



Metro Council

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## F. Resolutions on Public Hearing

### 1. [RS2022-1305](#)

A resolution exempting All People Coffee, located at 345 and 347 Douglas Avenue, Suite 101, 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 All People Coffee located at 345 and 347 Douglas Avenue, Suite 101.

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

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

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

**Sponsors:** Parker

## G. Bills on Public Hearing

### 3. [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 by the Planning Commission.

**Sponsors:** OConnell

## H. Consent Resolutions and Resolutions

### 28. [RS2021-1251](#)

A resolution to repeal Resolution No. RS2018-1171 related to the vehicle inspection program.

#### Analysis

This resolution would repeal Resolution No. RS2018-1171, which authorized the continuation of the Metropolitan Government's vehicle inspection and maintenance program, also called the emissions testing program.

In April 2018, the Tennessee General Assembly adopted legislation amending Tenn. Code Ann. § 68-201-119 to eliminate vehicle emissions testing programs in Tennessee upon the approval of the Environmental Protection Agency (EPA). The state law also allowed the continuation of Metro's vehicle emissions testing program if a resolution authorizing the continuation was adopted by the Council and submitted to the state Air Pollution Control Board. On May 15, 2018, the Metropolitan Council adopted RS2018-1171 to comply with the state law allowing for continuation of the program.

In August 2017, the EPA approved a revision to the state's air quality plan that would allow for the elimination of vehicle emissions testing programs in five of the six counties with a program, consistent with TCA § 68-201-119. The vehicle emissions testing programs in Hamilton, Rutherford, Sumner, Williamson, and Wilson County will end on January 14, 2022.

The resolution under consideration would allow for the elimination of the vehicle emissions testing program in Nashville and Davidson County. The Metropolitan Department of Public Health would be directed to take any and all actions required to end this program.

**Sponsors:** Rhoten, OConnell, Rosenberg, Roberts, Hagar, Evans, Bradford, Porterfield, Druffel, Parker, Hurt, Styles, Glover, Swope, Nash, Rutherford, Johnston, Welsch, Henderson, Pulley, Young, Taylor, Toombs and Benedict

### 29. [RS2022-1306](#)

A resolution to extend the provisions of Section 13.32.165.E of the Metropolitan Codes of

Laws relative to sidewalk cafes.

Analysis

This resolution extends the permissibility of sidewalk cafes throughout Davidson County through November 15, 2022. In September 2020, the Council enacted Second Substitute Ordinance No. BL2020-403 to temporarily allow sidewalk café dining facilities within the public right-of-way throughout the jurisdiction of the Metropolitan Government and to allow bars and restaurants located within a Specific Plan (SP), Planned Unit Development (PUD), or other overlay district where restaurants and bars are permitted to use parking areas for additional seating. The purpose of the ordinance was to provide some relief to restaurants impacted by COVID-19 and the resulting social distancing/seating capacity requirements. This was originally set to expire in January 2021, but was extended through February 15, 2022 pursuant to RS2021-734.

This resolution extends the provisions of BL2020-403 through November 15, 2022.

**Sponsors:** Parker

**30. [RS2022-1307](#)**

A resolution appropriating \$1,060,000.00 in American Rescue Plan Act funds from Fund #30216 to the Community Safety Partnership Fund to support evidence-based community solutions to interpersonal violence.

Analysis

This resolution appropriates \$1,060,000 in American Rescue Plan Act funds to the Community Safety Partnership Fund (CSPF) to support evidence-based community solutions to interpersonal violence.

The COVID-19 Financial Oversight Committee recommends allocating funds as follows:

- \$750,000 to the Cure Violence Pilot. Funds are necessary to extend the pilot, which previously received funding approved by the Council through the Governor's Grant, and to hire expert evaluators and skilled trainers.
- \$240,000 for a project manager and contract manager assistance to assist with meeting reporting and monitoring requirements for the allocation of grants to nonprofit organizations.
- \$70,000 for community engagement and community organizing to allow the Community Safety Coordinator to bring researchers to Nashville in early 2022 to share findings with community leaders, with the goal of developing a community-driven action plan to reduce and prevent gun violence that connect individuals involved with gun violence programs and services.

*Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2022-1310, Resolution No. RS2022-1311, and Resolution No. RS2022-1313 would be the 15th, 16th, 17th, and 18th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$75,764,250. The total grant award is \$259,810,600 and the first half of this*

*amount was received in July 2021.*

**Sponsors:** Gamble, Johnston, Sepulveda, Allen, Evans and Welsch

**31. [RS2022-1308](#)**

A resolution accepting a Coronavirus Emergency Supplemental Funding (CESF) grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Davidson County Juvenile Court, to continue to enhance the Court's COVID-19 preparedness plan to purchase personal protective equipment to minimize exposure to hazards in the workplace.

**Analysis**

This resolution amends the terms of a Coronavirus Emergency Supplemental Funding Grant from the Tennessee Department of Finance and Administration to the Davidson County Juvenile Court, previously approved by RS2021-1233. The resolution changes the effective start date of the grant from November 15, 2021 to February 1, 2022. The end date of the grant will remain June 30, 2022. The grant awarded was \$50,205 with no required local cash match. The grant proceeds will be used to enhance the Court's COVID-19 preparedness plan to purchase personal protective equipment to minimize exposure to hazards in the workplace.

**Sponsors:** Allen, Evans and Welsch

**32. [RS2022-1309](#)**

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:** Vercher

**33. [RS2022-1310](#)**

A resolution appropriating \$300,000.00 in American Rescue Plan Act funds from Fund #30216 to the Metropolitan Development and Housing Authority to fund the Napier-Sudekum Community Safety Plan.

**Analysis**

This resolution appropriates \$300,000 in American Rescue Plan Act funds to the Metropolitan Development and Housing Authority (MDHA) to fund the Napier-Sudekum Community Safety Plan.

The COVID-19 Financial Oversight Committee recommends appropriating these funds to the Napier-Sudekum neighborhoods that are in need of services to expand community violence intervention services. This appropriation is recommended as a complement to the Mayor's Office proposed \$500,000 investment in Napier Recreation Center through the current capital spending plan.

The funding would be used as follows:

- \$200,000 for nonprofits working in the area and addressing priority needs to be administered through the Community Partnership Fund
- \$60,000 for the Napier Recreation Center
- \$30,000 for the MNPD community engagement team for bicycles (for police and residents) and community programming
- \$10,000 to the Pruitt branch of the Nashville Public Library for equipment and additional programming.

*Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2022-1307, Resolution No. RS2022-1311, and Resolution No. RS2022-1313 would be the 15th, 16th, 17th, and 18th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$75,764,250. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.*

**Sponsors:** Gamble, Johnston, Sepulveda, OConnell, Allen and Evans

**34. [RS2022-1311](#)**

A resolution appropriating \$15,000,000.00 in American Rescue Plan Act funds from Fund #30216 to the Metropolitan Development and Housing Authority to improve infrastructure at Cayce Place and to increase safety at Cumberland View.

**Analysis**

This resolution appropriates \$15,000,000 in American Rescue Plan Act funds to the Metropolitan Development and Housing Authority (MDHA) to improve infrastructure at Cayce Place to provide more affordable housing units and to increase safety at Cumberland View.

The COVID-19 Financial Oversight Committee recommends appropriating funding as follows:

- \$7,500,000 for a sewer separation project that will impact more than 800 units at Cayce Place
- \$5,800,000 for water, sewer, roads, and sidewalk work at Boscobel IV, Boscobel V, Boscobel VI, 5th & Summer, A2 East, and Block 23 West that will impact more than 300 units at the Cayce Place site.
- \$1,700,000 for site security measures including street traffic calming, additional lighting, ballads, and sidewalk work at Cumberland View

*Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2022-1307, Resolution No. RS2022-1310, and Resolution No. RS2022-1313 would be the 15th, 16th, 17th, and 18th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$75,764,250. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.*

**Sponsors:** Gamble, Johnston, Allen and Young

**35. [RS2022-1312](#)**

A resolution appropriating to certain accounts for the benefit of the Administrative Department and Metro Nashville Police Department, Eight Million One Hundred Thirty-Five Thousand Dollars (\$8,135,000).

Analysis

This resolution approves supplemental appropriations totaling \$8,135,000. This amount would be appropriated from the Undesignated Fund Balance of the GSD General Fund for the following purposes:

- GSD/USD Study - \$1,000,000
- Enterprise Risk Management Study - \$250,000
- Juneteenth Holiday - Salary and Fringe - \$1,500,000
- R12 Technical and Process Review Analysis - \$750,000
- Homeless Performance Review and Recommendation Support - \$500,000
- Solar Strategy and Infrastructure - \$635,000
- NDOT Capital and Project Management System Replacement Analysis - \$200,000
- Police Law Enforcement Supply-Tasers - \$3,150,000
- Knowles Home - Anthem Care - \$100,000
- Transpotainment /BYOB - \$50,000

Sponsors: Allen and Evans

**36. [RS2022-1313](#)**

A resolution appropriating \$350,000.00 in American Rescue Plan Act funds from Fund #30216 to the Metro Nashville Police Department to expand the Partners in Care pilot program and to create a Crisis Intervention Team (CIT) training program.

Analysis

This resolution appropriates \$350,000 in American Rescue Plan Act funds to expand the Partners in Care pilot program and to create a Crisis Intervention Team (CIT) training program.

The Council approved the funding of the Partners in Care pilot program on September 7, 2021 through Resolution No. RS2021-1122.

The COVID-19 Financial Oversight Committee recommends appropriating the funds to fund CIT training for three years, beginning in January 2022. The anticipated costs for an instructor is based on an annualized salary of \$100,000, for a total of \$350,000 through Fiscal Year 2025. This will allow MNPD to train up to 24 officers a month. Fire-EMS staff will also be invited to attend trainings.

*Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2022-1307, Resolution No. RS2022-1310, and Resolution No. RS2022-1311 would be the 15th, 16th, 17th, and 18th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$75,764,250. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.*

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**Sponsors:** Johnston, Gamble, Allen, Evans and Welsch

37. [RS2022-1314](#)

A resolution approving an intergovernmental agreement between The Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department, and the City of Cookeville, by and through the Cookeville Police Department, for the distribution of state grant funds to assist with investigations of internet crimes against children.

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the City of Cookeville Police Department to distribute \$15,000 in state grant funds to assist with investigations of internet crimes against children. The Metropolitan Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (ICAC) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Cookeville Police Department is eligible for funding under this program. The term of the agreement is through June 30, 2022.

Metro has entered into similar agreements with other local law enforcement agencies for the distribution of grant funds for this program under previous grant awards.

**Sponsors:** Allen and Evans

38. [RS2022-1315](#)

A resolution approving an intergovernmental agreement between The Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department, and Dickson County, by and through the Dickson County Sheriff's Office, for the distribution of state grant funds to assist with investigations of internet crimes against children.

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the Dickson County Sheriff's Office to distribute \$15,000 in state grant funds to assist with investigations of internet crimes against children. The Metropolitan Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (ICAC) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Dickson County Sheriff's Office is eligible for funding under this program. The term of the agreement is through June 30, 2022.

Metro has entered into similar agreements with other local law enforcement agencies for the

distribution of grant funds for this program under previous grant awards.

**Sponsors:** Allen and Evans

**39. [RS2022-1316](#)**

A resolution approving an intergovernmental agreement between The Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department, and the City of Spring Hill, acting by and through the Spring Hill Police Department, for the distribution of state grant funds to assist with investigations of internet crimes against children.

**Analysis**

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the City of Spring Hill Police Department to distribute \$15,000 in state grant funds to assist with investigations of internet crimes against children. The Metropolitan Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (ICAC) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Spring Hill Police Department is eligible for funding under this program. The term of the agreement is through June 30, 2022.

Metro has entered into similar agreements with other local law enforcement agencies for the distribution of grant funds for this program under previous grant awards.

**Sponsors:** Allen and Evans

**40. [RS2022-1317](#)**

A resolution approving an intergovernmental agreement between The Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department, and Williamson County, by and through the Williamson County Sheriff's Office, for the distribution of state grant funds to assist with investigations of internet crimes against children.

**Analysis**

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the Williamson County Sheriff's Office to distribute \$15,000 in state grant funds to assist with investigations of internet crimes against children. The Metropolitan Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (ICAC) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Williamson County Sheriff's Office is eligible for funding under this program. The term of the agreement is through June 30, 2022.



Metro has entered into similar agreements with other local law enforcement agencies for the distribution of grant funds for this program under previous grant awards.

**Sponsors:** Allen and Evans

41. [RS2022-1318](#)

A resolution approving an intergovernmental agreement between The Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department, and the Tennessee Association of Chiefs of Police, for the distribution of state grant funds to assist with investigations of internet crimes against children.

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the Tennessee Association of Chiefs of Police to distribute \$10,000 in state grant funds to assist with investigations of internet crimes against children. The Metropolitan Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (ICAC) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Tennessee Association of Chiefs of Police eligible for funding under this program. The term of the agreement is through June 30, 2022.

Metro has entered into similar agreements with other local law enforcement agencies for the distribution of grant funds for this program under previous grant awards.

**Sponsors:** Allen and Evans

42. [RS2022-1319](#)

A resolution approving amendment one to a grant from the State of Tennessee, Department of Health, to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to facilitate the planning, implementation, and evaluation of community-driven and evidence-based health promotion programs.

Analysis

This resolution approves the first amendment to a grant between the Tennessee Department of Health and the Metro Board of Health. Resolution No. RS2020-185 accepted a grant to facilitate the planning, implementation, and evaluation of community-driven and evidence-based Health Promotion programs.

This amendment would increase the grant amount by \$400,000, from \$318,500 to \$718,500. The end date would be extended from June 30, 2022 to June 30, 2024. New grant budget attachments would be added to the agreement. No other changes would be made to the grant agreement.

**Sponsors:** Allen, Evans and Welsch

**43. [RS2022-1320](#)**

A resolution approving Amendment 1 to an Agreement between the State of Tennessee, Department of Transportation, and the Metropolitan Government of Nashville & Davidson County, acting by and between the Department of Transportation and Multimodal Infrastructure, for the acceptance of work in connection with the construction of Hart Lane, from East of Whitney Park Drive to Near SR-6 in Davidson County, Fed. No. TAP-4925(2); State No. 19LPLM-F3-136; PIN119913.01; Prop No. 2022M-002AG-001.

**Analysis**

This resolution approves the first amendment to an agreement between the Tennessee Department of Transportation (TDOT) and the Nashville Department of Transportation and Multimodal Infrastructure (NDOT). Resolution No. RS2015-1594 approved Agreement No. 150109, for the remediation of a rock cut slope for the reconstruction of sidewalks along Hart Lane from Jere Baxter Middle School to Ellington Parkway. The project also includes signage, a crosswalk, and the relocation of utilities. The project was required to be completed by November 1, 2020.

The resolution under consideration approves an amendment to extend the completion date to April 30, 2022. This would allow for the completion of close-out construction tasks on the project. Exhibit A to the agreement would also be updated.

**Sponsors:** VanReece, Allen, Withers and Young

**44. [RS2022-1321](#)**

A resolution authorizing Eastwood Deli Co, LLC to construct and install an aerial encroachment at 1896 Eastland Avenue. (Proposal No.2021M-013EN-001).

**Analysis**

This resolution authorizes Eastwood Deli Co, LLC, to construct, install, and maintain an aerial encroachment at 1896 Eastland Ave. The encroachment comprises one blade sign, protruding from the building approximately 2.5 feet and hanging approximately 9.45 feet above the right of way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the Planning Commission.

**Sponsors:** Withers and Young

**45. [RS2022-1322](#)**

A resolution authorizing Bootleggers Nashville LLC to construct and install an aerial encroachment at 207 Broadway. (Proposal No.2022M-001EN-001).

**Analysis**

This resolution authorizes Bootleggers Nashville, LLC, to construct, install, and maintain an

aerial encroachment at 207 Broadway. The encroachment comprises one blade sign, protruding from the building approximately 4.5 feet and hanging approximately 14.5 feet above the right of way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$1,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the Planning Commission.

**Sponsors:** OConnell, Withers and Young

**47. [RS2022-1324](#)**

A resolution authorizing The Metropolitan Government of Nashville and Davidson County to enter into an agreement with the City of Brentwood for the sale of water.

**Analysis**

This resolution authorizes the Metropolitan Government to enter into an agreement with the City of Brentwood for the sale of water. Pursuant to TCA § 12-9-104(b), interlocal agreements may be approved by resolution.

Metro has provided Brentwood with water dating back to at least 1985. A contract was entered into in 2001 pursuant to Ordinance No. BL2001-612, which approved a 20 year contract. Under the terms of that contract, Metro provided Brentwood with a maximum daily volume of 2,500,000 gallons and was charged the Non-Residential Rate, the rate paid by industrial and commercial customers. RS2021-752 extended that contract by one year to allow for time to negotiate a new long-term agreement.

Pursuant to this new agreement, Metro would sell Brentwood up to 1,000,000 gallons of water per day. Brentwood would be required to purchase at least 320,000 gallons of water per day. The maintenance, upkeep, and repair of meters will be Brentwood's responsibility. The term of the agreement would be ten years, beginning on the effective date, and could be extended upon agreement of the parties. Brentwood would pay Metro's Non-Residential Rate, which is \$2.86 per CCF for 2021. Brentwood would also make monthly payments to Metro at two times the Non-Residential Rate if, on any day, the maximum daily volume of 1,000,000 is exceeded by 100%.

**Sponsors:** Allen and Young

**48. [RS2022-1325](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Rex T. Fitzgerald against the Metropolitan Government of Nashville and Davidson County in the amount of \$17,514.21, with said amount to be paid out of the Self-Insured Liability Fund.

**Analysis**

On October 14, 2021, a water main broke at 1487 Stewarts Ferry Pike, causing massive

flooding at Rex Fitzgerald's residential property. An investigation determined that there was a natural break. Mr. Fitzgerald's yard and lower level of the residence were damaged by the rushing water.

The total cost of the damages to Mr. Fitzgerald's residence due to the water main break totaled \$17,514.21, including demolition and remodeling of the lower level of the residence and topsoil, grass seed, and straw for the yard.

The Department of Law recommends settlement of this property damage claim for \$17,514.21.

*Fiscal Note: This \$17,514.21 settlement, would be the 20th payment from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,040,322. The fund balance would be \$6,823,802 after these payments.*

**Sponsors:** Allen

## J. Bills on Second Reading

### 68. [BL2021-1010](#)

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

#### Analysis

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

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

**Sponsors:** Glover

### 69. [BL2021-1013](#)

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

#### Analysis

This ordinance approves a lease agreement between Metro Nashville Public Schools (MNPS) and Liberty Collegiate Academy (Liberty) for use of property at 3515 Gallatin Pike as a charter school. The property includes approximately 35,158 square feet of the building.

The term of the lease begins on July 14, 2021 and ends on June 30, 2031. Upon termination of the lease, the property will revert to MNPS. For the first year, the lease payment will be \$14,649.17 per month, which represents a rate of \$5.00 per square foot. The lease includes

the cost of grounds maintenance, preventative maintenance, and refuse removal provided by MNPS's contracted providers, as well as major building systems components and capital repairs. The lease payment will increase from \$5.00 per square foot in Year 1 to \$6.00 per square foot in Year 2, and then increase 3% each year throughout the term of the lease.

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

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

**Sponsors:** VanReece, Allen, Withers and Lee

**70. [BL2021-1014](#)**

An ordinance approving a Lease Agreement by and between the Metropolitan Government of Nashville and Davidson County acting by and through the Metropolitan Board of Education and Cameron College Prep (Proposal No. 2021M-011PR-001).

**Analysis**

This ordinance approves a lease agreement between Metro Nashville Public Schools (MNPS) and Cameron College Prep (Cameron) for use of property at 1034 1st Avenue South as a charter school. The property includes approximately 125,835 square feet of the building.

The term of the lease begins on July 14, 2021 and ends on June 30, 2031. Upon termination of the lease, the property will revert to MNPS. For the first year, the lease payment will be \$31,458.75 per month, which represents a rate of \$3.00 per square foot. The lease includes the cost of grounds maintenance, preventative maintenance, and refuse removal provided by MNPS's contracted providers, as well as major building systems components and capital repairs. The lease payment will increase from \$3.00 per square foot in Year 1 to \$4.00 per square foot in Year 2, and then increase 3% each year throughout the term of the lease.

MNPS is responsible for the major building system components and their capital repairs. This includes the building's roof, foundation, structural members of exterior walls, HVAC system components, and more. MNPS is also responsible for the refuse collection and ground maintenance, the cost of which is included in the lease payment. Cameron is responsible for custodial services, utilities, routine maintenance of the premises, and ADA compliance, building, fire, and zoning codes and regulations. Cameron must maintain commercial general

liability insurance of not less than \$1,000,000 per occurrence.

*Fiscal Note: The basic lease per square foot price is \$3.00/square foot or \$31,458.75 per month for the approximate square footage of 125,835 during year 1. The basic lease per square foot includes the cost of grounds maintenance preventive maintenance, refuse removal, major building systems components and capital repairs. The lease rate will increase to \$4.00 per square foot in Year 2 and will increase by 3% each year beginning in year 3 and throughout the term of the lease.*

**Sponsors:** Sledge, Allen, Withers and Lee

71. [BL2021-1015](#)

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

Analysis

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

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

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

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

**Sponsors:** Allen, Withers, Roberts and Lee

**72. [BL2021-1049](#)**

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

**Analysis**

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

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

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

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

**Sponsors:** Toombs and VanReece

**73. [BL2021-1050](#)**

An Ordinance to amend Section 16.28.230 of the Metropolitan Code of Laws regarding project information signs.

**Analysis**

This ordinance amends the requirements for project information signs in Section 16.28.230 of the Metropolitan Code of Laws to amend the noise code reference.

Under the current Section 16.28.230 requires information on project signs. In a residential district, the sign must state that "No noise in excess of 70 Db(a) shall be emitted from construction equipment in or beside residential districts between 9:00 p.m. and 6:00 a.m." This information comes from the construction noise provision in Section 9.30.010, which was recently changed by BL2020-300 to restrict noise between 8:00 p.m. and 6:00 a.m. during the months of June, July, and August and between 7:00 p.m. and 7:00 a.m. the rest of the year.

This ordinance would update Section 16.28.230 to remove the reference to the specific noise code text and instead replace it with a requirement that the sign contain information about the acceptable noise level at a construction site pursuant to Section 9.30.010.

**Sponsors:** Murphy and Benedict

**74. [BL2021-1051](#)**

An Ordinance to adopt a Plan for a Metropolitan Council of Nashville and Davidson County Internet Forum.

Analysis

This ordinance adopts a plan for a Metropolitan Council of Nashville and Davidson County Internet Forum.

Pursuant to TCA § 8-44-109, a governing body subject to the Tennessee Open Meetings Act (TOMA) may allow electronic communication between members through an internet forum, provided the governing body does the following:

- Ensures that the forum is available to the public at all times, other than necessary maintenance or unforeseen technical limitations;
- Provides adequate public notice of the governing body's intended use of the forum;
- Controls who may communicate through the forum;
- Controls the archive of electronic communications over the forum to ensure communications are available for at least one year from the date of the communications; and
- Provides reasonable access for the public to view the forum at the local public library, the building where the governing body meets, or another public building.

Communications made over an internet forum cannot be a substitute for decision making by a governing body. However, communications between members posted to a forum that complies with the state law are deemed to be in compliance with TOMA.

Before a governing body may use an electronic forum, the governing body must file a plan with the Office of Open Records Counsel, describing how the governing body will ensure compliance with the state law requirements for an internet forum. The Office of Open Records Counsel has 30 days after receipt of the plan to review it and report whether or not the plan complies with state law.

This legislation approves the Metropolitan Council's plan for an internet forum and, upon passage, the plan would be submitted to the Office of Open Records Counsel. The Council first gave notice of its intent to explore the establishment of an internet forum through Resolution No. RS2020-173, adopted on January 21, 2020. This resolution requested that the Metro ITS Department assist the Council in the creation of a plan for an internet forum.

The Council's proposed internet forum would be hosted by Bang the Table. Only members of the Council would be allowed to post to the forum and no communications would be deleted from the forum. A username and password would be required to post to the forum and all members would be required to sign the Internet Forum Terms of Use Agreement, which is attached to the plan.

**Sponsors:** Suara and Styles

75. [BL2021-1052](#)



An ordinance approving and adopting a plan for redistricting the Councilmanic Districts of The Metropolitan Government of Nashville and Davidson County and revising the school districts pursuant to Article 18, Section 18.06 of the Metropolitan Charter.

Analysis

This ordinance adopts a new redistricting plan for the council districts and school board districts as required by the Metropolitan Charter. Section 18.06 of the Charter provides that within six months after the decennial census is published by the U.S. Census Bureau showing the population in the area of the Metropolitan Government, it is the duty of the Planning Commission to recommend to the Council whether there has been substantial under-representation of particular areas as a result of population changes. The decennial census of 2020 was published on August 12, 2021, and showed substantial underrepresentation of the current council districts and school board districts. The planning department prepared three version of a redistricting plan, held public meetings, and solicited feedback online regarding the plans. The Planning Commission approved the planning staff's recommendation, with amendments, on December 9, 2021.

The redistricting plan proposed by the planning commission accomplishes the necessary redistricting to assure population representation so as to provide for the required "one person, one vote." The council may adopt or reject this plan, but the plan may not be amended. In the event the council rejects the plan it may adopt its own plan and submit the council plan, together with the plan forwarded by the planning commission, to a referendum vote.

**Sponsors:** Withers

**76. [BL2021-1053](#)**

An ordinance adopting the Geographic Information Systems Street and Alley Centerline Layer, with the recordation of renaming, additions and deletions of acceptances and abandonments as reflected on the Centerline Layer to date, as the Official Street and Alley Acceptance and Maintenance Record for the Metropolitan Government of Nashville and Davidson County, (Proposal Number 2022M-001OT-001).

Analysis

This ordinance adopts the Geographic Information Systems Street and Alley Centerline Layer, with the changes as reflected on the Centerline Layer to date, as the official Street and Alley Acceptance and Maintenance Record for Metro. The updated Centerline Layer shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro since it was last adopted by Ordinance Number BL2020-555 on January 5, 2021.

This ordinance has been approved by the Planning Commission.

**Sponsors:** Withers and Young

**77. [BL2021-1054](#)**

An ordinance approving an Agreement by and between the Metropolitan Government, CSX

Transportation, Inc., and Nashville Phase II Property Holder LLC for the construction of roadway and Quiet Zone improvements at the Chestnut Street and 4th Avenue South railroad crossings.

Analysis

This ordinance approves an agreement between the Metropolitan Government, CSXS Transportation, Inc. (CSXT), and Nashville Phase II Property Holder LLC (Developer) for the construction of roadway and Quiet Zone improvements at the Chestnut Street and 4th Avenue South railroad crossings.

Pursuant to the agreement, the Developer would construct proposed quiet zone and roadway improvements at Chestnut Street and 4th Avenue. The Developer would perform work related to roadway improvements. CSXT would perform work related to signal warning system upgrades, construction monitoring, inspection, review, and flagging, and other services identified in the agreement. After completion and inspection of the project, Metro would accept the project within Metro's right of way and be responsible for maintenance. All work would be completed by December 31, 2025.

**Sponsors:** Sledge

78. [BL2021-1055](#)

An ordinance providing the honorary street name designation of "Charles Dungey Way" for a portion of 40th Avenue North.

Analysis

This ordinance adds the honorary designation of "Charles Dungey Way" for a portion of 40th Avenue North between Indiana Avenue and Clifton Avenue. Charles Dungey, Jr., who passed away on September 22, 2003, was an internationally recognized jazz bassist and vocalist who dedicated his career to jazz performance and education. He toured with Pearl Bailey and Sammy Davis Jr. and worked alongside jazz greats Milt Jackson, Eartha Kitt, Betty Carter, and Hank Crawford. He was the first black bassist with the Nashville Symphony in the 1970s and served as a faculty member at Tennessee State University. His father owned Deborah's Casino Royale Supper Club, which once stood near this portion of 40th Avenue North.

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 40th Avenue North.

**Sponsors:** Hurt and Taylor

K.

**Bills on Third Reading**

**79. [BL2021-1021](#)**

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

Analysis

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

**Sponsors:** Hall

**80. [BL2021-1024](#)**

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

Analysis

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

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

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

**Sponsors:** Styles, Allen, Withers, Bradford and Young

**81. [BL2021-1026](#)**

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

Analysis

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

amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

**Sponsors:** Sledge, Withers and Young

**82. [BL2021-1027](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water, sanitary sewer and storm sewer mains, a sanitary sewer manhole, storm catch basins and easements, to relocate a fire hydrant assembly and to accept new water and storm sewer mains, storm catch basins, water quality unit and easements, for five properties located on 7th Avenue South, 8th Avenue South and Fogg Street, also known as Paseo South Gulch (MWS Project Nos. 21-WL-69, 21-SL-153, and SWGR 2021057006 and Proposal No. 2021M-085ES-001).

**Analysis**

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

Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the Planning Commission.

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

**Sponsors:** OConnell, Withers and Young

**83. [BL2021-1028](#)**

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

**Analysis**

This ordinance relocates a water pressure reducing valve into a proposed underground vault,

authorizes the construction of approximately 45 linear feet of new six inch water main (DIP) and appurtenances, and authorizes the negotiation, condemnation, and acceptance of temporary and permanent easements for property located at 5646 Amalie Drive.

Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the Planning Commission.

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

**Sponsors:** Nash, Withers and Young

**84. [BL2021-1029](#)**

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

Analysis

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

Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the Planning Commission.

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

**Sponsors:** Benedict, Withers and Young