

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **October 21, 2008**

RE: **Analysis Report**

Balances As Of:	<u>10/15/08</u>	<u>10/10/07</u>
<u>GSD 4% RESERVE FUND</u>	* \$30,751,910	\$26,540,553
<u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE SCHOOL FUND</u>	Unavailable	Unavailable

* Assumes estimated revenues in fiscal year 2009 in the amount of \$23,705,700

– RESOLUTIONS –

RESOLUTION NO. RS2008-490 (FORKUM) – This resolution establishes a \$15.00 litigation tax to be used for court security. The Tennessee general assembly amended state law in 2008 to allow counties, upon adoption of a resolution by a 2/3 majority vote of the county legislative body, to levy a privilege tax not to exceed \$25.00 on litigation in all civil and criminal matters to be used exclusively for the purposes of court security. This litigation tax is in addition to the \$1.00 tax approved by the council in 2004 for jail construction and courthouse renovation. Such levy can only be in effect until all expenses for construction have been paid or until the debt has been retired.

This litigation tax would apply to all civil and criminal cases initiated in general sessions court, criminal court, circuit court, and chancery court. In keeping with state law, this resolution expressly provides that no such litigation tax shall be paid in suits instituted by the state or the Metropolitan Government on behalf of any individual who is indigent. This new litigation tax will take effect on January 1, 2009.

The finance department anticipates new revenues of \$1.7 million from this tax.

The council office recommends a housekeeping amendment to this resolution to comply with the charter provisions governing the effective date of legislation. A new section needs to be added that makes the resolution itself effective upon its adoption, but delays the collection of the tax until January 1, 2009.

RESOLUTION NO. RS2008-491 (FORKUM) – This resolution approves an annual grant in the amount of \$56,800 from the state arts commission to the Metro arts commission for operating support. There is a required local match in the amount of \$50,000 to be provided from the Metro arts commission budget. The funds will be used for general operating support of the arts commission, not as pass-through funding for other arts organizations.

RESOLUTION NO. RS2008-492 (FORKUM) – This resolution approves a grant in the amount of \$103,788 from the state commission on children and youth to the juvenile court for juvenile accountability incentive block grant program services to enhance court staffing and pretrial services. These funds are federal pass through dollars that are used to fund certain salaried positions and professional services in the juvenile court. Specifically, the grant will fund two full-time community-based probation officers and partial funding for an intake probation officer in the juvenile court's diversion program. The term of the grant is from October 1, 2008, through September 30, 2009.

The juvenile court will be required to provide a cash match of \$11,532 from its operating budget.

RESOLUTION NO. RS2008-493 (FORKUM & BENNETT) – This resolution approves an Edward Byrne Memorial Justice Assistance Grant in the amount of \$292,365 from the U.S. department of justice to the Metropolitan Government. These federal funds are to help fund the following departments: police, state trial courts, 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:** \$29,620.64 for salary and benefits for case investigators;
- **Public defender:** \$4,847.14 to pay a portion of the salary of a part-time law clerk to work with the legal defense teams representing juvenile offenders;
- **Juvenile court:** \$9,099.90 to pay a portion of the salary of a warrant officer in the gang prevention program;
- **State Trial Courts (Drug Court):** \$43,732.90 for operational costs of the drug court treatment program;
- **JIS:** \$14,764.53 for equipment and software upgrades;
- **Sheriff:** \$37,168.61 for the community outreach program;
- **Police:** \$91,369.28 for technology purchases to enhance officers' ability to respond to calls for service;
- **Schools:** \$33,587.09 to install additional closed-circuit television cameras in schools;
- **Parks:** \$5,136.53 to purchase six taser devices for the parks police.

RESOLUTION NO. RS2008-494 (BENNETT & FORKUM) – This resolution approves a grant in the amount of \$10,275,000 from the state department of finance and administration to the Metropolitan Government for expansion of the Metropolitan Detention Facility. Metro has had a contract with the state since 1991 to house locally sentenced felons at the Metro Detention Facility located at 5115 Harding Place. The current facility has a capacity of 1,092 beds. Additional capacity is needed at this facility, and the state has agreed to provide the funds necessary for this expansion. Pursuant to this grant, the state will provide an amount not to exceed \$10,275,000 to construct approximately 256 medium security beds and as many minimum security beds as can be built with the remaining grant funds. The initial \$275,000 will pay for an architect to design the project and to maximize the amount of beds that can be purchased with the grant funds. The term of the grant is from November 1, 2008 through June 30, 2011, and the construction work must be completed not later than June 30, 2011.

Metro will be required to provide the state with the construction and design documents prior to bidding the construction project, and will be required to include state officials in reviewing all bids prior to awarding the construction contract. Metro will be responsible for ensuring that all construction conforms to the Tennessee Correction Institute and the American Correctional Association standards. The grant funds will be disbursed to Metro based upon the following schedule:

- \$275,000 within 30 days after the grant is approved
- \$2,500,000 once 25% of the construction has been completed
- \$2,500,000 once 50% of the construction has been completed
- \$2,500,000 once 75% of the construction has been completed
- \$2,500,000 after a certificate of use and occupancy has been issued

There is no local match for this grant. The grant contract expressly provides that Metro is only required to construct as much additional housing capacity as this grant will fund. A resolution approving an amendment to the contract with the state will be filed for consideration by the council at the second meeting in November to provide for the construction of the additional facilities and to reflect the \$10,275,000 grant.

There is a housekeeping amendment correcting a typographical error in the amount of the grant.

RESOLUTION NO. RS2008-495 (BENNETT & FORKUM) – This resolution approves a contract between the Davidson County sheriff's office (DSCO) and Robertson County, Tennessee to house Robertson County detainees when space is available. Robertson County will pay Metro \$68.00 per day for each detainee housed under this contract. DCSO agrees to provide access to the same routine and ordinary health care provided to other detainees. However, Robertson County will be required to reimburse Metro for any health care that is not considered ordinary and routine. Robertson County will be responsible for transporting the detainees and for reimbursing Metro in the event DCSO is required to provide transportation for health emergencies. Robertson County will also be required to maintain comprehensive general liability insurance in the amount of \$1 million.

The term of the contract is for five years, but either party may terminate the contract upon 30 days written notice.

RESOLUTION NO. RS2008-496 (FORKUM) – This resolution approves an intergovernmental agreement between the state emergency management agency and the mayor's office of emergency management for reimbursement of public assistance provided to Hurricane Gustav evacuees. This agreement will allow Metro to be reimbursed for sheltering evacuees from Louisiana.

RESOLUTION NO. RS2008-497 (FORKUM) – This resolution approves an amendment to a grant from the Nashville Public Library Foundation to the public library to fund the Totally Outstanding Teen Advocates for the Library (T.O.T.A.L.) program. This program, formerly called the neighborhood builders youth engagement program, consists of a leadership team of five youth who are charged with developing and implementing a program to promote the benefits of the public library system to other teens. This amendment increases the amount of the grant by \$85,000 for fiscal year 2009, for a new grant total of \$255,000.

RESOLUTION NO. RS2008-498 (FORKUM) – This resolution approves a grant in the amount of \$2,500 from the National Endowment for the Humanities to the Metropolitan Nashville public library for the "John Adams Unbound" exhibit. This traveling exhibit will provide information regarding the life of President Adams and his contributions to the founding of America. The \$2,500 will be used for a library staff member to attend a training session and for other program expenses.

RESOLUTION NO. RS2008-499 (MAYNARD, DURBIN & MOORE) – This resolution authorizes the Metropolitan employee benefit board to implement an incentive program for Metro employees and their dependents to utilize Nashville General Hospital at Meharry. Metro currently offers two self-insured health insurance options for Metro employees: the Blue Cross/Blue Shield PPO and the Cigna Choice Fund account-based plan. The Blue Cross/Blue Shield PPO plan pays 80% of the maximum allowable charges for in-network services with a

maximum annual out-of-pocket total of \$1,000 for individual coverage and \$2,000 for family coverage. The PPO plan also has required co-payments for certain services. The account-based plan administered by Cigna currently provides an account of \$1,000 for individual coverage and \$2,000 for family coverage (to be increased to \$1,100 and \$2,200 for 2009, respectively), which covers all medical expenses up to that amount. After the account is exhausted, the employee is responsible for all medical expenses up to a deductible amount of \$500 for individual coverage and \$1,000 for family coverage. The plan covers 90% of the costs after the deductible is reached, with a maximum annual out-of-pocket of \$1,000 for individuals and \$2,000 for families for in-network services.

As the council is aware, the Metropolitan Government has been providing an annual subsidy to the hospital authority in excess of \$47 million, plus the extension of a line of credit. A major factor contributing to the hospital authority's financial situation is a lack of patients with health insurance. In an effort to increase its payer mix, the hospital authority has proposed an incentive program to encourage Metro employees to use the hospital authority's facilities. Under the program, the hospital authority will waive the co-pays, coinsurance, and deductibles for services provided at its facilities. This program also provides that the Metropolitan Government and its self-insured plan administrators will authorize Meharry Medical Group, Emergency Coverage Corporation, and other hospital authority providers to participate in the waiver of co-pays, coinsurance and deductibles for services they provide at hospital authority facilities. A chart provided by the department of human resources outlining the effect of this new program for employees who choose to participate is attached to this analysis.

This incentive program has been approved by the employee benefit board.

RESOLUTION NO. RS2008-500 (DURBIN & FORKUM) – This resolution approves an annual grant in the amount of \$2,191,400 from the state department of health to the Metro health department for operation of the Women, Infants and Children (WIC) program in Nashville to provide nutritious food to low-income women, infants, and children. These federal funds are used to pay the salaries and benefits of the health department employees administering the WIC program. The term of the grant is from October 1, 2008, through September 30, 2009.

RESOLUTION NO. RS2008-501 (FORKUM & DURBIN) – This resolution approves an annual grant in the amount of \$212,500 from the state department of health to the Metro health department for the commodity supplemental food program. This is a federal program that provides nutritious food to eligible low-income clients who are vulnerable to inadequate nutrition. The majority of these federal funds are used to pay the salaries and benefits of the health department employees in the commodity food program. The term of the grant is from October 1, 2008, through September 30, 2009.

RESOLUTION NO. RS2008-502 (DURBIN & FORKUM) – This resolution approves a grant in the amount of \$124,400 from the state department of health to the Metro board of health to provide primary healthcare services to homeless persons at the downtown clinic. These funds will be used for the continuation of primary care services including access to pharmacy services, laboratory services, and specialty referral. The term of the grant is from July 1, 2008 through June 30, 2009.

Ordinance No. BL2008-300 approving a contract for the privatization of the homeless healthcare program is on third reading.

RESOLUTION NO. RS2008-503 (FORKUM & DURBIN) - This resolution approves a grant in the amount of \$250,000 from the state department of health to the Metro health department to reduce the risk of adolescent diabetes. These grant funds will be used for the "Step Up to Health" program, which uses the dance form of "stepping" as an aerobic exercise for youth ages 11-15 at community centers in inner city areas. The goal of the program is to prevent Type 2 diabetes among inner city youth. This is the second year of the program, which has proven to help children lose weight and develop exercise routines. There is a required local match in the amount of \$291,300 for this grant.

RESOLUTION NO. RS2008-504 (DURBIN & FORKUM) – This resolution approves an amendment to a grant from the Safety Net Consortium of Middle Tennessee to the Metropolitan board of health to reduce socioeconomic and racial/ethnic disparities in Type 2 diabetes among adults. This grant is used to provide the following services:

- Participate as part of the steering committee developed to oversee the project;
- Conduct focus groups and interviews;
- Develop up to three health promotion programs for use in Metro parks facilities;
- Provide analytic support for the project.

This resolution increases the amount of the grant by \$6,800, for a new total grant award of \$72,500, and approves an extension of the grant through October 31, 2009.

RESOLUTION NO. RS2008-505 (FORKUM) – This resolution approves a grant in the amount of \$62,013 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide funding for implementation of the career readiness certificate program. These certificates are issued to persons completing the workforce training, including those that are participating in the plumbing and pipefitting apprenticeship training program. It is estimated that 550 assessments will be issued between October 2008 and June 2009.

The term of the grant is from October 1, 2008 through June 30, 2009.

RESOLUTION NO. RS2008-506 (FORKUM) – This resolution approves a grant in the amount of \$87,500 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide scholarships for adults and dislocated workers. These scholarships will be used by eligible participants to obtain employment training and improve skills. The term of the grant is from July 1, 2008 through June 30, 2009.

RESOLUTION NO. RS2008-507 (BAKER & FORKUM) – This resolution a grant in the amount of \$14,286 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide funding for a disability navigator to help people with disabilities access employment services. These funds will provide for the continued work

of the disability navigator to train other NCAC employees to be more adept at meeting the employment needs of people with disabilities.

The term of the grant is from July 1, 2008 through June 30, 2009.

RESOLUTION NO. RS2008-508 (STANLEY, FORKUM & TOLER) – This resolution approves a contract between the state department of transportation and the Metropolitan Government for traffic signal improvements at the I-40 West ramp at Stewarts Ferry Pike. The state will be installing the signal improvements, but Metro will have the responsibility for maintaining the electrical devices.

RESOLUTION NO. RS2008-509 (TOLER & FORKUM) – This resolution approves a grant in the amount of \$1,125,000 from the state department of transportation to the Metropolitan department of public works for safety improvements at approximately 30 signalized intersections. The improvements will include new signalization, markings, and guardrails. The intersection improvement projects to be funded through this grant are to be completed not later than August 5, 2012. There is no local match required for this grant.

RESOLUTION NO. RS2008-510 & RS2008-511 (CRADDOCK & TOLER) – These two resolutions approve a Transportation Enhancement Program grant from the state department of transportation for improvements to the historic Amqui Station train depot in Madison, as well as a corresponding agreement with Discover Madison, Inc.

Resolution No. RS2008-510 approves a federal pass-through grant in the amount of \$594,673.92 for improvements to the Amqui Station. These funds will be used for the rehabilitation and restoration of the Amqui Station train depot for use as a visitor center. The Amqui Station was built in 1910 as a switching station located at the junction of the L&N Railroad lines stretching from the north and northwest. After the L&N Railroad vacated the station in 1978, Johnny Cash purchased the building and moved it to his home in Hendersonville, where it was used to display Mr. Cash's railroad memorabilia. After Mr. Cash's death in 2003, the building was purchased by Halo Properties and donated back to the Madison community.

There is a required local match of \$148,668.48 to be provided by Discover Madison, Inc.

Resolution No. RS2008-511 approves an agreement between Metro and Discover Madison, Inc. for improvements to the Amqui Station. Discover Madison, an affiliate organization of the Madison Area Chamber of Commerce, will be responsible for the improvements and maintenance of the Amqui Station train depot as a visitor center. This property must be used as a visitor center until the year 2028 in accordance with the TDOT grant requirements. In addition, Discover Madison, Inc., agrees to provide the \$148,668.48 required local match for the grant. The term of the contract is from its date of approval through November 1, 2012.

RESOLUTION NO. RS2008-512 (DURBIN, TOLER & FORKUM) – This resolution approves a grant in the amount of \$122,836.56 from the state department of transportation to the

Metropolitan department of public works for streetscape improvements in the Hillsboro Village area. The improvements will consist of new landscaping at the entry corridor to Hillsboro Village along 21st Avenue South. The improvements to be funded through this grant are to be completed not later than three years after the approval of the agreement. There is a required local match of \$31,190.74 for this grant.

RESOLUTION NO. RS2008-513 (TOLER & FORKUM) – This resolution approves a grant in the amount of \$1,500,000 from the state department of transportation to the Metropolitan department of public works for the ITS system detection and traffic signal optimization project. This project, funded by the federal government, will synchronize traffic signals in Davidson County to improve traffic flow. This will involve the installation of equipment at certain intersections that will monitor the traffic flow and adjust the signal times accordingly. This will help reduce traffic congestion, fuel consumption and travel time. The improvements to be funded through this grant are to be completed not later than July 15, 2013.

There is no required local match for this grant.

RESOLUTION NO. RS2008-514 (ADKINS, TOLER & FORKUM) – This resolution approves an application for a Transportation Enhancement Program grant from the state department of transportation for proposed sidewalk and bikeway enhancements along Harding Place from Timberhill Drive to Danby Drive. This application is being submitted by the department of public works. The application requests funding in the amount of \$880,449.50 to construct 3,200 linear feet of sidewalk along the south side of Harding Place. The project may also include a bikeway, which will be determined once the formal engineering assessments have been completed.

There will be a required local match of \$680,768.48 if this grant is awarded, which includes the required 20% construction match, engineering costs, and right-of-way acquisition.

RESOLUTION NO. RS2008-515 (FORKUM) – This resolution approves a grant in the amount of \$608,000 from the state department of transportation to the Metropolitan department of public works for streetscape improvements at the I-40 exit ramps at 28th Avenue North and Jefferson Street. The improvements will include new landscaping, directional signage, and an irrigation system. The improvements to be funded through this grant are to be completed not later than September 17, 2013. There is a required local match of \$152,000 for this grant.

RESOLUTION NO. RS2008-516 (TOLER & FORKUM) – This resolution approves a grant in the amount of \$1,600,000 from the state department of transportation to the Metropolitan department of public works for phase two of the countywide wayfinding and traffic guidance program. The purpose of this program is to improve the efficiency of the overall transportation network, which includes motorist navigation. The program involves the installation of additional signage to help motorists (especially visitors to Nashville) find their destination. Phase one of the program is currently being implemented in the downtown, West End, and North Nashville

neighborhoods. Phase two of the program will expand the program on a countywide basis to include local roadway and interstate highway signage. The improvements to be funded through this grant are to be completed not later than August 22, 2012. There is a required local match of \$400,000 for this grant.

RESOLUTION NO. RS2008-517 (TOLER & FORKUM) – This resolution approves an application for a grant in the amount of \$626,887.50 from the state emergency management agency to the Metropolitan Government to fund the purchase and demolition of four homes on Wimpole Drive, which are located in a repetitively flooded area. If this federal pass-through grant is awarded, the homes will be acquired on a voluntary basis. The homes to be acquired and the acquisition price for each are as follows:

- 365 Wimpole Drive \$227,795
- 371 Wimpole Drive \$139,235
- 377 Wimpole Drive \$256,280
- 381 Wimpole Drive \$212,540

There will be a required 25% local match totaling \$208,962.50 to be provided from the stormwater division of Metro water services. Metro has acquired a number of flood-prone homes through this buyout program over the past several years.

RESOLUTION NO. RS2008-518 (FORKUM) – This resolution authorizes the department of law to settle the lawsuit brought by Lamont J. Bell against the Metropolitan Government in the amount of \$165,000. On October 27, 2004, a Metro public works recycling truck driver was traveling westbound on Haywood lane when he lost control of the truck while attempting to negotiate a turn. The Metro vehicle crossed into the eastbound lane striking the vehicle driven by Lamont Bell head on. Mr. Bell was knocked unconscious as a result of the accident and sustained spinal injuries requiring two surgeries. Mr. Bell's medical bills totaled \$82,432.63.

The department of law recommends settling this lawsuit for \$165,000 since the Metro employee was clearly at fault for failing to reduce his speed while attempting to negotiate a curve on wet asphalt. This settlement amount, which was the result of a judicial settlement conference held on September 29, 2008, is to be paid from the self-insured liability fund.

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

RESOLUTION NO. RS2008-519 (FORKUM) – This resolution authorizes the department of law to settle the lawsuit brought by Antwand and Lashawn Covington against the Metropolitan Government in the amount of \$12,000. On February 2, 2006, a Metro police officer was stopped at a red light on Trinity Lane when he noticed the driver of a vehicle next to him drinking a beer. While watching this other driver, the officer took his foot off of the brake and ran into the back of the vehicle driven by Mr. Antwand Covington. The collision caused Mr. Covington to sustain personal injuries resulting in medical bills totaling \$5,526.99 and lost wages in the amount of \$1,360.

The department of law recommends settling this claim for \$12,000 since liability is undisputed. This amount is to be paid from the self-insured liability fund.

The Metro police officer involved in the accident received disciplinary action consisting of a written reprimand.

RESOLUTION NO. RS2008-520 (FORKUM) – This resolution authorizes the department of law to settle the lawsuit brought by Lana and Jack Copeland against the Metropolitan Government in the amount of \$52,500. On May 26, 2006, a Metro water services employee was attempting to turn left onto Highland View Drive from Andrew Jackson Parkway when he turned into the path of a vehicle driven by Lana Copeland causing a serious collision. Ms. Copeland incurred medical bills totaling \$17,826, as well as lost wages in the amount of \$10,099.04 while she was recuperating from her injuries.

The department of law recommends settling this claim for \$52,500, since the Metro employee was clearly at fault and was acting within the course and scope of his employment. This amount is to be paid from the self-insured liability fund.

Ms. Copeland's mother, Margie Childress, was a passenger in the front seat at the time of the accident and sustained serious personal injuries. The settlement of Ms. Childress's claim for \$250,000 was approved by the council in June 2007.

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

– BILLS ON SECOND READING –

ORDINANCE NO. BL2008-298 (TYGARD) – This ordinance amends the Metropolitan Code to provide a minimum pension benefit for employees with at least five years credited service. In October 2001, the council amended the code to change the employee pension system from a ten year required vesting period to five year vesting. The 2001 ordinance also added a provision that allows a vested employee who dies and is survived by a dependent child or children, but does not have a surviving spouse, to have a benefit paid to this surviving child or children the same as a spouse would have been paid. However, the 2001 ordinance did not change the minimum pension benefit provisions to allow the benefit after five years credited service. The minimum pension benefit is set at an amount of \$150 per month for an employee with ten years credited service, and increases by fifteen dollars for each additional year of service up to a maximum of \$300 per month for twenty or more years of service.

At least one situation has arisen where a former employee with five years credited service passed away after leaving the employment of the Metropolitan Government. Since this employee had less than ten years credited service, his minor child dependent did not qualify for the minimum pension benefit.

This ordinance would establish a minimum pension benefit of \$75 per month for an employee with five years of service, which would increase by fifteen dollars a month for each additional year of service. This ordinance must be deferred until the council receives an actuarial study from the employee benefit board detailing the estimated cost for this change to the pension system.

ORDINANCE NO. BL2008-306 (JAMESON & DUVALL) – This ordinance amends the Metropolitan Code to add noise restrictions within the downtown area. The noise ordinance was amended by Ordinance No. BL2008-259 in September 2008 to add a “plainly audible” standard for determining violations and adding certain restrictions pertaining to motor vehicle noise. However, Ordinance No. BL2008-259 retained the exemption for the downtown area from the noise ordinance restrictions.

This ordinance would basically set a maximum decibel of 85 Db(A) for downtown properties, with certain exceptions. For condominium and apartment units, the decibel measurement would be taken from the interior of another residential unit in the same complex (if the sound is coming from a residential unit), or from the boundary line of the nearest residentially-occupied property at street level (for noise from bars, nightclubs, etc.). The ordinance would not apply to special events in the downtown area for which a permit has been issued, or to any outdoor entertainment facilities owned by Metro (LP Field and Riverfront Park). The ordinance would also prohibit amplified sound from businesses to attract customers greater than 85 Db(A) from any point within the boundary line of the nearest residentially-occupied property.

This ordinance is the result of a task force made up of downtown residents that began looking at this issue in September 2006. The task force toured downtown at night and took noise measurements at various locations. The 85 decibel limitation is greater than the noise ordinance in Las Vegas and New York City, and is in line with the noise ordinance in Austin,

Texas, which is comparable to downtown Nashville as it pertains to the mixture of live music venues and residential living. An example of noise at approximately 85 Db(A) would be a heavy truck passing by 50 feet away. As another example, the noise emitted from a vacuum cleaner ranges from 60 to 85 Db(A).

ORDINANCE NO. BL2008-307 (COLE, JAMESON & OTHERS) – This ordinance amends the Metropolitan Code to prohibit the parking of motor vehicles within bicycle lanes. The code currently provides that “motor vehicles should not be parked, stopped or left standing in bicycle lanes unless such activity is otherwise permitted.” However, the department of law has opined that this provision alone is insufficient to allow police officers to ticket vehicles parked in bike lanes unless there is additional signage stating that parking is not allowed.

This ordinance would expressly prohibit parking in the bicycle lanes unless the traffic and parking commission has determined that parking within the bicycle lane in specific locations is appropriate during certain hours, and signs have been erected in the designated areas allowing parking in the bicycle lane. Otherwise, parking in a bicycle lane would be punishable by a fine of fifty dollars, which is to be assessed through the issuance of a parking citation by the police department.

ORDINANCE NO. BL2008-308 (FORKUM, TYGARD & OTHERS) – This ordinance establishes the property tax relief program for low-income elderly residents of the Metropolitan Government for fiscal year 2008-2009. State law allows county legislative bodies to appropriate funds for a tax relief program and establish guidelines for participation in the program and the disbursement of such funds. The council appropriated \$2,047,700 in the current fiscal year’s operating budget for a property tax relief program for the elderly, which is approximately \$800,000 more than was appropriated for the last fiscal year.

This ordinance authorizes the Metropolitan trustee to establish rules and procedures for implementation of the program and directs the trustee to disburse the funds accordingly to all eligible taxpayers. All persons who qualify for the state property tax relief program and whose income does not exceed \$24,790 annually will qualify for this program. As this budgetary appropriation is non-recurring funding, this program will expire on June 30, 2009.

This tax relief program has been in place for a number of years. This program is different from the tax freeze program for senior citizens.

ORDINANCE NO. BL2008-309 (JAMESON & FORKUM) – This ordinance approves an agreement between the Metropolitan Government and MPD Credit Union for the use of office space at the criminal justice center. Pursuant to this agreement, MPD Credit Union will have a license to use 132 square feet as a credit union branch office. MPD Credit Union will be responsible for maintaining the area and will be liable for any damage. There is no rental fee for the use of space. The credit union agrees to indemnify Metro from claims as a result of its use of the space, and will be required to maintain general liability insurance with a policy limit of not less than \$2 million naming Metro as an additional insured. The term of this agreement will expire on July 31, 2013.

This agreement has been approved by the planning commission.

ORDINANCE NO. BL2008-310 (BENNETT & FORKUM) – This ordinance approves a lease agreement between the Metropolitan Government and the state administrative office of the courts for the lease of Suite 708 in the Metro courthouse. This space will be used by Judge Walter Kurtz, who recently took senior status. The state agrees to pay Metro \$500 per month for lease of the office space. Either party may terminate the lease upon 60 days written notice. The term of the lease is for one year, with a possible extension of three additional one year terms through March 31, 2012.

This lease agreement has been approved by the planning commission.

ORDINANCE NO. BL2008-311 (FORKUM & TOLER) – This ordinance approves amendments to agreements with the state department of environment and conservation (TDEC) regarding the maintenance of closed solid waste facilities. State law requires that all owners of closed landfills either put up a performance bond or execute a contract agreeing to pay a penalty if the site is not adequately maintained. The Metropolitan Government has entered into contracts with TDEC in lieu of a performance bond as assurance of financial responsibility for our solid waste facility maintenance duties. The ordinance modifies the financial responsibility amounts, which results in an overall decrease in the amounts last changed in August 2007. The modifications to financial assurance for the various closed facilities are as follows:

- Metro compositing/mulching facility – increase from \$87,276 to \$89,623;
- Bordeaux sanitary landfill – decrease from \$2,615,327 to \$2,552,008;
- Thermal ash landfill – decrease from \$408,527 to \$397,475;
- Thermal ash landfill ext – increase from \$1,254,912 to \$1,288,795;
- Due West Superfund site – decrease from \$2,034,512 to \$2,012,056.

These amounts would only be paid if Metro failed to adequately maintain the sites. Future amendments to this ordinance may be approved by resolution of the council.

ORDINANCE NO. BL2008-312 (GILMORE) – This ordinance abandons a portion of the right-of-way for Alley Nos. 86, 87 and 142 between 7th and 8th Avenues adjacent to Drexel Street. These alleys are no longer needed for government purposes. These closures have been requested by MDHA for the benefit of the Campus for Human Development expansion project, as well as to have a controlled point of access for homeless services. The ordinance retains all Metro easements.

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

– BILLS ON THIRD READING –

ORDINANCE NO. BL2008-292 (RYMAN & WILHOITE) – This ordinance, as amended, amends the Metropolitan Code to clarify the types of work for which a plumbers' license is required. In June 2004, the plumbing provisions in the Metro Code were overhauled to require that plumbers be "licensed" as opposed to "certified", and to include additional provisions regarding apprenticeship programs and penalties for violations. The Code includes three classifications of plumbers that must obtain a license: master plumber, journeyman plumber, and apprentice plumber. The Code also includes a description of the type of work that is considered "plumbing work" for which a plumber must be licensed in one of the above categories. Such work includes plumbing construction, renovation, installation, alteration, extension, removal, reparation, maintenance, or servicing, or any plumbing installation for which a permit is required. The code expressly exempts individual property owners doing plumbing work at their own residence from having to obtain a plumbers' license.

Apparently, there is some disagreement among the plumbing industry and the department of codes administration regarding the interpretation of the Code provisions setting forth the types of work for which a plumbers' license must be obtained. The council office is of the understanding that the codes department only requires a license when a plumber or contractor attempts to pull a permit for plumbing work. Thus, individuals performing plumbing repairs for which no permit is required do not have to obtain a plumbers' license.

This ordinance basically adds a specific definition for "plumbing work" that does not include the phrase "for which a permit is required", as provided in the existing code. The new definition of "plumbing work" would mean "the construction, renovation, installation, alteration, extension, removal, reparation, maintenance, or servicing of any plumbing system."

ORDINANCE NO. BL2008-300 (FORKUM & DURBIN) – This ordinance approves a contract between the Metropolitan board of health and United Neighborhood Health Services, Inc., (UNHS) for privatization of the medical services to the homeless at the downtown clinic. The board of health has determined that the privatization of these services will result in better care for the homeless clients. Section 4.12.095 of the Metropolitan Code requires that any contract which privatizes governmental services which has a contract amount of more than \$100,000, would result in the loss of one or more Metro employees, or would eliminate one or more vacant positions be approved by the council by ordinance.

This contract is for medical, dental, substance abuse and mental health services. Specifically, UNHS will provide the following services:

- Primary medical services to homeless clients during business hours and after-hours through an on-call system for emergencies;
- Hospital admission, follow-up, and discharge services;
- Dental services consisting of emergency, restorative, periodontal, prosthodontic, and dental hygiene treatment. The dental services will be provided through a partnership with Meharry School of Dentistry, who will provide at least one dentist.
- Mental health services to at least 248 homeless clients;
- Substance abuse services to at least 190 homeless clients;
- Transportation for homeless clients to medical, dental and social service appointments.

As of July 2008, there were 18 health department employees in the healthcare of the homeless program, three of which are vacant. All existing Metro employees in this program will be offered employment with UNHS at their current salary or higher. Those employees who choose not to accept employment with UNHS will be offered a comparable position at the health department or other Metro agency. At this point, only one employee will be moving to UNHS, while the others have chosen to stay with Metro.

The term of this contract is from November 1, 2008 (or the final approval date of the council) through June 30, 2009, with a possible extension of two additional one-year terms. The compensation mechanism under the contract is tied to the number of employees in the program that remain Metro employees. UNHS is to be compensated not less than \$107,600 for the initial contract term. If Metro can place the employees previously assigned to the healthcare for the homeless program in other Metro jobs, or if any of these employees leave Metro, then UNHS's compensation will be increased by the pro-rata portion of such employee(s) salary and benefits. UNHS will also be entitled to any unspent Metro funds allocated to this program for the first quarter of this fiscal year. The maximum compensation amount for the first term is \$352,300, with a maximum amount of \$461,300 for years two and three of the contract if it is extended. In the event the health department's budget as a whole is decreased over the next three years, then the compensation for UNHS will be decreased by whatever percentage the health department's budget is decreased. This contract is contingent upon Metro having the funds available for the contract, and upon UNHS continuing to receive certain state grants for healthcare services.

UNHS agrees to indemnify Metro for any claims arising from its negligent or intentional acts or omissions, and agrees to pay Metro's attorney fees in the event Metro prevails in any legal action against UNHS. Further, UNHS must maintain a workers compensation, personal injury, and property damage insurance policy in the amount of \$1 million, as well as employer's liability insurance of \$100,000, naming the Metropolitan Government as additional insured.

This transfer of services has been approved by the board of health and the Metro homelessness commission.

ORDINANCE NOS. BL2008-301 through BL2008-303 – These three ordinances abandon water and sewer lines and easements that are no longer needed by the department of water and sewerage services. The ordinances provide that future amendments may be approved by resolution of the council. These ordinances have been approved by the planning commission.

Ordinance No. BL2008-301 (Craddock & Toler) abandons a ten-foot public utility easement for property located at 828 North Summerfield Drive.

Ordinance No. BL2008-302 (Baker & Toler) abandons a 16-inch water line and easement at the John C. Tune Airport. The ordinance also approves an adjustment of a 16-inch sewer manhole vent located on the property.

Ordinance No. BL2008-303 (Toler & Gilmore) abandons a 10-inch sanitary sewer line and easement located in Alley Nos. 221 and 205 at the Bristol Germantown project between Jefferson Street and Madison Street. This sewer line will be converted to a private line.

ORDINANCE NO. BL2008-304 (GILMORE & TOLER) – This ordinance grants an easement to Lion Oil Company for property located along Van Buren Street. Lion Oil Company operates a fuel storage and distribution facility on Van Buren Street, which has an underground pipeline to a Cumberland River terminal. A portion of this pipeline had to be relocated as a result of the construction of the new biosolids facility for Metro water services. Metro has agreed to convey a permanent 20-foot easement to Lion Oil Company for the purpose of maintaining the pipeline.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2008-305 (FORKUM) – This ordinance authorizes the director of public property administration to acquire a utility easement by negotiation or condemnation for the purpose of constructing a 36-inch water main in conjunction with phase two of the Powell Avenue water main project. The easement is to be acquired from CSX Railroad for property located at Sidco Drive, unnumbered.

The cost of acquiring the easement will be paid from the water and sewer extension and replacement fund. The ordinance provides that the acquisition of additional easements for this project may be authorized by a resolution adopted by the council.

This ordinance has been approved by the planning commission.