

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **February 1, 2011**

RE: **Analysis Report**

Balances As Of:	<u>1/26/11</u>	<u>1/27/10</u>
<u>GSD 4% RESERVE FUND</u>	* \$23,996,590	\$24,150,556
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	\$34,451,559	\$25,160,041
USD	\$24,263,010	\$22,180,965
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	\$27,099,790	\$27,354,208

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

– RESOLUTIONS –

RESOLUTION NO. RS2010-1484 (COLEMAN, BARRY & DUVALL) – This resolution determines to issue \$1,000,000 in GSD general obligation bonds to provide funding for the Metropolitan Government's share of the land acquisition and construction of a Nashville State Community College campus in the Antioch area. State law allows local bond funds to be used for joint public works projects with the state. The state law definition of "public works project" includes all types of schools. This resolution will enable Metro to pledge up to \$1 million in commercial paper as matching funds for the project. This \$1 million match is contingent upon the approval of Nashville State's application to receive \$7,078,742 in funding from the Tennessee Board of Regents for the project. If the state funding for the project fails to materialize, this capital project could be "de-authorized" by the council at any time.

As the council is aware, all capital improvements projects must be included as part of the capital improvements budget before any expenditure for the construction of the project can be authorized by the council. This project is not specifically provided for in the capital improvements budget since the opportunity for the state funding for the community college campus did not arise until after the budget was approved by the council in June 2010. However, the charter does provide a mechanism for amending the capital improvements budget during the fiscal year. The amendment must be initiated by the mayor and approved by a two-thirds vote of the council. Resolution No. RS2011-1525 would approve the capital improvements budget amendment necessary to allow for this project. The last amendment to the capital improvements budget was considered by the council in 2000, so this is not a common occurrence.

RESOLUTION NO. RS2011-1525 (PAGE) – This resolution amends the capital improvements budget for fiscal year 2011 to add a project pertaining to the acquisition of property and construction of a new Nashville State Community College campus in the Antioch area. The administration has proposed that Metro pledge up to \$1 million as matching funds for the project, which is the subject matter of Resolution No. RS2010-1484.

Rule 11 of the council rules of procedure provides a different filing deadline for amendments to the capital improvements budget. In order to technically meet the filing deadline for the February 1st agenda, this resolution should have been filed in the council office not later than noon on Wednesday, January 19th and with the clerk not later than 11:00 a.m. on Friday, January 21st. However, the department of law needed a letter from the planning commission confirming the commission's approval of the amendment prior to filing the resolution, which did not arrive until Thursday, January 20th. The council rules should be suspended in order for this resolution to be considered on February 1st.

The Metro Charter requires that this resolution receive 27 affirmative votes in order to be adopted.

RESOLUTION NO. RS2011-1526 (BARRY & WILHOITE) – This resolution appropriates \$150,000 as a supplemental appropriation from the undesignated fund balance of the general fund of the general services district to the codes department to demolish houses that have been deemed uninhabitable. The codes department can place a lien on the property to recoup the demolition costs when the property is sold. The council appropriated \$114,000 as a supplemental appropriation for this purpose last fiscal year.

The starting undesignated fund balance of the GSD general fund for fiscal year 2011 was \$34,798,409, which represents 4.97% of the total fiscal year 2011 GSD general fund budget. The Metropolitan Government has established a policy of maintaining a minimum undesignated fund balance of five percent.

RESOLUTION NO. RS2011-1527 (HARRISON, PAGE & OTHERS) – This resolution approves an application for a hazard mitigation grant from the Tennessee Emergency Management agency and authorizes the department of water and sewerage services (MWS) to acquire 41 homes in the lower Richland Creek and lower Whites Creek drainage basins. Ordinance No. BL2010-765 authorized such action to be taken upon approval of a resolution receiving 21 affirmative votes once the funding was made available. The Tennessee emergency management agency is accepting grant applications for the home buyout program in an amount not to exceed \$5,084,616.25, with a local match of \$726,373.75. The federal emergency management agency has already awarded Metro \$7,097,318 to acquire 81 homes in the Delay Drive and West Hamilton Avenue areas, which was the subject matter of Resolution No. RS2010-1466 approved in December 2010.

This new grant is to consist of \$4,358,242.50 in federal funds representing 75% of the costs to acquire the homes. The remaining 25% would be split equally by the state and Metro. Once the funds are guaranteed, MWS will take the action necessary to acquire and demolish these 41 additional homes to be maintained as permanent green space. There is no obligation for the homeowners to participate in this home buyout program.

The Metro Code provides that the director of public property administration must first negotiate an option to purchase property at a fixed price subject to the approval of the council by resolution prior to the acquisition of real property for any purpose other than as Metro right-of-way. However, Ordinance No. BL2010-765 created an exception to the option requirement for this flood buyout since MWS had already determined the amount the government will pay for each property and this amount had been relayed to the property owners. A list of the properties to be acquired with the corresponding purchase amount is attached to this analysis.

RESOLUTION NO. RS2011-1528 (BARRY & FORKUM) – This resolution approves an annual grant in the amount of \$550,000 from the state department of health to the Metropolitan board of health for implementation of the state immunization program. The term of this grant is from January 1, 2011, through December 31, 2011. This grant, comprised of \$131,900 in state funds and \$418,800 in federal pass-through funds, will be used to pay the salaries and benefits of health department employees who provide the immunization services.

RESOLUTION NO. RS2011-1529 (FORKUM & PAGE) – This resolution approves a grant in the amount of \$961,300 from the state department of health to the Metropolitan board of health for sexually transmitted disease services and HIV/AIDS prevention and surveillance. This is an annual grant that pays the salaries of the health department employees that provide these services. Pursuant to the grant agreement, the funds are to be used for HIV prevention, active surveillance of HIV/AIDS cases, diagnostic and treatment services, and disease intervention services.

The term of this grant is from January 1, 2011 through December 31, 2011. This grant consists of \$833,500 in federal funds and \$77,800 in state funds.

RESOLUTION NO. RS2011-1530 (PAGE & FORKUM) – This resolution approves an annual grant in the amount of \$53,400 from the state department of health to the Metropolitan board of health for food safety services. These federal pass-through funds are to be used to pay the salary of an environmental specialist in the food safety division of the health department for six months, plus \$15,200 for a water survey. The term of the grant is from January 1, 2011, through June 30, 2011.

RESOLUTION NO. RS2011-1531 (BARRY, MAYNARD & LANGSTER) – This resolution approves an application for a grant in the amount of \$7,000 from the state arts commission to the Metropolitan board of parks and recreation to supplement the Big Band dance program in Centennial Park. This program provides twelve free big band dances to the public on Saturday nights. The parks will use this funding for the purpose of continuing the dance program this year.

RESOLUTION NO. RS2011-1532 (BARRY) – This resolution authorizes the department of law to accept \$8,763.39 in settlement of the Metropolitan Government's property damage claim against John Hooper. On September 29, 2010, Mr. Hooper's vehicle collided with a Metro ambulance at the intersection of Lebanon Pike and McGavock Pike while the ambulance was responding to a medical call. Mr. Hooper's failure to yield the right-of-way to the ambulance was deemed to be the cause of the accident. The 2007 International ambulance sustained damage to the front bumper, sirens, hood, lamps, and steering box. This resolution settles the claim for the entire cost of repairing the ambulance.

- BILLS ON SECOND READING -

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

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 ordinance should also be amended to adjust the deadline for the filing of claims since the deadline provided in the ordinance has now passed.

ORDINANCE NO. BL2010-808 (WILHOITE) – This ordinance amends the metropolitan ethics code to allow members of council to act as non-compensated representatives for constituents before Metropolitan Government departments, agencies, boards, and commissions. The current ethics code approved by the council in 2007 prohibits “employees”, which includes members of council, from personally representing or appearing on behalf of the private interest of another before the council, or any board or department of the Metropolitan Government. There are exceptions to this general prohibition for lobbyists and attorneys serving on boards and commissions, but no such exception exists for members of council. While council members frequently appear before the planning commission, traffic and parking commission, and the board of zoning appeals on behalf of their constituents, they are typically not considered to be acting as a personal representative. However, a literal reading of the ethics code could cause such an appearance to be an issue.

This ordinance would allow a member of council to represent a constituent or constituents before any department, agency, board, or commission, including civil service matters, as long as the member of council does not receive any compensation for acting in such representative capacity.

ORDINANCE NO. BL2010-811 (JAMESON) – This ordinance amends the Metropolitan noise ordinance applicable to the downtown area to prohibit the use of personal sound amplification equipment on the public right-of-way. The downtown noise ordinance was amended by Substitute Ordinance No. BL2008-306 in February 2009 to set an 85 decibel limitation on prerecorded music in the downtown area. However, live music was exempted from this decibel limitation. Nashville's ordinance is the only noise ordinance the council office is aware of that specifically exempts live music.

This ordinance would further restrict the downtown noise ordinance to make it unlawful for any person to operate personal sound amplification equipment on any public right-of-way. The ordinance defines 'personal sound amplification equipment' as a radio, tape player, compact disc player, digital audio player, bullhorn, television, electronic audio equipment, musical instrument, sound amplifier, or other mechanical or electronic sound-making device that produces, reproduces, or amplifies sound.

The free speech protections contained in the U.S. Constitution often come into play when local governments attempt to regulate sound in public places. On its face, this ordinance is a content neutral noise restriction that prohibits the use of all personal sound amplification equipment, regardless of the message or the messenger. However, the fact that the downtown noise ordinance includes an exemption for live music emitted from the honky tonks and bars could make this ordinance subject to challenge on the grounds that a speaker would not be able to compete with the bar noise in trying to get his/her message across.

This ordinance should be deferred until all potential First Amendment issues have been addressed.

ORDINANCE NO. BL2011-832 (GILMORE) – This ordinance authorizes Bristol Development Group to install and maintain an underground encroachment at 1700 State Street for Midtown Lofts. This encroachment will include the installation of sprinkler lines at the property from 17th Avenue North to 18th Avenue North, and along 18th Avenue North from State Street to the alley at the northwest corner of the property. Bristol Development has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachments, and is required to provide a \$1 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2011-833 (TYGARD, TOLER & OTHERS) – This ordinance names the auditorium at the newly-renovated Howard Office Building in honor of Sonny West. With 55 years of service, Sonny West is the longest tenured active employee of the Metropolitan Government. Mr. West has served as the Metropolitan zoning administrator since 1986. This ordinance names the auditorium as "Sonny West Auditorium" and directs the department of general services to erect the appropriate signage designating the facility as such.

There are no restrictions in the Metropolitan code regarding the naming of Metro facilities in honor of individuals, except that such action must be approved by ordinance of the council.

There is a housekeeping amendment to this ordinance that names the facility "Sonny West Conference Center", since the newly-renovated space is now referred to as a conference center rather than an auditorium.

ORDINANCE NO. BL2011-834 (FORKUM) – This ordinance amends the Metropolitan code pertaining to the preservation of historic artifacts found on Metropolitan Government property. State law provides that the state division of archeology is to be notified whenever historic artifacts are found on property owned or controlled by the state or by any county or municipality while engaged in construction or excavation work. However, there is currently no mechanism in Metro to ensure the state is notified in the event a historic artifact is found on Metro property.

This ordinance first designates the historical commission as the liaison to the state division of archeology to facilitate the preservation of sites and artifacts found on public property. Second, the ordinance amends the Metro procurement code to require all construction contracts to include a clause specifying that any person finding a historic site and/or artifact while excavating on public property must take the necessary action to preserve the site or artifact and to immediately notify the executive director of the Metropolitan historical commission. Finally, the ordinance would prohibit anyone from prospecting on public property without the written permission of the Metro department having control over the property. All artifacts found on public property must be immediately turned over to the historical commission.

There is a housekeeping amendment for this ordinance to correct a code section number.

ORDINANCE NO. BL2011-835 (CRAFTON) – This ordinance amends the Metropolitan code to eliminate the minimum charge for livery services. Ordinance No. BL2010-685 (as amended), approved by the council on June 15, 2010, established a mechanism for the regulation of non-taxi vehicles for hire. One of the requirements of Ordinance No. BL2010-685 was that livery services (limo companies) charge a minimum of \$45 per trip, regardless of the duration or mileage of the trip. The \$45 minimum charge provision was recommended by the Tennessee Livery Association, which is an association representing limo companies. This minimum charge became effective January 1, 2011.

This ordinance would delete the minimum charge provision in its entirety.

ORDINANCE NO. BL2011-836 (RYMAN & FORKUM) – This ordinance amends the vehicle emissions testing provisions of the Metropolitan code to exempt vehicles that are two years old and newer from the testing requirements. The code grants the authority to the board of health to establish rules regarding the inspection and maintenance of motor vehicles. Such rules or regulations are subject to ratification by resolution of the council. The current version of the light-duty vehicle emissions testing program in Metro was established in 1985 in order to comply with the federal Clean Air Act. The current health board rules governing emissions testing require that all vehicles in Davidson County be inspected annually for compliance with the emissions performance standards.

The rules currently exempt vehicles older than 1975, as well as new vehicles being registered for the first time. This ordinance would extend this exemption to include any vehicle that is two years old or newer. Vehicle owners electing to take advantage of this exemption would still be required to pay the \$3.00 portion of the inspection fee that is used by the health department for air quality control and monitoring purposes.

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ORDINANCE NO. BL2011-836, continued

The current emissions testing contract with Systech International provides that if Metro modifies its emissions testing program in a manner that would reduce the number of vehicles required to be tested by more than ten percent, then the percentage of the fee Metro retains is to be reduced. There were approximately 517,000 vehicles that were tested by Systech in 2010. The council office has asked the health department to identify how many of these were two years old or newer. It is anticipated that exempting vehicles that are two years old will not result in a decrease of more than ten percent that would trigger the additional payment to Systech.

ORDINANCE NO. BL2011-837 (CRAFTON) – This ordinance amends the Metropolitan Code to require the board of fair commissioners (“fair board”) to issue a request for proposals (RFP) for the privatization and continued operation of the fairgrounds functions. When the city and county governments were consolidated in 1963, the Metropolitan Charter essentially re-established the board of fair commissioners and vested it with the power to perform all duties imposed on the board in the 1909 and 1923 state acts. The Charter further provides that the council can “assign duties” to the fair board by ordinance. This is the same language that is used throughout the Charter for various departments and agencies, including the auditorium commission, farmer’s market, and the agricultural extension board.

This ordinance directs the fair board, working with the Metropolitan purchasing agent, to issue a RFP for the private operation and continuation of the functions that were held at the existing 117-acre fairgrounds site during calendar year 2010. Such RFP and ensuing contract are to include the following requirements:

1. That the contractor shall provide a Tennessee State Fair at the fairgrounds.
2. That the contractor continue to provide events in addition to the Tennessee State Fair, including but not limited to, a monthly flea market, annual lawn and garden show, annual gem show, annual car show, and operation of the racetrack.
3. That a noise abatement wall be installed next to the racetrack at the contractor’s sole expense to reduce the noise impact on the adjacent neighborhood.
4. That the Metropolitan Government not be liable for any financial losses associated with the operation of the functions held at the fairgrounds.

The ordinance further requires the fair board to submit a draft of the RFP to the council 30 days prior to its posting. Any contract for the privatization of the fairgrounds would have to be submitted to the council for approval by ordinance.

Ordinance No. BL2010-820, as amended, which is on third and final reading, would require a master plan for the future use and development of the fairgrounds property. Thus, these two ordinances may present a conflict with one another.

ORDINANCE NO. BL2011-838 (JAMESON, GILMORE & HOLLIN) – This ordinance amends the Metropolitan procurement code to prohibit Metropolitan Government contractors from discriminating on the basis of sexual orientation or gender identity in their employment practices. In September 2009, the council enacted Ordinance No. BL2009-502 to prohibit the government itself from discriminating on the basis of sexual orientation or gender identity in employment practices. However, Ordinance No. BL2009-502 did not apply to any employer in the private sector.

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ORDINANCE NO. BL2011-838, continued

The Metro procurement code currently prohibits contractors that provide services or supplies to the Metropolitan Government from discriminating on the basis of race, creed, color, national origin, age sex, or disability. Contractors are also prohibited from subscribing to any personnel policy that allows such discrimination. The code further requires the purchasing agent to include a provision in the bid specification or request for proposals that no contract will be entered into unless the successful bidder submits an affidavit stating that the company's employment policy does not allow for such discrimination.

This ordinance would add sexual orientation and gender identity to the list of protected classes as it pertains to the employment practices of Metro contractors. This discrimination prohibition would also apply to private entities that enter into lease agreements with the Metropolitan Government having a term of greater than six months. In order to ensure compliance with the First Amendment to the U.S. Constitution, the ordinance includes a provision exempting religious entities, organizations, and institutions from the prohibition on sexual orientation and gender identity discrimination if such actions are in furtherance of the organization's religious beliefs. Further, the ordinance provides that the provisions prohibiting discrimination on the basis of sexual orientation or gender identity would not apply to any group or organization if such prohibition would significantly burden the freedom of expression of the group or organization.

ORDINANCE NO. BL2011-839 (HOLLEMAN & HODGE) – This ordinance abandons all utility easements that were retained by Ordinance No. BL2010-623, which abandoned a portion of Brighton Road between Montgomery Bell Avenue and Wilson Boulevard for the Montgomery Bell Academy campus expansion. The department of water and sewerage services has determined that the water and sewer lines and easement are no longer needed. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2011-840 and BL2011-841 – These two ordinances abandon portions of rights-of-way that are no longer needed for government purposes. Consent of the affected property owners is included as an attachment to the ordinances. These ordinances have been approved by the traffic and parking commission.

Ordinance No. BL2011-840 (Page) abandons a portion of Alley No. 1863 from Alberta Street southward to Alley No. 1874. This closure has been requested by Ralph James Corrin, III, an adjacent property owner. This ordinance also abandons all easements in the right-of-way.

This planning commission recommended disapproval of this ordinance, but it has since been re-referred to the planning commission.

Ordinance No. BL2011-841 (Langster) abandons a portion of 28th Avenue North at its terminus. This abandonment has been requested by ABP TN (Nashville) LLC. This abandonment will enable Metro to acquire some other property owned by ABP needed as part of the 28th Avenue connector project.

This ordinance has been approved by the planning commission.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2010-754 (STANLEY) – This ordinance, as amended, amends the zoning code to allow cosmetology and barber shops as a permitted accessory use in residential districts. The current home occupation provisions in the zoning code currently prohibit customers from coming onto the property. This ordinance would allow cosmetology and barber shops to operate in residential districts as long as they only have one chair available to service customers and no more than two customers are allowed on the premises at any one time. Further, only a resident titleholder of the property upon which such home occupation cosmetology or barbershop is located would be permitted to work upon the premises.

This ordinance has been re-referred to the planning commission.

SUBSTITUTE ORDINANCE NO. BL2010-806 (BARRY) – This ordinance amends the Metropolitan code provisions pertaining to economic and community development incentive grants. As part of the Dell Corporation incentives approved in 1999, the council enacted an ordinance that established an economic and community development incentive program to provide financial incentives to companies that meet certain criteria. The amount of the grant is not to exceed \$500 per full time equivalent employee of the business annually. Under the existing incentive program, the grants are only available for a corporate headquarters that will bring at least 1,000 jobs within five years or a technology company that will bring at least 2,000 jobs within five years. The Metro grant funds are paid to the industrial development board (IDB), who in turn uses the funds to acquire, improve, maintain, extend, equip and furnish real and personal property owned by the IDB and used for the benefit of the private company. All such incentive grant agreements are to be administered by the IDB and are subject to approval of the council by resolution. While any qualifying company is eligible to apply for these grants, Dell Corporation is the only entity that has applied for and received the grants to date.

The ordinance first adds a new section to the code to allow a corporate headquarters or technology firm relocation/expansion that will create at least 500 jobs over a five year period to qualify for an incentive grant. This will increase the pool of businesses that may be eligible to obtain the grants. Unlike the existing incentive program, there will be no set formula in the code for calculating the maximum amount of the grant. Rather, the amount of the grant is to be determined by taking into account the number of jobs created and the amount of revenue Metro is expected to generate from the corporate location.

Second, this ordinance adds provisions to authorize the mayor's office of economic and community development, upon being contacted by a qualified company, to recommend that Metro make an incentive grant to the IDB for the purposes of reimbursing the company for expenditures related to: (1) the acquisition, preparation, or occupancy of office space or other facilities; (2) relocation costs; and/or (3) employee training. As is the case presently, all such incentive grants would be subject to approval of the council by a resolution receiving twenty-one affirmative votes. These incentive grants would likely be made in conjunction with incentives provided by the state.

State law allows county governments to appropriate government funds for community and economic development purposes.

ORDINANCE NO. BL2010-820 (MOORE, BARRY & OTHERS) – This ordinance, as amended, amends the Metropolitan Code to assign certain duties to the board of fair commissioners (“fair board”) related to the operation of the fairgrounds property. In 1909 the Tennessee general assembly enacted a private act to create a state fair board to manage property that had been conveyed to Davidson County. This property was leased to the state in 1911 for a 99 year term. However, in 1923, the general assembly enacted another private act to authorize the termination of the lease and to authorize the board of fair commissioners to use the property for a “fair or exposition for the benefit of the people”. In addition to the annual state fair, which is the primary purpose for the existence of the fair board, the fairgrounds property has long been used for expo center functions and auto racing. The current racetrack grandstands were constructed in 1970 at an approximate cost of \$800,000. The Tennessee attorney general has opined that there are no deed restrictions on the property pertaining to use, so the present uses of the property are not legally required to be continued absent some action by the council.

When the city and county governments were consolidated in 1963, the Metropolitan Charter essentially re-established the board of fair commissioners and vested it with the power to perform all duties imposed on the board in the 1909 and 1923 state acts. The Charter further provides that the council can “assign duties” to the fair board by ordinance. This is the same language that is used throughout the Charter for various departments and agencies, including the auditorium commission, farmer’s market, and the agricultural extension board. No additional “duties” have been assigned to the fair board to date, and the council office has been unable to locate any other prior ordinances that assigned duties to these other similarly situated commissions.

This ordinance first directs the fair board to negotiate with the recently-formed Tennessee State Fair Association or another suitable nonprofit organization to hold a State Fair in 2011 and 2012 at the existing fairgrounds site. Any agreement between the Fair Board and the Tennessee State Fair Association must provide that the Metropolitan Government will not be liable for any losses associated with the operation of the fair. The ordinance also requires the fair board to continue the operation of the expo center at the existing fairgrounds site until another suitable location has been identified and the site has been approved by the council by ordinance. Finally, the ordinance requires the fair board, working with the planning department and the parks department, to develop a master plan that would include construction of a public park and restoration of Brown’s Creek, recommended modifications to and/or removal of the existing facilities, planned development of the site for mixed-use purposes, recommended zoning changes, and infrastructure improvements for the site and the surrounding area. In preparing the master plan, consideration is to be given to the six previous studies pertaining to the fairgrounds and the surrounding area.

This ordinance does not provide any additional funding for the operation of the fairgrounds. However, the ordinance does provide that it is the intent of the council that the expo functions operate only on the revenues generated by such functions. In the event revenues are insufficient for the operation and maintenance of the facilities, the State Fair’s fund balance would be used to make up the shortfall.

The council office would point out that legislative action is not legally required in order for the fair board to take the actions provided for in this ordinance. However, an ordinance approved by the council directing the fair board to perform certain functions would remove the board’s discretionary authority and would obligate the board to operate in a manner consistent with the provisions of the ordinance.

ORDINANCE NO. BL2010-821 (HOLLIN) – This ordinance amends the Metropolitan code to increase the annual filing fee for the registration of lobbyists. The code requires all lobbyists to register with the Metropolitan Clerk annually and pay a \$25 filing fee. The code defines a lobbyist as a person that communicates, directly or indirectly, with any official in the legislative branch or executive branch for pay or for any consideration for the purpose of influencing any legislative action or administrative action. The \$25 filing fee has not been increased since the lobbyist registration requirements were enacted in 1991. This ordinance would increase the lobbyist registration fee to \$50. The metropolitan clerk has confirmed that this increase will not result in the total amount of fees collected being higher than the cost of providing the service.

ORDINANCE NO. BL2010-824 (WILHOITE & BARRY) –This ordinance extends the deadline for the waiver of fees for permits issued by the department of codes administration for property owners that sustained damage as a result of the flooding in May 2010. The council enacted Ordinance No. BL2010-689 in June 2010 to retroactively waive the fees for building, electrical, plumbing, and gas/mechanical permits for a total maximum fee waiver of \$1,300 as long as the permits were obtained prior to July 30, 2010. This deadline was extended by the council in August 2010 until December 31, 2010. The director of the department of codes administration has recommended that this deadline be extended once again until June 30, 2011.

ORDINANCE NO. BL2010-826 (ADKINS) – This is a routine ordinance that readopts the Metropolitan Code prepared by Municipal Code Corporation to include all ordinances enacted on or before August 17, 2010. Municipal Code Corporation has the contract with Metro to codify all ordinances enacted by the council, as well as to update and maintain the on-line version of the code. The council periodically readopts the code to make sure the printed and online versions are kept up to date.

ORDINANCE NO. BL2010-828 (HODGE, BARRY & MATTHEWS) – This ordinance authorizes the acquisition of utility easements and/or property for improvements to the Whites Creek wastewater pumping station. The estimated cost for this acquisition is \$95,000, which is to be paid from the water and sewer extension and replacement fund. The acquisition of additional easements or properties for this same project may be approved by resolution.

This ordinance approves the acquisition of interests in two parcels of property located on Ashland City highway and East Stewarts Lane in conjunction with this project. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2010-829 (GOTTO & HODGE) – This ordinance approves the routine adoption of the additions, deletions, and/or other amendments to the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government made during the previous year. These amendments are submitted annually by the department of public works. The map shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro.

This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2010-830 and BL2010-831 – These two ordinances abandon portions of rights-of-way that are no longer needed for government purposes. Consent forms signed by the affected property owners are included as attachments to the ordinances. These ordinances have been approved by the planning commission and the traffic and parking commission.

Ordinance No. BL2010-830 (Todd) abandons an unnamed right-of-way located between 4509 and 4511 Harpeth Hills Drive. This closure has been requested by French Christian Patterson & Associates. Metro will retain all easements.

Ordinance No. BL2010-831 (Page) abandons a portion of Alley No. 1916 and an unnumbered alley between Veritas Street and Allied Drive. This closure has been requested by Dale & Associates on behalf of Churches of Christ Disaster Relief Effort, Inc. Metro will not be retaining any utility easements.