



Metro Council

G. Consent Resolutions and Resolutions

1. [RS2021-837](#)

A resolution providing amendments to the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee, in accordance with Article 19, Section 19.01 thereof, and setting forth a brief description of each amendment to be placed upon the ballot.

Analysis

This resolution, as amended, proposes an amendment to the Metro Charter to be voted upon at a special election on June 14, 2021. The purpose of this amendment is to provide an alternative to the Charter amendments submitted to the Metro Clerk by petition in March 2021. If enough signatures are verified and the petition language can lawfully go on the ballot, those amendments submitted by petition will be on the ballot at a special election to be held on June 14.

The petition provides for six separate Charter amendments summarized as follows:

1. Property tax rates would revert to the Fiscal Year 2019-2020 tax rate, and any increase of the rate by more than 3% from one fiscal year to the next would require a voter referendum.
2. Recall petitions for board of education members, councilmembers, Vice Mayor, and Mayor filed after January 1, 2021 would be subject to new, less restrictive requirements. The Charter currently provides that such officials are subject to a recall election if a petition submitted by 15% of the registered voters in the district for district elected officials, or 15% of the voters in the county for countywide elected officials, is submitted to the Clerk. The recently submitted Charter amendment petition would lower this threshold to 10% of those voting in the preceding Metro general election, and would prevent the name of the elected official who is the subject of the recall effort from appearing on the ballot. Rather, such official would only be eligible to qualify as a write-in candidate.
3. "Benefits at taxpayer expense" for elected officials would be prohibited.
4. "Voter-sponsored" Charter amendments approved after January 1, 2021 could only be modified by another voter-sponsored petition.
5. No Metro property could be conveyed without 31 Council votes, and a referendum would be required for all property transfers valued over \$5 million and for all leases in excess of 20 years.
6. If a professional sports team stopped playing games for 24 months, all facilities "and

related ancillary development” would “revert to public property” and all related contracts would be terminated.

Some of these provisions potentially violate the Tennessee Constitution, state statutes, and general common law principles. For example, state law provides that the county legislative body has the exclusive responsibility for setting the tax levy and there is no provision in state law authorizing a limitation to the taxing authority of the Metropolitan Council. Further, it is unclear how a Charter provision could negate the provisions of an otherwise valid contract with a professional sports team entered into prior to the Charter amendment becoming effective.

The Charter amendment included in this resolution addresses the above concerns and provides an alternative to the six amendments submitted by petition, as follows:

- The exercise of power pertaining to government-owned property, and the Council's authority to set property tax levies, are subject to a public referendum only as required by state law, and that any automatic reversion of the property tax levy shall be as specifically authorized by state law.
- The amendment defines “benefits” for elected officials as health insurance provided for elected officials taking office after September 1, 2023.
- This amendment provides that if there is a conflict between the Council’s authority to enact ordinances under Section 3.05 (legislative authority) and any provision of Article 18 of the Charter (other than the rezoning of property), Section 3.05 will prevail. The petition Charter amendment would add language to Article 18 pertaining to public property.
- This amendment adds a definition for “professional sports team” to mean an entity operating a sports team that commences operations within Metropolitan Nashville and Davidson County after the effective date of this amendment and participates in the National Football League, National Basketball Association, National Hockey League, Major League Soccer, or Major League Baseball.
- This amendment retains the Charter’s existing processes and requirements for the recall of elected officials and amendments to the Charter, which would prevail over any provisions in Sections 15.07, 15.08, or 19.04 to the contrary.

The resolution includes language specifically conditioning its effectiveness upon the Charter amendments submitted by petition being on the ballot. If for some reason they are ineligible to go on the ballot, then this resolution would be null and void, and would not trigger a special election.

This resolution has been approved, as amended, by the Charter Revision Commission.

Sponsors: Mendes

2. [RS2021-874](#)

A resolution setting the date and time for the 2021 State of the Metropolitan Government Address.

Analysis

This resolution sets the date and time of the State of Metro Address for April 29 at 10:30 a.m. at the Music City Center. Section 1.08 of the Metro Charter requires the Mayor to personally address the Council not later than May 25 of each year on the state of the Metropolitan Government in a Metro facility. The address must be held at a specially called meeting of the Council that shall be open to the public, but no Council quorum is required.

Sponsors: Johnston

3. [**RS2021-875**](#)

A resolution approving a Victims of Crime Act (VOCA) application and accepting a VOCA grant from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, to the Metropolitan Government, acting by and through the Davidson County Juvenile Court, to fund the Wrapping Around Families for Success Program.

Analysis

This resolution approves a grant application and grant award in the amount of \$534,195, with a required local cash match of \$133,549, from the state Department of Finance and Administration, Office of Criminal Justice Programs to the Davidson County Juvenile Court to fund the Wrapping Around Families for Success Program. This program is a collaborative effort with Youth Advocate Programs, Inc. (YAP) that dedicates two Juvenile Court case managers to work with YAP to conduct assessments, determine program eligibility, and refer youth to YAP services. YAP's nationally recognized advocacy/mentoring model will be utilized as the foundation for the program. The term of the grant is through June 30, 2022.

Sponsors: Toombs, Gamble, Porterfield and Suara

4. [**RS2021-876**](#)

A resolution accepting 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-4550-DR-TN for costs incurred for severe storms, straight-line winds, and flooding on March 3 - 4, 2020.

Analysis

This resolution approves a grant in the amount of \$909,007.91 with a required local cash match of \$129,858.26 from the Tennessee Emergency Management Agency. These are federal pass-through funds to pay for costs incurred for severe storms, straight-line winds, and flooding on March 3 - 4, 2020. Specifically, the funds will be used to reimburse Metro for costs associated with police security, emergency protective measures, traffic signals, debris removal, and damage to parks.

Sponsors: Toombs, Styles, Porterfield and Suara

5. [**RS2021-877**](#)

A resolution approving a contract between The Metropolitan Government of Nashville and

Davidson County and Republic Services, Inc. for the provision and collection of waste and recycling containers in addition to the repair and purchase of waste and recycling bins on an as needed basis.

Analysis

This resolution approves a contract with Republic Services, Inc. for the provision and collection of waste and recycling containers for Metro facilities, as well as the repair and purchase of waste and recycling bins on an as needed basis. Republic was selected to provide this service pursuant to a request for proposals process. Metro previously had a five year contract with Republic for this service that ended in November 2020.

This contract is for another five year term through March 25, 2026, with an estimated contract value of approximately \$20,000,000. Republic will furnish the containers and will collect and sort the waste and recycling from Metro's composters. The contract requirements include:

- Provide containers, collection, pick-up, transportation, segregation, specific processing, Shipment, and marketing of the refuse and recyclable materials.
- Containers shall be maintained in good condition, without graffiti and with fully operational and attached lids.
- Bins that are found to be deficient shall be replaced and/or refurbished.
- The contractor shall identify and communicate to Metro means to reduce refuse materials and increase recycling at Metro facilities.
- Optimize current hauling, garbage disposal, and recycling operations and services to reduce overall waste management system costs.
- Develop a detailed tracking, reporting, and billing/invoicing system to support Metro's goal setting and performance tracking.
- Collaborate with Metro's Sustainability division to implement and operate the refuse collection and the Recycling and Waste Diversion Program.
- Contractor shall furnish all labor, material, vehicles, refuse and/or recycling containers (including repair services), and any other items or materials necessary to perform the refuse and/or recycling collection services.

Section 4.12.220 of the Metropolitan Code requires Council approval by Resolution of certain contracts providing for the collection, transportation, and/or disposal of solid waste.

Fiscal Note: The estimated contract value is twenty million dollars (\$20,000,000) for a period of sixty (60) months.

Sponsors: Toombs, Nash and Styles

6. [RS2021-878](#)

A resolution accepting a grant from the National Association of County and City Health Officials (NACCHO) to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to participate in the Sexually Transmitted Infections Express Cost Evaluation Project to estimate the cost effectiveness of express services compared to non-express

services.

Analysis

This resolution approves a federal pass-through grant in the amount of \$10,000 from the National Association of County and City Health Officials (NACCHO) to the Metro Health Department to implement a pilot STD/HIV Clinic Fast Track Study seeking to revise and improve the registration process and appointment-based system. There is no local match required for this grant. The term of the grant is through June 30, 2021.

Sponsors: Toombs and Taylor

7. [RS2021-879](#)

A resolution approving an intergovernmental agreement by and between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Police Department (hereinafter "MNPd"), and the Tennessee Valley Authority (hereinafter "TVA") for extra-duty police services.

Analysis

This resolution approves an intergovernmental agreement between Tennessee Valley Authority (TVA) and the Metropolitan Nashville Police Department for the use of off-duty police officers. Specifically, the agreement provides that the extra-duty officers will provide police presence and traffic control for a TVA project near Exit 87 on Interstate 65. All officers will be assigned exclusively through the Metro Police secondary employment unit and will be compensated at the standard extra-duty hourly rates. The term of the agreement expires on June 30, 2022.

State law allows Metro to enter into intergovernmental agreements with other government entities with approval of the Council by resolution.

Fiscal Note: The agreement attached to the resolution is the standard form contract for secondary employment of police officers. The rates are designed to cover the additional costs to Metro, making the contract cost-neutral overall.

Sponsors: Toombs and Gamble

8. [RS2021-880](#)

A resolution approving an application for a Community-Based Traffic Safety Enforcement and Education grant from the Tennessee Highway Safety Office, to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to continue the enhanced DUI enforcement initiative and target distracted driving and seatbelt enforcement.

Analysis

This resolution approves an application for a grant in the amount of \$493,372.59 from the Tennessee Highway Safety Office to the Metropolitan Nashville Police Department to continue

the enhanced DUI enforcement initiative, and to target distracted driving and seatbelt enforcement. Metro has received this state grant for many years. The funds are used to pay overtime costs associated with enhanced DUI enforcement on weekends and holidays. There would be no required local match for this grant.

Sponsors: Toombs and Gamble

9. [RS2021-881](#)

A resolution approving an application for an Infrastructure for Rebuilding America (INFRA) grant from the Tennessee Department of Transportation to The Metropolitan Government, acting by and through the Metropolitan Nashville Public Works Department, for the Jefferson Street Multimodal Cap and Connector to better connect the north and south sides of North Nashville with Jefferson Street serving as its anchor.

Analysis

This resolution approves an application for an Infrastructure for Rebuilding America (INFRA) grant in the amount of \$72,000,000 for the Jefferson Street Multimodal Cap and Connector to better connect the north and south sides of North Nashville. This grant would be federal pass through funds from the Tennessee Department of Transportation to Metro Public Works for the project. The project will consist of a “cap” over I-40 that could include public space and a public building such as a community or wellness center. As the Council is aware, when I-40 was built in the 1960’s, it divided North Nashville into two sections. This project would provide improved connections along Dr. D.B. Todd, Jr. Blvd. and 16th Ave. N. to Jefferson Street, Fisk University, and Meharry Medical College.

This project was specifically included as part of the Transportation Plan endorsed by the Council through the adoption of Resolution No. RS2020-656. If awarded, there would be a required local match of \$48,000,000. The capital spending plan resolution (Substitute RS2021-757) approved in March 2021 included \$5,800,000 specifically for this Jefferson Street project, plus \$14,500,000 for partnership opportunities. The remaining \$27,700,000 of the local match would be provided through capital spending plans over the next two years.

Information about the Infrastructure for Rebuilding America grant program on the U.S. Department of Transportation’s website notes that the Department is specifically focused on projects in which the local sponsor is significantly invested and is positioned to proceed rapidly to construction.

Those interested in learning more about this Jefferson Street project and its history are encouraged to review the thorough and well-written grant application attached to this resolution.

Sponsors: Taylor, OConnell, Hurt, Toombs, Nash and Suara

10. [RS2021-882](#)

A resolution approving Joint Funding Agreement No.21MLJFATNDA083 between the United States Department of the Interior - United States Geological Survey and the Metropolitan Government of Nashville and Davidson County, through the Department of Water and Sewerage Services, for the continued operation and maintenance of Water Quality Monitors and flood warning gages from FY2022 through FY2026 on Mill Creek, Dry Creek, Browns Creek, Richland Creek, Whites Creek, Sevenmile Creek, Mansker Creek, Stones River and Cumberland River.

Analysis

This resolution approves the renewal of a joint funding agreement between the U.S. Department of the Interior-U.S. Geological Survey and Metro Water Services for the continued operation and upgrades of water quality monitors and flood warning gauges on Mill Creek, Dry Creek, Browns Creek, Richland Creek, Whites Creek, Stones River, and Cumberland River. The term of the agreement is from July 1, 2021 through June 30, 2026. Metro will contribute \$1,048,650 and the U.S. Geological Survey will contribute \$493,850 to cover the costs of the field and analytical work associated with the gauges. Metro's portion will be paid from the Operations Fund of the Department of Water and Sewerage Services.

State law allows Metro to enter into intergovernmental agreements with other government entities with approval of the Council by resolution.

Sponsors: Toombs, Nash, Gamble, Bradford, Porterfield and Suara

11. [RS2021-883](#)

A resolution approving Administrative Amendment 1 to a participation agreement by and between the University of Tennessee and the Metropolitan Government of Nashville and Davidson County, through the Department of Water and Sewerage Services, for the development of an Urban Waters Report Card.

Analysis

This resolution approves an amendment to a participation agreement between the University of Tennessee (UTK) and the Metro Water Services Department (MWS) for the development of an Urban Waters Report Card (UWRC). The original participation agreement was approved by Resolution No. RS2020-691 whereby UTK agreed to perform research in order to assist MWS in the development of an UWRC. The budget of this project will not exceed \$35,000 for the agreement period or \$15,000 per year.

This amendment approves two minor changes to the agreement. The first change is in the "Publication" section of the agreement to clarify that a MWS requested delay in publication does not apply to any student thesis or dissertation. The second change is to update the contact information.

Fiscal Note: Under the original agreement, Metro Water Services pays \$15,000 per year from Fund No. 67431 for a total of \$35,000 over the three year term. This amendment makes no

changes to the financial provisions of the agreement.

Sponsors: Nash

12. [**RS2021-884**](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Robert F. Harwell against the Metropolitan Government of Nashville and Davidson County in the amount of \$19,122.34, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

This resolution settles the property damage claim of Robert Harwell against Metro for the amount of \$19,122.34 to be paid out of the self-insured liability fund. On February 27, 2021, a heavy rainfall caused the Metro sewer system to become overloaded, resulting in a sewage backup into Mr. Harwell's finished basement. The repair estimate was initially \$24,000, but he was able to have the work done for \$19,122.34.

This resolution settles the amount of the claim for the actual cost of the repair work.

Fiscal Note: This \$19,122.34 settlement, along with the settlement per Resolution No. RS2021-885, would be the 29th and 30th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,715,424. The fund balance would be \$1,242,266 after these payments.

Sponsors: Toombs

13. [**RS2021-885**](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Michael Hodge against the Metropolitan Government of Nashville and Davidson County in the amount of \$58,087.23, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

This resolution settles the property damage claim of Michael Hodge against Metro for the amount of \$58,087.23 to be paid out of the self-insured liability fund. On March 18, 2021, roots in the Metro sewer line caused a sewer backup into Mr. Hodge's home located at 2224 Green Trails Drive. It has been determined that the sewer line in question was last cleaned in 2004. The total cost to repair the home was \$54,427.23. Mr. Hodge also lost three months of rent totaling \$3,300.

This resolution settles the amount of the claim for the actual cost of the repair work plus the lost rent.

Fiscal Note: This \$58,087.23 settlement, along with the settlement per Resolution No.

RS2021-884, would be the 29th and 30th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,715,424. The fund balance would be \$1,242,266 after these payments.

Sponsors: Toombs

I. Bills on Second Reading

26. [BL2020-492](#)

An ordinance to amend Section 12.36.110 of the Metropolitan Code pertaining to weight restrictions on certain roads.

Analysis

This ordinance amends Section 12.36.110 of the Metro Code to prohibit vehicles with a gross weight in excess of 31,500 pounds from being operated on McCrory Lane, Poplar Creek Road, and Old Harding Pike between Highway 70S and Highway 100 except for occasional deliveries and pickups. Section 12.36.110, Load Restrictions, generally provides that vehicles cannot exceed the weight limits for the streets described in Schedule IX on file with Department of Public Works when signs have been erected providing notice of the restriction. However, there is currently a specific weight limitation for Hutton Drive and Woodycrest Avenue in the Donelson area prohibiting the operation of vehicles in excess of 5,800 pounds. This ordinance creates a new 31,500 pound weight limitation for vehicles operated on for parts of McCrory Lane, Poplar Creek Road, and Old Harding Pike in the Bellevue area except for the occasional delivery and pickup of materials and merchandise at residences and businesses, and for the occasional delivery of building materials for buildings under construction for which a building permit has been obtained.

An amended version of this ordinance has been approved by the Traffic and Parking Commission.

Sponsors: Rosenberg

27. [BL2020-493](#)

An ordinance to amend Section 12.40.190 of the Metropolitan Code of Laws relative to night parking restrictions.

Analysis

This ordinance reduces the length of recreational vehicles that can be lawfully parked on the street at night. Section 12.40.190 of the Metro Code prohibits a school bus, a recreational vehicle with a length in excess of 24 feet (whether a standalone RV or connected to another vehicle), or a dump truck of more than 54,000 pounds of gross weight from being parked on parked on any of the streets or alleys within the jurisdiction of the Metropolitan Government during the hours between sunset and sunrise. This ordinance reduces the maximum length of the recreational vehicle from 24 feet to 20 feet as it relates to the nighttime parking restriction.

Sponsors: Sledge, Cash, Allen and Taylor

28. [BL2020-581](#)

An ordinance amending Section 13.08.080 of the Metropolitan Code to permit the use of License Plate Scanner (LPR) technology on or within law enforcement vehicles.

Analysis

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

This ordinance would create another exception from the LPR ban to allow the use of such scanners by law enforcement. Specifically, the ordinance would allow LPRs located within or on a law enforcement vehicle.

A question has been raised as to whether prohibiting the private use of LPRs violates the First Amendment to the United States Constitution. While there are no cases directly on point, an argument can reasonably be made that preventing private homeowners and businesses from using LPRs, as well as recording and disseminating the data, would be a First Amendment violation. Since the restriction would apply only to LPRs, it would likely be considered content-based, thus triggering the highest strict scrutiny standard of judicial review. In order to survive the strict scrutiny test, Metro would have to show that the restriction is related to a compelling governmental interest, is narrowly tailored to achieve that compelling interest, and is the least restrictive means available to meet that objective. This is an extremely difficult standard to overcome.

There is a proposed amendment for this ordinance to limit the applicability of the LPR use prohibition to Metro employees and contractors to eliminate the First Amendment concerns.

Additionally, a proposed amendment would allow LPR to be used for parking enforcement.

Sponsors: OConnell, Rosenberg, Young and Sepulveda

29. [BL2020-582](#)

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

Analysis

This ordinance amends Section 13.08.080 of the Metropolitan Code to provide for and regulate the usage of license plate reader (LPR) technology. The Code currently prohibits the operation of LPRs installed onto or within the public right-of-way except for use in conjunction with a vehicle emissions sensor as part of an emissions inspection program authorized under local, state or federal law. This ordinance would replace the provisions of subsection G. of Section 13.08.080 entirely. The ordinance preserves the existing emissions inspection program exception, and adds a new comprehensive regulatory structure for other uses of LPR technology.

The ordinance would require departments, either directly or through contractors, who want to

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

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

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

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

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

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

LPR data could not be retained for more than 30 days unless it is evidence in a criminal offense or civil traffic or parking offense, subject to a properly issued warrant, subpoena, public records request or court order, or where a litigation hold has been placed by the Department of Law. T.C.A. § 55-10-302 provides that any LPR data collected by any governmental entity may not be stored "for more than 90 days" unless the data is retained or stored as part of an ongoing investigation, and in that case, the data must be destroyed at the conclusion of the investigation or criminal action. Thus, the state law does not prevent local governments from having a shorter retention period.

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

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

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

Sponsors: Johnston, Pulley, Nash, Rutherford and Murphy

32. [BL2021-675](#)

An Ordinance to amend Chapter 3.52 of the Metropolitan Code pertaining to Councilmember compensation studies.

Analysis

This ordinance would require the Metro Department of Human Resources (HR) to conduct a councilmember compensation study every two years and submit a report to the Council. The first study is to be completed not later than May 1, 2022, and subsequently every two years thereafter. The study is to include an examination of the salaries of legislative bodies in at least six comparable cities. After completing the study, HR is to make a recommendation to the Council as to whether the Councilmember salaries should be modified starting with the next term taking into consideration the job duties, size of the comparable legislative bodies, and whether those members are parttime or fulltime.

Section 18.05 of the Metropolitan Charter allows the Council to change the salary for the Mayor, Vice Mayor, and Councilmembers as a part of the general pay plan, but the salaries cannot change during the term of office.

Fiscal Note: The Human Resources department indicated that it would be necessary to outsource the project to a vendor. The estimated cost to conduct the compensation study for FY2022 is between \$25,000 to \$27,000. The cost to perform this work will increase in later years in accordance with the applicable terms.

Sponsors: Toombs, Styles and Benedict

33. [BL2021-676](#)

An ordinance amending Title 4 of the Metropolitan Code pertaining to the membership of the Procurement Standards Board and certain contract requirements.

Analysis

This ordinance amends the Metro Procurement Code to increase the size of the Procurement

Standards Board, as well as to impose additional requirements on Metro contractors and bidders for Metro contracts. The Procurement Standards Board is current comprised of five members: the Metro Finance Director (or designee), the Metro Director of Law (or designee), another department head selected by the Mayor, and two outside members appointed by the Mayor and confirmed by the Council. This ordinance would increase the size of the board to seven members. The two additional members would include a person appointed by the director of the Human Relations Commission and one person elected by the Council. In addition, at least one of the members appointed by the Mayor would be required to be a “representative of labor.”

This ordinance would also make the following changes to the Procurement Code:

- The ordinance would require the Purchasing Agent to identify which contractors on the list of Metro contractors use temporary labor.
- The ordinance would rewrite the definition of “responsible bidder or offeror.” This definition was amended by Ordinance No. BL2019-1731 in August 2019 to provide that a bidder could be deemed disqualified if a court or regulatory agency makes a final determination that the bidder committed a willful violation of employment laws or safety standards within the past five years. This ordinance expands that further to make contractors ineligible to receive a Metro contract for three years if they violate employment laws or for serious safety violations, and makes them ineligible for seven years if they don’t have a written contract for all subcontractor work. The subcontractor contracts must include a description of the work, the timeframe for completion, and the compensation. Prime contractors would be responsible for ensuring all subcontractors are paid in accordance with the terms of their written contract. A copy of each written contract would be required to be provided to the “Procurement Department” within 30 days of execution, which would be open for public inspection. The Council Office would note that there is no Procurement Department in Metro. The Division of Purchases is a division of the Metro Finance Department pursuant to Section 4.08.030 of the Metro Code.
- All Metro contracts would include language stating that the contractor is responsible for ensuring that all contract requirements are satisfied, and will be responsible for noncompliance of a subcontractor.
- The ordinance would require the Purchasing Agent to enter into a contract with an independent firm to ensure compliance “with the provisions of this title,” which would be for any provision in the Procurement Code (M.C.L. Title 4), for all contracts exceeding \$1 million. According to the Purchasing Division, this would impact approximately 30 contracts. It is unclear what the cost would be to retain such a consultant. The Purchasing Division’s closest approximation would be the cost of construction project managers, who provide a similar service. The cost of construction project managers ranges from 3% to 15% of the total contract amount.
- The bill would modify the Procurement Code provision regarding the utilization of apprenticeship programs and employee health insurance. Ordinance BL2019-1731 amended the Procurement Code to require construction contractors to provide information regarding the utilization of federally-registered apprenticeship programs,

whether a certain training curriculum is used, the number of OSHA certified individuals on a project, and the percentage of employees covered by health benefits and workers compensation offered by the employer. This ordinance would add a requirement that such factors be included as part of the bid evaluation process for construction contracts. This means that points would be allocated for these factors when making an award. It is unclear whether this requirement is consistent with T.C.A. § 7-51-1802(c), which prohibits local governments from requiring that contractors provide health benefits.

- The ordinance would require every worker to complete a minimum of 10 hours of OSHA training, ensure at least one handwashing station and at least two toilets are provided at jobsites, and require employers to provide the necessary personal protective equipment while an emergency health order is in effect. Requiring specific levels of training may not be consistent with T.C.A. § 62-6-111(i)(2)(c), which prohibits local governments from imposing additional requirements upon state licensed contractors beyond what the state requires.
- The ordinance would require prime and subcontractors to offer direct employment to any temporary laborer that performs 30 days of work as part of the contract award.

The Tennessee General Assembly has now enacted SB1150/HB1112, which raises preemption issues regarding portions of this ordinance. A substitute ordinance is being drafted in an effort to address the preemption issues.

Sponsors: Sepulveda, Porterfield, Bradford, Styles, Rosenberg, Toombs, Vercher, Suara, Taylor, OConnell, Gamble, Benedict, VanReece, Hurt, Young, Sledge, Lee, Parker, Hausser, Rutherford, Welsch, Nash and Withers

34. [BL2021-686](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, and a portion of a certain public utility easement for property located at 2128 Murfreesboro Pike, (Proposal No. 2021M-017ES-001).

Analysis

This ordinance abandons approximately 327 linear feet of existing six inch water main and a portion of a previously-recorded public utility easement for property located at 2128 Murfreesboro Pike. 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: Porterfield, Murphy and Nash

35. [BL2021-687](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to

abandon an existing sanitary sewer main, a sanitary sewer manhole and easements, and to accept a new sanitary sewer main, a sanitary sewer manhole and easements, at five properties located on Anderson Road, Kinwood Drive and Twin Circle Drive, off-site of the project location at 2760 Murfreesboro Pike, also known as the Villages of Forest View (MWS Project No.21-SL-192 and Proposal No. 2021M-015ES-001).

Analysis

This ordinance abandons approximately 841 linear feet of existing eight inch sanitary sewer main, one sanitary sewer manhole and easements, and accepts approximately 841 linear feet of new 10 inch sanitary sewer main, one sanitary sewer manhole, and associated easements for five properties located on Anderson Road, Kinwood Drive, and Twin Circle Drive needed for the Villages of Forest View project location at 2760 Murfreesboro Pike. 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: Porterfield, Murphy and Nash

36. [BL2021-689](#)

An ordinance readopting the Code of The Metropolitan Government of Nashville and Davidson County, Tennessee, prepared by Municipal Code Corporation including supplemental and replacement pages thereof, containing certain ordinances of a general and permanent nature enacted on or before December 16, 2020.

Analysis

This ordinance is a routine readoption of the Metro Code to include all ordinances enacted on or before December 16, 2020.

Sponsors: Johnston

37. [BL2021-690](#)

An ordinance authorizing the granting of a permanent easement to Nashville Electric Service (hereinafter "NES") on certain property owned by the Metropolitan Government (Parcel No. 17400000700) (Proposal No. 2021M-011ES-001).

Analysis

This ordinance grants a 100 square foot permanent easement to Nashville Electric Service (NES) for Metro-owned property located at 5605 Pettus Road. This easement is needed for NES to erect, maintain, repair, and rebuild stub poles, anchors, and necessary guy wires. This ordinance has been approved by the Planning Commission.

Sponsors: Rutherford, Toombs, VanReece, Murphy and Nash

38. [BL2021-691](#)

An ordinance authorizing the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects of the Metropolitan Government, acting by and through the Metropolitan Department of Public Works, for Implementation of Complete Streets SR 1(US-41/Murfreesboro Pike), from I-24 Ramps to Foothill Road, Federal Project No. STP-M-NH-1(372) State Project No. 19PLM-F1-149, PIN 125309.00 (Proposal No. 2021M-012AG-001) and upon acquisition, the conveyances of said easements to the State of Tennessee.

Analysis

This ordinance authorizes the acquisition of easements for properties located along Murfreesboro Pike from the I-24 exit ramps to Foothills Drive. These easements are needed for the construction of a sidewalk project. The estimated cost for the right-of-way easements is \$450,000, 80% of which (\$360,000) will be paid by the federal government and 20% (\$90,000) by Metro. Upon acquisition, the easements will be transferred to the State of Tennessee.

This ordinance has been approved by the planning commission.

Sponsors: Welsch, Toombs, Murphy and Nash

39. [BL2021-693](#)

An ordinance establishing a Special Solid Waste Commission to review and identify solutions for the long-term disposal of Nashville's solid waste.

Analysis

This ordinance would create a new Metro commission to explore solutions to Metro's long term solid waste collection needs. The recitals of the ordinance note that under Metro's solid waste disposal contract with Republic Services, Inc., Metro currently trucks its solid waste to the Middle Point Landfill in Rutherford County, which is nearing capacity. The Council recently extended Metro's contract with Republic through FY2027.

This ordinance would establish an 11 member Special Solid Waste Commission to identify solutions and make recommendations to the Metro Council regarding the disposal of Nashville's solid waste over the next 75 years. To the extent the below persons are willing to serve, then such persons shall automatically be included as members of the Commission:

- Former Governor and Mayor Phil Bredesen
- Former Mayor Bill Purcell
- Former Mayor Karl Dean
- Former Mayor David Briley
- Former Mayor Megan Barry
- Former Vice Mayor Howard Gentry
- Mayor John Cooper
- Vice Mayor Jim Shulman
- Councilmember Jonathan Hall
- Former Chief Operating Officer and Director of Finance Rich Riebeling
- Special Advisor Bernice Winfrey

If any of these persons are not willing to serve, then the Mayor would appoint the necessary members to reach a total of eleven Commission members, who are subject to confirmation by 21 Council votes.

The ordinance provides that the Commission should interview representatives from Republic and Red River Service Corporation, as well as consultants and former elected officials from New York, New Jersey, and California. The Commission is to explore various tools and options, including but not limited to: fees for waste generators and haulers, fines for commercial establishments who do not meet a certain recycling threshold, incentives for recycling, and anticipated property tax revenues that will be needed for long-term solid waste disposal.

The Commission would be staffed by Metro Public Works and then by Metro Water Services after the transfer of the solid waste functions takes place under the terms of the memorandum of understanding approved by Resolution No. RS2021-794. The Commission would be required to submit recommendations to the Council within one year of its first meeting.

Sponsors: Hall

40. [BL2021-694](#)

An ordinance requiring all existing culverts, inlets, storm drains, and ditches within the T2- Rural Neighborhood Policy and T3- Suburban Neighborhood Policy to be upgraded, retro-fitted and/or constructed to current Storm Water Management Manual Standards by December 31, 2026.

Analysis

This ordinance would require that all existing culverts, inlets, storm drains, and ditches within the T2- Rural Neighborhood Policy and T3- Suburban Neighborhood Policy be upgraded, retrofitted, and/or constructed to the specifications of the Stormwater Management Manual Standards. This work would be required to be completed by December 31, 2026. The justification for the ordinance in the recitals is that stormwater infrastructure improvements in many rural and suburban areas of the General Services District, specifically those areas within the T2- Rural Neighborhood Policy and T3- Suburban Neighborhood Policy, has failed to keep pace with the impact development has had on stormwater management.

Fiscal Note: The costs to implement the improvements proposed by this ordinance are anticipated to range from tens of millions -- if not hundreds of millions -- of dollars. A precise estimate of costs has not yet been determined by Water Services due to expansive size of the proposed Stormwater project.

Sponsors: Hall and Hurt

41. [BL2021-695](#)

An ordinance approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and Prism Properties, to provide public water service improvements for Prism's proposed development, as well as other existing properties in the area (MWS

Project No. 19-WL-0070 and Proposal No. 2021M-013AG-001).

Analysis

This ordinance approves a participation agreement between Metro Water Services and Prism Properties for water infrastructure improvements serving properties on Sharpe Avenue and McFerrin Avenue. Prism will contract and oversee the abandonment of approximately 428 linear feet of existing two inch water main and approximately 492 linear feet of six inch water main, and the construction/installation of approximately 882 linear feet of six inch water main and one fire hydrant assembly. Although part of this work is necessary for the Sharpe Townhomes project, the project includes additional infrastructure work to improve service to neighboring residents.

Metro agrees to reimburse Prism \$218,760 for the public infrastructure work. The improvements must be completed by April 1, 2022.

Amendments to this ordinance may be approved by resolution.

Sponsors: Parker, Toombs, Murphy and Nash

42. [BL2021-696](#)

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to provide public stormwater service improvements for Germantown JV, LLC proposed development, as well as other existing properties in the area (MWS Project No. SWGR# 2020044500 and Proposal No. 2021M-014AG-001).

Analysis

This ordinance approves a participation agreement between Metro Water Services and Germantown JV, LLC for water infrastructure improvements in the vicinity of 1420 Adams Street to serve the Van Buren stormwater drainage basin. The developer will contract and oversee the installation of 539 linear feet of a structural geopolymer lining within the existing 72 inch brick storm line and a new stormwater manhole.

Metro agrees to reimburse the developer \$346,890.01 for a portion of the public infrastructure work. The total infrastructure cost is \$596,890.01. The improvements must be completed within 18 months.

Amendments to this ordinance may be approved by resolution.

Sponsors: OConnell, Toombs, Murphy and Nash

43. [BL2021-697](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water mains and a fire hydrant assembly and easements, and to accept new water main and fire hydrant assemblies and easements, for two properties located at 1634 and 1636 Lebanon Pike, also known as Apartment Concepts (MWS Project No. 19-WL-99 and Proposal No. 2021M-020ES-001).

Analysis

This ordinance abandons 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 accepts 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, also known as Apartment Concepts. 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: Syracuse, Murphy and Nash

44. [BL2021-698](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public utility easement for property located at 917 Marengo Lane (Proposal No. 2021M-018ES-001).

Analysis

This ordinance abandons a portion of easement rights recorded on the Sutton Hill section of the Marengo Park plat for property located at 917 Marengo Lane. 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 easements have no market value according to the Department of Water Services.

Sponsors: Pulley, Murphy and Nash

45. [BL2021-699](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer mains, sanitary sewer manholes and easements, for property located at Rocky Fork Road in Williamson County, also known as Anney Phase 3 (MWS Project No. 20-SL-315 and Proposal No. 2021M-019ES-001).

Analysis

This ordinance accepts 3,097 linear feet of new eight inch sanitary sewer main, 230 linear feet of new eight inch sanitary sewer main, 22 sanitary sewer manholes, and associated easements for property located on Rocky Fork Road in Williamson County. Metro Water Services provides sewer service in this portion of Williamson County. 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: Murphy and Nash

46. [BL2021-700](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assembly and easements, for two properties located at 910 Youngs Lane and Youngs Lane (unnumbered), (MWS Project Nos. 20-SL-160 and 20-WL-78 and Proposal No. 2021M-016ES-001).

Analysis

This ordinance accepts approximately 353 linear feet of new eight inch sanitary sewer main, 343 linear feet of new six inch water main, four sanitary sewer manholes, one fire hydrant assembly, and associated easements for two properties located at 910 Youngs Lane and Youngs Lane (unnumbered). 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: Toombs, Murphy and Nash

47. [BL2021-701](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main and easements, and to accept new sanitary sewer main, sanitary sewer manholes and easements, for property located at 51 Lucile Street, also known as the Dickerson Pike Apartments (MWS Project No. 20-SL-307 and Proposal No. 2021M-022ES-001).

Analysis

This ordinance abandons approximately 839 linear feet of existing eight inch sanitary sewer main and easements, and accepts approximately 390 linear feet of new eight inch sanitary sewer main, three sanitary sewer manholes, and associated easements for property located at 51 Lucile Street, also known as the Dickerson Pike Apartments. 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

48. [BL2021-702](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main, sanitary sewer manhole and easements, and to accept new sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assembly and easements, for three properties located at 2208 Eastland Avenue and Skyview Drive (unnumbered), also known as the 2208 Eastland Ave SP Development (MWS Project Nos. 20-SL-211 and 20-WL-105 and Proposal No. 2021M-025ES-001).

Analysis

This ordinance abandons approximately 299 linear feet of existing eight inch sanitary sewer main, one sanitary sewer manhole and easements, and accepts approximately 615 linear feet of new eight inch sanitary sewer main, 137 linear feet of new eight inch sanitary sewer main, 527 linear feet of new eight inch water main, nine sanitary sewer manholes, one fire hydrant assembly, and easements for three properties located at 2208 Eastland Avenue and Skyview Drive (unnumbered). 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: Withers, Murphy and Nash

49. [BL2021-703](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water main, a fire hydrant assembly and easements, and to accept a new water main, fire hydrant assemblies and easements, for property located at 3401 John A Merritt Boulevard, also known as TSU New Student Housing (MWS Project No. 20-WL-150 and Proposal No. 2021M-021ES-001).

Analysis

This ordinance abandons approximately 466 linear feet of existing eight inch water main, one fire hydrant assembly and easements, and accepts approximately 471 linear feet of new eight inch water main, two fire hydrant assemblies, and easements for property located at 3401 John A Merritt Boulevard. This is necessary for a new Tennessee State University student housing 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: Taylor, Murphy and Nash

50. [BL2021-704](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing combination sewer main and easements, to relocate two existing fire

hydrant assemblies, and to accept new combination sewer main, combination sewer manholes, fire hydrant assemblies and easements, for property located at 622 Merritt Avenue, also known as The Finery Residential (MWS Project Nos. 20-SL-308 and 20-WL-42 and Proposal No. 2021M-024ES-001).

Analysis

This ordinance abandons approximately 200 linear feet of existing 45 inch combination sewer and easements, authorizes the relocation of two existing fire hydrant assemblies, and accepts approximately 205 linear feet of new 48 inch combination sewer, four combination sewer manholes, two fire hydrant assemblies, and easements for property located at 622 Merritt Avenue, also known as The Finery Residential. 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: Sledge, Murphy and Nash

51. [BL2021-717](#)

An ordinance providing for the waiver of certain building permit fees for the repair or rebuilding of property damaged as a result of the March 27-28, 2021 flooding.

Analysis

This ordinance, as amended, waives permit fees for the repair or rebuilding of property damaged as a result of the March 27-28, 2021 flooding. This ordinance is similar to Ordinance No. BL2020-234, as amended, which waived building permit fees for the repair or rebuilding of property damaged as a result of the March 3, 2020 tornado and Ordinance No. BL2021-618, which waived building permit fees for the repair or rebuilding of property damaged as a result of the December 25, 2020 bombing.

Under this ordinance, building permit fees would be waived if the following conditions are satisfied:

- The permits are obtained to repair damage to the owner's property caused by flooding from the March 27-28, 2021 excessive rainfall event.
- The permits are obtained on or before June 30, 2022.
- The owner must provide evidence that the work is being performed as a result of damage from this excessive rainfall event.
- Property owners who paid building permit fees for flooding related damage prior to the effective date of this ordinance will be entitled to a refund.

Property owners or their agents must sign an affidavit that the permit fees will not be reimbursed by insurance or other funding sources in order to receive the fee waiver.

Fiscal Note: There were 486 properties classified as having sustained major damage caused by flooding from the March 27-28, 2021 excessive rainfall event. A reliable estimate of permit fees to be waived would be difficult to determine due to the unknown cost of construction on the damaged structures. Assuming the lowest permit fee of \$75, which would allow for up to \$2,000 worth of work, and issued by the deadline on June 30, 2022, the estimated permit fees that would be waived is \$36,450 according to the Codes Department.

Sponsors: Johnston

J. Bills on Third Reading

55. [BL2021-646](#)

An ordinance making amendments to various provisions of Titles 2, 12, and 13 of the Metropolitan Code to facilitate the implementation and operation of a Smart Parking program.

Analysis

This ordinance, as substituted, modifies various provisions in the Metro Code to facilitate the Mayor's planned on-street parking modernization program. Section 11.907 of the Metro Charter provides that the Metro Traffic and Parking Commission has the sole authority for the operation and management of Metro's parking facilities, including metered spaces and garages, but it does not prohibit the Commission from contracting out various aspects of the operation. In fact, Metro has had contracts for the operation of Metro-owned parking garages for many years. However, the Metro Code provisions pertaining to on-street parking do not specifically address the use of contractors. Section 11.907 of the Charter further provides that all revenue generated from Metro's parking program must be used for traffic and parking improvements.

Metro intends to issue a request for proposals (RFP) to solicit responses from outside parking management operators to integrate new technology into the metered parking system, which should improve parking opportunities downtown and increase revenue for Metro. This RFP approach is different from the RFP issued by the previous mayoral administration, which sought to lease Metro's on-street parking assets to a private operator for a long-term period and to share revenues with the operator, including a large one-time lump sum payment.

In order to encourage operators to submit proposals to the RFP, various changes are needed to the Metro Code to allow for new technology and private operation. A summary of the various Code changes to be made by this ordinance is as follows:

2.44.070

- Changes the current "meter maid patrol" to "parking enforcement patrol" and makes several changes to modernize antiquated language
- Allows for contractor assistance in the enforcement of parking violations. Parking enforcement patrol officers (Metro employees) would still have to be the ones to authorize the issuance of a citation based upon probable cause presented by the contractor.

2.56.210

- Allows for electronic forms for notifying violators of court dates as opposed to "forms in triplicate"

12.04.230

- Adds parking pay stations that service several spaces to the definition of “parking meter”

12.08.150

- Deletes references to “booting” and replaces with the term “immobilization”
- Replaces references to the meter maid patrol with “parking enforcement patrol or its contractor”
- Allows impounded vehicles to be reclaimed from the parking enforcement patrol or its contractor, not just from the police department

12.41.040

- Clarifies that valet operating permits may be renewed annually. The current version of the code says they “shall” be renewed.

12.42.010

- Adds a definition for “chief traffic engineer” and provides that the designee of the chief traffic engineer may be a contractor for purposes of the residential permit parking program

12.44.010

- Deletes the provisions that provided for free metered parking on Sundays and holidays

12.44.020

- Allows contractors to install parking meters in addition to Public Works staff
- Removes provisions pertaining to coin operated meters
- Allows Public Works or its contractor to set up a payment system using a web-based application with an electronic customer receipt
- Provides for notice methods/requirements to customers regarding the expiration of the allotted parking time

12.44.040

- Updates language regarding parking time limits to reflect that meters can service multiple parking spaces
- Removes language pertaining to the deposit of coins in meters
- Allows for a method of notifying customers of expired meters via text message or other means of communication to which the customer has consented

12.44.060

- Adds “or other related equipment” to the provisions pertaining to the unlawful tampering of parking meters

12.44.070

- Clarifies that persons with disabled driver placards or license plates can still park for free, but cannot exceed the parking time limit for the particular meter. The current Code’s failure to specify this means that persons with disabled driver placards/plates can park for free for an unlimited duration, which obviously limits parking space turnover.

12.44.080

- Deletes the provisions that were added to the Code in 2010 to allow free downtown parking for vehicle owners who purchase carbon offsets. This program has not been widely used.

13.08.080

- Allows license plate scanner technology solely for the purpose of enforcing parking restrictions
- The license plate information must be deleted within 30 minutes after the vehicle leaves the space unless it is suspected of violating parking restrictions

This ordinance has been approved by the Traffic and Parking Commission.

Sponsors: OConnell, Nash, Hancock, Welsch and Parker

64. [BL2021-677](#)

An ordinance amending Metro Code Chapter 10.20 Waste Management by adding Article V to allow for the Metropolitan Government to recover costs for development plans review by the Department of Public Works relating to waste management.

Analysis

This ordinance amends Chapter 10.20 of the Metro Code to allow Metro Public Works to collect a waste management plans review fee. Section 16.28.040.D of the Metro Code requires applicants for building permits to submit a plan for the disposal of construction and demolition waste generated at the worksite. Public Works currently reviews these plans, but there is no fee mechanism in place allowing them to recover their costs like there is for building permit review by the Codes Department. Rather, the cost of the time spent by Public Works' departmental staff to review these plans is currently borne by the taxpayers.

This ordinance authorizes the Public Works Director to establish (and to revise in the future) a fee schedule for the review and processing of building permit applications relating to waste management to recover its costs in full. Starting on May 1, 2021, all persons applying for a commercial construction permit, residential multifamily construction permit, and demolition permit would pay a development review fee based on the schedule below:

<u>Project Value</u>	<u>Fee</u>
\$50,000 to 500,000	\$35
\$500,000.01 to \$3,000,000	\$150
\$3,000,000.01 to \$20,000,000	\$400

Sponsors: Allen, Nash, Sledge and Suara

65. [BL2021-678](#)

An ordinance amending Chapter 12.68 of the Metropolitan Code of Laws by adding a section regulating the transportation of liquefied petroleum gas.

Analysis

This ordinance adds a new Section 12.68.220 to the Metro Code to make it unlawful to

transport containers or cylinders of liquefied petroleum gas in excess of 20 pounds capacity unless the cylinders or containers are securely fastened and equipped with appropriate valve guards or caps. The ordinance would also make it unlawful to transport containers of liquefied petroleum gas in any vehicle while in use with heating equipment.

The purpose of this ordinance is to reduce risks to persons or property as a result of the transportation of liquefied petroleum gas.

Sponsors: OConnell

66. [BL2021-679](#)

An ordinance amending Title 13 of the Metropolitan Code of Laws to clarify exemptions applicable to vehicle emissions sensors.

Analysis

This ordinance amends the license plate reader (LPR) prohibition exemption for the emissions testing program per Section 13.08.080 of the Metro Code to clarify that capturing limited data specific to a vehicle is allowed provided such data is not recorded. When Section 13.08.080 of the Metro Code was approved by Ordinance No. BL2017-457, an amendment was added to the bill to carve out an exception for LPRs used in conjunction with Metro's emissions testing program if the following criteria is satisfied:

1. The LPR is used solely and exclusively in conjunction with a vehicle emissions sensor as part of an emissions inspection program authorized under local, state, or federal law;
2. The data from the LPR and vehicle emissions sensor is used solely and exclusively for purposes of determining compliance with vehicle emissions standards and aggregating data in a manner that does not allow the identification of a person or persons;
3. A determination by the vehicle emissions sensor that a vehicle identified by the license plate scanner is not in compliance with applicable emissions standards shall not lead to any penalty or punitive action against the registered vehicle owner;
4. No fewer than two such license plate scanners shall be in operation within Davidson County at any given time; and
5. Data that can be used to pair a specific vehicle's license plate number, VIN, or other unique identifier with a specific geographic location shall not be retained for more than one week.

The Metro Health Department has determined that the implementation of such emissions testing technology in Nashville will require the utilization of data pertaining to the vehicle owner, but there is no need for the data to be retained. This ordinance modifies the second and fifth criteria listed above to allow the use of data to pair a specific vehicle's license plate number, VIN, or other unique identifier with a specific geographic location provided such data is not recorded.

Sponsors: Rosenberg

67. [BL2021-680](#)

An Ordinance to amend Section 16.04.200 of the Metropolitan Code to require fence cross

beams and bracing to face the interior of the property.

Analysis

This ordinance amends Section 16.04.200 of the Metro Code pertaining to fence aesthetics. This Code section currently regulates the use of electric and barbed wire fences, and limits the types of materials that can be used in fence construction. This ordinance would add another fence regulation to prohibit fence cross beams and bracing from being oriented toward the street or adjacent properties.

Sponsors: Hurt

68. [BL2021-681](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming a portion of Division Street from 8th Avenue South to 9th Avenue South to “Old Division Street”. (Proposal Number 2021M-001SR-001).

Analysis

This ordinance renames Division Street from 8th Ave S to 9th Ave S, between Division Street and Gleaves Street, as “Old Division Street”. When Division Street was realigned, there was an original section of Division Street remaining between 8th Ave S and 9th Ave S resulting in two separate roadways having the same name. Having two sections of street with the same name poses a safety concern and can cause emergency service delays.

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 online.

Sponsors: OConnell, Murphy and Nash

69. [BL2021-682](#)

An Ordinance authorizing Mill Creek Residential Trust, LLC to install, construct and maintain underground and aerial encroachments in the right-of-way located at 810 Division Street. (Proposal No. 2021M-005EN-001).

Analysis

This ordinance authorizes Mill Creek Residential Trust, LLC to install and maintain underground and aerial encroachments in the right-of-way located at 810 Division Street. The encroachments will include an overhead balcony, light poles, waste cans, bike racks, tree grates, tree irrigation, and pipe bollards encroaching the public right-of-way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

Sponsors: OConnell, Murphy and Nash

70. [BL2021-683](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main, a sanitary sewer manhole and easements, and to accept new sanitary sewer mains, sanitary sewer manholes and easements, for five properties located on Neely's Bend Road, also known as Fox Valley subdivision (MWS Project No.19-SL-182 and Proposal No. 2021M-012ES-001).

Analysis

This ordinance abandons approximately 223 linear feet of existing eight inch sanitary sewer main, one sanitary sewer manhole, and easements, and accepts approximately 3,917 linear feet of new eight inch sanitary sewer main (PVC), 583 linear feet of new eight inch sanitary sewer main (DIP), 29 sanitary sewer manholes, and associated easements for five properties located on Neely's Bend Road, also known as Fox Valley subdivision. 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: Hancock, Murphy and Nash

71. [BL2021-684](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for eight properties located on Adams Street, Taylor Street and 1st Avenue North, also known as the Neuhoff Development (MWS Project Nos. 20-WL-35 and 20-SL-70 and Proposal No. 2021M-010ES-001).

Analysis

This ordinance accepts approximately 607 linear feet of new 12 inch water main, 948 linear feet of new eight inch sanitary sewer main, four fire hydrant assemblies, 10 sanitary sewer manholes, and associated easements for eight properties located on Adams Street, Taylor Street, and 1st Avenue North, also known as the Neuhoff 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: OConnell, Murphy and Nash

72. [BL2021-685](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a new sanitary sewer manhole and easement, for property located at 800 4th Ave South (MWS Project No.21-SL-04 and Proposal No. 2021M-014ES-001).

Analysis

This ordinance accepts one new sanitary sewer and manhole for property located at 800 4th Avenue South. 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: OConnell, Murphy and Nash

73. [BL2021-688](#)

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County to execute a quitclaim deed conveying a small portion of the Madison Branch Library property. (Proposal No. 2021M-004PR-001)

Analysis

This ordinance approves the transfer of a 0.03-acre portion of the Madison Branch Library property adjacent to the right-of-way located at 610 Gallatin Pike to the neighboring property owner, Madison Square Partners, LP. Ordinance No. BL2019-1480 authorized the acquisition of certain permanent and temporary easements by negotiation or condemnation for 46 properties for the construction of Madison Boulevard, including property owned by Madison Square, LP. The necessary easement has now been transferred to Metro, and Metro desires to convey this small portion of unused property to the adjacent owner.

This ordinance has been approved by the Planning Commission.

Sponsors: VanReece