

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **June 18, 2013**

RE: **Analysis Report**

Balances As Of:	<u>6/12/13</u>	<u>6/13/12</u>
<u>GSD 4% RESERVE FUND</u>	*\$18,739,246	\$12,359,151
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	\$54,109,178	\$41,112,057
USD	\$8,478,089	\$8,556,677
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	\$52,117,890	\$34,449,193

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

– RESOLUTIONS –

RESOLUTION NO. RS2013-724 (MATTHEWS) – This resolution approves an application for and acceptance of 85 printers and handheld scanners from the Tennessee department of revenue to the Davidson County clerk. The total value of the donation is estimated to be \$850. Ordinance No. BL2006-1015 provides that donations of less than \$5,000 may be approved by resolution.

RESOLUTION NO. RS2013-725 (MATTHEWS) – This resolution approves a sole source contract with Election Systems & Software LLC for maintenance and support services for the election commission’s existing voter registration system. Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. The Metro Code was recently amended to require all sole source contracts having a total value in excess of \$250,000 to be approved by the council by resolution.

The voter registration system used by the election commission is based upon proprietary software provided only by Election Systems & Software LLC. This contract will provide for support and maintenance of the system at a total cost of \$339,940.89 over a period of four years, although the term of the contract is only for two years with a possible extension of up to three additional years.

RESOLUTION NO. RS2013-726 (BENNETT & MATTHEWS) – This resolution approves an application for a grant in the amount of \$240,000 from the Tennessee office of criminal justice programs to the mayor’s office to fund a family justice center site coordinator. This position would be responsible for overseeing the planning, development, and establishment of a family justice center at the Metro courthouse that would provide a place for domestic violence victims to talk to police and prosecutors, and to discuss a safety plan. The family justice center would be a collaborative effort among the police department, the district attorney’s office, legal aid attorneys, and domestic violence shelters to provide a coordinated community response to domestic violence victims and victims of elder abuse.

RESOLUTION NO. RS2013-727 (MATTHEWS & BENNETT) – This resolution approves a grant in the amount of \$789,756 from the state department of human services to the Davidson County juvenile court to enforce federal and state mandated child support guidelines concerning children born out of wedlock. This is a continuation of a grant used to fund part of the juvenile court referee salaries for the purpose of hearing child support cases and paternity hearings on an expedited basis. The term of this grant is from July 1, 2013, through June 30, 2014. There is a required local match of \$406,844 to be provided from the juvenile court’s operating budget.

RESOLUTION NO. RS2013-728 (BENNETT & MATTHEWS) – This resolution approves an annual grant in the amount of \$434,333 from the state department of children’s services to the juvenile court to provide case management and family support services to children at high risk of state custody. The grant will be used for the continued funding of case manager positions in the community-based probation division of the juvenile court. These intervention services are provided to youth at risk of custody due to delinquency, status offenses, or unruly behavior. The programs funded by this grant are to provide services to 535 children. The term of this grant is from July 1, 2013 through June 30, 2014.

RESOLUTION NOS. RS2013-729 (MATTHEWS & BENNETT) – This resolution approves an intergovernmental agreement between the U.S. Army Corps of Engineers and the Metropolitan police department for the use of off-duty police officers to patrol the Corps' recreation areas at Percy Priest and Old Hickory Lakes. All officers will be assigned exclusively through the Metro police secondary employment unit. The Corps agrees to pay a fixed hourly rate depending on the rank of the officer. The total compensation for Metro is not to exceed \$74,505. The term of this agreement is from May 1, 2013 through September 30, 2013.

RESOLUTION NO. RS2013-730 (BENNETT & MATTHEWS) – This resolution approves an intergovernmental agreement between the federal bureau of investigation (FBI) and the Metropolitan Government for participation in the Nashville Violent Crime Gang Task Force. The task force is directed and coordinated by the FBI for the purpose of prosecuting criminal gangs responsible for drug trafficking, money laundering, and crimes of violence, as well as apprehending dangerous fugitives where there is a federal investigative interest. This agreement sets forth the duties and responsibilities of the parties regarding participation in the task force including information sharing, investigative methods, and undercover operations. The agreement provides that the Metro police department will be reimbursed, to the extent federal funds are made available, 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. RS2013-731 (MATTHEWS & BENNETT) – This resolution approves an application for a bulletproof vest partnership grant in the amount of \$194,040 from the U.S. department of justice to the Metropolitan Government. These funds would be used to replace 396 bulletproof vests for sworn law enforcement officers. Metro will be required to provide a local match of \$194,040 if the grant is awarded.

RESOLUTION NO. RS2013-732 (WEINER & MATTHEWS) – This resolution approves a second amendment to an annual grant 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 decreases the amount of funding by \$47,612 for fiscal year 2013 for a new total of \$991,474.

RESOLUTION NO. RS2013-733 (WEINER & MATTHEWS) – This resolution approves an annual grant in the amount of \$725,200 from the state department of health to the Metro board of health to support the delivery of local public health services. The term of the grant is from July 1, 2013, through June 30, 2014. These grant funds are typically used to pay the salaries and work expenses of health department administration employees.

RESOLUTION NO. RS2013-734 (WEINER & MATTHEWS) – This resolution approves a grant in the amount of \$130,400 from the Greater Nashville Regional Council to the Metropolitan social services commission to provide personal care, homemaker, and nutrition services. These funds are used to assist persons who are homebound or unable to perform at least one instrumental activity of daily living. The grant funds will be allocated as follows:

- \$58,900 to assist homebound persons with routine household activities, including meal planning, light housekeeping, and shopping.
- \$13,300 for personal care assistance such as bathing, dressing, personal hygiene activities, and eating.
- \$58,200 for home delivered meals.

The term of this grant is from July 1, 2013 through June 30, 2014.

RESOLUTION NO. RS2013-735 (POTTS, WEINER & MATTHEWS) – This resolution approves an agreement between the Metro board of health and World Relief to provide a location where current and potential women, infants, and children (WIC) participants can attend classes. The health department has negotiated agreements with several community organizations and churches to provide space for these classes. World Relief, located at 1655 Murfreesboro Pike, has agreed to make classroom space available to the health department for a two hour period twice a month. There is no cost to the health department for the use of this space. The term of the agreement is for one year, but may be renewed for four additional one year periods.

RESOLUTION NO. RS2013-736 (MATTHEWS) – This resolution approves a grant in the amount of \$312,582 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to prepare dislocated workers for re-entry into the labor force, and to provide training for those facing serious barriers to productive employment. This grant provides part of the operating funding for the NCAC. The term of the grant is from May 15, 2013, through June 30, 2014.

RESOLUTION NO. RS2013-737 (MATTHEWS) – This resolution authorizes the director of public property administration to exercise an option to purchase a 1.1 acre parcel of property located on Conway Street to be used for the construction, operation, and maintenance of the Richland Creek greenway system. The contract provides Metro with the option to purchase this property for \$6,700 within 120 days of April 8, 2013. The current property owner will be responsible for paying the pro-rated amount of this year's property taxes.

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 owner of the property is Dennis B. Sisson. The parks board and planning commission have approved this acquisition.

RESOLUTION NO. RS2013-738 (HUNT & MATTHEWS) – This resolution approves an agreement with the state department of transportation for the benefit of the parks department regarding the construction and maintenance of the Whites Creek greenway. This agreement will allow Metro to construct the greenway within the Clarksville Highway state right-of-way. The costs of constructing and maintaining the greenway will be the responsibility of Metro, but Metro will not be required to provide any compensation to the state for use of the property. The term of the agreement is for 15 years but may be terminated by the state with 60 days written notice. This agreement has been approved by the parks board and the planning commission.

RESOLUTION NO. RS2013-739 (MATTHEWS) – This resolution approves an annual grant in the amount of \$88,000 from the Tennessee state library and archives to the Nashville public library system for library services to the hearing impaired. These funds are used to provide access to a circulation of special materials formatted for individuals that are hearing impaired. The term of this grant is for one year beginning July 1, 2013, and extending through June 30, 2014.

RESOLUTION NO. RS2013-740 (MATTHEWS) – This resolution authorizes the department of law to settle the personal injury claim of Marvin Dotson against the Metropolitan Government for the amount of \$34,500. On March 20, 2012, a Metro public works employee failed to adjust his speed to compensate for slowing traffic on Interstate 40 and struck the rear of Mr. Dotson's truck. Mr. Dotson sustained soft tissue injuries to his neck and back, incurring medical bills totaling \$16,860. The department of law recommends settling this claim for the amount of medical expenses plus \$17,640 for pain and suffering. The \$3,150 in damage to Mr. Dotson's truck has already been paid by Metro.

The Metro employee that caused this accident received disciplinary action consisting of a two day suspension.

RESOLUTION NO. RS2013-741 (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Margaret Yoste against the Metropolitan Government for the amount of \$196,056. On July 18, 2009, Ms. Yoste and two of her friends were riding bicycles from White Bridge Road en route to the Shelby Bottoms greenway. Ms. Yoste was the lead cyclist as the group made a right turn from Charlotte Avenue onto Third Avenue North in downtown Nashville. As Ms. Yoste looked over her shoulder to check for traffic, her bicycle hit a storm grate running parallel to the direction of traffic causing her to flip over the handlebars and land on her chin. Ms. Yoste sustained injuries consisting of a lacerated chin, broken tooth, and a jaw fracture. Ms. Yoste had two surgeries to repair her jaw resulting in medical expenses totaling \$128,880.87.

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RESOLUTION NO. RS2013-741 (continued)

Parallel storm grates have been a known liability for some time. In fact, the council approved a similar settlement in 2009 for \$130,000 as a result of a bicyclist's tire lodging in a parallel storm grate at the intersection of Church Street and 9th Avenue. Prior to Ms. Yoste's fall, the practice of the public works department had been to replace parallel grates with perpendicular grates in official bike lanes or shared routes. Third Avenue North is not designated as a bike lane or shared route. Since Ms. Yoste's fall, Metro has been replacing parallel grates if someone reports an injury or if there is road construction at the location of the grate. In addition, Metro water services recently enacted a plan to replace all parallel grates in the downtown area at a cost of \$1.7 million over the next five years.

The department of law recommends settling this claim for the amount of the medical bills plus \$67,175 for pain and suffering.

PROPOSED LATE RESOLUTION

RESOLUTION NO. RS2013-743 (HOLLEMAN & TYGARD) – This resolution extends the free parking programs for environmentally friendly vehicles and for vehicle owners that purchase carbon offsets. In December 2010, the council approved an ordinance to provide free parking at parking meters within the downtown central business improvement district for environmentally friendly vehicles that have a certain minimum environmental performance score from the U.S. environmental protection agency (EPA). A similar program was approved six months later to provide free parking in the downtown area for vehicle owners that purchase carbon offsets from a nonprofit organization that coincide with the carbon footprint of the vehicle for which the parking permit is sought. Vehicle owners eligible for the free parking programs must obtain an annual sticker from the county clerk upon the payment of a \$10.00 processing fee. The ordinances approving these programs included a provision that would sunset the programs after two years unless continued by a resolution adopted by the council.

This resolution extends these programs indefinitely unless and until modified by the council by ordinance. The rules need to be suspended to allow consideration of this late resolution to prevent the programs from sunseting on July 1.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2013-433 (GARRETT) – This ordinance amends the solid waste provisions in the Metro code to designate all fees collected for the disposal of excess garbage to be used for recycling. The June 2009 report from the Mayor’s Green Ribbon Committee on Environmental Sustainability set a goal of reducing waste in Davidson County by 65% by the year 2020, and recommended a “pay-as-you-throw” solid waste program to encourage recycling. As part of the comprehensive re-write of the solid waste code in 2010, the council approved the addition of a provision allowing the public works department to charge a pay as you throw fee for the collection of excess garbage. The excess garbage fee is determined annually by the public works department and approved by the council by resolution.

Public works began billing for the third trash cart in June 2012 at a cost to residents of \$66.65 per year. Each additional cart above the third cart is billed at the same rate. Starting in July 2014, the department will begin charging the fee for a second trash cart, as well. Recycling carts will be provided at no cost to replace the second cart at the request of the resident.

This ordinance would require that all fees collected for the third cart, and eventually the second cart, be dedicated for use by the public works department for recycling services and/or recycling education and promotion. The council office has requested information from public works regarding the total amount collected this fiscal year to date from the third cart fee, as well as the amount that is anticipated to be generated by the second cart fee once it goes into effect.

ORDINANCE NO. BL2013-476 (HARRISON) – This ordinance amends the Metropolitan Code regulations applicable to booting companies. “Booting” devices are used to disable cars that are parked on commercial lots without the permission of the property owner or without paying the required parking fee. In June 2009, the council enacted Ordinance No. BL2009-434 to prohibit private companies from engaging in the practice of booting vehicles. A few months later, the council enacted Ordinance No. BL2009-525 to allow booting, provided the company is licensed and follows the specific requirements of the code. The code sets a maximum booting charge of \$50 and limits the towing of booted vehicles. Unattended commercial parking lots are prohibited from booting a vehicle unless such vehicle has two or more unpaid parking violations on the company’s lots.

This ordinance would essentially make three changes to the booting restrictions. First the maximum fee a booting company could charge would be increased from \$50 to \$75. Second, the ordinance clarifies that vehicles on any business parking lot can be booted, not just those lots that charge for parking. This would ensure that businesses could contract with booting companies to boot non-customer cars that are parked in an area designated for customer parking. Finally, the ordinance removes the prohibition on booting vehicles at pay lots unless the vehicle has two or more unpaid parking violations. Under this ordinance, parking lots would be able to boot after the first unpaid parking violation.

This ordinance has been filed at the request of a representative for the booting industry.

ORDINANCE NOS. BL2013-477 THROUGH BL2013-479 (MATTHEWS) – These three ordinances create several positions within the Metropolitan Government, enabling them to be a part of the employee pay plan. The Metropolitan Charter requires that newly created positions be approved by ordinance upon recommendation from the mayor and the civil service commission.

Ordinance No. BL2013-477 creates the positions of fire services deputy director and fire commander for the Nashville fire department. These positions are a result of the recent Maximus Consulting Services management analysis for the fire department that recommended combining the EMS and fire suppression bureaus into a single operations bureau, as well as other organizational changes. The fire services deputy director will supervise the activities and operations of the administrative, operational, and services bureaus of the fire department. This would be a non-civil service position appointed by the fire chief. A person serving in this role must presently be classified as a fire assistant chief or a fire district chief in the fire department. The annual salary for this open range position based upon the pay plan classification assigned to the position will be between \$98,107 and \$160,869.

The fire commander would assist the fire service deputy director in the operation of the fire services division. This would be a non-civil service position appointed by the fire chief. The person serving in this role must also currently be a fire assistant chief or fire district chief. The salary range for this position is from \$83,020 to \$129,508 per year.

Ordinance No. BL2013-478 creates the position of information systems deputy director. This position is responsible for managing the day-to-day activities of the department of information technology services (ITS). This is a civil service position with a salary ranging from \$87,035 to \$136,170 per year.

Ordinance No. BL2013-479 creates various positions to staff the new crime laboratory within the police department. This ordinance creates the following new positions:

1. Crime Laboratory Director
2. Crime Lab Assistant Director/Quality Assurance Manager
3. Crime Lab Information Technology Manager
4. Crime Laboratory Business Manager
5. Crime Lab Evidence Receiving Supervisor
6. Crime Lab Evidence Receiving Technician
7. Crime Lab Forensic Supervisor
8. Crime Lab Forensic Scientist 1, 2, and 3
9. Crime Lab Forensic Technician

The fiscal year 2013-2014 operating budget approved by the council includes \$1 million in new funding for the crime lab.

ORDINANCE NO. BL2013-480 (ALLEN & HUNT) – This ordinance designates Sweetbriar Avenue between 12th Avenue South and Belmont Boulevard as “Pastor W.L. White Street”. Pastor White served as pastor of Hicks Tabernacle Missionary Baptist Church from 1971 until his death in 2012. Ordinance No. BL2012-262 established a procedure for the use of honorary street signs whereby the council, by ordinance, can 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.

This ordinance does not officially rename Sweetbriar Avenue, and property owners will not be required to change their address. The designation as “Pastor W.L. White Street” is only honorary. This is the final honorary street naming ordinance this year for which the department of public works will pay for the honorary street signs. Ordinance No. BL2012-262 limited publicly-funded honorary street signs to five streets per year.

ORDINANCE NO. BL2013-481 (CLAIBORNE) – This ordinance abandons a portion of Adair Road right-of-way between its intersection with Larimore Drive and its terminus at Atrium Way. The closure has been requested by Everett Lowe on behalf of SDIA Holdings, LLC. This unapproved right-of-way is being abandoned to provide parking for a parking lot. This ordinance retains existing utility easements within this portion of the right-of-way.

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

ORDINANCE NOS. BL2013-482 THROUGH BL2013-485 – These four ordinances authorize Metro water services to acquire easements for various water/sewer and stormwater projects. There is no anticipated acquisition costs associated with these easements. Future amendments to these ordinances may be approved by resolution. These ordinances have all been approved by the planning commission.

Ordinance No. BL2013-482 (Hunt, Potts & Claiborne) authorizes the acquisition of permanent easements for properties located at 4375 Summertime Drive and 1705 Autumn Ridge Drive for the Autumn Ridge stormwater improvement project.

Ordinance No. BL2013-483 (Langster, Barry & others) authorizes the acquisition of temporary and permanent easements for properties located at 3611 and 3613 Batavia Street and 3700 Clifton Avenue for the Clifton Avenue stormwater improvement project.

Ordinance No. BL2013-484 (A. Davis, Westerholm & others) authorizes the acquisition of permanent easements for properties located at 2541 and 2544 McGinnis Drive and 3701 Moss Rose Drive.

Ordinance No. BL2013-485 (Matthews, Potts & Claiborne) authorizes the acquisition of permanent easements for properties located at 4568 and 4572 Whites Creek Pike.