

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **June 19, 2007**

RE: **Analysis Report**

Balances As Of:	<u>6/13/07</u>	<u>6/14/06</u>
<u>GSD 4% RESERVE FUND</u>	* \$985,007	\$1,679,564
<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 SCHOOL FUND</u>	\$37,741,840	\$17,566,775

* Assumes estimated revenues in fiscal year 2007 in the amount of \$478,599

– RESOLUTIONS –

RESOLUTION NO. RS2007-1944 (LORING & RYMAN) – This resolution, as amended, 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 previous fee schedule, which was adopted by the council in June of 2006, 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.

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 budget to offset the lower revenues. This resolution is estimated to generate \$773,658 in additional revenue.

RESOLUTION NO. RS2007-2008 (RYMAN) – This resolution appropriates \$1,187,000 from the unappropriated fund balance of the general fund of the general services district to the trustee's office and the transportation licensing commission to balance their budgets for the current fiscal year. The appropriations are as follows:

- Trustee's Office: \$680,000 to cover the merchant fees associated with the processing of property tax payments made by credit cards.
- Transportation Licensing Commission: \$7,000 to cover fingerprint checks on applicant drivers.

In addition to the above supplemental appropriations, this resolution appropriates \$500,000 from the undesignated fund balance to W.O. Smith School of Music, which apparently is to be from the hotel/motel tax fund. As the council will recall, the mayor's 2006-2007 capital spending plan included a \$500,000 grant from bond funds to W.O. Smith. In March 2007, Metro's bond counsel opined that state law does not allow Metro to grant the proceeds of general obligation bonds to the W.O. Smith School. This resolution is an effort to provide this grant for the school out of the unappropriated fund balance from the hotel/motel tax fund.

The council office questions whether this grant to the W.O. Smith Music School is a tourist-related activity, as required by state law for the disposition of hotel/motel tax funds. The mission of the W.O. Smith School is to make "quality music instruction available to talented, interested, deserving children from low income families at the nominal fee of 50 cents a lesson. The school also seeks to encourage student participation in the cultural life of the community through concert attendance and

performance.” Since the W.O. Smith Music School serves children within the Nashville community, it is difficult to equate this with a tourist-related activity.

The council office recommends that this resolution be amended to specifically state that the \$500,000 for W.O. Smith is coming from the hotel/motel tax fund, and that the account numbers in the resolution be revised as needed to reflect this.

RESOLUTION NO. RS2007-2009 (RYMAN) – This resolution determines to issue \$217,262,043 in GSD general obligation bonds and \$23,357,825 in USD general obligation bonds to provide funding for various projects contained in the mayor’s capital spending plan. This is the first step in the process toward the ultimate sale of the bonds by public bid to provide the necessary financing for the projects. The general obligation bonds to be issued provide funding for some 46 GSD projects, and the USD bonds will provide funding for 7 projects. This debt will be paid from the debt service of the GSD and the USD.

Some of the projects to be financed with the bonds include:

- Software replacement for Bordeaux long-term care
- Exhibit hall floor resurfacing and an air compressor at the convention center
- Major building maintenance projects
- ADA improvements to Metro facilities
- Renovations to the 222 building
- Design and construction of a new west police precinct
- Planning funds for a new police crime lab
- Construction of a Goodlettsville branch library
- Planning and land purchase for the Bellevue branch library
- Renovations of the Children’s Theatre
- Software and equipment for General Hospital
- Equipment replacement and systems upgrade for ITS
- Grants to MDHA to fund \$5 million in capital costs for both the Nashville Symphony Hall and the African American Museum
- Technological upgrades for the public schools
- Vehicle replacement for the public schools
- Further implementation of the parks master plan
- Installation of a gas collection system at the capped Bordeaux landfill
- Bridge replacements
- Road construction, repair and maintenance

\$66,763,000 of the proceeds are to fund public school projects. This resolution may need to be amended to reflect that the GSD school debt service funds will be used to pay this portion of the bond issue.

A detailed list of all capital projects to be funded by this bond issue, including the estimated cost for each project, is attached to this analysis.

RESOLUTION NO. RS2007-2010 (RYMAN) – This resolution authorizes the issuance and sale of bond anticipation notes in an amount not to exceed \$400,000,000 in the form of commercial paper, which will allow Metro to issue short-term debt prior to the issuance of general obligation bonds. The purpose of this resolution is to make several changes to our current commercial paper program. In

June 2003, the council adopted Resolution No. RS2003-1496, which authorized a commercial paper program for the Metropolitan Government as a form of short-term financing for capital projects to cover interim construction costs while awaiting the appropriate time to issue the long-term bonds. This program allows Metro to issue variable rate tax-exempt commercial paper with varying mature dates ranging from 1 day to 270 days. Resolution No. RS2003-1496 provided that no more than \$200 million in commercial paper could be outstanding at any one time. The resolution further provided that the state comptroller would administer Metro's commercial paper program. Metro currently pays a fee to the state for its services equal to 0.0025% of the principal amount of the authorized commercial paper.

This resolution would make several significant changes to the commercial paper program, all of which were recommended by Metro's outside financial advisor, Public Financial Management, Inc. (PFM). First and foremost, it would increase maximum principal amount of commercial paper that can be outstanding at any one time from \$200 million to \$400 million. This will allow for more flexibility in determining when to issue long-term bonds. The interest rates on commercial paper are often lower than the interest rate for long-term bonds. By allowing more commercial paper to be outstanding at a given time, Metro will be able to take advantage of the lower rates and prolong the issuance of the long-term debt.

Second, the resolution removes the restrictions that not more than \$50 million of commercial paper may be issued on a single day. These restrictions were to ensure that Metro could meet the liquidity requirements, meaning that Metro has the cash on hand to redeem the outstanding commercial paper. In light of the uncertainty surrounding the recent charter amendment purportedly restricting Metro's ability to raise property taxes, it is possible that Metro will not have the cash on hand to redeem the commercial paper. This resolution will allow Metro to use a third-party bank as a surety for the commercial paper to provide the liquidity. PFM solicited bids from outside banks to provide the third-party liquidity. Of the seven bids that were submitted, PFM recommends the selection of State Street/CALSTRS/CALPRS as the liquidity provider based upon the lowest cost to Metro.

Finally, the resolution would do away with the outsourcing of the management of certain aspects of the commercial paper program to the state comptroller. Rather, these functions would be managed by Metro in-house with the assistance of PFM.

The commercial paper issued pursuant to this resolution will be available to provide interim financing for any project for which bonds have been authorized, as well as the payment of prior notes and the payment of the principal on the outstanding commercial paper. Commercial paper issued pursuant to this resolution is a general obligation of the Metropolitan Government for which the full faith and credit of the Metropolitan Government is pledged.

There will be a substitute for this resolution.

RESOLUTION NO. RS2007-2011 (RYMAN, GILMORE & WALLS) – This resolution approves a second extension of the reimbursement date for the outstanding loan from the Metropolitan Government to the Hospital Authority in the amount of \$6,748,700. In April of 2006, the council approved an additional loan to the Hospital Authority in the amount of \$6,748,700 to allow General Hospital to remain open through June 30, 2006. At the time of the April 2006 loan, the Hospital Authority had a previous loan balance of \$13.7 million, which was after Metro essentially forgave \$50 million in Hospital Authority debt in fiscal year 2006. This loan was to be secured by the receivables of the Hospital Authority and was to be repaid by June 30, 2006. The council amended the April loan

resolution to require council approval of any renewal or extension of the loan. In July 2006, the council approved an extension of the loan, which was to be repaid not later than June 30, 2007. The hospital authority is again unable to repay the loan by the end of this fiscal year.

This resolution extends the term of the loan until June 30, 2008, for a total outstanding loan amount of \$20,448,700. In addition to extending the reimbursement date for the loan, the resolution purports to give the director of finance the authority to enter into a new note for the same amount and under the same terms for the fiscal year beginning July 1, 2007, which would be secured by the hospital authority's net assets in addition to the accounts receivable, as was provided in the original loan agreement. The council office recommends that this resolution be amended to clarify that the new note is to take the place of the prior note, and is not to exceed the total indebtedness as of July 1, 2007. Otherwise, an argument could be made that this resolution gives the finance director the authority to double the amount of the loan.

Based upon the information provided in the 2006 Comprehensive Annual Financial Report (CAFR), the annual certified audit of the Metropolitan Government, it is unlikely that the Hospital Authority will be able to repay this loan any time in the foreseeable future. The CAFR notes that General Hospital had a net deficit as of June 30, 2006 in the amount of \$10 million. The CAFR further states that General Hospital may be unable to continue as a going concern due to its lack of sufficient cash flow. Specifically, the CAFR notes that General's Hospital's ability to remain in operation is "dependent upon its ability to generate sufficient cash flow to meet its obligations on a timely basis, and ultimately to attain a level in which operating revenues and revenue from the Metropolitan Government exceed operating expenses."

RESOLUTION NO. RS2007-2016 (BROWN) – This resolution authorizes the Metropolitan Government to enter into an interlocal agreement with the Nolensville/College Grove Utility District to provide water service to a parcel of property in Williamson County known as the McFarland PUD. Under state law, municipalities are authorized to enter into interlocal agreements with other public agencies for joint undertakings, subject to approval by the local legislative body. The contract provides that the cost of connecting the property to Metro's water distribution lines will be at the sole expense of the developer. Metro will bill the new customer(s) in Williamson County at Metro water services' published water rates.

RESOLUTION NOS. RS2007-2052, RS2007-2053 & RS2007-2054 (RYMAN) – These three resolutions adopt new pay plans for employees of Metropolitan Government, with the exception of the board of education. The pay plan currently in effect, which was approved in June 2005, provides for a salary increase of 2% for fiscal year 2008, plus the incremental step increases for qualifying employees. As part of the fiscal year 2008 operating budget, the mayor proposed that the pay plan be modified to provide a 3% across-the-board raise for all Metro employees, but eliminate the incremental step increases for next year. This resolution implements the new pay plan as proposed by the mayor and approved by the civil service commission.

These pay plans may not be amended by the council except by making uniform changes by increasing or decreasing the percentage of pay increases, as the relationship between pay grades must remain the same.

Resolution No. RS2007-2052 approves the general pay plan. This resolution also sets the salaries for the mayor, vice mayor, members of council, and members of the board of education, which are to

be the same as the current salaries. The salaries for these offices cannot be adjusted during the term of office.

Resolution No. RS2007-2053 approves the pay plan for fire and police departments.

Resolution No. RS2007-2054 approves the pay plan for the board of health.

RESOLUTION NO. RS2007-2055 (RYMAN) – This resolution approves an annual grant in the amount of \$579,110 from the state department of children’s services to the juvenile court to provide case management and family support services. The funds will be used to fund positions in the family service division and community-based probation division, including intake specialists and case managers. These intervention services are provided to youth at risk of custody due to delinquency, status offenses, or unruly behavior. The programs funded by this grant are to provide services to 714 children. The term of this grant is from July 1, 2007 through June 30, 2008.

RESOLUTION NO. RS2007-2056 (RYMAN) – This resolution approves a sixth amendment to a grant from the state board of probation and parole to the Metropolitan Government 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 original grant was in the amount of \$2,459,274, and was subsequently amended four times to increase the award by \$20,753, \$70,581, \$319,780, \$338,094, and \$79,198, respectively. This resolution further amends the grant to increase the amount by \$22,580 for a total grant award of \$3,310,180.

RESOLUTION NO. RS2007-2057 (RYMAN) – This resolution approves a grant in the amount of \$100,000 from the State of Tennessee to the Davidson County drug court. The drug court is a diversionary program that provides supervision and treatment of non-violent drug offenders. These funds are anticipated revenue in the state trial courts’ budget, and will be used for the residential drug court program. The term of the grant is for two years. The grant agreement provides that the drug court will receive \$50,000 in fiscal year 2008 and \$50,000 in 2009. The drug court will be required to provide matching funds in the amount of \$16,667 for both years of the grant.

RESOLUTION NO. RS2007-2058 (RYMAN & BROWN) – This resolution approves an annual grant in the amount of \$450,000 from the state department of environment and conservation to the department of public works for the purpose of collecting and disposing of waste tires from residents. Metro operates this program without requiring tip fees for the disposal of the tires. The majority of the tires collected under this program have typically been disposed of by Metro’s subcontractor, and only a small portion of tires has been collected at Metro’s convenience centers. This grant will pay for the disposal of 6,428.57 tons of tires at \$70.00 per ton. The term of the grant is from July 1, 2007 through June 30, 2008.

RESOLUTION NO. RS2007-2059 (RYMAN) – This resolution authorizes the department of law to accept \$23,500 in settlement of the Metropolitan Government’s claim against Michael Stahl and Craftmatic America, Inc. On February 9, 2005, a Metro police officer was involved in a motor vehicle accident with a driver of a Craftmatic delivery truck. The police officer was following Mr. Stahl on Trousdale Avenue when Mr. Stahl made a right turn into private property after signaling a left turn. Mr. Stahl struck the driver’s side of the police vehicle causing injuries to the officer’s shoulder and

neck. The police officer underwent surgery to repair the injuries to his shoulder. A year after the surgery, the officer began having lower back problems which he claims may have been caused by the positioning of his body during the shoulder surgery. The officer had previous back problems dating back to 2001.

The Metropolitan Government has paid \$6,620 in lost wages, as well as \$11,400.02 in medical bills for the IOD shoulder injury and \$23,083.22 in medical bills for the back injury. The department of law recommends settling this claim for \$23,500, which was reached as the result of mediation. The settlement reimburses Metro for the payments which the medical proof clearly showed were related to the IOD injury, consisting of \$22,326.68 for lost wages and medical bills plus another \$1,263.32 in recognition of the slight chance that the medical bills for the back injury are the defendant's responsibility.

RESOLUTION NO. RS2007-2060 (RYMAN) – This resolution authorizes the department of law to settle the lawsuit of Margie L. Childress against the Metropolitan Government for the amount of \$250,000. On May 26, 2006, a Metro water services meter reader driving a Metro vehicle pulled in front a vehicle driven by Ms. Lana Copeland while trying to left from Andrew Jackson Parkway onto Highland View Drive resulting in a collision with Ms. Copeland's vehicle. The cause of the accident was determined to be the Metro employee's failure to yield the right-of-way.

Ms. Copeland's mother, Margie Childress was a passenger in the front seat at the time of the accident. Ms. Childress sustained serious bodily injuries as a result of the accident, and has incurred medical bills totaling \$456,132.40 to date. Since there is no question as to the fault of the Metro employee, the department of law recommends settling this lawsuit in the amount of \$250,000, which is the maximum amount allowed under the Tennessee Governmental Tort Liability Act. This amount will be paid from the self-insured liability fund.

The Metro employee involved in the accident received disciplinary action consisting of a five day suspension.

RESOLUTION NO. RS2007-2061 (RYMAN) – This resolution authorizes the department of law to accept \$6,021.70 in settlement of the Metropolitan Government's claim against James Edwards. On January 28, 2007, a Metro police officer was traveling northbound on Robinson Road when he collided with a vehicle driven by Mr. Edwards at the Martingale Drive intersection. The cause of the accident was determined to be Mr. Edward's failure to stop at the red light. The police car sustained damage in the amount of \$6,012.70. The department of law recommends settling this claim for the entire amount of the property damage to the vehicle.

RESOLUTION NO. RS2007-2062 (RYMAN) – This resolution authorizes the department of law to accept \$29,806.64 in settlement of the Metropolitan Government's claim against James Gwinn. On May 24, 2006, a Metro fire engine was traveling northbound on South 5th Street returning to the fire station after responding to a house fire. Mr. Gwinn entered the intersection of Woodland Street and South 5th Street against a red flashing light and struck the fire engine causing property damage in the amount of \$29,806.64. The department of law recommends settling this claim for the full amount of the property damage to the vehicle.

RESOLUTION NO. RS2007-2063 (RYMAN) – This resolution authorizes the department of law to accept \$11,704.02 in settlement of the Metropolitan Government’s claim against Deyle Reule. On March 2, 2007, a Metro police officer was traveling northbound on 5th Avenue South when he collided with a vehicle driven by Mr. Reule at the Franklin Street intersection. The cause of the accident was determined to be Mr. Reule’s failure to yield the right-of-way. The police car sustained damage in the amount of \$11,704.02. The department of law recommends settling this claim for the entire amount of the property damage to the vehicle.

RESOLUTION NO. RS2007-2064 (RYMAN) – This resolution authorizes the department of law to accept \$6,535.32 in settlement of the Metropolitan Government’s claim against Jeffrey Strauser. On January 14, 2007, a Metro police officer was stopped behind an unoccupied police car on I-24 East while investigating a traffic accident. Mr. Strauser came around a curve and struck both police cars causing \$6,535.32 in damage to the vehicles. This resolution settles the claim for the entire amount of damage to the police cars.

RESOLUTION NO. RS2007-2065 (RYMAN) – This resolution authorizes the department of law to accept \$7,329 in settlement of the Metropolitan Government’s claim against Quincy Thomas. On March 5, 2007, Mr. Thomas ran a red light at the intersection of 7th Avenue North and Church Street and collided with a BFI garbage truck. The driver of the garbage truck lost control of the vehicle and ran upon the sidewalk causing damage to a brick planter, a metal bench, and the sidewalk totaling \$7,329. This resolution settles the claim for the entire amount of damage done to Metro’s property.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2005-637 (WALLACE) – This ordinance amends the Metropolitan Code of Laws to permit parking within the central business improvement district (CBID) between the hours of 6:00 p.m. and 6:00 a.m. Thursday evenings through Sunday evenings in places where signs would otherwise prohibit parking. This would essentially allow parking in no standing zones and loading zones.

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

ORDINANCE NO. BL2005-651 (WALLACE) – This ordinance amends the Metropolitan Code of Laws to limit the types of traffic violations for which a vehicle may be towed by the Metropolitan police department. Presently, the code provides that any vehicle which is parked, stopped, or standing in violation of any ordinances, except overtime parking, may be towed by the police department. This ordinance would provide that vehicles can be towed only when parked in violation of an ordinance or regulation and are (1) causing a safety hazard, (2) blocking pedestrian or vehicle access to property or a street, alley, or driveway, or (3) disrupting the flow of traffic.

This ordinance does not affect the authority to tow vehicles in violation of obstructing the orderly flow of traffic, that are parked on thoroughfares more than 48 hours without current registration, or that are disabled so as to obstruct traffic.

ORDINANCE NO. BL2006-1250 (SUMMERS) – This ordinance abandons the right-of-way for Ridgefield Court. This closure has been requested by Ensworth School. 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. BL2006-1266 (GILMORE) – This ordinance, as amended, would reinstate the waiver of the 2.5% processing fee for senior citizens paying their property taxes by credit or debit card, effective July 1, 2007. 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 rental property managers 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.

The council office would point out that a supplemental appropriation in the amount of \$680,000 is required to balance the trustee's budget for the current fiscal year as a result of the credit card processing fees absorbed by the trustee for point of sale transactions. This ordinance would further exacerbate this situation in the next fiscal year.

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. Upon request, provide residents written notice by email, U.S. mail, or telephone informing them when airborne pesticides will be sprayed in their neighborhood.
2. 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.
3. 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. A copy of the finance director's letter is attached to this analysis.

There is a proposed substitute for this ordinance making some changes regarding the method and procedures for notification.

ORDINANCE NO. BL2007-1402 (DREAD & DOZIER) – 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.

SUBSTITUTE ORDINANCE NO. BL2007-1432 (GOTTO) – This substitute ordinance amends the Metro Code to codify the procedure currently in place for the submittal of grant applications that are subject to approval of the council. 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 sometimes submit the application prior to it being approved by the council.

This ordinance would require Metro departments to make every effort to obtain council approval prior to submitting grant applications to the grantor. In the event there is insufficient time to obtain council approval before the grant application deadline, the application may be filed contingent upon approval by the council. In the event the council does not approve a grant application that has been previously submitted, the application is deemed null and void and any funds received from the grantor shall be returned by the metropolitan government.

ORDINANCE NO. BL2007-1433 (SUMMERS) – This ordinance amends Ordinance No. BL2005-878, as amended, by repealing the provisions of the ordinance that declared the thermal site property to be surplus and authorized the director of public property administration to convey the property to the industrial development board for construction of a new minor league baseball stadium and mixed-use development. In February 2006, the council approved a memorandum of understanding (MOU) between the Metropolitan Government, the Nashville Sounds, the industrial development board (IDB), the Metropolitan development and housing agency (MDHA), and Struever Bros. Eccles & Rouse regarding the construction of a new \$43 million minor league baseball stadium and mixed-use development on the former thermal site property. As provided in the MOU, the IDB was to be the entity that actually owned the stadium.

Now that the ballpark deal has collapsed, this ordinance would repeal the part of the prior ordinance declaring the thermal site as surplus property and authorizing the transfer of the property to the IDB. Thus, the property would remain under the control and ownership of the Metropolitan Government for use in future projects.

The director of finance has refused to certify that funds are available for this ordinance. According to the finance director's letter, Metro's legal counsel has indicated that there is legal support for an argument that the cure period for default by the parties would extend beyond April 16, which was the expiration date in the MOU. A copy of the finance director's letter is attached to this analysis.

The council office would point out that Ordinance No. BL2007-1459, which is also on second reading, would repeal the provisions of Ordinance No. BL2005-878 transferring the property to the IDB, and would transfer the property to MDHA for mixed-use development and the construction of an amphitheatre, instead. This directly contradicts the position previously taken by the administration regarding the opportunity to cure.

Only one of these two ordinances may be enacted by the council as they involve the same subject matter.

ORDINANCE NO. BL2007-1435 (ISABEL) – This ordinance, as amended, 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. BL2007-1440 (EVANS, TOLER & JAMESON) – This ordinance amends the Metro Code to codify the storm water division of the department of water and sewerage services (MWS), and to lay the groundwork for a separate storm water user fee to act as a funding mechanism for the storm water division. The charter delegates the authority for the construction and maintenance of storm sewers to the department of public works. In 2002, MWS entered into a memorandum of understanding with the public works department transferring the personnel and operational activities associated with storm water functions to MWS. However, the terms of this agreement are not codified.

This ordinance makes numerous changes to the code provisions governing the storm water program. First, the ordinance adds a definition for storm water facilities. The term is currently not defined in the code. Second, the ordinance specifically creates a storm water division within MWS. This division, in coordination with the department of public works, the department of codes administration and the finance department, is to have responsibility for compliance with the federal Clean Water Act and the National Pollution Discharge Elimination System regulations. The storm water division will also be responsible for developing storm water management plans, developing the financing for storm water facilities, collecting fees for the division, and developing written regulations. The ordinance expressly provides that it shall not constitute a transfer of the authority from public works to MWS for the design, construction, maintenance, repair and cleaning of storm sewers, which is delegated to public works by the charter. This ordinance also provides that MWS may accept storm water management responsibilities for the satellite cities within Davidson County upon a written contract with the municipality, which is subject to approval of the council.

The most significant aspect of this ordinance is the creation of a funding mechanism for the storm water division. The division is currently funded through the water and sewer rates paid by customers of MWS. State law allows municipalities maintaining storm water facilities to establish a graduated storm water user's fee. Such a fee must be based upon the user's actual or estimated use of the municipality's storm water facilities. This ordinance provides that the storm water division may collect storm water user fees, subject to future approval of the council by ordinance. The ordinance directs the director of MWS to develop a complete business plan for the storm water division and, after a rate study, recommend a fee schedule for the funding of the storm water division to the council no later than February 1, 2008. The ordinance also requires the director of MWS to submit an annual report to the council providing an update on the status of the storm water program, the fee structure imposed to fund the program, long-range plans to implement this ordinance, and the status of on-going projects to control storm water runoff.

The council office would point out that Metro cannot legally require customers living within the city limits of the satellite cities such as Belle Meade, Forest Hills, Berry Hill and Goodlettsville to pay a storm water user fee unless the satellite cities elect to be subject to the fee.

As stated above, this ordinance does not actually set any fees to be charged. Once a rate study has been completed, a storm water user's fee may go into effect upon being approved by the council by ordinance subject to the state law advertisement requirements for storm water user fees.

ORDINANCE NO. BL2007-1444 (RYMAN) – This ordinance approves an increase in the amount per mile to be charged by the division of emergency ambulance and rescue service for the transportation of patients to hospitals. This ordinance is one of several fee increases proposed by the mayor to balance the fiscal year 2008 operating budget. The last increase in the rate charged for patient transportation was in 2004, when the rate increased from \$280.00 to \$650.00, with an additional charge of \$5.00 per mile. This ordinance would increase the transportation fee from \$5.00 to \$13.00 per mile. The basic charge of \$650.00 will remain unchanged.

The council office would point out that these fees are almost entirely paid by private insurance, Medicare, TennCare, and workers compensation programs. At the time the fee was last increased in 2004, individuals were paying less than 10% of the total payments for the service. All persons needing ambulance services are provided such services without regard to their ability to pay.

This ordinance is estimated to generate additional revenue in the amount of \$554,100. If this fee increase is not enacted, the council will be required to reduce general fund expenditures in the substitute budget to offset the lost revenue in order to fulfill the charter requirements of adopting a balanced budget.

ORDINANCE NO. BL2007-1451 (SUMMERS, ISABEL & HUNT) – This ordinance amends the Metro Code to require nonprofit organizations receiving funding from the Metropolitan Government to make their board meetings open to the public. Nonprofit organizations are currently required by federal law to make their Form 990 tax returns available for public inspection. However, there is no requirement that board meetings be open.

This ordinance would require every nonprofit organization receiving funding through the general fund or the hotel/motel occupancy tax to make all meetings of their board of directors open to the public. Failure to abide by these requirements would result in a forfeiture of the funds provided by Metro to the organization during the current fiscal year.

The council office would point out that in addition to grants made to nonprofit organizations, Metro has a number of contracts with nonprofit organizations to provide services for the government. This ordinance could impact the willingness of these organizations to enter into future contracts with the Metropolitan Government.

ORDINANCE NO. BL2007-1452 (DREAD) – This ordinance would prohibit the “booting” of vehicles within the area of the Metropolitan Government. Certain wrecker companies operating within the Nashville area have agreements with businesses to place a disabling device on vehicles parked on their private property without authorization or without paying the required parking fee. The code does not expressly prohibit this activity.

This ordinance would prohibit anyone other than the vehicle owner, lien holder or police officer from placing a boot on a vehicle within the area of the Metropolitan Government. The ordinance defines “booting” as the attachment of any device to a vehicle that prohibits the vehicle from being driven. This ordinance was recommended by the director of the transportation licensing commission.

ORDINANCE NO. BL2007-1453 (DREAD & COLE) – This ordinance amends the beer permit provisions in the Metro Code to allow the council to exempt establishments from Metro’s minimum distance requirements to obtain a beer permit. The code currently prevents a beer permit from being

issued to an establishment located within 100 feet from a church, school, park, daycare, or one or two family residence. However, the council in July of 2003 enacted Substitute Ordinance No. BL2003-1353 establishing an exemption from the minimum distance requirements for restaurants located on property subject to a planned unit development (PUD) that already have a state on-premises liquor consumption license. Substitute Ordinance No. BL2003-1353 was essentially a compromise bill in an effort to take a step toward enabling restaurants with a state liquor license to obtain an on-sale beer permit without meeting the established distance requirements in the code.

This ordinance would exempt a restaurant or retail establishment from the minimum distance requirements upon the adoption of a resolution by the Metro Council receiving 21 affirmative votes approving the exemption.

The council has considered legislation to exempt certain establishments from the minimum distance requirements on several occasions, but the legislation has never been approved by the council. The council making individual exemptions to applicants could give rise to equal protection issues under the U.S. Constitution.

ORDINANCE NO. BL2007-1454 (DREAD) – This ordinance amends the beer permit provisions in the Metro Code to remove the time restrictions on the delivery of beer within the area of the Metropolitan Government. The code currently prohibits beer manufacturers and wholesalers from delivering beer between the hours of eleven p.m. and four a.m., Monday through Friday, or at any time between nine p.m. on Friday and six a.m. on Monday.

There is a housekeeping amendment for this ordinance correcting a typographical error.

ORDINANCE NO. BL2007-1455 (SHULMAN) – This ordinance establishes a transportation “working group” whose responsibility will be to determine the needs of Nashville as it relates to mass transit. This working group is to be created by the vice mayor with the assistance of members of council. The group is to consist of representatives from Metro transit agencies, members of council, and representatives from groups interested in mass transit. The working group will be charged with assessing the following:

- Current mass transit programs in Nashville
- Studies that have been completed regarding the mass transit needs in Nashville
- Staffing responsibilities and budgetary needs for mass transit
- Public funding requirements and potential sources of funding for mass transit
- Mass transit programs in other cities of a comparable size to Nashville

The working group is to make its recommendation to the mayor and the council not later than January 31, 2008.

This ordinance should be amended to clarify the code provisions that are to be modified.

ORDINANCE NO. BL2007-1456 (WALLACE) – This ordinance amends the Metropolitan Code 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 within the downtown interstate loop. The ordinance specifies that the downtown interstate loop is I-65 to the north, I-24 to the east, I-65 to the south, and I-40 to the west. This ordinance would

prohibit chain link fences in both commercial and residential areas within these boundaries. The ordinance expressly exempts temporary fencing and fences used around places of incarceration.

This ordinance is of the same subject matter as Ordinance No. BL2006-1065, which will be on third reading at the July 17, 2007 meeting. The differences between the two ordinances is that this ordinance is limited to the downtown area.

ORDINANCE NO. BL2007-1457 (RYMAN & BROWN) – This ordinance amends the Metropolitan Code of Laws regarding water and sewer department charges and fees to implement certain “revenue enhancements” necessary to balance the water department’s fiscal year 2008 budget. The revenue enhancements proposed by the water department and the administration are expected to generate \$14,681,200 in additional revenue, however, not all of the revenue enhancements require council action. Failure to enact these revenue enhancements would require a cut in the water department’s operating budget to offset the lost revenue. Since the bond covenants require the water department to keep the water and sewer system in a proper condition and to maintain a certain level in the extension and replacement fund, any cuts would likely come from the storm water program.

This ordinance increases the tap fees for tapping on to the water and sewer system. These increases are expected to generate \$421,500 in additional revenue. A comparison of the existing fees and proposed fees is as follows:

Water tap fee increases

	Current	Proposed
¾"	\$250	\$430
1"	\$350	\$610
2"	\$450	\$780
3"	\$750	\$1,300
4"	\$1,000	\$1,730
6"	\$1,500	\$2,590
8"	\$2,000	\$3,460
10"	\$3,000	\$5,190
12"	\$4,000	\$6,200

Sewer tap fee increases

	Current	Proposed
4" or 6"	\$500	\$860
8"	\$1,500	\$2,590
10"	\$2,500	\$3,850
12"	\$3,500	\$6,050
15"	\$4,500	\$6,900

This ordinance also establishes a number of new fees that are not currently charged by the water department. These new fees are as follows:

- Late payment charge of \$10.00. This fee is expected to generate \$4,626,500 in additional revenue.
- Vacant property readiness to serve charge of \$10 per month. This fee will be charged to all vacant properties having access to the public sewer system. This fee is expected to generate \$876,000 in additional revenue.

- Capacity charge in the amount of \$1,000 per unit of flow for connections to the water supply system. \$2,000 per unit of flow for new connections to the public sewer system. These capacity charge increases were approved by the council in June 2006 for a one-year basis, and are set to expire on June 30, 2007. These fee increases are expected to generate \$2,900,000 in additional revenue.
- Reconnection charge of \$50.00 if the reconnection is requested and completed on the same day the customer became eligible for reconnection. The reconnection charge would be \$25.00 if reconnected the following day. These new fees are expected to generate \$648,200 in additional revenue.
- New account connection – same day service fee of \$35.00. This fee is expected to generate \$191,000 in additional revenue.
- New water meter installation inspection charge of \$42.00. This fee is expected to generate \$420,000 in additional revenue.
- Grease collection device inspection charge of \$125.00 per year for food service establishments with grease traps. This fee is expected to generate \$250,000 in additional revenue.

In addition to the above new fees, this ordinance authorizes the department of water and sewerage services to establish and implement a number of new charges for certain services provided by the department for which no specific amount is set. Rather, the amounts would be established by the department based upon the actual costs incurred in providing the service. These charges could be increased or decreased by the department at any time to reflect changes in the costs. These new unspecified fees are as follows:

- A monthly “readiness to serve” charge to be charged to all customers with a private fire protection service connection. This fee is expected to generate \$239,100 in additional revenue.
- Plan and permit review charge for services provided in determining service availability, reviewing permit applications, or reviewing plans for proposed new water or sewer service connections for any building other than a single-family residence. There would also be a charge for reviewing and administering permit applications for businesses. The plan review fees are expected to generate \$260,700 in additional revenue.
- Storm water plan and permit review charge for reviewing permit applications, variance requests, or reviewing storm water plans. This fee is expected to generate \$1,000,100 in additional revenue.

The council office would caution the council against delegating the authority to the water department to set fees and to increase these fees without further approval of the council.

ORDINANCE NO. BL2007-1458 (COLEMAN, PEPPER & OTHERS) – This ordinance authorizes the director of public property administration to acquire eight parcels of property by negotiation or condemnation for the construction of a new fire hall in the Hobson Pike/Antioch area. These eight parcels are located on Cedarcrest Drive, Cedar Valley Drive, and Cedar Drive, and consist of a total of 3.06 acres. Any future amendments to this ordinance may be approved by resolution of the council receiving twenty-one affirmative votes. This ordinance has been approved by the planning commission.

The council office would point out that the property description in the recitals of the ordinance do not match the exhibit.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2007-1459 (JAMESON & RYMAN) – This ordinance authorizes the transfer of the thermal site property to the Metropolitan development and housing agency (MDHA) for redevelopment as a public amphitheatre, green space, and mixed-use commercial and residential development. In February 2006, the council enacted BL2005-878, which approved a memorandum of understanding (MOU) between the Metropolitan Government, the Nashville Sounds, the industrial development board (IDB), the Metropolitan development and housing agency (MDHA), and Struever Bros. Eccles & Rouse regarding the construction of a new \$43 million minor league baseball stadium and mixed-use development on the former thermal site property. As provided in the MOU, the IDB was to be the entity that actually owned the stadium.

Now that the ballpark deal has collapsed, the mayor is proposing transferring the property to MDHA for the construction of an amphitheatre in place of the ballpark. Although the prior ordinance authorized the transfer of the property to the IDB, the ownership and control of the property still remain with the Metropolitan Government. This ordinance would repeal the part of the prior ordinance authorizing the transfer of the property to the IDB. Instead, the property would be transferred to MDHA conditioned upon the following:

- The property must be developed as an amphitheatre and mixed-use commercial and residential development within four years from the date of transfer. If the project is not completed within four years, ownership of the property will revert to the Metropolitan Government.
- The property must be used as an amphitheatre for at least 40 years. If at any time during the 40 years the property ceases to be used as an amphitheatre, the property will revert to the Metropolitan Government, however, MDHA, at its option, may pay Metro the fair market value of the property as determined by three appraisers and retain the property.

Future amendments to this ordinance may be approved by resolution of the council.

This ordinance is of the same subject matter as Ordinance No. BL2007-1433, also on second reading, which simply repeals the provisions of the prior ordinance declaring the property as surplus and authorizing the transfer to the IDB. Only one of these two ordinances may be enacted by the council.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2007-1460 (COLE, GILMORE & WALLS) – This ordinance amends Ordinance No. BL2005-582 to transfer the homelessness commission in Nashville from the department of social services to the Metropolitan housing and development agency (MDHA). The homelessness commission was created by the council in May 2005 based upon the recommendations of the homelessness task force's "Strategic Plan to End Chronic Homelessness in Nashville 2005-2015". The commission is charged with overseeing the implementation of the strategic plan. The commission consists of the following:

1. Eleven persons appointed by the mayor, three of whom shall have personally experienced homelessness.
2. Four members of Council consisting of a member of the health, hospitals and social services committee, a member of the budget and finance committee, the vice mayor (or designee), and another member of Council chosen by the vice mayor.
3. Seven Metropolitan Government officials including:

- The mayor (or designee)
- The director of the social services department (or designee)
- The director of MDHA (or designee)
- The director of the health department (or designee)
- The director of the Nashville career advancement center (or designee)
- The director of the Metropolitan action commission (or designee)
- The chief of police (or designee)

In addition to transferring the homelessness commission to MDHA, this ordinance expressly provides that the council “will continue financial support necessary to administer the Homelessness Commission.” The council office would point out that the current council cannot bind future councils to make financial support except by contract. Thus, this provision has no legally binding effect.

ORDINANCE NO. BL2007-1461 (PEPPER) – This ordinance establishes the criminal justice steering committee to address issues affecting the criminal justice system of the Metropolitan Government. In 1990, the United States district court placed an inmate population cap on Metro’s jails as a result of overcrowded conditions in the jails. In 2000, Metro filed a final jail management plan to get out from under the court decree, which included the establishment of a criminal justice steering committee comprised of the mayor, the district attorney, the public defender, the sheriff, the chief of police, the director of law, a general sessions judge, and a criminal court judge. In 2002, the steering committee executed a memorandum of purpose to create a criminal justice planning unit CJPU, which was formally established as a Metro department by the council’s enactment of Ordinance No. BL2005-558.

This ordinance formally establishes the criminal justice steering committee. The members of the committee will be the mayor, a general sessions judge, a criminal court judge, the district attorney, the public defender, the sheriff, the chief of police, and the criminal court clerk. The committee will meet on a monthly basis to address criminal justice policies and procedures. The CJPU will serve as staff to the committee.

ORDINANCE NO. BL2007-1462 (RYMAN & PEPPER) – This ordinance accepts a donation of surveillance camera equipment valued at \$49,701 from the Community Foundation to the Metropolitan Government to be used by the police department.

ORDINANCE NO. BL2007-1463 (RYMAN & PEPPER) – This ordinance approves the annual contract between the Metropolitan Government and the emergency communications district (ECD) relative to operation of the enhanced-911 service for fiscal year 2006-2007. The contract specifies certain services to be provided by the emergency communications center and the department of public works. The department of public works will maintain an updated street and house number system, and the emergency communications center will provide day-to-day staff and support services for operation of the enhanced-911 emergency communications systems. Metro will also train its employees who will operate the system. ECD is to reimburse the Metropolitan Government in the amount of \$42,711 for the services provided in the 2006-2007 fiscal year, plus the reimbursement of training costs.

ORDINANCE NO. BL2007-1464 (WALLACE) – This ordinance adopts the property identification maps for the Metropolitan Government identifying property as of January 1, 2007, as the official maps for the identification of real estate for tax assessment purposes. These maps are adopted on an annual basis.

ORDINANCE NOS. BL2007-1465 (RYMAN & WHITMORE) – This ordinance declares Metropolitan Government-owned property located in various council districts to be surplus, and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. The proceeds of the sales will be credited to the general fund. This ordinance approves the disposition of the following properties:

<u>Address – Location</u>	<u>Council District</u>
4426 Providence Heights	27
1815 – 6 th Avenue North	19
600 Southgate	17
910 – 11 th Avenue North	19
893 Granada Avenue	5
2129 – 11 th Avenue North	2
1601 Wheless Street	19
0 Boscobel Street	6
5789 River Road	35
307 Grace Street	5
0 South 9 th Street	6
22 North Hill Street	17
1819 Jo Johnston Avenue	19
800 Meridian Street	5
14 Decatur Street	17
60 Robertson Street	17
62 Robertson Street	17
97 Maury Street	17
65 Robertson Street	17
91 Robertson Street	17
16 Decatur Street	17
919 McFerrin Avenue	5
1404 – 10 th Avenue North	19
1403 – 19 th Avenue North	19
509 Fisk Street	19
0 Hobart Street	2
708 Oneida	5
2405 Jefferson Street	21
1015 North 6 th Street	5
1604 Arthur Avenue	19
1608 Arthur Avenue	19
1722 Arthur Avenue	19
1704 Arthur Avenue	19
1000 – 33 rd Avenue North	21

1904 Herman Street	19
605 – 26 th Avenue North	21
821 Lischey Avenue	5
606 – 40 th Avenue North	21
Total	38

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2007-1466 (SUMMERS, ISABEL & OTHERS) – This ordinance authorizes the director of public property administration to accept an easement for use in the Richland Creek greenway system. This 2.03-acre conservation greenway easement is being donated by H.G. Hill Realty Company, LLC for property located along the CSX railroad tracks and Old White Bridge Road in west Nashville. The property subject to the easement may only be used for greenway purposes, including a bike path.

This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2007-1467 through BL2007-1469, BL2007-1471, and BL2007-1475 through BL2007-1478 – These eight ordinances accept easements to allow for the completion of multiple water, sewer and storm water projects by the department of water and sewerage services. These ordinances have been approved by the planning commission.

Ordinance No. BL2007-1467 (Ryman, Gotto & Brown) authorizes the acquisition of the following easements for a grinder pump relocation project:

- 2209 Seven Points Circle
- 2209 Seven Points Circle
- 509 Pauls Trail
- 513 Pauls Trail
- 517 Pauls Trail
- 3828 Leona Pass
- 2108 Christiana Court
- 2116 Christiana Court
- 2141 Christiana Court
- 305 Rachaels Meadow Court
- 109 Bailey View Court
- 2201 Kayla Avenue

Ordinance No. BL2007-1468 (Brown) authorizes the acquisition of an easement for property located at 6713 Quiet Lane in Williamson County.

Ordinance No. BL2007-1469 (Forkum, Brown and Ryman) authorizes the acquisition of an easement for property located at 251 Lovell Street for a storm water project.

Ordinance No. BL2007-1471 (Ryman and Brown) authorizes the acquisition of easements for the following properties for storm water projects:

- 3831 Hutson Avenue
- 3837 Hutson Avenue

- 3812 Edwards Avenue
- 3822 Edwards Avenue

Ordinance No. BL2007-1475 (Isabel, Ryman and Brown) authorizes the acquisition of easements for the following properties for storm water projects:

- 3938 Crouch Drive
- 3963 Crouch Drive
- 704 Troy Drive
- 708 Troy Drive
- 712 Troy Drive
- 716 Troy Drive
- 720 Troy Drive

Ordinance No. BL2007-1476 (Gilmore, Whitmore and Others) authorizes the acquisition of easements for the following properties for storm water projects:

- 6016 and 6433 Nolensville Pike
- 823 3rd Avenue North
- 2900 and 1717 Lebanon Road
- 2201 8th Avenue South
- 1105 18th Avenue South
- 4930 Linbar Drive
- 1240 County Hospital Road
- 510 Madison Street
- 303 Ocoola Avenue
- 3410 Gallatin Pike
- 613 26th Avenue North
- 167 Lafayette Street
- Fairfield Avenue, unnumbered
- 7450 Old Hickory Boulevard,
- Cooper Lane, unnumbered
- Polk Avenue, unnumbered

Ordinance No. BL2007-1477 (Isabel, Brown and Coleman) authorizes the acquisition of easements for the following properties for storm water projects:

- 5442 and 5444 Edmondson Pike
- Highway 70 South, unnumbered
- 501 28th Avenue North
- 2900 Felicia Street
- 570 Metroplex Drive
- 4715 Andrew Jackson Parkway
- 1527 Compton Avenue
- 1101 Bell Road
- Shiaway Drive, unnumbered
- 901 19th Avenue South
- 3308 John Mallette Drive
- 8th Avenue North & Taylor Street

Ordinance No. BL2007-1478 (Coleman, Isabel and Others) authorizes the acquisition of easements for the following properties for storm water projects:

- 4200 Hillsboro Pike
- 2209 Buena Vista Pike
- 554 Hickory Hills Boulevard
- 5743 Temple Road
- Highway 70 South, unnumbered
- 2022 West End Avenue
- 334 Woodycrest Avenue
- 99 Lester Avenue
- 3474 Dickerson Pike
- 1507 8th Avenue North
- 643 Myatt Drive
- 266 Hermitage Avenue
- 6201 Hickory Valley Road
- 1224 Donelson Street
- McCrory Lane, unnumbered
- 2312 Clifton Avenue
- 718 Murfreesboro Pike
- 431 Old Hickory Boulevard
- 300 5th Avenue South
- 4320 Harding Pike
- 1621 Heil Quaker Boulevard
- 1409 Antioch Pike
- 1624 Rebecca Street
- 5520 Nolensville Pike
- 1200 Broadway
- 5410 Nolensville Pike
- 3809 Bedford Avenue

ORDINANCE NOS. BL2007-1470, and BL2007-1472 through BL2007-1474 – These four ordinances abandon water and sewer lines and easements that are no longer needed by the department of water and sewerage services. These ordinances have been approved by the planning commission.

Ordinance No. BL2007-1470 (Craddock & Brown) abandons a 10-inch sewer line and easement and authorizes the acceptance of a replacement sewer line and easement for the Home Depot project on Gallatin Road.

Ordinance No. BL2007-1472 (Gilmore & Brown) abandons a 20-foot sewer easement located at 5018, 5022, 5102, 5106, 5110, and 5116 Buena Vista Pike.

Ordinance No. BL2007-1473 (Wallace) abandons an 8-inch sewer line, a 6-inch water line, and two fire hydrants located at 63 Hermitage Avenue for the new fire department headquarters facility.

Ordinance No. BL2007-1474 (Toler & Brown) abandons an 8-inch sewer line and easement and authorizes the acceptance of a replacement sewer line and a 6-inch water line for phase 1B, 2 and 3 of The Woodlands subdivision on Woodlands Avenue.

ORDINANCE NO. BL2007-1479 (RYMAN & BROWN) – This ordinance authorizes the conveyance of a water line and associated easement to the Madison Utility District. The water line and easement are for property located at 41-A Edenwold Road and 61 Edenwold Road, adjacent to Myatt Drive. The purpose of the water line and easement is to provide fire protection for the Dry Creek wastewater treatment plant.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2007-1480 (WALLS) – This ordinance authorizes Metal Management, LLC to install and maintain a railroad spur encroachment at 1840 Linder Industrial Drive. This encroachment will connect Metal Management’s industrial property to the CSX railroad tracks. Metal Management is required to indemnify the Metropolitan Government for any claims arising out of the installation and maintenance of the encroachment, and is required to maintain a certificate of public liability insurance in the amount of \$1,000,000 naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2007-1481 (SHULMAN) – This ordinance abandons a portion of the unimproved Hilldale Drive right-of-way from Valley Brook Place to a point 300 feet south of Wimbledon Road. This closure has been requested by Councilman Shulman on behalf of the adjacent property owners. There is no future governmental need for these sections of right-of-way since the roadway has been relocated. 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.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2005-761 (LORING, WILLIAMS & OTHERS) – This zoning text change amends various provisions of the code regarding the eligibility, placement, lot size, and design standards of two-family structures (duplexes). This ordinance is a modified draft of Ordinance No. BL2004-408, which was deferred indefinitely in November 2004. Under the current zoning code, duplexes are permitted by right in the RM (multi-family) zoning districts, the mixed-use districts, and the OR (office and residential) districts. Duplexes are permitted with conditions in the AR2a and R (one and two-family) districts. The code currently does not limit the concentration of duplexes and does not require any particular design standards applicable only to duplexes.

This ordinance would substantially alter the permitted location, placement and design of duplexes in Davidson County. First, this ordinance would require that the minimum lot size for duplexes in the R districts be at least 120 percent of the minimum lot size for single-family homes. Second, the ordinance would restrict the number of duplexes on a given block. A maximum of four duplexes would be permitted on any one block, and in no event would more than two duplexes be allowed to be constructed next to each other. Third, the ordinance places some standards on the design of duplexes. If more than one entrance is proposed, one must face the street and the other must be located to “compliment and enhance the neighborhood’s development character.” In addition, garages must be recessed at least five feet from the front façade and be designed to compliment the neighborhood’s character. No driveway access would be allowed if the lot is served by an alley unless at least fifty percent of the lots on the same block face have driveways. Fourth, this ordinance would allow two detached dwelling units on those lots where duplexes are permitted. The zoning code currently requires that all duplexes be attached. This provision would essentially allow two single-family homes on one lot without going through the subdivision process.

Finally, a development plan would have to be submitted to and approved by the planning director for duplexes that would be the lesser of 5,000 square feet or 30% of the total lot area. No site work could begin, nor could any building or grading permit be issued, until the planning director approves this plan. The standards for reviewing the development plan are based on comparable structures in the neighborhood. “Comparable structures” include structures across the street, next door, or located to the rear of the lot. The proposed duplex would be required to have similar height, roof pitch, massing, building placement, and building materials as the comparable structures. In addition, the development plan for any structure eligible for listing on the national register of historic places would first have to be approved by the Metropolitan historic zoning commission before being considered by the planning department. Further, the ordinance would expressly prohibit the board of zoning appeals from being able to grant a variance on a duplex development plan.

The council office is of the opinion that the design limitations on two-family structures contained in this ordinance violate state law. The Tennessee Code Annotated, as part of the granting of zoning power to county and municipal governments, limits zoning ordinances to the regulation of the following: (1) the location, height and size of buildings and other structures; (2) the percentage of lots which can be occupied; (3) the size of yards and open spaces; (4) the density and distribution of population; and (5) the uses of property. A separate statute provides for design standards as part of historic zoning districts, however, this statute does not extend to design restrictions as part of other zoning ordinances. Although the zoning code currently includes various design-related provisions, this ordinance, extend the design standards and design review process into uncharted territory.

Adoption of this ordinance would create hundreds of nonconforming uses that could result in a loss of value for existing properties and also a loss of revenue to Metro. Enforcement and necessary due

process of law issues make such a district subject to abuse. This ordinance allows the executive director of the planning commission great latitude and allows appeals to the planning commission.

This ordinance has been approved by the planning commission.

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.

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 four properties permitted as a historic home event use in a residential area.

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. BL2007-1367 (SUMMERS, TYGARD & WILHOITE) – This zoning text change, as amended, would provide a mechanism for the planning commission to classify a planned unit development (PUD) as inactive when no construction has taken place on the property within six years. This ordinance is designed to be a compromise to two competing PUD review bills (BL2005-629 & BL2006-1259), both of which have been deferred indefinitely.

This ordinance provides that the planning commission may review any PUD on its own initiative or at the request of a member of council or property owner within the PUD area to determine whether development activity has occurred within six years from the date of enactment of the PUD or the most recent amendment to the PUD by the council. If it is determined that no development activity has occurred in the past six years, the planning commission is to recommend legislation to the council to either renew the PUD, cancel the PUD, or amend the PUD along with necessary changes to the base zoning. The planning commission would have 90 days after the review process commences in which to hold a public hearing and make a recommendation to the council. If the planning commission fails to act within 90 days, the commission shall be deemed to have made a recommendation to renew the PUD without alteration.

In order for a PUD to be classified as inactive, the following three criteria must be satisfied:

1. Six or more years have elapsed, as described above.
2. Construction has not begun on the PUD as a whole. The ordinance provides that "construction" includes physical improvements such as water/sewer line installation and/or the pouring of foundations, as well as required off-site infrastructure improvements. Site clearing, temporary construction material storage, and the placing of temporary structures on the property would not be considered construction.
3. No right-of-way acquisition or construction has begun on off-site improvements required by the council as a condition of the PUD.

If, after reviewing the PUD, the planning commission determines that the PUD is not inactive, a re-review shall not be initiated for at least one year. Once the council receives a recommendation from the planning commission regarding an inactive PUD, the council will have six months in which to re-approve, amend, or cancel the PUD. Failure by the council to enact legislation within the six month period will result in the developer being able to develop the property in accordance with the existing PUD plan. This would not prohibit the council from enacting another ordinance during the six month time period to cancel or modify the PUD.

The effective date clause in this ordinance states "this ordinance shall take effect 270 days after its passage ..." The Charter provides that no ordinance shall take effect for twenty days after its passage, unless the ordinance states that the welfare of the Metropolitan Government requires that it take effect *sooner*. This ordinance should be amended to include the traditional effective date clause.

This ordinance has been approved by the planning commission.

There is a proposed substitute that would correct the error in the effective date clause and repeal the amendment placed on the bill on second reading.

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 by the ECD board.

ORDINANCE NO. BL2007-1398 (RYMAN & JAMESON) – This ordinance is the operating budget of the Metropolitan Government for the Fiscal Year 2007-2008. The proposed budget filed by the mayor provides for the following proposed funding:

• General Fund of the General Services District	\$ 706,019,800
• Schools Fund of the General Services District	577,998,800
• Schools Debt Service Fund	61,057,900
• Debt Service – General Services District	<u>97,786,900</u>
TOTAL GENERAL SERVICES DISTRICT BUDGET	\$1,442,863,400
• General Fund of the Urban Services District	\$ 106,909,300
• Debt Service – Urban Services District	<u>19,231,400</u>
TOTAL URBAN SERVICES DISTRICT BUDGET	\$ 126,140,700
TOTAL OPERATING BUDGET	\$1,569,004,100

The substitute budget adopted by the council for the current fiscal year is \$1,506,054,500. The mayor’s proposed budget is an increase of \$62,949,600 or 4.2%.

\$5,395,200 is appropriated from the total GSD unappropriated fund balance, compared to a total of \$10,035,900 in the current year’s budget. For the total USD unappropriated fund balance, no funds are appropriated for use, compared to \$8,547,900 in the current year’s budget.

The proposed budget funds a modification to the existing pay plan to provide a 3% across the board pay increase for all Metro employees, but does away with the incremental step raises for employees that are not included as part of the open range classifications. We are currently in the second year of a three-year pay plan. The existing pay plan was to provide a 2% across the board pay raise for Metro employees, plus the incremental step raises. The budget includes \$9,912,500 in the GSD General Fund and \$1,274,400 in the USD General Fund for these pay plan improvements. In order for the modified pay plan to become effective, it must be approved by the civil service commission and the council. The civil service commission approved the mayor's recommended pay plan amendment on May 29, 2007 by a vote of 3-2. If the pay plan is not approved by the council, approximately \$4.9 million will have to be cut from the budget to offset the additional expenses associated with funding the current pay plan.

The proposed budget also includes negative expenses in order to balance the total budget requirements. The budget provides for a negative expenditure in the amount of \$16,938,500 in the GSD for budget adjustment savings, as compared to \$14,651,000 in the current budget. The USD includes a negative expense of \$2,264,700 for budget adjustment savings, which is the same as the current fiscal year. The budget includes several non-recurring appropriations that are contingent upon revenues at the end of the 2007 fiscal year exceeding the budget requirements by \$5,395,000. These contingent appropriations are as follows:

- NFP Grants \$1,300,000
- Administration Relocation Expenses \$215,000
- Audit Consultants \$500,000
- Park Maintenance \$1,250,000
- Police Overtime \$1,065,000
- Fire Overtime \$1,065,000

Internal service fees for the departments of finance, human resources, general services, and information technology are included in this budget as part of the ongoing effort to implement full cost recovery within Metro Government. These fees appear as increased expenditures in the operational budgets of various departments, paid to these four departments in their various internal service funds. This internal service fee structure is consistent with the requirements of Federal OMB Circular A-87. This establishes principles and standards for determining costs for Federal awards carried out through grants, cost reimbursement contracts, and other agreements with State and local governments. The purpose is to establish a process whereby central service costs can be identified and assigned on a reasonable and consistent basis. Increases in some of the internal service fund departments are as follows:

- Employee Safety and Risk Management \$1,514,900, or 8.6%
- Real Property Services \$388,700, or 19%
- 311 Call Center \$735,100, or 93.8%
- Facilities Maintenance and Security \$8,687,200, or 64.7%

The budget includes modest or no gains in the budget for many of the General Fund departments, with a few exceptions. The budget provides significant increases in the police department, fire department, parks department and health department budgets. The proposed budget also includes a substantial increase in the subsidy for the Metro action commission. These improvements are as follows:

- Police Department – Increase of \$13,160,900, or 9.8%. This includes \$1,105,600 for overtime costs, \$1,590,400 for an information technology program, and a \$1,510,100 increase in the facilities maintenance and security internal service charges.
- Fire Department – Increase of \$9,542,200, or 9.3% for the combined GSD and USD functions. This includes the \$1,065,000 overtime contingent appropriation, which is discussed above.

- Parks Department – Increase of \$4,116,600, or 12.9%. This includes the \$1,250,000 contingent appropriation for maintenance expenses, which is discussed above, plus \$1,285,800 to provide an additional 26 full-time equivalent (FTE) staff persons in the community centers, \$589,000 for 12 FTEs in the natural resources program, and \$191,400 for 5 FTEs in the facility admissions program.
- Health Department – Increase of \$3,355,900, or 9.7%. This includes \$1,598,700 for inmate healthcare, \$168,200 for the medical examiner, \$277,100 for the health care access program, and \$230,000 for the clinic services and immunization program.
- Metro Action Commission – Increase of \$1,143,200, or 37.3%.

This budget includes a subsidy of \$49,797,100 for the hospital authority, which is the same as the subsidy for the current fiscal year. The administration has submitted an extension of the due date on the outstanding loan the hospital authority has with the Metropolitan Government in the amount of \$6,748,700. This loan extension is the subject matter of Resolution No. RS2007-2011.

There are several appropriations from the hotel occupancy tax that were not included in the fiscal year 2007 budget. The appropriations are from the portion of the hotel occupancy tax funds designated for tourist related activities. The additional appropriations include:

- Arena subsidy \$4,817,900
- Metropolitan Transit Authority \$1,500,000
- Municipal Auditorium subsidy \$500,000
- Country Music Association grant \$1,000,000
- Arts Commission cultural study \$372,000
- Regional Transportation Authority subsidy \$400,000

The operational support for schools is increased by \$14,768,700 to \$577,998,800 for the Schools General Purpose Fund, which is an increase of 2.6%. This does not include any additional funds the state appropriates as part of the BEP revisions. There is also a separate line in the ordinance appropriating \$8,053,600 for administrative support for Metro schools. The budget provides that these funds are appropriated to pay for general fund administrative activities supporting Metro schools and as compensation to Metro schools for property located at 2233 Winford Avenue for the future construction of a head start center. The council office would caution that any direct reimbursement for internal service costs might be considered a violation of at least the intent of A-87 to assign these costs on a consistent basis.

No money is appropriated from the fund balance of the Schools General Purpose Fund for operational increases in FY07, leaving this fund with a projected balance of \$45,753,300, or 7.9% of the operational budget. According to state law, this balance must remain above 3%.

The budget ordinance is amendable on third reading.

ORDINANCE NO. BL2007-1399 (RYMAN & JAMESON) – This ordinance adopts the property tax levy for the fiscal year 2007-2008. The Metropolitan Charter requires that the council’s next order of business upon adopting the annual operating budget is to adopt a tax levy that fully funds the operating budget. The property tax proposed by the mayor is in assessed value, which represents \$4.04 per \$100 assessed value in the general services district (GSD) and an additional \$0.65 per \$100 assessed value in the urban services district (USD), for a total tax of \$4.69 in the USD.

This proposed property tax levy shifts one cent from the general fund of the GSD to the debt service fund of the GSD. Last year, seven cents were transferred from the debt service fund to the general

fund to provide additional funding for the general government operations. This shift is estimated to be the equivalent of \$1.5 million. The overall tax levy, however, is the same as last year.

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 is also on third reading. 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.

SUBSTITUTE ORDINANCE NO. BL2007-1431 (BRILEY) – This zoning text change would limit the height of each story for single and two-family homes within the urban zoning overlay (UZO) to 14 feet, floor to ceiling. 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 exclude up to seven feet of an exposed basement from being counted toward the height. The maximum height would be measured from the natural grade to the eave or roof deck.

ORDINANCE NO. BL2007-1441 (RYMAN) – This ordinance sets the rates for sewage transportation and treatment service provided by the department of water and sewerage services to certain other municipalities. Metro has contracts with various other municipalities to transport and treat their sewage. Some of these contracts have expired, and there is a dispute between Metro and several of the municipalities as to what rates should be paid. This ordinance simply establishes the rates that are to be charged to those cities with whom we no longer have a valid contract. The rates to be charged are as follows:

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Belle Meade	\$1.49	\$1.51	\$1.54	\$1.56
Brentwood	\$1.15	\$1.18	\$1.21	\$1.24
Millersville	\$1.32	\$1.34	\$1.37	\$1.40
LaVergne	\$1.41	\$1.43	\$1.46	\$1.48

These rates are included as part of the 2007-2008 operating budget ordinance currently pending with the council. The council office is of the opinion that setting sewer treatment rates is beyond the scope of the operating budget. Therefore, the council office prepared this ordinance as a separate item.

This ordinance is necessary to place the Metropolitan Government on record as establishing the rates to be charged to these satellite cities. Failure to enact this ordinance could result in a loss of revenue to the department of water and sewerage services and could negatively impact the Metropolitan Government’s legal position if future litigation results from the dispute over the charges.

ORDINANCE NOS. BL2007-1442 and BL2007-1443 (RYMAN) – These two ordinances approve various fee increases required to balance the mayor’s proposed fiscal year 2007-2008 operating budget. If these fee increases are not enacted, the council will be required to reduce general fund expenditures in the substitute budget to offset the lost revenue in order to fulfill the charter requirements of adopting a balanced budget. The council office recommends that the council take action on these ordinances prior to the date when the budget will be considered on third and final reading so that any necessary changes can be made in the substitute budget.

Ordinance No. BL2007-1442 increases the handling fee assessed by Metro Government departments for dishonored checks. Metro currently charges a \$10.00 handling fee against the maker or drawer of a dishonored check. State law allows the payee of checks drawn on accounts with insufficient funds to charge a handling fee of up to \$30.00. This ordinance increases Metro’s handling fee from \$10.00 to \$30.00, which is the maximum amount allowed under state law. The recitals in the resolution state that the actual administrative costs incurred by the Metropolitan Government for

handling dishonored checks is \$40.00. This ordinance is estimated to generate additional revenue in the amount of \$100,000.

Ordinance No. BL2007-1443 increases the fees associated with alarm system permits through the Metro clerk's office. The current fee schedule is sufficient to pay for the cost associated with administering the issuance and renewal of permits, but it is not sufficient to cover the costs to the police department of responding to false alarms. Metro currently charges a \$25.00 fine for false alarms, which is the maximum allowed under state law.

This ordinance would make the following fee increases:

1. Increase the annual fee for processing residential alarm permits from \$10.00 to \$20.00.
2. Increase the annual fee for processing commercial alarm permits from \$25.00 to \$50.00.
3. Increase the annual fee for processing appeals of alarm system permit revocation notices from \$50.00 to \$75.00.
4. Increase the annual fee for processing appeals of alarm system permit reinstatement requests and hearings from \$50.00 to \$75.00.

This ordinance is estimated to generate additional revenue in the amount of \$700,000.