

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **August 17, 2010**

RE: **Analysis Report**

Balances As Of:	<u>8/11/10</u>	<u>8/12/09</u>
<u>GSD 4% RESERVE FUND</u>	* \$36,231,254	\$29,809,032
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	Unavailable	Unavailable

* Assumes estimated revenues in fiscal year 2011 in the amount of \$23,440,100

– RESOLUTIONS –

RESOLUTION NO. RS2010-1204 (MOORE) – This resolution appropriates \$65,000 in community development block grant (CDBG) funds for improvements in the Chestnut Hill neighborhood. CDBG funds are designated by federal law to be used for affordable housing activities and for neighborhood community improvement projects. These funds will be used for the installation of bus benches and to establish a community garden. Plans for these improvements are available for review at the offices of the Metropolitan development and housing agency.

RESOLUTION NO. RS2010-1337 (TYGARD & CRADDOCK) – This resolution authorizes the Metropolitan Council public safety committee to conduct an investigation regarding the loss of in-car camera video footage for approximately 1,600 police traffic stops. In May 2010, a vendor for the Metropolitan Nashville Police Department (MNPd), ICOP Digital, Inc., performed a remote software update to the MNPd's in-car camera system that apparently resulted in the deletion of approximately 1,600 recorded traffic stops. The MNPd uses camera units to record and save traffic stops on a hard drive in the car, which are then uploaded to a computer server located at the MNPd headquarters. The purpose of the in-car camera system is to provide visual and audio documentation of the traffic stops (especially those involving suspected DUI offenders) that can be submitted as evidence in court.

Though never used, there is a provision in the Metropolitan Charter authorizing the council, in aid of its legislative functions, to conduct investigations by the whole council or any of its committees upon adoption of a resolution receiving 30 affirmative votes. The Charter further authorizes the council to compel the attendance of witnesses and the production of books, papers, and records pertinent to an investigation or hearing, and to administer oaths to witnesses. This resolution provides that the committee is to make a report of its findings to the council following the conclusion of the investigation concerning the deletion of the traffic stop video footage that occurred in May 2010. The resolution also provides that the vice mayor may temporarily appoint additional members to the public safety committee as necessary for the purpose of conducting the investigation.

A similar resolution calling for an investigation of the demolition of the Evergreen mansion failed to receive council approval in 2005.

RESOLUTION NO. RS2010-1338 (STEINE & CLAIBORNE) – This resolution approves an account based self-insured medical benefits plan for Metro employees and pensioners. In October 2006, the council enacted Ordinance No. BL2006-1180 approving a change to the benefits provisions in the code to authorize the employee benefit board to adopt additional types of self-insured medical plan design structures. At the time BL2006-1180 was enacted, Metro only had one self-insured medical benefits plan, administered by BlueCross/BlueShield of Tennessee. In 2007, the council approved an additional self-insured benefits plan to be administered by CIGNA. The CIGNA plan is based upon a health reimbursement account (HRA) of \$1,100 for an individual or \$2,200 per family. The HRA is basically an imaginary "account" (continued on next page)

RESOLUTION NO. RS2010-1338 (continued)

that is created for each plan participant in which the foregoing amounts are added on an annual basis. Balances remaining in this account are carried forward and added to the new beginning balance for the next year. Medical costs are paid at 100% of the usual and customary charges until the account is exhausted. It is possible to have additional funds added to the account for completion of a health assessment and participation in certain wellness programs. Preventive care services, such as regular check-ups, physicals, etc., are covered at no cost to the participant. Once the HRA is exhausted, participants are responsible for 100% of their medical bills up until the deductible cap of \$500 for individual coverage and \$1,000 for family coverage. After the deductible has been met, the participant pays 10% of medical charges until the out-of-pocket maximum has been paid.

This resolution approves a new version of the Cigna plan to take effect January 1, 2011. The plan is almost identical to the plan currently in place, with the one notable difference being an increase in the out-of-pocket maximum. The single coverage out-of-pocket maximum is being increased by \$150 for a new total of \$1,150. The family coverage out-of-pocket maximum is being increased by \$300 for a total of \$2,300. It is important to point out that these out-of-pocket increases can be mostly offset through the completion of the annual health risk assessment.

The existing Blue Cross/Blue Shield PPO will remain available as an option for all Metro employees and retirees.

RESOLUTION NO. RS2010-1339 (STEINE) – This resolution accepts an annual grant in the amount of \$50,585 from the Tennessee Arts Commission to the Metropolitan Arts Commission. These funds will be used to make grants to non-profit organizations for community arts projects. There is a required local match in the amount of \$50,585 to be provided from the Metro arts commission budget. The term of the grant is from July 1, 2010 to June 30, 2011.

RESOLUTION NO. RS2010-1340 (BAKER & STEINE) – This resolution approves an amendment to a grant in the amount of \$10,275,000 from the state department of finance and administration to the Metropolitan Government for expansion of the Metropolitan Detention Facility. These grants funds are being used to construct approximately 256 medium security beds and as many minimum security beds as can be built with the remaining grant funds. The term of the grant is through June 30, 2011, and the construction work must be completed not later than June 30, 2011. This amendment simply changes the name of the state project manager.

RESOLUTION NO. RS2010-1341 (STEINE & BAKER) – This resolution approves an amendment to a grant in the amount of \$199,882 from the U.S. department of justice to the state trial courts to reduce recidivism rates among felony offenders with mental health and substance abuse disorders. These funds are used to support the state trial courts' community corrections program. This program provides alternative punishments for non-violent offenders consisting of offender supervision, residential programs, and day reporting center programs. There is a required in-kind local match of \$39,976.40 to be provided primarily through office space. This amendment extends the term of the grant through December 30, 2011.

RESOLUTION NO. RS2010-1342 (BAKER & STEINE) – This resolution approves a grant in the amount of \$4,097,460 from the state board of probation and parole to the state trial courts to fund the Davidson County community corrections program. This program provides alternative punishments for non-violent offenders consisting of offender supervision, residential programs, and day reporting center programs. The goal of the grant is to limit the recidivism rate to 10% for those offenders completing the community corrections program. The state trial courts are to collect a \$15 per month fee from participants, which will be used to offset sums due under the grant. The term of the grant is from July 1, 2010 through June 30, 2013.

This grant is almost identical to a grant approved by the council in June 2010. However, the previous grant agreement was never executed by the state. The only difference is that this new grant agreement specifically spells out that the \$15 participant fee will be allocated toward the local match of \$198,450.

RESOLUTION NOS. RS2010-1343 and RS2009-1344 (STEINE) – These two resolutions approve annual grants from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to prepare adults and dislocated workers for re-entry into the labor force, and to provide training for those facing serious barriers to productive employment. The grant terms are from July 1, 2010 through June 30, 2012. These grants provide part of the operating funding for the NCAC.

Resolution No. RS2010-1343 approves a dislocated worker grant in the amount of \$619,202.

Resolution No. RS2010-1344 approves an adult worker grant in the amount of \$337,221.

RESOLUTION NO. RS2010-1345 (BENNETT, STEINE & TYGARD) – This resolution approves a contract between the Metropolitan board of health and Financial Marketing Concepts, Inc., (FMC) to provide a discount prescription drug card to residents of the Metropolitan Government. FMC has created a discount prescription drug card known as the Coast2Coast Rx card and wants to partner with the health department to provide the card to residents free of charge. Holders of the free card will be eligible to receive discounts on prescription drugs, as well as discounted imaging and lab tests. FMC will create a website regarding the program as a link from the Metro website. There is no cost to Metro for participating in this program. In fact, FMC agrees to pay Metro a royalty of fifty cents per filled prescription up to 6,000 per month. The royalty will increase to sixty cents from 6,001 to 10,000 filled prescriptions, to seventy cents for 10,001 to 15,000 prescriptions, and to seventy-five cents for more than 15,000 prescriptions. There is a typographical error in the schedule outlining the amount of royalties to be paid.

This agreement will renew automatically every year unless terminated by Metro with thirty days written notice to FMC.

RESOLUTION NO. RS2010-1346 (JERNIGAN, STEINE & HUNT) – This resolution approves an application for a Tennessee Roadscapes grant from the state department of transportation in the amount of \$92,536 for improvements along the front entrance to The Hermitage on Old Hickory Boulevard. Specifically, the funds would be used to erect eight stone piers on Old Hickory Boulevard and to landscape medians at The Hermitage entryway. The Hermitage will provide environmental assessments and plans, and will obtain all necessary permits. Once the grant expires, The Hermitage will be responsible for all maintenance. Metro will provide oversight to ensure appropriate upkeep of this investment but will not be obligated to provide any funding for the project.

RESOLUTION NO. RS2010-1347 (STEINE) – This resolution authorizes the department of law to compromise and settle the Metropolitan Government's property damage claim against Johnny Curry for the amount of \$8,741.81. On January 31, 2010, a Metro police car was parked in the right lane of I-65N near Old Hickory Boulevard while the officer was working a traffic accident. Mr. Curry lost control of his vehicle and struck the parked police car causing \$8,741.81 in damage. This resolution settles the claim for the amount of the damage to the Metro vehicle.

RESOLUTION NO. RS2010-1348 (STEINE) – This resolution authorizes the department of law to compromise and settle the Metropolitan Government's property damage claim against Kristin Goble for the amount of \$2,549.89. On October 30, 2009, a Metro police car was struck in the rear on Interstate 40 by a vehicle driven by Jackson Goble (owned by Kristen Goble) causing personal injuries to the police officer consisting of a thoracic strain. The medical and injury-on-duty costs incurred by the Metropolitan Government total \$2,549.89. The \$1,439.31 in property damage to the police car has already been paid.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2010-650 (GOTTO & JERNIGAN) – This ordinance amends the Metro Code to require the department of public works to inform disabled drivers parking at Metro facilities that there is no charge for parking their vehicles. State law prohibits local governments from charging a fee to park in any municipally-owned garage or metered spot for a vehicle with a valid disabled driver license plate or placard. This ordinance would require that either signs be posted within a parking meter zone or a statement be included on all meters informing drivers about this state law. Signs would also be required at the entrances to all Metro-owned parking garages.

This ordinance has been approved by the traffic and parking commission.

ORDINANCE NO. BL2010-714 (HOLLIN & COLE) – This ordinance amends the beer permit requirement provisions in the Metro Code to exempt restaurants that already have a state on-premises liquor consumption license from Metro's minimum distance requirements to obtain a beer permit upon the adoption of a resolution by the council. The code currently prevents a beer permit from being issued to an establishment located within 100 feet of a church, school, park, daycare, or one or two family residence. However, in 2003, the council enacted Substitute Ordinance No. BL2003-1353 establishing an exemption from the minimum distance requirements for restaurants located on property subject to a planned unit development (PUD) that already have a state on-premises liquor consumption license. Substitute Ordinance No. BL2003-1353 was essentially a compromise bill in an effort to provide a mechanism for restaurants with a state liquor license to obtain an on-sale beer permit without meeting the established distance requirements in the code. Pursuant to state law, the Tennessee alcoholic beverage commission can take the applicant's location into consideration when determining whether to grant a license for on-premises consumption, but no set distance requirements are included in the state law.

This ordinance would repeal the existing beer PUD provisions in the code and substitute them with a mechanism to exempt any restaurant possessing a valid license issued by the state alcoholic beverage commission for on-premises liquor consumption from the Metro beer permit distance requirements upon the adoption of a resolution by the council with twenty-one affirmative votes. A public hearing before the council public safety-beer and regulated beverages committee would be required before the resolution could be considered. Notice of the public hearing must be provided at the expense of the applicant. If the council failed to act on the resolution within sixty days of being notified by the beer board that the application has been filed, the resolution would be deemed approved. This is the same process as is provided in the zoning code for a number of special exception uses including airport runways, landfills, and waste transfer stations.

ORDINANCE NO. BL2010-731 (EVANS, TYGARD & OTHERS) – This ordinance appropriates an amount not to exceed \$200,000 from the unappropriated fund balance of the general services district to the department of water and sewer services (MWS) for the benefit of car
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ORDINANCE NO. BL2010-731 (continued)

washes and plant nurseries that were subject to the mandatory water conservation measures put in place after the May 2010 flood. As a result of the K.R. Harrington water treatment plant being out of commission for about a month due to flood damage, the state department of environment and conservation (TDEC) ordered Metro to eliminate all nonessential water use. As part of the water conservation measures implemented in reliance on TDEC's order, MWS directed car washes to cease using drinking water for approximately one month and directed nurseries not to water plant stock with drinking water for approximately one week, which had an obvious economic impact on these businesses.

This ordinance directs MWS to provide a limited economic recovery benefit to the car washes and nurseries that suffered a disproportionate economic loss due to the restriction on the use of drinking water after the flood. This benefit will be in the form of water bill credits not to exceed \$5,000 per month for a maximum total benefit of \$30,000 per customer, regardless of the number of business locations. Eligible customers would be required to provide proof that their loss was not covered by another source such as an insurance policy or the federal government. Such customers would also be required to provide evidence of their financial loss attributed to the water shut-offs. Such claims must be made not later than September 15, 2010.

The ordinance expressly provides that this is a one-time, remedial measure, and is not to be used as evidence of any negligence or wrong doing by the Metropolitan Government or as justification for the payment of funds for any other events. Amendments to the ordinance may be approved by the council by resolution.

There is a proposed amendment to this ordinance that would require all businesses receiving a benefit under the ordinance to sign a release form essentially providing they agree not to sue the Metropolitan Government pertaining to the order to cease water usage after the flood.

The director of finance certified that funds are available for this ordinance. The Metropolitan Government has a long-standing written policy of trying to maintain a minimum unappropriated fund balance of 5%. The substitute budget adopted by the council for this fiscal year estimates the unappropriated fund balance to be 4%. This appropriation would adjust this estimate downward to 3.97%.

ORDINANCE NO. BL2010-732 (STEINE) – This ordinance adopts the state enabling legislation to permit personal property taxes for properties damaged by the May 2010 flood to be prorated. This is a companion ordinance to BL2010-695 approved in July, which allows real property taxes to be prorated for flood damaged properties. Under this ordinance, businesses will be able to apply to the property assessor's office to have their assessments prorated for commercial and industrial tangible personal property that was destroyed in the flood and not replaced within 30 days.

Pursuant to state law, this ordinance must be approved by the council on third reading with at least 27 affirmative votes in order to become effective.

ORDINANCE NO. BL2010-733 (MCGUIRE & STEINE) – This ordinance declares the Walter Stokes School property located at 3701 Belmont Boulevard to be surplus, and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. The board of education has determined that this property is no longer needed for school purposes and has transferred it to the director of public property administration. The proceeds of the sale will be credited to the unappropriated school fund.

ORDINANCE NO. BL2010-734 (HOLLEMAN, JAMESON & COLE) – This ordinance amends the Metropolitan Code to provide free parking at parking meters for environmentally friendly vehicles. The Mayor's green ribbon committee on environmental sustainability 2009 report recommended that Metro provide free parking for clean technology vehicles, including those powered by electricity, electric hybrid, and biofuel. In an effort to implement this recommendation, this ordinance would provide free parking for any vehicle that has a certain minimum environmental performance score from the U.S. environmental protection agency (EPA). A vehicle's environmental performance score can easily be obtained by inputting the vehicle's information into the green vehicle guide located on the EPA's website.

This ordinance would require the county clerk to issue a sticker to vehicles eligible for the free parking upon the payment of a \$4.00 processing fee. The county clerk's office will determine the vehicle's eligibility by using the guide on the EPA website. Vehicles possessing the sticker would be allowed to park for free for up to three hours at any parking meter in Nashville.

There is a proposed amendment to this ordinance to clarify that the sticker must be obtained annually, to increase the annual sticker fee to \$5.00, to specify that vehicles cannot park longer than the maximum time limit stated on the meter, and to delay the effective date until January 1, 2011.

The director of finance has refused to certify that funds are available for this ordinance since the impact on revenues has not been determined. A copy of the finance director's letter is attached to this analysis.

ORDINANCE NO. BL2010-735 (PAGE) – This ordinance amends the Metropolitan code provisions pertaining to the parking and storage of boats on single and two-family residential property. In 2002, the council amended the code to prohibit the parking of motor vehicles in yards, but did not address boats and trailers. Subsequently, in 2006, this code section was amended to require that all trailers and watercraft stored on private single-family and two-family residential property be parked on a paved or graveled driveway, or in the back yard. This ordinance would extend this provision further to require the parked boats to be fully operational and licensed by the Tennessee wildlife resources agency (TWRA). The TWRA requires that all boats used on the water to have a valid license. However, TWRA does not check boats stored on land.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2009-601 (JERNIGAN) – This ordinance, as amended, amends the Metro Code to allow drivers to park on both sides of 11 streets in the Old Hickory area. The code currently provides that the department of public works has the authority to post signs stating no parking is allowed on streets that are 20 feet wide or less, or that parking is only allowed on one side of the street with a width of 30 feet or less. A number of streets in Old Hickory Village are narrow and, therefore, parking is currently not allowed on both sides of the street. This ordinance would allow drivers to park on both sides of the following streets, in either direction:

1. Berry Street
2. Birdsall Street
3. Bryan Street
4. Clarke Street
5. Cleves Street
6. Debow Street
7. Dodson Street
8. Elliston Street
9. Jones Street
10. Lawrence Street
11. Overton Street

This ordinance has been approved by the traffic and parking commission.

ORDINANCE NOS. BL2010-710 (JAMESON) – This ordinance amends the beer permit requirement provisions in the Metro Code to exempt restaurants located within a small area of downtown Nashville that already have a state on-premises liquor consumption license from Metro’s minimum distance requirements to obtain a beer permit. The code currently prevents a beer permit from being issued to an establishment located within 100 feet of a church, school, park, daycare, or one or two family residence. However, in 2003, the council enacted Substitute Ordinance No. BL2003-1353 establishing an exemption from the minimum distance requirements for restaurants located on property subject to a planned unit development (PUD) that already have a state on-premises liquor consumption license. Substitute Ordinance No. BL2003-1353 was essentially a compromise bill in an effort to provide a mechanism for restaurants with a state liquor license to obtain an on-sale beer permit without meeting the established distance requirements in the code. Pursuant to state law, the Tennessee alcoholic beverage commission can take the applicant’s location into consideration when determining whether to grant a license for on-premises consumption, but no set distance requirements are included in the state law.

This ordinance would exempt restaurants within the boundaries of Sixth Avenue North, Union Street, Church Street, and Fifth Avenue North that possess a valid state license to sell liquor-by-the-drink from Metro’s distance requirements. The existing beer PUD provisions would remain in the code. The council recently enacted similar legislation exempting a portion of downtown from the distance requirements pertaining to the issuance of certificates of compliance for retail liquor stores.

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ORDINANCE NOS. BL2010-710 (continued)

Although this ordinance concerns the same subject matter as Ordinance No. BL2010-714 on second reading, the ordinances are worded so that both could pass without resulting in two conflicting provisions in the Code.

ORDINANCE NO. BL2010-718 (HUNT & STEINE) – This ordinance, as amended, repeals the existing solid waste provisions in the Metro code and substitutes them with a new solid waste code recommended by the department of public works. This new solid waste code is a step toward implementing a number of the initiatives recommended by the mayor’s green ribbon committee on environmental sustainability and the regional solid waste plan. A summary of the major changes to the code is as follows:

Recycling

The new solid waste code gives public works the authority over all recycling in Nashville, in addition to solid waste collection. The ordinance would implement a number of initiatives aimed at increasing recycling in Davidson County and reducing the amount of waste diverted to landfills. Yard waste will be banned from waste collection effective in 2011. Public works will pick up yard waste as part of the brush collection service provided the yard waste is in a biodegradable bag. Corrugated cardboard will be banned from the waste stream effective in 2013, and electronic waste will be banned effective in 2015.

All private haulers will be required to provide recycling services effective July 1, 2013. The department of public works provides recycling service along with the trash collection in the urban services district (USD), which is funded by the USD tax levy. All haulers collecting garbage in the general services district (GSD) would be required to submit a plan to the public works department stating the level of recycling services to be provided and the fee to be charged for the service. The ordinance provides that the director is to approve the plan if, “in his opinion”, the plan is consistent with other recycling services in Davidson County.

Container Requirements and Back Yard Pickup

This ordinance modifies the container requirements to be compatible with the automated collection trucks currently in use. The ordinance expressly provides that if a container is lost or stolen, it will be up to the property owner to replace the container at his/her own cost. The ordinance also limits free back yard pickup to residents that submit evidence of a documented disability or other hardship. All residents in the USD will be eligible for back yard pickup upon the payment of an extra fee to cover the additional costs to the department. The ordinance also requires all haulers operating in the USD to provide backdoor collection service for a fee.

“Pay as You Throw”

One of the more discussed aspect of this ordinance is what has commonly been referred to by members of council as the “pay as you throw” approach. The existing code gives the public works department the authority to determine the amount of trash it will collect and require (continued on next page)

ORDINANCE NO. BL2010-718 (continued)

residents to dispose of excess garbage at the resident's expense. However, this provision is currently not being enforced. The new solid waste code doesn't specify how the pay as you throw system will work. The ordinance simply adds a provision stating that the public works department may collect and dispose of excess garbage upon the request of an owner and may charge a fee for providing such service. The fee is to be determined annually and paid in advance. The particulars of this new approach will be established in accordance with regulations to be adopted by the department. The public works department has stated that the plan is to limit the number of "free" containers provided to two containers per dwelling starting in July 2012, which is to be reduced to one container in July 2014. There will be no limit on the number of free recycling containers provided.

Tip Fees and Permit Fees

This ordinance modifies the outmoded tip fees in the solid waste code now that we no longer have a thermal transfer site. The ordinance provides for a tip fee in the event we ever have a sanitary landfill owned by the Metropolitan Government in the future. The ordinance includes a recycling incentive by reducing the amount of the tip fees if recyclable materials are separated and at least 80 percent of the waste is diverted from the landfill. This ordinance also imposes a new uniform "solid waste generator fee" of \$6 per ton for all solid waste generated within the county. Persons disposing of the waste will be liable for payment of the fee if it is not paid by the generator. The construction and demolition landfills and wood waste collection sites will be required to collect an additional fee of \$1 per cubic yard. However, this fee is to be reduced by fifty percent if the generator can show at least one half of the material is being recycled.

This ordinance also increases the amount of the convenience center fees to cover the disposal costs. The fee for standard pickup trucks and small trailers is being increased from \$5 to \$6 per load. The fee for pickup trucks with rails and large trailers is being increased to \$12, from the current \$10 and \$11 charge, respectively. The fee for accepting tires with rims is being increased from \$2 to \$4. Further, the ordinance eliminates free disposal on Wednesdays.

This ordinance includes provisions governing the permitting and regulation of construction/demolition recycling facilities. This is a new use that was recently added by the council to the Metro zoning code. Such facilities would be required to submit an application to the director of public works including the designation of a site manager, a site plan, an engineering report, fire protection documentation, an operation and maintenance manual, and a residue disposal facility designation. Applicants would also be required to submit a letter of credit to cover the estimated cost of removing the recycling processing equipment. The director of public works will have the authority to adopt and implement regulations in furtherance of these new code provisions.

Finally, the ordinance revised the waste management plan report to coincide with the reporting required of the state department of environment and conservation. This will allow the department to prepare one report to submit both to the state and the council. Such facilities would be required to submit an application to the director of public works including the designation of a site manager, a site plan, an engineering report, fire protection documentation, an operation and maintenance manual, and a residue disposal facility designation. Applicants would also be required to submit a letter of credit to cover the estimated cost of removing the recycling processing equipment. The director of public works will have the authority to adopt and implement regulations in furtherance of these new code provisions.

ORDINANCE NOS. BL2010-726 & BL2010-727 – These two ordinances appropriate funds from the unencumbered hotel occupancy fund balance for post-flood tourism development, promotion, and recovery. In 2007, the council enacted several legislative items geared toward providing financial incentives to assist Gaylord in financing a proposed \$80 million expansion of the Gaylord Opryland property. One of these legislative items declared the Opryland hotel property to be a secondary tourism development zone (a state law mechanism that would allow the increased sales tax revenues generated by the Opryland expansion to be used for debt service on the project). At the time the Gaylord incentives were adopted, the council also imposed an additional one percent hotel occupancy tax county-wide as part of the funding mechanism for a future convention center. However, the state law authorizing the additional one percent hotel occupancy tax provides that the portion of the tax collected within a secondary tourism development zone is to be deposited in the Metropolitan Government general fund. The council designated the additional one percent hotel occupancy tax be used for debt service on the Opryland Hotel and Convention Center expansion project. Due to the poor economy, the expansion project has been put on hold and no debt was ever issued. Thus, approximately \$1.8 million in additional hotel occupancy tax funds generated by the Gaylord Opryland Hotel have accumulated and are sitting in the general fund.

Ordinance No. BL2010-726 (Claiborne, Steine & Cole) appropriates \$200,000 from funds already collected in the Gaylord secondary tourism development zone to the Nashville Convention & Visitors Bureau to assist in post-flood tourism development and promotion efforts in the Music Valley area. The funds will be used for advertising, visitor transportation, marketing material production, event production (including a celebration promoting the return of the Opry to Music Valley in October), and other tourism promotion and development activities in the Music Valley area. Tourism is obviously one of the most important sectors of the local economy and the May 2010 flooding disaster has contributed to the decline in the amount of tourism in the Nashville area. Before any funds are disbursed, the Nashville Convention & Visitors Bureau must certify that the actual itemized expenses are related to tourism promotion and development in the Music Valley area.

Ordinance No. BL2010-727 (Claiborne, Cole & Steine) appropriates funds collected from the additional one percent hotel occupancy tax within the Gaylord Tourism Development Zone for the repair of the Grand Ole Opry House, which sustained an estimated \$17,000,000-\$20,000,000 in damage as a result of the May 2010 flood. An initial grant of \$1,600,000 will be appropriated immediately from revenue already collected from the hotel occupancy tax for the purpose of reimbursing expenses related to the repair of the Grand Ole Opry House. The ordinance also restricts future revenues generated by the additional one percent hotel occupancy tax collected in the Gaylord tourism development zone through July 1, 2025, including a 5% per annum interest rate, for the purpose of flood repairs to the Opry House. These funds would be subject to annual appropriation by the council. Gaylord must provide the council with an itemized expense report detailing the expenses related to the repair of the Grand Ole Opry House prior to any disbursement of funds.

Should the Industrial Development Board issue revenue bonds for the purpose of financing an expansion to the Opryland Hotel and Convention Center prior to the 2011 expiration date of the 2007 agreement, the designation for the use of these funds for repairs to the Opry House will essentially terminate.

ORDINANCE NO. BL2010-728 (STEINE & BAKER) – This ordinance accepts the donation of a Polaris Ranger off-road vehicle from Police Explorers, Post 911 to the Metropolitan Nashville police department. The vehicle was donated from the U.S. Smokeless Tobacco Company to Police Explorers, who are in turn donating it to Metro. Police Explorers is an organization affiliated with the Boy Scouts of America that assists the police department in missing person searches and crime prevention programs. The manufacturer’s suggested retail price for this vehicle is \$12,499.

ORDINANCE NO. BL2010-729 (GOTTO & EVANS) – This ordinance adopts the property identification maps for the Metropolitan Government identifying property as of January 1, 2010, as the official maps for the identification of real estate for tax assessment purposes. These maps are adopted on an annual basis.

ORDINANCE NO. BL2010-730 (STEINE, COLEMAN & BAKER) – This ordinance approves a license agreement between the Tennessee emergency management agency (TEMA) and the Metropolitan Government for the use of space on the Cane Ridge communications tower. Metro owns a number of emergency communication towers throughout the county including a tower in the Cane Ridge area. TEMA desires access to this tower to install some of its communications equipment. Metro will have no liability or responsibility for any of the TEMA equipment installed. The term of the agreement is through September 30, 2020, but may be extended for an additional ten-year term. The agreement is also subject to cancellation by either party at any time upon giving 30 days written notice.

This agreement has been approved by the planning commission. Amendments to the agreement may be approved by the council by resolution.