



Metro Council

F. Resolutions on Public Hearing

1. [RS2022-1355](#)

A resolution exempting 1033 A and 1033 B 21st Avenue North, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Section 17.16.070.U of the Metropolitan Code.

Analysis

This resolution exempts 1033 A and 1033 B 21st Avenue North from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Substitute Ordinance No. BL2019-78.

On July 7, 2020, the Council adopted Substitute Ordinance No. BL2019-78, as amended, which provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

Sponsors: Taylor

G. Bills on Public Hearing

2. [BL2021-832](#)

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to incentivize Inclusionary Housing with any residential development that seeks additional development entitlements beyond that permitted by the current base zoning district (Proposal No. 2021Z-013TX-001).

Analysis

This ordinance, as substituted, amends Title 17 of the Metro Code to create a voluntary program for inclusionary housing to promote affordable and workforce housing. Under this program, a developer could voluntarily elect to create inclusionary housing as an option for receiving bonus height under the Downtown Code's bonus height program. Metro would provide subsidies to developers for the voluntary provision of inclusionary housing in accordance with the regulations set forth in this ordinance.

Metro would use the estimated new tax revenue generated by the bonus height to subsidize the inclusionary housing units within the development, making it so that the units would then rent at market rate.

Developments of fewer than five units would not be eligible for this program. No benefit would be provided if the average unit sale price or rental rate is less than, or within 5% above, 100% of the Area Median Income rental rate for Nashville and Davidson County, as determined by the U.S. Department of Housing and Urban Development.

The inclusionary housing requirement is included in a chart in the text of the legislation.

The developer would be required to submit an Inclusionary Housing Plan (“the Plan”), which includes the total residential units provided under the site plan, whether the development uses public resources or public property, the number of inclusionary housing units provided, the income levels of families eligible for the inclusionary housing units, the proposed market rates for the units, the location, sizes, and bedroom counts of the inclusionary housing units, and the market rate for comparable units within the same census tract.

The Plan would also be required to include a Proposed Master Lease with MDHA, or another entity competitively selected to administer this ordinance. The master lease would require approval from the Mayor’s Office Director of Housing Programs, or another Metro official responsible for overseeing and administering affordable housing programs. The master lease agreements must provide a minimum term of 15 years for Inclusionary Housing rental units, reassess the market rate for each unit every five years during the lease term, and ensure that the units are occupied by eligible households.

Further, exterior and interiors of Inclusionary Housing units could not differ materially from other units in the development.

Before the issuance of a building permit, compliance with the requirements of this ordinance must be documented on the permit plans. Before a use & occupancy permit could be issued, the above requirements must be satisfied, and documentation provided to the Codes Department.

During the subsidized rental period, the administering agency would be required to submit a compliance report to the Mayor’s Office Director of Housing programs, or another such official responsible for overseeing and administering affordable housing programs, in the form and manner determined by such official with assistance from the Finance Department.

Additional regulations related to the implementation of this program are found in the companion bill, Ordinance No. BL2021-912.

This has been referred to the Planning Commission.

Sponsors: Allen, OConnell, Suara, Welsch and Porterfield

5. [BL2021-922](#)

An ordinance amending Sections 17.04.060, 17.08.030, and 17.16.070 of the Metropolitan Code, Zoning Regulations to implement a distance requirement for the “bar or nightclub” use (Proposal No. 2021Z- 018TX-001).

Analysis

This ordinance amends Title 17 of the Metro Code to define the “bar or nightclub” use. It also implements a condition requiring a distance of 100 feet between a bar or nightclub use and parcels containing single family residential, two family residential, day care center (up to 75), day care center (over 75), day care home, school day care, orphanage, monastery or convent, religious institution, or community education uses in all zoning districts where the bar or nightclub use is currently permitted, excluding the DTC. This bill does not affect bar or nightclub uses located within the DTC.

The current conditions of a maximum size of 2,500 sq. ft. of gross floor area per establishment and no more than one establishment per lot shall remain for the MUN, MUN-A, MUN-NS, MUN-A-NS, CN, CN-A, CN-NS, CN-A-NS, SCN, and SCN-NS.

This has been referred to the Planning Commission.

Sponsors: Taylor, Glover, Murphy, OConnell, Porterfield and Suara

H. Consent Resolutions and Resolutions**30. [RS2022-1356](#)**

A resolution appropriating \$20,00,000.00 in American Rescue Plan Act funds from Fund #30216 to create a Nashville Small Business Recovery Fund.

Analysis

This resolution appropriates \$20,000,000 in American Rescue Plan Act funds for the creation of a Nashville Small Business Recovery Fund (NSBRF).

The COVID-19 Financial Oversight Committee recommends appropriating funds to the Mayor’s Office of Economic and Community Development for the creation of a program to help small businesses throughout Metropolitan Nashville a Davidson County with a focus on businesses in North Nashville/Bordeaux and the areas of distress.

The program will allocate \$9,000,000 to a grant program under the NSBRF, which would be allocated as follows:

- \$2,500,000 would be used for small businesses in North Nashville/Bordeaux;
- \$3,000,000 would be used for businesses in distressed areas of Davidson County; and
- \$3,500,000 would be used for businesses throughout the county that meet the guidelines of the program.

In addition, the program will allocate an addition \$9,000,000 to a Nashville Opportunity Fund managed by Pathway Lending. \$2,500,000 would be focused on providing loans to businesses in North Nashville/Bordeaux and the balance of the program funds would be available to all businesses throughout the county that meet the requirements of the program.

Finally, \$2,000,000 would be allocated to the non-profit community to provide technical assistance, marketing, and outreach to small businesses in Nashville and Davidson County.

The estimated program administration costs for Pathway Lending for administration of the grant program would be \$810,000 (9.0% of \$9,000,000) and administration costs for the loan program would be \$675,000 (7.5% of \$9,000,000), with expected additional administration costs of the loan program such as origination fees for each loan along with interest income.

Additional details about these proposed programs can be found in Exhibit A attached to the resolution.

Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2022-1357 and Resolution No. RS2022-1362 would be the 19th, 20th, and 21st resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$97,910,250. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.

Sponsors: Gamble, Johnston, Allen, Toombs, Welsch, Suara and Hurt

31. [RS2022-1357](#)

A resolution appropriating \$1,100,000.00 in American Rescue Plan Act funds from Fund #30216 to permit the Mayor's Office of Economic and Community Development to create an inclusive and equitable economic development plan and policy, and to conduct a market value analysis, which promotes balanced and strategic growth in Metropolitan Nashville and Davidson County.

Analysis

This resolution appropriates \$1,100,000 in American Rescue Plan Act funds to the Mayor's Office of Economic and Community Development to create an inclusive and equitable economic development plan and policy and to conduct a market value analysis.

The COVID-19 Financial Oversight Committee recommends appropriating funds to the Mayor's Office of Economic and Community Development to engage external consultants for the creation of an economic development plan and policy along with a market value analysis.

The economic development plan and policy is estimated to cost up to \$750,000. The plan would consist of four phases over the next nine to 12 months:

- Phase 1 - Stakeholder Engagement
- Phase 2 - Market assessment
- Phase 3 - Target industry analysis
- Phase 4 - Strategic goals for Nashville and Davidson County

The market value analysis is estimated to cost up to \$350,000. This would identify where and how to invest limited resources that can transform urban real estate markets into revitalized neighborhoods.

Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2022-1356 and Resolution No. RS2022-1362 would be the 19th, 20th, and 21st resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$97,910,250. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.

Sponsors: Gamble, Johnston, Toombs, Welsch, Hurt and Suara

33. [RS2022-1359](#)

A resolution to approve the First Amendment to a grant contract for constructing affordable housing approved by RS2020-443 between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission, and New Level Community Development Corporation.

Analysis

This resolution approves the first amendment to a grant between the Metropolitan Housing Trust Fund Commission and New Level Community Development Corporation, previously approved by Resolution No. RS2020-443. The original grant contract provided \$2,000,000 from the Barnes Fund for Affordable Housing to New Level CDC for the construction of an affordable housing development at 302 Williams Avenue.

This amendment to the grant contract amends the construction grant draw schedule. No other changes would be made to the grant contract.

Sponsors: Allen, Parker and Welsch

34. [RS2022-1360](#)

A resolution accepting a Comprehensive Opioid, Stimulant, and Substance Abuse Site-based Program grant from the U. S. Department of Justice, acting by and through the Office of Justice Programs, to the Metropolitan Government, acting by and through the Davidson County Sheriff's Office (DCSO), to serve men with histories of substance abuse disorder (SUD) who are housed in DCSO facilities during their period of incarceration and upon reentry into the community.

Analysis

This resolution accepts a Comprehensive Opioid, Stimulant, and Substance Abuse Site-based Program grant from the U.S. Department of Justice, Office of Justice Programs, to the Davidson County Sheriff's Office. The grant amount is not to exceed \$1,126,988 with no local match required. The grant funds will be used to serve men with histories of substance abuse disorder (SUD) who are housed in DCSO facilities during their period of incarceration and upon reentry into the community.

Sponsors: Allen, Evans, Welsch and Bradford

35. [RS2022-1361](#)

A resolution approving an application for a Major Cultural Institution grant from the Tennessee Arts Commission to the Metropolitan Government, acting by and through the Metropolitan Nashville Arts Commission, to provide general operating support.

Analysis

This resolution approves an application for a Major Cultural Institution grant from the Tennessee Arts Commission to the Metropolitan Nashville Arts Commission. If awarded, this \$150,000 grant would be used to provide general operating support. There would be a required local match of \$150,000.

Sponsors: Allen and Bradford

36. [RS2022-1362](#)

A resolution appropriating \$1,046,000.00 in American Rescue Plan Act funds from Fund #30216 to provide rent relief to vendors at The Nashville Flea Market.

Analysis

This resolution appropriates \$1,046,000 in American Rescue Plan Act funds to provide rent relief to dealers at the Nashville Flea Market.

The COVID-19 Financial Oversight Committee recommends appropriating funds to the Nashville Fairgrounds to provide rent relief for Flea Market dealers. Permanent dealers, defined as dealers who commit to eight consecutive months of rental and a permanent booth space assignment, would be eligible for up to eight months of rent. This would include dealers that held permanent status as of March 2020, regardless of attendance since May 2021. Non-permanent dealers, who attend periodically or do not desire to commit to eight consecutive months of rental, would be eligible for up to four months of rent. New dealers, defined as dealers who have not rented booth space within the last two years, would be eligible for up to two months of rent.

Pathway Lending would administer the distribution of this program and accept a 5% administrative fee.

Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2022-1356 and Resolution No. RS2022-1357 would be the 19th, 20th, and 21st resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$97,910,250. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.

Sponsors: Johnston, Gamble, Allen, Bradford, Welsch and Sledge

37. [RS2022-1363](#)

A resolution approving an application for a Davidson County Cemetery Preservation Plan (Phase II) grant from the Tennessee Historical Commission to the Metropolitan Government, acting by and through the Metropolitan Historical Commission, to provide for a comprehensive, countywide cemetery preservation plan.

Analysis

This resolution approves an application for a Davidson County Cemetery Preservation Plan (Phase II) grant from the Tennessee Historical Commission to the Metropolitan Historical Commission. If the application is approved, the \$37,000 grant would be used to provide for a comprehensive, countywide cemetery preservation plan. There would be a required local match of \$24,667.

Phase I of the cemetery preservation plan began in 2021 with funding from a Tennessee Historical Commission grant approved by Resolution No. RS2021-1118. Davidson County is home to over 500 rural cemeteries.

Sponsors: Allen, Withers, Welsch and Bradford

38. [RS2022-1364](#)

A resolution to approve an intergovernmental agreement to allow Nashville Public Library to assume the Nashville Education, Community and Arts Television Corporation's responsibilities for operating and programming the Metro-owned cable channels for art, education and public community access.

Analysis

This resolution approves an intergovernmental agreement between the Nashville Public Library (NPL) and the Nashville Education, Community and Arts Television Corporation (NECAT). Pursuant to the agreement NPL would assume NECAT's responsibilities for operating and programming the Metropolitan Government-owned cable channels for art, education, and public community access.

Under the agreement, NECAT would delegate certain functions from the NECAT Board to NPL. This would include the establishment and administration of all rules, regulations, and procedures pertaining to the use and schedule of the public and educational access channels; hiring and supervision of NECAT staff, development of sources of funding from private and public sources, defining the missions for education, community and arts television channels, and performing other functions relevant to the public and educational access channels as may be appropriate.

Public, Educational and Government Access (PEG) studio equipment and assets, the lease for the PEG studio, staff resources, and PEG studio maintenance funds would be transferred from the Department of Information Technology Services (ITS) to NPL. A former employee of NECAT would also be hired by NPL on a contract basis.

This agreement is for a three year term, although it may be terminated by mutual agreement of the parties at any time after ninety business days from their agreement to terminate. The three year term could be extended by mutual consent of the parties for two additional terms of one year each.

Fiscal Note: The PEG Studio lease expenses, ITS staff resources, PEG Studio maintenance funds and recurring expenses for the production and maintenance of programming software and operations will be budget neutral Metro since the funds are transferred from Information Technology Services Department to Nashville Public Library.

Sponsors: Syracuse, Allen, Hancock, Bradford, Welsch and Gamble

39. [RS2022-1365](#)

A resolution approving a contract between the Metropolitan Government of Nashville and Davidson County and Axon Enterprise, Inc. to provide taser cartridges and accessories for the Metropolitan Nashville Police Department.

Analysis

This resolution approves a sole source contract with an estimated contract value of \$6,500,000 between the Metropolitan Government and Axon Enterprise, Inc. to provide tasers, taser cartridges and accessories for the Metropolitan Nashville Police Department (MNPd).

Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

The contract term is 60 months from the date of the filing of the contract with the Metropolitan Clerk's Office.

Fiscal Note: The estimated value of the sole source contract is \$6,500,000 for the life of the contract, to be paid from GSD Fund 10101, Business Unit #31121251, Police Training Recruits.

Sponsors: Allen and Evans

40. [RS2022-1366](#)

A resolution accepting a Homeland Security Grant from the Tennessee Emergency Management Agency, to the Metropolitan Government, acting by and through the Office of Emergency Management, to fund costs related to addressing identified planning, equipment, training, and exercise needs required to prevent, respond to, and recover from acts of terrorism.

Analysis

This resolution accepts a Homeland Security Grant from the Tennessee Emergency

Management Agency to the Office of Emergency Management. The grant amount is not to exceed \$297,838 with no local match required. The grant funds will be used to fund costs related to addressing identified planning, equipment, training, and exercise needs required to prevent, respond to, and recover from acts of terrorism and other catastrophic events.

Sponsors: Allen and Evans

41. [RS2022-1367](#)

A resolution approving a Partners in Protection Shelter Program Participation Agreement for Discounts between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and Boehringer Ingelheim Animal Health USA, Inc. to offer discounted vaccines and medicines for shelter animals at Metro Animal Care and Control.

Analysis

This resolution approves a Partners in Protection Shelter Program Participation Agreement for Discounts between the Metropolitan Board of Health and Boehringer Ingelheim Animal Health USA, Inc. to offer discounted vaccines and medicines for shelter animals at Metro Animal Care and Control.

Pursuant to the agreement, Metro Animal Care & Control would receive “Tier 1 Discount Percentages”. This includes between 25% and 65% off of certain vaccine prices and between 6% and 25% off of other types of medication for animals. The discount list for products is attached to the resolution. The term of this agreement is February 1, 2022 through January 31, 2024.

Fiscal Note: Metro Animal Care and Control will receive Tier 1 discount for certain animal health products under the terms of this agreement. Canine vaccines and Feline FVRCP’s discounts are 50%. Feline Rabies and Felv vaccines are 25% and IMRAB (rabies) are 65%.

Sponsors: Allen, Evans and Bradford

42. [RS2022-1368](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Jerniqua Moore against the Metropolitan Government of Nashville and Davidson County in the amount of \$12,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On May 20, 2021, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) was driving behind Jerniqua Moore in stopped traffic at the intersection of Eighth Avenue and Demonbreun Street. The traffic signal turned green and the NDOT employee’s vehicle struck the rear of Ms. Moore’s vehicle, which had not begun to move. Ms. Moore’s property damage claim was previously settled for \$4,084.29.

Ms. Moore sought treatment for back and neck pain. She also sought treatment for a muscle

sprain in her neck and back.

The Department of Law recommends settlement of this personal injury claim for \$12,000, based on \$7,604.70 for medical costs and \$4,395.30 for pain and suffering.

Disciplinary action against the NDOT employee consisted of a written reprimand.

Fiscal Note: This \$12,000 settlement would be the 23rd payment from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,104,918. The fund balance would be \$7,365,051 after these payments.

Sponsors: Allen and Suara

43. [RS2022-1369](#)

A resolution authorizing 1501 Herman Street LLC to construct and install an aerial encroachment at 1501 Herman Street. (Proposal No.2022M-003EN-001).

Analysis

This resolution authorizes 1501 Herman Street LLC to construct, install, and maintain an aerial encroachment at 1501 Herman Street. The encroachment comprises two illuminated blade signs, encroaching the public right of way. 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 resolution has been approved by the Planning Commission.

Sponsors: OConnell, Withers and Young

44. [RS2022-1370](#)

A resolution authorizing Nashville Leased Housing Associates III to construct and install an aerial encroachment at 900 Dickerson Pike. (Proposal No.2022M-002EN-001).

Analysis

This resolution authorizes Nashville Leased Housing Associates III to construct, install, and maintain an aerial encroachment at 900 Dickerson Pike. The encroachment comprises one awning to be a separate canopy and balcony attached to the west side of the building, encroaching the public right of way. 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 \$4,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the Planning Commission.

Sponsors: Parker, Withers and Young

45. [RS2022-1371](#)

A resolution amending Ordinance No. BL2021-1027 to abandon an obsolete slope easement and temporary construction easement for property located north of and adjacent to the former Fogg Street right-of-way for the Paseo South Gulch project (MWS Project Nos. 21-WL-69, 21-SL-153, and SWGR 2021057006 and Proposal No. 2021M-085ES-001).

Analysis

This resolution amends Ordinance No. BL2021-1027 to abandon an obsolete slope easement and temporary construction easement for property located north of and adjacent to the former Fogg Street right-of-way for the Paseo South Gulch project.

Ordinance No. BL2019-1503 abandoned portions of Fogg Street, Alley Number 140, and Alley Number 159 right-of-way, but retained all utility easements. Ordinance No. BL2021-1027 authorized the abandonment of existing water, sanitary sewer mains, a sanitary manhole, storm catch basins and easements, authorized the relocation of a fire hydrant assembly, and accepted 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.

This resolution would further abandon the slope easement and temporary construction easements at the corner of Fogg Street and Alley Number 160.

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

J. Bills on Second Reading

73. [BL2021-884](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sanitary sewer manhole and easements, and to accept new sanitary sewer main, sanitary sewer manholes and easements, for property located on 4005 Utah Avenue, (MWS Project No. 21-SL-89 and Proposal No. 2021M-068ES-001).

Analysis

This ordinance abandons approximately 215 linear feet of existing eight inch sanitary sewer (lined VCP), one sanitary sewer manhole and easements, and accepts approximately 262 linear feet of new eight inch sanitary sewer main (PVC), two sanitary sewer manholes and easements, for property located on 4005 Utah Avenue. Future amendments to this ordinance may be made by resolution. This 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

75. [BL2021-1014](#)

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 Cameron College Prep (Proposal No. 2021M-011PR-001).

Analysis

This ordinance approves a lease agreement between Metro Nashville Public Schools (MNPS) and Cameron College Prep (Cameron) for use of property at 1034 1st Avenue South as a charter school. The property includes approximately 125,835 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 \$31,458.75 per month, which represents a rate of \$3.00 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 \$3.00 per square foot in Year 1 to \$4.00 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. Cameron is responsible for custodial services, utilities, routine maintenance of the premises, and ADA compliance, building, fire, and zoning codes and regulations. Cameron 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 \$3.00/square foot or \$31,458.75 per month for the approximate square footage of 125,835 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 \$4.00 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: Sledge, Allen, Withers and Lee

76. [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.

It is anticipated that the sponsor will withdraw this ordinance.

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

77. [BL2021-1049](#)

An Ordinance to amend Section 5.04.070 of the Metropolitan Code of Laws relative to the audit requirements for nonprofit organizations receiving appropriations from the Metropolitan Government.

Analysis

This ordinance amends the threshold for audit requirements for nonprofit organizations receiving appropriations from the Metropolitan Government.

Under the current Section 5.04.070.B.6. of the Metropolitan Code of Laws, a nonprofit organization receiving appropriations from the Metropolitan Government must submit an audit for their most recent fiscal year if the organization has an annual operating budget in excess of fifty thousand dollars receiving grants in excess of five thousand dollars during any one fiscal year.

The ordinance under consideration would increase the threshold for the operating budget of the nonprofit organization to two-hundred and fifty thousand dollars, and the threshold for the amount of grants received to twenty-five thousand dollars.

Organizations that do not meet this threshold are subject to the audit requirements under TCA § 7-3-314.

Sponsors: Toombs and VanReece

78. [BL2022-1074](#)

An ordinance approving Amendment 1 to the contract for deferred compensation services between Voya Retirement Insurance and Annuity Company and Voya Financial Partners, LLC and the Metropolitan Government of Nashville and Davidson County, which extends the term of the contract.

Analysis

This ordinance approves the first amendment to a contract for deferred compensation services between Voya Retirement Insurance and Annuity Company and Voya Financial Partners, LLC and the Metropolitan Government. This amendment extends the term of the contract from

October 9, 2022 to August 4, 2025. This amendment also corrects the name of the company in the first paragraph of the contract. Exhibit A to the agreement regarding pricing would be replaced with a new Exhibit A.

Sponsors: Allen

79. [BL2022-1075](#)

An ordinance authorizing the Director of Public Property, or his designee, to transfer to Hoosier Capital, L.P., via the attached quitclaim deed, any remaining interest the Metropolitan Government of Nashville and Davidson County may have in an unnumbered alley and unnumbered strip of property. (Proposal No. 2022M-005ES-001)

Analysis

This ordinance authorizes the Director of Public Property to transfer to Hoosier Capital, L.P., any remaining interest the Metropolitan Government may have in an unnumbered alley and unnumbered strip of property via quitclaim deed.

Hoosier Capital, L.P. has requested Metro execute a quitclaim deed for the purpose of clarifying ownership of an unnumbered alley from 41st Avenue North, running westward along parcels 190, 191, and 192 along Clifton Avenue and an unnumbered strip of property located near the northwest corner of Parcel 189. The approximate location of the unnumbered alley and unnumbered strip of property are available in the sketch in Exhibit A.

There is no future need for the unnumbered alley and unnumbered strip of property for Metropolitan Government purposes. Future amendments to this legislation may be approved by resolution.

Fiscal Note: According to the Assessor of Property's website, the total appraised value for 701 41st Ave N, parcel number 019-12-0-189.00 is \$1,390,000, 4105 Clifton Ave, parcel number 091-12-0-190.00 is \$59,600, 0 Clifton Ave, parcel number 091-12-1-191.00 is \$37,300, 0 Clifton Ave, parcel number 091-12-0-192.00 is \$83,400, 4020 Indiana Ave, parcel number 091-12-0-208.00 is \$369,600 and 4018 Indiana Ave, parcel number 091-12-0-207.00 is \$252,500. The Metropolitan Government does not own these parcels but may have interest in the unnumbered alley and unnumbered strip of property, which would be transferred to Hoosier Capital L.P. pursuant to this quitclaim deed.

Sponsors: Taylor, Allen and Withers

80. [BL2022-1076](#)

An ordinance approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, through the Nashville Department of Transportation and Multimodal Infrastructure, and SP Church Project, LLC for sidewalk repairs on Church Street. (Prop. No. 2022M-001AG-001)

Analysis

This ordinance approves a participation agreement between the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) and SP Church Project, LLC (SP) for sidewalk repairs on Church Street.

Pursuant to the agreement, SP would fill in the tunnel beneath the Church Street sidewalk spanning from Rosa L. Park Boulevard to the viaduct on 9th Avenue North and to restore this section of the Church Street sidewalk. SP would be responsible for the design and construction of the project. Upon completion of the project, NDOT would be responsible for ongoing maintenance of the sidewalk and the fill material beneath the sidewalk.

SP would agree to pay for 50% of the project costs. NDOT would reimburse SP for the remaining 50% of the project costs, and in no event would NDOT's level of participation exceed \$75,000.

Fiscal Note: NDOT would pay 50% of \$150,000 project's estimated cost.

Sponsors: OConnell, Allen, Withers and Young

81. [BL2022-1077](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon a portion of easement rights, for property located at 503 West Trinity Lane, formerly Winstead Avenue, Alley No. 1039, and an unnumbered alley (Proposal No. 2022M-002ES-001).

Analysis

This ordinance abandons a portion of easement rights retained by Ordinance No. BL2002-1279 for existing utilities located at 503 West Trinity Lane, formerly Winstead Avenue, Alley No. 1039, and an unnumbered alley. These easement rights are no longer needed by the Metropolitan Government. 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 easements have no market value according to the Department of Water Services.

Sponsors: Toombs, Withers and Young

82. [BL2022-1078](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to adopt the revised Flood Insurance Rate Map to minimize dangers to life and property, due to flooding, and to maintain eligibility for participation in the National Flood Insurance Program. (Proposal No. 2022M-002OT-001)

Analysis

This ordinance authorizes the Metropolitan Government to adopt the revised Flood Insurance Rate Map (FIRM) to minimize dangers to life and property due to flooding and to maintain eligibility for participation in the National Flood Insurance Program (NFIP).

In order to maintain this eligibility, it is required that Metro follow NFIP regulations found in Title 44, Chapter 1, Section 60.3 of the Code of Federal Regulations (CFR). Sections 13-7-101 through 13-7-115 and 13-7-201 through 13-7-210 of the Tennessee Code Annotated (TCA) delegates responsibility to local governments to adopt regulations designed to promote the public health, safety, and general welfare of its citizens.

Metro has previously adopted FIRM as its official floodplain map in Metropolitan Code Section 17.36.180. Metro now wishes to adopt the revised FIRM, dated February 25, 2022. The Department of Water and Sewerage Services (MWS) has been working with FEMA to finalize the new version of the Flood Insurance Rate Maps. MWS received a letter from FEMA on August 25, 2021 informing them the maps were final and would become effective February 25, 2022. It is required to adopt the new maps prior to the effective date. This change was approved by the Planning Commission on December 14, 2021.

Sponsors: Withers, Young and Suara

83. [BL2022-1079](#)

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 3631 Pin Hook Road, also known as Hobson Park (MWS Project Nos. 20-WL-143 and 20-SL-295; and Proposal No. 2022M-003ES-001).

Analysis

This ordinance accepts approximately 3,375 linear feet of eight inch water main (DIP), approximately five linear feet of 12 inch water main (DIP), approximately 3,758 linear feet of eight inch sanitary sewer main (PVC), approximately 322 linear feet of eight inch sanitary sewer main (DIP), six fire hydrant assemblies, 29 sanitary sewer manholes and easements for property located at 3631 Pin Hook Road, also known as Hobson Park. 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: Lee, Withers and Young

84. [BL2022-1080](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sanitary sewer manholes, fire hydrant assembly and easements, and to accept a new sanitary sewer manhole, fire hydrant assembly and

easements, for property located at 1207 McGavock Street, also known as Gulch Union South Tower (MWS Project Nos. 21-SL-135 and 21-WL-57 and Proposal No. 2022M-001ES-001).

Analysis

This ordinance abandons approximately 204 linear feet of existing 10 inch sanitary sewer main, three sanitary sewer manholes, one fire hydrant assembly and easements and accepts one sanitary sewer manhole, one fire hydrant assembly and easements, for property located at 1207 McGavock Street, also known as Gulch Union South Tower. 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

85. [BL2022-1081](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main, to adjust sanitary sewer manholes, and to accept new sanitary sewer main for property located at 2405 21st Avenue South, also known as the BluePearl Vet (MWS Project No. 21-SL-146 and Proposal No. 2022M-007ES-001).

Analysis

This ordinance abandons approximately 120 linear feet of existing eight inch sanitary sewer main (clay), adjusts two sanitary sewer manholes, and accepts approximately 120 linear feet of new eight inch sanitary sewer main (DIP), for property located at 2405 21st Avenue South, also known as the BluePearl Vet. 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: Cash, Withers, Young and Allen

86. [BL2022-1082](#)

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, to relocate a fire hydrant assembly, and to accept new sanitary sewer and water mains, sanitary sewer manhole, fire hydrant assemblies and easements, for two properties located at 801 12th Avenue North and 800 14th Avenue North, also known as Chartwell at Marathon Village (MWS Project Nos. 21 SL-15 and 21-WL-10 and Proposal No. 2022M-004ES-001).

Analysis

This ordinance abandons approximately 491 linear feet of existing 36 inch sanitary sewer main, approximately 660 linear feet of existing six inch water main, two sanitary sewer manholes, one fire hydrant assembly and easements, relocates one fire hydrant assembly, and accepts approximately 15 linear feet of new eight inch sanitary sewer main, approximately 1,290 linear feet of new eight inch water main (DIP), one sanitary sewer manhole, three fire hydrant assemblies and easements, for two properties located at 801 12th Avenue North and 800 14th Avenue North, also known as Chartwell at Marathon Village. 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

K. Bills on Third Reading**87. [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 that meets certain specified conditions 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 within two hundred and fifty feet of 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 meets certain specified conditions. 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 sign must be double-sided with 24" (vertical) by 36" (horizontal) dimensions posted at every fifty feet of public road frontage, excluding alleys in a manner to best inform the monitoring public without creating a safety hazard. The sign would also be required to contain the time, date, and location of the scheduled public hearing at the Historic Zoning Commission, the general nature of the hearing, and a phone number for additional information. The applicant would be responsible for the costs of preparing and placing the signs, as well as providing proof of

compliance to the Historic Zoning Commission.

This ordinance has been approved by the Planning Commission.

Sponsors: Murphy, Allen, OConnell and Bradford

88. [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, as amended, 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 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

90. [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