



Metro Council

---

## F. Bills on Public Hearing

### 1. [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's February 24, 2022 meeting.

**Sponsors:** Allen, OConnell, Suara, Welsch, Porterfield, Toombs and Hausser

**13. [BL2022-1088](#)**

An Ordinance to amend Sections 2.80.080, 17.28.100, and 17.40.010 of the Metropolitan Code of Laws regarding the design and operation of outdoor electrical lighting to reduce light pollution consistent with International Dark Sky Association guidelines and to authorize the board of fire and building codes to grant variances from these provisions (Proposal No. 2020Z-014TX-003).

**Analysis**

This ordinance amends various provisions of the Metropolitan Code of Laws to authorize the Board of Fire and Building Code Appeals to grant variances from the provisions of Section 17.28.100 of the Metropolitan Code. This section pertains to the design and operation of outdoor electrical lighting to reduce light pollution consistent with International Dark Sky Association guidelines.

In addition, this ordinance amends Subsection 17.28.100.E.4.a of the Metropolitan Code to clarify that no illumination in excess of one-half foot-candle is permitted across the mid-line of a public street.

**Sponsors:** Allen

**14. [BL2022-1090](#)**

An Ordinance to amend Sections 17.40.720 and 17.40.740 of the Metropolitan Code of Laws to increase the number of fee waivers for certain rezoning requests initiated by a member of Council (Proposal No. 2022Z-003TX-001).

Analysis

This ordinance amends Chapter 17.40 of the Metropolitan Code of Laws to increase the number of fee waivers for certain rezoning requests initiated by Councilmembers.

Currently, fees are waived for rezoning requests initiated by Councilmembers for the following purposes:

- Rezoning of a property from a greater intensity residential use to a lesser intensity residential use (i.e., an "R" district to an "RS" district).
- Rezoning the property from an office, commercial, or industrial district to a residential or residential single-family district.
- Applying the urban design overlay district, historic preservation district, neighborhood conservation district, urban zoning overlay district, contextual overlay district, corridor design overlay district, residential accessory structure overlay, or detached accessory dwelling unit overlay district as provided in Chapter 17.36.
- An amendment to or cancellation of a planned unit development (PUD) district after the planning commission has determined the PUD to be inactive in accordance with Section 17.40.120.H.

In addition, Councilmembers are entitled to no more than three fee waivers per fiscal year for any other rezoning request.

The ordinance under consideration increases the number of fee waivers for rezoning requests other than those innumerate above from three per fiscal year to five per fiscal year. Fees would continue to be waived under the types of requests listed above.

**Sponsors:** Sledge

**G. Consent Resolutions and Resolutions****29. [RS2022-1397](#)**

A resolution accepting an Adult Drug Court and Veterans Treatment Court Discretionary Program grant from the U. S. Department of Justice to the Metropolitan Government, acting by and through the General Sessions Court, to implement a DUI Court to serve participants convicted of a misdemeanor DUI offense.

Analysis

This resolution accepts an Adult Drug Court and Veterans Treatment Court Discretionary Program grant in an amount not to exceed \$352,425, from the U.S. Department of Justice to

the General Sessions Court. The grant will be used to implement a DUI Court to serve participants convicted of a misdemeanor DUI offense. No local cash match is required. The performance period begins October 1, 2021 and ends September 30, 2025.

This funding will be used to supplement drug testing costs, operation costs, community building events, family focused support, bus passes, emergency needs following release from jail, rent support, therapy, medications and treatment services as clinically assessed.

**Sponsors:** Allen and Welsch

**30. [RS2022-1398](#)**

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 and Pulley

**31. [RS2022-1399](#)**

A resolution declaring surplus and approving the disposition of certain parcels of real property in accordance with section 2.24.250(G) of the Metropolitan Code of Laws. (Proposal No. 2022M-001PR-001)

Analysis

This resolution declares eight properties to be surplus and authorizes the Director of Public Property Administration to sell the properties in accordance with the standard procedures for the disposition of surplus property. The proceeds of the sale will be credited to the general fund. Section 2.24.250(G) of the Metro Code provides that surplus properties for which no building permit could be obtained due to the size or physical characteristics of the property may be sold to an adjacent property owner for the current appraised value listed in the records of the Assessor of Property, or to the adjacent property owner offering the highest price if no adjacent owner is willing to pay the appraised value.

These eight properties to be sold are as follows:

Map - Parcel No.	Address - Location	Council District	Assessor's Office Appraised Value
07008009300	0 Free Silver Rd	2	\$71,500
05900012400	0 Knight Dr	2	\$45,500
07213034500	1206 Cline Ave	5	\$1,300
09315037000	54 Wharf Ave	17	\$20,900
09316002900	8 Cannon St	19	\$91,200
08112020400	1101 Cockrill St	21	\$67,500
08107024700	1921 15th Ave N	21	\$99,000
14806014700	0 Wharton Dr	28	\$500

The Planning Commission has approved this surplus property declaration.

**Sponsors:** Allen, Withers, Toombs, Parker, OConnell and Taylor

**32. [RS2022-1400](#)**

A resolution approving an option agreement between the Metropolitan Government of Nashville and Davidson County and James and Edith McClendon authorizing the purchase of certain parcels of property owned by the McClendons at 0 Tusculum Road (Map and Parcel No. 16200030400), 0 Tusculum Road (Map and Parcel No. 16200030500) and 0 Bart Drive (Map and Parcel No. 16200030600) (Proposal No. 2022M-002PR-001).

**Analysis**

This resolution approves an option to purchase three properties located at 0 Tusculum Road, 0 Tusculum Road, and 0 Bart Drive for use as part of the public park system. These properties are currently owned by James and Edith McClendon and consist of a total of 9.55 acres.

The fair market value of this property has been determined to be \$1,500,000. The acquisition of these properties has been approved by the Board of Parks and Recreation and the Planning Commission.

*Fiscal Note: Metro Parks Department will pay James and Edith McClendon in the amount of \$1,500,000, for the 9.55 acres on Tusculum Road and Bart Drive. According to the Property Appraiser's website, the appraised value for Parcel Number 16200030400 is \$170,200, Parcel Number 16200030500 is \$133,900 and Parcel Number 16200030600 is \$122,300.*

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

**33. [RS2022-1401](#)**

A resolution accepting an in-kind grant from the Centennial Park Conservancy to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to fund the restoration of the Parthenon marble casts in the Treasury Room.

**Analysis**

This resolution accepts an in-kind grant with an estimated value of \$116,000 from the Centennial Park Conservancy to the Metropolitan Board of Parks and Recreation. This will provide for the restoration of the Parthenon marble casts in the museum's treasury room. The restoration will take place in 2022 and 2023. This has been approved by the Board of Parks and Recreation.

**Sponsors:** Allen, Bradford and Taylor

**34. [RS2022-1402](#)**

A resolution approving a grant contract between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and the Mental Health Cooperative to provide outreach, assessment, and linkage to care for individuals identified as part of the Opioid

Overdose Response Program.

Analysis

This resolution approves a grant contract between the Metropolitan Board of Health (Health) and the Mental Health Cooperative (MHC) to provide outreach, assessment, and linkage to care for individuals identified as part of the Opioid Overdose Response Program.

Pursuant to the grant contract, MHC will maintain two staff members to provide outreach, assessment, and linkage to care for individuals identified by the Nashville Fire Department EMS as part of the Opioid Overdose Response Program. MHC will manage and oversee staff, provide transportation for clients to initial substance abuse treatment programs, and collect data on the effectiveness of their services.

The term of the grant is 12 months, beginning September 1, 2021 and ending on August 31, 2022. The grant from Health to MHC would be in an amount not to exceed \$177,400.

**Sponsors:** Allen, Welsch and Evans

**35. [RS2022-1403](#)**

A resolution approving a contract by and between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and Nurture the Next to provide funding for a program coordinator for the collective impact initiative, ACE Nashville.

Analysis

This resolution approves a contract between the Metropolitan Board of Health (Health) and Nurture the Next to provide funding for a program coordinator for the collective impact initiative, ACE Nashville.

Pursuant to this contract, Health will hire a program coordinator on a full-time basis for the collective impact initiative, ACE Nashville. Nurture the Next will provide funding up to \$102,809 for this position. There are no other charges or fees.

This contract is for a term of 12 months, beginning December 10, 2021 and ending December 9, 2022.

*Fiscal Note: Metro Board of Health Department will receive \$102,809 from Nurture the Next for the cost of hiring a Program Coordinator for the collective impact initiative to ACE Nashville.*

**Sponsors:** Allen, Evans and Welsch

**36. [RS2022-1404](#)**

A resolution to approve a Memorandum of Understanding ("MOU") between the Metropolitan Nashville Police Department ("MNPd") and Tennessee Bureau of Investigation ("TBI") for the MNPd to provide qualified officers and assist the TBI in drug overdose investigations.

Analysis

This resolution approves a memorandum of understanding (MOU) between the Metropolitan Nashville Police Department (MNPDP) and the Tennessee Bureau of Investigations (TBI) to provide qualified officers and assist the TBI in drug overdose investigations.

Pursuant to the MOU, MNPDP will provide qualified officers to participate on the TBI's Drug Investigation Division's Drug Overdose Task Force. These officers will assist the TBI in drug overdose investigations. The TBI will evaluate and select the officers and may provide additional training to these officers at no cost to MNPDP. The TBI will reimburse MNPDP up to \$10,000 in overtime costs per task force member per fiscal year.

This MOU becomes effective upon approval by the TBI, MNPDP, and the Metropolitan Council and will be in effect for one year, unless modified or terminated. The agreement will automatically renew for periods of one year, with a maximum term of five years.

*Fiscal Note: Tennessee Bureau of Investigation agrees to reimburse the Metro Nashville Police Department for overtime costs paid by Metro up to \$10,000 per officer participating in the TBI's Drug Investigation Divisions' Drug Overdose Task.*

**Sponsors:** Allen and Evans

**37. [RS2022-1405](#)**

A resolution accepting a Paul Coverdell Forensic Science Improvement Grant from the U. S. Department of Justice to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to increase the Toxicology Unit's capacity to process cases more efficiently, reducing turnaround time and backlogs.

Analysis

This resolution accepts a Paul Coverdell Forensic Science Improvement Grant in an amount not to exceed \$250,000 from the U.S. Department of Justice to the Metropolitan Nashville Police Department. This grant will be used to increase the Toxicology Unit's capacity to process cases more efficiently, reducing turnaround time and backlogs. A local cash match of \$19,063 is required.

**Sponsors:** Allen, Evans and Hancock

**38. [RS2022-1406](#)**

A resolution accepting a DNA Capacity Enhancement for Backlog Reduction (CEBR) Program grant from the U. S. Department of Justice to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to assist the Forensic Biology Unit in outsourcing case sample analysis and purchase equipment to streamline DNA interpretation.

Analysis

This resolution accepts a DNA Capacity Grant Enhancement for Backlog Reduction (CEBR) Program grant in an amount not to exceed \$250,000 from the U.S. Department of Justice to the Metropolitan Nashville Police Department. This grant will be used to assist the Forensic Biology Unit in outsourcing case sample analysis and purchase equipment to streamline DNA interpretation. A local cash match of \$24,325 is required.

**Sponsors:** Allen, Evans and Hancock

**39. [RS2022-1407](#)**

A resolution accepting a donation of an untrained police dog from the Cornerstone Church for the Metropolitan Nashville Police Department (“MNPDP”) to utilize in patrol-tracking or the detection of explosives or narcotics.

Analysis

This resolution accepts the donation of an untrained police dog, valued at \$11,930, from the Cornerstone Church to the Metropolitan Nashville Police Department (MNPDP). This untrained police dog would be trained by MNPDP and utilized in patrol-tracking or detection of explosives or narcotics.

Metropolitan Code of Laws Section 5.04.120.B requires donations to departments in excess of \$5,000 to be approved by the Metropolitan Council by resolution.

*Fiscal Note: The value of the donation from Cornerstone Church of an untrained police dog is \$11,930, obtained from Adlerhorst International, LLC.*

**Sponsors:** Allen and Evans

**40. [RS2022-1408](#)**

A resolution accepting a donation from Adlerhorst International to the Metropolitan Nashville Police Department (“MNPDP”) of training courses for two MNPDP Canine Unit trainers.

Analysis

This resolution accepts a donation from Adlerhorst International to the Metropolitan Nashville Police Department (MNPDP) for the training courses for two MNPDP Canine Unit trainers, valued at \$15,000.

Metropolitan Code of Laws Section 5.04.120.B requires donations to departments in excess of \$5,000 to be approved by the Metropolitan Council by resolution.

*Fiscal Note: The value of the training courses from Adlerhorst International, LLC for two MNPDP K-9 trainers is \$15,000.*

**Sponsors:** Allen and Evans



**41. [RS2022-1409](#)**

A resolution approving an application for a Hazardous Materials Emergency Preparedness grant from the Tennessee Emergency Management Agency to the Metropolitan Government, acting by and through the Office of Emergency Management, to provide resources to procure items, training, and/or equipment for hazardous materials (hazmat) preparedness.

Analysis

This resolution approves an application for a Hazardous Materials Emergency Preparedness grant from the Tennessee Emergency Management Agency to the Office of Emergency Management. The grant application is for \$136,000 with a required local cash match of \$34,000. If the grant application is approved, the funds will be used to provide resources to procure items, training, and/or equipment for hazardous materials (hazmat) preparedness.

**Sponsors:** Allen and Evans

**42. [RS2022-1410](#)**

A resolution approving Amendment 1 to Agreement 210258 by and between the State of Tennessee, Department of Transportation, and the Metropolitan Government of Nashville & Davidson County, acting by and between the Nashville Department of Transportation and Multimodal Infrastructure, for the acceptance of work in connection with the early acquisition of Right-of-Way of six parcels for Phase 1-North/South Arterial Blvd between Spring Street and Woodland Street, State No. 19LPLM-S2-190, PIN 132289.00, Prop. No. 2021M-033AG-002.

Analysis

This resolution approves the first 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 work in connect with the early acquisition of right-of-way of six parcels for Phase 1-North/South Arterial Blvd between Spring Street and Woodland Street. The Council previously approved this agreement pursuant to Resolution No. RS2021-1237.

This resolution approves an amendment to adjust the total project costs in Exhibit A of the agreement. The total project costs will be decreased from \$50,880,000 to \$50,000,000. NDOT will continue to be responsible for 50% of the costs of the agreement.

*Fiscal Note: The amendment will adjust the total project costs from \$50,880,000 to \$50,000,000. Metro will be responsible for 50% of the total project costs.*

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

**43. [RS2022-1411](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Dorothy Wyatt against the Metropolitan Government of Nashville and Davidson County in the amount of \$50,000.00, with said amount to be paid out of the

Self-Insured Liability Fund.

### Analysis

On June 4, 2021, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) was attempting to turn left onto Edgehill Avenue from 12th Avenue South when the employee struck a pedestrian, Ms. Dorothy Wyatt. Ms. Wyatt was crossing 12th Avenue South at Edgehill Avenue within the pedestrian crosswalk.

Ms. Wyatt was transported to a hospital complaining of pain in her ankles, legs, knees, back, elbows, and head. After x-rays and a CT scan, she was diagnosed with head trauma. She required physical therapy related to her knee, shoulder, and back pain.

The Department of Law recommends settlement of this personal injury claim for \$50,000. This includes \$26,946.23 for her medical costs and \$23,053.77 for pain and suffering.

*Fiscal Note: This \$50,000 settlement would be the 24th payment from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,154,918. The fund balance would be \$7,293,933 after this payment.*

**Sponsors:** Allen

#### 44. [RS2022-1412](#)

A resolution to approve a Memorandum of Understanding by and between the Metropolitan Planning Department and the Metropolitan Development and Housing Agency to advance the planning and reconstruction of certain areas of downtown Nashville damaged by the December 2020 bombing.

### Analysis

This resolution approves a Memorandum of Understanding (MOU) between the Metropolitan Planning Department (Planning) and the Metropolitan Development and Housing Agency (MDHA) to advance the planning and reconstruction of certain areas of downtown Nashville damaged by the December 2020 bombing.

Pursuant to this MOU, Planning will furnish and assign to MDHA all engineering and design work completed for this project, participate in meetings, provide expedited review of plans, permits, and inspections, assist in coordination with other Metro departments, and reimburse MDHA for all eligible expenses.

MDHA will agree to solicit and contract for all design and construction services necessary to carry out this project manage contracts, submit invoices to Planning for reimbursement, obtain necessary permits, and do all things necessary to carry out its obligations in the MOU or as reasonably related to the project.

Planning will reimburse MDHA for all direct expenses, such as consultant costs, architect

engineering and other professional service fees, construction contracts, testing fees, legal expenses, and insurance costs. Planning will pay to MDHA a fee not to exceed \$250,000 for routine administrative costs. In addition, Planning will advance funds sufficient to meet all project costs projected by MDHA.

The MOU is effective upon passage of the Council.

*Fiscal Note: Metro Planning Department will pay Metropolitan Development and Housing Agency a management fee not to exceed \$250,000 for expenses incurred in connection with the scope of services for the project.*

**Sponsors:** OConnell, Allen and Withers

## I. Bills on Second Reading

### 87. [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, Bradford and Allen

### 88. [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, Bradford, Toombs and Styles

**89. [BL2022-1089](#)**

An Ordinance amending Chapter 6.77 and Chapter 7.24 of the Metropolitan Code pertaining to the operation and regulation of Entertainment Transportation Vehicles.

Analysis

This ordinance, as amended, makes various amendments to Chapters 6.77 and 7.24 of the Metropolitan Code of Laws pertaining to the operation and regulation of Entertainment Transportation Vehicles.

The Council passed Substitute Ordinance No. BL2021-911, as amended, on October 19, 2021. This ordinance created Chapter 6.77 of the Metropolitan Code to create a framework for regulating entertainment transportation vehicles, which will take effect on April 1, 2022. In addition, it prohibited the consumption of alcoholic beverages during the operation of an unenclosed vehicle, which went into effect on December 1, 2021.

The ordinance under consideration makes various changes to these provisions.

A definition would be added for a “change in control” of a permittee or certificate holder and provisions about transferring certificates and permits would be amended to prohibit assignment, transference, sale, or giving of a certificate or permit without express written approval of the Metropolitan Transportation Licensing Commission (MTLC), including a change in control.

The provision prohibiting passengers from standing or riding on any part of an entertainment transportation vehicle other than a designated seating area while the vehicle is in motion would be deleted.

The consumption of beer, ale, wine, or other alcoholic beverages would be prohibited on all entertainment transportation vehicles, except to the extent permitted by the Beer Board.

The definition of “enclosed vehicle” would be deleted in its entirety, as all references to enclosed or unenclosed vehicles would be removed from the Metropolitan Code.

The application provisions for a certificate would be amended to remove the requirement that applicants provide proof of citizenship or legal residency. Applicants would be required to provide a copy of their driver history for the last three years and any additional information the MTLC may require.

The requirement for minimum automobile liability insurance coverage would be reduced from five million dollars per incident to three million dollars per incident. Any insurance policy would need to remain in place at least through the length of licensing with the MTLC.

Section 7.24.040.C, which was added by BL2021-911 and prohibits the possession of an open container of alcoholic beverages or the consumption of alcoholic beverages on an unenclosed entertainment transportation vehicle, would be deleted in its entirety.

Other various housekeeping changes would be made throughout Chapter 6.77.

**Sponsors:** Allen, Styles and OConnell

**90.** [BL2022-1113](#)

An Ordinance to amend Chapter 6.80 of the Metropolitan Code of Laws to authorize the Metropolitan Transportation Licensing Commission to set certain fees related to wrecker and towing services.

Analysis

The ordinance amends various provisions of Chapter 6.80 of the Metropolitan Code to authorize the Metropolitan Transportation Licensing Commission (MTLC) to set fees relative to wrecker and towing services.

Currently, the Council sets the fees charged by the MTLC such as the fee for licenses for wrecker services, wrecker permit fees, driver’s permit fees, and other fees paid to the Metropolitan Government. In addition, the Council sets the maximum fees that may be charged by wrecker services for nonconsent towing, which means towing without the prior consent of the owner.

The ordinance under consideration would all the MTLC to set all fees for wrecker and towing services. Beginning July 1, 2022, the MTLC would be authorized to set the maximum fees charged for nonconsent towing by a wrecker service.

**Sponsors:** Young

**91.** [BL2022-1114](#)

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to add a definition of “personally identifiable

information.”

### Analysis

This ordinance will amend section 13.08.080 of the Metropolitan Code of Laws by adding a definition for the term Personally Identifiable Information (also referred to as “PII”). The term is referenced twice in the recently enacted License Plate Scanner ordinance (BL2021-961). The definition will apply to the broader code section on the deployment of surveillance or electronic data gathering devices.

The proposed ordinance defines the term to mean: “any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which any governmental department or agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. (These data elements may include a combination of gender, race, birth date, and other descriptors). Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information. This definition includes information that is maintained in either paper, electronic or other media.”

BL2021-961, adopted on February 1, 2022, prohibits any LPR data retained by the Metropolitan Government from containing PII. Further, BL2021-961 requires MNPD to submit an annual report of the collected data to the Council which will contain voluntarily provided race data but prohibits all other PII from being included in the annual report.

**Sponsors:** Mendes, Evans, Rosenberg, Allen, Welsch, Suara and Cash

## 92. [BL2022-1115](#)

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to exclude assisting with immigration enforcement as an allowed use of LPRs.

### Analysis

**\*\*This ordinance, if enacted, will violate state law: Title 7, Chapter 68, Part 101, et seq., of the Tennessee Code Annotated (the “Act”).\*\***

A court will likely find that this ordinance violates the Act-which prohibits a local governmental entity from adopting a “sanctuary policy”-because the ordinance would prohibit a department from using the LPR system/information to assist federal officials with immigration compliance. Section 1 of the ordinance explicitly contravenes the Act. The Act provides that “No local governmental entity or official shall adopt or enact a sanctuary policy.” A “sanctuary policy” is defined as one that, among other things, “limits or prohibits any local governmental entity or official from communicating or cooperating with federal agencies or officials to verify or report

the immigration status of any alien.” Section 1, as proposed, would be an express adoption of a sanctuary policy as defined by the Act because it proposes to prohibit any department within the Metropolitan Government from utilizing the LPR system or collected information to cooperate with federal officials in connection with immigration laws of the United States.

Section 2 of the proposed ordinance prohibits the Metropolitan Government from utilizing, in conjunction with LPR, a “hot list” that is related to federal immigration enforcement, including lists created by, provided by, or containing information from ICE. While Section 2 of the proposed ordinance is not as explicit in its contravention of the Act, it is outside the spirit of the Act’s goals of encouraging expansive cooperation with federal officials regarding immigration laws. It is less likely that a court would find that Section 2 of the proposed ordinance violates the Act.

If enacted, the Metropolitan Government will be ineligible to enter into any grant contract with the state department of economic and community development until the policy is repealed. Further, state law authorizes residents to bring a complaint in Chancery Court alleging that the ordinance violates the Act. If a court determines that the Metropolitan Council has adopted a sanctuary policy, it can order that the Metropolitan Government comply with the Act, enjoin the Metropolitan Government from further interference with the Act, and take other necessary action to ensure compliance.

**Sponsors:** Mendes, Rosenberg, Allen, Welsch, Suara and Cash

**93. [BL2022-1116](#)**

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to ensure data access parity for the Community Oversight Board.

**Analysis**

This proposed ordinance amends the newly enacted Metropolitan Code of Laws sections 13.08.080G(3)(f) and 13.08.080G(5)(e) to include the Executive Director of the Community Oversight Board. The recently enacted BL2021-961 created section 13.08.080G(3)(f) of the Metropolitan Code providing that the District Attorney and the Public Defender may investigate complaints of misuse of LPR, examine and audit LPRs and LPR data files or record, and if either believes that LPRs have been used in violation of the code section, they may request that Council suspend the use of LPR. The proposed ordinance will add the Executive Director of the Community Oversight Board as an entity entitled to take specific investigative and examination actions related to in addition to the District Attorney and the Public Defender.

BL2021-961 also created section 13.08.080G(5)(e) of the Metropolitan Code providing that the District Attorney, the Public Defender, and the Chair of the Community Oversight Board shall have access to the MNPD audit trail. The proposed ordinance will provide such access to the Executive Director, rather than the Chair, of the Community Oversight Board and expand the review to designees of the named entities. And, it will enlarge the scope of review to include audit working papers.

**Sponsors:** Mendes, Rosenberg, Allen, Welsch, Suara and Cash

**94. [BL2022-1117](#)**

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, hereinafter known as "METRO", to enter into an agreement with Bancroft O'Quinn, Jr., hereinafter known as "DEVELOPER", to provide improved public sanitary sewer service through the construction of an improved stormwater system (Project No. SWGR 202136580 and Proposal Number 2022M-004AG-001).

**Analysis**

This ordinance authorizes the Metropolitan Department of Water and Sewerage Services (MWS) to enter into an agreement with Bancroft O'Quinn, Jr., to provide improved public sanitary sewer services through the construction of an improved stormwater system.

MWS intends to separate stormwater and sewer flow in a 56-acre area to direct stormwater flow to the Cumberland River and sewage flow to the Central Waste Water Treatment Plant. Bancroft O'Quinn Jr., has been approved to construct a five-unit townhome development located in the combined sewer system. Bancroft O'Quinn Jr. agrees to fund the design, construction, operation, and maintenance of the current and new stormwater systems in the amount of \$155,600. MWS will begin design and construction of this project upon receiving the funds and will be responsible for ongoing operation and maintenance of the system. This has been approved by the Planning Commission.

*Fiscal Note: Metro will receive \$155,600 from Bancroft O'Quinn, Jr., to fund the design, construction of the current and new stormwater infrastructure.*

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

**95. [BL2022-1118](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public access easement rights, for property located at 532 Lemont Drive (Proposal No. 2022M-012ES-001).

**Analysis**

This ordinance abandons easements rights for an existing 20 foot access easement along the northern property line on the plat of Gra-Mar Acres, for property located at 532 Lemont Drive. The abandonment has been requested by Roy Foster, owner. The Metropolitan Government has determined that these easement rights are no longer needed. 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 easements have no market value*



*according to the Department of Water Services.*

**Sponsors:** VanReece, Withers and Young

**96. [BL2022-1119](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to adjust and raise casting of existing sanitary sewer manholes, for property located at 5700 Crossings Boulevard (MWS Project No. 21-SL-122 and Proposal No. 2022M-018ES-001).

**Analysis**

This ordinance adjusts and raises casting of two existing sanitary sewer manholes for property located at 5700 Crossings Boulevard. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

**Sponsors:** Styles, Withers and Young

**97. [BL2022-1120](#)**

An ordinance approving a contract between the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, and the Mental Health Cooperative to ensure the provision, integration, and implementation of mental health training for Metro Police Department Personnel by Mental Health Cooperative Clinical Personnel.

**Analysis**

This ordinance approves a contract between the Metropolitan Nashville Police Department (MNPD) and the Mental Health Cooperative (MHC) to ensure the provision, integration, and implementation of mental health training for MNPD personnel by MHC personnel.

Pursuant to this contract, MHC will provide mental health training to MNPD officers, attend and participate in meetings for collaboration and evaluation of the training program format and effectiveness, provide and review relevant data regarding number of MNPD personnel trained each month, and provide a point person within the MHC Mobile Crisis Response Team Leadership as a Law Enforcement Liaison.

MNPD will provide training opportunities to MNPD personnel on topics such as recognizing the signs and symptoms of mental illness, suicide risk, verbal de-escalation techniques, behavioral referral sources, and involuntary commitment criteria. MNPD will also provide training space, attend and participate in meetings for collaboration and evaluation of the training program effectiveness, provide a point person within MNPD leadership to address issues that may arise, and provide and review any relevant data regarding number of MNPD personnel trained each month.

The Council has designated \$350,000 in American Rescue Plan Act funds via Resolution No.

RS2022-1313 toward the implementation of this mental health training program. This agreement shall commence upon approval by the Metropolitan Council.

*Fiscal Note: Metropolitan Council has designated, from the American Rescue Plan Act funds, \$50,000 for FY2022 and \$100,000 for the subsequent fiscal years, FY2023, FY2024, and FY2025, for payment of wages for a certified training instructor provided by Mental Health Cooperative.*

**Sponsors:** Evans, Allen and Suara

## J. Bills on Third Reading

### 98. [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

### 99. [BL2022-1091](#)

An ordinance authorizing Nashville Urban Venture, LLC to install, construct and maintain underground encroachments in the right of way located at 609 Overton Street. (Proposal No. 2022M-004EN-001)

#### Analysis

This ordinance authorizes Nashville Urban Venture, LLC to install, construct, and maintain underground encroachments in the right of way located at 609 Overton Street. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

**Sponsors:** OConnell, Withers and Young

**100. [BL2022-1092](#)**

An Ordinance providing the honorary street name designation of “David McMurry Way” for a portion of Woodruff Street.

Analysis

This ordinance adds the honorary designation of “David McMurry Way” for a portion of Woodruff Street between Gallatin Pike and Madison Station Boulevard. Mr. McMurry was an active member of the Nashville community known for his community service, activism, and advocacy. He was especially active in the Madison community and was also a vocal LGBTQ activist and advocate.

Section 13.08.025 of the Metro Code provides a procedure for the designation of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install two honorary street signs per street - at each end of a street - beneath the official street name sign for any street identified on the official Street and Alley Centerline Layer map. No honorary street sign can be installed honoring a living person; and each member of council can sponsor only one such ordinance each calendar year. This ordinance does not officially re-name the designated street. Therefore, there would be no change of official address for properties along this portion of Woodruff Street.

**Sponsors:** VanReece, Withers, Bradford, Young, Benedict, Vercher, Gamble, Styles, Suara, Hurt, Taylor, Lee, Hancock and Toombs

**101. [BL2022-1093](#)**

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, hereinafter known as “METRO”, to enter into an agreement with PR Germantown, LLC, hereinafter known as “DEVELOPER”, to provide improved public sanitary sewer service through the construction of an improved stormwater system (Project No. SWGR 2021057815 and Proposal Number 2022M-003AG-001).

Analysis

This ordinance approves a participation agreement between the Metropolitan Department of Water and Sewerage Services (MWS) and PR Germantown, LLC, to provide improved public sanitary sewer service through the construction of an improved stormwater system.

MWS intends to separate stormwater and sewer flow in a 56-acre area to direct stormwater flow to the Cumberland River and sewage flow to the Central Waste Water Treatment Plant. PR Germantown has been approved to construct a mixed-use development located in the combined sewer system. PR Germantown agrees to fund the design, construction, operation, and maintenance of the current and new stormwater systems in the amount of \$950,000. MWS will begin design and construction of this project upon receiving the funds and will be responsible for ongoing operation and maintenance of the system.

This has been approved by the Planning Commission.

*Fiscal Note: Metro will receive \$950,000 from PR Germantown, LLC, for the design, construction, operation and maintenance of the current and new stormwater system.*

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

**102. [BL2022-1094](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main and sanitary sewer manholes, for property located at 806 16th Avenue North, also known as the Lofts at Marathon (MWS Project No. 21-SL-143 and Proposal No. 2022M-006ES-001).

**Analysis**

This ordinance accepts approximately 333 linear feet of new eight inch sanitary sewer main (PVC) and five sanitary sewer manholes, for property located at 806 16th Avenue North, also known as the Lofts at Marathon. 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:** OConnell, Withers and Young

**103. [BL2022-1095](#)**

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 two properties located at 725 Tulip Grove Road and 4811 Leesa Ann Lane, also known as Tulip Springs Townhomes (MWS Project Nos. 21-WL-37 and 21-SL-85 and Proposal No. 2022M-008ES-001).

**Analysis**

This ordinance accepts approximately 1,357 linear feet of new eight inch water main (DIP), approximately 1,289 linear feet of new eight inch sanitary sewer main (PVC and DIP), three fire hydrant assemblies, nine sanitary sewer manholes and easements, for two properties located at 725 Tulip Grove Road and 4811 Leesa Ann Lane, also known as Tulip Springs Townhomes. 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:** Hagar, Withers and Young

**104. [BL2022-1096](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon and remove existing water main, and to accept new water main and fire hydrant assembly, for property located at 804 14th Avenue North, (MWS Project No. 21-WL-21 and Proposal No. 2022M-010ES-001).

**Analysis**

This ordinance abandons and removes approximately 389 linear feet of existing six inch water main and accepts approximately 408 linear feet of new eight inch water main (DIP) and one fire hydrant assembly, for property located at 804 14th Avenue North. 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:** OConnell, Withers and Young

**105. [BL2022-1097](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main and sanitary sewer manhole, and to accept new sanitary sewer mains and sanitary sewer manholes, for three properties located at 1170, 1176 and 1180 Dickerson Pike, also known as Dickerson Pike Townhomes (MWS Project No. 21-SL-230 and Proposal No. 2022M-009ES-001).

**Analysis**

This ordinance abandons approximately 192 linear feet of existing eight inch sanitary sewer main (PVC) and one sanitary sewer manhole and accepts approximately 142 linear feet of new eight inch sanitary sewer main (DIP), approximately 35 linear feet of new eight inch sanitary sewer main (PVC) and two sanitary sewer manholes, for three properties located at 1170, 1176 and 1180 Dickerson Pike, also known as Dickerson Pike Townhomes. 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:** Young and Withers

**106. [BL2022-1112](#)**

An ordinance authorizing the acquisition of an interest in a parcel of real property and

---

approving the granting of an easement above and below the same parcel in connection with the development of a project located at 215 and 217 Third Avenue North. (Proposal No. 2022M-020ES-001).

### Analysis

This ordinance authorizes the acquisition of an interest in a parcel of real property and approves the grant of an easement above and below that parcel in connect with the development of a project at 215 and 217 Third Avenue North.

Rubicon Equities, LLC (Rubicon) owns parcels of property located at 215 and 217 Third Avenue North, adjacent to and on both sides of Banker's Alley. Pursuant to this ordinance, Rubicon would convey its interest in the real property underlying Banker's Alley. The Metropolitan Government would grant an air-rights and subterranean easement to Rubicon to permit the construction, use, and maintenance of improvements above and beneath Banker's Alley. As consideration for this transaction, Rubicon would pay \$30,000 to the Metropolitan Government.

*Fiscal Note: Metro will receive \$30,000 for air-rights and subterranean easement to permit the construction, use and maintenance of improvements above and beneath Banker's Alley.*

**Sponsors:** OConnell