

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Office

DATE: **May 15, 2007**

RE: **Analysis Report**

Balances As Of:	<u>5/9/07</u>	<u>5/10/06</u>
<u>GSD 4% RESERVE FUND</u>	* \$985,007	\$1,629,890
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$31,122,193	\$26,413,198
USD	\$12,243,660	\$8,770,800
<u>GENERAL PURPOSE</u>		
<u>SCHOOL FUND</u>	\$37,755,360	\$17,566,775

\* Assumes estimated revenues in fiscal year 2007 in the amount of \$2,106,545

– RESOLUTIONS –

**RESOLUTION NOS. RS2007-1941 & RS2007-1942** – These two resolutions appropriate community development block grant (CDBG) funds for various streetscape, infrastructure, and facility improvements. CDBG funds are designated by federal law to be used for affordable housing activities and for neighborhood community improvement projects. Plans for these projects are available for review at the offices of the Metropolitan development and housing agency.

**Resolution No. RS2007-1941** (Murray) appropriates \$25,000 in CDBG funds for streetscape improvements in the Maxwell neighborhood strategy area.

**Resolution No. RS2007-1942** (Wallace) appropriates \$500,000 in CDBG funds for public street improvements in the Buchanan Street neighborhood strategy area. The streetscape improvements will consist of pedestrian crosswalks, sidewalk ramps, curbing, signage, lighting, and landscaping.

**RESOLUTION NO. RS2007-1943** (FOSTER) – This resolution provides a proposed amendment to the Metropolitan Charter amending the term limits provision to allow members of council serving less than two years of a council term to be eligible to serve two additional four-year terms. The Charter currently provides that members of council are prohibited from serving if they have served more than a single term during the previous two terms of office. Thus, serving any part of a council term counts as one of the two terms a member of council can serve. This amendment would provide that as long as a member of council serves less than one-half of a term, it would not be counted as a term for purposes of term limits.

The Council, pursuant to the Charter, may only adopt two resolutions during the term of the council that submit amendments to the voters for ratification. The council adopted one such resolution on September 19, 2006. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. This resolution provides that the date for holding the referendum election on the Charter amendment is to be the August 2, 2007 general election. State election law requires that resolutions requiring the holding of elections on questions submitted to the people must be held between 45 and 60 days after adoption of the resolution placing the question(s) on the ballot. Thus, this resolution should be deferred until the June 4, 2007, council meeting.

**RESOLUTION NO. RS2007-1944** (LORING & RYMAN) – This resolution approves a new fee schedule associated with the review and processing of certain zoning applications by the planning department. The Metropolitan zoning code provides that standardized fee schedules may be established to partially defray the processing and administration costs for zoning applications. Such a fee schedule must be approved by resolution of the council in order to be effective. An independent consultant hired by Metro has previously recommended fee increases for various Metro departments to help defray the full cost of services provided. This resolution provides that the new fee schedules proposed by the planning department are based upon the full cost fee recommendation. The language used in the resolution is identical to the language used in Resolution No. RS2006-1332, which was adopted by the council in June 2006, that approved a substantial increase in the zoning application fees. The previous fee schedule included a graduated scale for property in excess of five acres. The new fee schedule contains a flat zoning application fee that is not tied to the number of acres being rezoned.

Some of the notable fee increases over and above last year's increases are as follows:

1. Base zone change increase from \$1,200 base fee to \$1,400.
2. Specific Plan zone change increase from \$1,600 base fee to \$6,195.
3. Overlay districts increase from \$1,600 base fee to \$1,975 (includes historic overlays and planned unit development districts)
4. Urban design overlay districts increase from \$1,800 base fee to \$8,845.
5. Adds a new fee for community plan amendments of \$4,670.
6. Zoning text change increase from \$1,000 to \$1,180.

As stated above, the resolution contains the exact same language as last year's resolution. The resolution provides that "the Specific Plan District involves review effort equivalent to that of a Planned Unit Development." If this is the case, the council office questions why the new fee schedule sets an application fee of \$6,195 for a specific plan district when the planned unit development district application fee is \$1,975.

Since this fee increase is necessary to balance the mayor's proposed budget, failure to approve the fee increase will necessitate a reduction in the planning department's operating budget (or some other general fund department's budget) to offset the lower revenues.

**RESOLUTION NO. RS2007-1945** (RYMAN & GILMORE) – This resolution appropriates \$158,566.93 in grant funds from state department of human services to the Metro action commission (MAC) to provide assistance to low income and/or homeless individuals in Davidson County. MAC previously accepted a grant in the amount of \$5,446,078 from the state department of human services for the assistance program, with a grant term from 2004 through the 2009 fiscal year. The Metro Code gives MAC the authority to receive grants from the state and federal government for its programs. This resolution appropriates an additional \$158,566.93 in carry-over funds to assist MAC clients with rent payments, mortgage payments, utilities, medications, and other similar needs. These new funds will be allocated to the fiscal year 2007 portion of the grant and will increase the total grant award to \$5,604,634.93.

**RESOLUTION NO. RS2007-1946** (RYMAN & GILMORE) – This resolution approves a grant in the amount of \$390,100 from the state department of health to the Metropolitan board of health to provide family planning services in accordance with state law. The term of the grant is from July 1, 2007 through June 30, 2008. This grant is comprised of \$350,000 in federal funds and \$40,100 in state funds.

**RESOLUTION NO. RS2007-1947** (RYMAN & GILMORE) – This resolution approves an annual grant in the amount of \$55,000 from the state department of health to the Metropolitan health department for breast and cervical cancer screenings. The term of the grant is from July 1, 2007, through June 30, 2008. These federal pass-through funds will be used to pay the salary of a regional coordinator to continue implementation of a screening service for breast and cervical cancer by reaching out to targeted populations, monitoring women with abnormal test results, and providing community education about the importance of early screening.

**RESOLUTION NO. RS2007-1948** (RYMAN & GILMORE) – This resolution accepts a grant in the amount of \$271,000 from the state department of health to the Metropolitan board of health to provide community health services. This grant, consisting of \$116,000 in federal funds and \$155,000 in state funds, will be used to provide a variety of community health services with the common goals of reducing health disparities and increasing quality and years of healthy life. To achieve these goals, the health department will perform the following services:

- A community needs assessment.
- Provide on-going monitoring of community health status and the evaluation of quality health care.
- Provide assistance to the community by addressing health disparities.
- Provide the development of appropriate prevention and intervention strategies focused on cardiovascular disease, obesity and diabetes.
- Assist the state department of health in the assessment of available health care providers to identify underserved areas for federal and state programs.

The term of this grant is from July 1, 2007 through June 30, 2008.

**RESOLUTION NO. RS2007-1949** (RYMAN & GILMORE) – This resolution approves a grant in the amount of \$659,700 from the State of Tennessee to the Metropolitan board of health to provide family support services. Specifically, this grant is to fund the Healthy Start program established by the Early Childhood Development Act of 1994. The purpose of the Healthy Start program is to provide home visitation, counseling, and education services to ensure children receive the necessary immunizations and developmental screenings. These funds will be used to pay the salaries of public health nurses and outreach workers in the Healthy Start program. The term of the grant is from July 1, 2007 though June 30, 2008.

**RESOLUTION NO. RS2007-1950** (RYMAN & GILMORE) – This resolution approves a grant in the amount of \$2,541,621 from the U.S. department of health and human services to the Metro board of health to enhance access to a comprehensive continuum of community-based care for low income individuals and families with HIV. The term of the grant is from April 1, 2007 through February 29, 2008.

The only attachment filed with this grant is an electronic notice of grant award from the federal government. There is no grant agreement specifically stating what the funds will be used for. The document attached to the grant states that “all conditions, program terms and reporting requirements will be placed on the supplemental notice of grant award.”

**RESOLUTION NO. RS2007-1951** (GILMORE & RYMAN) – This resolution accepts an annual grant in the amount of \$735,200 from the state department of health to the Metro board of health to provide an array of local health services. The term of the grant is from July 1, 2007 through June 30, 2008. These grant funds will be used to pay the salaries of health department administration employees.

**RESOLUTION NO. RS2007-1952** (GILMORE & RYMAN) – This resolution approves a grant in the amount of \$121,000 from the state department of health and human services to the Metro board of

health to provide healthcare services to homeless persons at the downtown clinic. The term of this grant is from July 1, 2007 through June 30, 2008.

**RESOLUTION NO. RS2007-1953** (GILMORE & RYMAN) – This resolution accepts a grant in the amount of \$34,200 from the state department of health to the Metropolitan board of health to provide renal intervention services. The term of the grant is from July 1, 2007 through June 30, 2008. These grant funds will be used to pay the partial salary of a nurse coordinator to provide case management services to at least 45 persons who are at risk of developing end stage renal disease. At risk individuals are defined as persons who are diabetic and/or hypertensive and who demonstrate early signs of kidney damage.

**RESOLUTION NO. RS2007-1954** (GILMORE & RYMAN) – This resolution approves an agreement between the Metropolitan board of health and UnitedHealthcare Plan of the River Valley, Inc. (UnitedHealthcare) to make the Metro health department a provider of health care services for persons enrolled in the TennCare program. UnitedHealthcare, formerly known as John Deere Health Plan, Inc., is a health maintenance organization (HMO) that has a contract with the state to arrange for health care services to persons covered under the TennCare program and wishes to contract with the health department to provide medical care to these persons.

Pursuant to this contract, the health department will become a participating provider of health care services facilitated by UnitedHealthcare for TennCare patients. The health department will be responsible for collecting any co-payments or deductibles as established by the TennCare regulations. The contract provides that the health department will be reimbursed for billed services based on the rate methodology set forth in an exhibit to the contract. However, the exhibit states that the rates are to be determined. Claims for payment must be submitted to UnitedHealthcare within 120 days of the date the service is provided.

The contract requires the health department to maintain professional liability insurance for its employees in the amount of \$1 million per occurrence and \$3 million aggregate. The health department is not required to provide general liability insurance, as Metro is self-insured up to the limits set forth in the governmental tort liability act.

This agreement has an initial term extending through December 31, 2008. However, the contract will automatically renew annually for a total contract term not to exceed five years. Either party can terminate the contract upon six months written notice to the other party.

A similar agreement with AmeriGroup of Tennessee, Inc., was approved by the council in April 2007.

**RESOLUTION NO. RS2007-1955** (RYMAN) – This resolution approves a grant in the amount of \$17,248 to the Nashville career advancement center (NCAC) to establish and participate in making resources available for TACLE-JV. TACLE-JV is a division of Lear Corporation that makes seating for Nissan automobiles. Under the terms of this federal pass-through grant, the Middle Tennessee career center, which is operated by NCAC, will manage the recruitment campaign for TACLE-JV based upon a hiring schedule of 25 employees. The NCAC is to use its best efforts to refer qualified candidates from its existing customer pool of applicants from Rutherford, Davidson, Trousdale, and Wilson Counties. The career center will also provide on-the-job training for approximately seven employees. This grant consists of \$15,680 in program funds plus \$1,568 in administrative funds.

The term of the grant is from April 10, 2007, through December 31, 2007.

**RESOLUTION NOS. RS2007-1956 & RS2007-1957** (RYMAN) – These two resolutions approve 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. These federal pass-through grant awards provide the operational funds for the NCAC. The term of the grants are from April 1, 2007 through June 30, 2009.

**Resolution No. RS2007-1956** approves an administrative grant in the amount of \$51,162.

**Resolution No. RS2007-1957** approves a youth worker grant in the amount of \$460,460.

**RESOLUTION NO. RS2007-1958** (RYMAN) – This resolution approves a grant in the amount of \$3,893,193 from the state board of probation and parole to the state trial courts for funding the Davidson County community corrections program. This program provides alternative punishments for non-violent offenders consisting of offender supervision, residential programs, and day reporting center programs. The term of the grant is from July 1, 2007 through June 30, 2010. The grant will be appropriated in three annual installments of \$1,297,731 for the next three fiscal years.

**RESOLUTION NOS. RS2007-1959 through RS2007-1961** – These three resolutions approve grants from the Wal-Mart Foundation to the Metro fire department. These funds will be used for the fire department's community service programs.

**Resolution No. RS2007-1959** (Ryman) approves a grant in the amount of \$1,500 for the "Learn Not to Burn" and "Remembering When" programs.

**Resolution No. RS2007-1960** (Ryman) approves a grant in the amount of \$1,500 to be used by station 10 for the purpose of obtaining materials that promote a safer community.

**Resolution No. RS2007-1961** (Toler & Ryman) approves a grant in the amount of \$2,000 to augment programs that reduce the loss of life and property damage from fires.

**RESOLUTION NO. RS2007-1962 & RS2007-1963** (RYMAN) – These two resolutions approve grants from Fireman's Fund Insurance Company to the Nashville fire department for fire prevention programs.

**Resolution No. RS2007-1962** approves a grant in the amount of \$23,405 to provide funding for the Hands On Fire Extinguisher Training and Public Access Defibrillator programs. These funds will be used to purchase fire extinguishers and related equipment to provide hands-on training to employees of private businesses regarding the proper use of fire extinguishers. The funds will also be used to purchase seven automatic external defibrillators.

**Resolution No. RS2007-1963** approves a grant in the amount of \$50,000 to identify households in Davidson County without smoke detectors. The funds will be used to implement a multi-phase smoke detector program. The first phase will be to create a one-minute video to run as a public service

announcement and 30-minute documentary to be shown on public television that asks citizens to complete a survey on smoke detectors. The second phase will be used to administer a ten question survey to determine the number of residential homes that have working smoke detectors. The third phase will be to install a working smoke detector in homes found to have a non-functional smoke detector at no cost to the residents. The last two phases involve evaluation and data collection.

**RESOLUTION NOS. RS2007-1964 & RS2007-1965** (RYMAN) – These two resolutions approve grants from the Metropolitan development and housing agency (MDHA) to the Metropolitan board of parks and recreation for summer enrichment programs for youth. MDHA has funding available for these activities as part of the federal community development block grant program.

**Resolution No. RS2007-1964** approves a grant in the amount of \$20,000 for a summer enrichment program at East Park community center. This program consists of educational classes, outdoor recreational activities, field trips, entertainment and social activities for youth living in the vicinity of the James C. Casey Homes.

**Resolution No. RS2007-1965** approves a grant in the amount of \$20,000 for a ballroom dance training program for children ages 10-15. This is the second year of the program, which will be offered at the Napier, Parkwood, Daley, McCabe, Antioch, Bellevue, East, Hartman, Watkins, Sevier and Looby community centers.

**RESOLUTION NOS. RS2007-1966 THROUGH RS2007-1990** – These fifteen 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.

Eleven of these fifteen resolutions give grants to nonprofit organizations, while the remaining four appropriate funds directly to Metro departments for council initiatives. The organizations to receive funding through these resolutions have provided the necessary information required by both state and local law.

**RESOLUTION NO. RS2007-1966** (Shulman) appropriates \$1,750 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Nashville public library to pay for upgrades to the furniture in the children's section at the Green Hills branch.

**RESOLUTION NO. RS2007-1967** (Coleman) appropriates \$35,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the police department to pay for "Crime Reduction Team" activities in the South Sector.

**RESOLUTION NO. RS2007-1968** (Crafton) appropriates \$5,250 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the sheriff's office to pay for equipment and supplies to be used by inmates in performing community service work.

**RESOLUTION NO. RS2007-1969** (Cole) appropriates \$12,667 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the department of public works to pay for refurbishment of the Riverside Drive Memorial Monument, as well as tree acquisition and planting.

**RESOLUTION NO. RS2007-1970** (Adkins) appropriates \$1,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to United Way of Metropolitan Nashville. United Way is acting as the fiscal agent for the Nashville Wealth Building Alliance, which is a community-based alliance of trained volunteers and financial service providers that assist low and moderate income families. These funds will be used to assist the Nashville Wealth Building Alliance to expand its program marketing and community-outreach efforts.

**RESOLUTION NO. RS2007-1971** (Shulman) appropriates \$2,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Campus for Human Development. These funds will be used to pay a portion of the operational costs to provide services to the homeless.

**RESOLUTION NO. RS2007-1972** (Williams) appropriates \$2,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Big Brothers Big Sisters of Middle Tennessee. This organization provides caring adult mentors for at-risk children. These funds will be used to provide general mentoring support.

**RESOLUTION NO. RS2007-1973** (Coleman) appropriates \$2,500 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Interdenominational Ministers' Fellowship Peniel Initiative. This organization provides services for victims of crimes via a collaboration of service agencies in the



highest crime areas of Nashville. These funds will be used to pay a portion of the operational cost to implement the program plan.

**RESOLUTION NO. RS2007-1974** (Toler and Coleman) appropriates \$3,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Brain Injury Association of Tennessee, Inc. This organization provides services to improve the quality of life for persons with brain injuries. These funds will be used to pay a portion of the cost for informational materials, postage, and printing. The members of council requesting this grant and the amount designated from each are as follows:

Toler	\$2,000
Coleman	\$1,000

**RESOLUTION NO. RS2007-1975** (Walls) 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 St. Luke’s Community House Episcopal, Inc. This organization provides nutritious hot meals to homebound and elderly individuals. These funds will be used to pay a portion of the operational costs to provide meals and affordable fruits and vegetables to those in need.

**RESOLUTION NO. RS2007-1976** (Tucker) 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 2<sup>nd</sup> Chances. This organization provides employment referrals and other services for those that have been in prison. These funds will be used to pay a portion of the organization’s operational costs.

**RESOLUTION NO. RS2007-1977** (Loring and Williams) appropriates \$9,750 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Senior Citizen’s, Inc. This organization provides hundreds of educational and wellness programs for persons 55 and over, as well as volunteer opportunities at five centers. These funds will be used to provide recreational, health/wellness, and educational activities for senior adults at the Northwest Senior Center and the Donelson Senior Center. The members of council requesting this grant and the amount designated from each are as follows:

Loring	\$5,750
Williams	\$4,000

**RESOLUTION NO. RS2007-1978** (Forkum) 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 American Red Cross (Nashville Area Chapter). This organization provides relief to victims of disasters and helps people prevent, prepare for, and respond to emergencies. These funds will be used to provide partial funding for the local disaster relief fund.

**RESOLUTION NO. RS2007-1979** (Williams) appropriates \$12,750 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Nashville Alliance for Public Education, Inc. This organization provides for the solicitation and disbursement of donations for the benefit of the public school system in Davidson County. These funds will be used to provide educational support in furtherance of the purposes of the Alliance’s mission.

**RESOLUTION NO. RS2007-1980** (Toler and Coleman) appropriates \$15,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to St. John Missionary Baptist Church. This organization provides services and supplies for other nonprofit organizations. These funds, which are actually coming from Councilman Alexander's account, will be used to pay a portion of the costs of equipment and services for affordable daycare, senior citizens outreach, and tutoring.

**RESOLUTION NO. RS2007-1981** (LORING) – This resolution is an annual, routine housekeeping matter required by state law that classifies all public roads in Davidson County. By adoption of this resolution, those roads and alleys listed on the street and alley acceptance and maintenance map under Ordinance No. BL2007-1337, including any changes since the adoption of the map, will be officially classified as public roads.

**– BILLS ON SECOND READING –**

**ORDINANCE NO. BL2007-1374** (BRILEY, COLE & OTHERS) – This ordinance amends Title 16 of the Metropolitan Code to require sustainable building design standards for new and renovated Metropolitan Government buildings and facilities. Sustainable building design standards encompass the following broad topics: efficient management of energy and water resources, management of material resources and waste, protection of environmental quality, protection of occupant health and indoor environmental quality, reinforcement of natural systems, and integrating the design approach. Although the Metropolitan Government has made a concerted effort over the past seven years to reduce energy consumption in Metro facilities and to promote site sustainability, there are no sustainable building provisions expressly contained in the building code.

This ordinance would require all new construction and renovations in excess of 5,000 square feet or exceeding \$2 million for which the planning or construction commences after August 1, 2007, to pursue LEED certification through the U.S. Green Building Council (USGBC) and to develop a strategy for LEED Silver certification. LEED is an acronym for Leadership in Energy and Environmental Design, which uses a green building rating system developed by the USGBC. The rating system contains prerequisites and credits in six categories: sustainable site planning, improving energy efficiency, conserving materials and resources, embracing indoor environmental quality, safeguarding water, and innovation in design. There are currently four different rating levels for LEED certification: Certified, Silver, Gold, and Platinum.

This ordinance would apply to all Metropolitan Government departments, agencies, boards and commissions, with the exception of the Metropolitan Board of Public Education, the Metropolitan Transit Authority and the Metropolitan Housing and Development Agency. These excepted agencies have the sole authority under the Metropolitan Charter for the erection, maintenance and improvement of their facilities. In addition, the LEED certification requirements would not apply to Metro facilities that are to remain predominately unoccupied or to serve "specialized functions" such as thermal transfer functions, solid and/or toxic waste disposal functions, water and wastewater treatment functions, warehouse/storage functions, and mechanical functions.

In the event a Metro building or facility fails to obtain the required LEED certification within two years from the date the final use and occupancy permit is issued, the council would determine by resolution whether to relieve the government of pursuing the LEED certification. Once the council adopts a resolution continuing the requirement for LEED certification, the government would have an additional year in which to obtain the certification or have the use and occupancy permit revoked.

The director of finance has refused to certify that funds are available for the implementation of this ordinance. According to the finance director's letter, mandating LEED certification would result in a 1% to 15% increase in costs to the Metropolitan Government for building construction and would require that additional employees be hired to implement the ordinance. A copy of the finance director's letter is attached to this analysis.

There is a proposed substitute that makes some changes regarding the Metro departments responsible for implementation of the ordinance, as well as designating the board of fire and building code appeals, rather than the council, as the entity to review a failure to achieve LEED certification within the required amount of time.

**ORDINANCE NO. BL2007-1382** (COLE & RYMAN) – This ordinance, as amended, amends the Metro Code to implement standards of conduct for all Metropolitan Government elected officials, employees and members of boards and commissions. As part of the state ethics legislation enacted by the Tennessee General Assembly last year, all local legislative bodies must enact comprehensive ethics provisions applicable to all elected officials, members of boards and commissions, and employees not later than June 30, 2007. This ordinance is modeled after the standards of conduct ordinance for members of council prepared by the Ethics Review Task Force, which was approved by the council in 2005 with several amendments.

This ordinance would consolidate all of the ethics provisions in the code into one chapter. In addition to the current chapter pertaining to standards of conduct for members of council, the code includes ethics provisions applicable to board and commission members. Although Metro employees are not currently covered by an ethics ordinance, the Mayor's executive order on ethics applies to all Metro employees.

Although the language of this ordinance makes the provisions applicable to "employees", the word employee is broadly defined to include all elected officials and board/commission members, as well as Metro employees. As with the current council ethics ordinance, this ordinance includes a blanket prohibition on employees accepting "anything of value", which includes money, gifts, benefits, advances, etc. The ordinance does contain exceptions not considered "anything of value", including the following: (1) compensation paid by an employer; (2) fees earned from outside employment; (3) hospitality extended for a purpose unrelated to government business; and (4) lawful campaign contributions. This ordinance would also prohibit employees from using Metropolitan Government property or information for personal use, or from providing services for compensation to a person or entity having business before the Metropolitan Government unless it is the person's primary source of income and he/she discloses the interest. Further, employees would be prohibited from accepting promotional items in excess of \$25, and meals, tickets, admissions to events, or travel expenses in excess of \$100 from a single source in a given year.

The ordinance, as amended, also includes the "meal ban" provisions from the existing council ethics ordinance, which would be applicable to all employees, board and commission members, and elected officials covered by this ordinance. This meal ban would prohibit the acceptance of any gratuitous food or beverages from any individual, entity or organization that (1) is currently performing services or has performed services in the past for the Metropolitan Government for compensation; (2) is seeking to enter into a contractual relationship with the Metropolitan Government to perform services for compensation; (3) currently has a matter pending with the Metropolitan Council or other Metropolitan board or commission; (4) has had a matter pending with the Metropolitan Council or other board or commission in the past; or (5) is likely to have a matter pending with the Metropolitan Council or other board or commission in the future.

This ordinance would also require certain officials and employees to file annual disclosure statements and benefit reports that are very similar to the existing disclosures submitted by members of council. The disclosure requirements would apply to the mayor, all employee's in the mayor's office, the council office, the holders of all elected offices authorized or created by the Charter, and all directors, assistant directors and associate directors of Metro departments, agencies, boards and commissions. The information that must be disclosed is very similar to what must be disclosed on the state disclosure of interest statement, which all local elected officials must submit annually.

The annual disclosure statement would include the following information for employees and their spouses:

1. Sources of income. This only requires the disclosure of the source of income, not the amount received.
2. Financial interest of 5% or more in any business with offices in Davidson County.
3. Ownership of property located in Davidson County.
4. A position with any for-profit or non-profit entity, labor group, or educational or other institution, regardless of whether income is received for such position. This would include membership on boards of charitable organizations.
5. Financial interests in any litigation involving the Metropolitan Government.
6. Debts in excess of \$5,000 owed to any one creditor, excluding debts owned to family members or established financial institutions in the ordinary course of business (i.e. car loans, mortgages, etc.).

This ordinance contains a 60-day delayed implementation provision for the filing of the first annual disclosure statement after the ordinance is enacted. This annual disclosure statement must be amended within 30 days of the occurrence of any material change to the disclosures.

Complaints against employees and officials covered by this ordinance would be handled as follows:

- Complaints against elected officials or members of boards/commissions would be filed with the board of conduct. The complaint and investigation procedures are essentially the same as under the current code provisions applicable to members of council.
- Complaints regarding ethics violations by employees other than elected officials or members of boards or commissions are to be made to the authority that appointed the person to the position. Decisions of the appointing authority regarding violations of this ordinance by employees within the classified service may be appealed to the civil service commission in accordance with the civil service rules.

The council office would remind members of council that state law mandates that the council enact a comprehensive ordinance not later than June 30 of this year. Failure to enact such an ordinance by June 30 would make council members subject to removal from office.

There are several proposed amendments for this ordinance. One is a housekeeping amendment that should be adopted on second reading. There is also a proposed amendment that would allow attorneys who are members of boards and commissions to represent clients against the Metropolitan Government so long as the client's claim does not concern the board or commission the attorney is serving on. Finally, there is an amendment removing the requirement that the disclosure forms be notarized. Rather, they would just have to be witnessed, as is the case with the state disclosure form.

**ORDINANCE NO. BL2007-1384** (COLE & BRILEY) – This ordinance amends the Metro Code to prohibit certain activities involving the disposal of excavated fill material occurring within the drainage area of a designated scenic river under the Tennessee Scenic Rivers Act of 1968. State law currently prohibits landfills for the disposal of solid or hazardous wastes from being located within two miles from the center of a class II scenic river, which includes the Harpeth River in Davidson County. The

purpose of this state law is to protect these scenic rivers from possible pollution due to the proximity of landfills. However, state law does not prohibit the use of fill material such as rock and stumps, that are not considered solid waste, within two miles of a scenic river.

In addition to what is already prohibited by state law, activities that involve the use of excavated fill material that occur within two miles of a scenic river would be prohibited if one or more of the following conditions exist:

1. The activity is not primarily related to a construction site under common operation that is covered under the State of Tennessee's construction general permit. The state permit does not grant coverage for potential discharge of pollutants that would cause degradation to scenic rivers.
2. The operator of the disposal fill activity site and the operator of the source fill material site is not the same.
3. The disposal fill activity is a commercial operation serving multiple unrelated construction projects by different operators.
4. The disposal fill activity operates beyond the completion of the construction activity it supports.
5. The applicant fails to describe in a comprehensive storm water pollution prevention plan appropriate controls and measures that will be implemented to control for discharges from all activities related to the excavation and disposal of fill material.

**ORDINANCE NO. BL2007-1386** (GILMORE) – This ordinance renames County Hospital Road between John Malette Drive and Briley Parkway as "Bordeaux Boulevard". The planning department staff has mailed notices of this proposed name change to all residents on this section of County Hospital Road.

This ordinance was disapproved by the planning commission, but approved the ECD board.

**ORDINANCE NO. BL2007-1389** (GILMORE & MURRAY) – This ordinance amends the Metro Code to require the health department to notify the public upon the spraying of airborne pesticides. Specifically, this ordinance would require the health department to take the following actions in the event it is determined that pesticide spraying is necessary:

1. Post signs informing neighborhood residents that the department of health will be spraying airborne pesticides not less than forty-eight (48) hours prior to spraying pesticides in the area.
2. Upon request, provide residents written notice by email, U.S. mail, or telephone informing them when airborne pesticides will be sprayed in their neighborhood.
3. Provide a 300-foot buffer zone around property that is on the "no-spray list". The buffer will not be required if the director of health determines that an emergency situation exists as a result of high mosquito populations and life threatening human infection has been documented in the area scheduled to be sprayed.
4. Airborne pesticides are not to be sprayed within 48 hours of any air quality alert.

The health department currently honors requests from individual homeowners that do not wish to have their property sprayed for mosquitoes. Individuals can contact the health department by phone or email to request that they be placed on the no-spray list.

The director of finance has refused to certify that funds are available to implement this ordinance. According to the finance director's letter, this ordinance would cost at least \$35,300 annually to administer. Due to the increased costs of healthcare for inmates in the custody of the sheriff, a supplemental appropriation will be required at the end of this fiscal year to balance the health department's budget. A copy of the finance director's letter is attached to this analysis.

There is a proposed substitute for this ordinance making some changes suggested by the department of health regarding the method and procedures for notification.

**ORDINANCE NO. BL2007-1400** (WILHOITE) – This ordinance amends the Metropolitan Code to require property owners to clean up graffiti on their property. The code currently makes it unlawful to apply graffiti on any public or private structure, and makes it unlawful for minors to be in possession of graffiti implements on public or private property without the consent of the property owner. Parents who knowingly allow their children to possess a graffiti implement are personally liable for all clean-up costs. Further, the code was amended in 2005 to prohibit the sale of graffiti implements to minors.

This ordinance would further amend the code to require owners of property to remove all graffiti that is visible from the street or another property within 10 days from receiving written notice from the police department or the department of codes administration of the existence of the graffiti. Owners that fail to remove the graffiti within 10 days would be subject to a citation to environmental court and a \$50.00 fine, with each day in excess of the 10 days counting as a separate violation.

**ORDINANCE NO. BL2007-1401** (WHITMORE) – This ordinance amends the Metropolitan Code to place restrictions on the storage of antique motor vehicles on residential property. The property standards code currently prohibits the storage of inoperable or unregistered motor vehicles. Further, no vehicle may openly be in a major state of disassembly or disrepair.

This ordinance would require that all antique motor vehicles (defined as motor vehicles over 25 years of age) be in an operable condition and have an antique motor vehicle license plate displayed on the vehicle. In addition, all antique vehicles openly stored on residential property would be required to contain an engine, radiator, hood, all doors, trunk lid, bumpers, fenders, four wheels with inflated tires, all windows in operable condition, both front and rear windshields, and a complete exhaust system.

This ordinance is of the same subject matter as Ordinance No. BL2007-1436, which is also on second reading. Only one of these ordinances should be adopted.

**ORDINANCE NO. BL2007-1432** (GOTTO) – This ordinance amends the Metro Code to require that all grant applications that are subject to approval of the council be approved by the council before the application is submitted to the grantor. The application for certain grants involving federal funds must be approved by the local legislative body before the grant can be awarded. Due to the time constraints involved with meeting grant application deadlines, Metro departments frequently submit the application prior to it being approved by the council. If the council does not approve the grant application then the application is withdrawn.

This ordinance would prohibit Metro departments from submitting such a grant application until it is approved by the council. The director of the Metro department, agency, board or commission seeking the grant funds would be required to provide a written statement to the council at the time the resolution approving the application is filed evidencing that the grant application has not been submitted.

The director of finance has refused to certify that funds are available for this ordinance. According to the finance director's letter, the council has approved six grant applications since July 2006 totaling \$1.2 million whose applications were submitted to the grantor prior to council approval. Only one of these grants was approved by the council prior to the cutoff date for the grant application. Therefore, if this ordinance had been in effect, Metro would have been ineligible for \$854,679.34 in grant funding. The average timeframe for submitting grant applications once the grant announcement is made is 50 days. In many cases, it is not possible for departments to prepare a grant proposal, complete the application, and have it approved by the council within this 50 day period.

**ORDINANCE NO. BL2007-1434** (DREAD) – This ordinance amends the Metro Code provisions pertaining to the penalties for the violation of certain laws applicable to wrecker drivers. The code prohibits wrecker drivers from engaging in certain activities while operating a wrecker, such as: cruising for vehicles in need of wrecker services, answering a wrecker call in an area outside of the zone to which he is assigned, driving to an accident scene without being summoned by the police, performing emergency towing from a public street without authorization from a police officer, or charging more than the permitted rates. The current penalty for violating these provisions is a fine.

In addition to fining the driver, the ordinance would require the transportation licensing commission to suspend the driver's permit for any wrecker driver found guilty of engaging in these prohibited practices. The duration of the suspension would be as follows:

- 1<sup>st</sup> offense - one week suspension
- 2<sup>nd</sup> offense - one month suspension
- 3<sup>rd</sup> offense - one year suspension

**ORDINANCE NO. BL2007-1435** (ISABEL) – This ordinance amends the Metro Code to allow customers that have overpaid for water and sewer services to be reimbursed by the department of water and sewerage services upon request rather than having a credit applied to their bill. The code currently provides that customer's charges are to be adjusted in the event of a malfunctioning meter or a concealed leak. This ordinance would require the department of water and sewerage services to reimburse customers upon request in the event the customer has paid an amount greater than the actual water or sewer usage due to an incorrect meter or a concealed leak. This ordinance does not change the method for determining the amount of the credit or reimbursement. If the customer has been overcharged due to a concealed leak, the customer would either be given a credit or reimbursement in an amount equal to 50% of the excess caused by such leak above the average monthly bill for the previous year.

**ORDINANCE NO. BL2007-1436** (WHITMORE) – This ordinance amends the Metropolitan Code to place additional restrictions on the parking and storage of motor vehicles on residential property. The property standards code currently prohibits the storage of inoperable or unregistered motor vehicles. Further, no vehicle may openly be in a major state of disassembly or disrepair.

This ordinance would require that all motor vehicles openly stored on residential property contain an engine, radiator, hood, all doors, trunk lid, bumpers, fenders, four wheels with inflated tires, all windows, front and rear windshields, a battery, a gas cap, and a complete exhaust system. The ordinance includes an exception for vehicles that are missing no more than two of these parts,



provided the vehicle is completely sheltered from view by a "structure containing a roof and at least three sides."

There is a proposed substitute for this ordinance that would remove the requirement that a motor vehicle be parked in an enclosed structure in order to qualify for the exception to citation.

**ORDINANCE NOS. BL2007-1437 & BL2007-1438** – These two ordinances authorize the Metropolitan Government to enter into utility relocation contracts with the state department of transportation (TDOT) to relocate certain department of water and sewerage services' facilities. These utility relocations are necessary for the TDOT projects to proceed. Metro will be reimbursed for its engineering costs associated with the relocations. These are typical agreements entered into by Metro and TDOT for the relocation of utilities associated with state highway improvement projects.

**Ordinance No. BL2007-1437** (Wilhoite and Ryman) approves a utility relocation contract required for the Harding Pike extension project. The estimated project cost to TDOT for relocating the utilities is \$245,859. Metro will be reimbursed in the amount of \$19,939 for engineering costs.

**Ordinance No. BL2007-1438** (Loring & Ryman) approves a utility relocation contract required for the construction of a bridge over Mill Creek. The estimated project cost to TDOT for relocating the utilities is \$139,294.68. Metro will be reimbursed in the amount of \$16,119.68 for engineering costs.

**ORDINANCE NO. BL2007-1439** (WALLACE) – This ordinance abandons an unpaved portion of Alley No. 205 between Jefferson Street and Madison Street, and Alley No. 221 between 5<sup>th</sup> Avenue North and Alley No. 205. This alley closure has been requested by John Beasley, the developer and adjacent property owner. All easements are being retained by Metro Government. Consent of the affected property owners is on file with the department of public works.

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

**– BILLS ON THIRD READING –**

**ORDINANCE NO. BL2005-596** (WALLACE) – This ordinance closes Alley No. 530 from Jefferson Street north to the I-40 right-of-way.

This ordinance has been approved by the planning commission and the traffic and parking commission. The department of public works has not received documentation regarding consent of the affected property owners. Adoption of this ordinance prior to receiving such documentation could result in legal liability to the Metropolitan Government.

**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 list of all arterial and collector streets, as well as a map showing the streets, has previously been provided to the council.

There is a proposed substitute for this ordinance that would limit its application to the area within the downtown interstate loop.

**ORDINANCE NOS. BL2006-1285** (WILLIAMS) – This zoning text change creates a new land use called “passive park”, and provides a definition for passive parks. The zoning code currently defines “park” as being one of the three following uses:

1. An area open to the public for recreational uses;
2. An area predominantly kept in a natural state; or
3. Governmental property specifically designated as a park, natural area or recreation area, provided that greenways are not to be considered parks under the zoning code.

This ordinance defines “passive” park as an outdoor facility open to the public for any passive recreational activity such as pedestrian activities, hiking and jogging, or that serves as a historical, cultural or archeological attraction. Passive parks would have to be maintained in a natural state.

Further, organized team sports would be prohibited in passive parks. Passive parks would be permitted as a special exception use in all residential districts, requiring approval by the board of zoning appeals, but would be permitted by right in all other zoning districts.

This ordinance would also add certain conditions that passive parks would have to meet in order to be eligible for a special exception. First, the driveway access would have to be from a collector street unless a traffic study indicates that traffic can be safely and efficiently accommodated by the existing

local street network without negatively impacting the surrounding neighborhood. Second, a landscape plan would be required to be submitted along with a recommendation from the urban forester. Third, only the least amount of lighting necessary to ensure the safety of visitors would be permitted. Finally, approval of a passive park would be contingent upon the park owner's commitment to maintain the property in a safe, clean and functional manner.

The planning commission recommended disapproval of this ordinance.

There is a proposed amendment removing Metro parks from the ordinance.

**ORDINANCE NO. BL2007-1313** (PEPPER & 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.

**SUBSTITUTE ORDINANCE NO. BL2007-1364** (EVANS) – This zoning text change would substitute the regulations pertaining to historic home events and historic bed and breakfast homestays. The purpose of this ordinance is to be an alternative to Ordinance No. BL2006-1206, which has been deferred indefinitely, that would add more stringent standards applicable to historic home events. Under the zoning code, "historic home events" must be permitted by the board of zoning appeals (BZA) as a special exception use. The zoning code defines historic home event as "the hosting of events such as, but not limited to, weddings or parties for pay at a private home which has been judged to be historically significant by the historic commission." The code includes certain criteria that must be met in order for property to be permitted to hold these home events, such as parking standards, limited meal service, and a requirement that the home be owner-occupied. There are currently only three properties permitted as a historic home event use in a residential area: Riverwood, the Demonbreun House, and the Ambrose House.

This ordinance would create two separate categories of historic home events. The standard historic home event use would only be permitted in residential areas as part of a neighborhood landmark overlay district. The use would be permitted by right in all other zoning districts. The second category of historic home event uses would be called a "limited historic home event". A limited historic home event would be permitted by special exception (SE) in residential districts, requiring approval of the board of zoning appeals (BZA). The ordinance establishes new standards for the BZA to consider in determining whether to grant an SE use for a limited historic home event. These new standards are as follows:

1. Applicants and holders of special exception permits would expressly be expected at all times to comply with the property standards code, zoning regulations, and restrictions placed upon the applicant by the BZA.
2. Once Metro takes three or more zoning and/or codes enforcement actions against the special exception permit holder, the zoning administrator is to request a show cause hearing before the BZA to consider revocation of the permit. Further, a show cause hearing is to be requested if the zoning administrator becomes aware that the permit holder has not adhered to promises made to the BZA at the time the permit was granted.
3. Events with 30 or fewer people, including servers and other staff, may take place outside the historic home.
4. No more than 100 people would be allowed at an event under any circumstances. The BZA would have the authority to further limit the number of patrons at the event.

5. All interior and exterior work must be done in accordance with the U.S. Secretary of the Interior standards for the treatment of historic properties. The applicant may utilize the Metro historic zoning commission staff to ensure compliance with these standards.
6. All guest parking must either be on-premises or a shuttle service must be used for off-premises parking.
7. The historic home event may take place between the hours of 8:00 a.m. and 9:00 p.m. Monday through Thursday, and 9:00 a.m. through 11:00 p.m. on Friday and Saturday. Events would not be allowed on Sundays.
8. No amplified music would be allowed.
9. Meal and beverage service is limited to those guests invited by the host.
10. The home must be owner-occupied, and a site plan must be submitted detailing the personal living space, event preparation areas, and event location areas.
11. A historic home event permit may last no more than five years.
12. The BZA is to consider past codes and zoning enforcement actions taken against the property owner.
13. The SE use must be compatible with the general plan, and the planning commission is to make a recommendation to the BZA regarding its plan compatibility.
14. The limited historic home events must take place inside the historic structure.
15. All signs on the property must be no larger than four square feet.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2007-1366** (BROWN) – This zoning text change would allow signs with changeable text, graphics or displays to be erected in the commercial limited (CL) zoning district. These signs are currently permitted in the more intense commercial and industrial districts, but are prohibited in the office, mixed-use, commercial neighborhood and commercial limited districts. This ordinance would allow signs with changing graphics but would not allow video signs.

There are numerous amendments to this ordinance that would exempt various streets and roads from the application of the ordinance.

This ordinance was disapproved by the planning commission.

**ORDINANCE NO. BL2007-1393** (ISABEL, RYMAN & ADKINS) – This ordinance authorizes the director of public property administration to accept a 0.62 acre parcel of property from Habitat for Humanity, Inc., for use as part of the parks system. The Providence Park subdivision developed by Habitat for Humanity was designed to include a public park. This ordinance has been approved by the board of parks and recreation and the planning commission.

**ORDINANCE NO. BL2007-1402** (DREAD) – This ordinance, as amended, amends the Metropolitan Code to require taxicab drivers and other drivers of vehicles for hire to provide proof of CPR certification prior to obtaining a driver’s permit from the transportation licensing commission. The code requires all drivers of vehicles for hire with a seating capacity of less than nine persons to obtain a driver’s permit before operating a taxicab or other similar vehicle on Metro streets. In order to obtain the driver’s permit, the applicant must provide at least four references, a statement of their prior experience, an employment history and their educational background. This ordinance would

add a new requirement that the applicant provide proof of a valid CPR certification and automated external defibrillator (AED) certification. These certifications must be valid throughout the duration of the license. Drivers holding a valid driver's permit at the time this ordinance is enacted would have 90 days to obtain the required certifications.

**ORDINANCE NO. BL2007-1403** (TOLER & RYMAN) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Burkitt Place Development, LLC to provide public sewer service to phase 2-C of the Burkitt Place subdivision in Davidson and Williamson Counties. Burkitt Place Development, LLC has agreed to contribute \$130,000 toward the cost of the project in aid of construction for a total of 65 single-family home connections. These funds are to be deposited into the water and sewer extension and replacement fund. This is a typical participation agreement entered into by the department of water and sewerage services whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service. The council has already approved a prior ordinance for a \$92,000 contribution for another phase of this subdivision.

**ORDINANCE NO. BL2007-1404** (WALLACE) – This ordinance abandons an unpaved portion of Alley No. 566 between Warren Street and Alley No. 565. This alley closure has been requested by Ms. Leslie Oliver, an adjacent property owner. All easements are being retained by Metro Government. Consent of the affected property owners is on file with the department of public works.

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

**ORDINANCE NO. BL2007-1430** (EVANS) – This zoning text change would add to the review and enforcement provisions to be used by the board of zoning appeals (BZA) in determining whether to grant a special exception (SE) use permit, and would clarify the role of the historic zoning commission in the review and approval of the neighborhood landmark (NL) zoning overlay. SE uses are not permitted by right, but are only allowed if they are approved by the BZA. Some examples of special exception uses in residential zoning districts include historic home events, day care facilities, churches, and recreational centers. In order for the BZA to grant a special exception permit, the applicant must prove that all of the code requirements for the SE use have been met. The code currently requires applicants to show that the proposed use will not adversely impact abutting properties, that features of historical significance will be preserved, and that traffic will not be negatively impacted. This ordinance would add some additional requirements that applicants for an SE use would have to meet in order to obtain the permit from the BZA. All of these provisions are included as part of Substitute Ordinance No. BL2006-1364, which will be on third reading at the second council meeting in May. However, the council office is of the opinion that these provisions exceed the scope of the caption of Ordinance No. BL2006-1364, as that bill is limited to historic home event uses. This ordinance essentially copies the provisions from the substitute ordinance into a new ordinance with a broader caption.

This ordinance would add the following new general requirements for uses permitted by special exception:

1. The BZA would be required to consider past codes and zoning enforcement actions taken against the property owner.

2. The SE use must be compatible with the general plan, and the planning commission is to make a recommendation to the BZA regarding its plan compatibility.
3. Applicants and holders of special exception permits would expressly be expected at all times to comply with the property standards code, zoning regulations, as well as the guarantees and representations they make to the BZA.
4. Once Metro takes three or more zoning and/or codes enforcement actions against the special exception permit holder, the zoning administrator is to request a show cause hearing before the BZA to consider revocation of the permit. Further, a show cause hearing is to be requested if the zoning administrator becomes aware that the permit holder has not adhered to promises made to the BZA at the time the permit was granted. The show cause hearing would be publicly advertised in the same manner as other BZA hearings.
5. The BZA would be prohibited from granting variances to the general or specific standards of an SE permit.

This ordinance would also specify the manner in which the U.S. Secretary of the Interior standards apply to the treatment of historic properties. Compliance with these standards would be required before any changes could be made to any property that is listed on the National Register for Historic Places or is eligible for listing on the historic register. Finally, the ordinance would require that any existing or proposed NL overlay district be reviewed by the historic zoning commission to ensure that it complies with the applicable guidelines.

This ordinance has been approved by the planning commission with a recommended amendment.

**ORDINANCE NO. BL2007-1431** (BRILEY) – This zoning text change would limit the height of single and two-family homes within the urban zoning overlay (UZO) to 35 feet. The code currently provides that homes in the UZO cannot exceed three stories. However, there is no limitation in the code regarding the height of each story. The effect of the three-story limitation is that some residences in the UZO are substantially taller than the surrounding homes. This ordinance would cap the height of the structure at 35 feet. Although the code does not include a precise method of measuring height, the zoning administrator has instructed the codes inspectors to determine the height by measuring from an average of the four corners of the home.

This ordinance has been approved by the planning commission.

There is a proposed substitute that would limit each story to 14 feet, floor to ceiling. This would exclude up to seven feet of an exposed basement. The maximum height would be measured from the natural grade to the eave or roof deck.