



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

COUNCIL MEETING DATE: **May 19, 2015**

RE: **Analysis Report**

Unaudited Fund Balances as of 5/13/15:

4% Reserve Fund	\$13,283,776*
Metro Self Insured Liability Claims	\$3,605,221
Judgments & Losses	\$2,982,352
Schools Self Insured Liability Claims	\$2,498,655
Self-Insured Property Loss Aggregate	\$6,925,679
Employee Blanket Bond Claims	\$666,906
Police Professional Liability Claims	\$2,683,773
Death Benefit	\$980,114

*Assumes unrealized estimated revenues in fiscal year 2015 of \$3,839,545.

– RESOLUTIONS –

RESOLUTION NO. RS2015-1433 (STEINE, CLAIBORNE & OTHERS) – This resolution proposes an amendment to the Metropolitan Charter for possible consideration on the August 7, 2015 ballot that would increase the term limits for the Vice Mayor and Members of Council to three terms, effective in August 2023. Term limits were adopted in November 1994 after being submitted to the voters by petition. The council submitted an amendment to increase the term limits to three terms in 1996 and again in 2002, both of which were defeated by the voters. The council submitted a charter amendment in 1998 to repeal term limits entirely, which was also rejected by the voters. The voters did approve a charter amendment in 2008 to clarify that serving less than one-half of a term to fill a vacancy does not count toward the limit of two consecutive terms.

The charter only allows the council to adopt two resolutions per council term that submit charter amendments to the voters for ratification. The council already adopted one resolution proposing amendments to the charter this term in 2012. Each proposed amendment to the charter must be adopted by 27 affirmative votes of the council, and the resolution itself submitting the amendment(s) must be adopted by 27 affirmative votes in order for the amendment(s) to be placed on the ballot.

This resolution has been approved by the charter revision commission.

RESOLUTION NO. RS2015-1482 (PRIDEMORE & BAKER) – This resolution approves an amendment to a grant 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 basically the renewal 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. This amendment increases the amount of the grant by \$987,210 for a new grant total of \$2,882,044.10. There is also a \$508,563 increase in the amount of the required local match for the grant. In addition, the amendment extends the term of the grant for one year through June 30, 2016.

RESOLUTION NO. RS2015-1483 (PRIDEMORE) – This resolution approves a grant in the amount of \$25,000 from the Nashville Chamber Public Benefit Foundation to the Nashville career advancement center (NCAC) to expand paid work experiences for MNPS high school students. The NCAC has a paid summer internship program for selected high school students. The students apply for the internship positions and are placed by NCAC. These grant funds will be used to support this internship program. The term of the grant is from May 1, 2015 to June 30, 2016.

RESOLUTION NO. RS2015-1484 (PRIDEMORE) – This resolution approves a grant in the amount of \$61,500 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) for activities that increase the employment, retention, and earnings of participants. The grant consists of \$55,350 in program funds and \$6,150 for associated administrative costs. The term of the grant is from April 15, 2015 through September 15, 2015.

RESOLUTION NO. RS2015-1485 (PRIDEMORE & GILMORE) – This resolution approves an amendment to an agreement between the state department of health and the Metropolitan health department for the use of tobacco settlement funds the state received to fund several local programs to address family tobacco use. These programs include: (1) working with landlords, tenants, and the community to voluntarily increase the number of smoke-free multi-family housing properties in Nashville; (2) a youth risk behavioral survey to collect data from middle school students regarding attitudes, beliefs, and usage of tobacco products; (3) the establishment of a youth advisory board for tobacco prevention; and (4) resources for clinicians that provide healthcare to small children to ensure their office environment addresses family tobacco use.

This resolution reallocates \$351,253.55 in unspent funds from the previous year, and increases the amount of the funds awarded to Metro by \$337,780 for fiscal year 2016. There is no local match associated with this agreement.

RESOLUTION NO. RS2015-1486 (PRIDEMORE & GILMORE) – This resolution approves an amendment to a grant from the Tennessee department of human services to the Metropolitan action commission (MAC) to provide services to help low income and/or homeless individuals achieve self-sufficiency. These grant funds allow MAC to assist low income individuals in meeting basic needs including employment services, primary health services, housing, nutrition, and emergency services. The state has awarded \$68,328.53 in additional funds, for a new total grant award of \$1,318,368.44.

Since MAC has the authority under the code to accept grants from the federal and state governments, the original grant was included as part of MAC's FY15 budget and appropriated by council through the budget ordinance. This amendment simply accepts additional funds for the program that were not previously budgeted.

RESOLUTION NO. RS2015-1487 (PRIDEMORE & GILMORE) – This resolution approves an amendment to a grant from the state department of health to the Metropolitan health department for chronic disease management and school health promotion services. This amendment increases the amount of the grant by \$20,000 for a new grant total of \$373,000. These federal pass-through funds are used to fund a public health educator position to promote various health programs that encourage physical activity and healthy eating for students. The term of the grant is from January 1, 2014, through June 30, 2018.

RESOLUTION NO. RS2015-1488 (PRIDEMORE & GILMORE) – This resolution approves an annual grant in the amount of \$727,500 from the state department of health to the Metropolitan board of health to provide care coordination services for the children's special services program. These funds are primarily used to pay the salaries and benefits of nine positions in the children's special services division of the health department. The services of this division include care coordination services, comprehensive pediatric and developmental assessments, and referrals for audiology and speech pathology services. The grant consists of \$312,800 in state funds and \$414,700 in federal funds. The term of the grant is from July 1, 2015 through June 30, 2016.

RESOLUTION NO. RS2015-1489 (PRIDEMORE, BENNETT & HUNT) – This resolution authorizes the director of public property to exercise an option to purchase 0.80 acres of property located at 2187 Nolensville Pike and 2138 Canady Avenue for use as a public park, and accepts a donation in the amount of \$500,000 from Conexión Americas to be applied toward the purchase and development of the property. This property is located next to Casa Azafrán. This new park would in part be used by the children at the new MNPS pre-K program operating at Casa Azafrán. The total purchase price for the property is \$600,000, with Metro contributing \$100,000 of the total amount. Conexión Americas has agreed to provide \$150,000 not later than July 31, 2015, with the balance to be paid by October 31, 2015.

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. Metro's portion of the purchase price will be paid from capital funds designated for park land acquisition.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2015-1490 (PRIDEMORE & BENNETT) – This resolution approves a grant in the amount of \$3,877.53 from the Friends of Two Rivers Mansion to the Metropolitan parks department to provide funding for two part-time parks employees to provide tours at the mansion during the summer of 2015.

RESOLUTION NO. RS2015-1491 (DUVALL, A. DAVIS & HUNT) - This resolution approves an intergovernmental agreement between Metro public works and the U.S. Army Corps of Engineers for the placement of a drainage culvert and concrete headwall on Smith Springs Road at the J. Percy Priest Dam and Reservoir. The acceptance of an easement from the Corps of Engineers for the project was approved by the council in 2002. This agreement grants Metro permission to extend an existing 24" culvert and headwall, and to install a new 18" concrete pipe. There are no additional costs to Metro associated with this agreement other than the project costs.

RESOLUTION NO. RS2015-1492 (PRIDEMORE & BENNETT) – This resolution approves an application for a grant in the amount of \$387,922.50 from the Tennessee Emergency Management agency and authorizes the department of water and sewerage services (MWS) to acquire three homes located in the Gibson Creek floodway/floodplain in Madison. The three properties to be acquired are 1007 Gibson Drive and 210 and 212 Elm Street. Ordinance No. BL2010-765 authorizes such action to be taken upon approval of a resolution receiving 21 affirmative votes once the funding is made available.

The Tennessee emergency management agency is accepting additional grant applications for the home buyout program in an amount not to exceed \$387,922.50, with a local match of \$55,417.50. These three homes were damaged by flooding in 1998, 2009, 2010, and 2013. This is an ongoing flood buyout program managed by MWS for the purpose of reducing the impact from flooding in Davidson County. These three homes will be demolished and maintained as open space.

RESOLUTION NO. RS2015-1493 (S. DAVIS) – This resolution authorizes Cleo Residences, LLC, to install and maintain an aerial encroachment at 1034 West Eastland Avenue. The encroachment will consist of five balconies and awnings extending over the right-of-way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$2 million with the Metropolitan clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2015-1494 (PRIDEMORE) – This resolution approves the appointment of 27 Davidson County citizens to serve as hearing officers for the Metro board of equalization (MBE). The MBE is authorized under state law to hear appeals of assessments on real property. In previous years, the members of the MBE had to be approved by the state board of equalization. This state law was changed this year to require the members to be approved by the county legislative body by resolution. A list of the members to be approved by this resolution is attached to this analysis.

RESOLUTION NO. RS2015-1495 (HARMON) - This resolution approves the election of notaries public in accordance with state law.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2015-1106 (MCGUIRE) – This ordinance abandons a portion of Benham Avenue right-of-way from Woodmont Boulevard to Graybar Lane. The abandonment of this unused right-of-way has been requested by Walter Davidson & Associates. The reason given for the abandonment is that the neighborhood wants to ensure this section of roadway is not built out. This ordinance retains all existing utility easements. A petition evidencing the consent of the affected property owners is included as an attachment to the ordinance. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2015-1114 (GILMORE, BANKS & A. DAVIS) – This ordinance amends the Metro code to prohibit vendors from selling food and goods within the area surrounding the new First Tennessee ballpark. The language of the ordinance is identical to the provisions applicable to the area surrounding the Bridgestone Arena, and very similar to the language pertaining to the Municipal Auditorium. Vendors would be prohibited from selling any food, goods, or personal property on the streets and sidewalks on game or other event days within the area bordered by 5th Avenue North, Harrison Street, 3rd Avenue North, and Jackson Street.

Although the caption of the ordinance references a prohibition on the resale of tickets, the actual ordinance itself does not reference ticket sales. Although the term is not defined in the ordinance, “tickets” theoretically could be considered goods or personal property.

ORDINANCE NO. BL2015-1115 (A. DAVIS & HUNT) – This ordinance authorizes the acceptance of permanent easements for property located at 9262 and 9269 Hester Beasley Road for a stormwater project. There is no cost associated with the acquisition of the easements. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1116 (BAKER, A. DAVIS & HUNT) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. BL2004-176 when the former right-of-way was abandoned for property located at 4911 Tennessee Avenue. There is no longer a government need for this easement. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1117 (BAKER, A. DAVIS & HUNT) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. O77-71 when the former 50th Avenue North right-of-way was abandoned for property located at 4913 Kentucky Avenue. There is no longer a government need for this easement. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2015-1118 & BL2015-1119 (BAKER, A. DAVIS & HUNT) – These two ordinances abandon water and sewer lines and easements that are no longer being used by the department of water and sewerage services, and accepts replacement infrastructure. These ordinances have been approved by the planning commission.

Ordinance No. BL2015-1118 abandons 51 linear feet of an 18-inch sewer main and easement, accepts 385 linear feet of a 10-inch sewer main and easement along with two fire hydrant assemblies, and accepts 21 feet of 8-inch sewer for property located at 6834 Charlotte Pike. This is for the Overlook at Nashville West project.

Ordinance No. BL2015-1119 abandons an 8-inch sewer main, manhole, and easement, and accepts a new manhole for properties located at 1202 and 1204 Tremont Street.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2015-1069 (TODD) – This ordinance abandons a portion of the Forsythe Place right-of-way from Lynwood Boulevard to Harpeth Hills Drive. This right-of-way abandonment has been requested by Chandelier Development. The ordinance retains all utility easements. Consent of the affected property owners is attached to the ordinance. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2015-1070 (TODD) – This ordinance abandons a portion of the Franklin Pike Circle right-of-way on properties located at 5644 and 5648 Franklin Pike Circle. This section of right-of-way dead ends prior to reaching Old Hickory Boulevard. This right-of-way abandonment has been requested by Dale & Associates. The ordinance also abandons all utility easements, but Nashville Electric Service facilities are to remain in place until an agreement is reached with NES for relocation or removal. Consent of the affected property owners is attached to the ordinance. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2015-1099 (BENNETT, GLOVER & OTHERS) – This ordinance amends the Metro zoning code to make sex clubs a separate use permitted with conditions in the IWD, IR, and IG zoning districts. For purposes of the zoning code, sex clubs currently fall within the general definition of club. This ordinance would add “sex club” as its own use, which would only be permitted in the industrial zoning districts. The ordinance defines sex club as any establishment, business, or club that allows members to engage in specified sexual activities or the exposure of specified anatomical areas (as defined in the zoning code), and which meets one or more of the following criteria:

1. The club does not provide membership to persons under 21 years of age;
2. The club’s members do not vote on the admittance of new members;
3. The club accepts applications for membership without a current member’s written recommendation;
4. The club grants membership on the same day a membership application is filed;
5. The club contains rooms for couples and other adult-themed rooms for members.

This criteria is very similar to the criteria used in the state law definition of private club recently enacted by the Tennessee General Assembly. The ordinance also would prohibit sex clubs from locating within 1,000 feet of a residence, school, day care, park, or church. Federal courts that have considered the regulation of sex clubs have acknowledged a local government’s legitimate concern that these clubs can pose health, safety, and welfare concerns for the community.

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ORDINANCE NO. BL2015-1099, continued

There is a substitute for this ordinance that removes the operational criteria from the definition of sex club and adds specific conditions specifying that the clubs are prohibited from the following:

1. Admitting members that are younger than 21 years of age;
2. Admitting any new member without the affirmative vote of a majority of the other members;
3. Accepting applications for membership without a current member's written recommendation; and
4. Granting membership within 24 hours from the time a membership application is filed.

The planning commission approved the substitute version of this ordinance.

ORDINANCE NO. BL2015-1100 (HUNT) – This ordinance amends the Metro zoning code to shift the responsibility for the posting of board of zoning appeals (BZA) public hearing signs from the codes department to the applicant. In 2014, the council approved a zoning text change to require applicants for zoning bills to post the public hearing signs. This ordinance expands this requirement to include signs providing notice of BZA appeal hearings. The ordinance also removes the requirement that the codes department advertise the public hearings in the newspaper. Notice of all such hearings is included on the Metro website and anyone can sign up on the website to receive every BZA agenda. Newspaper advertisements are quite expensive and their effectiveness given today's technology is questionable. Notices for council public hearings would still be included in the newspaper, as required by state law.

Ordinance No. BL2015-1140 on first reading would extend the distance from 300 feet to 600 feet for which BZA appeal applicants would be required to provide mailed notices to property owners.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1102 (BENNETT) – This ordinance amends the Metro code to clarify that the board of parks and recreation has the authority to permit the sale and consumption of beer and other alcoholic beverages in all parks. The Metro charter provides that the board of parks and recreation has the exclusive duty to control and operate the Metro parks. However, the council has the authority under state law to control the sale of beer. While the code currently authorizes the parks board to permit the possession of alcoholic beverages at such places and at such times as it deems appropriate under its rules and regulations, the code only permits the sale of beer in parks within the downtown area. The code does not expressly permit the sale of other alcoholic beverages besides beer in parks.

The parks department receives many requests to hold festivals, events, and ceremonies at parks outside of the downtown area, and the parks board has deemed it necessary that the alcoholic beverage restrictions in the code be revised to allow the sale of alcohol in parks county-wide with the approval of the board.

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ORDINANCE NO. BL2015-1102, continued

This ordinance would specifically allow the sale of alcoholic beverages at all parks, including at special events within parks, subject to the parks board's approval. The ordinance also removes the 1:00 p.m. starting time restriction for the sale of beer at golf courses on Sundays, which is in conflict with the 10:00 a.m. starting time in the beer code for all beer permit holders on Sundays.

ORDINANCE NO. BL2007-1103 (BAKER & LANGSTER) – This ordinance adds the juvenile court judge to the criminal justice steering committee. This committee was formally established by ordinance in 2007 to address criminal justice policies and procedures and the future needs of Davidson County's criminal justice system. The committee currently is comprised of the mayor, a general sessions judge, a criminal court judge, the district attorney, the public defender, the sheriff, the chief of police, and the criminal court clerk. This ordinance simply adds the juvenile court judge to the roster of committee members.

ORDINANCE NO. BL2015-1104 (CLAIBORNE) – This ordinance designates Old Lebanon Pike as "Donnie Whitworth Way". Donnie Whitworth was an intellectually disabled man that collected cans for recycling in the Donelson area for 40 years until his death this year. Mr. Whitworth was well known in the Donelson community, and it is estimated that he walked 8 to 10 miles a day, 7 days a week, collecting cans.

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 centerline layer map.

This ordinance does not officially rename Old Lebanon Pike, and property owners will not be required to change their address.

ORDINANCE NO. BL2015-1105 (GILMORE) – This ordinance renames Jackson Street between 2nd Avenue North and 5th Avenue North as "Junior Gilliam Way". Junior Gilliam was a professional baseball player from Nashville that started playing in the Negro leagues with the Nashville Black Vols. Mr. Gilliam went on to have a very successful major league career with the Brooklyn and Los Angeles Dodgers. This name change for this section of roadway, which is adjacent to the new First Tennessee Ballpark, been requested by the Nashville Sounds Baseball Club.

As required by the Metro code, the planning department mailed notices to all property owners that would be affected by the renaming of this street offering them the opportunity to provide written comments about the name change. No responses from the affected property owners were submitted.

This ordinance has been approved by the planning commission and the ECD board.

ORDINANCE NO. BL2015-1107 (GILMORE, A. DAVIS & HUNT) – This ordinance abandons portions of the Malloy Street right-of-way and easements in front of property located at 222 2nd Avenue South. The ordinance also authorizes the execution of a quitclaim deed to convey any property interests Metro may have in the right-of-way that is not already extinguished by the abandonment. This ordinance has been approved by the planning commission and the traffic and parking commission. The recommendation of approval from the planning commission is conditioned upon the existing electric utilities are to remain until an agreement is reached with Nashville Electric Service for their removal and/or relocation.

ORDINANCE NO. BL2015-1108 (TODD, A. DAVIS & HUNT) – This ordinance authorizes the acceptance of permanent and temporary easements for properties located at 1302 and 1304 Hildreth Drive, and 1302, 1306, and 1308 Tyne Boulevard for a stormwater improvement project. There is no cost associated with acquisition of the easements identified in the ordinance. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1109 (GILMORE, A. DAVIS & HUNT) – This ordinance abandons a 2,067 square-foot utility and drainage easement for property located at 1221 Division Street. This ordinance has been approved by the planning commission. Future amendments to this ordinance may be approved by resolution.

ORDINANCE NO. BL2015-1110 (HAGAR, A. DAVIS & HUNT) – This ordinance abandons 130 feet of a sewer easement for an unnumbered parcel of property on Dabbs Avenue. This ordinance has been approved by the planning commission. Future amendments to this ordinance may be approved by resolution.

ORDINANCE NO. BL2015-1111 (A. DAVIS & HUNT) – This ordinance abandons 500 linear feet of an 8-inch sewer line and easement, abandons 375 feet of a 6-inch water main and easement, and authorizes the construction of 609 feet of replacement sewer main for an unnumbered property on Main Street. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1112 (TENPENNY, A. DAVIS & HUNT) – This ordinance abandons 146 linear feet of a 10-foot water main easement for property located at 2971 Kraft Drive. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1113 (TENPENNY, A. DAVIS & HUNT) – This ordinance authorizes the director of Metro water services to replace 2,520 feet of 6-inch water main with 1,150 feet of 12-inch water main for property located at 719 Thompson Lane. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.