



Metro Council

H. Resolutions on Public Hearing

1. [RS2020-674](#)

A resolution exempting Shotgun Willie's BBQ located at 4000B Gallatin Pike from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Shotgun Willie's BBQ located at 4000B Gallatin Pike.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

A public hearing must be held by the Council prior to voting on resolutions brought under Section 7.08.090(E).

Sponsors: Benedict

2. [RS2020-675](#)

A resolution exempting Publix #1732 located at 1111 Gallatin Avenue from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Publix #1732, located at 1111 Gallatin Avenue.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to any establishment

located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

A public hearing must be held by the Council prior to voting on resolutions brought under Section 7.08.090(E).

The sponsor intends to withdraw this resolution, as the Metro Beer Board has determined that the building distance measurements are greater than 100 feet from a religious institution, school, park, daycare, or one- or two-family residence and the location is therefore not subject to the applicable Metro Code provision.

Sponsors: Withers

I. Consent Resolutions and Resolutions

3. [RS2020-584](#)

A resolution exempting Legins's House of Seafood Nashville located at 4228 Ashland City Highway from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Legins's House of Seafood Nashville located at 4228 Ashland City Highway.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

A public hearing was held at the October 20 Council meeting.

Sponsors: Toombs

5. [RS2020-657](#)

A resolution appropriating \$29,822,775.00 in CARES Act funds to certain accounts for the

benefit of various Metropolitan Government departments.

Analysis

This resolution appropriates \$29,822,775 in CARES Act funds to various departments of the Metropolitan Government to reimburse expenditures incurred March 1, 2020 through December 30, 2020 for eligible public safety salaries already included in the fiscal year 2021 budget. The Council approved and accepted a Coronavirus Relief Fund (CRF) grant from the U.S. Department of the Treasury in an amount not to exceed \$121,122,775 via Resolution No. RS2020-318, as amended.

This resolution would further direct that savings from the fiscal year 2021 budget be used establish a new special revenue reserve fund for the purposes of continuing the expenditures necessary to respond to the coronavirus pandemic. The first \$20,000,000 of this new special revenue fund would be appropriated for Metro's continued COVID-19 emergency response expenditures, including but not limited to:

- Assessment centers
- Contact tracing / response lines
- Vulnerable population and homeless support
- Health order implementation and enforcement, including public safety/health overtime and PPE distribution
- Vaccine planning/distribution
- Increasing telework capabilities

Additionally, \$5,000,000 from this special revenue fund would be directed to Metropolitan Nashville Public Schools to cover COVID-19 related expenditures deemed eligible, but not limited to those already included in Resolution No. RS2020-658, also on the December 1 agenda. \$3,800,000 would be directed for rent, mortgage and utility assistance to be administered by the United Way of Greater Nashville under the same terms of Resolution No. RS2020-478. \$1,000,000 would be directed for small business relief grants to be administered by Pathway Lending under the same terms of Resolution No. RS2020-516.

Any unused portion of the \$29,822,775 of formerly approved CRF funding that are underspent by December 30, 2020, or any approved CRF funding allocated reimbursed through another funding source would also be directed to the special revenue reserve fund. These funds would be used for any additional COVID-19 emergency response needs and emergency management infrastructure and capital such as medical supplies and gear, fleet needs for first-responders, OEM equipment upgrades, and health department technology or capital needs.

There is a proposed amendment for this resolution amending Section 8 to clarify that only the budgetary savings realized from the use of CRF funding for reimbursable public safety expenses will be transferred to the new special revenue reserve fund. All CRF funding will be spent by December 30 as required by the federal government.

Fiscal Note: The Council has appropriated a total of \$96,800,000 thus far through the Committee process. This resolution along with RS2020-658 would appropriate the remaining \$29,822,777.5 balance of the CARES Act Fund.

Sponsors: Gamble, Johnston, Sepulveda and Welsch

6. [RS2020-658](#)

A resolution accepting the recommendations of the COVID-19 Financial Oversight Committee amending RS2020-394 to expand the permitted use of funds thereby allowing Metro Nashville Public Schools to use CARES Act funds for student and teacher laptop computers, hotspots, and Pre-K through Grade 12 virtual curriculum for students and school supplies for learning at home.

Analysis

This resolution amends Resolution No. RS2020-394 to expand the permitted use of funds to include student and teacher laptop computers, hotspots, and Pre-K through Grade 12 virtual curriculum for students and school supplies for learning at home.

The Council approved and accepted a Coronavirus Relief Fund (CRF) grant from the U.S. Department of the Treasury in an amount not to exceed \$121,122,775 via Resolution No. RS2020-318, as amended. In June 2020, the Council approved Resolution No. RS2020-394 to allocate \$24,000,000 of the CRF funds for MNPS laptops and hotspots. Subsequent to the approval of RS2020-394, the state awarded MNPS \$10,724,182.53, including \$7,226,062.53 for student laptop computers and \$3,498,120.00 for hot spots and connectivity resources grant funding to cover a portion of the cost of the laptops and hotspots, which has freed up funds that can be reallocated for other MNPS COVID-19-related needs. Specifically, MNPS would like to expand the use of funds to include additional student and teacher laptop computers, hotspots, and Pre-K through Grade 12 virtual curriculum for students and school supplies for learning at home. Any funds that have not been spent by MNPS by December 28, 2020, will be returned to the Metro Finance Department to be used to offset CARES-reimbursable costs incurred by Metro.

The resolution includes a reference to another resolution on the December 1 agenda that establishes a reserve fund for additional needs of MNPS related to the COVID-19 pandemic. It is anticipated that any funds from previous allocations not spent by December 28 would be allocated to this new special reserve fund.

This resolution concerns the same subject matter as Resolution No. RS2020-611, also on the December 1 Council agenda, which should be withdrawn in lieu of this resolution.

Fiscal Note: This resolution would reduce the previous appropriation by \$5,000,000 and would be allocated by resolution RS2020-657 to the new special reserve fund.

Sponsors: Johnston, Gamble, Hancock, Welsch, Suara, Allen and Porterfield

7. [RS2020-676](#)

A resolution authorizing the Metropolitan Mayor to submit Substantial Amendment One to the 2020-2021 Annual Action Plan to the 2018-2023 Consolidated Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development (HUD).

Analysis

This resolution adopts Substantial Amendment One to the 2020-2021 Annual Action Plan to the 2018-2023 Consolidated Plan for Housing and Community Development and authorizes the Mayor to submit this amendment to the U.S. Department of Housing and Urban Development (HUD).

HUD has allocated \$3,240,899 in recaptured Community Development Block Grant (CDBG) funds to Metro to address emergency community development needs resulting from tornados, wind damage, and flooding in March and May 2020. The Metropolitan Development and Housing Agency (MDHA) administers the Consolidated Plan and related programs, including the Declared Disaster Recover Fund (DDRF), through which these funds have been made available. HUD directed MDHA to amend the 2020 Action Plan in order to allocate the funds and to describe the activities to be carried out with the additional funding. The amendment incorporates the funds received, describes the uses of the funds and the methods by which funds will be distributed, and serves as Metro's application to access the funds. The projects proposed to be undertaken with the CDBG-DDRF funds include housing rehabilitation and ancillary services associated with disaster recovery from the March and May 2020 storms and administration and planning to provide oversight and management of the grants.

In order to expedite the Action Plan amendment, HUD granted a waiver of the 30 day public comment requirement and reduced the public comment period to five days. A public comment period was held from October 9 through October 16, 2020 and a virtual public hearing was held on October 15, 2020.

Sponsors: Suara and Toombs

8. [RS2020-677](#)

A resolution amending Ordinance No. BL2020-234, as amended, to extend the time period for the waiver of certain building permit fees for the repair or rebuilding of property damaged as a result of the March 3, 2020 tornado.

Analysis

This resolution extends the time period for the waiver of certain building permit fees for the repair or rebuilding of property damaged as a result of the March 3, 2020 tornado. BL2020-234, as amended, was approved May 5, 2020, to waive building permit fees for property owners (or their authorized agents) who met the following conditions:

- The permits are obtained to repair damage to the owner's property caused by the March 3, 2020 tornado.
- The permits are obtained on or before June 3, 2020.
- The permits are issued to construct, alter, repair, enlarge, move or demolish any building or structure or part thereof or any appurtenances connected or attached thereto.
- The owner must provide evidence satisfactory to the Director of Codes Administration,

or his designee, that the work is being performed as a result of damage sustained as a result of the March 3, 2020 tornado.

- Property owners who paid building permit fees prior to the adoption of the ordinance will be entitled to a refund if they provide evidence satisfactory to the Director of Codes Administration, or his designee, that the work is being performed as a result of damage sustained as a result of the March 3, 2020 tornado.
- Property owners or their agents had to sign an affidavit that the permit fees will not be reimbursed by insurance or other funding sources in order to receive the fee waiver.

Ordinance No. BL2020-377, as amended, extended the deadline for permits to be obtained to September 30, 2020, provided that permits obtained after July 1, 2020 must be for properties for which there has been no change in ownership. It also provided that future amendments to BL2020-234 could be made by a resolution receiving twenty-one affirmative votes. Resolution No. RS2020-502 extended the deadline from September 30, 2020 to December 31, 2020. This resolution would extend the deadline from December 31, 2020 to June 30, 2021.

Sponsors: Withers, Syracuse, Taylor, Evans, Toombs, OConnell and Suara

9. [RS2020-678](#)

A resolution approving an application for a Victims of Crime Act (VOCA) grant from the State of Tennessee, Office of Criminal Justice Programs, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Office of Family Safety, for funding to enhance equipment at both Family Safety Centers.

Analysis

This resolution approves an application for a Victims of Crime Act (VOCA) grant from the State of Tennessee, Office of Criminal Justice Programs, to the Office of Family Safety. If the grant application is approved, the grant funds would be used for funding to enhance equipment at both Family Safety Centers (Jean Crowe Advocacy Center and the Family Safety Center). The grant award would be \$50,000 with a required in-kind match of \$12,500.

Sponsors: Toombs, Gamble, Welsch, Suara and Styles

10. [RS2020-679](#)

A resolution approving a contract between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, and STARS Nashville to fund an epidemiologist position to study data regarding cigarette smoking, vaping, and e-cigarette use with the primary focus on children and young adults.

Analysis

This resolution approves a contract between the Metropolitan Board of Health and STARS Nashville.

Under the terms of the contract, STARS commits to leading the Nashville Strategic Prevention Framework-Partnerships for Success e-cigarette and substance misuse capacity building, prevention, and messaging campaign. Metro commits to providing a full-time epidemiologist

with expertise in substance abuse, research, and evaluation. Further, Metro will be responsible for all data collection and reporting for this project, provide education to 500 students annually, and serve on the Inter-agency Advisory Board.

The estimated annual value of this contract is \$72,098, not to exceed \$379,071 over the duration of the contract. The term of the contract would begin upon approval by all parties and filing in the Metro Clerk's Office and would end August 30, 2025.

Sponsors: Toombs, Taylor, Welsch, Hancock, Suara, Hurt and Styles

11. [**RS2020-680**](#)

A resolution approving amendment four to a grant contract from the State of Tennessee, Department of Health, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, to improve the health of those residing in or visiting Davidson County through targeted strategies to prevent and control the use of tobacco products.

Analysis

This resolution approves the fourth amendment to a grant between the Tennessee Department of Health and the Metropolitan Board of Health, previously approved by Resolution No. RS2018-1305. The grant proceeds are used to improve the health of those residing in or visiting Davidson County through targeted strategies to prevent and control the use of tobacco products.

The amendment would increase the grant amount by \$98,400 from \$391,500 to \$489,900 and amend related provisions of the contract accordingly, including an updated grant budget attachment. The amendment would further add a provision that allows the grant contract to be extended up to 180 days beyond the expiration date of the contract, under the same terms and conditions. The grant is currently set to expire on June 30, 2021.

Sponsors: Toombs, Taylor, Welsch, Suara and Hurt

12. [**RS2020-681**](#)

A resolution accepting a grant from the U. S. Environmental Protection Agency to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, for the ongoing collection of data on ambient air concentrations for fine particulate matter in Nashville, Tennessee.

Analysis

This resolution accepts a routine grant from the U.S. Environmental Protection Agency to the Metropolitan Board of Health for the ongoing collection of data on ambient air concentrates for fine particulate matter in Nashville. The Metro health department is responsible for air quality monitoring within Nashville and Davidson County on behalf of the EPA. The grant is an amount not to exceed \$130,000 with no local cash match required. The budget period is April 1, 2020 through March 31, 2022.

Sponsors: Toombs, Taylor, Welsch, Hancock, Hurt, Styles and Suara

13. [RS2020-682](#)

A resolution approving a contract between The Metropolitan Government of Nashville and Davidson County, acting by and through Metropolitan Social Services, and Room in the Inn, Inc., to use CARES Act funding to provide operational support for a day shelter in order to stem the Covid-19 spread among individuals experiencing homelessness.

Analysis

This resolution approves a contract between Room in the Inn, Inc. and Metropolitan Social Services (MSS) to use CARES Act funding to provide operational support for a day shelter in order to stem the COVID-19 spread among individuals experiencing homelessness.

Room in the Inn will use funds to provide operational support for a day shelter, focusing on health, hygiene, and relieving encampments and shelters. The term of the contract will be six months, commencing on July 1, 2020 and ending December 30, 2020.

Fiscal Note: This contract would give \$139,000 of CARES Act funds, previously allocated to Metro Social Services in RS2020-394, to Room in the Inn, Inc. to provide operational support during the Covid-19 pandemic.

Sponsors: Toombs, Taylor, Welsch, Allen, Suara and Styles

14. [RS2020-683](#)

A resolution approving amendment six to a grant from the Greater Nashville Regional Council to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Social Services Commission, to provide meals that meet RDA nutritional guidelines and transportation services to eligible seniors and handicapped residents.

Analysis

This resolution approves the sixth amendment to a grant from the Greater Nashville Regional Council to the Metropolitan Social Services Commission, previously approved by Resolution No. RS2018-1369. The grant proceeds are used to provide meals that meet RDA nutritional guidelines and transportation services to eligible seniors and handicapped residents.

The amendment increases the grant amount by \$10 from \$2,995,388 to \$2,995,398. The vendor would be changed from Piccadilly Holdings, LLC to Valley Services, LLC d/b/a TRIO Community Meals. All meal services would be moved to home delivered frozen meals. In the past, meals provided under this agreement have included hot and frozen home delivered meals and congregate hot meals.

Sponsors: Toombs, Taylor, Welsch, Suara and Styles

15. [RS2020-684](#)

A resolution accepting an in-kind grant from Grey and Linda Carter to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan

Nashville Parks and Recreation Department, of two works of art by Paul Lancaster for the permanent collection at the Parthenon.

Analysis

This resolution accepts an in-kind grant from Grey and Linda Carter to the Metropolitan Parks and Recreation Department of two works of art by Paul Lancaster for the permanent collection at the Parthenon. The two works of art have an estimated value of \$15,000 to \$20,000 each. No cash match is required. The works are "Two Eves" (1990) and "Still Life with Two Views" (2004). There is no end date to this in-kind grant.

Sponsors: Toombs and VanReece

16. [RS2020-685](#)

A resolution accepting a grant from the Centennial Park Conservancy to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Parks and Recreation Department, for installation and two years' monthly expenses for Wi-Fi at the Parthenon.

Analysis

This resolution accepts a grant from the Centennial Park Conservancy to the Metropolitan Parks and Recreation Department for installation and two years' monthly expenses for Wi-Fi at the Parthenon. The grant is an amount not to exceed \$35,836 with no local cash match required. The Centennial Park Conservancy will be responsible for the future service fees beyond the first two years and any equipment maintenance expenses related to the Wi-Fi. There is no end date to the grant.

Sponsors: Toombs, VanReece, Welsch and Styles

17. [RS2020-686](#)

A resolution accepting an Emergency Management Performance Grant (EMPG) from the State of Tennessee, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Office of Emergency Management, to subsidize the Emergency Management Program.

Analysis

This resolution accepts an annual federal pass through Emergency Management Performance Grant from the Tennessee Emergency Management Agency to subsidize the Emergency Management Program. The grant awarded is an amount not to exceed \$188,350 with a required local cash match of \$188,350. The grant term begins October 1, 2019 and ends on September 30, 2021.

Sponsors: Toombs, Gamble and Suara

18. [RS2020-687](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Ryan Ingram in the amount of \$10,000.00, with said amount to be

paid out of the Self-Insured Liability Fund.

Analysis

This resolution authorizes the Department of Law to settle the personal injury claim of Ryan Ingram against the Metropolitan Government for the amount of \$10,000 to be paid from the self-insured liability fund. On June 8, 2018, Mr. Ingram was working as an outdoor private security guard for the Country Music Association Awards. Two Metro police officers were assigned to operate a hydraulic gate on First Avenue used as a barricade. One of the officers lowered the gate to allow a car to pass, and the gate landed on Mr. Ingram's foot causing injuries to his toes. Mr. Ingram's medical bills total \$4,475.

The Department of Law recommends settling this claim for \$10,000 since the police officer would likely be found negligent for failing to give an audible warning before lowering the gate. The officer involved is no longer employed by MNPd.

Fiscal Note: This \$10,000 settlement, along with the settlement per Resolution No. RS2020-690, would be the 20th and 21st payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,400,369. The fund balance would be \$1,644,859 after these payments.

Sponsors: Toombs

19. [RS2020-688](#)

A resolution accepting a Community and Recovery Tree Planting Grant from Keep America Beautiful, in partnership with the United Parcel Service, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Public Works Department, to provide funding to restore the destroyed tree canopy in Nashville neighborhoods and the Stones River Bend Regional Park by the March 2020 tornado.

Analysis

This resolution accepts a Community and Recovery Tree Planting Grant from Keep America Beautiful, in partnership with the United Parcel Service, to the Metro Public Works Department. Grant funds will be used to provide funding to restore the destroyed tree canopy in Nashville neighborhoods and the Stones River Bend Regional Park by the March 2020 tornado. The grant award is an amount not to exceed \$10,000, with no local cash match required. The grant period is October 1, 2020 through December 31, 2021.

Sponsors: Toombs, Nash, Welsch, Hancock, Allen, Suara, Bradford and Styles

20. [RS2020-689](#)

A resolution approving the use of cameras for data collection through the Curb Loading Zone Management Pilot by the Metropolitan Government of Nashville and Davidson County, acting by and through its Department of Public Works, in collaboration with FLOW INC., d/b/a COORD.

Analysis

This resolution approves the use of cameras to conduct a Curb Loading Zone Management Pilot program in downtown Nashville. The Council adopted Resolution No. RS2020-401 in July 2020 approving an in-kind grant from FLOW INC, d/b/a COORD, to allow Metro to use COORD's technology tools and technical support at no charge in order to enable Metro to conduct a smart loading zone pilot program. The program will use this technology to communicate loading zone locations, delivery parking availability, and rules to commercial drivers to determine if such technology would be beneficial in the long term for the delivery companies, businesses, and the public's use of the rights-of-ways in the downtown area.

This resolution specifically approves the use of 2-3 temporary cameras at the following locations:

- 100 block of 2nd Ave. N.
- 200 block of 5th Avenue No.
- 300 block of Church St.
- 200, 300, and 400 blocks of Union St.

The cameras will be temporarily bound to existing sign posts, and will not record the same location for more than three weeks. Further, the video data will be stored no more than three months, and all data received by Metro will be reduced to remove any identifying markers. The video data received will not be used to gather data that can be tied to an individual or group. It will only be used for determining occupancy rates. Video data will be manually redacted by a subcontractor (IDAX Data Solutions). IDAX will store video data for 90 days.

According to information provided by Metro Public Works, the video will enable an analysis of the Smart Loading Zone Pilot's impact on:

- The amount and frequency of double parking
- The amount, frequency, and significance of vehicle-vehicle, vehicle-cyclist, and vehicle-pedestrian conflicts
- The amount, frequency, and significance of vehicle delays related to curbside and related travel-lane conditions
- The number and frequency of curbside-regulation violations

Section 13.08.080 of the Metro Code requires Council approval of the use of certain surveillance technology equipment, which is why this pilot program has been submitted for Council approval.

Section 13.08.080 of the Code requires a public hearing prior to approval of this resolution. This resolution should be deferred and a public hearing be advertised for the following Council meeting.

Sponsors: Nash and Styles

21. [RS2020-690](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the

claims of Joseph Clara and Wyndee Clara against the Metropolitan Government of Nashville and Davidson County in the amount of \$195,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

This resolution settles the person injury and loss of consortium claims of Joseph and Wyndee Clara against the Metropolitan Government for the amount of \$195,000 to be paid from the self-insured liability fund. On November 14, 2018, Mr. Clara was traveling on Korean Veterans Memorial Bridge behind a Public Works truck. The truck had been deployed to pick up debris from the roadway. The Public Works truck driver noticed debris in the oncoming lane, so he attempted an improper U-turn to retrieve the debris striking Mr. Clara's vehicle.

Mr. Clara was transported from the scene by ambulance to the hospital for injuries to his shoulders. He required surgery in both shoulders plus extensive physical and occupational therapy, and has a 10% total body impairment rating. Mr. Clara's medical bills to date total \$113,000, and are expected to increase. He also has \$55,000 in lost wages. Mr. Clara's wife had to provide significant assistance during his recovery, resulting in her loss of consortium claim.

Since the court would likely find the Public Works driver to be mostly at fault, the Department of Law recommends settling these claims for a total of \$195,000. Under the Governmental Tort Liability Act, both Mr. and Mrs. Clara have individual claims with a cap of \$300,000 each. Given the amount of existing and future medical bills, lost wages, and pain and suffering, a court would likely award more than the proposed settlement amount if the case went to trial.

The Public Works employee received disciplinary action consisting of a written reprimand.

Fiscal Note: This \$195,000 settlement, along with the settlement per Resolution No. RS2020-687, would be the 20th and 21st payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,400,369. The fund balance would be \$1,644,859 after these payments.

Sponsors: Toombs

22. [RS2020-691](#)

A resolution approving a participation agreement between the University of Tennessee and the Metropolitan Government of Nashville and Davidson County, through the Department of Water and Sewerage Services for the development of an Urban Waters Report Card.

Analysis

This resolution approves a participation agreement between the University of Tennessee (UTK) and the Metro Water Services Department (MWS) for the development of an Urban Waters Report Card (UWRC).

In 2019, a group of municipal separate storm sewer system (MS4) communities and the

Tennessee Department of Environment and Conservation (TDEC) initiated a conversation about the development of an UWRC. The goal of the UWRC is to provide MS4 permittees with a tool to assess and grade the quality of their streams. A working group comprised of MS4 permittees including the Counties of Shelby, Hamilton, and Knox, and the Cities of Chattanooga, Memphis, Knoxville, and Nashville and the Tennessee Stormwater Association has been established.

Under the participation agreement, UTK agrees to perform research in order to assist MWS in the development of an UWRC. The budget of this project will not exceed \$35,000 for the agreement period or \$15,000 per year. The term of the agreement begins upon approval of the Council and terminates on December 31, 2023.

Fiscal Note: Metro Water Services will pay \$15,000 per year from Fund No. 67431 for a period of three years for a total of \$35,000.

Sponsors: Toombs, Nash and Styles

K. Bills on Second Reading

40. [BL2020-492](#)

An ordinance to amend Section 12.36.110 of the Metropolitan Code pertaining to weight restrictions on certain roads.

Analysis

This ordinance amends Section 12.36.110 of the Metro Code to prohibit vehicles with a gross weight in excess of 31,500 pounds from being operated on McCrory Lane, Poplar Creek Road, and Old Harding Pike between Highway 70S and Highway 100 except for occasional deliveries and pickups. Section 12.36.110, Load Restrictions, generally provides that vehicles cannot exceed the weight limits for the streets described in Schedule IX on file with Department of Public Works when signs have been erected providing notice of the restriction. However, there is currently a specific weight limitation for Hutton Drive and Woodycrest Avenue in the Donelson area prohibiting the operation of vehicles in excess of 5,800 pounds. This ordinance creates a new 31,500 pound weight limitation for vehicles operated on for parts of McCrory Lane, Poplar Creek Road, and Old Harding Pike in the Bellevue area except for the occasional delivery and pickup of materials and merchandise at residences and businesses, and for the occasional delivery of building materials for buildings under construction for which a building permit has been obtained.

This ordinance has been referred to the Traffic and Parking Commission.

Sponsors: Rosenberg

41. [BL2020-494](#)

An ordinance to amend Section 13.08.080 of the Metropolitan Code relative to the use of license plate scanners by law enforcement for the prosecution of reckless drivers.

Analysis

This ordinance amends Section 13.08.080 of the Metropolitan Code to create an exception from the prohibition on license plate readers. The Code currently prohibits the operation of license plate scanners installed onto or within the public right-of-way except for use in conjunction with a vehicle emissions sensor as part of an emissions inspection program authorized under local, state or federal law.

This ordinance would create another exception from the license plate scanner ban to allow the use of such scanners by law enforcement for the purpose of enforcing state and local laws pertaining to reckless driving, especially for the prosecution of persons engaged in illegal drag racing activity at speeds in excess of 70 miles per hour and at mass gatherings within the right-of-way or when intersections are unlawfully shut down to accommodate drag racing activity. To the fullest extent permitted by state law, license plate data could only be retained while a prosecution is pending.

Sponsors: Styles and Toombs

42. [BL2020-505](#)

An ordinance directing the Metropolitan Purchasing Agent to enter into an emergency contract for the continued operation of the Bordeaux Long Term Care facility for the remainder of Fiscal Year 2021 and affirming the Council's intention that the current appropriation in the Fiscal Year 2021 Operating Budget for the Bordeaux Long Term Care facility management be used to fund the emergency contract.

Analysis

Ordinance No. BL2014-688 approved an operating lease between Metro and LP North Nashville, LLC, which is a subsidiary of Signature Healthcare, LLC ("Signature") for the operation of the Bordeaux Long Term Care facility located at 1414 County Hospital Road. Pursuant to that agreement, Signature agreed to lease and operate the BLTC while state legislation was sought to approve a split of the skilled nursing bed licenses into two facilities. However, the required state legislation was never approved. In 2016, pursuant to Ordinance No. BL2016-422, Metro agreed to extend the Signature BLTC operating lease and agreed to provide for a reimbursement of losses incurred by Signature of up to \$3,500,000 per fiscal year.

Although the revised lease was set to expire on June 30, 2020, Metro entered into an emergency six month extension to allow time for a request for proposals to be issued for the operation of the facility, but no RFP responses were submitted. As a result, Metro notified Signature on September 22, 2020 of its election to have Signature discontinue all operations and start winding down the facility's resident care operations by January 2021.

The Fiscal Year 2021 Metro operating budget ordinance (Substitute Ordinance No. BL2020-286) appropriated \$6,000,000 for the MLTC management contract subsidy. To date this fiscal year, Metro has paid Signature approximately \$1,200,000 for Signature's loss

reimbursement for the facility under the contract extension, leaving a balance of approximately \$4,800,000.

This ordinance would authorize various actions pertaining to the continued operation of BLTC. First, the ordinance would authorize and direct the Metro Purchasing Agent to enter into an emergency contract with a private or governmental entity for the continued operation of the BLTC facility for the remainder of Fiscal Year 2021 to allow time for a new long term operator to be selected through a new request for proposals (RFP) process or for the proper care and relocation of the residents. Under Section 4.12.070, the Purchasing Agent may make, or authorize others to make, emergency procurements when there exists a threat to public health, welfare, or safety, provided that such emergency procurements shall be made with such competition as is practical under the circumstances.

Second, the ordinance authorizes and directs the Purchasing Agent to issue an RFP or similar solicitation seeking best offers for the operation of the facility on a long-term basis. Third, the ordinance provides that the existing budgetary appropriation for the BLTC management contract be used to fund the emergency contract for the operation of the facility. Finally, the ordinance states the Council's desire and intention that the wind down plan for the facility be halted immediately.

The Council Office would note that Signature would have to agree to halting the wind down process since it is an obligation under the existing contract. It could not be unilaterally halted by Metro.

Future amendments to this ordinance could be approved by resolution receiving 21 affirmative votes.

Fiscal Note: The \$6,000,000 appropriation in line item 01101432 of the Substitute Ordinance No. BL2020-286 will be used to fund the emergency contract for the operation of the Bordeaux Long Term Care facility. There is no additional appropriation requested in this ordinance.

Sponsors: Hall

43. [BL2020-550](#)

An ordinance to amend Section 2.222.030 of the Metropolitan Code of Laws relative to required disclosures.

Analysis

This ordinance makes changes to the ethics disclosure form requirements provided in Section 2.222.030 of the Metro Code. The Code provides that the following persons must file an annual ethics disclosure statement and benefit reporting statement: (1) the Mayor; (2) all employees in the Mayor's office; (3) the Metro Council Office; (4) the holders of all elected offices authorized or created by the Metropolitan Charter; and (5) all directors, executive directors, assistant directors, and associate directors of metropolitan government agencies, boards, and commissions, but not including Nashville Electric Service, the Metropolitan Nashville Airport Authority, the Metropolitan Development and Housing Agency and the Metropolitan Transit

Authority. The Code provides that the purpose of the required disclosures is to “advance the favorable opinion of the public in the integrity of government.”

First, the ordinance removes the requirement that a witness attest that the person entered the information on the electronic form in the presence of the witness. In place of the witnessing requirement, the person filing the disclosure form would attest under penalty of perjury that the information is accurate to the best of the person’s knowledge.

Second, the ordinance also removes the requirement that a person’s primary residence be listed as part of the disclosure of the person’s or the person’s spouse’s direct or indirect financial interest in any real property located in Davidson County.

Sponsors: Mendes

44. [BL2020-551](#)

An Ordinance to amend Chapter 16.04 of the Metropolitan Code of Laws relative to the issuance of certificates of occupancy and stop work orders.

Analysis

This ordinance would require a stop work order, and prevent the issuance of a temporary certificate of occupancy, for any work site that is subject to a citation from the U.S. Department of Labor - Occupational Safety and Health Administration (OSHA) and/or the Tennessee Occupation Safety and Health Administration (TOSHA) until all violations have been abated or corrected. Chapter 16.04 of the Metro Code currently provides that the Department of Codes Administration is to issue a stop work order if work is being done on any building or structure in violation of various building and trades code provisions. This ordinance adds OSHA and TOSHA violations to the list of violations that trigger a stop work order.

This ordinance would also prohibit the Codes Department from issuing a temporary occupancy permit if there are any outstanding OSHA or TOSHA violations at the site. Such permit could only be issued upon written evidence that all violations in the citation have been abated or corrected to the satisfaction of the entity that issued the citation.

The Codes Department has expressed some concerns regarding the enforceability and legality of this ordinance. According to the Code Department, many of the standards enforced by OSHA and TOSHA are unrelated to the building and trades codes that Codes enforces, and Codes is not involved in the investigations that lead to OSHA and TOSHA violations. The Codes Department is concerned out potential due process violations if the cited parties are engaged in an appeal of the OSHA or TOSHA decision. Further, Codes is not typically notified when OSHA or TOSHA citations are issued, and even if they are notified, they do not know the status of any appeals or whether the violations have been abated.

There is no specific authorization under state or federal law for this ordinance. Federal law grants authority to states to administer their own workplace safety programs, which led to the creation of TOSHA under state law (Title 50, Chapter 3 of the Tennessee Code Annotated - Occupational Safety and Health Act of 1972) and administered by the Commissioner of Labor and Workforce Development. The state Act grants the Commissioner or their designee inspection and enforcement authority including injunctive relief (§ 50-3-401), the power to assess monetary penalties (§ 50-3-402), and the power to issue stop work orders (§ 50-3-918). But the Act does not grant such authority to local governments. Thus, the state and federal governments have arguably preempted the field regarding such regulations. The Council Office

has been unable to find any case law directly on point regarding revocation of local permits based upon OSHA/TOSHA violations.

Sponsors: Sledge, Styles, OConnell, Sepulveda, Benedict, Toombs, Bradford, Welsch, Porterfield and Murphy

45. [BL2020-552](#)

An ordinance approving a contract by and between The Metropolitan Government of Nashville and Davidson County, acting by and through the Mayor's Office, and the United Way of Middle Tennessee to provide one-on-one financial counseling and other financial education activities at no charge to low income residents in accordance with the Financial Empowerment Center program model.

Analysis

This ordinance approves a contract between Metro and the United Way for the continuation of the Nashville Financial Empowerment Center. Metro was the recipient of a grant from Bloomberg Philanthropies for the purpose of operating the financial empowerment program through December 2015. The Financial Empowerment Center program has subsequently been extended by Ordinances Nos. BL2016-387, BL2017-869, BL2018-1313, and BL2019-10.

The Financial Empowerment Center provides one-on-one financial counseling and other financial education activities at no charge to low income residents. The term of this contract is extends through June 30, 2021. The United Way agrees to conduct a minimum of 2,160 counseling sessions during this period. At least three full time (or equivalent) counselors would be retained and supervised to provide these services.

Fiscal Note: Metro would pay the United Way an amount not to exceed \$250,000, which would include all labor, overhead, profit, and expenses. This is the same amount as the previous contracts.

Sponsors: Toombs, Hausser, Suara and Porterfield

46. [BL2020-553](#)

An ordinance to require a resolution of the Metropolitan Council 30 days prior to discontinuing operations at the Bordeaux Long Term Care Facility, the J.B. Knowles Home Assisted Living Facility, or Nashville General Hospital.

Analysis

This ordinance would require all care being provided to patients and residents at the Bordeaux Long Term Care Facility, J.B. Knowles Home Assisted Living Facility, or Nashville General Hospital as of December 31, 2019, to be continued unless the elimination of such services is approved by the Metropolitan Council by a resolution receiving 21 affirmative votes, after a public hearing. The ordinance would also prohibit the commencement of wind down processes or preparations until at least 30 days after the Council approval of the resolution. Likewise, no wind down or other processes or preparations intended to prepare one of these facilities for closure could occur until 30 days after the public hearing and affirmative Council vote. The ordinance further provides that in the event that revenues generated at one of these institutions

are insufficient for the operation and maintenance of the facilities until a closure plan is approved by Council, the Council intends to appropriate the necessary funds to cover any shortfall.

Ordinance No. BL2014-688 approved an operating lease between Metro and LP North Nashville, LLC, which is a subsidiary of Signature Healthcare, LLC (“Signature”) for the operation of the Bordeaux Long Term Care (BLTC) facility located at 1414 County Hospital Road. Pursuant to that agreement, Signature agreed to lease and operate the BLTC while state legislation was sought to approve a split of the skilled nursing bed licenses into two facilities. However, the required state legislation was never approved. In 2016, pursuant to Ordinance No. BL2016-422, Metro agreed to extend the Signature BLTC operating lease and agreed to provide for a reimbursement of losses incurred by Signature of up to \$3,500,000 per fiscal year.

Although the revised lease was set to expire on June 30, 2020, Metro entered into an emergency six month extension to allow time for a request for proposals to be issued for the operation of the facility, but no RFP responses were submitted. As a result, Metro notified Signature on September 22, 2020 of its election to have Signature discontinue all operations and start winding down the facility’s resident care operations by January 2021.

Signature has informed the Metro Department of Law that halting the winddown of the BLTC facility is not in the best interest of the remaining residents. It is anticipated that all residents will have been relocated and the facility will have been shut down before this ordinance could be approved on third reading.

The Knowles Home Assisted Living and Adult Day Services facility is currently operated by Anthemcare Tennessee LLC under a contract with Metro. The Anthemcare contract was entered into in June of 2018 for a two year period, but the contract was extended in 2020 for one year with a new expiration date of June 14, 2021.

The Council Office would note that General Hospital is exclusively under the operation of the Metropolitan Hospital Authority, which is a separate legal entity from the Metropolitan Government. Further, the hospital building itself is owned by Meharry Medical College and was leased to Metro in 1994 for a term of 30 years expiring in 2024. The General Hospital lease was then transferred to the Hospital Authority in 1999 pursuant to Substitute Resolution No. SR99-1413. Therefore, this ordinance would have no legal impact on the operation of General Hospital or the building itself.

Sponsors: Hall

47. [BL2020-554](#)

An ordinance approving Amendment 2 to Contract #455783 for the provision of body camera equipment between WatchGuard, Inc. and the Metropolitan Government of Nashville and Davidson County.

Analysis

This ordinance approves an extension of the contract between Metro and Watchguard, Inc. for the lease of body camera equipment used by the Metro Nashville Police Department (MNPd). Metro entered into the initial contract on August 29, 2019 for a term of 60 months. The agreement is for body worn cameras for all police officers, in-car camera systems for all patrol vehicles, a video evidence management system, video redaction software, and training.

This ordinance extends the contract for a term 60 months commencing upon approval of this ordinance and filing of the executed agreement with the Metro Clerk. This ordinance also approves an equipment lease-purchase agreement with Motorola Solutions Inc., which acquired Watchguard in July 2019.

Under the terms of the agreement, Metro will be responsible for all loss of or damage to the equipment while Metro is leasing it, and MNPd cannot alter the equipment without Motorola's consent. Metro can terminate at any time for lack of funding, but if it does so, all equipment must be returned to Motorola. Metro has the option to purchase the equipment on any Lease Payment date by paying the lease payment plus the balance due. The first lease payment will be due on 1/1/23. A schedule of payments is as follows:

Date	Lease Payment	Balance
1/1/2021		\$ 8,938,576
1/1/2023	\$ 2,234,644	\$ 6,703,932
1/1/2024	\$ 2,234,644	\$ 4,469,288
1/1/2025	\$ 2,234,644	\$ 2,234,644
1/1/2026	\$ 2,234,644	\$ 0
Grand Total	\$ 8,938,576	

An ordinance for this agreement is required for two reasons. First, Metro cannot enter into contracts exceeding 60 months, either initially or by virtue of amendments, renewals or extensions thereof, without Council approval pursuant to Section 4.12.160 of the Metro Code. Second, Section 5.04.020 of the Metropolitan Code requires Council approval for the lease of equipment.

Sponsors: Toombs and Gamble

48. [BL2020-555](#)

An ordinance adopting the Geographic Information Systems Street and Alley Centerline Layer, with the recordation of renaming, additions and deletions of acceptances and abandonments as reflected on the Centerline Layer to date, as the Official Street and Alley Acceptance and Maintenance Record for the Metropolitan Government of Nashville and Davidson County, (Proposal Number 2020M-001OT-001).

Analysis

This ordinance adopts the Geographic Information Systems Street and Alley Centerline Layer, with the changes as reflected on the Centerline Layer to date, as the official Street and Alley Acceptance and Maintenance Record for Metro. The updated Centerline Layer shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by

Metro since it was last adopted by Ordinance Number BL2019-96 on January 7, 2020.

This ordinance has been approved by the Planning Commission.

Sponsors: Murphy and Nash

49. [BL2020-556](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming a portion of Clover Street off 44th Avenue North to "Community Court". (Proposal Number 2020M-006SR-001).

Analysis

This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming a section of Clover Street extending from 44th Ave N to a dead end, between Centennial Blvd / Dr Walter S Davis Blvd and Tennessee Ave, as "Community Court". There are currently there are three disconnected sections of roadway named Clover Street that could cause confusion for emergency services.

This ordinance has been approved by the Planning Commission and referred to the ECD Board. The required staff report from the Historical Commission has been received and is available as an attachment to the ordinance. A recommendation from the ECD Board must be received before this ordinance can be approved on second reading, pursuant to Section 13.08.015 of the Metro Code.

Sponsors: Taylor, Murphy, Nash and OConnell

50. [BL2020-557](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Alley Number 922 right-of-way from Wedgewood Avenue northward to Blakemore Avenue. (Proposal Number 2020M-015AB-001).

Analysis

This ordinance abandons Alley #922 from Wedgewood Ave northward to Blakemore Ave, between 21st Ave S and Alley #821. The abandonment has been requested by S & ME, Inc. Metro Public Works has determined there is no future need for this alley right-of-way for Metro purposes. Metro would retain all utility easements.

Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or

future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

Sponsors: Sledge, Murphy, Nash and OConnell

51. [BL2020-558](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water pumping station, brick building, the associated easement, and to retain the remaining Public Utility & Drainage Easements located at 801 Stoner Mill Lane (Proposal No. 2020M-098ES-001).

Analysis

This ordinance abandons the existing water pumping station, brick building and associated easement for property located at 801 Stoner Mill Lane. This ordinance has been approved by the planning commission. Metro will retain the remaining utility and drainage easements. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Abandoned easements have no market value according to the Department of Water Services.

Sponsors: Hagar, Murphy and Nash

52. [BL2020-559](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for properties located at 6434 Pettus Road and 7224 Old Burkitt Road, also known as Southpoint Ph 3A and Village UMC (MWS Project Nos. 20-WL-55 and 20-SL-193 and Proposal No. 2020M-094ES-001).

Analysis

This ordinance accepts approximately 362 linear feet of new eight inch water main, 329 linear feet of new eight inch sanitary sewer main, two fire hydrant assemblies, three sanitary sewer manholes, and associated easements for properties located at 6434 Pettus Road and 7224 Old Burkitt Road, also known as Southpoint Ph 3A and Village UMC, This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated easements have no market value according to the Department of Metro Water Services.

Sponsors: Rutherford, Murphy and Nash

53. [BL2020-560](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, a fire hydrant assembly, sanitary sewer manholes and easements, for property located at Maxwell Road (unnumbered), also known as Oliveri Phase 2 (MWS Project Nos. 20-WL-76 and 20-SL-142 and Proposal No. 2020M-097ES-001).

Analysis

This ordinance accepts 580 linear feet of new eight inch water main, 386 linear feet of new six inch water main, 565 linear feet of new eight inch sanitary sewer main, one fire hydrant assembly, four sanitary sewer manholes, and easements, for property located at Maxwell Road (unnumbered), also known as Oliveri Phase 2. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated easements have no market value according to the Department of Metro Water Services.

Sponsors: Murphy and Nash

54. [BL2020-561](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at Maxwell Road (unnumbered), also known as Oliveri Phase 3 (MWS Project Nos. 20-WL-77 and 20-SL-143 and Proposal No. 2020M-096ES-001).

Analysis

This ordinance accepts approximately 1,670 linear feet of new eight inch water main, 2,266 linear feet of new eight inch sanitary sewer main, 400 linear feet of new eight inch sanitary sewer main, three fire hydrant assemblies, 16 sanitary sewer manholes, and easements, for property located on Maxell Road (unnumbered) known as Oliveri Phase 3. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated easements have no market value according to the Department of Metro Water Services.

Sponsors: Murphy and Nash

55. [BL2020-562](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main and easements, and to accept new sanitary sewer main, sanitary sewer manholes and easements, for three properties located at 307, 309 and 313 31st Avenue North (MWS Project No. 20-SL-44 and Proposal No. 2020M-095ES-001).

Analysis

This ordinance abandons 155 linear feet of existing eight inch sanitary sewer main and easements, and accepts 315 linear feet of new eight inch sanitary sewer main, five sanitary sewer manholes, and easements for properties located at 307, 309, and 313 31st Avenue North. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated and abandoned easements have no market value according to the Department of Metro Water Services.

Sponsors: Taylor, Murphy and Nash

56. [BL2020-563](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to rehabilitate an existing sanitary sewer main and sanitary sewer manhole, and to accept a new sanitary sewer manhole and easements, for property located at 315 Interstate Drive (MWS Project No. 18-SL-230 and Proposal No. 2020M-092ES-001).

Analysis

This ordinance authorizes the rehabilitation of approximately 225 linear feet of existing 12 inch sanitary sewer main and one sanitary sewer manhole, and accepts one new sanitary sewer manhole and easements for property located at 315 Interstate Drive. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This project is being completed by developer Continental Inns and there is no cost to Metro.

Sponsors: Withers, Murphy and Nash

57. [BL2020-564](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water main, one fire hydrant assembly, a sanitary sewer manhole and easements, for property located at 350 Harding Place (MWS Project Nos. 19-WL-112 and 20-SL-187 and Proposal No. 2020M-099ES-001).

Analysis

This ordinance accepts 281 linear feet of new eight inch water main, one fire hydrant assembly, one sanitary sewer manhole, and easements for property located at 350 Harding Place. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated easements have no market value according to the Department of Metro Water Services.

Sponsors: Bradford, Murphy and Nash

L. Bills on Third Reading

59. [BL2020-300](#)

An ordinance amending Chapter 9.30 of the Metropolitan Code to restrict construction noise.

Analysis

This ordinance, as substituted, amends Chapter 9.30 of the Metro Code to restrict construction noise in residential areas. Currently, Section 9.30.010 of the Metro Code prohibits noise related

to construction located within or adjoining a residential zone district between the hours of 9:00pm and 6:00am. Such noise cannot measure in excess of 70 decibels. This ordinance would limit construction noise between 8:00pm and 6:00am during the months of July, July, and August and between 7:00pm and 7:00am during the rest of the year.

The ordinance also modifies the exemptions to the construction noise provision to add “cable, telecom, fiber optic” to the list of utility work that is exempted from this provision.

Sponsors: Benedict, Bradford, Henderson, Hausser, Suara, Taylor, Styles and Toombs

60. [BL2020-456](#)

An ordinance amending Chapter 11.22 of the Metropolitan Code to require landlords to provide notice to tenants prior to termination of tenancy and non-renewal of a lease.

Analysis

This ordinance, as substituted and amended, adds three new sections to Chapter 11.22 of the Metropolitan Code of Laws to require landlords to tenants prior to termination of a tenancy and non-renewal of a lease.

First, this ordinance requires notice to tenants upon the assignment of a lease. If a landlord assigns its rights under a residential lease, the new assignee would be required to deliver written notice to the tenant within fourteen days after assignment of the lease. This notice would be required to contain (1) the assignee’s name, (2) the address, telephone number, and email address of the tenant’s main point of contact, either the assignee or the assignee’s agent, if applicable; (3) the address to which any rent payments must be delivered; and (4) if applicable, notice to the best of the assignee’s knowledge of any intended termination or non-renewal of the lease. This provision would not apply when a written rental agreement addresses the notice required to be given to a tenant of an assignment of a lease by the landlord. It would further apply only to lease agreement entered into on or after April 1, 2021.

Second, the ordinance provides that a landlord must provide a tenant written notice of an intent not to renew a lease at least 60 days prior to the end of the lease. This would apply only to leases for a term of one year or greater and in the absence of a written rental agreement that requires 60 days notice or more of an intent not to renew the lease.

Third, a provision clarifies that, to the extent any provision of Chapter 11.22 of the Metropolitan Code of Laws conflicts with a provision of state law, the state law would prevail.

Sponsors: Allen, Toombs, Bradford, Taylor, Suara and Porterfield

61. [BL2020-469](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept public sanitary sewer mains, sewer manholes and easements, for three properties located on Clovercroft Road in Williamson County, also known as Twin Valley Farms (MWS Project No. 20-SL-141 and Proposal No. 2020M-072ES-001).

Analysis

This ordinance authorizes the acceptance of approximately 138 linear feet of new eight inch sanitary sewer main (DIP), approximately 252 linear feet of new eight inch sanitary sewer main

(PVC), two sanitary sewer manholes and easements, for three unnumbered properties located on Clovercroft Road in Williamson County, also known as Twin Valley Farm. Future amendments to this legislation may be approved by resolution.

This ordinance has been approved by the planning commission.

Fiscal Note: This ordinance has no cost to Metro. Donated easements have no market value according to the Department of Metro Water Services.

Sponsors: Murphy and Nash

65. [BL2020-491](#)

An ordinance extending the boundaries of the Urban Services District within the jurisdiction of the Metropolitan Government of Nashville and Davidson County to include certain properties located in Council District 3 and approving the Plan of Services, as more particularly described herein.

Analysis

This ordinance approves the extension of the boundaries of the Urban Services District (USD) to include 1,598 parcels in Council District 3 located between Brick Church Pike and Dickerson Pike, and adopts a plan of services associated with the USD annexation. Section 1.04 of the Metropolitan Charter provides that General Services District (GSD) property may be annexed into the USD, in accordance with state law annexation procedures, whenever such areas come to need urban services. Tennessee Code Annotated § 6-51-102, *et seq.* prescribes the various requirements for implementing annexations, including the adoption of a plan of services. However, § 6-51-123, enacted in 2014, allows any county having a metropolitan form of government to expand the USD using the method applicable at the time the Metro Charter was adopted. State law requires that a plan of services be considered by the Planning Commission and then be adopted by the Council before an ordinance to extend the boundaries of the Urban Services District can be approved on final reading.

These parcels of property already receive additional police protection, fire protection, water, sanitary sewers, storm sewers and street cleaning services at the same level as all other properties within the USD. The only additional services that would be provided through the proposed annexation would be street lighting and refuse collection. These additional services would be required to be provided not later than one year after the ad valorem taxes in the annexed area become due.

According to the plan of services estimation included as part of the ordinance, the first-year costs to provide these additional services are estimated to be \$442,400. After that, the annual costs would be an estimated \$267,000. The additional annual revenue estimated to be generated by the additional ad valorem taxes would be \$275,298 per year. Therefore, although a deficit in the first year of approximately \$167,000 would be generated, a surplus of approximately \$8,200 would be generated in each subsequent year.

State law requires the Council to hold a public hearing of the plan of services and annexation

ordinance prior to adoption on third and final reading.

The plan of services was approved by the planning commission on November 12, 2020.

Sponsors: Gamble

67. [BL2020-503](#)

An ordinance to amend Section 4.12.200 of the Metropolitan Code of Laws regarding retention of procurement records.

Analysis

This ordinance codifies a three year procurement records retention requirement. Section 4.12.200 of the Metro Code currently provides that only sole source and emergency records are required to be retained by the Purchasing Agent for a three-year period. An audit from 2020 recommended that this policy be expanded to include all procurement records.

This ordinance provides that all procurement records are to be retained in accordance with the Public Records Commission retention guidelines, but for not less than three years.

Sponsors: Suara, Styles and Henderson

68. [BL2020-511](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing easement rights for property located at 4100 Aberdeen Road, formerly a portion of Mockingbird Road (Proposal No. 2020M-086ES-001).

Analysis

This ordinance abandons utility easement rights that were retained by Ordinance No. O63-501 for property located at 4100 Aberdeen Road, formerly a portion of Mockingbird Road right-of-way. Metro Water Services has determined there is no future need for the easement rights.

This ordinance has been approved by the Planning Commission.

Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements have no market value according to the Department of Water Services.

Sponsors: Murphy and Nash

83. [BL2020-533](#)

An ordinance amending Section 2.210.020 of Metropolitan Code to remove the sunset provision regarding qualified project participation in the EasyRide MTA-RTA Commuter Program by Economic Development Incentive Grant recipients.

Analysis

Section 2.210.020 of the Metro Code provides a mechanism for Metro to provide annual economic development incentive grants to qualified companies in the amount of \$500 per job

created or retained. Ordinance No. BL2017-904 amended the eligibility requirements for economic and community development incentive grant recipients to require written confirmation to be provided by the director of the Metropolitan Transit Authority (MTA) that the qualified company has contacted MTA regarding participation in the EasyRide MTA-RTA Commuter Program. The ordinance also required that, for the duration of any economic and community development incentive grants, the qualified company must provide an annual written report to the office of Economic and Community Development regarding the participation rate of its full-time equivalent employees in the EasyRide MTA-RTA Commuter Program. Failure to submit timely written reports is grounds for termination of a grant.

BL2017-904 included a sunset of January 1, 2020 unless extended by Council resolution. The sunset was not extended before January 1, 2020, so the requirements technically expired.

This ordinance re-establishes the requirements without a sunset and with a modification to the reporting requirement so as to require the qualified company to provide written confirmation that the company has either committed to participation in the EasyRide MTA-RTA Commuter Program or provides a valid explanation as to why participation is not feasible.

Sponsors: Allen, OConnell, Henderson, Suara and Porterfield

84. [**BL2020-536**](#)

An ordinance authorizing the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects of the Metropolitan Government, initially for purposes of Public Works Department Project Number 2016-R-048, Dickerson Pike Sidewalk Improvements (Proposal No. 2018M-018ES-001).

Analysis

This ordinance authorizes the Director of Public Property Administration to acquire drainage and/or temporary construction easements from 11 property owners necessary for a Dickerson Pike sidewalk improvement project between Donald Street and Dellway Drive. The length of the sidewalk project is approximately 1,500 feet. The ordinance includes the standard language authorize condemnation action if negotiations for any of the easements are not successful.

Fiscal Note: According to the Department of Public Works, the estimated cost of the right of way acquisition is \$54,480 for this legislation.

Sponsors: VanReece, Toombs, Murphy, Nash and Gamble

85. [**BL2020-537**](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Alley Number 76 right-of-way from Lea Avenue to Alley Number 71. (Proposal Number 2020M-013AB-001).

Analysis

This ordinance abandons Alley #76 from Lea Avenue to Alley #71, between 5th Ave S and 6th

Ave S. The abandonment has been requested by NF IV-I Nashville DT, LLC. Metro Public Works has determined there is no future need for this alley right-of-way for Metro purposes. Metro would retain all utility easements.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes

Sponsors: OConnell, Murphy and Nash

86. [BL2020-538](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Alley Number 264 and Alley Number 305 right-of-way between South Fourth Street and Shelby Avenue. (Proposal Number 2020M-012AB-001).

Analysis

This ordinance abandons Alley #264 from S 4th Street to Alley #305 between Shelby Avenue and Fatherland Street, and Alley #305 from Shelby Avenue to Alley #264 between S 4th Street & S 5th Street. The abandonment has been requested by Barge Cauthen and Associates, Inc. Metro Public Works has determined there is no future need for this alley right-of-way for Metro purposes.

Metro would retain all utility easements.

Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes

Sponsors: Withers, Murphy, Nash and OConnell

87. [BL2020-539](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning White Avenue and a portion of Alley Number 2057 and Alley Number 2058 right-of-way south of Lebanon Pike and east of Rucker Avenue. (Proposal Number 2020M-011AB-001).

Analysis

This ordinance abandons White Avenue from Rucker Avenue eastward to the dead end, Alley #2057 from White Avenue southward to Alley #2056, and Alley #2058 from the dead end

westward to the southwest corner of parcel number 09110000400. The abandonment has been requested by Dale and Associates. Metro Public Works has determined there is no future need for this alley right-of-way for Metro purposes. Metro would retain all utility easements.

Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes

Sponsors: OConnell, Murphy and Nash

88. [BL2020-540](#)

An ordinance providing the honorary street name designation of “Rev. Elton Lee Waller Blvd” for a portion of 2nd Ave S.

Analysis

This ordinance adds the honorary designation of “Rev. Elton Lee Waller Blvd” for a portion of 2nd Ave S between Chestnut Street and Lafayette Street. Reverend Waller, who passed away on October 2, 2017, pastored Shiloh Missionary Baptist Church located in South Nashville for 36 years.

Section 13.08.025 of the Metro Code provides a procedure for the designation of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install two honorary street signs per street - at each end of a street - beneath the official street name sign for any street identified on the official Street and Alley Centerline Layer map. No honorary street sign can be installed honoring a living person; and each member of council can sponsor only one such ordinance each calendar year. This ordinance does not officially re-name the designated street. Therefore, there would be no change of official address for properties along this portion of 2nd Ave S.

Sponsors: Sledge and OConnell

89. [BL2020-541](#)

An ordinance providing the honorary street name designation of “Mary Watson Way” for a portion of 12th Ave. N.

Analysis

This ordinance adds the honorary designation of “Mary Watson Way” for a portion of 12th Ave N between Clay Street and Cecilia Street. Mrs. Watson, who passed away on December 10, 2018, was a leader in the Nashville Civil Rights movement. She fought to desegregate Nashville Public Schools beginning in 1957, and received many honors and awards for her Civil

Rights efforts.

Section 13.08.025 of the Metro Code provides a procedure for the designation of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install two honorary street signs per street - at each end of a street - beneath the official street name sign for any street identified on the official Street and Alley Centerline Layer map. No honorary street sign can be installed honoring a living person; and each member of council can sponsor only one such ordinance each calendar year. This ordinance does not officially re-name the designated street. Therefore, there would be no change of official address for properties along this portion of 2nd Ave S.

Sponsors: Toombs

90. [BL2020-542](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent and temporary easements for the Woodmont Lane Stormwater Improvement Project for four properties located on Woodmont Lane, (MWS Project No. 20-SWC-256 and Proposal No. 2020M-082ES-001).

Analysis

This ordinance authorizes the acceptance of temporary and permanent easements for four properties located on Woodmont Lane for a stormwater improvement project. There is no cost associated with acquisition of the easements identified in the ordinance. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

Fiscal Note: This ordinance has no cost to Metro. Donated easements have no market value according to the Department of Water Services.

Sponsors: Pulley, Murphy and Nash

91. [BL2020-543](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing stormwater easement rights for property located Brick Church Pike (unnumbered) (Proposal No. 2020M-087ES-001).

Analysis

This ordinance abandons stormwater easement rights for an unnumbered Brick Church Pike parcel that are no longer needed. This abandonment has been requested by the property owners and Dale & Associates This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Abandoned easements have no market value according to the Department of Water Services

Sponsors: Toombs, Murphy and Nash

92. [BL2020-544](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main and easements, and to accept new public water main, a replacement fire hydrant assembly and easements, for property located at 627 19th Avenue North (MWS Project No. 20-WL-99 and Proposal No. 2020M-085ES-001).

Analysis

This ordinance abandons 392 linear feet of existing 6-inch water main and easements, and accepts 418 linear feet of new 8-inch water main along with one replacement fire hydrant assembly and easements for property located at 627 19th Ave N. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Abandoned easements have no market value according to the Department of Water Services

Sponsors: Taylor, Murphy and Nash

93. [BL2020-545](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sewer main, sanitary sewer manholes and easements, for property located at Hamilton Church Road (unnumbered), also known as Calumet (MWS Project No. 19-SL-286 and Proposal No. 2020M-089ES-001).

Analysis

This ordinance accepts approximately 264 linear feet of new 8-inch sanitary sewer main, two sanitary sewer manholes, and associated easements for an unnumbered Hamilton Church Road property known as Calumet. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated easements have no market value according to the Department of Water Services

Sponsors: Lee, Murphy and Nash

94. [BL2020-546](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, and to accept one new sanitary sewer manhole for property located 1206 Buchanan Street (MWS Project No. 20-SL-207 and Proposal No. 2020M-091ES-001).

Analysis

This ordinance abandons approximately 129 linear feet of existing 10-inch sanitary sewer main, and accepts one new sanitary sewer manhole for property located at 1206 Buchanan Street. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements have no market value according to the Department of Water Services

Sponsors: Taylor, Murphy and Nash

95. [BL2020-547](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main, sanitary sewer manhole and easements, for property located at 5 City Boulevard, also known as OneC1ty Nashville (Proposal No. 2020M-090ES-001).

Analysis

This ordinance abandons approximately 80 linear feet of existing 36-inch sanitary sewer main, one sanitary sewer manhole, and easements for property located at 5 City Boulevard, also known as OneC1ty Nashville. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Abandoned easements have no market value according to the Department of Water Services

Sponsors: Taylor, Murphy and Nash

96. [BL2020-548](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sewer main, a sanitary sewer manhole and easements, and to accept new public sewer main, sanitary sewer manholes and easements, for property located at 508 Collins Park Drive, also known as Tru by Hilton (MWS Project No. 20-SL-140 and Proposal No. 2020M-084ES-001).

Analysis

This ordinance abandons approximately 29 linear feet of existing 8-inch sanitary sewer main, one sanitary sewer manhole, and easements, and accepts 105 linear feet of replacement 8-inch sanitary sewer main, two sewer manholes, and easements for property located at 508 Collins Park Drive from the Tru by Hilton hotel. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements have no market value according to the Department of Water Services

Sponsors: Murphy, Nash and Styles

97. [BL2020-549](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water and sanitary sewer mains, a fire hydrant assembly, sanitary sewer manholes and easements, and to accept new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at 1420 Adams Street, also known as Modera Germantown (MWS Project Nos. 20-WL-56 and 20-SL-100 and Proposal No. 2020M-093ES-001).

Analysis

This ordinance abandons water and sewer mains, a fire hydrant assembly, and four sewer manholes, along with the associated easements, and accepts replacement water main, sewer main, two fire hydrant assemblies, four sewer manholes, and easements for property located at 1420 Adams Street, also known as Modera Germantown. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements have no market value according to the Department of Water Services

Sponsors: OConnell, Murphy and Nash