



Metro Council

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## F. Special Counsel Resolution

### 1. [RS2021-1198](#)

A resolution authorizing the employment of Margaret O. Darby as Special Counsel and Director of the Council Office for the Metropolitan County Council.

#### Analysis

This resolution would authorize the employment of Margaret O. Darby as Special Counsel and Director of the Council Office. According to Metro Charter Sec. 8.607, the Vice-Mayor is authorized to select the special counsel and approval by resolution of Council is required.

**Sponsors:** Allen

## G. Bills on Public Hearing

### 3. [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

### 4. [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 28 meeting of the Planning Commission.

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

## 5. [\*\*BL2021-797\*\*](#)

An ordinance amending Section 17.12.070 of the Metropolitan Code to amend the requirements of the residential floor area ratio bonus in mixed use (Proposal No. 2021Z-011TX-001).

### Analysis

This ordinance, as substituted, amends Sections 17.12.070 of the Metropolitan Code of Laws to change the requirements to obtain a Floor Area Ratio (FAR) bonus for residential development in Mixed Use, ORI, ORI-NS, ORI-A, ORI-A-NS, CF, and CF-NS zoning districts within the Urban Zoning Overlay (UZO).

Currently, the residential FAR bonus cannot be given because it requires that 25% of the total, less 10, residential units created be restricted for use as affordable housing for a period of at least 7 years, which violates Tennessee Code Annotated Section 66-35-102. T.C.A. Section 66-35-102 prohibits the conditioning of development entitlements on the allocation of existing or newly constructed private residential or commercial rental units to be sold or rented at below market rates.

This ordinance replaces the affordable housing requirement for the residential FAR bonus with a prohibition on short term rental property - owner occupied and short term rental property - not owner occupied within any development that utilizes the residential FAR bonus.

A second substitute to this ordinance is anticipated.

This is scheduled for the October 28 meeting of the Planning Commission.

**Sponsors:** Withers

6. [\*\*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 is scheduled for the October 28 meeting of the Planning Commission.

**Sponsors:** OConnell, Bradford and Parker

7. [\*\*BL2021-832\*\*](#)

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to incentivize Inclusionary Housing with any residential development that seeks additional development entitlements beyond that permitted by the current base zoning district (Proposal No. 2021Z-013TX-001).

Analysis

This ordinance, as substituted, amends Title 17 of the Metro Code to create a voluntary program for inclusionary housing to promote affordable and workforce housing. Under this program, a developer could voluntarily elect to create inclusionary housing as an option for receiving bonus height under the Downtown Code’s bonus height program. Metro would provide subsidies to developers for the voluntary provision of inclusionary housing in accordance with the regulations set forth in this ordinance.

Metro would use the estimated new tax revenue generated by the bonus height to subsidize the inclusionary housing units within the development, making it so that the units would then rent at market rate.

Developments of fewer than five units would not be eligible for this program. No benefit would be provided if the average unit sale price or rental rate is less than, or within 5% above, 100% of the Area Median Income rental rate for Nashville and Davidson County, as determined by the U.S. Department of Housing and Urban Development.

The inclusionary housing requirement is included in a chart in the text of the legislation.

The developer would be required to submit an Inclusionary Housing Plan (“the Plan”), which includes the total residential units provided under the site plan, whether the development uses public resources or public property, the number of inclusionary housing units provided, the income levels of families eligible for the inclusionary housing units, the proposed market rates for the units, the location, sizes, and bedroom counts of the inclusionary housing units, and the market rate for comparable units within the same census tract.

The Plan would also be required to include a Proposed Master Lease with MDHA, or another entity competitively selected to administer this ordinance. The master lease would require approval from the Mayor’s Office Director of Housing Programs, or another Metro official responsible for overseeing and administering affordable housing programs. The master lease agreements must provide a minimum term of 15 years for Inclusionary Housing rental units, reassess the market rate for each unit every five years during the lease term, and ensure that the units are occupied by eligible households.

Further, exterior and interiors of Inclusionary Housing units could not differ materially from other units in the development.

Before the issuance of a building permit, compliance with the requirements of this ordinance must be documented on the permit plans. Before a use & occupancy permit could be issued, the above requirements must be satisfied, and documentation provided to the Codes Department.

During the subsidized rental period, the administering agency would be required to submit a compliance report to the Mayor’s Office Director of Housing programs, or another such official responsible for overseeing and administering affordable housing programs, in the form and manner determined by such official with assistance from the Finance Department.

Additional regulations related to the implementation of this program are found in the companion bill, Ordinance No. BL2021-912.

This has been referred to the Planning Commission.

**Sponsors:** Allen and OConnell

**8. [BL2021-842](#)**

An ordinance amending Chapter 16.28 and Section 17.40.430 of the Metropolitan Code to amend the regulations of the demolition of potentially historic structures and sites (Proposal No. 2021Z-015TX-001).

**Analysis**

This ordinance, as substituted, amends Section 16.28.190 and creates a new Section 16.28.195 to separate out historic demolition permits from other building permits and to require

any contractor or subcontractor involved in the demolition or partial demolition of a historic structure as defined within the ordinance to submit an affidavit stating that they understand the building or demolition permit to be approved, as well as the limits of the demolition work to be done.

This ordinance, as substituted, would also amend Section 17.40.430, which currently sets a 90-day moratorium period on the granting of permits for demolition, relocation, new construction, exterior alterations, additions to structures or improvements on land recommended for designation as an historic landmark district. The moratorium begins with the filing of an ordinance to designate a historic landmark district. This ordinance would expand the moratorium to cover all pending historic overlay, as well as extend the time period of the moratorium to end once the ordinance establishing the overlay district has been approved, rejected, withdrawn, deferred for a total amount of time equaling 90 days, or indefinitely deferred by the Metro Council.

This is scheduled for the October 28 meeting of the Planning Commission.

**Sponsors:** Cash, Porterfield, Murphy, Styles, Bradford and Syracuse

9. [BL2021-843](#)

An ordinance to amend Sections 17.36.110, 17.36.120, and 17.40.550 of the Metropolitan Code of Laws relative to historic signage (Proposal No. 2021Z-017TX-001).

Analysis

This ordinance amends the Metropolitan Code of Laws to create an Historic Landmark Signage district. This would require a sign to qualify as a historic landmark sign. Criteria in determining whether a sign qualifies as a historic landmark sign include the materials, technology, and design of the sign, the historical integrity of the sign, and the sign's location. An historic landmark sign must be constructed more than 50 years before the date of application.

When a sign does not identify the business occupying the premises and is not used by an owner or occupant of the premises to advertise a business currently on the premises, the sign would not count against the total allowable sign area for the premises and would not count against the number of signs allowed for the premises. If the sign does identify a business or is used or adaptively reused by an owner or occupant to advertise a business on the premises, 50% of the square footage of the landmark sign would count toward the total allowable sign area and count against the number of signs allowed for the premises. Sign calculations would be determined and confirmed by the Codes Department.

A substitute to this ordinance is anticipated.

This has been approved by the Planning Commission.

**Sponsors:** Roberts, Porterfield, Styles and Bradford

16. [BL2021-922](#)

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An ordinance amending Sections 17.04.060, 17.08.030, and 17.16.070 of the Metropolitan Code, Zoning Regulations to implement a distance requirement for the “bar or nightclub” use (Proposal No. 2021Z- 018TX-001).

Analysis

This ordinance amends Title 17 of the Metro Code to define the “bar or nightclub” use. It also implements a condition requiring a distance of 100 feet between a bar or nightclub use and parcels containing single family residential, two family residential, day care center (up to 75), day care center (over 75), day care home, school day care, orphanage, monastery or convent, religious institution, or community education uses in all zoning districts where the bar or nightclub use is currently permitted, excluding the DTC. This bill does not affect bar or nightclub uses located within the DTC.

The current conditions of a maximum size of 2,500 sq. ft. of gross floor area per establishment and no more than one establishment per lot shall remain for the MUN, MUN-A, MUN-NS, MUN-A-NS, CN, CN-A, CN-NS, CN-A-NS, SCN, and SCN-NS.

This has been referred to the Planning Commission.

**Sponsors:** Taylor, Glover, Murphy, OConnell and Porterfield

17. [BL2021-923](#)

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to update the Gulch South Subdistrict Standards within Chapter 17.37, Downtown Code, all of which is described herein (Proposal No. 2021Z-014TX-001)

Analysis

The ordinance amends Chapter 17.37 to update the Downtown Code (DTC) to increase the height maximum for areas located within 150 feet of the intersections of 11th Ave N. and Broadway, 11th Ave N. and Church Street, and 11th Ave N. and Dr. Martin Luther King Jr. Blvd (Charlotte Ave) to 20 stories. The ordinance also amends the DTC to increase the Bonus Height Program (BHP) multiplier available to developments that utilize the Publicly-Accessible Open Space bonus, and the Historic Building Preservation bonus. Developments that provide these public benefits in the Mid-Gulch area, as described within the BHP section of the DTC, may earn unlimited bonus height. However, the Bonus Height Maximums within the Gulch South subdistrict remain unchanged.

The DTC is intended for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable downtown. The DTC district seeks the efficient use of land capitalizing on a high level of services, reduced automobile dependence with enhanced usage of mass transit, and the creation of a vibrant and safe pedestrian streetscape.

This has been approved by the Planning Commission.

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**Sponsors:** OConnell

## H. Consent Resolutions and Resolutions

### 50. [RS2021-1199](#)

A resolution approving an application for a Coronavirus Emergency Supplemental Funding (CESF) grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Davidson County Juvenile Court, to mitigate the spread of respiratory droplets and/or reduce transmission of COVID-19 by utilizing masks and plexiglass barriers in courtrooms.

#### Analysis

This resolution approves an application for a Coronavirus Emergency Supplemental Funding Grant from the Tennessee Department of Finance and Administration to the Davidson County Juvenile Court. If the grant application is awarded, the grant award would be \$50,204.56 with no required local cash match. The grant proceeds would be used to mitigate the spread of respiratory droplets and/or reduce transmission of COVID-19 by utilizing masks and plexiglass barriers in courtrooms. The term of the grant would be November 15, 2021 to June 30, 2022.

**Sponsors:** Allen, Evans and Welsch

### 51. [RS2021-1200](#)

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:** Vercher

### 52. [RS2021-1201](#)

Initial resolution determining to issue general obligation bonds of The Metropolitan Government of Nashville and Davidson County in an aggregate principal amount of not to exceed \$568,855,000.

#### Analysis

This resolution authorizes the issuance of up to \$568,855,000 in general obligation bonds to provide funding for various projects contained in the Mayor's proposed capital spending plan.

This resolution would provide \$415,411,000 for the General Government, \$134,200,00 for Metro Nashville Public Schools, and a contingency of \$19,244,000.

The capital spending plan filed by the administration includes the information required by Ordinance No. BL2019-77, which requires disclosure of full cost itemizations prior to submission of capital expenditure authorization legislation to the Council. Approval of this initial



resolution would allow the Metropolitan Government to use its commercial paper program to provide short-term financing to commence construction prior to the sale of the long-term bonds.

A memo from the Director of Finance was provided to Council in accordance with Metro Code of Laws Section 5.04.110.

For context, the amounts of the last five prior capital spending plans are as follows:

- RS2021-757      \$481,610,000
- RS2020-213      \$154,000,000
- RS2018-1454      \$351,100,000
- RS2017-963 & 713      \$421,215,000
- RS2016-245      \$475,000,000

A list of the capital projects to be funded through this spending plan, including the estimated cost for each of the projects, is attached to the resolution. Each of these capital projects is properly listed within the Capital Improvements Budget.

This resolution will be deferred one meeting pursuant to Rule 21 of the Council Rules of Procedure.

**Sponsors:**      Allen

**53.**      [\*\*RS2021-1202\*\*](#)

A resolution accepting a grant from the Tennessee Emergency Management Agency to the Metropolitan Government, acting by and through the Department of Finance, to provide for reimbursement of COVID related eligible expenses pursuant to Presidential Disaster Declaration number FEMA-4514-DR-TN.

**Analysis**

This resolution accepts a grant from the Tennessee Emergency Management Agency to the Metropolitan Government, Department of Finance. This grant award is not to exceed \$14,944,140.20, with no required local cash match. The grant is to provide for reimbursement of COVID related eligible expenses pursuant to Presidential Disaster Declaration number FEMA-4514-DR-TN. The term of the grant is January 20, 2020 to January 19, 2024.

**Sponsors:**      Allen

**54.**      [\*\*RS2021-1203\*\*](#)

A resolution appropriating \$150,000.00 from the American Recovery Plan Act Fund #30216 as recommended by the COVID-19 Financial Oversight Committee for distribution to FUSE Corps and approving a grant contract to support fellowships as part of FUSE Corps' Equitable Recovery Initiative.

**Analysis**



This resolution appropriates \$150,000 from the American Recovery Plan Act Fund, as recommended by the COVID-19 Financial Oversight Committee, for distribution to FUSE Corps and approves a grant contract to support fellowships as part of FUSE Corps' Equitable Recovery Initiative.

The resolution accepts the COVID-19 Financial Oversight Committee's recommendation to use \$135,000 in American Rescue Plan (ARP) funds to allow FUSE Corps to provide fellowships as part of its Equitable Recovery Initiative to create opportunities and reduce disparities for those who have been most impacted by the COVID-19 crisis and a long history of injustice. Three fellows would be placed in the Planning Department, the Mayor's Office/Office of Emergency Management, and the Nashville Public Libraries. Further, \$15,000 would be appropriated to the Mayor's Office for incidental costs related to the placement and work of the fellows, including laptop computers and necessary technology. The term of the associated grant contract is for 12 months, beginning November 2, 2021 and ending October 24, 2022.

*Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2021-1204, Resolution No. RS2021-1205, Resolution No. RS2021-1206 and Resolution No. RS2021-1207 would be the 5th, 6th, 7th, 8th, and 9th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$19,427,996. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.*

**Sponsors:** Gamble, Johnston, Sepulveda and Allen

**55. [RS2021-1204](#)**

A resolution appropriating \$1,933,000.00 in American Recovery Plan Act funds from Fund #30216 to Metro Parks to be used for managing homeless encampments, and the renovation and repair of Brookmeade Park.

Analysis

This resolution appropriates \$1,933,000 in American Recovery Plan Act funds to Metro Parks to be used for managing homeless encampments and the renovation and repair of Brookmeade Park.

The resolution accepts the COVID-19 Financial Oversight Committee's recommendation to use American Rescue Plan (ARP) funds in recognition of the additional burdens the COVID-19 pandemic has placed on the Metro Parks Department to fulfill its mission to provide safe and enjoyable parks and greenway space, primarily due to an increase in the number of urban camps and the increase of homeless individuals living in Metro parks. Parks has identified vehicles and equipment necessary to enhance safety and maintain Metro parks, including Eye in the Sky cameras and renovations and repairs to Brookmeade Park. Exhibit A to the resolution shows the use of the \$1,933,000 in funding, including equipment to clean up and transport debris, sanitization of pavilions, shelters, and playgrounds, and portable lighting trailers to light parks for safety as needed. Eye in the Sky cameras would be purchased for parks listed on the exhibit, including Ascend Amphitheater, Brookmeade Park, Centennial Park, Public Square Park, and others. Further, renovations would be made to Brookmeade Park

including trailhead signage and maps, improvements to the parking lot and trails, demolition and replacement of the bridge, new decking, railing on the overlook, and installation of electronic gates at the parking lot. The equipment and cameras would be \$1,083,000 and the Brookmeade Park Renovation would be \$850,000, for a total of \$1,933,000.

*Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2021-1203, Resolution No. RS2021-1205, Resolution No. RS2021-1206 and Resolution No. RS2021-1207 would be the 5th, 6th, 7th, 8th, and 9th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$19,427,996. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.*

**Sponsors:** Gamble, Johnston, Allen, Bradford and Hausser

**56. [RS2021-1205](#)**

A resolution appropriating \$996,500.00 in American Recovery Plan Act funds from Fund #30216 to the Office of Emergency Management to be used for COVID-19 related response vehicles and technology.

**Analysis**

This resolution appropriates \$996,500 in American Recovery Plan Act funds to the Office of Emergency Management (OEM) to be used for COVID-19 related response vehicles and technology.

This resolution accepts the COVID-19 Financial Oversight Committee's recommendation to use ARP funds to purchase additional vehicles and a mobile presentation setup to resolve critical needs in response to OEM's increased demand during the COVID-19 pandemic. Exhibit A to the resolution shows the proposed use of the \$996,500. This includes six utility terrain vehicles, six trucks, five SUVs, three diver trucks, and one mobile webinar camera, speaker, screen, and microphone to allow for social distancing during COVID planning and operations.

*Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2021-1203, Resolution No. RS2021-1204, Resolution No. RS2021-1206 and Resolution No. RS2021-1207 would be the 5th, 6th, 7th, 8th, and 9th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$19,427,996. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.*

**Sponsors:** Johnston, Gamble, Sepulveda, Allen and Evans

**57. [RS2021-1206](#)**

A resolution appropriating \$1,000,000.00 in American Rescue Plan Act funds from Fund #30216 to various Metro departments to be used for vaccination and assessment centers, homeless emergency shelters, personal protective equipment, sanitization and signage.

**Analysis**

This resolution appropriates \$1,000,000 in American Recovery Plan Act funds to various Metro departments to be used for vaccination and assessment centers, homeless emergency shelters, personal protective equipment, sanitation, and signage.

This resolution accepts the COVID-19 Financial Oversight Committee's recommendation to use ARP funds for various Metro departments to be used for vaccination and assessment centers, provide emergency COVID shelters for the unhoused population, personal protective equipment, additional sanitation for Metro public building, to require masks in public buildings, and to provide signage of COVID policies and directions.

*Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2021-1203, Resolution No. RS2021-1204, Resolution No. RS2021-1205 and Resolution No. RS2021-1207 would be the 5th, 6th, 7th, 8th, and 9th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$19,427,996. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.*

**Sponsors:** Johnston, Gamble, Sepulveda, Allen and Welsch

**58. [RS2021-1207](#)**

A resolution appropriating \$1,541,400.00 in American Recovery Plan Act funds from Fund #30216 to the Homeless Impact Division of Metropolitan Social Services to be used for shelter, outreach, sanitation, housing, and food.

**Analysis**

This resolution appropriates \$1,541,400 in American Recovery Plan Act funds to the Homeless Impact Division of Metropolitan Social Services (HID) to be used for shelter, outreach, sanitation, housing, and food.

This resolution accepts the COVID-19 Financial Oversight Committee's recommendation to use ARP funds for programs of HID, including staffing for and transportation to and from shelters, outreach for housing and housing assistance, access to sanitation stations, and delivered meals for elderly and disabled citizens. These programs are further described on Exhibit A attached to the resolution.

*Fiscal Note: This appropriation, along with the appropriations per Resolution No. RS2021-1203, Resolution No. RS2021-1204, Resolution No. RS2021-1205 and Resolution No. RS2021-1206 would be the 5th, 6th, 7th, 8th, and 9th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$19,427,996. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.*

**Sponsors:** Sepulveda, Gamble, Allen, Welsch and Hausser

**59. [RS2021-1208](#)**

A resolution authorizing the Director of Public Property Administration, or his designee, to exercise an option to purchase a certain parcel of property (known as Map and Parcel No. 14300001300) (Proposal No. 2021M-018PR-001).

Analysis

This resolution authorizes the Director of Public Property to exercise an option to purchase approximately 3.56 acres located along 7134 Highway 100 for use as part of the public park system. The parcel is currently owned by the Friends of Warner Parks, Inc. Metro will pay \$150,000.

Section 2.24.250.F of Metro Code allows for the acquisition of property through the exercise of a negotiated option to sell at a fixed price, subject to approval of the Council by resolution. This acquisition was approved by the Board of Parks and Recreation and the Planning Commission.

*Fiscal Note: Metro will pay \$150,000, approximately 3.56 acres, the fair market value of the property on 7134 Highway 100.*

**Sponsors:** Henderson, Allen, Withers, Bradford, Hausser and Welsch

**60. [RS2021-1209](#)**

A resolution authorizing the Director of Public Property Administration, or his designee, to exercise an option to purchase a certain parcel of property located at 1354 Brick Church Pike and 0 Brick Church Pike (Parcel Nos. 07106005300 and 07110001800) (Proposal No. 2021M-020PR-001).

Analysis

This resolution authorizes the Director of Public Property to exercise an option to purchase approximately 13.94 acres located at 1354 Brick Church Pike and 0 Brick Church Pike for use as the Nashville Youth Campus for Empowerment. The parcel is currently owned by the Al Menah Temple. Metro will pay \$150,000.

Section 2.24.250.F of Metro Code allows for the acquisition of property through the exercise of a negotiated option to sell at a fixed price, subject to approval of the Council by resolution. This acquisition was approved by the Board of Parks and Recreation and the Planning Commission. Pursuant to the option agreement, Metro would pay \$9,000,000 for this property.

*Fiscal Note: The total appraised value for 1354 Brick Church Pike is \$3,657,400 and 0 Brick Church Pike is \$146,600 according to the Assessor of Property's website.*

**Sponsors:** Toombs, Allen and Withers

**61. [RS2021-1210](#)**

A resolution to approve the Third Amendment to the Lease Agreement between The Metropolitan Government of Nashville and Davidson County and 404 James Robertson Prop, LLC for office space in the Parkway Towers Building located at 404 James Robertson Parkway. (Proposal No. 2021M-031AG-001).

Analysis

This resolution approves a third amendment to a lease between the Metropolitan Government and 404 James Robertson Prop, LLC, for office space in the Parkway Towers building located at 404 James Robertson Parkway.

In November 2013, the Council approved Ordinance No BL2013-555, which approved a new lease agreement for the continued occupancy of the public defender's office and justice information services (JIS), and the addition of the department of human resources, the human relations commission, and the internal auditor. The agreement contemplated a future increase in the amount of the leased space through a right of first refusal granted to Metro. In May 2014, the council approved an amendment to the lease to add space for use by the public defender via Resolution No. RS2014-1079. In June 2015, the Council approved a second amendment to increase the number of reserved parking spaces provided to Metro from six spaces to 13 spaces via Resolution No. RS2015-1531. The lease agreement is currently set to expire on August 31, 2023.

This amendment expands the space leased by Metro for an additional 5,705 square feet of space located on the 15th floor of the building. Metro currently rents 49,888 square feet and, after this amendment, the total leased premises will consist of 55,593 square feet.

*Fiscal Note: The Suite 1510 Expansion Premises will add 5,705 rentable square feet for an annualized rent of \$148,330 from first business day following the completion of the work to August 31, 2022. The annualized rent will increase to \$154,035 from September 1, 2022 to August 31, 2023.*

**Sponsors:** OConnell, Allen and Withers

**62. [RS2021-1211](#)**

A resolution to appropriate grant funds from the U. S. Department of Health and Human Services to the Metropolitan Government, acting by and through the Metropolitan Action Commission, for a Community Services Block Grant CARES Act Rapid-Cycle Impact Project to evaluate and adjust its CompTIA+ Certification which offers opportunities to head start parents to obtain a Computing Technology Industry Association (CompTIA A+) credential.

Analysis

The resolution appropriates \$250,000 in grant funds awarded to the Metro Action Commission (MAC) from the U.S. Department of Health and Human Services. The grant is for a Community Services Block Grant CARES Act Rapid-Cycle Impact Project to evaluate and adjust its CompTIA+ Certification, which offers opportunities to parents of children enrolled in Early Head Start and Head Start to obtain a Computing Technology Industry Association (CompTIA A+) credential.

MAC has accepted this grant pursuant to Metro Code of Laws Sec. 2.108.050. No local cash match is required for this grant. This resolution would appropriate the \$250,000 grant to MAC.

**Sponsors:** Allen, Welsch and Hausser

**63. [RS2021-1212](#)**

A resolution accepting a grant from the U. S. Department of the Interior, National Park Service, to the Metropolitan Government, acting by and through the Metropolitan Nashville Historical Commission, to provide funding for the completion of an historical context focused on Nashville resources associated with the Civil Rights Movement from 1944 to 1966.

Analysis

This resolution accepts a grant from the U.S. Department of the Interior, National Park Service to the Metropolitan Nashville Historical Commission. This grant award is not to exceed \$50,000, with a required local cash match of \$5,160. The grant is to provide funding for the completion of an historical context focused on Nashville resources associated with the Civil Rights Movement from 1944 to 1966. The term of the grant is September 30, 2021 to September 30, 2023.

**Sponsors:** Allen, Withers, Bradford and Welsch

**64. [RS2021-1213](#)**

A resolution approving an application for a Coronavirus Emergency Supplemental Funding (CESF) grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Nashville Fire Department, to increase capability and capacity for providing more efficient and effective transportation and supply services for Nashville's and Davidson County's homeless population.

Analysis

This resolution approves an application for a Coronavirus Emergency Supplemental Funding Grant from the Tennessee Department of Finance and Administration to the Nashville Fire Department. If the grant application is awarded, the grant award would be \$75,000 with no required local cash match. The grant proceeds would be used to increase capability and capacity for providing more efficient and effective transportation and supply services for Nashville's and Davidson County's homeless population. The term of the grant would be November 15, 2021 to June 30, 2022.

**Sponsors:** Allen, Evans, Hausser and Welsch

**65. [RS2021-1214](#)**

A resolution approving an application for a Homeland Security Grant from the State of Tennessee, Tennessee Emergency Management Agency, to the Metropolitan Government, Office of Emergency Management.

Analysis

This resolution approves an application for a Homeland Security Grant from the Tennessee Emergency Management Agency to the Metropolitan Government, Office of Emergency



Management. If the grant application is awarded, the grant award would be \$297,838 with no required local cash match. The grant proceeds would be used to fund costs related to enhancing cyber risk assessment, terrorism prevention, catastrophic event response, and environmental hazards that pose the greatest risk to the security of the United States. The term of the grant would be September 1, 2021 to April 30, 2024.

**Sponsors:** Allen and Evans

**66. [RS2021-1215](#)**

A resolution approving an application for a Coronavirus Emergency Supplemental Funding (CESF) grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Office of Emergency Management, to provide logistical and practical means for increasing capacity and more effective delivery of services while addressing the specific needs of the homeless population and their environment.

**Analysis**

This resolution approves an application for a Coronavirus Emergency Supplemental Funding Grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, Office of Emergency Management. If the grant application is awarded, the grant award would be \$75,000 with no required local cash match. The grant proceeds would be used to provide logistical and practical means for increasing capacity and more effective delivery of services while addressing the specific needs of the homeless population and their environment. The term of the grant would be November 15, 2021 to June 30, 2022.

**Sponsors:** Allen, Evans, Hausser and Welsch

**67. [RS2021-1216](#)**

A resolution accepting an in-kind grant from the Nashville Parks Foundation, in conjunction with Sail Nashville, to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, in support of painting work on the Hamilton Creek Marina clubhouse.

**Analysis**

This resolution accepts an in-kind grant from the Nashville Parks Foundation, in conjunction with Sail Nashville to the Metropolitan Board of Parks and Recreation. This grant has an estimated value of \$5,600 in support of painting work on the Hamilton Creek Marina clubhouse. No local cash match related to this in-kind grant is required.

**Sponsors:** Allen and Bradford

**68. [RS2021-1217](#)**

A resolution accepting an in-kind grant from the McCabe Park Little League to the Metropolitan Government, acting by and through the Metropolitan Nashville Parks and Recreation Department, for roof replacement on the concession/restroom building, four dugouts, and to build a scorer's table behind home plate.



Analysis

This resolution accepts an in-kind grant from the McCabe Park Little League to the Metropolitan Board of Parks and Recreation. This grant has an estimated value of \$9,950 for roof replacement on the concession/restroom building, four dugouts, and to build a scorer's table behind home plate. No local cash match related to this in-kind grant is required.

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

**69. [RS2021-1218](#)**

A resolution accepting a grant from the Friends of Warner Parks to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide seasonal staffing for the Special Work Education and Trails (S.W.E.A.T.) program at Warner Parks.

Analysis

This resolution accepts a grant from the Friends of Warner Parks to the Metropolitan Board of Parks and Recreation. This grant award is not to exceed \$38,154.59, with no required local cash match. The grant is to provide seasonal staffing for the Special Work Education and Trails (S.W.E.A.T.) program at Warner Parks. The term of the grant is January 1, 2022 to December 31, 2022.

**Sponsors:** Henderson, Allen, Bradford, Hausser and Welsch

**70. [RS2021-1219](#)**

A resolution accepting a grants package from the Friends of Warner Parks to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to continue funding staff positions and copier costs.

Analysis

This resolution accepts a grant package from the Friends of Warner Parks to the Metropolitan Board of Parks and Recreation. This grant award is not to exceed \$31,896.60, with no required local cash match. The grant is to continue funding staff positions and copier costs. The term of the grant is January 1, 2022 to June 30, 2022.

**Sponsors:** Henderson, Allen, Bradford, Hausser and Welsch

**71. [RS2021-1220](#)**

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 the Department of Transportation and Multimodal Infrastructure, for a highway-railroad crossing separation on Sadler Avenue at CSX Railroad LM .103, State Project No: 19CIT-F3-003, Federal Project No: HSIP-R00S(550), PIN 132029.00. (Proposal No. 2021M-025AG-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 a highway-railroad crossing separation of Sadler Avenue at CSX Railroad LM .103. Train traffic on has regularly blocked traffic at this crossing, which is currently the only ingress/egress to the neighborhood. State law authorizes Metro to approve intergovernmental agreements by resolution.

The cost of this project will be split between CSX, TDOT, and Metro.

*Fiscal Note: The total cost of the project is estimated to be \$7,129,900. The cost is to be split with CSX contributing \$1,265,980, TDOT contributing \$5,063,920, and Metro contributing \$800,000.*

**Sponsors:** Sledge, Allen, Withers, Young and Welsch

**72. [RS2021-1221](#)**

A resolution approving an application for a Multimodal Access Grant from the Tennessee Department of Transportation to the Metropolitan Government, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), to complete improvements along Charlotte Avenue from 28th Avenue North to 39th Avenue North to address existing pedestrian and bicycle facility gaps and other safety concerns.

Analysis

This resolution approves an application for a Multimodal Access Grant from the Tennessee Department of Transportation to the Nashville Department of Transportation and Multimodal Infrastructure. If the grant application is awarded, the grant award would be \$950,000 with a required local cash match of \$2,722,000. The grant proceeds would be used to complete improvements along Charlotte Avenue from 28th Avenue North to 39th Avenue North to address existing pedestrian and bicycle facility gaps and other safety concerns. The term of the grant would be January 31, 2022 to January 31, 2025.

**Sponsors:** Taylor, Murphy, Allen and Young

**73. [RS2021-1222](#)**

A resolution approving Amendment 2 to an Agreement by and between the State of Tennessee, Department of Transportation, and the Metropolitan Government of Nashville & Davidson County, acting by and between the Department of Transportation and Multimodal Infrastructure, for the acceptance of work in connection with the construction of a Complete Street on SR 1 (US 41, Murfreesboro Road) from I-24 Ramp to Foothill Drive, Federal Project No. STP-M-NH-1(372), State Project No. 19LPM-F3-152, PIN 125309.00, Prop. No. 2021M-026AG-001.

Analysis

This resolution approves the second amendment to an agreement between the Tennessee Department of Transportation (TDOT) and the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) for the acceptance of a Complete Street on State Route 1 (US 41, Murfreesboro Road) from I-24 Ramp to Foothill Drive, originally approved by Resolution No. RS2017-634. This agreement was amended by Resolution RS2020-384 to replace the language of the agreement in its entirety. State law authorizes Metro to approve intergovernmental agreements by resolution.

Pursuant to Amendment 2, TDOT would extend the completion date of this project from January 31, 2022 to May 31, 2024, due to the time needed to complete the acquisition of the right-of-way easement, estimated to be 12 to 14 months. No other changes would be made to the agreement.

*Fiscal Note: The total cost of the project is not changed by this amendment. The previous fiscal note indicated that the total cost of the project is estimated to be \$4,102,500. \$3,282,000 (80%) of this amount would be paid by the federal government. The remaining \$820,500 (20%) would be paid by Metro.*

**Sponsors:** Bradford, Syracuse, Withers, Young and Welsch

**74. [RS2021-1223](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Shelly and James Raley against the Metropolitan Government of Nashville and Davidson County in the amount of \$140,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

Analysis

On May 28, 2017, Shelly Raley was walking with her husband James in downtown Nashville near the intersection of John Lewis Way and Korean Veterans Boulevard. The two stopped at the intersection and waited for the crosswalk sign. The two checked for cars and proceeded through the crosswalk. In the middle of the crosswalk, Ms. Raley tripped on a water valve box that was protruding above the walking surface of the roadway. She fell to the ground and injured her elbow.

At the hospital, it was determined that she broke her right elbow and required surgery. After surgery, she also was required to complete four months of physical therapy. Ms. Raley's medical bills to date total \$60,927.73. Mr. Raley has also brought a loss of consortium claim related to his wife's injury.

The Department of Law recommends settlement of this case for \$140,000.

*Fiscal Note: This \$140,000 settlement would be the 15th payment from the Self-Insured Liability Fund in FY22 for a cumulative total of \$874,068. The fund balance would be \$865,261 after these payments.*

**Sponsors:** Allen

75. [\*\*RS2021-1224\*\*](#)

A resolution authorizing The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, hereinafter called the "Licensee," to enter into a Pipeline Crossing License Agreement with R.J. CORMAN RAILROAD COMPANY/NASHVILLE & EASTERN RAILROAD LINE hereinafter called "Licensor" to construct and maintain a water main in the railroad right-of-way at Andrew Jackson Parkway and Old Lebanon Dirt Road, east of Old Hickory Boulevard in Davidson County, (Project No. 21-WG-64 and Proposal No. 2021M-029AG-001).

**Analysis**

This resolution authorizes the Metropolitan Department of Water and Sewerage Services (MWS) to enter into a pipeline crossing license agreement with R.J. Corman Railroad Company/Nashville & Eastern Railroad Line (R.J. Corman) to construct and maintain a water main in the railroad right-of-way at Andrew Jackson Parkway and Old Lebanon Dirt Road, east of Old Hickory Boulevard in Davidson County.

MWS would construct and maintain one 6 inch diameter pipeline solely for the conveyance of potable water under or over the railroad tracks. Ordinance No. O98-1393 allows Metro to enter these types of agreements with R.J. Corman for water and sewer line construction by resolution. Metro would pay R.J. Corman a one-time nonrefundable license fee of \$17,081.95 upon execution of the contract. The license will remain in effect unless terminated. The has been approved by the Planning Commission.

**Sponsors:** Hagar, Allen, Withers and Young

76. [\*\*RS2021-1225\*\*](#)

A resolution appropriating to certain accounts for the benefit of Water and Sewerage Services in the amount of Eight Million Six Hundred Thousand Dollars (\$8,600,000).

**Analysis**

This resolution appropriates \$8,600,000 from the Undesignated Fund Balance of the Stormwater Revenue Fund for the purpose of acquiring and demolishing flood prone properties. The Metropolitan Department of Water and Sewerage Services acquires and demolishes properties that are in the flood plain and/or floodway to eliminate or reduce the long-term risk to human life and property from the effects of flooding, as well as keep first responders out of harm's way.

**Sponsors:** Allen and Young

77. [\*\*RS2021-1226\*\*](#)

A resolution to amend Resolution No. RS2018-1445 to replace two parcels related to the acquisition and removal of flood-prone properties in the Mill Creek, Sorghum Branch, and Whittemore Branch watersheds. (MWS Project No. 18-SWC-136 and Proposal Number

2018M-019PR-002)

Analysis

This resolution amends Resolution No. RS2018-1445 to replace two parcels related to the acquisition of flood-prone properties in the Mill Creek, Sorghum Branch, and Whittemore Branch watersheds. The Council previously adopted RS2018-1445 on October 16, 2018 to approve the acquisition and removal of 44 flood-prone properties in this area. The U.S. Army has modified and provided to the Metropolitan Department of Water and Sewerage Services a design document report listing the specific parcels to be replaced. The U.S. Army and Metro will jointly fund the cost of this project.

432 Cedarvalley Road and 409 Benzing Road would be replaced. Both properties are ineligible for buyout and removal and are considered at a low flood risk. 727 Currey Road and 729 Currey Road would be added to the project, as both present a significant risk of flooding.

**Sponsors:** Welsch, Allen, Withers and Young

**J. Bills on Second Reading**

**122. [BL2021-784](#)**

An ordinance amending Sections 17.36.680 and 17.36.690 of the Metropolitan Code, Zoning Regulations to expand the allowable locations of a Detached Accessory Dwelling Unit (DADU) Overlay District (Proposal No. 2021Z-008TX-001).

Analysis

The ordinance, as substituted, amends Section 17.36.690 of the Metro Code to allow for the Highland Heights neighborhood (as defined by the adopted Highland Heights Study Area) to be eligible for the recently adopted DADU Overlay. The DADU Overlay was passed by the Council on May 18, 2021 through Ordinance No. BL2021-620 and enables the DADU use on RS zoned lots located within the overlay area. Currently, the eligible area for a DADU overlay is restricted to the Urban Zoning Overlay (UZO).

The prior version of this ordinance included additional provisions related to the definition of "Accessory dwelling, detached" and also required this use to have one parking space. These provisions were removed by the substituted adopted by the Council on August 3, 2021.

The ordinance has been disapproved by the planning commission.

**Sponsors:** Parker

**125. [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

**127. [BL2021-912](#)**

An ordinance amending Chapter 2.213 of the Metropolitan Code to create a mechanism for the implementation of the Inclusionary Housing Incentive program.

**Analysis**

This ordinance amends the Metro Code to create a program to implement the inclusionary housing incentive that is proposed in Ordinance No. BL2021-832. This ordinance establishes an Inclusionary Housing Incentive Payment Fund within the Department of Finance to consist of funds appropriated by the Council for the Inclusionary Housing program established by BL2021-832.

The Planning Department is responsible for determining whether a project is eligible for a height bonus in accordance with the Downtown Code for participation in the inclusionary housing incentive program (“the Program”). Upon determination of eligibility, the Planning Director must submit written notice of the determination to the Director of Finance.

The Director of Finance, upon consultation with the Davidson County Assessor’s Office, would then determine the estimated new tax revenue that would be generated by the bonus height to subsidize the rental of workforce or affordable housing units for the development qualifying for the Program. The Council would then consider whether to appropriate this amount for the program, either as part of the operating budget or by a separate resolution.

The administering agency responsible for administering the Program would be responsible for administering payments to developers eligible under the Program. Funds would be transferred from Finance to the administering agency upon receiving the compliance report required in BL2021-832, and in accordance with the terms of the master lease.

**Sponsors:** Allen, OConnell, Suara, Porterfield, Welsch and Bradford

**128. [BL2021-961](#)**



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

### Analysis

This ordinance amends Section 13.08.080 of the Metropolitan Code to provide for and regulate the usage of license plate reader (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
- detecting and parking civil traffic or parking offenses
- operating a smart parking or curb management program
- assisting in missing persons cases including Amber and Silver Alerts

Law enforcement agencies, the parking enforcement patrol, NDOT, and their contractors 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. 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.

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.

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

**129. [BL2021-962](#)**

An ordinance approving and authorizing the Director of Public Property Administration to accept a donation of 14 square feet of real property located at the property line between 914 East Trinity Lane and 936 East Trinity Lane (Parcel No. 07205005900 and 07205006000) (Proposal No. 2021M-015PR-001).

**Analysis**

This ordinance accepts the donation of 14 square feet of real property at the property line between 914 East Trinity Lane and 936 East Trinity Lane. Joseph Sauve owns the parcel at

914 East Trinity Lane and the Metropolitan Government owns the parcel at 936 East Trinity Lane. The purpose of this donation is to remedy a property line discrepancy discovered after a survey.

*Fiscal Note: The donation is only for 14 square feet and the value is minimal.*

**Sponsors:** Parker, Allen and Withers

**130. [BL2021-963](#)**

An ordinance accepting a greenway conservation easement and approving a greenway participation agreement and declaration, both in connection with improvements to the Bicentennial Mall Greenway Connector. (Proposal No. 2021M-028AG-001).

**Analysis**

This ordinance accepts a greenway conservation easement and approves a greenway participation agreement and declaration for improvements to the Bicentennial Mall Greenway Connector.

The ordinance further authorizes the Mayor to execute the easement and participation agreement. Amendments to the easement agreement and participation agreement may be approved by resolution.

Pursuant to the easement agreement, Metro will use the easement area for a pathway for pedestrian or bicycle travel, nature trail, and/or natural area. Metro will design, construct, maintain any pathway or physical structure to best preserve the open and natural condition of the property. The easement area will be available for use by all members of the public. Certain activities would be prohibited, such as consuming or possessing alcoholic beverages, horseback riding, vending or concessions without a permit, and littering or dumping.

There is also a participation agreement between Metro and PR Germantown, LLC (referred to in the agreement as "Portman"). Portman would agree to construct and maintain certain improvements within a portion of the greenway. Those improvements are shown on an attachment to the agreement.

**Sponsors:** OConnell, Allen, Withers, Bradford, Young, Welsch and Hancock

**131. [BL2021-964](#)**

An ordinance declaring certain planned roads on the Nashville Fairgrounds campus to be public rights of way. (Proposal No. 2021M-019PR-001).

**Analysis**

This ordinance declares certain planned roads in the Nashville Fairgrounds campus to be public rights of way. These roads are an extension of Benton Avenue, an extension of Wedgewood Avenue, and a proposed alley between the proposed "Lease Tract 8C" and the

existing speedway. These roads will serve the Nashville Fairgrounds campus as well as the improvements related to the mixed-use development related to the Major League Soccer stadium. This ordinance clarifies that these roads on Metro property are public rights of way intended for use as public roads.

**Sponsors:** Sledge, Withers, Young, Welsch and Bradford

**132. [BL2021-965](#)**

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 and water mains, sanitary sewer manholes, fire hydrant assembly and easements, for three properties located at 1104 and 1106 Baptist World Center Drive and 1407 Napoleon Street (MWS Project Nos. 20-SL-316 and 20-WL-162 and Proposal No. 2021M-075ES-001).

**Analysis**

This ordinance abandons approximately 222 linear feet of existing eight inch sanitary sewer main (VCP), one sanitary sewer manhole and easements, and accepts approximately 450 linear feet of new 10 inch sanitary sewer main (PVC), approximately 312 linear feet of new eight inch water main (DIP), five sanitary sewer manholes, one fire hydrant assembly and easements, for three properties located at 1104 and 1106 Baptist World Center Drive and 1407 Napoleon Street. 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:** Toombs, Withers and Young

**133. [BL2021-966](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a new public water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manhole and easements, for property located at 7211 Carothers Road, also known as Carothers Crossing Ph 10 Sec 1A (MWS Project Nos. 21-WL-50 and 21-SL-129 and Proposal No. 2021M-078ES-001).

**Analysis**

This ordinance accepts approximately 316 linear feet of new eight inch water main (DIP), approximately 275 linear feet of new eight inch sanitary sewer main (PVC), one fire hydrant assembly, one sanitary sewer manhole and easements, for property located at 7211 Carothers Road, also known as Carothers Crossing Ph 10 Sec 1A. 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 Water Services.*

**Sponsors:** Withers, Young and Lee

134. [BL2021-967](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at 7211 Carothers Road, also known as Carothers Crossing Ph 10 Sec 1B (MWS Project Nos. 21-WL-53 and 21-SL-130 and Proposal No. 2021M-079ES-001).

Analysis

This ordinance accepts approximately 2,037 linear feet of new eight inch water main (DIP), approximately 1,730 linear feet of new eight inch sanitary sewer main (PVC), four fire hydrant assemblies, 13 sanitary sewer manholes and easements, for property located at 7211 Carothers Road, also known as Carothers Crossing Ph 10 Sec 1B. 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 Water Services.*

**Sponsors:** Lee, Withers and Young

135. [BL2021-968](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main and sanitary sewer manhole, for property located at 101 Factory Street (MWS Project No. 21-SL-68 and Proposal No. 2021M-076ES-001).

Analysis

This ordinance accepts approximately 86 linear feet of new eight inch sanitary sewer main (PVC) and one sanitary sewer manhole, for property located at 101 Factory Street. 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 Water Services.*

**Sponsors:** Sledge, Withers and Young

136. [BL2021-969](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sewer manhole and a portion of easement rights for property located at 405 South 4th Street, formerly Alley #305, also known as the Shelby House Apartments (MWS Project No. 21-SL-202 and Proposal No. 2021M-081ES-001).

#### Analysis

This ordinance abandons approximately 194 linear feet of existing eight inch sanitary sewer main, one sanitary sewer manhole and easement rights that were retained by Council Bill No. O90-1130 for any existing utilities in former Alley #305, for property located at 405 South 4th Street, also known as the Shelby House Apartments. 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 have no market value according to the Department of Water Services.*

**Sponsors:** Withers

## **K. Bills on Third Reading**

### **139. [BL2021-913](#)**

An ordinance to amend Substitute Ordinance No. BL2019-1633 to permit certain individuals with active permits on file with the Department of Codes Administration as of January 1, 2022 to be eligible for Short Term Rental Property - Not Owner Occupied Permits.

#### Analysis

On August 20, 2019, the Council adopted Substitute Ordinance No. BL2019-1633. That ordinance made various changes to Title 17 related to "Short term rental property - Owner-occupied" and "Short term rental property - Not Owner-occupied". Section 1 of that ordinance prohibited "Short term rental property - Not Owner-occupied" in RM-zoned districts beginning on January 1, 2022.

The Metropolitan Department of Codes Administration ("Codes") anticipates a large volume of permit applications in the coming months. In order to process permit applications that were received timely, this ordinance, as amended, would allow individuals who have an active "Short term rental property - Not Owner-occupied" permit application on file with Codes as of December 31, 2021 to be eligible for the permit to be issued, provided that all other conditions are met and if the final use and occupancy letter for the building is issued on or before December 31, 2021.

**Sponsors:** Hagar

### **140. [BL2021-921](#)**

An ordinance to amend Sections 6.72.135, 6.72.435, and 6.75.560 of the Metropolitan Code

of Laws to remove existing English language requirements.

Analysis

This ordinance, as amended, amends Sections 6.72.135, 6.72.435, and 6.75.560 of the Metro Code to remove provisions that require drivers to read and speak English.

Section 6.72.135 requires certain testing at the time of an initial application for a driver's permit for a taxicab. The test is administered by Metropolitan Transportation Licensing Commission staff or a designee and measures (1) the applicant's knowledge of geography, the street system, and location of major attractions in Metro, (2) the applicant's knowledge of the taxicab ordinance relating to the conduct of drivers and operation of a taxicab, (3) the applicant's ability to read and speak English, (4) the applicant's ability to read and interpret local maps. This ordinance would remove the requirement that applicants be tested for their ability to read and speak English.

Section 6.72.435 sets out a taxicab passenger bill of rights. These rights include a driver who is knowledgeable about the major routes, destinations, and attractions in Nashville, a driver who knows and obeys all traffic laws, a taxicab that is clean and mechanically free of problems, among other requirements. This ordinance would amend the list to the requirement for a driver who speaks and understands English, but still provide that that driver be courteous in providing passenger assistance as well as a safe ride.

Section 6.75.560 sets out a pedicab passenger bill of rights, which is similar to the taxicab passenger bill of rights. These rights include a driver who is knowledgeable about the major routes, destinations, and attractions in Nashville, a driver who knows and obeys all traffic laws, a pedicab that is clean and mechanically free of problems, among other requirements. This ordinance would amend the list to the requirement for a driver who speaks and understands English, but still provide that that driver be courteous in providing passenger assistance as well as a safe ride.

**Sponsors:** Parker, Benedict, Porterfield, Welsch, Suara, Sepulveda and Toombs

**141.** [BL2021-924](#)

An ordinance authorizing the granting of permanent and temporary construction easements to Piedmont Natural Gas Co. on certain property owned by the Metropolitan Government (Parcel No. 059-16-0-248.00) (Proposal No.2021M-074ES-001).

Analysis

This ordinance, as amended, grants permanent and temporary construction easements to Piedmont Natural Gas Company, Inc., across a parcel owned by the Metropolitan Government. This easement will be used for the purposes of constructing, installing, maintaining, operating, repairing, altering, replacing, removing, relocating, inspecting, upgrading, and protecting one or more pipelines. The property is located at 0 E Nocturne Drive.

The Director of Public Property is authorized to execute and record the easements and any



other documents necessary to carry out the objective of this ordinance.

*Fiscal Note: Piedmont has agreed to pay \$3,500, which has been determined to be fair market value, as compensation for the easements.*

**Sponsors:** Allen, Toombs, Murphy and Young

**142. [BL2021-925](#)**

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning an Unnamed Right-of-Way and easement off Old Matthews Road. (Proposal Number 2021M-014AB-001).

**Analysis**

This ordinance abandons an Unnamed Right-of-Way and easement off Old Matthews Road. This abandonment has been requested by Vickie Vaughn. This right-of-way, including all utility easements, would be abandoned by this ordinance.

Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the Planning Commission.

*Fiscal Note: This ordinance has no 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:** Toombs, Murphy and Young

**143. [BL2021-926](#)**

An ordinance approving a cooperative research and development agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, The Department of Homeland Security, and Intellisense Systems, Inc., for the testing and evaluation of flood sensors.

**Analysis**

This ordinance approves a cooperative research and development agreement between the Metropolitan Department of Water and Sewerage Services (“MWS”), the Department of Homeland Security (“DHS”), and Intellisense Systems, Inc. (“Intellisense”) for the testing and evaluation of flood sensors.

According to the agreement, DHA, Intellisense, and MWS each may provide equipment to each other for the purposes of joint research, development, test, and evaluation. No funds would be transferred from DHA to Intellisense or MWS under this agreement. The agreement is effective upon the date of signatures and will remain in effect for 36 months from that date.

The parties must agree in writing to any extensions or changes to the termination date of the agreement.

The scope of work for this agreement would involve the design, development, deployment, testing, evaluation and delivery of operation low-cost flood sensor products. This is to evaluate whether these flood sensors would be useful in preparing communities to become more resilient from flood disasters. These sensors can provide alerts, warnings, and notifications of flooding. The flood sensors can monitor flood-prone areas in real time for rapid detection to alert officials, industry, and citizens to potential flood hazards.

*Fiscal Note: Metro Water Services will be responsible for installation, operation and maintenance cost of the flood sensors.*

**Sponsors:** Young

**144. [BL2021-927](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent easements for the Surrey Road Stormwater Improvement Project for eight properties located on Surrey Road, (Project No. 22-SWC-220 and Proposal No. 2021M-073ES-001).

**Analysis**

This ordinance authorizes the Metropolitan Government to negotiate and accept permanent easements for eight properties located on Surrey Road for the Surrey Road Stormwater Improvement Project.

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 Water Services.*

**Sponsors:** Rhoten, Murphy and Young

**145. [BL2021-928](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, storm sewer lines, sanitary sewer manhole, storm catch basin and easements, to relocate storm sewer line, and to accept new sanitary sewer and water mains, sanitary sewer manholes, storm catch basins, fire hydrant assembly and easements, for property located at 131 Great Circle Road and Cumberland Bend (unnumbered), also known as the Duke at Metrocenter Development (MWS Project Nos. 20-SL-105 and 21-WL-76 and Proposal No. 2021M-072ES-001).

**Analysis**

This ordinance abandons approximately 287 linear feet of existing 10 inch sanitary sewer main (concrete), approximately 133 linear feet of existing 15 inch storm sewer line, approximately 136 linear feet of existing 30 inch storm sewer line, approximately 120 linear feet of existing 42

inch storm sewer line, one sanitary sewer manhole, one storm catch basin and easements, relocates existing storm sewer line, and accepts approximately 220 linear feet of new 12 inch sanitary sewer main (PVC), approximately 306 linear feet of new 12 inch sanitary sewer main (DIP), approximately 16 linear feet of new eight inch water main (DIP), five sanitary sewer manholes, two storm catch basins, one fire hydrant assembly and easements for property located at 131 Great Circle Road and Cumberland Bend (unnumbered), also known as the Duke at Metrocenter Development.

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:** Toombs, Murphy and Young

**146. [BL2021-959](#)**

An ordinance naming the County Clerk's Office Lobby at the Howard Office Building in honor of Mike Taylor, Chief Deputy Clerk of the Davidson County Clerk's Office.

**Analysis**

This ordinance names the County Clerk's Office Lobby at the Howard Office Building in honor of Chief Deputy Clerk Mike Taylor. Mr. Taylor began his career with Metro on March 14, 1973. After 49 years of service, Mr. Taylor retires on March 14, 2022. This ordinance would rename the lobby the "Mike Taylor Lobby" and General Services would be directed to erect proper signage with this designation.

Section 13.26.010 of the Metro Code provides that no building or structure of the Metropolitan Government may be named except pursuant to an ordinance duly adopted by the Metropolitan Council. There are no other restrictions on renaming buildings or structures by ordinance.

**Sponsors:** Hurt, Nash and Suara