

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **August 2, 2005**

RE: **Analysis Report**

Balances As Of:	<u>7/27/05</u>	<u>7/29/04</u>
<u>GSD 4% RESERVE FUND</u>	\$33,428,741	Unavailable
<u>CONTINGENCY ACCOUNTS</u>		
GSD	\$50,000	Unavailable
USD	\$50,000	Unavailable
<u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE SCHOOL FUND</u>	Unavailable	Unavailable

– RESOLUTIONS –

RESOLUTION NO. RS2005-915 (NEIGHBORS & COLE) – This resolution approves a contract between the Metropolitan board of health and United Neighborhood Health Services to provide medical services to homeless clients of the health department. The health department currently provides medical services to homeless persons at the downtown clinic. This contract would allow the health department to utilize United Neighborhood Health Services to provide some of the medical services for the homeless. Pursuant to the contract, United Neighborhood Health Services will provide examinations, diagnosis, and treatment of medical conditions of persons seen at the downtown clinic. In addition, they will provide after-hours care for these patients. These services will be provided by a licensed physician, nurse practitioner, and medical assistant working twenty hours per week. Metro will pay \$75 per hour for doctor services, \$41 per hour for nurse practitioner services, and \$16 per hour for medical assistant services, at a total estimated cost to Metro of \$163,280. The term of this agreement will expire March 31, 2006, but may be extended for two additional one-year periods.

RESOLUTION NO. RS2005-916 (NEIGHBORS & COLE) – This resolution approves an amendment to an annual grant from the U.S. department of health to the Metropolitan health department to provide primary healthcare services to the homeless in Nashville. This resolution increases the amount of the grant by \$150,000 for a total grant award of \$804,940.

RESOLUTION NO. RS2005-917 (NEIGHBORS & COLE) – This resolution approves a grant in the amount of \$1,077,600 from the state department of health to the Metropolitan board of health for bioterrorism preparedness services. The services to be provided with these grant funds include collaboration by the health department with emergency personnel and hospitals regarding emergency preparedness, the continued development of a regional public health preparedness plan, and continued development of a communications system. The term of this grant is from July 1, 2005 through August 30, 2006. A similar grant was approved by the council in April 2004 for the last fiscal year.

RESOLUTION NO. RS2005-918 (NEIGHBORS) – This resolution approves an amendment to a grant from the state emergency management agency to the Metropolitan Government to fund the purchase and demolition of properties located in a flood hazard area. In 2002, the council approved the original grant for this home buyout program, which was to purchase ten homes in the Seven Mile Creek area and five homes in the Wimpole Drive area. This resolution approves the acceptance of an additional \$89,201.10 to purchase another property for a total grant award of \$884,937.10. These properties are acquired on a voluntary sales basis.

RESOLUTION NO. RS2005-919 (NEIGHBORS) – This resolution accepts \$6,764.17 in settlement of the Metropolitan Government’s property damage claim against Appleyway Equipment Leasing. On April 8, 2005, a Metro ambulance driver was stopped at the intersection of 14th Avenue North and Charlotte Avenue waiting to turn onto Charlotte when the ambulance was struck by tractor trailer truck driven by an employee of Appleyway Equipment leasing. The truck driver was pulled over by police two blocks away from the accident scene, not knowing that he had struck the ambulance. The accident resulted in \$6,764.17 in damage to the front of the ambulance. There were no injuries as a result of this accident. The department of law recommends settling this claim for the amount of the property damage to the Metro vehicle.

RESOLUTION NO. RS2005-920 (NEIGHBORS) – This resolution accepts \$9,577.12 in settlement of the Metropolitan Government’s claim against Troy Lacey. On August 27, 2004, a Metro ambulance was traveling westbound on Harding Place with its emergency equipment activated when Mr. Lacey turned in front of the ambulance causing a collision. The accident resulted in \$8,597,12 in damage to the ambulance. A Metro employee riding as a passenger in the ambulance was injured, and the Metropolitan Government paid \$980 in medical bills on his behalf. The department of law recommends settling this claim for the amount of the property damage to the Metro vehicle and the medical bills paid on behalf of the Metro employee.

RESOLUTION NO. RS2005-921 (SUMMERS) – This resolution authorizes Zander Insurance Group, Inc., to install aerial telephone feeder cable to join 212 Ocoola Avenue with 223 Ocoola Avenue. Zander Insurance Group has agreed to indemnify the Metropolitan Government for any claims arising from the installation or maintenance of the aerial encroachment, and will be required to furnish a certificate of public liability insurance naming Metro as an insured party.

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- BILLS ON SECOND READING -

ORDINANCE NO. BL2004-183 (SHULMAN & HAUSSER) – This ordinance amends the Metropolitan Code of Laws to require the board of parks and recreation to designate an area of Elmington Park as a “dog friendly zone.” The Code currently provides that a dog may only be brought into a park if the dog is on a leash not exceeding three feet in length. This ordinance would allow dogs to run freely in this designated area without being on a leash.

ORDINANCE NO. BL2005-636 (SHULMAN) – This ordinance amends dumpster collection restrictions contained in the Metropolitan Code of Laws to provide additional reporting requirements for owners of dumpsters. The Code currently prohibits the emptying of trash dumpsters located within 300 feet of a residential structure between the hours of 11:00 p.m. and 7:00 a.m. In addition, the Code requires that all dumpster-type containers located within three hundred feet of any building or structure used for residential purposes contain a label that identifies the owner of the container, a telephone number for the owner, the telephone number for the metropolitan department of codes administration, and non-metal lids on the top of the containers.

This ordinance would add some reporting requirements for holders of permits for the private collection of garbage that own dumpster-type containers. The permit holders would be required to furnish the department of public works with a list of all of their dumpsters located within 300 feet of a residence. This list must be updated on a quarterly basis. If the list is not provided to the department of public works, the permit is to be revoked. This ordinance would also provide that in the event a private collector’s permit holder violates the nighttime collection ordinance more than three times in a given calendar year, the department of public works shall revoke the permit. Finally, this ordinance would require the department of public works to provide the council with a quarterly report listing all documented violations of the ordinance, all citizen complaints of violations of the ordinance, and actions taken to remedy the violations.

ORDINANCE NO. BL2005-651 (WALLACE) – This ordinance amends the Metropolitan Code of Laws to limit the types of traffic violations for which a vehicle may be towed by the Metropolitan police department. Presently, the Code provides that any vehicle which is parked, stopped, or standing in violation of any ordinances, except overtime parking, may be towed by the police department. This ordinance would provide that vehicles can be towed only when parked in violation of an ordinance or regulation and are (1) causing a safety hazard, (2) blocking pedestrian or vehicle access to property or a street, alley, or driveway, or (3) disrupting the flow of traffic.

This ordinance does not affect the authority to tow vehicles in violation of obstructing the orderly flow of traffic, parked on thoroughfares more than 48 hours without current registration, or are disabled so as to obstruct traffic, and other similar instances.

ORDINANCE NOS. BL2005-667 AND BL2005-705 – These two ordinances both pertain to the naming of Metropolitan Government property in honor of Justice A.A. Birch. The Metro Code of Laws provides that no building of the Metropolitan Government may be named except pursuant to an ordinance enacted by the council. Justice Birch began his career in Davidson County as an assistant (continued on next page)

ORDINANCE NOS. BL2005-667 AND BL2005-705 (continued)

public defender from 1963 to 1966, and then served as an assistant district attorney from 1966 to 1969. He then served from 1969 to 1987 as a general sessions judge and a criminal court judge. He was appointed to the court of criminal appeals in 1987 and was later appointed to the Tennessee Supreme Court in 1993.

Ordinance No. BL2005-667 (WILHOITE, WALLACE & OTHERS) names the new criminal courts building on Second Avenue North the "Justice A.A. Birch Building". In August 2003, the council approved Resolution No. RS2003-1593, which "declared" this building the "Beverly Briley Building", but did not officially name the building in conformance with the requirements of the Code.

Ordinance No. BL2005-705 (GREER & JAMESON) names the complex consisting of the Ben West Building and the new criminal courts building, known as the Beverly Briley Building, as the "Justice A.A. Birch Complex".

Only one of these ordinances should be adopted by the council, as they both deal with the same subject matter.

ORDINANCE NO. BL2005-706 (JAMESON) – This ordinance amends the Metropolitan Code of Laws to establish a process and procedure for the naming of Metropolitan Government buildings and open spaces. The Code currently provides that all Metropolitan Government buildings may only be named by ordinance. Such ordinance must include biographical information about the person for whom the building is to be named.

This ordinance would add specific procedures and restrictions to the Code for naming buildings. First, no public structure or space would be able to be named after a living person, unless the person contributed money or land for the structure or space with an express condition on the donation that it be named in a certain manner. Second, no public structure or space could be named in honor of an elected or appointed public official while the official is in office. Third, the ordinance would place the administration of naming public buildings in the hands of the Metropolitan historic zoning commission. The commission would be required to establish a formal procedure for the naming of the buildings, including a specific mechanism for soliciting and measuring public input. Once the commission decides on a name, the commission would then forward its recommendation to the council for approval by resolution receiving 21 affirmative votes.

The provisions of this ordinance would not apply to the board of parks and recreation, the library board, the Metropolitan transit authority, and the board of public education, as these boards are responsible for the naming of buildings under their control.

ORDINANCE NO. BL2005-710 (WILHOITE) – This ordinance amends the Metropolitan Government geographical information systems map to name three private drives in Nashboro Village. Private streets and roads are named and included on our maps for purposes of providing emergency services, although the roadways are not maintained by the Metropolitan Government. This ordinance names the three private drives as Nashboro Greens, Nashboro Greens Court, and Nashboro Greens Way. These private drives extend off of Longhunter Court.

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

ORDINANCE NO. BL2005-711 (ADKINS) – This ordinance renames a portion of Reischa Drive as “Providence Park Lane”. This section of roadway is located between Donna Kay Drive and the dead end. There are currently two Reischa Drives that are not connected to each other. Thus, this ordinance is necessary for emergency response. Notification of this name change has been sent by the planning commission staff to the affected property owners.

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

ORDINANCE NO. BL2005-717 (KERSTETTER, ALEXANDER & TYGARD) – This ordinance amends the Metropolitan Code of Laws to allow apprentice plumbers to work under the direction of a licensed plumber as an alternative to an apprenticeship program registered with the U.S. department of labor. In June 2004, the Council enacted major modifications to the plumber certification provisions of the Metro code. The 2004 amendment requires that plumbers now be “licensed” rather than “certified”. The 2004 ordinance also requires apprentice plumbers to be enrolled in a registered apprenticeship program and complete 2,000 hours of practical experience and 600 hours of classroom training. Thus, a person is unable to obtain an apprentice license if he/she merely works under the direction of a licensed plumber.

This ordinance would allow a person to obtain an apprentice license if the person is either enrolled in a registered apprenticeship program or is regularly employed as an apprentice by a state registered and bonded plumbing contractor and who works at the trade of plumbing under a licensed master or journeyman plumber toward obtaining a minimum 8,000 hours of practical experience.

ORDINANCE NO. BL2005-718 (HART) – This ordinance amends the Metropolitan Code of Laws to prohibit the parking of boats and trailers in the front yards of residential property. In June 2002, the council amended the Code to prohibit the parking of motor vehicles in yards, but did not address boats and trailers. This ordinance would 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 behind the rear façade of the structure.

ORDINANCE NO. BL2005-722 (WILHOITE) – This ordinance abandons an eight inch sanitary sewer line at the Shoppes at Nashboro. A sanitary sewer line of equal size will be replacing the existing line. This abandonment has been approved by the planning commission.

ORDINANCE NO. BL2005-725 (KERSTETTER) – This ordinance amends the Metropolitan Code of Laws to expand the hours of the juvenile curfew. The current curfew makes it unlawful for children under the age of 18 to be on public property or private property without the consent of the owner between the hours of eleven p.m. and five a.m., Sunday through Thursday, and twelve midnight to five a.m. Friday and Saturday, during the months of September through May. The curfew for the months of June through August is twelve midnight to five a.m. seven days a week. This ordinance would remove the distinction between the school year and the summer, and make the hours of the curfew eleven p.m. to five a.m. Sunday through Thursday, and midnight to five a.m. on Friday and Saturday.

ORDINANCE NO. BL2005-727 (GOTTO) – This ordinance amends the Metropolitan Code of Laws to exempt vehicles with a disabled driver placard from the prohibition against parking in the grass. In 2002, the council enacted an ordinance to require all vehicles located on private property to be stored either in a garage or on a paved or graveled driveway. The 2002 ordinance included an exemption for vehicles with a valid handicapped license plate. This ordinance would expand this exemption to include vehicles containing a visible state-issued disabled driver placard as well, which are typically issued for temporary disabilities.

ORDINANCE NO. BL2005-728 (BURCH & ALEXANDER) – This ordinance amends the Metropolitan Code of Laws to prohibit soliciting employment within the right-of-way. This ordinance is modeled after ordinances that have been enacted in several California cities. This ordinance would make it unlawful for any person to stand along a street and actively solicit employment from any person in a motor vehicle, and would likewise prohibit persons in motor vehicles from actively soliciting employment of any person along a street. The Metro Code already prohibits persons from standing within the Metro right-of-way for purposes of soliciting employment or contributions, but does not extend to persons seeking out workers.

There is a housekeeping amendment for this ordinance substituting the word “street” with the word “right-of-way”, as is provided in the definitions section of the ordinance.

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- BILLS ON THIRD READING -

ORDINANCE NO. BL2004-431 (GREER) – This zoning text change, as amended, would require the planning commission to notify the district councilmember of all requests to modify a planned unit development (PUD) within five days of receiving the request. The zoning code currently does not require that district councilmembers be notified about PUD plans. The code makes a distinction between major and minor modifications to a PUD plan. Major modifications require council approval by ordinance, whereas minor modifications only require approval of the planning commission, or in many cases can be handled administratively upon approval of the executive director of the planning commission. Modifications to PUDs that must be approved by council include:

- Land area being added or removed.
- Modification of special performance criteria or design standards set forth in the enacting ordinance.
- A change in land use beyond that permitted by the underlying zoning district.

The planning commission can consider all minor modifications subject to the following limitations:

- The change does not alter the basic development concept of the PUD.
- The boundary of the PUD is not expanded.
- There is no change in the general PUD classification (i.e. residential to commercial).
- There is no deviation from special performance criteria or design standards.
- No new vehicle access point to an existing street is proposed.
- There is no change from a PUD approved exclusively for single family homes to any other type of residential structure.
- The total floor area of commercial property is not increased more than ten percent.
- The range of permitted uses is not expanded beyond that allowed in the underlying zoning district.

According to the planning commission staff analysis, minor modifications that are approved by the executive director of the planning commission include restriping a parking lot, moving the location of a dumpster, modifications to landscaping, and small additions. This ordinance would require that notification be sent to district councilmembers of all PUD modifications, regardless of the magnitude of the modification. This ordinance has been disapproved by the planning commission.

ORDINANCE NO. BL2005-668 (MCCLENDON) - This ordinance, as amended, amends the Metropolitan building code to clarify the types of materials used in the construction of fences. In October 2004, the council approved amendments to the property standards code to specify the types of materials that fences may be constructed of, including chain link, wrought iron, wood, masonry, stone, and certain synthetic materials. However, the Code contains fence material provisions in three different chapters. This ordinance simply amends the building code fence section to coincide with the property standards code.

ORDINANCE NO. BL2005-701 (BROWN, BURCH, AND OTHERS) - This zoning text change would create a new historic bed and breakfast overlay district. Currently, historic bed and breakfast establishments are permitted as a special exception (SE) use, requiring council approval by resolution, then approval by the board of zoning appeals. The Council has 60 days to act on a request for a (continued on next page)

ORDINANCE NO. BL2005-701 (continued)

historic bed and breakfast after first being notified by the zoning administrator that an application for a special exception has been filed. Failure by the council to act on the request within the 60 day period results in the request being deemed approved by the council.

This ordinance would remove historic bed and breakfasts from the jurisdiction of the board of zoning appeals and place it solely with the council. This is accomplished through the creation of a new zoning overlay district: historic bed and breakfast homestay (HB) district. The criteria for historic bed and breakfast establishments would essentially remain the same as the current criteria to obtain a special exception. Such criteria includes a limit on the number of consecutive days a guest can stay at the home, that the home be owner occupied, and that no more than one off-street parking space be provided for each guest room. One noticeable change in the criteria deals with the historic nature of the property. As a special exception use, a historic bed and breakfast homestay only needs to be designated by the Metropolitan historic zoning commission as a "historically significant structure." Under this proposed ordinance, the structure would have to be eligible for listing on the National Register of Historic Places, have played a role in history, or demonstrate a mastery of craftsmanship.

There may be proposed housekeeping amendment for this ordinance to clarify throughout the Zoning Code that a historic bed and breakfast would no longer be designated as a special exception use.

This ordinance has been disapproved by the planning commission.

ORDINANCE NO. BL2005-707 (BRILEY) – This ordinance is a housekeeping amendment to the Metropolitan Code of Laws requested by the department of law regarding the furnishing of defense counsel to Metropolitan Government employees sued for an act or omission arising out of the performance of his/her official duties. The Code currently provides that the department of law is to furnish defense counsel to employees who are sued individually in a civil action for damages for actions or omissions occurring while the employee was within the scope of employment. The Code further provides that if a conflict exists between the interests of the Metropolitan Government and its employee to the extent that representation of the employee by the department of law would violate the Code of Professional Responsibility, then the Metropolitan Government will reimburse Metro employees for outside attorney fees incurred by the employee.

The Tennessee Supreme Court recently adopted new ethical standards for lawyers known as the Rules of Professional Conduct. The new Rule 1.7 prohibits a lawyer from representing a client if the representation of that client would be directly adverse to another client. This ordinance amends the Code to provide that the Metropolitan Government will furnish outside counsel to an employee if the director of law determines that the legal department would be prohibited from representing the employee pursuant to Rule 1.7 of the Rules of Professional Conduct.

ORDINANCE NO. BL2005-708 (TOLER, SHULMAN & NEIGHBORS) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Richard Argo to provide sewer service to property located at 6262 Nolensville Road. This is a typical agreement entered into by the Metropolitan Government acting through the department of water and sewerage services whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service. The project consists of the extension of approximately 915 feet of an
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ORDINANCE NO. BL2005-708 (continued)

8" public sewer main. The estimated cost of the project is \$60,000, with the Metropolitan Government paying fifty percent of the cost. The remaining 50% of the cost will be paid by Mr. Argo through a \$15,000 cash contribution and water and sewer main easements with a value of \$15,370. These funds are to be deposited into the water and sewer extension and replacement fund.

ORDINANCE NO. BL2005-709 (SHULMAN & NEIGHBORS) – This ordinance declares a parcel of property owned by the Metropolitan Government located in Williamson County 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. This parcel was acquired by the Metropolitan Government to facilitate the extension of a sewer line to Nolensville, Tennessee. The Metropolitan Government will retain an easement for the sewer utilities located on the property.

ORDINANCE NO. BL2005-714 (DOZIER) – This ordinance adopts the property identification maps for the Metropolitan Government identifying property as of January 1, 2005, as the official maps for the identification of real estate for tax assessment purposes. These maps are adopted on an annual basis.

ORDINANCE NO. BL2005-715 (RYMAN) – This ordinance approves a memorandum of understanding between the Metropolitan Government the U.S. department of justice, bureau of alcohol, tobacco, firearms, and explosives (ATF) regarding participation in the National Integrated Ballistic Information Network (NIBIN). The NIBIN program provides equipment and access to a national database used by law enforcement agencies for the imaging of ballistic evidence and test fires of firearms that have been used in crimes. ATF will provide, install and maintain all of the necessary equipment and will provide primary communication lines for connecting the equipment to the NIBIN network. Amendments to this agreement may be approved by resolution of the council receiving 21 affirmative votes.

ORDINANCE NO. BL2005-716 (BRADLEY) – This ordinance authorizes the director of public property administration to acquire a sanitary sewer easement by negotiation or condemnation for a parcel of property located on Mt. View Road for the purpose of constructing, maintaining and operating a sanitary sewer at the Lakeside Cove at Percy Priest subdivision. The estimated \$15,000 cost of the easement to be acquired will be paid by Centex Homes, the developer of the subdivision.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2005-719 (HAUSSER) – This ordinance abandons a ten foot utility easement located at Residence Hall on the Belmont University campus. This easement is no longer being used by the department of water and sewer services.

This abandonment has been approved by the planning commission.

ORDINANCE NO. BL2005-720 (JAMESON, NEIGHBORS & OTHERS) – This ordinance approves a cost sharing agreement for planning assistance between the U.S. Army Corps of Engineers and the Metropolitan Government for the Cumberland riverfront redevelopment plan project. Pursuant to this agreement, Metro and the corps of engineers will each contribute \$200,000 to fund the study and creation of a master plan for redevelopment of the riverfront in downtown Nashville. This project will include recommendations for development phases, cost estimates of projects, and a defined plan of action for the development. The area of the master plan will be from Rolling Mill Hill to MetroCenter on the west bank, and from Shelby Park to the Jefferson Street bridge on the east bank. It is estimated that this study will be completed within twelve months. Amendments to this agreement may be approved by resolution of the council receiving 21 affirmative votes.

ORDINANCE NO. BL2005-721 (SHULMAN) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Blue Bell Creameries, L.P. to provide sewer service to property in Williamson County. Blue Bell Creameries has agreed to contribute \$2,000 for a single connection to the Mill Creek trunk sewer line. These funds will be deposited into the water and sewer extension and replacement fund.

ORDINANCE NO. BL2005-723 (TUCKER) – This ordinance authorizes the director of public property administration to acquire an easement by negotiation or condemnation for property located on Brick Church Pike in connection with the McCammon and Duncan water/sewer project. The estimated \$1,500 cost of acquiring the easement will be paid from the water and sewer extension and replacement fund. The ordinance provides that the acquisition of additional easements or properties for these projects may be authorized by a resolution adopted by the Council.

This ordinance has been approved by the planning commission.

SUBSTITUTE ORDINANCE NO. BL2005-724 (NEIGHBORS, MCCLENDON & OTHERS) – This substitute ordinance establishes a senior tax relief grant program within the Metropolitan Government to implement the mayor's plan for providing assistance to elderly resident taxpayers and additional funding for schools through an increase in the local option sales tax. This program assumes that a referendum increasing the local option sales tax to 2.75% will be held in the fall and that the voters will approve the increase in the sales tax. In the event the sales tax increase referendum is approved by the voters and the council approves this program, it is anticipated that 20% of the additional sales tax revenues will be used to fund the senior tax relief grant program, with the remaining 80% allocated to the GSD general purpose school fund.

This program will be administered by the trustee in essentially the same manner as the existing property tax relief program authorized by state law for low-income elderly homeowners. All Davidson County homeowners at least 65 years of age will be eligible for this program. The basic premise of this grant program is that the total amount of property taxes, local option sales taxes, and motor vehicle regulatory license fees paid by senior citizen homeowners would not exceed five percent (5%) of their income. For the purpose of the grant program, "income" consists of the income of the participant and any co-owners of the property, including social security, supplemental security income, pension, retirement wages, investment interest or dividends, and any other income included in adjusted gross income for federal income tax purposes. The grant program does limit the value of the residence to \$200,000, meaning that an eligible grant participant would only be able to claim the (continued on next page)

SUBSTITUTE ORDINANCE NO. BL2005-724 (continued)

amount of property taxes paid on the first \$200,000 value of their residence. In the event both co-owners of a home qualify for the grant program, each co-owner will receive an equal portion of the grant amount provided that the ownership interests in the property are equal. If the ownership interests are not equal, each co-owner would receive a portion of the grant proportionate to their ownership interest.

Pursuant to this ordinance, the first \$12 million in additional sales tax revenues collected will be allocated for the tax relief program for the fiscal year ending June 30, 2006. All additional funds collected will be allocated for schools. For all subsequent fiscal years, the ordinance provides it is the "intent" of the Metropolitan Government that the funds be allocated using the 80%-20% split described above. However, the council will have to renew the program annually in the same manner as the current tax relief program for it to remain in effect. This substitute ordinance provides that the this program will not become effective unless and until the sales tax increase is approved by the voters at the referendum election.

The department of law has opined that this proposed senior tax relief grant program does not conflict with Tennessee statutory law or the Tennessee Constitution. The council office would point out that the department of law's opinion is contrary to several opinions issued by the state attorney general.

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