



Metro Council

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**G. Bills on Public Hearing**

**2. [BL2020-504](#)**

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

Analysis

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

This ordinance has been deferred by the Planning Commission.

**Sponsors:** OConnell

**3. [BL2021-621](#)**

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

Analysis

This ordinance, as substituted, amends Sections 17.40.720 and 17.40.730 of the Metropolitan Code of Laws to require public notice for applications for permits from the Historic Zoning Commission. A preservation permit would require that written notice of the Historic Zoning Commission meeting where the permit would be considered by US Mail of the date, time, and place to all property owners adjacent to the subject property at least eleven days prior to the meeting. The applicant would be responsible for preparation and mailing of the written notices.

Further, public notice signs would be required for a property subject to consideration by the

historic zoning commission of a preservation permit application which proposes the demolition of a historic building, new construction of a primary building, an addition or outbuilding for a corner lot, or any other preservation permit that requires a setback determination. The sign would be required to be installed on the subject property no less than eleven days prior to the consideration by the historic zoning commission. The applicant would be responsible for the costs of preparing and placing the signs.

This is scheduled for the October 14 meeting of the Planning Commission.

**Sponsors:** Murphy, Allen, OConnell and Bradford

4. [\*\*BL2021-726\*\*](#)

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, pertaining to LED message boards and digital display signs. (Proposal No. 2021Z-006TX-001).

Analysis

Under the Metro Code, signs with any copy, graphics, or changing digital displays are not permitted in CA, CA-NA, CS, CS-NS, CF, CF-NS, SCR, SCR-NS, IWD, IR and IG districts unless they adhere to certain distance requirements. Signs four feet or less in height cannot be less than 100 feet from any agriculturally or residentially zoned property. For each additional foot in height above four feet, the sign must be an additional 25 feet from any agriculturally or residentially zoned property.

This ordinance would exempt LED message boards and digital display signs designed with louvers and ambient light sensors to reduce light spill from these distance requirements. In addition, the LED message boards and digital display boards equipped with this technology could not have an illumination output that exceeds one-half foot-candle across the boundary of the nearest agriculturally-zoned or residentially-zoned property.

This was recommended for an indefinite deferral at the Planning Commission.

**Sponsors:** Glover and Swope

8. [\*\*BL2021-831\*\*](#)

An ordinance amending Sections 6.28.030, 17.04.060, and 17.20.030 of the Metropolitan Code to amend the definition of "Short term rental property (STRP)-Not owner-occupied" and to amend parking requirements related to "Short term rental property (STRP)-Not owner-occupied" (Proposal No. 2021Z-012TX-001).

Analysis

This ordinance amends Sections 6.28.030, 17.04.060, and 17.20.030 related to "Short term rental property (STRP)- Not owner-occupied" uses. The definition of "Short term rental property (STRP)- Not owner-occupied" would be amended in two different Code provisions to remove "residential" from the definition. This use is already considered a commercial use under Title 17. Further, this ordinance would require that the STRP-Not owner-occupied use have a

parking minimum of one space per bedroom/sleeping area.

This has been referred to the Planning Commission.

**Sponsors:** OConnell, Bradford and Parker

10. [BL2021-844](#)

An ordinance to amend Section 17.40.720 of the Metropolitan Code of Laws to require notice by mail to the address of a property in certain cases (Proposal No. 2021Z-016TX-001).

Analysis

This ordinance amends Section 17.40.720 of the Metropolitan Code related to public notice. Mailed notice to the address of a property would be required if property tax records reflect a mailing address for a property owner different from the property itself. A public notice sign would be required to be placed at a multi-tenant property if the individual addresses of tenants in a multi-tenant property are not readily available.

This has been referred to the Planning Commission.

**Sponsors:** Parker

## H. Consent Resolutions and Resolutions

22. [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

23. [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

**25. [RS2021-1113](#)**

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

**Analysis**

This resolution approves the assignment of a contract originally approved by the Council pursuant to Resolution No. RS2021-787. Youth Opportunity Investments, LLC (YOI) would like to assign the contract to a newly named entity Youth Opportunity of America, LLC (YOA).

RS2021-787 approved a contract for the operation and management of the Davidson County Juvenile Detention Facility. YOI received the highest score in the request for qualifications process.

The resolution would assign the contract approved by RS2021-787 from YOI to YOA, which is the company's new name. YOA would assume and agree to perform all remaining obligations of YOI under the contract and agree to hold Metro and YOI harmless from any claim or demand resulting from non-performance by YOA. YOA would further be entitled to all monies remaining to be paid under the contract.

Under the contract, YOA will be in charge of the operation and management of the Davidson County Juvenile Detention Facility. The contract is for a term ending on March 2, 2026 with a total estimated contract value of \$28,000,000. YOA is compensated based upon a per diem rate for each juvenile housed.

The contract includes provisions pertaining to the procedures surrounding escapes, riots, and fires. As the Council will recall, Metro entered into a settlement agreement with YOI in June 2020 to recoup a portion of Metro's costs associated with the escape of several juveniles from the Davidson County Juvenile Detention Facility.

Section 4.12.240 of the Metropolitan Code provides that "all contracts for the provision of

management services for correctional facilities owned by the metropolitan government, executed on or after January 1, 2017, must be approved by resolution of the metropolitan council, duly adopted by twenty-one affirmative votes.”

**Sponsors:** Toombs and Gamble

26. [RS2021-1114](#)

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

Analysis

This is a routine resolution approving the election of notaries public in accordance with state law.

**Sponsors:** Johnston

27. [RS2021-1115](#)

A resolution approving amendment one to a grant from the Tennessee Emergency Management Agency to the Metropolitan Government, acting by and through the Department of Finance, to provide public assistance pursuant to Presidential Disaster Declaration number FEMA-4550-DR-TN for costs incurred for severe storms, straight-line winds, and flooding on March 3 - 4, 2020.

Analysis

This resolution approves the first amendment to a grant from the Tennessee Emergency Management Agency, to the Metropolitan Government, acting by and through the Department of Finance. The grant, previously approved by RS2021-876, was for costs incurred for severe storms, straight-line winds, and flooding on March 3-4, 2020. The amendment increases the grant amount by \$145,515.16, from \$909,007.91 to \$1,054,523.07, and increases the local cash match required by \$12,644.84, from \$129,858.26 to \$142,503.10.

**Sponsors:** Toombs and Welsch

28. [RS2021-1116](#)

A resolution accepting the recommendations of the COVID-19 Financial Oversight Committee to distribute \$3,000,000.00 in American Rescue Plan Act funds from the Covid 19 ARP Fund No. 30216 to provide rent and mortgage payments and utilities payments, for Davidson County residents who suffered a negative economic impact during the coronavirus pandemic who do not meet the eligibility requirements of the HOPE program administered by the Metro Action Commission, to be administered by the United Way of Greater Nashville.

Analysis

This resolution accepts the recommendation of the COVID-19 Financial Oversight Committee to distribute \$3,000,000 in American Rescue Plan Act (ARP) funds for rent and mortgage payments and utility payments. Resolution No. RS2021-966 established a COVID-19 Financial Oversight Committee to collect, consider, and recommend appropriate uses of ARP funds, as designated by the Metro Council disbursement plan. There are federal requirements for use of ARP funds that require the funds to be expended or obligated on or before December 31,

2024.

The resolution accepts the COVID-19 Financial Oversight Committee's recommendation to use ARP funds for rent and mortgage payments and utility payments for Davidson County residents who are unable to make payments due to the negative economic impact of the COVID-19 pandemic and are not otherwise eligible for the HOPE program administered by the Metro Action Commission. The United Way would distribute these funds. The distributions must be made in accordance with the requirements of the federal ARP Act and financial reporting requirements of the Director of Finance. Eligible recipients must comply with HOPE program requirements, except that only applications with an income over 80% and up to 100% of the applicable household average medium income are eligible to receive funds. The HOPE program is only available to residents earning up to 80% of the area median income. The United Way is directed to disburse these funds irrespective of the ability of beneficiaries to produce a social security number.

The COVID-19 Financial Oversight Committee will oversee the United Way's administration of these funds. Payments will be made directly to the mortgage company/bank, landlord, or utility company. Payments will be made to individuals only when a landlord will not accept direct payment. The payment will be made out to the landlord.

Any funds that have not been disbursed by June 30, 2022, must be returned to Metro no later than July 15, 2022.

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

**29. [RS2021-1117](#)**

A resolution authorizing the Metropolitan Development and Housing Agency to negotiate and enter into a PILOT Agreement and accept payments in lieu of ad valorem taxes with respect to a multi-family housing project located at 407 South 4th Street, known as Shelby House.

**Analysis**

This resolution authorizes the Metropolitan Development and Housing Agency (MDHA) to enter into an agreement to accept payments in lieu of taxes (PILOT) for a multi-family housing project located at 407 South 4th Street, known as Shelby House. In 2016, Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low income housing tax credit (LIHTC) properties, capped at \$2,500,000 annually. If approved, this PILOT, would be the twenty-sixth such PILOT program overall, and the fourth for MDHA in 2021. Before this project, the amount of annual funding available for LIHTC projects is \$1,621,594, accounting for the Poplar Bend project in RS2021-910, Riverwood Tower project in RS2021-911, and the Chippington Towers project in RS2021-1041.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs were historically used by Metro to provide incentives through the Industrial Development Board (IDB) to large

employers to create job opportunities. But Tenn. Code Ann. § 13-20-104 was amended several years ago to give MDHA the authority to enter PILOTs to create affordable rental housing subject to Council approval.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded LIHTC program. Subsidized LIHTC developments serve those at or below 60% of the average median income (AMI) for the Nashville area, which translates to an income cap of \$35,460 for individuals and \$50,580 for families of four in 2021. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

The maximum term for the PILOT payments under this program is 10 years. The PILOT agreement would only be available for additional tax liability over and above the pre-development assessed value of the property. The program is available for both existing and new developments, based on financial need. The PILOT lease is to be terminated if the property sits vacant for two years.

MDHA is required by state law to file an annual report with the Council, Assessor of Property, and State Board of Equalization identifying the values of the properties subject to PILOTs, the date and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

The owner of the property, Shelby House 1, LP, plans to rehabilitate approximately 195 units to be restricted to individuals and families earning at or below 60% AMI. The amount of the PILOT payment to Metro will be \$10,175. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment. The estimated project valuation is \$19,196,385.

*Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$10,175 in lieu of property taxes, with a 3% annual increase through the remainder of the 10-year period.*

*In addition to the PILOT payments, the developer would be required to pay a monitoring and reporting fee to MDHA. This fee would be set by MDHA not to exceed five percent (5%) of the amount of the PILOT payment due each year.*

*The final assessed value of this project will not be known until completion. However, the value of the project when completed is estimated to be \$19,196,385. For purposes of this analysis, this number will be used as a reasonable estimate of the final project value.*

*Over the 10-year life of this PILOT agreement, a total of \$2,408,065 would be abated, although Metro would still receive \$116,644 in property taxes from this project, as depicted in the following table:*

**Real Property Tax (New)**

Year	Total Value	Standard Tax	Still Pay	Abatement	Abatement %
1	\$19,196,385	\$252,471	\$10,175	\$242,296	96.0%
2	\$19,196,385	\$252,471	\$10,480	\$241,991	95.8%
3	\$19,196,385	\$252,471	\$10,795	\$241,676	95.7%
4	\$19,196,385	\$252,471	\$11,118	\$241,353	95.6%
5	\$19,196,385	\$252,471	\$11,452	\$241,019	95.5%
6	\$19,196,385	\$252,471	\$11,796	\$240,675	95.3%
7	\$19,196,385	\$252,471	\$12,149	\$240,322	95.2%
8	\$19,196,385	\$252,471	\$12,514	\$239,957	95.0%
9	\$19,196,385	\$252,471	\$12,889	\$239,582	94.9%
10	\$19,196,385	\$252,471	\$13,276	\$239,195	94.7%
<b>Totals</b>	<b>\$2,524,709</b>	<b>\$116,644</b>	<b>\$2,408,065</b>		<b>95.4%</b>

*After the property tax abatement from this project, \$1,379,298 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2021.*

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

**30. [RS2021-1118](#)**

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

Analysis

This resolution accepts a grant from the Tennessee Historical Commission to the Metropolitan Nashville Historical Commission. This grant award is not to exceed \$37,042, with a required local cash match of \$24,694.67. The grant is to provide for a comprehensive, countywide cemetery preservation plan for Davidson County, Tennessee. The project must be completed by September 30,2022.

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

**31. [RS2021-1119](#)**

A resolution accepting a grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide supplemental foods, nutrition education, and breastfeeding promotion to eligible persons to promote good health.

Analysis

This resolution accepts a grant from the Tennessee Department of Health to the Metropolitan Board of Health. This grant award is not to exceed \$14,740,200, with no required local cash match. The grant is for the provision of the Women, Infant, and Children (WIC) Program services, to provide supplemental foods, nutrition education, and breastfeeding promotion to eligible persons to promote good health. The term of the grant is from October 1, 2021 through



September 30, 2024.

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

**32. [RS2021-1120](#)**

A resolution accepting a grant from the Tennessee Department of Human Services, to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to conduct immunization record audits for child care centers, drop-in centers, and group child care homes to ensure the safety and well-being of children and families in Tennessee.

**Analysis**

This resolution accepts a grant from the Tennessee Department of Human Services to the Metropolitan Board of Health. This grant award is not to exceed \$180,800, with no required local cash match. The grant is to conduct immunization record audits for child care centers, drop-in centers, and group child care homes to ensure the safety and well-being of children and families in Tennessee. The term of the grant is from October 1, 2021 through September 30, 2022.

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

**33. [RS2021-1121](#)**

A resolution approving a contract for services by and between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and Neighborhood Health, Inc. to provide homeless individuals with medical services at two or more clinics in or near downtown Nashville.

**Analysis**

This resolution approves a one year contract with Neighborhood Health, Inc. to provide various medical services to homeless persons. Metro has had such a contract since 2005 to provide a portion of the medical services, including examinations, diagnosis, and treatment of medical conditions of homeless persons seen at the downtown clinic. Neighborhood Health is to provide primary medical services to at least 3,500 individuals, which is to include a 24 hour on-call system for emergencies. This contract also includes the provision of dental care for at least 500 patient visits and mental health services to at least 600 homeless clients. Neighborhood Health will be also responsible for making transportation available to its homeless patients.

*Fiscal Note: Metro will provide funding to Neighborhood Health, Inc. in the amount of \$355,200 for the one year term of the contract.*

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

**34. [RS2021-1122](#)**

A resolution approving a grant contract between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and the Mental Health Cooperative to provide expertise and staff in emergency behavioral health care to support the launch and pilot year of the Metropolitan Nashville Police Department's (MNPD) co-response model, Nashville Partners in Care.

Analysis

This resolution approves a grant contract between the Metro Board of Health and the Mental Health Cooperative (MHC) related to the co-response model with the Metropolitan Nashville Police Department (MNPDP), also known as Nashville Partners in Care. Metro will grant to MHC \$561,816 to fund the launch and pilot year of Nashville Partners in Care. The term of the contract will be 12 months, beginning June 28, 2021 and ending June 30, 2022.

The grant funds will be to:

- Train up to 16 MNPDP officers in the Crisis Intervention Team (CIT)
- Provide up to two CIT training classes for not more than 35 individuals in each class
- Provide masters level clinicians to staff details at North and Hermitage Precincts
- Provide regular reporting to MPHD, MNPDP, the Mayor's Office, and stakeholders through a process and schedule acceptable to Metro departments and the Mental Health Co-Op.

The Mental Health Co-Op will be required to collect data to evaluate the effectiveness of their services and provide the data to Metro. The data will include information such as the demographic profile of the individuals served, number of contacts, cases where weapons were involved or injuries were reported, number of clinicians trained in police procedure, types of licensure for clinicians, and other information.

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

**36. [RS2021-1124](#)**

A resolution appropriating \$30,000 through a grant contract by and between the Metropolitan Government, acting by and through the Nashville Public Library, and Oasis Center, Inc. to provide services that help youth grow, thrive, and create positive change in their lives and our community.

Analysis

This resolution approves a \$30,000 grant from the Nashville Public Library to Oasis Center, Inc. Oasis Center, Inc. will use these funds to provide services that help youth grow, thrive, and create positive change in their lives and our community. The funds will be used to assist the Mayor's Youth Council (MYC). The MYC program will provide up to 50 hours of service learning for at least 25 Nashville high school students annually. The term of the grant contract begins July 1, 2021 and ends June 30, 2022. The spending plan is attached to the resolution.

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

**38. [RS2021-1126](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Rana V. Smalling against the Metropolitan Government of Nashville and Davidson County in the amount of \$22,500.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On August 12, 2020, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) was stopped at the intersection of Edgehill Avenue and Eighth Avenue South at a red light. The NDOT driver backed up in their truck to reposition it and struck Rana Smalling's vehicle. Ms. Smalling's vehicle was declared a total loss and a replacement value of \$4,225 has previously been paid.

Ms. Smalling reported pain in her upper and lower back and left leg. She was diagnosed with a strain of muscle fascia and tendon of the lower back. She received physical therapy to relieve and decrease pain, muscle spasms, and tenderness in her lower back.

Her medical bills totaled \$13,808.22. The Department of Law recommends settlement of this personal injury claim for \$22,500.

*Fiscal Note: This \$22,500 settlement, along with the settlements per Resolution No. RS2021-1127, RS2021-1128, and RS2021-1137 would be the 8th, 9th, 10th, and 11th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$439,172. The fund balance would be \$443,942 after these payments.*

**Sponsors:** Toombs

39. [RS2021-1127](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Joselyn Ibarra against the Metropolitan Government of Nashville and Davidson County in the amount of \$7,200.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On August 12, 2020, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) was driving behind Joselyn Ibarra on Gallatin Pike. The traffic signal at the intersection of Gallatin Pike and East Trinity Lane turned red and Ms. Ibarra stopped. The NDOT driver did not stop and struck Ms. Ibarra's vehicle in the rear. A claim for property damage for Ms. Ibarra's vehicle for \$2,478.22 has previously been paid. This settlement arises out of the same incident in Resolution No. RS2021-1128.

Ms. Ibarra reported pain in her neck, shoulder, and lower back. She sought treatment to relieve and decrease pain and muscle spasms. Her medical bills totaled \$3,595. The Department of Law recommends settlement of this personal injury claim for \$7,200.

*Fiscal Note: This \$7,200 settlement, along with the settlements per Resolution No. RS2021-1126, RS2021-1128, and RS2021-1137 would be the 8th, 9th, 10th, and 11th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$439,172. The fund balance would be \$443,942 after these payments.*

**Sponsors:** Toombs

40. [RS2021-1128](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Felisa Martin against the Metropolitan Government of Nashville and Davidson County in the amount of \$7,200.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On August 12, 2020, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) was driving behind a vehicle owned by Felisa Martin and driven by Joselyn Ibarra on Gallatin Pike. The traffic signal at the intersection of Gallatin Pike and East Trinity Lane turned red and Ms. Ibarra stopped. The NDOT driver did not stop and struck Ms. Martin's vehicle in the rear. A claim for property damage for Ms. Martin's vehicle for \$2,478.22 has previously been paid. This settlement arises out of the same incident in Resolution No. RS2021-1127.

Ms. Martin reported tension and pain in her back. She sought treatment to relieve and decrease pain and muscle spasms. Her medical bills totaled \$3,485. The Department of Law recommends settlement of this personal injury claim for \$7,200.

*Fiscal Note: This \$7,200 settlement, along with the settlements per Resolution No. RS2021-1126, RS2021-1127, and RS2021-1137 would be the 8th, 9th, 10th, and 11th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$439,172. The fund balance would be \$443,942 after these payments.*

**Sponsors:** Toombs

41. [RS2021-1129](#)

A resolution accepting an in-kind grant from the Joe C. Davis Foundation and the Friends of Mill Ridge Park to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to create a master plan for the Moore Farm at Mill Ridge Park.

Analysis

This resolution accepts an in-kind grant from the Joe C. Davis Foundation and the Friends of Mill Ridge Park to the Metropolitan Board of Parks and Recreation. This grant is a documented master plan for the Moore Farm at Mill Ridge Park. The creation of the master plan is valued at up to \$25,000 and aligns with the existing master plan for Mill Ridge Park. The master plan includes professional services by Hodgson Douglas Landscaping Architecture at a cost of \$10,900. Additional costs include additional research, expertise, and technical assistance required for the master plan. No local cash match related to this in-kind grant is required.

**Sponsors:** Toombs, VanReece and Vercher

42. [RS2021-1130](#)

A resolution accepting a grant from the Friends of Mill Ridge Park to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, for the construction of a primitive trailhead at Mill Ridge Park.

Analysis

This resolution accepts a grant from the Friends of Mill Ridge Park to the Metropolitan Board of Parks and Recreation. This grant award is not to exceed \$40,000, with a required local cash match of \$50,000. The grant is for the construction of the primitive trailhead at Mill Ridge Park.

**Sponsors:** Toombs and VanReece

**43. [RS2021-1131](#)**

A resolution approving amendment one to an in-kind grant from the Historic Capitol Corridor Foundation (HCCF) to the Metropolitan Government, acting by and through the Metropolitan Nashville Parks and Recreation Department, for the purpose of providing continued programming in, maintenance of, and staffing for Church Street Park.

Analysis

This resolution approves the first amendment to a grant from the Historic Capital Corridor Foundation, to the Metropolitan Nashville Parks and Recreation Department. The grant, previously approved by RS2020-342, was for the purpose of providing continued programming in, maintenance of, and staffing for Church Street Park. The amendment provides an in-kind award with an estimated value of \$425,000, with no local cash match required. This in-kind grant is for improvements to and programming for Church Street Park. This amendment also determines the time frame for this project to be from August 3, 2021 to June 30, 2022.

**Sponsors:** OConnell, Toombs and VanReece

**44. [RS2021-1132](#)**

A resolution accepting an in-kind grant from the Nashville Chapter of the Tennessee Ornithological Society to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, for the installation of bird crash deterrent window film at the Shelby Bottoms Nature Center.

Analysis

This resolution accepts an in-kind grant from the Nashville Chapter of the Tennessee Ornithological Society to the Metropolitan Board of Parks and Recreation. This grant has an estimated value of \$3,950 for the installation of a bird crash deterrent window film at the Shelby Bottoms Nature Center. No local cash match related to this in-kind grant is required.

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

**45. [RS2021-1133](#)**

A resolution accepting an in-kind grant from the Tennessee Tennis Association to the Metropolitan Government, acting by and through the Metropolitan Nashville Parks and Recreation Department, to help Centennial Sportsplex maintain its facilities.

Analysis

This resolution accepts an in-kind grant from the Tennessee Tennis Association to the

Metropolitan Board of Parks and Recreation. This grant has an estimated value of \$10,000 to help Centennial Sportsplex maintain its facilities. No local cash match related to this in-kind grant is required.

**Sponsors:** Taylor, Toombs and VanReece

46. [RS2021-1134](#)

A resolution accepting a grant from the Centennial Park Conservancy to the Metropolitan Government, acting by and through the Metropolitan Nashville Parks and Recreation Department, for the construction of the Children's Memory Garden in Centennial Park.

Analysis

This resolution accepts a grant from the Centennial Park Conservancy to the Metropolitan Board of Parks and Recreation. This grant award is not to exceed \$1,732,140.57, with a required local cash match of \$250,000. The grant is for the construction of the Children's Memory Garden in Centennial Park.

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

47. [RS2021-1135](#)

A resolution accepting a Flood Mitigation Assistance Grant from the State of Tennessee, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and authorizing the acquisition and demolition of four houses located in various floodways/floodplains in Davidson County (Proposal No. 2021M-006PR-001).

Analysis

This resolution accepts a Flood Mitigation Assistance Grant from the Tennessee Emergency Management Agency to Metro Water Services. This grant award is not to exceed \$913,855.50 with a required local cash match of \$101,539.50. The funds will be used to acquire and demolish four houses located in floodways/floodplains in Davidson County. The addresses of these properties are 3052 Boulder Park Drive, 3134 Boulder Park Drive, 3428 Brick Church Pike, and 4941 Shadowlawn Drive.

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

48. [RS2021-1136](#)

A resolution accepting a grant agreement between Metropolitan Government of Nashville and Davidson County, through the Department of Water and Sewerage Services, and Hands On Nashville, for an AmeriCorp program participant to perform volunteer services on Metro's waste reduction program and activities.

Analysis

This resolution approves a grant in the amount of \$8,000 from Metro Water Services ("MWS") to Hands on Nashville ("HON"). The grant will allow MWS to have one college graduate AmeriCorp member through HON to work with the Division of Waste Services on recycling and

waste reduction programs. The term of the grant is twelve months.

**Sponsors:** Toombs, Nash, Welsch and Allen

**49. [RS2021-1137](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Lyverta E. Robertson against the Metropolitan Government of Nashville and Davidson County in the amount of \$30,684.57, with said amount to be paid out of the Self-Insured Liability Fund.

**Analysis**

On June 4, 2021, a water main broke in the vicinity of the property located at 1004 Lenore Street, owned by Lyverta E. Robertson. At 7:55 p.m. on June 4, Metro Water received a call reporting a water main break. Crews responded and began the repair at 12:57 a.m. Utilities had to be identified before repair could begin. The repair was completed at 1:41 a.m.

Ms. Robertson reported damage to a storage room, closet, laundry room, and stairway in the basement of the home. Damage included damaged doors, drywall, paint, and flooring. The homeowner was required to stay overnight in a hotel the night of the water main break. She further purchased cleaning supplies and replacement clothing, washer and dryer, exercise equipment, freezer, bikes, and luggage.

The Department of Law recommends settlement of this personal property claim for \$30,684.57, which includes the cost of cleanup, repairs, hotel, lost personal items, dumpster rental, and cleaning supplies.

*Fiscal Note: This \$30,684.57 settlement, along with the settlements per Resolution No. RS2021-1126, RS2021-1127, and RS2021-1128 would be the 8th, 9th, 10th, and 11th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$439,172. The fund balance would be \$443,942 after these payments.*

**Sponsors:** Toombs

**J. Bills on Second Reading**

**96. [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 crim
- 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 it 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 10 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.

To ensure compliance with LPR regulations, the District Attorney or Public Defender could examine and audit any LPR, any file used to store LPR data, and any records pertaining to the

use of LPR. If either believes the LPR regulations have been violated, a letter could be sent to the Council requesting the suspension of the use of an LPR or LPRs. The Council may grant this request by resolution.

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.

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

**99. [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

**100. [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

**101. [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, as amended, 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, for emissions testing, and for parking enforcement. LPR could 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 would be required to used for the sole purpose of recording and checking license plates and not capable of photographing, recording, or producing 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, or 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 must be distributed in a manner equitable among MNPD precincts.

Quarterly reports from the MNPD to the Council 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.

An amendment is anticipated to this ordinance.

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

**102. [BL2021-864](#)**

An ordinance amending Metropolitan Code Chapters 5.20 regarding the abatement of property taxes for certain improvements or restorations made to historic properties as authorized under the provisions of Tennessee Code Annotated Section 67-5-218.

**Analysis**

This ordinance amends Section 5.20.100 of the Metropolitan Code, which was recently adopted as part of Ordinance No. BL2019-3, to place a cap on annual property tax abatements and to implement a sunset provision. This ordinance makes various changes to the Historic

Property Improvement and Restoration Tax Abatement Program. It states that the cumulative maximum value of improvements for which historic property tax abatements may apply in any one fiscal year will be no greater than \$10 million. Further, it would create a sunset for the Historic Property Review Board and the tax abatement program as of July 1, 2024, unless extended by a resolution of the Metropolitan Council.

**Sponsors:** Syracuse, Mendes, Bradford and OConnell

**103. [BL2021-865](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon an existing public water main and easements, and to accept new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at 3517 Brick Church Pike, also known as Mulberry Downs Phase 2 (MWS Project No. 21-WL-108 and 21-SL-214; and Proposal No. 2021M-058ES-001).

**Analysis**

This ordinance abandons approximately 611 linear feet of existing eight inch water main (DIP) and easements, and accepts approximately 3,732 linear feet of new eight inch water main (DIP), approximately 2,145 linear feet of new eight inch sanitary sewer main (PVC), approximately 506 linear feet of new eight inch sanitary sewer main (DIP), four fire hydrant assemblies, 18 sanitary sewer manholes and easements, for property located at 3517 Brick Church Pike, also known as Mulberry Downs 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. Abandoned and donated easements have no market value according to the Department of Water Services.*

**Sponsors:** Gamble, Murphy and Nash

**K. Bills on Third Reading**

**104. [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

**106. [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

**107. [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

**108. [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

**109. [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

**110. [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

**111. [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

**112. [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

Comparison of LPR Ordinances – BL2020-582 and BL2021-841

	BL2020-582 – Sponsored by CM Johnston	BL2021-841 – Sponsored by CM Rosenberg <i>Proposed amendment information italicized</i>
LPR can be used by:	Metro for specified purposes. No restrictions on use by public.  Departments intending to use LPR must implement a usage and privacy policy and post that policy on the department’s website. Departments using LPR must appoint LPR Custodian to manage LPR program.	Metro for specified purposes. No restrictions on use by public.
LPR can be used for the following purposes:	<ul style="list-style-type: none"> <li>Any Criminal Offenses, including Violent Crime</li> <li>Stolen Vehicles</li> <li>Traffic and parking offenses</li> <li>Smart Parking program</li> <li>Missing Persons investigations</li> <li>Emissions program</li> </ul>	<ul style="list-style-type: none"> <li>Identifying vehicles registered to a person with a felony arrest warrant</li> <li>Vehicles for which search warrant has been obtained</li> <li>Stolen Vehicles</li> <li>Traffic and parking offenses</li> <li>Missing Persons investigations</li> <li>Emissions program</li> <li><i>Amendment adds suspects for whom probable cause exists for an arrest for felony offense</i></li> </ul>
The use of LPR is prohibited for:	LPR could only be used for the above purposes, and also explicitly prohibited for: <ul style="list-style-type: none"> <li>General Surveillance</li> <li>Vehicle repossession</li> <li>Expired license plates</li> <li>Valid driver license determination</li> <li>Vehicle insurance determination</li> </ul>	LPR could only be used for the above purposes.
Where LPR can be used:	<ul style="list-style-type: none"> <li>Installed within/onto public rights-of-way</li> <li>Fixed LPR can only be used on Major and Collector Streets</li> <li>Location of fixed LPR must be distributed equitably across north, south, east, and west quadrants</li> </ul>	<ul style="list-style-type: none"> <li>Within a law enforcement vehicle</li> <li>Installed within/onto the public rights-of-way for an emissions program or for parking enforcement only</li> <li>Must be deployed so that their use is equitable among MNPDP precincts <ul style="list-style-type: none"> <li><i>Amendment changes this language slightly</i></li> </ul> </li> </ul>
Limitations on LPR Device capabilities	<ul style="list-style-type: none"> <li>Shall not be capable of facial recognition</li> </ul>	<ul style="list-style-type: none"> <li>Shall be used for sole purpose of recording and checking license plates, and not be capable of photographing, recording, or producing images of the occupants of a motor vehicle</li> <li><i>Amendment changes this language slightly</i></li> </ul>
Verification prior to a stop based on LPR data	MNPDP must develop data verification policy, including a two-step scanning process	MNPDP must visually verify data prior to stop

Reporting after a stop	<p>Officer must complete written report with:</p> <ul style="list-style-type: none"> <li>• Date, time, location of stop;</li> <li>• Investigative or enforcement actions taken;</li> <li>• Self-identified race/ethnicity of driver if voluntarily provided</li> </ul>	Not Applicable
Retention of LPR data	<ul style="list-style-type: none"> <li>• 10 days unless evidence for criminal or issued warrant, subpoena, court order</li> <li>• Destroyed at conclusion of 10 day period if not part of ongoing investigation, or current or possible litigation</li> <li>• No personally identifiable data could be retained</li> </ul>	<ul style="list-style-type: none"> <li>• 24 hours unless matches a permitted use</li> <li>• All records destroyed at conclusion of investigation if no charges or conclusion of criminal action</li> </ul>
Access to LPR system	<ul style="list-style-type: none"> <li>• Only for authorized individuals with a max of 10 individuals per department with training.</li> <li>• Unauthorized users subject to discipline, including termination</li> <li>• Two members of Council and One member of COB also have access</li> </ul>	<ul style="list-style-type: none"> <li>• Allowed on case-by-case basis for legitimate law enforcement investigative, prosecution, or audit verification purposes</li> <li>• Inquiries recorded in audit trail and maintained in same manner as criminal history logs</li> </ul>
Compliance	<ul style="list-style-type: none"> <li>• DA or Public Defender can examine and audit any LPR, any file to store LPR data, and any records pertaining to the use of LPR</li> <li>• May, by letter, request council to shut down LPRs. Council may grant request by resolution</li> </ul>	<ul style="list-style-type: none"> <li>• DA, Public Defender, Chair of COB, or two Councilmembers can examine and audit any LPR, any server used to store LPR data, and any records pertaining to the use of LPR not otherwise deemed confidential under state law</li> <li>• May, by letter, request council to shut down LPRs. Council may grant request by resolution</li> <li>• <i>Amendment removes Councilmembers from list of examiners and clarifies this only applies to information not deemed confidential under state law</i></li> </ul>
Reporting Requirements	<ul style="list-style-type: none"> <li>• Report to Council every two months and posted online during pilot period. After pilot program, report to Council every three months.</li> <li>• Report must include: <ul style="list-style-type: none"> <li>○ Number of LPRs in use</li> <li>○ Number of matches</li> <li>○ Number of matches that resulted in stops</li> <li>○ Number of matches that resulted in searches, releases, arrests, and other outcomes</li> <li>○ Other information required by Council resolution</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly reports to Council, beginning no more than 3 months after the date LPRs are deployed</li> <li>• Report must include: <ul style="list-style-type: none"> <li>○ Number of LPRs in use total and by precinct</li> <li>○ Number of matches</li> <li>○ Number of matches that resulted in stops</li> <li>○ Number of matches that resulted in searches, releases, arrests, and other outcomes, and associated demographic information</li> <li>○ Number of matches where plate characters read corrected, and number where at least one character was misread</li> <li>○ Other information required by Council resolution</li> </ul> </li> <li>• <i>Amendment requires report to be posted online and a link emailed to Council</i></li> </ul>

Sharing LPR data	<ul style="list-style-type: none"> <li>• Can only be shared with other law enforcement agencies if: <ul style="list-style-type: none"> <li>○ Requested in writing the name of agency and individual requesting the data, intended purpose, and agreement to adhere to the usage and privacy policy</li> <li>○ Custodian must approve</li> <li>○ Must verify the results are relevant to the request prior to sharing</li> <li>○ Can only be shared for the same purposes that Metro can use LPR</li> <li>○ Records of requests must be maintained for at least 3 years</li> </ul> </li> <li>• LPR data can only be disclosed in accordance with state and federal law.</li> <li>• Data obtained by private entities for purposes for which Metro can use LPR.</li> </ul>	<ul style="list-style-type: none"> <li>• Can only be shared for the same purposes that Metro can use LPR</li> <li>• If state law requires LPR data to be shared for additional purposes, the Council must approve a resolution to continue the use of LPR within 5 weeks of the effective date of the state law.</li> </ul>
Pilot Program	6 month pilot period for each department. Report from department on efficacy of the program is required and must be posted online. The use of LPR by the department must cease at the end of 6 months, unless the Council approves full implementation by resolution.	Within 6 months after LPRs are deployed, Council must hold a public hearing. Within 3 weeks after public hearing, Council must adopt a resolution to continue the use of LPR, or the use of LPR will be discontinued. <i>Amendment clarifies this is applicable only to uses under Subsection H, which are the uses for law enforcement purposes.</i>