

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **October 19, 2004**

RE: **Analysis Report**

Balances As Of:	<u>10/13/04</u>	<u>10/15/03</u>
<u>GSD 4% RESERVE FUND</u>	* \$13,400,009	\$17,496,583
<u>CONTINGENCY ACCOUNTS</u>		
GSD	\$50,000	\$50,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE</u>		
<u>SCHOOL FUND</u>	Unavailable	Unavailable

* Assumes estimated revenues in fiscal year 2005 in the amount of \$18,738,500.

- MOTION TO RECONSIDER BILL -

ORDINANCE NO. BL2004-351 (DREAD) – This ordinance, as amended, amends the Metropolitan Code of Laws to provide for a taxicab passenger’s Bill of Rights. The taxicab bill of rights has been adopted in major tourist destination cities such as New York City and Las Vegas. The transportation licensing commission has already adopted a version of the taxicab passenger’s bill of rights. This ordinance simply codifies the bill of rights with some minor changes and additions. Pursuant to this ordinance, taxicab passengers have the following rights:

1. A professional driver who is licensed and knowledgeable about major routes, destinations, and attractions in Nashville and Davidson County;
2. A driver who knows and obeys all traffic laws and ordinances related to taxicabs;
3. A driver who speaks and understands English and is courteous providing passenger assistance as well as a safe ride;
4. A quality taxicab that is mechanically free of problems and is clean both in the passenger areas as well as the trunk area;
5. Smoke and incense-free air while in the taxicab;
6. A silent trip without the driver engaging in personal wireless telephone calls;
7. Air conditioning and heat upon request;
8. Direct the destination and the route to be traveled;
9. The right to refuse to tip; and
10. A receipt upon request.

This ordinance requires that the above rights be posted in each taxicab in plain view of all passengers effective December 1, 2004.

This ordinance was adopted on third and final reading at the last meeting of Council on Tuesday, October 5, 2004. It is before the Council pursuant to Rule 34. As the previous question had been called on the main motion (motion to adopt), the motion to reconsider is non-debatable at this meeting.

– RESOLUTIONS –

RESOLUTION NO. RS2004-528 (ISABEL) – This resolution initiates the rezoning of 17.34 acres from RS7.5 to RS20, property located west of Dickerson Pike and along the north side of Pine Ridge Drive, for the purpose of waiving the zoning application fee. The Metropolitan Zoning Code provides that zoning application fees may be waived for “large area rezonings initiated by the planning commission or metropolitan council to implement the general plan.” The department of law has recently interpreted this Code section to mean that zoning application fees may not be waived upon request of individual members of Council, but only by the Council as a body. Ordinance No. BL2004-409, scheduled to be on second reading at the November public hearing, would amend this Code section to allow individual members of council to waive zoning application fees in certain circumstances.

The Council Office is of the opinion that this rezoning does not meet the Code requirement of a “large area rezoning”, nor does it further the general plan. The property in question consists of one 17-acre parcel of property. This Code provision was intended to allow the Council to waive zoning application fees for multiple parcel rezonings in an effort to implement the general plan. The Council Office has been informed by planning staff that RS20 would not further the general plan for this area.

RESOLUTION NO. RS2004-539 (WALLACE) – This resolution provides a proposed amendment to the Metropolitan Charter to clarify that the office of mayor is limited to two consecutive terms. When the Charter was adopted in 1963, the office of mayor was limited to three consecutive four-year terms. The office of mayor was the only office that was term-limited by the Charter. In 1994, the Charter was amended by petition and referendum election to provide that all elected offices created by the Charter are limited to two consecutive four-year terms. However, the 1994 Charter amendment initiated by the citizens did not address the specific Charter provision related to the term limit for the office of mayor. Therefore, an undetermined legal question remains as to whether the later term limit provision trumps the prior term limit provision regarding the office of mayor, or whether the office of mayor continues to have a term limit of three consecutive terms. This Charter amendment would provide that the office of mayor is limited to two terms, in accordance with the general term limit provision adopted in 1994. The charter revision commission did not recommend approval of this amendment and recommended that the “For the Ballot” language be modified.

The Council, pursuant to the Charter, may only adopt two resolutions during the term of the Council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the Council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. This resolution provides that the date for holding the referendum election on this Charter amendment is to be the August general election in 2006, since there are no regular elections to be held in 2005. State election law requires that resolutions requiring the holding of elections on questions submitted to the people which are to be held at the regular election must be filed with the election commission not less than 60 days prior to the August election. Thus, this resolution needs to be deferred indefinitely to avoid the holding of a special election.

RESOLUTION NO. RS2004-540 (GILMORE, ISABEL & OTHERS) – This resolution appropriates \$40,000 from the general fund of the general services district to African American History Foundation of Nashville, Inc. These funds were included as part of the substitute operating budget adopted by the Council in June 2004 as an appropriation for the African American History Museum. African American History Foundation, Inc., is the nonprofit entity that is responsible for the development of an African American history museum in Nashville.

State law provides that the legislative body of a municipality may appropriate funds for financial aid of 501(c)(3) nonprofit organizations. In order for nonprofit organizations to receive such funding from the Metropolitan Government, state law requires that certain information be filed with the Metropolitan Clerk consisting of a copy of an annual audit, a description of the nonprofit’s program that serves the residents of the community, the proposed use of government funds, and proof that the organization maintains a current 501(c)(3) tax exempt status. In lieu of an annual audit, African American History Foundation of Nashville, Inc., has provided a copy of its form 990 tax return for 2003. The finance department has been willing to accept a tax return in lieu of an audit for start-up nonprofits that would suffer an unreasonable hardship in having an audit prepared.

RESOLUTION NO. RS2004-541 (GILMORE & MURRAY) – This resolution appropriates \$26,000 from the contingency account of the general fund of the general services district to Ujima House, Inc., to provide partial funding for its program services. The contingency account of the general fund

has typically been reserved by the council for emergency purposes. Ujima House, Inc., is a nonprofit organization that provides services to victims of domestic violence, consisting of temporary housing, clothing, food, crisis intervention/counseling, and education services.

As stated above, state law allows local government to make grants to nonprofit organizations, provided that certain information is submitted by the organization proving their eligibility for such funds. One of the state law requirements is a copy of an annual audit. In lieu of an audit, Ujima House, Inc., has provided a copy of its 2003 tax return and a "Compilation Report" of its financial position. The compilation report prepared by an outside accountant states that "Management (of Ujima House, Inc.) has elected to omit substantially all of the disclosures required by generally accepted accounting principles." Ujima House, Inc., has also submitted a letter that lists findings and recommendations based on "internal audits." One of the findings of the organization is that their federal funding was pulled due to past improper reporting practices.

The Council Office is of the opinion that the information submitted by Ujima House, Inc., does not meet the state law audit requirements. Although the finance department has accepted a tax return in lieu of an audit for small start-up nonprofits, the Secretary of State's records indicate that Ujima House, Inc., has been incorporated since 1995. A Tennessee Attorney General opinion from 1991 regarding the state law audit requirement states that "[i]t is the opinion of this Office that T.C.A. §§6-54-111(c) requires a non-profit organization receiving financial assistance from a municipality to file an annual report of its business affairs, including a copy of its annual audit, with the city clerk." The opinion states that guidelines adopted by the municipality could clarify the type of audit required, but the Council has not adopted any such guidelines.

The finance department has indicated that if the Council approves this appropriation, legal advice will be needed to determine whether the information provided by Ujima House, Inc., meets the state law requirements.

RESOLUTION NO. RS2004-542 (NEIGHBORS, SHULMAN & WILHOITE) – This resolution approves an annual grant in the amount of \$278,000 from the state department of state to the Nashville public library to provide access to and circulation of library materials. These grant funds will be used to provide library services to children, the deaf and hard of hearing, and materials for the economically disadvantaged. The grant funds will be divided as follows: \$91,000 for general library services, \$182,000 for services to the deaf and hard of hearing, and \$5,000 for library materials for the disadvantaged. The term of this grant is from July 1, 2004, through June 30, 2005, with a possible extension of four additional one-year terms.

RESOLUTION NO. RS2004-543 (NEIGHBORS & SHULMAN) – This resolution approves an application for a recycling rebate grant in the amount of \$82,993 from the state department of environment and conservation for the benefit of the department of public works. These funds will be used to defray the cost of operating the Metro recycling centers. There is a required match of \$82,993 that will be provided from the department's operating budget.

RESOLUTION NO. RS2004-544 (SHULMAN & NEIGHBORS) – This resolution approves three contracts relating to the collection of municipal solid waste within the urban services district of the Metropolitan Government. The Metropolitan Code of Laws provides that all contracts related to solid waste collection and disposal in excess of \$500,000 must be approved by resolution of the Council receiving at least 21 affirmative votes.

In 1999, the Council approved contracts with PDQ Disposal, Inc., BFI, and Charles U. Spurlock Company for the collection of residential garbage in the urban services district. Those contracts expired on March 31, 2004. The rates paid by Metro under the old contracts were \$4.71 per household to Charles U. Spurlock Disposal Co., \$4.84 per household to PDQ Disposal, and \$5.50 per household to BFI, plus an annual rate escalator based on the transportation consumer price index. In addition, BFI and PDQ contracted to deliver a certain number of tons annually to the downtown thermal plant. Since the thermal facility is no longer in operation, this provision is not part of the new contracts.

This resolution approves three new contracts with Hudgins Disposal, Inc., Red River Service Corporation, and Waste Industries of Tennessee, LLC. These three contractors were selected through a request for proposals (RFP) process, as required by the procurement code. A total of nine companies submitted proposals for the 13 separate service areas of the urban services district. The contracts were awarded as follows:

- Hudgins Disposal, Inc. for service of area 7.
- Red River Service Corporation for service of areas 8 and 11 through 13. Red River was also awarded service areas 9 and 10, but a protest of this award filed by a competing provider is still pending with the procurement appeals board.
- Waste Industries of Tennessee, LLC for service of areas 4 and 6.
- The department of public works will continue to collect residential garbage in areas 1 through 3 and in area 5.

The term of these contracts is for a ten-year period to commence on December 1, 2004. Metro has the option of extending the contracts for up to two additional five-year periods. The amount to be paid by Metro for these collection services varies from \$4.19 to \$5.90 per month per home for regular collection. Regular collection includes curbside pick-up of one container once a week. Backdoor pick-up is available to customers at an increased cost. The department of finance has indicated that these contracts will save the Metropolitan Government more than \$13 million over the ten-year contract term. The rates to be paid by Metro under these contracts for collection services, not including the annual cost escalator, is as follows:

Hudgins Disposal, Inc.

- \$5.90 per month per home for regular collection (semi-automated). Second carts are an additional \$1.00 per month per home.
- \$18.00 per month per customer for waiver backdoor collection (for the elderly and disabled).
- \$20.00 per month per customer for elective backdoor collection.

(continued on next page)

RESOLUTION NO. RS2004-544 (continued)

Red River Service Corporation

- \$5.85 per month per home in area 8 for regular collection (semi-automated).
- \$4.19 per month per home for regular collection in areas 11 through 13 (automated).
- There is no charge for second carts for the first 2,500 second cart collections. Second carts over 2,500 are \$0.75 per month.
- There is no charge for the first 2,200 waiver backdoor collections. Waiver collections over 2,200 are \$8.21 per month per customer.
- \$20.00 per month per customer for elective backdoor collection.

Waste Industries of Tennessee, LLC

- \$5.52 per month per home for regular collection (semi-automated). Second cart collections are an additional \$0.75 per month.
- There is no charge for waiver collections below 1% of the total households serviced. Above this 1% threshold is \$14.00 per month per household.
- \$20.00 per month per customer for elective backdoor collection.

These three contracts are almost identical in form and substance. The contractors are required to collect the waste from each home on a weekly basis and deliver it to the BFI transfer station within 24 hours. The refuse carts will be provided by Metro and will remain the property of Metro. The contractors are responsible for purchasing their own collection trucks, which must be no more than one year old at the time of commencement of the contract. Any truck reaching seven years of age at any time during the term of the contract must be replaced. The contractors are required to maintain workers' compensation, general liability, and automobile insurance naming the Metropolitan Government as additional insured. The contractors are also required to submit a performance bond or letter of credit to Metro in the amount of \$100,000 for Hudgins Disposal, \$1,000,000 for Red River Service Corporation, and \$500,000 for Waste Industries. In addition, Red River Service Corporation and Waste Industries are required to have a guaranty agreement executed by their parent company. The Council Office would point out that the name of the guarantor for Red River is left blank. If there is to be a guarantor for Red River, such guarantor should be named in the contract. Otherwise, these provisions should be deleted from the contract.

The contracts also provide for incentive payments by Metro based upon a finding of exceptional service to residents. Metro will conduct a survey of customers in at least two randomly chosen months per year. If 90% or more of those surveyed rate the quality of their collection service as excellent, then the contractor will be paid an incentive payment. The incentive payment to Red River Service Corporation will be \$10,000, and the payment to Waste Industries will be \$5,000. The Council Office would point out that there is a discrepancy in the contract with Hudgins Disposal, Inc., regarding the amount of the incentive payment. The contract provides that Hudgins is to receive an incentive of "ten thousand dollars", but includes the numeral designation of "(\$2,000)".

RESOLUTION NOS. RS2004-545 THRU RS2004-554 (NEIGHBORS) – These ten resolutions appropriate funds from the general fund reserve fund (4% fund) to various departments. Four percent funds may only be used for the purchase of equipment and repairs to buildings. These projects were included as part of the mayor's capital spending plan, but held until adequate funding was in place.

(continued on next page)

ESOLUTION NOS. RS2004-545 THRU RS2004-554 (continued)

The total amount of these ten resolutions is \$1,302,200. The balance in the general fund reserve fund as of September 29, 2004, was \$17,892,810. This consists of unrealized revenue for fiscal year 2005 in the amount of \$17,566,974. The resolutions provide that "(t)he 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.

Resolution No. RS2004-545 appropriates \$150,000 from the general fund reserve fund to the finance department for improvements to the Ben West building, including cabling, wiring, and electrical improvements.

Resolution No. RS2004-546 appropriates \$5,000 from the general fund reserve fund to the juvenile court for an x-ray scanner - warranty.

Resolution No. RS2004-547 appropriates \$349,600 from the general fund reserve fund to the department of parks and recreation to purchase various equipment. A list of each of the items including an estimated cost is included in the attachment to this analysis.

Resolution No. RS2004-548 appropriates \$149,800 from the general fund reserve fund to the police department to purchase wireless units, dogs for the canine unit, swat team rifles, and bicycles.

Resolution No. RS2004-549 appropriates \$100,000 from the general fund reserve fund to the public library to repair parking lots, sidewalks, and various other maintenance projects at the libraries, as well as the purchase of machinery and equipment.

Resolution No. RS2004-550 appropriates \$477,500 from the general fund reserve fund to the department of public works to purchase new LED traffic signal bulbs, handheld ticket writers, block meters, and radar guns.

Resolution No. RS2004-551 appropriates \$4,800 from the general fund reserve fund to the county clerk to purchase fax machines, tables, and chairs.

Resolution No. RS2004-552 appropriates \$12,500 from the general fund reserve fund to the criminal court clerk to purchase two document scanners.

Resolution No. RS2004-553 appropriates \$28,000 from the general fund reserve fund to the health department to purchase automatic electronic defibrillators.

Resolution No. RS2004-554 appropriates \$26,800 from the general fund reserve fund to the county trustee to purchase a remittance system.

RESOLUTION NO. RS2004-555 (NEIGHBORS) – This resolution authorizes the department of law to settle the claim of Malik King against the Metropolitan Government in the amount of \$8,000. On January 12, 2004, a Metro animal control vehicle was turning off of Harding Place onto Ezell Pike when the driver crossed into the opposite lane of traffic and struck a van driven by Mr. King. Mr. King suffered soft tissue injuries to his head, neck, and back, and missed two weeks of work.
(continued on next page)

RESOLUTION NO. RS2004-555 (continued)

The department of law recommends settling this claim in the amount of \$8,000 to be paid from the self-insured liability fund. This amount includes \$4,082 in medical bills, \$400 in lost wages, and \$3,518 for pain and suffering. The property damage claim of \$2,200 has previously been settled. The Metro employee involved in this accident received a written reprimand.

RESOLUTION NO. RS2004-556 (NEIGHBORS) – This resolution authorizes the department of law to settle the lawsuit of Henry Langford, Jr., against the Metropolitan Government in the amount of \$22,000. On March 7, 2001, a Metro police officer was traveling northbound on Metrocenter Boulevard in response to a call with his blue lights and siren activated. The officer proceeded through a red light at the intersection of Dominican Drive and struck Mr. Langford's vehicle. Mr. Langford sustained injuries to his lower back, shoulder, and neck, and incurred medical bills totaling \$7,234.40. The Metropolitan Government has already settled Mr. Langford's property damage claim in the amount \$3,875. The department of law recommends settling this lawsuit in the amount of \$22,000, compensating Mr. Langford for the amount of his medical bills, plus \$14,765.60 in pain and suffering. This amount is to be paid from the self-insured liability fund. The officer involved in this accident received disciplinary action consisting of a written reprimand.

RESOLUTION NO. RS2004-557 (NEIGHBORS) – This resolution accepts \$6,749.92 in settlement of the Metropolitan Government's claim against William Bradford. On September 12, 2003, Mr. Bradford's pickup truck struck the rear of a Metro library vehicle attempting to turn into a private drive off of Charlotte Pike causing substantial damage to the vehicle and injury to the Metro driver. This settlement represents recovery of the wages paid to the injured Metro employee, as well as her medical bills paid by the Metropolitan Government. The property damage portion of the claim has previously been settled.

RESOLUTION NO. RS2004-558 (NEIGHBORS) – This resolution accepts \$7,543.85 in settlement of the Metropolitan Government's claim against Deanna C. Dunn. On September 24, 2002, Ms. Dunn was operating a pickup truck that collided with a Metro public works vehicle at the intersection of Woodland Street and South 5th Street, causing the Metro vehicle to overturn. Two Metro employees were injured in this accident. This settlement represents recovery of Metro's property damage claim only.

RESOLUTION NO. RS2004-559 (NEIGHBORS) – This resolution accepts \$33,663.68 in settlement of the Metropolitan Government's claim against Tow Pro Towing and Recovery. On September 1, 2004, Tow Pro Towing and Recovery was towing a Metro dump truck to a repair facility in Murfreesboro. The tow truck operator failed to disengage the transmission of the dump truck before towing the vehicle, which completely destroyed the engine in the 2000 Mack dump truck. The settlement compensates Metro for the cost of a remanufactured engine.

RESOLUTION NO. RS2004-560 (NEIGHBORS) – This resolution accepts \$5,034.19 in settlement of the Metropolitan Government's claim against Allen Warren. On August 6, 2004, Mr. Warren backed into the front of a Metro dump truck that was parked at the Lojac asphalt plant waiting for a load of hot asphalt mix. This settlement amount includes \$4,534.19 in damage to the truck's tri-axle, plus a towing reimbursement of \$500.00.

p:resol

- BILLS ON SECOND READING -

ORDINANCE NO. BL2004-345 (MURRAY & MCCLENDON) – This ordinance amends the Metropolitan Code of Laws to require that the front entrances of new single-family homes face a public or private street. This ordinance would prevent constructing homes on narrow lots that face another home, instead of facing the street. This ordinance would not apply to single-family homes located in agricultural or residential zoning districts with a minimum 80,000 square foot lot, nor would it apply to commercial areas.

There is a proposed amendment to accommodate certain zone districts and puds.

ORDINANCE NO. BL2004-370 (FOSTER, NEIGHBORS & GILMORE) – This ordinance authorizes the director of public property administration to acquire property located on Cotton Lane, by negotiation or condemnation, for the construction of a new Head Start center in the Nolensville Road area for the benefit of the Metro action commission. The property consists of 5.46 acres and has an appraised value of \$72,600.

ORDINANCE NO. BL2004-379 (HART) – This ordinance abandons 172 linear feet of an existing sewer line easement encumbering property located at 3500 Gallatin Pike. Teacher's Retirement System is the owner of the property encumbered by the easement. The department of water and sewerage services no longer has a need for this sewer easement. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2004-380 (ISABEL) – This ordinance authorizes the director of public property administration to acquire easements and right-of-way, by negotiation or condemnation, in connection with the Simpkins Street sidewalk improvement project. The improvements to be made along Simpkins Street include new curbs and gutters, a grass strip, and the construction of sidewalks. Property interests are to be acquired for 1700 to 1728 Simpkins Street, as well as 2116 and 2120 24th Avenue North. The acquisition of additional property interests for this project may be approved by resolution of the Council receiving 21 affirmative votes.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2004-381 (SHULMAN & NEIGHBORS) – This ordinance authorizes the director of the department of water and sewerage services to enter into agreements with the state department of environment and conservation to allow for local approval of water and wastewater engineering plans. Under state law, the department of environment and conservation is responsible for the general supervision over the construction of public water supplies and public sewerage systems, including the approval of construction or modifications to any such system. However, state law does enable local governments to grant approval of water and wastewater construction plans upon certification by the commissioner of the department of environment and conservation.

The agreements provided in this ordinance grant Metro water services the authority to approve wastewater and public water plans, subject to certain conditions. The standards used by Metro water services for review and approval of the plans must be at least as stringent as those standards used (continued on next page)

ORDINANCE NO. BL2004-381 (continued)

by the state. Plans involving the construction of treatment plants, sludge handling facilities, and those projects funded by state or federal funds will still have to be approved by the department of environment and conservation.

This ordinance also approves a fee schedule to be used by the department of water and sewerage services for the review of construction plans. The fee schedule is as follows:

1. Pump Stations \$300.00 each
2. Standard Specifications \$100.00
3. Water and Sewer Lines \$100.00 for first 1,000 feet, and \$0.01 per foot over 1,000 feet.
4. Plan Modification 20% of the review fee
5. Reports, Addendums, etc. \$100.00 each

Future amendments to these agreements may be approved by resolution of the Council.

ORDINANCE NO. BL2004-382 (SHULMAN & NEIGHBORS) – This ordinance grants the power to the department of public works to administer Metro’s participation in the Tennessee fast track industrial development program (FIDP). The FIDP, formerly known as the Tennessee industrial infrastructure program (TIF), is a state program in which the Metropolitan Government, the Greater Nashville Regional Council, and private businesses participate for grant funds to make infrastructure improvements. These funds are made available to industries that create new jobs either by expansion or building new facilities. Metro has participated in this program since 1993. The industrial development board and the mayor’s office of economic development have previously managed and administered Metro’s participation in this program. This ordinance would transfer this responsibility to the department of public works.

This ordinance further provides that all contracts and grants relating to Metro’s participation in this program may be approved by resolution of the Council receiving 21 affirmative votes.

The council office is of the opinion that this program should be administered by the office of economic development. This program is directed at economic development, not general public infrastructure improvements.

ORDINANCE NO. BL2004-383 (CRADDOCK & SHULMAN) – This ordinance authorizes the mayor to execute a contract in lieu of a performance bond with the state department of environment and conservation regarding the old Due West landfill. The Due West dump site was formerly used by the Metropolitan Government as a landfill, but has been closed for many years. State law requires that all owners of closed landfills either put up a performance bond or execute a contract agreeing to pay a penalty if the site is not adequately maintained.

This ordinance approves a contract between Metro and the state whereby Metro agrees to perform all operation and maintenance requirements regarding the old Due West landfill, or pay a penalty in the amount of \$2,091,024. This landfill site has been adequately cleaned up and capped, and there are currently no known environmental problems with the site. This agreement simply provides that Metro will continue to maintain the site and monitor for environmental hazards such as the release of methane gas. Metro would only be subject to the penalty if it failed to adequately maintain the site.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2004-373 (BRILEY) – This housekeeping ordinance simply renumbers an incorrect section number in a prior ordinance. After the enactment of Ordinance No. BL2004-245, which amended the Metro Code to provide public notification requirements for Metro boards and commissions, it was brought to the Metropolitan Clerk's attention by the codifier of the Metro Code that one of the sections needed to be renumbered. This ordinance simply corrects the section number.

ORDINANCE NO. BL2004-374 (WILLIAMS) – This ordinance, as amended, amends the Metropolitan Code of Laws to require annual reporting on the implementation of the Metro Neighborhood Traffic Management Program. Pursuant to this ordinance, beginning November 1, 2004, the department of public works will be required to file an annual report with the Council providing information regarding the progress of the Metro Neighborhood Traffic Management Program and the results of all traffic calming efforts. The police department is to submit to the department of public works all information necessary for the preparation of the report. The annual report is to include the following information:

1. The streets involved in the neighborhood traffic management program, their sponsoring neighborhood association, and councilmanic district in which they are located;
2. Current neighborhood status in the program;
3. Their ranking by year entering the program, average speed, number of accidents, and established priority;
4. Breakdown of expenditures and methods regarding engineering, education, and enforcement;
5. Number of new applicants reviewed and number of applicants pending review for entry into the program;
6. Number of projects removed for public health or safety reasons; and
7. Number of projects removed by citizen petition request.

ORDINANCE NO. BL2004-375 (WHITMORE) – This ordinance approves a license agreement between the Metropolitan Government and the Motion Picture Licensing Corporation (MPLC) relating to the use of motion pictures at Metro community center facilities. MPLC, based in Los Angeles, CA, is an independent copyright licensing service authorized by major Hollywood movie studios to issue "umbrella" licenses to nonprofit, business, and government organizations for the public performance of home videocassettes and DVDs. MPLC currently includes 78 motion picture studios and production companies as part of its umbrella license. According to federal copyright law, videocassettes and DVDs are for home use only unless a license is obtained to show them elsewhere, regardless of whether a fee is charged to show the film. Thus, Metro needs a license to show films at community centers in order to comply with federal law.

Pursuant to this agreement, Metro will have a license to show videocassette movies and DVDs at Metro parks community centers. The board of parks and recreation currently operates 25 community centers in Davidson County. The term of the license agreement is for one year, but is automatically renewed on a year-by-year basis until 2009 unless terminated. The fee for the license is \$6,600 per year, which may be increased based upon the consumer price index. Amendments, renewals, or extension of the terms of this agreement must be approved by resolution of the Council.

Metro has entered similar agreements in the past with BMI, ASCAP, and SESAC regarding the public performance and use of music at Metro facilities.

ORDINANCE NO. BL2004-376 (TYGARD) – This ordinance authorizes the director of public property administration to accept an easement encumbering property located at 925 Morton Mill Road in connection with a department of water and sewerage services project.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2004-377 (CRADDOCK) – This ordinance authorizes the director of public property administration to accept an easement encumbering property located at 311 Heritage Court in connection with the Heritage Court stormwater project.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2004-378 (BRADLEY & GILMORE) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Centex Homes to provide public sewer service to Lakeside Cove. Centex Homes is planning to provide a public sewer extension through construction of a sewerage pump station at Percy Priest. Since the operation and maintenance of the pump station will increase the cost to Metro of providing sewer service to the development, Centex has agreed to pay \$150,000 to fund the additional costs. This amount is to be deposited as a maintenance fee in the water and sewer revenue fund. Amendments to this ordinance may be approved by resolution of the Council.

p:billstrd