

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **October 16, 2007**

RE: **Analysis Report**

Balances As Of:	<u>10/10/07</u>	<u>10/11/06</u>
<u>GSD 4% RESERVE FUND</u>	* \$26,540,553	\$25,967,937
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE SCHOOL FUND</u>	Unavailable	Unavailable

* Assumes estimated revenues in fiscal year 2008 in the amount of \$21,601,932

– **BILL ON PUBLIC HEARING** –

SUBSTITUTE ORDINANCE NO. BL2007-1 (JAMESON & COLE) – This substitute ordinance amends Ordinance No. BL2007-1312, as amended, to allow the special assessment for the Central Business Improvement District to be levied in 2007 rather than 2008. In February 2007, the council enacted Ordinance No. BL2007-1312, which created a new downtown central business improvement district (downtown CBID) for downtown Nashville to take the place of the former CBID established in 1998. The downtown CBID area consists of approximately ninety blocks whose boundaries are, basically, the Cumberland River to the east, Peabody Street to the south, Ninth Avenue South to the west, and Charlotte Avenue to the north. Central business improvement districts are permitted under state law and allow the imposition of an additional assessment on all property located within the area to provide enhanced services such as promotion and marketing, advertising, health and sanitation, public safety, security services, recreation, cultural enhancements, and business recruitment and retention in the district. Under state law, 51% of all real property owners must petition the government to create the district, representing two-thirds of the assessed value within the area seeking designation.

This ordinance is essentially a housekeeping matter. The petition filed by the requisite percentage of owners petitioning the Metropolitan Government for the creation of a larger downtown CBID anticipated the collection of an additional assessment in the amount of \$0.2361 per \$100 of assessed value in 2008 to fund a 2008 calendar year budget of \$1,228,594. In order to receive the funds in 2008, the notice of assessment would need to go out in November 2007 with the regular tax notices. However, the ordinance establishing the downtown CBID incorrectly included a 2008 date of assessment, meaning that the notice could not go out until November 2008, and the funds could not be collected until 2009. This ordinance simply changes the date of assessment from 2008 to 2007, which is in keeping with the intent of the petition for the creation of the district filed with the Metro Clerk.

State law provides that the local governing body must hold a public hearing to change the rate or impose an additional rate of special assessment. Although the rate of assessment is not changing from the previously-approved ordinance, the assessment date is being moved up one year. Thus, a public hearing is being held on this ordinance prior to its adoption on third and final reading.

There is a housekeeping amendment for this ordinance to correct an error in one of the recital clauses. Since this is a tax measure, the ordinance is amendable on third reading pursuant to the council rules of procedure.

– **RESOLUTIONS** –

RESOLUTION NO. RS2007-2 (STANLEY) – This resolution creates a task force to assess the existing public safety infrastructure of the Metropolitan Government and to recommend infrastructure improvements that will effectively improve the public safety provided by Metro. The purpose of the task force is to address a perceived lack of police precincts and fire halls in certain areas of Davidson County. The recitals of the resolution also express concern about police and fire response times.

This task force is to be composed of fifteen members, including the following:

- The chair of the Council Public Safety Committee.

- The Chief of Police or his designee.
- A Metropolitan Nashville Police Officer appointed by the Fraternal Order of Police.
- The Fire Chief or his designee.
- A Metropolitan Nashville Firefighter appointed by the Nashville Firefighters Union Local 140.
- Ten persons appointed by the Vice Mayor, including four Members of Council (one at-large and three district), a representative of the Nashville Neighborhood Alliance, a representative of the Nashville Area Chamber of Commerce, a representative of the Planning Department, a representative of the Metropolitan Department of Law, a representative of the Metro Finance Department, and a representative of the Public Works Department.

A final report regarding the assessment is to be submitted to the council at the conclusion of the task force's work.

RESOLUTION NO. RS2007-25 (COLE) – This resolution appropriates \$150,000 in federal community development block grant (CDBG) funds for neighborhood signage in the South Inglewood neighborhood strategy area (NSA). CDBG funds may only be used for affordable housing activities and neighborhood community improvement projects.

RESOLUTION NO. RS2007-26 (CRADDOCK & COLE) – This resolution approves an Edward Byrne Memorial Justice Assistance Grant in the amount of \$897,864 from the U.S. department of justice to the Metropolitan Government. These federal funds are to benefit the following departments: police, sheriff, public schools, district attorney, justice information system (JIS), juvenile court, public defender, and parks. The grant funds will be distributed as follows:

- **District attorney:** \$90,966.10 for salary and benefits for case investigators.
- **Public defender:** \$14,885.76 to employ a part-time law clerk to work with the legal defense teams representing juvenile offenders.
- **Juvenile court:** \$27,946.15 to employ a probation officer to work with a warrant officer for information gathering, monitoring, and case management of identified gang members.
- **JIS:** \$45,342.45 to purchase hardware and operating systems that transmit data between justice and public safety agencies.
- **Sheriff:** \$114,146.21 for the community outreach and security equipment programs.
- **Police:** \$261,563.81 for technology purchases to enhance officers' ability to respond to calls for service.
- **Schools:** \$103,147.23 to install additional closed-circuit television cameras in schools.
- **Parks:** \$15,774.48 to purchase computers for the patrol vehicles.

The term of this grant extends through September 30, 2010.

RESOLUTION NO. RS2007-27 (CRADDOCK, COLE & WILHOITE) – This resolution approves a grant in the amount of \$150,000 from the U.S. department of justice to the Metropolitan police department for the gang resistance education and training (GREAT) program. The GREAT program is a school-based curriculum taught by police officers to middle school students. The primary goal of GREAT is to prevent youth delinquency, violence and gang membership. The term of this grant is from June 1, 2007 through November 30, 2008. This program will serve approximately 1,200 4th grade students, 4,500 6th grade students, 60 families in the families program, and 320 youth in the summer program. The funds will specifically be used as follows:

- \$42,307.29 for personnel costs and fringe benefits
- \$2,644 for travel expenses
- \$65,336 for supplies, including T-shirts and other incentives
- \$39,712 for other program expenses

RESOLUTION NO. RS2007-28 (CRADDOCK & COLE) – This resolution approves an amendment to a grant in the amount of \$2,001,147 from the state emergency management agency to the mayor’s office of emergency management to sustain key homeland security programs. These federal pass-through funds are used to help prepare for and protect the public in the event of a terrorist attack, which includes:

- Replacement of personal protection equipment;
- Provide surgical staffing and equipment for alternate care sites in a mass disaster situation;
- Purchase of a grant management system;
- Purchase of response capability equipment;
- First responder training and equipment;
- Community preparedness training for community organizations;
- Purchase of equipment for the police department, including a bomb robot, night vision goggles, and a command vehicle; and
- Administrative costs.

This resolution simply extends the term of the grant until February 28, 2008, to allow the remaining funds to be utilized.

RESOLUTION NO. RS2007-29 (COLE & CRADDOCK) – This resolution approves an application for a grant in the amount of \$12,651,000 from the U.S. department of homeland security to the Nashville fire department for the purpose of hiring additional firefighters. Metro is seeking federal financial assistance in paying the salaries and benefits of 120 additional fire fighters. The fire department currently has 1,184 full-time employees. Of the fire department’s \$110 million operating budget, approximately 92 percent is related to personnel costs.

The grant application provides that additional employees to be funded with the grant would staff the fire companies with the minimum required firefighters according to the National Fire Protection Association. This would be a five year grant program requiring a total Metro cash match of \$25,215,069. If awarded, the federal funds would be distributed annually and phased out over five years as follows:

	Federal Award	Local Match
2007	\$4,554,000	\$2,578,247
2008	\$4,047,600	\$3,298,614
2009	\$2,529,600	\$5,037,001
2010	\$1,519,800	\$6,273,799
2011	\$0.00	\$8,027,408

Starting in fiscal year 2011, Metro would be required to fund 100 percent of the salaries and benefits of the 120 additional firefighters. The grant application provides that the required budget modifications “are presently being reviewed by the city council and the Mayor’s office.”

If this grant is awarded, the approval of the grant will have to be approved by resolution of the council.

RESOLUTION NO. RS2007-30 (FOSTER & COLE) – This resolution approves a grant in the amount of \$3,800 from the state arts commission to the Metropolitan board of parks and recreation to supplement the Big Band dance program. This program provides free big band dances to the public. The term of the grant is from July 1, 2007 through June 30, 2008. There is a required match of \$3,800 to be provided through the parks department's operating budget.

RESOLUTION NO. RS2007-31 (HUNT & COLE) – This resolution approves a grant in the amount of \$107,801 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide licensed practical nurse training. These funds will be used to train twenty individuals at the Tennessee Technology Center in Murfreesboro to become licensed practical nurses (LPNs) and to provide clinical training at National Healthcare Corporation facilities to help with the nursing shortage in middle Tennessee. This program is authorized through the provisions of the Workforce Investment Act of 1998, which is administered by the NCAC for the counties of Davidson, Rutherford, Wilson, and Trousdale. The term of this grant is from August 1, 2007, through August 31, 2008.

RESOLUTION NO. RS2007-32 (MAYNARD & COLE) – This resolution approves a contract between the Metropolitan board of health and Catholic Charities of Tennessee, Inc., to provide care coordination for the Bridges to Care Program. Bridges to Care (BTC) is a program that links uninsured residents of Nashville to a network of safety net providers to help improve access to medical, dental, mental health and substance abuse care. The program also provides assistance with prescription drugs and transportation to healthcare providers. The health department issued a request for proposals (RFP) to allow contractors to bid on providing the care coordination services and Catholic Charities, Inc., was the winning bidder.

Pursuant to the terms of this contract, Catholic Charities will serve as the coordinator for the BTC program in Nashville. The goal of the program over the next year is to enroll 6,000 uninsured persons and provide them care, coordination, transportation and pharmacy services. Catholic Charities will be paid \$278,686 to provide the coordination services, which funding is to be provided through the health department's operating budget. The contractor agrees to indemnify the Metropolitan Government from any claims arising out of its negligent acts or violations of the law, and is required to maintain commercial general liability insurance in the amount of \$1 million, automobile liability insurance in the amount of \$1 million, and professional liability insurance in the amount of \$1 million. Metro has the right to terminate the contract immediately if funding for the program is discontinued, or upon 30 days written notice for any other reason. The term of the contract is from September 1, 2007, through June 30, 2008, with a possible extension of four additional one-year terms.

RESOLUTION NO. RS2007-33 (COLE & MAYNARD) – This resolution approves a contract between the Metropolitan board of health and Rudra Prakash, M.D. to provide psychiatric mental services to clients at the Downtown Clinic. Dr. Prakash will receive \$150 per hour to treat the patients without the assistance of medical residents, and \$100 per hour when precepting medical residents, up to a maximum of eight hours per week. Total compensation is not to exceed \$52,000. Dr. Prakash is required to maintain a \$1 million errors and omissions insurance policy and agrees to indemnify the Metropolitan Government from any claims arising from the performance of the psychiatric services.

The term of the contract is from July 1, 2007 through June 30, 2008, with a possible extension of four additional one-year terms.

RESOLUTION NO. RS2007-34 (MAYNARD & COLE) – This resolution approves an annual grant in the amount of \$296,456 from the state department of human services to the Metro social services commission for adult homemaker services. These services to be provided include assistance with personal care, help with simple healthcare routines, assistance in obtaining medical care, as well as the performance of essential shopping and household tasks. The homemaker program is for elderly persons and adults with mental and/or physical disabilities who need assistance in performing daily living activities. The term of this grant is from July 1, 2007, through June 30, 2008. There is a required local match of \$74,114 to be provided from the operating budget of the department of social services.

RESOLUTION NO. RS2007-35 (COLE) – This resolution appropriates \$4,250 from the state board of equalization to the property assessor's office for a salary supplement for deputy assessors who successfully complete certain courses of study. State law provides that deputy assessors can receive incentive pay for completing courses of study and field training, as prescribed by the board of equalization. Previously, these incentive payments were made by the state directly to the employees that completed the training. However, the state law was recently changed to require the payments to pass through the county government.

This resolution simply appropriates the funds to the assessor's office so that the four employees that completed the training may receive their compensation.

RESOLUTION NO RS2007-36 (COLE) – This resolution authorizes the department of law to settle the lawsuit brought by Leann Cosby against the Metropolitan Government for the amount of \$38,000. On February 28, 2006, Ms. Cosby was stopped at a red light at the intersection of White Bridge Road and Harding Pike when her vehicle was rear-ended by a Metro vehicle driven by an employee of Metro water services. The impact of the collision caused Ms. Cosby to collide with the vehicle in front of her. Ms. Cosby sought treatment for low back pain and severe neck pain. A subsequent MRI evidenced mild disc bulges, and she was referred to the Back Pain Center for treatment. Ms. Cosby's doctor has recommended further heat therapy and electrical muscle stimulation three times a week for six weeks. Her medical expenses to date total \$13,684.90, and the amount of lost wages is estimated to be \$3,681.30.

Although no permanent impairment rating has been assigned at this point, it is very likely that such a rating would be assigned before this matter went to trial once the discovery process is complete. Since there is no question as to the fault of the Metro employee in causing the accident, the department of law recommends settling the lawsuit for \$38,000 to be paid out of the self-insured liability fund. The property damage portion of this claim has already been settled.

No disciplinary action was taken against the Metro employee involved in this accident.

RESOLUTION NO RS2007-37 (COLE) – This resolution authorizes the department of law to settle the lawsuit brought by J. Scott Turbeville and Alesya Turbeville against the Metropolitan Government for the amount of \$31,000. On September 27, 2005, Mr. Turbeville was stopped on Metro Center

Boulevard when his pickup truck was rear-ended by a Metro public works vehicle. The public works employee stated his brakes did not engage properly because of the weight of the vehicle he was driving. This accident caused \$3,194 damage to Mr. Turbeville's truck, and exacerbated an existing injury from a previous accident.

In 1997, Mr. Turbeville suffered a back injury after being involved in a motor vehicle accident, and was treated by a chiropractor and an orthopedic surgeon. He was assigned a combined permanent impairment rating of 15%. As a result of the 2005 accident, Mr. Turbeville suffered additional injury to the same vertebra injured in the first accident. Mr. Turbeville's chiropractor opined that he was now a candidate for spinal surgery, but in the alternative recommended future spinal decompression treatments. Mr. Turbeville's medical bills to date total \$7,931, and he is expected to incur an additional \$4,000 for the spinal decompression treatments. His tax returns as the owner of a landscaping business also show a considerable loss of income after the accident.

The department of law recommends settling this lawsuit for \$31,000 to be paid from the self-insured liability fund. Although no additional permanent impairment rating has been assigned at this point, it is likely that a doctor would increase the impairment rating after further examination and if additional medical procedures are performed. Further, the court would likely find that Mr. Turbeville experienced a loss of income due to his inability to perform physical labor.

No disciplinary action was taken against the Metro employee involved in this accident.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2007-4 (PAGE & MAYNARD) – This ordinance would regulate the "booting" of vehicles within the area of the Metropolitan Government. Certain 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 from towing a vehicle that has been booted unless the boot has remained on for twenty-four hours. The vehicle owner would be able to have the boot removed by paying a \$65 fee plus one day of storage, which is not to exceed \$15. Each booting device would be required to display the telephone number for the booting company, which must be answered 24 hours a day. Someone from the booting company must be available to remove the boot within one hour from being called.

This ordinance was recommended by the director of the transportation licensing commission. A similar ordinance was withdrawn in August 2007.

ORDINANCE NO. BL2007-5 (HUNT, MATTHEWS & OTHERS) – This ordinance authorizes Tennessee Independent Telecommunications Group, LLC, doing business as Iris Networks, to construct, install, and maintain fiber optic cable in Davidson County. Iris Networks plans to construct approximately 13.7 miles of cable in Davidson County, using both aerial and underground facilities. The route will begin at the corner of Jo Johnston Avenue and 16th Avenue North, and will eventually terminate at 1391 Bellavista Drive. Iris Networks is to pay all costs related to the construction and maintenance of the cable.

The plans and specifications for the cable must be submitted to and approved by the director of public works. The council reserves the right to repeal this ordinance at any time, and Iris Networks would be required to remove the cable at its own expense. This authority granted to Iris Networks will not interfere with Metro's existing utility rights. Further, Iris Networks must obtain a \$1 million certificate of liability insurance naming Metro as an insured party if the cable is installed on existing poles, or a \$10 million certificate of insurance if installation of the cable requires any excavation in the Metro right-of-way.

The provisions of this ordinance will be effective as long as Iris Networks does not offer local telecommunications service to retail customers in Davidson County. Communications companies are prohibited from offering local telecommunications service without first obtaining a telecommunications franchise from Metro.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2007-6 (CLAIBORNE) – This ordinance abandons the Lakeland Court right-of-way from Lakeland Drive southward to the dead end. This closure has been requested on behalf of the abutting property owners. Consent of the affected property owners is on file with the department of public works. All easements will be retained by the Metropolitan Government. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2007-7 (GILMORE) – This ordinance abandons portions of the right-of-way for Alley No. 222 from Second Avenue North to Van Buren Street. This closure has been requested by Metro real property services. All easements are being retained by Metro Government. Consent of the affected property owners is on file with the department of public works. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2007-8 (BAKER) – This ordinance abandons portions of the right-of-way for Alley No. 1219 from Georgia Avenue to Delaware Avenue. This closure has been requested by Barge, Waggoner, Sumner & Cannon on behalf of the property owner/developer. This entire block is now owned by one owner who desires to develop the property in a consolidated manner. All easements are being retained by Metro Government. Consent of the affected property owners is on file with the department of public works. This ordinance has been approved by the planning commission and the traffic and parking commission.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2007-2 (HOLLEMAN) – 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. An identical ordinance was previously pending with the council for approximately 10 months, but was withdrawn at the end of the last council term. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2007-3 (PAGE, RYMAN & GARRETT) – This is a routine ordinance that readopts the Metropolitan Code prepared by Municipal Code Corporation to include all ordinances enacted on or before March 20, 2007. Municipal Code Corporation has the contract with Metro to codify all ordinances enacted by the council, as well as to update and maintain the on-line version of the Code. The council periodically readopts the Code to make sure the printed and online versions are kept up to date.