



Metro Council

H. Resolutions on Public Hearing

1. [RS2021-1143](#)

A resolution exempting Emery Wood Fired, located at 2500 12th Avenue South, 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 Emery Wood Fired, located at 2500 12th Avenue South.

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: Sledge

2. [RS2021-1144](#)

A resolution exempting Fait La Force Brewing Company, located at 1414 3rd Avenue South #101, 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 Fait La Force Brewing Company, located at 1414 3rd Avenue South #101.

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: Sledge

I. Consent Resolutions and Resolutions

4. [RS2021-1145](#)

A resolution accepting an in-kind grant from The Community Foundation of Middle Tennessee to the Metropolitan Government, acting by and through the Mayor's Office, for David Gardiner and Associates to help Nashville civic leaders develop recommendations of feasible climate actions within operating and capital budget constraints.

Analysis

This resolution accepts an in-kind grant from The Community Foundation of Middle Tennessee to the Metropolitan Government, acting by and through the Mayor's Office. This estimated value of the in-kind grant is \$49,500, with no required local cash match. The grant is for David Gardiner and Associates to help Nashville civic leaders develop recommendations of feasible climate actions within operating and capital budget constraints. The term of the grant is August 16, 2021 to November 15, 2022.

Sponsors: Toombs, Allen, Hancock and Styles

5. [RS2021-1146](#)

A resolution appropriating a total of \$80,000 from the Juvenile Court to The F.I.N.D. Design, a nonprofit organization selected to receive Community Partnership Fund grants.

Analysis

This resolution appropriates \$80,000 from the Juvenile Court to The F.I.N.D. Design, a nonprofit organization selected to receive Community Partnership Fund grants. The Juvenile Court has accepted application from nonprofit organizations for Community Partnership Fund

grants. The Mayor has accepted these recommendations. The grant award of \$80,000 is to provide preventative and intervention services to girls to increase personal and social-environmental factors that promote assets, gifts, and talents around self-awareness and cultural expression.

Sponsors: Toombs

6. [**RS2021-1147**](#)

Initial resolution authorizing and providing for the issuance and sale of water and sewer revenue bonds in an aggregate principal amount of not to exceed Five Hundred Million Dollars of The Metropolitan Government of Nashville and Davidson County.

Analysis

This is an initial resolution providing for the issuance of up to \$500 million in water and sewer revenue bonds. The maximum interest rate of these bonds cannot exceed 7.25% or the maximum rate permitted by applicable law. The purpose of water and sewer revenue bonds is for financing capital improvements to the Metropolitan Government's water and sewer system, and the principal, premium, and interest on the bonds are payable solely from and secured solely by a pledge of the income and revenues of this system. This initial resolution is required by T.C.A § 9-21-304 to be adopted prior to the issuance of revenue bonds. As required by state law, the clerk is directed to publish, once, the initial resolution in a newspaper of general circulation.

Sponsors: Toombs

7. [**RS2021-1148**](#)

Resolution supplementing Substitute Resolution No. RS2010-1442 to authorize the execution, terms, issuance, sale and payment of water and sewer revenue bonds in an aggregate principal amount of not to exceed \$780,000,000 and authorizing the use of available funds of the Metropolitan Government's Water and Sewer Department to defease the Metropolitan Government's remaining outstanding Subordinate Lien Water and Sewer Revenue Refunding Bonds, Series 2012.

Analysis

This resolution authorizes the issuance, execution, terms, sale, and payment of water and sewer revenue bonds to provide long-term financing for improvements to the water and sewer system, and authorizes additional capital spending for new water and sewer projects. Substitute Resolution RS2010-1442 (the "Bond Resolution") authorized the issuance from time to time of Metro Water and Sewer (MWS) revenue bonds after adoption of a supplemental Council resolution. This authority has been used six times since then. The first supplemental resolution authorized the 2010 bonds in four series, collectively known as the Series 2010 bonds. The second supplemental resolution, approved in 2011, amended certain provisions of the Bond Resolution. The third supplemental resolution authorized the 2013 revenue bonds, and the fourth supplement in the 2017 revenue bonds. The fifth supplemental resolution was approved in March 2020 to issue the Series 2020 Bonds in an amount not to exceed \$330,000,000. The sixth supplemental resolution was approved in April 2020 to authorizing the

financing and construction of several MWS capital projects through the Tennessee Revolving Loan Fund.

This resolution would be the seventh supplemental resolution to Substitute Resolution No. RS2010-1442. It authorizes the issuance of Series 2021 water/sewer revenue bonds in an amount not to exceed \$780,000,000 to retire commercial paper, funding capital improvements to the water and sewer system, refund the Series 2013 Bonds, and to defease the remaining outstanding Series 2012 Subordinate Lien Water. This will result in a debt service savings for the water and sewer system and take advantage of historically low long-term interest rates. The Series 2021 bonds will have a final maturity date of July 1, 2051. The plan of financing is consistent with Metro's debt policy approved by the Council. These bonds will be sold through a negotiated sale. The underwriters on the bonds will be UBS Financial Services Inc., Morgan Stanley & Co. LLC, J.P. Morgan Securities LLC, Fifth Third Securities, Inc., Piper Sandler & Co., Blaylock Vann, LLC, Ramirez & Co. Inc., and American Veterans Group, PBC. Only revenues generated by water and sewer customers are used to pay the obligations on these bonds. The bonds do not constitute a debt of the Metropolitan Government that would compel the use of sales or property tax revenues.

Sponsors: Toombs

8. [RS2021-1149](#)

A resolution approving an application for an American Rescue Plan grant from the National Endowment for the Arts to the Metropolitan Government, acting by and through the Metropolitan Nashville Arts Commission, to promote arts grants to organizations and individuals.

Analysis

This resolution approves an application for an American Rescue Plan Grant from the National Endowment for the Arts to the Metropolitan Nashville Arts Commission. If the grant application is awarded, the grant award would be \$500,000 with no required local cash match. The grant proceeds would be used to promote arts grants to organizations and individuals. The term of the grant would be December 1, 2021 to June 30, 2022.

Sponsors: Toombs, VanReece, Welsch and Styles

9. [RS2021-1150](#)

A resolution appropriating \$4,745,500.00 in American Recovery Plan Act funds from Fund #30216 to the Nashville Fire Department to be used for light fleet vehicles and equipment.

Analysis

This resolution accepts the recommendation of the COVID-19 Financial Oversight Committee to appropriate \$4,745,500 in American Recovery Plan Act (ARP) funds to the Nashville Fire Department (NFD) for light fleet vehicles and equipment. The NFD has determined that funds are needed to build up its fleet and replace aged vehicles in order to improve response times during the pandemic and reduce the number of personnel needed on a response. Funds would also be used to purchase medical equipment with advanced technology to aid in patient care

and improve communication with medical personnel waiting to receive patients.

The equipment to be purchased with these funds include 25 SUV response vehicles, 30 SUV pick-up truck response vehicles, three logistics response vehicles, three facilities maintenance equipment vehicles, 50 cardiac monitors, and two shower/toilet trailers.

Fiscal Note: This appropriation, along with appropriation per Resolution No. RS2021-1152 would be the 3rd and 4th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$13,807,096. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.

Sponsors: Gamble, Johnston and Toombs

10. [RS2021-1151](#)

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

Analysis

This resolution accepts a Port Security Grant from the U.S. Department of Homeland Security to the Metropolitan Government, acting by and through the Office of Emergency Management. This grant award is not to exceed \$337,500, with a required local cash match of \$112,500. The grant is for equipment to enhance current land based and maritime response capabilities. The term of the grant is September 1, 2021 to August 31, 2024.

Sponsors: Toombs and Gamble

11. [RS2021-1152](#)

A resolution appropriating \$3,148,980 in American Recovery Plan Act funds from Covid American Rescue Plan Fund #30216 to the Office of Family Safety for the Metropolitan Government, to be used to address increased demand for therapy and services for victims of abuse, human trafficking and interpersonal violence.

Analysis

This resolution accepts the recommendation of the COVID-19 Financial Oversight Committee to appropriate \$3,148,980 in American Recovery Plan Act (ARP) funds to the Office of Family Safety (OFS) to address increased demand for therapy and services for victims of abuse, human trafficking, and interpersonal violence. OFS has requested four high risk case managers, funding for transportation and emergency needs of clients, therapy clinicians for children and adults impacted by interpersonal violence, and two additional AGAPE overnight and afterhours order of protection advocates.

Fiscal Note: This appropriation, along with the appropriation per Resolution No. RS2021-1150 would be the 3rd and 4th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$13,807,096. The total grant award is \$259,810,600 and

the first half of this amount was received in July 2021.

Sponsors: Johnston, Gamble and Welsch

12. [**RS2021-1153**](#)

A resolution approving an application for the Edward Byrne Memorial Justice Assistance Grant from the U. S. Department of Justice to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, for specialized training and equipment to ensure personnel maintain needed certifications for criminal investigation and crime reduction initiatives.

Analysis

This resolution approves an application for an Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to the Metropolitan Nashville Police Department. If the grant application is awarded, the grant award would be \$530,779 with no required local cash match. The grant proceeds would be used for specialized training and equipment to ensure personnel maintain needed certifications for criminal investigation and crime reduction initiatives. The term of the grant would be October 1, 2021 to September 30, 2024.

Sponsors: Toombs and Gamble

13. [**RS2021-1154**](#)

A resolution accepting a Coronavirus Emergency Supplemental Funding (CESF) grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department's Internet Crimes Against Children Unit, to utilize funding to prevent, prepare for, and respond to the coronavirus.

Analysis

This resolution accepts a Coronavirus Emergency Supplemental Funding Grant from the Tennessee Department of Finance and Administration to the Metropolitan Nashville Police Department's Internet Crimes Against Children Unit. This grant award is not to exceed \$100,000, with no required local cash match. The grant funding will be used to purchase equipment, provide additional training, and pay overtime for the ICAC Unit to investigate sexual crimes against children. The term of the grant is October 15, 2021 to January 31, 2022.

Sponsors: Toombs, Gamble, Welsch and Styles

14. [**RS2021-1155**](#)

A resolution accepting a grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, for the Healthy Start Home Visiting Program to identify and provide comprehensive services to improve outcomes for eligible families who are part of at-risk communities.

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 \$894,800, with no required local cash

match. The grant is for the Healthy Start Home Visiting Program to identify and provide comprehensive services to improve outcomes for eligible families who are part of at-risk communities. The term of the grant is October 1, 2021 to June 30, 2024.

Sponsors: Toombs, Taylor, Suara and Welsch

15. [RS2021-1156](#)

A resolution accepting a grant from the U. S. Department of Housing and Urban Development to the Metropolitan Government, acting by and through the Metropolitan Social Services Commission, to fund staffing of the Homeless Management Information System (HMIS).

Analysis

This resolution accepts a grant from the U.S. Department of Housing and Urban Development to the Metropolitan Social Services Commission. This grant award is not to exceed \$141,508, with no required local cash match. The grant is to fund two staff positions in order to fulfill the HUD required functions of the Homeless Management Information System (HMIS). The term of the grant is November 1, 2021 to October 31, 2022.

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

16. [RS2021-1157](#)

A resolution approving an assignment and assumption grant agreement amendment from Safe Haven Family Shelter and the U.S. Department of Housing and Urban Development (HUD) to the Metropolitan Government, acting by and through the Metropolitan Social Services Department, of the Continuum of Care Coordinated Entry Grant for support services and administrative costs to strengthen and improve the effectiveness of the program.

Analysis

This resolution approves an assignment and assumption grant agreement amendment from Safe Haven Family Shelter and the U.S. Department of Housing and Urban Development to the Metropolitan Social Services Department. Safe Haven Family Shelter wishes to be released from the original Continuum of Care Program grant agreement (TN0269L4J042004) and Metro Social Services will assume the obligations of Safe Haven Family Shelter under the agreement. This transfer of this grant agreement is in the amount of \$128,000, with no required local cash match. The grant is for support services and administrative costs to strengthen and improve the effectiveness of the program. The term of the grant is July 1, 2021 to June 30, 2022.

Sponsors: Toombs, Taylor and Welsch

17. [RS2021-1158](#)

A resolution approving an application for a Federal COVID Relief Funds for Transportation Improvements grant from the Greater Nashville Regional Council to the Metropolitan Government, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure, for pedestrian safety and multimodal intersection improvements.

Analysis

This resolution approves an application for a Federal COVID Relief Funds for Transportation Improvements Grant from the Greater Nashville Regional Council to the Nashville Department of Transportation and Multimodal Infrastructure. If the grant application is awarded, the grant award would be \$1,145,000 with no required local cash match. The grant proceeds would be used for pedestrian safety and multimodal intersection improvements. The term of the grant would be September 15, 2021 to September 30, 2024.

Sponsors: Toombs, Nash, Allen and Welsch

18. [RS2021-1159](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Kristi Copeland against the Metropolitan Government of Nashville and Davidson County in the amount of \$193,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

Analysis

On October 28, 2018, Kristi Copeland went for an exercise outing after work with a coworker. While on Blakemore Avenue between 23rd and 24th Avenue, Ms. Copeland tripped over a portion of the sidewalk that was raised several inches due to a tree root growing beneath it. Ms. Copeland's head, hand, and knee struck the pavement. She did not immediately seek medical attention, but the next morning she was treated at the emergency room and was ultimately admitted to the hospital.

Ms. Copeland was diagnosed with a sprained thumb, a moderate contusion to her knee, and a concussion. She had fully recovered from some of these injuries, but continues to suffer from a traumatic brain injury that her doctors have related to the fall.

Ms. Copeland's medical bills to date exceed \$82,000, and she has asserted a large amount of non-economic damages, including decreased wages and a severe limitation on her enjoyment of life. The Department of Law recommends settlement of this case for \$193,000.

Fiscal Note: This \$193,000 settlement, along with the settlement per Resolution No. RS2021-1160 would be the 12th and 13th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$677,345. The fund balance would be \$1,427,281 after these payments.

Sponsors: Toombs

19. [RS2021-1160](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of the Waste Management - River Hills Recycling Center against the Metropolitan Government of Nashville and Davidson County in the amount of \$45,173.35, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On April 22, 2021, an employee of the Nashville Department of Transportation and Multimodal

Infrastructure (NDOT) damaged a 30 x 20 foot rolling steel door and an upper area of the building while disposing of recycled materials at Waste Management's River Hills Recycling Center. The included damage to the building, metal door frame, steel support beam, and rolling steel door.

The Department of Law recommends settlement of this property damage claim for \$45,173.35, which is the total cost of repair of these damages.

Disciplinary action NDOT employee consisted of a written reprimand.

Fiscal Note: This \$45,173.35 settlement, along with the settlement per Resolution No. RS2021-1159 would be the 12th and 13th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$677,345. The fund balance would be \$1,427,281 after these payments.

Sponsors: Toombs

K. Bills on Second Reading

36. [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

37. [BL2021-866](#)

An ordinance amending Chapter 11.12 of the Metropolitan Code of Laws to prohibit passengers in a motor vehicle from consuming or possessing an alcoholic beverage or beer during the operation of the vehicle.

Analysis

This ordinance prohibits passengers in a motor vehicle from consuming or possessing an open container of an alcoholic beverage or beer while the motor vehicle is in operation. State law prohibits the driver of a motor vehicle consuming an alcoholic beverage or beer or having an open container during operation of a vehicle. This same state law provision authorizes local governments to prohibit consumption or possession of an open container by passengers. T.C.A. § 55-10-416.

Any person in violation of this ordinance would be subject to a fine of \$50. This ordinance would sunset on October 1, 2022, unless extended by a resolution of the Metropolitan Council.

Sponsors: Parker, Evans, Suara and Bradford

38. [BL2021-867](#)

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

Analysis

This ordinance amends the Metropolitan Code of Laws to prohibit any vehicle with a length in excess of twenty feet or a dump truck of more than 54,000 pounds of gross weight to be parked on any street or alley within the jurisdiction of Metro between sunset and sunrise.

Under the current Metro Code provision, no school bus, recreational vehicle in excess of twenty feet, or dump trunk of more than 54,000 pounds of gross weight may be parked on any street or alley within the jurisdiction of Metro between sunset and sunrise. This provision was amended in May 2021 by Ordinance No. 2020-493, which reduced the length of prohibited recreational vehicles from twenty-four feet to twenty feet. The ordinance under consideration extends the prohibition from recreational vehicles only to any vehicle.

Sponsors: OConnell, Cash and Evans

39. [BL2021-870](#)

An ordinance approving a documentary film agreement between the Metropolitan Government of Nashville and Davidson County and Eureka Entertainment, LLC.

Analysis

This ordinance approves an agreement between the Metropolitan Government and Davidson County and Eureka Entertainment, LLC (Eureka), related to a documentary film project in which Metropolitan Government departments, offices, elected officials, and employees plan to participate, entitled "Justice USA". The agreement authorizes Eureka to use certain sites, including the Downtown Detention Center, Behavioral Care Center, Birch Building, Public Defender offices, and other sites for the production of the documentary. Eureka would have access to these sites from commencement of filming until completion of filming, and may return on dates which Metro and Eureka agree. Eureka agrees to leave all sites in substantially the same condition and as clean and orderly as when found. Metro can require Eureka to stop filming in the event of an emergency or unforeseen urgent event in Metro's sole discretion, if

Eureka fails to comply with the agreed upon dates and times, and if Eureka does not comply with other terms of the agreement within a reasonable time following written notice by Metro.

Eureka will obtain comprehensive general public liability insurance coverage, as well as automobile liability insurance and insurance coverage for damage to a structure. Eureka will also indemnify Metro from any and all third party claims.

The Davidson County Sheriff's Office (DCSO) has the right to refuse to allow filming of any sites or materials that could compromise the security of DCSO facilities. Eureka will not film participants of the Cherished Hearts Program. Further, they will not identify Mental Health Court and Veterans Count Program participants by name or film participants without a release or waiver.

Sponsors: Toombs and Gamble

40. [BL2021-871](#)

An ordinance establishing a program for the purpose of providing assistance to low-income elderly residents of the Metropolitan Government for the fiscal year 2021-2022.

Analysis

This ordinance establishes the property tax relief program for low-income elderly residents of the Metropolitan Government for Fiscal Year 2021-2022. This is essentially an extension of an existing tax relief program that has been in existence for many years and is renewed annually.

Tennessee Code Annotated § 5-9-112 authorizes county legislative bodies to appropriate funds for the purpose of providing assistance to low-income elderly residents in the county on an annual basis, based on the particular needs of eligible recipients. The county legislative body is also authorized to develop guidelines for eligibility. Additionally, Tennessee Code Annotated § 67-5-702 provides that the general funds of the state shall be paid to certain low-income taxpayers 65 years of age or older necessary to pay or reimburse such taxpayers for all or part of their local property taxes. For many years, Metro has provided a double match of the state funds for the program. \$6,187,000 has been included in the proposed FY22 operating budget in the Property Tax Relief Program Account.

This ordinance directs the Metropolitan Trustee to disburse funds to eligible taxpayers and further authorizes the Trustee to establish rules and procedures for implementation of the program. All persons who qualify for the state property tax relief program and whose income does not exceed a state-mandated cap of \$31,190 annually will qualify for this program. Because this budgetary appropriation is non-recurring, this program would expire June 30, 2022.

Fiscal Note: The FY22 operating budget includes \$6,187,000 for the property tax relief program for the elderly. \$5,187,000 was appropriated for this program in FY21.

Sponsors: Toombs, Welsch, Suara, Porterfield and Styles

41. [BL2021-872](#)

An ordinance to require masks be worn by all individuals in public spaces, as further described herein.

Analysis

This ordinance requires masks to be worn by all individuals in public spaces within the jurisdiction of Metropolitan Nashville and Davidson County. Masks are defined as cloth face coverings, masks, or other devices to cover the nose and mouth of a person and must comply with the Centers for Disease Control (CDC) guidance for appropriate masks. That includes having two or more layers of breathable fabric, completely covering the nose and mouth of wearer, fitting snugly against the side of the wearers face without gaps, and having nose wire to prevent air from leaking out of the top of the mask. If a gaiter is worn, it must have two layers.

This ordinance imposes much of the same provisions as Amended and Restated Order 8 from the interim Chief Medical Director, which was in effect from April 9, 2021 until May 14, 2021. The main differences are the use of the term “mask” instead of “face covering” and the addition that masks conform to CDC guidance.

The mask requirement in this ordinance would not apply:

- Within one’s own residence or a residence of another;
- To persons under two years;
- To persons who cannot medically tolerate wearing a mask;
- Within one’s own or another’s motor vehicle, provided the vehicle is not used for public transportation or a vehicle for hire;
- To persons working alone in separate office spaces or in non-public workplaces that have more than adequate area for social distancing based on the size of and number of people in the space, provided that a mask must be worn when six feet of distance cannot be maintained;
- When wearing a Mask poses a safety risk or security risk;
- When actively eating or drinking in public at a restaurant, bar, or other food or beverage establishment;
- While outdoors in public spaces;
- While engaged in outdoor work or recreation;
- While in a place of worship;
- While in a building or indoor space owned, managed, or leased by the State of Tennessee or federal government.

Certain signage would be required to be posted in businesses or facilities open to the public reminding them of the mask requirement in effect. Violations of the ordinance would be subject to a fine of \$50.

Future amendments to this ordinance could be made by resolution.

Sponsors: Styles, Hurt, Sepulveda, Benedict and Bradford

42. [**BL2021-873**](#)

An ordinance authorizing the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for use in public projects of the Metropolitan Government, initially for purposes of the Department of Transportation and Multimodal Infrastructure, Project Number 2017-B-001, Lickton Pike bridge replacement. (Proposal No. 2021M-010PR-001)

Analysis

This ordinance authorizes the Director of Public Property Administration to acquire, by negotiation or condemnation, certain right-of-way easements, drainage easements, temporary construction easements, and property rights for use in the Lickton Pike bridge replacement. The Lickton Pike bridge is rated in poor condition and heavy truck traffic has been prohibited since 2017. The existing bridge is scheduled for replacement.

Fiscal Note: The estimated cost for the property acquisition is \$117,571.72 according to Nashville Department of Transportation and Multi-Modal Infrastructure (NDOT).

Sponsors: Young, Toombs, Murphy and Nash

43. [**BL2021-874**](#)

An ordinance authorizing the conditional abandonment of a portion of Alley 371, approving the acquisition of an interest in certain real property and improvements thereon comprising a new alley, and the granting of an easement above that new alley in connection with the development of a project in Nashville. (Proposal No. 2021M-013AB-001).

Analysis

This ordinance authorizes the conditional abandonment of a portion of Alley 371, approves the acquisition of a new alley, and grants an easement in the air space above the new alley in connection with the development of a project in Nashville. Jack C. Wilder (Wilder) owns certain parcels on either side of Alley 371. He requests that the alley be relocated. The abandonment of the current Alley 371 would be conditioned on (a) the provision of a letter of credit from Wilder in the full amount of the estimated cost of construction, (b) that no final use and occupancy permit will be issued until NDOT has filed a notice of acceptance of the new alley, and (c) that all utility easements held by Metro are retained.

Wilder would construct a new alley and convey to Metro the fee interest in the property underlying the new alley. Metro would convey an air-rights easement to Wilder to permit construction, use, and maintenance of improvements above the new alley. Wilder will pay \$30,000 as consideration for this transaction.

Fiscal Note: Metro will receive \$30,000 from Jack C. Wilder under the Deed and Easement agreement.

Sponsors: OConnell, Toombs, Murphy and Nash

44. [BL2021-875](#)

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 Lincoln Street right-of-way from McKinley Street to Alley Number 1024. (Proposal Number 2021M-006AB-001).

Analysis

This ordinance abandons a portion of Lincoln Street right-of-way from McKinley Street to Alley Number 1024. This abandonment has been requested by XE Development Company, LLC. This ordinance retains the existing utility easements. The Nashville Department of Transportation has determined there is no future need for this portion of right-of-way and all abutting property owners have consented to the abandonment.

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. In the opinion of the Transportation and Multi-modal Infrastructure department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

Sponsors: Toombs, Murphy, Nash and OConnell

45. [BL2021-876](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Alley Number 442 and an Unnumbered Alley right-of-way and easement between 17th Avenue South and 18th Avenue South. (Proposal Number 2021M-012AB-001).

Analysis

This ordinance abandons Alley Number 442 and an Unnumbered Alley right-of-way between 17th Avenue South and 18th Avenue South. This abandonment has been requested by Vanderbilt University. This ordinance also abandons the existing utility easements. The Nashville Department of Transportation has determined there is no future need for this portion of right-of-way and all abutting property owners have consented to the abandonment.

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. In the opinion of the Transportation and Multi-modal Infrastructure department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property

tax purposes.

Sponsors: Sledge, Murphy, Nash and OConnell

46. [BL2021-877](#)

An ordinance approving a contract between the Metropolitan Government of Nashville and Davidson County, through the Department of Water and Sewerage Services and LightWave Renewables, LLC for the design, construction, operation, management, and administration services related to photovoltaic solar facilities located at Central Wastewater Treatment Plant, Whites Creek Wastewater Treatment Plant and Omohundro Water Treatment Plant.

Analysis

This ordinance approves a contract between the Metropolitan Government and LightWave Renewables, LLC related to photovoltaic solar facilities located at Central Wastewater Treatment Plant, Whites Creek Wastewater Treatment Plant, and Omohundro Water Treatment Plant. The agreement is in furtherance of the Council's approval of Ordinance No. BL2019-1600, now codified as Metro Code of Laws Section 2.32.080, which in part requires Metro to utilize 35% tier-one renewable energy sources by 2025, 2.45% of which must be derived from solar, and to utilize 100% tier-one renewable energy by 2041, 10% of which must be from solar. Section 4.12.160 of the Metro Code requires Council approval of contracts in excess of sixty months.

This is an assignment of a contract originally approved by BL2021-613. The contract was originally with LightWave Solar, LLC, who has agreed to assign the contract to the newly named LightWave Renewables, LLC ("Lightwave"). The contract approved by BL2021-613 will be replaced by the contract approved by this ordinance.

Lightwave was originally selected through a request for proposals process to design, construct, and maintain solar arrays at the three MWS facilities (the "System"). The term of the agreement is for 30 years commencing on the date when LightWave gives written notice to MWS that the System is mechanically complete and capable of providing electric energy. Lightwave will remain the owner of the System and will provide to MWS all of the electrical energy generated by the System during term of the agreement. MWS will be responsible for delivering any electric energy generated by the System that is in excess of the MWS facility's requirements to Nashville Electric Service.

MWS will make monthly payments to Lightwave in the amount of \$31,090.99 throughout the term of the agreement. Metro can terminate the agreement for any reason with 90 days written notice and upon the payment of a termination fee, which is calculated as the sum of (1) a percentage of the System value after depreciation, (2) the net present value of the remaining monthly payments, and (3) the costs of removal. If Lightwave terminates the agreement early, Metro will be entitled to a termination payment consisting of the net present value of the expected cost of the electricity that is in excess of the monthly fee.

MWS cannot make alterations to the System that could adversely affect operation of the System without Lightwave's consent. MWS can be "off line" up to 48 daylight hours per year

without penalty. Being off line for more than 48 hours in a year will require MWS to reimburse Lightwave for lost environmental incentives or lost sales. MWS will have the option to purchase the System at fair market value at the end of the 6th, 15th, 20th, and 25th contract year.

This ordinance also approves a site lease for the solar array areas for the duration of the solar energy agreement with Lightwave.

Future amendments to the agreement may be approved by resolution.

Fiscal Note: The estimated total value over the life of this contract is \$11,192,756.40. This would be paid from the Water and Sewerage Operating Fund #67331, Business Unit #65560210.

Sponsors: Toombs, Nash and Welsch

47. [BL2021-878](#)

An ordinance approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and Regent Homes, LLC, to provide public sewer service improvements for Regent's proposed development, as well as other existing properties in the area (MWS Project No. 18-SL-0084 and Proposal No. 2021M-022AG-001).

Analysis

This ordinance approves a participation agreement between the Metropolitan Department of Water and Sewerage Services (MWS) and Regent Homes, LLC (Regent) to provide public sewer improvements for Regent's proposed development and other properties in the area. Regent agrees to contract and oversee the construction of approximately 2,461 lineal feet of 15 inch sanitary sewer main on Murfreesboro Pike at the intersections of LaVergne Couchville Pike and Hickory Woods Drive, to serve its development The Preserve at Hickory Woods and other existing properties. These improvements will be in compliance with all Metro requirements and specifications. Metro will inspect the construction and, upon acceptance, be responsible for ongoing operation and maintenance. Metro will pay 50% of the actual costs of construction, not to exceed \$266,446.

This has been approved by the Planning Department.

Fiscal Note: Metro will pay the lesser of fifty percent of the actual project costs not to exceed \$266,446 towards the public sewer services improvements project.

Sponsors: Toombs, Murphy and Nash

48. [BL2021-879](#)

An ordinance approving an agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services ("MWS"), and Piedmont Natural Gas Company ("Piedmont") for shared use of MWS' Access Drive (Proposal No. 2021M-024AG-001).

Analysis

This ordinance approves an agreement between Metro Water Services (MWS) and Piedmont Natural Gas Company (Piedmont) for shared use of an Access Drive off Franklin Pike (“Access Drive”). Piedmont will maintain a gas regulator station near the Access Drive and has requested Metro allow Piedmont to use the Access Drive to monitor and maintain the gas regulator station. In exchange for the shared use of the Access Drive, Piedmont agrees to widen the Access Drive to two lanes in each direction and maintain it (with 50% reimbursement from MWS) to account for wear and tear. MWS may cancel the agreement if Piedmont fails to cure a breach of this agreement within 30 days of written notice to Piedmont.

Fiscal Note: Upon completion of the Access Drive widening, Metro Water and Sewerage Services Department (MWS) will reimburse Piedmont fifty percent (50%) of the future expenses incurred in connection with maintaining and repairing the Access Drive. Reimbursement requests for expenses exceeding \$5,000 will require written approval from MWS.

Sponsors: Toombs, Murphy and Nash

49. [BL2021-880](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer mains, sanitary sewer manholes and easements, for two properties located at 1101 Chadwell Drive and Chadwell Drive (unnumbered), (MWS Project No. 21-SL-75 and Proposal No. 2021M-061ES-001).

Analysis

This ordinance accepts approximately 84 linear feet of new eight inch sanitary sewer main (PVC), approximately 132 linear feet of new 10 inch sanitary sewer main (PVC), three sanitary sewer manholes and easements, for two properties located at 1101 Chadwell Drive and Chadwell Drive (unnumbered). Future amendments to this ordinance may be made by resolution. This 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: VanReece, Murphy and Nash

50. [BL2021-881](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water main and easements, to relocate existing fire hydrant assemblies, and to accept new water main and easements, for property located at 1 Terminal Drive, also known as BNA Garage B Phase 1 (MWS Project No. 21-WL-60 and Proposal No. 2021M-064ES-001).

Analysis

This ordinance abandons approximately 924 linear feet of existing eight inch water main and easements, relocates three fire hydrant assemblies, and accepts approximately 892 linear feet

of new 16 inch water main (DIP) and easements, for property located at 1 Terminal Drive, also known as BNA Garage B Phase 1. Future amendments to this ordinance may be made by resolution. This 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: Bradford, Murphy and Nash

51. [BL2021-882](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main, sanitary sewer manholes and easements, for seven properties located on Rio Vista Drive, (MWS Project No. 21-SL-81; and Proposal No. 2021M-063ES-001).

Analysis

This ordinance accepts approximately 446 linear feet of new eight inch sanitary sewer main (PVC), four sanitary sewer manholes and easements, for seven properties located on Rio Vista Drive. Future amendments to this ordinance may be made by resolution. This 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: Hancock, Murphy and Nash

52. [BL2021-883](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main and a sanitary sewer manhole, for property located on 2176 B Carson Street, (MWS Project No. 21-SL-69 and Proposal No. 2021M-066ES-001).

Analysis

This ordinance accepts approximately 40 linear feet of eight inch sanitary sewer main (PVC) and one sanitary sewer manhole, for property located on 2176 B Carson Street. Future amendments to this ordinance may be made by resolution. This 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: Sledge, Murphy and Nash

53. [BL2021-884](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sanitary sewer manhole and easements, and to accept new sanitary sewer main, sanitary sewer manholes and easements, for property located on 4005 Utah Avenue, (MWS Project No. 21-SL-89 and Proposal No. 2021M-068ES-001).

Analysis

This ordinance abandons approximately 215 linear feet of existing eight inch sanitary sewer (lined VCP), one sanitary sewer manhole and easements, and accepts approximately 262 linear feet of new eight inch sanitary sewer main (PVC), two sanitary sewer manholes and easements, for property located on 4005 Utah Avenue. Future amendments to this ordinance may be made by resolution. This 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: Murphy and Nash

L. Bills on Third Reading

54. [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 and Henderson

64. [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, OConnell and Benedict

65. [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