



Metro Council

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## F. Resolutions on Public Hearing

1. [RS2020-631](#)

A resolution exempting Barcelona Wine Bar, located at 1200 Villa Place 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 Barcelona Wine Bar, located at 1200 Villa Place.

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: Sledge

2. [RS2020-632](#)

A resolution exempting Karrington's Daiquiri Factory located at 1315 Lischey Avenue, 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 Karrington's Daiquiri Factory located at 1315 Lischey Avenue.

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. Consent Resolutions and Resolutions

### 3. [RS2020-584](#)

A resolution exempting Legins's House of Seafood Nashville located at 4228 Ashland City Highway, 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 Legins's House of Seafood Nashville located at 4228 Ashland City Highway.

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 was held at the October 20 Council meeting.

**Sponsors:** Toombs

### 4. [RS2020-611](#)

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

#### Analysis

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

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

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

*Fiscal Note: The Council has appropriated a total of \$93,800,000 from the CARES Act Fund, including RS2020-635, thus far through the Committee process. The total unallocated is \$24,822,575. This resolution does not appropriate any new funds from the CARES Act Fund.*

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

#### 5. [RS2020-613](#)

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

#### Analysis

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

By way of background, the Council approved Ordinance No. BL2014-688 in 2014 agreeing to lease the property and operations of BLTC to LP North Nashville, LLC, which is a subsidiary of Signature Healthcare, LLC (“Signature”). Pursuant to that agreement, Signature agreed to

lease and operate the BLTC while state legislation was sought to approve a split of the skilled nursing bed licenses into two facilities. However, the required state legislation was never approved.

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

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

Second, this ordinance appropriates \$1,500,000 from the Metro 4% Fund for building repairs and equipment at BLTC. Section 6.14 of the Metropolitan Charter requires that 4% of all the general fund revenue of the General Services District be set aside each year solely for the purchase of equipment and building repairs. A specific list of equipment/repairs has not been provided to the Council Office.

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

*Fiscal Note: The Council has appropriated a total of \$93,800,000 from the CARES Act Fund, including RS2020-635, thus far through the Committee process. The total unallocated is \$24,822,575. The appropriation of \$5,000,000 included in this resolution have not received a recommendation from the Committee.*

*The current 4% Reserve Fund Balance is \$50,926,989. This resolution would appropriate \$1,500,000 from the 4% Reserve Fund for purchase of equipment and building repairs.*

**Sponsors:** Hall

6. [RS2020-633](#)

A resolution amending Resolution RS2020-441 to revise the Green Invest Agreement between the Tennessee Valley Authority, Nashville Electric Service, and the Metropolitan Government of Nashville and Davidson County for the purchase of renewable energy.

Analysis

This resolution approves an amendment to the Green Invest Agreement between the Tennessee Valley Authority (TVA), Nashville Electric Service (NES), and the Metropolitan Government for the purchase of renewable energy originally approved by Resolution No. RS2020-441. The agreement follows the adoption of Metro Code Section 2.32.080, which sets forth renewable energy portfolio standards to power Metro General Government operations. The agreement does not obligate Metro to purchase renewable energy, but acts as a vehicle for parties to investigate the option for entering into one or more future “Tranche Amendments” to purchase renewable energy from new renewable generation resources, or to construct such resources at the request of Metro. The term of the Green Invest Agreement is twenty years from the effective date, but will automatically extend for one year on each anniversary of the effective date. The agreement cannot be terminated while a Tranche Amendment is in effect, but can be terminated by any party upon 90 days’ written notice at any time that no Tranche Amendment is in effect and no obligations under any Tranche Amendment are unfulfilled. Approval of the corresponding tranche amendment is the subject matter of another resolution on the November 17, 2020 agenda.

This amendment to the agreement deletes the Renewable Energy Credit (REC) fee and replaces it with a fixed annual TVA administration fee of \$1,000 per month, to be increased annually by 3%. The purpose of the fee is to cover TVA’s costs associated with administering this agreement and the associated tranche amendment. Under this new arrangement, a 100 megawatt program (the size Metro is pursuing) would cost \$300,000, instead of \$340,000 under the previous agreement. The revised agreement also adds a definition of “Product Price Minimum” used as part of the pricing formula. The Product Price Minimum as of January 1, 2020, is \$1.25 per megawatt-hour for each unit of product. The Product Price Minimum may be changed by TVA upon 30 days written notice to Metro.

According to information provided by the Mayor’s Office, there will be no financial impact on Metro until the planned solar array is online, and the facility is generating the contracted energy amount, which is currently estimated to be September 2023. At that time, Metro’s annual operating costs for electricity will increase by \$250,000 to \$300,000 until 2043, though it is possible that the fiscal impact could be less.

**Sponsors:** Toombs, O’Connell, Cash, Nash, Hancock, VanReece and Bradford

7. [RS2020-634](#)

A resolution approving Tranche Amendment 1 between the Tennessee Valley Authority, Nashville Electric Service, and the Metropolitan Government of Nashville and Davidson County

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for the purchase of renewable energy.

### Analysis

This resolution approves the first Tranche Amendment between the Tennessee Valley Authority (TVA), Nashville Electric Service (NES), and the Metropolitan Government for the purchase of renewable energy. Resolution No. RS2020-441 approved the “Green Invest Agreement” between TVA, NES, and Metro for the potential purchase of renewable energy. An amendment to the Green Invest Agreement is the subject matter of another resolution on the November 17, 2020 agenda.

Through this Tranche Amendment, Metro will purchase Renewable Energy Certificates (RECs) for the price of \$1.25 per megawatt-hour for each unit of product. Metro would begin purchasing these RECs when the planned solar array is online, which is expected to be September 2023. The planned solar array would produce 200 megawatts and Metro would purchase 50% of that facility’s total renewable generation, or 100 megawatts. The delivery period for this Tranche Amendment is 20 years.

**Sponsors:** Toombs, O’Connell, Cash, Nash, Welsch, Hancock, VanReece and  
Bradford

### 8. [RS2020-635](#)

A resolution accepting the recommendations of the COVID-19 Financial Oversight Committee to distribute \$500,000.00 in CARES Act funds from the COVID-19 Pandemic Fund No. 30099 to Pathway Lending to provide rent relief to vendors at the Nashville Farmers’ Market.

### Analysis

This resolution accepts the recommendation of the COVID-19 Financial Oversight Committee to allocate \$500,000 in CARES Act grant funds to Pathway Lending to provide rent relief to vendors at the Nashville Farmers’ Market.

The Council approved and accepted a Coronavirus Relief Fund (CRF) grant from the U.S. Department of the Treasury in an amount not to exceed \$121,122,775 via Resolution No. RS2020-318, as amended. The Council has previously approved resolutions to designate use of federal CARES funds for various purposes. The Nashville Farmers’ Market would oversee Pathway Lending’s distribution of credits to vendors. Eligible vendors must be approved merchants of the Nashville Farmers’ Market and currently or within the period of March 1, 2020 to December 31, 2020, operating a farm stand, retail or restaurant business at the Nashville Farmers’ Market. Any funds that have not been spent by December 28, 2020, will be returned to the Metro Finance Department to be used to offset CARES-reimbursable costs incurred by Metro.

*Fiscal Note: The Council has appropriated a total of \$93,800,000 from the CARES Act Fund, including the amount proposed in this resolution, thus far through the Committee process. The*

*total unallocated is \$24,822,575.*

**Sponsors:** Sepulveda, Johnston and Gamble

9. [\*\*RS2020-636\*\*](#)

A resolution amending the pay plan for the general employees of The Metropolitan Government of Nashville and Davidson County approved under Resolution No. RS2020-358 (as amended), by adding the positions of Chief Diversity and Equity Inclusion Officer and Workforce Diversity Manager.

Analysis

This resolution amends the pay plan of the general government approved by Resolution No. RS2020-358 (as amended), to add the positions of Chief Diversity and Equity Inclusion Officer and Workforce Diversity Manager. These two positions were created pursuant to Ordinance No. BL2020-461 enacted on November 5, 2020. Both of these positions were funded in the Fiscal Year 2021 budget and have been advertised, with an application closing date of November 22, 2020.

The Chief Diversity and Equity Inclusion Officer in the Department of Finance will be an OR11 classification with a salary range of \$98,573 to \$128,145. The Workforce Diversity Manager in the Department of Human Resources will be an OR07 classification with a salary range of \$71,522 to \$85,975.

The civil service commission has approved this pay plan modification.

**Sponsors:** Toombs, Rutherford, Welsch and Gamble

10. [\*\*RS2020-637\*\*](#)

A resolution approving a contract between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, and The University of Nevada, Reno to provide experience opportunities for its students enrolled in its Masters of Public Health program.

Analysis

This resolution approves an agreement between the University of Nevada, Reno and the Metropolitan Board of Health to provide clinical experience opportunities for students in its Masters of Public Health program. The term of the agreement is for five years. Either party may terminate the agreement upon 90 days' written notice. University of Nevada is required to provide assurance that the students are covered by health and professional liability insurance, and agrees to assume responsibility for its students participating in the program.

*Fiscal Note: The students would receive no compensation of any kind from the Metropolitan Government and would not be considered Metro employees.*

**Sponsors:** Taylor and Welsch

**11. [RS2020-638](#)**

A resolution accepting a Disaster Relief grant from Hill's Pet Nutrition, Inc. and the Association for Animal Welfare Advancement to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, to provide funds for COVID-19 pandemic relief.

Analysis

This resolution approves a Disaster Relief grant from Hill's Pet Nutrition, Inc. and the Association for Animal Welfare Advancement to the Metropolitan Board of Health to provide funds for COVID-19 pandemic relief. The awarded grant is an amount not to exceed \$10,000 with no local cash match required.

**Sponsors:** Toombs, Taylor, Welsch, Bradford and Hancock

**12. [RS2020-639](#)**

A resolution accepting a grant from the Dorothy Cate and Thomas F. Frist Foundation to The Metropolitan Government of Nashville and Davidson County for the use and benefit of the Metropolitan Nashville Social Services Commission, Metro Homeless Impact Division, to benefit the How's Nashville Program.

Analysis

This resolution accepts a grant from the Dorothy Cate and Thomas F. Frist Foundation to the Metropolitan Nashville Social Services Commission, Metro Homeless Impact Division, to benefit the How's Nashville Program. The grant award is \$10,000 with no local cash match required.

**Sponsors:** Toombs, Taylor, Welsch, Bradford and Allen

**13. [RS2020-640](#)**

A resolution approving an amendment to a grant agreement between the U.S. Department of Housing and Urban Development (HUD) and The Metropolitan Government of Nashville and Davidson County, acting by and through Metropolitan Social Services Commission, to contribute to the national effort to end homelessness.

Analysis

This resolution approves an amendment to a grant between the U.S. Department of Housing and Urban Development (HUD) to contribute to the national effort to end homelessness. The original grant was approved by Resolution RS2019-1791 in an amount not to exceed \$141,508 and no local cash match required. The original term began July 1, 2019 and was set to end June 30, 2020. This amendment extends the end date of the grant from June 30, 2020 to October 31, 2020. No other terms would be amended.

**Sponsors:** Taylor, Welsch and Bradford



**14. [RS2020-641](#)**

A resolution appropriating \$250,000 through a grant contract by and between The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Public Library, and Oasis Center, Inc. to provide college access services for the Opportunity Now Program.

Analysis

This resolution approves the appropriation of \$250,000 from the Nashville Public Library to Oasis Center, Inc. to provide college access services for the Opportunity Now Program. State law authorizes metropolitan governments to provide financial assistance to nonprofit organizations. The Oasis Center, Inc. will use the funds to provide ongoing support to high school students who participated in Metro's Opportunity Now Program, including meetings with designated staff members, development of a college plan, ongoing monitoring of the student's goals, and assistance with the college application process, and other support.

The grant funds provided by Metro would be combined with \$240,145 from other funding sources for a total spending plan of \$490,145. The grant term would be twelve months, beginning July 1, 2020 and ending June 30, 2021.

**Sponsors:** Toombs, VanReece, Welsch and Allen

**15. [RS2020-642](#)**

A resolution appropriating \$30,000 through a grant contract by and between The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Public Library, and Oasis Center, Inc. to provide services that help youth grow, thrive and create positive change in their lives and our community.

Analysis

This resolution appropriates \$30,000 from the Nashville Public Library to Oasis Center, Inc. to provide services that help youth grow, thrive and create positive change in their lives and community. Oasis Center, Inc. will use the funds to assign a consultant to coordinate the daily functions of the Mayor's Youth Council (MYC). The MYC program will provide up to 50 hours of service learning for at least 25 Nashville high school students annually. The term of the grant is twelve months, beginning on July 1, 2020 and ending on June 30, 2021.

**Sponsors:** Toombs, VanReece, Welsch and Allen

**16. [RS2020-643](#)**

A resolution accepting a Child and Adult Care Food Program (CACFP) grant from the Tennessee Department of Human Services to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Parks and Recreation Department, to provide nutritious meals and snacks for children attending after school programs in six park locations

Analysis

This resolution approves a Child and Adult Care Food Program grant from the Tennessee Department of Human Services to the Metropolitan Parks and Recreation Department to provide nutritious meals and snacks for children attending after school programs in six park locations. The grant awarded is in an amount not to exceed \$525,660.84 with no local cash match required. The grant term is from September 30, 2020 through September 30, 2021.

**Sponsors:** Toombs, VanReece and Welsch

**17. [RS2020-644](#)**

A resolution accepting the Edward Byrne Memorial Justice Assistance Grant (JAG) from the United States Department of Justice to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Police Department, to support a broad range of activities to prevent and control crime including technology upgrades, supplies for direct support, in-service, and specialized training.

Analysis

This resolution accepts the Edward Byrne Memorial Justice Assistance Grant (JAG) from the United States Department of Justice to the Metropolitan Nashville Police Department to support a broad range of activities to prevent and control crime including technology upgrades, supplies for direct support, in-service, and specialized training. The grant is an amount not to exceed \$449,935 with no local cash match required. The grant period is October 1, 2019 through September 30, 2023.

**Sponsors:** Toombs and Gamble

**18. [RS2020-645](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Marina Kasdallah against the Metropolitan Government of Nashville and Davidson County in the amount of \$40,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

This resolution authorizes the Department of Law to settle the personal injury claims of Marina Kasdallah against the Metropolitan Government for the amount of \$40,000 to be paid out of the self-insured liability fund. On April 26, 2017, a Metro police officer was stopped at a red light at the intersection of Murfreesboro Pike and Briley Parkway. When the light turned green, the officer proceeded to move forward and struck the rear of Ms. Kasdallah's vehicle causing injuries to her head, neck, and back. She was evaluated at the hospital on two occasions and attended eight physical therapy sessions. She again sought treatment for pain one year later, and was diagnosed with chronic pain syndrome. Ms. Kasdallah's medical bills total \$25,984.75.

Since the Metro police officer was clearly at fault, the Department of Law recommends settling this claim for the amount of the medical bills plus approximately \$14,000 in pain and suffering.

The police officer involved received disciplinary action consisting of a written reprimand.

*Fiscal Note: This \$40,000 settlement, along with the settlements per Resolution No. RS2020-646 and Resolution No. RS2020-647, would be the 17th, 18th, and 19th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,195,369. The fund balance would be \$1,902,060 after these payments.*

**Sponsors:** Toombs

**19. [RS2020-646](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Latoya Ford against the Metropolitan Government of Nashville and Davidson County in the amount of \$53,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

This resolution authorizes the Department of Law to settle the personal injury claim of Latoya Ford against the Metropolitan Government for the amount of \$53,000 to be paid from the self-insured liability fund. On June 18, 2019, a Metro police officer was teaching at the training academy when he received a SWAT callout. While in route to the SWAT facility located on Murfreesboro Pike in an unmarked police car, the officer struck Ms. Ford's vehicle after exiting Briley Parkway onto Murfreesboro Pike. The officer unsuccessfully attempted to turn left at a red light. Although his lights were activated, he didn't have blue lights on the top of the police car and Ms. Ford, who was proceeding on a green light, could not see the police vehicle in time to avoid the collision.

Ms. Ford was treated for a chest wall contusion and leg contusion at the time of the accident. She sought follow up treatment a week later for pain and difficulty sleeping. She was diagnosed with cervicalgia and prescribed physical therapy. She also sought treatment on two subsequent occasions in October and 2019 and January 2020. Ms. Ford's medical bills total \$37,266,25.

The Department of Law recommends settling this claim for the amount of the medical bills plus \$15,733.75 for pain and suffering since a court would likely find the police officer to be mostly at fault. The police department brought disciplinary charges against the officer for negligent operation of a vehicle and violation of departmental policy. He received disciplinary action consisting of a written reprimand and was required to take a remedial driving course.

*Fiscal Note: This \$53,000 settlement, along with the settlements per Resolution No. RS2020-645 and Resolution No. RS2020-647, would be the 17th, 18th, and 19th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,195,369. The fund balance would be \$1,902,060 after these payments.*

**Sponsors:** Toombs

**20. [RS2020-647](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of William Kehoe against the Metropolitan Government of Nashville and Davidson County in the amount of \$60,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

**Analysis**

This resolution authorizes the Department of Law to settle the personal injury claim of William Kehoe against the Metropolitan Government for the amount of \$60,000 to be paid out of the self-insured liability fund. On February 15, 2020, Mr. Kehoe broke his ankle after tripping on the sidewalk at 213 Broadway while visiting Nashville from Chicago. Metro Public Works had recently worked on the sidewalk in the area and had installed a ramp that was not properly tapered to the sidewalk leaving a lip on the ramp. Mr. Kehoe was treated for the broken ankle in Nashville and sought further treatment in Chicago. He couldn't work for several months after the fall, and is likely to require further treatment. His medical bills total \$28,675.43.

The Department of Law recommends settling this claim for the amount of the medical bills plus \$31,324.57 in pain and suffering/lost wages. Metro would be found to be at fault since it installed the dangerous or defective condition.

*Fiscal Note: This \$60,000 settlement, along with the settlements per Resolution No. RS2020-645 and Resolution No. RS2020-646, would be the 17th, 18th, and 19th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,195,369. The fund balance would be \$1,902,060 after these payments.*

**Sponsors:** Toombs

**21. [RS2020-648](#)**

A resolution accepting the terms of a cooperative purchasing master agreement for software that provides a collection calendar and reminder for trash, recycling and brush, and a searchable database of what materials are recyclable.

**Analysis**

This resolution accepts the terms of a cooperative purchasing master agreement for trash and recycling collection reminder software. The master agreement is between the National Joint Powers Alliance (NJPA) and ReCollect Systems Inc. NJPA is a municipal contracting agency with 50,000 member agencies nationally. The procured software platform provides a web and app-based collection calendar for trash, recycling, and brush collection, as well as a searchable database called Waste Wizard regarding what can and cannot be recycled. It will also allow residents to sign up for collection reminders. This system, which is used by cities across the country such as Austin, Denver, Memphis, and Atlanta, will replace the outdated system Public Works currently uses. The estimated cost to Public Works is \$19,170 for the collection calendar and Waste Wizard program.

T.C.A. § 12-3-1205(b) authorizes local governments to participate in cooperative purchasing agreements with governmental entities outside of the state as long as the goods or services were competitively procured by the other governmental entity. T.C.A. § 12-3-1205(b) further provides that local governments may participate in a master agreement by adopting a resolution accepting the terms of the master agreement.

Metro has entered into several other master purchasing agreements, most recently involving the City of Tucson for trash cart replacement parts (See RS2020-324).

*Fiscal Note: Metro Department of Public Works estimated annual cost is \$19,170 for the collection calendar and Waste Wizard program.*

**Sponsors:** Toombs and Nash

**22. [RS2020-649](#)**

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

Analysis

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

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

*Fiscal Note: The total cost of the project will be \$2,880,000 and Metro's total share of the cost*

will be \$1,045,563 under this agreement.

**Sponsors:** Toombs, Murphy and Nash

**23. [RS2020-650](#)**

A resolution to amend Ordinance No. BL2020-427 to authorize The Metropolitan Government of Nashville and Davidson County to abandon additional easement rights for five properties located at 4427 Michigan Avenue, formerly a portion of an unnumbered Alley (Proposal No. 2020M-069ES-002).

**Analysis**

This resolution amends Ordinance No. BL2020-427 to abandon additional easement rights for five properties located at 4427 Michigan Avenue, former a portion of an unnumbered Alley. BL2020-427 abandoned easement rights that were retained by Council Bill O56-72 for any existing utilities for five properties located at 4427 Michigan Avenue, formerly a portion of an unnumbered Alley right-of way. That ordinance provided amendments to the legislation can be approved by resolution. This resolution would abandon an additional 20-foot public utility easement, which is no longer needed by Metro. This abandonment has been requested by O.I.C. 4461-4491 Michigan Avenue Commons and L&S Development, LLC & 114 Property, LLC, owners.

This proposal has been approved by the Planning Commission.

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

**Sponsors:** Roberts, Murphy and Nash

**24. [RS2020-651](#)**

A resolution to amend Ordinance No. BL2019-1565, as amended, to authorize The Metropolitan Government of Nashville and Davidson County to modify previously accepted sanitary sewer main and to accept additional sanitary sewer main, sanitary sewer manholes and easements and update Map and Parcel information, for now two properties located at 600 and 640 21st Avenue North (MWS Project Nos. 19-WL-95 and 18-SL-203 and Proposal No. 2019M-025ES-003).

**Analysis**

This resolution amends Ordinance No. BL2019-1655, as amended, to modify previously accepted sanitary sewer main and to accept additional sanitary sewer main, sanitary sewer manholes and easements. BL2019-1655 approved the abandonment of approximately 85 linear feet of existing eight inch water main, approximately 326 linear feet of existing 18 inch sanitary sewer main, four sanitary sewer manholes and easements, and the acceptance of approximately 611 linear feet of new eight inch sanitary sewer main, approximately 126 linear feet of new 18 inch sanitary sewer main, 10 sanitary sewer manholes and easements, for four properties located at 608 and 615 Spruce Street, and 610 and 21st Ave North (unnumbered).

This resolution accepts approximately 114 linear feet of new eight inch sanitary sewer main, approximately 135 linear feet of new 24 inch sanitary sewer main (RCP), approximately 188 linear feet of new 12 inch sanitary sewer main (DIP), approximately 230 linear feet of new 12 inch sanitary sewer main, two additional sanitary sewer manholes and easements. In addition, approximately 415 linear feet of new eight inch sanitary sewer main, and approximately 126 linear feet of new 18 inch sanitary sewer main previously accepted are no longer needed. The four properties located at 608 and 615 Spruce Street and 610 and 21st Avenue North (unnumbered) have now become two properties located at 610 and 21st Avenue North.

This proposal has been approved by the Planning Commission.

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

**Sponsors:** Taylor, Murphy and Nash

## I. Bills on Second Reading

### 46. [BL2019-7](#)

An ordinance to amend Section 17.16.250 of the Metropolitan Code of Laws regarding the existence of a Short Term Rental Property - Owner-Occupied in a two-family zoning district (Proposal No. 2019Z-017TX-001).

#### Analysis

This ordinance amends Section 17.16.250.E.1 of the Metropolitan Code pertaining to owner-occupied STRP permits for two-family dwellings. The Code currently requires both dwellings to be under the same ownership in order for a two-family dwelling to have an owner-occupied STRP permit. This ordinance would create a mechanism whereby two separate owner-occupied STRP permits could be issued for two-family dwellings when the units are owned by different persons and each unit is the primary residence of the corresponding owner. No more than two permits could be issued per lot, and only one permit could be issued per dwelling unit.

This ordinance has been approved by the Planning Commission.

**Sponsors:** O'Connell

### 47. [BL2020-456](#)

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

#### Analysis

This ordinance amends Chapter 11.22 of the Metro Code to require landlords to provide notice to tenants prior to termination of tenancy and nonrenewal of a lease. This ordinance mirrors two of the protections of the state law under the Uniform Residential Landlord Tenant Act. First, it provides that a week-to-week tenancy can be terminated upon ten days written notice. Second, it provides that a month-to-month tenancy can be terminated upon 30 days written notice. Both of these are taken from state law (Tenn. Code Ann. § 66-28-512).

This ordinance further provides that, in the absence of a written rental agreement that requires 60 days or more written notice of intent not to renew a lease, a landlord would be required to provide at least 90 days notice prior to the end of the lease of an intention not to renew a lease. It would apply to leases of one year or greater.

This ordinance would apply to all residential landlord-tenant relationships, even if ownership is transferred. A violation of these provisions would result in a fifty dollar fine per rental unit.

The Council Office would note that, while state law provides the time period that must be followed to terminate a week-to-week and month-to-month tenancy, it does not explicitly authorize local governments to collect a fifty dollar fine in connection with a violation of these provisions.

**Sponsors:** Allen, Toombs, Bradford and Taylor

**48. [BL2020-457](#)**

An ordinance to amend Section 13.08.080 of the Metropolitan Code to restrict the Metropolitan Government from entering into agreements or contracts to acquire surveillance footage or data captured by technology owned by a person or business without the direct consent of that person or business, and to clarify that the existing prohibition on the operation of license plate scanning equipment pertains to the scanning of license plates within the public rights-of-way.

**Analysis**

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



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

This ordinance amends subsection C. of Section 13.08.080 to prohibit Metro from acquiring or entering into an agreement to acquire surveillance footage or data captured by technology owned by a person or business without the direct consent of that person or business absent a judicial warrant or order to the contrary. This ordinance also amends subsection G. of this section to clarify that it is unlawful to operate any license plate scanner, regardless of the physical location of the scanning equipment, for the purpose of scanning license plates within the public rights-of-way. The existing Code section arguably would only apply to equipment that is physically installed in the right-of-way, and not when equipment is housed offsite.

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

**49.** [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.

This ordinance has been referred to the Traffic and Parking Commission.

**Sponsors:** Rosenberg

**50.** [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 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

51. [BL2020-494](#)

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

Analysis

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

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

**Sponsors:** Styles

52. [BL2020-503](#)

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

Analysis

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

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

**Sponsors:** Suara and Styles

**53. [BL2020-505](#)**

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

Analysis

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

Although the revised lease was set to expire on June 30, 2020, Metro entered into an emergency six month extension to allow time for a request for proposals to be issued for the operation of the facility, but no RFP responses were submitted. As a result, Metro notified Signature on September 22, 2020 of its election to have Signature discontinue all operations and start winding down the facility's resident care operations by January 2021.

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

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

Second, the ordinance authorizes and directs the Purchasing Agent to issue an RFP or similar solicitation seeking best offers for the operation of the facility on a long-term basis. Third, the ordinance provides that the existing budgetary appropriation for the BLTC management

contract be used to fund the emergency contract for the operation of the facility. Finally, the ordinance states the Council's desire and intention that the wind down plan for the facility be halted immediately.

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

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

**Sponsors:** Hall

**54. [BL2020-506](#)**

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

Analysis

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

Future amendments to the agreement may be approved by resolution.

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

**Sponsors:** O'Connell, VanReece and Styles

**55. [BL2020-507](#)**

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

Analysis

This ordinance accepts a \$25,000 contribution from ECG Belcourt, LLC to fund a signalized crosswalk at the intersection of 21st Avenue South and Belcourt Avenue. This contribution is the result of a traffic study conducted by Metro, which indicated that a signalized crosswalk was

needed at this intersection. ECG Belcourt, LLC constructed at mixed-use development on property located at this intersection that will have an impact on the pedestrian and vehicular traffic in the area.

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

**Sponsors:** Cash, Toombs, Nash and Allen

56. [BL2020-508](#)

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

Analysis

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

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

**Sponsors:** Rosenberg, Toombs and Nash

57. [BL2020-509](#)

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

Analysis

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

with Dr. Blalock.

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

This ordinance has been referred to the Planning Commission.

**Sponsors:** Cash

**58. [BL2020-510](#)**

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

**Analysis**

This ordinance abandons utility easement rights that were retained by Ordinance O98-1180 for property located at 220 Riverside Drive. Metro Water Services has determined that the easement rights are no longer needed. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** Withers, Murphy and Nash

**59. [BL2020-511](#)**

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

**Analysis**

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

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** Murphy and Nash

**60. [BL2020-512](#)**

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

Analysis

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

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** Roberts, Murphy and Nash

**61. [BL2020-513](#)**

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

Analysis

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

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

Future amendments to the agreement may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** Taylor, Toombs, Murphy and Nash

**62. [BL2020-514](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sanitary sewer manhole, and easements, and to accept new public sanitary sewer main, sanitary sewer manholes, and easements, for three properties located at 3916, 3920 and 3922 Cross Creek Road (MWS Project Nos. 20-SL-81 and Proposal No. 2020M-083ES-001).

Analysis

This ordinance abandons 295 linear feet of existing sanitary sewer main, one sanitary sewer manhole, and easements, and accepts approximately 303 linear feet of new sanitary sewer main, five sanitary sewer manholes, and associated easements for properties located at 3916, 3920, and 3922 Cross Creek Road.

Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** Henderson, Murphy and Nash

**J. Bills on Third Reading**

**63. [BL2019-79](#)**

An Ordinance to amend Section 6.28.030 of the Metropolitan Code regarding advertisement and occupancy of a Short Term Rental Property - Owner-Occupied (Proposal No. 2020Z-002TX-001).

Analysis

This ordinance, as substituted, implements certain requirements for a Short Term Rental Property - Owner Occupied.

This ordinance prohibits an owner-occupied STRP from advertising the availability of the property as “entire/whole home”, except for a legally permitted detached accessory dwelling unit; a legally permitted accessory apartment; or for a two-family residential unit under common ownership with a two-family unit on the same lot permitted in accordance with MCL 6.28.030.A.2.e.



This ordinance has been approved by the planning commission.

**Sponsors:** O'Connell

**67. [BL2020-425](#)**

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

Analysis

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

**Sponsors:** Rosenberg

**69. [BL2020-454](#)**

An ordinance amending Title 2 of the Metropolitan Code of Laws to prohibit bullying in all Metropolitan Government services, activities, programs, and facilities.

Analysis

This ordinance, as amended, amends the Metropolitan Code of Laws to prohibit bullying in all Metro Government services, activities, programs, and facilities. Bullying, including cyberbullying, would be prohibited by any person, volunteers, or staff. Retaliation against a person who reports bullying would also be prohibited. All Metro agencies and departments that provide services, activities, programs, and facilities to the public would be required to establish a clear policy for reporting, addressing, and preventing bullying. The policy must include a requirement for annual training for all staff on the policy and bullying prevention practices.

An amendment added at the October 20, 2020 meeting clarifies that this ordinance is meant to supplement, not replace, the existing workplace conduct policy for Metro employees.

This ordinance would not apply to Metro Nashville Public Schools, which is already required to adopt a policy prohibiting harassment, intimidation, bullying, and cyber-bullying under state law.

**Sponsors:** VanReece, Bradford, Withers, Young, Benedict, Vercher, Suara, Hurt,  
Hancock, Gamble, Taylor and Toombs

**70. [BL2020-463](#)**

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer

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for the Metropolitan Government of Nashville and Davidson County, by renaming a portion of Sharpe Ave between McFerrin Ave and CSX Railroad to "West Sharpe Ave." (Proposal Number 2020M-003SR-001).

#### Analysis

This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming a portion of Sharpe Ave. between McFerrin Ave. westward to the CSX railroad as "West Sharpe Ave." There are currently two disconnected sections of roadway named Sharpe Avenue that could cause confusion for emergency services.

This ordinance has been approved by the ECD Board and the Planning Commission. The required staff report from the Historical Commission is available as an attachment to this ordinance.

**Sponsors:** Parker, Murphy, Nash and O'Connell

#### 89. [BL2020-495](#)

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 June 10, 2020.

#### Analysis

This ordinance readopts the Metro Code to include ordinances enacted on or before June 10, 2020.

**Sponsors:** Johnston

#### 90. [BL2020-496](#)

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 main, sanitary sewer manholes and easements, for property located at Garfield Street (unnumbered), also known as 808 Gateway Germantown development (MWS Project No. 16-SL-88 and Proposal No. 2020M-076ES-001).

#### Analysis

This ordinance abandons approximately 216 linear feet of existing 10 inch sanitary sewer main, one sanitary sewer manhole and easements, and accepts approximately 619 linear feet of new 10 inch sanitary sewer main, three sanitary sewer manholes and easements, for property located at Garfield Street (unnumbered), also known as 808 Gateway Germantown.

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:** O'Connell, Murphy and Nash

91. [BL2020-497](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water mains, fire hydrant assemblies and easements, for property located at 11 Burton Hills Boulevard, also known as The Blakeford (MWS Project 20-WL-48 and Proposal No. 2020M-077ES-001).

Analysis

This ordinance accepts approximately 64 linear feet of new six inch water main (DIP), approximately 12 linear feet of new eight inch water main (DIP), two fire hydrant assemblies and easements, for property located at 11 Burton Hills Boulevard, also known as The Blakeford.

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:** Pulley, Murphy and Nash

92. [BL2020-498](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, and to accept new public water main, and a fire hydrant assembly, for property located at 920 Division Street, (MWS Project No. 20-WL-19 and Proposal No. 2020M-078ES-001).

Analysis

This ordinance abandons approximately 214 linear feet of existing six inch water main, and accepts approximately 205 linear feet of new eight inch water main and one fire hydrant assembly for property located at 920 Division Street.

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:** O'Connell, Murphy and Nash

**93. [BL2020-499](#)**

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 two properties located on Old Hickory Boulevard at Legacy Drive, also known as Old Hickory Crossing Phase 1 (MWS Project numbers 18-WL-117 and 18-SL-148 and Proposal No. 2020M-079ES-001).

**Analysis**

This ordinance accepts approximately 2,012 linear feet of new eight inch water main, approximately 1,292 linear feet of new eight inch sanitary sewer main, approximately 889 linear feet of new eight inch sanitary sewer main, four fire hydrant assemblies, 15 sanitary sewer manholes, and associated easements for two properties located on Old Hickory Boulevard at Legacy Drive, also known as Old Hickory Crossing Phase 1.

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:** Rutherford, Murphy and Nash

**94. [BL2020-500](#)**

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 two properties located on Old Hickory Boulevard at Legacy Drive, also known as Old Hickory Crossing Phase 2 (MWS Project Nos. 20-WL-106 and 20-SL-212 and Proposal No. 2020M-080ES-001).

**Analysis**

This ordinance accepts approximately 1,247 linear feet of new eight inch water main, approximately 242 linear feet of new six inch water main, approximately 1,032 linear feet of new eight inch sanitary sewer main, three fire hydrant assemblies, seven sanitary sewer manholes, and associated easements for properties located at Old Hickory Boulevard at Legacy Drive, also known as Old Hickory Crossing Phase 2.

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:** Rutherford, Murphy and Nash

95. **BL2020-501**

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 two properties located on Old Hickory Boulevard at Legacy Drive, also known as Old Hickory Crossing Phase 3, (MWS Project numbers 20-WL-107 and 20-SL-213 and Proposal No. 2020M-081ES-001).

**Analysis**

This ordinance accepts approximately 1,375 linear feet of new eight inch water main, approximately 361 linear feet of new four inch water main, approximately 1,661 linear feet of new eight inch sanitary sewer, four fire hydrant assemblies, eight sanitary sewer manholes, and associated easements for two properties located on Old Hickory Boulevard at Legacy Drive, also known as Old Hickory Crossing Phase 3.

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:** Rutherford, Murphy and Nash