Bingham to install and maintain a sign above the public sidewalk area at 412 Broadway. This installation is being requested by Marianne W. Bingham, the abutting property owner.

This ordinance has been disapproved by the Metro planning commission.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2001-768 (STANLEY) – This ordinance grants the homeowners association of the Villages of Larchwood the authority to construct, install and maintain a sign within the median of Blackwood Drive, which is at the entrance of Villages of Larchwood. This sign is approximately four feet tall and is contained within the 15 foot landscaped median. In addition, the homeowners association will be required to maintain insurance in the amount of \$300,000 for the protection of the Metropolitan Government, which insurance cannot be cancelled without notification to the Metro. The permit to erect this sign can be revoked at anytime by the Metro Government, and if revoked, the sign must be removed at the sole expense of the homeowners association.

This ordinance has been disapproved by the planning commission and has not yet been considered by the traffic and parking commission.

ORDINANCE NO. BL2001-773 (FERRELL) – This ordinance would amend provisions relative to the ethical standards by council members by amending the recently enacted standards. This year the council amended the provisions to provide that a member of council who receives gifts or benefits that are provided to all members of council or other elected officials, employees of Metropolitan Government, or members of the general public may not be deemed a gift or benefit that is prohibited by ethical standards. This amendment will qualify this exemption by providing that the receipt of such gifts or benefits, if in excess of value of \$100, will not have this blanket exemption.

ORDINANCE NO. BL2001-774 (PONDER) – This ordinance is an annual ordinance that adopts the property identification maps for Metropolitan Government that become the official property map for tax assessment and identification of real estate purposes.

ORDINANCE NOS. BL2001-775 & BL2001-776 – These two ordinances amend the Metropolitan Code by making some changes in employee pension and benefit matters. These changes have been approved by the Metro employee benefit board and are recommended to the council.

Ordinance No. BL2001-775 (SONTANY, GENTRY & WATERS) provides for essentially four changes in the system. The first of these is to provide for vesting in the pension system after five years of service. This will be applicable to all persons who will be employed on or after October 1, 2001. Employees who have left the system prior to that date will still be subject to the ten year vesting system, as it is not appropriate to make pension changes retroactive.

The second matter is a change in the method of calculation for average earnings on the five-year average for determining pension benefits. Under the current pension program we use the 60 consecutive months prior to applying for pension, however, they must all be contained in successive calendar years. Under this ordinance 60 consecutive months will be simply that and will discard the requirement of being in consecutive years. This will provide for persons to apply for a pension in mid-year and not require waiting until the end of the calendar year to apply.

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ORDINANCE NOS. BL2001-775 & BL2001-776 (Continued)

There is also a new requirement that will allow employees who have previously been employed, upon rehiring, to reconnect their service credit after being re-employed for one year. This will be applicable to persons employed by the Metropolitan Government on or after October 1, 2001. Employees who leave Metro Government service prior to that date will receive prior service credit under rules in effect at the time they leave Metro.

There is also a new benefit provision that allows an employee who is vested who dies, leaving no surviving spouse, who is survived by a dependent child or children, to have a benefit paid to this surviving child or children the same as a spouse would have been paid.

All of these changes are beneficial to the employees and contributions to the pension fund budget in this year's operating budget contemplate the allocation of these changes.

Ordinance No. BL2001-776 (GENTRY & WATERS) provides that effective July 1, 2001, non-certified employees of the Metro board of public education shall no longer make pension contribution payments. The three percent amount that they were making will now be included in the board of education's contribution. This payment benefit was afforded to general Metro Government employees many years ago in lieu of a pay raise, and it results in a little more than a three percent increase. This payment was recommended by the board of public education and they have allocated pay raise money to afford the employees these benefits.

ORDINANCE NO. BL2001-777 (GENTRY & WATERS) – This ordinance will allow the Metropolitan Government to waive the processing fee set by state law when persons use credit or debit cards in making payments to the Metropolitan Government. State law requires that local governments set and collect a debit and credit processing fee

equivalent to the amount the government is charged when these methods are used for payments, provided the processing fee charged these persons cannot exceed five percent of the payment collected. This year the state legislature authorized local governments to waive this processing fee if they wish to do so. It is the opinion of the director of finance that by removing this additional fee, citizens will be more encouraged to pay these fines and fees and will result in quicker payments to Metro and a cost savings to Metro, as the processing fee is less than our cost of processing. Therefore, we would benefit by waiving this fee. Also, any department that accepts credit or debit card payments as a form of payments must have approval by the department of finance.

Typically, when a business accepts credit card payments by credit cards such as VISA or MasterCard, the amount that is actually received from the credit card company is reduced by 2-4 percent.

ORDINANCE NO. BL2001-778 (KNOCH) – This ordinance amends the Metro Code by allowing the Metro water services department to provide for a surcharge for treating ammonia that is placed into our sewer system. The Metro hearing authority has recommended that a surcharge be adopted for ammonia as is for other types of troublesome discharges, such as oil and grease, as it increases

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ORDINANCE NO. BL2001-778 (Continued)

our operating costs at the wastewater treatment plant. This ordinance adopts a formula for collection of this surcharge that is essentially based upon the payments for costs to treat biological oxygen demand (BOD) by imposing a surcharge that is 4.6 times the rate to treat BOD. Fees adopted by departments of the government have to be approved by the council unless specifically allowed by the Metro Charter. These fees must relate to the actual cost of the service and cannot be used to generate revenue. This surcharge is a cost based fee.

ORDINANCE NOS. BL2001-779 & BL2001-780 – These two ordinances adopt participation agreements with developers and the Metro department of water and sewerage services.

BL2001-779 (KNOCH) is an agreement with Winchester Development LLC to pay \$36,000 toward the financing of the construction of the Owl Creek Trunk Sewer. The developer will be increasing sewerage service in the subdivision known as South Springs @ Southern Woods West. These funds will be paid into the water and sewer extension and replacement fund.

BL2001-789 (DERRYBERRY) is a participation agreement with Duke-Weeks Realty LP relative to construction of a sewer pumping station and force main to serve only the Airport East Business Park. As this construction only benefits one development, Dukes-Weeks will pay \$71,500 as additional capacity fees and will pay \$150,000 to cover future operational and maintenance of the pumping station.

ORDINANCE NO. BL2001-781 (KNOCH & BALTHROP) – This ordinance approves an agreement between the department of water and sewerage services and the City of Ridgetop to provide for wastewater treatment services, and replaces the previous agreement with the City of Ridgetop which was entered into on May 20, 1997, and approved by the Metro Council.

The Metropolitan Nashville 201 facilities plan, sometimes known as the 201 wastewater area plan, provides that the department of water and sewerage services is to provide wastewater treatment services for the area. Several years ago, under federal law, Metro was designated as the operator in the area for wastewater treatment services for those companies that wish to participate, therefore, Metro received funding for construction from the federal government for our wastewater treatment plants.

The new contract is similar to the expired one, as the City of Ridgetop will pay comparable rates for wastewater treatment services, and these rates will be subject to increases related to increases in the consumer price index. As the force main constructed to serve the City of Ridgetop has capacity of 609,631 gallons of capacity per day, Ridgetop will pay Metro \$120,000 for the ability to use 200,000 gallons of capacity per day. They also have the option to purchase additional capacity based upon payment of a pro rata share of Metro's interest for this additional capacity. Additionally, service connections that occur after August 1, 2001, will be subject to a one-time capacity charge of \$500 for each 350 gallons of flow per day per connection which will be paid by the City of Ridgetop and

remitted to the Metropolitan Government. This capacity charge will remain in effect until July 1, 2004, and every five years thereafter, being increased by a percentage change in the consumer price index.

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ORDINANCE NO. BL2001-781 (Continued)

Metro has similar agreement with other cities in the 201 wastewater area plan such as Brentwood, Goodlettsville, Millersville, LaVergne, Hendersonville, Mt. Juliet, and the utility districts of Harpeth Valley, Old Hickory and White House.

ORDINANCE NO. BL2001-782 (KNOCH & BEEHAN) – This ordinance approves a lease agreement between the Metropolitan Government and the Sheriff’s Project for Organized Recreational and Team Sports. This project is a not-for-profit service organization within the Metro sheriff’s office that is devoted to the development of sports programs for children in Nashville and Davidson County. The Metropolitan Government approves leasing of the parking spaces known as the Davidson County Sheriff’s Office Training Academy at 701 South 5th Street on days that the Tennessee Titans have football games and days when Fan Fair is at the stadium. This ordinance will allow this not-for-profit service organization to collect parking fees to be used in their program.

The term of the lease is for one year but may be extended for up to four successive periods of one year each by the sheriff’s department and the director of public property administration. The organization does have a charitable solicitations permit and has provided the required liability insurance for the protection of the Metropolitan Government.

This lease agreement may not be adopted until a recommendation has been received from the Metropolitan planning commission.

ORDINANCE NOS. BL2001-783 & BL2001-784 (HART, GENTRY & WATERS) – These two ordinances authorize the sale of surplus property to the state of Tennessee for use and construction of improvements to Briley Parkway. These two properties are located in the Brush Hill Road area and are remnants from the original construction of Briley Parkway.

BL2001-783 authorizes the conveyance of .11 acres of property for the amount of \$2,350, and **BL2001-784** authorizes the conveyance of .16 acres for \$1,550. These properties have no value except to the state for this road, or to the adjacent property owners as they are either not buildable lots or they do not have adequate access to streets.

These ordinances have been approved by the Metro planning commission.

ORDINANCE NO. BL2001-785 (KNOCH) – This ordinance authorizes the acquisition, by negotiation or condemnation, of 64 utility easements in relation to the Mill Creek trunk sewer to Nolensville project. The estimated cost of easement acquisition is \$94,500, which will be funded from the water and sewer extension and replacement fund.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-786 (KNOCH) – This ordinance authorizes the acquisition, by negotiation or condemnation, of one utility easement in relation to the Hillsboro Road at Bancroft Place proposed 8” water main project. The estimated cost of easement acquisition is \$1,500, which will be funded from the water and sewer extension and replacement fund.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-787 (BEEHAN, WALLACE & KNOCH) – This ordinance authorizes the Metropolitan Government to accept an easement provided by the U.S. Corps of Engineers under the Shelby Street Bridge for use by the Metropolitan Government for maintenance of the bridge. The Corps of Engineers controls the banks of the Cumberland River to the high water mark and in some places above that. This is a housekeeping matter to allow Metro to enter onto Corps of Engineers property for maintenance of the Shelby Street Bridge.

This ordinance has been approved by the Metropolitan planning commission.

ORDINANCE NO. BL2001-788 (PONDER) – This ordinance renames an unbuilt portion of Chandler Road to become “Dodson Chapel Lane”. This name change is being requested by the Metro public works department.

This ordinance has been approved by the Metro planning commission. However, the E-911 board has not yet made a recommendation.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2001-769 (GENTRY) – This ordinance adopts a procedure to specifically provide Metropolitan Government employees to participate in the Metro Employees Consolidated Charities Program through payroll deduction. This practice has been going on for some time, however, it has been deemed appropriate that there be some specific legislative authority to allow such use of payroll deduction for this purpose.

ORDINANCE NO. BL2001-770 (WHITMORE & KNOCH) – This ordinance approves the abandonment of several sewer lines and easements on the Preston Taylor Homes property. The lines and sewer easements are no longer needed, as the Metropolitan development and housing agency, as part of this Hope VI project, has constructed new sewer lines that have replaced these. MDHA is requesting that these easements now be abandoned.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-771 (LORING) – This ordinance readopts the Metropolitan Code to include all ordinances adopted by the Metro Council on or before March 20, 2001.

ORDINANCE NO. BL2001-772 (GENTRY) – This ordinance amends provisions relative to the excessive noise ordinance by expanding the exemption areas. In 2000 the council amended the excessive noise ordinance to prohibit operation outdoors of musical instruments and other entertainment that used amplification that were within fifty (50) feet of residences, parks or greenway areas unless such use was in a totally enclosed structure. Property lying within the CC and CF zone districts as of

November 2000 were exempted along with property in the Music Row and Vanderbilt University areas. This ordinance will extend the expanded areas along 21st Avenue South to Edgehill Avenue to 15th Avenue South, which is similar to the other expanded properties that are outside the CF zone district in the Music Row/Vanderbilt areas.