



Metro Council

G. Bills on Public Hearing

3. [BL2020-491](#)

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

Analysis

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

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

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

approximately \$8,200 would be generated in each subsequent year.

State law requires the Council to hold a public hearing of the plan of services and annexation ordinance prior to adoption on third and final reading.

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

Sponsors: Gamble

5. [BL2020-504](#)

An ordinance amending Chapters 17.36 and 17.40 of the Metropolitan Code pertaining to creating an Owner Occupied Short Term Rental Overlay district (Proposal No. 2020Z-013TX-001).

Analysis

This ordinance creates an optional overlay that could be placed over NS - No STRP variant zoned properties to permit the "Short Term Rental Property - Owner Occupied" use. The NS variation exists for all RM, MUN, MUL, MUG, MUI, OR, OG, ORI, CN, CL, CS, CA, CF, SCN, SCC, and SCR zoning districts and restricts where both owner occupied and non owner occupied short term rentals are permitted. Any application for an owner occupied short term rental permit within the proposed overlay must meet all applicable standards and requirements set forth in Sections 17.16.250.E and 6.28.030 of the Metropolitan Code.

This ordinance has been referred to the Planning Commission and is on their December 10 agenda. Thus, the public hearing on this ordinance must be deferred until January pursuant to Rule 29.

Sponsors: O'Connell

H. Consent Resolutions and Resolutions

24. [RS2020-611](#)

A resolution accepting the recommendations of the COVID-19 Financial Oversight Committee to amend RS2020-394 to permit Metro Nashville Public Schools ("MNPS") to use CARES Act funds for student and teacher laptop computers, hotspots, and Pre-K through Grade 12 virtual curriculum for students and school supplies for remote learning.

Analysis

This resolution amends Resolution No. RS2020-394 to permit MNPS to use a portion of the CARES Act grant funds allocated for laptops and hotspots to be used for other curriculum needs and supplies for remote learning.

The Council approved and accepted a Coronavirus Relief Fund (CRF) grant from the U.S.

Department of the Treasury in an amount not to exceed \$121,122,775 via Resolution No. RS2020-318, as amended. In June 2020, the Council approved Resolution No. RS2020-394 to allocate \$24,000,000 of the CRF funds for MNPS laptops and hotspots. Subsequent to the approval of RS2020-394, the state awarded MNPS grant funding to cover a portion of the cost of the laptops and hotspots, which has freed up funds that can be reallocated for other MNPS COVID-19-related needs. Specifically, MNPS would like to expand the use of funds to include student and teacher laptop computers, hotspots, and Pre-K through Grade 12 virtual curriculum for students and school supplies for remote learning. Any funds that have not been spent by MNPS by December 28, 2020, will be returned to the Metro Finance Department to be used to offset CARES-reimbursable costs incurred by Metro.

This reallocation has been approved by the COVID-19 Financial Oversight Committee.

This resolution will need to be withdrawn in favor of Resolution No. RS2020-658 concerning the same subject matter.

Sponsors: Toombs, Evans, Johnston, Styles, Welsch and Hancock

25. [RS2020-613](#)

A resolution appropriating \$5,000,000 from the COVID-19 Pandemic Fund No. 30009 and \$1,500,000 from the General Fund Reserve Fund (4% Fund) for the continued operation of and repairs/equipment for the Bordeaux Long Term Care Facility, and requesting the Metropolitan Purchasing Agent to negotiate an emergency contract for the operation of the Facility from and after January 1, 2021.

Analysis

This resolution would appropriate \$5,000,000 in CARES Act grant funding and \$1,500,000 from the General Fund Reserve Fund (4% Fund) for the continued operation of, and repairs/equipment for, the Bordeaux Long Term Care facility (BLTC) located at 1414 County Hospital Road.

By way of background, the Council approved Ordinance No. BL2014-688 in 2014 agreeing to lease the property and operations of BLTC to LP North Nashville, LLC, which is a subsidiary of Signature Healthcare, LLC ("Signature"). Pursuant to that agreement, Signature agreed to lease and operate the BLTC while state legislation was sought to approve a split of the skilled nursing bed licenses into two facilities. However, the required state legislation was never approved.

In 2016, pursuant to Ordinance No. BL2016-422, Metro agreed to extend the Signature BLTC operating lease and agreed to provide for a reimbursement of losses incurred by Signature of up to \$3,500,000 per fiscal year. Although the revised lease was set to expire on June 30, 2020, Metro entered into an emergency six month extension to allow time for a request for proposals to be issued for the operation of the facility, but no RFP responses were submitted. As a result, Metro notified Signature on September 22, 2020 of its election to have Signature discontinue all operations and start winding down the facility's resident care operations by January 2021.

First, this resolution would appropriate \$5,000,000 in federal CARES Act grant funds for the continued operation of BLTC. The Council approved and accepted a Coronavirus Relief Fund (CRF) grant from the U.S. Department of the Treasury in an amount not to exceed \$121,122,775 via Resolution No. RS2020-318, as amended. That resolution requires approval by resolution of a plan for disbursement of CRF grant funds. As a result of this requirement, the budget ordinance for Fiscal Year 2021 (Substitute Ordinance No. BL2020-286) established a COVID-19 Financial oversight Committee ("the Committee"). The Committee includes six members appointed by the Mayor, and three councilmembers appointed by the Vice Mayor. The purpose of the Committee is to "collect, consider, and recommend appropriate uses of all federal and state funds provided to the Metropolitan Government specifically for COVID-19 relief and recovery, including but not limited to, federal CARES Act funds." This \$5,000,000 appropriation has not been considered by the Committee. Section 2 of the resolution designates the appropriation as being part of the plan for disbursement of CRF grant funds required by Resolution No. RS2020-318.

Second, this ordinance appropriates \$1,500,000 from the Metro 4% Fund for building repairs and equipment at BLTC. Section 6.14 of the Metropolitan Charter requires that 4% of all the general fund revenue of the General Services District be set aside each year solely for the purchase of equipment and building repairs. The required 4% fund information sheet now attached to the resolution states that the funds will be used for a new energy efficient and pathogen killing HVAC system and for elevator replacement.

Finally, this resolution requests the Metro Purchasing Agent to negotiate an emergency contract for the operation of the Facility from and after January 1, 2021.

The Director of Finance has submitted a letter stating that he is unable to certify availability of funds for this resolution in accordance with Rule 14 of the Council Rules of Procedure. A copy of the Finance Director's letter is attached to the resolution. The Finance Director's reasoning is based upon the federal requirement that the CARES Act funds be expended, not just allocated, by the end of December 2020. And there simply isn't enough time to perform the necessary review of the eligibility of such funds and then spend the funds before the end of the year.

Fiscal Note: The Council has appropriated a total of \$96,300,000 from the CARES Act Fund thus far through the Committee process. The resolutions nos. RS2020-657 and RS2020-658 would appropriate the remaining total unallocated balance of \$29,822,775. The appropriation of \$5,000,000 included in this resolution have not received a recommendation from the Committee.

This resolution would appropriate \$1,500,000 from the 4% Reserve Fund for purchase of equipment and building repairs. The current 4% Reserve Fund Balance after this appropriation and resolution no. RS2020-6659 is \$32,872,389.

Sponsors: Hall

26. [RS2020-649](#)

A resolution approving Amendment Four to an Agreement by and between the State of Tennessee, Department of Transportation, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Public Works, for improvements on Jefferson Street, Federal No. STP-M-1900(28), State No. 19LPLM-F3-011, PIN 103490, Prop No. 2020M-023AG-001.

Analysis

This resolution approves the fourth amendment to an agreement between the Tennessee Department of Transportation (TDOT) and Metro Public Works for improvements on Jefferson Street. The agreement was initially approved pursuant to Resolution No. RS2008-245 and included a grant of \$920,808 with a required match of \$480,203 for intersection improvements on Jefferson Street. Resolution No. RS2013-745 approved the first amendment to this agreement, which extended the agreement to June 1, 2017, specifically identified the intersections on Jefferson Street at 28th Avenue/Ed Temple and 21st Avenue North to be improved, and better reflected TDOT's current fund descriptions. Resolution No. RS2017-708 approved the second amendment to the agreement, which extended the date for completion to June 1, 2019, based upon additional recommendations from a 2017 traffic study. Resolution No. RS2019-1624 approved a third amendment to extend the completion date of all phases of work to December 31, 2020.

This fourth amendment under consideration replaces the prior contract with a new contract extending the term until December 31, 2022 (though completion is expected in 2022). The revised contract adds language allowing, but not requiring, the use of TDOT on-call consultants for future services. It also adds the right-of-way acquisition for, and construction of, a roundabout at the intersection of 28th Ave. N. and Jefferson Street. The additional right-of-way acquisition and construction of the roundabout have led to the extension of the project completion until 2022, and have increased the project cost by \$2,524,552, of which Metro will pay \$565,360 and TDOT (using federal funds) will pay \$1,959,192.

Fiscal Note: The total cost of the project will be \$2,880,000 and Metro's total share of the cost will be \$1,045,563 under this agreement.

Sponsors: Taylor, Toombs, Murphy, Nash and Suara

29. [RS2020-657](#)

A resolution appropriating \$29,822,775.00 in CARES Act funds to certain accounts for the benefit of various Metropolitan Government departments.

Analysis

This resolution appropriates \$29,822,775 in CARES Act funds to various departments of the Metropolitan Government to reimburse expenditures incurred March 1, 2020 through

December 30, 2020 for eligible public safety salaries already included in the fiscal year 2021 budget. The Council approved and accepted a Coronavirus Relief Fund (CRF) grant from the U.S. Department of the Treasury in an amount not to exceed \$121,122,775 via Resolution No. RS2020-318, as amended.

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

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

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

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

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

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

Sponsors: Gamble, Johnston, Sepulveda and Welsch

30. [RS2020-658](#)

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

Analysis

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

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

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

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

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

Sponsors: Johnston, Gamble, Hancock, Welsch and Suara

31. [RS2020-659](#)

A resolution appropriating the amount of \$18,054,600.00 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 \$18,054,600 from the General Fund Reserve Fund (4% Fund) to 10 departments for various purchases of equipment and building repairs. Section 6.14 of the Metropolitan Charter requires that 4% of all the general fund revenue of the General Services District be set aside each year solely for the purchase of equipment and building repairs.

By Ordinance No. O86-1534 and Section 5.04.015.F of the Metro Code of Laws, allocations from the General Fund Reserve Fund must each be supported by an information sheet, which are attached to the resolution. The resolution further provides in part: "The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund." The following departments would receive funding

- **Davidson County Sheriff's Office** -- \$900,000 for new facility needs including furniture, fixtures, and equipment;
- **Department of General Services** -- \$3,500,700 for new and replacement fleet vehicles, major maintenance to General Services buildings countywide, and a security study for courthouse recommendations;
- **Information Technology Services Department** - \$8,427,400 for replacing end of life servers; replacement desktops and laptops for the tech revolving fund; replacing end of life network equipment for the data center; Microsoft Enterprise Agreement; and hardware and infrastructure;
- **Juvenile Court** -- \$50,000 for purchase and installation of security cameras;
- **Juvenile Court Clerk** -- \$10,000 for JIS System server;
- **Parks and Recreation Department** -- \$500,000 for purchase and installation of security cameras;
- **Planning Department** -- \$266,500 for Cityworks upgrades including hardware, software modifications, and equipment required for conditions review; E-Plans set up; inspector laptops and hardware; miscellaneous furniture, fixtures, and equipment; workstations and tablets for additional staff proposed in various investment requests;
- **Metropolitan Nashville Police Department** -- \$500,000 for bullet proof vests, tasers, taser cartridges, bicycles, helmets, and uniforms, and recruitment management system (eSoph);
- **Nashville Fire Department** -- \$2,500,000 for personal protective clothing ensembles, repairs and maintenance of facilities, and medical and safety equipment and supplies;
- **Nashville Public Library** -- \$1,400,000 for books, periodicals, and library materials.

Fiscal Note: These appropriations for the 4% Fund total \$18,054,600. The current 4% Reserve Fund Balance after this resolution and RS2020-613 is \$32,872,389.

Sponsors: Toombs

32. [RS2020-660](#)

A resolution approving amendment five 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 amendment five to a contract with the Vanderbilt University School of Medicine for the Metropolitan Health Department's participation in the Tuberculosis Trials Consortium.

Vanderbilt received a grant from the U.S. Centers for Disease Control and Prevention through the U.S. Veteran Affairs Medical Centers for this tuberculosis project. The Health Department's responsibilities under this contract are to provide space and equipment for the project, as well as consultation and support services.

Under the original contract, approved pursuant to RS2015-55, the Health Department was to receive \$20,259 to reimburse the cost of its services. The initial term of this contract was from October 1, 2014 through September 30, 2019. The first amendment, approved by RS2016-403, increased the amount by \$1,013 for a new total of \$21,272, effective October 1, 2015 through September 30, 2016. The second amendment, approved by RS2017-971, increased the amount of the contract by \$20,000 for the period October 1, 2016 through September 30, 2017, a cumulative total of \$41,272. The third amendment, approved by RS2018-1345, increased the amount of the contract by \$26,590 for the period of October 1, 2017 through September 30, 2018, a cumulative total of \$67,862. The fourth amendment, approved by RS2019-11, increased the amount of the contract by \$13,295 for the period October 1, 2018 to September 30, 2019 for a cumulative total of \$81,157.

The resolution under consideration amends the contract to increase the amount by \$53,296.29 for a new total of \$154,712.29 for the period October 1, 2019 to September 30, 2020. It would also add an updated budget attachment.

Fiscal Note: This resolution would approve the fifth amendment to increase the amount of the contract by \$53,296.29 for the period of October 1, 2019 through September 30, 2020.

Sponsors: Toombs, Taylor and Welsch

33. [RS2020-661](#)

A resolution accepting a grant from the U. S. Department of Housing and Urban Development to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Social Services Commission, to fund two staff positions for the Homeless Management Information System (HMIS).

Analysis

This resolution approves the renewal of a grant from the U.S. Department of Housing and Urban Development to the Metropolitan Social Services Commission to fund two staff positions

for the Homeless Management Information System (HMIS). The grant is an amount not to exceed \$141,508 with no local cash match required, though there is a required in-kind match of \$37,007. The term of this grant is from July 1, 2020 to June 30, 2021.

Sponsors: Toombs, Taylor, Bradford, Hausser and Suara

34. [RS2020-662](#)

A resolution accepting a DNA Capacity Enhancement and Backlog Reduction (CEBR) Program grant from the U. S. Department of Justice to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Police Department, to increase the capacity of publicly funded forensic DNA and DNA database laboratories.

Analysis

This resolution accepts a DNA Capacity Enhancement and Backlog Reduction (CEBR) Program grant from the U.S. Department of Justice to the Metropolitan Nashville Police Department to increase the capacity of publicly funded forensic DNA and DNA database laboratories. The purpose of this federal grant program is to assist state and local crime labs with processing more DNA samples to reduce the backlog of samples awaiting analysis.

The MNPDP Forensic Biology Unit will use the funds to outsource the forensic analysis of sexual assault kits to private labs. The grant is an amount not to exceed \$230,869 with a required local cash match of \$19,125. The local match will be provided out of the existing MNPDP operating budget. The grant term is from October 1, 2020 until September 30, 2022.

Sponsors: Toombs, Gamble, Hancock and Suara

35. [RS2020-663](#)

A resolution accepting a donation of 50,000 N95 Moldex disposable respirators from the Celanese Corporation by The Metropolitan Government of Nashville and Davidson County, acting by and through the Office of Emergency Management, to be used as determined by the Office of Emergency Management to help fight the COVID-19 pandemic.

Analysis

This resolution accepts a donation of 50,000 N95 Moldex disposable respirators from the Celanese Corporation to the Metropolitan Office of Emergency Management. The disposable respirators will be used as determined by OEM to help fight the COVID-19 pandemic. Section 5.04.120.B of the Metropolitan Code of Laws provides that donations exceeding \$5,000 may be accepted and appropriated by resolution.

Fiscal Note: The estimated value of the 50,000 disposable respirators is \$50,000.

Sponsors: Toombs, Gamble, Hancock and Suara

36. [RS2020-664](#)

A resolution to amend Ordinance No. BL2020-342 to authorize The Metropolitan Government of Nashville and Davidson County to add phasing to the acceptance of new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for properties located at 6424 and 6434 Pettus Road, now known as Southpoint Ph3B (MWS Project Nos. 18-WL-98 and 18-SL-104 and Proposal No. 2020M-025ES-002).

Analysis

This resolution amends Ordinance No. BL2020-342 to add phasing to the acceptance of new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for properties located at 6424 and 6434 Pettus Road, now known as Southpoint Ph3B. The Council adopted BL2020-342 on August 4, 2020, which accepted 1,036 linear feet of new 8-inch water main, 193 linear feet of new 4-inch main, 921 linear feet of sanitary sewer main, two fire hydrant assemblies, eight sanitary sewer manholes, and easements.

The resolution under consideration accepts 674 linear feet of new eight inch water main, 193 linear feet of new four inch water main, 592 linear feet of new eight inch sanitary sewer main, one fire hydrant assembly, five sanitary sewer manholes and easements. Additionally, 362 linear feet of new eight inch water main, 329 linear feet of new eight inch sanitary sewer main, one fire hydrant assembly, three sanitary sewer manholes and easements previously accepted are no longer need.

This has been approved by the Planning Commission.

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

Sponsors: Rutherford, Murphy and Nash

J. Bills on Second Reading**76. [BL2019-8](#)**

An ordinance amending Section 17.20.120 of Title 17 of the Metropolitan Code pertaining to the provision of sidewalks (Proposal No. 2019Z-015TX-001).

Analysis

This ordinance amends Section 17.20.120 of the Metropolitan Code regarding the sidewalk fund.

Currently, money collected from the payment in lieu of sidewalks is collected into a pedestrian benefit fund. The funds are required to stay in the pedestrian benefit zone from where the payment was made. This ordinance would remove the pedestrian benefit zones and instead

require funds to stay within the Council district of the new development.

A housekeeping amendment would fix a drafting error which unintentionally reduced the cap on contributions in-lieu of construction. The amendment restores the cap to the current amount in the Metro Code.

This bill has been disapproved by the planning commission.

Sponsors: Roberts, Henderson and Toombs

77. [BL2020-300](#)

An ordinance amending Chapter 9.30 of the Metropolitan Code to restrict construction noise between the hours of 7:00 p.m. and 7:00 a.m.

Analysis

This ordinance, as amended, amends Chapter 9.30 of the Metro Code to restrict construction noise in residential areas. Currently, Section 9.30.010 of the Metro Code prohibits noise related to construction located within or adjoining a residential zone district between the hours of 9:00pm and 6:00am. Such noise cannot measure in excess of 70 decibels. This ordinance would limit construction noise between 7:00pm and 7:00am.

The amendment modifies the exemptions to the construction noise provision. It adds “cable, telecom, fiber optic” to the list of utility work that is exempted from this provision. It further provides that when the forecasted temperatures is above 90 degrees Fahrenheit, the noise restrictions referenced above are in effect during the hours of 9:00pm and 6:00am.

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

78. [BL2020-425](#)

An ordinance to amend Chapter 16.24 of the Metropolitan Code to restrict the amount of fill material that can be placed upon property in close proximity to a river.

Analysis

This ordinance amends Section 16.24.330 of the Metro Code to restrict the amount of fill material that can be placed upon a property near a river. No owner or occupant of a property could cause or allow more than 200 cubic yards of fill material per day to be placed upon a property if the property abuts a river or is within 500 feet of a river unless (a) the property is classified and permitted by the Tennessee Department of Environment and Conservation as a landfill; or (b) the Metropolitan Council approves fill in excess of 200 cubic yards upon adoption of a resolution. Before the Council could approve the excess fill material, a determination would need to be made that the fill material will not pose a significant threat to water quality or aquatic life.

Sponsors: Rosenberg

79. [BL2020-456](#)

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

Analysis

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

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

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

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

Sponsors: Allen, Toombs, Bradford and Taylor

80. [BL2020-469](#)

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

Analysis

This ordinance authorizes the acceptance of approximately 138 linear feet of new eight inch sanitary sewer main (DIP), approximately 252 linear feet of new eight inch sanitary sewer main (PVC), two sanitary sewer manholes and easements, for three unnumbered properties located on Clovercroft Road in Williamson County, also known as Twin Valley Farm. Future amendments to this legislation may be approved by resolution.

This ordinance has been approved by the planning commission.

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

Sponsors: Murphy and Nash

82. [BL2020-494](#)

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

Analysis

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

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

Sponsors: Styles

83. [BL2020-505](#)

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

Analysis

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

Although the revised lease was set to expire on June 30, 2020, Metro entered into an emergency six month extension to allow time for a request for proposals to be issued for the operation of the facility, but no RFP responses were submitted. As a result, Metro notified

Signature on September 22, 2020 of its election to have Signature discontinue all operations and start winding down the facility's resident care operations by January 2021.

The Fiscal Year 2021 Metro operating budget ordinance (Substitute Ordinance No. BL2020-286) appropriated \$6,000,000 for the MLTC management contract subsidy. To date this fiscal year, Metro has paid Signature approximately \$1,200,000 for Signature's loss reimbursement for the facility under the contract extension, leaving a balance of approximately \$4,800,000.

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

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

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

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

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

Sponsors: Hall

84. [BL2020-511](#)

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

Analysis

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

This ordinance has been approved by the Planning Commission.

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

Sponsors: Murphy and Nash

85. [BL2020-533](#)

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

Analysis

Section 2.210.020 of the Metro Code provides a mechanism for Metro to provide annual economic development incentive grants to qualified companies in the amount of \$500 per job created or retained. Ordinance No. BL2017-904 amended the eligibility requirements for economic and community development incentive grant recipients to require written confirmation to be provided by the director of the Metropolitan Transit Authority (MTA) that the qualified company has contacted MTA regarding participation in the EasyRide MTA-RTA Commuter Program. The ordinance also required that, for the duration of any economic and community development incentive grants, the qualified company must provide an annual written report to the office of Economic and Community Development regarding the participation rate of its full-time equivalent employees in the EasyRide MTA-RTA Commuter Program. Failure to submit timely written reports is grounds for termination of a grant.

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

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

Sponsors: Allen, O'Connell and Henderson

86. [BL2020-534](#)

An ordinance amending the Debt Management Policy for the Metropolitan Government of Nashville and Davidson County to place a cap on the percentage of budgeted revenues devoted to debt service and amending Section 5.04.110 to require a quarterly debt report from the Director of Finance.

Analysis

Ordinance No. BL2017-726 added Section 5.04.105 to the Metro Code to require the Metropolitan Government to maintain a debt management policy that includes, at a minimum, the following:

- The appropriate amount of debt (by category) that should be approved in a capital spending plan;
- Multiple metrics for monitoring and evaluating Metro's financial condition, including the amount of debt and debt service;
- A discussion of available metrics for measuring the amount of debt and debt service, and the reasons why the metrics selected are most appropriate;
- A discussion of available metrics for measuring debt service including debt service as a percent of expenditures, revenues, property tax revenue, or per capita, and the reasons why the metrics selected are most appropriate;
- A discussion of what factors regarding financial performance trends, including projections of key economic variables and population trends must be considered in determining the appropriate amount of debt to be approved in a capital spending plan;
- A discussion of the purposes for which each category of debt may be utilized;
- A discussion of what impact, if any, Metro's net pension obligation, has on the amount of debt (by category) that is advisable; and
- A discussion of what impact if any Metro's unfunded other post-employment benefits (OPEB) obligation has on the amount of debt.

A revised Debt Management Policy was approved by the Council in 2017 pursuant to Ordinance No. BL2017-949 to comply with the requirements of Section 5.04.105.

This ordinance further amends the Debt Management Policy to provide that no more than 17% of Metro's annual operating budget be allocated to the payment of debt service. If Metro determines it is necessary to exceed this percentage cap, the ordinance states that it is the intention of the Metropolitan Council that such increase be approved by 27 affirmative votes of the Council. Metro currently does not have a cap on the percentage of debt in the operating budget.

This ordinance also amends the debt reporting requirements contained in Section 5.04.110 of the Metro Code to require the Finance Director to provide the Council with a report at the end of each quarter of the fiscal year regarding debt commitments. This report would include debt payments and commitments in the prior quarter and projected debt for the following four years in both dollar amount and as a percentage of the operating budget. The projected debt is to include all capital projects approved in an initial general obligation bond resolution for which the use of commercial paper has been committed to start construction, and for which long term bonds will eventually be issued.

Sponsors: Druffel

87. [BL2020-536](#)

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

Analysis

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

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

Sponsors: VanReece, Toombs, Murphy, Nash and Gamble

88. [BL2020-537](#)

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

Analysis

This ordinance abandons Alley #76 from Lea Avenue to Alley #71, between 5th Ave S and 6th Ave S. The abandonment has been requested by NF IV-I Nashville DT, LLC. Metro Public Works has determined there is no future need for this alley right-of-way for Metro purposes. Metro would retain all utility easements.

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

Sponsors: O'Connell, Murphy and Nash

89. [BL2020-538](#)

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

Analysis

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

Metro would retain all utility easements.

Future amendments to this ordinance may be approved by resolution.

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

Sponsors: Withers, Murphy, Nash and O'Connell

90. [BL2020-539](#)

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

Analysis

This ordinance abandons White Avenue from Rucker Avenue eastward to the dead end, Alley #2057 from White Avenue southward to Alley #2056, and Alley #2058 from the dead end westward to the southwest corner of parcel number 09110000400. The abandonment has been requested by Dale and Associates. Metro Public Works has determined there is no future need for this alley right-of-way for Metro purposes. Metro would retain all utility easements.

Future amendments to this ordinance may be approved by resolution.

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

Sponsors: O'Connell, Murphy and Nash

91. [BL2020-540](#)

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

Analysis

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

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

Sponsors: Sledge

92. [BL2020-541](#)

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

Analysis

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

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

Sponsors: Toombs

93. [BL2020-542](#)

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

Analysis

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

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

Sponsors: Pulley, Murphy and Nash

94. [BL2020-543](#)

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

Analysis

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

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

Sponsors: Toombs, Murphy and Nash

95. [BL2020-544](#)

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

Analysis

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

Fiscal Note: This ordinance has no cost to Metro. Abandoned easements have no market value

according to the Department of Water Services

Sponsors: Taylor, Murphy and Nash

96. [BL2020-545](#)

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

Analysis

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

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

Sponsors: Murphy and Nash

97. [BL2020-546](#)

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

Analysis

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

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

Sponsors: Taylor, Murphy and Nash

98. [BL2020-547](#)

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

Analysis

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

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

Sponsors: Taylor, Murphy and Nash

99. [BL2020-548](#)

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

Analysis

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

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

Sponsors: Murphy, Nash and Styles

100. [BL2020-549](#)

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

Analysis

This ordinance abandons water and sewer mains, a fire hydrant assembly, and four sewer manholes, along with the associated easements, and accepts replacement water main, sewer main, two fire hydrant assemblies, four sewer manholes, and easements for property located at 1420 Adams Street, also known as Modera Germantown. This ordinance has been approved

by the planning commission. Future amendments to this legislation may be approved by resolution.

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

Sponsors: O'Connell, Murphy and Nash

K. Bills on Third Reading

102. [BL2020-457](#)

An ordinance to amend Section 13.08.080 of the Metropolitan Code to restrict the Metropolitan Government from entering into agreements or contracts to acquire surveillance footage or data captured by technology owned by a person or business without the direct consent of that person or business.

Analysis

This ordinance, as substituted, amends Section 13.08.080 of the Metropolitan Code to restrict Metro from entering into agreements or contracts to acquire surveillance footage or data captured by technology owned by a person or business without the direct consent of that person or business. Section 13.08.080 was enacted by Ordinance No. BL2017-646 to limit the use of "surveillance technology" beginning on July 1, 2017. Approval by the Council is required before any department, board, or commission, or any individual acting on their behalf, installs unmanned surveillance technology on any public right of way. Additionally, Council approval can be granted only upon determination that the benefits to citizens and residents of Nashville outweighed the costs; that the proposal will safeguard civil liberties; and that, in the judgment of the Council, no alternative with a lesser economic cost or impact upon civil rights would be as effective.

Section 13.08.080 lists 14 different types of equipment under the "surveillance technology" definition. In addition to typical devices (e.g., closed-circuit television cameras), the list includes technologies including as x-ray vans, biometric software and databases, mobile DNA capture technology, and through-the-wall radar or similar imaging technology.

This ordinance amends subsection C. of Section 13.08.080 to prohibit Metro from acquiring or entering into an agreement to acquire surveillance footage or data captured by technology owned by a person or business without the direct consent of that person or business absent a judicial warrant or order to the contrary.

A previous version of this ordinance contained a provision regarding license plate scanners, however, those provisions have been removed by the substituted adopted at the November 17, 2020 Council meeting.

Sponsors: Rosenberg, O'Connell, Nash, Suara, Welsch, Benedict and Parker

103. [BL2020-503](#)

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

Analysis

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

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

Sponsors: Suara, Styles and Henderson

104. [BL2020-506](#)

An ordinance approving an agreement between the Metropolitan Government and Cheekwood Botanical Gardens and Museum of Art ("Cheekwood") concerning the care and maintenance of the garden area in Riverfront Park in downtown Nashville.

Analysis

This ordinance approves an agreement between Metro Parks and Cheekwood Botanical Gardens and Museum of Art for maintenance of the garden area at Riverfront Park. Pursuant to the agreement, Cheekwood will assist Metro Parks with the maintenance of the garden area, including flowers, shrubs, and plants, at no cost to Metro. Cheekwood will be entitled to recognition as a sponsor of the garden with appropriate signage to be erected by Metro. Cheekwood must maintain workers' comp liability insurance in the amount of \$500,000. The agreement is for a term of five years, but may be extended for an additional five years upon approval of the Council by resolution. Either party may terminate the agreement with 60 days' notice.

Future amendments to the agreement may be approved by resolution.

Fiscal Note: There is no cost to Metro for the performance of this agreement.

Sponsors: O'Connell, VanReece, Styles and Henderson

105. [BL2020-507](#)

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, through the Department of Public Works, to accept a contribution of \$25,000 for the construction of a signalized crosswalk at the intersection of 21st Avenue South and Belcourt Avenue.

Analysis

This ordinance accepts a \$25,000 contribution from ECG Belcourt, LLC to fund a signalized crosswalk at the intersection of 21st Avenue South and Belcourt Avenue. This contribution is the result of a traffic study conducted by Metro, which indicated that a signalized crosswalk was needed at this intersection. ECG Belcourt, LLC constructed at mixed-use development on property located at this intersection that will have an impact on the pedestrian and vehicular traffic in the area.

Fiscal Note: Metro will receive \$25,000 contribution to the completed construction and installation of the signalized crosswalk at 21st Avenue South and Belcourt Avenue. The project is completed, and the total construction cost was \$76,641.50. Metro's share of the costs will be \$51,641.50 after this contribution is received.

Sponsors: Cash, Toombs, Nash and Allen

106. [BL2020-508](#)

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, through the Department of Public Works, to accept a contribution of \$450,022.60 for the construction of intersection improvements at SR100 and Pasquo Road.

Analysis

This ordinance accepts a contribution in the amount of \$450,022.60 from The National HealthCare Corporation (NHC) and Stephens Development Group to aid in the construction of improvements at the intersection of Highway 100 and Pasquo Road. Metro Public Works has determined that a traffic signal and roadway improvements were needed prior to any new developments on Highway 100 near Pasquo Road, to ensure the intersection operates safely. NHC and Stephens Development Group constructed a health care center and assisted living community at this intersection, which will have an impact on the operation of traffic in the area such that NHC and Stephens agreed to contribute to the construction and installation of roadway improvements at the intersection.

Fiscal Note: Metro will receive \$450,022.60 contribution to the construction of the intersection improvements at SR100 and Pasquo Road. The project is completed, and the total construction cost was \$802,892.27. Metro's share of the costs will be \$352,869.67 after this contribution is received.

Sponsors: Rosenberg, Toombs and Nash

107. [BL2020-509](#)

An ordinance to amend the Geographical Information Systems Map for The Metropolitan Government of Nashville and Davidson County, by renaming the private road Dixie Place from 21st Ave S to the dead end as "Vivien Thomas Way". (Proposal No. 2020M-007SR-001).

Analysis

This ordinance renames the private road Dixie Place located on Vanderbilt University's campus

from 21st Ave. S. to a dead end as "Vivien Thomas Way." Mr. Thomas (1910-1985) was a 1929 Pearl High School graduate who was hired at age 19 as a laboratory assistant at Vanderbilt University Medical Center for surgeon Dr. Alfred Blalock. Over the years, Mr. Thomas went on to play an integral role in modern cardiac surgery practices through his work with Dr. Blalock.

Section 13.08.020 of the Metro Code provides that private roads may be named by the Council and marked as such by the Metropolitan Government upon review and recommendation by the Planning Commission.

This ordinance has been referred to the Planning Commission.

Sponsors: Cash and Bradford

108. [BL2020-510](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing easement rights located at 220 Riverside Drive, formerly a portion of Barclay Drive (Proposal No. 2020M-088ES-001).

Analysis

This ordinance abandons utility easement rights that were retained by Ordinance O98-1180 for property located at 220 Riverside Drive. Metro Water Services has determined that the easement rights are no longer needed. 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: Withers, Murphy and Nash

109. [BL2020-512](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing easement rights located between Louisiana Avenue and Tennessee Avenue, formerly a portion of 50th Avenue North, now located at 4915 Louisiana Avenue and 4912 Tennessee Avenue (Proposal No. 2019M-082ES-001).

Analysis

This ordinance abandons easement rights that were retained by Council Bill O82-1047 for any existing utilities located between Louisiana Avenue and Tennessee Avenue, formerly a portion of 50th Avenue North now located at 4915 Louisiana Avenue and 4912 Tennessee Avenue. This abandonment has been requested by the owner of the properties, LC Nations, LLC. Metro Water Services has determined there is no future need for these easements.

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: Roberts, Murphy and Nash

110. [BL2020-513](#)

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to provide public water service improvements for Alta Foundry, LP proposed development, as well as other existing properties in the area (MWS Project No. 20-WL-68 and Proposal No. 2020M-024AG-001).

Analysis

This ordinance approves a participation agreement between Metro Water Services and Alta Foundry, LP for water/sewer system improvements in the vicinity of 640 21st Avenue North to serve the 21st and Spruce Development and surrounding area. Alta Foundry, LP will contract and oversee the construction/installation of approximately 1,324 linear feet of eight inch diameter water main and two fire hydrant assemblies. Metro agrees to pay 50% of the construction costs not to exceed \$273,562.

This is a typical participation agreement whereby Metro Water Services agrees to pay for a portion of the cost of system upgrades as part of new development that will benefit the water/sewer system as a whole.

Future amendments to the agreement may be approved by resolution.

This ordinance has been approved by the Planning Commission.

Fiscal Note: Metro will pay 50% of the actual project costs not to exceed \$273,562.

Sponsors: Taylor, Toombs, Murphy and Nash

111. [BL2020-514](#)

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 public sanitary sewer main, sanitary sewer manholes, and easements, for three properties located at 3916, 3920 and 3922 Cross Creek Road (MWS Project Nos. 20-SL-81 and Proposal No. 2020M-083ES-001).

Analysis

This ordinance abandons 295 linear feet of existing sanitary sewer main, one sanitary sewer manhole, and easements, and accepts approximately 303 linear feet of new sanitary sewer

main, five sanitary sewer manholes, and associated easements for properties located at 3916, 3920, and 3922 Cross Creek Road.

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: Henderson, Murphy and Nash