



Metropolitan Council

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## J. Resolutions on Public Hearing

### 1. [RS2024-381](#)

A resolution exempting Little Rey, located at 2019 West End Ave from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

#### Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Little Rey, located at 2019 West End Avenue.

The Metro Code of Laws prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

A public hearing must be held by the Council prior to voting on resolutions brought under Section 7.08.090(E).

**Sponsors:** Kupin

### 2. [RS2024-382](#)

A resolution exempting 1000 28th Ave N, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

#### Analysis

This resolution exempts 1000 28th Ave N, from the minimum distance requirements for

obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Metropolitan Code of Laws Section 6.28.030(B)(2)(d) provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

**Sponsors:** Taylor

3. [\*\*RS2024-383\*\*](#)

A resolution exempting 1002 28th Ave N, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

**Analysis**

This resolution exempts 1002 28th Ave N, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Metropolitan Code of Laws Section 6.28.030(B)(2)(d) provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

**Sponsors:** Taylor

4. [\*\*RS2024-384\*\*](#)

A resolution exempting 1004 28th Ave N, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

**Analysis**

This resolution exempts 1004 28th Ave N, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Metropolitan Code of Laws Section 6.28.030(B)(2)(d) provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative

votes.

**Sponsors:** Taylor

5. [\*\*RS2024-385\*\*](#)

A resolution exempting 1006 28th Ave N, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Analysis

This resolution exempts 1006 28th Ave N, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Metropolitan Code of Laws Section 6.28.030(B)(2)(d) provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

**Sponsors:** Taylor

6. [\*\*RS2024-386\*\*](#)

A resolution exempting 2236 Whites Creek Pike, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Analysis

This resolution exempts 2236 Whites Creek Pike, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Metropolitan Code of Laws Section 6.28.030(B)(2)(d) provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

**Sponsors:** Toombs

7. [\*\*RS2024-387\*\*](#)

A resolution exempting 2238 Whites Creek Pike, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Analysis

This resolution exempts 2238 Whites Creek Pike, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Metropolitan Code of Laws Section 6.28.030(B)(2)(d) provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

**Sponsors:** Toombs

8. [\*\*RS2024-388\*\*](#)

A resolution exempting 2240 Whites Creek Pike, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Analysis

This resolution exempts 2240 Whites Creek Pike, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Metropolitan Code of Laws Section 6.28.030(B)(2)(d) provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

**Sponsors:** Toombs

9. [\*\*RS2024-389\*\*](#)

A resolution exempting 2242 Whites Creek Pike, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Analysis

This resolution exempts 2242 Whites Creek Pike, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Metropolitan Code of Laws Section 6.28.030(B)(2)(d) provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred

feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

**Sponsors:** Toombs

10. [RS2024-390](#)

A resolution exempting 2244 Whites Creek Pike, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Analysis

This resolution exempts 2244 Whites Creek Pike, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Metropolitan Code of Laws Section 6.28.030(B)(2)(d).

Metropolitan Code of Laws Section 6.28.030(B)(2)(d) provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

**Sponsors:** Toombs

K.

**Bills on Public Hearing**

17. [BL2024-184](#)

An ordinance to amend Title 17 of the Metropolitan Code of Laws to amend the definitions of multi-family and residence for handicapped, more than eight individuals; update references related to accessory building, detached, detached accessory dwelling, and detached accessory dwelling unit for consistency; add bar/night club as a permitted use in certain industrial districts; add daycare as a permitted with conditions use in certain districts, and to add a definition for half story related to contextual overlays (Proposal No. 2024Z-005TX-001).

Analysis

This ordinance amends various sections of Title 17 of the Metropolitan Code to change the name of the “accessory dwelling, detached” use to “detached accessory dwelling”, change the name of the “residence for handicapped, more than eight individuals” use to “Residence for persons with disabilities, more than eight individuals” and update the definition, amend the definition for the “multi-family” use, make the “bar or night club” use permitted by right in the IWD, IR, and IG zoning districts, make the “daycare center (over 75)” use permitted with conditions in ON, MUN, and CN zoning districts and their variants, and add a definition for “one-half story” to the Contextual Overlay.

The ordinance amends Section 17.04.060 of the Metropolitan Code to change the name of the

“accessory dwelling, detached” use to “detached accessory dwelling” and updates all mentions and references throughout Title 17. Currently, both names are used within Title 17 in different areas of the code to refer to the use. No changes to entitlements are a part of this name change.

The ordinance amends Sections 17.04.060 and 17.08.030 of the Metropolitan Code to change the name of the “residence for handicapped, more than eight individuals” use to “residence for persons with disabilities, more than eight individuals” and to update the definition to be consistent with current language used elsewhere in the Metropolitan Code and in federal and state law. No changes to entitlements are a part of this name change and definition update.

The ordinance amends Section 17.04.060 of the Metropolitan Code to amend the definition of “multi-family” to mean three or more dwelling units on the same lot or parcel. Currently, the definition for multi-family is “three or more dwelling units within a single structure.” This existing definition does not account for detached multi-family developments, where there are multiple detached dwelling units on the same parcel. The Codes Department and Planning Department have been treating such developments as a multi-family use despite the existing definition.

The ordinance amends Section 17.08.030 of the Metropolitan Code to add the “bar or nightclub” use as a use permitted by right in the IWD, IR, and IG industrial zoning districts. Currently, this use is not permitted in these zoning districts. However, a similar use, “after hours establishment”, is permitted with conditions in the IR and IG districts.

The ordinance amends Section 17.08.030 of the Metropolitan Code to add the “daycare center (over 75)” use as a use permitted with conditions in the ON, MUN, and CN zoning districts, as well as their A and NS variants. The required conditions match the existing conditions for the use in all other mixed-use, office, and commercial zoning districts. Currently, the “daycare center (over 75)” use is not permitted within the ON, MUN, or CN zoning districts; however, the “daycare center (up to 75)” use is permitted with conditions in those three zoning districts.

Finally, the ordinance amends Section 17.36.470 of the Metropolitan Code to add a definition for “one-half story” to the contextual overlay. Currently, “one-half story” is undefined in the code, but the Zoning Administrator has crafted an opinion that has been used for guidance in enforcing contextual overlay height regulations. The definition being added to the code matches the Zoning Administrator’s interpretation.

**Sponsors:** Evans-Segall, Horton, Huffman, Welsch, Kupin, Sepulveda, Benedict, Vo and Bradford

**19. [BL2024-255](#)**

An ordinance amending Section 17.40.720 of the Metropolitan Code to require mailed notice to all affected property owners of R, R-A, RS, and RS-A parcels when a change to the Zoning Code results in an increase or decrease in the number of allowed dwelling units on the affected parcels (Proposal No. 2024Z-009TX-001).

Analysis

This ordinance amends Section 17.40.720 of the Metropolitan Code to require mailed notice of the public hearing for amendments to Title 17, the Zoning Code, that would result in a change in the number of permitted dwelling units on parcels zoned R, R-A, RS, and/or RS-A. Such notice would be required to conform to the same standards as the mailed notice currently required for amendments to the official zoning map and be sent to all affected parcel owners, all surrounding parcel owners within 1,000 feet of an affected parcel, and to the address(es) of the affected parcels should the owner's address differ. Additionally, the ordinance requires that the Planning Department be responsible for the preparation and mailing of this notice.

Currently, no mailed notice to property owners is required for text amendments to Title 17. Rather, notice is provided by advertisement in a newspaper of general circulation at least 21 days prior to the public hearing, as well as the posting of the meeting agenda on the Legislative Information Center website (Legistar) via Nashville.gov.

The Planning Commission deferred this item to their July 25, 2024 meeting.

*Fiscal Note: The Planning Department staff estimates the cost of a single mailing under this legislation could be as much as approximately \$250,000, not including signage. The calculation utilized by Planning staff to arrive at the approximate cost is as follows: number of properties zoned R/RS (~189k) + properties within 1,000 feet (~61k) x \$1.00/mailed notice (based on postage and vendor costs) = \$250,000.*

**Sponsors:** Hancock and Webb

## M.

## Resolutions

### 39. [RS2024-374](#)

A resolution to amend Ordinance No. BL2024-239 to authorize The Metropolitan Government of Nashville and Davidson County to abandon additional public water mains, fire hydrant assemblies and easements, for property located at 1 Terminal Drive, also known as BNA Concourse D Expansion (MWS Project No. 23-WL-97 and Proposal No. 2023M-216ES-002).

#### Analysis

Ordinance No. BL2024-239 was approved by the Council on March 20, 2024, and authorized the abandonment of approximately 890 linear feet of existing 12-inch water main (DIP), two fire hydrants and easements, for property located at 1 Terminal Drive, also known as BNA Concourse D Expansion. BL2024-239 allows for amendments to the ordinance to be approved by resolution.

The resolution under consideration abandons an additional approximately 495 linear feet of existing 12-inch water main, approximately 280 linear feet of existing 10-inch water main, two additional fire hydrant assemblies and easements.

These changes have been approved by the Planning Commission.

**Sponsors:** Bradford, Gamble, Parker and Evans-Segall

**40. [RS2024-391](#)**

A resolution approving a contract between the Metropolitan Government of Nashville and Davidson County and National Safety Council to provide teaching materials and student materials for the General Sessions Court Traffic School.

**Analysis**

This resolution approves a sole source contract between the Metropolitan Government and National Safety Council to provide teaching materials and student materials for the General Sessions Court Traffic School.

Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

This sole source contract is before the Council for consideration because the estimated value of the contract is \$1,098,840. The term of the contract is 60 months, beginning upon approval of all parties and filing with the Metropolitan Clerk's Office.

*Fiscal Note: The estimated value of this sole source contract number 6548212 with National Safety Council for traffic school teaching materials, workbooks, instructor guides, student manuals and online licenses is \$1,098,840 to be paid from Fund 10101, Business Unit 27106011. However, actual expenses may be paid from various department's fund and business unit when purchase orders are issued.*

**Sponsors:** Porterfield

**41. [RS2024-392](#)**

A resolution approving a contract by and between The Metropolitan Government of Nashville and Davidson County and Rite of Passage, Inc. for operation and management services for the Davidson County Juvenile Detention Facility.

**Analysis**

This resolution approves a contract with Rite of Passage Inc., for the operation and management of the Davidson County Juvenile Detention Facility ("the Facility").

The contract term begins on May 1, 2024, or the date when the agreement is approved by all parties and filed with the Metropolitan Clerk, whichever occurs later. The term extends for three years with two optional one-year renewals that can be approved by the Metro Purchasing Agent. The estimated contract value is \$24,000,000 for the initial term.

Rite of Passage, Inc., ("RPI") will be responsible for all operation and management of the Facility. RPI must ensure that the Facility maintains American Correctional Association standards for juvenile detention facilities at all times at all times. The contract requires that there be a Metro contract monitor who will be granted access to the Facility and records and will meet with the Facility Director on a monthly basis.

The Facility Director must be approved by the Juvenile Court Judge. All new employees must undergo background checks and drug screening. RPI must provide adequate healthcare and nutrition and must provide a fulltime on-site licensed counselor or social worker. RPI must also provide a dietician, an on-call psychiatrist 24/7, and an on-call physician. RPI will be responsible for implementing alternative behavior management options to reduce detainee isolation.

Within 30 days of the contract's effective date, RPI shall provide a set a comprehensive policies, procedures, and post orders consistent with American Correctional Association standards. These policies shall be subject to the written approval of the Juvenile Court Judge or a designee.

RPI shall also include any other policies and proceeds requested by the Juvenile Court Judge, including but not limited to waking hours for juveniles, reducing the use of isolation, respecting LGBTQI youth, juvenile searches and contraband control, escapes, and use of force. Any use of force policy is subject to the approval of the Metropolitan Department of Law.

RPI will be compensated based upon a per diem rate for each juvenile housed. The per diem amounts under the contract are as follows:

- Year 1 - \$429.76
- Year 2 - \$443.51
- Year 3 - \$457.70
- Year 4 - \$472.35
- Year 5 - \$487.46

Section 4.12.240 of the Metropolitan Code provides that "all contracts for the provision of management services for correctional facilities owned by the metropolitan government, executed on or after January 1, 2017, must be approved by resolution of the metropolitan council, duly adopted by twenty-one affirmative votes."

*Fiscal Note: The estimated value of this contract number 6557735 with Rite of Passage, Inc. for operation and management of the Juvenile Detention Center is \$24,000,000 to be paid from Fund 10101, Business Unit 26111910. However, actual expenses may be paid from various department's fund and business unit when purchase orders are issued.*

**Sponsors:** Porterfield and Evans

**42. [RS2024-393](#)**

A resolution calling the independent Metropolitan Board of Equalization into regular session beginning June 3, 2024 and special session beginning June 17, 2024.

**Analysis**

This is a routine, annual resolution to call the Metropolitan Board of Equalization ("MBOE") into

regular session from June 3, 2024, until June 14, 2024. It would also call the MBOE into special session convening June 17, 2024, to complete any unfinished business regarding appeals on pro-rated assessments. The special session is not to extend beyond May 31, 2025.

The MBOE always meets during the month of June to hear appeals of assessments on real property. Historically, the MBOE has been required to have special sessions to conclude its work due to the large number of appeals. State law authorizes county legislative bodies to fix the number of days the Board of Equalization is to sit in regular session and to call the board into special session to complete any unfinished business. (T.C.A. § 67-1-404).

**Sponsors:** Porterfield

**43. [RS2024-394](#)**

A resolution approving the appointment of hearing officers by the independent Metropolitan Board of Equalization to conduct preliminary hearings and to make investigations regarding complaints before the Board.

**Analysis**

This resolution approves the appointment of 26 Davidson County citizens to serve as hearing officers for the Metropolitan Board of Equalization (“MBOE”). The MBOE is authorized under state law to hear appeals of assessments on real property. This will include 21 residential hearing officers and five commercial hearing officers. State law requires that the MBOE members be approved by the county legislative body by resolution. (T.C.A. § 67-5-1406).

**Sponsors:** Porterfield

**44. [RS2024-395](#)**

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:** Sepulveda

**45. [RS2024-396](#)**

A resolution setting a public hearing for a proposed amendment to the Rutledge Hill Redevelopment Plan.

**Analysis**

This resolution sets a public hearing for the proposed amendment of the Rutledge Hill redevelopment plan. The public hearing on the redevelopment plan amendment would take place at the June 4, 2024 regular Council meeting. An analysis of the amendment will be provided in advance of the May 21 Council Meeting, when Ordinance No. BL2024-348, which

approves the amendment, is on second reading.

**Sponsors:** Kupin

**46. [RS2024-397](#)**

A resolution accepting the terms of a cooperative purchasing master agreement for executive search and direct permanent placement services for the Metropolitan Action Commission.

**Analysis**

This resolution accepts the terms of a cooperative purchasing master agreement for the purchase of executive search and direct permanent placement services for the Metropolitan Action Commission. The purchase agreement is between the University of California, a state of California governmental entity, and Global Insight, LLC. According to the cooperative purchasing request, utilizing the purchasing agreement would allow Metropolitan Action Commission to locate the best candidates to consider when hiring the Commission's next executive director. The agreement is valid through September 30, 2026.

T.C.A. § 12-3-1205(b) authorizes local governments to participate in cooperative purchasing agreements with governmental entities outside of the state as long as the goods or services were competitively procured by the other governmental entity. T.C.A. § 12-3-1205(b) further provides that local governments may participate in a master agreement by adopting a resolution accepting the terms of the master agreement.

**Sponsors:** Porterfield and Evans

**47. [RS2024-398](#)**

A resolution to appropriate grant funds from the Tennessee Housing Development Agency to the Metropolitan Government, acting by and through the Metropolitan Action Commission, for Low Income Home Energy Assistance Program (LIHEAP) services targeted toward the elderly, disabled, veterans, and households with young children.

**Analysis**

This resolution appropriates grant funds from the Tennessee Housing Development Agency to the Metropolitan Action Commission in the amount not to exceed \$5,960,415.51 with no cash match required. The funds will be used for the Low Income Home Energy Assistance Program (LIHEAP) services, which provides financial assistance with energy costs targeted towards the elderly, disabled, veterans and households with young children. The grant terms began on October 1, 2023 and ends September 30, 2025.

The Metropolitan Action Commission has accepted this grant agreement pursuant to its authority in Metropolitan Code of Laws Section 2.108.050.

**Sponsors:** Porterfield, Evans, Welsch, Ellis, Allen and Suara

**48. [RS2024-399](#)**

A resolution amending Resolution RS2022-1450, which appropriated \$1,823,000.00 in American Rescue Plan Act Funds to the Raphah Institute, to extend the projected program

term through June 30, 2025.

Analysis

This resolution amends Resolution No. RS2022-1450, which appropriated \$1,823,000 in American Rescue Plan Act funds from Fund #30216 to the Raphah Institute to provide more resources in home based child care and invest in efforts to build capacity and build up high-quality child care programs. The project term is through June 30, 2024.

The resolution under consideration extends the end date of the Raphah Institute's program through June 30, 2025.

**Sponsors:** Gamble, Sepulveda, Johnston, Porterfield, Welsch, Ellis, Allen and Styles

**49. [RS2024-400](#)**

A resolution amending Resolution RS2023-1948, as amended, which appropriated \$75,000.00 in American Rescue Plan Act Funds to the Nashville Voluntary Organization Active in Disasters (VOAD) coalition, to extend the projected program term through December 31, 2024.

Analysis

This resolution amends Resolution No. RS2023-1948, which appropriated \$75,000 in American Rescue Plan Act funds from Fund #30216 to the Nashville Voluntary Organization Active Disasters ("VOAD") coalition for a pilot program to engage the community in emergency preparedness through June 30, 2024.

This resolution was previously amended by RS2023-2147 to clarify that the funds will be appropriated to the Community Foundation of Middle Tennessee as the fiscal sponsor of VOAD and by RS2023-2286 to reincorporate Exhibit A, which had been inadvertently deleted.

The resolution under consideration extends the end date of the VOAD's pilot program through December 31, 2024.

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

**50. [RS2024-401](#)**

A resolution to approve the Second Amendment to a grant contract for constructing affordable housing approved by RS2021-936 between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission, and Woodbine Community Organization and Samaritan Recovery Community Inc.

Analysis

This resolution approves the second amendment to two grant contracts originally approved by Resolution No. RS2021-936. The grant contracts are between the Metropolitan Housing Trust Fund Commission and Woodbine Community Organization and Samaritan Recovery Community Inc. for the express purpose of constructing affordable housing.

RS2021-936 approved a contract for a grant of \$2,000,000 to Woodbine Community Organization to be used for the construction of 67 affordable housing units for rental on Elysian Fields Road. The first amendment to this contract was approved pursuant to RS2023-2043 and extended the term from 24 months to 36 months.

RS2021-936 approved a contract for a grant of \$2,000,000 to Samaritan Recovery Community Inc. to be used for the construction of 195 affordable housing units for rental on South 4th Street. The first amendment to this contract was approved pursuant to RS2023-2043 and extended the term from 24 months to 36 months.

The amendments under consideration extend the term of each grant contract from 36 months to 48 months. No other changes would be made to the contracts.

**Sponsors:** Porterfield, Gamble, Welsch and Allen

51. [RS2024-402](#)

A resolution accepting the terms of a cooperative purchasing master agreement for heavy equipment, parts, accessories, and related services for Department of General Services by and through the Office of Fleet Management.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for the purchase of heavy equipment, parts, accessories, and related services for the Department of General Services by and through the Office of Fleet Management. The purchase agreement is between the City of Tucson, a state of Arizona governmental entity, and Caterpillar, Inc. According to the cooperative purchasing request, utilizing the master purchasing agreement would provide increased availability and competitive pricing for the equipment, goods, and services sought by the Department of General Services. The agreement is valid through October 2, 2024 with four option years.

T.C.A. § 12-3-1205(b) authorizes local governments to participate in cooperative purchasing agreements with governmental entities outside of the state as long as the goods or services were competitively procured by the other governmental entity. T.C.A. § 12-3-1205(b) further provides that local governments may participate in a master agreement by adopting a resolution accepting the terms of the master agreement.

**Sponsors:** Porterfield

52. [RS2024-403](#)

A resolution approving a sole source contract between the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Public Library, and OverDrive, Inc. for the provision of ebooks, Eaudiobooks, ArtistWorks, eMagazines, and Kanopy Subscription Service.

Analysis

This resolution approves a sole source contract between the Nashville Public Library and Overdrive, Inc., to provide e-books, e-audio books, e-magazines, and other programs and library subscription services.

Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

This sole source contract is before the Council for consideration because the estimated value of the contract is \$21,500,000. The term of the contract is 60 months, beginning upon approval of all parties and filing with the Metropolitan Clerk's Office.

According to the sole source justification form approved by the Metro Purchasing Agent, Overdrive possesses a unique list of e-books, e-audiobooks, e-magazines, and films not found with other e-book platforms. Overdrive is also the sole distributor of the Artistworks and Kanopy databases. Moving to another e-book platform would require a time-consuming and difficult transition and could potentially remove access to 20 to 30 percent of the titles previously purchased by the library.

*Fiscal Note: The estimated value of this sole source contract number 6546417 with OverDrive, Inc. for eBooks, eAudiobooks, ArtistWorks, eMagazines and Kanopy subscription service is \$21,500,000 to be paid from multiple Fund 330404/10101/30003, and multiple Business Unit 39304045/39304043/39706280/39101030/39201000. However, actual expenses may be paid from various department's fund and business unit when purchase orders are issued.*

**Sponsors:** Porterfield, Styles and Welsch

**53. [RS2024-404](#)**

A resolution approving a sole source contract between the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Public Library, and the Rosen Publishing Group, Inc. for licenses and database access to interactive eBooks across a range of subjects and formats that impact successful student learning outcomes.

**Analysis**

This resolution approves a sole source contract between the Nashville Public Library ("NPL") and the Rosen Publishing Group, Inc., to provide licenses and database access to interactive eBooks across a range of science-based subjects and formats.

Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

This sole source contract is before the Council for consideration because the estimated value

of the contract is \$350,925. The term of the contract is 60 months, beginning no earlier than May 20, 2024, or upon approval of all parties and filing with the Metropolitan Clerk's Office.

According to the sole source justification form approved by the Metro Purchasing Agent, Rosen Publishing provides NPL and Metropolitan Nashville Public Schools educators and students with curriculum software for researchers and report writing, a suite of science education software, teen health and wellness research and curriculum software, and a separate LevelUp Student Core online course. No other databases support all aspects of science specifically geared towards children.

*Fiscal Note: The estimated value of this sole source contract number 6548210 with The Rosen Publishing Group, Inc. for renewals of licenses and database such as Gareth Report Builder Interactive, Rosen Power Knowledge Science Suite, Rosen Digital Teen Health and Wellness Research and Curriculum Software and LevelUp Student Core is \$350,925 to be paid from Fund 10101, Business Unit 39101090. However, actual expenses may be paid from various department's fund and business unit when purchase orders are issued.*

**Sponsors:** Porterfield, Styles and Welsch

**54. [RS2024-405](#)**

A resolution accepting the terms of a cooperative purchasing master agreement for promotional and commemorative items for the Nashville Public Library.

**Analysis**

This resolution accepts the terms of a cooperative purchasing master agreement for the purchase of promotional and commemorative items for the Nashville Public Library. The purchase agreement is between the Harris County Department of Education, a Texas state governmental agency, and Blink Marketing, Inc. According to the cooperative purchasing request, utilizing the master purchasing agreement would allow the most streamlined access to promotional goods and would be the most cost-effective procurement methods for the goods. The agreement is valid through July 20, 2024 with two option renewals.

T.C.A. § 12-3-1205(b) authorizes local governments to participate in cooperative purchasing agreements with governmental entities outside of the state as long as the goods or services were competitively procured by the other governmental entity. T.C.A. § 12-3-1205(b) further provides that local governments may participate in a master agreement by adopting a resolution accepting the terms of the master agreement.

**Sponsors:** Porterfield and Styles

**55. [RS2024-406](#)**

A resolution accepting the terms of a cooperative purchasing master agreement for hardware, software, cloud and technology solutions, technology accessories and professional services for the Nashville Public Library Department.

**Analysis**

This resolution accepts the terms of a cooperative purchasing master agreement for the purchase of hardware, software, cloud and technology solutions, technology accessories, and professional services for the Nashville Public Library. The purchase agreement is between Sourcewell, a state of Minnesota governing agency, and CDW Government LLC. According to the cooperative purchasing request, utilizing the master purchasing agreement would provide the most efficient access to CDW products for technology needs. The agreement is valid through October 30, 2024.

T.C.A. § 12-3-1205(b) authorizes local governments to participate in cooperative purchasing agreements with governmental entities outside of the state as long as the goods or services were competitively procured by the other governmental entity. T.C.A. § 12-3-1205(b) further provides that local governments may participate in a master agreement by adopting a resolution accepting the terms of the master agreement.

**Sponsors:** Porterfield, Styles and Welsch

**56. [RS2024-407](#)**

A resolution appropriating a total of \$33,390.40 from the Nashville Public Library to An Array of Charm Camps for Youth Development for the provision of summer programming to youth for rising 5th-9th graders in June 2024.

**Analysis**

This resolution appropriates a total of \$33,390.40 from the Nashville Public Library to An Array of Charm Camps for Youth Development to provide free and high-quality afterschool programming through Nashville Public Library's Nashville After Zone Alliance ("NAZA") program.

Pursuant to the grant agreement, An Array of Charm Camps for Youth Development will provide summer programming to youth for rising 5th through 9th graders Monday through Friday during the Metropolitan Nashville Public Schools summer break. The programs will run at least four weeks at a minimum of four hours per day. The term of this grant begins May 1, 2024, and ends June 30, 2024.

**Sponsors:** Porterfield, Styles, Welsch, Ellis, Allen and Suara

**57. [RS2024-408](#)**

A resolution appropriating a total of \$56,779 to increase the individual grant amounts and amend grant contracts from the Nashville Public Library to specific non-profit organizations for the provision of summer programming to youth for rising 5th-9th graders in June 2024.

**Analysis**

This resolution amends grant contracts with three non-profit organizations that provide free and high-quality afterschool programming through Nashville Public Library's Nashville After Zone Alliance ("NAZA") program. The original grant contracts were approved by RS2023-2282 and were amended to provide additional funding through RS2023-2375.

The resolution under consideration amends three grant contracts to appropriate an additional \$56,779, as follows:

- \$34,843 to Backfield in Motion (for a new grant total of \$353,788);
- \$15,486 to Moves and Grooves, Inc. (for a new grant total of \$145,276);
- \$6,450 to YMCA of Middle Tennessee (for a new grant total of \$193,900).

**Sponsors:** Porterfield, Styles, Welsch, Allen and Suara

**58. [RS2024-409](#)**

A resolution approving a contract by and between The Metropolitan Government of Nashville and Davidson County and Saylor's Golf Carts, Inc. for the provision of golf cart rentals and maintenance.

**Analysis**

This resolution approves a contract between the Department of Parks and Recreation and Saylor's Golf Carts, Inc., for the provision and maintenance of golf cart rentals.

Section 5.04.020 of the Metro Code of Laws requires that all leases of equipment be approved by resolution of the Council if the annual expenditure of the lease exceeds \$5,000.

The term of the contract is 60 months, beginning no earlier than April 17, 2024, or upon approval of all parties and filing with the Metropolitan Clerk's Office. The estimated value of the contract is \$3,000,000. A detailed scope of services is attached to the agreement as Exhibit B.

*Fiscal Note: The estimated value of this lease contract number 6562366 with Saylor's Golf Carts, Inc. for golf carts rental and maintenance is \$3,000,000 to be paid from Fund 30802, Business Unit 40700900. However, actual expenses may be paid from various department's fund and business unit when purchase orders are issued.*

**Sponsors:** Porterfield and Styles

**59. [RS2024-410](#)**

A resolution accepting a Presumptive Eligibility Services grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide prenatal presumptive eligibility program enrollment assistance to pregnant women and presumptive eligibility program enrollment assistance to individuals diagnosed with breast or cervical cancer or precancerous conditions of those diseases.

**Analysis**

This resolution accepts a Presumptive Eligibility Services grant from the Tennessee Department of Health to the Metropolitan Board of Health. The grant would provide prenatal presumptive eligibility TennCare enrollment assistance to pregnant women and individuals diagnosed with breast cancer, cervical cancer, or precancerous conditions of these diseases.

The grant amount is \$619,800 with no cash match required. The contract term begins on July

1, 2024 and ends on June 30, 2027.

**Sponsors:** Porterfield, Evans, Welsch, Allen and Suara

**60. [RS2024-411](#)**

A resolution appropriating a total of \$1,530,329 from the Metropolitan Government of Nashville and Davidson County, acting by and through the Office of Homeless Services, to various non-profit organizations to build the capacity of the Nashville-Davidson County Continuum of Care to address homelessness.

**Analysis**

This resolution authorizes grants not exceeding \$1,530,329 to four nonprofit organizations selected to build the capacity of the Nashville-Davidson County Continuum of Care to address homelessness. The grant contracts are attached to the resolution.

On October 4, 2022, the Metropolitan Council adopted Resolution No. RS2022-1699, which appropriated American Rescue Plan Act funding to the Office of Homeless Services to establish a low-barrier housing collection and fund competitive grants for support services. The Office of Homeless Services accepted applications for the one-time, capacity building grants and recommends the following allocations:

- Dismas House, Inc. - \$205,763
- Mending Hearts, Inc. - \$130,000
- The Contributor, Inc. - \$762,566
- Park Center, Inc. - \$432,000

Tenn. Code Ann. § 7-3-314 authorizes Metro to provide financial assistance to nonprofit organizations. In addition, Section 5.04.070 of the Metro Code of Laws provides that the Council may appropriate funds for the financial aid of nonprofit organizations by resolution.

Per state law and section 5.04.070 of the Metro Code, adoption of this resolution requires 21 affirmative votes.

**Sponsors:** Porterfield, Evans, Welsch, Ellis, Allen and Suara

**61. [RS2024-412](#)**

A resolution appropriating a total of \$436,400 from the Metropolitan Government of Nashville and Davidson County, acting by and through the Office of Homeless Services, to Safe Haven Family Shelter for the provision of hotel rooms across the Nashville area for emergency alternative shelter for families with minor children.

**Analysis**

This resolution appropriates a total of \$436,400 from the Office of Homeless Services to Safe Haven Family Shelter for the provision of hotel rooms across the Nashville area for emergency alternative shelter for families with minor children.

Pursuant to the grant agreement, Safe Haven Family Shelter will provide alternative hotel shelter rooms for 80 families over a 12 month period. The grant amount is based upon services for 80 families for 90 days, which is the average length of time from hotel shelter entry to housing date, with a cost of \$55 per night. The grant amount also includes funding for supplies and groceries. The term of this grant begins on May 8, 2024, and extends for 12 months.

**Sponsors:** Porterfield, Evans, Welsch, Ellis, Allen, Suara and Styles

**62. [RS2024-413](#)**

A resolution approving an agreement between Middle Tennessee State University (“MTSU”) and the Metropolitan Government of Nashville and Davidson County, by and through the Nashville Fire Department (“NFD”), to provide all qualifying employees with affordable access to degrees offered by MTSU.

**Analysis**

This resolution approves an agreement between Middle Tennessee State University (“MTSU”) and the Nashville Fire Department (“NFD”) to offer reduced tuition and fees to NFD employees.

This program is open to all NFD employees. Students must meet the MTSU requirements for admission to the university and the Eligibility Verification of Entitlements Act. The tuition for the first course of degree seeking undergraduate program will be \$200. Additional courses will have an 18% discount applied toward the undergraduate or graduate in-state tuition rate at the time of registration. The mandatory program service fee of \$82 per credit hour will not apply to the first course but will be applied to any additional credit hour. The rates above do not include other non-mandatory fees charges, any online course fees, meal plan charges, room and board, etc.

The term of this agreement is two years and may be extended upon mutual agreement of the parties for up to three additional years. The agreement may be terminated by either party upon 30-days written notice, or the end of the academic year, whichever occurs first. Any students enrolled in the program at the time of termination would be eligible to receive educational services until they complete their courses of curricula or withdraw for enrollment.

*Fiscal Note: There is no cost to Metro for the performance of this agreement.*

**Sponsors:** Porterfield, Evans, Welsch, Ellis and Allen

**63. [RS2024-414](#)**

A resolution accepting an in-kind grant from State Farm to the Metropolitan Government, acting by and through the Metropolitan Nashville Fire Department, to receive two scholarships to attend the State Farm Arson Dog Program including all training fees, acquisition of the dogs, and certification of the K-9 team.

**Analysis**

This resolution accepts an in-kind grant from State Farm to Metropolitan Nashville Fire Department (“NFD”) for two scholarships to attend the State Farm Arson Dog Program. The

estimated value of the in-kind grant is \$50,000 (\$25,000 for each scholarship) with no cash match required. The scholarships include all training fees, acquisition of the dog, certification of the K-9 team, lodging during the training, and transportation to and from the training facility. NFD's operating budget will fund the expenses continuation of services after the grant's expiration. Upon successful completion of the four-week training program, NFD will receive two certified Arson Dogs.

**Sponsors:** Porterfield, Evans, Bradford and Ellis

**64. [RS2024-415](#)**

A resolution approving a sole source contract between the Metropolitan Government of Nashville and Davidson County and Benchmark Solutions, LLC dba Benchmark Analytics, LLC, to provide the Benchmark Management System, among other things for the Metro Nashville Police Department.

**Analysis**

This resolution approves a sole source contract between the Metropolitan Nashville Police Department ("MNPDP") and Benchmark Solutions, LLC, d/b/a Benchmark Analytics, LLC, to provide the Benchmark Management System and other software programs to the police department.

Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

This sole source contract is before the Council for consideration because the estimated value of the contract is \$336,000. The term of the contract is 36 months, beginning on November 12, 2024 or, if later, upon approval of all parties and filing with the Metropolitan Clerk's Office. The contract may be extended for two years by the Metro Purchasing Agent.

According to the sole source justification form approved by the Metro Purchasing Agent, MNPDP has used software from Benchmark Solutions through a sole source contract for the past five years -- the original sole source contract was adopted by Resolution No. RS2018-1462. The form also states that the Benchmark system is highly integrated within MNPDP, and continuing the support and subscription licensing would allow continuity of MNPDP operations.

*Fiscal Note: The estimated value of this sole source contract number 6546423 with Benchmark Solutions, LLC dba Benchmark Analytics LLC for Benchmark Management System, First Sign Early Intervention, and C.A.R.E. (Case Action Response Engine) software licensing project management, training and support to MNPDP's crime lab is \$336,000 to be paid from Fund 10101, Business Unit 31160110. However, actual expenses may be paid from various department's fund and business unit when purchase orders are issued.*

**Sponsors:** Porterfield and Evans

**65. [RS2024-416](#)**

A resolution approving the first amendment to an agreement between the Metropolitan Government of Nashville and Davidson County and Bode Cellmark Forensics, Inc. dba Bode Technology to provide testing of forensic biological evidence.

**Analysis**

This resolution approves the first amendment to a sole source contract between the Metropolitan Nashville Police Department and Bode Cellmark Forensics, Inc., d/b/a Bode Technology, to provide forensic biological evidence testing.

Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

This contract amendment is before the Council for consideration because the estimated value of the contract would increase from \$250,000 to \$1,000,000. The amendment also adds language required by Tenn. Code Ann. § 12-4-119 prohibiting the contractor from engaging in a boycott of Israel for the duration of the contract. The agreement is set to expire on March 9, 2027.

According to the sole source justification form attached to the original agreement, Bode Technology was identified as an outsourcing vendor to test forensic biological evidence. This vendor has been vetted by the FBI and MNPD Crime Lab and meets international forensic accreditation standards. The original contract used funding from a federal DNA Capacity Enhancement and Backlog Reduction Grant, which was approved by the Metropolitan Council through Resolution No. RS2020-662.

*Fiscal Note: This amendment to the sole source contract number 6489776 with Bode Cellmark Forensics, Inc. dba Bode Technology increases the contract value by \$750,000 to a new estimated contract life value of \$1,000,000 to be paid from Fund 10101, Business Unit 31121760.*

**Sponsors:** Porterfield and Evans

**66. [RS2024-417](#)**

A resolution approving amendment one to a Community-Based Traffic Safety Enforcement and Education grant from the Tennessee Highway Safety Office to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to continue the enhanced DUI enforcement initiative and target distracted driving and seatbelt enforcement.

**Analysis**

This resolution approves the first amendment to a grant from the Tennessee Highway Safety Office to the Metropolitan Nashville Police Department, previously adopted by Resolution No.

RS2023-18.

The original resolution accepted a grant of \$600,000 with no cash match to continue the enhanced DUI enforcement initiative and target distracted driving and seatbelt enforcement. The grant term began on October 1, 2023, and will end on September 30, 2024.

The amendment under consideration increases the grant amount by \$50,000 from \$600,000 to \$650,000. The grant budget attachment would be updated accordingly. No other changes would be made to the grant agreement.

**Sponsors:** Porterfield and Evans

**67. [RS2024-418](#)**

A resolution approving an intergovernmental agreement between the State of Tennessee, Department of Transportation, and the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure, for the repair of existing pavement failures and resurfacing of 3.105 miles of Tulip Grove Road; State Project No. 19SAR1-S8-015, PIN: 133444. (Prop. No. 2024M-014AG-001).

**Analysis**

This resolution approves an agreement between the Tennessee Department of Transportation ("TDOT") and the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") for the repairing of existing pavement failures and the resurfacing of 3.105 miles of Tulip Grove Road, from State Route 265 to State Route 24.

The total cost estimate is \$1,887,100. TDOT will fund 98 percent, or \$1,849,358, and NDOT will fund the remaining two percent of the project, or \$37,742. The term of the agreement begins on the last date of signature and will extend to June 30, 2024. When the project is completed, the Metropolitan Government will assume ownership and responsibility for maintenance of the project.

T.C.A. § 12-9-104 authorizes the approval of intergovernmental agreements with the State of Tennessee by resolution.

*Fiscal Note: The total project cost is \$1,887,100. Metro would pay \$37,742 or 2% of the total cost for the repair of existing pavement failures and resurfacing of 3.105 miles of Tulip Grove Road.*

**Sponsors:** Evans, Porterfield, Gamble and Parker

**68. [RS2024-419](#)**

A resolution approving an intergovernmental agreement between the State of Tennessee, Department of Transportation, and the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure, for the repair of existing pavement failures and resurfacing of 1.251 miles of Coopertown Road; State Project No. 19SAR1-S8-017, PIN: 134655. (Prop. No.

2024M-013AG-001).

Analysis

This resolution approves an agreement between the Tennessee Department of Transportation (“TDOT”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) for the repairing of existing pavement failures and the resurfacing of 1.251 miles of Coopertown Road, from State Route 65 to the Cheatham County line.

The total cost estimate is \$509,500. TDOT will fund 98 percent, or \$499,310, and NDOT will fund the remaining two percent of the project, or \$10,190. The term of the agreement begins on the last date of signature and will extend to June 30, 2024. When the project is completed, the Metropolitan Government will assume ownership and responsibility for maintenance of the project.

T.C.A. § 12-9-104 authorizes the approval of intergovernmental agreements with the State of Tennessee by resolution.

*Fiscal Note: The total project cost is \$509,500. Metro would pay \$10,190 or 2% of the total cost for the repair of existing pavement failures and resurfacing of 1.251 miles of Coopertown Road.*

**Sponsors:** Kimbrough, Porterfield, Gamble and Parker

**69. [RS2024-420](#)**

A resolution approving an intergovernmental agreement between the State of Tennessee, Department of Transportation, and the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure, for the repair of existing pavement failures and resurfacing of 4.831 miles of Burkitt Road; State Project No. 19SAR1-S8-014, PIN: 133438. (Prop. No. 2024M-012AG-001).

Analysis

This resolution approves an agreement between the Tennessee Department of Transportation (“TDOT”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) for the repairing of existing pavement failures and the resurfacing of 4.831 miles of Burkitt Road, from State Route 11 to Muci Drive.

The total cost estimate is \$2,647,800. TDOT will fund 98 percent, or \$2,594,844, and NDOT will fund the remaining two percent of the project, or \$52,956. The term of the agreement begins on the last date of signature and will extend to June 30, 2024. When the project is completed, the Metropolitan Government will assume ownership and responsibility for maintenance of the project.

T.C.A. § 12-9-104 authorizes the approval of intergovernmental agreements with the State of Tennessee by resolution.

*Fiscal Note: The total project cost is \$2,647,800. Metro would pay \$52,956 or 2% of the total*

*cost for the repair of existing pavement failures and resurfacing of 4.831 miles of Burkitt Road.*

**Sponsors:** Porterfield, Gamble and Parker

**70. [RS2024-421](#)**

A resolution approving a third amendment to an intergovernmental agreement between the State of Tennessee, Department of Transportation, and the Metropolitan Government, by and through the Nashville Department of Transportation and Multimodal Infrastructure, for the acceptance of work in connection with the construction of a sidewalk on Lebanon Pike, from McGavock Pike to Old Lebanon Pike. Federal Project No. STP-M-24(60); State Project No. 19LPLM-F3-130; PIN 121729.00; Prop. No. 2020M-018AG-003.

**Analysis**

This resolution approves the third amendment to an intergovernmental agreement between the Tennessee Department of Transportation and the Nashville Department of Transportation and Multimodal Infrastructure. The original agreement, adopted by Resolution No. RS2015-1535, provides for the acceptance of work in connection with the construction of a sidewalk on Lebanon Pike (State Route 24) from McGavock Pike to Old Lebanon Pike.

Amendment one to this agreement was approved by Resolution No. RS2020-512 and extended the completion date of the agreement to May 31, 2022. The amendment also added language to allow for the use of TDOT on-call consultants for future services. Amendment two was approved by Resolution No. RS2022-1433 and extended the completion date from May 31, 2022, to May 31, 2024. The total cost of the project, as amended by RS2020-512, was \$3,800,000.

The amendment under consideration would amend the project costs and extend the project completion date from May 31, 2024 to June 30, 2026. Exhibit A would be replaced to reflect the increased cost of right-of-way phase, which now has a total value of \$1,637,400, and the increased costs of construction associated with the project.

*Fiscal Note: The total estimated cost of the project after this amendment would be \$6,681,080, of which Metro would pay 20%. This is an increase of \$2,881,080.*

**Sponsors:** Gregg, Porterfield, Gamble and Parker

**71. [RS2024-422](#)**

A resolution accepting a donation from Rock Nashville Properties, LLC in the amount of \$75,000 as a contribution towards infrastructure improvements at the Whites Creek Pike and Briley Parkway interchange.

**Analysis**

This resolution accepts a donation from Rock Nashville Properties, LLC to the Nashville Department of Transportation in the amount of \$75,000. This donation will be used towards infrastructure improvements at the Whites Creek Pike and Briley Parkway interchange.

The Council is authorized to approve donations by resolution pursuant to Metropolitan Code of Laws section 5.04.120.B.

**Sponsors:** Toombs, Porterfield, Parker and Welsch

**72. [RS2024-423](#)**

A resolution accepting a Transportation Planning grant from the Tennessee Department of Transportation to the Metropolitan Government, acting by and through the Nashville Department of Transportation & Multimodal Infrastructure (NDOT) for a safety evaluation study of State Route 45 - Old Hickory Boulevard.

**Analysis**

This resolution accepts a Transportation Planning grant from the Tennessee Department of Transportation to the Nashville Department of Transportation and Multimodal Infrastructure for a safety evaluation study of State Route 45 - Old Hickory Boulevard. The grant amount would not exceed \$200,000 with a \$20,000 cash match required. The grant period begins on May 31, 2024 and ends on May 30, 2026.

The grant would fund a safety evaluation study of a 3.2-mile section of Old Hickory Boulevard between Bell Road and Wright Avenue. This section of road has been identified for safety improvements through the Vision Zero Implementation Plan because of a high number of severe crashes there. The study seeks to identify effective safety measures for future implementation to reduce the frequency and severity of crashes on this road, particularly those involving pedestrians.

**Sponsors:** Porterfield and Parker

**73. [RS2024-424](#)**

A resolution approving an application for a Climate Pollution Reduction grant from the U.S. Environmental Protection Agency to the Metropolitan Government, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), to develop and implement plans for reducing greenhouse gas emissions and other harmful air pollution.

**Analysis**

This resolution approves an application for a Climate Pollution Reduction grant from the U.S. Environmental Protection Agency to the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT"). The application requests a grant award of \$2,077,033 with no cash match required. If the grant is awarded, the grant funds would be used to expand the Nashville Connector program by implementing an electric bike rebate program through Nashville and Davidson County. The program would offer vouchers at a sliding scale to help reimburse residents' costs for purchasing an e-bike.

**Sponsors:** Porterfield, Parker, Hancock, Welsch, Bradford and Ellis

**74. [RS2024-425](#)**

A resolution authorizing 222 Venture LLC to construct and install an aerial encroachment at 222 4th Avenue North (Proposal No. 2023M-005EN-001).

Analysis

This resolution authorizes 222 Venture LLC to construct and install an aerial encroachment at 222 4th Avenue North.

The encroachment is for one 132-inch by 60-inch projection sign that encroaches the right of way at 4th Avenue North. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachment. Prior to receiving a permit, the applicant must file a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk and the Nashville Department of Transportation and Multimodal Infrastructure naming the Metropolitan Government as an insured party.

This resolution must be approved by 21 affirmative votes.

**Sponsors:** Kupin, Gamble and Parker

**75.** [RS2024-426](#)

A resolution authorizing Powers Management, L.L.C. to construct and install an aerial encroachment at 501 Broadway (Proposal No. 2024N-006EN-001).

Analysis

This resolution authorizes Powers Management, L.L.C., to construct and install an aerial encroachment at 501 Broadway. The encroachment is for three fabric-wrapped awnings anchored to the building façade above certain window frames at Bridgestone Arena.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachment. Prior to receiving a permit, the applicant must file a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk and the Nashville Department of Transportation and Multimodal Infrastructure naming the Metropolitan Government as an insured party.

This resolution must be approved by 21 affirmative votes.

**Sponsors:** Kupin, Gamble and Parker

**76.** [RS2024-427](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Robert Steger against the Metropolitan Government for \$30,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On August 21, 2023, Robert Steger was travelling east on Ewing Drive when he slowed his vehicle before stopping at the intersection of Ewing Drive and Brick Church Pike. A truck operated by a Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) employee was behind Mr. Steger’s vehicle and rear-ended it near the intersection. A payment was previously made for damage to Mr. Steger’s vehicle, which totaled \$11,913.81.

Mr. Steger reported strained muscles in his neck with sharp, stabbing pains on his left and right sides. He was transported by ambulance to the hospital and sought additional care from a spine center. He received treatment to improve his ability to perform daily activities, reduce muscular spasms and hypertonicity, restore proper range of motion, and reduce pain. His medical costs totaled \$19,717.60.

The Department of Law recommends settlement of Mr. Steger's personal injury claim for \$30,000.

Disciplinary action against the NDOT employee is pending.

*Fiscal Note: The total settlement amount is \$30,000. This settlement along with Resolution No. RS2024-428 would be the 25th and 26th payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$1,406,067. The fund balance would be \$13,910,870 after these payments.*

**Sponsors:** Porterfield

77. [\*\*RS2024-428\*\*](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Eric Stout against the Metropolitan Government of Nashville and Davidson County in the amount of \$183,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

Analysis

On April 18, 2021, Eric Stout was visiting Lower Broadway in Downtown Nashville. After leaving an establishment on Broadway, Mr. Stout began walking towards his hotel. Mr. Stout walked in front of Rippy's near Broadway and where several blocks were missing in the sidewalk. Mr. Stout's foot caught in the hole formed by these bricks, and he fell. He was taken to the emergency room, where he was diagnosed with a fractured patella in his left knee.

The hole at issue in this case was caused by approximately five missing bricks in the sidewalks at 429 Broadway. NDOT was notified of "missing bricks in front of Rippy's" by the Nashville Downtown Partnership. The "problem address" listed was 416A Broadway, which was not the correct address. NDOT personnel went to the address listed and did not find missing bricks at that location. NDOT personnel did not inspect the area in front of Rippy's. After Mr. Stout's fall, NDOT was again notified of the hole and repaired the area to prevent further injury.

Mr. Stout returned to his home in California to have surgery to repair the fracture which included permanent surgical hardware installed in his knee. He also required physical therapy and continues to have pain in his left knee. Additional surgery may also be needed to remove the hardware in Mr. Stout's knee. Mr. Stout has incurred \$57,024.16 in medical expenses to date and estimates another \$40,398 for medical expenses for the rest of his life.

Mr. Stout sued the Metropolitan Government alleging negligence. If the case were to go to trial,

the Metropolitan Government would incur significant litigation expense.

The Department of Law recommends settlement of Mr. Stout's negligence claim for \$183,000.

*Fiscal Note: The total settlement amount is \$183,000. This settlement along with Resolution No. RS2024-427 would be the 25th and 26th payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$1,406,067. The fund balance would be \$13,910,870 after these payments.*

**Sponsors:** Porterfield

78. [RS2024-429](#)

A resolution approving a contract between the Metropolitan Government of Nashville and Davidson County and Isaiah 58, Inc. dba Spring Back Mattress Recycling for the provision of mattress recycling.

Analysis

This resolution approves a sole source contract between Metro Water Services and Isaiah 58, Inc d/b/a Spring Back Recycling to provide mattress recycling services, including providing containers to each solid waste convenience center, picking up and delivering mattresses and box springs to its facility, and tearing apart and baling each piece and separate material.

Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

This sole source contract is before the Council for consideration because the estimated value of the contract is \$2,000,000. The term of the contract is 60 months, beginning no earlier than April 3, 2024, or upon approval of all parties and filing with the Metropolitan Clerk's Office.

According to the sole source justification form approved by the Metro Purchasing Agent, Spring Back Recycling is the only mattress recycler that provides service in Nashville.

*Fiscal Note: The estimated value of this sole source contract number 6560739 with Isaiah 58, Inc. dba Spring Back Mattress Recycling for mattress recycling services is \$2,000,000 to be paid from Fund 30501, Business Unit 65804520. However, actual expenses may be paid from various department's fund and business unit when purchase orders are issued.*

**Sponsors:** Porterfield, Parker and Allen

79. [RS2024-430](#)

A resolution accepting the terms of a cooperative purchasing master agreement for a suite of applications that allows integration of energy bills into one platform for the Department of Water and Sewerage Services.

Analysis

The resolution accepts the terms of a master purchasing agreement for the purchase of suite of applications that would the Department of Water and Sewerage Services to integrate energy bills into one platform. The purchasing agreement is between the U.S. General Services Administration, which is a federal government agency, and EnergyCAP, Inc. According to the cooperative purchase request, EnergyCap provides a suite of applications that allows the integration of energy bills into one platform for easy tracking and reporting. The agreement is valid through March 11, 2025.

T.C.A. § 12-3-1205(b) authorizes local governments to participate in cooperative purchasing agreements with governmental entities outside of the state as long as the goods or services were competitively procured by the other governmental entity. T.C.A. § 12-3-1205(b) further provides that local governments may participate in a master agreement by adopting a resolution accepting the terms of the master agreement.

**Sponsors:** Porterfield and Parker

**80. [RS2024-431](#)**

A resolution approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and Nolensville Owner LLC, a subsidiary of Southern Land Company, to provide public sanitary sewer service improvements for Nolensville Owner LLC's proposed development, as well as other existing properties in the area (MWS Project No. 23-SL-0178 and Proposal No. 2024M-018AG-001).

**Analysis**

This resolution approves a participation agreement between the Metropolitan Department of Water and Sewerage Services ("Metro") and Nolensville Owner, LLC, a subsidiary of Southern Land Company ("Developer"). The agreement allows the Developer to design and install approximately 1,664 linear feet of new 24-inch sanitary sewer main (DIP), approximately 5,192 linear feet of new 20-inch sanitary sewer main (DIP), approximately 3,592 linear feet of new 18-inch sanitary sewer main (PVC), approximately 3,056 linear feet of new 18-inch sanitary sewer main (DIP), approximately 674 linear feet of new 12-inch sanitary sewer main (PVC), approximately 958 linear feet of new 12-inch sanitary sewer main (DIP), approximately 3,872 linear feet of new eight-inch sanitary sewer main (PVC), approximately 230 linear feet of new eight-inch sanitary sewer main (DIP), and 89 new sanitary sewer manholes, to serve the general community of Nashville and Davidson County.

Metro will inspect the construction upon completion and will be responsible for ongoing operation and maintenance upon acceptance. Metro will pay the lesser of either half of the project cost or \$5,000,000 as part of the agreement. The improvements must be operational by July 1, 2025, or the contract will be null and void.

Ordinance No. BL2022-1214 allows Metro to enter into participation agreements to fund infrastructure with developers by resolution of the Metropolitan Council. The Metropolitan Planning Commission has recommended approval of the agreement.

*Fiscal Note: Metropolitan Department of Water and Sewerage Services would pay the lesser of 50% of the actual project costs not to exceed \$5,000,000 towards public sanitary sewer service improvements for Nolensville Owner LLC's proposed development Storyvale to be paid from Fund Number 47410.*

**Sponsors:** Porterfield, Gamble and Parker

**81. [RS2024-432](#)**

A resolution to amend Ordinance No. BL2023-1801, as amended, to authorize The Metropolitan Government of Nashville and Davidson County to modify the linear feet of sanitary sewer mains and manholes to be abandoned and to accept additional new public sanitary sewer manholes, for two properties located at 30 and 90 Peabody Street, also known as Peabody Union Sewer (MWS Project No. 21-SL-221 and Proposal No. 2023M-208ES-003).

**Analysis**

Ordinance No. BL2023-1801 was approved by the Metropolitan Council on May 8, 2023, and amended by Resolution No. RS2024-317 on March 20, 2024. The legislation authorized the acceptance of approximately 756 linear feet of existing eight-inch sanitary sewer mains and one sanitary sewer main, the lowering of approximately 116 linear feet of existing eight-inch sanitary sewer main, and the acceptance of approximately 738 linear feet of new 12-inch sanitary sewer main, four sanitary sewer manholes and lining of four existing sanitary sewer manholes for two properties located at 30 and 90 Peabody Street, also known as Peabody Union Sewer. BL2023-1801 provided that amendments to the ordinance may be approved by resolution.

The resolution under consideration amends this legislation to accept two additional new public sanitary sewer manholes. Also, the previously approved abandonment of approximately 534 linear feet of existing eight-inch sanitary sewer main, an existing sanitary sewer manhole, the lining of two existing sanitary sewer manholes, and acceptance of approximately 29 linear feet of new 12-inch sanitary sewer main are no longer needed to complete the project and would be removed from the ordinance.

These changes have been approved by the Planning Commission.

**Sponsors:** Kupin, Gamble and Parker

**O. Bills on Second Reading**

**126. [BL2024-293](#)**

An ordinance amending Chapter 15.64 and Chapter 16.04 of the Metropolitan Code of Laws to restrict fences in the floodway and floodplain and to require a fence permit for all fences to be constructed within Nashville and Davidson County.

**Analysis**

This ordinance amends Chapters 15.64 and 16.04 of the Metropolitan Code of Laws to

regulate fences and require fence permits.

This ordinance prohibits the building of a fence within the floodway or floodplain without the approval of the Department of Water and Sewerage Services (“MWS”). A fence must comply with all applicable regulations, including standards for fences established by MWS.

A fence permit would be required for any new fences, the addition of fence sections to an existing fence, the replacement of more than 50% of an existing fence, or the change in location, type, or materials of a fence. The Department of Codes Administration (“Codes”) would be responsible for issuing the permit and creating rules and regulations to effectuate the fence permitting process. All associated fees would be set by Codes and approved by a resolution of Council. MWS would review each fence for compliance with all applicable regulations.

In addition, this ordinance would add fences to the definition of “structure” in Chapter 15.64 of the Code. Section 15.64.170 prohibits the construction of structures within the floodway.

**Sponsors:** Evans, Porterfield, Vo, Ewing and Gadd

**127. [BL2024-303](#)**

An ordinance amending Section 2.222.030 of the Metropolitan Code to add members of Metropolitan Government boards and commissions to the list of persons required to submit annual disclosures.

**Analysis**

This ordinance amends Section 2.222.030 of the Metropolitan Code of Laws to add members of Metro boards and commissions to the list of persons required to submit annual disclosures.

Currently, the following individuals must file an annual disclosure with the Metropolitan Clerk: (1) the mayor; (2) all employees in the mayor's office, including the members of the mayor's cabinet; (3) the metropolitan council office; (4) the holders of all elected offices authorized or created by the Metropolitan Charter; (5) all directors, executive directors, assistant directors, and associate directors of metropolitan government agencies, boards, and commissions, but not including Nashville Electric Service, the Metropolitan Nashville Airport Authority, the Metropolitan Development and Housing Agency and the Metropolitan Transit Authority. This disclosure is a public record and requires these individuals to list information about the individual and their spouse regarding their sources of income, ownership interests in property, debts owed (other than through established financial institutions made in the ordinary course of business), and positions held with certain entities.

The ordinance under consideration would add members of boards and commissions to the list of individuals who must file the annual disclosure with the Metropolitan Clerk.

**Sponsors:** Sepulveda and Welsch

**128. [BL2024-307](#)**

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming J.B. Estille Drive, between Lebanon Pike and Old Lebanon Pike, to "Donelson Station Boulevard". (Proposal Number 2023M-001SR-001).

Analysis

This ordinance renames J.B. Estille Drive, from Lebanon Pike to Old Lebanon Pike to "Donelson Station Boulevard." The current roadway, J.B. Estille Drive, was named for a business that has not been in operation for 15 years.

This proposal has been approved by the Planning Commission. The Emergency Communications District Board has approved the proposal and a written report regarding the historical significance of the street name has been provided by the Historical Commission.

**Sponsors:** Gregg and Bradford

**129.** [BL2024-334](#)

An ordinance adding Chapter 2.107 to the Metropolitan Code of Laws to authorize the farmers' market board to adopt rules and regulations enabling sponsorships for events and programs put on by the Nashville Farmers' Market ("the Market").

Analysis

This ordinance creates Chapter 2.107 of the Metropolitan Code of Laws regarding the Nashville Farmers' Market. This ordinance would add a new section to the Metro Code to authorize the Nashville Farmers' Market to adopt rules and regulations to enable business entities, non-profits, and other organizations to sponsor events and programs at the Nashville Farmers' Market. The rules and regulations would include the types of events, programs, facilities, and sites that may be sponsored, the size, number, and placement of sponsor signage, the use of logos, and the types of industries and products that are not eligible to become sponsors.

The Nashville Farmers' Market would further be authorized to entered into sponsorship agreements with a total net value not to exceed \$50,000. Sponsorship agreements with a total net value in excess of \$50,000 would be require approval by a resolution of the Council.

**Sponsors:** Porterfield, Toombs, Styles, Kupin and Gadd

**130.** [BL2024-336](#)

An ordinance approving a services agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Mayor's Office, and the Electric Power Research Institute, Inc. ("EPRI") for an Accelerating Resilience of the Community through Holistic Engagement and use of Renewables ("ARCHER") project to minimize the potential burden on local residents due to insufficient energy resilience related to extreme weather events.

Analysis

This ordinance approves a services agreement between the Mayor's Office and the Electric

Power Research Institute, Inc. ("EPRI") for an Accelerating Resilience of the Community through Holistic Engagement and use of Renewables ("ARCHER") project. The ARCHER project will minimize the potential burden on local residents due to insufficient energy resilience related to extreme weather events.

Pursuant to the terms of the agreement, ARCHER seeks to find optimal locations for distributed energy resources ("DERs"), which are smaller energy generating units such as solar photovoltaic units, to provide energy to local residents when there are disruptions caused by extreme weather events. This ARCHER deployment will partner the Metropolitan Government with Nashville Electric Service, Tennessee State University, and other local community-based organizations. The project will focus on North Nashville as a historically disadvantaged area directly impacted by an extreme weather event in the form of the 2020 tornado. The project will develop a framework to determine optimal locations for a resilience hub in North Nashville and test the framework use data from a recent extreme weather event.

The term of the agreement begins on June 1, 2023, and ends on May 31, 2025.

*Fiscal Note: Metro would provide services for the ARCHER project as in-kind match with an estimated value of \$31,999 for EPRI's grant from Federal Government under Department of Energy Cooperative Agreement DE-EE0010412.*

**Sponsors:** Porterfield, Toombs, Parker, Welsch, Evans-Segall, Allen, Preptit and Gadd

**131. [BL2024-337](#)**

An ordinance approving an option agreement between the Metropolitan Government of Nashville and Davidson County and Jason Oggs and James Brown, authorizing the purchase of certain properties owned by Jason Oggs and James Brown (Parcel Nos. 07004018900, 07004018800, 07004010400) (Proposal No. 2024M-011AG-001).

Analysis

This ordinance approves an option agreement between the Metropolitan Government and Jason Oggs and James Brown. The option agreement would permit the Metropolitan Government to purchase the properties located at 2312 Whites Creek Pike, 2314 Whites Creek Pike, and 2316 Whites Creek Pike. If the option is exercised, the Metropolitan Government would pay the fair market value of \$599,000 for these three properties, which consist of a total of 1.33 acres. Acquiring the properties would enable the Metropolitan Government to construct a portion of a new collector street which is planned for the West Trinity area.

This proposal has been approved by the Planning Commission.

**Sponsors:** Toombs, Porterfield, Gamble, Parker and Evans-Segall

**132. [BL2024-338](#)**

An ordinance authorizing the granting of a permanent utility line easement to the Electric Power Board of the Metropolitan Government of Nashville and Davidson County ("NES") and Fairgrounds Parcel C, LLC, on certain property owned by the Metropolitan Government, and

authorizing Fairgrounds Parcel C, LLC to construct, install, and maintain a secondary electrical underground encroachment at 445 Benton Avenue. (Proposal No. 2024M-004EN-001).

Analysis

This ordinance authorizes the granting of a permanent utility line easement to the Nashville Electric Service (“NES”) and Fairgrounds Parcel C, LLC. The ordinance also authorizes Fairgrounds Parcel C, LLC to construct, install, and maintain a secondary electrical underground encroachment at 445 Benton Avenue.

The Metropolitan Government agrees to grant a permanent utility line easement to NES and Fairgrounds Parcel C, LLC on a tract of land located at Benton Avenue (Parcel 331). The easement is for the purpose of installing, operating, and maintaining electric power overhead and underground conductors and communications circuits. The Director of Public Property Administration, or a designee, is authorized to execute all necessary documents pertaining to the grant of this easement.

In addition, the ordinance approves a license agreement which grants Fairgrounds Parcel C, LLC the privilege to install, construct, and maintain a secondary electrical underground encroachment at 445 Benton Avenue. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments and is required to post a certificate of public liability insurance in the amount of \$4,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

**Sponsors:** Vo, Porterfield, Toombs, Gamble, Parker and Evans-Segall

**133.** [BL2024-339](#)

An ordinance authorizing State Street Owner, LP to construct, install, and maintain above ground and underground encroachments at 1600 State Street and 300 Bar B Que Alley. (Proposal No. 2024M-005EN-001).

Analysis

This ordinance authorizes State Street Owner, LP to install, construct and maintain underground encroachments at 1600 State Street and 300 Bar B Que Alley. The proposal will consist of post construction, retaining wall post construction, and an irrigation system encroaching the right-of-way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments and is required to post a certificate of public liability insurance in the amount of \$4,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

**Sponsors:** Kupin, Gamble, Parker and Evans-Segall

**134.** [BL2024-340](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water mains and easements, and to accept new public water main and sanitary sewer main, new public fire hydrant assembly, sanitary sewer manholes and

easements, for 10 properties located at Dickerson Pike and Plum Street, (MWS Project Nos. 23-WL-60 and 22-SL-220 and Proposal No. 2024M-039ES-001).

Analysis

This ordinance abandons approximately 518 linear feet of existing eight-inch water main and easements and accepts approximately 551 linear feet of new eight-inch water main (DIP), approximately 129 linear feet of new eight-inch sanitary sewer main (PVC), one new public fire hydrant assembly, two new sanitary sewer manholes and easements for 10 properties located at Dickerson Pike and Plum Street.

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

*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, Gamble, Parker and Evans-Segall

**135. [BL2024-341](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer main and sanitary sewer manholes, for property located at 1480 Georgetown Court, (MWS Project No. 23-SL-259 and Proposal No. 2024M-030ES-001).

Analysis

This ordinance accepts approximately 465 linear feet of new eight-inch sanitary sewer main (SDR-35) and three sanitary sewer manholes for property located at 1480 Georgetown Court.

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

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

**Sponsors:** Ewing, Gamble, Parker and Evans-Segall

**136. [BL2024-342](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main and to accept new public water main, for property located at 1212 McGavock Street (MWS Project No. 23-WL-94 and Proposal No. 2024M-046ES-001).

Analysis

This ordinance abandons approximately 215 linear feet of existing six-inch water main and accepts approximately 131 linear feet of new eight-inch water main for property located at 1212 McGavock Street.

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

*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:** Kupin, Gamble, Parker and Evans-Segall

## **P. Bills on Third Reading**

### **137. [BL2024-179](#)**

An ordinance to amend Section 2.44.115 of the Metropolitan Code of Laws to require reporting related to use of force by the Metropolitan Nashville Police Department.

#### **Analysis**

This ordinance, as amended, amends Section 2.44.115 of the Metropolitan Code of Laws to require reporting related to the use of force by the Metropolitan Nashville Police Department (“MNPD”).

Currently, MNPD is required to provide certain reports to the Metropolitan Council related to crime and traffic stops.

The ordinance under consideration requires a quarterly use of force report to be submitted by MNPD to the Council within 30 days of the end of the months of March, June, September, and December. “Use of force” is defined as the types of force described in Title 11 of the MNPD manual, beginning with hand-held chemical spray/conducted energy weapon and increasing stages of intensity under the definition of Force-Continuum. The quarterly report must contain the following information:

- Demographic information for the individual subject to the use of force, including the individual’s age (which may be provided by age range), gender, and ethnicity;
- The specific age of a minor individual subject to use of force;
- The number of instances a firearm was displayed or discharged by a police officer in addition to another use of force;
- The number of incidents where an individual subject to use of force suffered an injury directly related to the use of force, including the number of incidents that were in compliance with police policy and out of compliance with police policy; and,
- For the use of a conducted energy weapon (“taser”):
  - The total number of taser discharges; and
  - The average number of taser cartridges used per incident.

**Sponsors:** Porterfield, Toombs, Benedict, Suara, Kupin, Gadd, Preptit, Ewing, Welsch and Vo

### **138. [BL2024-182](#)**

An ordinance to amend Title 16 of the Metropolitan Code of Laws to clarify who may update the official website regarding issuance of permits and notices, amend requirements for

washer and dryer hookups in single and two family dwellings, and remove the requirement for separate sex bathroom facilities at gas stations.

#### Analysis

This ordinance, as substituted, amends Chapters 16.04 and 16.08 of the Metropolitan Code to require the director of the Department of Codes to maintain an online database for residential and multi-family building permits, to remove the requirement for separate restrooms for each sex in gas stations, and to amend the requirement for washer/dryer hookups in structures built under the residential building code.

Currently, Section 16.04.070 of the Metropolitan Code requires the director of the Department of Codes to maintain an online database for residential and multi-family building permits. The database must include quarterly information on the number and type of demolition permits issued for residential property, the number and type of residential building permits issued, and the number and type of residential occupancy permits issued. The ordinance under consideration adds that a designee of the director may maintain the database.

The ordinance also amends Section 16.08.012 of the Metropolitan Code to remove the amendment to the adopted 2018 International Building Code (“IBC”) that requires separate restroom facilities for each sex in gas stations. Removing this requirement would revert the restroom requirement back to the standard requirement for restroom facilities found in Table 2902.1 of the 2018 IBC, which is not sex specific and regulates the required number of water closets and lavatories on the basis of occupant load.

Finally, the ordinance amends Section 16.08.014 of the Metropolitan Code to amend the amendment to the adopted 2018 International Residential Code (“IRC”) that requires every dwelling unit built under the adopted IRC to include a washing machine connection, a dryer electrical connection, and a vent for the dryer. The amended language would require every dwelling unit to be provided with a washing machine connection and a dryer connection. The adopted 2018 IRC regulates the construction of single-family structures, two-family structures, and townhouses. Stacked flats, low-rise multi-family buildings, mid-rise multi-family buildings, and high-rise multi-family buildings are regulated by the adopted 2018 IBC.

**Sponsors:** Evans-Segall, Gamble, Horton, Huffman, Welsch, Sepulveda, Benedict, Vo and Bradford

#### 143. [BL2024-290](#)

An ordinance to amend Chapter 2.196 of the Metropolitan Code of Laws regarding lobbying.

#### Analysis

This ordinance makes various changes to Chapter 2.196 of the Metropolitan Code of Laws, which regulates lobbying.

The ordinance would require the lobbyist registration form to include a current photograph of the lobbyist.

The ordinance would clarify language in the existing code regarding the withdrawal of a lobbyist, stating that if a lobbyist fails to register for a subsequent year, it would be treated as a withdrawal for each client for which the lobbyist was registered unless a new registration is submitted.

The ordinance would require disclosure of each political contribution of more than \$100 made by the lobbyist or on behalf of their client. In addition, the ordinance would remove the requirement that a client attest to the accuracy of the disclosure reports and instead require the lobbyist to attest to the accuracy.

The ordinance would prohibit a lobbyist who has failed to file all required annual lobbying and expense reports for the previous year by March 1 from registering as a lobbyist for the current year. In addition, a lobbyist who fails to comply with the reporting requirements would be subject to a hearing before the Board of Ethical Conduct. After the hearing, the Board of Ethical Conduct would determine if the lobbyist is eligible for registration and whether any other actions, penalties, sanctions, or enforcements, pursuant to Section 2.196.130, are appropriate.

Finally, this ordinance replaces two instances of “board of conduct” with “board of ethical conduct” for clarity and consistency with the rest of the chapter.

An amendment adopted at the April 16 Council meeting made various changes to the ordinance, including removing provisions that would have extended the cooling off period from the ordinance.

**Sponsors:** Evans, Welsch and Cash

**144. [BL2024-301](#)**

An ordinance amending Section 2.78.010 of the Metropolitan Code of Laws to authorize the Board of Fair Commissioners (“the Fair Board”) to adopt rules and regulations to enable sponsorships of the divisional fair, expo center events, flea markets, auto racing, and other programs, events, projects, facilities, and sites at The Fairgrounds Nashville (“the Fairgrounds”).

**Analysis**

This ordinance would authorize the Board of Fair Commissioners to adopt rules and regulations to enable business entities, non-profits, and other organizations to sponsor the divisional fair, expo center events, flea markets, auto racing, and other programs, events, projects, facilities, and sites at The Fairgrounds Nashville. The rules and regulations would include the types of events, programs, facilities, and sites that may be sponsored, the size, number, and placement of sponsor signage, the use of logos, and the types of industries and products that are not eligible to become sponsors.

The Board of Fair Commissioners would further be authorized to entered into sponsorship agreements with a total net value not to exceed \$50,000. Sponsorship agreements with a total net value in excess of \$50,000 would be require approval by a resolution of the Council.

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**Sponsors:** Vo, Porterfield, Styles, Weiner and Gadd

**145. [BL2024-302](#)**

An ordinance to amend Section 2.112.030 of the Metropolitan Code of Laws to amend the purpose of the Metropolitan Nashville Arts Commission.

**Analysis**

This ordinance amends Section 2.112.030 of the Metropolitan Code of Laws, which contains the purpose of the Metropolitan Nashville Arts Commission. This Section currently provides that the purpose of the Arts Commission is:

- A. To promote the study, participation in and appreciation of the visual, performing and literary arts;
- B. To support and participate in the presentation of displays, exhibits, recitals, concerts, lectures and symposia;
- C. To cooperate with and assist public and private educational institutions, the media, and other private and governmental entities involved in artistic and cultural promotion;
- D. To provide information and recommendations to the metropolitan county council and the metropolitan county mayor with respect to the architectural design and aesthetics of public places and property.”

The ordinance under consideration would add “To promote equity in the arts community” to this list.

**Sponsors:** Styles, Welsch, Gadd, Vo, Ewing, Benedict, Kupin, Allen and Porterfield

**146. [BL2024-304](#)**

An ordinance amending Section 16.08.012 of the Metropolitan Code of Laws to add a new exception related to storm shelter occupancy standards.

**Analysis**

This ordinance amends Section 16.08.012 of the Metropolitan Code of Laws to add a new exception related to storm shelter occupancy standards. Section 16.08.012 houses the amendments, deletions, or additions to the 2018 Edition of the International Building Code (“IBC”) that have been adopted by reference by the Metropolitan Government.

Section 423.4 of the IBC is currently adopted by the Metropolitan Government in full with no amendments. This provision provides that all Group E occupancies with an occupant load of 50 or more must have a storm shelter constructed in accordance with International Code Council (“ICC”) 500. Group E occupancies are schools and day care centers up to the 12th grade. Exceptions to this requirement are day care facilities, facilities that are accessory to places of religious worship, and buildings meeting the requirements for shelter design in ICC 500.

The ordinance under consideration would add an exception to the storm shelter requirement for

Group E occupancy new construction additions that are not increasing the occupancy load by more than 50%.

**Sponsors:** Webb and Bradford

**147. [BL2024-305](#)**

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, by and through the Department of Parks and Recreation, to deaccession the Pre-Columbian collection from the Parthenon.

**Analysis**

This ordinance authorizes the Department of Parks and Recreation to permanently remove the Pre-Columbian collection from the Parthenon.

In the 1960s and 1970s, a former director of the Parthenon received a total of 244 Pre-Columbian artifacts separately from donors John Montgomery and Edgar York. According to the archival paperwork, some artifacts were acquired during amateur and undocumented excavations in Western Mexico mostly done by John Montgomery. The artifacts donated by Edgar York have no documentation regarding their origin. The Department of Parks and Recreation is the legal owner of the Parthenon and all of its properties and wishes to deaccession, or permanently remove, the Pre-Columbian Collection. The Board of Parks and Recreation has approved the deaccession. Because these are illegally sourced artifacts, these artifacts will be shipped to the Government of Mexico where the artifacts were sourced.

This resolution would authorize the Department of Parks and Recreation to deaccession the Pre-Columbian Collection from the Parthenon and authorize the Director of Parks and Recreation to execute the same.

**Sponsors:** Styles, Taylor, Suara, Porterfield, Evans-Segall, Ewing and Gadd

**148. [BL2024-306](#)**

An ordinance to designate a certain portion of 2nd Avenue North as a Tourism Improvement Zone and to grant the businesses that front thereon certain privileges.

**Analysis**

This ordinance establishes a Tourism Improvement Zone along a portion of Second Avenue North in Downtown Nashville.

The Tourism Improvement Zone ("TIZ") would be in effect along Second Avenue North between Broadway and Union Street from the final passage of this ordinance until March 3, 2026, unless the term of the TIZ is extended by the Council by resolution.

The TIZ will be closed to vehicular traffic, except for emergency vehicles, to the extent provided by the Metropolitan Nashville Police Department ("MNPD") and the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT").

Within the TIZ, businesses that front along the TIZ area will be regulated as follows:

- Businesses may sell their wares outdoors immediately in front of their businesses without a street vendor permit, subject to the review and approval of NDOT;
- Businesses may place wayfinding and advertising signs on the sidewalk, using A-frames or other methods, subject to the review and approval of NDOT;
- Businesses may apply to NDOT to place banners on publicly-owned poles and structures, without the required fee or deposit;
- Outdoor amplification, including audio, video, and live performances, will be allowed, as long as the noise is respectful to neighboring businesses and residences and in compliance with the limitations of 85 decibels during business hours and 70 decibels outside of business hours, in compliance with Section 9.20.010(B) of the Metropolitan Code of Laws, subject to the review and approval of MNPD and NDOT;
- Businesses that serve food and beverages may apply to NDOT for an outdoor dining area at no cost;
- Businesses may use external lighting by projection, mounted string lights, or other methods as approved by NDOT; and
- For public safety purposes, MNPD and NDOT shall have the authority to manage the placement of any person or object that creates an obstruction in the public right-of-way within the TIZ.

Nothing in this ordinance is to be construed as a repeal or suspension of any existing laws outside of the TIZ.

**Sponsors:** Kupin, Porterfield, Evans, Parker, Ellis and Styles

**149. [BL2024-308](#)**

An ordinance approving amendment 1 to the contract between the Metropolitan Government of Nashville and Davidson County and Southern Sales Co, a Division of Tencarva Machinery.

**Analysis**

This ordinance approves an amendment to a sole source contract between the Metropolitan Government and Southern Sales, a division of Tencarva Machinery. The Council approved the original contract through Resolution No. RS2020-625 on November 5, 2020. The contract term was five years from the date of the filing with the Metropolitan Clerk, and its total value was estimated to be \$20,000,000. The ordinance under consideration would extend the contract term to 10 years and increase the estimated contract value to \$30,000,000.

Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council. Sole source contracts are generally approved by resolution, however, contracts with a term exceeding sixty months must be approved by ordinance.

The original contract provided products, parts, and equipment for specific brands of products used by the Department of Water and Sewerage Services within its water treatment system.

The amendment under consideration would also allow for additional services and an escalation of rates for that service. A pricing exhibit in the original contract would also be replaced to reflect these rates.

The Department of Water and Sewerage Services has used this contract to purchase products and equipment through Southern Services from other vendors, and at a discount for certain products. According to the sole source justification forms, these parts are not interchangeable, and no other products or parts are compatible with existing equipment. Southern Company is the only authorized representative for these product lines for this region, according to the sole source justification forms provided with this contract amendment.

**Sponsors:** Porterfield, Parker and Toombs

**150. [BL2024-309](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to authorize the director of Metro Water Services, or his designee, to execute a settlement agreement and release of liability.

**Analysis**

This ordinance authorizes the director of the Department of Water and Sewerage Services to execute a settlement agreement and release of liability with CH2M Hill Engineers, Inc. ("CH2M"). Metro retained CH2M to perform engineering work for the Dry Creek WWTP Ultraviolet Disinfection Project.

According to the settlement agreement and release, Metro alleges that errors were made regarding the design height of the UV Channel Influent Gates in this project. Both Metro and CH2M seek to enter into an agreement to resolve these issues. Pursuant to the agreement, Metro would receive a credit of \$53,355 on its final invoice for the project, and Metro would release CH2M from any legal claims that could be made as a result of these errors. No liability was admitted by either party in the agreement.

**Sponsors:** Porterfield, Parker and Toombs

**151. [BL2024-310](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public utility easement rights, for the specific area of property located at 401 Saint Francis Avenue (Proposal No. 2024M-035ES-001).

**Analysis**

This ordinance abandons an existing 20-foot public utility easement for property located at 401 Saint Francis Avenue. This has been requested by Providence Capital LLC, owner.

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

**Sponsors:** Gamble and Parker

**152. [BL2024-311](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water main and fire hydrant assembly, for property located at 2415 Vanderbilt Place, also known as Vanderbilt Garland Hall (MWS Project No. 23-WL-271 and Proposal No. 2024M-032ES-001).

Analysis

This ordinance accepts approximately nine linear feet of new six-inch water main (DIP) and one fire hydrant assembly for property located at 2415 Vanderbilt Place, also known as Vanderbilt Garland Hall.

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

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

**Sponsors:** Cash, Gamble and Parker

**153. [BL2024-312](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer mains, public sanitary sewer manholes and easements, for three properties located at 9901 Maupin Road and 1102 and 1106 Waller Road (Brentwood) in Williamson County (MWS Project No. 23-SL-231 and Proposal No. 2024M-033ES-001).

Analysis

This ordinance accepts approximately 405 linear feet of new eight-inch sanitary sewer mains (PVC), three new sanitary sewer manholes and easements for three properties located at 9901 Maupin Road and 1102 and 1106 Waller Road (Brentwood) in Williamson County.

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

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

**Sponsors:** Gamble and Parker

**154. [BL2024-313](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water main, for property located at 630 Division Street, also known as The Depot (MWS Project No. 23-WL-42 and Proposal No. 2024M-036ES-001).

Analysis

This ordinance accepts approximately 184 linear feet of new four-inch water main (DIP), for property located at 630 Division Street, also known as The Depot.

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

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

**Sponsors:** Kupin, Gamble and Parker

**155. [BL2024-314](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, new public fire hydrant assembly and sanitary sewer manholes, for property located at Hamilton Church Road (unnumbered), also known as Brookridge Hamlet (MWS Project Nos. 19-WL-31 and 19-SL-61 and Proposal No. 2024M-038ES-001).

Analysis

This ordinance accepts approximately 1,532 linear feet of new eight-inch water main (DIP), approximately 988 linear feet of new eight-inch sanitary sewer main (PVC), one fire hydrant assembly and five sanitary sewer manholes, for property located at Hamilton Church Road, also known as Brookridge Hamlet.

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

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

**Sponsors:** Harrell, Gamble and Parker

**156. [BL2024-315](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, and to accept new public water main, for property located at 1919 Division Street (MWS Project No. 23- WL-155 and Proposal No. 2024M-037ES-001).

Analysis

This ordinance abandons approximately 400 linear feet of existing six-inch water main and accepts approximately 400 linear feet of new eight-inch water main (DIP), for property located at 1919 Division Street.

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

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

**Sponsors:** Vo, Gamble and Parker