

**Metropolitan Nashville and Davidson
County, TN**
Tuesday, August 17, 2021 6:30 PM
Metropolitan Council
Agenda Analysis



Historic Metro Courthouse
1 Public Square, 2nd floor
Nashville, TN 37201
Metropolitan Courthouse

Metro Council

G. Resolutions on Public Hearing

1. RS2021-1085

A resolution exempting The Authentique, located at 925 Gallatin Avenue, Suite 103, from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for The Authentique, located at 925 Gallatin Avenue, Suite 103.

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: Withers

H. Consent Resolutions and Resolutions

2. RS2021-1030

A resolution approving a Solid Waste Regional Plan for Davidson County, Tennessee.

Analysis

This resolution approves the new Solid Waste Regional Plan for Davidson County. T.C.A. §

68-211-813(c) and T.C.A. § 68-211-861 provide that the Solid Waste Regional Board (the “Board”) is responsible for the development of a ten-year disposal capacity plan that satisfies the state’s 25% solid waste reduction goal. Metro adopted the initial Solid Waste Regional Plan pursuant to R93-973. T.C.A. § 68-211-815(b)(15) requires that revised plans be reviewed and approved by the Metro Council.

In 2017, the Council enacted Ordinance No. BL2017-710 approving a consulting contract with CDM Smith, Inc. for the development of a long-term solid waste management plan. This was to include the evaluation of the existing solid waste management system and provide options to improve and enhance the system and increase waste reduction and diversion. The ultimate goal of this plan is to be zero waste, setting the vision for waste reduction, diversion, and management for the next 30 years.

With the assistance of CDM Smith, the Board created a new ten-year plan called the Solid Waste Masterplan: Achieving Zero Waste (the “Plan”) to move toward the goal of achieving zero waste over the next 30 years. The concept of “zero waste” is essentially shifting from the disposal of municipal waste to managing waste as a resource. The Plan was approved unanimously by the Board, and has been reviewed and approved by the Tennessee Department of Environment and Conservation.

The Plan is a 494-page document (including the appendices) that is to be implemented in phases over the next 20 to 30 years. The Plan is organized into three scenarios: conservative, moderate, and aggressive. The aggressive scenario includes everything that would be necessary to achieve 90% diversion. The moderate and conservative scenarios would be easier to implement, but would not result in the same level of diversion.

A significant recommendation in the Plan is the Save-As-You-Throw (SAYT) collection approach. This would incentivize residents and businesses to reduce waste, recycle, and divert food scraps from household waste. The first phase of the Plan (years 1-4) would include residential SAYT collection, enhanced household recycling, and construction and demolition recycling. The estimated annual cost of the first phase is \$28.3 million. SAYT would expand to commercial establishments in later phases.

One of the primary challenges of the Plan implementation is funding. Section 1.05 of the Metro Charter provides that “refuse collection” is one of the additional services to be provided in the Urban Services District (USD), which is funded as part of the USD tax levy. In order to address this issue, the Plan recommends the creation of a solid waste authority under T.C.A. § 68-211-901, *et seq.* State law enables solid waste authorities to set fees for the services they provide. Creation of a solid waste authority would require approval of a resolution by the Council after public comment.

Sponsors: Nash and Allen

3. RS2021-1086

A resolution approving a contract for purchase of insurance services with Arthur J. Gallagher Risk Management Services, Inc., Agent for various insurers that will be providing insurance

coverage for the Metropolitan Government.

Analysis

This resolution approves a contract for purchase of property and boiler insurance services from Arthur J. Gallagher Risk Management Services, Inc., Agent for various insurers that will be providing insurance coverage for the Metropolitan Government. This is a contract for property and boiler insurance. The property insurance would cover the Metropolitan General Government, Metro Nashville Public Schools, the Metropolitan Transit Authority, Tennessee State Fair Board, Nashville Sports Authority, and the Metropolitan Hospital Authority. The boiler insurance program would cover the Metropolitan General Government, Metro Nashville Public Schools, Metro Transit Authority, Tennessee State Fair Board, and Nashville Sports Authority. Pursuant to Section 4.40.030 of the Metro Code of Laws, the Council must approve plans for fire and extended coverage insurance by resolution. The resolution must include the name of the low bidder or bidders for the insurance. This information is attached to the resolution.

The estimated value of this contract is \$30,000,000. The term begins upon approval of all required parties and filing with the Clerk's Office and ends after sixty months.

Fiscal Note: The total value over the life of this contract is \$30,000,000. This would be paid from the Property Loss Fund #50109, Law Self Insured Property Loss Business Unit #06501000.

Sponsors: Toombs

4. RS2021-1087

A resolution approving a grant from the U.S. Department of the Treasury to the Metropolitan Government, acting by and through the Metropolitan Action Commission, to be used for emergency rental assistance in accordance with the purposes set forth in Section 3201(a) of the American Rescue Plan Act of 2021.

Analysis

This resolution approves a grant in an amount not to exceed \$9,218,157.84 from the U.S. Department of Treasury to the Metropolitan Action Commission to be used for emergency rental assistance in accordance with the purposes set forth in Section 3201(a) of the American Rescue Plan Act of 2021. Eligible renters are able to receive assistance with rent and utilities, unpaid rent and utilities, and other housing expenses that were incurred due to the COVID-19 pandemic.

This grant does not require a local cash match. The term of the grant is March 11, 2021 through September 30, 2025.

Sponsors: Suara, Toombs, Taylor, Welsch, Allen and Hurt

5. RS2021-1088

A resolution accepting a Summer Jobs Connect grant from the Cities for Financial Empowerment Fund, Inc. ("CFE Fund") to the Metropolitan Government, acting by and

through the Metro Action Commission, to implement a comprehensive financial empowerment program that provides participants with access to safe bank or credit union products.

Analysis

This resolution approves a Summer Jobs Connect grant in an amount not to exceed \$25,000 from the Cities for Financial Empowerment Fund, Inc. to the Metropolitan Action Commission to implement a comprehensive financial empowerment program that provides participants with access to safe bank or credit union products.

This grant does not require a local cash match. The term of the grant is April 1, 2021 through April 30, 2022.

Sponsors: Toombs, Taylor, Welsch, Allen and Suara

6. RS2021-1089

A resolution accepting a grant from the Metro Historical Commission Foundation to the Metropolitan Government, acting by and through the Metro Historical Commission, to assist with a portion of the costs associated with the site's master plan for Fort Negley Park.

Analysis

This resolution approves a grant in an amount not to exceed \$75,000 from the Metro Historical Commission Foundation to the Metro Historical Commission to assist with a portion of the costs associated with the site's master plan for Fort Negley Park.

This grant does not require a local cash match, but the funds are paid out as reimbursable for work that has been completed and paid. The term of the grant is October 1, 2021 through September 30, 2022.

Sponsors: Sledge, Toombs, Murphy, Hurt, Suara and Bradford

7. RS2021-1090

A resolution approving the employment contract for the Chief Medical Director of The Metropolitan Government of Nashville and Davidson County.

Analysis

This resolution approves the employment contract of Gill C. Wright, III, M.D. as the Chief Medical Director of the Metropolitan Government. Pursuant to Metro Charter Section 10.105, the Metro Board of Health may employ the Chief Medical Director of Health through an employment contract with a term not to exceed five years, but the amount of the salary is subject to the approval of the Council by resolution.

The resolution includes the approval of the compensation for the Chief Medical Director as recommended by the Board of Health, which is to be \$235,000 annually, plus annual pay increases equal to the percentage of open range increase for other Metro employees and any "across-the-board" increases provided to the general employees of the Metropolitan Government. The initial term of the contract is 36 months, from September 1, 2021 through

August 31, 2024, both dates inclusive. The prior Chief Medical Director's compensation under a contract approved in 2020 by Resolution No. RS2020-217 was \$225,000 annually.

Sponsors: Toombs, Taylor, Rutherford and Welsch

8. RS2021-1091

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 families experiencing difficulty maintaining ownership of their pets, to provide funding for the microchip clinic, and to provide funding for emergency medical care for shelter animals.

Analysis

This resolution approves a grant in an amount not to exceed \$15,500 from the Friends of Metro Animal Care & Control to the Metropolitan Board of Health to provide funding for families experiencing difficulty maintaining ownership of their pets, to provide funding for the microchip clinic, and to provide funding for emergency medical care for shelter animals.

This grant does not require a local cash match. The term of the grant is July 1, 2021 through June 30, 2022.

Sponsors: Toombs, Taylor and Bradford

9. RS2021-1092

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 improve the health of the citizens of Davidson County through targeted strategies to prevent and control the use of tobacco.

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 RS2020-167, was to improve the health of the citizens of Davidson County through targeted strategies to prevent and control the use of tobacco. The amendment increases the grant amount by \$48,000, from \$127,500 to \$175,500, with no local cash match required. This amendment also extends the end date from March 31, 2023 to April 30, 2023.

Sponsors: Toombs, Taylor, Welsch and Hurt

10. RS2021-1093

A resolution approving amendment five to a grant contract from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to improve the health of those residing in or visiting Davidson County through targeted strategies to prevent and control the use of tobacco products.

Analysis

This resolution approves the fifth 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 RS2018-1305, was to improve the health of those residing in or visiting Davidson County through targeted strategies to prevent and control the use of tobacco products. The amendment increases the grant amount by \$130,000, from \$489,900 to \$619,900, with no local cash match required. This amendment also extends the end date from June 30, 2021 to June 30, 2022.

Sponsors: Toombs, Taylor, Welsch and Hurt

11. RS2021-1094

A resolution accepting a grant from the United Way of Greater Nashville to the Metropolitan Government, acting by and through the Metropolitan Social Services Homeless Impact Division, to provide a framework for secure data sharing to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.

Analysis

This resolution approves a grant in an amount not to exceed \$22,400 from United Way of Greater Nashville to the Metropolitan Social Services Homeless Impact Division to provide a framework for secure data sharing to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.

This grant does not require a local cash match. The term of the grant is August 1, 2021 through May 31, 2022.

Sponsors: Toombs, Taylor, Welsch, Bradford, Allen, Hurt and Suara

12. RS2021-1095

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Jennifer Lockhart and David Christian against the Metropolitan Government of Nashville and Davidson County in the amount of \$250,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

Analysis

On July 21, 2017, a class of recruits at the Nashville Fire Academy completed a segment of training known as "survival week". The trainings, instruction, and drills during survival week are developed in response to actual events that have claimed the lives of firefighters around the country. The trainings are designed to equip firefighters with necessary skills to survive such emergency scenarios by using materials and equipment that are usually readily available during such instances. Jennifer Lockhart, a fire recruit, was participating in the Nance drill, which involves a team of firefighters using a length of fire hose or ropes to lower another firefighter down one floor and then using the fire hose or rope to secure a downed firefighter on

the floor below for rescue. The recruits were in full PPE, including an oxygen tank.

Ms. Lockhart was lowered to the floor below. While being lowered, her oxygen tank caught on the edge of the floor opening. The other recruits continued to lower the ropes and her oxygen tank restricted her full descent to the floor below. When the edge of the tank suddenly cleared the opening in the floor, Ms. Lockhart's center of gravity shifted, and she was unable to maintain a grip on the ropes. She fell approximately six feet to the concrete floor below, landing on her back with her oxygen tank underneath her on the concrete floor.

Ms. Lockhart required immediate medical attention. She was in pain, had a headache, and was unable to move portion of her body. She was transported to Vanderbilt University Medical Center for emergent treatment. Ms. Lockhart did regain functionality of her limbs and made some medical improvement but continues to suffer from her injuries. She has been found to be permanently disabled as a result of this event by the Metropolitan Employee Benefit Board. This event ended Ms. Lockhart's career with the Nashville Fire Department and has resulted in a back injury for which she continues to receive treatment.

At the time, this drill had been performed many times without the use of a safety line without incident, until this event occurred. This event, coupled with a desire to safeguard recruit and employee safety, triggered the Nashville Fire Department to reassess its training facility and training drills to improve safety and eliminate training injuries.

The Department of Law recommends settlement of this case for \$250,000.

Fiscal Note: This \$250,000 settlement, along with the settlement per Resolution Nos. RS2021-1105, RS2021-1106, RS2021-1107 and RS2021-1108 would be the 3rd, 4th, 5th, 6th and 7th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$379,625. The fund balance would be \$1,301,766 after these payments.

Sponsors: Toombs

13. RS2021-1096

A resolution accepting a Project Safe Neighborhood (PSN) grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to reduce gun violence in Nashville.

Analysis

This resolution approves a Project Safe Neighborhood grant in an amount not to exceed \$151,451 from the Tennessee Department of Finance and Administration to the Metropolitan Nashville Police Department to reduce gun violence in Nashville. The funding will be used to pay for overtime and equipment to investigate violent gun crimes in targeted areas for enhanced prosecution.

This grant does not require a local cash match. The term of the grant is October 15, 2021 through August 31, 2022.

Sponsors: Toombs, Gamble and Allen

14. RS2021-1097

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 Police Department, to fund the position of a VOCA Law Enforcement Victim Coordinator.

Analysis

This resolution approves the first amendment to a Victims of Crime Act (VOCA) between the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, and the Metropolitan Nashville Police Department, previously approved by Resolution No. RS2019-88. This resolution amends the existing contract to add two new sections governing the execution of counterparts to the agreement and prohibiting certain telecommunications and video surveillance services or equipment pursuant to federal law.

The amendment also deletes the grant budget attachment and replaces it with a new grant budget, but no new funding would be added.

Sponsors: Toombs, Gamble and Welsch

15. RS2021-1098

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 Police Department, to fund counselor and victim advocate positions to provide mental health services, support services, and criminal justice system advocacy.

Analysis

This resolution approves the first amendment to a Victim of Crime Act (VOCA) grant to update language in the grant contract originally approved by Resolution No. RS2020-368. The VOCA grant is from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, to the Metropolitan Nashville Police Department. This grant funds counselor and victim advocate positions to provide mental health services, support services, and criminal justice advocacy.

The amendment makes several changes to the grant agreement. Section D.27 of the original grant contract noted that the grant does not involve acquisition and disposition of equipment or motor vehicles acquired with funds under the Grant Contract. The amendment replaces D.27 with new language that allows MNPD to take ownership of all equipment or motor vehicles, subject to the state's equitable interest, based on the state's contribution to the purchase price, and contains the regulations related to acquiring equipment or motor vehicles. The contract further adds two new sections E.7 and E.8 governing the execution of counterparts to the agreement and prohibiting certain telecommunications and video surveillance services or equipment pursuant to federal law.

The amendment also deletes the grant budget attachment and replaces it with a new grant budget, but no new funding would be added.

Sponsors: Toombs, Gamble and Welsch

16. RS2021-1099

A resolution approving the Second Amendment to an agreement between The Metropolitan Government of Nashville and Davidson County and Infor (US), Inc. to provide maintenance and support of workforce time and attendance software for the Metropolitan Nashville Police Department.

Analysis

This resolution approves the second amendment to a sole source contract between the Metropolitan Government and Infor, Inc. to provide maintenance and support of workforce time and attendance software for the Metropolitan Nashville Police Department (MNPD). Sole source contracts may be awarded under the Metro procurement code when it is determined by the Purchasing Agent in writing that there is only one source for the supply or services rendered. Metro Code Section 4.12.060 requires all sole-source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution. The Council approved a three year sole source contract with this vendor in August 2018 pursuant to Resolution No. RS2018-1338. The first amendment was approved by Resolution No. RS2020-536 and increased the value of the contract to upgrade Infor, including custom functions and interfaces.

The resolution under consideration extends the term of the contract for an additional 12 months, bringing the total term of the contract to 48 months. In no event would this contract exceed 60 months. No other changes would be made by the amendment. The estimated contract life value is \$738,900.33.

Sponsors: Toombs and Gamble

17. RS2021-1100

A resolution approving an application for a Coverdell Forensic Science Improvement Grant from U. S. Department of Justice to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Police Department.

Analysis

This resolution approves an application for a Coverdell Forensic Science Improvement Grant with an award of \$250,000 from the U.S. Department of Justice to the Metro Nashville Police Department. The local cash match required would be \$19,063. If the application is approved, the grant funds would be used to increase the Toxicology Unit's capacity to process cases more efficiently in order to reduce turnaround time and backlog.

Sponsors: Toombs and Gamble

18. RS2021-1101

A resolution accepting a grant from the Tennessee Arts Commission to Creative Parks Nashville in conjunction with the Metropolitan Government, acting by and through the Metropolitan Parks and Recreation Department, to provide Big Band Dances at the Centennial Park Event Shelter.

Analysis

This resolution approves a grant in the amount of \$3,300 from the Tennessee Arts Commission to Creative Parks Nashville in conjunction with the Metropolitan Parks and Recreation Department to provide Big Band Dances at the Centennial Park Event Shelter.

There is a required local cash match in the amount of \$3,300. The term of the grant is July 1, 2021 through June 30, 2022.

Sponsors: Taylor, Toombs, VanReece and Allen

20. [RS2021-1103](#)

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 Department of Public Works, for traffic signal communication upgrades along Broadway and West End from 1st Avenue to I-440, State Project No: 19LPLM-F3-183, Federal Project No: CM-NH-1(445), PIN 130753.00. (Proposal No. 2021M-021AG-001BD)

Analysis

This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Metropolitan Department of Public Works for traffic signal communication upgrades along 3.25 miles of West End. These upgrades would stretch from Broadway and West End from 1st Avenue to I-440 and result in an estimated reduction of 5,850 kilograms per year of emissions. The estimated cost of the project is \$3,053,780, with Metro responsible for 20% of the ADA related costs (\$100,680) and TDOT responsible for 80% of ADA related costs and 100% of all other costs (\$2,953,100). The agreement would be for a term of four years from the date of execution of the agreement.

Sponsors: Cash, OConnell, Taylor, Toombs, Murphy and Nash

21. [RS2021-1104](#)

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 Department of Transportation and Multimodal Infrastructure, for the Charlotte Avenue/Dr. Martin L King, Jr Blvd Transit Headways and Congestion Management Project, State Project No: 98304-1640-14, Federal Project No: ATCM-REG3(206), PIN 131476.00. (Proposal No. 2021M-023AG-001)

Analysis

This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Nashville Department of Transportation and Multimodal

Infrastructure (NDOT) for the Charlotte Avenue/Dr. Martin L King, Jr Blvd Transit Headways and Congestion Management Project. The estimated cost of the project is \$3,000,000, with Metro responsible for \$500,000, TDOT responsible for \$1,000,000, and the Federal Highway Administration responsible for \$1,500,000.

This project includes the deployment of transit signal priority system, connect vehicle roadside units and onboard units, fiber optic communications, digital signage at bus stations, and software systems.

Sponsors: OConnell, Taylor, Murphy, Toombs and Nash

22. RS2021-1105

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Donna Caruthers against the Metropolitan Government of Nashville and Davidson County in the amount of \$19,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On October 16, 2020, Donna Caruthers was a passenger in a vehicle parked on 25th Avenue North. A Department of Public Works employee was parked behind the vehicle against traffic flow. As the Public Works employee attempted to back up, he struck the vehicle Ms. Caruthers was in. The property damage claim for repairs to the vehicle have been previously paid for \$1,278.88. This settlement arises out of the same incident in Resolution No. RS2021-1106.

Ms. Caruthers reported neck, shoulder, arm, and thoracic back pain. She received ongoing medical attention and was treated to relieve and decrease pain, inflammation, muscle spasms, and to improve range of motion and functionality. Her medical expenses totaled \$9,950.

The Metropolitan Department of Law recommends settling this claim for \$19,000, which includes \$9,050 for pain and suffering.

Fiscal Note: This \$19,000 settlement, along with the settlement per Resolution Nos. RS2021-1095, RS2021-1106, RS2021-1107 and RS2021-1108 would be the 3rd, 4th, 5th, 6th and 7th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$379,625. The fund balance would be \$1,301,766 after these payments.

Sponsors: Toombs

23. RS2021-1106

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of LaQondia Newsome against the Metropolitan Government of Nashville and Davidson County in the amount of \$28,500.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On October 16, 2020, LaQondia Newsome was the driver of a vehicle parked on 25th Avenue

North. A Department of Public Works employee was parked behind the vehicle against traffic flow. As the Public Works employee attempted to back up, he struck the rear of Ms. Newsome's vehicle. The property damage claim for repairs to the vehicle have been previously paid for \$1,278.88. This settlement arises out of the same incident in Resolution No. RS2021-1105.

Ms. Newsome reported neck, shoulder, arm, thigh, and lower back pain and received continued treatment. She was treated to relieve and decrease pain, inflammation, muscle spasms, and to improve range of motion and functionality. Her total medical expenses totaled \$14,011.78.

The Metropolitan Department of Law recommends settling this claim for \$28,500, which includes \$14,488.22 for pain and suffering.

Disciplinary action against the employee consisted of a verbal reprimand.

Fiscal Note: This \$28,500 settlement, along with the settlement per Resolution Nos. RS2021-1095, RS2021-1105, RS2021-1107 and RS2021-1108 would be the 3rd, 4th, 5th, 6th and 7th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$379,625. The fund balance would be \$1,301,766 after these payments.

Sponsors: Toombs

24. RS2021-1107

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Kristen Jenkins against the Metropolitan Government of Nashville and Davidson County in the amount of \$8,037.27, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On April 6, 2021, Kristen Jenkins was traveling southbound on Gallatin Pike. A Nashville Department of Transportation (NDOT) employee was traveling northbound and attempted a left turn in front of Ms. Jenkins. To avoid a collision, Ms. Jenkins swerved, running off the road and into a bush and pole. The damage to Ms. Jenkins's vehicle was previously paid for \$1,349.45.

Mr. Jenkins reported back and left shoulder pain. Her medical care totaled \$6,037.27.

The Metropolitan Department of Law recommends settling Ms. Jenkins's personal injury claim for \$8,037.27, including \$2,000 for pain and suffering and lost wages.

Fiscal Note: This \$8,037.27 settlement, along with the settlement per Resolution Nos. RS2021-1095, RS2021-1105, RS2021-1106 and RS2021-1108 would be the 3rd, 4th, 5th, 6th and 7th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$379,625. The fund balance would be \$1,301,766 after these payments.

Sponsors: Toombs

25. RS2021-1108

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Vincent Dixie against the Metropolitan Government of Nashville and Davidson County in the amount of \$15,087.48, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On May 23, 2021, a water main burst outside of an office building at 404 James Robertson Parkway, causing flooding and damage to 4,000 square feet of office space. This also damaged furniture and electronics in the office. While repairing the water main brake, a valve was unknowingly broken and water leaked into a storm drain. On May 24, 2021, Vincent Dixie reported water coming through the drains in the office space at 404 James Robertson Parkway. Metro then made an emergency repair.

The water caused damage to the building, as well as office furnishings and equipment such as desks, computers, chairs, fans, refrigerator, speakers, and end tables.

The Metropolitan Department of Law recommends settling the property damage claim of Mr. Dixie for \$15,087.48.

Fiscal Note: This \$15,087.48 settlement, along with the settlements per Resolution No. RS2021-1095, RS2021-1105, RS2021-1106, and RS2021-1107 would be the 3rd, 4th, 5th, 6th and 7th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$379,625. The fund balance would be \$1,301,766 after these payments.

Sponsors: Toombs

J.**Bills on Second Reading****31. BL2020-582**

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws to pertaining to the use of License Plate Scanner (LPR) Technology in the public rights-of-way.

Analysis

This ordinance, as amended, amends Section 13.08.080 of the Metropolitan Code to provide for and regulate the usage of LPR technology. The Code currently prohibits the operation of LPRs installed onto or within the public right-of-way except for use in conjunction with a vehicle emissions sensor as part of an emissions inspection program authorized under local, state or federal law. This ordinance would replace the provisions of subsection G. of Section 13.08.080 entirely. The ordinance preserves the existing emissions inspection program exception and adds a new comprehensive regulatory structure for other uses of LPR technology.

The ordinance would require departments, either directly or through contractors, who want to use LPRs to implement a usage and privacy policy that would be posted on the department's website. The policy must be designed "to ensure that the collection, use, maintenance, sharing, and dissemination of LPR information is consistent with respect for individuals' privacy and civil

liberties." The data collected could only be used for the following purposes:

- investigating and prosecuting criminal offenses
- investigating and prosecuting violent crime
- identification and recovery of stolen vehicles and stolen license plates
- detecting civil traffic or parking offenses
- operating a smart parking or curb management program
- assisting in missing persons cases including Amber and Silver Alerts

The use of LPR would be explicitly prohibited for the following purposes:

- general surveillance of any individual
- identification of a vehicle for the purposes of repossession
- determination of whether the license plate is expired
- determination of whether a motorist has a valid driver's license
- determination of whether a motorist is insured

Law enforcement agencies must have reasonable suspicion that a criminal offense, or a civil traffic or parking offenses, has occurred before examining any LPR data that was collected more than one hour prior to the examination. MNPD would be required to use a two-step scanning process whereby the first step justifies the cause for the search and the second scan justifies the action of a search. Prior to taking any action, law enforcement officers must also confirm visually that a plate matches the number and state identified in the alert, confirm that the alert is still active by calling dispatch, and determine whether the alert pertains to the registrant of the car and not the car itself, and that the license plate is on the list for one of the authorized purposes listed above.

The usage policy must also provide a description of the employees or contractors who are authorized to use or access the LPR system or to collect LPR information, and the steps that will be taken to ensure the security of the information and exclude identifying information of the driver and passengers to the extent possible. The policy must include the purposes of and restrictions on sharing LPR data, the measures used to ensure the accuracy of the data, and the length of time the data will be retained.

The installation and maintenance of LPR hardware and software, as well as LPR data access, retention, and security, would be managed by an LPR Custodian. The custodian would be responsible for assigning the personnel who will administer the day-to-day operation of the LPR system, and to develop guidelines and procedures for the further implementation of this ordinance. This will include establishing and maintaining security procedures and practices, maintaining a list of the name and job title of all authorized users, training requirements, audit procedures, and a data retention policy. This policy and its related procedures must be posted conspicuously on the department's public website.

The ordinance also includes specific restrictions on the access and use of the department's LPR system, such as supervisor approval and limiting access to those tasks that fall within the specific user's job responsibilities. All users must be specifically trained regarding the LPR

system and the usage/privacy policy prior to receiving account access. Users found to have used the LPR system without authorization would have their access immediately revoked and may face disciplinary action in accordance with applicable civil service policies, up to and including termination.

LPR data could not be retained for more than 30 days unless it is evidence in a criminal offense or civil traffic or parking offense, subject to a properly issued warrant, subpoena, public records request or court order, or where a litigation hold has been placed by the Department of Law. T.C.A. § 55-10-302 provides that any LPR data collected by any governmental entity may not be stored “for more than 90 days” unless the data is retained or stored as part of an ongoing investigation, and in that case, the data must be destroyed at the conclusion of the investigation or criminal action. Thus, the state law does not prevent local governments from having a shorter retention period.

The ordinance requires the LPR custodian to perform an audit at least once per year of the LPR system and the access history. The ordinance also provides some limitations on the sharing of LPR data with other law enforcement agencies. The ordinance further provides that LPR data obtained by Metro from a privately owned or operated LPR system could only be used for the purposes outlined above.

Law enforcement officers who stop vehicles based upon LPR data must complete a written record that includes the following:

- The date, time, and precise location of the stop;
- Any investigative or enforcement actions that were taken as a result of the stop; and
- The self-identified race(s) and ethnicities of the driver of the stopped motor vehicle if voluntarily provided by the driver at the request of the officer.

The ordinance further requires that an LPR technology deployment policy be developed and implemented by MNPD to help prevent the misuse of LPR technology to track and unfairly target vulnerable communities. Placement of LPRs in the public right of way would be limited to major and collector streets and must be distributed equitably across the north, south, east, and west quadrants of the county.

A data verification policy would be required to be developed to prevent erroneous and potentially dangerous stops based on incorrect and outdated information.

The LPR program would be subject to a six month pilot program beginning the first day that the LPR system is operation and in use by the department. At least two weeks prior to the conclusion of the pilot program period, the department would be required to submit a report to Council on the efficacy of the program, compliance with the provision, and any policies implemented in order to carry out the use of the LPR system. This report would be required to be posted on the department’s website. At the end of the department’s pilot program, the use of LPR technology would cease unless the Council approves the full implementation by adoption of a resolution.

This ordinance will be deferred one meeting pursuant to Rule 43.

Sponsors: Johnston, Pulley, Nash, Rutherford, Murphy, Styles, Toombs, Gamble, Young, Hancock, Druffel, Hall, Withers, Hausser and Cash

34. BL2021-793

An ordinance amending Section 13.08.030 of the Metropolitan Code with respect to liability insurance coverage requirements in connection with certain public right of way encroachments.

Analysis

The Metro Code of Laws requires anyone constructing, installing, operating, and maintaining an encroachment in the right-of-way to provide a liability insurance policy to save the Metro Government harmless from all claims resulting from the encroachment.

This ordinance amends the Metro Code of Laws to allow legally constituted homeowners associations and nonprofit organizations exempt from taxation under 501(c)(3) of the Internal Revenue Code to install or construct an encroaching beautification project or sign in the right-of-way if the director of public works has approved and determined in writing that such project is in the public interest and poses no risk of harm to the public.

Sponsors: Withers

35. BL2021-795

An ordinance to amend Section 16.24.330 of the Metropolitan Code pertaining to intermodal containers on residential property.

Analysis

This ordinance prohibits the storage of an intermodal container on property zoned R or RS for longer than 90 days. Intermodal containers include general-purpose shipping containers, garmentainers, and/or hard or soft-open topped bulk containers.

Sponsors: Porterfield

36. BL2021-835

An ordinance requiring the Metropolitan Department of Water and Sewerage Services to study sewer infrastructure in Nashville and Davidson County and to provide a report to the Metropolitan Council by July 1, 2023.

Analysis

This ordinance requires the Metro Department of Water and Sewerage Services to conduct a study to evaluate the capacity and status of existing stormwater infrastructure throughout Davidson County and to identify future sewer infrastructure needs. The results of the study would be provided to the Council by July 1, 2023, but the deadline could be extended to December 31, 2023 by resolution.

According to Metro Water Services, there are already substantial master plans in place for sewer infrastructure and the study required by this ordinance would be a duplication of effort.

This legislation is similar to BL2021-694, which was adopted on June 1, 2021. This requires a stormwater masterplan, evaluating existing infrastructure throughout Davidson County in relation to current Stormwater Management Manual standards. A report is due to Council by July 1, 2023, with an option to extend the deadline to December 31, 2023 by resolution.

Fiscal Note: According to Metro Water Services Department, the estimated cost of the study is \$2,000,000. The Stormwater Master Plan referenced in BL2021-694 is expected to cost more than \$3,000,000 to complete.

Sponsors: Hall, Evans, Hagar, Hausser, Swope, Toombs, Hurt, Taylor, Suara, Porterfield and Bradford

37. BL2021-841

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws to pertaining to the use of License Plate Scanner (LPR) Technology in the public rights-of-way.

Analysis

This ordinance amends Section 13.08.080 of the Metropolitan Code pertaining to the use of LPR in the public rights-of-way. This ordinance generally prohibits LPR usage by Metro for scanning plates in the right-of-way, except as specifically allowed in the ordinance. This limitation would only apply to Metro and LPR could still be used by the public.

Metro would be authorized to use LPR in law enforcement vehicles, emissions testing, and parking enforcement. LPR be used by law enforcement to scan, detect, and identify license plate numbers for the purposes of identifying:

- Stolen vehicles
- Vehicles associated with missing or endangered persons
- Vehicles registered to a person with an outstanding felony arrest warrant
- Vehicles for which a probable cause search warrant for a felony offense has been obtained

LPR could not be used to photograph, record, or produce images of the occupants of a motor vehicle.

Prior to stopping a vehicle based on LPR, visual verification of LPR information by the officer would be required. LPR data could not be retained for longer than 24 hours, unless it results in a match for one of the permitted use of LPR. Records resulting in a match would be required to be purged within 24 hours, unless use results in an arrest, citation, or protective custody, or an identified vehicle related to a missing or endangered person. All records would be required to be destroyed at conclusion of (1) investigation with no charges filed or (2) conclusion of a

criminal action. Data could not be shared for other purposes.

Access to LPR records would be allowed only on a case-by-case basis and inquiries must be recorded for purposes of an audit trail.

To insure compliance with the LPR regulations, the District Attorney, Public Defender, Chair of the Community Oversight Board, and two members of the Council selected by the Council could examine and audit any LPR, any server used for LPR data, and any records pertaining to the use of LPR. If there is belief LPR is being misused, the District Attorney, Public Defender, or a majority of the COB could send a letter to Council requesting suspension of the LPR program. The Council would be authorized to grant the request by resolution.

Deployment of LPR would be required to be equitable among MNPD precincts.

Quarterly reports to the Council from the MNPD would be required. The reports would pertain to number of LPRs in use, number of matches, number of stops, number of searches, number of correct/incorrect matches and associated demographic information like race and ethnicity, and other information requested by Council by resolution.

The Council would be required to hold a public hearing on the use of LPR no more than six months from the date LPRs are deployed. Within three weeks of public hearing, the Council must vote by resolution on whether LPR use would continue. If the resolution is adopted, the use of LPR would continue. If the resolution is not adopted, the use of LPR would be discontinued.

If state legislation is enacted in the future which requires LPR data to be retained for longer than authorized by this ordinance and shared with any agency not authorized by this ordinance, the Council would vote by resolution on whether to continue the use of LPR. If the resolution is adopted, the use of LPR would continue. If the resolution is not adopted, the use of LPR would be discontinued.

Sponsors: Rosenberg, Mendes, Suara, Sepulveda, OConnell, Benedict, Welsch, Parker, Roberts and Porterfield

38. BL2021-845

An ordinance approving the Third Amendment to an agreement between The Metropolitan Government of Nashville and Davidson County and HDR Engineering, Inc.

Analysis

This ordinance approves the third amendment to an agreement between the Metropolitan Government and HDR Engineering, Inc. for the provision of sidewalk design services on Lebanon Pike. The contract term was originally sixty months. The amendment extends the contract to end at project completion. No other changes would be made to the contract.

Sponsors: Syracuse, Toombs and Nash

39. BL2021-846

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 Booker Street right-of-way and easement along the south property line of 745 23rd North Court. (Proposal Number 2021M-008AB-001).

Analysis

This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Booker Street right-of-way and easement, measuring approximately 10 feet by 113 feet along the south property line of Map 09207021800, 745 22nd North Court. The abandonment has been requested by Catalyst Design Group.

This ordinance has been approved by the planning commission. Further amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Nashville Department of Transportation and Multi-modal infrastructure (formerly the Department of Public Works), 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: Taylor, Murphy, Nash and OConnell

40. BL2021-847

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Baxter Street right-of-way between Hart Lane and Home Road. (Proposal Number 2021M-009AB-001).

Analysis

This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Baxter Street right-of-way from Hart Lane to Home Road, northwest of Gallatin Pike. The abandonment has been requested by Councilmember Nancy VanReece.

This ordinance has been approved by the planning commission. Further amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Nashville Department of Transportation and Multi-modal infrastructure (formerly the Department of Public Works), 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: VanReece, Murphy, Nash and OConnell

41. BL2021-848

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 14th Avenue South and Alley Number 393 right-of-way and easement between Wedgewood Avenue and Acklen Avenue. (Proposal Number 2021M-010AB-001).

Analysis

This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning a portion of 14th Avenue S from Wedgewood Avenue to Acklen Avenue and Alley #393 from Alley #392 northward to the dead end, between 12th Avenue S and 15th Avenue S. The abandonment has been requested by Catalyst Design Group, PC.

This ordinance has been approved by the planning commission. Further amendments to this ordinance may be approved by resolution.

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

Sponsors: Cash, Murphy, Nash and OConnell

42. BL2021-849

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning a portion of Alley Number 403 right-of-way from 8th Avenue South to Alley Number 404. (Proposal Number 2021M-011AB-001).

Analysis

This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning a portion of Alley #403 from 8th Ave S to Alley #404, between South St and Archer St. The abandonment has been requested by Crowell Capital Partners, GP.

This ordinance has been approved by the planning commission. Further amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Nashville Department of Transportation and Multi-modal infrastructure (formerly the Department of Public Works), 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

43. BL2021-850

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer mains, sanitary sewer manholes and easements, for three properties located at 7150 and 7154 Nolensville Road and Nolensville Road (unnumbered) in Williamson County (MWS Project No. 21-SL-134 and Proposal No. 2021M-056ES-001).

Analysis

This ordinance accepts approximately 1,190 linear feet of new eight inch (PVC) sanitary sewer main, approximately 214 linear feet of new eight inch sanitary sewer main (DIP), seven sanitary sewer manholes and easements, for three properties located at 7150 and 7154 Nolensville Road and Nolensville Road (unnumbered) in Williamson County. Metro Water Services provides sewer service in this portion of Williamson County. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Murphy and Nash

44. BL2021-851

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 property located at Hobson Pike (unnumbered), also known as Hobson Pike Townhomes Phase 1, (MWS Project Nos. 21-WL-18 and 21-SL-27 and Proposal No. 2021M-059ES-001).

Analysis

This ordinance accepts approximately 1,051 linear feet of new six inch water main (DIP), approximately 2,151 linear feet of new eight inch sanitary sewer main (DIP and PVC), four fire hydrant assemblies, 12 sanitary sewer manholes and easements, for property located at Hobson Pike (unnumbered), also known as Hobson Pike Townhomes Phase 1. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Styles, Murphy and Nash

45. BL2021-852

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 Hobson Pike (unnumbered), also known as Hobson Pike Townhomes Phase 2 (MWS Project Nos. 21-SL-28 and 21-WL-19 and

Proposal No. 2021M-060ES-001).

Analysis

This ordinance accepts approximately 1,700 linear feet of new eight inch sanitary sewer main (DIP and PVC), approximately 1,569 linear feet of new six inch water main (DIP), 14 sanitary sewer manholes, three fire hydrant assemblies and easements, for property located at Hobson Pike (unnumbered), also known as Hobson Pike Townhomes Phase 2. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Styles, Murphy and Nash

K. Bills on Third Reading

46. BL2021-722

An ordinance amending Section 17.40.060 of Title 17 of the Metropolitan Code, Zoning Regulations, to allow district members of the Metropolitan Council to initiate applications to amend the official zoning map of property owned by the Metropolitan Government, and amending Section 2.24.190 of the Metropolitan Code to require the Director of Public Property Administration to provide an annual property inventory report to the Metropolitan Council (Proposal No. 2021Z-005TX-001).

Analysis

This ordinance, as substituted, amends the Metro Code of Laws to allow property owned by Metro to be rezoned upon an application of the district council member representing the council district where the property is located. Under the current Metro Code provision, an application may be initiated only by the mayor, the head of the department or agency to which the property is assigned, or by the director of public property administration. This ordinance would add district councilmembers to this list. If the application is initiated by the district councilmember, a preliminary report from the department or agency to which the property is assigned would be required; and if the application is made on behalf of a board or commission, the application must first be authorized by a resolution of the board or commission.

The ordinance would also require the director of public property administration to provide each district councilmember with an annual inventory of real property owned by Metro located within their district. Currently, there is no such requirement. The director of public property administration maintains an inventory of public property and equipment that is adjusted as additional properties are acquired or disposed of by Metro. A copy of this inventory is filed with the director of finance, the metropolitan clerk, the mayor, the planning commission, and additional public officials as designated by the mayor. This process will remain and be unaffected by the ordinance.

The ordinance was disapproved by the planning commission as drafted; however, if amended

to add district councilmembers to the already existing list of entities that can initiate rezonings of Metro owned property, then the planning commission has no recommendation. The ordinance as substituted meets this condition, and therefore the ordinance has no recommendation.

Sponsors: Hall, Murphy and Bradford

53. BL2021-794

An ordinance amending Metropolitan Code of Laws Section 15.44.050, Waters Diverted from Public Sewerage, by deleting subsection E. Green Roofs.

Analysis

This ordinance deletes the rebate program for the installation of a functioning green roof that complies with certain requirements under that rebate provision established under Section 15.44.050.E. This rebate was created in 2012 and has never been used. According to the Department of Water Services (MWS), under the new stormwater regulation revisions, it will be easier for green roofs to meet Metro's water quality standards. Green roofs can now receive up to a 90% runoff reduction credit, which will increase their utilization and incentivize green roofs more than the existing green roof rebate program

Under Section 15.44.050 of the Metro Code of Laws, green roofs on privately-owned properties installed after September 7, 2012 are entitled to a credit against month sewer charges. The credit is \$10 multiplied by the number of square feet covered by the green roof, with a maximum credit of \$500,000 annually. The credit would be spread out into a monthly credit for up to 60 months. The green roof is required to be a building roof covering placed over a minimum of fifty percent of a building's rooftop containing, at least, a waterproof membrane layer, a drainage layer designed such that roof drains can be inspected and cleaned, a growth medium at least four inches in depth, and a vegetation layer with at least eighty percent live, hardy, drought-resistant plants. The ordinance under consideration would eliminate this credit.

New stormwater regulation revisions will allow green roofs to receive up to a 90% runoff reduction credit, which will allow for a green roof to meet a site's full water quality requirement in most cases. Under the previous stormwater regulations, green roof only provided 45% to 60% runoff reduction credit. In addition, since introduction of this rebate in 2012, green infrastructure has become a requirement for most development sites.

Sponsors: Nash

54. BL2021-796

An ordinance amending Sections 17.12.020 and 17.40.340 of the Metropolitan Code to modify the maximum height permitted in the RM9-A and RM15-A zoning districts, to amend the standards that may be varied, and to make housekeeping amendments pertaining to Table 17.12.020D (Proposal No. 2021Z-009TX-001).

Analysis

This ordinance, as amended, amends Sections 17.12.020 and 17.40.340 of the Metro Code to make housekeeping amendments pertaining to Table 17.12.020.D, which establishes the bulk standards for the Multi-family, Mixed Use and Nonresidential Alternative Zoning districts.

The amendments to Table 17.12.020.D correct a typographical error in the maximum density permitted in the RM9-A/RM9-A-NS and the RM15-A/RM15-A-NS districts. Currently, the listed maximum density in the RM9-A/RM9-A-NS districts is 15 units per acre and the listed maximum density in the RM15-A/RM15-A-NS districts is 9 units per acre. The correct density allowance for the RM9-A/RM9-A-NS districts should be 9 units per acre, and the correct density allowance for the RM15-A/RM15-A-NS districts should be 15 units per acre.

The amendments to Table 17.12.020.D also adjust the maximum height in the build-to zone for the RM9-A/RM9-A-NS and RM15-A/RM15-A-NS districts to 30 feet. Currently, both districts permit a maximum height in the build-to zone of 20 feet. A 15-foot step-back is then required before reaching a maximum overall height of 35 feet.

The ordinance also includes an amendment to Note 3 of Table 17.12.020.D to clarify the alley access requirements for development in Alternative districts to match the Zoning Administrator's interpretation that where an improved alley exists, it must be utilized as the primary vehicular access. Currently, Table 17.12.020.D, Note 3.h addresses circumstances where there is an unimproved alley adjacent to the site (the alley must be improved and utilized for access) and circumstances where no alley exists (a driveway opening of up to 26 feet wide is permitted), but this note does not address circumstances where an improved alley is already present.

Finally, the ordinance amends Section 17.40.340, which establishes the limits of jurisdiction for the Board of Zoning Appeals (BZA) when granting variances, to correct omissions from the lists of tables for which minimum lot area, density, and floor area ratio may not be varied.

The ordinance has been approved by the planning commission.

Sponsors: Murphy

55. [BL2021-798](#)

An ordinance to amend Section 17.16.250 of the Metropolitan Code, Zoning Regulations, to limit animal services as activities permitted as home occupations (Proposal No. 2021Z-010TX-001).

Analysis

This ordinance amends Section 17.16.250 of the Metro Code to amend "personal care services" as defined for home occupations to clarify that the definition does not include "care of or services for animals". The ordinance also adds "animal grooming activities" to the list of prohibited home occupations.

The Code currently defines "personal care services" as "spa services and beauty and barber

care" in the context of home occupations. This is a home occupation that is allowed customer visits (subject to the restrictions of Section 17.16.250.D.3). Three activities are currently expressly prohibited as home occupations, regardless of customer visits: manufacture or repair of automobiles and other transportation equipment; repair of equipment that takes place outdoors; and the outdoor storage of construction, scrap, or salvage materials.

This ordinance has been approved by the Planning Commission.

Sponsors: Rosenberg and Benedict

75. BL2021-829

An ordinance establishing tree protection and replacement procedures for trees on the properties of certain Metro Departments.

Analysis

This ordinance establishes tree protection and replacement standards on property owned by the Metropolitan Government. In January 2018, Mayor Megan Barry signed Executive Order No. 40 to establish a Metropolitan Tree Policy to coordinate Metro Departments on tree-related issues and to establish a Metro Tree Review Panel to review new Metro projects. This was affirmed by Mayor David Briley in June 2018. In March 2020, Mayor John Cooper signed Executive Order No. 5 to continue the Metropolitan Tree Policy. This ordinance codifies the Metropolitan Tree Policy.

The standards outlined in this ordinance apply to trees within Metro's right-of-way and trees on the properties of the Metro Departments of Water and Sewerage Services ("MWS"), Parks and Recreation, Public Works/Nashville Department of Transportation and Multimodal Infrastructure ("NDOT"), General Services, and the Nashville Public Library. These Departments are referred to collectively as the "Responsible Agencies".

Tree related programs and initiatives are coordinated by MWS Urban Forestry staff and a Tree Working Group. The Tree Working Group consists of staff from the Responsible Agencies and convene monthly to coordinate and provides updates on tree-related policies and initiatives. MWS Urban Forestry staff is in charge of leading coordination and ensuring communications with the Responsible Agencies and relevant non-governmental partners.

The Metro Tree Review Panel is comprised of representatives from MWS, Parks and Recreation, Codes, NDOT, General Services, Planning, and the Mayor's Office. Pursuant to proposed Section 2.226.060 of the Metro Code, the Panel reviews Metro projects and land-management activities that include the removal of certain trees over 90 aggregate inches in diameter at breast height (DBH) or any single specimen covered tree over 30 inches in DBH. Removal of these trees must follow the following replacement standards:

- Less than 10 inches DBH - 1 new canopy tree required
- 10.1 to 15 inches DBH - 2 new canopy trees required
- 15.1 to 20 inches DBH - 3 new canopy trees required
- Greater than 20.1 inches DBH - 4 new canopy trees required

Different standards apply to Metro projects having tree density requirements under Chapter 17.24 of the Metro Code. This requirement would not apply to removals of covered trees in the Metro rights-of-way unless located in a planting strip of at least four feet in width, or if removed for a new Metro sidewalk installation. This would also not apply to areas within Metro Parks that are (1) greenways or trails, (2) managed as grasslands or mixed-grass meadows, (3) areas designated as protected natural areas in the Metro Parks Natural Resource Management Plan, or (4) impacted by infrastructure maintenance or repair. The Panel reviews projects for compliance with replacement standards and may provide recommendations for alternate plans to the department head that is proposing the removal.

Tree removals governed by proposed Section 2.226.060 of the Metro Code are subject to public notice requirements, including onsite signage and electronic communication at least 14 days prior to the work. The notice must contain the location of the removal; the number, species, and size of trees to be removed; the replacement plan; and information on public comment submission. Public comments are provided to the Metro Tree Review Panel and to the head of the department proposing the tree removal.

For Metro projects having tree density requirements under Chapter 17.24 of the Metro Code, there is a 20% higher tree density requirement than for private development. The Urban Forester reviews projects for compliance with this standard.

Violations of this Chapter would be required to be reported to the department head for the Responsible Agency. Continued violations would be reported to the Mayor's Office and Metropolitan Council.

No private person or entity may damage or remove a covered tree without the permission of the Urban Forester at Codes, NDOT, or the Metro department, agency, board, or commission responsible for the property. Damage to and removal of trees are subject to replacement or payment into the Metro Tree Bank.

Metro will monitor the tree canopy and will complete and update a county-wide urban tree canopy study at least every five years, with more frequent analysis as conditions require. MWS Urban Forestry staff will develop and maintain an inventory of all street trees and potential tree-planting locations inside Nashville's Urban Zoning Overlay district.

Sponsors: Syracuse, Bradford, Roberts, Hancock and Porterfield

76. BL2021-830

An ordinance amending Title 3 of the Metropolitan Code to delete obsolete provisions and add certain Department of Emergency Communications employees to the Fire and Police Service Pension Plan.

Analysis

This ordinance amends Title 3 of the Metropolitan Code of Laws to make certain Department of Emergency Communications positions eligible for the Fire and Police Service Pension Plan.

The Study & Formulating Committee recommended that eight Department of Emergency Communications positions be aligned to the public safety pension plan. These eight positions are Emergency Telecommunication Officer Trainee, Emergency Telecommunication Officer 1, Emergency Telecommunication Officer 2, Emergency Telecommunication Officer 3, Emergency Telecommunication Officer 4, Emergency Telecommunication Trainer, Emergency Telecommunication Supervisor, or Emergency Telecommunication Manager. This applies to a member who is a Metro employee on or after December 1, 2021. The Employee Benefit Board approved this recommendation at its June 1, 2021 meeting. An actuarial study of the recommended pension modification adding these DEC positions has been performed.

This ordinance further deletes obsolete language regarding compulsory retirement in various provisions of Title 3.

Fiscal Note: The actuarial study estimated the increase in total plan liabilities for the current active members in the applicable positions within the Department of Emergency Communications to be \$11,200,000. The additional contribution of 0.172% of total covered payroll, if continued in perpetuity, is expected to fully amortize the cost of the additional benefit for the active members as well as provide for the increased future benefit for any new members hired in the applicable positions.

Sponsors: Hurt, Toombs, Rutherford, Gamble, Hancock, Suara, Porterfield and Taylor

77. BL2021-833

An ordinance approving the Fourth Amendment to an agreement between The Metropolitan Government of Nashville and Davidson County and Adkisson & Associates Architects, Inc.

Analysis

This ordinance approves the fourth amendment to an agreement between the Metropolitan Government and Adkisson & Associates Architects, Inc. Metro contracts with Adkisson & Associates Architects, Inc. for the provision of design services for the Nashville Fairgrounds. The contract began in November 2016 and was originally for a term of no more than 60 months. This amendment removes the 60 month limitation and instead states that the contract term will end at project completion. No other changes would be made to the contract.

Contracts for supplies or services exceeding sixty months require the approval of Council, pursuant to Sec. 4.12.160 of the Metro Code of Laws.

According to the Fairgrounds, this extension is needed due to unanticipated delays in the construction of the multi-purpose building, which is part of the Fairgrounds Improvement Capital Project. No additional funds are needed to complete the work.

Sponsors: Sledge, Toombs and Cash

78. BL2021-834

An ordinance approving an agreement between the Mental Health Cooperative (“MHC”), and

the Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department ("MNPD"), for the purpose of ensuring the provision, integration and coordination of behavioral health services for individuals who are mutually served by both organizations.

Analysis

This ordinance approves an agreement between the Mental Health Cooperative ("MHC") and the Metropolitan Nashville Police Department ("MNPD") for the purpose of ensuring the provision, integration, and coordination of behavioral health services.

The Memorandum of Understanding (MOU) between MHC and MNPD outlines the program design and the responsibilities of the parties. Pursuant to this agreement, MHC personnel will support MNPD by responding to mental illness crisis calls for service. The Co-Response Crisis Intervention Team (CIT) program is designed to improve the outcome of police encounters with individuals experiencing a mental health crisis.

Under the agreement, MHC agrees to provide crisis counselors to respond alongside MNPD officers and accept mobile crisis referrals of adults, children, and adolescents using an agreed upon referral process. MHC would further provide consultation to MNPD through mobile crisis and provide crisis assessment when clinically appropriate. MHC agrees to provide mental health training to MNPD officers. If no co-response team is on duty, MHC would provide a crisis counselor to a specified location upon request of MNPD and as resources may allow.

Under the agreement, MNPD agrees provides an opportunity for training on major topics such as recognizing signs and symptoms of mental illness, suicide risk, and verbal de-escalation for MNPD officers. For MHC's Mobile Crisis Response Team (MCRT) members, MNPD agrees to provide training regarding police procedure, safely responding to calls for service, and other relevant curriculum. MNPD agrees that, when MNPD officers are dispatched to or otherwise encounter an individual who may be experiencing a mental health crisis, the MNPD officers will contact the CIT. If CIT is unavailable, officers will contact the MHC's MCRT by telephone.

If MNPD makes a determination that an individual is experiencing a mental health crisis and poses an immediate "substantial likelihood of serious harm" the officer shall take that person into custody pursuant to T.C.A. § 33-6-402. The officer will then contact MCH MCRT for consult and a potential evaluation by a mental health professional. If an individual is transported to the MHC by MNPD, or needs to be assessed by MCRT on scene, the officer is required to remain with the individual and provide assistance until released by MHC MCRT. If an individual has outstanding criminal warrants and requires a mental health evaluation, the officer shall, if possible, refrain from serving the warrants and notify his or her supervisor, consistent with department policy.

Both MHC and MNPD will provide a point person dedicated to addressing any issues that may arise. The parties will also comply with all federal and state regulations, including HIPAA, regarding consumer privacy and confidentiality.

This agreement commences upon approval of both parties and the Metropolitan Council. Either party may terminate the agreement without cause upon 30 days prior written notice.

Fiscal Note: The MNPD academy will provide training to the Mental Health Cooperative Staff participating in the program and the Mental Health Cooperative will be providing training to MNPD officers. However, there is a possibility that the Mental Health Cooperative will not be able to provide training to all officers and if that is the case, then potentially a third party may be necessary to provide that training which may end up in additional training costs to MNPD. Currently, the MNPD has an immediate need to create a Lieutenant position to oversee this program and may potentially need two additional Sergeants as the program expands in the near future.

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

79. BL2021-836

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer and water main, sanitary sewer manholes, fire hydrant assemblies and easements, for three properties located on Brick Church Pike and Dickerson Pike, also known as Mulberry Downs Phase 3 (MWS Project Nos. 20-SL-215 and 20-WL-109 and Proposal No. 2021M-057ES-001).

Analysis

This ordinance accepts approximately 2,596 linear feet of new eight inch sanitary sewer main (PVC), approximately 2,843 linear feet of new eight inch water main (DIP), 22 sanitary sewer manholes, six fire hydrant assemblies and easements, for three properties located at 3517 Brick Church Pike, Brick Church Pike (unnumbered) and Dickerson Pike (unnumbered), also known as Mulberry Downs Phase 3. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Gamble, Murphy and Nash

80. BL2021-837

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a new public water main and a fire hydrant assembly, for property located at 3634 Central Pike (MWS Project No. 21-WL-58 and Proposal No. 2021M-054ES-001).

Analysis

This ordinance accepts approximately 31 linear feet of new eight-inch water main (DIP) and one fire hydrant assembly, for property located at 3634 Central Pike. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: Rhoten, Murphy and Nash

81. [BL2021-838](#)

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 main, sanitary sewer manholes, fire hydrant assemblies and easements, for property located at 218 Maplewood Trace (MWS Project Nos. 21-SL-07 and 20-WL-03 and Proposal No. 2021M-055ES-001).

Analysis

This ordinance abandons approximately 296 linear feet of existing eight inch sanitary sewer main and easements and accepts approximately 57 linear feet of new eight inch sanitary sewer main (DIP), approximately 660 linear feet of new eight inch sanitary sewer main (PVC), approximately 287 linear feet of new 10 inch sanitary sewer main (PVC), approximately 802 linear feet of new eight inch water main (DIP), eight sanitary sewer manholes, two fire hydrant assemblies and easements, for property located at 218 Maplewood Trace. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: VanReece, Murphy and Nash

82. [BL2021-839](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent and temporary easements for the Rayon Drive Stormwater Improvement Project for eight properties located on Rayon Drive, Scenic View Road, and Bridgeway Avenue, (Project No. 21-SWC-177 and Proposal No. 2021M-053ES-001).

Analysis

This ordinance authorizes the Metropolitan Government to negotiate and accept permanent and temporary easements for eight properties located on Rayon Drive, Scenic View Road, and Bridgeway Avenue. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

Fiscal Note: This ordinance has no cost to Metro. Donated easements do not have a market

value according to the Department of Water Services.

Sponsors: Hagar, Murphy and Nash