

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director  
Metropolitan Council Office

DATE: **December 18, 2012**

RE: **Analysis Report**

Balances As Of:	<u>12/12/12</u>	<u>12/14/11</u>
<u>GSD 4% RESERVE FUND</u>	*\$24,914,746	\$25,836,951
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	\$61,358,778	\$44,578,057
USD	\$8,478,089	\$8,556,677
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	\$54,933,590	\$34,449,193

**\* Assumes estimated revenues in fiscal year 2013 in the amount of \$25,514,400**

**– RESOLUTIONS –**

**RESOLUTION NO. RS2012-516** (MATTHEWS) – This resolution authorizes the issuance of general obligation (G.O.) refunding bonds in an amount not to exceed \$370 million. This resolution will refund the Series 2005C, 2006B, and 2008 G.O. bonds, the 2007A G.O. refunding bonds, and the 2010A G.O. improvement and refunding bonds. The purpose of the refunding is to achieve debt service savings. The authorization of the refunding bonds will not result in the Metropolitan Government incurring new debt, but provides for the refinancing of debt that is currently outstanding. As with all general obligation bonds, these refunding bonds are supported by the full faith and credit of the Metropolitan Government and are to be paid from property tax revenue.

The interest rates on the bonds to be refunded currently range between 4 and 5 percent. Given today's historically low interest rates, this refunding bond issue could save Metro more than \$28 million over the life of the debt, assuming all of the bonds are refunded. The refunding bonds will also slightly lower the weighted average maturity life of the bonds. The resolution approves the refunding of all or a portion of the outstanding bonds that will generate net present value savings of at least 3.5% of the refunded bond principal.

These bonds will be sold at a negotiated sale with Morgan Keegan & Company and Raymond James & Associates serving as the underwriters. The Metropolitan Government debt management policy approved by Resolution No. RS2011-94 states that it is Metro's preference to use a competitive bid process for the issuance of debt, but may use a negotiated sale process when it is clear that such a process is in the best interest of the Metropolitan Government. This bond resolution provides that the council has determined that a negotiated sale is in the best interest of Metro "because of the flexibility it affords in a fluctuating market environment".

**RESOLUTION NO. RS2012-517** (MATTHEWS) – This resolution approves agreements between the Tennessee Valley Authority (TVA), the Metro electric power board (NES), and the department of general services for the purchase, interconnection, and parallel operation of electricity generated by solar units installed at the Metro fire hall located at 2501 Forest View Drive in Antioch. These agreements essentially provide the mechanism by which Metro will receive a credit on its electric bill as a result of the electricity generated by solar units. The electricity from the solar unit will be delivered to the NES power grid, where it will then be purchased by TVA. NES will have the authority to disconnect the solar units from the grid at any time for reasons such as maintenance to the system, hazardous conditions, or power quality problems.

This solar unit is expected to result in an offset against Metro's electric bill of approximately \$2,300 per year. The cost of the unit was around \$41,000. The council approved similar agreements for two other fire halls in September 2012.

**RESOLUTION NO. RS2012-518** (MATTHEWS) - This resolution approves a third amendment to a grant from the Southeast Energy Efficiency Alliance to the mayor's office of environment and sustainability to increase residential energy building retrofits. The original grant was in the amount of \$250,000 for the purpose of designing a marketing and community outreach plan to increase awareness about the Tennessee Valley Authority's in-home energy evaluation program. The grant was subsequently amended to allocate an additional \$507,005. This amendment further increases the grant allocation by \$130,000 for a new total of \$887,005. There is no required cash match for this grant.

**RESOLUTION NO. RS2012-519** (MATTHEWS) – This resolution appropriates \$3,842,000 from the general fund reserve fund (4% fund) to twelve departments for the purchase of equipment. 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 December 12, 2012, was \$24,914,746. This consists of unrealized revenue for fiscal year 2013 in the amount of \$20,887,795. 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:

**County Clerk** - \$160,000 for new security equipment and cash safes

**Farmers Market** – \$50,000 for miscellaneous new and replacement equipment

**Finance** – \$300,000 for a budget database upgrade

**General Sessions Court** – \$250,000 for a new traffic school interface with case management, an update for the online traffic school, and replacement update audio/visual equipment for traffic school

**Information Technology Services** - \$2,300,000 for replacement end-of-life equipment and a new time and attendance system

**Metro Action Commission** – \$100,000 for new and replacement equipment and furnishings

**Police** - \$500,000 for bullet proof vests and computer equipment

**State Trial Courts** - \$182,000 for audio/visual equipment and technology upgrades in the six criminal courts and the 6<sup>th</sup> circuit court

**RESOLUTION NO. RS2012-520** (MATTHEWS) – This resolution approves an interlocal agreement between the Metropolitan Government, Nashville Electric Service (NES), and the City of Mt. Juliet for access to the 800-MHZ emergency radio dispatch and response system. The Metropolitan Government and NES jointly own and operate the emergency radio dispatch and radio response system utilizing 800-MHZ radio frequencies licensed by the Federal Communications Commission (FCC). This system was jointly funded by Metro and NES, with (continued on next page)

**RESOLUTION NO. RS2012-520** (continued)

Metro general services now maintaining the system and NES contributing funds to help pay for its maintenance. Mt. Juliet is constructing a 5-channel, 700/800 MHz radio site and desires to interface directly with Metro's system. Mt. Juliet agrees to pay a monthly usage and access fee as determined annually by the department of general services and the finance department. The term of this agreement begins upon approval by the council and extends through June 30, 2032, but may be terminated by either party with 30 days written notice.

**RESOLUTION NO. RS2012-521** (MATTHEWS & BENNETT) – This resolution approves an intergovernmental agreement between the federal bureau of investigation (FBI) and the Metropolitan Government for participation in the Nashville Violent Crime Task Force. The task force is directed and coordinated by the FBI for the purpose of prosecuting criminal enterprise groups responsible for drug trafficking, money laundering, and crimes of violence, as well as apprehending dangerous fugitives where there is a federal investigative interest. The agreement provides that the Metro police department will be reimbursed, to the extent funds are made available by Congress, for participating officers' overtime costs. The term of the agreement is for the duration of the task force's operations, but may be terminated by either party with 30 days written notice.

**RESOLUTION NO. RS2012-522** (DUVALL, MATTHEWS & BEDNE) – This resolution authorizes the director of public property administration to exercise options to purchase two adjacent parcels of property located at 3132 and 3142 Smith Springs Road for the benefit of the board of education. The first parcel is 12.59 acres in size and the second is 12.6. The value listed on the Metro property assessor's website for the 12.59 acre parcel is \$312,400. The 12.6 acre parcel was appraised by the property assessor at \$329,000. An outside appraisal obtained by Metro lists the values at \$545,000 and \$543,000, respectively. Metro has obtained an option to purchase these two parcels from Johnny A. Coleman, Jr., for a total amount of \$1,200,000, which is approximately 9% higher than the \$1,088,000 combined appraised value. Metro has 120 days from October 15, 2012 to exercise the options.

Pursuant to the Metropolitan Code, the director of public property administration is authorized to negotiate for the purchase of property for public purposes and to seek to obtain an option to purchase from the owner, which is subject to approval of the council by resolution.

This resolution has been approved by the board of education and by the planning commission, although the planning commission staff expressed some concerns regarding the suitability of this property as school site due to the property's location on a dead end street. The planning commission approval letter notes that the location would provide a limited opportunity for children to walk to school and for community access to the site.

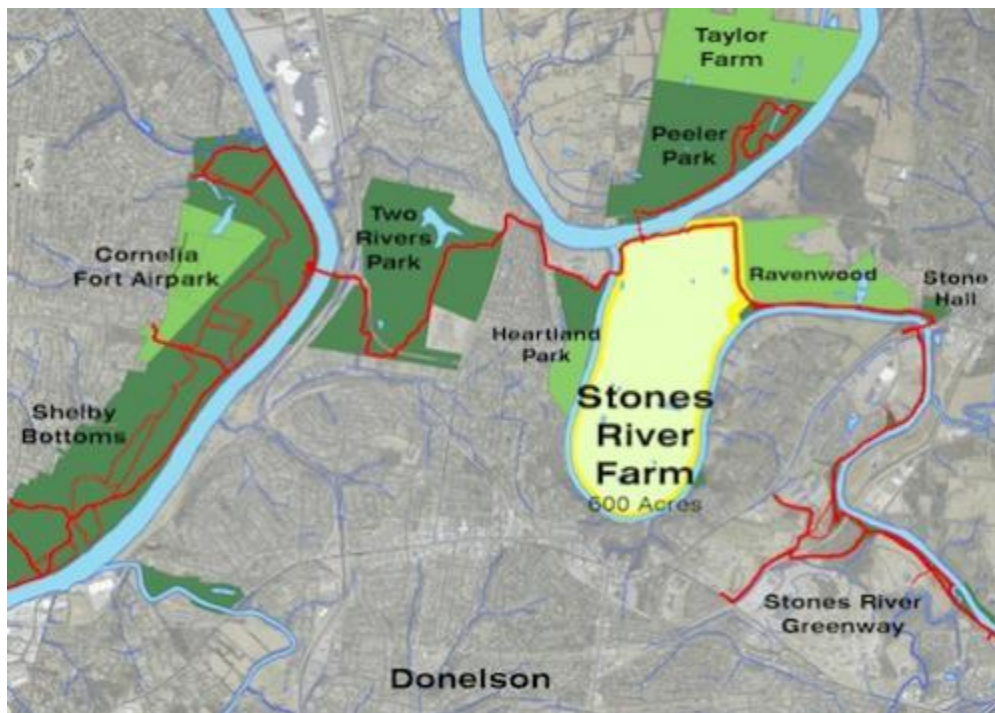
**RESOLUTION NOS. RS2012-523 & RS2012-524** - These two resolutions authorize the director of public property to exercise options to purchase property for use as park land. The acquisition costs are to be paid out of the capital funds for open space acquisition. The council allocated \$15 million in the fiscal year 2012-2013 capital spending plan for open space (continued on next page)

**RESOLUTION NOS. RS2012-523 & RS2012-524** (continued)

acquisition and development of the riverfront. The Metro Code authorizes property to be purchased through the exercise of an option upon approval of the council by resolution. These resolutions have been approved by the parks board and referred to the planning commission.

The council has authorized the acquisition of several large tracts of land for parks/open space purposes in recent years. In 2009, the council approved the acquisition of approximately 124 acres of property known as the Burch Reserve from Friends of Warner Park for \$1.5 million, and authorized the acquisition of 382 acres of property for \$2.7 million as an addition to Peeler Park. These two acquisitions were included as part of the fiscal year 2010 capital spending plan. Subsequently, the council authorized the acquisition of the 181-acre Ravenwood Country Club property in December 2011 using open space funds at a cost of \$2,800,000, plus additional payments totaling \$400,000 to the former owner to continue operating the golf course for two years and a \$266,000 reimbursement to the developer of adjacent property.

**Resolution No. RS2012-523** (Claiborne, Pridemore & Others) authorizes the acquisition of approximately 600 acres in the bend of the Stones River adjacent to the Metro-owned Ravenwood Country Club property, and across the Cumberland River from the 648-acre Peeler Park and the Taylor Farm, at a cost of \$8,200,000. The Stones River Farm property to be acquired is highlighted on the map below. This purchase, combined with the recently-acquired Ravenwood property, would result in 800 acres of contiguous park land. This would become more than 1,400 contiguous acres if a pedestrian bridge was constructed over the Cumberland River to connect these properties to the Peeler Park and Taylor Farm properties in the Neely's Bend area.



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**RESOLUTION NOS. RS2012-523 & RS2012-524** (continued)

This is an option to acquire the property from the Conservation Fund, who will first buy the property from Gayron and Naomi D. Lytle if the council approves this resolution. According to records in the register of deeds office, the Lytle's purchased the property in 1991 for \$720,000. The Metro property assessor has appraised the farmland property at \$795,701. Under the Tennessee "Greenbelt Law", eligible farmland must be appraised for assessment purposes at a lower value than market value. An appraisal obtained by the Conservation Fund in February 2012 indicates a fair market value of \$8,500,000. A 2011 appraisal obtained by Mr. Lytle appraised the property at \$9,500,000. Metro must give notice of its intent to exercise the option not later than December 26, 2012. All closing costs will be borne equally between Metro and the grantor.

This option includes a unique requirement that the park be named "Lytle Park" in perpetuity, and that all signage at the park reflect this name. Since the parks board has approved the purchase of the property, it presumably has agreed to the naming of the park.

The Conservation Fund and two other nonprofit organizations are working to raise a goal of \$1,000,000 to be applied toward the acquisition cost. The Conservation Fund has submitted a letter stating its commitment to continue these fundraising efforts after Metro acquires the property.

**Resolution No. RS2012-524** (Gilmore & Matthews) authorizes the acquisition of approximately 65.4 acres of property on W. Hamilton Road for a total acquisition cost of \$644,400. This acquisition includes four small properties and a 63.6 acre portion of a larger tract. Metro would be purchasing the four smaller 0.45 acre tracts for \$18,000 a piece, which is the Metro tax assessor's appraised value for the property. The larger tract is to be acquired at a cost of \$9,000 per acre, which would total \$572,400 for the 63.6 acre portion of the 71 acre parcel. The assessor has appraised the larger tract at \$85,144 for assessment purposes. According to the appraisal obtained by Metro, the total value of the W. Hamilton Road property to be acquired is \$604,000, compared to the negotiated purchase price of \$644,400.

This property would serve as a connector between the existing Whites Creek Greenway at Hartman Park and a new greenway currently under construction off Ashland City Highway.

**RESOLUTION NOS. RS2012-525 & RS2012-526** (GILMORE, CLAIBORNE & MATTHEWS) –

These two resolutions approve grants from Middle Tennessee State University to the Metropolitan historical commission. The terms of the grants are from November 1, 2012 through August 31, 2013.

**Resolution No. RS2012-525** approves a grant in the amount of \$19,000 for the design and printing of 250,000 brochures that tell Nashville's Civil War story through the eyes of ten people that lived in Nashville during the war. The historical commission is partnering with the Metro parks department, Davidson County Historian, the Nashville Convention and Visitors Bureau, Travellers Rest Mansion, Belle Meade Mansion, Belmont Mansion, Inc., Battle of Nashville Preservation Society, Trevecca University, University of the South, Lipscomb University, Fisk (continued on next page)

**RESOLUTION NOS. RS2012-525 & RS2012-526** (continued)

University, Tennessee State Museum, and the Land Trust for Tennessee for this project. The project partners have agreed to provide a cash match totaling \$7,500, with an in-kind match of \$13,600 to be provided by the historical commission.

**Resolution No. RS2012-526** approves a grant in the amount of \$20,000 to complete a historic structure report for Fort Negley. This study is needed to serve as a guide for making prioritized repairs and stabilization to Fort Negley.

**RESOLUTION NO. RS2012-527** (WEINER & MATTHEWS) – This resolution approves a grant in the amount of \$20,000 from the state department of health to the Metro health department to increase healthy food and beverage options at Metro parks facilities. The health department will work with the parks department to identify opportunities to increase healthy food and beverage offerings at the park locations providing concessions and vending operations. The parks department will in turn work with third party vendors to implement a healthy foods policy. The term of the grant is from November 15, 2012 through June 30, 2013. There is required match of \$4,000 to be provided by the health department.

**RESOLUTION NO. RS2012-528** (WEINER & MATTHEWS) – This resolution approves an amendment to an annual grant in the amount of \$1,009,342 from the Greater Nashville Regional Council to the Metropolitan social services commission for congregate meal sites, meal delivery services, and transportation for eligible seniors and disabled residents. This amendment increases the amount of the grant by \$29,744 to be allocated as follows:

- \$10,000 for bulk food for congregate meals
- \$7,812 for nutrition services
- \$11,932 for frozen home delivered meals

The amendment does not increase the amount of the local match. The term of the grant through June 30, 2013.

**RESOLUTION NO. RS2012-529** (WEINER, MATTHEWS & LANGSTER) – This resolution approves a memorandum of understanding between the Metro health department and the Metro hospital authority to provide information about the federal women, infants and children (WIC) assistance program to eligible individuals. Pursuant to this MOU, the hospital authority agrees to make information about the WIC program available to eligible women receiving prenatal and postpartum services, as well as those accompanying a child under the age of five who receives pediatric care. The hospital authority will also coordinate hospital patient services with WIC staff. There is no cost to the Metropolitan Government associated with the performance of this contract. The agreement is for a term commencing October 1, 2012, and extending through September 30, 2014.

The health department has entered into similar contracts with other hospitals in recent years.

**RESOLUTION NO. RS2012-530** (POTTS & MATTHEWS) – This resolution approves an amendment to the contract for recycling services between Metro public works and QRS, Inc. (formerly Rivergate Recycling) to approve the assignment of the contract from QRS to Waste Management of Tennessee, Inc. The original contract was entered into with Rivergate Recycling in 2004 through a competitive bid process and extended in 2009. Under the contract, QRS is required to operate two facilities for the acceptance and processing of recyclable materials through Metro’s recycling program. This includes recyclables collected through the Curby curbside recycling program, as well as the drop-off sites located throughout the county. The contract includes a guaranteed daily processing capacity of 250 tons per day, with a required recycling rate of at least 95 percent. QRS pays Metro for recyclables received based upon a formula using a percentage of the market value as determined by trade publications. Waste Management is acquiring substantially all of the assets of QRS that are used in its business in Tennessee. This resolution recognizes this acquisition and transfers all of QRS’s responsibilities under the contract to Waste Management. The termination date for the contract will remain November 1, 2015.

**RESOLUTION NO. RS2012-531** (MATTHEWS) – This resolution approves a grant in the amount of \$100,000 from the state department of labor and workforce development to the Nashville career advancement center for the incumbent worker training program. These federal funds are used to train employees of businesses that apply for and receive the training assistance. The private businesses participating in the program are responsible for providing matching funds. The term of the grant is from October 26, 2012 through September 30, 2013.

**RESOLUTION NO. RS2012-532** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Raymond Chandler against the Metropolitan Government in the amount of \$13,000. On June 9, 2011, a Metro police officer was stopped at a red light at the intersection of West Trinity Lane and Youngs Lane behind Mr. Chandler’s vehicle. After the light turned green, the officer looked down at his computer and rear-ended Mr. Chandler’s vehicle.

Mr. Chandler sustained whiplash and a lumbar strain, incurring \$6,461.68 in medical bills.

The department of law recommends settling the claim for \$13,000 to be paid out of the self-insured liability fund. The officer involved in the accident received disciplinary action consisting of a written reprimand.

**RESOLUTION NO. RS2012-533** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Luquetta A. Ferby against the Metropolitan Government in the amount of \$15,000. On July 18, 2011, a Metro police officer was proceeding from I-65 towards West Trinity Lane with his lights and siren activated. The officer proceeded through a red light at the Old Buena Vista Road intersection at a high rate of speed causing Ms. Ferby’s car to collide with the police car. Ms. Ferby sustained soft tissue injuries and incurred medical bills totaling \$11,690.

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**RESOLUTION NO. RS2012-533** (continued)

State law requires police officers when approaching a red light with their emergency equipment activated to slow down as necessary for safe operation. The police officer acknowledged that he did not slow down sufficiently, and a court would likely rule that Ms. Ferby did not have enough time to avoid the collision. The department of law recommends settling the claim for \$15,000 to be paid out of the self-insured liability fund.

The officer involved in this accident received disciplinary action consisting of a three day suspension.

**RESOLUTION NO. RS2012-534** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Tiffany N. Jones against the Metropolitan Government in the amount of \$10,500. On July 5, 2011, a Metro police officer was attempting to turn left from 9<sup>th</sup> Avenue North onto Monroe Street when he struck Ms. Jones's vehicle as she was turning left onto 9<sup>th</sup> Avenue. The cause of the accident was the officer's failure to yield the right-of-way. Ms. Jones sustained soft tissue injuries to her neck and back, and incurred medical bills totaling \$5,949.50 and lost wages in the amount of \$343.44.

The department of law recommends settling the claim for \$10,500 to be paid out of the self-insured liability fund. The department has already paid \$2,341.92 to settle the property damage claim.

Disciplinary action against the officer involved in this accident is still pending.

**RESOLUTION NO. RS2012-535** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle Nashville Electric Service's property damage claim against the Metropolitan Government in the amount of \$106,144.03. On February 8, 2012, a Metro water services employee failed to stop at a stop sign and collided with a chipper truck, which was pushed into an NES light pole. The NES pole snapped causing three other poles to break. NES presented a claim for \$151,634.34 to replace the broken poles.

NES has agreed to a 30% reduction in the repair costs for a total settlement of \$106,144.03. The Metro water services employee received disciplinary action consisting of a two day suspension, and was required to retake a driver safety class and driving test.

**– BILLS ON SECOND READING –**

**ORDINANCE NO. BL2012-283** (CLAIBORNE) – This ordinance amends the Metro code provisions pertaining to commercial solicitations. The code currently requires commercial solicitors to obtain a permit from the police department, but the requirements are minimal and do not include a mechanism for oversight and appeal. The current provisions were last amended in 1996. This ordinance is being filed in response to constituent complaints regarding recent aggressive sales techniques engaged in by certain commercial solicitors.

This ordinance is modeled after the commercial solicitation ordinance in Fort Collins, CO implemented in 2011. The ordinance was prepared with the input of the Metropolitan clerk, the police department, and the department of law. Under this ordinance, commercial solicitation permits would be issued by the Metropolitan clerk as opposed to the police department. Along with the permit application, the company would be required to provide a list of all persons who will be authorized to engage in commercial solicitation under the permit. The clerk would be responsible for issuing photo ID cards to the commercial solicitors, which must be worn at all times while soliciting. A background check would be conducted for all commercial solicitors. Persons convicted of certain criminal offenses would be prohibited from obtaining a permit or ID badge.

The clerk would be responsible for maintaining a list of all persons allowed to solicit under a company's permit. The permit fees would be determined by the clerk in an amount necessary to offset the costs of preparing and issuing the permits and associated ID badges. These fees must be ratified by council resolution. Once issued, commercial solicitation permits would be valid for two years. Denials, suspensions, and revocations of a license or ID badge could be appealed to the board of alarm appeals.

In addition to the revised permitting procedures and requirements, this ordinance would create a "No Solicitation List" to be maintained on the clerk's website similar to the "Do Not Call List" that would allow residents to electronically add their address to the list. Commercial solicitors would be responsible for periodically obtaining an updated copy of the no solicitation list, and would be prohibited from soliciting at any residence included on the list. Once added, a residence would remain on the list unless the resident requests to have his/her address removed.

The ordinance also prohibits commercial solicitation if a "no soliciting" or "no trespassing" sign is posted at the entrance to residential property. Commercial solicitors would further be prohibited from using any deceptive practices to obtain a visit at a private residence for the purpose of selling goods or services.

The clerk would be authorized to promulgate rules and regulations to implement the ordinance. The provisions of the ordinance are to be implemented not later than April 1, 2013.

There is a proposed substitute for this ordinance incorporating the specific criminal background check procedure and correcting a couple of typographical errors.

**ORDINANCE NO. BL2012-284** (STANLEY) – This ordinance, as amended, amends the Metro code to require the department of public works to install speed cushions as part of a traffic management program if petitioned by a majority of the resident homeowners on the street. The Metro traffic management program is an initiative of the department of public works to address speeding traffic on local residential streets used as cut-through streets to avoid congestion on major roadways and overloaded intersections. Upon the request of a neighborhood for participation in the traffic management program, public works staff conducts field inspections and consults with residents to identify the traffic issues. Upon a determination that the street qualifies for the neighborhood traffic management program, public works staff works with the neighborhood to choose the appropriate traffic management techniques, which must be approved by 67% of the residents in the affected area.

This ordinance would require public works to install rubber speed cushions for a street within the neighborhood traffic management program upon the request of 55% of the resident homeowners having ingress and egress to the street. Absentee homeowners and renters would not count as part of the 55% determination. The speed cushions would be installed in lieu of or in addition to the other traffic calming devices recommended by the chief traffic engineer.

The finance director has refused to certify availability of funds for this ordinance given the inability to determine the possible costs associated with implementing the ordinance.

**ORDINANCE NO. BL2012-292** (BARRY & STEINE) – This ordinance amends the Metro zoning code provisions applicable to home recording studios. The zoning code currently allows a home occupation as an accessory use in the residential zoning districts not to exceed 25% of the floor area of the home, with a maximum of 500 square feet. No signage is permitted in association with a home occupation use. Since the adoption of Metro’s current zoning code in 1998, home occupations have been prohibited from serving clients/customers on the property. Only one employee that is not a resident in the home may work in the home. Thus, while home recording studios are technically allowed, such studios cannot have more than one outside musician or technician not residing in the home come to the property to record.

This ordinance adds a new land use specific to home recording studios and would permit such studios to have up to ten clients, customers, musicians, or other visitors come to the property per day. Sufficient off-street parking must be provided for the visitors on a paved or graveled lot not exceeding 25% of the lot area. Home recording studios would be subject to the residential noise restrictions in the Metro code. The ordinance would retain the existing prohibition on signage.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2012-315** (MATTHEWS) – This ordinance amends the procurement nondiscrimination provisions in the Metro Code to change the frequency of benchmarking. The procurement nondiscrimination program was implemented in 2008 with the assistance of Griffin & Strong, P.C., which is an Atlanta-based law firm that conducted the previous two disparity studies for the Metropolitan Government. The most recent disparity study completed in 2005 concluded that Metro had become a passive participant in discrimination based upon race, (continued on next page)

**ORDINANCE NO. BL2012-315** (continued)

gender or ethnicity. The objective of the procurement nondiscrimination program is to promote open competition in Metro’s procurement process and to protect Metro from becoming a passive participant in any unlawful discrimination.

The 2008 procurement nondiscrimination ordinance created the Office of Minority and Women Business Assistance (BAO) within the finance department. One of the responsibilities of this office is to recommend annual “benchmarks”, which are percentage ranges based upon minority and women owned business enterprises (MWBE) availability compared with past participation. The ordinance authorized the purchasing agent to hire consultants to help determine MWBE availability.

Metro recently hired Griffin & Strong to provide a comprehensive review of statistical MWBE availability benchmarks and an analysis of the benchmarks compared to actual MWBE vendor utilization. Griffin & Strong has recommended that the benchmarking be done every two years instead of annually. This ordinance simply implements the consultant’s recommendation.

**ORDINANCE NO. BL2012-320** (CLAIBORNE) – This ordinance amends the Metro code to eliminate the subsidized health insurance benefits for future members of council after they leave office. The code currently allows all elected officials participating in the comprehensive health care plan to continue participation in the plan after they leave office. If the elected official has served eight years, he/she may continue to participate in the plan by paying the Metro subsidized rate paid by employees, which is 25% of the premium. However, if the elected official has served less than eight years, he/she must pay 100% of the premium in order to continue participation in the plan.

This ordinance would modify the percentage of premium payments members of council serving two terms would pay for the subsidized health insurance after they leave office. The purpose of this ordinance is to align the premium contribution rates paid by future councilmembers after they leave office with the contribution rates that will be paid by retired Metropolitan Government employees who are hired after January 1, 2013, as provided in Ordinance No. BL2012-237 approved in October 2012. The premium payment responsibility would be as follows:

<u>Time of Service</u>	<u>Former Council Member Responsibility</u>	<u>Metro Responsibility</u>
8-15 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 ordinance grandfathers in all current members of council and those former members of council that already participate in the health insurance plan. However, the ordinance provides grandfathered members of council with the option to participate in the health plan after they leave office at the higher contribution rates set forth above, instead of the 25% premium payment, if they so choose.

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**ORDINANCE NO. BL2012-320** (continued)

According to information provided by the department of human resources, the subsidized health insurance for former members of council costs Metro approximately \$300,000 per year. There are currently 33 former members of council receiving the subsidized Metro health insurance.

**ORDINANCE NO. BL2012-321** (EVANS, TODD & OTHERS) – This ordinance approves an agreement between the Metropolitan Government and CSX Transportation, Inc., for the engineering, installation, and maintenance of an interconnection device at the intersection of Vaughn’s Gap Road and State Route 100. CSX will furnish one or more interconnection circuits designed to open when a train approaches, which will be used for the interconnection of the roadway traffic signals with the crossing warning signals. CSX will also provide the necessary engineering and flagging services. Metro agrees to reimburse CSX for all of its expenses associated with the project, which are estimated to be \$35,956. This agreement may be terminated by either party with 15 days written notice.

**ORDINANCE NO. BL2012-322** (CLAIBORNE, GILMORE & MATTHEWS) – This ordinance grants a permanent easement for property located at 3005 Fernbank Lane to Piedmont Natural Gas Company for the purpose of maintaining a gas line. This property is located at Heartland Park. Piedmont will be paying Metro \$2,278 for the easement.

This ordinance has been referred to the planning commission.

**ORDINANCE NO. BL2012-323** (CLAIBORNE, POTTS & OTHERS) – This ordinance approves the annual adoption of the additions, deletions, and/or other amendments to the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government made during the previous year. These amendments are submitted annually by the department of public works. The map shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro since the last map adoption.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2012-324** (GILMORE) – This ordinance designates Gay Street between James Robertson Parkway and Fifth Avenue North as “Musicians Way”. This section of roadway is next to the Municipal Auditorium, which now houses the Musicians Hall of Fame and Museum. On November 13, 2012, the council enacted Ordinance No. BL2012-262 to establish a procedure for the use of honorary street signs. That ordinance allows the council, by ordinance, to authorize and direct the department of public works to install honorary street signs beneath the official street name sign for any street identified on the official street and alley acceptance and maintenance map. Such honorary street signs are to be brown in color with white lettering. No honorary street sign can be installed honoring a living person, and signs for no more than five honorary street names may be publicly funded in each calendar year. After the fifth honorary street, the honorary signs must be privately funded. A member of council is not permitted to sponsor more than one ordinance in each calendar year naming an honorary street for which the costs of the signs are to be borne by the department of public works.

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**ORDINANCE NO. BL2012-324** (continued)

This ordinance does not officially rename this portion of Fifth Avenue North. The designation as "Musicians Way" is only honorary.

**ORDINANCE NO. BL2012-325** (CLAIBORNE, POTTS & MATTHEWS) – This ordinance grants a telecommunications franchise to Nashville Data Link, Inc., in accordance with the Metro Code. Nashville Data Link will have a fifteen year franchise and will be required to pay \$4,500 per year as a reasonable estimate of Metro's costs associated with owning, maintaining, and managing the public right-of-way being used by the company. The franchise agreement recognizes that Metro intends to enact a new franchise ordinance to replace the existing code provisions. The company agrees that the compensation component of a new ordinance would take the place of the \$4,500 per year.

The company has posted the required bond in the amount of \$500,000 guaranteeing the company's performance of its obligations under the franchise, as well as a certificate of liability insurance naming the Metropolitan Government as additional insured in the amount of \$1,000,000 per occurrence and \$15,000,000 in the aggregate.

The application for this franchise has been approved by the planning commission.

**– BILLS ON THIRD READING –**

**ORDINANCE NO. BL2012-312** (CLAIBORNE) – This ordinance amends the Metro zoning code to add “automobile convenience” (a.k.a., minute marts and gas stations) as a use permitted with conditions in the industrial (IWD, IR, and IG) zoning districts. Gas stations are currently only allowed with conditions in the mixed-use, commercial, and downtown zoning districts. The ordinance would limit minute marts in industrial districts to 2,500 square feet in size, which is the same size limitation as retail establishments in industrial areas.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2012-313** (CLAIBORNE) – This zoning text change adds provisions to the code to ensure that the Metropolitan Government is providing adequate accommodations to persons and organizations under the federal Religious Land Use and Institutionalized Persons Act (RLUIPA). This ordinance has been filed at the suggestion of the department of law and the council office to ensure Metro’s continued compliance with federal law in the enforcement of the zoning code. As a result of a 2009 consent decree with the U.S. Department of Justice (DOJ) regarding alleged discriminatory actions by the Metropolitan Government through amendments to and application of Metro’s zoning laws, the council approved Ordinance No. BL2008-333 to give the zoning administrator the authority to avoid the enforcement of zoning ordinances that are inconsistent with the fair housing act or RLUIPA, and to provide a reasonable accommodation to persons with disabilities. The FHA prohibits discrimination against persons seeking to obtain housing on the basis of race, disability, religion, or other protected status, and requires local governments to make reasonable accommodations for disabled persons to ensure they have adequate housing opportunities. The RLUIPA prohibits the enforcement of land use regulations that are discriminatory on the basis of religion or that substantially burden the exercise of religion.

The zoning administrator is responsible for the interpretation and administration of the zoning code. Although RLUIPA was included as part of BL2008-333, the ordinance did not specifically grant the authority to the zoning administrator to make reasonable accommodations to protect religious exercise under RLUIPA. This ordinance expands upon BL2008-333 to ensure that the rights under RLUIPA are protected to the same extent as those applicable to disabled persons under the FHA. This ordinance also adds a provision requiring the zoning administrator to consult with the department of law and other applicable departments before making a reasonable accommodation. The zoning administrator’s decision regarding the reasonable accommodation would be appealable to the board of zoning appeals.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2012-314** (BANKS, MATTHEWS & LANGSTER) – This ordinance provides for a one-time early retirement incentive to employees of the Metropolitan Government eligible to retire on or before February 28, 2013. According to the recitals included in the ordinance, a main purpose of this retirement incentive is to facilitate some department restructuring and reorganization. The incentive would consist of a one-time payment of \$700 for each year of employment with the Metropolitan Government. Although the early retirement incentive will realize some long-term fiscal benefit, it is designed to be budget neutral in the short term. This would be the fourth retirement incentive program in Metro’s history. The last buyout offered in 2004 provided a \$500 payment per year of service in an attempt to achieve budget savings and position reductions.

Eligible employees will be required to apply for the incentive not later than January 18, 2013. The \$700 payment will be prorated for any part of a year that the employee has worked. The retirement incentive will be paid from the savings generated by the various departments, not from the pension plan itself. Departments will be required to keep the positions vacant until the amount of the incentive payment has been recouped through savings. Any employee who accepts this retirement benefit will be ineligible for rehire with the Metropolitan Government as a full-time employee, but may be rehired as a part-time employee after one year. If for some reason an employee does return to full-time employment with Metro (or part-time within one year), the employee will be required to refund the incentive payment. The last work date for employees accepting the payment cannot be later than February 28, 2013, unless the vacancy would leave inadequate staffing in public safety positions, in which case the last work day can be extended to no later than June 30, 2013. In addition, employees serving in key positions deemed essential to the operation of a department may continue to serve in a part-time basis until June 30, 2013 to allow their replacements to be trained.

The department of human resources has advised that there are 2,595 Metro employees currently eligible to take advantage of this buyout. The council office has requested HR to provide a breakdown based upon those eligible for normal retirement and those eligible for early retirement. In 2004, approximately 440 employees took advantage of the \$500 per year incentive buyout at a cost of \$6.3 million.

**ORDINANCE NO. BL2012-316** (ALLEN, POTTS & MATTHEWS) – This ordinance authorizes the acquisition of easements for seven properties located on Primrose Circle needed for a stormwater improvement project. The estimated total cost for the easement acquisitions is \$7,000, which is to be paid from the stormwater fund. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2012-317** (POTTS & TODD) – This ordinance abandons 135 feet of a sewer main and a manhole and accepts approximately 150 feet of relocated 8” sewer main with three manholes on property located at 113 Page Road. This ordinance has been approved by the planning commission. Future amendments to this ordinance may be approved by resolution.



**ORDINANCE NOS. BL2012-318 & BL2012-319** – These two ordinances approve lease agreements between the Metropolitan Nashville public schools (MNPS) and the Metropolitan development and housing agency (MDHA) for the lease of properties at two housing developments to be used for the community career center program. Pursuant to the lease agreements, MDHA will be responsible for paying utility charges and providing janitorial services, as well as for maintaining the exterior of the premises and the HVAC system. MNPS will be responsible for maintaining the interior of the premises. The terms of the leases are for one year from November 15, 2012 through November 14, 2013, with an option to renew the leases for an additional year. Amendments to the agreements may be approved by resolution of the Metro Council receiving 21 affirmative votes. These two leases have been approved by the planning commission.

**Ordinance No. BL2012-318** (S. Davis & Matthews) approves a lease agreement for property located at 302 Foster Street in the Levy Place housing development. MNPS will pay \$1,670 per month for the lease of 5,500 square feet of space, provided that effective February 1, 2013, the rent amount may be reduced pursuant to a formula that accounts for the number of residents of Levy Place who have been enrolled in MNPS programs at no cost to those residents.

**Ordinance No. BL2012-319** (Matthews) approves a lease agreement for property located at 1433 Jo Johnston Avenue in the J. Henry Hale housing development. MNPS will pay \$685 per month for the lease of 2,200 square feet of space, provided that effective February 1, 2013, the rent amount may likewise be reduced based upon the number of program participants from the housing development.