



Metro Council

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## G. Consent Resolutions and Resolutions

### 1. [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 a permanent 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, Nash and Allen

**3. [RS2021-806](#)**

A resolution approving amendment two to the Consumer Financial Protection Initiative grant from the Cities for Financial Empowerment Fund, Inc. (“CFE Fund”) to the Metropolitan Government, acting by and through the Office of the Mayor, to support municipal engagement to improve the financial stability of low and moderate income households.

**Analysis**

This resolution approves the second amendment to the Consumer Financial Protection Initiative grant from the Cities for Financial Empowerment Fund, Inc. (“CFE Fund”) to the Metropolitan Government, acting by and through the Office of the Mayor. The original grant was approved by Resolution No. RS2018-1121. This amendment extends the end date of the grant to December 31, 2021 and transfer the agreement from the Office of the Mayor to the Metro Human Relations Commission. This grant is used to support municipal engagement to improve the financial stability of low and moderate income households.

**Sponsors:** Toombs, Hurt, Welsch and Suara

**4. [RS2021-807](#)**

A resolution approving an intergovernmental agreement between the State of Tennessee, by and through the Department of Safety and Homeland Security, and the Metropolitan

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Government of Nashville and Davidson County, by and through the Davidson County Sheriff's Office, for the Commercial Driver License (CDL) Third Party Testing Program.

Analysis

This resolution approves an intergovernmental agreement between the Tennessee Department of Safety and Homeland Security and the Davidson County Sheriff's Office (DCSO) for the Commercial Driver License (CDL) Third Party Testing Program. Pursuant to this agreement, DCSO will be able to provide and administer the authorized third party testing (skills tests) as needed for the issuance of a CDL to DCSO employees. DCSO will provide the CDL testing services to be administered by a state certified CDL third party examiner. Allowing the DCSO to administer the CDL tests to its employees will save time and money since they will not have to wait for open classes and pay the associated additional expenses.

The agreement includes specific training requirements for the DCSO examiners. If the state provides testing equipment, then DCSO will be responsible for maintaining the equipment. In the event the state's electronic testing tablet supply has been depleted, then DCSO would be required to furnish tablets of the same make and model. DCSO would also be required to pay a \$250 annual administrative fee to the state. The agreement is for a term of 57 months and 17 days starting March 15, 2021.

T.C.A. § 12-9-104 authorizes the Metropolitan Government to enter into intergovernmental agreements with agencies of the state government for cooperative projects by resolution of the governing body.

**Sponsors:** Toombs and Gamble

5. [\*\*RS2021-808\*\*](#)

A resolution to approve a lease extension between The Metropolitan Government of Nashville and Davidson County, acting by and through the Davidson County Clerk's Office and Grace's Plaza, LTD., for office space at 4009 Hillsboro Pike. (Proposal No. 2021M-005AG-001).

Analysis

This resolution approves an extension of a lease agreement between the Metropolitan Government and Grace's Plaza, Ltd., for the lease of space at 4005 Hillsboro Pike for use by the County Clerk. The County Clerk has maintained a satellite office at this Grace's Plaza location for many years. This lease is for 638 square feet of office space to be used solely for the dispensing of auto license tags, license plates, and transferring auto titles. The existing lease was approved by Ordinance No. BL2017-689 for a term commencing June 1, 2017 and ending May 31, 2021. Metro is responsible for the general upkeep of the premises, but Grace's Plaza is responsible for repairs to the exterior walls, roof, and HVAC system.

The base rent for the office space was \$10,555.68 for the first year, and has increased by three percent each year thereafter. In addition to the base rent, Metro is responsible for paying Grace's Plaza a proportionate share of property taxes paid on the premises.

The parties desire to extend the lease for four more years under the same terms and conditions as the prior lease agreement.

This lease extension has been approved by the Planning Commission.

**Sponsors:** Pulley, Toombs and Murphy

6. [RS2021-809](#)

A resolution appropriating to certain accounts for the benefit of the Administrative Department, Davidson County Sheriff’s Office, Sports Authority, and Metropolitan Action Commission Twenty Five Million Seven Hundred and Forty Two Thousand Eight Hundred Dollars (\$25,742,800).

Analysis

This resolution approves supplemental appropriations in a total amount of \$25,742,800 to be provided to various departments in order to balance their fiscal year 2021 budgets. The Council typically considers a supplemental appropriation resolution each spring, though generally not of this magnitude. The resolution appropriates \$12,910,500 from the Undesignated Fund Balance of the General Fund of the General Services District as follows:

Replenish the Self-Insured Liability Fund	\$7,600,000
Insurance Premiums	\$1,831,800
Subsidy for Fairgrounds	\$2,140,300
MDHA Tax Increment Financing Payment	\$1,338,400

There is also an appropriation in the amount of \$190,600 from Undesignated Fund Balance of the General Fund of the General Services District for an MDHA USD Tax Increment Financing Payment.

The resolution also appropriates \$11,610,500 to the Davidson County Sheriff’s Office (DCSO), which includes \$6,726,900 from the state for jail inmate reimbursement and \$4,883,600 from the Undesignated Fund Balance of the General Fund of the General Services District. The funding for DCSO is for the following purposes:

Metro Detention Facility - Utilities & Facilities Management	\$954,100
Metro Detention Facility - Other Operating Expenses	\$348,300
Metro Detention Facility - Building Improvements	\$839,700
Correctional Healthcare - Medical Services	\$4,300,400

A total of \$459,000 is appropriated to the Sports Authority for insurance on its facilities. This consists of \$411,400 from the Sports Authority fund balance and \$47,600 from the Metro general fund.

Finally, this resolution appropriates \$572,200 from the Undesignated Fund Balance of the Metropolitan Action Commission (MAC) BF/AF Care Program Fund as follows:

MAC - Care of Persons	\$169,000
MAC - Repairs and Maintenance	\$100,000
MAC - Insurance	\$117,500

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MAC - Transfers to Other Funds                      \$185,700

The BF/AF program is MAC's before and after school care program, which was closed due to the COVID-19 pandemic. This supplemental appropriation is needed to cover certain fixed costs associated with the program that cannot be charged to other grants since this program is partially funded by families utilizing the services.

**Sponsors:**            Toombs

7.     **[RS2021-810](#)**

A resolution appropriating the amount of \$18,838,300.00 from the General Fund Reserve Fund for the purchase of equipment and building repairs for various departments of The Metropolitan Government of Nashville and Davidson County.

**Analysis**

This resolution appropriates \$18,838,300 from the General Fund Reserve Fund (4% Fund) to 10 departments for various purchases of equipment and building repairs. Section 6.14 of the Metropolitan Charter requires that 4% of all the general fund revenue of the General Services District be set aside each year solely for the purchase of equipment and building repairs.

By Ordinance No. O86-1534 and Section 5.04.015.F of the Metro Code of Laws, allocations from the General Fund Reserve Fund must each be supported by an information sheet, which are attached to the resolution. The resolution further provides in part: "The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund."

The following departments would receive funding:

- **Department of Codes and Building Safety** -- \$120,000 to reconfigure the Codes office and for Cityworks - STRP & Landlord Registration Online.
- **Department of General Services** -- \$2,930,000 for new and replacement fleet vehicles and Knowles/Bordeaux deferred maintenance and equipment/repairs.
- **Department of Information Technology Services** -- \$7,346,300 for PC replacement fund, Microsoft OS/SQL, Data Center EoL/EoS Equipment, network and infrastructure equipment and services, and software and licensing.
- **Metro Nashville Community Oversight** -- \$23,000 for network upgrades to Washington Square Office to receive body-worn camera videos and files.
- **Department of Parks and Recreation** -- \$1,250,000 for maintenance, equipment, and supplies for park system, residential/neighborhood community centers, Golf/Sportsplex/Wave County/Parthenon, culture, arts and nature centers, parks administration, and for tree maintenance.
- **Department of Public Works** -- \$500,000 for miscellaneous equipment and repairs, road salt replenishment, and right-of-way tree/landscaping repairs.
- **Metropolitan Nashville Police Department** -- \$1,406,000 for MDCs for 39 police car buildouts, training facility portable/storage/gage, and homicide and fraud units buildout.
- **Nashville Fire Department** -- \$2,500,000 for logistics - medical and safety supplies, repairs and maintenance of facilities, and technology for fire stations and front-line

apparatus.

- **Nashville General Hospital** -- \$1,063,000 for equipment and renovation include fracture table, intra-aortic balloon pump, CT machine, and refurbish angio suite for interventional rad-angio lab.
- **Nashville Public Library** -- \$1,700,000 for books, periodicals, and library materials and miscellaneous repairs.

A housekeeping amendment is anticipated to correct a fund number.

**Sponsors:** Toombs

8. [RS2021-811](#)

A resolution to approve the Second Amendment to two grant contracts for constructing affordable housing between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission, and Crossroads Campus and Westminster Home Connection.

Analysis

This resolution amends two grant contracts between the Metropolitan Housing Trust Fund Commission and two non-profit organizations for the construction of affordable housing. The original grants were approved by Resolution No. RS2018-1088 for a term from the date of execution until completion of the project, but not for longer than 24 months. The grant amounts were \$1,000,000 for Crossroads Campus and \$155,000 for Westminster Home Connection. The contracts were extended for an additional 12 months pursuant to Resolution No. RS2020-242.

The parties now desire to extend the terms for an additional 12 months. There is no change in the grant amounts.

*Fiscal Note: This resolution will extend the term of these contracts but will not affect the balance of the Barnes Fund.*

**Sponsors:** Suara, Toombs and Allen

9. [RS2021-812](#)

A resolution approving amendment two to a subrecipient grant agreement from the Metropolitan Development and Housing Agency (MDHA), to the Metropolitan Government, acting by and through the Metropolitan Action Commission, to address rent and mortgage assistance for up to three months for eligible households resulting from the COVID-19 pandemic.

Analysis

This resolution approves the second amendment to a subrecipient grant agreement from the Metropolitan Development and Housing Administration (MDHA) to the Metropolitan Government, acting by and through the Metro Action Commission. The original grant was approved by Resolution No. RS2020-592 and provides rent and mortgage assistance for up to



three months for eligible households resulting from the COVID-19 pandemic. This amendment would increase the amount of the grant by \$500,000, for a new total of \$1,408,321.75.

**Sponsors:** Suara, Toombs, Taylor and Welsch

10. [RS2021-813](#)

A resolution accepting a Victims of Crime Act (VOCA) grant from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, to The Metropolitan Government, acting by and through the Metropolitan Nashville Office of Family Safety, to fund office equipment purchases.

Analysis

This resolution accepts a Victims of Crime Act (VOCA) grant from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, to the Metropolitan Government, acting by and through the Office of Family Safety. The grant will be used to office equipment purchases, including desks, storage units, laptops, charging cords, and all-in-one video conferencing units. The grant is an amount not to exceed \$50,000 with no local cash match required. The term of the grant begins February 1, 2021 and ends June 30, 2021.

**Sponsors:** Toombs and Gamble

11. [RS2021-814](#)

A resolution approving an application for an Improving Criminal Justice Response to Domestic and Dating Violence, Sexual Assault, and Stalking Grant from the U. S. Department of Justice to The Metropolitan Government of Nashville and Davidson County, acting by and through the Office of Family Safety, to expand high-risk Coordinated Community Response (CCR) teams to reduce the risk of homicide and address high-risk victimization.

Analysis

This resolution approves an application for a grant in the amount of \$999,939 from the U.S. Department of Justice to the Metro Office of Family Safety to expand the high-risk Coordinated Community Response teams to reduce the risk of homicide and address high-risk victimization. If awarded, this would be a three year grant used to hire four new employees. These employees would be responsible for developing curriculum and providing training to Metro Police officers, nonprofit partners, and other Metro employees, as well as to develop response protocols and high-risk case identification. There would be no local cash match associated with this grant.

**Sponsors:** Toombs, Gamble and Suara

12. [RS2021-815](#)

A resolution approving amendment seven to a contract by and between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, and Vanderbilt University Medical Center to participate as a member site in the CDC Tuberculosis Trials Consortium studies.

Analysis

This resolution approves Amendment 7 to a contract between the Metropolitan Board of Health and the Vanderbilt University School of Medicine for the Health Department's participation in the Tuberculosis Trials Consortium. Vanderbilt received a grant from the U.S. Centers for Disease Control and Prevention through the U.S. Veteran Affairs Medical Centers for this tuberculosis project. The original contract was approved by Resolution No. RS2015-55. The Health Department's responsibilities under this contract are to provide space and equipment for the project, as well as consultation and support services.

This amendment extends the term of the contract through September 28, 2021, and increases the compensation amount from Vanderbilt to the Health Department by \$66,900.

**Sponsors:** Toombs, Taylor and Welsch

**13. [RS2021-816](#)**

A resolution approving amendments one and two to a grant from the U.S. Department of Health and Human Services to the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, to prepare, prevent, and respond to COVID-19, as needs evolve for clients of Ryan White HIV/AIDS program recipients.

**Analysis**

This resolution approves amendments one and two to a grant from the U.S. Department of Health to the Metropolitan Government, acting by and through the Metro Board of Health. The original grant was approved by Resolution No. RS2020-375 and the grant funds are used to prepare, prevent, and respond to COVID-19, as needs evolve for clients of Ryan White HIV/AIDS program recipients. These amendments update the terms and conditions and reporting requirements for the grants. The original grant amount of \$917,764 and the grant term are not changing.

**Sponsors:** Taylor, Welsch and Bradford

**14. [RS2021-817](#)**

A resolution approving amendment one to a grant from the Tennessee Department of Health to The Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide HIV/AIDS core medical services and early intervention services.

**Analysis**

This resolution approves the first amendment to a grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metro Board of Health. The original grant was approved by Resolution No. RS2020-421. This grant amendment would increase the grant amount by \$46,400 from \$54,700 to \$101,100. No local cash match would be required. The end date of the grant would be extended by one year, from March 31, 2021 to March 31, 2022. The grant funds are used to provide HIV/AIDS core medical services and early intervention services.

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



**15. [RS2021-818](#)**

A resolution approving a contract by and between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, and Nurture the Next to provide funding for a program coordinator for the collective impact initiative, ACE Nashville.

Analysis

This resolution approves an agreement between the Metro Health Department and Nurture the Next to provide funding for a program coordinator for the collective impact initiative, All Children Excel (A.C.E.) Nashville. The Metro Health Department agrees to hire a fulltime coordinator for this initiative, which position will be funded by Nurture the Next in the amount of \$102,809. The term of the contract is from December 10, 2020 through December 9, 2021.

**Sponsors:** Toombs, Taylor and Welsch

**16. [RS2021-819](#)**

A resolution accepting an Emergency Medical Service (EMS) Ambulance Assistance Program Grant from Horne, LLP, in conjunction with the Tennessee Department of Health, to the Metropolitan Government, acting by and through the Metropolitan Nashville Fire Department, for the purchase and installation of ambulance lighting.

Analysis

This resolution accepts an Emergency Medical Service (EMS) Ambulance Assistance Program Grant from Horne, LLP, in conjunction with the Tennessee Department of Health, to the Metropolitan Government, acting by and through the Nashville Fire Department (NFD). The grant is an amount not to exceed \$24,150 with no local cash match required. The grant will be used for the purchase and installation of UV lighting in 42 ambulances. Horne, LLP is serving as a pass through agent for federal CARES Act funding, so NFD must adhere to the applicable recipient guidelines.

**Sponsors:** Toombs and Gamble

**17. [RS2021-820](#)**

A resolution accepting a Homeland Security Grant from the Tennessee Emergency Management Agency to The Metropolitan Government of Nashville and Davidson County, acting by and through the Office of Emergency Management, to fund costs related to enhancing cyber risk assessment, terrorism prevention, catastrophic event response, and environmental hazards.

Analysis

This resolution accepts a Homeland Security Grant from the Tennessee Emergency Management Agency to the Metropolitan Government, acting by and through the Office of Emergency Management. The grant will be used to fund costs related to enhancing cyber risk assessment, terrorism prevention, catastrophic even response, and environmental hazards. The grant is an amount not to exceed \$298,042 with no local cash match required. The grant term begins September 1, 2020 and ends on April 30, 2023.

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**Sponsors:** Toombs, Gamble and Suara

**18. [RS2021-821](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the civil rights claim of Daniel Hambrick against the Metropolitan Government of Nashville and Davidson County in the amount of \$2,250,000.00, with said amount to be paid out of the Judgments and Losses Fund.

Analysis

On July 26, 2018, Metro Nashville Police Department (MNPD) officer Andrew Delke was patrolling the area near the John Henry Hale apartments when he saw a vehicle matching the description of a vehicle that had been reported as driving erratically. Officer Delke pulled into the parking lot behind the vehicle and several male individuals exited the vehicle. Officer Delke has stated that when he told them to stop, Daniel Hambrick ran away. While being pursued by Officer Delke, Mr. Hambrick dropped a gun he had been carrying in his waistband, picked it up, and continued to run away from Delke. The chase ended when Officer Delke shot and killed Mr. Hambrick.

Officer Delke has asserted that Mr. Hambrick pointed a gun at him during the pursuit. The surveillance video released by the District Attorney's Office to the media in August 2018 shows some of the pursuit, but does not clearly capture everything that happened. The video does clearly show Mr. Hambrick being shot as he was running away from Officer Delke. Delke is currently under criminal indictment for killing Mr. Hambrick, and that trial is scheduled for July 2021.

On March 11, 2019, Vicki Hambrick, Daniel's mother, filed a civil rights lawsuit in federal court on behalf of Mr. Hambrick's estate against Metro and Officer Delke. Metro is being represented by the Department of Law, and Officer Delke is being represented by private counsel paid for by Metro. Section 2.40.130 of the Metro Code provides that the Department of Law is to pay for outside defense counsel for employees sued as a result of an act or omission arising out of the performance of their official duties in the course of their employment when Metro is also sued and there is a potential conflict in the Department of Law representing both Metro and the employee under the Rules of Professional Conduct governing attorneys.

The lawsuit against Metro includes an excessive force and equal protection claim alleging that the MNPD practices and policies treat African-Americans differently. The lawsuit seeks monetary damages from Metro, and both monetary and punitive damages from Officer Delke. At this point in the lawsuit, the parties have only engaged in written discovery. No depositions or further investigation has been done while the criminal case against Officer Delke is pending.

In order to recover damages under federal law in excessive force cases, the plaintiff must prove that Mr. Hambrick's civil rights were violated as a direct result of Metro's unconstitutional policy or custom. This requires a showing that the force was not reasonable under the circumstances, that the government's inadequate training amounts to "deliberate indifference" to a person's rights, and that the deliberate indifference directly caused the constitutional

violation. As noted above, discovery regarding the excessive force claim has been limited due to the pending criminal case. While Metro's position at trial would be that the facts don't establish deliberate indifference, that would be up to the jury to decide and juries are hard to predict in excessive force cases. According to the Department of Law, a survey of jury awards in similar cases range from \$500,000 to \$15,000,000.

Since Metro is paying for outside counsel, the costs to Metro through trial and appeals could approach \$1,000,000. Metro has already spent \$142,000 through the written discovery phase. Further, any jury award in favor of the plaintiff, regardless of the amount of the award, would require Metro to pay the plaintiff's counsel's attorney fees, as well.

Given the uncertainty of going to trial, the potentially large jury award, and the costs Metro will incur, the Department of Law recommends settling this lawsuit for a total of \$2,250,000, which would settle all claims against both Metro and Officer Delke. There is no admission of fault or liability in the settlement, and the settlement will have no impact on the pending criminal case.

*Fiscal Note: This \$2,250,000 settlement would be the 3rd payment from the Judgment and Losses Fund in FY21 for a cumulative total of \$2,475,000. The fund balance would be \$601,687 after this payment.*

**Sponsors:** Toombs and Welsch

**19. [RS2021-822](#)**

A resolution authorizing Muse Nashville, LLC to construct and install an aerial encroachment at 65 Lindsley Avenue. (Proposal No. 2021M-008EN-001).

**Analysis**

This resolution authorizes Muse Nashville, LLC to construct, install, and maintain an aerial encroachment at 65 Lindsley Avenue. The encroachment will consist of two canopies. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the Planning Commission.

**Sponsors:** OConnell, Murphy and Nash

**20. [RS2021-823](#)**

A resolution authorizing Café Intermezzo, Inc. to construct and install an aerial encroachment at 205 Demonbreun Street. (Proposal No. 2021M-009EN-001).

**Analysis**

This resolution authorizes Café Intermezzo, Inc. to construct, install, and maintain an aerial encroachment at 503 Demonbreun Street. The encroachment is comprised of two blade signs measuring 15" by 36" encroaching the public right-of-way. The applicant must indemnify the

Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the Planning Commission.

**Sponsors:** OConnell, Murphy and Nash

21. [\*\*RS2021-824\*\*](#)

A resolution authorizing Regions Financial Corporation to construct and install an aerial encroachment at 301 Donelson Pike. (Proposal No. 2020M-038EN-001).

**Analysis**

This resolution authorizes Regions Financial Corporation to construct, install, and maintain an aerial encroachment at 301 Donelson Pike. The encroachment is comprised of an existing sign to encroach overhead on the new right-of-way, creating an aerial encroachment of approximately five feet into and 12 feet above the new right-of-way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$3,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the Planning Commission.

**Sponsors:** Rhoten, Murphy and Nash

22. [\*\*RS2021-825\*\*](#)

A resolution approving Supplement #1 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 Water and Sewerage Services, to construct PIN Number 103764.00, SR-112, (Clarksville Highway), from SR-12 (Ashland City Highway) to SR-155 (Briley Parkway), State Project No. 19046-2214-14, MWS Project Nos. 16-SC-0034 and 16-WC-0042 and Proposal No. 2017M-014AG-002).

**Analysis**

This resolution approves an amendment to a utility relocation contract between Metro Water Services (MWS) and the Tennessee Department of Transportation (TDOT) for a TDOT roadway project on Clarksville Highway from Ashland City Highway to Briley Parkway. The original estimate for the utility relocation work was \$1,378,800, with 8% of this cost representing the pro-rata share to which Metro is entitled to reimbursement for the relocation of utility facilities located on private utility right-of way and 92% for relocation of utility facilities located on public highway right-of-way.

This amendment increases the utility relocation cost due to project improvements. Under TDOT policy, the reimbursement to local governments for relocating municipally owned utilities is

capped at \$1,750,000. The estimated cost of relocating the utilities is now \$2,553,825. Under the amended agreement, MWS will pay a deposit to TDOT of \$1,050,125 in improvements to the MWS infrastructure, of which \$84,010 represents pro-rata costs of utility facilities located on public highway right-of-way above the maximum reimbursement of \$1,750,000 for the actual cost for the utility work.

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

**23. [RS2021-826](#)**

A resolution approving an amendment to the Cooperative Agreement with the United States Department of Agriculture - National Resources Conservation Service to stabilize the stream banks and protect a main sewer line along Mansker Creek near Old Springfield Pike in Davidson County. (MWS Project No. 5110 EWP)

**Analysis**

This resolution approves an amendment to a cooperative agreement between the Metropolitan Government and the United States Department of Agriculture - Natural Resources Conservation Service (NRCS) to stabilize the stream banks and protect a main sewer line along Mansker Creek near Old Springfield Pike in Davidson County. The original agreement was approved by Resolution No. RS2020-539 with a total project cost of \$107,462.37 to be funded as follows: NRCS would pay \$74,973.75 for construction costs and \$7,497.37 in technical assistance costs, and Metro Water Services would pay a fixed cost not to exceed \$24,991.25.

The amendment to the contract increases the project cost by \$195,354.37 with Metro paying 25% of those costs (\$45,431.25) and NRCS paying the remaining 75%.

**Sponsors:** Young, Toombs and Nash

**24. [RS2021-827](#)**

A resolution to amend Ordinance No. BL2020-589 to authorize The Metropolitan Government of Nashville and Davidson County to accept additional sanitary sewer main, for property located at Burkitt Road (unnumbered), also known as Burkitt Ridge Phase 5 (MWS Project Nos. 20-WL-40 and 20-SL-75 and Proposal No. 2020M-101ES-002).

**Analysis**

This resolution amends Ordinance No. BL2020-589 to accept additional sanitary sewer main for property located at Burkitt Road (unnumbered) for the Burkitt Ridge Phase 5 development. The original ordinance accepted 1,569 linear feet of new eight inch water main, 180 linear feet of new four inch water main, 1,298 linear feet of new eight inch sanitary sewer, 147 linear feet of new eight inch sanitary sewer, three fire hydrant assemblies, 12 sanitary sewer manholes, and easements. It has been determined that an addition 40 feet of new eight inch sanitary sewer is required.

This resolution accepts the additional 40 feet of sewer line. Ordinance No. BL2020-589

provided that future amendments can be approved by resolution.

This resolution 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 Metro Water Services.*

**Sponsors:** Rutherford, Murphy and Nash

**I. Bills on Second Reading**

**42. [BL2021-617](#)**

An ordinance repealing Resolution No. RS2020-154 pertaining to the \$10,000,000 annual Metro Water Services payment in lieu of taxes, and amending Chapter 15.32 of the Metropolitan Code to reduce water rates to offset the \$10,000,000.

Analysis

This ordinance repeals the \$10,000,000 annual Metro Water Services (MWS) payment in lieu of taxes (PILOT), and reduces water rates to offset the \$10,000,000. Ordinance No. BL2019-45, as amended, increased water and sewer rates for MWS customers, and contemplated a \$10,000,000 additional annual PILOT to the Metropolitan Government to help reimburse Metro for services and operational support it provides to MWS. The Council subsequently adopted Resolution No. RS2020-154 directing MWS to make a \$10,000,000 PILOT to the Metro General Fund annually. This \$10,000,000 PILOT is in addition to the \$4,000,000 PILOT MWS was already paying to Metro, which is pledged toward the debt on Nissan Stadium.

This ordinance includes a recital noting that Fiscal Year 2021 General Fund revenues are on par to exceed the budgeted revenue projections by more than \$10,000,000. The resolution would accordingly repeal the \$10,000,000 PILOT, and make a reduction in the water rates to offset the \$10,000,000 MWS would not have to pay. All monthly installments of the PILOT would cease as of the effective date of this ordinance.

The ordinance currently provides for a five cent (\$0.05) reduction in the monthly service charge for 5/8” residential meters. MWS has worked with a consultant to determine what the actual amount of the decrease would need to be to fully offset the \$10,000,000 PILOT amount, as shown below:

Current

**Water Charges Sewer Charges**

Volumetric Charge

Residential - Tier 2	\$ 3.64	\$ 6.08
Residential - Tier 3	4.37	6.08
Residential - Tier 4	5.46	6.08



Non- Residential - Uniform \$ 2.86 \$ 6.08

\$10M Reduction Scenario

**Water Charges Sewer Charges**

Base Charge NO CHANGE

Volumetric Charge

Residential - Tier 2 \$ 3.47 \$ 5.79

Residential - Tier 3 4.16 5.79

Residential - Tier 4 5.20 5.79

Uniform Non- Residential 2.73 5.79

This bill should be amended to reflect the actual reductions needed. Further, MWS advises that this bill could not be implemented from a logistical standpoint until at least July 1, 2021.

As the Council will recall, prior to the increase in water and sewer rates, the Tennessee Water and Wastewater Financing Board (the "Board") made a determination that Metro's water and sewer system was in a state of financial distress. As part of the Board's December 4, 2019 order, the Board directed Metro to enact BL2019-45, as amended, and ordered that Metro "shall not adopt rates or fees lower than those listed in the amendment" to Ordinance No. BL2019-45. Thus, approval of the Board would likely be needed for the rate decrease to become effective.

**Sponsors:** OConnell, Murphy, Glover, Hurt, Evans, Suara and Henderson

**44. [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 approved by the Traffic and Parking Commission.

**Sponsors:** OConnell, Nash, Hancock and Welsch

#### **45. [BL2021-657](#)**

An Ordinance to amend Chapter 2.64 of the Metropolitan Code to require an annual board/commission membership demographic report to be provided to the Metropolitan Council.

#### **Analysis**

This ordinance requires the Metro Clerk to provide annual demographic reports to the Council regarding Metro boards and commissions. The report is to be provided not later than October 1

of each year, and is to include the current demographic composition of the members of each board/commission compared to the composition from the previous year. The information to be provided would include the percentage of racial minorities, ethnic minorities, and self-identified LGBTQ status as disclosed on the questionnaire submitted to the Metropolitan Clerk at the time of confirmation. These reports are to remain posted on the Metropolitan Clerk's website.

There is a proposed amendment from the sponsor to add sex/gender to the demographic report.

**Sponsors:** Cash, Bradford, Taylor and Suara

**46. [BL2021-658](#)**

An ordinance amending Title 10 of the Metropolitan Code of Laws to adopt the 2018 National Fire Prevention Association NFPA 1 Fire Code, as amended, for use throughout the Metropolitan Government, and the 2018 NFPA 101 Life Safety Code, as amended, for certain occupancies.

**Analysis**

This ordinance adopts the 2018 editions of the National Fire Prevention Association NFPA 1 Fire Code, as amended, and the NFPA 101 Life Safety Code, as amended. Copies of the new editions of the standard codes are on file with the Fire Department. Metro is required by state law to keep our codes current within seven years of the latest published edition of the model codes. Metro is currently operating under the 2012 edition of the fire and life safety codes. The various building and fire codes are typically adopted at the same time to avoid conflicts between the codes. The Council adopted the 2018 edition of the International Building Code (IBC), the International Residential Code (IRC), and the International Energy Conservation Code (IECC) in November 2020 pursuant to Ordinance No. BL2020-458.

Metro typically also adopts some amendments to the standard codes that are local in nature, which are included as part of this ordinance. The local amendments are basically in keeping with prior code adoptions to make the code consistent with state law and Metro's processes.

**Sponsors:** Cash and Suara

**47. [BL2021-659](#)**

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 Day Street right-of-way from West Trinity Lane southwestwardly. (Proposal Number 2020M-021AB-001).

**Analysis**

This ordinance abandons a portion of Day Street from W. Trinity Lane southwest approximately 560 feet to the northwest corner of Parcel No. 0707006900. This abandonment has been requested by Dale and Associates. Metro will retain all utility easements. Metro Public Works has determined there is no future need for this portion of right-of-way and all abutting property owners have consented to the abandonment.

This ordinance has been approved by the Planning 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

48. [\*\*BL2021-660\*\*](#)

An ordinance authorizing Gateway Poplar, Inc. to install, construct and maintain underground encroachments in the right-of-way located at 750 Old Hickory Blvd. (Proposal No. 2020M-036EN-001).

**Analysis**

This resolution authorizes Gateway Poplar, Inc. to install and maintain underground encroachments in the right-of-way located at 750 Old Hickory Boulevard. The encroachments will consist of a retaining wall and a 20' long handrail due to a culvert extension. 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:** Murphy and Nash

49. [\*\*BL2021-661\*\*](#)

An ordinance authorizing Crescent Nashville West, LLC to install, construct and maintain underground encroachments in the right-of-way located at 7113 Charlotte Pike. (Proposal No. 2020M-035EN-001).

**Analysis**

This resolution authorizes Crescent Nashville West, LLC to install and maintain an underground encroachment at 7113 Charlotte Avenue. The encroachment will consist of permanent irrigation to serve the landscape strip along the property frontage on Charlotte Pike and Hapwood Drive. 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:** Hausser, Murphy and Nash

**50. [BL2021-662](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent and temporary easements for the 210 Belding Drive Stormwater Improvement Project for five properties located on Belding Drive and Eldon Court, (Project No. 21-SWC-179 and Proposal No. 2021M-006ES-001).

**Analysis**

This ordinance authorizes the acceptance of temporary and permanent easements for five properties located on Belding Drive and Eldon Court 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 additional cost to Metro. Donated easements have no market value according to the Department of Water Services.*

**Sponsors:** Rhoten, Murphy and Nash

**51. [BL2021-663](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main, sanitary sewer manholes and easements, and to accept new sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assemblies and easements, for property located at 5693 Cloverland Drive, also known as Plum Orchard Phase 1 (MWS Project Nos. 20-SL-136 and 20-WL-72 and Proposal No. 2021M-007ES-001).

**Analysis**

This ordinance abandons approximately 901 linear feet of existing eight inch sanitary sewer main, three sanitary sewer manholes and easements, and accepts approximately 1,277 linear feet of new eight inch sanitary sewer main (PVC), 769 linear feet of new eight inch sanitary sewer main (DIP), approximately 1,235 linear feet of new eight inch water main, 18 sanitary sewer manholes, three fire hydrant assemblies, and associated easements for property located at 5693 Cloverland Drive, also known as Plum Orchard Phase 1. 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:** Murphy and Nash

**52. [BL2021-664](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sewer main, sanitary sewer manholes and easements, for six properties located at Old Burkitt Road and Nolensville Pike in Davidson and Williamson Counties, also known as the 7-Eleven development (MWS Project No. 20-SL-106 and Proposal No. 2021M-005ES-001).



Analysis

This ordinance accepts approximately 454 linear feet of new eight inch sanitary sewer main, three sanitary sewer manholes, and associated easements for six properties located at Old Burkitt Road and Nolensville Pike in Davidson and Williamson Counties. This infrastructure is required for the construction of a new 7-Eleven store. 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:** Rutherford, Murphy and Nash

**53. [BL2021-665](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to relocate a fire hydrant assembly, for property located at 902 Murfreesboro Pike (MWS Project No. 20-WL-160 and Proposal No. 2021M-008ES-001).

Analysis

This ordinance accepts the relocation of one fire hydrant assembly, for property located at 902 Murfreesboro Pike. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

**Sponsors:** Syracuse, Murphy and Nash

**54. [BL2021-666](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer force and water mains, fire hydrant assemblies and easements, for three properties located at Hessey Road and Earhart Road, also known as Ashton Park (MWS Project Nos. 20-SL-239 and 20-WL-119 and Proposal No. 2021M-009ES-001).

Analysis

This ordinance accepts approximately 1,734 linear feet of new three inch sanitary sewer force main, approximately 1,966 linear feet of new 2.5 inch sanitary sewer force main, approximately 1,122 linear feet of new two inch sanitary sewer force main, approximately 5,016 linear feet of new eight inch water main, approximately 180 linear feet of new six inch water main, 12 fire hydrant assemblies, and associated easements for three properties located at Hessey Road and Earhart Road, also known as Ashton Park. 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:** Evans, Murphy and Nash

## **J. Bills on Third Reading**

### **55. [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 Sky Association guidelines (Proposal No. 2020Z-014TX-001).

#### Analysis

This ordinance, as substituted, 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 Sky 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 commercial construction and the subsequent maintenance of new commercial construction, including any outdoor lighting luminaire. All lighting for residential and agricultural light applications would be covered only by the "Light Trespass" provisions in proposed section 17.28.100.E.4. Certain lighting, such as strobe lights, neon style colored light tubes, and lighting that causes distracting glare, would be prohibited. Certain outdoor lighting would be exempt, including temporary lighting for theatrical, television, performance areas and construction sites, as well as emergency lighting and lighting located within the Second Avenue Historic Preservation Zoning Overlay or Broadway Historic Preservation Zoning Overlay.

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 approved by the Planning Commission.

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

**59. [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, as amended, 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.

*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, Suara, Taylor, Cash and Hancock

**60. [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, as amended, 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

### 61. [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

**72. [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

**73. [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

**74. [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

**75. [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

76. [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

77. [BL2021-652](#)

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

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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

78. [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