



Metro Council

G. Resolutions on Public Hearing

1. [RS2021-1275](#)

A resolution exempting Southern Grist, located at 750 and 754 Douglas 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 Southern Grist Brewing Company located at 750 and 754 Douglas 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).

Sponsors: Parker

H. Consent Resolutions and Resolutions

3. [RS2021-1260](#)

A resolution appropriating \$20,200,000.00 in American Rescue Plan Act funds from Fund #30216 to supplement The Barnes Fund, to establish a Catalyst Fund for affordable housing purchases, and to create a centralized database of subsidized housing.

Analysis

This resolution appropriates \$20,200,000 in American Rescue Plan Act funds to supplement the Barnes Fund for Affordable Housing, to establish a Catalyst Fund for affordable housing purchases, and to create a centralized database of affordable housing.

This resolution approves the COVID-19 Financial Oversight Committee's recommendation to use ARP funds to appropriate \$10 million for a Catalyst Fund, \$200,000 for the creation of a centralized housing platform to allow residents to seek affordable housing in one place, and \$10 million for the Barnes Fund. More information on the proposed uses of this funding can be found on the exhibit attached to the resolution.

Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2021-1261, Resolution No. RS2021-1262, Resolution No. RS2021-1263 and Resolution No. RS2021-1264 would be the 10th, 11th, 12th, 13th, and 14th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$59,054,250. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.

Sponsors: Sepulveda, Johnston, Gamble, Allen, Welsch, Suara, Styles, Porterfield, Bradford and Syracuse

4. [**RS2021-1263**](#)

A resolution appropriating \$9,069,614.00 in American Rescue Plan Act funds from Fund #30216 to General Services to expand the vehicle fleet of the Metro Nashville Police Department, the Nashville Department of Transportation, and the Davidson County Sheriff's Office.

Analysis

This resolution appropriates \$9,069,614 in American Rescue Plan Act funds to General Services to expand the vehicle fleet of the Metropolitan Nashville Police Department (MNPD), the Nashville Department of Transportation (NDOT), and the Davidson County Sheriff's Office (DCSO).

This resolution approves the COVID-19 Financial Oversight Committee's recommendation to use ARP funds to purchase 128 marked pursuit SUVs for MNPD, five standard cab pickups and five crew cab pickups for NDOT, and three marked pursuit vehicles and one passenger van for DCSO.

Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2021-1260, Resolution No. RS2021-1261, Resolution No. RS2021-1262 and Resolution No. RS2021-1264 would be the 10th, 11th, 12th, 13th, and 14th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$59,054,250. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.

Sponsors: Gamble, Johnston, Allen, Bradford and Styles

5. [**RS2021-1276**](#)

A resolution appropriating a total of \$100,000 from a certain account of the General Fund of the General Services District to the Center for Nonprofit Management, which has been selected to receive Public Safety Violence Reduction Pilot Grant Funds.

Analysis

This resolution appropriates \$100,000 from the Metropolitan Government to the Center for Nonprofit Management. This grant to the Center for Nonprofit Management will be used for training, development, and audit preparation assistance to nonprofit organizations that have been awarded grants from the Public Safety Violence Reduction Pilot Grant Fund.

The resolution also approves a grant contract between Metro and the Center for Nonprofit Management to govern the terms of the appropriation. The grant term begins July 1, 2021 and ends June 30, 2022. Of this \$100,000, \$60,000 will be used for audit preparation assistance and \$40,000 will be used for training and development.

Sponsors: Allen and Welsch

6. [**RS2021-1277**](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claims of Davonne and Rich Jinks against the Metropolitan Government of Nashville and Davidson County in the amount of \$70,000.00 and that said amount be paid from the Self-Insured Liability Fund.

Analysis

On December 20, 2016, Davonne Jinks, a compliance office for Metropolitan Nashville Public Schools (MNPS), was present in the Metro Student Attendance Center courtroom. Her position requires her to be present in the courtroom whenever there is a truancy docket. While in court, Ms. Jinks attempted to sit in her usual place in a wooden chair at the counsel table in the hearing room. As she sat, the chair's wooden top became separated from the frame, causing Ms. Jinks to fall to the floor. She was injured as a result of the fall.

At the time of Ms. Jinks's injury, there were four types of chairs in use in the hearing room. Prior to December 20, 2016, there were no reported problems with any of the chairs. Ms. Jinks never noticed any problems with the chairs. There was nothing visually apparent to what caused the chair to break, but as a precautionary measure, Juvenile Court Magistrate Jennifer Wade directed all like chairs be removed from use. The remaining chairs of this type were disposed of by janitorial staff.

Ms. Jinks reported her injury to her supervisor and an injury-on-duty (IOD) claim was initiated. She was evaluated at a clinic, where she reported injuries to her right wrist and right shoulder. She was diagnosed with a rotator cuff tear, which required surgery and physical therapy. Ms. Jinks also developed carpal tunnel syndrome in her right wrist after the injury. Her medical experts attribute this to her injury. Her medical expenses total \$70,122 to date and have been paid under the MNPS IOD program.

Ms. Jinks is seeking non-economic damages including pain and suffering and loss of

enjoyment of list, and her husband is pursuing a loss of consortium claim.

The Department of Law recommends settlement of all claims for \$70,000.

Fiscal Note: This \$70,000 settlement, along with the settlement per Resolution Nos. RS2021-1294, and RS2021-1297 would be the 17th, 18th and 19th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,022,807. The fund balance would be \$6,864,004 after these payments.

Sponsors: Allen

7. **RS2021-1278**

A resolution appropriating the amount of four million dollars (\$4,000,000.00) from the General Services Office of Fleet Management undesignated fund balance for the purchase of vehicles for various departments of The Metropolitan Government of Nashville and Davidson County.

Analysis

This resolution appropriates \$4,000,000 from the General Services Office of Fleet Management Undesignated Fund Balance to the General Services Office of Fleet Management - Vehicles. This funding will be used for vehicles for various departments of the Metropolitan Government.

This funding will purchase approximately 83 Ford Police Interceptor utility vehicles to replace vehicles that are out of service or meet utilization standards for age and/or mileage. This includes 50 vehicles for the Metro Nashville Police Department, 21 vehicles for the Davidson County Sheriff's Office, nine vehicles for Parks Police, and three vehicles for the Nashville Fire Department.

Sponsors: Allen and Styles

8. **RS2021-1279**

A resolution appropriating the amount of \$11,427,500.00 from the General Fund Reserve Fund for the purchase of equipment and building repairs for various departments of The Metropolitan Government of Nashville and Davidson County.

Analysis

This resolution appropriates \$11,427,500 from the General Fund Reserve Fund (4% Fund) to 13 departments for various purchases of equipment and building repairs. Section 6.14 of the Metropolitan Charter requires that 4% of all general fund revenue of the General Services District be set aside each year solely for the purchase of equipment and building repairs.

Ordinance No. O86-1534 and Section 5.04.015.F of the Metro Code require that allocations from the 4% Fund each be supported by information sheets, which are attached to the resolution. The resolution further provides that "the Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund."

The following departments would receive funding:

- Assessor of Property -- \$100,000 for audio/visual equipment - upgrades
- Department of Finance -- \$500,000 for operations - Payroll and bank reconciliation software
- Department of General Services -- \$1,260,000 for Fleet - New and replacement vehicles and Fleet - Damage repairs and equipment
- Information Technology Services -- \$5,157,500 for replacement of end-of-life hardware/software - servers/ storage / telephones, software support and maintenance, end-of-life network equipment security, Microsoft enterprise agreement, and Metro private network wi-fi redundancy
- Justice Integration Services -- \$60,000 for replacement of out-of-warranty hardware and software for JIS system
- Juvenile Court Clerk's Office -- \$90,000 for hardware/software upgrades for e-file process
- Metropolitan Nashville Police Department -- \$700,000 for MDCs for 46 patrol car buildouts, fleet repairs, and law enforcement equipment
- Metropolitan Parks and Recreation -- \$500,000 for equipment and supplies for parks administration, regional and neighborhood community centers, consolidated maintenance, safety and security, and golf/Sportsplex/Wave County/Parthenon
- Metropolitan Sports Authority -- \$60,000 for roof repairs - First Horizon Ballpark
- Metropolitan Water Services -- \$500,000 for carts, roll off containers, equipment - New and replacements
- Nashville Department of Transportation -- \$700,000 for Winter equipment/road salt replenishment and miscellaneous equipment and repairs
- Nashville Fire Department -- \$300,000 for logistics - medical and safety supplies, facilities management - repairs and maintenance of facilities, and IT - technology for fire stations and front line apparatus (Fire & EMS)
- Nashville Public Library -- \$1,500,000 for books/periodicals/library materials

Sponsors: Allen

9. [RS2021-1280](#)

Resolution authorizing and providing for the issuance and sale of water and sewer revenue bond anticipation notes in a principal amount not to exceed \$200,000,000 at any one time in the form of commercial paper of The Metropolitan Government of Nashville and Davidson County; authorizing and providing for one or more dealer agreements, issuing and paying agency agreements, and credit facility agreements; and providing for certain other matters related thereto.

Analysis

This resolution authorizes and provides for the issuance and sale of water and sewer revenue bond anticipation notes, in the form of commercial paper, in an amount not to exceed \$200,000,000 at any one time. Metro has used commercial paper as a form of short-term financing for capital projects since 2003. Commercial paper is basically a line of credit Metro can access to cover interim construction costs while awaiting the appropriate time to issue

long-term bonds. The state of Tennessee uses a similar commercial paper program, as do many other large cities.

The resolution approves the necessary dealer agreement, the offering memorandum, the issuing and paying agent agreement, and a revolving credit agreement with State Street Bank and Trust Co. Metro's financial adviser is Hilltop Securities, Inc.

The offering memorandum furnishes information about the water/sewer commercial paper program to prospective purchasers. The issuing and paying agent is responsible for collecting the funds and paying the principal and interest on the notes. The dealer's responsibility is to find buyers for the commercial paper issued by Metro.

Sponsors: Allen

10. [RS2021-1281](#)

Resolution amending Resolution No. RS2015-1417, as supplemented and amended, to increase the size of the water and sewer revenue extendable commercial paper program of The Metropolitan Government of Nashville and Davidson County from a maximum aggregate principal amount not to exceed \$100 million to a maximum aggregate principal amount not to exceed \$200 million.

Analysis

This resolution amends Resolution No. RS2015-1417, as supplemented and amended, to increase the size of the water and sewer revenue extendable commercial paper program of the Metropolitan Government from a maximum of \$100 million to a maximum of \$200 million. RS2018-1253 amended RS2015-1417 by extending the final maturation date to July 10, 2021. This resolution authorizes a final maturity date of January 1, 2026.

Resolution No. RS2015-1417 authorized the issuance and sale of revenue bond anticipation notes not to exceed \$100 million in the form of extendable commercial paper. There is no bank line of credit for this \$100 million, which means Metro does not have to pay an annual capacity fee. The commercial paper issued under this resolution has a maximum maturity date of 90 days. Metro has the option of extending this maturity to a maximum of 270 days, but would pay a higher interest rate if extended. If payment of the principal and interest on the 90-day commercial paper is not made on the date of maturity, the maturity date would automatically extend to 270 days. Morgan Stanley is the dealer for this portion of the commercial paper program, and is paid an annual fee of 0.1% multiplied by the principal amount of commercial paper outstanding.

Sponsors: Allen

11. [RS2021-1282](#)

A resolution determining a plan for expenditure of a direct appropriation grant from the State of Tennessee in the amount of \$5,000,000.

Analysis

This resolution approves a plan for the distribution of funds from a \$5,000,000 direct appropriation from the Tennessee General Assembly. This appropriation was accepted in July, pursuant to Resolution No. RS2021-1021. The Council determined that no portion of the grant was to be expended until a plan was approved by resolution.

The Plan distributes the funds as follows:

- Debris Clean-up -- \$930,000
- Riparian Clean-up -- \$110,000
- Emerald Ash Borer Program -- \$330,000
- Waste Operations Assessment -- \$250,000
- Heavy Equipment/Garbage Trucks -- \$1,600,000
- Home Buy Out -- \$1,780,000

Sponsors: Allen and Young

12. [RS2021-1283](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the Metropolitan Government of Nashville and Davidson County's property damage claim against BOP Nest Nashville, LLC, Cambridge Swinerton, Inc., Hayward Baker, Inc. and Keller North America, Inc. in the amount of \$128,570.12 and that said amount be paid to the Water and Sewer GSD Stormwater Capital Projects Fund.

Analysis

On February 8, 2019, Metro Water Services (MWS) received an email from representatives of the Hyatt House Hotel (Hyatt House) advising them of flooding in their underground parking garage. Hyatt House representatives suspected that the flood was due to a blockage in the stormwater line in the alley adjacent to their property.

MWS investigated and discovered that soil nails had punctured the stormwater line. The soil nails caused concrete, grout, and gravel to get into the line and harden, causing blockages. These nails were put in place during the construction of the Olmsted Nashville apartment complex, currently known as "The Burnham Nashville". Cambridge Swinerton Builders was the general contractor for the Olmsted project. Hayward Baker and Keller North American were responsible for design and construction of temporary and permanent shoring walls that placed soil nails, which penetrated the stormwater line. The property was purchased by BOP Nest Nashville, LLC after the project's completion, but before the discovery of the damage to the stormwater line.

In July 2019, MWS engaged in a temporary remedial project to prevent flooding in the Hyatt House garage. The cost of this remedial work was \$16,090. In October 2020, MWS completed a project to repair the damage to the line. The cost of this repair work was \$112,480.12. The total cost for the remedial work and repair was \$128,570.12.

Metro asserted general negligence claims against Cambridge Swinerton, Inc., Hayward Baker, Inc. and Keller North America Inc. Metro also asserted a nuisance claim against BOP Nest

Nashville, LLC. After negotiation, Cambridge Swinerton, Inc., Hayward Baker, Inc. and Keller North America Inc. have agreed to pay all of Metro's costs to repair the damages. The Department of Law recommends settlement of this claim for \$128,570.12, Metro's full cost of repair.

Fiscal Note: This \$128,570.12 settlement, would be paid to the Water and Sewer GSD Stormwater Capital Projects Fund.

Sponsors: Allen

13. [RS2021-1284](#)

A resolution accepting a Hazard Mitigation Grant from the State of Tennessee, Department of Military, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and authorizing the acquisition and demolition of seven houses located in various floodways/floodplains in Davidson County (Proposal No. 2021M-017PR-001).

Analysis

This resolution accepts a Hazard Mitigation Grant from the Tennessee Emergency Management Agency to the Metropolitan Department of Water and Sewerage Services. The grant award is not to exceed \$1,005,939.38 with a required local cash match of \$143,705.62. The grant proceeds will be used for the acquisition and demolition of seven houses located in various floodways/floodplains in Davidson County. The term of the grant would be August 13, 2021 to April 11, 2023.

Sponsors: Allen, Withers, Young, Toombs, Hagar, Welsch and Gamble

14. [RS2021-1285](#)

A resolution adopting a fee schedule associated with the processing and review of appeals made to the Short Term Rental Appeals Board.

Analysis

This resolution adopts a fee schedule to cover the costs associated with the processing and review of appeals made to the Short Term Rental Appeals Board.

Section 17.40.750 authorizes the Zoning Administrator to develop fees to partially or totally defray costs associated with the processing and review of permits under the jurisdiction of the Zoning Administrator.

This resolution sets that fee for appeals to the Short Term Rental Appeals Board at \$409 per appeal, based on a total annual cost of \$24,532, divided by the total annual number of appeals, which is projected to be 60.

Sponsors: Allen, Hancock and Styles

15. [RS2021-1286](#)

A resolution accepting a grant from the State of Tennessee, Department of Health, to the

Metropolitan Government, acting by and through the Metropolitan Board of Health, to build local capacity to improve public health response to the substance misuse epidemic in the Middle Tennessee High-Impact Area (HIA).

Analysis

This resolution accepts a grant from the State of Tennessee, Department of Health to the Metropolitan Board of Health. The grant award is not to exceed \$736,900 with no required local cash match. The grant proceeds will be used to build local capacity to improve public health response to the substance misuse epidemic in the Middle Tennessee High-Impact Area (HIA). The term of the grant would be September 1, 2021 to August 31, 2022.

Sponsors: Allen, Evans and Welsch

16. [RS2021-1287](#)

A resolution approving amendment three to a grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to promote the proper use of all recommended vaccines and respond to vaccine preventable diseases in collaboration with the CDC and other partners.

Analysis

This resolution approves the third amendment to a grant from the Tennessee Department of Health, to the Metropolitan Board of Health. The grant, previously approved by RS2019-61, was to promote the proper use of all recommended vaccines and respond to vaccine preventable diseases in collaboration with the CDC and other partners. The amendment increases the amount of the grant by \$5,932,174, from \$1,091,200 to the new total award of \$7,023,374 and extends the end date to June 30, 2022.

Sponsors: Allen, Evans, Welsch and Styles

17. [RS2021-1288](#)

A resolution approving amendment six to a contract by and between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, and Vanderbilt University, acting by and through the School of Medicine, to participate as a member site in the CDC Tuberculosis Trials Consortium studies.

Analysis

This resolution approves the sixth amendment to a contract between the Metropolitan Board of Health and Vanderbilt University, School of Medicine. The contract, previously approved by RS2015-55, was to participate as a member site in the CDC Tuberculosis Trials Consortium studies. The amendment increases the amount of the contract by \$28,000, for a new total of \$182,712.29 for the period October 1, 2020 to September 30, 2021.

Sponsors: Allen, Evans and Welsch

18. [RS2021-1289](#)

A resolution accepting a grant from the Friends of Metro Animal Care & Control to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide

funding for a foster program for shelter animals.

Analysis

This resolution accepts a grant from the Friends of Metro Animal Care & Control to the Metropolitan Board of Health. The grant award is not to exceed \$3,000 with no required local cash match. The grant proceeds will be used to provide funding for a foster program for shelter animals. The term of the grant would be July 1, 2021 to June 30, 2022.

Sponsors: Allen, Evans, Bradford and Styles

19. [RS2021-1290](#)

A resolution accepting an American Rescue Plan Act (ARPA) grant from the Tennessee State Library and Archives to the Metropolitan Government, acting by and through the Nashville Public Library, to upgrade the Limitless Libraries website to foster educational attainment and equity by providing public library materials and services.

Analysis

This resolution accepts an American Rescue Plan Act grant from the Tennessee State Library and Archives to the Nashville Public Library. The grant award is not to exceed \$49,200 with a required local cash match of \$10,800. The grant proceeds will be used to upgrade the Limitless Libraries website to foster educational attainment and equity by providing public library materials and services. The term of the grant would be July 1, 2021 to June 30, 2022.

Sponsors: Allen, Bradford, Welsch and Suara

20. [RS2021-1291](#)

A resolution approving amendments to Contract Number L-4795, a grant contract between DYMON in the Rough, Inc. and The Metropolitan Government of Nashville and Davidson County, and Contract Number L-4804, a grant contract between Nations Ministry Center and The Metropolitan Government of Nashville and Davidson County for the provision of free and high-quality afterschool programs through the Nashville After Zone Alliance.

Analysis

This resolution approves amendments to two grant contracts, Contract Number L-4795 and Contract Number L-4804.

Contract Number L-4795 is a grant contract between DYMON in the Rough, Inc and the Metropolitan Government of Nashville and Davidson County previously authorized by RS2021-1070 for the provision of free and high-quality afterschool programs through the Library's Nashville After Zone Alliance ("NAZA") program. The amendment to the contract will increase the amount of the grant by \$24,500 to support transportation costs to help improve the access and safety of children and youth in afterschool programs for a new grant total of \$107,660.

Contract Number L-4804 is a grant contract between Nations Ministry Center and the Metropolitan Government of Nashville and Davidson County previously authorized by

RS2021-1070 for the provision of free and high-quality afterschool programs through the Library's Nashville After Zone Alliance ("NAZA") program. The amendment to the contract will increase the amount of the grant by \$24,500 to support transportation costs to help improve the access and safety of children and youth in afterschool programs for a new grant total of \$116,900.

Sponsors: Allen, Bradford, Welsch and Styles

21. [**RS2021-1292**](#)

A resolution approving a contract by and between The Metropolitan Government of Nashville and Davidson County and Womble, LLC for the provision of heavy equipment rentals and associated equipment rental services.

Analysis

This resolution approves an agreement for heavy equipment rental between the Metropolitan Government and Womble, LLC.

Section 5.04.020 of the Metro Code of Laws requires that all leases of equipment be approved by resolution of the Council if the annual expenditure of the lease exceeds \$5,000. The Nashville Department of Transportation and Multimodal Infrastructure (NDOT) desires to enter into an agreement with Womble, LLC for the lease of heavy equipment and associated equipment rental services in order to assist with paving and other infrastructure related projects.

The agreement would be for 60 months, beginning on the date of filing with the Metro Clerk's Office. The estimated value of the contract is \$2,826,583.91. A detailed pricing sheet is attached to the agreement as Exhibit A.

Sponsors: Allen and Young

22. [**RS2021-1293**](#)

A resolution amending RS2021-1222 to correct the estimated completion date for the construction of a Complete Street on SR 1 (US 41, Murfreesboro Road) from I-24 Ramp to Foothill Drive, Federal Project No. STP-M-NH-1(372), State Project No. 19LPM-F3-152, PIN 125309.00, Prop. No. 2021M-026AG-001.

Analysis

This resolution corrects a typo in Resolution No. RS2021-1222. RS2021-1222 approved the second amendment to an agreement between the Tennessee Department of Transportation and the Nashville Department of Transportation and Multimodal Infrastructure for the acceptance of work in connection with the construction of a Complete Street on SR 1 (US 41, Murfreesboro Road) from I-24 Ramp to Foothill Drive. The resolution approved an amendment that extended the expected completion date to March 31, 2024, however, the third recital of resolution referenced the completion date as May 31, 2024. This resolution would amend the resolution to correct the recital.

Sponsors: Bradford, Syracuse, Withers and Young

23. [RS2021-1294](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Anette and Mark Buscemi against the Metropolitan Government of Nashville and Davidson County in the amount of \$9,500.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On July 22, 2018, Annette and Mark Buscemi were walking on Church Street in downtown Nashville. As they walked in front of 814 Church Street, Ms. Buscemi tripped on the uneven sidewalk and fell, injuring her head and right wrist.

Ms. Buscemi sought treatment and was diagnosed with a concussion and sprain of her right wrist. Later, she sought treatment for headaches and vertigo. A neurologist diagnosed her with post-concussive syndrome. An MRI produced no abnormal results and Ms. Buscemi discontinued treatment. Ms. Buscemi incurred \$13,360.09 in medical expenses related to this incident. Her husband, Mr. Buscemi, has asserted a loss of consortium claim during the time Ms. Buscemi spent recovering from her injuries.

The Department of Law recommends settlement of this claim for \$9,500. If the case were to go to trial and the Plaintiffs prevailed, it is possible that they would recover a higher sum and Metro would incur costs to retain a rebuttal expert.

Fiscal Note: This \$9,500 settlement, along with the settlement per Resolution Nos. RS2021-1277, and RS2021-1297 would be the 17th, 18th and 19th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,022,807. The fund balance would be \$6,864,004 after these payments.

Sponsors: Allen

24. [RS2021-1295](#)

A resolution accepting a Child and Adult Care Food Program (CACFP) grant from the Tennessee Department of Human Services to the Metropolitan Government, acting by and through the Metropolitan Parks and Recreation Department, to provide nutritious meals and snacks for children attending after school programs in nine park locations.

Analysis

This resolution accepts a Child and Adult Care Food Program Grant from the Tennessee Department of Human Services to the Metropolitan Parks and Recreation Department. The grant award is not to exceed \$652,757.56 with no required local cash match. The grant proceeds will be used to provide nutritious meals and snacks for children attending after school programs in nine park locations. The term of the grant would be October 1, 2021 to September 30, 2022.

Sponsors: Allen, Bradford, Welsch, Suara and Styles

25. [RS2021-1296](#)

A resolution accepting the Edward Byrne Memorial Justice Assistance Grant (JAG) from the United States Department of Justice to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to support a broad range of activities to prevent and control crime including technology upgrades, supplies for direct support, in-service, and specialized training.

Analysis

This resolution accepts the Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to the Metropolitan Nashville Police Department. The grant award is not to exceed \$530,779 with no required local cash match. The grant proceeds will be used to support a broad range of activities to prevent and control crime including technology upgrades, supplies for direct support, in-service, and specialized training. The term of the grant would be October 1, 2021 to September 30, 2024.

Sponsors: Allen, Evans and Styles

26. [RS2021-1297](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Embassy Suites by Hilton against the Metropolitan Government of Nashville and Davidson County in the amount of \$15,229.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On September 21, 2021, a Nashville Fire Department employee attempted to exit the Embassy Suites by Hilton Property on Century Boulevard after responding to a call. The employee struck an exit kiosk, damaging its base.

The total damages to the exit kiosk are \$15,229, including the repair and replacement of the damaged kiosk, shipping, labor, supplies, and installation of a custom graphic panel with credit card reader and intercom. The Department of Law recommends settlement of this claim for \$15,229.

Disciplinary action against the employee consisted of a written reprimand, the completion of 20 hours of driver's training, and the successful completion of obstacle/road courses.

Fiscal Note: This \$15,229 settlement, along with the settlement per Resolution Nos. RS2021-1277, and RS2021-1294 would be the 17th, 18th and 19th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,022,807. The fund balance would be \$6,864,004 after these payments.

Sponsors: Allen

27. [RS2021-1298](#)

A resolution approving an application for a Hazardous Materials Emergency Preparedness grant from the Tennessee Emergency Management Agency to the Metropolitan Government, acting by and through the Office of Emergency Management, to provide resources to procure items, training and/or equipment for hazardous materials (hazmat) preparedness.

Analysis

This resolution approves an application for a Hazardous Materials Emergency Preparedness grant from the Tennessee Emergency Management Agency to the Metropolitan Office of Emergency Management. If the grant application is awarded, the grant award would be \$97,563 with a required local cash match of \$24,390.75. The grant proceeds would be used to provide resources to procure items, training and/or equipment for hazardous materials (hazmat) preparedness. The term of the grant would be October 1, 2021 to September 14, 2022.

Sponsors: Allen and Evans

28. [RS2021-1299](#)

A resolution approving an application for an Emergency Management Performance Grant (EMPG) from the State of Tennessee, Tennessee Emergency Management Agency, to the Metropolitan Government, acting by and through the Office of Emergency Management, to subsidize the Emergency Management Program.

Analysis

This resolution approves an application for a Emergency Management Performance grant from the Tennessee Emergency Management Agency to the Metropolitan Office of Emergency Management. If the grant application is awarded, the grant award would be \$188,350 with a required local cash match of \$188,350. The grant proceeds would be used to subsidize the Emergency Management Program. The term of the grant would be October 1, 2021 to September 30, 2023.

Sponsors: Allen, Evans and Suara

29. [RS2021-1300](#)

A resolution approving an application for a Tennessee Safe Courts grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Office of Family Safety, to update the Jean Crowe Advocacy Center to increase storage space and repaint client and child high traffic areas.

Analysis

This resolution approves an application for a Tennessee Safe Courts grant from the Tennessee Department of Finance and Administration to the Metropolitan Office of Family Safety. If the grant application is awarded, the grant award would be \$10,000 with no required local cash match. The grant proceeds would be used to update the Jean Crowe Advocacy Center to increase storage space and repaint client and child high traffic areas. The term of the grant would be November 1, 2021 to March 01, 2022.

Sponsors: Allen, Evans, Suara and Styles

30. [RS2021-1301](#)

A resolution approving an application for a Coordinated Entry (CE) grant from the U.S. Department of Housing and Urban Development (HUD) to the Metropolitan Government,

acting by and through the Metropolitan Social Services Department, to fund the position of a Coordinated Entry Special Project Coordinator to help strengthen access to coordinated entry for individuals.

Analysis

This resolution approves an application for a Coordinated Entry grant from the U.S. Department of Housing and Urban Development to the Metropolitan Social Services Department. If the grant application is awarded, the grant award would be \$128,000 with no required local cash match. The grant proceeds would be used to fund the position of a Coordinated Entry Special Project Coordinator to help strengthen access to coordinated entry for individuals. The term of the grant would be October 1, 2022 to September 30, 2023.

Sponsors: Allen, Welsch and Suara

31. [RS2021-1302](#)

A resolution approving an application for an HMIS Development Support grant from the U.S. Department of Housing and Urban Development to the Metropolitan Social Services Commission Homeless Impact Division to pay for software and on-going staff education.

Analysis

This resolution approves an application for a HMIS Development Support grant from the U.S. Department of Housing and Urban Development to the Metropolitan Social Services Homeless Impact Division. If the grant application is awarded, the grant award would be \$141,508 with a required local cash match of \$37,000. The grant proceeds would be used to pay for software and on-going staff education. The term of the grant would be November 1, 2022 to October 31, 2023.

Sponsors: Allen, Welsch and Suara

J. Bills on Second Reading

41. [BL2021-961](#)

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws to pertaining to the use of License Plate Scanner (LPR) Technology in the public rights of way.

Analysis

This ordinance amends Section 13.08.080 of the Metropolitan Code to provide for and regulate the usage of license plate reader (LPR) technology. The Code currently prohibits the operation of LPRs 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 replace the provisions of subsection G. of Section 13.08.080 entirely. The ordinance preserves the existing emissions inspection program exception, and adds a new comprehensive regulatory structure for other uses of LPR technology.

The ordinance would require departments, either directly or through contractors, who want to use LPRs to implement a usage and privacy policy that would be posted on the department's website. The policy must be designed "to ensure that the collection, use, maintenance, sharing, and dissemination of LPR information is consistent with respect for individuals' privacy and civil liberties." The data collected could only be used for the following purposes:

- investigating and prosecuting felony offenses and criminal offenses associated with violent crimes
- detecting and parking civil traffic or parking offenses
- operating a smart parking or curb management program
- assisting in missing persons cases including Amber and Silver Alerts

Law enforcement agencies, the parking enforcement patrol, NDOT, and their contractors must have reasonable suspicion that a felony offense, or a traffic or parking offenses, has occurred before examining any LPR data that was collected more than one hour prior to the examination. Prior to taking any action, law enforcement officers must also confirm visually that a plate matches the number and state identified in the alert, confirm that the alert is still active by calling dispatch and, determine whether the alert pertains to the registrant of the car and not the car itself.

The usage policy must also provide a description of the employees or contractors who are authorized to use or access the LPR system or to collect LPR information, and the steps that will be taken to ensure the security of the information and exclude identifying information of the driver and passengers to the extent possible. The policy must include the purposes of and restrictions on sharing LPR data, the measures used to ensure the accuracy of the data, and the length of time the data will be retained.

The installation and maintenance of LPR hardware and software, as well as LPR data access, retention, and security, would be managed by an LPR Custodian. The custodian would be responsible for assigning the personnel who will administer the day-to-day operation of the LPR system, and to develop guidelines and procedures for the further implementation of this ordinance. This will include establishing and maintaining security procedures and practices, maintaining a list of the name and job title of all authorized users, training requirements, audit procedures, and a data retention policy. This policy and its related procedures must be posted conspicuously on the department's public website.

The ordinance also includes specific restrictions on the access and use of the department's LPR system, such as supervisor approval and limiting access to those tasks that fall within the specific user's job responsibilities. All users must be specifically trained regarding the LPR system and the usage/privacy policy prior to receiving account access. Users found to have used the LPR system without authorization would have their access immediately revoked and may face disciplinary action in accordance with applicable civil service policies, up to and including termination.

LPR data could not be retained for more than 10 days unless it is evidence in a criminal offense or civil traffic or parking offense, subject to a properly issued warrant, subpoena, public

records request or court order, or where a litigation hold has been placed by the Department of Law. T.C.A. § 55-10-302 provides that any LPR data collected by any governmental entity may not be stored “for more than 90 days” unless the data is retained or stored as part of an ongoing investigation, and in that case, the data must be destroyed at the conclusion of the investigation or criminal action. Thus, the state law does not prevent local governments from having a shorter retention period.

The ordinance requires the LPR custodian to perform an audit at least once per year of the LPR system and the access history. The ordinance also provides some limitations on the sharing of LPR data with other law enforcement agencies. The ordinance further provides that LPR data obtained by Metro from a privately owned or operated LPR system could only be used for the purposes outlined above.

Law enforcement officers who stop vehicles based upon LPR data must complete a written record that includes the following:

- The date, time, and precise location of the stop;
- Any investigative or enforcement actions that were taken as a result of the stop; and
- The self-identified race(s) and ethnicities of the driver of the stopped motor vehicle if voluntarily provided by the driver at the request of the officer.

Sponsors: Johnston, Pulley, Nash, Rutherford, Styles, Gamble, Hancock, Hall,
Hausser, Cash, Druffel, Toombs, Hagar and Withers

42. [BL2021-1010](#)

An ordinance to amend Chapter 6.77 of the Metropolitan Code of Laws relative to operation of entertainment transportation vehicles.

Analysis

This ordinance, as substituted, would prohibit the operation of an entertainment transportation vehicles within 600 feet of a community education facility, defined as an elementary, middle, and high school, between the hours of 8am and 6pm Monday through Friday.

The ordinance would also make it an offense for a person driving or operating an unenclosed entertainment transportation vehicle to knowingly allow a passenger to consume an alcoholic beverage or beer during the operation of the unenclosed entertainment transportation vehicle.

Sponsors: Glover

43. [BL2021-1013](#)

An ordinance approving a Lease Agreement by and between the Metropolitan Government of Nashville and Davidson County acting by and through the Metropolitan Board of Education and Liberty Collegiate Academy (Proposal No. 2021-013PR-001).

Analysis

This ordinance approves a lease agreement between Metro Nashville Public Schools (MNPS) and Liberty Collegiate Academy (Liberty) for use of property at 3515 Gallatin Pike as a charter

school. The property includes approximately 35,158 square feet of the building.

The term of the lease begins on July 14, 2021 and ends on June 30, 2031. Upon termination of the lease, the property will revert to MNPS. For the first year, the lease payment will be \$14,649.17 per month, which represents a rate of \$5.00 per square foot. The lease includes the cost of grounds maintenance, preventative maintenance, and refuse removal provided by MNPS's contracted providers, as well as major building systems components and capital repairs. The lease payment will increase from \$5.00 per square foot in Year 1 to \$6.00 per square foot in Year 2, and then increase 3% each year throughout the term of the lease.

MNPS is responsible for the major building system components and their capital repairs. This includes the building's roof, foundation, structural members of exterior walls, HVAC system components, and more. MNPS is also responsible for the refuse collection and ground maintenance, the cost of which is included in the lease payment. Liberty is responsible for custodial services, utilities, routine maintenance of the premises, and ADA compliance, building, fire, and zoning codes and regulations. Liberty must maintain commercial general liability insurance of not less than \$1,000,000 per occurrence.

Fiscal Note: The basic lease per square foot price is \$5.00/square foot or \$14,649.17 per month for the approximate square footage of 35,158 during year 1. The basic lease per square foot includes the cost of grounds maintenance preventive maintenance, refuse removal, major building systems components and capital repairs. The lease rate will increase to \$6.00 per square foot in Year 2 and will increase by 3% each year beginning in year 3 and throughout the term of the lease.

Sponsors: VanReece, Allen, Withers and Lee

44. [BL2021-1015](#)

An ordinance approving a Lease Agreement by and between the Metropolitan Government of Nashville and Davidson County acting by and through the Metropolitan Board of Education and Nashville Prep (Proposal No. 2021-014PR-001).

Analysis

This ordinance approves a lease agreement between Metro Nashville Public Schools (MNPS) and Nashville Prep for use of property at 1300 56th Avenue North as a charter school. The property includes approximately 42,227 square feet of the building.

The term of the lease begins on July 14, 2021 and ends on June 30, 2031. Upon termination of the lease, the property will revert to MNPS. For the first year, the lease payment will be \$14,075.67 per month, which represents a rate of \$4.00 per square foot. The lease includes the cost of grounds maintenance, preventative maintenance, and refuse removal provided by MNPS's contracted providers, as well as major building systems components and capital repairs. The lease payment will increase from \$4.00 per square foot in Year 1 to \$5.00 per square foot in Year 2, and then increase 3% each year throughout the term of the lease.

MNPS is responsible for the major building system components and their capital repairs. This

includes the building's roof, foundation, structural members of exterior walls, HVAC system components, and more. MNPS is also responsible for the refuse collection and ground maintenance, the cost of which is included in the lease payment. Nashville Prep is responsible for custodial services, utilities, routine maintenance of the premises, and ADA compliance, building, fire, and zoning codes and regulations. Nashville Prep must maintain commercial general liability insurance of not less than \$1,000,000 per occurrence.

Fiscal Note: The basic lease per square foot price is \$4.00/square foot or \$14,075.67 per month for the approximate square footage of 42,227 during year 1. The basic lease per square foot includes the cost of grounds maintenance preventive maintenance, refuse removal, major building systems components and capital repairs. The lease rate will increase to \$5.00 per square foot in Year 2 and will increase by 3% each year beginning in year 3 and throughout the term of the lease.

Sponsors: Allen, Withers, Roberts and Lee

45. [BL2021-1021](#)

An ordinance to amend ordinance no. BL2021-693, which previously established a Special Solid Waste and Recycling Commission, to revise the participation role of staff from the solid waste division of the Metro Public Works Department or Metro Water Services.

Analysis

On June 1, 2021, the Council approved Ordinance No. BL2021-693, as substituted, which established a Special Solid Waste and Recycling Commission to explore solutions to Metro's short term and long term solid waste disposal needs. The original ordinance lists two staff members of the Solid Waste Division of Metro Public Works or Metro Water Services as members of the Commission. The ordinance under consideration revises the role of the staff members to be advisory, non-member participants instead of members of the board.

Sponsors: Hall

46. [BL2021-1024](#)

An ordinance declaring a certain planned road on the Orchard Bend Park property to be a public right of way and granting a temporary access easement. (Proposal No. 2021M-016PR-001).

Analysis

This ordinance declares a certain planned road on the Orchard Bend Park property to be a public right of way and grants a temporary access easement.

The Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") plans to construct a roundabout at the intersection of Blue Hole Road and Pettus Road. A portion of the road will make up the entrance to Orchard Bend Park, and this ordinance would declare that entrance as public right of way. The declaration of the park entrance as public right of way has been approved by the Board of Parks and Recreation.

This ordinance also approves a temporary access easement to Wiley and Joyce Wilkerson, the owners of 5585 Pettus Road, which is adjacent to the Orchard Bend Park property at 5601 Pettus Road.

Sponsors: Styles, Allen, Withers, Bradford and Young

47. [BL2021-1025](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming Woodruff Street, between Gallatin Pike and the Peggy Street and Linda Lane intersection, to "David McMurry Way" (Proposal Number 2021M-007SR-001).

Analysis

This ordinance renames Woodruff Street, between Gallatin Pike and the Peggy Street and Linda Lane intersection, to David McMurry Way.

This has been approved by the Planning Commission. The required report from the Historical Commission has been received and is available as an attachment to the ordinance.

This proposal is scheduled for the January 20, 2022 meeting of the Emergency Communications District Board. This ordinance should be deferred to the February 1 Council meeting.

Sponsors: VanReece, Withers, Young, Suara, Styles, Taylor, Bradford, Gamble, Benedict, Allen and Porterfield

48. [BL2021-1026](#)

An ordinance authorizing PDP Acquisitions, LLC to install, construct and maintain underground encroachments in the right of way located at Alley #806 at the intersection of Hagan Street. (Proposal No. 2021M-012EN-001)

Analysis

This resolution authorizes PDP Acquisitions, LLC to install and maintain underground encroachments located at Alley #806 at the intersection of Hagan Street. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

Sponsors: Sledge, Withers and Young

49. [BL2021-1027](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water, sanitary sewer and storm sewer mains, a sanitary sewer manhole, storm catch basins and easements, to relocate a fire hydrant assembly and to accept new

water and storm sewer mains, storm catch basins, water quality unit and easements, for five properties located on 7th Avenue South, 8th Avenue South and Fogg Street, also known as Paseo South Gulch (MWS Project Nos. 21-WL-69, 21-SL-153, and SWGR 2021057006 and Proposal No. 2021M-085ES-001).

Analysis

This ordinance abandons approximately 375 linear feet of existing six inch water main, approximately 82 linear feet of existing eight inch sanitary sewer main, approximately 72 linear feet of existing 12 inch storm sewer main (RCP), approximately 23 linear feet of existing 15 inch storm sewer main (RCP), approximately 140 linear feet of existing 18 inch storm sewer main (RCP), one sanitary sewer manhole, nine storm sewer catch basins and easements, relocates one fire hydrant assembly, and accepts approximately 23 linear feet of new six inch water main (DIP), approximately 93 linear feet of new 15 inch storm sewer main (RCP), approximately 179 linear feet of new 18 inch storm sewer main (RCP), approximately 119 linear feet of new 24 inch storm sewer main (RCP), approximately 15 linear feet of new 36 inch storm sewer main (RCP), eight storm sewer catch basins, one water quality unit and easements for five properties located on 7th Avenue South, 8th Avenue South and Fogg Street, also known as Paseo South Gulch.

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. Abandoned and donated easements have no market value according to the Department of Water Services.

Sponsors: OConnell, Withers and Young

50. [BL2021-1028](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to relocate a water pressure reducing valve, to construct public water main, and to acquire temporary and permanent easements through negotiation, condemnation, and acceptance, for property located at 5646 Amalie Drive (MWS Project No. 21-WG-90 and Proposal No. 2021M-086ES-001).

Analysis

This ordinance relocates a water pressure reducing valve into a proposed underground vault, authorizes the construction of approximately 45 linear feet of new six inch water main (DIP) and appurtenances, and authorizes the negotiation, condemnation, and acceptance of temporary and permanent easements for property located at 5646 Amalie Drive.

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: Nash, Withers and Young

51. [BL2021-1029](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to replace a sanitary sewer force main, to construct a new sanitary sewer force main, and to acquire temporary easements through negotiation, condemnation and acceptance, for the Clean Water Nashville OAP Howse Avenue Force Main Replacement Project, for properties located along Howse Avenue, Rothwood Avenue, Geisen Drive, Idlewild Court, and Idlewild Place (MWS Project No. 21-SC-0002, Clean Water Nashville OAP Project C.53.01, and Proposal No. 2021M-084ES-001).

Analysis

This ordinance authorizes the replacement of approximately 3,200 linear feet of existing 16 inch sanitary sewer force main, and the construction of approximately 500 linear feet of new 18 inch sanitary sewer force main for properties located along Howse Avenue, Rothwood Avenue, Geisen Drive, Idlewild Court, and Idlewild Place. The ordinance further authorizes the negotiation, condemnation and acceptance of temporary easements for two properties at Geisen Drive (unnumbered) and 1220 Idlewild Place.

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: Benedict, Withers and Young

K. **Bills on Third Reading**

52. [BL2021-621](#)

An ordinance amending Sections 17.40.720 and 17.40.730 of the Metropolitan Code, Zoning Regulations, to require additional public notice regarding applications for permits from the Historic Zoning Commission (Proposal No. 2021Z-003TX-001).

Analysis

This ordinance, as substituted, amends Sections 17.40.720 and 17.40.730 of the Metropolitan Code of Laws to require public notice for applications for permits from the Historic Zoning Commission. A preservation permit would require that written notice of the Historic Zoning Commission meeting where the permit would be considered by US Mail of the date, time, and place to all property owners adjacent to the subject property at least eleven days prior to the meeting. The applicant would be responsible for preparation and mailing of the written notices.

Further, public notice signs would be required for a property subject to consideration by the historic zoning commission of a preservation permit application which proposes the demolition of a historic building, new construction of a primary building, an addition or outbuilding for a

corner lot, or any other preservation permit that requires a setback determination. The sign would be required to be installed on the subject property no less than eleven days prior to the consideration by the historic zoning commission. The applicant would be responsible for the costs of preparing and placing the signs.

This ordinance has been approved by the Planning Commission.

Sponsors: Murphy, Allen, OConnell and Bradford

60. [BL2021-974](#)

An ordinance amending Title 17 of the Metropolitan Code of Laws regarding the design and operation of outdoor electrical lighting to clarify application of Dark Sky regulations by public utilities and on public property (Proposal No. 2020Z-014TX-002).

Analysis

This ordinance amends Title 17 of the Metro Code to clarify how leased public utility security lighting as a type of lighting is regulated by the Lighting section of the Zoning Code (Section 17.28.100). Currently, this type of lighting is not well accounted for, as the regulatory framework of the Lighting section of the Zoning Code is divided between residential/agricultural and commercial applications. If the ordinance is adopted, the lighting type, intensity and uniformity, color temperature, and luminaire standard of leased public utility security lighting would be regulated by the Zoning Code.

This item was recommended for approval by the Planning Commission at their November 18 meeting.

Sponsors: Allen, Styles and Roberts

61. [BL2021-975](#)

An ordinance amending Section 17.40.660 of the Metropolitan Code to amend the limitations of rebuilding a nonconforming structure (Proposal No. 2021Z-19TX-001).

Analysis

This ordinance amends Title 17 of the Metro Code to allow nonconforming single and two family uses that are damaged or destroyed by any involuntary means (such as a natural disaster) to be fully reconstructed as long as there is not a substantial increase in the degree of nonconformity of the structure. This ordinance is similar to BL2020-277, which amended Title 17 to allow any structure damaged or destroyed by the March 3, 2020 tornado to be fully reconstructed so long as there is not a substantial increase in the degree of non-conformity.

A housekeeping amendment is anticipated.

This item was recommended for approval by the Planning Commission at their November 18 meeting.

Sponsors: Sepulveda and Suara

83. [BL2021-1011](#)

An ordinance to amend Chapter 7.08 of the Metropolitan Code of Laws pertaining to the sale of beer and beer permits and Chapter 7.24 of the Metropolitan Code of Laws pertaining to alcoholic beverage use restrictions.

Analysis

This ordinance, as substituted and amended, amends Chapter 7.08 of the Metropolitan Code of Laws to create a “mobile beer permit” to allow certain businesses regulated by the Metropolitan Transportation Licensing Commission (MTLC) to obtain a retailer’s on-sale beer permit and a “mobile BYO beer permit” to allow passengers to bring their own beer onto pedal carriages, horse drawn carriages, and entertainment transportation vehicles, and to allow retailer on-sale beer permits to be issued for carriages and vehicles.

A mobile beer permit could be issued to a business permitted as an MTLC-regulated establishment. These establishments could only sell beer for on-premise consumption.

A mobile BYO beer permit could be issued to an “MTLC-regulated establishment”, which is defined as a pedal carriage, horse drawn carriage, or entertainment transportation vehicle permitted by the MTLC. This permit would authorize the permittee to allow beer to be brought onto the premises of the MTLC-regulated establishment. Beer could be carried to and from the office of the establishment and the carriage or vehicle, but not off the premises and not across a public street or sidewalk.

Further, the newly amended Section 7.24.040, which prohibits the consumption of alcoholic beverages or beer by a passenger during the operation of an unenclosed vehicle, would be amended to clarify that this would not apply to any business with a mobile beer permit or a mobile BYO beer permit, issued pursuant to Chapter 7.08 of the Metro Code. This section would also be amended to include make it unlawful for a driver or operator of an unenclosed vehicle to knowingly allow passengers to consumer alcoholic beverages or beer during the operation of an unenclosed vehicle.

Sponsors: OConnell

84. [BL2021-1012](#)

An ordinance to amend Title 16 of the Metropolitan Code pertaining to the examination and approval of permit applications and drawings.

Analysis

This ordinance amends Section 16.28.080, subsection B, of the Metro Code of Laws to authorize the Director of Codes and the Fire Marshal to accept plans that have been reviewed by a registered architect or engineer. Along with the plans, a sworn affidavit affixed with the seal of the architect or engineer stating that the plans confirm with all applicable provisions, laws, and ordinances would be required.

The Director of Codes and the Fire Marshal would be authorized to rely upon this affidavit in

their approval of the plans submitted, without further review. The architect or engineer who provided the affidavit would assume full responsibility for the compliance of the plans.

This ordinance would not waive the inspection requirements for a project, nor the ability of the Director of Codes or Fire Marshal to reject work not in compliance with applicable laws.

Sponsors: Hancock

85. [BL2021-1016](#)

An Ordinance naming the landing and steps in front of the Historic Metropolitan Courthouse in honor of Diane Nash.

Analysis

This ordinance would name the landing and steps in front of the Historic Metropolitan Courthouse in honor of Diane Nash. Diane Nash came to Nashville when she began studying at Fisk University. She became a notable civil rights activist and a leader and strategist of the student-led wing of the Civil Rights Movement. She was a founding member of the Student Nonviolent Coordinating Committee and was a member of the Freedom Riders.

On April 19, 1960, Diane Nash led a group of protesters to the steps of Historic Metropolitan Courthouse after the bombing of attorney and civil rights activist Z. Alexander Looby's home in Nashville. On the steps of the Courthouse, Nash asked Mayor Ben West if he felt it was wrong to discriminate against people solely based on race or color, to which he replied "yes", leading Nashville to become the first southern city to integrate lunch counters a mere three weeks later on May 10, 1960.

Section 13.26.010 of the Metropolitan Code provides that no building or structure of the Metropolitan Government may be named except pursuant to an ordinance duly adopted by the Metropolitan Council. This ordinance would rename the landing along the entire front of the Historic Metropolitan Courthouse, including the large fountains and the steps to the landing, as "Diane Nash Plaza".

The Department of General Services would be directed to erect proper signage reflecting this designation.

Sponsors: VanReece, Hurt, Mendes, Porterfield, Benedict, Bradford, OConnell, Suara, Sepulveda, Toombs, Welsch, Styles, Nash, Rosenberg, Syracuse, Gamble, Pulley, Johnston, Rhoten, Evans, Rutherford, Hancock, Cash, Hausser, Withers, Henderson, Taylor, Lee and Allen

86. [BL2021-1017](#)

An ordinance approving an agreement between Trevecca Nazarene University and the Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department ("MNP"), to partner with the Criminal Justice Studies Department of Trevecca Nazarene University to provide career opportunities to qualified students.

Analysis

This ordinance approves an agreement between Trevecca Nazarene University (Trevecca) and the Metropolitan Nashville Police Department (MNPd) to partner with the Criminal Justice Studies Department of Trevecca to provide career opportunities to qualified students.

The agreement begins starting in the fall semester of 2021 and is renewable each year thereafter. It may be terminated upon 60 days written notice prior to the beginning of a new academic calendar year. MNPd would provide a minimum of 10 internship positions to qualified students each semester in various locations throughout the department. Trevecca agreements to make available students eligible to enroll and participate in the internship program.

The internship is for one full semester during the spring, fall, and summer. Interns will not receive monetary compensation or employee benefits through the Metropolitan Government. Interns must be 18 years of age, must receive college credit, must not have been convicted or pleaded guilty to any felony charge or any federal, state, or local laws relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances, among other qualifications.

Fiscal Note: There is no cost to Metro for the performance of this agreement. The interns will not receive any monetary compensation or be eligible for employee benefits offered through the Metropolitan Government.

Sponsors: Evans and Allen

87. [BL2021-1018](#)

An ordinance approving an agreement between Lights On! and the Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department ("MNPd"), for the participation in the Lights On! program that provides bulb repair vouchers that officers may distribute to a targeted area in lieu of traffic tickets.

Analysis

This ordinance approves an agreement between Lights On! and the Metropolitan Nashville Police Department (MNPd) for the participation in the Lights On! program that provides bulb repair vouchers that officers may distribute to a targeted area in lieu of traffic tickets.

Light's On! provides bulb repair vouchers that officers can distribute in a given area instead of traffic tickets. The goal is to replace traffic citations for defective equipment with vouchers that citizens can use to obtain free auto bulb repair with participating auto repair shops. These vouchers would be distributed by MNPd officers when appropriate and at the discretion of the officer. This agreement will be in effect until either party withdraws its participation.

Fiscal Note: This agreement will be funded by Lights On! for \$10,000 on a yearly basis.

Sponsors: Allen, Evans, Gamble, Porterfield and Suara

88. [BL2021-1019](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main and sanitary sewer manholes and to accept new sanitary sewer main and sanitary sewer manholes, for two properties located at 2982 and 3010 Brick Church Pike (MWS Project No. 21-SL-197 and Proposal No. 2021M-083ES-001).

Analysis

This ordinance approximately 223 linear feet of existing eight inch sanitary sewer main and two sanitary sewer manholes and accepts approximately 223 linear feet of new eight inch sanitary sewer main (DIP) and two sanitary sewer manholes, for two properties located at 2982 and 3010 Brick Church Pike. 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. Abandoned and donated easements have no market value according to the Department of Water Services.

Sponsors: Toombs, Withers and Young

89. [BL2021-1020](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assembly and easements, and to accept new sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assemblies and easements, for property located at 1201 Hillside Avenue, also known as The Reservoir - Zone 4A (MWS Project Nos. 21-SL-160 and 21-WL-71 and Proposal No. 2021M-082ES-001).

Analysis

This ordinance approximately 637 linear feet of existing eight inch sanitary sewer main, approximately 394 linear feet of existing six inch water main, approximately 396 linear feet of existing 30 inch water main, eight sanitary sewer manholes, one fire hydrant assembly and easements, and accepts approximately 311 linear feet of new eight inch sanitary sewer main (DIP), approximately 482 linear feet of new six inch water main (DIP), approximately 481 linear feet of new 30 inch water main (DIP), five sanitary sewer manholes, two fire hydrant assemblies and easements, for property located at 1201 Hillside Avenue, also known as The Reservoir - Zone 4A. 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. Abandoned and donated easements have no market value according to the Department of Water Services.

Sponsors: Sledge, Withers and Young