

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **July 17, 2012**

RE: **Analysis Report**

Balances As Of:	<u>7/11/12</u>	<u>7/13/11</u>
<u>GSD 4% RESERVE FUND</u>	*\$36,942,714	\$34,791,425
 <u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
 <u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	Unavailable	Unavailable

*** Assumes estimated revenues in fiscal year 2012 in the amount of \$25,514,400**

– RESOLUTIONS –

RESOLUTION NO. RS2012-343 (MCGUIRE) – This resolution appropriates a total of \$1,800,000 to 28 nonprofit organizations selected to receive funding through the community enhancement grants. The fiscal year 2012-2013 operating budget for the Metropolitan Government appropriated \$675,000 for domestic violence programs, \$675,000 for education and after school programs, and \$450,000 for community service programs. This is the fifth consecutive year in which nonprofit organizations are funded through a competitive process as opposed to simply being named in the budget ordinance with little or no documentation as to how the funds are to be spent.

The review panels considered and scored the applications received and have recommended that 28 agencies receive funding of between \$2,800 and \$170,000. A list of the nonprofit agencies receiving the funding and the amount each agency is to receive is included below.

State law provides that the Metropolitan Government may appropriate funds to qualifying nonprofit organizations either as part of the annual operating budget or by resolution of the council. All such organizations must enter into a contract with the Metropolitan Government outlining how the funds will be expended.

From the \$675,000 for domestic violence programs:

- \$170,000 to Legal Aid Society of Middle Tennessee for legal services and counseling
- \$114,700 to Morning Star Sanctuary, Inc. for shelter, support services, and legal advocacy
- \$293,900 to Nashville Young Women’s Christian Association (YWCA) for shelter and support services
- \$58,100 to Tennessee Coalition to End Domestic and Sexual Violence for legal services and counseling for immigrants
- \$38,300 to The Mary Parrish Center for transitional housing and support services

From the \$675,000 for education and after school programs:

- \$86,200 to Backfield in Motion, Inc. for afterschool, Saturday, and summer programs
- \$23,100 to Bethlehem Centers for afterschool programs
- \$35,100 to Boys and Girls Club of Middle Tennessee for afterschool and summer programs
- \$18,100 to Center for Refugees and Immigrants of Tennessee for afterschool programs for middle school refugees and immigrants
- \$47,000 to Fannie Battle Day Home for Children, Inc. for afterschool and summer programs
- \$100,000 to Martha O’Bryan Center for afterschool programs
- \$34,200 to Monroe Harding, Inc. for afterschool and summer residential programs
- \$47,100 to Oasis Center, Inc. for summer programs
- \$70,200 to PENCIL Foundation for afterschool and summer programs
- \$22,700 to Rockettown of Middle Tennessee for afterschool programs
- \$2,800 to St. Luke’s Community House for afterschool programs
- \$100,000 to Vanderbilt University (Center for Health Services) for afterschool programs
- \$13,800 to Wayne Reed Christian Childcare Center for summer camp programs

(continued on next page)

RESOLUTION NO. RS2012-343

From the \$675,000 for education and after school programs: (continued)

- \$23,300 to YMCA Middle Tennessee for a summer camp and eight events during the year
- \$15,100 to Youth Encouragement Services for afterschool programs
- \$36,300 to Youth Life Foundation of Tennessee for afterschool and summer programs

From the \$450,000 for miscellaneous community agencies/services:

- \$70,500 to Fifty Forward (Senior Citizens) for case management and meals
- \$48,000 to Nashville CARES for emergency financial assistance and case management for persons with HIV/AIDS
- \$100,000 to NeedLink Nashville (d/b/a Big Brothers of Nashville) for emergency financial assistance
- \$6,000 to Renewal House, Inc. for emergency financial assistance for families in recovery
- \$100,000 to Second Harvest Food Bank of Middle Tennessee, Inc. for food distribution
- \$53,500 to The Arc of Davidson County for financial assistance for disabled persons
- \$72,000 to United Way of Middle Tennessee, Inc. for emergency financial assistance

RESOLUTION NO. RS2012-344 (MCGUIRE) – This resolution accepts a donation of a Tennessee walking horse named “Kodak’s Treasure” to the Metropolitan police department. This horse will be used by the police department’s mounted patrol unit. The horse is being donated by Diane L. Wright of Sweetwater, Tennessee.

Ordinance No. BL2006-1015 provides that donations of less than \$5,000 may be approved by resolution. Although no value is listed for the horse, it is presumably less than \$5,000 since a resolution was filed rather than an ordinance.

RESOLUTION NO. RS2012-345 (MCGUIRE) – This resolution approves an application for a grant in the amount of \$19,700 from the National League of Cities to the mayor’s office of children and youth for a pilot program to provide after-school meals for children at certain Nashville After Zone Alliance (NAZA) community sites. NAZA is run by the mayor’s office of children and youth for the purpose of providing after-school experiences and nutritional supplements to middle school students at 19 different sites through various community providers. NAZA would use these grant funds to partner with Second Harvest Food Bank to purchase equipment to assist in the production of frozen meals to be served at two of the NAZA sites: the Coleman regional community center and Backfield in Motion.

RESOLUTION NO. RS2012-346 (MCGUIRE) – This resolution approves a grant in the amount of \$381,000 from the Tennessee department of state to the Davidson County election commission for the lease of voting equipment. These funds will be used to lease 300 iVotronic voting machines for use in the November 2012 presidential election. The lease contract for the voting machines was approved by the council at the June 19, 2012 council meeting. By state law, the state coordinator of elections and the state election commission must certify voting equipment used by the county election commissions. The state has certified the use of these iVotronic machines.

RESOLUTION NO. RS2012-347 (LANGSTER & MCGUIRE) – This resolution approves the salary for the continued employment of William S. Paul, M.D. as the chief medical director of health. Under the Metro charter, the board of health can employ the chief medical director of health through an employment contract with a term not to exceed five years, but the amount of the salary is subject to approval of the council by resolution. This resolution simply approves the compensation for the chief medical director as recommended by the board of health, which is to be \$187,150 annually, plus whatever across-the-board pay raises are given to senior management employees. The health director's compensation under the prior contract approved in 2007 was \$182,500.

RESOLUTION NO. RS2012-348 (LANGSTER & MCGUIRE) – This resolution approves an agreement between the Metropolitan board of health and DELL USA, L.P. to provide a worksite POD for medical professionals to distribute antibiotics, vaccines, and antivirals (mass prophylaxis) in the event of a public health emergency. The health department will be responsible for obtaining the mass prophylaxis from the state and delivering them to Dell during a public health emergency. Dell will be responsible for distributing the prophylaxis, and will not receive any form of compensation for providing these services. This contract is for a term of two years, but may be extended for two additional one-year terms.

The council approved a similar agreement with Tennessee State University in 2011.

RESOLUTION NO. RS2012-349 (LANGSTER & MCGUIRE) – This resolution approves an annual grant in the amount of \$1,404,400 from the state department of health to the Metropolitan health department for tuberculosis (TB) control, outreach and prevention services. These funds will be used to operate the health department's TB program consisting of direct patient care, the monitoring of existing and suspected TB cases, and operation of the TB clinic. The term of the grant is from July 1, 2012 through June 30, 2013. This grant is made up of \$273,675 in federal funding and \$1,130,725 in state funding. The majority of these funds will be used to pay the salaries and benefits of the health department employees providing these services.

RESOLUTION NO. RS2012-350 (LANGSTER & MCGUIRE) – This resolution approves an annual grant in the amount of \$661,100 from the state department of health to the Metropolitan board of health for the Healthy Start Home Visiting program. This program uses health department nurses and outreach workers to provide prenatal services to mothers as well as services to their children from birth through three years, immunizations, child development, and parenting skills. The grant will be used to fund the salaries and benefits for three nurses, six outreach workers, and one office support worker. The term of this grant is from July 1, 2012 through June 30, 2013.

RESOLUTION NOS. RS2012-351 & RS2012-352 – These two resolutions authorize the director of public property administration to exercise an option to purchase five parcels of property for use as part of the Metro greenway system. The Metro Code allows for the acquisition of property through the exercise of a negotiated option to sell at a fixed price, which is subject to approval of the council by resolution. The park board has approved these acquisitions.

Resolution No. RS2012-351 (Tenpenny, McGuire & Hunt) authorizes the director of public property administration to exercise an option to purchase property located at Glenrose Avenue, unnumbered for use as part of the Mill Creek greenway system. The purchase price for this 2.96-acre property is \$14,000.

Resolution No. RS2012-352 (Hunt & McGuire) authorizes the director of public property administration to exercise an option to purchase four parcels of property located on Whites Creek Pike for use as part of the Whites Creek greenway system. The specific parcels to be acquired and purchase amounts are as follows:

3854 Whites Creek Pike	1.69 acres	\$13,000
0 Whites Creek Pike	1.87 acres	\$14,000
3832 Whites Creek Pike	1.99 acres	\$22,000
0 Whites Creek Pike	<u>2.36 acres</u>	<u>\$18,500</u>
Total	7.91 acres	\$67,500

RESOLUTION NO. RS2012-353 (MCGUIRE) – This resolution authorizes the department of law to settle the personal injury and property damage claims of Bernadette D. Brown against the Metropolitan Government in the amount of \$12,000. On November 23, 2011, a Metro codes department employee driving a Metro vehicle failed to yield the right-of-way and attempted to turn left onto Ilawood Drive from Cedarwood Drive striking Ms. Brown’s vehicle, causing \$3,017.62 in property damage to her 2006 PT Cruiser. Ms. Brown also sustained soft tissue injuries to her neck, back, and shoulders resulting in medical expenses totaling \$4,649.65.

The department of law recommends settling this claim since the Metro employee was at fault for failing to yield the right-of-way. No disciplinary action was taken against the Metro employee involved. This settlement is to be paid out of the self-insured liability fund.

RESOLUTION NO. RS2012-354 (MCGUIRE) – This resolution authorizes the department of law to settle the personal injury and property damage claims of Byron V. Bush against the Metropolitan Government in the amount of \$17,332.08. On September 13, 2011, a Metro police officer struck the rear of Mr. Bush’s vehicle while he was stopped for traffic congestion on Woodmont Boulevard, causing a chain reaction accident involving four vehicles. Mr. Bush’s 2010 Hyundai Genesis sustained significant damage and was repaired at a cost of \$15,242.08. Mr. Bush also experienced a soft tissue injury to his neck resulting in medical expenses totaling \$1,590. This settlement will cover Mr. Bush’s property damage and medical expenses.

The police officer that caused the accident received a one day suspension. This settlement is to be paid out of the self-insured liability fund.

RESOLUTION NO. RS2012-355 (MCGUIRE) – This resolution authorizes the department of law to settle the personal injury and property damage claims of Adisa Hattie against the Metropolitan Government in the amount of \$7,500. On March 15, 2012, a Metro public works employee, driving a Metro vehicle, was stopped at a red light planning to turn left from 20th Avenue North onto Charlotte Avenue. Ms. Hattie was attempting to cross Charlotte Avenue with a walk signal, but was unable to clear the intersection before the walk signal changed. The Metro employee attempted to make the turn after the light turned green and struck Ms. Hattie’s wheelchair. Ms. Hattie sustained soft tissue injuries to her head and back resulting in medical expenses of \$22,516.09. These expenses were reduced to \$3,713.45 after a TennCare adjustment. Ms. Hattie also incurred \$639.85 in damage to her wheelchair.

The department of law recommends settling this claim for \$7,500, which covers her outstanding medical expenses plus \$3,786.55 for pain and suffering. No disciplinary action was taken against the Metro employee. This settlement is to be paid out of the self-insured liability fund.

RESOLUTION NO. RS2012-356 (MCGUIRE) – This resolution authorizes the department of law to settle the claim of Tamela Janeen Jackson, on behalf of her minor daughter, against the Metropolitan Government in the amount of \$40,000. In July 2009, Ms. Jackson’s 13-year-old daughter was a participant in the summer enrichment program at Hadley Park Community Center operated by the parks department. The community center director had assured parents that children would not be allowed to leave the premises unsupervised, and Ms. Jackson had specifically indicated on the registration form that she did not want her daughter to leave the community center on her own. One day while attending the program, Ms. Jackson’s daughter exited the back door of the community center to catch up with friends who had gone to a nearby convenience store, when she was attacked by a third-party criminal. Ms. Jackson’s daughter suffered from Post-Traumatic Stress Disorder and was treated with counseling for one year.

The department of law recommends settling this claim for \$40,000. Metro would likely be found liable if the case went to trial since children were not supposed to leave the premises unsupervised, and given the prior history of crimes in the area surrounding Hadley Park. This settlement is to be paid out of the self-insured liability fund.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2012-187 (HARRISON, PRIDEMORE & OTHERS) – This ordinance declares sixteen parcels of Metropolitan Government-owned property 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. The properties to be sold are as follows:

<u>Address – Location</u>	<u>Council District</u>
2501 Brick Church Pike	02
1225 Stainback	05
728 Douglas Avenue	05
1025 Elvira Avenue	05
906 Manila Avenue	05
1011 Granada Avenue	05
0 Alta Loma Road	10
416 Wingrove Street	17
52 Green Street	19
1531 14th Avenue North	21
1533 14th Avenue North	21
1515 12th Avenue North	21
0 19th Avenue North	21
817 18th Avenue North	21
500 Edwin Street	05
2043 Neelys Bend Rd	09

The ordinance also authorizes Metro to donate property located at 1331 Lewis Street and 1001 11th Avenue North to the Metropolitan development and housing agency.

ORDINANCE NO. BL2012-188 (BANKS) – This ordinance amends the Metropolitan Government geographical information systems map to name the private road accessing the Townhomes of Shadow Glen “Shadow Glen Drive”. This townhome subdivision is currently using 5845 Nolensville Pike as a base address with the unit numbers for each townhome. Private streets and roads are named and included on our maps for purposes of providing emergency services, although the roadways are not maintained by the Metropolitan Government. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2012-189 (MCGUIRE) – This ordinance approves an agreement between the Metropolitan Government and Fifth Third Bank for the sponsorship of “Artober Nashville”. Artober Nashville is a series of events during the month of October coordinated by the Metropolitan arts commission for the purpose of promoting awareness of the arts. Fifth Third Bank has agreed to pay \$25,000 to become the official sponsor of Artober Nashville. The term of the agreement is for one year, but can be extended for up to two additional years with the approval of the arts commission.

The arts commission will be required to use the bank’s name and logo on all promotional materials and signage for Artober. The arts commission will also create and execute a social media campaign placing particular focus on events at Fifth Third Plaza and branch offices. The bank will be allowed to park its bus to be used as “rolling signage” at signature events during October 3-5, 2012. Any use of the Artober Nashville name by the bank will be subject to the approval of the arts commission, and vice versa. The arts commission will be required to provide the bank with the schedule and listing of all Artober events at least 60 days in advance.

Future amendments to this agreement may be approved by resolution.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2012-158 (STITES) – This ordinance amends the zoning code to create a new land use called “boat storage” to be permitted in the commercial, shopping center, and industrial zoning districts. The zoning code currently does not include any provisions expressly applicable to the storage of boats for commercial purposes. The zoning administrator has historically considered this activity to be self-storage, which is not allowed in the commercial limited (CL) and shopping center (SCC) districts, and is permitted only with conditions (not by right) in the CS zoning district.

Pursuant to this ordinance, boat storage would be permitted by right in the CS, CA, CF, SCC, IWD, IR, and IG districts, and would be permitted with conditions in the CL district. The conditions that would be applicable in the CL district include the following:

1. The facility must be located on at least a four acre lot.
2. No more than 100 boat slips would be permitted on the premises.
3. A landscape buffer yard standard B would be required along all residential districts, plus a 25-foot vegetation buffer would be required between any storage building and the closest residential property line.
4. No building on the property could exceed 16 feet in height.

There is a proposed housekeeping amendment for this ordinance to correct two typographical errors.

This ordinance has been disapproved by the planning commission.

ORDINANCE NO. BL2012-181 (CLAIBORNE) – This ordinance amends the zoning code to modify the composition of the historic zoning commission pertaining to representatives from the downtown area. The historic zoning commission consists of nine members, two of which must be from the Second Avenue historic preservation district. This ordinance changes the composition of the commission to include two business or property owners within a historic overlay district or a National Register district in the downtown area, instead of being limited to the Second Avenue district.

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

ORDINANCE NO. BL2012-182 (HOLLEMAN, DOWELL & OTHERS) – This ordinance amends the zoning code to allow on-site agricultural sales (a.k.a. “roadside farm stands”) to be permitted with conditions in the agricultural zoning districts. These establishments are currently considered a retail use, which is not permitted in the AG and AR2a zoning districts. This ordinance would allow a property owner to sell goods produced on site from a temporary farm stand. Such farm stand must be located on at least five acres and could not exceed 100 square (continued on next page)

ORDINANCE NO. BL2012-182, continued

feet in size, with a total display area of not more than 300 square feet. Items that may be sold include fruits, vegetables, plants, trees, jams, jellies, baked goods, and handicrafts. Only items that are actually grown/produced on the property could be sold. Off street parking would be required with an all-weather surface. No parking within the right-of-way would be allowed. Further, signs on the property could not be illuminated and are not to exceed 16 square feet in size.

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

ORDINANCE NO. BL2012-183 (CLAIBORNE) – This zoning text change makes several technical modifications to the standards pertaining to alternative zoning districts. In May 2011, the council approved an amendment to the zoning code to create a number of alternative zoning districts in the higher intensity residential and mixed-use districts to facilitate a more pedestrian-friendly environment without requiring a specific plan. The permitted uses, minimum lot sizes, and floor area ratios in the alternative districts are the same to the companion districts, but the alternative districts foster more urban setbacks and height restrictions.

The technical changes made by this ordinance are essentially housekeeping in nature and do not change the overall impact of the original alternative zoning district ordinance. This ordinance has been approved by the planning commission with a recommended amendment.

SUBSTITUTE ORDINANCE NO. BL2012-184 (ALLEN) – This substitute ordinance abandons a portion of the 25th Avenue South right-of-way between W. Linden Avenue and Alley No. 810 north of Westwood Avenue. This abandonment has been requested by Torne White. The ordinance retains a water/sewer easement and a walkway/bikeway easement.

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

ORDINANCE NO. BL2012-185 (MCGUIRE & HUNT) – This ordinance authorizes the acquisition of a sewer line easement on property located at 1114 Brookmeade Drive. All necessary costs associated with the acquisition of this easement will be paid from the water and sewer extension and replacement fund, although no estimated costs are provided in the ordinance. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2012-186 (TYGARD, MCGUIRE & HUNT) – This ordinance authorizes the Metropolitan Government to donate a floating dock to the Middle Tennessee Council of the Boy Scouts of America. This dock was acquired through the Metropolitan Government's purchase of a home as part of the flood buyout program and is not needed by Metro for governmental purposes. The dock will be used by the Boy Scouts at its Boxwell Scout Reservation to aid in the teaching of canoeing, boating, and water safety.