

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **February 20, 2007**

RE: **Analysis Report**

Balances As Of:	<u>2/15/07</u>	<u>2/15/06</u>
<u>GSD 4% RESERVE FUND</u>	Unavailable	\$22,356,763
<u>CONTINGENCY ACCOUNT</u>		
USD	Unavailable	\$50,000
<u>GENERAL FUND</u>		
GSD	Unavailable	\$26,413,198
USD	Unavailable	\$8,770,800
<u>GENERAL PURPOSE SCHOOL FUND</u>	Unavailable	\$17,566,775

- BILL ON PUBLIC HEARING AND THIRD READING -

ORDINANCE NO. BL2007-1312 (JAMESON, WALLACE & RYMAN) – This ordinance, as amended, creates a new downtown central business improvement district (downtown CBID) for downtown Nashville to take the place of the existing CBID, which expires effective December 31, 2007. Central business improvement districts are permitted under state law and allow the imposition of an additional assessment on all property located within the area to provide enhanced services. Under state law, 51% of all real property owners must petition the government to create the district, representing two thirds of the assessed value within the area seeking designation. The council approved the creation of a downtown CBID in 1998, which was extended in 2002 to be effective through 2007. Last August, the council also approved the creation of a GCBID, which consists of a twenty-block section in the Gulch area.

A petition has been filed with the Metropolitan clerk signed by the requisite percentage of owners petitioning the Metropolitan Government for the creation of a larger downtown CBID, which would take the place of the current CBID. The downtown CBID area will consist of approximately ninety blocks whose boundaries are, basically, the Cumberland River to the east, Peabody Street to the south, Ninth Avenue South to the west, and Charlotte Avenue to the north. A district management corporation, called the Nashville District Management Corporation, Inc., will act as an advisory board to carry out recommendations for use of the special assessment revenues. The district management corporation will be governed by a board of directors consisting of eleven members. The district management corporation will contract with the Downtown Partnership to provide the enhanced services in the district. A member of the state senate and a state representative whose districts include the majority of the area contained within the downtown CBID are to be appointed by the speaker of the Senate and the speaker of the House of Representatives, respectively, as ex officio members during the time for which they are elected to office. The members of Council in whose districts the CBID is located will also be members of the board. The mayor shall appoint one member who shall serve for a three-year term, subject to renewal by the mayor. The district management corporation will appoint the remaining eight members to serve staggered three-year terms. Two of these members must be large property owners and at least two shall be small property owners. One of the members must be a commercial tenant.

The district management corporation will have the authority to acquire and maintain parking facilities, to acquire and maintain public improvements, and to acquire interests in real property. The corporation also will provide supplemental services such as promotion and marketing, advertising, health and sanitation, public safety, security services, recreation, cultural enhancements, and business recruitment and retention in the district. The district can employ persons and retain professional services to fulfill these purposes.

The ordinance authorizes an assessment equal to \$0.2361 per \$100 of assessed value to be collected by the district. The existing CBID special assessment is \$0.15 per \$100 of assessed value. This special assessment is essentially an additional property tax levy that will be collected by Metro beginning in 2008 at the same time other property taxes are collected. After collection, the funds will be returned to the district board, which is required to submit an annual report on how funds are expended. The Metropolitan Government cannot reduce urban services within the district as a result of the district having its own revenue and providing some of its own services. It is estimated that in the first year the special assessment revenue will be \$1,228,594.

This ordinance is very similar to the existing CBID ordinance. The only real changes involve the additional area to be included and the increased special assessment. The council office would point out that the method for approval of future increases to the special assessment is different from the existing CBID. Pursuant to the management plan, assessments will be subject to changes in the Nashville area consumer price index, but cannot exceed a 5% increase annually. This ordinance provides that an increase in the rate of assessment may be initiated by a resolution adopted by the district management corporation, which must be approved by the council after holding a public hearing. The existing CBID ordinance also requires that an increase in the rate of assessment be approved by a majority of the property owners representing at least two-thirds of the assessed value. This ordinance includes no such property owner approval. By signing the petition for the creation of this downtown CBID, the property owners essentially agreed to this method of increase.

The council must approve this district before it becomes effective, and must hold a public hearing prior to third reading. Since this ordinance is a "tax measure", the ordinance is amendable on third reading. Pursuant to this ordinance, the downtown CBID will be dissolved on January 1, 2018, unless further action is taken by the council to extend it.

– RESOLUTIONS –

RESOLUTION NO. RS2007-1712 (GILMORE & RYMAN) – This resolution approves a grant in the amount of \$368,700 from the Greater Nashville Regional Council to the Metropolitan social services commission for homemaker and nutrition services. These funds are used to provide home delivered meals to homebound persons, as well as homemaker and personal care services. Metro social services will be reimbursed \$6.64 per meal and \$21.50 per hour for homemaker and personal care services. The term of the grant is from July 1, 2006 through June 30, 2007.

RESOLUTION NO. RS2007-1761 (RYMAN) – This resolution approves an application for a grant in the amount of \$12,500 from the National Center for Civic Innovation to the finance department for the government performance reporting trailblazer program. If awarded, these funds will be used to support publication of performance reporting and for gathering public input on ways to improve government performance reporting. Specifically, the finance department will use the funds to solicit public feedback regarding the performance information to be presented on the Metro website detailing the performance of the various Metro departments. This report is designed to be concise and user-friendly. The finance department will receive public feedback through the website and through neighborhood group meetings.

RESOLUTION NO. RS2007-1762 (HAUSSER & RYMAN) – This resolution approves a grant in the amount of \$24,453.99 from the U.S. department of justice to the Metropolitan Government to purchase bulletproof vests for the benefit of the police department, parks department, juvenile court, and the sheriff's office. This grant is part of the federal bulletproof vest partnership program. There is a required match of \$24,453.99 for this grant.

RESOLUTION NO. RS2007-1763 (HAUSSER & RYMAN) – This resolution approves an agreement between the U.S. bureau of immigration and customs enforcement (ICE) and the Davidson County

sheriff's office authorizing the training and use of sheriff's office employees to identify and process immigration offenders in our correctional facilities. ICE is a component of the U.S. department of homeland security. Pursuant to federal law, ICE is authorized to enter into written agreements with local governments to enable qualified personnel to perform certain functions of immigration officers. Section 287 (g) of the 1996 amendments to the Immigration and Nationality Act provides for a voluntary program that state and local governments may participate in to increase the enforcement of immigration laws. Local governments that are accepted into the program receive training to identify, process and detain illegal immigrants they encounter during their regular activities. The Davidson County sheriff's office has been accepted into the 287 (g) program, and, subject to approval of this agreement, may begin to receive the necessary training.

Pursuant to this agreement, up to twelve correctional officers may be nominated, trained, and certified to perform certain immigration enforcement functions. In order to be eligible for participation in the program, all candidates must have at least two years of work experience with the sheriff's office. The correctional officers nominated for this program must complete a four week training program taught by ICE and pass a test about the enforcement of immigration laws and policies. The training will include the scope of immigration officer authority, relevant immigration law, Civil Rights laws, public outreach and complaint procedures, and liability issues. Once the officers are trained and certified, they will be authorized to perform the following functions:

- To interrogate any person believed to be an illegal alien and to process for immigration violations those individuals who are convicted of felony offenses.
- To serve warrants of arrest for immigration violations.
- To complete the required criminal alien processing.
- To prepare charging documents for the signature of an ICE officer.
- To issue immigration detainers.
- To detain and transport arrested aliens to ICE-approved detention facilities.

Under the agreement, ICE officials will assume custody of individuals convicted of a state offense only after they have served their sentence of incarceration. ICE will also assume custody of illegal immigrants with prior criminal convictions when immigration detention is required. If ICE determines that it is necessary, the sheriff's office will provide detention of incarcerated aliens, for a reimbursable fee, upon completion of their sentences. The sheriff's office will carry out all of the functions under the agreement at its own expense. ICE will be responsible for providing the training and the computer equipment necessary to support the 287 (g) investigative functions. All participating sheriff's office employees will be covered under the Federal Tort Claims Act and will enjoy the same defenses and immunities from personal liability available to ICE officers.

The agreement will be in effect from the date of signing until it is terminated by either party, but is not to exceed a total of 60 months.

The cost of this function is being absorbed by the sheriff's department except for limited reimbursement.

RESOLUTION NO. RS2007-1764 (RYMAN & HAUSSER) – This resolution approves an application for a grant in the amount of \$399,616 from the National Institute of Corrections to the Davidson County sheriff's office to fund the transition from jail to the community program. The goals of this project are to develop job skills, to connect offenders with educational providers to help them obtain gainful employment, to increase employability, and to reduce the rate of recidivism. This program

will be based on a national model geared toward enhancing employment, education and mentoring for male and female offenders. If awarded, the grant funds will be used as follows:

- \$54,517 for salary and fringes to employ a re-entry specialist that will provide bi-weekly sessions for offenders and their families
- \$173,570 to purchase the PLATO employment/life skills software
- \$3,900 in travel expenses
- \$10,300 for supplies
- \$4,800 for an instructor used for mock interviewing
- \$1,200 for staff telephones
- \$37,635 in indirect costs

RESOLUTION NO. RS2007-1765 (RYMAN & HAUSSER) – This resolution approves a grant in the amount of \$42,457.08 from the state emergency management agency to reimburse the Metropolitan Government for public assistance as a result of the severe storms and tornados in Davidson County in April 2006. This grant, consisting of \$5,864.24 in state funds and \$36,592.84 in federal pass-through funds, is to reimburse Metro for services provided after the storms on April 7, 2006 in the Goodlettsville area. Metro removed and disposed of trees knocked down during the storm and called in additional 911 operators to answer the extra demand of calls after the disaster.

RESOLUTION NO. RS2007-1766 (RYMAN & GILMORE) – This resolution accepts a grant in the amount of \$151,800 from the U.S. environmental protection agency to the Metropolitan board of health for the operation of the air pollution control program of the health department. The health department is responsible for enforcing the provisions of the federal clean air act within the jurisdiction of the Metropolitan Government. The term of the grant is from October 1, 2006 through September 30, 2007. There is a required local match of \$290,556 to be provided from the health department's budget.

RESOLUTION NO. RS2007-1767 (RYMAN) – This resolution approves a grant in the amount of \$31,625 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to enable NCAC to establish and participate in a marketing campaign focused on dislocated workers. NCAC has developed television advertisements targeted toward dislocated workers between the ages of 25 and 54 about the services the career advancement center provides. These grant funds will be used to run the ads. The term of the grant is from January 10, 2007 through June 30, 2007.

RESOLUTION NOS. RS2007-1768 & RS2007-1769 (RYMAN) – These two resolutions approve amendments to grants from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to prepare adults, youth and dislocated workers for re-entry into the labor force and to provide training for those facing serious barriers to employment. The grant terms are from October 1, 2006 through June 30, 2008. These resolutions simply shift the funding allocation between an adult worker grant and a dislocated worker grant.

Resolution No. RS2007-1768 approves an amendment to an adult worker grant by increasing the grant amount by \$100,000 for a new total grant award of \$1,355,859.

Resolution No. RS2007-1769 approves an amendment to a dislocated worker grant by decreasing the grant amount by \$100,000 for a new grant total of \$1,257,124.

RESOLUTION NO. RS2007-1770 (RYMAN & WALLACE) – This resolution approves a grant in the amount of \$1,300,000 from the state department of transportation (TDOT) to the Metro board of parks and recreation for improvements to the Cumberland River greenway. These federal pass-through funds will be used to construct a 1.5 mile paved path from the downtown greenway plaza south of the Jefferson Street Bridge to the Metro Center trailhead. The project will also include trailhead signage, landscaping, and greenway amenities. There is a required local match of \$325,000 for this grant to be provided through bond funds allocated for the construction of greenways.

RESOLUTION NOS. RS2007-1771 THROUGH RS2007-1776 (RYMAN) – These six resolutions appropriate funds from the general fund reserve fund (4% fund) to various departments. Four percent funds may only be used for the purchase of equipment and repairs to buildings. These projects were included as part of the mayor's capital spending plan, but held until adequate funding was in place. The total amount of these six resolutions is \$23,464,700. As of the mailing of this analysis report, the balance in the general fund reserve fund was unavailable. The resolutions provide 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. O861534 are attached to this analysis.

Resolution No. RS2007-1771 appropriates \$188,000 from the general fund reserve fund to the Metro action commission for security cameras, computers, and maintenance at various Head Start Centers.

Resolution No. RS2007-1772 appropriates \$500,000 from the general fund reserve fund to the fire department for defibrillator monitors and bunker gear equipment.

Resolution No. RS2007-1773 appropriates \$18,754,000 from the general fund reserve fund to the general services department for miscellaneous maintenance and roof repairs, security software, a universal keying system, emergency generators, and replacement vehicles.

Resolution No. RS2007-1774 appropriates \$1,500,000 from the general fund reserve fund to information technology services department for hardware and software as part of the technology revolving fund.

Resolution No. RS2007-1775 appropriates \$751,400 from the general fund reserve fund to the police department for miscellaneous digital video and camera equipment, computer equipment and software, a new Dictaphone system, bullet proof vests, guns, air conditioning equipment, a security system for the Hermitage precinct, and an explosive detection canine. The council office questions whether a dog is considered "equipment" for purposes of satisfying the Charter requirement for the use of 4% funds.

Resolution No. RS2007-1776 appropriates \$1,771,300 from the general fund reserve fund to the public library for books, miscellaneous equipment, furniture, shelving, refinishing of wood floors at the main library, and HVAC units.

The council has traditionally deferred 4% fund resolutions for one meeting after they are filed.

RESOLUTION NOS. RS2007-1777 THROUGH RS2007-1783 – These seven resolutions appropriate funds from the council discretionary reserve account. The council appropriated \$1.95 million as part of the fiscal year 2006-2007 substitute operating budget to a reserve account for the council infrastructure program, nonprofit grants and other council initiatives. It was anticipated that each of the forty council members have \$48,750 in “discretionary funds” to be appropriated from the reserve account at a later date.

State law allows local government to make grants to nonprofit organizations, provided that certain information is submitted by the organization proving their eligibility for the funds, including a statement as to the proposed use of local government funding, a letter from the Internal Revenue Service evidencing its tax exempt status, and a copy of its annual audit in compliance with state law. In order to facilitate compliance with the state law requirements, the Metropolitan Code of Laws sets out specific information that nonprofit organizations must provide in order to receive Metro funding.

These requirements are as follows:

1. A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization;
2. A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization under the Internal Revenue Code;
3. A statement of the nature and extent of the organization's program that serves the residents of the Metropolitan Government;
4. The proposed use of the funds to be provided by the Metropolitan Government;
5. The proposed budget of the organization, indicating all sources of funds and a line-item identification of the proposed expenditure of Metropolitan Government funds;
6. A copy of the organization's audit for the most recent fiscal year.

These seven resolutions give grants to nonprofit organizations. With the exception of Nashville Child Advocacy Center, Inc., the organizations to receive funding through these resolutions have provided the necessary information required by both state and local law. Additional resolutions will be forthcoming once members of council inform the council office as to how they wish to have their funds allocated and all of the required information has been received.

Resolution No. RS2007-1777 (SHULMAN) appropriates \$4,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Nashville Film Festival. This organization provides an annual competition for the presentation of diverse independent and student films. These funds will be used to pay part of the costs of a Community Outreach Coordinator to market the festival to various communities within Davidson County.

Resolution No. RS2007-1778 (RYMAN) appropriates \$5,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Salvation Army. This organization provides thirteen different programs designed to help people in need. These funds will be used to purchase and install an electronic access control system for the Command and Social Services Center on Dickerson Road.

Resolution No. RS2007-1779 (RYMAN, TYGARD, & OTHERS) appropriates \$6,240 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Nashville Child Advocacy Center, Inc. This organization provides coordination of services to children and their families in times of crisis to combat child abuse. These funds will be used to pay for the cost of therapy for two children for six months.

The members of council requesting this grant and the amount designated from each are as follows:

Rip Ryman	\$2,040
Charlie Tygard	\$1,700
Parker Toler	\$1,500
Walter Hunt	\$1,000

Nashville Child Advocacy Center, Inc. has not provided a detailed budget specifically identifying all sources of funds and a line-item identification of the proposed expenditure of Metropolitan Government funds, as required by the Metropolitan Code. This resolution should be deferred if a revised budget is not submitted to the council office prior to the February 20, 2007 council meeting. The council office has also been advised that additional members of council wish to contribute to this organization, which would increase the amount of the grant. If this is the case, this resolution should be withdrawn and a new resolution filed in its place appropriating the higher amount.

Resolution No. RS2007-1780 (SHULMAN, TOLER) appropriates \$8,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Nashville Academy Theatre and Nashville Children's Theatre Association. This organization provides a year-round schedule of professional performances and hands-on theatre training for kids and adults. These funds will be used to offer affordable tickets to all public schools and free tickets to students from the most disadvantaged public schools in Metro Nashville.

The members of council requesting this grant and the amount designated from each are as follows:

Jim Shulman	\$5,000
Parker Toler	\$3,000

Resolution No. RS2007-1781 (WILLIAMS) appropriates \$10,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Friends of Radnor Lake. This organization provides for the protection, preservation, and improvement of the area surrounding Radnor Lake. These funds will be used to provide three months of park support, publication of the spring newsletter, production of educational panels on information kiosks, and the completion of a water quality study.

Resolution No. RS2007-1782 (SHULMAN, COLE, & OTHERS) appropriates \$30,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Oasis Center, Inc. This organization provides various services to every youth seeking help, whether homeless, needing counseling, or wanting to become involved in their community. These funds will be used to provide intensive training through the Nashville Youth Leadership initiative to 35 high school sophomores, as well as youth leadership and civic action training to at least 200 high school students from across the city.

The members of council requesting this grant and the amount designated from each are as follows:

Jim Shulman	\$10,000
Erik Cole	\$5,000
Buck Dozier	\$5,000
Diane Neighbors	\$5,000
Rip Ryman	\$5,000

Resolution No. RS2007-1783 (FOSTER & EVANS) appropriates \$41,750 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Nashville Alliance for Public Education. This organization provides for the solicitation and disbursements of donations for the benefit of the public school system in Davidson County. These funds will be used to purchase library books, supplies, furniture, and shelving to further the purposes of the Alliance's mission.

The members of council requesting this grant and the amount designated from each are as follows:

Randy Foster	\$31,000
Emily Evans	\$10,750

RESOLUTION NO. RS2007-1784 (RYMAN) – This resolution authorizes the department of law to accept \$20,625.19 in compromise and settlement of the Metropolitan Government's claim against Sean Hayes. On January 19, 2006, a Metro police officer was traveling east on Charlotte Avenue when his police car was struck by a vehicle driven by Mr. Hayes, who failed to stop at the flashing red light at 8th Avenue North. The officer sustained injuries to his left shoulder as a result of the accident incurring \$22,793.32 in medical bills and \$9,214.83 in lost wages for which the Metropolitan Government has a subrogation interest. The policy limits on Mr. Hayes' insurance policy are \$50,000. The officer has agreed to accept \$29,374.81 for his pain and suffering, which leaves \$20,625.19 to be applied toward Metro's subrogation claim. The department of law recommends accepting \$20,625.19 in settlement of Metro's claim, representing approximately sixty-four cents on the dollar.

The accident also resulted in \$10,328.23 in damage to the 2004 Chevrolet Impala police vehicle. The settlement for the property damage portion of the claim was approved by the council in June 2006.

RESOLUTION NO. RS2007-1785 (RYMAN) – This resolution authorizes the department of law to accept \$10,593 in compromise and settlement of the Metropolitan Government's claim against Samir Patel and Govindbhai Patel. On April 10, 2004, a Metro police officer operating a police motorcycle was pursuing two unidentified trucks that passed the officer at a high rate of speed on 4th Avenue South in the downtown area. The officer had his lights and siren activated in the pursuit. The officer saw a vehicle being driven by Samir Patel, and owned by Govindbhai Patel, driving slowly in the left lane of traffic. The officer believed that the Patel's vehicle was yielding the right-of-way, so he attempted to pass the vehicle on the left. Before the officer could pass, Mr. Patel turned his vehicle into the path of the motorcycle causing the officer to go into a slide and clip the back of Mr. Patel's vehicle. There is a dispute regarding whether Mr. Patel used his turn signal before turning into the path of the officer and whether the officer's body made contact with the vehicle.

The officer sustained a serious injury to his left ankle and foot, and contusions to his lower leg and back. The officer was off from work for approximately 90 days incurring lost wages in the amount of \$11,736, which was paid by Metro as an injury-on-duty claim. Metro also paid the officer's medical bills totaling \$9,450. The property damage to the motorcycle totaling \$2,819 has already been paid to Metro.

The officer filed a personal injury lawsuit against Samir and Govindbhai Patel. The case went to mediation resulting in a settlement, provided that the Metropolitan Government agrees to reduce its subrogation claim from \$21,186 to \$10,593. The department of law recommends accepting the terms of the settlement since liability between the officer and the Patels is contested. If this settlement is not approved, the case will proceed to a jury trial.

- BILLS ON SECOND READING -

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

The council office would point out that this ordinance could result in a substantial cost to the Metropolitan Government, especially schools, if Metro facilities were required to have stone, brick or wood fences. A map showing all arterial and collector streets has previously been provided to the council by the planning department staff.

ORDINANCE NO. BL2006-1262 (JAMESON) – This ordinance amends the building code to allow the installation of plumbing fixtures designed to reduce or eliminate water consumption. The code currently requires all plumbing fixtures be supplied with water. However, recent technological advancements in the plumbing fixture industry designed to conserve water have resulted in the development of the “non-water urinal,” which uses a specialized cartridge in the drain that allows waste fluids through while preventing odors from being released. This technology has been endorsed by the U.S. Green Building Council. This ordinance would allow the installation of these non-water urinals, as well as other plumbing fixtures specifically designed to reduce water consumption.

ORDINANCE NO. BL2006-1266 (GILMORE) – This ordinance would reinstate the waiver of the 2.5% processing fee for payments made by credit or debit card for payments made by senior citizens to the Metro trustee for property taxes. State law mandates that local governments collect a credit or debit card processing fee not to exceed 5% when collecting funds on behalf of the government. However, this state law allows local governments to waive this processing fee, which the Metropolitan Government elected to do by ordinance in 2001. In June of 2006, the council approved an amendment to the 2001 ordinance to repeal the fee waiver for processing the credit and debit card payments, except in the case of point of sale transactions. A point of sale transaction is where the goods or services are purchased directly from Metro face-to-face or “over the counter”, such as payment for greens fees at Metro golf courses. The fee waiver was eliminated as a result of an abuse by mortgage companies that pay a large amount of property taxes by credit card. The credit card companies charge a fee for certain payments made by credit card, which Metro was having to absorb.

This ordinance would reinstate the credit card processing fee waiver only for property taxes paid by credit or debit cards by property owners 62 years of age and older. All other non-face-to-face transactions, including property tax payments made by phone or Internet by persons under 62 years of age, would still be charged a 2.5% processing fee added when paying by credit or debit card. The additional \$1 million savings to be realized from the credit card processing fee was used to balance the fiscal year 2007 operating budget.

The director of finance has refused to certify that funds are available for this ordinance since waiving the processing fee for senior citizens making property tax payments over the phone or Internet by credit card would substantially reduce the estimated \$1 million savings. Further, it would be very

difficult for the trustee to verify whether property owners making payments over the phone were 62 years of age or older. A copy of the finance director's letter is attached to this analysis.

There is an amendment that would delay the effective date of the ordinance until July 1, 2007.

ORDINANCE NO. BL2007-1316 (HART) – This ordinance amends the Metropolitan Code to enable the court to prohibit persons found in violation of the vicious dog ordinances from owning animals for a period of time the court deems reasonable. The code currently prohibits persons from keeping vicious dogs unless the dog is confined. The code defines vicious dogs as “any dog which attacks and bites a person or animal on any public or private property without provocation; any dog previously declared vicious in a court of law; or any dog owned or harbored primarily or in part for the purpose of dog fighting.” The code further provides that vicious dogs may be impounded, and, if a court determines that the dog is vicious, the dog may be (1) released; (2) implanted with an electronic microchip for identification; or (3) euthanized.

This ordinance would add another penalty provision to the code that would allow the court to prohibit the owner of a dog determined to be vicious from “owning, harboring, or having custody of companion animals for a period of time the court deems reasonable.” This provision is modeled after a similar provision recently added to the code pertaining to animal hoarding and cruelty to animals.

After discussing the ordinance with the health department, the council office recommends that this ordinance be amended to clarify that this penalty is in addition to the other penalties contained in the code for violations of the vicious dog laws.

ORDINANCE NO. BL2007-1317 (SUMMERS) – This ordinance amends the Metropolitan Code to require the mayor to notify the council upon making any multiyear funding agreements or commitments to nonprofit organizations. This ordinance would apply to both formal and informal agreements or commitments. Such notice would have to be sent to the council within thirty days of making a funding commitment. The council office would point out that the mayor does not have the authority to enter into funding agreements without the approval of the council.

An identical ordinance failed to receive Council approval in December 2006.

ORDINANCE NO. BL2007-1318 (CRADDOCK & GOTTO) – This ordinance amends the Metropolitan Code audit provisions in accordance with the recent amendment to the Metropolitan Charter. On November 7, 2006, the voters of Davidson County approved an amendment to the charter establishing an independent department of audit for the Metropolitan Government. The charter now provides that an independent auditor is to be appointed by a majority vote of the council from a list of three persons recommended to the council by the audit committee. If the council deems that the persons recommended by the committee are not suitable, the council could reject the names and the committee would have to submit three additional names.

This ordinance essentially incorporates the language of the charter amendment into the Code. The ordinance provides that there shall be an independent agency called the division of Metropolitan audit. The Metropolitan auditor must have a well founded reputation in government or public finance, must have at least five years experience as a financial officer of a government or business, and must have an understanding of the Generally Accepted Accounting Principles and Governmental

Auditing Standards Board standards. The auditor will serve an eight-year term, with the first term ending on June 30, 2014, regardless of whether the full eight years has been served. The ordinance provides that the audit committee, as it has in the past, will be composed of six members: the vice mayor, the director of finance, two members of council, one member selected by the Chamber of Commerce, and one member selected by the Nashville Chapter of the Tennessee Society of Certified Public Accountants. The ordinance expressly provides that Councilmen Gotto and Craddock will remain the two members elected by the council to serve a two year term.

ORDINANCE NO. BL2007-1319 (TOLER) – This ordinance amends the Metropolitan Code to require all developers or property owners in Williamson County desiring to connect to the Mill Creek or Owl Creek trunk sewer lines to pay a basin charge in the amount of \$2,000 per connection to the department of water and sewerage services. These developers already pay this fee, but it is approved by ordinance on a case-by-case basis. This ordinance would essentially mean the department of water and sewerage services would have no discretion in whether to charge the fee to Williamson County customers, but would not have to charge the fee to Davidson County customers.

The council office would caution the council against enacting legislation that would require only Williamson County customers to pay a fee. A property owner in Williamson County may have an equal protection argument under the United States Constitution if he/she is required by ordinance to pay a fee and the owner of a similarly situated property across the county line is not.

ORDINANCE NO. BL2007-1320 (PAGE & GREER) – This ordinance authorizes Nashville Data Link, Inc., to construct, install, and maintain fiber optic cable in Davidson County. Nashville Data Link, Inc., plans to construct approximately 2.19 miles of cable within Davidson County as follows: (1) from 2980 Armory Drive, east on Armory Drive to Norris Avenue; (2) along Norris Avenue to Foster Creighton Drive; (3) at Highway 155 the cable will enter an existing BellSouth manhole and proceed to Nolensville Pike; (4) along Nolensville Pike and ending at 3500 Nolensville Pike. Nashville Data Link, Inc. is to pay all costs related to the construction and maintenance of the cable. The plans and specifications for the cable must be submitted to and approved by the director of public works. Further, Nashville Data Link, Inc., must obtain a \$1 million certificate of liability insurance naming Metro as insured if the cable is installed on existing poles, or a \$10 million certificate of insurance if installation of the cable requires any excavation in the right-of-way of Metro. The mayor and the council reserve the right to repeal this ordinance at any time, and Nashville Data Link, Inc., would be required to remove the cable at their own expense.

The council has approved similar agreements with Nashville Data Link in the past. This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2007-1321 (COLEMAN, RYMAN & GREER) – This ordinance approves a lease between the Metro board of fair commissioners and Lamar Advertising Company for the continued use of space for billboard advertising at six places on the state fairgrounds premises. This is essentially the same as the previous lease with Lamar for this billboard space that expired on June 30, 2006. The term of the lease is for five years beginning August 1, 2006 and ending July 31, 2011, with Lamar paying \$119.80 a month per structure. Lamar will furnish, erect and maintain the billboards. Lamar is required to maintain \$1 million in general liability insurance and agrees to indemnify the fair board from any claims or damages arising from its negligent or intentional acts. This lease may be amended by resolution of the Metro Council receiving 21 affirmative votes.

This lease agreement has been approved by the planning commission.

ORDINANCE NO. BL2007-1322 (HUNT) – This ordinance abandons a portion of the Hickory Hills Court right-of-way, northeast of Hickory Hills Boulevard to the end of the cul-de-sac. This closure has been requested by TLP Architects on behalf of the property owner. The adjacent property owner has agreed to build a new cul-de-sac to Metro standards for dedication to Metro, so there is no future need of the existing right-of-way. Consent of the affected property owners is on file with the department of public works. The Metropolitan Government will retain all easements. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2007-1323 THROUGH 1328 – These six ordinances abandon water and sewer lines and easements that are no longer needed by the department of water and sewerage services. The ordinances provide that future amendments may be approved by resolution of the council. These ordinances have been approved by the planning commission.

Ordinance No. BL2007-1323 (Brown) abandons a 66-inch storm sewer line and easement at the Walgreens project located at the Murfreesboro Road and Thompson Lane intersection. The existing storm sewer will be replaced by a new 72-inch storm sewer line.

Ordinance No. BL2007-1324 (Page & Brown) abandons a 10-inch sanitary sewer line and easement at the Hillwood Bottling LLC project at 715 Thompson Lane. The existing sewer line will be converted to a private sanitary sewer line.

Ordinance No. BL2007-1325 (Coleman & Brown) abandons an 8-inch sanitary sewer line and easement to be replaced by a new 8-inch sewer line at the Lowe's project located at the Nolensville Pike and Old Hickory Boulevard intersection. This ordinance also approves the removal of 51 feet of water main/fire service, 234 feet of fire hydrant lead, and a fire hydrant at the Lowe's site.

Ordinance No. BL2007-1326 (Walls & Brown) abandons an 8-inch sanitary sewer line and easement at the C & S Harley Davidson dealership located at 4600 Delaware Avenue. The existing sewer line will be replaced by a new 8-inch sanitary sewer line. This sewer line relocation is necessary for the expansion of the facility.

Ordinance No. BL2007-1327 (Loring & Brown) abandons a 10-foot public utility easement located in the vicinity of Spence Circle. This easement is no longer being used by the department of water and sewerage services.

Ordinance No. BL2007-1328 (Greer & Brown) abandons a 20-foot public utility easement at 510 E. Iris Drive. This easement is no longer being used by the department of water and sewerage services.

ORDINANCE NO. BL2007-1329 (BROWN) – This ordinance abandons the easement retained by Metro when alley number 1706 was closed in 1995. Ordinance No. O95-078 closed alley number 1706 between Springdale Avenue and Oxford Road. The ordinance retained all easements, but the easement located at 2307 Oxford Road and 2712 Wortham Avenue are no longer being used by the department of water and sewerage services. This ordinance simply abandons the easements.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2007-1330 (HUNT & BROWN) – This ordinance authorizes the acquisition of one easement for property located at Greer Road, unnumbered in Goodlettsville in conjunction with the department of water and sewerage service's project on the Carol J. Scott property. The estimated cost of the easement is \$1,500, which will be paid from the water and sewer extension and replacement fund. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2007-1331 (WALLS, JAMESON & OTHERS) – These ordinance accepts twenty easements for various stormwater projects in Davidson County. These easements are being donated at no cost to the Metropolitan Government. This ordinance has been approved by the planning commission. Easements are being accepted for the following properties:

- Tulip Grove Road, unnumbered
- 211 Athens Way
- 600 47th Avenue North
- 1749 Glen Echo Road
- 750 Wedgewood Park Avenue
- 2624 Gallatin Pike
- 910 17th Avenue North, #201
- 314 Gallatin Pike
- 103 Charles E. Davis Boulevard
- 107 Charles E. Davis boulevard
- 101 Charles E. Davis Boulevard
- 224 Stewarts Ferry Pike
- #20 Culvert Street
- 3474 Dickerson Pike
- 304 4th Avenue South
- 315 Old Lebanon Dirt Road
- 2911 Elm Hill Pike
- 3815 Logistics Way
- 3786 Central Pike
- Route 1, Central Pike

- BILLS ON THIRD READING -

ORDINANCE NO. BL2006-1310 (JAMESON) – This ordinance authorizes a property tax exemption for nonprofit community and performing arts organizations. State law allows local governments to exempt property owned by nonprofit community and performing arts organizations from property taxes as a charitable or educational use of property. In order to qualify for the exemption, the community and performing arts organizations must meet specific criteria set out in the state law, including evidence of its nonprofit status, restrictions on the membership of the board of directors, a requirement that the organization notify the attorney general prior to the sale of any of the exempt property, and a requirement that the organization file an annual report with the property assessor

stating the listing of activities and uses of the property, as well as the financial condition of the organization.

This ordinance simply makes the state law property tax exemption for nonprofit community and performing arts organizations applicable in Davidson County. This exemption would apply to arts organizations owning real property within the area of the Metropolitan Government, such as the Tennessee Performing Arts Center (TPAC). According to information provided by the property assessor's office, approximately nine organizations would qualify for this exemption that are not already exempt under state law as a religious, charitable, scientific or educational institution.

ORDINANCE NO. BL2007-1313 (HAUSSER & BROWN) – This ordinance abandons a 10" sewer line and easement for property located at 511 Chesterfield Avenue. This sewer line and easement will be replaced with a new 8" sanitary sewer line on another part of the property. This ordinance has been approved by the planning commission.