



Metro Council

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## G. Resolutions on Public Hearing

### 1. [RS2021-834](#)

A resolution exempting Grams, located at 632 Old Hickory Blvd W., 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 Grams located at 632 Old Hickory Blvd W.

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:** VanReece

### 2. [RS2021-835](#)

A resolution exempting Babo, located at 1601 A Riverside Drive, 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 Babo, located at 1601 A Riverside Drive.

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:** Benedict

3. [\*\*RS2021-836\*\*](#)

A resolution exempting Uptown Fresh Market, located at 3901 Apache Trail, 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 Uptown Fresh Market located at 3901 Apache Trail.

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:** Sepulveda

## H. Bills on Public Hearing

### 6. [BL2020-504](#)

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

#### Analysis

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

This ordinance has been deferred to the April 22 meeting of the Planning Commission.

**Sponsors:** OConnell

## I. Consent Resolutions and Resolutions

### 19. [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

**20. [RS2021-837](#)**

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

**Analysis**

This resolution proposes an amendment to the Metro Charter to be voted upon at a special

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

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

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

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

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

- The exercise of power pertaining to government-owned property, and the Council's authority to set property tax levies, are subject to a public referendum only as required by state law, and that any automatic reversion of the property tax levy shall be as specifically authorized by state law.
- The amendment defines "benefits" for elected officials as health insurance provided for elected officials taking office after September 1, 2023.
- This amendment provides that if there is a conflict between the Council's authority to

enact ordinances under Section 3.05 (legislative authority) and any provision of Article 18 of the Charter (other than the rezoning of property), Section 3.05 will prevail. The petition Charter amendment would add language to Article 18 pertaining to public property.

- This amendment adds a definition for “professional sports team” to mean an entity operating a sports team that commences operations within Metropolitan Nashville and Davidson County after the effective date of this amendment and participates in the National Football League, National Basketball Association, National Hockey League, Major League Soccer, or Major League Baseball.
- This amendment retains the Charter’s existing processes and requirements for the recall of elected officials and amendments to the Charter, which would prevail over any provisions in Sections 15.07, 15.08, or 19.04 to the contrary.

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

There is a housekeeping amendment for this resolution correcting a typographical error in the ballot summary.

This resolution has been referred to the Charter Revision Commission.

**Sponsors:** Mendes

**21. [RS2021-838](#)**

A resolution approving an agreement between the Metropolitan Government of Nashville and Davidson County and Under Armour, Inc., for the operation of a foreign-trade zone site.

**Analysis**

This resolution approves an agreement between the Metropolitan Government and Under Armour, Inc. for the operation of a foreign-trade zone site. In 1981, the U.S. Foreign-Trade Zones Board authorized the establishment of a Foreign Trade Zone (FTZ) in Nashville through the now-defunct Metropolitan Port Authority (MPA). In 1983, FTZ No. 78 was established. The MPA was subsequently dissolved in 1999, whereupon the power to establish and operate FTZs passed to the Metropolitan Government.

Since 2000, the Mayor’s Office of Economic and Community Development (ECD) has managed FTZ No. 78 pursuant to Metro Code section 6.14.010. FTZs are established under federal law for the purpose of stimulating and expediting international commerce and exempting goods from the payment of U.S. Customs tariffs while they are in the zone. (19 U.S.C. § 81a-81u). Such zones are designated by the U.S. Department of Commerce and must be within 60 miles or 90 minutes driving time from a U.S. Customs and Border Protection Port of Entry. (The Port of Entry in Nashville is located within the Customs Office at the

Metropolitan Airport.)

Under Armour located at 13 Athletes Way in Mt. Juliet, TN wishes to operate within FTZ No. 78 and has requested Metro's assistance in establishing a subzone. Under Armour has submitted an application to the Foreign Trade Zones Board of the U.S. Department of Commerce and wishes to enter into a Foreign-Trade Zone Operations Agreement with Metro to operate a subzone. Metro Code Sec. 6.14.020 authorizes agreements for the operation and maintenance of FTZs and subzones to be approved by the Council by a resolution receiving at least 21 affirmative votes.

The agreement to be approved by this resolution sets forth the responsibilities for operation of the FTZ site on this property. The company agrees to maintain \$5 million in commercial liability insurance naming Metro as an additional insured and agrees to indemnify Metro from any claims associated with its operation of the FTZ site. The agreement would remain in effect for a term of one year and may be renewed from year to year for successive one year terms. This agreement may be terminated by Under Armour without cause upon 60 days prior written notice. Metro could terminate the agreement upon 180 days written notice to the company.

*Fiscal Note: Under Armour would bear all costs associated with performing its rights and responsibilities as the FTZ operator and would pay the Office of Economic and Community Development (ECD) \$6,500 per year as a Zone Administration Fee.*

**Sponsors:** Toombs

**22. [RS2021-839](#)**

A resolution approving an application for a Re-Entry VOCA Cherished H.E.A.R.T.S. grant from the Tennessee Department of Finance and Administration, to The Metropolitan Government, acting by and through the General Sessions Court, to fund a full-time Licensed Clinical Counselor to provide therapy to participants and pay for up to three months housing for participants.

**Analysis**

This resolution approves an application for a grant in the amount of \$239,893 from the Tennessee Department of Finance and Administration to the General Sessions Court to fund a full-time Licensed Clinical Counselor, to subcontract with Sexual Assault Center to provide therapy to participants, and pay for up to three months housing. This grant is under the Re-Entry VOCA Cherished H.E.A.R.T.S. grant program. If awarded, there would be a required local match in the amount of \$79,199.18.

**Sponsors:** Toombs and Welsch

**23. [RS2021-840](#)**

A resolution calling the Metropolitan Board of Equalization ("MBOE") into regular session beginning June 1, 2021 and special session beginning June 21, 2021.

**Analysis**



This is a routine, annual resolution to call the Metropolitan Board of Equalization (MBOE) into regular session from June 1, 2021 until June 18, 2021. It would also call the MBOE into special session convening June 21, 2021 to complete any unfinished business regarding appeals on pro-rated assessments. The special session is not to extend beyond May 31, 2022.

The MBOE always meets during the month of June to hear appeals of assessments on real property. Historically, the MBOE has been required to have special sessions to conclude its work due to the large number of appeals. State law authorizes county legislative bodies to fix the number of days the Board of Equalization is to sit in regular session and to call the board into special session to complete any unfinished business. (T.C.A. § 67-1-404).

**Sponsors:** Toombs

**24. [RS2021-841](#)**

A resolution approving the appointment of hearing officers by the Metropolitan Board of Equalization to conduct preliminary hearings and to make investigations regarding complaints before the Board.

**Analysis**

This resolution approves the appointment of 75 Davidson County citizens to serve as hearing officers for the Metropolitan Board of Equalization (MBOE). The MBOE is authorized under state law to hear appeals of assessments on real property. This will include 69 residential hearing officers and six commercial hearing officers. State law requires that the MBOE members be approved by the county legislative body by resolution. (Tenn. Code Ann. § 67-5-1406).

**Sponsors:** Toombs

**25. [RS2021-842](#)**

A resolution determining a plan for expenditure of a direct appropriation grant from the State of Tennessee in the amount of \$10,000,000 and amend Contract # L-4626 with Pathway Lending to administer a portion of the grant funding.

**Analysis**

This resolution approves the plan for spending \$10,000,000 in COVID-19 relief funds from the state. The Council accepted this grant in July 2020 pursuant to RS2020-440 to offset the loss of local revenue or to supplement local revenue to provide funds for one-time expenses. These expenses can include information technology hardware upgrades, capital maintenance, utility system upgrades, road projects, public safety, and COVID-19 response. RS2020-440 was amended to add a requirement that the \$10,000,000 grant funds not be spent until a plan for disbursement of the funds is approved by a resolution adopted by the Council. Pursuant to the plan, the grant funds will be spent as follows:

- \$5,000,000 for the Barnes Fund
- \$500,000 for Second Avenue public infrastructure recovery (street, sidewalk, streetscape, etc.)
- \$1,000,000 for Small Business Relief grants to be administered by Pathway Lending
- \$2,000,000 for a Public Safety Violence Reduction Pilot Grant Fund to be administered



by the Mayor's Office

- \$1,000,000 for the Metro Department of Health to be utilized for behavioral health and substance abuse epidemic response services
- \$500,000 for the Event and Marketing Fund to be administered by the Nashville Convention and Visitors Corporation for the purposes of recruiting diverse and inclusive events that highlight Nashville's cultural history

This resolution also approves an amendment to the contract with Pathway Lending, who is the firm that was selected to administer a portion of the COVID-19-related grant funds pertaining to small business assistance. The original contract was for an amount of \$1,000,000. The amendment increases the contract amount to \$2,000,000 to provide more funding to assist eligible small businesses. Pathway continues to have small business applicants and they have fully exhausted all previous rounds of funding. This amendment also increases the administrative fee paid to Pathway from 5% to 10% to reflect that actual costs Pathway will incur to continue providing the services.

These grant funds must be spent or contractually obligated by June 30, 2021.

**Sponsors:** Toombs

**26. [RS2021-843](#)**

A resolution approving amendment one to 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 approves the first amendment to 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. The original grant was approved by Resolution No. RS2021-813 and approved \$50,000 to fund office equipment purchases. This amendment removes clause E.6 of the grant contract, regarding indemnification related to intellectual property. No other terms and conditions of the grant agreement would be changed.

**Sponsors:** Welsch and Suara

**27. [RS2021-844](#)**

A resolution accepting a grant from Camp Hope America to the Metropolitan Government, acting by and through the Office of Family Safety, to develop an evidence-based camping and mentoring program for children impacted by domestic violence, sexual assault, and child abuse.

**Analysis**

This resolution accepts a grant from Camp Hope America to the Metropolitan Government, acting by and through the Office of Family Safety. The grant is an amount not to exceed

\$5,000, with no local cash match required. The grant funds would be used to develop an evidence-based camping and mentoring program for children impacted by domestic violence, sexual assault, and child abuse. The Office of Family Safety would be required to attend monthly webinars, attend the Camp Hope America track at the 21st Annual International Family Justice Center Conference, and work to facilitate a camp in the summer of 2022. If the Office of Family Safety does not implement the camp in 2022, the \$5,000 grant would need to be paid back to Camp Hope America.

**Sponsors:** Toombs, Welsch and Suara

**28. [RS2021-845](#)**

A resolution approving amendment one to a STOP, Fatality Review Technical Assistance Grant from the Tennessee Department of Finance and Administration, to the Metropolitan Government, acting by and through the Office of Family Safety, to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to sexual assault, domestic violence, dating violence, and stalking crimes.

**Analysis**

This resolution approves the first amendment to a STOP Fatality Review Technical Assistance Grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Office of Family Safety. The original grant was approved by RS2020-397, which was a grant of \$300,000 with no local cash match to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to sexual assault, domestic violence, dating violence, and stalking crimes. This amendment shifts funding from local travel, due to COVID-19, to professional fees, conferences/trainings, and supplies. The amendment further adds provisions governing the execution of counterparts to the agreement and prohibits certain telecommunications and video surveillance services or equipment pursuant to federal law.

**Sponsors:** Toombs, Welsch and Suara

**29. [RS2021-846](#)**

A resolution approving an application for a Fire Prevention and Safety grant from the U.S. Department of Homeland Security to the Metropolitan Government, acting by and through the Nashville Fire Department, to purchase investigative equipment to enhance effectiveness and maximize operational capabilities.

**Analysis**

This resolution approves an application for a grant in the amount of \$82,571.43 from the U.S. Department of Homeland Security to the Nashville Fire Department to purchase investigative equipment and for training. Specifically, these funds would be used to purchase an arson investigation trailer, digital cameras, a drone, and for arson investigation training. If awarded, there will be a required local cash match of \$4,128.57.

**Sponsors:** Toombs and Suara

**30. [RS2021-847](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the

personal injury claim of Uylus E. Johnson against the Metropolitan Government of Nashville and Davidson County in the amount of \$25,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On August 11, 2020, a Nashville Fire Department employee rear ended Mr. Uylus Johnson's vehicle on Travelers Inn Drive while responding to a call. Mr. Johnson sustained injuries to his neck and back, which involved further medical and chiropractic treatment resulting in medical expenses totaling \$14,715.

The Department of Law recommends settling the claim for the amount of the medical bills plus \$10,285 for pain and suffering, for a total settlement award of \$25,000 to be paid out of the self-insured liability fund. The property damage claim in the amount of \$1,100 has already been paid.

The Metro employee who caused the accident received disciplinary action consisting of a three day suspension.

*Fiscal Note: This \$25,000 settlement, along with the settlement per Resolution No. RS2021-848, would be the 27th and 28th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,638,214. The fund balance would be \$1,262,759 after these payments.*

**Sponsors:** Toombs

31. [RS2021-848](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Demetria Childress against the Metropolitan Government of Nashville and Davidson County in the amount of \$11,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On December 2, 2020, a Nashville Fire Department employee, while responding to a call, passed the intended location, put the vehicle in reverse, and backed into Demetria Childress's vehicle causing damage to the vehicle and personal injuries. Ms. Childress sought treatment for headaches, as well as neck, back, and shoulder pain incurring medical bills totaling \$3,935.

The Department of Law recommends settling the claim for the amount of the medical bills plus \$7,065 for pain and suffering, for a total settlement award of \$11,000 to be paid out of the self-insured liability fund. The property damage claim in the amount of \$3,926 has already been paid.

The Metro employee who caused the accident received disciplinary action consisting of a three day suspension.

*Fiscal Note: This \$11,000 settlement, along with the settlement per Resolution No.*

*RS2021-847, would be the 27th and 28th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,638,214. The fund balance would be \$1,262,759 after these payments.*

**Sponsors:** Toombs

**32. [RS2021-849](#)**

A resolution appropriating a total of \$183,200.00 from the Metropolitan Government of Nashville and Davidson County, acting by and through the Metro Public Health Department, to various nonprofit organizations selected to receive Community Partnership Fund grants.

Analysis

This resolution appropriates \$183,200 in Community Partnership Funds from the Health Department to various nonprofit organizations. Resolution No. RS2020-394 appropriated funds to various departments, including \$183,200 for the Health Department, for the support of nonprofit organizations who provide direct services to community members negatively impacted by COVID-19, which were to be allocated to specific nonprofits through a subsequent resolution. The Health Department solicited applications from nonprofit organizations to receive Community Partnership Fund grants and has selected the following nonprofits for funding:

- \$28,000 to 4:13 Strong to provide yoga and meditation to improve the mental health of constituents housed at the location and provide training, skills, and job placement for at risk constituents
- \$55,200 to Mental Health Cooperative to provide Emergency Psychiatric Services to minimize exposure to crisis personnel to COVID-19 via tele-video assessments
- \$50,000 to Nashville Food Project to provide community meals and produce sharing to residents vulnerable to COVID-19 and to purchase food supplies to support COVID-19 meal and food assistance
- \$50,000 to Trevecca Nazarene University to provide funds for the TreeCycle Collaborative COVID-19 Response Project to provide emergency food provisions to low-income neighbors and physical activity and stipends to low income students to mitigate the effects of COVID-19

Tenn. Code Ann. § 7-3-314 provides that metropolitan forms of government may provide financial assistance to nonprofit organizations in accordance with the guidelines of the Metropolitan Government. Pursuant to those guidelines, these nonprofit organizations will be required to enter into a grant contract with Metro prior to receiving the funds.

**Sponsors:** Toombs and Taylor

**33. [RS2021-850](#)**

A resolution correcting a clerical error in the grant approved by RS2020-372 and approving amendments one and two to the Healthy Start Initiative - Eliminating Racial/Ethnic Disparities Grant from the U.S. Department of Health and Human Services to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide a variety of services in reducing infant mortality for pregnant and parenting women.

Analysis

This resolution approves two amendments to a grant from the U.S. Department of Health and Human Services to the Metropolitan Board of Health. The proceeds from this Healthy Start Initiative - Eliminating Racial/Ethnic Disparities Grant are used to provide a variety of services in reducing infant mortality for pregnant and parenting women. The original grant approved by Resolution No. RS2020-372 was in the amount of \$1,122,899 for a term of April 1, 2020 through March 31, 2021. This resolution approves two amendments to the grant. The first amendment increases the grant award by \$21,222 for a new total of \$1,144,121. Amendment two carries forward \$257,235 in unobligated funds from the previous grant award, for a new total to be spent of \$1,401,356.

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

**34. [RS2021-851](#)**

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 build local capacity to improve public health response to the substance misuse epidemic in the Middle Tennessee High-Impact Area (HIA).

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 Metropolitan Board of Health. The grant, previously approved by RS2020-531, is used to build local capacity to improve public health response to the substance misuse epidemic in the Middle Tennessee High-Impact Area (HIA). The amendment increases the grant amount by \$23,000, from \$736,900 to \$759,900, with no local cash match required. No other terms would be changed.

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

**35. [RS2021-852](#)**

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 prepare for, respond to, and recover from public health threats, including, but not limited to, response and recovery from COVID-19.

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 Metropolitan Board of Health. The grant of \$86,400 was previously approved by RS2020-508 and is used to prepare for, respond to, and recover from public health threats, including, but not limited to, response and recovery from COVID-19. This amendment would extend the end date from March 15, 2021 to June 30, 2021.

**Sponsors:** Taylor, Welsch and Suara

**36. [RS2021-853](#)**

A resolution approving a contract by and between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and Home to Home to establish cross promotional opportunities with Metro Animal Care and Control using unique websites and social media integration to reduce the number of shelter animals.

Analysis

This resolution approves an agreement between Metro Animal Care and Control (MACC) and Home to Home. Home To Home™ is a website created to help shelters and rescues that are focused on rehoming pets. Home to Home agrees to provide a branded homepage within their website for MACC, which will include a donate button, a resource locator, social media integration, and marketing. Among other requirements, MACC agrees to have a minimum of 10 animals posted on the site within 120 days, post information about the animals on MACC's Facebook page, provide a Metro administrator for the Home to Home network, and dedicate 30 minutes per day of a MACC employee's time to keep the page updated.

The term of this agreement is for 60 months and Metro will pay \$25 per month to participate in this program.

**Sponsors:** Toombs, Taylor and Bradford

**37. [RS2021-854](#)**

A resolution accepting a grant from the Friends of Metro Animal Care & Control to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide funding for emergency medical care for shelter animals.

Analysis

This resolution approves a grant from the Friends of Metro Animal Care & Control to the Metropolitan Government, acting by and through the Metropolitan Board of Health. This is a grant not to exceed \$2,500 with no local cash match required. The grant funds will be used to provide funding for emergency medical care for shelter animals.

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

**38. [RS2021-855](#)**

A resolution accepting a grant from the State of Tennessee, Tennessee State Library and Archives, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Public Library, to provide access to and circulation of special materials formatted for individuals who are hearing impaired.

Analysis

This resolution accepts a grant from the Tennessee State Library and Archives to the Metropolitan Government, acting by and through the Nashville Public Library. The grant is an amount not to exceed \$88,000 with no local cash match required. The term of the agreement

begins July 1, 2021 and ends June 30, 2022. The grant will be used to provide access to and circulation of special materials formatted for individuals who are hearing impaired.

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

**39. [RS2021-856](#)**

A resolution accepting a Local Parks & Recreation Fund (LPRF) grant from the Tennessee Department of Environment and Conservation to the Metropolitan Government, acting by and through the Metropolitan Nashville Parks and Recreation Department, for the development and implementation of the Nashville Aittafama Park Development, Phase 1.

Analysis

This resolution approves a grant in the amount of \$500,000 from the State Department of Environment and Conservation to the Metro Parks Department for phase 1 of the Aittafama Park master plan. The funds will be used to improve the parking lot, roadway, trail, landscaping, retaining wall, sitework, and amenities. The Parks Department would provide an in-kind match of \$500,000 using the value of the land itself. The term of the grant is from May 15, 2021, through May 14, 2023, but may be extended for 180 days.

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

**40. [RS2021-857](#)**

A resolution accepting a grant from the Nashville Parks Foundation, in partnership with Core Development and Hines, to The Metropolitan Government, acting by and through the Metropolitan Nashville Parks and Recreation Department, in support of the Fort Negley Master Plan.

Analysis

This resolution accepts a grant from the Nashville Parks Foundation, in partnership with Core Development and Hines, to the Metropolitan Government, acting by and through the Metro Department of Parks and Recreation. The grant is an amount not to exceed \$100,000 with no local cash match required. The grant funds will be used in support of the Fort Negley Master Plan. The grant is contingent on the RFP for the Fort Negley Master Plan being awarded by the end of June.

**Sponsors:** Sledge, Toombs, VanReece, Welsch and Suara

**41. [RS2021-858](#)**

A resolution accepting an in-kind grant from the Friends of Shelby Park & Bottoms to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide various repair and construction improvements to Shelby Park and Bottoms.

Analysis



This resolution accepts an in-kind grant from the Friends of Shelby Park & Bottoms to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation. The grant will be used to provide various repair and construction improvements to Shelby Park and Bottoms and has an estimated value of \$57,000 with no local cash match required. The projects include:

- Painting of the art room, classroom, game room, and teen room at the Shelby Park Community Center -- \$2,000 value
- Repair of the Mission Shelter by Lake Sevier, which was damaged by a tree in January 2020 -- \$35,000 value.
- Construction of a teaching pond at the Shelby Bottoms Nature Center as part of the American Society of Landscape Architects (ASLA) ACE Mentor Legacy Project. ASLA designers will work with students and staff to design the pond following the 2021 National Conference on Landscape Architecture in Nashville in November 2021 -- \$20,000 value.

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

**42. [RS2021-859](#)**

A resolution approving an application for a Middle Tennessee ICAC Task Force grant from the State of Tennessee, Department of Finance and Administration, to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to continue funding for the Internet Crimes Against Children Unit.

**Analysis**

This resolution approves an application for a grant in the amount of \$1,440,000 from the State Department of Finance and Administration to the Metropolitan Nashville Police Department to continue funding for the Internet Crimes Against Children Unit. These funds would be used to fund two ICAC investigator positions, as well as equipment and training expenses. There would be no local cash match required for this grant.

**Sponsors:** Toombs and Suara

**43. [RS2021-860](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Myriah Iles against the Metropolitan Government of Nashville and Davidson County, in the amount of \$55,000.00, with said amount to be paid out of the Judgments and Losses Fund.

**Analysis**

On October 5, 2019, Myriah Iles, currently a Metro Nashville Police Department (MNPD) detective, was arrested for aggravated assault after being involved in an altercation in downtown Nashville. Det. Iles had been at a bar watching her girlfriend's band. Iles and her girlfriend, Casey Jamerson, left the bar intoxicated. Ms. Jamerson was having difficulty walking, so Iles attempted to carry her to the car. The later stated their plan had been to secure the car and then take a rideshare home.

As Ms. Jamerson was being carried by Det. Iles to the car, two females approached them and asked if Jamerson was okay. The two women stated that they thought Iles was a male and was kidnapping Ms. Jamerson. A physical altercation of some kind occurred, and one of the women who had approached them (later identified as "Ms. Coe") was struck in the nose, which resulted in her being taken to the hospital. Witnesses told the police that the men who were with Ms. Coe detained Det. Iles until the police arrived. Iles stated that she was swinging her arms in an effort to clear the area, but that she did not strike anyone. Iles further stated that she had been surrounded by people who were shoving and using racial slurs. After the police arrived, both Det. Iles and Ms. Coe were removed from the scene and taken to separate hospitals. It is undisputed that Ms. Coe was struck in the face and hospitalized.

The individuals involved in the altercation did not want to press charges against Det. Iles. However, she was arrested for aggravated assault based upon the evidence gathered at the scene by the responding officers. The warrant was sworn out by a detective after consulting with a lieutenant and two captains regarding probable cause for the arrest despite the victim's desire not to prosecute. The victim did not return to Nashville to prosecute, so the criminal charges were ultimately dismissed against Det. Iles.

Det. Iles sued Metro in federal court alleging false light invasion of privacy for publishing the arrest, and sued Det. Cuthbertson, Lt. Durbin, and Capt. Lara individually alleging false arrest and malicious prosecution. Iles has minimal monetary damages, and was subsequently moved from a police officer position to a typically preferred detective position.

The lawsuit against Metro was dismissed by the court, which is still subject to being appealed by the plaintiff. The claims against the three MNPD officers would likely go to trial. The three officers are currently being represented by outside counsel at Metro's expense pursuant to Section 2.40.130 of the Metro Code.

The Department of Law recommends settling the case against Metro and the three officers for \$55,000 to be paid out of the judgments and losses fund. If the case went to trial, the claims against the officers would hinge upon whether there was probable cause to make the arrest. The legal standard for probable cause is a reasonable basis for believing a crime has been committed, which has been described by the courts as more than a bare suspicion. *State v. Day*, 263 S.W.3d 891 (Tenn. 2008). It would be up to the jury to determine whether there was probable cause for the arrest.

The recommendation to settle this lawsuit appears to be a business decision since Metro would incur the expense of paying for private counsel for the three officers if the case went to trial. It is estimated the cost to defend the case through trial and appeals would be \$150,000 to \$200,000. While the officers seem to have a strong defense that they had probable cause to make the arrest, juries are unpredictable and it is reasonable to believe that a jury could determine that the officers should have investigated further before swearing out an arrest warrant.

No disciplinary action was taken against any of the MNPB officers involved.

*Fiscal Note: This \$55,000 settlement, along with the settlement per Resolution No. RS2021-861, would be the 3rd and 4th payments from the Judgment and Losses Fund in FY21 for a cumulative total of \$2,595,000. The fund balance would be \$437,597 after this payment.*

**Sponsors:** Toombs

44. [RS2021-861](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Maryam Mohammed against the Metropolitan Government of Nashville and Davidson County, in the amount of \$65,000.00, with said amount to be paid out of the Judgment and Losses Fund.

Analysis

This resolution authorizes the Department of Law to settle the claim brought by Maryam Mohammed against the Metropolitan Government for the amount of \$65,000. This lawsuit arises out of the Metro Nashville Police Department's alleged religious discrimination against Ms. Mohammed. In 2017, Ms. Mohammed applied to be a police officer trainee. At the time, she told MNPB that she would need to wear a religious head covering as part of the police uniform. MNPB had no religious accommodation policy at the time. An offer of employment was not extended to Ms. Mohammed, though MNPB maintains that was for reasons unrelated to her religious accommodation request.

Ms. Mohammed filed a complaint with the federal Equal Employment Opportunity Commission (EEOC). After an investigation, the EEOC found that Metro had discriminated against Ms. Mohammed and that it had no religious accommodation policy. Ms. Mohammed has not yet sued Metro in federal court but has made a claim with the Department of Law.

The Department of Law recommends settling the case now for \$65,000 since Ms. Mohammed could likely be awarded significantly more if the case went to trial. If she prevailed, she would be entitled to lost wages, damages, and attorney fees. MNPB has now adopted a religious accommodation policy and has modified its uniform policy to allow religious head coverings.

*Fiscal Note: This \$65,000 settlement, along with the settlement per Resolution No. RS2021-860, would be the 3rd and 4th payments from the Judgment and Losses Fund in FY21 for a cumulative total of \$2,595,000. The fund balance would be \$437,597 after this payment.*

**Sponsors:** Toombs

45. [RS2021-862](#)

A resolution approving 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 Metropolitan Department of Public Works, for signal maintenance for Road Safety Audit (RSA) Ramp Queue: I-40 Interchange at State Route 251, Exit 199, Federal No. HSIP-I-40-3(161); State No. 19012-3109-94; PIN 123565.00 (Prop. No. 2021M-011AG-001).

Analysis

This resolution approves an agreement between the Tennessee Department of Transportation (TDOT) and Metro Public Works for signal maintenance at the I-40 Old Hickory Boulevard exit (Exit 199). This will include the installation of pedestrian signals at this location. Metro will assume the maintenance responsibility for the signals after completion. TDOT will pay 100% of the cost. Construction is to be completed by November 30, 2023.

T.C.A. § 12-9-104 authorizes the approval of intergovernmental agreements with the State of Tennessee by resolution.

**Sponsors:** Hausser, Toombs, Murphy, Nash and Suara

**46. [RS2021-863](#)**

A resolution authorizing Sixth South Partners LP to construct and install an aerial encroachment at 530 6th Avenue South. (Proposal No.2021M-010EN-001).

Analysis

This resolution authorizes Sixth South Partners LP to construct, install, and maintain an aerial encroachment at 530 6th Avenue South. This encroachment will consist of a blade sign that will hang approximately 33 feet above the right-of-way and extend into the right-of-way approximately 3 feet. 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

**47. [RS2021-864](#)**

A resolution approving 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 between the Department of Public Works, for the repairing of existing pavement failures and resurfacing of 1.70 miles of East Trinity Lane; State Project No. 19 SAR1-S8-012, PIN: 129066. (Prop. No. 2021M-010AG-001)

Analysis

This resolution approves an agreement between the Tennessee Department of Transportation and Metro Public Works for the repair of existing pavement failures and resurfacing of 1.70 miles of East Trinity Lane from Dickerson Pike to Gallatin Pike. The total cost estimate of the project is \$1,147,300, 75% of which (\$860,475) will be funded by the State and 25% (\$286,825) funded by Metro. Construction is to be completed by November 30, 2023.

T.C.A. § 12-9-104 authorizes the approval of intergovernmental agreements with the State of Tennessee by resolution.

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**Sponsors:** Parker, Toombs, Murphy, Nash and Welsch

**48. [RS2021-865](#)**

A resolution approving an application for a Hazard Mitigation 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 hazard mitigation grant in the amount of \$669,952.50 from the state Emergency Management Agency to Metro Water Services for the flood prone property buyout program. If awarded, these funds would be used to purchase four properties located at 3907 Crouch Drive, 3001 Hummingbird Drive, 1152 Tuckahoe Drive, and 3900 Tucker Road. This is part of Metro's longstanding efforts to purchase and demolish flood prone properties to reduce flooding. Once acquired and demolished, the four properties will be designated as restricted-use public land. The funding for the acquisition/demolition of these properties is 75% federal (\$574,245), 12.5% state (\$95,707.50), and 12.5% local (\$95,707.50).

**Sponsors:** Toombs and Nash

**K. **Bills on Second Reading****

**85. [BL2020-492](#)**

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

**Analysis**

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

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

This ordinance must be deferred by rule pursuant to Rule 43 since it was previously deferred indefinitely for more than 90 days.

**Sponsors:** Rosenberg

**86. [BL2020-493](#)**

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

Analysis

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

This ordinance must be deferred by rule pursuant to Rule 43 since it was previously deferred indefinitely for more than 90 days.

**Sponsors:** Sledge, Cash, Allen and Taylor

**87. [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

#### 88. [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, as amended, 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.

An amendment added at the March 3 meeting clarifies that a DADU overlay is only applicable to properties zoned RS/RS-A or properties where a DADU is a legally permitted use prior to the establishment of the overlay. Further, properties within a DADU overlay cannot share lot lines with single-family residentially zoned properties that are not in the overlay district.

This ordinance was approved by the Planning Commission.

**Sponsors:** Allen, Parker, Welsch, OConnell, Withers and Taylor

**89. [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

**90. [BL2021-675](#)**

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

**Analysis**

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

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

**Sponsors:** Toombs and Styles

91. [BL2021-676](#)

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

Analysis

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

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

- The ordinance would require the Purchasing Agent to identify which contractors on the list of Metro contractors use temporary labor.
- The ordinance would rewrite the definition of “responsible bidder or offeror.” This definition was amended by Ordinance No. BL2019-1731 in August 2019 to provide that a bidder could be deemed disqualified if a court or regulatory agency makes a final determination that the bidder committed a willful violation of employment laws or safety standards within the past five years. This ordinance expands that further to make contractors ineligible to receive a Metro contract for three years if they violate employment laws or for serious safety violations, and makes them ineligible for seven years if they don’t have a written contract for all subcontractor work. The subcontractor contracts must include a description of the work, the timeframe for completion, and the compensation. Prime contractors would be responsible for ensuring all subcontractors are paid in accordance with the terms of their written contract. A copy of each written contract would be required to be provided to the “Procurement Department” within 30 days of execution, which would be open for public inspection. The Council Office would note that there is no Procurement Department in Metro. The Division of Purchases is a division of the Metro Finance Department pursuant to Section 4.08.030 of the Metro Code.
- All Metro contracts would include language stating that the contractor is responsible for ensuring that all contract requirements are satisfied, and will be responsible for

noncompliance of a subcontractor.

- The ordinance would require the Purchasing Agent to enter into a contract with an independent firm to ensure compliance “with the provisions of this title,” which would be for any provision in the Procurement Code (M.C.L. Title 4), for all contracts exceeding \$1 million. According to the Purchasing Division, this would impact approximately 30 contracts. It is unclear what the cost would be to retain such a consultant. The Purchasing Division’s closest approximation would be the cost of construction project managers, who provide a similar service. The cost of construction project managers ranges from 3% to 15% of the total contract amount.
- The bill would modify the Procurement Code provision regarding the utilization of apprenticeship programs and employee health insurance. Ordinance BL2019-1731 amended the Procurement Code to require construction contractors to provide information regarding the utilization of federally-registered apprenticeship programs, whether a certain training curriculum is used, the number of OSHA certified individuals on a project, and the percentage of employees covered by health benefits and workers compensation offered by the employer. This ordinance would add a requirement that such factors be included as part of the bid evaluation process for construction contracts. This means that points would be allocated for these factors when making an award. It is unclear whether this requirement is consistent with T.C.A. § 7-51-1802(c), which prohibits local governments from requiring that contractors provide health benefits.
- The ordinance would require every worker to complete a minimum of 10 hours of OSHA training, ensure at least one handwashing station and at least two toilets are provided at jobsites, and require employers to provide the necessary personal protective equipment while an emergency health order is in effect. Requiring specific levels of training may not be consistent with T.C.A. § 62-6-111(i)(2)(c), which prohibits local governments from imposing additional requirements upon state licensed contractors beyond what the state requires.
- The ordinance would require prime and subcontractors to offer direct employment to any temporary laborer that performs 30 days of work as part of the contract award.

There is currently pending state legislation (SB1150/HB1112) that, as amended, would largely preempt this ordinance.

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

**92. [BL2021-677](#)**

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

**Analysis**

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

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

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

**Sponsors:** Allen, Nash and Sledge

**93.** [BL2021-678](#)

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

Analysis

This ordinance adds a new Section 12.68.220 to the Metro Code to make it unlawful to transport containers or cylinders of liquefied petroleum gas in excess of 20 pounds capacity unless the cylinders or containers are securely fastened and equipped with appropriate valve guards or caps. The ordinance would also make it unlawful to transport containers of liquefied petroleum gas in any vehicle while in use with heating equipment.

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

**Sponsors:** OConnell

**94.** [BL2021-679](#)

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

Analysis

This ordinance amends the license plate reader (LPR) prohibition exemption for the emissions testing program per Section 13.08.080 of the Metro Code to clarify that capturing limited data specific to a vehicle is allowed provided such data is not recorded. When Section 13.08.080 of the Metro Code was approved by Ordinance No. BL2017-457, an amendment was added to

the bill to carve out an exception for LPRs used in conjunction with Metro's emissions testing program if the following criteria is satisfied:

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

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

**Sponsors:** Rosenberg

**95. [BL2021-680](#)**

An Ordinance to amend Section 16.04.200 of the Metropolitan Code to require fence cross beams and bracing to face the interior of the property.

**Analysis**

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

**Sponsors:** Hurt

**96. [BL2021-681](#)**

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

**Analysis**

This ordinance renames Division Street from 8th Ave S to 9th Ave S, between Division Street



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

This name change has been approved by the Planning Commission and the Emergency Communications District Board. The required report from the Historical Commission has been received and is available as an attachment to the ordinance online.

**Sponsors:** OConnell, Murphy and Nash

**97.** [BL2021-682](#)

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

**Analysis**

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

This ordinance has been approved by the Planning Commission.

**Sponsors:** OConnell, Murphy and Nash

**98.** [BL2021-683](#)

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

**Analysis**

This ordinance abandons approximately 223 linear feet of existing eight inch sanitary sewer main, one sanitary sewer manhole, and easements, and accepts approximately 3,917 linear feet of new eight inch sanitary sewer main (PVC), 583 linear feet of new eight inch sanitary sewer main (DIP), 29 sanitary sewer manholes, and associated easements for five properties located on Neely’s Bend Road, also known as Fox Valley subdivision. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** Hancock, Murphy and Nash

**99. [BL2021-684](#)**

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

**Analysis**

This ordinance accepts approximately 607 linear feet of new 12 inch water main, 948 linear feet of new eight inch sanitary sewer main, four fire hydrant assemblies, 10 sanitary sewer manholes, and associated easements for eight properties located on Adams Street, Taylor Street, and 1st Avenue North, also known as the Neuhoff Development. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** OConnell, Murphy and Nash

**100. [BL2021-685](#)**

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

**Analysis**

This ordinance accepts one new sanitary sewer and manhole for property located at 800 4th Avenue South. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** OConnell, Murphy and Nash

**101. [BL2021-686](#)**

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

Analysis

This ordinance abandons approximately 327 linear feet of existing six inch water main and a portion of a previously-recorded public utility easement for property located at 2128 Murfreesboro Pike. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** Murphy and Nash

**102. [BL2021-687](#)**

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

Analysis

This ordinance abandons approximately 841 linear feet of existing eight inch sanitary sewer main, one sanitary sewer manhole and easements, and accepts approximately 841 linear feet of new 10 inch sanitary sewer main, one sanitary sewer manhole, and associated easements for five properties located on Anderson Road, Kinwood Drive, and Twin Circle Drive needed for the Villages of Forest View project location at 2760 Murfreesboro Pike. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** Murphy and Nash

**103. [BL2021-688](#)**

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

Analysis

This ordinance approves the transfer of a 0.03-acre portion of the Madison Branch Library property adjacent to the right-of-way located at 610 Gallatin Pike to the neighboring property owner, Madison Square Partners, LP. Ordinance No. BL2019-1480 authorized the acquisition of certain permanent and temporary easements by negotiation or condemnation for 46

properties for the construction of Madison Boulevard, including property owned by Madison Square, LP. The necessary easement has now been transferred to Metro, and Metro desires to convey this small portion of unused property to the adjacent owner.

This ordinance has been approved by the Planning Commission.

**Sponsors:** VanReece

## L. Bills on Third Reading

### 104. [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. For former councilmembers who served at least eight years, Metro would contribute 75% of the insurance premium for the first two years of continue participation in the plan, with the employee paying 25%. After the first two years, Metro's contribution would be reduced to 50% for the next two years. After these four years of continued participation, Metro's contribution would be reduced to 25% with the former councilmember contributing 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 April 6 at the March 2, 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

**105. [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

**109. [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, gender identity, 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 self-identified disability status to the demographic report.

**Sponsors:** Cash, Bradford, Taylor, Suara, Benedict, Allen, VanReece, Mendes, Toombs, Welsch, Rutherford, Hurt, Syracuse, Hancock, Sledge, Murphy, Henderson, Gamble, Hausser and Withers

**110. [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

**111. [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

**112. [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:** Swope, Murphy and Nash

**113. [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

**114. [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

**115. [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:** Swope, Murphy and Nash

**116. [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

**117. [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

**118. [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

## **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.