



Metro Council

F. Resolutions on Public Hearing

1. [RS2021-959](#)

A resolution exempting FOLK, located at 823 Meridian Street, 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 FOLK located at 823 Meridian Street.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

A public hearing must be held by the Council prior to voting on resolutions brought under Section 7.08.090(E).

Sponsors: Parker

G. Bills on Public Hearing

2. [BL2021-752](#)

An ordinance adopting the 2021-2022 through 2026-2027 Capital Improvements Budget for The Metropolitan Government of Nashville and Davidson County as the official Capital Improvements Budget of The Metropolitan Government of Nashville and Davidson County for Fiscal Year 2021-2022.

Analysis

This ordinance adopts the Capital Improvements Budget (CIB) for fiscal year 2021-2022 through 2026-2027. A [link <https://www.nashville.gov/Portals/0/SiteContent/Planning/docs/CIB/2022/FY22_CIB_MayDraft.pdf>](https://www.nashville.gov/Portals/0/SiteContent/Planning/docs/CIB/2022/FY22_CIB_MayDraft.pdf) to the CIB is posted on the Council’s webpage. The CIB is a planning document and does not in itself appropriate any money. All capital projects must be provided for in this document before a capital improvement can be approved by the Council, except in the case of a public emergency.

Section 6.13 of the Metropolitan Charter provides: “The mayor shall submit the capital improvements budget to the council not later than May 15th and shall recommend those projects to be undertaken during the ensuing fiscal year and the method of financing them, noting the impact on the debt structure of the Metropolitan Government, and shall include in the appropriate current operating budget any projects to be financed from current revenues for the ensuing fiscal year.”

Pursuant to Section 11.504(k) of the Charter, the Metropolitan Planning Commission reviewed capital improvement project requests submitted by Metro departments, boards, commissions and agencies, evaluated the overall needs of the community, and recommended to the Mayor a CIB budget for fiscal year 2021-2022, including a program of proposed expenditures for the ensuing five years. The Charter requires the Council to adopt the CIB no later than June 15 of each year.

The CIB is amendable on third and final reading. Once adopted, any future amendments to the CIB would need to be approved by the Planning Commission, recommended by the Mayor, and then adopted by resolution of the Council receiving at least 27 affirmative votes.

Sponsors: Toombs and Murphy

3. [BL2021-736](#)

A bill to be entitled: The Budget Ordinance of the Metropolitan Government of Nashville and Davidson County, Tennessee for Fiscal Year 2022.

Analysis

This ordinance is the operating budget of the Metropolitan Government for FY22. The budget filed by the Mayor provides for the following proposed funding:

- General Services District General Fund \$1,135,502,800
- General Services District Schools Fund \$1,014,661,600
- General Services District General Debt Service Fund \$225,074,700
- General Services District Schools Debt Service Fund \$115,942,200

TOTAL GENERAL SERVICES DISTRICT BUDGET \$2,491,181,300

- Urban Services District General Fund \$140,407,200
- Urban Services District General Debt Service Fund \$19,053,700

TOTAL URBAN SERVICES DISTRICT BUDGET **\$159,460,900**

TOTAL OPERATING BUDGET **\$2,646,580,300**

The substitute budget adopted by the Council for FY21 is \$2,466,262,200. The mayor's proposed budget represents an overall increase of \$180,318,100 (7.3%).

The budget would not appropriate any funds from the unreserved fund balances of the primary budgetary funds. Rather, Metro would retain much healthier cash reserves of \$306.4 million. Metro's established policy is to maintain a fund balance equal to or greater than 5% for each of the six budgetary funds, the GSD General Fund, USD General Fund, and General Purpose School Operations Fund, as well as the three related primary debt service funds. The mayor's proposed budget is projected to result in the following fund balance percentages by June 30, 2022:

- General Services District General Fund 12.7%
- General Services District Debt Service Fund 10%
- General Services District Schools Operations Fund 9.4%
- Schools Debt Service Fund 36%
- Urban Services District General Fund 6.4%
- Urban Services District Debt Service Fund 12.1%

The current FY21 property tax rate for the GSD is \$3.788 per \$100 of assessed value. The current rate for the USD is \$0.433, giving a combined rate of \$4.221. Resolution No. RS2021-932, which will be back before the Council on June 15, would adopt revised property tax rates due to this year's reassessment. Per the requirements of Tenn. Code Ann. § 67-5-1701, the certified property tax rates must be set so as to produce the same ad valorem revenue for Metro as was levied during the previous year, exclusive of new construction, improvements, and deletions. The new certified property tax rates will be \$2.953 in the GSD and \$0.335 in the USD, for a combined rate of \$3.288.

Even with the reduction in the certified rates, growth is expected to generate new property taxes in the amount of \$47.8 million over the budgeted FY21 revenue. Since the impact of COVID-19 on Metro's sales taxes has not been as great as feared, largely because of the influx of federal stimulus funds, the proposed FY22 budget includes an increase of \$102.5 million in local option sales tax revenues. The budget also includes expected revenue increases from grants and other non-tax revenues in the amount of \$18.6 million.

The budget also accounts for some expected revenue reductions, specifically the loss of the \$35 million payment from the Convention Center Authority due to the impact of COVID-19 on their revenues, a loss of \$6.9 million as a result of the elimination of the Hall Income Tax, and other revenue decreases in the amount of \$14.7 million.

The proposed budget includes an increase of \$32.2 million for pay plan improvements. All

employees would receive a 2% cost-of-living raise on July 1, 2021. In addition, funding is included for increment increases for all eligible employees and funding for 3% open-range pay increases, all of which would be effective on July 1, 2021. The department heads have the discretion to determine the actual raises to be given to each open-range employee. The purpose of this additional open-range funding is to provide the equivalent of a step increment for open-range employees who are otherwise ineligible for increments. The budget also includes an increase in the employee health insurance match costs from \$56,455,500 to \$58,162,800.

The Mayor's budget includes a \$13.8 million increase for equipment and building repairs. This is the equivalent of setting aside 5% of the GSD general fund revenue for this purpose, as opposed to the 4% required by the Charter. This should help Metro address some deferred maintenance and equipment needs that have not been able to be funded previously.

The largest investment in the Mayor's proposed budget is for Metro Nashville Public Schools. This includes an \$80.45 million increase in the amount of local funding for schools. While the Board of Education has the final say in how the appropriation for schools is spent, the Mayor's proposed budget does fully fund the budget approved by the Board.

The budget includes funding for a number of improvement requests submitted by various departments. This includes a \$24.5 million increase for WeGo, \$9 million for Fire and EMS operations, and \$10.5 million for the Police Department, which includes the operational funding for the new southeast precinct. Other departmental improvements include:

- Codes Administration: \$1.1 million for additional inspectors and other personnel
- General Services: \$500,000 for two new sustainability positions and shifting four positions from capital funding to operating
- Health Department: \$1.25 million for an expanded partnership with Mental Health Co-op
- Human Resources: \$253,000 for the creation of an employee safety division
- Law: \$307,000 for three new attorney positions
- Libraries: \$835,000 for program staffing
- Mayor's Office: \$116,000 for a capital performance manager position
- Parks: \$2.7 million for a variety of new positions
- Planning Department: \$1.3 million for a variety of new positions
- Public Works: \$6 million, including \$3 million for the new transportation division

The Hospital Authority would receive a subsidy from the general fund of \$49,560,000, an increase of \$6,447,900 over the FY21 budget. The subsidy for Bordeaux Long Term Care has been eliminated due to the closure of the facility. The subsidy for the Knowles Home assisted living facility remains flat at \$2,000,000.

The Barnes Fund for Affordable Housing will receive \$12.5 million as part of the continuing commitment for affordable housing.

The budget ordinance is amendable on third reading. Section 6.06 of the Metro Charter requires the Council to adopt a substitute operating budget no later than June 30th. Otherwise, the budget as originally submitted by the Mayor becomes the budget by operation of law.

Sponsors: Toombs

4. [BL2021-744](#)

An ordinance approving the plans for a solid waste processing facility to be located at 4601 Ashland City Highway, Nashville, TN 37218.

Analysis

This ordinance approves the plans for a new solid waste processing facility to be located at 4601 Ashland City Highway. On May 2, 2017, the Metro Council approved adoption of the provisions of the "Jackson Law" per Ordinance No. BL2016-484, thereby requiring local approval of landfills, solid waste disposal facilities, and solid waste processing facilities prior to construction.

Nashville Waste Solutions, LLC, has submitted an application for a solid waste processing facility to the Tennessee Department of Environment and Conservation, Division of Solid Waste Management. The application including the plans for the facility, which, if approved, would process, shred, and sort incoming municipal solid waste and construction and demolition waste to recycle the ferrous and non-ferrous metals, and then to compress and wrap the residual waste into bales. The amount of waste to be handled, processed, and/or stored by the proposed facility is estimated to be 1,600 tons per day, with a maximum storage capacity of 18,000 cubic yards.

The state enabling legislation establishing the Jackson Law requires the municipal governing body to approve or disapprove the proposed new construction "[w]ithin thirty (30) days after notice and an opportunity for a public hearing." Tenn. Code Ann. §68-211-704(a).

Sponsors: Hall

H. **Consent Resolutions and Resolutions**

5. [RS2021-960](#)

A resolution accepting a grant from the State of Tennessee, Department of Mental Health and Substance Abuse Services, to the Metropolitan Government of Nashville and Davidson County for the State Trial Courts to provide the Tennessee Certified Recovery Court Program (TCRCP) at the Davidson County Residential Drug Court to enable the establishment of adult and juvenile drug court programs to address the needs of non-violent offenders.

Analysis

This resolution accepts a grant from the Tennessee Department of Mental Health and

Substance Abuse Services to the State Trial Courts to provide the Tennessee Certified Recovery Court Program (TCRCP) at the Davidson County Residential Drug Court to enable the establishment of adult and juvenile drug court programs to address the needs of non-violent offenders. The grant is an amount not to exceed \$500,000 with no local cash match required. The term of the agreement begins July 1, 2021 and ends June 30, 2022. This is a continuation of an existing grant.

Sponsors: Toombs, Welsch, Suara, Gamble and Porterfield

6. [**RS2021-961**](#)

A resolution accepting a grant from the Tennessee Department of Mental Health and Substance Abuse Services to the Metropolitan Government, acting by and through the Davidson County General Sessions Court, to provide Tennessee Certified Recovery Court Program (TCRCP) services to include intensive court supervision, mandatory drug testing, and substance abuse treatment as an alternative to adjudication or incarceration.

Analysis

This resolution accepts a grant from the Tennessee Department of Mental Health and Substance Abuse Services to the Davidson County General Sessions Court. This grant is an amount not to exceed \$60,000 with no local cash match required. The grant funds will be used to provide Tennessee Certified Recovery Court Program (TCRCP) services to include intensive court supervision, mandatory drug testing, and substance abuse treatment as an alternative to adjudication or incarceration. The term of this contract is July 1, 2021 through June 30, 2022. According to the grant budget, \$10,000 will be used for salaries, benefits, and taxes and \$50,000 will be used for supplies, including drug testing supplies.

Sponsors: Toombs, Suara and Porterfield

7. [**RS2021-962**](#)

A resolution accepting a grant from the Tennessee Department of Mental Health and Substance Abuse Services and approving amendment five to a grant from the Tennessee Department of Children's Services, to the Metropolitan Government, acting by and through the Davidson County Juvenile Court, for a Safe Baby Court to serve at risk children.

Analysis

This resolution accepts a grant from the Tennessee Department of Mental Health and Substance Abuse Services to the Davidson County Juvenile Court. The resolution also approves amendment five to a grant agreement between the Tennessee Department of Children's Services and the Davidson County Juvenile Court for a Safe Baby Court to serve at risk children.

The resolution approves amendment five to an agreement previously approved by Resolution No. RS2018-1041. This amendment extends the end date of the contract by one year, from June 30, 2021 to June 30, 2022. It also increases the funding of the grant by \$232,179, from \$736,000 to \$968,179. \$148,024 of this \$232,179 increase is to be funded by a second agreement and will be paid for by the Department of Mental Health and Substance Abuse Services.

The resolution also approves the grant agreement for \$148,024 to fund salaries and benefits for personnel, including a Safe Baby Court Coordinator and/or a Safe Baby Court Magistrate. The salaries and benefit costs for personnel are invoiced separately from other program expenditures, which are covered in the other agreement. This grant contract becomes effective July 1, 2021 and ends on June 30, 2022.

Sponsors: Toombs, Welsch, Suara, Gamble and Porterfield

8. [RS2021-963](#)

Resolution authorizing and providing for the issuance and sale of general obligation bond anticipation notes in an amount not to exceed \$375,000,000 at any one time in the form of commercial paper of The Metropolitan Government of Nashville and Davidson County; authorizing and providing for one or more dealer agreements, issuing and paying agency agreements, and liquidity facility agreements; and providing for certain other matters related thereto.

Analysis

This resolution approves a new commercial paper program not to exceed \$375,000,000 to replace the commercial paper program that is expiring. Metro has used commercial paper as a form of short-term financing for capital projects since 2003. Commercial paper is basically a line of credit Metro can access to cover interim construction costs while awaiting the appropriate time to issue long-term bonds. The state of Tennessee uses a similar commercial paper program, as do many other large cities.

The commercial paper program allows Metro to issue variable rate tax-exempt notes with varying maturity dates ranging from 1 day to 270 days, but commercial paper is usually “rolled” until the bonds are issued. State law allows commercial paper to be rolled up to six years with the approval of the Director of State and Local Finance.

This resolution approves a new commercial paper program with the same \$375,000,000 maximum as the expiring program, which was approved by Resolution No. RS2017-687. BofA Securities, Inc. will be the new dealer for these commercial paper notes, and Bank of America will serve as the initial liquidity (credit) facility. Bank of America will be paid an annual Facility Fee of 0.28%. The proceeds from the commercial paper would be used only for providing for the interim financing of capital projects for which bonds have been authorized by an initial general obligation bond resolution (capital spending plan).

Since commercial paper is used to finance projects for which general obligation bonds have been authorized, the full faith and credit of the Metropolitan Government is pledged as security for the principal and interest payments on the commercial paper.

Sponsors: Toombs

9. [RS2021-964](#)

A resolution appropriating the amount of \$14,366,600.00 from the General Fund Reserve

Fund for the purchase of equipment and building repairs for various departments of The Metropolitan Government of Nashville and Davidson County.

Analysis

This resolution appropriates \$14,366,600 from the General Fund Reserve Fund (4% Fund) to 13 departments for various purchases of equipment and building repairs. Section 6.14 of the Metropolitan Charter requires that 4% of all the general fund revenue of the General Services District be set aside each year solely for the purchase of equipment and building repairs.

Ordinance No. O86-1534 and Section 5.04.015.F of the Metro Code require that allocations from the 4% Fund each be supported by information sheets, which are attached to the resolution. The resolution further provides that “the Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund.”

The following departments would receive funding:

- Assessor of Property - \$18,200 for projectors and computer equipment
- Sheriff’s Office - \$350,000 for fingerprint scanners and software
- Emergency Communications - \$25,000 for building repairs
- Information Technology Services - \$2,773,400 for the computer revolving fund, critical infrastructure hardware and software, and cyber threat detection and response
- Public Works - \$550,000 for miscellaneous equipment and repairs, IT system upgrades, and salt
- Police - \$810,000 for equipment and the buildout of the diversity unit
- Fire - \$750,000 for medical and safety supplies, and for building repairs
- Municipal Auditorium - \$700,000 for new risers
- Public Library - \$1,500,000 for books, library materials, and miscellaneous repairs
- Office of Family Safety - \$350,000 for client database software
- State Trial Courts - \$240,000 for security enhancements to the drug court facility and to upgrade the jury selection software
- Parks - \$500,000 for equipment and supplies at various parks and community centers
- General Services - \$5,800,000 for replacement vehicles

Sponsors: Toombs

10. [RS2021-965](#)

A resolution imposing an additional fee on the sales price of services and tangible personal property sold at retail within the Downtown Central Business Improvement District, and to authorize an advisory committee of retail business operators regarding the use of the additional fee.

Analysis

In accordance with Tenn. Code Ann. § 7-88-117, the Metropolitan Council adopted Resolution No. RS2013-873 in October 2013 to impose a “fee” of twenty-five hundredths percent (.25%) on the sales price of goods and services within the downtown central business improvement

district. The fee was the equivalent of an increase in the combined state and local sales tax rate in the downtown area from 9.25% to 9.5% on items such as restaurant food, clothing, and souvenirs. The state law provides that the follow goods and services are exempt from the fee:

- Professional services;
- Lodging provided to transients;
- Tickets to sporting events or other live ticketed events;
- Alcoholic beverages which are subject to the liquor by the drink tax in addition to sales tax;
- Newspapers and other publications; and
- Overnight and long-term parking.

These funds must be deposited into the event and marketing fund to assist in the recruitment of major conventions and group meetings, the improvement of promotion, and to provide additional focused security in the downtown CBID.

Tenn. Code Ann. § 7-88-117 was amended by the Tennessee General Assembly during the 2021 legislative session to authorize an additional fee of 0.25% in the downtown CBID used to promote safety and cleanliness within the CBID. The new state law defines "promote safety and cleanliness" as including, but not limited to, enhanced public safety, social services, and sidewalk cleaning.

Fiscal Note: The estimated revenue from the 0.25% CBID fee increase is \$2,400,000 according to the Finance Department.

Sponsors: OConnell

11. [**RS2021-966**](#)

A resolution approving mayoral conditional approval and acceptance of a local government Coronavirus State and Local Fiscal Recovery Funds established by the American Recovery Plan Act of 2021 from the U.S. Department of the Treasury to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Finance Department, and allocating certain funds to aid in Nashville's recovery from the Coronavirus pandemic.

Analysis

In accordance with the federal American Recovery Plan Act, the U.S. Department of the Treasury has awarded a grant to Metro in an amount not to exceed \$259,810,600 (the "ARP Funds") with no cash match required. The Finance Department anticipates receipt of one-half of the ARP Funds no later than June 1, 2021 and the remainder no later than July 1, 2022. This resolution approves the acceptance of the grant funds and appropriates \$2,912,616 of the funds for various departments and programs impacted by COVID-19, as follows:

- \$500,000 for the Farmers Market
- \$1,323,100 for Municipal Auditorium
- \$288,700 for Fairgrounds Nashville
- \$55,000 for the State Trial Courts for an increase in jury trials

- \$561,816 to the Health Department for a behavioral health pilot program with the North and Hermitage police precincts
- \$184,000 to the Health Department for its electronic health records system

The remaining grant funds cannot be distributed until the Council approves a plan for disbursement of the funds by resolution.

According to guidance provided by the U.S. Department of Treasury on May 10, 2021, local government ARP Funds can be used for the following purposes:

- Supporting public health expenditures
- Addressing negative economic impacts caused by the pandemic
- Replacing lost public sector revenue, to the extent the local government experienced a net reduction in revenue due to the pandemic
- Providing premium pay for essential workers
- Investing in water, sewer, and broadband infrastructure

This resolution also establishes a Financial Oversight Committee similar to the committee created by the Fiscal Year 2021 substitute operating budget ordinance to oversee the expenditure of CARES Act funds. The Committee will be comprised of nine members. Six members of the Committee shall be appointed by the Mayor, which appointments are not subject to confirmation by the Council. The remaining three members shall be Members of the Metropolitan Council appointed by the Vice Mayor. The Committee members shall be appointed not later than July 1, 2021. The Committee will collect, consider, and recommend appropriate uses of the ARP Funds as designated by the Metropolitan Council disbursement plan. The Committee will submit its reports and recommendations to the Mayor, the Director of Finance, and the Metropolitan Council not later than June 30, 2025.

Sponsors: Toombs, Welsch, Suara and Porterfield

12. [RS2021-967](#)

A resolution approving an application for a Shuttered Venue Operators grant from the U.S. Small Business Administration to the Metropolitan Government, acting by and through the Nashville Municipal Auditorium, to provide funds to maintain ongoing operations and maintenance of the venue due to COVID-19 restrictions of the past year.

Analysis

This resolution approves an application for a Shuttered Venue Operators grant from the U.S. Small Business Administration to the Nashville Municipal Auditorium to provide funds to maintain ongoing operations and maintenance of the venue due to COVID-19 restrictions of the past year. This grant application would be for an award of \$1,523,618.31. No local cash match would be required.

Sponsors: OConnell, Toombs, Welsch and Sepulveda

13. [RS2021-968](#)

A resolution to appropriate grant funds from the U.S. Department of Health and Human Services to the Metropolitan Government, acting by and through the Metropolitan Action Commission, to support activities pertaining to the prevention, preparation, and/or response to the coronavirus disease.

Analysis

This resolution appropriates grant funds from the U.S. Department of Health and Human Services to the Metro Action Commission. The grant is an amount not to exceed \$410,823 with no local cash match required. The grant budget period begins April 1, 2021 and ends March 31, 2023. These funds will be used to support activities pertaining to the prevention, preparation, and/or response to the coronavirus disease.

The Metropolitan Action Commission has accepted this grant pursuant to its authority under Metro Code of Laws Section 2.108.050.

Sponsors: Toombs, Taylor, Welsch, Suara, Gamble and Porterfield

14. [RS2021-969](#)

A resolution accepting a Racial Equity in Arts Leadership (REAL) program grant from the National Endowment for the Arts to the Metropolitan Government, acting by and through the Metropolitan Arts Commission, to support expanded professional development opportunities in equity training for Nashville based arts leaders.

Analysis

This resolution accepts a Racial Equity in Arts Leadership (REAL) program grant from the National Endowment for the Arts to the Metro Arts Commission. This grant will be used to support expanded professional development opportunities in equity training for Nashville based arts leaders. The grant is an amount not to exceed \$50,000 with a required local cash match of \$50,000. The term of the grant is January 1, 2021 through November 30, 2022.

Sponsors: Toombs, VanReece, Welsch, Suara, Gamble and Porterfield

15. [RS2021-970](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the Metropolitan Government's claims against B & B Laser, LLC.

Analysis

This resolution authorizes the Department of Law to settle Metro's claim against B&B Laser, LLC for the amount of \$265,000. On June 1, 2020, the Grow Local Kitchen silo roof and turret at the Nashville Farmers' Market caught fire and sustained significant damage. The fire was the result of an improperly welded weathervane on top of the silo by B&B Laser. B&B has

admitted liability for the fire, and Metro is seeking payment through B&B's insurance carrier.

The Farmers' Market obtained a higher repair quote from a third-party claims agent, but that quote included costs that Metro would be unlikely to recover at trial, such as preparation of the claim, security costs, staffing, and overhead. The Department of Law recommends accepting a payment of \$265,000 to settle the claim since it is unclear whether Metro could obtain a higher amount if the case went to trial. The Farmers' Market has indicated that this amount should be sufficient to repair the damage.

Fiscal Note: Metro will receive \$265,000 in accordance to this Settlement Agreement to a fund to be determined by the Department of Finance.

Sponsors: Toombs

16. [RS2021-971](#)

A resolution approving an application for a Port Security Grant from the U.S. Department of Homeland Security to the Metropolitan Government, acting by and through the Office of Emergency Management, for equipment to enhance current land based and maritime response capabilities.

Analysis

This resolution approves an application for a Port Security Grant from the U.S. Department of Homeland Security to the Office of Emergency Management. This grant application is for an award of \$749,467.50 and a required local cash match of \$249,822.50. If approved, this grant would be used for equipment to enhance current land based and maritime response capabilities. This would include a new boat with Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) capabilities for the Nashville Fire Department, funding for a helicopter aquatic rescue team project, and a maritime rescue task force.

Sponsors: Toombs and Gamble

17. [RS2021-972](#)

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 improvements to the Shelby Community Center Basketball Courts.

Analysis

This resolution accepts an in-kind grant from the Friends of Shelby Park & Bottoms to the Metro Board of Parks and Recreation to provide improvements to the Shelby Community Center Basketball Courts. The estimated value of this in-kind grant is \$10,000 with no local cash match required.

Sponsors: Withers, Toombs and VanReece

18. [RS2021-973](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Fradasia Green against the Metropolitan Government of Nashville and Davidson County in the amount of \$10,300.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

This resolution authorizes the Department of Law to settle the claim of Fradasia Green against Metro for the amount of \$10,300. On September 25, 2020, Ms. Green stopped at a stop sign in the Skyline Medical Center parking lot when a Metro police officer ran into the rear of her vehicle. Ms. Green complained of lower back pain after the accident, and completed a two month course of physical therapy. Her medical bills total \$5,075.

The Department of Law recommends settling the claim for the amount of the medical bills plus \$5,225 for pain and suffering. Damage to Ms. Green's vehicle in the amount of \$904 has already been paid.

Fiscal Note: This \$10,300.00 settlement, along with the settlement per Resolution No. RS2021-976, would be the 33rd and 34th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,811,361.00. The fund balance would be \$1,100,972 after these payments.

Sponsors: Toombs

19. [RS2021-974](#)

A resolution approving an agreement between CSX Transportation and The Metropolitan Government of Nashville and Davidson County, acting by and through its Department of Public Works, for payment to CSXT for costs incurred due to maintenance and repairs of four (4) bridges over CSXT 1) Jefferson Street, 2) Hamilton Avenue, 3) Eastland Avenue, 4) Sidco Drive, CSX OP No. TN0707.

Analysis

This resolution approves an agreement between CSX Transportation (CSXT) and the Metro Department of Public Works. Under the agreement, Metro will pay CSXT an estimated \$106,946 for costs incurred due to maintenance and repairs of four bridges over CSXT for Jefferson Street, Hamilton Avenue, Eastland Avenue, and Sidco Drive.

Agreements between Metro and CSX Transportation can be approved by resolution pursuant to Ordinance No. O98-1393.

Sponsors: Toombs, Nash, Withers, Welsch, Sledge, OConnell and Taylor

20. [RS2021-975](#)

A resolution approving amendment one to a grant agreement between the Tennessee Department of Transportation, and the Metropolitan Government of Nashville and Davidson County, through the Department of Public Works, to extend the term of the Nashville

Complete Trips Transportation Demand Management Program.

Analysis

This resolution approves amendment one to a grant agreement between the Tennessee Department of Transportation and the Metro Department of Public Works to extend the term of the Nashville Complete Trips Transportation Demand Management Program. This program seeks to reduce congestion and contribute to the exceedance of air quality standards by supporting and promoting the use of transportation options other than single occupancy vehicles. This amendment extends the end date from November 21, 2021 to May 31, 2022. No other terms of the agreement would be amended.

Sponsors: Nash and OConnell

21. [RS2021-976](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Charles M. Davis against the Metropolitan Government of Nashville and Davidson County in the amount of \$35,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

This resolution authorizes the Department of Law to settle the claim of Charles Davis against Metro for the amount of \$35,000. On September 22, 2020, Mr. Davis and a Metro Public Works employee were both driving northbound on South Gallatin Pike when the Public Works employee veered into Mr. Davis to avoid another vehicle attempting to enter into the employee's lane. Mr. Davis sustained injuries to his back and hip, incurring medical bills totaling \$21,223.09.

The Department of Law recommends settling the claim for the amount of the medical bills plus \$13,776.91 for pain and suffering. Damage to Mr. Davis's vehicle in the amount of \$2,957.25 has already been paid.

Fiscal Note: This \$35,000.00 settlement, along with the settlement per Resolution No. RS2021-973, would be the 33rd and 34th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,811,361.00. The fund balance would be \$1,100,972 after these payments.

Sponsors: Toombs

22. [RS2021-977](#)

A resolution to amend Ordinance No. BL2020-241 to authorize The Metropolitan Government of Nashville and Davidson County to acquire permanent and temporary easements by condemnation for six properties located on Ackerman Court and Graybar Lane to complete the Ackerman Court Stormwater Improvement Project (Project No. 20-SWC-215 and Proposal No. 2020M-021ES-002).

Analysis

This resolution approves an amendment to Ordinance No. BL2020-241, which authorized the Metro Government to negotiate and accept permanent and temporary easements for 37 projects for the Ackerman Court Stormwater Improvement Project. This resolution authorizes the Metro Government to acquire permanent and temporary easements by condemnation for six additional properties located on Ackerman Court and Graybar Lane to complete the project.

The Directors of Metro Waters and Public Property Administration would have the authority to resort to condemnation proceedings if needed.

This resolution was approved by the Planning Commission on May 12, 2021.

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

Sponsors: Pulley, Murphy and Nash

J. Bills on Second Reading**58. [BL2019-4](#)**

An ordinance amending Chapter 6.04 of the Metropolitan Code of laws to prohibit aerial advertising.

Analysis

This ordinance, as amended, amends Chapter 6.04 of the Metropolitan Code of Laws to prohibit aerial advertising. Under this proposed Section 6.04.030, aircraft or other self-propelled or buoyant airborne object could not display any sign or advertising device. "Sign" or "advertising device" would be defined to include "a poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol or any other form of advertising sign or device." This prohibition would not apply to the display of an identifying mark or trade name affixed to the exterior of the body of an aircraft, any advertisements solely visible within the interior of an aircraft, or an advertisement placed on or attached to any ground, building or structure (which would instead be governed by other applicable law).

Additionally, the ordinance relocates existing provisions of Chapter 6.04 regarding the exemptions of various Metropolitan Government departments and agencies from provisions of the Chapter. The "conflict of provisions" section in Section 6.04.060 will be updated to reflect the relocation of these provisions. The term "advertising device" will be added to existing language within Chapter 6.04 for consistency with the new Section 6.04.030.

A similar ordinance from Honolulu, Hawaii has been upheld by the Ninth Circuit Court of Appeals as not being preempted by federal law and not in violation of the First Amendment to the United States Constitution.

Sponsors: Sledge

59. [BL2021-593](#)

An ordinance amending Chapter 9.30 of the Metropolitan Code to restrict construction noise.

Analysis

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

Sponsors: Lee, Hausser, Taylor and Styles

62. [BL2021-727](#)

An ordinance declaring surplus and approving the disposition of a parcel of real property known as 0 American Road (Map/Parcel No. 09011004700) (Proposal No. 2021M-003PR-001).

Analysis

This ordinance declares a 1.08 acre unbuildable parcel of property located on American Road to be surplus, and authorizes the sale of the property to the owner of one of the 10 adjacent tracts who offers the highest price. Metro Water Services has determined that it no longer needs this property. Metro's standard practice regarding unbuildable surplus lots is to sell them to an adjacent property owner. The proceeds of the sale will be credited to the Metro General Fund.

This ordinance has been approved by the Planning Commission.

Fiscal Note: The appraised value for the parcel of land is \$1,500 according to the Property Assessor's website.

Sponsors: Roberts, Toombs, Murphy and Nash

63. [BL2021-728](#)

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 Blake Drive from Sunnywood Drive to the dead end to "Sweet Oak Court". (Proposal Number 2021M-003SR-001).

Analysis

This ordinance renames a portion of Blake Drive between Sunnywood Drive and the cul-de-sac as "Sweet Oak Court." This street renaming request was submitted by the Department of Emergency Services because there are two different roadways with the name Blake Drive that

are no longer proposed to connect, which could result in emergency services delays.

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

Sponsors: Rutherford, Murphy, Nash and OConnell

64. [BL2021-737](#)

An ordinance establishing the tax levy in the General Services District for the fiscal year 2021-2022, and declaring the amount required for the annual operating budget of the Urban Services District, pursuant to section 6.07 of the Metropolitan Charter.

Analysis

This ordinance approves the property tax levy for FY22. Section 6.07 of the Metropolitan Charter provides that the Council's next order of business upon adopting the annual operating budget is to adopt a tax levy that fully funds that budget. The property tax rate proposed by the Mayor is being decreased from \$3.788 to \$2.953 in the General Services District (GSD) and \$0.433 to \$0.335 in the Urban Services District (USD), for a combined rate of \$3.288. This tax levy rate is projected to be sufficient to fully fund the FY22 operating budget, and is a tax rate reduction to assure compliance with state law providing that total property tax revenues are not increased solely as a result of this year's reassessment of real property values.

The tax levy is amendable on third reading.

Sponsors: Toombs

65. [BL2021-738](#)

An ordinance amending Chapter 4.12 of the Metropolitan Code regarding source selection and contract formation.

Analysis

This ordinance amends Section 4.12.040 of the Metro procurement code to require past audit findings to be included as part of the scoring for requests for proposals (RFPs). The procurement code allows for the use of RFPs instead of sealed bids (which are based solely on price) when the Purchasing Agent determines it is in Metro's best interest to do so. The code provides that each RFP is to state the specific evaluation factors, but offers no guidance as to what those factors should include.

This ordinance would provide that the Procurement Standards Board is to adopt regulations to require an offeror's prior Metro audit findings and previous contract noncompliance to be included in the scoring for the RFP. This would include an offeror's failure to furnish required documentation justifying billing under a previously-awarded contract.

Sponsors: Henderson, Suara, OConnell, Johnston, Sepulveda, Bradford, Styles, Benedict, Welsch and Taylor

66. [BL2021-739](#)

An ordinance to provide for the designation of public property within specified areas of downtown Nashville as a temporary “Special Event Zone” during the time period beginning at nine o’clock (9:00) p.m. on July 2, 2021, and ending at eleven fifty-nine (11:59) p.m. on July 5, 2021, relative to the use of these areas in conjunction with the 2021 July 4th Celebration and related activities and events.

Analysis

This ordinance approves a temporary “Special Event Zone” for the downtown area, in conjunction with the 2021 July 4th Celebration scheduled July 2 to 5, 2021. A map of the Special Event Zone areas established under this ordinance is attached to this analysis. Activity restrictions within the Special Event Zone would begin at 9:00 p.m. on Friday, July 2, 2021, and end at 11:59 p.m. on Monday, July 5, 2021. Activities on public property or in the public right-of-way within the Special Event Zone are regulated as follows:

- The sale of any food, beverages, goods, or merchandise would be prohibited, unless street vendors obtain a “Special Event Zone” permit from the Nashville Convention and Visitors Corporation (CVC) in order to sell within the geographic area listed above.
- Alcoholic beverages provided, served, or sold from any temporary outdoor would be prohibited, except as authorized.
- The sale or distribution of merchandise pertaining to the July 4th Celebration, where it is apparent on its face that the merchandise is not licensed by CVC, would be prohibited.
- No tents or membrane structures of any kind would be permitted, except as authorized by CVC or Metro for public safety purposes.
- The construction, placement, occupation, or use of any temporary structure would be prohibited except those sanctioned and authorized by the CVC.
- The distribution, promotional give-away activity, or provision of free products, services, or coupons by persons or entities that are not event sponsors officially sanctioned and authorized by CVC would be prohibited, except within any Public Participation Area.
- Vehicles would be allowed only as directed by Metropolitan Nashville Police.
- No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, would be permitted within the Special Event Zone.
- No handguns, rifles, or firearms would be permitted. (Tennessee Code Annotated § 39-17-1359)
- No knives, swords, or other fighting devices would be permitted.
- No fireworks, firecrackers, or explosive devices of any type would be permitted, except exhibitions permitted by CVC.
- The Special Event Zone would be a “no fly zone.”

This ordinance requires at least one Public Participation Area within the Special Event Zone while the zone is in effect. This Area would allow for the reasonable expression by the public in a manner that is not disruptive to the July 4th Celebration, activities, and events.

Fiscal Note: This ordinance places restrictions on the activities that would be allowed to take

place within the special event zone during the July 4th Celebration. However, no additional Metro personnel or overtime would be required just for the enforcement of these restrictions.

Sponsors: OConnell

67. [BL2021-740](#)

An ordinance creating the positions of Transportation Chief Engineer/Assistant Director, Transportation Director, Planning Deputy Executive Director, Safety Administrator, and Veterans Service Supervisor.

Analysis

This ordinance creates five new positions within the Metropolitan Government. Section 12.10 of the Metropolitan Charter provides that newly created positions within the Metropolitan Government must be approved by ordinance.

The Civil Service Commission, upon the recommendation of the Director of Human Resources, has created the following new positions:

- Transportation Chief Engineer/Assistant Director
- Transportation Director
- Planning Deputy Executive Director
- Safety Administrator
- Veterans Service Supervisor

A job description for each is attached to the ordinance.

Sponsors: Toombs, Rutherford, Murphy and Nash

68. [BL2021-741](#)

An ordinance approving the sale of approximately 536 square feet of remnant property adjacent to 11th Avenue North. (Proposal No. 2021M-008PR-001)

Analysis

This ordinance approves the sale of a 536 square-foot remnant of property to Highwoods Realty Limited Partnership for the amount of \$25,000. This is a small portion of 11th Avenue North right-of-way that is no longer needed by Metro due to the reconfiguration of the right-of-way in connection with development of the parcel at 1101 Church Street. It has been determined that there is no real commercial value of this property to Metro.

The proceeds of the sale will be credited to the Metro General Fund.

This ordinance has been approved by the Planning Commission.

Sponsors: OConnell, Toombs and Murphy

69. [BL2021-742](#)

An ordinance declaring a parcel of property owned by the Metropolitan Government of

Nashville and Davidson County located at Brick Church Pike, unnumbered, Map/Parcel No. 06000007000, to be surplus and authorizing the sale of the property to Habitat for Humanity for the purpose of constructing affordable housing (Proposal No. 2021M-009PR-001).

Analysis

This ordinance would declare as surplus and approve the sale of an 11.3 acre parcel of property owned by Metro located at 0 Brick Church Pike to Habitat for Humanity for the construction of 26 new affordable homes. The Metropolitan Nashville Board of Public Education has determined that this parcel is no longer needed for any school purpose. The property is adjacent to a larger undisturbed parcel.

The appraised value of this property is \$1,209,500. Habitat for Humanity has agreed to pay \$584,615 for the property, and has agreed to construct a six acre park to be deeded back to Metro when completed, as well as improvements to Parkwood Ballpark located at 3020 Aldrich Lane. The park will include useable active park space with walking trails and other amenities. Habitat for Humanity estimates that the value of the park and improvements it will be making is \$638,900, which combined with the purchase price, exceeds the appraised value of the property.

There is a proposed substitute for this ordinance clarifying the improvements to be made, and accepting the transfer of the six acres of park property to Metro when the park is completed. The ordinance will require a deed restriction requiring that six acres of park property be deeded back to Metro and that the remaining property be used for the construction of 26 new affordable homes.

The proceeds from the sale of the property is to be credited to Metropolitan Schools Capital Fund.

An appraisal report is included as an attachment to the ordinance in accordance with Section 2.24.225 of the Metro Code.

Sponsors: Toombs and Allen

70. [BL2021-743](#)

An ordinance approving a purchase and sale agreement between the Metropolitan Government and Piedmont Natural Gas Company, Inc., for a parcel of property and improvements located at 800 Second Avenue North. (Proposal No. 2021M-007PR-001).

Analysis

This ordinance authorizes the sale of a 4.49-acre parcel property located at 800 Second Avenue North back to Piedmont Natural Gas Company for the purchase price of \$4,239,000. Metro purchased this property from Piedmont in 1989 for \$1,946,442, and it has most recently been used by Metro as office space, though the property was used for the production of natural gas prior to Metro acquiring it. Metro's environmental consultant estimates that it would cost

approximately \$24,000,000 to remediate the property as a result of the prior gas plant operations in order to develop the property. While the appraised value of the property is \$17,500,000, the appraisal does not take into consideration the environmental issues with the property, and the sum of the remediation cost and purchase price exceeds the appraised value. Copies of both the appraisal and the remediation cost breakdown are included as attachments with the legislation.

The closing must take place by December 31, 2022.

Sponsors: OConnell, Toombs and Murphy

71. [BL2021-745](#)

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 McGavock Pike to “Aerospace Way”, from Murfreesboro Pike to a dead end. (Proposal Number 2021M-004SR-001).

Analysis

This ordinance renames McGavock Pike between Murfreesboro Pike and a dead end at Briley Parkway as “Aerospace Way”. There are several different roadways with the name McGavock Pike that do not connect, which 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 historic report has been received and is available as an attachment to the ordinance.

Sponsors: Bradford, Murphy, Nash, OConnell and Benedict

72. [BL2021-746](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon an existing fire hydrant assembly and easement, and to accept a new fire hydrant assembly and easement, for property located at 2000 Church Street (MWS Project No. 20-WL-115 and Proposal No. 2021M-033ES-001).

Analysis

This ordinance abandons a fire hydrant assembly and easement, and accepts a replacement fire hydrant assembly and easement for property located at 2000 Church Street. 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: Taylor, Murphy and Nash

73. [BL2021-747](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, a sanitary sewer manhole and easements, and to accept new sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assemblies and easements, for property located at Wild Oaks Court (unnumbered), also known as Ridgeview Phase 2 (MWS Project Nos. 18-SL-61 and 18-WL-61 and Proposal No. 2021M-032ES-001).

Analysis

This ordinance abandons approximately 500 linear feet of existing eight inch sanitary sewer main, and accepts approximately 1,500 linear feet of new eight inch sanitary sewer main, 950 feet of new eight inch water main, 10 sewer manholes, and two fire hydrant assemblies along with the associated easements for property located at Wild Oaks Court, unnumbered, which is Phase 2 of the Ridgeview 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: Styles, Murphy and Nash

74. [BL2021-748](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assemblies and easements, for three properties located at 2127 Buena Vista Pike and Goodrich Avenue (unnumbered), also known as Goodrich Townhomes (MWS Project Nos. 20-SL-267 and 20-WL-131 and Proposal No. 2021M-034ES-001).

Analysis

This ordinance accepts new water and sewer mains, manholes, fire hydrant assemblies, and associated easements for the Goodrich Townhomes development located at Buena Vista Pike and Goodrich Avenue. 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: Toombs, Murphy and Nash

75. [BL2021-749](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing combination sewer main, sanitary sewer main and easements, and to accept new combination sewer main, sanitary sewer main, combination sewer manholes/inlets, sanitary sewer manholes and easements, for three properties located on Edgehill Avenue, also known as Edgehill Townhomes (MWS Project No. 20-SL-196 and Proposal No. 2021M-036ES-001).

Analysis

This ordinance abandons combination and sanitary sewer mains, and accepts replacement combination and sewer mains, manholes, and easements for three properties located on Edgehill Avenue as part of the Edgehill Townhomes 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

76. [BL2021-750](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing stormwater easement rights for property located 4001 Harding Pike (Proposal No. 2021M-037ES-001).

Analysis

This ordinance abandons stormwater easement rights for property located at 4001 Harding Pike. Metro Water Services has determined there is no longer any need for the easements. 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

K. Bills on Third Reading**77. [BL2021-651](#)**

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

Analysis

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

Future amendments to this ordinance may be approved by resolution.

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

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

Sponsors: Sledge, Murphy, Nash and OConnell

78. [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: Porterfield, Murphy and Nash

79. [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: Porterfield, Murphy and Nash

80. [BL2021-693](#)

An ordinance establishing a Special Solid Waste and Recycling Commission to review and identify solutions for the near-term and long-term disposal of Nashville's solid waste.

Analysis

This ordinance, as substituted, would create a new Metro commission to explore solutions to Metro's short term and long term solid waste disposal needs. The recitals of the ordinance note that under Metro's solid waste disposal contract with Republic Services, Inc., Metro currently trucks its solid waste to the Middle Point Landfill in Rutherford County, which is nearing capacity. The Council recently extended Metro's contract with Republic through FY2027.

This ordinance would establish a 12 member Special Solid Waste Commission to identify solutions and make recommendations to the Metro Council regarding the disposal of Nashville's solid waste in the future. The members, who would be appointed by the Mayor and confirmed by the Council, would include the following:

- One member of the Mayor's Sustainability Advisory Committee;
- One member of the 2019 Davidson County Solid Waste Regional Board;
- Two members of Council recommended by the Vice Mayor, at least one of whom shall be a member of the Public Works Committee;
- One member of the Solid Waste Master Plan task force;
- One member of the Urban Green Lab and/or Natural Resources Defense Council;
- One representative of the solid waste / trash collection industry in Davidson County;
- One representative of the commercial building and development profession;
- One representative of higher education possessing credentials in sustainability, solid waste, or waste-related technology;
- One member with credentials in professional finance; and
- Two staff members from the solid waste division of the Metro Public Works Department or Metro Water Services.

The ordinance provides that the Commission should interview representatives from local waste

collection and recycling providers, as well as consultants and former elected officials from states, municipalities, and jurisdictions that have successfully enacted effective solid waste policies and legislation. The Commission is to explore various tools and options, including but not limited to: fees for waste generators and haulers, fines for commercial establishments who do not meet a certain recycling threshold, incentives for recycling, composting, minimizing solid waste generation, and maximizing the diversion of materials from landfills, and anticipated funding mechanisms that will be needed for long-term solid waste disposal.

The Commission would be staffed by Metro Public Works and then by Metro Water Services after the transfer of the solid waste functions takes place under the terms of the memorandum of understanding approved by Resolution No. RS2021-794. The Commission would be required to submit recommendations to the Council within six months of its first meeting, but that deadline may be extended by the Council by resolution.

Sponsors: Hall

81. [BL2021-694](#)

An ordinance requiring the Metropolitan Department of Water and Sewerage Services to review all existing culverts, inlets, storm drains, and ditches within the T2- Rural Neighborhood Policy and T3- Suburban Neighborhood Policy for compliance with current Storm Water Management Manual Standards and to provide a report to the Metropolitan Council by January 1, 2023.

Analysis

This ordinance, as substituted, would require Metro Water Services to review all existing culverts, inlets, storm drains, and ditches within the T2- Rural Neighborhood Policy and T3- Suburban Neighborhood Policy for compliance with the Stormwater Management Manual Standards. This report would be required to be completed by January 1, 2023. The justification for the ordinance in the recitals is that stormwater infrastructure improvements in many rural and suburban areas of the General Services District, specifically those areas within the T2- Rural Neighborhood Policy and T3- Suburban Neighborhood Policy, has failed to keep pace with the impact development has had on stormwater management.

Sponsors: Hall and Hurt

82. [BL2021-718](#)

An ordinance to amend Title 2 of the Metropolitan Code, Chapter 2.76 related to the Board of Electrical Examiners and Appeals, 2.84 related to the Board of Gas/Mechanical Examiners and Appeals, and 2.92 related to the Board of Plumbing Examiners and Appeals.

Analysis

This ordinance, as amended, amends various sections in the Metro Code to combine the Board of Electrical Examiners and Appeals, the Board of Gas/Mechanical Examiners and Appeals, and the Board of Plumbing Examiners and Appeals into one new consolidated board. These separate boards have been in existence for many years, dating back as early as 1965, to handle trade licensing and code appeals. Most contractors now have a state contractor's

license, which has reduced the number of local licenses. The state license allows contractors to work in all counties, which is why contractors generally opt for that license instead of a Metro license.

Further, the modern versions of the trade codes have greatly reduced the number of appeals, and finding people to serve on the boards to hear the few appeals they have has become a challenge. The current codes (the International Code Council - ICC and the National Electric Code - NEC) are now very standardized, so the number of appeals have dwindled to the point where each board only meets a couple of times per year.

This ordinance abolishes the three boards and creates one new nine member board composed of the following:

- One gas/mechanical contractor
- One union gas/mechanical contractor
- One plumbing contractor
- One union plumbing contractor
- One electrical contractor
- One union electrical contractor
- One mechanical engineer registered with the State of Tennessee
- One electrical engineer registered with the State of Tennessee
- One member from the public at large as representative of the Mayor

The board would be responsible for hearing appeals for violations and decisions issued by the Codes Department under chapters 6.20, 6.52, 16.12, 16.16, and 16.20 of the Metro Code.

Sponsors: Cash and Murphy

83. [BL2021-725](#)

An ordinance to amend Section 2.149.040 of the Metropolitan Code of Laws regarding the Barnes Fund for Affordable Housing.

Analysis

This ordinance would require 20% of the Barnes Fund for Affordable Housing grant funds to be set aside for small nonprofit organizations. The Metro Housing Trust Fund Commission was created by Ordinance No. BL2013-487 to, in part, oversee the management and operation of the Barnes Fund for Affordable Housing. Part of the duties of the Commission are to establish criteria for the awarding of Barnes Fund grants and make recommendations to the Council regarding the awarding of grants to nonprofit organizations.

This ordinance would require that the criteria established by the Commission include setting aside at least 20% of the grant funds to be allocated to small affordable housing nonprofit organizations that have an annual operating budget of no more than \$4,000,000 and a housing budget of no more than \$1,000,000. This set aside would not apply if there are not a sufficient number of qualified small nonprofit applicants.

Sponsors: Suara, Welsch, Styles, Taylor and Gamble

84. [BL2021-729](#)

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 Forest Ridge Drive right-of-way and easement, (Proposal Number 2021M-004AB-001).

Analysis

This ordinance abandons a portion of Forest Ridge Drive from the southwest corner of 4672 Forest Ridge Drive to the dead end. This abandonment has been requested by Civil Site Design Group. 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 also abandons all utility easements within this portion of right-of-way.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Evans, Murphy, Nash and OConnell

85. [BL2021-730](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assemblies and easements, for property located at 3449 Brick Church Pike, also known as Village By The Creek Section 10A, (MWS Project Nos. 20-SL-227 and 20-WL-116 and Proposal No. 2021M-028ES-001).

Analysis

This ordinance accepts new sewer mains, water mains, manholes, fire hydrant assemblies, and easements for property located at 3449 Brick Church Pike, known as Village By The Creek Section 10A. 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: Gamble, Murphy and Nash

86. [BL2021-731](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main and easements, and to accept new sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assembly and easements, for property located at 3449 Brick Church Pike, also known as Village By The Creek Section 10B, (MWS Project Nos. 20-SL-228 and 20-WL-117 and Proposal No. 2021M-029ES-001).

Analysis

This ordinance abandons eight inch sewer main and easements, and accepts replacement sewer and water mains, sewer manholes, one fire hydrant assembly, and easements for property located at 3449 Brick Church Pike, known as Village By The Creek Section 10B. 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: Gamble, Murphy and Nash

87. [BL2021-732](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept the relocation of existing water main and easements, for property located at 4619 Hessey Road at the intersection of Leona Pass and Earhart Road, also known as the Ashton Park Watermain Relocation (MWS Project No. 21-WL-25 and Proposal No. 2021M-026ES-001).

Analysis

This ordinance accepts the relocation of water main and easements for property located at 4619 Hessey Road at the intersection of Leona Pass and Earhart Road. 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

88. [BL2021-733](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main, sanitary sewer manhole and easements, and to accept new sanitary sewer main, sanitary sewer manholes and easements, for property located at 170 Antioch Pike, also known as Darrow Downs Sewer Extension (MWS Project No. 20-SL-156 and Proposal No. 2021M-031ES-001).

Analysis

This ordinance abandons approximately 70 linear feet of existing eight inch sanitary sewer main, and one sanitary sewer manhole, and accepts new eight inch sanitary sewer main, two sewer manholes, and easements for property located at 170 Antioch 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: Welsch, Murphy and Nash

89. [**BL2021-734**](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept sanitary sewer main, a sanitary sewer manhole and easements, for property located at 526 Myatt Drive (MWS Project No. 20-SL-252 and Proposal No. 2021M-030ES-001).

Analysis

This ordinance accepts new eight inch sewer main, on sewer manhole, and easements for property located at 526 Myatt Drive. 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