



Metro Council

G. Resolutions on Public Hearing

1. [RS2021-783](#)

A resolution exempting East Nashville Beer Works, located at 320 E Trinity Lane, 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 East Nashville Beer Works located at 320 E Trinity Lane.

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

2. [RS2021-784](#)

A resolution exempting Epice, LLC, located at 2902 12TH Avenue S., 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 Epice, LLC, located at 2902 12th Avenue S.

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

3. [**RS2021-785**](#)

A resolution exempting The Rock N' Dough Pizza Company, located at 1105 51st Avenue N., 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 The Rock N' Dough Pizza Company located at 1105 51st Avenue N.

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: Roberts

4. [RS2021-786](#)

A resolution exempting Southern Grist Brewing Company, located at 750 Douglas 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 Southern Grist Brewing Company located at 750 Douglas 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

H.

Bills on Public Hearing

6. [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 is scheduled for the February 25 meeting of the Planning Commission.

Sponsors: Allen, Welsch, OConnell, Murphy, Bradford and Hancock

10. [BL2021-619](#)

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to amend Chapters 17.24 and 17.40 to add language pertaining to plans for street trees and streetscape, all of which is described herein (Proposal No. 2021Z-001TX-001)

Analysis

This ordinance authorizes the Planning Commission to adopt a street tree and/or streetscape plan for specific geographic areas within Davidson County. The urban forester would be tasked with review and enforcement of a street tree/streetscape plan. These provisions would be applicable to single- or two-family construction of new single-family or attached or detached two-family structures on a vacant lot, including lots where all structures have been or are planned to be demolished and multi-family or non-residential development or redevelopment which includes one or more of the following:

- a. Construction of a new structure on a vacant lot, including lots on which all structures have been or are planning to be demolished; or
- b. The cost of any one renovation equal to or greater than fifty percent of the current appraised value of all structures on the lot, or the value of multiple renovations during any five-year period equal to or greater than seventy-five percent of the current appraised value of all structures on the lot; or
- c. The cost of any one expansion equal to or greater than twenty-five percent of the current appraised value of all structures on the lot, or the value of multiple renovations

- during any five-year period equal to or greater than fifty percent of the current appraised value of all structures on the lot; or
- d. The total building square footage of any one expansion is equal to or greater than twenty-five percent of the total square footage of all structures on the lot, or the total building square footage of multiple expansions during any five-year period is equal to or greater than fifty percent of the total square footage of all the structures on the lot.

Trees would be required to be installed and maintained according to the provisions of the Metro Nashville Street Tree Specifications. Trees installed pursuant to this ordinance would be eligible for credit toward the tree density requirements.

The urban forester could make minor modifications to the plan based on existing physical site conditions. However, amendments that alter the overall concept of the plan would be required to go before the Planning Commission. The Zoning Administrator would be authorized to waive, in whole or in part, requirements of this ordinance upon request of the property owner or its agent due to existing physical features. Decisions on waivers would be made in consultation with the urban forester, and, if applicable, the director of Metro Public Works, the director of Metro Water Services, or their designee.

The provisions of this ordinance could be varied or appealed to the Board of Zoning Appeals. The BZA could require a contribution to the tree bank or other appropriate mitigation as a condition of the variance.

This ordinance was approved with an amendment by the Planning Commission.

Sponsors: Roberts and Welsch

11. [BL2021-620](#)

An ordinance amending Chapters 17.36 and 17.40 of Title 17 of the Metropolitan Code to create a Detached Accessory Dwelling Unit (DADU) Overlay District. (Proposal No. 2021Z-002TX-001).

Analysis

This ordinance creates a Detached Accessory Dwelling Unit (DADU) Overlay District in Title 17 of the Metropolitan Code.

The proposed overlay would permit a detached, self-sufficient dwelling unit accessory to a principal structure. The overlay would permit DADUs within the boundary of the overlay, subject to existing standards for detached accessory dwelling units in Section 17.16.030.G of Title 17. These standards include requirements for, but not limited to, ownership, lot area, setbacks, bulk & massing, design, and access. This ordinance does not apply the overlay to any areas; it only creates the tool that can be utilized. The process to apply the overlay is the same process as a rezoning and is similar to the process for other overlays, such as contextual overlays and residential accessory structure overlays.

This ordinance is scheduled for the February 25 Planning Commission meeting. Planning staff has proposed an amendment that clarifies the applicability standards and permitted uses within the overlay.

Sponsors: Allen, Parker, Welsch and OConnell

12. [BL2021-621](#)

An Ordinance amending Sections 17.40.720 and 17.40.730 of the Metropolitan Code, Zoning Regulations, to require additional public notice regarding applications for permits from the Historic Zoning Commission (Proposal No. 2021Z-003TX-001).

Analysis

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

An amendment is anticipated for this ordinance.

This is scheduled for the March 25 meeting of the Planning Commission.

Sponsors: Murphy

I. **Consent Resolutions and Resolutions**

26. [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: Taylor, Toombs, Murphy, Nash and Suara

27. [RS2021-757](#)

Initial resolution determining to issue general obligation bonds of The Metropolitan Government of Nashville and Davidson County in an aggregate principal amount of not to exceed \$474,610,000.

Analysis

This resolution authorizes the issuance of up to \$474,610,000 in general obligation bonds to provide funding for various projects contained in the Mayor's proposed capital spending plan.

This resolution would provide \$270,640,000 for the General Government, \$190,970,000 for Metro Nashville Public Schools, and a contingency of \$13,000,000.

The capital spending plan filed by the administration includes the information required by Ordinance No. BL2019-77, which requires disclosure of full cost itemizations prior to submission of capital expenditure authorization legislation to the Council. Approval of this initial resolution would allow the Metropolitan Government to use its commercial paper program to provide short-term financing to commence construction prior to the sale of the long-term bonds.

For purposes of context, the amounts of the five prior capital spending plans are as follows:

- RS2020-213 \$154,000,000
- RS2018-1454 \$351,100,000
- RS2017-963 & 713 \$421,215,000
- RS2016-245 \$475,000,000
- RS2015-1500 \$520,000,000

A list of the capital projects to be funded through this spending plan, including the estimated

cost for each of the projects, is attached to this analysis. Each of these capital projects is properly listed within the Capital Improvements Budget.

This resolution was previously deferred for one meeting pursuant to Rule 21 of the Council Rules of Procedure.

Fiscal Note: This resolution would authorize issuance of up to \$474,610,000 in general obligation bonds to provide funding for the Mayor's proposed capital spending plan.

Sponsors: Toombs, VanReece and Rosenberg

28. [RS2021-787](#)

A resolution approving a contract by and between The Metropolitan Government of Nashville and Davidson County and Youth Opportunity Investments, LLC, for operation and management services for the Davidson County Juvenile Detention Facility.

Analysis

This resolution approves a contract with Youth Opportunity Investments, LLC (YOI), for the operation and management of the Davidson County Juvenile Detention Facility (the "Facility"). YOI is the current operator of the facility pursuant to a 2015 five-year contract. Metro purchasing issued a request for qualifications (RFQ # 57122) for this contract. One of the proposals was deemed nonresponsive, and YOI received the highest score of the remaining two.

This contract is for a term extending through February 2026, with an estimated total contract value of \$28,000,000. YOI will be compensated based upon a per diem rate for each juvenile housed. The per diem amounts under the contract are as follows:

- Year 1 - \$299.29
- Year 2 - \$308.27
- Year 3 - \$317.52
- Year 4 - \$327.04
- Year 5 - \$336.85

YOI will be responsible for all operation and management of the Facility. They must ensure that the Facility maintains American Correctional Association accreditation at all times. When differences arise between various standards, YOI must comply with the highest standards, as determined by Metro Juvenile Court. The contract requires that there be a Metro contract monitor who will be granted access to the Facility and records.

The Facility Director must be approved by the Juvenile Court Judge. All new employees must undergo background checks and drug screening. YOI must provide adequate healthcare and nutrition, and must provide a fulltime on-site licensed counselor or social worker. They must also provide a dietician, an on-call psychiatrist 24/7, and an on-call physician. YOI will be responsible for implementing alternative behavior management options to reduce detainee isolation.

As the Council will recall, Metro entered into a settlement agreement with YOI in June 2020 to recoup a portion of Metro's costs associated with the escape of several juveniles from the Facility. This contract includes several provisions pertaining to the procedures surrounding escapes, riots, and fires. In the event of an escape, YOI is not to attempt to apprehend the individual(s), but rather is to immediately call 911, notify the Facility Director, and notify the Juvenile Court contract monitor. Any incident that involves the dispatch of EMS must also be reported to the contract monitor. YOI must perform a monthly inspection of all safety equipment, including locks and video monitoring equipment.

The contract provides for liquidated damages in the amount of \$10,000 per incident of nonperformance to be paid by YOI. Such incidents of nonperformance include, but are not limited to, the failure to comply with mandatory staffing ratios, solitary confinement regulations, and the failure to report incidents to the Department of Children Services.

The contract includes standard insurance and indemnification provisions protecting Metro from loss. No part of the operating or management services can be subcontracted without Metro's consent.

Section 4.12.240 of the Metropolitan Code provides that "all contracts for the provision of management services for correctional facilities owned by the metropolitan government, executed on or after January 1, 2017, must be approved by resolution of the metropolitan council, duly adopted by twenty-one affirmative votes."

Sponsors: Toombs and Gamble

29. [RS2021-788](#)

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

Analysis

This resolution approves the election of notaries public in accordance with T.C.A. § 8-16-101.

Sponsors: Johnston

30. [RS2021-789](#)

A resolution approving an application for a grant from the Tennessee Historical Commission to the Metropolitan Government, acting by and through the Metropolitan Nashville Historical Commission, to provide for a comprehensive, countywide cemetery preservation plan.

Analysis

This resolution approves an application for a grant in the amount of \$24,600 from the Tennessee Historical Commission to the Metro Historical Commission to fund a rural cemetery preservation plan. There are approximately 500 rural cemeteries in Davidson County, with over 12,000 tombstones. The preservation plan to be funded with this grant would update the survey information for each site and ascertain the maintenance needs. The study is to be completed by September 30, 2022. If awarded, there will be a required local match of \$16,400.

Sponsors: Toombs, Murphy, Bradford, Gamble and Suara

31. [RS2021-790](#)

A resolution approving an intergovernmental license agreement between The Metropolitan Government of Nashville and Davidson County, by and through the Department of Parks and Recreation, and the State of Tennessee, acting by and through its Commissioner of Transportation, to construct and maintain a multi-use pedestrian greenway in Davidson County, Tennessee. (Proposal No. 2021M-003AG-001)

Analysis

This resolution approves an agreement between Metro Parks and the Tennessee Department of Transportation (TDOT) to allow Metro to construct a greenway on TDOT right-of-way along Lebanon Pike in Donelson as part of the Stones River greenway. There is no cost to Metro for the use of the TDOT property. The term of the agreement is for ten years, which may be renewed with the consent of the parties. Metro would be liable for any damage to TDOT's property. The agreement may be terminated at will by TDOT with 60 days' written notice.

This agreement has been approved by the Parks Board and the Planning Commission.

Sponsors: Rhoten, VanReece and Murphy

32. [RS2021-791](#)

A resolution accepting an in-kind grant from the McCabe Park Little League to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Parks and Recreation Department, to provide materials and labor to improve and develop McCabe Park in order to better serve the community.

Analysis

This resolution approves an in-kind grant with a value of \$10,354.71 from the McCabe Park Little League to the Metro Department of Parks and Recreation to provide materials and labor for the improvement of McCabe Park and Elmington Park. The improvements will consist of fencing around the small baseball field at McCabe Park, the installation of gutters and a French drain at McCabe Park, and new bases and field dressing for the Elmington Park baseball field.

There is no required local match for this grant.

Sponsors: Murphy, Toombs, VanReece and Suara

33. [RS2021-792](#)

A resolution approving a Construction Agreement by and between CSX TRANSPORTATION, INC., a Virginia corporation with its principal place of business in Jacksonville, Florida (CSXT), and the Metropolitan Government of Nashville and Davidson County, acting by and through its Department of Public Works, for the reimbursement of CSXT performed railroad crossing safety improvements at Post Road (0D016), Railroad Crossing #348028F, State Project No: 19960-2552-94, Federal Project No: HSIP-R00S-(315), PIN 123221.00. (Proposal No. 2021M-007AG-001).

Analysis

This resolution approves a construction agreement between CSX and Metro Public Works for

the reimbursement of Post Road railroad crossing safety improvements. The construction estimate prepared by CSX is \$82,376, which will be divided between Metro and the Tennessee Department of Transportation (TDOT) as follows: 10% from Metro (\$8,237.60) and 90% from TDOT (\$74,138.40). The project will require CSX to install conduit cable plus 20 days of flagging services.

Ordinance No. BL2005-787 authorizes approval of agreements between the Department of Public Works and CSX by resolution.

Sponsors: Toombs, Murphy and Nash

34. [RS2021-793](#)

A resolution approving amendment 2 to an Intergovernmental 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 Department of Public Works, for the reimbursement of railroad crossing safety improvements at Post Road (OD016), Railroad Crossing #348028F, State Project No: 19960-2552-94, Federal Project No: HSIP-R00S-(315), PIN 123221.00. (Proposal No. 2020M-015AG-003).

Analysis

This resolution approves an amendment to an intergovernmental agreement between the Tennessee Department of Transportation and the Metropolitan Department of Public Works for the reimbursement of railroad crossing safety improvements at Post Road. The original agreement was approved by Resolution No. RS2020-450. These safety improvements include new signal poles, mast arms, signal heads, traffic signs, and railroad crossing signage. The total cost of the project was originally estimated to be \$62,786.06, with Metro being responsible for 10% of the cost (\$6,278.61), and TDOT will be responsible for 90% (\$56,507.45).

The project cost estimate has now increased to \$171,931.11, in which the total cost is to be split 10% Metro (\$17,193.11), and 90% for TDOT (\$154,738.00). The cost increase is a result of changes required by CSX Transportation consisting of the installation of preemption cable to run below ground instead of above the track, and for approximately 20 days of flagging services.

Sponsors: Toombs, Murphy and Nash

35. [RS2021-794](#)

A resolution approving a Memorandum of Understanding to transfer solid waste disposal responsibilities from the Department of Public Works to the Department of Water and Sewerage Services along with the related operational activities, personnel, and equipment.

Analysis

This resolution approves a memorandum of understanding (MOU) between Metro Public Works (PW) and Metro Water Services (MWS) to transfer the personnel and operational activities related to solid waste disposal from PW to MWS. Section 8.402 of the Metro Charter provides that PW is responsible for “the collection and disposal of garbage and other refuse, and maintenance and operation of facilities for the disposal of same.” Thus, all operations

related to the collection and disposal of solid waste and recycling have always resided with PW.

The administration is proposing the transfer of the operations to MWS as an initial step toward the creation of a Metro Department of Transportation to consolidate various transportation functions from other departments into one department. Since most transportation-related functions are currently part of PW, the MOU notes that it is appropriate that non-transportation functions be transferred out of the department. The resolution and MOU recitals identify the advantages for transferring the solid waste functions to MWS in terms of sustainability efforts and to facilitate the possible creation of a solid waste enterprise fund, though it is unclear how such an enterprise fund would function since, unlike the stormwater division of MWS, the solid waste division operates primarily on general fund tax dollars, not customer/user fees. The MOU also notes that MWS already has a support system, such as a call center, a fleet management program, and administrative support.

Pursuant to this MOU, after July 1, 2021, all PW solid waste disposal employees and equipment would be transferred under the administration of MWS. The agreement also provides for the transfer of all funds associated with this function. MWS would be required to keep separate accounting records pertaining to the solid waste disposal responsibilities. MWS would take over the enforcement of all federal, state, and local solid waste disposal and recycling rules and regulations that PW is currently responsible for enforcing. The MOU provides that MWS would also be required to comply with all regulatory requirements associated with solid waste disposal, such as reporting requirements and maintaining closed landfills. MWS would be required to submit an annual report to PW about the solid waste disposal activities and funds expended, as well as planned future capital projects.

Section 5.04.065 of the Metropolitan Code provides that the transfer of any funds, equipment, services, or property valued in exceed of \$500,000 from one department to another must be pursuant to an MOU approved by resolution adopted by the Council with 21 affirmative votes.

The Council Office would note that it is questionable whether such transfer of the solid waste functions from PW to MWS through an MOU is consistent with the Metro Charter. As noted above, Section 8.402 of the Charter provides that PW shall be responsible for “the collection and disposal of garbage and other refuse, and maintenance and operation of facilities for the disposal of same.” Section 2.01(36) of the Metro Charter provides that “when any power is vested by this Charter in a specific officer, board, commission or other agency, the same shall be deemed to have exclusive jurisdiction within the particular field.” Finally, while Section 1.05 of the Charter provides that the Council can declare certain services prescribed by the Charter to be obsolete by ordinance, there is nothing pertaining to the transfer of functions to other departments.

That being said, the transfer of functions between these two departments is not unprecedented. In 2002, the stormwater division was transferred from PW to MWS by MOU. But there was a subsequent ordinance and eventually a Charter amendment to officially make the transfer. The Council Office recommends that the transfer of the solid waste functions from

PW to MWS be included as part of a future Charter amendment resolution considered by the Council.

Sponsors: Rutherford and Nash

36. [RS2021-795](#)

A resolution authorizing Parking Management Company LLC to construct and install an aerial encroachment at 207 7th Avenue North. (Proposal No.2020M-037EN-001).

Analysis

This resolution authorizes Parking Management Company LLC to install and maintain an aerial encroachment comprised of a 172in x 54in projection sign on the front of a parking structure encroaching the public right-of-way on property located at 207 7th Avenue North. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to post a certificate of public liability insurance in the amount of \$3,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This encroachment has been approved by the Planning Commission.

Sponsors: OConnell, Murphy and Nash

37. [RS2021-796](#)

A resolution authorizing The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, hereinafter called the "Licensee," to enter into a Facility Encroachment Agreement with CSX TRANSPORTATION, INC. hereinafter called "Licensor" to construct, use and maintain water main in the railroad right-of-way at Division Street, south of 7th Avenue South in Davidson County, (Project No. 20-WG-070 and Proposal No. 2021M-008AG-001).

Analysis

This resolution approves a facility encroachment agreement between CSX Transportation and Metro Water Services (MWS) for the installation of a 36" pipe below the CSX right-of-way between Oak Street and Kayne Avenue. MWS will be required to make a one time license fee payment of \$10,200 to CSX for the encroachment, plus a \$6,200 insurance fee and a \$6,000 review fee, for a total fee \$22,400.

This resolution has been approved by the planning commission.

Sponsors: OConnell, Toombs, Murphy and Nash

38. [RS2021-797](#)

A resolution approving an application for a Flood Mitigation Assistance Grant from the State of Tennessee, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Water and Sewerage Services Department, for flood mitigation.

Analysis

This resolution approves an application for a Flood Mitigation Assistance Grant from the Tennessee Emergency Management Agency to Metro Water Services. The application is for a grant award of \$525,208.50 with a required local cash match of \$58,356.50. The grant funds would be used for the purchase and demolition of two homes located at 3225 and 3227 West Hamilton Avenue.

Sponsors: Toombs, Nash and Suara

39. [RS2021-798](#)

A resolution approving Amendment 1 to a grant contract between the State of Tennessee, Department of Environment and Conservation, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, to extend the term of the grant contract.

Analysis

This resolution approves an amendment to a grant from the Tennessee Department of Environment and Conservation to Metro Water Services for the replacement of 130 broken and missing tree grates with flexible porous paving. The grant, originally approved by RS2019-1594, is in the amount of \$95,617 with a local match of \$75,887. The original grant was set to expire March 31, 2021.

This grant amendment extends the term of the grant until March 31, 2022, with no change in the grant amount.

Sponsors: Nash

40. [RS2021-799](#)

A resolution to amend Ordinance No. BL2020-353 to authorize The Metropolitan Government of Nashville and Davidson County to accept additional sanitary sewer manholes and a fire hydrant assembly, for property located at 810 Division Street (MWS Project Nos. 20-SL-59 and 20-WL-139 and Proposal No. 2020M-044ES-002).

Analysis

This resolution amends Ordinance No. BL2020-353 to accept additional sanitary sewer manholes and a fire hydrant assembly for property located at 810 Division Street. BL2020-353 abandoned 222 linear feet of existing 15-inch sanitary sewer main and easements, and accepted 290 linear feet of new 18-inch sanitary sewer main, three sanitary sewer manholes, and easements for this property. It has since been determined that two additional sanitary sewer manholes and one fire hydrant assembly are needed for the project.

This ordinance has been approved by the planning commission. BL2020-353 provided that future amendments to this ordinance may be approved by resolution.

Sponsors: OConnell, Murphy and Nash

K. Bills on Second Reading

64. [BL2020-387](#)

An ordinance amending Section 3.24.010 of the Metropolitan Code of Laws pertaining to health insurance benefits for Members of the Metropolitan Council after they leave office.

Analysis

This ordinance, as amended, amends Section 3.24.010 of the Metropolitan Code pertaining to health insurance benefits for councilmembers after they leave office. Section 3.24.010 currently allows councilmembers to participate in Metro's health insurance program under the same terms and conditions as are available to regular Metro employees. After leaving office, members who were participants in the health care plan are allowed to continue, provided they pay the full amount of the premium with no subsidy from Metro. However, the code allows members who hold office for eight years or more -- as well as members serving on or after August 31, 2007 that served part of one term and a full consecutive term -- to continue the health care plan, provided they pay the contribution rates equivalent to those paid by regular Metro employees (which is currently 25% of the insurance premium paid by the employee and 75% paid by Metro).

The ordinance under consideration would modify this language to state that councilmembers holding office for less than eight years prior to October 1, 2027 who were participants in the plan may continue coverage, provided they pay the full amount of the premium. Council members serving eight years or more prior to October 1, 2027 would still be allowed to continue the health care plan, provided they pay the contribution rates equivalent to those paid by regular Metro employees. Councilmembers not covered by the above conditions could participate in the health care plan under the same terms and conditions as retired Metro employees at the following contribution rates:

- For former councilmembers who served at least eight years, but less than fifteen, Metro would contribute 25% and the former councilmember would contribute 75%;
- For former members who served fifteen years or more, Metro would contribute a portion of the contribution rate based on years of service as provided in Section 3.16.020c.3. of the Metro Code applicable to retired employees hired after January 1, 2013, as follows:

Time of Service	Former Councilmember Responsibility	Metro Responsibility
8-15 years	75%	25%
15-16 years	50%	50%
16-17 years	45%	55%
17-18 years	40%	60%
18-19 years	35%	65%
19-20 years	30%	70%
20 or more years	25%	75%

Councilmembers serving eight years who would otherwise qualify for health care coverage at the contribution rates paid by regular Metro employees could elect to participate in the health

care plan at the higher rates set forth in this ordinance. Except as detailed above, no councilmember serving after October 1, 2027 would be eligible for the subsidized health care plan after leaving office.

Similar legislation was considered by the Council in 2012, 2015, and 2017, but was not enacted.

This ordinance was previously deferred to March 2 at the September 15, 2020, Council meeting.

Fiscal Note: The estimated annual cost of the health care premium paid by Metro for current councilmembers is \$352,908 and past councilmembers is \$484,530, a total of 837,438 in 2020. Over the last three (3) years, this expense has been comprised of approximately 45% current Council members and 55% past Council members. The projected costs in 2024 would be \$1,208,134 if the number of participants remains the same. The cost could fluctuate and will depend on the number of individuals participating in the plan, according to the Human Resources Department.

For comparison purposes, a summary of the equivalent post-employment health benefits offered to councilmembers in ten (10) peer cities is attached to this analysis. This information was obtained in 2015.

Sponsors: Hancock, Evans, OConnell, Bradford, Rutherford and Henderson

66. [BL2021-618](#)

An ordinance providing for the waiver of certain building permit fees for the repair or rebuilding of property damaged as a result of the December 25, 2020, blast.

Analysis

This ordinance waives permit fees for the repair or rebuilding of property damaged as a result of the December 25, 2020, bombing on Second Avenue. This ordinance is similar to Ordinance No. BL2020-234, as amended, which waived building permit fees the repair or rebuilding of property damaged as a result of the March 3, 2020 tornado.

Under this ordinance, building permit fees, as well as water, sewer, and stormwater permit fees, would be waived if the following conditions are satisfied:

- The permits are obtained to repair damage to the owner's property caused by the December 25, 2020, blast.
- The permits are obtained within one year from the effective date of this ordinance.
- The owner must provide evidence that the work is being performed as a result of damage from the bombing.
- Property owners who paid building permit fees for December 25, 2020, blast-related damage prior to the effective date of this ordinance will be entitled to a refund.
- Permit fees for water, sanitary, and stormwater services will be waived if the permittee

is replacing site improvements with in-kind service demands. If the permittee adds volume, including a change in water tap and/or meter size, fees will be assessed to equal the difference between the existing tap/meter fee and the fee for the requested larger size(s).

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

The ordinance also provides for an exemption from the requirements for new sidewalks and street trees that would otherwise be required.

This ordinance will sunset after one year, but may be extended by resolution.

There is a housekeeping amendment for this ordinance correcting a typographical error.

Fiscal Note: The total amount of fees to be waived is estimated at \$108,533.66 according to the Department of Codes and Building Safety.

Sponsors: OConnell, Welsch, Allen and Suara

67. [BL2021-622](#)

An ordinance to amend the Geographical Information Systems Map for The Metropolitan Government of Nashville and Davidson County, by changing the name of Carney Street from 4th Avenue South to Ensley Boulevard to “Bianca Paige Way”. (Proposal No. 2021M-002SR-001)

Analysis

This ordinance renames Carney Street from 4th Avenue South to Ensley Boulevard as “Bianca Paige Way.” Bianca Paige was a longtime local favorite on the drag circuit, and a fixture among Nashville’s LGBTQ+ community. In addition to her entertaining performances, Bianca Paige was a strong advocate for HIV/AIDS related causes, raising more than \$1 million for AIDS related charities. Bianca Paige also volunteered with Nashville CARES, Nashville Pride, Vanderbilt’s AIDS/HIV vaccine studies, Vanderbilt Children with AIDS, The Conductors, Human Rights Campaign, as well as served as spokesperson for “The Bianca Paige Awareness Network”, an organization dedicated to AIDS awareness and prevention.

This ordinance has been approved by the ECD Board and the Planning Commission. The required report from the Historical Commission has been provided to the Council.

Sponsors: Sledge, Withers, VanReece, Bradford, Young, Benedict and Welsch

68. [BL2021-646](#)

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

Analysis

This ordinance modifies various provisions in the Metro Code to facilitate the Mayor’s planned

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

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

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

2.44.070

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

2.56.210

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

12.04.230

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

12.08.150

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

12.41.040

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

12.42.010

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

12.44.010

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

12.44.020

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

12.44.040

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

12.44.060

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

12.44.070

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

12.44.080

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

13.08.080

- Allows license plate scanner technology solely for the purpose of enforcing parking

restrictions

- The license plate information must be deleted within 30 minutes after the vehicle leaves the space unless it is suspected of violating parking restrictions

This ordinance has been referred to the Traffic and Parking Commission and is to be considered at their March 8 meeting. This ordinance needs to be deferred for one meeting since Section 11.905 of the Metro Charter requires a recommendation from the Traffic and Parking Commission prior to adoption on second reading.

Sponsors: OConnell, Nash, Hancock and Welsch

69. [BL2021-647](#)

An ordinance authorizing 3H Group, Inc. to install, construct and maintain underground and aerial encroachments in the right-of-way located at 1500 Charlotte Avenue (Proposal No. 2021M-001EN-001).

Analysis

This resolution authorizes 3H Group, Inc. to install and maintain an underground and aerial encroachments at 1500 Charlotte Avenue. The encroachments will consist of six blade signs, three out-swinging doors, ten sun shades, a canopy sign, and various building lights encroaching the public right-of-way for Towneplace Suites. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

Sponsors: OConnell, Murphy and Nash

70. [BL2021-648](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning an approximate eighty-foot portion of Lea Avenue right-of-way between 7th Avenue South and 8th Avenue South. (Proposal Number 2021M-002AB-001).

Analysis

This ordinance abandons Lea Avenue from the dead end, between 7th Avenue South and 8th Avenue South, southeastwardly approximately 80 feet. The abandonment has been requested by Ragan Smith Associates. Metro Public Works has determined there is no future need for this roadway for Metro purposes. Metro will retain all utility easements located within the portion of the roadway to be abandoned.

Future amendments to this ordinance may be approved by resolution.

This abandonment has been approved by the Planning Commission and the Traffic and

Parking Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

Sponsors: OConnell, Murphy and Nash

71. [**BL2021-649**](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Alley Number 2058 right-of-way south of Lebanon Pike and east of Rucker Avenue. (Proposal Number 2020M-022AB-001).

Analysis

This ordinance abandons Alley #2058 from Rucker Ave eastward. The abandonment has been requested by Dale and Associates. Metro Public Works has determined there is no future need for this roadway for Metro purposes. Metro will retain all utility easements located within the portion of the roadway to be abandoned.

Future amendments to this ordinance may be approved by resolution.

This abandonment has been approved by the Planning Commission and the Traffic and Parking Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

Sponsors: OConnell, Murphy and Nash

72. [**BL2021-650**](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Alley Number 142 right-of-way and easement from Lea Avenue to Drexel Street. (Proposal Number 2021M-001AB-001).

Analysis

This ordinance Alley #142 from Lea Avenue southward to Drexel Street, between 7th Avenue South and 8th Avenue South. The abandonment has been requested by Ragan Smith Associates. Metro Public Works has determined there is no future need for this roadway for Metro purposes. This ordinance also abandons all utility easements.

Future amendments to this ordinance may be approved by resolution.

This abandonment has been approved by the Planning Commission and the Traffic and Parking Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

Sponsors: OConnell, Murphy and Nash

73. [BL2021-651](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning an Unnumbered Alley right-of-way and easement from the 6th Avenue South and Oak Street intersection southwestward. (Proposal Number 2020M-019AB-001).

Analysis

This ordinance abandons an unnumbered alley from the intersection of 6th Avenue South and Oak Street southwestward to the railroad right-of-way. The abandonment has been requested by Barge Cauthen and Associates, Inc. Metro Public Works has determined there is no future need for this roadway for Metro purposes. Metro will retain all utility easements located within the portion of the alleyway to be abandoned.

Future amendments to this ordinance may be approved by resolution.

This abandonment has been approved by the Planning Commission and referred to the Traffic and Parking Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

Sponsors: Sledge, Murphy, Nash and OConnell

74. [BL2021-652](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water mains and easements, and to accept new public water mains, fire hydrant assemblies, and easements, for two properties located at 715 Merritt Avenue and Hagan Street (unnumbered) (MWS Project No. 19-WL-126 and Proposal No. 2021M-004ES-001).

Analysis

This ordinance abandons approximately 489 linear feet of existing 36 inch water main, 151 linear feet of existing 30 inch water main, 231 linear feet of existing 16 inch water main, and the associated easements, and accepts approximately 639 linear feet of new 36 inch water main, 36 linear feet of new 16 inch water main, 45 linear feet of new eight inch water main, two fire hydrant assemblies, and associated easements, for two properties located at 715 Merritt Avenue and Hagan Street (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. Abandoned and donated easements have no market value according to the Department of Water Services.

Sponsors: Sledge, Murphy and Nash

75. [BL2021-653](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon a sanitary sewer main, adjust a sanitary sewer manhole, and to accept sanitary sewer main encased in concrete and one sanitary sewer manhole, for four properties located on 13th Avenue South, also known as AMEC Publishing House (MWS Project No. 20-SL-191 and Proposal No. 2021M-003ES-001).

Analysis

This ordinance abandons approximately 40 linear feet of existing eight inch sanitary sewer main, adjusts a sanitary sewer manhole, and accepts approximately 40 linear feet of new eight inch sanitary sewer main) encased in concrete and one sanitary sewer manhole pro properties located at 900, 910, 912, and 926 13th Avenue South, also known as AMEC Publishing House. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Sledge, Murphy and Nash

L. **Bills on Third Reading**

78. [BL2020-553](#)

An ordinance to require a resolution of the Metropolitan Council prior to discontinuing operations at the J.B. Knowles Home Assisted Living Facility.

Analysis

This ordinance, as substituted, would require all assisted living services being provided to patients and residents at the J.B. Knowles Home Assisted Living Facility to be continued unless the elimination of such services is approved by the Metropolitan Council by a resolution

receiving 21 affirmative votes, so long as there is a successful bidder pursuant to Metro's public procurement process or a current qualified operator is willing to provide services in exchange for funding no greater than the most recent budgeted subsidy. Likewise, no wind down or other processes or preparations intended to prepare this facility for closure could occur until 30 days after the affirmative Council vote. The ordinance further provides that, while the Council intends the services provided by the facility to be continued with no subsidy, the Council intends to continue a subsidy sufficient to bring per-patient revenue for Davidson County residents living at Knowles Home in line with per-patient revenue at comparable non-profit assisted living facilities in Davidson County until a long term plan is reviewed and approved by the Council.

The Knowles Home Assisted Living and Adult Day Services facility is currently operated by Anthemcare Tennessee LLC under a contract with Metro. The Anthemcare contract was entered into in June of 2018 for a two year period, but the contract was extended in 2020 for one year with a new expiration date of June 14, 2021.

Sponsors: Toombs and Welsch

79. [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, Syracuse, Welsch, Benedict and Bradford

80. [BL2021-623](#)

An ordinance approving and authorizing the Director of Public Property Administration, or his designee, to accept a donation of real property consisting of 15.91 acres, a portion of Parcel ID 18700000100, for use as a proposed school site (Proposal No. 2021M-001PR-001).

Analysis

This ordinance accepts a donation of property located on Burkitt Road in Antioch from Regent Homes, LLC to Metro Nashville Public Schools. Regent Homes owns 112.92 acres in this area, which is identified on the sketch attached to the ordinance as the proposed Burkitt Ridge subdivision. This donation includes 15.91 acres of property located in the center of the development area for a proposed school site. The Board of Education has approved this donation.

Fiscal Note: The estimated value of the 15.91 acres of donated property has not yet been determined. The total appraised value for the 112.92 acres is \$127,101 according the Assessor of Property's website.

Sponsors: Rutherford, Toombs and Murphy

81. [BL2021-624](#)

An ordinance accepting a greenway conservation easement, on certain property located at 0 Asheford Trace (Parcel No. 16400026200) owned by Green Trails, LLC (Proposal No. 2020M-027AG-001).

Analysis

This ordinance accepts a greenway conservation easement for property located at Asheford Trace, unnumbered. The easement will be 20 feet wide, resulting in a total easement area of 6,824 square feet. There is no cost to Metro to acquire the easement. Further amendments to this easement agreement may be approved by resolution.

This ordinance has been approved by the planning commission.

Sponsors: Styles, Toombs, Murphy, Nash, Allen and VanReece

82. [BL2021-625](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning a portion of Alley Number 2004 right-of-way and easement from Baptist World Center Drive northeastward to Alley Number 2003. (Proposal Number 2020M-016AB-001).

Analysis

This ordinance abandons a portion of Alley #2004 from Baptist World Center Drive northeastward to Alley #2003. The abandonment has been requested by Jenner Design, LLC. Metro Public Works has determined there is no future need for this alley right-of-way for Metro purposes. This ordinance also abandons the utility easements within the alley.

Future amendments to this ordinance may be approved by resolution.

This abandonment has been approved by the Planning Commission and the Traffic and Parking Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

Sponsors: Toombs, Murphy, Nash and OConnell

83. [BL2021-626](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Alley Number 434, Alley Number 428 and Alley Number 628 right-of-way. (Proposal Number 2020M-017AB-001).

Analysis

This ordinance abandons three sections of alleys: Alley #434 from Caldwell Avenue southward to Alley #628, Alley #628 from Alley #434 eastward to Alley #42, and Alley #428 northward to Caldwell Avenue. The abandonment has been requested by Dale & Associates. Utility easements within the alley portions will be retained by Metro.

Future amendments to this ordinance may be approved by resolution.

This abandonment has been approved by the Planning Commission and the Traffic and Parking Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the

abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

Sponsors: Cash, Murphy, Nash and OConnell

84. [BL2021-627](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning portions of Alley Number 177, Alley Number 178 and Alley Number 202 right-of-way and easement from between 4th Avenue North and 5th Avenue North. (Proposal Number 2020M-020AB-001).

Analysis

This ordinance abandons three portions of alleys located between 4th Avenue North and 5th Avenue North: Alley #177 from Madison Street to Alley #178, a portion of Alley #178 from Alley #177 to Alley #202 and a portion of Alley #202 from Madison Street to Alley #178. The abandonment has been requested by Barge Cauthen and Associates, Inc. Metro Public Works has determined there is no future need for this alley right-of-way for Metro purposes. This ordinance also abandons the utility easements located within the portion of the alleys to be abandoned.

Future amendments to this ordinance may be approved by resolution.

This abandonment has been approved by the Planning Commission and the Traffic and Parking Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

Sponsors: OConnell, Murphy and Nash

85. [BL2021-628](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning White Oak Lane right-of-way from Hillsboro Pike to White Oak Drive. (Proposal Number 2020M-018AB-001).

Analysis

This ordinance abandons White Oak Lane from Hillsboro Pike to White Oak Drive. The abandonment has been requested by Lasonti Enterprises, LLC. Metro Public Works has determined there is no future need for this alley right-of-way for Metro purposes. Metro will retain all utility easements located within the portion of the roadway to be abandoned.

Future amendments to this ordinance may be approved by resolution.

This abandonment has been approved by the Planning Commission and the Traffic and Parking Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

Sponsors: Pulley, Murphy, Nash and OConnell

86. [BL2021-629](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sanitary sewer manholes and easements, and to accept new public sanitary sewer mains, sanitary sewer manholes, a fire hydrant assembly and easements, for eleven properties located on Caldwell Avenue and Bernard Circle, also known as Belmont Caldwell Residence Hall (MWS Project No. 20-WL-83 and 20-SL-163 and Proposal No. 2021M-001ES-001).

Analysis

This ordinance abandons approximately 580 linear feet of existing eight inch sewer main, three sewer manholes and associated easements, and accepts 351 linear feet of new 12 inch sanitary sewer main, 32 linear feet of new 12 inch sanitary sewer main, three sanitary sewer manholes, one fire hydrant assembly, and associated easements for eleven properties located on Caldwell Avenue and Bernard Circle, to allow for the construction of Belmont Caldwell Residence Hall. 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. Abandoned and donated easements have no market value according to the Department of Water Services.

Sponsors: Cash, Murphy and Nash

87. [BL2021-630](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer force main and easement, and to accept new sanitary water and sewer mains, sanitary sewer force main, fire hydrant assemblies, sanitary sewer manholes and easements, for 33 properties located on Lakevilla Drive, also known as 2540 Murfreesboro Pike Development (MWS Project Nos. 20-WL-136 and 20-SL-273 and Proposal No. 2021M-002ES-001).

Analysis

This ordinance abandons 183 linear feet of existing two inch sanitary sewer force main and easement, and accepts approximately 828 linear feet of new eight inch water main, 51 linear

feet of new four inch water main, approximately 93 linear feet of new two inch sanitary sewer force main, approximately 683 linear feet of new eight inch sanitary sewer main, two fire hydrant assemblies, three sanitary sewer manholes, and associated easements for 33 properties located on Lakevilla Drive, also known as 2540 Murfreesboro Pike Development.

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. Abandoned and donated easements have no market value according to the Department of Water Services.

Sponsors: Murphy, Nash and Porterfield

88. [BL2021-631](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public fire hydrant assemblies and easements, and to accept new water main, fire hydrant assemblies and easements, for four properties located on Murphy Court and Murphy Road, also known as Parke West (MWS Project No. 20-WL-51 and Proposal No. 2020M-109ES-001).

Analysis

This ordinance abandons two existing fire hydrant assemblies and easements, and accepts approximately 805 linear feet of new eight inch water main, two fire hydrant assemblies, and associated easements for the following four properties located on Murphy Court and Murphy Road:

110 Murphy Court
3421 Murphy Road
100 Murphy Court
Murphy Road (unnumbered)

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. Abandoned and donated easements have no market value according to the Department of Water Services.

Sponsors: Taylor, Murphy and Nash

89. [BL2021-632](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a new public fire hydrant assembly, for property located at 2205 Hobson Pike (MWS Project No. 18-WL-22 and Proposal No. 2020M-111ES-001).

Analysis

This ordinance accepts a new fire hydrant assembly for property located at 2205 Hobson Pike.

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

Sponsors: Murphy, Nash and Lee

Council Post-Employment Health Benefit Comparisons

Atlanta – The Council member is not vested until they have worked for 15 years and must be age 60 or older. The former member would then pay 50% of the premiums with Atlanta paying the other 50%.

Indianapolis – The Council member must serve for 10 consecutive years in order to vest in the plan. The former member then pays 100% of the premium (no subsidy). Also, coverage only stays in effect until age 65. Medicare is then expected to take over.

Kansas City, MO – After retiring from the Council, the employee pays 100% of the premiums. However, they do receive a \$200 credit towards the cost.

Louisville – Only COBRA continuation insurance is offered for a limited time.

Mecklenburg County – Only COBRA continuation insurance is offered for a limited time.

Memphis – If the Council member has served for less than 25 years, they are only offered COBRA continuation insurance for a limited time.

If they have enough service to be eligible for retirement as a regular employee and are under age 65, Memphis pays 30% of the premiums with the other 70% being paid by the former Council member.

If the employee has Medicare, Memphis will only pay 25% of the premiums with the other 75% being paid by the former Council member.

Milwaukee – It requires 5 years of service in order to vest in the plan. However, the former Council member pays 100% of the premiums. If they are not eligible to retire, they just receive COBRA continuation insurance for a limited time.

It is possible for the former Council member to receive 100% subsidization of their premiums, but they would need to have at least 15 years of service and have started employment before 1994.

Oklahoma City – After serving two terms (8 years), former Council members pay 42% of the premiums with the city paying the other 58%. This will go up 2% per year until the former member will be paying 50% by 2020.

San Antonio – Only COBRA continuation insurance is offered for a limited time.

St. Louis – Like all other employees, the Council member vests in the plan after 5 years of service. They can stay on the group plan after leaving the Council, but the former Council member pays 100% of the premiums.