



Metro Council

F. Resolutions on Public Hearing

1. [RS2021-1009](#)

A resolution exempting Bite A Bit Thai Sushi, located at 1402 McGavock Pike, from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Bite A Bit Thai Sushi located at 1402 McGavock Pike.

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

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

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

Sponsors: Benedict

2. [RS2021-1010](#)

A resolution exempting Lola, located at 4401 Murphy Road, from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining

a beer permit for Lola located at 4401 Murphy Road.

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

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

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

Sponsors: Murphy

3. **RS2021-1011**

A resolution exempting Buttermilk Ranch, located at 2407 12th Avenue South, from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Buttermilk Ranch located at 2407 12th Avenue South.

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

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

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

Sponsors: Cash

G. Bills on Public Hearing**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 deferred to the July 22, 2021 meeting of the Planning Commission.

Sponsors: OConnell

6. [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 amends Sections 17.40.720 and 17.40.730 of the Metropolitan Code of Laws to require public notice for applications for permits from the Historic Zoning Commission. A preservation permit would require that written notice of the Historic Zoning Commission meeting where the permit would be considered by US Mail of the date, time, and place to all property owners within one thousand feet of the subject property at least twenty-one days prior to the meeting. This is the same written notice required for zoning public hearings. Further, public notice signs would be required for the subject property. This is the same public notice sign requirement for consideration of a proposed rezone by the Council and the consideration of a variance, hillside exception, or special exception use permit by the Board of Zoning Appeals.

An amendment is anticipated for this ordinance.

This was deferred to the July 22, 2021 meeting of the Planning Commission.

Sponsors: Murphy, Allen, OConnell and Bradford

9. [BL2021-721](#)

An Ordinance amending Sections 17.08.030 and 17.16.050 of the Metropolitan Code, Zoning Regulations to remove the Alternative Financial Services use from the ON - Office Neighborhood, CN - Commercial Neighborhood, CN-A - Commercial Neighborhood Alternative, CN-NS - Commercial Neighborhood No STRP, and CN-A-NS - Commercial Neighborhood Alternative No STRP zoning districts (Proposal No. 2021Z-004TX-001).

Analysis

The proposed ordinance would remove alternative financial services as a permitted use in ON, CN, CN-A, CN-NS, and CN-A-NS zoning districts. It would also amend Section 17.16.050.D.2 which has size limitations for alternative financial services in the ON, CN, and CN-NS zoning districts.

Alternative financial services would still be permitted in many mixed-use, commercial, and shopping center zoning districts. These zoning districts are primarily located along major corridors or within large areas of non-residential uses. Development in these zoning districts tends to serve a wider range of people, as opposed to providing immediate services adjacent to serve a neighborhood level. Both the CN and ON zoning districts are typically near residentially zoned properties and intended for nonresidential uses to be developed at a smaller, neighborhood scale. From an analysis of existing alternative financial service establishments by the Planning Department, there were none found in the ON zoning district and one found in the CN zoning district.

This has been approved by the Planning Commission.

Sponsors: Porterfield, Murphy, Syracuse and Bradford

10. [BL2021-722](#)

An ordinance amending Section 17.40.060 of Title 17 of the Metropolitan Code, Zoning Regulations, to allow only district members of the Metropolitan Council to initiate applications to amend the official zoning map of property owned by the Metropolitan Government, and amending Section 2.24.190 of the Metropolitan Code to require the Director of Public Property Administration to provide a monthly property inventory report to the Metropolitan Council (Proposal No. 2021Z-005TX-001).

Analysis

This ordinance amends the Metro Code of Laws to allow property owned by Metro to be rezoned only upon an application of the district council member representing the council district where the property is located. Under the current Metro Code provision, an application may be initiated only by the mayor, the head of the department or agency to which the property is assigned, or by the director of public property administration.

The ordinance would also require the director of public property administration to provide each district councilmember with an annual inventory of real property owned by Metro located within their district.

A housekeeping substitute is anticipated to fix an error in the caption.

This has been deferred to the July 22, 2021 meeting of the Planning Commission.

Sponsors: Hall, Murphy and Bradford

11. [BL2021-726](#)

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, pertaining to LED message boards and digital display signs. (Proposal No. 2021Z-006TX-001).

Analysis

Under the Metro Code, signs with any copy, graphics, or changing digital displays are not permitted in CA, CA-NA, CS, CS-NS, CF, CF-NS, SCR, SCR-NS, IWD, IR and IG districts unless they adhere to certain distance requirements. Signs four feet or less in height cannot be less than 100 feet from any agriculturally or residentially zoned property. For each additional foot in height above four feet, the sign must be an additional 25 feet from any agriculturally or residentially zoned property.

This ordinance would exempt LED message boards and digital display signs designed with louvers and ambient light sensors to reduce light spill from these distance requirements. In addition, the LED message boards and digital display boards equipped with this technology could not have an illumination output that exceeds one-half foot-candle across the boundary of the nearest agriculturally-zoned or residentially-zoned property.

This has been referred to the Planning Commission.

Sponsors: Glover

H. **Consent Resolutions and Resolutions**

32. [RS2021-974](#)

A resolution approving an agreement between CSX Transportation and The Metropolitan Government of Nashville and Davidson County, acting by and through its Department of Public Works, for payment to CSXT for costs incurred due to maintenance and repairs of four (4) bridges over CSXT 1) Jefferson Street, 2) Hamilton Avenue, 3) Eastland Avenue, 4) Sidco Drive, CSX OP No. TN0707.

Analysis

This resolution approves an agreement between CSX Transportation (CSXT) and the Metro Department of Public Works. Under the agreement, Metro will pay CSXT an estimated \$106,946 for costs incurred due to maintenance and repairs of four bridges over CSXT for Jefferson Street, Hamilton Avenue, Eastland Avenue, and Sidco Drive.

Agreements between Metro and CSX Transportation can be approved by resolution pursuant to Ordinance No. O98-1393.

Sponsors: Toombs, Nash, Withers, Welsch, Sledge, OConnell and Taylor

33. [RS2021-1012](#)

A resolution accepting a grant from the State of Tennessee, Administrative Office of the Courts, to the Metropolitan Government of Nashville and Davidson County for the provision of interpreter/translation services for court hearings which involve parties with limited English proficiency (LEP) in the Davidson County trial courts.

Analysis

This resolution approves a grant in the amount of \$93,071 from the state Administrative Office of the Courts to the State Trial Courts for interpreter services. There is a required local match for this grant in the amount of \$10,341. These grant funds will be used to provide interpreter/translation services for court hearings involving individuals with limited English proficiency. The term of the grant is from July 1, 2021 through June 30, 2022.

Sponsors: Porterfield, Welsch, Hancock and Suara

34. [RS2021-1013](#)

A resolution approving amendment one to a Community Corrections and Substance Abuse grant from the Tennessee Department of Correction to the Metropolitan Government, acting by and through the State Trial Courts, to divert eligible offenders from the Tennessee prison system by providing community supervision and treatment services.

Analysis

Resolution No. RS2020-460 approved the initial grant in the amount of \$1,512,148 for community supervision and treatment services to divert eligible offenders from the prison system. The grant funds are primarily used for salaries of the probation division employees.

This resolution increases the amount of the grant by \$1,512,148 for a new total of \$3,024,296, and extends the term of the grant for another year through June 30, 2022. The amendment also reduces the Technology Professional Liability/Cyber Liability Insurance from \$10,000,000 to \$1,000,000 at the recommendation of the risk manager.

Sponsors: Porterfield, Welsch and Suara

35. [RS2021-1014](#)

A resolution accepting a grant from the State of Tennessee, Administrative Office of the Courts, to the Metropolitan Government, acting by and through the Davidson County Juvenile Court, for the provision of interpreter/translation services for parties with limited English proficiency.

Analysis

This resolution approves a grant in the amount of \$75,062 from the Tennessee Administrative Office of the Courts to the Davidson County Juvenile Court for interpreter/translation services. There is a required local match for this grant in the amount of \$8,340. These grant funds will be used to provide interpreter/translation services for court hearings involving individuals with

limited English proficiency. The term of the grant is from July 1, 2021 through June 30, 2022.

Sponsors: Porterfield, Welsch, Hancock and Suara

36. [RS2021-1015](#)

A resolution approving the election of certain Notaries Public for Davidson County.

Analysis

This is a routine resolution approving the election of notaries public in accordance with state law.

Sponsors: Johnston

37. [RS2021-1016](#)

A resolution authorizing the Metropolitan Mayor to submit Substantial Amendment Four and the 2021-2022 Annual Update to the 2018-2023 Consolidated Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development.

Analysis

The five year consolidated plan is prepared by the Metropolitan Development and Housing Agency (MDHA) and is to be administered by MDHA as authorized per Resolution No. R94-1396.

The public comment period for this annual update was held between April 9 and May 14, 2021, and a virtual public hearing was held on April 29. HUD requires these plans from local governments seeking federal assistance through the community development block grants (CDBG), the HOME investment partnerships program (HOME), the emergency solutions grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA).

The resolution under consideration would adopt the 2021-2022 Annual Update to the 2018-2023 Consolidated Plan for Housing and Community Development, as well as Substantial Amendment Four to the plan. A copy of Substantial Amendment Four and the annual plan update are attached to the resolution.

Substantial Amendment Four makes the following changes to the plan:

- Requests HUD to allow Metro to discontinue the Neighborhood Revitalization Strategy Area designation for the Napier-Sudekum Choice Neighborhood Investment Planning Area as a result of a significant delay in the development process due to financing issues, including a lack of grant funding.
- States that the amount of CDBG funds to be allocated to the retention of affordable housing stock will be determined annually based on anticipated demand, taking into account unobligated funds from the action plan for the prior years and the projected expenditure levels since the pandemic limited MDHA's housing rehabilitation production rate. This change will allow MDHA to spend down prior allocations.
- Clarifies that new affordable housing opportunities will include increased access to

housing for persons with special needs.

The allocations for the 2021 Program Year (June 1, 2021 through May 31, 2022) are as follows:

Grant	2021 Annual Allocation	Estimated Income	Total
CDBG	\$5,421,549	\$173,804	\$5,595,353
ESG	\$453,167	\$0.00	\$453,167
HOME	\$2,570,146	\$269,297	\$2,839,443
HOPWA	\$1,737,427	\$0.00	\$1,737,427
TOTAL	\$10,182,289	\$443,101	\$ 10,625,390

The action plan priorities include the following:

- Increase the number of decent, safe affordable units and help low and moderate income households access affordable housing.
- Preserve existing affordable housing units and help low and moderate income households retain housing.
- Support facilities and services for the homeless and persons with HIV/AIDS.
- Create pathways to self-sufficiency for low and moderate income persons and families.
- Revitalize distressed neighborhoods and underserved areas.
- Undertake grant management, planning, and other eligible administrative tasks under CDBG, HOME, ESG, and HOPWA.

The resolution expressly withholds any approval for the expenditure of CDBG funds for capital improvement projects. All requested expenditures for capital improvement projects are subject to future approval of the council by resolution. Also, detailed project plans for capital improvements must be on file in the Community Development Department of MDHA at the time of the filing of such resolution.

CDBG, HOME, ESG, and HOPWA funds cannot be used for any property acquisition for which the power of eminent domain is utilized by MDHA, which is restricted by federal law.

Sponsors: Suara and Porterfield

38. [RS2021-1017](#)

A resolution approving the Benefit Board's waiver of repayment of pension benefit overpayments for pensioners under section 3.08.230 of the Metropolitan Code.

Analysis

This resolution approves the waiver of pension benefit overpayments made to 11 pensioners. The Metropolitan Employee Benefit Board (EBB) has determined that, as a result of a calculation process error, the 11 pensioners (ten survivor pensioners and one service pensioner) have received greater pension benefits than they were entitled to receive. Metro Code Section 3.08.230 permits the EBB to waive such overpayment if it was made through

error committed by the Board's staff and the Board determines the beneficiary was without fault or knowledge of the error and would be deprived of income for living expenses if forced to repay the amount of overpayment. The EBB has approved this waiver.

Fiscal Note: This resolution would waive a total of \$76,630.17 that would otherwise be due for the pension benefit overpayments. The overpayment for the eleven (11) affected pensioner ranged from \$896.55 to \$16,843.12 and averaged approximately \$6,966.38.

Sponsors: Porterfield, Rutherford and Welsch

39. [RS2021-1018](#)

A resolution approving an interlocal agreement between the Emergency Communications District for Nashville and Davidson County and The Metropolitan Government of Nashville and Davidson County for the provision of services and reimbursement of costs pertaining to Enhanced-911 services.

Analysis

This is the annual resolution approving the interlocal agreement for services performed by Metro for the Emergency Communications District (ECD) relative to the operation of the Enhanced-911 service during Fiscal Year 2022. The agreement specifies the services to be provided by the Metro Emergency Communications Center, the Department of Public Works, and the Department of General Services. The Department of Public Works will continue to maintain an updated Master Street Address Guide, and the Department of General Services will continue to provide three fleet vehicles, as well as the necessary associated vehicle maintenance. Metro also agrees to handle the procurement of goods and services upon request by the ECD. In addition, Metro is responsible for training the Metro employees who operate the system. Finally, Metro agrees to continue to provide a facility to serve as a backup center for the primary Emergency Communications Center.

Fiscal Note: The ECD would reimburse the Metropolitan Government in the amount of \$4,900 for the services provided by the Department of Public Works. This amount remains unchanged from reimbursements in FY2021. The ECD would also reimburse the Department of General Services for the use of the three (3) fleet vehicles, plus the expenses of certain training costs, rental costs for the backup facility, telephone expenses, and equipment costs.

Sponsors: Porterfield and Gamble

40. [RS2021-1019](#)

A resolution accepting a grant from the Nashville Prevention Partnership to the Metropolitan Government, acting by and through the Metropolitan Nashville Beer Permit Board, to administer programs and activities to support adherence to the enforcement of under-age drinking laws.

Analysis

This resolution approves a grant in the amount of \$4,560 from the National Prevention Partnership to the Metro Beer Board to assist with the enforcement of underage drinking laws.

The funds will be used to employ persons under the age of 21 to attempt to purchase beer.

Sponsors: Porterfield and Gamble

41. [RS2021-1020](#)

A resolution accepting a grant from the Metro Historical Commission Foundation to the Metropolitan Government, acting by and through the Metropolitan Historical Commission, to assess the historic concrete structures in Centennial Park.

Analysis

This resolution approves a grant in the amount of \$11,600 from the Metro Historical Commission Foundation to the Metro Historical Commission for an assessment of the historic concrete structures in Centennial Park. The Metro Historical Commission has already received a federal passthrough grant in the amount of \$17,400 from the Tennessee Historical Commission for this project. The grant from the Metro Historical Commission Foundation will cover the required 40% local match for the passthrough grant. The project includes assessment, materials analysis, developing a priority list, and recommendations for two historic concrete bridges and two historic concrete follies. It also includes a conditions assessment and priority list for repair recommendations for the Parthenon.

Sponsors: Taylor, Porterfield, VanReece, Murphy, Welsch, Hancock and Bradford

42. [RS2021-1021](#)

A resolution accepting a direct appropriation grant from the State of Tennessee in the amount of \$5,000,000.

Analysis

This resolution accepts a direct appropriation grant in the amount of \$5,000,000 from the State of Tennessee. The State's FY 22 budget included funding for direct appropriations to cities and counties based upon population up to a maximum of \$5,000,000. The program is titled the Local Infrastructure Grant Program, but the language in the state budget appropriation act does not place any restrictions on the use of the funds so long as the funds are used for nonrecurring expenses. Metro will not be required to file a plan regarding the use of the grant funds.

Sponsors: Porterfield and Suara

43. [RS2021-1022](#)

A resolution approving amendment one to a grant from the Tennessee Emergency Management Agency to the Metropolitan Government, acting by and through the Department of Finance, to provide public assistance pursuant to Presidential Disaster Declaration number FEMA-4476-DR-TN for costs incurred for severe storms, tornadoes, straight-line winds, and flooding on March 3, 2020.

Analysis

Resolution No. RS2021-701 accepted a grant in the amount of \$4,811,668.25 from the Tennessee Emergency Management Agency (TEMA) to the Metropolitan Department of

Finance to provide reimbursement for costs incurred for severe storms, tornadoes, straight-line winds, and flooding on March 3, 2020.

TEMA has awarded an additional \$2,364,595.64 for a new grant total of \$7,176,263.89. The amendment also includes a \$341,701.93 increase in the amount of the required local match, for a new total of \$1,029,083.10.

The term of the grant remains March 3, 2020 through March 2, 2024.

Sponsors: Porterfield and Welsch

44. [RS2021-1023](#)

A resolution accepting a grant from the United Way of Middle Tennessee to the Metropolitan Government, acting by and through the Metro Action Commission, to provide employment and/or training related services to active Supplemental Nutrition Assistance Program (SNAP) recipients.

Analysis

This resolution approves a grant in the amount of \$135,544 from the United Way of Middle Tennessee to the Metro Action Commission for the Supplemental Nutrition Assistance Program (SNAP). This is a federal passthrough grant that is used to help SNAP recipients gain employment, skills, training, or work experience. There is a required local match for this grant in the amount of \$135,544. This grant will extend through September 30, 2021.

Sponsors: Porterfield, Taylor, Welsch and Suara

45. [RS2021-1024](#)

A resolution accepting a grant from the Tennessee Arts Commission to the Metropolitan Government, acting by and through the Metropolitan Arts Commission, for funding to non-profit organizations to nurture artists, arts organizations, and arts supporters in Davidson County.

Analysis

This resolution approves a grant in the amount of \$49,380 from the Tennessee Arts Commission to the Metro Arts Commission to fund non-profit organizations through the Arts Builds Communities (ABC) program. The Metro Arts Commission is the designated agency for the ABC program, which provides support for arts projects that broaden access to arts experience and address community quality of life issues through the arts.

There is a required local match in the amount of \$49,380. The term of the grant is July 1, 2021 through June 30, 2022.

Sponsors: Porterfield, VanReece, Welsch and Taylor

46. [RS2021-1025](#)

A resolution accepting a grant from the National Coalition for Arts' Preparedness & Emergency Response (NCAPER) to the Metropolitan Government, acting by and through the

Metropolitan Arts Commission, for training and travel expenses for virtual and in-person meetings for attendees of the NCAPER's Crisis Analysis and Mitigation Coach Training Pilot Program.

Analysis

This resolution approves a grant in the amount of \$2,925 from the National Coalition for Arts' Preparedness & Emergency Response (NCAPER) to the Metropolitan Arts Commission for training and travel expenses for virtual and in-person meetings for attendees of the NCAPER's Crisis Analysis and Mitigation Coach Training Pilot Program. There is no local cash match required for this grant.

Sponsors: Porterfield and VanReece

47. [RS2021-1026](#)

A resolution accepting the terms of a cooperative purchasing master agreement for auctioneer services and related products.

Analysis

This resolution approves Metro's participation in a cooperative purchasing master agreement between Region 4 Education Service Center ("Region 4") and Liquidity Services Operations, LLC (formerly GovDeals, Inc.) (the "Contractor") for auctioneer services. Region 4 is a regional education service center established by the Texas Legislature serving a seven-county area comprised of 48 public school districts. Region 4 entered into a contract with Liquidity Services Operations in 2020 for auctioneering and related services. The contract includes a provision authorizing other governmental entities to use the products and services through the contract.

The Contactor operates an online auction services platform called GovDeals.com that is specific to governmental agencies. The GovDeals platform has more than 3,800,000 bidders, and more than 12,000 government agencies have used the platform for the disposition of surplus property. This platform will serve as a replacement for Metro's eBid online auction system, which is nearing the end of its system life. Metro will not pay any fees to use the GovDeals platform. Rather, the platform collects a fee from the winning bidder based upon a percentage of the sales price and sends the proceeds to the government weekly.

According to the Metro Department of General Services, additional benefits of replacing the eBid system with the GovDeals platform include:

- 24/7 support to Metro, including a 15 member customer support team
- Marketing services
- Metro could place items in a redistribution/non-sale status for Metro agencies to see/claim without paying a fee
- Realtime reporting
- Live auction tracking and direct links to live assets
- Bidder reminders for payment and removal
- Tracking payments to Metro

Tenn. Code Ann. § 12-3-1205(b) allows local governments to participate in a cooperative purchasing agreement for the procurement of any goods, supplies, services, or equipment with one or more governmental entities outside this state upon approval by resolution of the local governing body.

Sponsors: Porterfield

48. [RS2021-1027](#)

A resolution approving a contract between the State of Tennessee, Department of Mental Health and Substance Abuse Services, and the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Fire Department, authorizing the State to pay the Metropolitan Government for Emergency Transportation Services.

Analysis

This routine contract provides for the payment of emergency transportation services by the Nashville Fire Department for patients at the Middle Tennessee Mental Health Institute (MTMHI). Under the contract, the state pays for ambulance services using the Medicare Part B Fee Schedule or, if a service is not covered by this schedule, then at the lowest negotiated rate not to exceed \$1,200 per trip for emergency ambulance services and \$624 per trip for non-emergency transportation. This agreement is simply to enable the state to be able to continue paying Metro for the services provided.

Sponsors: Porterfield and Gamble

49. [RS2021-1028](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Devin Carter against the Metropolitan Government of Nashville and Davidson County in the amount of \$7,500.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On December 1, 2018, a Metro police officer was responding to a burglary call with his lights and siren activated when he entered the intersection of Wedgewood Avenue and 8th Avenue South and was struck by a Camry driven by Ms. Shyes. The Camry in turn struck Ms. Carter's SUV, which was sitting still, causing minor injuries to her neck and back. Her medical bills total \$10,038.91.

Ms. Carter has agreed to settle this claim for \$15,000, with \$7,500 coming from Metro and \$7,500 from Ms. Shyes. Although T.C.A. § 55-8-108 allows emergency vehicles with their lights and siren activated to proceed past a red light, but they must slow down as necessary for safe operation. The Metro police officer was disciplined for traveling at an excessive speed and failing to properly clear the intersection.

Fiscal Note: This \$7,500 settlement, along with the settlements per Resolution No. RS2021-1029 and Resolution No. RS2021-1031, would be the 35th, 36th, and 37th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,919,594. The fund

balance would be \$944,408 after these payments.

Sponsors: Porterfield

50. [RS2021-1029](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Jean Torchon against the Metropolitan Government of Nashville and Davidson County in the amount of \$80,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On July 28, 2020, Jean Torchon was a passenger in a vehicle traveling on Old Hickory Boulevard when the vehicle was rear ended by a distracted Metro police officer at the Stone Brook Drive intersection. Ms. Torchon complained of injuries to her neck and back and an abnormal heartbeat. She was treated at Southern Hills Medical Center and underwent six weeks of physical therapy. Her medical bills total \$43,568.51. The damage to the vehicle Ms. Torchon was riding in has already been paid by Metro in the amount of \$7,267.

The Department of Law recommends settling this claim for the amount of the medical bills plus \$36,431.39, for a total settlement of \$80,000 to be paid out of the self-insured liability fund.

The police officer involved in the accident received disciplinary action consisting of a one day suspension.

Fiscal Note: This \$80,000 settlement, along with the settlements per Resolution No. RS2021-1028 and Resolution No. RS2021-1031, would be the 35th, 36th, and 37th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,919,594. The fund balance would be \$944,408 after these payments.

Sponsors: Porterfield

51. [RS2021-1030](#)

A resolution approving a Solid Waste Regional Plan for Davidson County, Tennessee.

Analysis

This resolution approves the new Solid Waste Regional Plan for Davidson County. T.C.A. § 68-211-813(c) and T.C.A. § 68-211-861 provide that the Solid Waste Regional Board (the "Board") is responsible for the development of a ten-year disposal capacity plan that satisfies the state's 25% solid waste reduction goal. Metro adopted the initial Solid Waste Regional Plan pursuant to R93-973. T.C.A. § 68-211-815(b)(15) requires that revised plans be reviewed and approved by the Metro Council.

In 2017, the Council enacted Ordinance No. BL2017-710 approving a consulting contract with CDM Smith, Inc. for the development of a long-term solid waste management plan. This was to include the evaluation of the existing solid waste management system and provide options to improve and enhance the system and increase waste reduction and diversion. The ultimate

goal of this plan is to be zero waste, setting the vision for waste reduction, diversion, and management for the next 30 years.

With the assistance of CDM Smith, the Board created a new ten-year plan called the Solid Waste Masterplan: Achieving Zero Waste (the "Plan") to move toward the goal of achieving zero waste over the next 30 years. The concept of "zero waste" is essentially shifting from the disposal of municipal waste to managing waste as a resource. The Plan was approved unanimously by the Board, and has been reviewed and approved by the Tennessee Department of Environment and Conservation.

The Plan is a 494-page document (including the appendices) that is to be implemented in phases over the next 20 to 30 years. The Plan is organized into three scenarios: conservative, moderate, and aggressive. The aggressive scenario includes everything that would be necessary to achieve 90% diversion. The moderate and conservative scenarios would be easier to implement, but would not result in the same level of diversion.

A significant recommendation in the Plan is the Save-As-You-Throw (SAYT) collection approach. This would incentivize residents and businesses to reduce waste, recycle, and divert food scraps from household waste. The first phase of the Plan (years 1-4) would include residential SAYT collection, enhanced household recycling, and construction and demolition recycling. The estimated annual cost of the first phase is \$28.3 million. SAYT would expand to commercial establishments in later phases.

One of the primary challenges of the Plan implementation is funding. Section 1.05 of the Metro Charter provides that "refuse collection" is one of the additional services to be provided in the Urban Services District (USD), which is funded as part of the USD tax levy. In order to address this issue, the Plan recommends the creation of a solid waste authority under T.C.A. § 68-211-901, *et seq.* State law enables solid waste authorities to set fees for the services they provide. Creation of a solid waste authority would require approval of a resolution by the Council after public comment.

Sponsors: Nash and Allen

52. [RS2021-1031](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Robert Harwell against the Metropolitan Government of Nashville and Davidson County in the amount of \$20,733.59, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On March 27, 2021, there was a sewage backup at Robert Harwell's home located 2404 Brittany Drive after a heavy rainfall. The sewage backup caused \$15,321.02 in damage to the home and \$5,412.27 in lost personal property.

This is the second time the home has experienced a sewage backup due to heavy rain. The Council approved the settlement of a previous claim for this property in the amount of

\$19,122.34 by Resolution No. RS2021-884 on April 20, 2021. Metro Water Services has taken remedial action to prevent future backups at this property.

Fiscal Note: This \$20,733.59 settlement, along with the settlements per Resolution No. RS2021-1028 and Resolution No. RS2021-1029, would be the 35th, 36th, and 37th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,919,594. The fund balance would be \$944,408 after these payments.

Sponsors: Porterfield

53. [RS2021-1032](#)

A resolution to amend Ordinance No. BL2014-757 to authorize The Metropolitan Government of Nashville and Davidson County to negotiate and accept additional permanent and temporary easements for the Joyce Lane Stormwater Improvement Project for 12 properties located along Gra Mar Drive, Joyce Lane, Lemont Drive and Saunders Avenue, (MWS Project No. 14-SWC-154 and Proposal No. 2014M-015ES-002).

Analysis

Ordinance No. BL2014-757, approved June 10, 2014, authorized the acceptance of easements for 16 properties located along Gra Mar Drive, Graycroft Avenue, Marswen Drive, and Joyce Lane for a stormwater improvement project. It has been determined that easements are needed for 12 additional properties to complete project. This resolution authorizes the negotiation and acceptance of these additional easements for properties located along Gra Mar Drive, Joyce Lane, Lemont Drive, and Saunders Avenue.

Ordinance No. BL2014-757 provides that future amendments may be approved 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: VanReece, Murphy and Nash

54. [RS2021-1033](#)

A resolution to amend Ordinance No. BL2021-684 to authorize The Metropolitan Government of Nashville and Davidson County to abandon water main, fire hydrant assemblies, and easements, to add phasing, to modify the acceptance of new public sanitary sewer and water main, sanitary sewer manholes, fire hydrant assemblies and easements, and update Map and Parcel information, for property now located at 1320 Adams Street, now known as the Neuhoff Development Phase 1 (MWS Project Nos. 20-WL-35 and 20-SL-70 and Proposal No. 2021M-010ES-002).

Analysis

Ordinance No. BL2021-684, enacted on April 20, 2021, accepted new water and sewer main, fire hydrant assemblies, sewer manholes, and associated easements for eight properties located on Adams Street, Taylor Street, and 1st Avenue North, also known as the Neuhoff

Development. These properties have now been consolidated with a new address of 1320 Adams Street. It has been determined that abandonment of 670 linear feet of existing 12 inch water main, two fire hydrants, and easements are necessary for the development.

This resolution amends the prior ordinance to accomplish this abandonment. Ordinance No. BL2021-684 provided that future amendments can be approved by resolution.

This resolution 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, Nash and OConnell

55. [RS2021-1034](#)

A resolution to amend Ordinance No. BL2021-697 to authorize The Metropolitan Government of Nashville and Davidson County to modify the abandonment and acceptance of public water mains and easements, for properties located at 1634 and 1636 Lebanon Pike, also known as Apartment Concepts (MWS Project No. 19-WL-99 and Proposal No. 2021M-020ES-002).

Analysis

Ordinance No. BL2021-697 abandoned 45 linear feet of existing eight inch water main, 230 linear feet of existing one inch water main, one fire hydrant assembly and easements, and accepted approximately 256 linear feet of new eight inch water main, two fire hydrant assemblies and easements for properties located at 1634 and 1636 Lebanon Pike. It has been determined that the amount of one inch line being abandoned can be reduced from 45 feet to 22 feet, and that an additional 11 feet of new eight inch water main is needed. This resolution approves these modifications.

Ordinance No. BL2021-697 provided that future amendments may be approved by resolution.

This resolution 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: Syracuse, Murphy and Nash

J. Bills on Second Reading

96. [BL2019-7](#)

An Ordinance to amend Section 6.28.030 of the Metropolitan Code of Laws regarding the existence of a Short Term Rental Property - Owner-Occupied in a two-family zoning district (Proposal No. 2019Z-017TX-001).

Analysis

This ordinance, as substituted, amends the Metropolitan Code pertaining to owner-occupied STRP permits for two-family dwellings. The Code currently requires both dwellings to be under the same ownership in order for a two-family dwelling to have an owner-occupied STRP permit. This ordinance would create a mechanism whereby two separate owner-occupied STRP permits could be issued for two-family dwellings when the units are owned by different persons and each unit is the primary residence of the corresponding owner. No more than two permits could be issued per lot, and only one permit could be issued per dwelling unit.

This ordinance has been approved by the Planning Commission.

Sponsors: OConnell

99. [BL2021-720](#)

An ordinance to amend Section 16.24.330 of the Metropolitan Code to require homeowners association signs.

Analysis

This ordinance, as substituted, amends Section 16.24.330 of the Metro Code to require homeowners associations (HOAs) to install signs at the primary vehicular entrance of the subdivision notifying the public that the property is under the control of an HOA and whether the property is bound by restrictive covenants. The signs must measure at least 18 inches in height and 12 inches in width, and are to be installed outside of the public right-of-way. For existing subdivisions, the HOAs would be responsible for furnishing and installing the signs. New subdivision developers would be required to furnish and install the signs at the time the subdivision is built. This signage requirement would not apply to horizontal property regimes established under state law.

Sponsors: Styles

100. [BL2021-782](#)

An ordinance repealing Section 2.56.135 of the Metropolitan Code of Laws pertaining to the assessment and collection of probation supervision fees.

Analysis

This ordinance eliminates the supervision fees for probation services provided by the general sessions court. This fee was established in 1991 at a rate of \$20 per month. It was increased to \$25 per month in 2006, and to \$35 per month in 2008.

A 2020 fee study prepared for Metro by PFM's Center for Justice & Safety Finance recommended that the Council eliminate this fee to ease the financial burden on criminal defendants, many of whom lack the ability to pay the probation fees.

This ordinance is a companion to Resolution Nos. RS2021-988 and RS2021-989 approved on June 15, 2021, which eliminated the indigent defense fee and the courthouse security litigation

tax as recommended in the PFM study.

The FY22 budget ordinance set aside \$662,500 in a contingency account to offset lost revenue as a result of the reduction of criminal fines and fees.

Sponsors: Toombs, Taylor, Sledge, Hurt, Welsch, OConnell and Porterfield

101. [BL2021-783](#)

An ordinance to amend Section 13.26.020 of the Metropolitan Code of Laws to require a report from the metropolitan historical commission when a public building named after a person is renamed, demolished, or sold.

Analysis

Section 13.26.020 of the Metro Code currently requires that biographical information be attached to any ordinance naming a Metro-owned building in honor of a person or company. This ordinance amends this Code section to require a report from the Metro Historical Commission prior to the second reading consideration of any ordinance seeking to rename, demolish, or sell a public building previously named after a person. The report, which would be similar to the report required for street renaming ordinances, would include biographical information regarding the person for whom the building is named and their contribution to the Metropolitan Government. The report is also to include a recommendation as to whether the person for whom the building is named should be recognized in another way, such as by a historical marker, if the building is ever renamed, demolished, or sold.

This ordinance would prohibit any action by the Council on second reading until the Historical Commission has provided the required report or 60 days has passed from the date the ordinance was forwarded by the Metro Clerk to the Historical Commission.

Sponsors: Murphy, OConnell, Cash and Porterfield

102. [BL2021-785](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for The Metropolitan Government of Nashville and Davidson County by renaming Tuliptree Court as "Tulip Tree Court" and renaming Tuliptree Lane as "Tulip Tree Lane", south of Poplar Creek Trace (Proposal No. 2021M-006SR-001).

Analysis

This is a housekeeping street name change ordinance to rename Tuliptree Lane as "Tulip Tree Lane" from Poplar Creek Trace to the cul-de-sac, and to rename Tuliptree Court as "Tulip Tree Court" from Tulip Tree Lane to the cul-de-sac. This name change has been approved by the Planning Commission and the Emergency Communications District Board. The required report from the Historical Commission has been received and is available as an attachment to the ordinance.

Sponsors: Rosenberg

103. [BL2021-786](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer and water main, sanitary sewer manholes, fire hydrant assemblies and easements, for property located at 4225 Central Pike, also known as New Hope Village (MWS Project Nos. 20-SL-300 and 20-WL-148 and Proposal No. 2021M-046ES-001).

Analysis

This ordinance accepts new water and sewer main, manholes, fire hydrant assemblies, and the associated easements for property located at 4225 Central Pike, also known as New Hope Village. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

Fiscal Note: There is no cost to Metro. Donated easements have no market value according to the Department of Water Services.

Sponsors: Evans, Murphy and Nash

K. Bills on Third Reading**104. [BL2021-725](#)**

An ordinance to amend Section 2.149.040 of the Metropolitan Code of Laws regarding the Barnes Fund for Affordable Housing.

Analysis

This ordinance would require 20% of the Barnes Fund for Affordable Housing grant funds to be set aside for small nonprofit organizations. The Metro Housing Trust Fund Commission was created by Ordinance No. BL2013-487 to, in part, oversee the management and operation of the Barnes Fund for Affordable Housing. Part of the duties of the Commission are to establish criteria for the awarding of Barnes Fund grants and make recommendations to the Council regarding the awarding of grants to nonprofit organizations.

This ordinance would require that the criteria established by the Commission include setting aside at least 20% of the grant funds to be allocated to small affordable housing nonprofit organizations that have an annual operating budget of no more than \$4,000,000 and a housing budget of no more than \$1,000,000. This set aside would not apply if there are not a sufficient number of qualified small nonprofit applicants.

Sponsors: Suara, Welsch, Styles, Taylor and Gamble

105. [BL2021-727](#)

An ordinance declaring surplus and approving the disposition of a parcel of real property known as 0 American Road (Map/Parcel No. 09011004700) (Proposal No. 2021M-003PR-001).

Analysis

This ordinance declares a 1.08 acre unbuildable parcel of property located on American Road to be surplus, and authorizes the sale of the property to the owner of one of the 10 adjacent tracts who offers the highest price. Metro Water Services has determined that it no longer needs this property. Metro's standard practice regarding unbuildable surplus lots is to sell them to an adjacent property owner. The proceeds of the sale will be credited to the Metro General Fund.

This ordinance has been approved by the Planning Commission.

Fiscal Note: The appraised value for the parcel of land is \$1,500 according to the Property Assessor's website.

Sponsors: Roberts, Toombs, Murphy and Nash

106. [BL2021-743](#)

An ordinance approving a purchase and sale agreement between the Metropolitan Government and Piedmont Natural Gas Company, Inc., for a parcel of property and improvements located at 800 Second Avenue North. (Proposal No. 2021M-007PR-001).

Analysis

This ordinance authorizes the sale of a 4.49-acre parcel property located at 800 Second Avenue North back to Piedmont Natural Gas Company for the purchase price of \$4,239,000. Metro purchased this property from Piedmont in 1989 for \$1,946,442, and it has most recently been used by Metro as office space, though the property was used for the production of natural gas prior to Metro acquiring it. Metro's environmental consultant estimates that it would cost approximately \$24,000,000 to remediate the property as a result of the prior gas plant operations in order to develop the property. While the appraised value of the property is \$17,500,000, the appraisal does not take into consideration the environmental issues with the property, and the sum of the remediation cost and purchase price exceeds the appraised value. Copies of both the appraisal and the remediation cost breakdown are included as attachments with the legislation.

The closing must take place by December 31, 2022.

Sponsors: OConnell, Toombs and Murphy

107. [BL2021-753](#)

An ordinance amending Chapter 2.40 of the Metropolitan Code to transfer the Employee Safety Program from the Department of Law to the Department of Human Resources.

Analysis

This ordinance shifts the employee safety program from the Department of Law to Metro Human Resources (HR). The employee safety division was created by BL2006-1232 to oversee the central employee safety program for Metro. The responsibilities of the division of employee safety include working with departments to develop safety plans, maintaining required safety records, and investigating injury-on-duty (IOD) claims for purposes of

determining the cause of the injury and preventing such injuries in the future. Funding for this division was removed during the recession-era budget cuts. The responsibility was then delegated to Metro HR, but no funding for the division has been provided through FY2021. A 2017 audit conducted by the Metro Internal Auditor recommended enhancements to the employee safety program, but the operational recommendations have not been implemented due to a lack of adequate funding.

The Mayor's proposed FY2022 operating budget does include \$253,500 for the employee safety division as part of Metro HR. This ordinance, and the associated budget funding, would enable Metro to further implement the previous audit recommendations.

Sponsors: Rutherford

108. [BL2021-754](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning a portion of Ohio Avenue right-of-way and easement. (Proposal Number 2021M-005AB-001).

Analysis

This ordinance abandons a portion of Ohio Avenue excess right-of-way between Centennial Boulevard and 60th Avenue N. This abandonment has been requested by Dale and Associates. This ordinance also abandons the existing utility easements. Metro Public Works has determined there is no future need for this portion of right-of-way and all abutting property owners have consented to the abandonment.

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: Roberts, Murphy, Nash and OConnell

109. [BL2021-755](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon an existing drainage easement rights, for property located at 338 East Trinity Lane (Proposal No. 2021M-038ES-001).

Analysis

This ordinance abandons a drainage easement for property located at 338 East Trinity Lane. This easement is no longer needed by Metro Water Services. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Parker, Murphy and Nash

110. [BL2021-756](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon a portion of easement rights located at 5649 Obrien Avenue, Obrien Avenue (unnumbered), and 5806 and 5808 Charlotte Pike, formerly Alley # 1520 (Proposal No. 2021M-044ES-001).

Analysis

This ordinance abandons water and sewer easement rights that were retained in 1967 for four properties located on Obrien Avenue and Charlotte Pike. These easements are no longer needed by Metro Water Services. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Roberts, Murphy and Nash

111. [BL2021-757](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept a permanent easement for the Litton Avenue Stormwater Improvement Project for property located at 1305 Litton Avenue, (Project No. 21-SWC-273 and Proposal No. 2021M-042ES-001).

Analysis

This ordinance authorizes the negotiation and acquisition of a permanent easement on property located at 1305 Litton Avenue. This easement is needed for a stormwater project. 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 Metro Water Services

Sponsors: Benedict, Murphy and Nash

112. [BL2021-758](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept a permanent easement for the McGavock Pike Stormwater Improvement Project for four properties located at 1107, 1109, 1111 McGavock Pike and 3104 Gallatin Pike, (Project No. 21-SWC-274 and Proposal No. 2021M-043ES-001).

Analysis

This ordinance authorizes the negotiation and acquisition of a permanent easement for properties located at 3104 Gallatin Pike, and 1107, 1109, and 1111 McGavock Pike. These easements are needed for a stormwater project. 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 Metro Water Services

Sponsors: Benedict, Murphy and Nash

113. [BL2021-759](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent easements for the Scott Avenue Stormwater Improvement Project for two properties located at 2926 and 2928A Scott Avenue, (Project No. 21-SWC-275 and Proposal No. 2021M-045ES-001).

Analysis

This ordinance authorizes the negotiation and acquisition of a permanent easement for properties located at 2926 and 2928A Scott Avenue. These easements are needed for a stormwater project. 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 do not have a market value according to the Department of Water Services.

Sponsors: Benedict, Murphy and Nash

114. [BL2021-760](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer force main and easements, and to accept new sanitary sewer force main and easements, for three properties located at 4309, 4331 and 4335 Maxwell Road, also known as Heritage Landing Force Main Relocation (MWS Project No. 21-SL-67 and Proposal No. 2021M-035ES-001).

Analysis

This ordinance abandons existing six inch sanitary sewer main and easements, and accepts replacement sewer main and easements for properties located at 4309, 4331, and 4335 Maxwell Road. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

Fiscal Note: There is no cost to Metro. Abandoned and donated easements have no market

value according to the Department of Water Services.

Sponsors: Lee, Murphy and Nash

115. [BL2021-761](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer and water mains, sanitary sewer manhole, fire hydrant assembly and easements, for property located at 1011 Lady Nashville Drive, also known as Heritage Hills Apartments, (MWS Project No. 21-SL-80 and 21-WL-34 and Proposal No. 2021M-041ES-001).

Analysis

This ordinance accepts new eight inch sewer main, eight inch water main, six in water main, one sewer manhole, one fire hydrant assembly and associated easements for property located at 1011 Lady Nashville Drive for the Heritage Hills Apartments development. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Hagar, Murphy and Nash

116. [BL2021-762](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assemblies and easements, for two properties located at 6944 Nolensville Pike and 7236 Old Burkitt Road, also know as Old Burkitt Road Mixed Use Development (MWS Project Nos. 20-SL-313 and 20-WL-159 and Proposal No. 2021M-039ES-001).

Analysis

This ordinance accepts new sewer main, new water main, nine sewer manholes, three fire hydrant assemblies, and associated easements for properties located at 6944 Nolensville Pike and 7236 Old Burkitt Road as part of a new mixed-use development. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Rutherford, Murphy and Nash

117. [BL2021-781](#)

An ordinance amending Title 3 of the Metropolitan Code relative to medical care benefits for pensioners.

Analysis

This ordinance amends Title 3 of the Metro Code to provide that effective January 1, 2023, a Group Medicare Advantage plan will be the only option for retiree medical benefits when the pensioner and their dependents are Medicare eligible. This ordinance, which comes as a recommendation from the Study & Formulating Committee and the Benefit Board, is a significant step toward addressing Metro's unfunded Other Post-Employment Benefits (OPEB) liability. OPEB pertains to benefits an employee receives upon retirement, such as health, dental, and drug coverage. Metro has historically operated on a "pay-as-you-go" basis for pensioner health benefits. This means that the Council appropriates the funds in the annual operating budget to cover Metro's portion of the health costs for that year. It is estimated that Metro's current unfunded OPEB liability is \$4.3 billion.

As a point of clarification, OPEB liability is unrelated to Metro's pension liability. Metro's pension fund has historically been very well managed, and is funded at 93%, which is an extremely high percentage for a city plan.

OPEB liability is not an issue Nashville is facing alone. According to a February 2021 report from the Reason Foundation, state and local governments have a collective \$1.2 trillion OPEB liability. A city's OPEB liability is important because it must be reflected in their financial audit, which is used by the bond rating agencies. This ordinance shifting retirees to a Group Medicare Advantage plan would reduce Metro's OPEB liability by \$1.1 billion and would save Metro approximately \$17 million per year in current operating costs for the medical plans.

Metro Human Resources has provided a Q&A sheet to the Council pertaining to this change. A copy of the Q&A sheet is attached to this analysis. The information provided by Metro HR states that the Medicare Advantage plan will result in significantly lower health insurance premiums for retirees, and that the vast majority of retirees (98+%) would not have to change medical providers. Of the roughly two percent remaining, they may not have to change providers if the provider accepts Medicare and agrees to bill Metro's insurer (currently Humana).

Additional benefits of the plan noted by Metro HR include no annual deductible, 100% coverage for hospital care, and no out-of-pocket maximum before the plan will pay.

Sponsors: Toombs and Henderson