



Metro Council

G. Bills on Public Hearing

1. [BL2020-197](#)

An ordinance declaring a 120-day moratorium upon the issuance of building and grading permits for multi-family developments on property within portions of the Antioch area of Nashville & Davidson County.

Analysis

This ordinance declares a 120-day moratorium upon the issuance of building and grading permits for multi-family developments on property within portions of the Antioch area of Nashville and Davidson County.

The moratorium on building and grading permits is to allow the Planning Department to conduct a study of the Antioch area to determine whether existing and planned infrastructure and public facilities are sufficient to meet the projected density resulting from multi-family development. This study is to include an assessment of the capacity to deliver public services to the area, including but not limited to, public safety facilities, roadways, sidewalks, stormwater, and school capacity. It will also make recommendations to the Council regarding modifications to the community plans and policies to address any deficiencies noted and any necessary zoning changes.

The moratorium would not affect a project that has vested.

This ordinance does not yet identify the specific areas where the moratorium would be imposed.

The planning commission is scheduled to consider this proposal at its February 11 meeting.

Sponsors: Vercher

3. [BL2020-504](#)

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

Analysis

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

This ordinance has been deferred to the March 25 meeting of the Planning Commission.

Sponsors: OConnell

5. **BL2020-535**

An ordinance amending Titles 16 and 17 of the Metropolitan Code of Laws regarding the design and operation of outdoor electrical lighting to achieve light pollution reduction consistent with International Dark Skies Association guidelines (Proposal No. 2020Z-014TX-001).

Analysis

This ordinance makes several additions to Title 16 and 17 of the Metropolitan Code of Laws regarding design and operation of outdoor electrical lighting to reduce light pollution consistent with International Dark Skies Association (IDSA) guidelines.

Changes to Section 16.20.150 of the Metropolitan Code include requirements for certain luminaries in open parking lots to reduce glare and require the use of occupancy sensors after business hours or between the hours of 11 p.m. to 4 a.m., at a minimum. Exterior lighting design for buildings would be required to comply with Section 17.28.100 of the Metropolitan Code.

The existing Section 17.28.100 of the Metropolitan Code would be deleted in its entirety and replaced with new requirements.

Currently, all site lighting must be shielded so that substantially all directly emitted light falls within the property line. No illumination in excess of one-half footcandle is permitted across the boundary of any adjacent residential property or public street. No illumination can produce direct, incident, or reflected light that interferes with the safe movement of motor vehicles on public streets. Further, rope lighting cannot be used on any building, sign, or non-residential property located adjacent to an arterial or collector street, except for properties zoned DTC.

This ordinance would apply to new construction and the subsequent maintenance of new construction, including any outdoor lighting luminaire for new commercial construction and street, pedestrian, sign, flood, sidewalk, and parking lot luminaires for new residential construction. All other exterior lighting for new residential construction would be covered only by the "Light Trespass" provisions in proposed section 17.28.100.D.5. Certain lighting, such as strobe lights, neon style colored light tubes, and lighting that causes distracting glare, would be prohibited.

The ordinance would further create illumination standards. The maximum illuminated surface light level for outdoor parking lots, automobile convenience stations, and drive-in/drive-through

canopies would be ten foot-candles. Other regulations include specific light direction and control requirements, regulations on correlated color temperature, permitted hours of outdoor light, and light trespass. Finally, the ordinance requires certain procedural requirements, including a plan submission for land development, redevelopment and new zoning applications where outdoor lighting is proposed.

This ordinance has been referred to the Planning Commission.

Sponsors: Allen and Welsch

H. Consent Resolutions and Resolutions

19. [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.

Public hearings were held on this resolution at the November 17, 2020 and January 5, 2021 Council meetings.

Sponsors: Parker

20. [RS2021-732](#)

A resolution approving amendment fourteen to a grant from the State of Tennessee, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Finance, to provide public assistance pursuant to Presidential Disaster Declaration number FEMA-1909-DR-TN to complete repairs and/or replacement to facilities damaged during April and May 2010 flood.

Analysis

This resolution approves a fourteenth amendment to a grant from the Tennessee Emergency Management Agency (TEMA) originally approved by RS2010-1489. The proceeds of this grant are used to provide public assistance pursuant to Presidential Disaster Declaration number

FEMA-1909-DRTN to complete repairs and/or replacement to facilities damaged during the 2010 flood.

This grant amendment increases the amount of the grant by \$8,854,662.65 from \$74,484,184.95 to \$83,338,847.60, and increases the required cash match by \$466,034.87 from \$3,920,219.86 to \$4,386,254.73. All other terms of the grant remain unchanged.

Sponsors: Toombs

21. [RS2021-733](#)

A resolution authorizing the Metropolitan Mayor to submit the Nashville-Davidson CARES Act Substantial Amendment 2 to the 2019-2020 Annual Action Plan to the 2018-2023 Consolidated Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development (HUD).

Analysis

This resolution approves the CARES Act Substantial Amendment 2 to the 2019-2020 Annual Action Plan of the 2018-2023 Consolidated Plan for Housing and Community Development, and authorizes the Mayor submit the Substantial Amendment 2 and Annual Update to HUD.

The Metropolitan Development and Housing Agency (MDHA) is designated as the lead agency for creating and administering the Consolidated Plan, including funds allocated through the CARES Act. Metro received notification on September 11, 2020 that Metro would receive \$5,940,972 in Community Development Block Grant (CDBG-CV) dollars from round three of CARES Act funds to prevent, prepare for, and respond to the Coronavirus outbreak in Nashville.

Pursuant to this Consolidated Plan amendment, these additional funds will be used as follows:

- \$700,000 to reimburse Metro for allowable cost associated with opening and operating a shelter at the Fairgrounds for the homeless, and opening a second shelter for homeless women at the Municipal Auditorium
- \$4,646,875 to make grants and/or loans to acquire and/or rehabilitate properties to be used as permanent supportive housing for the homeless population
- \$594,097 for program oversight and administration thru June 2026

In order to expedite the Action Plan amendment, HUD granted a waiver of the 30 day public comment requirement and reduced the public comment period to five days. MDHA solicited public comments, and a virtual public hearing was held on December 22, 2020.

Sponsors: Suara and Toombs

22. [RS2021-734](#)

A resolution to extend the provisions of Section 13.32.165.E of the Metropolitan Codes of Laws relative to sidewalk cafes.

Analysis

This resolution extends the permissibility of sidewalk cafes throughout Davidson County for an additional year. In September 2020, the Council enacted Second Substitute Ordinance No. BL2020-403 to temporarily allow sidewalk café dining facilities within the public right-of-way

throughout the jurisdiction of the Metropolitan Government and to allow bars and restaurants located within a Specific Plan (SP), Planned Unit Development (PUD), or other overlay district where restaurants and bars are permitted to use parking areas for additional seating. The purpose of the ordinance was to provide some relief to restaurants impacted by COVID-19 and the resulting social distancing/seating capacity requirements. Any fees associated with obtaining the sidewalk café permits are waived under the bill. This additional authority was to expire in January 2021 unless extended by resolution of the Council.

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

Fiscal Note: The sidewalk café permit fee was \$100 according to the Metro Public Works Department.

Sponsors: Parker and Allen

23. [RS2021-735](#)

A resolution declaring surplus and approving the disposition of certain parcels of real property in accordance with section 2.24.250(G) of the Metropolitan Code of Laws. (Proposal No. 2020M-014PR-001)

Analysis

This resolution declares 13 properties to be surplus and authorizes the Director of Public Property Administration to sell the properties in accordance with the standard procedures for the disposition of surplus property. The proceeds of the sale will be credited to the general fund. Section 2.24.250(G) of the Metro Code provides that surplus properties for which no building permit could be obtained due to the size or physical characteristics of the property may be sold to an adjacent property owner for the current appraised value listed in the records of the Assessor of Property, or to the adjacent property owner offering the highest price if no adjacent owner is willing to pay the appraised value.

These 13 properties to be sold are as follows:

Map - Parcel No.	Address - Location	Council District	Acres	Assessor Appraised Value
07008008100	0 McKinley Street	2	0.08	\$7,500
07008008200	0 McKinley Street	2	0.06	\$7,500
07008008300	0 McKinley Street	2	0.06	\$7,500
04306008400	332 May Drive	9	0.26	\$36,300
03409013300	218 Shakespeare Avenue	10	0.06	\$11,000
03409013200	216 Shakespeare Avenue	10	0.06	\$11,000
03409013000	212 Shakespeare Avenue	10	0.06	\$11,000
10616006200	720 Mill Creek Road	13	0.39	\$12,700
10616007700	306 Philfre Court	13	4.15	\$135,600
09106009300	5930 Carl Place	20	0.18	\$92,400
09206031700	737 29th Avenue North	21	0.05	\$31,300
08112008000	1618 11th Avenue North	21	0.07	\$39,100

09108027500 901 42nd Avenue North 21 0.25 \$52,000

The Planning Commission has approved this surplus property declaration.

Sponsors: Toombs, Murphy, Young, Bradford and Taylor

24. [RS2021-736](#)

A resolution approving Amendment 1 to the contract between the Metropolitan Government of Nashville and Davidson County and InfoSapient, Inc. for database administration support for the Oracle hosted E-Business Suite R12 application for items related to performance, tuning, patching, and validation along with internal DBA advisory services.

Analysis

This resolution approves an amendment to a contract between Metro and InfoSapient, Inc. for the E-Business Suite R12 database administration support. R12 is an Oracle system that Metro uses for its financial operations and transactions. All Metro departments use the system for creating purchase orders, paying invoices, recording revenues, submitting payroll, tracking departmental budgets, as well as for some HR transactions.

InfoSapient, Inc. is a consulting services company that has worked with Metro's R12 implementation since the beginning of the process. This contract is for database administration support for R12 application for items related to performance, tuning, patching, and validation, along with internal advisory services. The original sole source contract with InfoSapient did not require Council approval because it was below the \$250,000 threshold.

This amendment increases the value of the contract over the remaining four years, with an estimated amendment value of \$500,000 and a total contract value of \$700,000. Metro ITS has advised that InfoSapient is the only suitable contractor to perform these services due to their proprietary knowledge and a deep level of understanding of the application. ITS has provided a letter to the Council further explaining the reasoning for the sole source contract increase. This letter has been uploaded to Insite for viewing.

Sponsors: Toombs and Rutherford

25. [RS2021-737](#)

A resolution approving an application for a Major Cultural Institution grant from the Tennessee Arts Commission to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Arts Commission, to provide general operating support.

Analysis

This resolution approves an application for an annual grant in the amount of \$100,000 from the Tennessee Arts Commission to the Metropolitan Nashville Arts Commission for general operational support. The Arts Commission typically receives an annual state grant to help cover its operating costs. If awarded, a local match of \$100,000 will be required.

Sponsors: Toombs and VanReece

26. [RS2021-738](#)

A resolution approving amendment one to a grant from the Nashville Parks Foundation to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Parks and Recreation Department, to fund improvements to the Elmington Park tennis courts.

Analysis

This resolution approves an amendment to a grant from the Nashville Parks Foundation to the Metro Parks Department to fund improvements to the Elmington Park tennis courts. This amendment increases the amount of the grant award by \$100,000, for a total grant award of \$200,000. The previous \$100,000 grant was approved by Resolution No. RS2019-1798.

This donation was approved by the Parks Board on January 5, 2021.

Sponsors: Murphy, Toombs, VanReece and Allen

27. [RS2021-739](#)

A resolution accepting a grants package from the Friends of Warner Parks to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Parks and Recreation, to continue funding staff positions and copier costs.

Analysis

This resolution approves a grant in the amount of \$59,183.72 from the Friends of Warner Park to the Metro Parks Department to provide continued funding for staff positions and copier rental. This includes partial funding for three naturalist positions, two seasonal workers, and the copy machine rental. The grant period is January 1, 2021 through December 31, 2021.

The Parks Board approved this grant on January 5, 2021.

Sponsors: Toombs and VanReece

28. [RS2021-740](#)

A resolution accepting an in-kind grant from the Friends of Shelby Park and Bottoms to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Parks and Recreation, to provide golf course design services for tree replacement caused by the March 2020 tornado.

Analysis

This resolution approves an in-kind grant from the Friends of Shelby Park and Bottoms with an estimated value of \$1,500 to the Metro Parks Department. The in-kind services to be provided are golf course design services to plan for the replacement of trees lost at the golf course during the March 2020 tornado.

The Parks Board approved this grant on January 5, 2021.

Sponsors: Withers, Toombs and VanReece

29. [RS2021-741](#)

A resolution approving a subrecipient grant agreement by and between the Metropolitan Development and Housing Agency (MDHA) and The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Social Services, for one-time payments of first month's rent and security/utility deposits on behalf of homeless persons obtaining housing through various campaigns.

Analysis

This resolution approves a subrecipient grant agreement in the amount of \$204,000 from the Metropolitan Development and Housing Agency (MDHA) to Metro Social Services for one-time payments of the first month's rent and security/utility deposits on behalf of persons experiencing homelessness. MDHA has allocated this funding from its federal community development block grant (CDBG) funds.

This grant is an \$80,000 increase over the previous year's allocation of \$124,000. The \$80,000 increase will be used to facilitate access to permanent housing in order to prevent the spread of the COVID-19. The total payment for each client is not to exceed \$1,000. The term of the grant is from January 1, 2021 through January 31, 2022.

Sponsors: Toombs, Taylor and Allen

30. [RS2021-742](#)

A resolution approving an application for a Hazardous Materials Emergency Preparedness Grant from the State of Tennessee, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County.

Analysis

This resolution approves an application for a grant in the amount \$189,760 from the Tennessee Emergency Management Agency to the Metro Office of Emergency Management. This application is for a continuation grant used to fund hazardous materials training and equipment. The grant application provides that the funds will be used to purchase iPads, car fire and rollover simulators, training exercises, and other equipment. There would be a required local match of \$47,440.

Sponsors: Toombs and Gamble

31. [RS2021-743](#)

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

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police

Department and the Williamson County Sheriff's Office to distribute \$15,000 in state grant funds to assist with investigations of internet crimes against children. The Metropolitan Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (ICAC) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Williamson County Sheriff's Office is eligible for funding under this program. The term of the agreement is through June 30, 2021.

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

Sponsors: Toombs and Gamble

32. [RS2021-744](#)

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

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the Tennessee Association of Chiefs of Police to distribute \$10,000 in state grant funds to assist with investigations of internet crimes against children. The Metropolitan Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (ICAC) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Tennessee Association of Chiefs of Police eligible for funding under this program. The term of the agreement is through June 30, 2021.

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

Sponsors: Toombs and Gamble

33. [RS2021-745](#)

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

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police

Department and the City of Spring Hill Police Department to distribute \$15,000 in state grant funds to assist with investigations of internet crimes against children. The Metropolitan Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (ICAC) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Spring Hill Police Department is eligible for funding under this program. The term of the agreement is through June 30, 2021.

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

Sponsors: Toombs and Gamble

34. [RS2021-746](#)

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

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the Dickson County Sheriff's Office to distribute \$15,000 in state grant funds to assist with investigations of internet crimes against children. The Metropolitan Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (ICAC) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Dickson County Sheriff's Office is eligible for funding under this program. The term of the agreement is through June 30, 2021.

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

Sponsors: Toombs and Gamble

35. [RS2021-747](#)

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

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the City of Cookeville Police Department to distribute \$15,000 in state grant funds to assist with investigations of internet crimes against children. The Metropolitan Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (ICAC) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Cookeville Police Department is eligible for funding under this program. The term of the agreement is through June 30, 2021.

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

Sponsors: Toombs and Gamble

36. [RS2021-748](#)

A resolution accepting a grant 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 purchase bullet proof vests for law enforcement personnel.

Analysis

This resolution approves a routine grant in the amount of \$17,921.54 from the U.S. Department of Justice to the Metro Nashville Police Department to purchase bulletproof vests. This grant has a required local match of \$17,921.54.

Sponsors: Toombs and Gamble

37. [RS2021-749](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Bruce Conrad against the Metropolitan Government of Nashville and Davidson County in the amount of \$11,000.00, 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 Bruce Conrad against the Metropolitan Government for \$11,000 to be paid from the self-insured liability fund. On July 10, 2018, Mr. Conrad was stopped on Murfreesboro Road in the left lane waiting for traffic to clear so he could turn left onto Shiaway Drive. A Metro police officer stopped behind Mr. Conrad's vehicle, also waiting to turn left. The officer looked down at his GPS device and accidentally took his foot off the brake causing a collision that resulted in personal injuries to Mr. Conrad. Mr. Conrad was treated for injuries to his neck and back, and incurred medical bills totaling \$8,375.54

The Department of Law recommends settling this claim for the amount of the medical bills plus

\$2,624.46 in pain and suffering since the police officer was clearly at fault. The officer received disciplinary action consisting of a written reprimand.

Fiscal Note: This \$11,000 settlement, along with the settlement per Resolution Nos. RS2021-753 and RS2021-754, would be the 24th, 25th, and 26th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,602,214. The fund balance would be \$1,468,087 after these payments.

Sponsors: Toombs

38. [RS2021-750](#)

A resolution approving Amendment 1 to an Agreement between the State of Tennessee, Department of Transportation, and the Metropolitan Government of Nashville & Davidson County, through the Department of Public Works, for the acceptance of work in connection with the construction of a Complete Street project on Gallatin Pike from Alta Loma Road to Liberty Lane; Fed. Project No. STP-M-NH-6(120), State Project No. 19LPM-F3-147, PIN 123838.00. (Proposal No. 2021M-002AG-001)

Analysis

This resolution approves an amendment to an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and Metro Public Works for the acceptance of work in connection with the construction of a Complete Street project on Gallatin Pike from Alta Loma Road to Liberty Lane. The original agreement was approved by Resolution No. RS2017-635.

This amendment replaces the agreement in its entirety to add language referencing applicable law and policy to allow, but not require, Metro to use TDOT's Local Programs procured On-Call Consultants for the provision of engineering and design related service or right-of-way acquisition services. This amendment also extends the completion date of the original agreement until July 31, 2023. Exhibit A is also being updated to reflect a \$2,407,200 increase in the project cost, which will increase Metro's 20% local match to \$1,412,000. The total project cost is now estimated to be \$7,060,000. TDOT's letter regarding the cost increase indicates that it is "due to a more detailed project design yielding more defined impacts to future right-of-way easements and construction."

State law allows intergovernmental agreements between governmental entities to be approved by resolution. (Tenn. Code Ann. §12-9-104(a)). This amendment has been approved by the Planning Commission.

Fiscal Note: The total cost of the project is now estimated to be \$7,060,000. \$5,648,000 (80%) of this amount would be paid by the Tennessee Department of Transportation (TDOT). The remaining \$1,412,000 (20%) would be paid by Metro.

Sponsors: Young, Toombs, Murphy and Nash

39. [RS2021-751](#)

A resolution approving Amendment One (1) to the contract between the Metropolitan

Government of Nashville and Davidson County, through the Department of Public Works, and BFI Waste Services, LLC, to extend the contract by 5 years, update the Per Ton Charge for Municipal Waste and amend certain other parts of the contract.

Analysis

This resolution approves an extension of Metro's contract with BFI Waste Services, LLC, currently operating as Republic Services, Inc. ("Republic") for operation of a solid waste transfer station and for the disposal of solid waste. The Council authorized a contract with BFI through the adoption of Resolution No. R99-1473 in March 1999. However, the contract was not negotiated and executed until 2002. The contract is for a term of 20 years, with two additional five year optional extensions. Under this contract, Republic operates a waste transfer station located at 1160 Freightliner Liner Drive. All of the solid waste collected by Metro Public Works and its collection contractors is taken to this transfer station. Republic then transports the waste to a landfill out of county (currently the Republic-owned Middle Point landfill in Rutherford County).

Metro Public Works has determined that it is in Metro's best interest to extend the contract for five years under basically the same terms with a few modifications. The primary change is an update in the per ton charge for solid waste. The existing contract provides for a 2½% increase in the rate each year. The FY2021 price per ton is \$40.73, and the FY2022 price per ton will be \$41.75. The extended contract includes the following amounts per ton:

- Year 1 - FY23 - \$45.00
- Year 2 - FY24 - \$45.00
- Year 3 - FY25 - \$46.11
- Year 4 - FY26 - \$47.25
- Year 5 - FY27 - \$48.42

The Contract Amendment Abstract form attached to the amendment indicates that the value of the amendment is estimated to be \$41,800,000.

Although this is a significant increase in the price per ton, Metro Public Works believes it is in Metro's best interest to agree to the extension. The original contract was entered into for a 20 year period with a fixed 2.5% annual escalator. Much has changed since 2002, including fuel costs, payroll, and costs of disposal. Further, and more importantly, agreeing to this five year extension brings five years of stability in which Metro will know that it has a place for its solid waste to go. The Middle Point landfill in Rutherford County is nearing capacity. Under the terms of this contract, Republic is required to ensure that our solid waste is taken somewhere outside of Davidson County even if the Middle Point landfill closes.

The amendment also provides that Republic will contribute \$50,000 to Metro's waste reduction education program.

Sponsors: Toombs and Nash

40. [RS2021-752](#)

A resolution approving Amendment 1 to an agreement between The Metropolitan Government of Nashville and Davidson County and the City of Brentwood, to extend the term of the agreement for a period of one year.

Analysis

This resolution approves an extension of the agreement between Metro and the City of Brentwood pertaining to the sale of water to Brentwood. Ordinance No. BL2001-612 approved an agreement for Metro to sell water service to Brentwood for a period of 20 years, which may be extended by mutual agreement of the parties. Metro has contractually agreed to provide the City of Brentwood with water dating back at least to 1985. Under the term of the agreement, Metro provides Brentwood with a maximum daily volume of 2,500,000 gallons per year. The City of Brentwood is charged the same rate as our other industrial and commercial customers.

This resolution extends the term of the agreement for one year in order to develop a new long-term agreement. Ordinance No. BL2001-612 provides that amendments to the agreement may be approved by resolution.

Sponsors: Toombs and Nash

41. [RS2021-753](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Hanna Anki against the Metropolitan Government of Nashville and Davidson County in the amount of \$25,342.90, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

The resolution authorizes the Department of Law to settle the property damage claim of Hanna Anki against the Metropolitan Government for the amount of \$25,342.90 to be paid out of the self-insured liability fund. Metro Water Services (MWS) had been called out to Ms. Anki's property located at 2830 Gallatin Pike several times because of water in the parking lot. MWS initially determined that the problem was the result of a spring under the parking lot. However, after further investigation, it was determined that the problem was caused by a water main leak. Ms. Anki spent \$19,442.90 to repair the parking lot and lost \$5,900 in rent while the parking lot was unusable.

The Department of Law recommends settling the claim for the total amount of the costs to repair the parking lot and the lost rent since Metro failed to initially identify the water main leak.

Fiscal Note: This \$25,342.90 settlement, along with the settlement per Resolution Nos. RS2021-749 and RS2021-754, would be the 24th, 25th, and 26th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,602,214. The fund balance would be \$1,468,087 after these payments.

Sponsors: Toombs

42. [RS2021-754](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of the Nolensville College Grove Utility District against the Metropolitan Government of Nashville and Davidson County in the amount of \$70,503.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

The resolution authorizes the Department of Law to settle the property damage claim of the Nolensville/College Grove Utility District against the Metropolitan Government for the amount of \$70,503 to be paid out of the self-insured liability fund. On December 10, 2020, a Metro Water Services crew was attempting to replace a broken water meter at the Utility District's pump station located at 6588 Bluff Road. The water meter separated causing the building to flood. The Utility District incurred expenses totaling \$70,503 to repair the damage to the pump station building.

The Department of Law recommends settling the claim for the total amount of the costs to repair the damage caused by the Metro employees. The three employees involved received disciplinary action consisting of a verbal reprimand.

Fiscal Note: This \$70,503 settlement, along with the settlement per Resolution Nos. RS2021-749 and RS2021-753, would be the 24th, 25th, and 26th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,602,214. The fund balance would be \$1,468,087 after these payments.

Sponsors: Toombs

J. Bills on Second Reading**71. [BL2020-534](#)**

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

Analysis

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

- The appropriate amount of debt (by category) that should be approved in a capital spending plan;
- Multiple metrics for monitoring and evaluating Metro's financial condition, including the amount of debt and debt service;
- A discussion of available metrics for measuring the amount of debt and debt service, and the reasons why the metrics selected are most appropriate;
- A discussion of available metrics for measuring debt service including debt service as a

percent of expenditures, revenues, property tax revenue, or per capita, and the reasons why the metrics selected are most appropriate;

- A discussion of what factors regarding financial performance trends, including projections of key economic variables and population trends must be considered in determining the appropriate amount of debt to be approved in a capital spending plan;
- A discussion of the purposes for which each category of debt may be utilized;
- A discussion of what impact, if any, Metro's net pension obligation, has on the amount of debt (by category) that is advisable; and
- A discussion of what impact if any Metro's unfunded other post-employment benefits (OPEB) obligation has on the amount of debt.

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

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

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

There is a proposed substitute for this ordinance that will require the Director of Finance to provide a report to the Council at the time a capital spending plan is filed containing certain metrics regarding the impact the capital spending plan (CSP) will have on Metro's overall debt and operating budget. The report would include the following information:

1. Total CSP amount
2. Annual debt requirement projections for the CSP
3. Percentage of CSP debt of general government expenditures
4. The percentage of the annual operating budget appropriated for the payment of commercial paper and general obligation bond debt service for the current fiscal year and for each of the prior five fiscal years
5. Total debt compared to assessed value after adoption of the CSP
6. Projected capital spending plan amounts for each of the next five years, if known

Sponsors: Druffel

72. [BL2020-551](#)

An ordinance to amend Chapter 16.04 of the Metropolitan Code of Laws relative to the issuance of certificates of occupancy and stop work orders.

Analysis

This ordinance would require a stop work order, and prevent the issuance of a temporary certificate of occupancy, for any work site that is subject to a citation from the U.S. Department of Labor - Occupational Safety and Health Administration (OSHA) and/or the Tennessee Occupation Safety and Health Administration (TOSHA) until all violations have been abated or corrected. Chapter 16.04 of the Metro Code currently provides that the Department of Codes Administration is to issue a stop work order if work is being done on any building or structure in violation of various building and trades code provisions. This ordinance adds OSHA and TOSHA violations to the list of violations that trigger a stop work order.

This ordinance would also prohibit the Codes Department from issuing a temporary occupancy permit if there are any outstanding OSHA or TOSHA violations at the site. Such permit could only be issued upon written evidence that all violations in the citation have been abated or corrected to the satisfaction of the entity that issued the citation.

The Codes Department has expressed some concerns regarding the enforceability and legality of this ordinance. According to the Codes Department, many of the standards enforced by OSHA and TOSHA are unrelated to the building and trades codes that Codes enforces, and Codes is not involved in the investigations that lead to OSHA and TOSHA violations. The Codes Department is concerned out potential due process violations if the cited parties are engaged in an appeal of the OSHA or TOSHA decision. Further, Codes is not typically notified when OSHA or TOSHA citations are issued, and even if they are notified, they do not know the status of any appeals or whether the violations have been abated.

There is no specific authorization under state or federal law for this ordinance. Federal law grants authority to states to administer their own workplace safety programs, which led to the creation of TOSHA under state law (Title 50, Chapter 3 of the Tennessee Code Annotated - Occupational Safety and Health Act of 1972) and administered by the Commissioner of Labor and Workforce Development. The state Act grants the Commissioner or their designee inspection and enforcement authority including injunctive relief (§ 50-3-401), the power to assess monetary penalties (§ 50-3-402), and the power to issue stop work orders (§ 50-3-918). But the Act does not grant such authority to local governments. Thus, the state and federal governments have arguably preempted the field regarding such regulations. The Council Office has been unable to find any case law directly on point regarding revocation of local permits based upon OSHA/TOSHA violations.

Sponsors: Porterfield, Sledge, Styles, OConnell, Sepulveda, Benedict, Toombs,
Bradford, Welsch, Murphy, Parker and Taylor

73. [BL2020-556](#)

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 Clover Street off 44th Avenue North to "Community Court". (Proposal Number 2020M-006SR-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 section of Clover Street extending from 44th Ave N to a dead end, between Centennial Blvd / Dr Walter S Davis Blvd and Tennessee Ave, as "Community Court". There are currently there are three disconnected sections of roadway named Clover Street that could cause confusion for emergency services.

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

Sponsors: Taylor, Murphy, Nash and OConnell

75. [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.

Sponsors: OConnell, Rosenberg, Young and Sepulveda

76. [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 and parking 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

77. [BL2020-586](#)

An ordinance amending Ordinance No. BL2014-688 to reverse the Metropolitan Council’s determination that the provision of long term medical care is obsolete and unnecessary as a governmental function, directing that certain actions be taken regarding the preservation of the licensed beds at the Bordeaux Long Term Care facility and appraisals of the Bordeaux Long Term Care and J.B. Knowles Home for the Aged facilities, and requesting the creation of a long term plan for the J.B. Knowles Home facility.

Analysis

This ordinance, as amended, would reverse the Metropolitan Council’s previous decision determining that long term medical care is an obsolete governmental service, and require that certain actions be taken regarding the Bordeaux Long Term Care (BLTC) and J.B. Knowles Home for the Aged (Knowles Home) facilities. Ordinance No. BL2014-688 approved agreements for the lease and disposition of real property relating to the BLTC and Knowles Home facilities, and made a determination that the private sector can provide quality long term medical care services on a more economical basis, thus making such services obsolete and unnecessary as a governmental function. Section 2.01 of the Metro Charter provides that Metro has the power and authority to “establish, maintain and operate public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute.” But Section 1.05 of the Charter provides that Metro may stop performing any governmental service that the Council, by ordinance, has determined to be obsolete and unnecessary.

First, this ordinance repeals the Council’s 2014 determination that the provision of long term

care services by the Metropolitan Government is obsolete and unnecessary. Second, the ordinance would require the finance department, at the conclusion of the BLTC wind down, to take the necessary action to seek approval of the Tennessee Board for Licensing Health Care Facilities, for the conversion of the license for the 419 bed BLTC facility to inactive status. Converting to inactive status would preserve the ability to utilize the beds in the future, which obviously has some economic value. Upon approval of inactive status, the ordinance directs that all necessary licensure fees and any applicable nursing home assessment fees for the inactive BLTC facility be paid out of the budget BLTC management contract subsidy line item.

Metro submitted an application to the state on December 13 for a change of ownership and to place the 419 bed license for the BLTC facility into inactive status for a period of two years. According to the Department of Finance, the remaining funds in the BLTC management contract subsidy line item have now been encumbered.

Third, the ordinance directs the Director of Public Property Administration to procure and provide to the Council an appraisal of the following:

1. The value of the BLTC license to operate as a nursing home with 419 beds.
2. The value of the Knowles Home Assisted Living and Adult Day Services facility currently operated by Anthemcare Tennessee LLC, including the real property, physical building, and license to operate as an assisted living facility with 100 beds.
3. The value of the BLTC building and land.

Finally, the ordinance requests Mayor Cooper's administration to submit a plan to the Council for the Knowles Home facility, whether that be for continued operation as an assisted living facility or some other purpose, within 180 days of the completion of an RFP process for the continued operation of the Knowles Home Assisted Living facility or one year from the effective date of this Ordinance, whichever occurs first.

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

Sponsors: Toombs, Styles, Gamble, Suara, Hurt, Porterfield, Benedict, Parker, Taylor and Welsch

78. [BL2021-593](#)

An ordinance amending Chapter 9.30 of the Metropolitan Code to restrict construction noise between the hours of 6:00 p.m. and 8:00 a.m. on weekdays and between the hours of 7:00 p.m. and 9:00 a.m. on weekends.

Analysis

This ordinance amends Chapter 9.30 of the Metro Code to further restrict construction noise in residential areas. Currently, Section 9.30.010 of the Metro Code, which was amended on December 15, 2020, prohibits noise related to construction located within or adjoining a residential zone district between the hours 8:00pm and 6:00am during the months of June, July, and August and between 7:00pm and 7:00am during the rest of the year. This ordinance would limit construction noise between the hours of 6:00pm and 8:00am on weekdays and

7:00pm and 9:00am on weekends.

Sponsors: Lee, Hausser, Taylor and Styles

79. [BL2021-612](#)

An ordinance establishing a Special Commission to review and investigate the circumstances and responses pertaining to the suicide bombing in Nashville on December 25, 2020, and to make any recommendations regarding public safety improvements.

Analysis

This ordinance establishes a Special Bombing Review Commission (the "Commission") to investigate the circumstances and responses pertaining to the December 25, 2020 suicide bombing on Second Avenue, and to report its findings back to the Council. Section 2.04 of the Metropolitan Charter authorizes the creation of commissions by ordinance in addition to those specifically provided for in the Charter, including the necessary authority for carrying out the powers of the commission. The Council has created several commissions by ordinance over the years, such as the Metropolitan Action Commission, the Historical Commission, the Human Relations Commission, and the Housing Fund Commission.

This commission would be of limited duration to focus on one specific event. The purpose of the Commission is to (1) review and investigate the circumstances surrounding the bombing,; (2) to make recommendations regarding possible improvements, procedures, and policy changes to reduce the likelihood of another bombing in Nashville; and (3) to improve the city's response to similar emergencies in the future. The Commission would consist of nine members: seven appointed by the Mayor, which are not subject to confirmation by the Council, the Chair of the Council Public Safety Committee (or another councilmember designated by such Chair), and the Vice Mayor or his designee.

The ordinance grants the Commission the authority to conduct its own investigation, hold hearings, request the services of the Metropolitan Auditor, and, upon adoption of a resolution by the Council, engage the services of outside professionals. The ordinance also specifies that the Commission would have the right to subpoena witnesses and documents. Section 18.10 of the Charter provides that commissions that are granted investigatory authority have the right to compel the attendance of witnesses and the production records pertinent to the investigation or any hearing.

The Commission will be required to submit its report and recommendations to the Council within one year from the date of its first meeting, and the Commission will terminate at that point.

Sponsors: Mendes, Gamble, OConnell, Bradford, Welsch, Styles and Suara

80. [BL2021-613](#)

An ordinance approving a contract between the Metropolitan Government of Nashville and Davidson County, through the Department of Water and Sewerage Services and Lightwave Solar, LLC for the design, construction, operation, management, and administration services related to photovoltaic solar facilities located at Central Wastewater Treatment Plant, Whites Creek Wastewater Treatment Plant and Omohundro Water Treatment Plant.

Analysis

This ordinance approves a contract between Metro Water Services (MWS) and Lightwave

Solar, LLC (“Lightwave”) for photovoltaic solar facilities located at the Central Wastewater Treatment Plant, Whites Creek Wastewater Treatment Plant, and Omohundro Water Treatment Plant. The agreement is in furtherance of the Council’s approval of Ordinance No. BL2019-1600, which in part requires Metro to utilize 35% tier-one renewable energy sources by 2025, 2.45% of which must be derived from solar, and to utilize 100% tier-one renewable energy by 2041, 10% of which must be from solar.

Lightwave was selected through a request for proposals process to design, construct, and maintain solar arrays at the three MWS facilities (the “System”). The term of the agreement is for 30 years commencing from the date the System is energized, which is anticipated to be December 31, 2021. Lightwave will remain the owner of the System and will provide to MWS all of the electrical energy generated by the System during term of the agreement. MWS will be responsible for delivering any electric energy generated by the System that is in excess of the MWS facility’s requirements to Nashville Electric Service.

MWS will make monthly payments to Lightwave in the amount of \$31,090.99 throughout the term of the agreement. Metro can terminate the agreement for any reason with 90 days written notice and upon the payment of a termination fee, which is calculated as the sum of (1) a percentage of the System value after depreciation, (2) the net present value of the remaining monthly payments, and (3) the costs of removal. If Lightwave terminates the agreement early, Metro will be entitled to a termination payment consisting of the net present value of the expected cost of the electricity that is in excess of the monthly fee.

MWS cannot make alterations to the System that could adversely affect operation of the System without Lightwave’s consent. MWS can be “off line” up to 48 daylight hours per year without penalty. Being off line for more than 48 hours in a year will require MWS to reimburse Lightwave for lost environmental incentives or lost sales. MWS will have the option to purchase the System at fair market value at the end of the 6th, 15th, 20th, and 25th contract year.

This ordinance also approves a site lease for the solar array areas for the duration of the solar energy agreement with Lightwave.

Future amendments to the agreement may be approved by resolution.

Fiscal Note: Metro Water Services will pay \$31,090.00 monthly from Fund #65560210, Business Unit #67331, under the terms of this agreement.

Sponsors: Toombs, Nash, Allen, Hancock, OConnell, Sledge and Syracuse

81. [BL2021-614](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent and temporary easements for the River Drive Stormwater Improvement Project for four properties located on River Drive, (MWS Project No. 21-SWC-171 and Proposal No. 2020M-107ES-001).

Analysis

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

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

Sponsors: Toombs, Murphy and Nash

82. [BL2021-615](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main, sanitary sewer manholes and easements for three properties located at 7150 and 7154 Nolensville Road and Nolensville Road (unnumbered) in Williamson County (MWS Project No. 20-SL-69 and Proposal No. 2020M-108ES-001).

Analysis

This ordinance accepts 2,746 linear feet of new eight inch sanitary sewer main, 15 sanitary sewer manhole, and associated easements for properties located at 7150 and 7154 Nolensville Road and Nolensville Road, unnumbered. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

Fiscal Note: This ordinance has no cost to Metro. Donated easements do not have a market value according to the Department of Water Services.

Sponsors: Murphy and Nash

83. [BL2021-616](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main and easements, and to accept new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes, pressure reducing valve and easements, for property located at Brick Church Lane (unnumbered), also known as Heartland North Phase 1 (MWS Project Nos. 18- WL-172 and 18-SL-226 and Proposal No. 2020M-110ES-001).

Analysis

This ordinance abandons approximately 1,350 linear feet of existing eight inch water main, and accepts 1,655 linear feet of new 12 inch water main, 2,866 linear feet of new eight inch water main, 2,254 linear feet of new eight inch sanitary sewer main, five hydrant assemblies, 18 sanitary sewer manholes, one pressure reducing valve, reconnection of three existing fire hydrant assemblies, and associated easements for property located at Brick Church Lane (unnumbered), also known as Heartland North Phase 1. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

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

Sponsors: Gamble, Murphy and Nash

K. Bills on Third Reading**87. [BL2021-594](#)**

An ordinance lowering the speed limit on streets designated as local streets on the Major and Collector Street Plan within the Urban Services District from 30 miles per hour to 25 miles per hour, allowing exceptions to that general reduction to be granted by the Metropolitan Traffic and Parking Commission, and amending Section 12.20.020 of the Metropolitan Code.

Analysis

This ordinance, as amended, reduces the speed limit on local streets on the Major and Collector Street Plan within the Urban Services District (USD) from 30 miles per hour to 25 miles per hour. Section 11.904 of the Metro Charter grants the power and authority to the Metro Traffic and Parking Commission, as part of the traffic regulations, to establish “speed zones” upon Metro streets and roads based upon the findings of the commission. T.C.A. § 55-8-153 authorizes local legislative bodies to prescribe lower speed limits within certain areas, zones, streets, or roads within their jurisdictions. The Neighborhood Speed Limit Reduction Project recommended lowering the speed limit on streets designated as local streets on the Major and Collector Street Plan within the Urban Services District from 30 miles per hour to 25 miles per hour to increase safety for pedestrians, cyclists, and motorists. The Traffic and Parking Commission approved the Neighborhood Speed Limit Reduction Project in November 2019.

In addition to lowering the speed limit on local streets, this ordinance provides that the Traffic and Parking Commission will retain the authority to grant exceptions to the reduced speed limit for certain roads after holding a public hearing on the requested exception if the testimony at the public hearing supports it.

A link showing a list of the streets that would be subject to the 25 mph restriction has previously been provided to the Council and can be found [here](https://nashville.maps.arcgis.com/apps/View/index.html?appid=08710299815c48db8095024440d13c13).
<<https://nashville.maps.arcgis.com/apps/View/index.html?appid=08710299815c48db8095024440d13c13>>.

Future amendments to this ordinance could be approved by resolution.

The Traffic and Parking Commission approved this ordinance at their January 11 meeting.

Fiscal Note: The estimated cost to Metro for the replacement of speed limit signs is \$85,000, broken down as follows: Parts and materials - \$60,000, labor and overtime - \$15,000, contingency - \$10,000.

Sponsors: Allen, Nash, OConnell, Henderson, Sledge, Bradford, Styles, Gamble,
Taylor, Welsch, Benedict, Withers and Johnston

88. [BL2021-595](#)

An ordinance approving an agreement between the Metropolitan Government of Nashville-Davidson County, Tennessee, by and through the Metropolitan Nashville Police Department (“MNPD”), and Vanderbilt University Medical Center (“VUMC”) to provide medical support and work cooperatively with other on-scene first responders to assist in any situations

encountered by MNPDP that require medical support.

Analysis

This ordinance approves an agreement between the Metro Nashville Police Department (MNPDP) and Vanderbilt University Medical Center (VUMC) to provide medical support and assistance during MNPDP incidents. This agreement, called a Tactical Medical Services Agreement, is for VUMC Emergency Medicine Department to provide assistance to MNPDP with emergency medical services, provide medical direction, and clinical training. The services to be provided include overseeing medical assistance to law enforcement personnel and citizens, both remotely and at an active scene.

VUMC will designate a physician to oversee the services provided under the agreement. The agreement specifically provides that VUMC's services are voluntary, and are subject to the availability of personnel and their willingness to respond. The agreement does not represent a contractual obligation for VUMC to respond to any particular incident regardless of the circumstances, and there specifically will be no liability for VUMC or any employee for not responding.

When VUMC comes to an active scene, MNPDP will establish a "safe zone" perimeter for medical personnel. MNPDP will move injured persons to the safe zone for treatment.

The term of the agreement is for one year, but may be extended for up to four additional one year periods. No compensation will be provided to VUMC as a result of the agreement.

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

Sponsors: Gamble, Styles and Toombs

89. [BL2021-596](#)

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 September 15, 2020.

Analysis

This ordinance, as amended, readopts the Metro Code to include ordinances enacted on or before September 15, 2020.

Sponsors: Johnston

90. [BL2021-597](#)

An ordinance approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Public Works, and Monroe Infrastructure LLC, for the construction of public infrastructure in Phase 1A of River North. (Proposal No. 2021M-001AG-001)

Analysis

This ordinance, as amended, approves a participation agreement between Metro, acting by and through the Department of Public Works, and Monroe Infrastructure LLC, for the construction of public infrastructure in Phase 1A of the River North development north of Jefferson Street and east of the Cumberland River. The fiscal year 2019 Capital Spending Plan approved by Resolution No. RS2018-1454 in October 2018 included \$20,000,000 for an East Bank / Cowan - Infrastructure project. This participation agreement would use approximately \$13,800,000 of this previously authorized funding for Phase 1A of the public infrastructure work necessary for the proposed River North development. The Council authorized the acceptance of easements for public rights-of-way associated with the River North development in July 2019 through the adoption of Resolution No. RS2019-1805.

Under the terms of the agreement, Monroe Infrastructure (“Monroe”) will construct the public infrastructure in the first phase of the River North development, which will consist of roadway and intersection improvements and public utilities. Once completed the work will create a new road network with a cost of approximately \$20,902,000. Monroe will be responsible for the demolition of existing structures, construction, installation, and completion of Phase 1A. A description of the infrastructure work to be completed is attached to the agreement as [Exhibit B <https://nashville.legistar.com/View.ashx?M=F&ID=9032298&GUID=4D4312BB-654F-44DD-856B-9012AAC5BB32>](https://nashville.legistar.com/View.ashx?M=F&ID=9032298&GUID=4D4312BB-654F-44DD-856B-9012AAC5BB32).

Metro agrees to reimburse Monroe for public infrastructure completed in Phase 1A not to exceed \$13,802,000. Such reimbursement will be paid from the FY19 capital spending plan, under Fund 40119, Business Unit 42409119. Monroe will submit reimbursement requests to Metro quarterly. If the total cost of the project exceeds \$20,902,000, Monroe will be solely responsible for paying the overage. Metro’s financial liability under the agreement is capped at \$13,802,000, which is 66% of the estimated construction costs. Monroe will convey the infrastructure to Metro once it is completed.

The Phase 1A work will start within 90 days of Council approval of the agreement, and the work is to be completed within two years. The agreement includes a clawback provision similar to the language added by amendment to the Nashville Yards participation agreement in the previous Council term. If the Phase 1A work is not completed, Monroe will be required to return all payments to Metro.

The recitals in the agreement note that Monroe will be providing 5.5 acres of property for the streets and four acres for a Riverfront greenway.

Metro and Monroe also agree to pursue the establishment of a central business improvement district (CBID) for the first 40 acres of the project area known as “the Landings.” CBIDs are permitted pursuant to T.C.A. §7-84-501 *et seq.*, and allow the imposition of an additional assessment on all property located within the area to provide enhanced services. Under state law, a majority of all real property owners must petition the government to create a CBID, representing 2/3 of the assessed value within the area seeking designation. The Council has previously approved the creation of three CBIDs - one in downtown, a second in the Gulch area, and a third in the Cane Ridge Road area.

An amendment added at the January 19, 2021 meeting states that the participation of Metro is subject to the availability of funds. A similar provision was added to the text of the attached participation agreement. The amendment also added a section noting that the intent of the

Metro Council is to establish a CBID for “the Landings”.

Amendments to this ordinance may be approved by resolution.

Fiscal Note: Metro will reimburse Monroe Infrastructure, LLC up to \$13,802,000 for the infrastructure project and will be paid from the FY19 Metro Capital Spending Plan, under Fund No. 40119, Business Unit No. 42409119. The total estimated cost of this work is \$20,902,000.

Upon completion of the infrastructure project, Monroe will convey ownership to Metro. Metro would be responsible for the ongoing operation and maintenance.

Sponsors: Parker, Toombs, Murphy, Nash, Mendes, OConnell, Welsch, VanReece and Syracuse

91. [BL2021-598](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to relocate a public fire hydrant assembly, for property located at 517 Dr. D.B. Todd, Jr., Boulevard, (MWS Project No. 20-WL-126 and Proposal No. 2020M-104ES-001).

Analysis

This ordinance authorizes the relocation of a public fire hydrant assembly for property located at 517 Dr. D.B. Todd, Jr., Boulevard. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

Sponsors: Taylor, Murphy and Nash

92. [BL2021-599](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a new sanitary sewer main and one sanitary sewer manhole, for property located at 5661 Valley View Road (MWS Project No. 20-SL-248 and Proposal No. 2020M-105ES-001).

Analysis

This ordinance accepts approximately 250 linear feet of new eight inch sanitary sewer main and one sanitary sewer manhole for property located at 5661 Valley View 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. Donated easements do not have a market value according to the Department of Water Services.

Sponsors: Swope, Murphy and Nash

93. [BL2021-600](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to relocate a public fire hydrant assembly, for three properties located at 1207 Sweetbriar

Avenue, (MWS Project No. 20-WL-140 and Proposal No. 2020M-106ES-001).

Analysis

This ordinance accepts the relocation of a public fire hydrant assembly for properties located at 1207, 1207B, and 1207C Sweetbriar Avenue. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

Sponsors: Cash, Murphy and Nash