



Metro Council

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## G. Consent Resolutions and Resolutions

### 1. [RS2022-1509](#)

A resolution to establish a new fee structure associated with the processing and review of Metro Planning Commission applications associated with Title 17 of the Metropolitan Code (Proposal No. 2022Z-007TX-001).

#### Analysis

This resolution establishes a new fee structure associated with the processing and review of Metropolitan Planning Commission applications associated with Title 17 of the Metropolitan Code.

The current fee schedules have been in place since 2016. An independent consultant was retained to determine whether a fee increase is necessary to cover the full cost of services provided by the Planning Department. The consultant performed an analysis of the scope of services provided by the Planning Department and other related to development and building construction. The consultant determined that a fee increase is reasonable and necessary to cover the full cost of providing these services.

Exhibit A, attached to the resolution, shows the current and proposed fee for each service provided.

These fees would take effect on July 1, 2022.

**Sponsors:** Withers, Allen and Styles

### 2. [RS2022-1553](#)

A resolution adopting a new pay plan for the general employees of the Metropolitan Government of Nashville and Davidson County, excluding employees of the Board of Health, Board of Education, and the Police and Fire Departments, effective July 1, 2022.

#### Analysis

This resolution is the pay plan for the general Metropolitan Government employees to take effect July 1, 2022. The primary effect of this resolution would be to continue the pay plan, continue increment pay, provide a 4% cost-of-living-adjustment (COLA), and provide for the possibility of merit pay increases for open range employees. Step increases known as

“increments” are pay increases for certain employment classifications on a six month, one year, eighteen month, or two year interval, depending upon the position. In addition to step increases, the equivalent of an additional 3% merit pay increase would be available for open range employees that do not receive increments. The amount of individual raises for open range employees are determined by department heads. The pay plan contemplates that open range employees are to be paid based upon merit, not length of service.

The Civil Service Commission recommended an additional 1% COLA for employees. However, the Director of Finance and Mayor, exercising their authority under Section 12.10 of the Metro Charter, removed the additional COLA.

Per section 12.10 of the Charter, pay plans may not be amended by the Council except by making uniform modifications of all employment grades (because the relationship between pay grades must remain the same under the Charter). The pay plan amendments submitted by this resolution have been approved by the Civil Service Commission, Finance Director, and the Mayor.

**Sponsors:** Allen, Hancock, Styles and Gamble

**3. [RS2022-1554](#)**

A resolution adopting a new pay plan for employees of the Metropolitan Departments of Police and Fire, effective July 1, 2022.

**Analysis**

This resolution is the pay plan for the Police and Fire departments to take effect July 1, 2022. The primary effect of this resolution would be to continue the pay plan, continue increment pay, provide a 4% cost-of-living-adjustment (COLA), and provide for the possibility of merit pay increases for open range employees. Step increases known as “increments” are pay increases for certain employment classifications on a six month, one year, eighteen month, or two year interval, depending upon the position. In addition to step increases, the equivalent of an additional 3% merit pay increase would be available for open range employees that do not receive increments. The amount of individual raises for open range employees are determined by department heads. The pay plan contemplates that open range employees are to be paid based upon merit, not length of service.

The Civil Service Commission recommended an additional 1% COLA for employees. However, the Director of Finance and Mayor, exercising their authority under Section 12.10 of the Metro Charter, removed the additional COLA.

Per section 12.10 of the Charter, pay plans may not be amended by the Council except by making uniform modifications of all employment grades (because the relationship between pay grades must remain the same under the Charter). The pay plan amendments submitted by this resolution have been approved by the Civil Service Commission, Finance Director, and the Mayor.

**Sponsors:** Allen, Hancock, Evans and Gamble

**4. [RS2022-1555](#)**

A resolution adopting a new pay plan for employees of the Metropolitan Board of Health, effective July 1, 2022.

**Analysis**

This resolution is the pay plan for the employees of the Board of Health to take effect July 1, 2022. The Health Department has its own pay plan because Section 10.107 of the Metro Charter provides that the Board of Health shall constitute a civil service board with respect to the Health employees. The primary effect of this resolution would be to continue the pay plan, continue increment pay, provide a 4% cost-of-living-adjustment (COLA), and provide for the possibility of merit pay increases for open range employees. Step increases known as “increments” are pay increases for certain employment classifications on a six month, one year, eighteen month, or two year interval, depending upon the position. In addition to step increases, the equivalent of an additional 3% merit pay increase would be available for open range employees (who do not receive increments). The amount of individual raises for open range employees are determined by department heads. The pay plan contemplates that open range employees are to be paid based upon merit, not length of service.

Per section 12.10 of the Metropolitan Charter, pay plans may not be amended by the Council except by making uniform modifications of all employment grades (because the relationship between pay grades must remain the same under the Charter). The pay plan amendments submitted by this resolution have been approved by the Finance Director, the Board of Health, and the Mayor.

**Sponsors:** Allen, Hancock, Evans and Gamble

**5. [RS2022-1556](#)**

Resolution authorizing the issuance, sale, delivery and payment of one or more series of general obligation improvement bonds in an aggregate principal amount of not to exceed \$650,000,000; and providing for the levy of ad valorem taxes for the payment of debt service on the bonds.

**Analysis**

This resolution authorizes the issuance, sale, and payment of general obligation bonds in a principal amount not to exceed \$650 million. The purpose of this bond resolution is to finance a portion of the public works projects authorized by previous initial resolutions (a.k.a. capital spending plans): RS2009-746, RS2010-1363, RS2012-276, RS2013-559, RS2013-710, RS2014-1126, RS2015-1500, RS2016-245, RS2017-713, RS2017-963, RS2018-1328, RS2018-1454, RS2019-100, RS2020-213, RS2021-757, RS2021-1201, and RS2022-1452 and to retire outstanding commercial paper that was issued pursuant to the above initial resolutions and RS2021-963 and RS2014-1066 authorizing the commercial paper. The Metropolitan Government maintains a commercial paper program to provide short term financing to commence public works projects prior to the sale of long-term bonds.

Debt service on the bonds is payable from ad valorem taxes and the Metropolitan Government

will be obligated to levy a tax on property sufficient to pay the debt service. These bonds will be sold through a public competitive bid process to the bank whose bid results in the lowest true interest cost to the Metropolitan Government.

Metro will begin making level debt service payments on the bonds in 2024, and the bonds will have a final maturity date of 2042. Interest payments on the bonds will commence January 1, 2023. The bonds will be subject to optional redemption on January 1, 3032.

This resolution also authorizes the preparation and distribution of a preliminary official statement used to market the bonds.

**Sponsors:** Allen

**6. [RS2022-1557](#)**

A resolution authorizing the issuance of not to exceed two hundred and ninety million (\$290,000,000) in aggregate principal amount of interfund tax anticipation notes of the Metropolitan Government of Nashville and Davidson County, Tennessee.

**Analysis**

This resolution authorizes the issuance of up to \$290,000,000 in interfund tax anticipation notes (TANs) by the Metropolitan Government. These TANs would be issued pursuant to Tennessee Code Annotated § 9-21-101, et seq. for the purpose of meeting appropriations made for Fiscal Year 2023 in anticipation of the collection of taxes and revenues.

Money within Metro's various distinct funds is commingled and Metro has historically addressed temporary cash flow deficits by borrowing funds from the pooled cash account. This has the technical effect of one fund using money from another fund to pay for expenditures (until property tax receipts that fund each account are sufficient for the intended purpose).

In 2018, the Comptroller of the State of Tennessee advised that these transfers should be formalized by issuing interfund tax anticipation notes, as permitted under state law with the prior approval of the Comptroller's office. The Council authorized TANs for FY20, FY21, and FY22 in compliance with the Comptroller's request. The pending resolution would continue this practice in order to formalize Metro's regular practice of interfund borrowing.

The resolution identifies the following as "lending funds" for purposes of the TANs: Water & Sewerage Services Fund, Education Services Special Revenue Fund, Event and Marketing Fund, CBID Event and Marketing Fund, Farmers Market Non-Bonded Capital Project Fund, General Fund Reserve Fund, General Government Self Insurance Fund, Hotel Occupancy General Fund, Hotel Tourist Promotion Fund, Information Technology Services Fund, Injured on Duty Fund, Municipal Auditorium Fund, Office of Fleet Management Fund, Government Services Special Revenue Fund, School Self Insurance Fund, Solid Waste Operations Fund, Stormwater Operations Fund, and Surplus Property Auction Fund.

The Mayor would have the authority to approve the interest rate and maturity date for the notes. Approval of the state director of local finance in the comptroller's office would be

required before such a sale could take place. These notes must be repaid not later than June 30, 2023.

**Sponsors:** Allen

7. **RS2022-1578**

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 1302 Pillow Street, LLC, to provide public water service improvements for Pillow Street's proposed development, as well as other existing properties in the area (MWS Project No. 20-WL-0142 and Proposal No. 2022M-021AG-001).

**Analysis**

This resolution approves a participation agreement between the Metropolitan Department of Water and Sewerage Services ("MWS") and 1302 Pillow Street, LLC ("Pillow Street"), to provide public water service improvements for Pillow Street's proposed development as well as other developments in the area.

Pursuant to the agreement, Pillow Street agrees to contract and oversee the construction of approximately 998 linear feet of eight inch water main and one fire hydrant assembly on Pillow Street. Metro will inspect the construction and, upon acceptance, will be responsible for ongoing operation and maintenance. Metro will pay 50% of the actual project costs, not to exceed \$64,774. Pillow Street will further agree to improve the public water main to Merritt Avenue and will be reimbursed by Metro not to exceed \$239,850. Metro's total contribution to the project will be \$304,624.

Ordinance No. BL2022-1214 authorizes NWS to enter into participation agreements funding infrastructure with developers by resolution of the Metropolitan Council.

*Fiscal Note: The Metropolitan Department of Water and Sewerage Services will pay 50% of the actual project costs of the water main and fire hydrant assembly on Pillow Street up to \$64,774 and will reimburse the developer for the public water main to Merritt Avenue up to \$239,850. Metro's total contribution will not exceed \$304,624.*

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

8. **RS2022-1585**

A resolution approving an Interlocal Agreement between The Metropolitan Government of Nashville and Davidson County and the Industrial Development Board of the Metropolitan Government of Nashville and Davidson County for administrative, financial, and legal services.

**Analysis**

This resolution approves an interlocal agreement between the Metropolitan Government and the Industrial Development Board of the Metropolitan Government ("IDB") for administrative, financial, and legal services. The Metropolitan Government initially took over these services for the IDB at the Board's request in 2009 following resignation of the IDB's longstanding legal

counsel. The IDB did not otherwise maintain a staff to administer its business or financial transactions or provide legal counsel. The initial agreement was approved per Resolution No. RS2009-697.

The agreement under consideration authorizes Metro to continue providing these services, as has been requested by the IDB. The services are as follows:

- The Director of the Mayor's Office of Economic and Community Development, or a designee, will handle administrative matters as directed by the IDB and will act as Executive Director of the IDB.
- The Director of Finance will maintain accounts and funds on behalf of the IDB, and will handle all other financial matters as directed by the IDB.
- The Director of Law will provide general legal counsel to the IDB, as needed.

The term of this agreement will begin upon approval of the Council and extend through June 30, 2027. This agreement may be terminated by either party upon 90 days' written notice.

*Fiscal Note: The IDB and the Director of Law would negotiate and agree to compensation for legal services from time to time as needed.*

**Sponsors:** Allen

9. [RS2022-1586](#)

A resolution accepting a grant from the Tennessee Department of Mental Health and Substance Abuse Services, to the Metropolitan Government, acting by and through the State Trial Courts, to provide the Tennessee Certified Recovery Court Program (TCRCP) at the Davidson County Residential Drug Court to enable the establishment of adult drug court programs to address the needs of non-violent offenders.

Analysis

This resolution accepts a grant from the Tennessee Department of Mental Health and Substance Abuse Services to the State Trial Courts to provide the Tennessee Certified Recovery Court Program (TCRCP) at the Davidson County Residential Drug Court to enable the establishment of adult and juvenile drug court programs to address the needs of the non-violent offenders. The grant is an amount not to exceed \$575,000 with no local cash match required. The term of the agreement begins July 1, 2022 and ends June 30, 2023. This is a continuation of an existing grant.

**Sponsors:** Allen and Welsch

10. [RS2022-1587](#)

A resolution accepting an annual donation from the Nashville Convention & Visitors Corp in the amount of \$25,000 for up to five years to provide funds for marketing the Nashville Municipal Auditorium.

Analysis

This resolution accepts an annual donation from the Nashville Convention & Visitors Corp

("CVC") to the Nashville Municipal Auditorium ("Auditorium") in the amount of \$25,000 for up to five years. The donation would be used to reimburse the Auditorium for funds that the Auditorium is required to pay to Live Nation Worldwide Inc. to promote the Auditorium under the terms of its Preferred Promoter Agreement, which has been fully executed by the parties.

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

*Fiscal Note: Metro will receive an annual donation, up to five years, in the amount of \$25,000 from the Nashville Convention and Visitors Corp for the Nashville Municipal Auditorium's Live Nation contract for marketing and promotion.*

**Sponsors:** Allen and Bradford

11. [\*\*RS2022-1588\*\*](#)

A resolution accepting a donation from the Nashville Convention and Visitors Corp to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Planning Commission, to provide supplemental funding for a music venue study.

Analysis

This resolution accepts a donation from the Nashville Convention & Visitors Corp ("CVC") to the Metropolitan Nashville Planning Commission in the amount of \$10,000 for the use and benefit of a study of independent music venues.

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

*Fiscal Note: Metro will receive a donation in the amount of \$10,000 from the Nashville Convention and Visitors Corp towards an independent music venue study in Nashville.*

**Sponsors:** Allen, Withers, Syracuse, Gamble and VanReece

12. [\*\*RS2022-1589\*\*](#)

A resolution accepting a donation from the Nashville Area Chamber of Commerce to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Planning Commission, to provide supplemental funding for a music venue study

Analysis

This resolution accepts a donation from the Nashville Area Chamber of Commerce to the Metropolitan Nashville Planning Commission in the amount of \$30,000 for the use and benefit of a study of independent music venues.

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

*Fiscal Note: Metro will receive a donation in the amount of \$30,000 from the Nashville Area Chamber of Commerce towards the study of strategies for independent music venues.*

**Sponsors:** Allen, Withers, Syracuse, Gamble and VanReece

13. [RS2022-1590](#)

A resolution appropriating the amount of \$100,000 from the General Fund Reserve Fund for the purchase of equipment and building repairs for various departments of The Metropolitan Government of Nashville and Davidson County.

Analysis

This resolution appropriates \$100,000 from the General Fund Reserve Fund (4% Fund) to two departments for the purchase of equipment. Section 6.14 of the Metropolitan Charter requires that 4% of all the general fund revenue of the General Services District be set aside each year solely for the purchase of equipment and building repairs.

Ordinance No. O86-1534 and Section 5.04.015.F of the Metro Code require that allocations from the 4% Fund each be supported by information sheets, which are attached to the resolution. The resolution further provides that “the Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund.”

Pursuant to this resolution, \$50,000 would be appropriated to the Fairgrounds Nashville for the purchase of a BCycle installation and \$50,000 would be appropriated to the Nashville Public Library for the purchase of a bike station at the Edgehill Branch Library.

**Sponsors:** Sledge

14. [RS2022-1591](#)

A resolution to approve an interlocal cooperation and mutual aid agreement between the Metropolitan Government of Nashville and Davidson County (“Metro”) and the City of Brentwood, City of Franklin, City of Goodlettsville, City of Hendersonville, City of Murfreesboro, and Wilson County, to create and operate a US&R/Water Rescue Team that will provide response and rescue services.

Analysis

This resolution approves an interlocal agreement between the Metropolitan Government and the City of Brentwood, the City of Franklin, the City of Goodlettsville, the City of Hendersonville, and Wilson County to create and operate a US&R/Water Rescue Team that will provide response and rescue services.

Tennessee Code Annotated § 12-9-101 *et seq.* authorizes public agencies in Tennessee to enter into interlocal cooperation agreements. Tennessee Code Annotated § 58-8-101 *et seq.* authorizes local governments to provide mutual aid and emergency assistance to one another.

This resolution approves an interlocal cooperation and mutual aid agreement to create and



operate a US&R/Water Rescue Team (“Team”) to operate throughout Metro Nashville and Davidson County/Homeland District 5 and statewide. The purpose of the Team is to provide a coordinated multi-disciplined approach to the management of minor, major, or catastrophic disasters and large-scale or complex incidents involving swiftwater rescue and floodwater reconnaissance and evacuations. Metro will be the sponsoring agency and will develop and adopt program training, education, and membership requirements and qualifications and credentialing requirements to meet national standards. The agreement will continue in perpetuity until terminated upon agreement of the parties. Each party may withdraw from the agreement at any time, provided at least 90 days written notice is provided prior to withdrawal.

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

**Sponsors:** Allen, Evans and Hancock

**15. [RS2022-1592](#)**

A resolution approving an affiliation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, and Lipscomb University to provide the opportunity for students enrolled in various health professions to encounter a wide range of clinical experience opportunities.

**Analysis**

This resolution approves an affiliation agreement between the Metropolitan Board of Health and Lipscomb University to provide an opportunity for students enrolled in various health professions to encounter a wide range of clinical experience opportunities. Pursuant to the agreement, the Health Department would provide clinical training experiences to students. Students will receive no compensation and would not be considered employees of the Metropolitan Government. A similar affiliation agreement was approved between the Metropolitan Board of Health and Lipscomb in 2017 through Resolution No. RS2017-606.

The school is required to provide assurances that students are covered by health and professional liability insurance and the school has agreed to assume responsibility for its students participating in the program.

The term of the agreement begins July 1, 2022 and continues for five years. The agreement may be terminated by either party upon 90 days’ written notice.

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

**Sponsors:** Evans and Welsch

**16. [RS2022-1593](#)**

A resolution appropriating a total of \$2,544,580.20 from the Nashville Public Library to various non-profit organizations for the provision of free and high-quality afterschool and summer programming through the Library’s Nashville After Zone Alliance out-of-school time coordinating system.

**Analysis**

This resolution appropriates \$2,544,580.20 from the Nashville Public Library to 17 nonprofit organizations for the provision of free and high-quality afterschool programs through the Library's Nashville After Zone Alliance Program. The nonprofits are as follows:

- \$159,580.80 to Aspiring Youth Enrichment Services;
- \$342,192 to Backfield in Motion;
- \$81,328 to Beech Creek Ministries;
- \$78,304 to Bethlehem Centers of Nashville;
- \$181,510.80 to Black Lemonade;
- \$206,832 to Church on the Rock;
- \$126,112 to DYMON in the Rough;
- \$133,718.40 to Edgehill Neighborhood Partnership;
- \$12,686.40 to From the Heart International Education Foundation;
- \$162,964.80 to Global Outreach Developments International;
- \$73,180.80 to In Full Motion, Inc.;
- \$360,640 to Martha O-Bryan Center;
- \$65,049.60 to Moves and Grooves, Inc.;
- \$70,556.40 to Nashville International Center for Empowerment;
- \$193,371 to Nations Ministry Center;
- \$147,683.60 to Why We Can't Wait, Inc.;
- \$148,869.60 to YMCA of Middle Tennessee.

The resolution also authorizes Metro to enter into grant agreements with each of these organizations detailing the terms and conditions under which the grant funds are to be spent.

*Fiscal Note: This would be paid from Fund 10101, Business Unit #39104121, Nashville Public Library's operating budget.*

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

17. [RS2022-1594](#)

A resolution accepting an in-kind grant from the Friends of Woodmont Park to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide improvements to the basketball court at Woodmont Park.

Analysis

This resolution accepts an in-kind grant from the Friends of Woodmont Park to the Metropolitan Board of Parks and Recreation. This grant has an estimated value of \$45,000 with no local match required. The grant will be used to provide improvements to the basketball court at Woodmont Park. Improvements will include leveling, replacing, and enlarging the current court surface; reorienting the court; installing additional goals on the court; and painting stripes on the court to allow for other game uses.

**Sponsors:** Murphy, Allen and Bradford

**18. [RS2022-1595](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle Nicole Jordon's claim against the Metropolitan Government of Nashville and Davidson County in the amount of \$115,000.00, with \$10,000.00 reflecting back pay to be paid from the Parks and Recreation operating budget and the remaining \$105,000.00 to be from the Judgments and Losses Fund.

**Analysis**

On April 19, 2021, Nicole Jordon, a former recreation leader with the Metropolitan Department of Parks and Recreation ("Parks"), was terminated. Ms. Jordon began working for Parks in December 2019 as a part-time recreation leader, based out of the Hermitage Community Center. She was diagnosed with breast cancer in November 2020 and began working from home as an accommodation. She participated in weekly phone calls with her supervisor during this time to discuss work assignments and other matters, and frequently relayed information about her ongoing treatment. In January 2021, Ms. Jordon submitted documentation that she was undergoing additional treatment that would last until May 2021. She continued working from home through Spring 2021.

In Spring 2021, the Hermitage Community Center suffered from staffing shortages and Metro was unable to continue to accommodate Ms. Jordon working from home. At this time, Ms. Jordon was asked during a phone call whether she could return to work at the Community Center in person. Ms. Jordon was unable to return to work in-person at that time. Due to the staffing shortages, Metro could no longer accommodate Ms. Jordon's work from home arrangement without sustaining an undue hardship and Metro terminated her employment.

Ms. Jordon brought a claim against the Metropolitan Government for harassment, discrimination, and retaliation under the Americans with Disabilities Act and the Tennessee Disability Act arising from the termination of her employment. Ms. Jordon alleges that Metro failed to engage in a good faith interactive process with her before her termination, unilaterally revoked her accommodation, and subjected her to a hostile work environment because of her request to work from home. If this action were to proceed to trial and Ms. Jordon was successful on all of her claims, she could recover up to \$590,468.10.

The Department of Law recommends settlement of Ms. Jordon's claims for \$115,000.

*Fiscal Note: This settlement would be the paid from Parks and Recreation Operating budget in the amount of \$10,000 and \$105,000 from the Judgments and Losses Fund. This would be 3rd payment from the Judgments and Losses Fund in FY22 for a cumulative total of \$205,000. The fund balance would be \$13,766,328 after these payments.*

**Sponsors:** Allen

**19. [RS2022-1596](#)**

A resolution approving the Third Amendment to an agreement between the Metropolitan Government of Nashville and Davidson County and Infor (US), Inc. to provide maintenance and support of workforce time and attendance software for the Metropolitan Nashville Police

Department.

Analysis

This resolution approves the third amendment to a sole source contract between the Metropolitan Government and Infor (US), Inc., previously approved by Resolution No. RS2018-1338. The contract provides maintenance and support of workforce time and attendance software for the Metropolitan Nashville Police Department (MNPD).

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

The Council approved a three-year sole source contract with this vendor in August 2018 pursuant to Resolution No. RS2018-1338. The first amendment was approved by Resolution No. RS2020-536 and increased the value of the contract to upgrade Infor, including custom functions and interfaces. The second amendment was approved by Resolution No. RS2021-1099 and extended the term of the contract for an additional 12 months, for a total contract term of 48 months.

The resolution under consideration extends the term of the agreement for an additional 12 months for a total contract term of 60 months. No other changes would be made by the amendment. The estimated contract life value is \$738,900.33.

*Fiscal Note: This amendment will extend the term of the contract to August 31, 2023 and will not change the estimated contract life value in the amount \$738,900.33.*

**Sponsors:** Allen and Evans

**20. [RS2022-1597](#)**

A resolution classifying public roads in Davidson County, Tennessee.

Analysis

This resolution is an annual housekeeping matter required by state law to formally classify all public roads in Davidson County.

By adoption of this resolution, roads and alleys listed on the Official Street and Alley Acceptance and Maintenance Maps, as approved by Ordinance No. BL2021-1053 under proposal number 2022M-001OT-001 and supplemented by the public county road list attached to the resolution, would officially be classified as public roads.

**Sponsors:** Young

**21. [RS2022-1598](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Kristen Jenkins against the Metropolitan Government of Nashville and

Davidson County in the amount of \$24,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

Analysis

On April 6, 2021, Kristen Jenkins was traveling southbound on Gallatin Pike near Neely's Bend Road. An NDOT truck approached the same intersection from the North and attempted to turn across the southbound lanes of Gallatin Pike. The NDOT employee did not see Ms. Jenkins approaching. Ms. Jenkins swerved to avoid a wreck and struck a pole. Her vehicle was deemed a total loss and she has previously been compensated for the property damage. Ms. Jenkins sought treatment for injuries to her neck and lower back.

The Department of Law recommends settlement of this case for \$24,000, which includes \$14,155.82 for her medical bills and \$1,772 in lost wages.

*Fiscal Note: This \$24,000 settlement, would be the 29th payment from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,284,315. The fund balance would be \$7,597,198 after these payments.*

**Sponsors:** Allen

22. [RS2022-1599](#)

A resolution appropriating up to \$2.5M annually through a grant contract by and between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and the Cumberland River Compact to provide tree canopy restoration and maintenance.

Analysis

This resolution appropriates up to \$2,500,000 annually through a contract between the Metropolitan Department of Water and Sewerage Services ("MWS") and the Cumberland River Compact ("CRC") to provide tree canopy restoration and maintenance.

Section 7-3-314 of the Tennessee Code Annotated states that metropolitan forms of government may provide financial assistance to nonprofit organizations in accordance with the guidelines of the Metropolitan Government. Section 5.04.070 of the Metropolitan Code of Laws provides that the Metropolitan Council may by resolution appropriate funds for the financial aid of nonprofit organizations.

The Council passed Ordinance No. BL2021-972 on final reading on December 7, 2021. This ordinance created a mechanism for providing funds to restore and maintain the tree canopy in Nashville and Davidson County by allocating from the general fund equivalent to one percent of the annual revenues for building permits, the annual revenues for grading permits, and the five-year average of net proceeds of general obligation bonds issues to fund construction projects. The legislation provided for an annual funding cap of \$2,500,000 per fiscal year. The program expires on June 30, 2023, unless extended by a resolution of the Metropolitan Council.

The resolution under consideration approves a grant contract between MWS and CRC for up to \$2,500,000 annually. CRC would use these funds to plan and execute the planting/canopy restoration projects on private property and provide maintenance in accordance with MWS standards. CRC would also distribute 20% of these funds to other nonprofit organizations for the planting of trees on private property. These other nonprofit organizations will provide reports to Metro regarding the use of funds and discuss and establish metrics with MWS. The term of this contract begins July 1, 2022 and ends June 30, 2025. The contract would terminate prior to June 30, 2025 if the Council does not extend the term of the program established by BL2021-972.

*Fiscal Note: Metro will pay up to \$2,500,000 annually to Cumberland River Compact to provide tree canopy restoration and maintenance from July 1, 2022 to June 30, 2023 under this grant agreement.*

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

**23. [RS2022-1600](#)**

A resolution authorizing The Metropolitan Government of Nashville and Davidson County, through the Department of Water and Sewerage Services, to enter into a waste data pilot program with Rubicon Global, LLC and to accept a donation of \$14,592.00 for hardware, software and services associated with the program.

Analysis

This resolution authorizes the Metropolitan Department of Water and Sewerage Services ("MWS") to enter into a waste data pilot program with Rubicon Global, LLC ("Rubicon"). The resolution also accepts a donation of \$14,592 for hardware, software and services associated with the program.

Rubicon has developed a technology-enabled suite of systems and methods for monitoring waste management services provided by waste hauler vehicles in real-time. MWS has a fleet of approximately 90 waste and recycling vehicles that service approximately 142,000 households within the Urban Services District. Pursuant to the agreement, MWS will participate in a three-month waste data pilot project to allow MWS to test Rubicon's products to improve the impact and efficiency of its residential waste and recycling program.

Rubicon will donate the following hardware devices: a smartphone with service plan; a telematics device; a phone case; a vehicle mount for the smartphone; and a vehicle charger and cable for the smartphone. Rubicon will also donate access to its app-based software in order to monitor and collect data regarding the activity of MWS solid waste vehicles. Rubicon will also donate access to a customized web portal to access the collected data as well as training and support services for the software.

The three-month pilot can be extended up to an additional six months upon mutual agreement of the parties. If the pilot program is extended, MWS would pay Rubicon \$3,510 per month during the additional months.

*Fiscal Note: Rubicon will donate the hardware, software and services associated to the waste data pilot program with an estimated value of \$14,592. If the pilot program is extended for the additional six-month period, MWS would pay Rubicon \$3,510 per month during the additional six months for a total of \$21,060.*

**Sponsors:** Allen and Young

**24. [RS2022-1601](#)**

A resolution to amend Ordinance No. BL2020-353, as amended, to authorize The Metropolitan Government of Nashville and Davidson County to accept an additional fire hydrant assembly, for property located at 810 Division Street (MWS Project Nos. 20-SL-59 and 20-WL-139 and Proposal Nos. 2020M-044ES-002 and 2022M-078ES-001).

**Analysis**

This resolution amends Ordinance No. BL2020-353 to accept an additional fire hydrant assembly for property located at 810 Division Street. BL2020-353, as amended by Resolution No. RS2021-799, abandoned 222 linear feet of existing 15-inch sanitary sewer main and easements, and accepted 290 linear feet of new 18-inch sanitary sewer main, five sanitary sewer manholes, a fire hydrant assembly, and easements for this property. It has since been determined that one additional fire hydrant assembly is needed for the project.

This ordinance has been approved by the planning commission. BL2020-353 provided that 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 Metro Water Services.*

**Sponsors:** OConnell, Withers and Young

**I. Bills on Second Reading**

**45. [BL2022-1255](#)**

An ordinance approving an agreement for a greenway conservation easement by and between PRII/SH Peabody Union Apartments Owner, LLC and the Metropolitan Government. (Proposal No. 2022M-023AG-001).

**Analysis**

This ordinance, as amended, approves an agreement for a greenway conservation easement between the PRII/SH Peabody Union Apartments Owner, LLC (“Grantor”) and the Metropolitan Government.

Pursuant to Tenn. Code Ann. § 66-9-305 and Metropolitan Charter § 2.01, the Metropolitan Government may accept donations of property interests for the purpose of establishing greenways and providing the public with recreational opportunities in natural areas.

The Grantor proposes to donate a conservation greenway easement for use as a pathway for pedestrian or bicycle travel and nature trail. The Metropolitan Government would make this

pathway available for all members of the general public, adopt rules and regulations governing the use of the easement area.

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

**46. [BL2022-1269](#)**

An ordinance to amend Title 2 of the Metropolitan Code, pertaining to the Board of Fire and Building Code Appeals.

**Analysis**

This ordinance amends the Metropolitan Code of Laws to amend the composition of the Board of Fire and Building Code Appeals.

Section 2.80.020 sets out the requirements for the nine members of the Board of Fire and Building Code Appeals ("Board"). The current provision requires one member of the Board to be selected from each of the following fields: architecture, civil or construction engineering, building and construction materials, labor, business or finance, mechanical engineering, mechanical contracting. Two members must be qualified fire prevention specialists. Not more than two members in any of the categories listed can serve on the board at the same time.

The ordinance under consideration would instead provide that members must be qualified in one of the following fields: building and development, architecture, contracting, engineering, or fire prevention. This would allow for multiple members to be selected from the same categories. According to the Department of Codes Administration, filling vacancies on the Board has become difficult due to the stratified composition required under the current Metro Code provisions.

**Sponsors:** Hancock

**47. [BL2022-1272](#)**

An ordinance approving a lease agreement between the Metropolitan Government of Nashville and Davidson County by and through the Mayor's Office of Emergency Management and the Department of General Services and the Community Resource Center for use of a warehouse at 801 Anderson Lane, Madison, TN 37115 (Parcel No. 04300002600) (Proposal No. 2022M-022AG-001).

**Analysis**

This ordinance approves a lease agreement between the Mayor's Office of Emergency Management and the Department of General Services ("Metro") and the Community Resource Center ("CRC") for the use of a warehouse at 801 Anderson Lane, Madison, TN 37115.

Metro and CRC previously entered into a memorandum of understanding ("MOU") regarding ongoing available general relief operations on January 24, 2020. The MOU provides that CRC will establish methods for collection and sorting of donated material goods, establish a warehouse/donation processing center, and establish drop-off locations for donated materials goods, among other things. The amount of donated goods collected by CRC has exceeded



existing warehouse capacity and a second location is necessary.

Pursuant to this agreement, CRC will lease an approximately 96,000 square feet portion of the warehouse at 801 Anderson Lane. CRC will lease the warehouse at no cost. CRC will use the warehouse only for the collection, sorting, and secure storage of donated material goods. Metro will pay all utility charges at the warehouse. There will be no utility cost to CRC.

CRC will be responsible for the routine maintenance of any improvements to the inside of the warehouse and janitorial services inside the warehouse. CRC has no obligation to improve or repair the warehouse to a condition better than the condition at the time when this agreement begins.

Metro will be responsible for the maintenance of existing electrical and HVAC systems, gas, sewer, sanitation, and other power or utility facilities, the exterior of the warehouse including the walls, roof, foundation, parking lot, and other items structural in nature or deemed capital improvements.

The term of this agreement begins upon execution and filing of the agreement with the Metropolitan Clerk and extends for 36 months. The agreement may be terminated by either party upon 30 days' written notice.

*Fiscal Note: Community Resource Center (CRC) will lease the warehouse at no cost but will be responsible for the routine maintenance of any improvements and janitorial services inside the premises. CRC will be responsible for all personal property, local, state or federal taxes which may be assessed by virtue of its activities on the premises.*

**Sponsors:** Hancock, Allen, Withers and Evans

**48. [BL2022-1273](#)**

An ordinance granting the Purchasing Agent the authority to extend the term of contract number 422444 for the Murfreesboro Pike complete streets architectural and engineering services.

**Analysis**

This ordinance grants the Purchasing Agent authority to extend the term of Contract Number 422444. Contract Number 422444 was awarded to Kimley-Horn and Associates, Inc., in 2018 for the Murfreesboro Pike complete streets architectural and engineering services. This contract was competitively procured and awarded for a term of 60 months and is set to expire in April 2023. Section 4.12.160(A) of the Metropolitan Code limits the term of contracts for services to 60 months, unless otherwise authorized by the Metropolitan Council.

The Purchasing Agent and the Nashville Department of Transportation have recommended that this contract be extended until this project can be completed.

The amendment under consideration provides that the contract term will end at project completion. The contract value would also be increased by \$12,500 due to the re-evaluation of

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NEPA. Exhibit A would be replaced to include the re-evaluation of NEPA.

*Fiscal Note: This amendment will increase the estimated contract life value by \$12,500, due to the re-evaluation of NEPA, to \$365,000.*

**Sponsors:** Allen and Young

49. [\*\*BL2022-1274\*\*](#)

An ordinance approving a revised organizational plan for the Metropolitan Public Health Department of the Metropolitan Government of Nashville and Davidson County.

Analysis

This ordinance approves a revised organizational plan for the Metropolitan Public Health Department of the Metropolitan Government. Section 10.104 of the Charter of The Metropolitan Government of Nashville and Davidson County requires that the Metropolitan Board of Health establish within the department of health such divisions, branches or subdivisions, and plan of organization as may be consistent with efficient administration. This provision also requires that such organizational plan shall be submitted by the Metropolitan Board of Health to the Metropolitan Council for approval by ordinance, and which organizational plan may be amended from time to time in like manner.

This organizational plan was approved by the Board of Health at its March 16, 2022 meeting.

**Sponsors:** Evans, Welsch and Styles

50. [\*\*BL2022-1275\*\*](#)

An ordinance accepting a greenway conservation easement, on certain property located at 433 Opry Mills Drive (Parcel No. 07300001700) owned by Opry Mills Mall Limited Partnership (Proposal No. 2022M-024AG-001).

Analysis

This ordinance accepts a greenway conservation easement on property located at 433 Opry Mills Drive, owned by Opry Mills Mall Limited Partnership (“Grantor”).

The Grantor proposes to grant the Metropolitan Government a greenway conservation easement pursuant to the terms of the agreement. The agreement authorizes Metro to use the easement area for one or more of the following: a pathway for pedestrian or bicycle travel, nature trail, and/or natural area.

An amendment is necessary to attach the greenway conservation easement agreement to the legislation, which has been submitted to the Council Office.

**Sponsors:** Syracuse, Allen, Withers, Bradford, Young and Styles

51. [\*\*BL2022-1276\*\*](#)

An ordinance approving a license agreement between The Metropolitan Government of Nashville and Davidson County, acting by and through the Board of Parks and Recreation,

and The Nashville Food Project for the use of commercial community gardening at Mill Ridge Park.

Analysis

This ordinance approves a license agreement between the Board of Parks and Recreation (“Parks”) and The Nashville Food Project (“TNFP”) for the use of commercial community gardening at Mill Ridge Park.

Pursuant to this agreement, Parks grants to TNFP designated areas on the Mill Ridge Park property at 12924 Old Hickory Boulevard for the purpose of developing, programming, and operating community gardens and education in compliance with all rules, regulations, and policies of Parks. TNFP is authorized to use up to seven acres for this purpose.

TNFP will track and report certain performance measures at least annually to Parks and the Mayor’s Office regarding the success of the license agreement.

The term of the license agreement is 60 months, with an option to renew for an additional 60-month term subject to the mutual agreement of Parks, the Council, and TNFP. The license agreement may be terminated by either party upon 60 days’ written notice.

*Fiscal Note: There is no cost to Metro for the performance of this license agreement. The Nashville Food Project will be responsible for the maintenance of all areas within the designated boundaries of the garden and water service payment.*

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

**52. [BL2022-1277](#)**

An ordinance approving a license agreement between The Metropolitan Government of Nashville and Davidson County, acting by and through the Board of Parks and Recreation, and The Lamar Companies for the use of 180 Anthes Drive, Nashville, Tennessee 37210 (Parcel No. 09311011200)

Analysis

This ordinance approves a license agreement between the Metropolitan Board of Parks and Recreation (“Parks”) and The Lamar Companies (“Lamar”) for the use of 180 Anthes Drive.

This license agreement authorizes Lamar to construct, repair and relocate an outdoor advertising structure. Pursuant to the agreement, Lamar will pay Parks an annual rental payment of \$9,000, payable in monthly increments of \$750. The license is for a term of 18 months. Lamar agrees to remove the sign within 30 days of the expiration of the term of the agreement.

*Fiscal Note: Lamar Companies will pay Metro Nashville Board of Parks and Recreation the sum of \$46,200 retroactive rental payment in addition to the annual rental payment of \$9,000 or \$750 monthly for the sign location license.*

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**Sponsors:** OConnell, Allen and Bradford

**53. [BL2022-1278](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent easements for the Jacksons Valley Road Stormwater Improvement Project for six properties located on Jacksons Valley Road, (Project No. 22-SWC-196 and Proposal No. 2022M-073ES-001).

**Analysis**

This ordinance authorizes the negotiation and acceptance of a permanent easement for the Jacksons Valley Road Stormwater Improvement Project for six properties located on Jacksons Valley Road.

This has been approved by the Planning Commission. Future amendments to this legislation 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 Metro Water Services.*

**Sponsors:** Evans, Withers and Young

**54. [BL2022-1279](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sanitary sewer manhole, and easement rights, and to rehabilitate sanitary sewer main and sanitary sewer manholes, for eight properties located at Lebanon Pike, Rucker Avenue, White Avenue and former Alley #2058, also known as Lebanon Pike 7-Eleven (MWS Project No. 21-SL-238 and Proposal No. 2022M-072ES-001).

**Analysis**

This ordinance abandons approximately 250 linear feet of existing eight-inch sanitary sewer main (VCP) and one sanitary sewer manhole and easement rights that were retained by Ordinance BL2021-649 for any existing utilities located at former Alley Number 2058, and authorizes the rehabilitation of approximately 175 linear feet of existing eight inch sanitary sewer main (VCP) with inner pipe lining and two sanitary sewer manholes for eight properties located at Lebanon Pike, Rucker Avenue, and White Avenue.

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 easements have no market value according to the Department of Metro Water Services.*

**Sponsors:** OConnell, Withers and Young

**55. [BL2022-1280](#)**

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

and easements and to relocate a fire hydrant assembly, for property located 115 Hart Lane, (MWS Project Nos. 21-WL-106 and 21-SL-260 and Proposal No. 2022M-074ES-001).

Analysis

This ordinance accepts approximately 644 linear feet of new eight-inch water main (DIP), approximately 617 linear feet of new eight inch sanitary sewer main (PVC), one fire hydrant assembly, eight sanitary sewer manholes and easements and relocates one existing fire hydrant assembly for property located at 115 Hart Lane.

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 Metro Water Services.*

**Sponsors:** VanReece, Withers and Young

**56. [BL2022-1281](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer mains, sanitary sewer manholes, fire hydrant assembly and easements, for property located at 5215 Blue Hole Road (MWS Project Nos. 21-SL-200 and 21-WL-86 and Proposal No. 2022M-071ES-001).

Analysis

This ordinance accepts approximately 778 linear feet of new eight-inch sanitary sewer main (PVC), approximately 148 linear feet of new eight inch sanitary main (DIP) encased in 16 inch steel pipe, five sanitary sewer manholes, one fire hydrant assembly and easements, for property located at 5215 Blue Hole Road.

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 Metro Water Services.*

**Sponsors:** Rutherford, Withers and Young

**57. [BL2022-1282](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main and fire hydrant assemblies, and to accept new public water main and fire hydrant assemblies, for two properties located at 1506 Church Street and 215 15th Avenue North, also known as Church Street Residences (MWS Project No. 20-WL-118 and Proposal No. 2022M-077ES-001).

Analysis

This ordinance abandons approximately 2,466 linear feet of existing six inch water main and

three fire hydrant assemblies and accepts approximately 2,528 linear feet of new eight inch water main (DIP), and five fire hydrant assemblies for two properties located at 1506 Church Street and 215 15th Avenue North, also known as Church Street Residences.

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 Metro Water Services.*

**Sponsors:** OConnell, Withers and Young

**58. [BL2022-1283](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a public fire hydrant assembly and easement, for three properties located at 500 W. Trinity Lane and W. Trinity Lane (unnumbered), also known as Word 18 Townhomes (MWS Project No. 21-WL-79 and Proposal No. 2022M-075ES-001).

Analysis

This ordinance accepts one public fire hydrant assembly and easement for three properties located at 500 W. Trinity Lane and W. Trinity Lane (unnumbered), also known as Word 18 Townhomes.

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 Metro Water Services.*

**Sponsors:** Toombs, Withers and Young

**59. [BL2022-1284](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sanitary sewer manhole and easements, and to accept new sanitary sewer main, sanitary sewer manholes and easements, for property located at 245 Ensworth Place, (MWS Project No. 22-SL-42 and Proposal No. 2022M-076ES-001).

Analysis

This ordinance abandons approximately 401 linear feet of existing 10 inch sanitary sewer main (PVC), one sanitary sewer manhole and easements, and accepts approximately 410 linear feet of new 10 inch sanitary sewer main (DIP), three sanitary sewer manholes and easements for property located at 245 Ensworth Place.

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 Metro Water Services.*

**Sponsors:** Murphy, Withers and Young

## J. Bills on Third Reading

### 60. [BL2021-971](#)

An ordinance to amend Title 2 of the Metropolitan Code of Laws to create an Office Homeless Services.

#### Analysis

This ordinance creates an office of housing and homelessness in the Metropolitan Government. This office would consist of a director and any other officers and employees as may be necessary. The director would be appointed by the mayor and would be an unclassified service employee.

The duties of this office would be:

- (1) the promotion of affordable housing in Nashville and Davidson County;
- (2) providing expertise and coordinate a community response to homelessness;
- (3) providing resources regarding affordable housing and homelessness throughout Nashville and Davidson County;
- (4) providing staff and resources for the Metropolitan Homelessness Commission and the Nashville Davidson County Continuum of Care Homelessness Planning Council; and
- (5) assisting with the administration of the Metropolitan Housing Trust Fund Commission and the Barnes Fund for Affordable Housing.

This ordinance would also transfer the homeless impact division from metro social services to the office of housing and homelessness. The affordable housing program manager and director of housing programs would also be transferred to this office.

**Sponsors:** OConnell, Evans, Suara, Sepulveda, Sledge, Welsch, Roberts, Allen, Porterfield, Rosenberg, Johnston, Parker, Druffel, Bradford, Benedict, Taylor, Styles, Hausser, Toombs and VanReece

### 61. [BL2022-1164](#)

An Ordinance to amend Chapter 9.30 of the Metropolitan Code of Laws pertaining to construction sites.

#### Analysis

This ordinance, as substituted, amends Sections 9.30.010 and 9.30.030 of the Metropolitan Code of Laws regarding construction noise. Pursuant to the existing Metro Code section, construction noise cannot exceed 70 decibels between the hours of 7:00 p.m. and 7:00 a.m. During the months of June, July, and August, this standard applies between the hours of 8:00 p.m. and 6:00 a.m. The current provision applies only to construction sites located within or adjoining a residential zoning district and is measured from a point as close as possible to the

outside walls of any residential structure located on the property affected by the noise at a height of four feet above the immediate surrounding surface.

The ordinance under consideration, as substituted, would change this provision to outdoor construction, repair, or demolition of parcels located within or adjoining the following zoning districts: AG, AR2a, RS, RS-A, R, R-A, RM, RM-A, RM-NS, RM-A-NS, SP, MUN, MUN-A, MUN-NS, MUN-A-NS, MUL, MUL-A, MUL-NS, MUL-S-NS, MUG, MUG-A, MUG-NS, MUG-A-NS, MUI, MUI-A, MUI-NS, MUI-A-NS, OR, OR-A, OR-NS, OR-A-NS, ON, OL, OG, OG-NS, ORI, ORI-A, ORI-NS, ORI-A-NS, CN, CN-A, CN-NS, CN-A-NS, CL, CL-A, CL-A-NS, CA, CA-NS, CF, CF-NS, SCN, SCN-NS, SCC, SCC-NS, SCR, or SCR-NS. This restriction would not apply to activities necessary to mitigate safety or significant traffic concerns during the stated restriction hours such as concrete activities, utility and road work, hauling of large loads, and similar.

This prohibition would apply during the same time periods as outlined in the current noise provision. Additionally, the variance procedures would be updated to replace references to the noise provision and make clear that the variance would be for outdoor construction hours.

**Sponsors:** Sledge, OConnell, Hausser, Evans, Murphy, Welsch, Styles, VanReece, Suara, Benedict, Bradford, Porterfield and Toombs

**62. [BL2022-1169](#)**

An ordinance approving a Lease Agreement by and between the Metropolitan Government of Nashville and Davidson County acting by and through the Metropolitan Board of Education and East End Prep (Proposal No. 2021M-012PR-001).

**Analysis**

This ordinance approves a lease agreement between the Metropolitan Board of Education and East End Prep for use of property at 1460 McGavock Pike as a charter school. The property includes approximately 91,970 square feet of the building.

The term of the lease begins July 14, 2021 and ends June 30, 2031. Upon termination of the lease, the property will revert to MNPS. For the first year, the lease payment will be \$30,656.67 per month, which represents a rate of \$4.00 per square foot. The lease includes the cost of grounds maintenance, preventative maintenance, and refuse removal provided by MNPS's contracted providers, as well as major building systems components and capital repairs. The lease payment will increase from \$4.00 per square foot in Year 1 to \$5.00 per square foot in Year 2, and then increase 3% each year throughout the term of the lease.

MNPS is responsible for the major building system components and their capital repairs. This includes the building's roof, foundation, structural members of exterior walls, HVAC system components, and more. MNPS is also responsible for the refuse collection and ground maintenance, the cost of which is included in the lease payment. East End Prep is responsible for custodial services, utilities, routine maintenance of the premises, and ADA compliance, building, fire, and zoning codes and regulations. East End Prep must maintain commercial



general liability insurance of not less than \$1,000,000 per occurrence.

*Fiscal Note: The basic lease per square foot price is \$4.00/square foot or \$30,656.67 per month for the approximate square footage of 91,970 during year 1. The basic lease per square foot includes the cost of grounds maintenance preventive maintenance, refuse removal, major building systems components and capital repairs. The lease rate will increase by 3% each year beginning in Year 2 and throughout the term of the lease.*

**Sponsors:** Benedict, Allen and Withers

**67. [BL2022-1248](#)**

A bill to be entitled: The Budget Ordinance of the Metropolitan Government of Nashville and Davidson County, Tennessee for Fiscal Year 2023.

Analysis

This ordinance is the proposed operating budget for the Metropolitan Government for Fiscal Year 2023. The budget filed by the Mayor provides for the following proposed funding:

• General Services District General Fund	\$1,288,483,800
• General Services District Schools Fund	\$1,109,002,500
• General Services District General Debt Service Fund	\$269,723,100
• General Services District Schools Debt Service Fund	\$120,799,100

**TOTAL GENERAL SERVICES DISTRICT BUDGET** **\$2,788,008,500**

• Urban Services District General Fund	\$161,957,300
• Urban Services District General Debt Service Fund	\$20,294,700

**TOTAL URBAN SERVICES DISTRICT BUDGET** **\$182,252,000**

**TOTAL OPERATING BUDGET** **\$2,970,260,500**

The Fiscal Year 2022 budget is \$2,646,580,300. The Mayor's proposed budget represents an overall increase of \$323,680,200 (12.2%).

The Mayor's proposed budget would not appropriate any funds from the unreserved fund balances of the primary budgetary funds. Metro's established policy is to maintain a fund balance equal to or greater than 5% for each of the six primary budgetary funds, the GSD General Fund, USD General Fund, and General Purpose School Operations Fund, as well as the three related primary debt service funds.

The Mayor's proposed budget is projected to result in the following fund balance percentages by June 30, 2023:

• General Services District General Fund	23.4%
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- General Services District Debt Service Fund 10.4%
  - General Services District Schools Operations Fund 18.3%
  - Schools Debt Service Fund 54.3%
  - Urban Services District General Fund 7.8%
  - Urban Services District Debt Service Fund 23.3%

The current FY22 property tax rate for the GSD is \$2.953 per \$100 of assessed value. The current rate for the USD is \$0.335, giving a combined rate of \$3.288. Ordinance No. BL2022-1249 would adopt a rate \$2.920 in the GSD and \$0.332 in the USD, for a combined rate of \$3.252. Per the requirements of Tenn. Code Ann. § 67-5-1701, the certified property tax rates must be set to produce the same ad valorem revenue for Metro as was levied during the previous year, exclusive of new construction, improvements, and deletions. The FY22 tax levy was the same as the certified property tax rate. State law also requires that, in the year following the adoption of the certified tax rate, the State Board of Equalization order recapture of an excessive adjustment if the certified tax rate was found to be overestimated. The proposed FY23 tax levy is \$0.002 below the recapture rate ordered by the State Board of Equalization.

Even with the reduction in the tax rates, growth is expected to generate new property taxes in the amount of \$101.5 million over the budgeted FY22 revenue. The proposed FY23 budget includes an increase of \$138.2 million in local option sales tax revenues. The budget also includes expected revenue increases from grants and other non-tax revenues in the amount of \$49.5 million.

The proposed budget includes an increase of \$43.6 million for pay plan improvements. All employees would receive a 4% cost-of-living raise on July 1, 2022. In addition, funding is included for increment increases for all eligible employees, funding for 3% open-range pay increases, and funding for an increase to the minimum wage for full-time hourly employees all of which would be effective on July 1, 2022. The department heads have the discretion to determine the actual raises to be given to each open-range employee.

The Mayor's budget includes a \$4.4 million increase for equipment and building repairs. This is the equivalent of setting aside 5% of the GSD general fund revenue for this purpose, as opposed to the 4% required by the Charter. This should help Metro address some deferred maintenance and equipment needs that have not been able to be funded previously

The Barnes Fund for Affordable Housing would receive an additional \$15 million as part of the continuing commitment for affordable housing, which is partly funded by the local portion of the hotel/motel taxes generated by short-term rental properties.

The largest investment in the Mayor's proposed budget is for Metro Nashville Public Schools. This includes an \$94.34 million increase in the amount of local funding for schools. This would result in a total MNPS operating budget of \$1,109,002,500. This includes employee pay for support staff, steps and 4% COLA for all employees. However, as noted in two presentations

by MNPS to the Council, the state share funding was reduced resulting in a \$22 million shortfall in the overall MNPS budget.

The budget includes funding for a number of improvement requests submitted by various departments. This includes a \$10.7 million increase for WeGo, \$13.8 million for Fire and EMS operations, \$19.3 million for the Police Department, plus a \$1 million allocation for a Police Recruitment Program, \$2.2 million for Public Works/NDOT for right-of-way pollution reduction and pedestrian safety. Other departmental investments focus on staffing to improve services includes:

- Public Works/NDOT: \$4.5 million for additional positions
- Parks and Recreation: \$4.8 million for additional positions supporting a variety of programs
- Codes Administration: \$1.7 million for additional positions to improve customer services
- Public Health: \$2.1 million for a variety of new positions
- Public Library: \$1.1 million for a variety of new positions
- Planning Department: \$2.6 million for a variety of new positions
- Social Services: \$ 1.29 million for a variety of new positions

The Hospital Authority would receive a subsidy from the general fund of \$52,038,000, an increase of \$2,478,000 over the FY22 budget. The subsidy for Bordeaux Long Term Care management contract is \$320,000. The subsidy for the Knowles Home assisted living facility increased by \$100,000.

Section 6.07 of the Charter requires the next order of business following adoption of the operating budget ordinance, to be the adoption of the tax levy ordinance.

Per Rules 39 and 41 of the Metro Council Rules of Procedure, the budget ordinance is amendable on third reading. And pursuant to section 6.06 of the Metro Charter, the Council must adopt a substitute operating budget no later than June 30. Otherwise, the budget as originally submitted by the Mayor becomes effective on July 1 by operation of law.

**Sponsors:** Allen and Suara

**68. [BL2022-1249](#)**

An ordinance establishing the tax levy in the General Services District for the fiscal year 2022-2023, and declaring the amount required for the annual operating budget of the Urban Services District, pursuant to section 6.07 of the Metropolitan Charter.

**Analysis**

This ordinance, as substituted, approves the property tax levy for FY23. Section 6.07 of the Metropolitan Charter provides that the Council's next order of business upon adopting the annual operating budget is to adopt a tax levy that fully funds that budget. The property tax rate proposed by the Mayor is being decreased slightly from the FY22 rates of \$2.953 to \$2.922 in the General Services District and \$0.335 to \$0.332 in the Urban Services District, for a

combined rate of \$3.254. The Council adopted the FY22 tax levy to be the same as the certified property tax rate and pursuant to Tenn. Code Ann. § 67-5-1701, the certified tax rates must be set to produce the same ad valorem revenue for Metro as was levied during the previous year, exclusive of new construction, improvements, and deletions. State law also requires that, in the year following the adoption of the certified tax rate, the State Board of Equalization order recapture of an excessive adjustment if the certified tax rate was found to be overestimated. The proposed FY23 tax levy is \$0.002 below the recapture rate ordered by the State Board of Equalization. This tax levy rate is projected to be sufficient to fully fund the Mayor's proposed FY23 operating budget.

The tax levy is amendable on third reading. Following the adoption of the tax levy ordinance the Urban Council must meet to approve a separate resolution to approve the property tax rate as proposed for the Urban Services District.

**Sponsors:** Allen and Suara

**69. [BL2022-1251](#)**

An ordinance amending Section 5.04.120 of the Metropolitan Code of Laws to increase the threshold of donations that Metropolitan Government departments, boards, and commissions may accept and expend and to require certain information be included in the resolution accepting a donation.

**Analysis**

This ordinance amends Section 5.04.120 of the Metropolitan Code of Laws to increase the threshold for donations, exclusive of donations of real property, that Metropolitan Government departments, boards, and commissions may accept and expend. It would also require certain information be included in the resolution that accepts the donation.

Pursuant to the current Metropolitan Code, departments may accept donations with a value of less than \$5,000. Donations of over \$5,000 require approval of the metropolitan council by resolution.

This ordinance would increase the threshold from \$5,000 to \$7,500. It would further require certain information be included in the resolution filed with the council for the approval of the donation. The information required would be:

1. If a donation from an individual, the name of the individual or individuals.
2. If a donation from a group or legal entity:
  - a. The legal name of the entity;
  - b. The names of any officers of the organization;
  - c. A description of the organization and its mission; and
  - d. The organization's website, if applicable.

**Sponsors:** Allen, Evans and Henderson

**70. [BL2022-1253](#)**

An ordinance creating the positions of Apprentice, Compliance Monitor - Senior, Compliance Monitor, Fire Logistics and Inventory Clerk, Human Resources Specialist, Safety Specialist,

Short Term Rental Inspection Chief, Short Term Rental Inspector, Treasury Analyst - Senior, and Treasury Analyst.

Analysis

This ordinance creates ten new positions within the Metropolitan Government. Section 12.10 of the Metropolitan Charter provides that newly created positions within the Metropolitan Government must be approved by ordinance.

The Civil Service Commission, upon the recommendation of the Director of Human Resources, has created the following new positions:

- Apprentice
- Compliance Monitor - Senior
- Compliance Monitor
- Fire Logistics & Inventory Clerk
- Human Resources Specialist
- Safety Specialist
- Short Term Rental Inspection Chief
- Short Term Rental Inspector
- Treasury Analyst - Senior
- Treasury Analyst

A job description for each is attached to the ordinance.

**Sponsors:** Allen and Hancock

71. [BL2022-1254](#)

An ordinance authorizing a technology fee to fund the technology required by the community development and regulation processes and establishing the ITS Technology Fund.

Analysis

This ordinance creates a 10% technology fee that will be assessed on top of applicable permit fees assessed by the Department of Codes and applicable permit fees and services from the Metro Water Services. The technology fee may be adjusted annually to ensure cost recovery after review and approval by the Department of Finance.

All fees collected must be used for the purpose of providing the technology required by the community development and regulation processes, including future maintenance and upgrades.

Future amendments to this ordinance may be approved by resolution.

**Sponsors:** Allen, Hancock and Young

72. [BL2022-1256](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by naming the private roadway that runs between Two Rivers Golf Course and McGavock High School, "Two

Rivers Lane". (Proposal Number 2022M-002SR-001).

Analysis

This ordinance amends the Metropolitan Government geographical information systems map to name the private road that runs between Two Rivers Golf Course and McGavock High School as "Two Rivers Lane". This name change has been requested by the Metropolitan Parks Department and will assist citizens and others, especially Emergency Services, in locating buildings along this roadway.

Private streets and roads are named and included on Metro maps for purposes of providing emergency services, although the roadways are not maintained by the Metropolitan Government. This ordinance has been approved by the Planning Commission and the Emergency Communications District Board.

**Sponsors:** Syracuse, Withers and Young

**73. [BL2022-1257](#)**

An ordinance authorizing Fourth and Broad, L.P., to install, construct and maintain underground encroachments in the right of way located 405 Broadway. (Proposal No. 2022M-009EN-001)

Analysis

This resolution authorizes Fourth and Broad, L.P., to install and maintain underground encroachments in the right of way located at 405 Broadway. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

**Sponsors:** OConnell, Withers and Young

**74. [BL2022-1258](#)**

An ordinance authorizing Propco 609 Merritt LLC to install, construct and maintain underground encroachments in the right of way located 609 Merritt Avenue. (Proposal No. 2022M-010EN-001)

Analysis

This resolution authorizes Propco 609 Merritt LLC to install and maintain underground encroachments located at 609 Merritt Avenue. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

**Sponsors:** Sledge, Withers and Young