

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **September 4, 2012**

RE: **Analysis Report**

Balances As Of:	<u>8/29/12</u>	<u>8/10/11</u>
<u>GSD 4% RESERVE FUND</u>	*\$29,186,211	\$35,464,195
 <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**

– RESOLUTION ON PUBLIC HEARING –

RESOLUTION NO. RS2012-394 (MCGUIRE) – This resolution approves an exemption for Kohana Japanese Restaurant located at 2002 Richard Jones Road, Suite C100, from the minimum distance requirements for obtaining a beer permit. The Metro code prevents a beer permit from being issued to an establishment located within 100 feet of a church, school, park, daycare, or one or two family residence. However, the code was amended in September 2010 to exempt restaurants that already have a state on-premises liquor consumption license from Metro’s minimum distance requirements to obtain a beer permit upon the adoption of a resolution by the council. A public hearing must be held by the council prior to voting on this resolution.

– BILLS ON PUBLIC HEARING –

ORDINANCE NO. BL2012-228 (TYGARD) – This ordinance amends the Metropolitan code pertaining to the keeping of chickens on school property. Ordinance No. BL2011-47 approved in January of this year allows domesticated hens on residential property in certain council districts on a limited basis upon obtaining a permit from the department of health. The permit holder is required to occupy the residence where the hens are kept as his/her personal, primary residence. Unless the property is located on residentially-zoned (R or RS) property within the general services district (GSD) on a lot of five acres or greater, the number of hens that can be kept on the property is as follows:

Max. Number Hens	Parcel Area (sq. ft.)	Acreage
2	0 to 5,009	0.00 to .11
4	5,010 to 10,236	.12 to .23
6	10,237 to 87,119	.24 or more

Other conditions included in BL2011-47 pertaining to the keeping of chickens include:

- No roosters.
- No hens in the front yard.
- The hens must be kept in a predator-proof enclosure that is at least 25 feet away from any residence and 10 feet from the property line.

The council added a two year “sunset” provision to the bill by amendment requiring council action by resolution to prevent the bill from expiring on March 1, 2014.

This ordinance would allow hens to be kept on school property for educational purposes without any limitation as to number. This would include elementary, middle, and high schools, as well as colleges and universities. The ordinance proposes to amend both the health code and zoning code. However, as long as the hens are kept on schools zoned R or RS within the GSD, and on (continued on next page)

ORDINANCE NO. BL2012-228 (continued)

a lot of five acres or greater, then it is not necessary that the zoning code be amended. The council office was unable to identify any Metro public school on R or RS property that is located on a lot less than five acres in size. The health code provisions would still need to be amended since the code currently restricts hens to a person's primary residence, which obviously would not include school property.

Since the Metropolitan board of education has sole control over the use of school property, this ordinance would not be effective without the school board's or MNPS administration's consent.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2012-229 (JOHNSON, EVANS & OTHERS) – This ordinance amends the Metro zoning code to provide a zoning application fee waiver for applications filed by members of council in response to the planning commission's determination that a planned unit development (PUD) is active after conducting a periodic review. The zoning code provides a mechanism for the periodic review of PUDs to determine whether development activity has occurred on the property within the past six years. If the planning commission determines the PUD to be inactive, then it is to recommend legislation to the council to re-approve, cancel, or amend the PUD.

The zoning code includes several limited situations where the zoning application fee can be waived for applications filed by members of council:

1. Rezoning the property from a greater intensity residential use to a lesser intensity residential use (i.e., an "R" district to an "RS" district);
2. Rezoning the property from an office, commercial, or industrial district to a residential or residential single-family district;
3. Rezoning ten or more parcels from a specific plan (SP) district to another base zoning district; or
4. Applying the urban design overlay district, historic preservation district, neighborhood conservation district, or urban zoning overlay district.

This ordinance would add another fee exception to the list for an amendment to or cancellation of a PUD after the planning commission has determined the PUD to be inactive. According to the planning department staff report, the public hearing signs and notices would still have to be prepared by the council member acting as the applicant per the department's policy. Further, site plan revisions, if required, would be the council member's responsibility.

The planning commission voted to take no official position on this bill.

– RESOLUTIONS –

RESOLUTION NO. RS2012-393 (EVANS) – This resolution proposes an amendment to the Metropolitan Charter to rename the water department as the “Department of Watershed Management”. The water department is officially named in the Charter as the “Department of Water and Sewerage Services”, although the department has identified itself as “Metro Water Services” for years. The 2009 Green Ribbon Committee on Environmental Sustainability report to the mayor recommended the department be renamed the Department of Watershed Management. The report noted that this change “would more closely align the department with their true mission of being a steward of our watersheds and managing them as a unified system.”

This Charter amendment would also reflect action taken a number of years ago that appropriately shifted the storm sewer function from the department of public works to the water department. This action was done by agreement between the two departments, but has never been changed in the Charter.

The council, pursuant to the Charter, may only adopt two resolutions during the term of the council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective.

The election date provided in the resolution is the November 6, 2012 presidential election. Pursuant to state law, charter amendments must be approved between 45 and 60 days prior to the election in order to be on the ballot. Thus, the resolution should be deferred until the September 18, 2012 council meeting.

RESOLUTION NO. RS2012-395 (MATTHEWS) – This resolution appropriates \$8,745,000 from the general fund reserve fund (4% fund) to twelve departments. Four percent funds may only be used for the purchase of equipment and repairs to buildings. The balance in the general fund reserve fund as of August 29, 2012, was \$29,493,811. This consists of unrealized revenue for fiscal year 2013 in the amount of \$25,108,459. The resolution provides that “The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund.” Copies of the supporting information sheets required by Ordinance No. O86-1534 are attached to this analysis. The following departments and agencies are to receive funding:

Election Commission - \$400,000 for new electronic poll books for voting sites

Sheriff – \$200,000 for maintenance and repairs

General Services – \$700,000 for fleet shop equipment and major building maintenance

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RESOLUTION NO. RS2012-395 (continued)

Information Technology Services – \$3,080,000 for new and replacement hardware/software

Police - \$1,200,000 for mobile data computers and police car laptops

Planning – \$60,000 for technical equipment

Fire - \$500,000 for logistics equipment, personal protective equipment, training equipment, replacement furniture and equipment, office equipment, and facility maintenance

Public Library - \$1,500,000 for books, periodicals, and library materials

Parks & Recreation - \$250,000 for various new and replacement equipment, maintenance and repairs

Public Works - \$720,000 for six new knuckle-boom brush trucks

Tennessee State Fair - \$30,000 for repairs and equipment, and to demolish a portion of a building that sustained heavy damage during a spring windstorm

Transportation Licensing - \$115,000 for document scanning equipment, building improvements, and permit system implementation.

There is a substitute for this resolution submitted by the administration to add a \$480,000 appropriation for Nashville General Hospital to purchase various medical equipment and \$20,000 for sidewalk repairs at Bordeaux Long Term Care. These funding requests were submitted by the Hospital Authority in time for inclusion in this 4% resolution but did not make it into the resolution due to a technical glitch.

RESOLUTION NO. RS2012-396 (MATTHEWS & BENNETT) – This resolution approves an application for a grant in the amount of \$27,000 from the state administrative office of the courts to the state trial courts to enhance courtroom technology. If awarded, these funds would be used to purchase monitors for use in the courtrooms.

RESOLUTION NO. RS2012-397 (MATTHEWS & BEDNE) – This resolution approves a grant in the amount of \$19,700 from the National League of Cities (NLC) 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, and appropriates the grant funds to Second Harvest Food Bank to implement the program. 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 is partnering with Second Harvest Food Bank to purchase equipment to assist (continued on next page)

RESOLUTION NO. RS2012-397 (continued)

in the production of frozen meals to be served at two of the NAZA sites: the Coleman regional community center and Backfield in Motion's program at the old Litton high school gym. The term of the grant is from July 15, 2012 through January 15, 2013.

This resolution approves both the grant agreement with NLC and the sub-grant agreement with Second Harvest. State law allows grant funds to be appropriated to nonprofit organizations by resolution.

RESOLUTION NO. RS2012-398 (BENNETT & MATTHEWS) – This resolution approves a grant in the amount of \$183,350 from the Tennessee emergency management agency to the Mayor's office of emergency management to subsidize Metro's emergency management program. These federal pass-through funds are used to pay for training exercises, planning, and equipment purchases. There is a required local in-kind match of \$183,350. The term of the grant is through March 31, 2013.

RESOLUTION NO. RS2012-399 (MATTHEWS & BENNETT) – This resolution approves an intergovernmental agreement between the U.S. marshals service and the Metropolitan Government for the reimbursement of overtime expenses incurred by the police department as part of the violent offender task force. The task force is directed and coordinated by the U.S. marshals service for the purpose of locating and apprehending violent fugitives. The agreement provides that Metro will be reimbursed for participating officers' overtime in an amount not to exceed \$17,200 per officer annually, as well as for certain expenses incurred. Such reimbursement is conditioned upon federal funds being available from asset forfeiture cases. The term of the agreement is through September 30, 2017, but may be terminated by either party upon 30 days written notice.

RESOLUTION NO. RS2012-400 (MATTHEWS & BENNETT) – This resolution approves an amendment to a grant from the U.S. department of homeland security to the Metropolitan Nashville fire department to hire 35 new firefighters. The original grant was approved by the council in August 2012. The federal government has increased the amount of the award by \$309,120 for a new total of \$4,201,120. These grant funds will pay the salaries and benefits of the firefighters for two years. The term of the grant is from October 18, 2012 through October 17, 2014.

RESOLUTION NO. RS2012-401 (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the Metropolitan Government's claim against Richauana Okojie for the amount of \$6,000. On March 11, 2011, Richauana Okojie, an employee of the Metro hospital authority, was injured in a motor vehicle accident caused by another driver. Since the accident occurred during the course of scope of Ms. Okojie's employment, Metro paid \$7,304.87 in injury-on-duty (IOD) medical expenses. Ms. Okojie was able to reach a settlement with the driver at fault in the accident. Metro is entitled to recover its IOD expenses paid through a subrogation claim against Ms. Okojie, but her attorney has asserted a claim for one-third of the subrogation amount as attorney's fees. Tennessee courts allow the recovery of attorney's fees when the attorney's efforts result in the collection of funds in which others are entitled to share in common, which in this case includes Metro's subrogation interest.

RESOLUTION NO. RS2012-402 (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Deborah Stone against the Metropolitan Government for the amount of \$20,000. On April 29, 2011, a Metro public works employee driving a brush collection truck struck the rear of Ms. Stone’s vehicle at the intersection of Old Hickory Boulevard and Hermitage Drive. Ms. Stone was injured in the accident and incurred medical expenses totaling \$15,318. The department of law recommends settling the claim for the amount of the medical expenses plus \$4,682 for pain and suffering. This amount is to be paid out of the self-insured liability fund.

The Metro employee that caused the accident received disciplinary action consisting of a written reprimand.

RESOLUTION NO. RS2012-403 (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Michael Wilson against the Metropolitan Government for the amount of \$9,000. On December 31, 2011, a Metro police officer failed to yield the right-of-way at the intersection of Woodland Street and South Sixth Street and was struck by a vehicle driven by Dorothy Goldthreate. Mr. Wilson, who was a passenger in Ms. Goldthreate’s vehicle, sustained soft tissue injuries to his back and incurred medical expenses totaling \$4,968.26. The department of law recommends settling the claim for the amount of the medical expenses plus \$4,031.74 for pain and suffering. This amount is to be paid out of the self-insured liability fund.

Disciplinary action against the police officer is still pending.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2012-236 (STITES) – This ordinance abandons Reedwood Drive from Murfreesboro Pike northward to its terminus. This closure has been requested by the Metropolitan Nashville airport authority. This section of roadway is on property owned by the airport authority and is within the approach area for a runway. The ordinance also abandons all existing utility easements. This ordinance has been approved by the planning commission and traffic and parking commission. Consent of the affected property owners is included as an attachment to the ordinance.

ORDINANCE NO. BL2012-237 (BARRY & MCGUIRE) – This ordinance amends the Metro Code to implement a number of the recommendations of the study and formulating committee pertaining to employee and retiree benefits and pensions. The charter requires the mayor to appoint a study and formulating committee every five years to “study benefits, contributions, extent of coverage, actuarial soundness and related matters in connection with the system of benefit plans and to submit to the employee benefit board such amendments as such study may indicate as necessary.” The current study and formulating committee was appointed by the mayor and confirmed by the council in the spring of 2011. The committee met for approximately one year and made a number of recommendations to the benefit board. The benefit board in turn has reviewed these recommendations and at this point has approved some, but not all, of such recommendations. This ordinance would make the following changes to the Metro benefit and pension system:

10-year pension and health insurance vesting

Prior to 2001, Metro employees “vested” in the pension system and retiree healthcare insurance coverage after ten years of credited service. In 2001, at the request of the mayor and recommendation of the benefit board, the council reduced the vesting requirement for both pension and retiree health insurance coverage to five years, which matched the Tennessee state government vesting provisions. The stated purpose of the move to five year vesting was to attract talented employees. While Metro may have been successful in attracting workers, especially from the state, the change to five year vesting came at a significant financial cost to Metro.

Changing from five to ten year vesting for retiree medical benefits is estimated to save \$9.3 million per year, with a present value decline in future benefits of \$170.4 million. Had Metro not moved to five year vesting in 2001, our unfunded liability for retiree health benefits would be decreased by \$75.7 million.

Reverting to ten year vesting for the pension system is estimated to reduce Metro’s annual pension contribution amount by \$4.1 million, with a present value decline in future benefits of \$33.9 million. If Metro had not made the change to five year vesting, our unfunded pension liability would be \$17.3 million less.

The ten year vesting would only be applicable to employees hired after September 1, 2012. Existing Metro employees would not be affected.

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ORDINANCE NO. BL2012-237 (continued)

Expand salary supplement provisions for disability pensions

Under the existing law, when an employee on a disability pension returns to work at a lower paying job, the Metro pension system makes up the salary differential. This ordinance expands the supplement to include employees who can continue working in a lower paid position who otherwise would take a disability pension. This would allow a salary supplement for a disabled employee *before* he/she takes a disability pension, which would reduce the amount of time the employee is on disability. This change is estimated to save the system approximately \$23,000 per year.

Retiree medical plan premium contribution percentage based upon years of service

Service pensioners currently receive health insurance at the same subsidized rate as Metro employees, which is 75% paid by Metro and 25% paid by the employee. This ordinance adds a new contribution rate structure for pensioners hired after September 1, 2012 that is based upon years of service, as follows:

<u>Time of Service</u>	<u>Pensioner Percentage</u>	<u>Metro Percentage</u>
10-15 years	75%	25%
15-16 years	50%	50%
16-17 years	45%	55%
17-18 years	40%	60%
18-19 years	35%	65%
19-20 years	30%	70%
20 or more years	25%	75%

The cost savings for this change is unknown, but will be very substantial over time.

Eliminate retiree medical benefits for employees leaving Metro before retirement

The code currently allows vested employees who leave Metro to participate in the Metro health insurance program when they retire at the same subsidized rate as those who move directly from Metro employment into a service pension. For example, suppose a 30-year-old Metro employee with five years of credited service quits her job today to go work in the private sector and works for the next 35 years for that private company. Since she is vested in Metro's pension system, she will be eligible to participate in Metro's health insurance when she retires and pay only 25% of the premium with Metro picking up the other 75%.

This ordinance would provide that employees hired after September 1, 2012, or those re-hired after September 1, 2012 who were not already vested, would not be eligible for retiree health benefits unless he/she had ten years of credited service and was eligible to retire at the time he/she left the employment of the Metropolitan Government.

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ORDINANCE NO. BL2012-237 (continued)

Allow retirees to opt out of health coverage

Metro employees are currently allowed to opt out of the Metro health insurance system if they have other insurance coverage, such as through a spouse's job. This ordinance would specifically allow retirees to opt out of Metro's health and dental insurance plans and then opt back in as long as they maintain continuous non-Medicare health coverage.

Implement Employer Group Waiver Plan (EGWP)

Metro pensioners are currently required to take Medicare Parts A and B when they become eligible. This makes Medicare the primary payer and Metro the secondary. As a result of the federal Healthcare Reform Act approved by Congress in 2010, it is to Metro's advantage to require pensioners to participate in a Medicare Part D plan or an EGWP (commonly referred to as an "Egg Whip"). This would involve creating a new prescription drug plan for Metro retirees that would closely resemble Metro's existing Blue Cross-Blue Shield drug plan. However, by implementing an EGWP, Metro will be able to receive a greater subsidy from the federal government, which will result in over \$1 million more coming to Metro every year. Such plan would have to be implemented not later than January 1, 2014. Metro's actuaries estimate that the EGWP will reduce our unfunded accrued post-employment benefit liability by \$378 million, which is a decrease of approximately 15%.

As noted above, the provisions of this ordinance are to be applicable to employees hired after September 1, 2012. This means that employees hired between September 1 and the date this ordinance is approved would be hired under the old vesting system but would be shifted into a new system. While this is not a problem from a legal standpoint, the council office recommends making the ordinance applicable to employees hired after January 1, 2013. This will allow adequate time for the department of human resources to make the necessary changes to their system to implement the ordinance.

ORDINANCE NO. BL2012-238 (MCGUIRE & BEDNE) – This ordinance authorizes the director of public property administration to accept two easements for use in the Harpeth River and Mill Creek greenways. These easements are being donated at no cost to Metro. The first easement is from Robert and Catherine Atkin for property located at 793 Harpeth Bend Drive. The second easement is from Lenox Creekside, LLC, for property located at 8401B Callabee Way. These are perpetual easements that can only be terminated through judicial action. This ordinance has been approved by the planning commission and the board of parks and recreation.

ORDINANCE NO. BL2012-239 (MCGUIRE & HUNT) – This ordinance authorizes the acquisition of property located at 916 Berwick Trail for the Neely's Bend pump station upgrade project. The estimated acquisition cost for the property is \$60,000, which is to be paid from the water and sewer extension and replacement fund. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2012-240 (TODD, CLAIBORNE & MCGUIRE) – This ordinance authorizes the director of public property administration to acquire property located at 3404 Hobbs Road next to Julia Green Elementary School for the benefit of the Metropolitan board of education. This property is currently in foreclosure and one of the owners has filed bankruptcy. Metro has been working with the bank and the bankruptcy court to purchase the property, but the administration is seeking condemnation authority in case no agreement can be reached. On August 7, 2012, the council authorized the exercise of an option to purchase the property next door at a cost of \$384,000. The board of education is interested in purchasing these two properties to provide additional space for cars to ease traffic congestion on Hobbs Road.

The ordinance provides that the acquisition of additional or different properties for the same purpose may be approved by resolution.

The council office would point out that Section 1 of the ordinance erroneously refers to the acquisition of the property for a new police precinct. This should be corrected by amendment before the ordinance is approved on second reading.

This ordinance has been approved by the planning commission.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2012-209 (TENPENNY) – This ordinance authorizes MuniNet Fiber Agency to install and maintain approximately 4,237 feet of fiber optic telecommunications cable in Davidson County. The majority of the cable will be installed on existing Nashville electric service (NES) poles from 2990 Sidco Drive to the intersection of Sam Wallace Road and Powell Avenue. The company will install 212 feet of the cable underground from the TVA tower located at Powell Avenue to the NES pole at the entrance to Powell Avenue. MuniNet 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 MuniNet would be required to remove the cable at its own expense. This authority granted to MuniNet will not interfere with Metro's existing utility rights. Further, the company must obtain a \$5 million certificate of liability insurance naming Metro as an insured party.

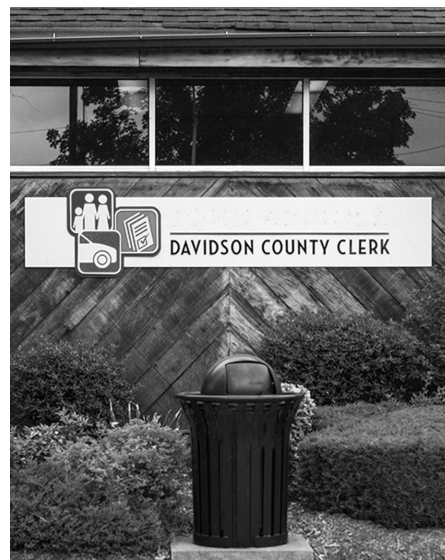
The provisions of this ordinance will be effective as long as MuniNet does not offer local telecommunications service to retail customers in Davidson County. Communications companies are prohibited from offering local telecommunications service without first obtaining a telecommunications franchise from Metro. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2012-215 (STITES & DUVALL) – This ordinance, as amended, amends the Metropolitan Code to prohibit the use of Metro government funds to purchase, construct, or erect signs that identify the name of an elected or appointed official. The language in the ordinance refers to two types of signs: building signs and ground signs. This terminology is consistent with that used in the zoning code. Building signs are signs that are permanently affixed to the exterior of a building. Ground signs are on-premises signs used to identify or advertise a building or business. Examples of the two are as follows:

Ground Sign



Building Sign



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ORDINANCE NO. BL2012-215 (continued)

This ordinance provides that no funds of the metropolitan government may be used to purchase, acquire, construct, or erect any ground or building sign measuring greater than one square foot in size that identifies the name of an elected or appointed official. Rather, all such signs could only identify or advertise the name of the office or facility. This ordinance would not apply to temporary informational signs regarding government infrastructure projects, nor to permanent signs or markers identifying elected officials in office at the time the funding for a public project was approved.

ORDINANCE NO. BL2012-216 (BARRY & MCGUIRE) – This ordinance amends the Metropolitan Code provisions pertaining to property tax billing and payment procedures. The purpose of this primarily housekeeping ordinance is to make our code provisions consistent with state law. The existing Metro code provisions pertaining to property tax billing/payment procedures were some of the first ordinances to be codified when the Metropolitan Government was formed in 1963. Such code provisions were basically an attempt to incorporate the billing and collection policies of both Davidson County and the former city of Nashville. However, these provisions have never been updated to reflect changes in state law. The assessor and trustee have been following the state law requirements.

First, this ordinance authorizes the trustee to rely on the mailing address maintained in the records of the tax assessor for purposes of sending tax bills. Second, the ordinance clarifies that the assessor has until September 15th to deliver the assessment roll to the trustee. The ordinance also authorizes the trustee to send tax bills electronically if requested to do so by the taxpayer in writing. Finally, the ordinance deletes the outdated code provisions pertaining to the payment of taxes in two installments since state law authorizes the trustee to accept partial payments at any time as long as a plan is filed with the state comptroller. Such a plan for the partial payment of taxes is on file with the comptroller.

ORDINANCE NO. BL2012-217 (BAKER, HOLLEMAN & OTHERS) – This ordinance, as amended, names the newly-constructed West Police Precinct facility located at 5500 Charlotte in honor of former chief of police Joe D. Casey. Chief Casey joined the Nashville police force in 1951, and served as chief of police from 1973 until his retirement in 1989. There are no restrictions in the Metropolitan Code regarding the naming of Metro facilities in honor of individuals, except that such action must be approved by ordinance of the council.

ORDINANCE NO. BL2012-218 (MCGUIRE & HUNT) – This ordinance, as amended, amends the Metropolitan code to provide for a temporary reduction of sewer charges for private customers within the area of the combined sewer overflow (CSO) having green roofs on their buildings. The code currently provides for a reduction in sewer charges for properties that divert water from the sewer system. This is often referred to as the “sprinkler adjustment” on sewer bills for customers using additional water during the warm months for watering their lawns and gardens. The reason for the adjustment is that it is presumed that the increased water usage during the summer months is largely for the purpose of irrigation, which does not end up in the sewer system.

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ORDINANCE NO. BL2012-218 (continued)

In addition to the existing sprinkler adjustment, this ordinance would provide a monthly sewer bill credit for properties located within the combined sewer area that have at least 50% of the roof area covered by a green roof having the following components:

1. A waterproof membrane layer;
2. A drainage layer designed such that roof drains can be inspected and cleaned;
3. A growth medium at least four inches in depth; and
4. A vegetation layer, at least 80% of which must consist of live, hardy, drought-resistant plants.

The CSO is a fairly large area that includes the Vanderbilt University area, most of downtown and east Nashville, and parts of north and south Nashville. A map of the CSO area is included as an attachment to this analysis.

According to Metro water services, there are three primary purposes for this ordinance:

1. Reduce flows to the combined sewer system (CSS), thereby recapturing existing capacity within the CSS pipes. This could reduce the possibility of overflows, which would help ensure compliance with the EPA consent decree and avoid costly fines.
2. Reduce the costs of treatment at the central wastewater treatment plant.
3. Assist with meeting the EPA's minimum controls for the operation of the CSS.

The amount of the credit would be \$10 multiplied by the total square footage of the green roof. The credit would be applied toward the sewer bill each month until the full credit has been applied or 60 months have elapsed, whichever occurs first. The total credit for all qualifying properties collectively cannot exceed \$500,000 annually. Properties seeking eligibility for the full credit would be given priority based upon the order in which they apply. A partial credit could be provided if giving full credit to the property would cause the overall \$500,000 cap to be exceeded. This credit would be independent of the adjustment such customers could receive for their storm water user fee as a result of the green roof.

The ordinance includes provisions authorizing Metro water services to revoke the eligibility of a property to receive the credit if the customer's green roof fails to meet the specifications noted above. Customers receiving the credit will be required to submit documentation on an annual basis evidencing their continued eligibility for the credit. No credit will be given unless plans for the green roof have been prepared by a licensed professional.

ORDINANCE NOS. BL2012-219 through BL2012-222 and BL2012-224 through BL2012-227 – These eight ordinances authorize the acquisition of interests in property for various Metro water services projects. The ordinances provide that the acquisition of additional easements or property rights for the same projects may be approved by resolution. These ordinances have been approved by the planning commission. The acquisition costs will be paid from the water and sewer extension and replacement fund or the stormwater fund, depending on the specific project.

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ORDINANCE NOS. BL2012-219 through BL2012-222 and BL2012-224 through BL2012-227 (continued)

Ordinance No. BL2012-219 (Pridemore, McGuire & Hunt) authorizes the acquisition of property located at 916 Berwick Trail for a pump station upgrade. The estimated acquisition cost for the property is \$60,000.

Ordinance No. BL2012-220 (Hunt & McGuire) authorizes the acquisition of property located at 3268 Brick Church Pike for the Brick Church Pike equalization facility project. The estimated acquisition cost for the property is \$30,000.

Ordinance No. BL2012-221 (Pridemore, McGuire & Hunt) authorizes the acquisition of easements for an upgrade to the Vandiver pump station. This ordinance approves the acquisition of easements for the following properties:

1. 1057 N. Dupont Avenue
2. 1059 N. Dupont Avenue
3. 211 Rio Vista Drive

The total estimated acquisition cost for these easements is \$6,000.

Ordinance No. BL2012-222 (A. Davis & Hunt) authorizes the acquisition of property located at Brush Hill Road, unnumbered for the Loves Branch pump station upgrade project. The estimated acquisition cost for the property is \$2,400.

Ordinance No. BL2012-224 (Bennett, Hunt & McGuire) authorizes the acquisition of 48 permanent easements for the Dickerson Pike stormwater improvement project located east of Dickerson Pike along Ben Allen Road, Broadmoor Drive, and Hillside Road. The total estimated acquisition cost for these easements is \$1,000.

Ordinance No. BL2012-225 (Claiborne & Hunt) authorizes the acquisition of four easements for the replacement of the Munn Road bridge. Easements are to be acquired for 414, 422, and 607 Munn Road, as well as an unnumbered property on Munn Road. The total estimated acquisition cost for these easements is \$4,000.

Ordinance No. BL2012-226 (Stites, Hunt & McGuire) authorizes the acquisition of easements for 12 properties located along Murfreesboro Pike and Saturn Drive for the Saturn Drive stormwater improvement project. The total estimated acquisition cost for these easements is \$1,000.

Ordinance No. BL2012-227 (Glover, Hunt & McGuire) authorizes the acquisition of 12 easements for properties located along Andrew Jackson Way, Bret Ridge Drive, Carriage Way Court, Jacksons Hill Road, Jacksons Valley Road, and Jacksons View Road for a stormwater improvement project. The total estimated acquisition cost for these easements is \$1,000.

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ORDINANCE NOS. BL2012-219 through BL2012-222 and BL2012-224 through BL2012-227 (continued)

ORDINANCE NO. BL2012-223 (BEDNE, JERNIGAN & MCGUIRE) authorizes the exchange of property for use as part of the Mill Creek greenway. Douglas and Jeanette Bendle are the owners of a vacant tract of property located at 2191 Blake Drive next to the Stanford Village subdivision, and adjacent to the existing Mill Creek greenway. The Bendles have agreed to swap a 0.39-acre portion of this property for a 0.39-acre portion of property located at 6036 Culbertson Road currently owned by Metro.

This property exchange has been approved by the parks board and the planning commission. Future amendments to this ordinance may be approved by resolution.

ORDINANCE NO. BL2012-235 (ALLEN) – This ordinance abandons a 4’ strip along the southern edge of Alley No. 802 from 21st Avenue South to Alley No. 815, and abandons Alley No. 815 between Acklen Avenue and Alley No. 802. This closure has been requested by H.G. Hill Realty Company, LLC, to facilitate new development. The ordinance also abandons all existing utility easements. The property owner will be relocating the abandoned alley for public dedication as part of the plat. This ordinance has been approved by the planning commission and traffic and parking commission. Consent of the affected property owners is included as an attachment to the ordinance.