Metropolitan Nashville and Davidson County, TN Tuesday, May 20, 2025 6:30 PM Metropolitan Council Agenda Analysis Historic Metro Courthouse 1 Public Square, 2nd floor Nashville, TN 37201 Metropolitan Courthouse

Metropolitan Council

I. Rules of Procedure

11. Rule 9.3 Amd

Amendment to Rules of Procedure, Rule 9.3

<u>Analysis</u>

This proposed rule amendment would amend the recently implemented Rule 9.3 of the Council Rules of Procedure. Currently, Rule 9.3 requires that all ordinances on first reading be considered in one vote. The current rule provides that an ordinance on first reading can be considered separately if the lead sponsor of the ordinance or two or more members notify the Vice Mayor during the consideration of first reading ordinances that they wish to take a separate vote on an ordinance.

The proposed rule amendment would amend Rule 9.3 to allow for an ordinance to be considered separately only upon the request of the lead sponsor or as provided in Rule 9.2, removing the option for two or more members to request an ordinance be considered separately. Rule 9.2 allows for an ordinance on first reading to be deferred for one meeting if the subject matter affects only one district and the district council member has not introduced or co-sponsored the legislation.

This proposed rule amendment would effectively require a suspension of the Rules for an item on first reading to be considered separately if not requested by the lead sponsor or pursuant to Rule 9.2.

Sponsors: Benedict

K. Resolutions

1. RS2025-960

A resolution approving an adjustment to the Mixed-Income PILOT Program as authorized pursuant to Ordinance No. BL2022-1170 program.

Analysis

This resolution approves an adjustment to the Mixed-Income PILOT program, previously authorized by the Metropolitan Council pursuant to Ordinance No. BL2022-1170.

BL2022-1170 authorized the Health and Education Facilities Board ("HEFB") of the Metropolitan Government to negotiate and accept payments in lieu of ad valorem taxes ("PILOT") from its lessees operating mixed-income multifamily housing facilities, including housing for low and moderate-income persons. The ordinance allowed a PILOT program for non-Low Income Housing Tax Credit properties. This Mixed-Income PILOT program incentivizes mixed-income housing that is affordable to households with incomes at 50% or 75% or less of the area median income ("AMI") for the Nashville-Davidson Metropolitan Statistical Area in multifamily properties that otherwise would not have any income-restricted units. Program applicants apply to receive a property tax abatement for a specified number of years where the abatement value is determined by a tiered programmatic structure based on specific AMI levels and percentage of reduced rent units proposed in the development, as detailed in the General Program Description in Exhibit A to BL2022-1170. The total annual abatement amount for new Mixed-Income PILOT program projects is limited to \$3,000,000 annually.

The resolution under consideration would make adjustments to Exhibit A, the General Program Description, to remove the tiered approach with a calculation-based approach. The revised Exhibit A would eliminate the program tiers. A new section entitled "Abatement Calculation" would be added, which provides that the abatement for the PILOT will be determined according to an abatement calculator posted on the website of the Housing Division of the Metropolitan Planning Department. The calculator would be based on the U.S. Department of Housing and Urban Development ("HUD") Small Area Fair Market Rates ("SAFMR") and annually published AMI. Multipliers for calculating market value based on SAFMR and for the PILOT incentive would be evaluated by the Housing Division and updated on the website annually at the same time that new HUD AMI numbers are published. Other housekeeping changes would be made to reflect the calculation-based approach.

Sponsors: Allen, Suara, Vo, Benedict, Kupin, Toombs and Gadd

3. RS2025-1187

A resolution approving an intergovernmental license agreement between The Metropolitan Government of Nashville and Davidson County and the United States of America to enter certain property located at 1414 County Hospital Road owned by The Metropolitan Government, for limited military training purposes. (Proposal No. 2025M-015AG-001)

<u>Analysis</u>

This resolution approves an intergovernmental license agreement between the Metropolitan Government and the United States Department of the Army. Pursuant to this license agreement, the Department of the Army would be able to enter property owned by the Metropolitan Government located at 1414 County Hospital Road for the purpose of conducting military training for the Department of the Army personnel.

The license would be effective from May 19, 2025, to May 23, 2025. According to the license waiver, simmunition (simulated ammunition) close quarter battle training with helicopter insertion and exfiltration is authorized for use in the training exercises.

Fiscal Note: Metro would provide this license to the Department of the Army at no cost.

Sponsors: Hill, Gamble, Rutherford, Hancock and Kupin

4. RS2025-1188

A resolution approving an intergovernmental license agreement between The Metropolitan Government of Nashville and Davidson County and the United States of America to enter certain property located at 1414 County Hospital Road owned by The Metropolitan Government, for limited military training purposes. (Proposal No. 2025M-017AG-001)

Analysis

This resolution approves an intergovernmental license agreement between the Metropolitan Government ("Metro") and the United States of America Department of the Army. Pursuant to this license agreement, the Department of the Army would be able to enter property owned by Metro located at 1414 County Hospital Road for the purpose of conducting military training for Department of Army personnel.

The license would be effective from 6 p.m. to 2 a.m. on May 18 and 19, 2025 and June 1 and 2, 2025. According to the license waiver, the property would be entered by tactical aircraft, vehicles, or foot movement wearing military uniforms and using military weapons. Metro would grant overflight permission of small unmanned aircraft systems. The weapons were be set up for simulation situations (paint round only). Door and window breaching are authorized on doors and windows that would be provided and installed by the United States government.

Fiscal Note: Metro would provide this license to the Department of the Army at no cost.

Sponsors: Hill, Gamble, Rutherford and Hancock

5. RS2025-1191

A resolution accepting the terms of a cooperative purchasing master agreement for class 4-8 chassis and related equipment for the Department of General Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement the terms of a cooperative purchasing master agreement for class 4-8 chassis and cabs, and related equipment, for the Department of General Services. The original agreement is between Sourcewell, which is a Minnesota governmental agency, and Navistar, Inc. The total project value is \$5,000,000. The anticipated savings from the cooperative purchase agreement is \$15,071.

The Department of General Services seeks to use this contract to class 4-8 chassis and related equipment including refuse, concrete, dump, and street sweeping trucks, according to the cooperative request form.

The pricing in the cooperative purchasing agreement was from a competitive RFP with 26 offers, according to the cooperative request review form. It is unlikely that Metro would obtain a

better value through a competitive solicitation. The agreement would expire on July 9, 2028, with an option for three one-year extensions between Sourcewell and the supplier.

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. M.C.L. § 5.04.020 requires that all equipment leases be approved by a Metropolitan Council resolution if the annual expenditure for the lease exceeds \$5,000.

Fiscal Note: According to the Cooperative Request Review from the Division of Purchases, the anticipated project cost is \$5,000,000.

Sponsors: Porterfield, Hill and Styles

6. **RS2025-1218**

A resolution establishing the certified tax rate in the General Services District, and declaring the amount of the certified tax rate for the Urban Services District, pursuant to the provisions of Tennessee Code Annotated § 67-5-1701, et seq.

<u>Analysis</u>

This resolution establishes the certified tax rate of the Metropolitan Government. State law requires that once the county reappraisal program is completed, a tax rate must be set that will provide the same amount of revenue for the county that was levied during the previous year based on the old assessment values and tax levy, because a government may not realize greater revenue by means of a reappraisal program.

The purpose of the reappraisal program is to ensure that property assessments are "equalized" by having all property appraised at the same time. The present tax rate for the GSD is \$2.922 per \$100 of assessed value and \$0.332 for the USD, for a total combined rate in the USD of \$3.254. The new certified tax rate to be approved by this resolution will be \$1.995 per \$100 of assessed value in the GSD and \$0.277 per \$100 of assessed value in the USD, for a combined rate of \$2.222.

Note that there is a separate ordinance, BL2025-834, that would establish the tax levy for the annual operating budget.

The Council Office anticipates a substitute for this resolution to acknowledge approval of the certified tax rate and calculations by the State Board of Equalization.

Sponsors: Porterfield

7. **RS2025-1220**

A resolution authorizing the issuance of not to exceed one hundred fifty-eight million dollars (\$158,000,000) in aggregate principal amount of interfund tax anticipation notes of The Metropolitan Government of Nashville and Davidson County.

<u>Analysis</u>

This resolution authorizes the issuance of up to \$158,000,000 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 2026 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, FY22, FY23, FY24, and FY25 in compliance with the Comptroller's request. The proposed resolution would continue this practice in order to formalize Metro's regular practice of interfund borrowing.

The resolution identifies the Water & Sewerage Services Fund as the "lending fund" for purposes of the TANs.

Sponsors: Porterfield

8. RS2025-1221

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 Davidson County General Sessions Court, to provide Tennessee Certified Recovery Court Program (TCRCP) services to include intensive court supervision, mandatory drug testing, and substance abuse treatment as an alternative to adjudication or incarceration.

<u>Analysis</u>

This resolution accepts a grant from the Tennessee Department of Mental Health and Substance Abuse Services to the Davidson County General Sessions Couty to provide Tennessee Certified Recovery Court Program ("TCRCP") services. These services would include intensive court supervision, mandatory drug testing, and substance abuse treatment as an alternative for adjudication or incarceration.

The grant award is an amount not to exceed \$72,000 with no local cash match. The grant term starts on July 1, 2025, and concludes on June 30, 2026.

Sponsors: Porterfield, Evans, Welsch, Huffman, Gadd, Suara, Allen and Vo

9. RS2025-1222

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

Davidson County General Sessions Court, to provide Tennessee Mental Health Court Program services to support adult mental health court programs and treatment services to non-violent offenders.

Analysis

This resolution accepts a grant from the Tennessee Department of Mental Health and Substance Abuse Services to the Davidson County General Sessions Court to provide Tennessee Mental Health Court Program services to support adult mental health court programs and treatment services to non-violent offenders.

The funding would support client assistance to the Davidson County Mental Health Court through housing, transportation, medical care, and mental health care. The grant would also supplement salaries of Mental Health Court staff and provide technical support.

The grant is funded under Tennessee Code Annotated section 16-19-106 with an annual renewal. The grant amount is not to exceed \$300,000 with no cash match. The term of the grant beings on July 1, 2025, and ends on July 1, 2026.

Sponsors: Porterfield, Evans, Welsch, Ellis, Huffman, Gadd, Suara, Allen and Vo

10. RS2025-1223

A resolution approving an economic impact plan for the Rivergate Mall Economic Development Project.

Analysis

This resolution approves an economic impact plan for the Rivergate Mall Economic Development Project (the "Plan"). T.C.A. § 7-53-314 authorizes the Industrial Development Board (the "IDB") to prepare economic impact plans for approval by the Metropolitan Council. On May 14, 2025, the IDB considered and approved the Plan for submission to the Metropolitan Council. The purpose of an economic impact plan is primarily to provide tax increment financing for a designated project to cover costs related to public infrastructure and site development.

The Rivergate Mall project is located at 1000 Rivergate Parkway and is currently used as a shopping center. At completion, the project area will consist of 57 acres that include multifamily housing, townhomes for sale, senior housing, retail, restaurants, sports and entertainment facilities, medical offices, general offices, hotels, and other improvements. The real property tax increment above the base tax and dedicated tax will be used to pay for the public improvements to the property, such as roads, sidewalks, parks, greenways, utilities and other improvements that benefit all properties within the Plan, including any building demolition and site preparation work, and utility improvements and stormwater and drainage improvements that will be located on private property.

An economic impact analysis was prepared by Camoin Associates and Merus LLC (the "Developer"). The analysis estimates that the \$337.5 million investment will generate 955

construction jobs and \$99.9 million in annual labor income over the buildout period. Once completed, the analysis estimates that the project will create 660 direct permanent jobs on site and more than \$100 million in annual direct spending. The analysis further estimates that when combined with expected area growth because of the development, more than 1,000 total jobs would be created with more than \$175 million in direct spending. The Developer projects that the Project will generate \$83.9 million in real property taxes to the Metropolitan Government for the 20-year period following completion.

Over the life of the Plan, Metro will continue to receive all of the personal property tax generated in the plan area, as well as the base tax amount and any "dedicated tax", which is the amount designated to pay Metro's annual debt service. The base tax amount will be separately established by parcel. The annual excess over the base tax and the dedicated tax are the TIF Revenues. In the first five years of the Plan, 100 percent of the TIF Revenues shall be available for the IDB (the "Net Tax Revenues") to use according to the Plan and a related development agreement. For years six through 25 of the plan, 75 percent of the TIF revenues shall be made available for the Net Tax Revenues.

The maximum amount of TIF Revenues that will be made available over the term of the Plan will be \$42,000,000. Under current market conditions, an allocation of \$42,000,000 is expected to facilitate TIF Financing that generates a grant to the Developer of approximately \$22,500,000.

The IDB will issue bonds or notes for each phase of the project, the proceeds of which shall be used to pay the above referenced public improvements costs. The Net Tax Revenues shall be used to pay the debt service on the bonds or notes. The Plan permits the IDB to pledge all or a portion of the available Net Tax Revenues for the debt service as long as the amount does not exceed \$42,000,000, the amount of TIF Revenues available for the project.

Any debt issued by the IDB will not be a debt obligation of the Metropolitan Government. The source of funds to pay the debt service for the IDB debt obligation is limited to the available Net Tax Revenues.

The term of the Plan is 25 years, though the term shall not exceed 20 years unless an extension of five years is determined to be in the best interest of the state as provided in Tennessee Code Annotated section 9-23-104. Pursuant to state law, the Commissioner of the Department of Economic and Community Development and the Tennessee Comptroller must approve any term beyond 20 years. Submission of the Plan for such approval will occur after Council consideration and approval.

Sponsors: Webb and Porterfield

11. RS2025-1224

A resolution approving a grant from the Tennessee Housing Development Agency to the Metropolitan Government, acting by and through the Metropolitan Action Commission, to be used for the Emergency Rental Assistance Eviction Prevention Program in accordance with the purposes set forth in Section 3201 of the American Rescue Plan Act of 2021, to provide

financial assistance and housing stability services to eligible tenants.

Analysis

This resolution approves a grant from the Tennessee Housing Development Agency to the Metropolitan Action Commission to be used for the Emergency Rental Assistance Eviction Prevention Program as set forth in the American Rescue Plan Act of 2021. The grant would provide financial assistance and housing stability services to eligible tenants.

The grant amount is in an amount not to exceed \$347,630.13 with no local cash match required. The grant term begins on December 15, 2024, and ends on July 31, 2025.

Sponsors: Porterfield, Evans, Welsch, Ellis, Huffman, Gadd, Suara, Allen and Vo

12. RS2025-1225

A resolution to approve the First Amendment to a grant contract for constructing affordable housing approved by RS2023-2251 between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission, and Habitat for Humanity of Greater Nashville.

Analysis

This resolution approves the first amendment to a grant contract between the Metropolitan Housing Trust Fund Commission and Habitat for Humanity of Greater Nashville ("Habitat") for the construction of affordable housing. Pursuant to Resolution No. RS2023-2251, the Metropolitan Housing Trust Fund Commission entered into grant agreements with multiple nonprofits, including Habitat, for the express purpose of constructing affordable housing.

The original grant contract, approved by RS2023-2251, provided \$1,369,500 in funding to add 12 units of rental housing for individuals making 31 to 80 percent of area median income located at Sherwood Homes at Park Preserve.

The resolution under consideration would approve the first amendment to the grant contract with Habitat. This amendment would extend the term of the grant contract to 36 months. No other changes would be made to the agreement.

Sponsors: Porterfield, Gamble, Welsch, Ellis, Gadd and Vo

13. **RS2025-1226**

A resolution to approve the Second Amendment to a grant contract for constructing affordable housing approved by RS2023-2251 between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission, and Urban League of Middle Tennessee.

Analysis

This resolution approves the second amendment to a grant contract between the Metropolitan Housing Trust Fund Commission and the Urban League of Middle Tennessee. Pursuant to Resolution No. RS2023-2251, the Metropolitan Housing Trust Fund Commission entered into

grant agreements with multiple nonprofits, including the Urban League, for the express purpose of constructing affordable housing.

The original grant contract, approved by RS2023-2251, provided \$2,000,000 in funding to add 116 affordable housing units eligible for individuals making 31-60% of area median income ("AMI") located at 590 Joseph Avenue, the former site of Riverchase Apartments. The first amendment, approved by RS2023-71, amended the scope of the program and allowed the Urban League to add 35 units of rental housing for individuals making at or below 30% AMI and 53 units of rental housing for individuals making 31 to 60% AMI, for a total of 88 units.

The resolution under consideration would approve the second amendment to the grant contract with the Urban League. This amendment would extend the term of the grant contract to 36 months. No other changes would be made to the agreement.

Sponsors: Porterfield, Gamble, Welsch, Ellis, Gadd and Vo

14. **RS2025-1228**

A resolution amending Resolution RS2024-877 to replace the Exhibit thereto with a revised version for a grant from the Tennessee Department of Economic and Community Development to the Metropolitan Government, acting by and through the Information Technology Services Department, to provide services relating to the Broadband Connected Community Facilities program.

<u>Analysis</u>

This resolution amends Resolution No. RS2024-877, which approved a grant from the Tennessee Department of Economic and Community Development to the Information Technology Services Department to provide services related to the Broadband Connected Community Facilities program. The grant agreement is funded by the Capital Project Fund and the American Rescue Plan State Local Fiscal Recovery Funds to allow for digital workforce development, virtual health monitoring, and virtual education in a single space. After the Council approved RS2024-877, the Metro-signed copy of the grant contract was returned unsigned by the Tennessee Department of Economic and Community Development with several requested changes.

The revised grant contract would increase the grant amount by \$3,290.35 from \$1,975,194.01 to \$1,978,484.36. The required cash match would be increased by \$364.60 from \$219,465.99 to \$219,930.59. The revised grant contract would also update the contact information, expand the scope of the project, and update attachments to reflect these changes. The original contract allowed the Metropolitan Government to construct facilities to provide access to digital resources for work, health, and education in a single location. The revised contract would provide for similar renovations at 1281 Murfreesboro Pike and for computer equipment, desks, chairs, and other furnishings and expenses to complete the space.

Sponsors: Porterfield, Hill, Welsch, Ellis, Huffman, Gadd, Allen and Vo

15. RS2025-1229

A resolution approving an intergovernmental license agreement between the Metropolitan

Government of Nashville and Davidson County by and through the Department of General Services and the Tennessee Department of Safety and Homeland Security for parking spaces adjacent to the driver services center located at 5244 Hickory Hollow Parkway, Nashville, TN (Parcel No. 16300022100) (Proposal No. 2025M-016AG-001).

Analysis

This resolution approves an intergovernmental license agreement between the Department of General Services and the Tennessee Department of Safety and Homeland Security ("TDOS") to allow TDOS to use 50 parking spaces at 5244 Hickory Hollow Parkway.

These parking spaces are adjacent to the drivers services center at 5216 Hickory Hollow Parkway and would be cordoned off from the remainder of the parking lot. TDOS will pay \$1,500 per month, or \$30 per parking space, to the Metropolitan Government. The term of the license agreement begins on February 1, 2025, and ends on July 31, 2025. Either party may terminate this lease with 30 days' written notice.

This resolution has been approved by the Planning Commission.

Fiscal Note: The Department of Safety and Homeland Security will pay \$30 per space for a total monthly rent of \$1,500 for 50 parking spaces.

Sponsors: Gamble and Hill

16. **RS2025-1230**

A resolution accepting a grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide the Tennessee Breast and Cervical Screening Program to offer individualized assistance to clients and to facilitate timely access to quality screening and diagnostics.

Analysis

This resolution accepts a grant from the Tennessee Department of Health to the Metropolitan Board of Health for the Tennessee Breast and Cervical Screening Program to offer individualized assistance to clients and provide timely access to quality screening and diagnostics.

The grant would increase access to needed services including wellness exams, screenings, follow-ups, and referrals by providing client and patient navigation services to help clients overcome barriers and improve health literacy.

The grant award is in an amount not to exceed \$333,100 with no cash match required. The term of the grant begins on July 1, 2025, and ends on June 30, 2026.

Sponsors: Porterfield, Evans, Welsch, Ellis, Huffman, Gadd, Suara, Allen and Vo

17. RS2025-1231

A resolution accepting a grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide the

Community Health Access and Navigation in Tennessee (CHANT) Program to deliver comprehensive care coordination services to eligible families and children.

<u>Analysis</u>

This resolution accepts a grant from the Tennessee Department of Health to the Metropolitan Board of Health to provide the Community Health Access and Navigation in Tennessee (CHANT) Program to deliver comprehensive care coordination services to eligible families and children. The grant would fund comprehensive care coordination services to pregnant and postpartum adolescents and women; all children less than five years of age; TennCare kids eligible (up to 21 years old); and children and youth with special health care needs (up to 21 years old).

The grant award would be \$2,041,200 with no local cash match required. The grant term would begin on July 1, 2025, and end on June 30, 2026.

Sponsors: Porterfield, Evans, Welsch, Ellis, Huffman, Gadd, Allen, Suara and Vo

18. **RS2025-1232**

A resolution accepting a grant from the Nashville Parks Foundation to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, for programming improvements to Metro Nashville Community Centers to include music equipment for youth bands, Got Skills Sports Clinics, sports league sponsorships, transportation, and supplies.

Analysis

This resolution accepts a grant from the Nashville Parks Foundation to the Metropolitan Board of Parks and Recreation. The grant would provide programming improvements to Metro Nashville Community Centers to include music equipment for youth bands, Got Skills Sports Clinics, sports league sponsorships, transportation, and supplies.

The grant amount \$20,400 with no cash match required. The Metropolitan Board of Parks and Recreation accepted the cash grant at its April 1, 2025, meeting.

Sponsors: Porterfield, Gadd, Welsch, Ellis, Suara, Allen and Vo

19. **RS2025-1233**

A resolution accepting a grant from the Centennial Park Conservancy to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide funding for one part-time position in the Parthenon Museum Store.

Analysis

This resolution accepts a grant from the Centennial Park Conservancy to the Metropolitan Board of Parks and Recreation to provide funding for one-part time position in the Parthenon Museum Store.

The grant amount is \$22,251.37 with no local cash match. The grant period follows Fiscal Year

2026, which begins on July 1, 2025, and concludes on June 30, 2026.

The Board of Parks and Recreation approved this grant on April 1, 2025.

Sponsors: Porterfield, Gadd, Welsch, Allen and Vo

20. RS2025-1234

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

Analysis

This resolution accepts a grant from the Friends of Warner Parks to the Metropolitan Board of Parks and Recreation to continue funding staff positions and copier costs.

This grant will provide for two part-time Naturalist 1 positions, two seasonal Nature Center Aide positions, and a copier rental for the Warner Parks Headquarters for Fiscal Year 2026.

The grant is in the amount not to exceed \$61,223.49 with no local cash match. The grant period follows Fiscal Year 2026, which begins on July 1, 2025, and ends on June 30, 2026. This grant was approved by the Board of Parks and Recreation at its April 1, 2025, meeting.

Sponsors: Porterfield, Gadd, Welsch, Allen and Vo

21. RS2025-1235

A resolution accepting a grant from 2500 W. Heiman LP to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to support construction of public restrooms at Fisk Park in North Nashville.

Analysis

This resolution accepts a grant from 2500 W. Heiman LP to the Metropolitan Board of Parks and Recreation to support construction of public restrooms at Fisk Park in North Nashville. 2500 W. Heiman LP owns a housing development that will be constructed at 2500 W Heiman Street and desires to provide financial assistance to rebuild the restrooms at Fisk Park which were damaged in the 2020 tornado.

The amount of this grant is \$80,000 with no required cash match. This grant was approved by the Board of Parks and Recreation at its April 1, 2025, meeting.

Sponsors: Porterfield, Gadd, Welsch, Allen and Vo

22. RS2025-1236

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

Analysis

This resolution accepts a grant from the Friends of Warner Parks to the Metropolitan Board of Parks and Recreation to provide seasonal staffing for the Special Work Education and Trails (S.W.E.A.T.) program at Warner Parks. This grant will provide for continued funding of six summer S.W.E.A.T. positions and one winter S.W.E.A.T. position for Fiscal Year 2026.

The grant is in the amount not to exceed \$44,707.05 with no local cash match. The grant term begins on July 1, 2025, and ends on June 30, 2026. This grant was approved by the Board of Parks and Recreation at its April 1, 2025, meeting.

Sponsors: Porterfield, Gadd, Welsch, Allen and Vo

23. RS2025-1237

A resolution accepting an in-kind grant from Music City Disc Golf to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide materials for and installation of a nine-hole disc golf course at Brookmeade Park.

<u>Analysis</u>

This resolution accepts an in-kind grant from Music City Disc Golf to the Metropolitan Board of Parks and Recreation to provide materials for and the installation of a nine-hole disc golf course at Brookmeade Park.

The value of the in-kind grant is \$3,350 with no local cash match. All materials, installation costs, and ongoing repair and maintenance expenses will be covered directly by Music City Disc Golf. This grant was approved by the Board of Parks and Recreation at its April 1, 2025, meeting.

Sponsors: Spain, Porterfield, Gadd and Vo

24. RS2025-1238

A resolution accepting an in-kind grant from the McCabe Park Little League to the Metropolitan Government, acting by and through the Metropolitan Nashville Parks and Recreation Department, for improvements to the small baseball field at McCabe Park.

Analysis

This resolution accepts an in-kind grant from the McCabe Park Little League to the Metropolitan Board of Parks and Recreation for improvements to the small baseball field at McCabe Park. The project will include an updated outfield fence and increase the size of the outfield by 15 feet.

The value of the in-kind grant is \$9,983 with no local cash match. The project will be funded directly by the McCabe Park Little League. This grant was approved by the Board of Parks and Recreation at its April 1, 2025, meeting.

Sponsors: Porterfield, Gadd, Welsch, Allen and Vo

25. RS2025-1239

A resolution accepting an in-kind grant from the Friends of Sevier Park to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to purchase and install new soccer goals for the current soccer playing field at Sevier Park.

<u>Analysis</u>

This resolution accepts an in-kind grant from the Friends of Sevier Park to the Metropolitan Board of Parks and Recreation to purchase and install new soccer goals for the playing field at Sevier Park.

The value of the in-kind grant is \$4,228 with no local cash match. The project will be paid for directly by Friends of Sevier Parks. This grant was approved by the Board of Parks and Recreation at its April 1, 2025, meeting.

Sponsors: Porterfield, Gadd, Welsch, Allen and Vo

26. RS2025-1240

A resolution accepting an in-kind grant package from the Friends of Green Hills Park to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to install an exercise equipment station and a new water line in Green Hills Park.

Analysis

This resolution accepts an in-kind grant from the Friends of Green Hills Park to the Metropolitan Government to install an exercise equipment station and a new water line in Green Hills Park.

The value of the in-kind grant is \$56,600 with no required cash match. The project will be paid for directly by Friends of Green Hills Park.

This grant was approved by the Board of Parks and Recreation at its April 1, 2025, meeting.

Sponsors: Porterfield, Gadd, Welsch, Allen and Vo

27. RS2025-1241

A resolution approving amendment two to a grant from the Tennessee Department of Children's Services to the Metropolitan Government, acting by and through the Office of Family Safety, to support the provision of services to families who have experienced domestic violence and child abuse/neglect.

<u>Analysis</u>

This resolution approves the second amendment to a grant from the Tennessee Department of Children's Services. The grant supports the provision of services to families who have experienced domestic violence and child abuse or neglect.

The original grant amount, as approved by Resolution No. RS2023-83, was not to exceed \$158,400 with no cash match required and was set to expire on June 30, 2024. The first amendment, as approved by Resolution No. RS2024-458, increased the grant amount by

\$164,000, from \$158,400 to \$322,400 and extended the end date to June 30, 2025.

The proposed amendment would increase the grant amount by \$164,000 from \$322,400 to \$486,400 and extend the end date of the grant term to June 30, 2026. The grant budget attachments would be updated accordingly. The proposed amendment would also update the job responsibilities of the Child Welfare/Domestic Violence Liaison as described in the grant agreement.

Sponsors: Porterfield, Evans, Welsch, Ellis, Huffman, Gadd, Suara, Allen and Vo

28. RS2025-1242

A resolution approving an amendment to a contract between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Police Department, and the Mental Health Cooperative Clinical Personnel.

<u>Analysis</u>

This resolution approves the first amendment to a contract between the Metropolitan Nashville Police Department ("MNPD") and the Mental Health Cooperative Clinical Personnel ("MHC"). The original contract, approved by Ordinance No. BL2022-1120, provided for the provision, integration, and implementation of mental health training for MNPD personnel by MHC personnel.

The Metropolitan Council previously allocated \$350,000 in American Rescue Plan Act ("ARPA") funds through Resolution No. RS2022-1313 towards the implementation of this mental health training program. The funds were allocated through the end of Fiscal Year 2025.

The proposed amendment would extend the time in which the ARPA funds could be expended through Fiscal Year 2026.

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

29. RS2025-1243

A resolution authorizing 419 Union, LLC to construct and install an aerial encroachment at 419 Union Street (Proposal No. 2025M-001EN-001).

Analysis

This resolution authorizes 419 Union, LLC to construct, install, and maintain an aerial encroachment at 419 Union Street. The encroachment is for one double-faced, LED illuminated blade sign.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments. 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

30. RS2025-1244

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Donald Stickrod against the Metropolitan Government of Nashville and Davidson County in the amount of \$65,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

<u>Analysis</u>

On November 30, 2020, Donald Stickrod was a passenger in a work van driven by his stepson and colleague, Joshua Norman. The two men were travelling westbound on Maxwell Road, and Mr. Norman failed to see a stop sign at the intersection of LaVergne Couchville Pike. The van entered the intersection and struck the driver's side of another vehicle travelling northbound on LaVergne Couchville Pike. The van driven by Mr. Norman flipped onto its side and into an adjacent yard. The other vehicle careened off the roadway and struck a house in the southwest corner of the intersection. At the time, stop signs at that intersection were only placed on Maxwell Road. Mr. Stickrod alleged that the stop sign was obscured by tree branches and that he did not recognize it in time.

Mr. Stickrod was taken by ambulance to the emergency room, where he was treated for lacerations, a concussion with possible head injury, and neck, shoulder, and back pain. Mr. Stickrod also saw his primary care physician and obtained physical therapy to deal with consistent neck pain. Mr. Stickrod incurred \$54,999 in medical expenses and approximately \$1,400 in lost wages.

Mr. Stickrod filed a lawsuit claiming negligence against the Metropolitan Government, alleging that the intersection was dangerous and defective because of the allegedly obscured stop sign and a lack of proper traffic control measures and signage at the intersection of LaVergne Couchville Pike and Maxwell Road. NDOT received a service request five months before the collision advising that branches were blocking the stop sign, and records indicated that a work order to trim the branches was completed days later. This intersection was the subject of several service requests and citizen complaints.

The parties have participated in settlement negotiations and have agreed upon the settlement amount of \$65,000, subject to approval from the Metropolitan Council. The Department of Law recommends settlement of Mr. Stickrod's personal injury claim for \$65,000.

Fiscal Note: The total settlement amount is \$65,000. This settlement would be the 33rd payment after approval by the Metropolitan Council from the Self-Insured Liability Fund in FY25 for a cumulative total of \$1,680,677. The fund balance would be \$11,917,049 after this payment.

Sponsors: Porterfield

31. RS2025-1245

A resolution approving a purchase sale agreement between CSX TRANSPORTATION, INC and The Metropolitan Government of Nashville and Davidson County, acting by and through Metro Water Services, for a portion of property located adjacent to Pumping Station Road (unnumbered) (Map and Parcel No. 09400002300). (Proposal No. 2025M-003PR-001).

Analysis

This resolution approves a purchase sale agreement for 1.37 acres of land located next to Pumping Station Road. CSX Transportation, Inc., currently owns the parcel, which is currently unutilized right-of-way. Metro Water Services proposes the purchase of the property for \$507,000 as part of the Omohundro treatment plant expansion.

Metropolitan Code of Laws Section 2.24.240.K authorizes the Metropolitan Government to enter into fixed price purchase agreements by resolution. Amendments to this agreement may be approved by Council resolution.

Fiscal Note: Metro will purchase the unutilized right-of-way on the property adjacent to the Pumping Station Road for \$507,000 for part of the Omohundro treatment plant expansion.

Sponsors: Gregg, Porterfield, Gamble and Parker

32. RS2025-1246

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 563 Veritas, LLC, to provide public water service improvements for 563 Verita's proposed development, as well as other existing properties in the area (MWS Project No. 23-WL-0080 and Proposal No. 2025M-018AG-001).

<u>Analysis</u>

This resolution approves a participation agreement between the Metropolitan Department of Water and Sewerage Services ("Metro") and 563 Veritas, LLC ("Developer"), to provide public water service improvements for a proposed development and other existing properties in the area.

The agreement allows the Developer to design and install approximately 120 linear feet of four-inch water main (DIP), to serve the residents on Veritas Street. 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 actual project costs or \$23,826 as part of the agreement.

The agreement also provides that the Developer would improve the public water main for 61 linear feet from its westernmost property line to its terminus for the benefit of the general community and public water system without Developer's benefit. Metro would reimburse Developer for up to \$49,266 for this work. All improvements must be operational by July 1, 2026, 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: Metro will pay 50% of the project costs, not to exceed \$23,826, for the installation of 120 linear feet of water main and will also reimburse the Developer up to \$49,266 for improvements to public water main. Metro's total contribution under this participation agreement would be \$73,092.

Sponsors: Welsch, Gamble and Parker

33. RS2025-1247

A resolution authorizing the Director of Public Property, or his designee, to exercise an option to purchase a certain parcel of property located at 4665 Whites Creek Pike (Parcel No. 0400000900) for Metro Water Services. (MWS Project No. 25-WC-0032 and Proposal No. 2025M-004PR-001).

<u>Analysis</u>

This resolution authorizes the Director of Public Property Administration to exercise an option to purchase a 0.98-acre parcel of property located at 4665 Whites Creek Pike from owner Jeffery George. The Metropolitan Department of Water and Sewerage Services will use this property to construct a water pumping station. The fair market value of this property has been determined to be \$395,000. The acquisition of this property has been approved by the Planning Commission.

Fiscal Note: The Metropolitan Government would purchase this property from owner Jeffery George for \$395,000. According to the Property Assessor's website, the total appraised value of this parcel is \$261,100.

Sponsors: Porterfield, Gamble and Parker

34. RS2025-1248

A resolution authorizing the Director of Public Property, or his designee, to exercise option agreements for the purchase of two flood-prone properties, located at 3900 Tucker Road and 3001 Hummingbird Drive, for Metro Water Services. (Proposal No. 2025M-002PR-001).

Analysis

This resolution authorizes the Director of Public Property Administration to exercise options to purchase two flood-prone properties. The first option is to acquire a .71-acre parcel of property located at 3900 Tucker Drive with a fair market value determined to be \$330,000. The second option is to acquire a .71-acre parcel of property at 3001 Hummingbird Drive with a fair market value determined to be \$328,000. The acquisition of these properties has been approved by the Planning Commission.

Fiscal Note: The appraised value of 3900 Tucker Road, a 0.71-acre parcel, is \$146,200 and \$159,700 for 3001 Hummingbird Drive, a 0.71-acre parcel, according to the Assessor of Property's website.

Sponsors:

Porterfield, Gamble and Parker

35. RS2025-1249

A resolution authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main and sanitary sewer manhole, for property located at 602 A Southgate Avenue (MWS Project No. 25-SL-43 and Proposal No. 2025M-039ES-001).

<u>Analysis</u>

This resolution accepts approximately 51 linear feet of new eight-inch sanitary sewer main (PVC) and one sanitary sewer manhole for property located at 602 A Southgate Avenue.

Tennessee Code Annotated section 7-35-406(a)(2) and Ordinance No. BL2024-345 allow the Metropolitan Department of Water and Sewerage Services to approve extensions, additions, or works by resolution of the Metropolitan Council.

This proposal has been approved by the Planning Commission.

Sponsors: Vo, Gamble and Parker

36. RS2025-1250

A resolution 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 3207 West End Circle, also known as West End Circle Townhomes, (MWS Project No. 24-WL-54 and Proposal No. 2025M-043ES-001).

<u>Analysis</u>

This resolution abandons approximately 254 linear feet of existing 10-inch water main (DIP), and accepts approximately 248 linear feet of new 10-inch water main, for property located at 3207 West End Circle, also known as West End Circle Townhomes.

Tennessee Code Annotated section 7-35-406(a)(2) and Ordinance No. BL2024-345 allow the Metropolitan Department of Water and Sewerage Services to approve extensions, additions, or works by resolution of the Metropolitan Council.

This proposal has been approved by the Planning Commission.

Sponsors: Gadd, Gamble and Parker

37. RS2025-1251

A resolution authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main and to accept new public water main and fire hydrant assemblies, for property located at 1221 Grundy Street, also known as the Grundy Water Infrastructure (MWS Project No. 24-WL-37 and Proposal No. 2025M-013ES-001).

Analysis

This resolution abandons approximately 344 linear feet of existing four-inch water main and

accepts approximately 344 linear feet of new 12-inch water main (DIP) and two new fire hydrant assemblies for property located at 1221 Grundy Street, also known as Grundy Water Infrastructure.

Tennessee Code Annotated section 7-35-406(a)(2) and Ordinance No. BL2024-345 allow the Metropolitan Department of Water and Sewerage Services to approve extensions, additions, or works by resolution of the Metropolitan Council.

This proposal has been approved by the Planning Commission.

Sponsors: Kupin, Gamble and Parker

M. Bills on Second Reading

55. BL2025-818

An ordinance to amend Chapter 2.147 of the Metropolitan Code of Laws regarding the Nashville Music, Entertainment, and Film Commission.

Analysis

This ordinance amends Metropolitan Code of Laws Chapter 2.147 regarding the Nashville Music, Entertainment, and Film Commission.

The ordinance would rename the Nashville Music, Entertainment, and Film Commission to the Nashville Entertainment Commission ("the Commission"). Similarly, the Office of Music, Film, and Entertainment would be renamed to the Nashville Office of Entertainment. The name of the Commission's Music City Music Council would be renamed to the Music Advisory Council and the Diversity and Equity Council would become the Entertainment Accountability Council.

The scope of the ordinance's entertainment industry definition would be expanded to include the theatre industry. The ordinance's music industry definition would be expanded to mean "commercial activity that involves concerts, festivals, tours, clubs and any other performance, production, promotion, distribution, or sale of recorded or live music." In addition, positions of "stunt performers" and "intimacy coordinator" would be added to the list of "occupations in the entertainment industry."

The commission would be authorized to consult with experts in the music, film, and entertainment industries as necessary to assist in the discharge of the commission's duties. The commission would further be authorized to establish advisory committees to address creative industries and issues facing the entertainment industry. No more than three advisory committees could be created each year. Each committee could last no more than one year, unless extended for an additional year by the commission. Each advisory committee could have no more than seven members, one of whom must be a commissioner. The advisory committee would be required to submit a quarterly report to the commission regarding its recommendations. Advisory committee members must be residents of Davidson County and are subject to Sections 2.222.010 and 2.222.020, which govern the standards of conduct.

According to the Metropolitan Department of Law, the current structure for selection of the executive director authorizes the Commission to hire an individual to lead an office within the mayor's office, while retaining its own authority to supervise the individual, which is not workable. The ordinance under consideration would clarify that the mayor will appoint the executive director from a list of candidates selected by the commission. The commission would be authorized to select candidates to be presented to the mayor and may use the services of the department of human resources to assist in recruitment of candidates. The mayor could remove the executive director only after consultation with the chair of the commission or another member of the commission chosen by the commission for the purpose of consultation.

Sponsors: Styles, Sepulveda, Welsch, Webb and Evans

56. BL2025-819

An ordinance amending Chapter 10 of the Metropolitan Code of Law to create the Metropolitan Government Department of Waste Services.

<u>Analysis</u>

This ordinance establishes the Metropolitan Department of Waste Services.

In 2021, pursuant to Resolution No. RS2021-794, the Metropolitan Council approved a memorandum of understanding ("MOU") between the Department of Public Works (now the Nashville Department of Transportation and Multimodal Infrastructure) and the Department of Water and Sewerage Services to transfer solid waste disposal services for a term of three years. The original term was set to expire on July 1, 2024, but the MOU was extended by the Council for one year to July 1, 2025.

The ordinance under consideration would amend Chapter 10.20 of the Metropolitan Code of Laws related to Waste Management to create the new Metropolitan Department of Waste Services. The department would be responsible for:

- The collection and disposal of garbage and other refuse, and maintenance and operation of facilities for disposal of same.
- The collection of all charges for services of such collection and disposal.
- Such other powers and duties as may be assigned to the department by ordinance.

The ordinance sets out the qualifications for the director of the department of waste services. The director would be appointed by the mayor and subject to the civil service provisions of the Metropolitan Charter. The director must have at least five years' experience in industry or municipal or metropolitan departments of waste or a related field. In the event of a temporary vacancy, a temporary appointment may be made by the mayor.

The director would appoint and remove, subject to the civil service provisions of the Metropolitan Charter, all officers and employees of the department. The director would also have the power to make rules and regulations for the conduct of the business of the department, consistent with the Metropolitan Charter and ordinances of the Metropolitan Government.

References to "public works" in Chapter 10.20 would be replaced with "water services". The definitions section would be replaced with new and updated definitions.

Section 10.20.110 would be updated to include references to recyclables and make other housekeeping corrections. Section 10.20.130 would be amended by replacing the current title, "Dumping permitted in designated places only", with the updated title "No dumping permitted". Section 10.20.220 would also be updated to add a reference to recyclables.

Section 10.20.380 currently provides that any person providing temporary or permanent disposal of waste pursuant to Chapter 10.20 must accept waste from passenger cars disposing of such waste at no charge. This provision would be removed. The existing provisions in Section 10.20.380 would be renumbered and references to this provision would be removed.

Section 10.20.395, which requires an annual report, would be amended to clarify that the existing annual report is required as a condition of the permitted activities of this Chapter 10.20.

Sponsors: Parker, Hill, Bradford, Allen, Styles, Ellis, Vo and Ewing

57. **BL2025-821**

An ordinance to provide for the designation of public property within specified areas of downtown Nashville as a temporary "Special Event Zone" during the time period beginning at nine o'clock (9:00) p.m. on July 2, 2025, and ending at eleven fifty-nine (11:59) p.m. on July 5, 2025, relative to the use of these areas in conjunction with the 2025 July 4th Celebration and related activities and events.

Analysis

This ordinance approves a temporary "Special Event Zone" within portions of the downtown area, in conjunction with the 2025 July 4th Celebration and related activities and events from July 2, 2025, until July 5, 2025. A map of the Special Event Zone areas established under this ordinance is attached to the ordinance. Activity restrictions within the Special Event Zone would begin at 9:00 p.m. on Wednesday, July 2, 2025, and end at 11:59 p.m. on Saturday, July 5, 2025. Activities on public property or in the public right-of-way within the Special Event Zone are regulated as follows:

- The sale of any food, beverages, goods, or merchandise would be prohibited, unless street vendors obtain a "Special Event Zone" permit from the Nashville Convention and Visitors Corporation (CVC) in order to sell within the geographic area listed above.
- The sale, provision, or serving of alcoholic beverages are prohibited, except as authorized.
- The sale or distribution of merchandise pertaining to the July 4th Celebration not licensed by the CVC is prohibited.
- The distribution, promotional give-away activity, or provision of free products, services, or coupons by persons or entities that are not event sponsors is prohibited, except within any Public Participation Area.

- Vehicles shall be allowed only as directed by Metropolitan Nashville Police.
- No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, are permitted within the Special Event Zone.
- No handguns, rifles, or firearms are permitted (Tennessee Code Annotated § 39-17-1359).
- No knives, swords or other fighting devices are permitted.
- No fireworks, firecrackers, or explosive devices are permitted, except event-related exhibitions permitted by the CVC.
- The Special Event Zone will be a "no fly zone."

This ordinance requires at least one Public Participation Area within the Special Event Zone while the zone is in effect. This Area would allow for reasonable expression by the public in a manner that is not disruptive to the July 4th Celebration activities, and events.

Fiscal Note: This ordinance places restrictions on the activities that would be allowed to take place within the special event zone during the 2025 July 4th Celebration. However, no additional Metro personnel or overtime would be required just for the enforcement of these restrictions.

Sponsors: Kupin

58. BL2025-822

An ordinance approving an agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Public Library ("Library"), and Lipscomb University for doctoral students to conduct a capstone research project.

Analysis

This ordinance approves an agreement between the Nashville Public Library ("NPL") and Lipscomb University to allow doctoral students to conduct a capstone research project. The students will work with the Nashville After Zone Alliance to conduct an organizational analysis to evaluate the success of the Youth in Action program. According to the project timeline, the project was set to begin in January 2025 and will conclude in Fall 2026.

Future amendments to this ordinance may be approved by resolution.

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

Sponsors: Porterfield, Gadd, Ellis, Vo and Ewing

59. **BL2025-823**

An ordinance approving a Solar Services Agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of General Services, and Cherry Street Asset Management Holdings, LLC for the design, construction, operation, management, and administration services related to photovoltaic solar facilities located at the Southeast Police Precinct.

Analysis

This ordinance approves a Solar Services Agreement between the Metropolitan Department of General Services and Cherry Street Asset Management Holdings, LLC ("Cherry Street"), for the design, construction, operation, management, and administration services related to photovoltaic solar facilities located at the Southeast Police Precinct.

Metropolitan Code of Laws Section 2.32.080 sets forth renewable energy portfolio standards to power Metropolitan General Government operations, with the Metropolitan Government required to utilize 100% tier-one renewable energy sources by 2041, not less than 10% of which must be from solar. To assist in the achievement of these standards, the Metropolitan Government has awarded three indefinite delivery/indefinite quantity contracts to finance, design, procure, install, own, lease, operate, and maintain solar photovoltaic installations on properties owned by the Metropolitan Government. One such contract has been awarded to Cherry Street, which will be used for a photovoltaic solar facility located at the Southeast Police Precinct.

Section 4.12.160 of the Metropolitan Code of Laws limits the term of contracts for supplies or services to 60 months, unless otherwise authorized by the Metropolitan Council. The contract under consideration would be for a term of 30 years.

Pursuant to the terms of the Solar Services Agreement ("Services Agreement"), Metro would pay a monthly fee of \$1,524 to Cherry Street for the term of the agreement. There are no additional charges or fees for the performance of the Services Agreement. The term of the contract is 30 years from the Commercial Operation Date, which is anticipated to be July 14, 2025. Metro may terminate the agreement upon 30 days' notice to Cherry Street. If the Services Agreement is terminated early, Metro would be responsible for a termination payment to Cherry Street in the amount of the remaining cumulative unpaid monthly fee over the term post-termination, as listed in Exhibit 4. The estimated annual energy production from the roof-mounted photovoltaic solar facility in the first year is 169,234 kWh.

Metro would also agree to grant a license for a portion of the premises where the photovoltaic solar facility will be located to Cherry Street. The form of the Memorandum of Solar Lease with License is attached to the Services Agreement as Exhibit 5. The term of the license would continue for the duration of the Services Agreement, including any renewals, and terminate 120 days after the termination of the Agreement. Metro would agree that Cherry Street is the owner of the photovoltaic solar facility. Further, Cherry Street guarantees to Metro certain solar energy production output as set forth in Exhibit 9 to the Agreement. Through Contract Year 20, Cherry Street guarantees that the actual annual production of the system on a weather-adjusted basis will meet or exceed 90% of the expected annual production, as shown on Exhibit 8 to the Agreement. During Contract Years 20 through 30, Cherry Street guarantees that the actual annual production of the system on a weather-adjusted basis will meet or exceed 80% of the expected annual production, as shown on Exhibit 8 to the Agreement. If there is a production shortfall at the end of any contract year, Cherry Street will pay Metro an amount equal to the shortfall multiplied by the payment rate for the contract year. If there is a production exceedance at the end of any contract year, the amount will be carried forward to

the next contract year and credited against any future production shortfall.

Amendments to this agreement may be approved by a resolution of the Metropolitan Council receiving 21 affirmative votes.

Fiscal Note: Metro will pay a monthly fee of \$1,524 to Cherry Street Asset Management Holdings, LLC for the use of the photovoltaic solar facility located at the Southeast Police Precinct.

Sponsors: Porterfield, Evans, Hill, Allen, Gadd, Ellis, Ewing and Styles

60. BL2025-824

An ordinance repealing Ordinance No. BL2023-1690, as amended, establishing a stormwater capacity fee.

<u>Analysis</u>

This ordinance would repeal Ordinance No. BL2023-1690, as amended, which established the stormwater capacity fee. The Metropolitan Council passed BL2023-1690 on March 7, 2023, and the ordinance was signed by the Mayor on March 10, 2023. The ordinance was subsequently amended to extend its effective date by Resolution Nos. RS2023-2278 and RS2023-2388. The ordinance took effect on January 1, 2024. The Metropolitan Department of Water and Sewerage Services ("Metro Water") stopped collecting the fee on January 5, 2025.

Over the life of the stormwater capacity fee, Metro Water collected \$1,445,250.09. This is significantly lower than the amount anticipated when the stormwater capacity fee was first contemplated. Additionally, The Metropolitan Government was sued in a class action lawsuit claiming that the stormwater capacity fee was unconstitutional under the Fifth Amendment. While the Legal Department maintained that the capacity fee was narrowly tailored to establish the required nexus and relationship between the fee and service/purpose, it recommended settlement of the suit in light of the lagging collection performance. The Metropolitan Council thus approved a settlement refunding the full amount of the stormwater capacity fee pursuant to Resolution No. RS2025-1166.

The ordinance under consideration would formally repeal the stormwater capacity fee.

Sponsors: Porterfield and Parker

61. BL2025-825

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to acquire permanent and temporary easements through negotiation, condemnation and acceptance for the Kennedy Avenue Stormwater Improvement Project for 24 properties located on Kennedy Avenue, Shelton Avenue, Golf Street and Howard Avenue (Project No. 25-SWC-226 and Proposal No. 2025M-034ES-001).

<u>Analysis</u>

This ordinance authorizes the negotiation, condemnation, and acceptance of permanent and

temporary easements for 24 properties located on Kennedy Avenue, Stelton Avenue, Golf Street and Howard Avenue. These easements are needed to construct the Kennedy Avenue Stormwater Improvement project.

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

Sponsors: Benedict, Gamble and Parker

62. BL2025-826

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer main, sanitary sewer manholes and easements, for three properties located at 6401 and 6361 Nolensville Pike and Nolensville Pike (unnumbered), also known as Nolensville Road Wawa. (MWS Project No. 24-SL-249 and Proposal No. 2025M-036ES-001).

Analysis

This ordinance accepts approximately 560 linear feet of new eight-inch sanitary sewer main (PVC), five new sanitary sewer manholes and any associated easements for three properties located at 6401 and 6361 Nolensville Pike and Nolensville Pike (unnumbered), also known as Nolensville Road Wawa.

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: Cortese, Gamble and Parker

63. BL2025-827

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer mains, sanitary sewer manholes and easements, and to accept new public sanitary sewer mains and sanitary sewer manholes, for two properties located at 1401 Church Street and 15th Avenue North (unnumbered), also known as CCB Phase 1A (MWS Project No. 23-SL-15 and Proposal No. 2025M-040ES-001).

<u>Analysis</u>

This ordinance abandons approximately 189 linear feet of existing eight-inch sanitary sewer main, approximately 589 linear feet of existing 10-inch sanitary sewer main (unknown material), five sanitary sewer manholes and any associated easements and accepts approximately 17 linear feet of new eight-inch sanitary sewer main (PVC), approximately 404 linear feet of new 10-inch sanitary sewer main (PVC), and six new sanitary sewer manholes for two properties located at 1401 Church Street and 15th Avenue North (unnumbered) also known as CCB Phase 1A.

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

64. BL2025-828

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at West Trinity Lane (unnumbered) also known as Trinity Flats, (MWS Project Nos. 24-WL-74 and 24-SL-241 and Proposal No. 2025M-035ES-001).

Analysis

This ordinance accepts approximately 1,114 linear feet of new eight-inch water main (DIP), approximately 1,046 linear feet of new eight-inch sanitary sewer main (PVC), two fire hydrant assemblies, eight sanitary sewer manholes, and any associated easements for property located at West Trinity Lane (unnumbered), also known as Trinity Flats.

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: Toombs, Gamble and Parker

N. Bills on Third Reading

67. **BL2025-761**

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, by amending the Uses Table within Chapter 17.37, Downtown Code, to remove automobile parking as a permitted use within the boundary of the Second Avenue Historic Preservation Overlay, all of which is described herein (Proposal No. 2025Z-001TX-001).

<u>Analysis</u>

This ordinance amends Chapter 17.37 of the Metropolitan Code to amend the Downtown Code ("DTC") to remove automobile parking as a permitted principal use within the boundary of the Second Avenue Historic Preservation Overlay.

Currently, automobile parking is a permitted principal use within the Central Use Area of the DTC, which incorporates the Second Avenue Historic Preservation Overlay. The ordinance proposes to remove automobile parking as a permitted principal use within the boundary of the Second Avenue Historic Preservation Overlay, while maintaining it as a permitted principal use within the remainder of the Central Use Area. Automobile parking would still be permitted within

the boundaries of the Second Avenue Historic Preservation Overlay as accessory to another permitted principal use.

Sponsors: Kupin

79. <u>BL2025-799</u>

An ordinance amending Title 17.37 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to update the Downtown Code's Bonus Height Program (BHP) and Outdoor Space general standards, and to make other minor housekeeping amendments, all of which is described herein (Proposal No. 2023Z-003TX-001).

Analysis

This ordinance amends Chapter 17.37 of the Metropolitan Code to modify the Downtown Code ("DTC") bonus height program and outdoor space general standards, as well as to add electric vehicle parking standards and make several minor housekeeping edits within the DTC.

The DTC's bonus height program was adopted as part of the original DTC, approved in 2010. The bonus height program is a voluntary program that permits property owners/developers to increase the permitted height beyond a site's otherwise maximum allowed height by providing specific, pre-determined public benefits. Currently, there are nine options available for projects to earn bonus height, including LEED certification of individual buildings, LEED certification for neighborhood development, pervious surfaces, historic building preservation, publicly accessible open space, inclusionary housing (prohibited by state law), civil support space, upper-level garage liners, underground parking, and public parking. Each option yields a differing amount of bonus height relative to other available options and is varied by the DTC subdistrict in which it is used. By including any combination of these options within a development plan, a proposal can yield a corresponding amount of bonus height up to bonus height maximum, which is DTC subdistrict specific.

The ordinance proposes to update the bonus height program based on the findings of a comprehensive market study and entitlements analysis completed in October of 2024. These changes include replacing the current nine options to earn bonus height with a new scheme made up of three baseline requirements and six bonus options, as well as revising how earned bonus height is calculated and combined across the different DTC subdistricts.

The three baseline requirements are green building certification, upper-level garage liner building, and active & sustainable transportation. For new development of 50,000 gross square feet or greater, eligibility for the bonus height program is predicated on meeting the baseline requirements. New development under 50,000 gross square feet is not required to meet the baseline requirements to be eligible for receiving bonus height from providing one or more of the six bonus options; however, if such a project meets the baseline requirements, then it is eligible for the bonus height award for meeting such requirements. The bonus height earned for meeting the baseline requirements is a flat-rate 2 stories.

The six bonus options include elevated green building certification, preservation, privately

owned public spaces, neighborhood support space, reduction of vehicular parking, and underground parking. Each option has its own bonus height reward or rewards based on varying metrics for each option. Such rewards are either in additional allowed stories or in additional permitted sq. ft. above the standard maximum allowed height. The bonus height maximum based on DTC subdistrict remains, with increases in bonus height maximums for the Lafayette and Gulch South subdistricts.

The DTC's current open space standards were also approved as part of the original adoption of the DTC in 2010. The section is organized around individual open space types including greens, squares, plazas, courts, pocket parks, and playgrounds, with each open space type has its own unique regulations. In addition to these type-specific regulations, there are also general standards that govern open space calculation, access, building frontage, seating, materials, and landscaping.

The ordinance proposes replacing the current open space standards with new outdoor space standards. These standards cover both Metro owned outdoor spaces as well as privately owned public spaces. These new standards contain general regulations governing site context & response, site design & layout, fixtures & furnishings, and materials. It also delineates type specific requirements for various different types of outdoor areas, including dog parks, outdoor dining areas, playgrounds, private alleys, splash pads, through block plazas, and green infrastructure. Courtyards, play structures, pocket parks, paseos, plazas, and greenways/shared use paths do not have type specific requirements and only need to meet the general regulations.

Currently, the DTC does not contemplate electric vehicle (EV) parking separately from general parking and access standards. The ordinance proposes adding EV parking standards that regulate the use, installation, and operation of EV-capable and electric vehicle supply equipment (EVSE)-installed parking spaces. EV-capable spaces are spaces that provide dedicated electrical capacity but do not have wiring to the space or a receptacle. EVSE-installed spaces are spaces reserved for EVs and provide the ability to charge EVs using EV charging stations rated at a minimum of 32amp 7.2kW that are installed per the requirements of the National Electrical Code (NFPA 70).

The Planning Commission recommended approval of this item (7-0) at its March 13, 2025, meeting.

Sponsors: Kupin

90. BL2025-811

An ordinance modifying the structure of various boards and commissions to enhance operations

<u>Analysis</u>

This ordinance, as amended, makes various changes to various provisions of the Metropolitan Code of Laws to modify the structure of boards and commissions.

Metropolitan Nashville Arts Commission

The Arts Commission would be reduced from 15 members to 11 members. As amended, members would serve staggered four-year terms. The ordinance provides transition language that states the mayor will identify vacancies that are not intended to be filled as eligible vacancies occur and that such vacancies must occur within 12 months of the effective date of the ordinance.

Bicycle and Pedestrian Advisory Committee (BPAC)

BPAC would be reduced from 13 members to 11 members. Nine members would be appointed by the mayor (reduced from 11) with special consideration given to certain categories, which would not change. The seat appointed by the vice mayor and the seat elected by the council would remain. The ordinance provides transition language that states the mayor will identify vacancies that are not intended to be filled, due to the reduction in overall membership, as eligible vacancies occur and that such vacancies must occur within 24 months of the effective date of the ordinance.

Beer Permit Board

The ordinance would institute staggering of the terms of Beer Permit Board members. The mayor's appointment of four seats to succeed those with terms ending in 2027 would be staggered with one seat appointed for two years, one seat appointed for three years, one seat appointed for four years, and one seat appointed for five years. The council's three seats to succeed those with terms end in 2027 would be staggered with one seat elected for three years, one seat elected for four years, and one seat elected for five years.

CATV Special Committee

The ordinance would also institute staggering of the terms of CATV Special Committee members. The mayor's appointment of three seats to succeed those with terms ending in 2027 would be staggered with one seat appointed for two years, one seat appointed for three years, and one seat appointed for four years. The council's three seats to success those with terms end in 2027 would be staggered with one seat elected for two years, one seat elected for three years, and one seat elected for four years.

Contract and Compliance Board

The ordinance would also institute staggering of the terms of Contract and Compliance Board members. The mayor's appointment of three seats to succeed those with terms ending in 2026 would be staggered with one seat appointed for two years, one seat appointed for two-and-one-half years, and one seat appointed for three years. The council's two seats to succeed those with terms end in 2027 would be staggered with one seat elected for two-and-one-half years and one seat elected for two years.

Metropolitan Human Relations Commission

The Metropolitan Human Relations Commission would be reduced from 17 members to 15 members. The mayor's appointments would be reduced from 10 to nine members. The members elected by council would be reduced from seven to six. The ordinance provides transition language that states the mayor will identify one vacancy not to fill, due to the reduction in overall membership, which must occur in 2027. The council would not fill one of its seats in 2027.

The ordinance further deletes the quorum requirement that is codified in Section 2.132.050 of the Metropolitan Code of Laws.

Additional language is included to correct staggering for members of the MHRC that was previously addressed in Ordinance No. BL2023-1783.

Property Standards and Appeals Board

The ordinance provides that, when appointing three seats to the Property Standards and Appeals Board to succeed terms ending in October 2028, the mayor will identify two seats to serve three years and one seat to serve five years.

Sexually Oriented Business Licensing Board

The name of the Sexually Oriented Business Licensing Board would be changed to the Board of Licensing for Adult Entertainment and Safety. The membership of the Board would be increased from five members to seven members. Language about the staggering of initial terms would be removed. The ordinance provides that, when appointing four seats to the Board to succeed terms ending in 2027, the mayor will identify two seats to serve three years and two seats to serve four years.

Short Term Rental Appeals Board

The Short Term Rental Appeals Board membership would be amended to remove the Council member from the voting membership. The mayor would appoint one additional member to keep the voting membership at seven. Of the mayor's four appointments, one additional attorney would be required, for a total of two attorneys. The Council member would remain as a non-voting member, elected by the Council.

Nashville Sustainability Advisory Committee

The Nashville Sustainability Advisory Committee would be reduced from 15 members to 11 members. Currently, at least three members must be (1) representatives of environmental, sustainability, and resilience interests from the private, for-profit sector or (2) representatives of environmental, sustainability, and resilience interests from the non-profit community. Both categories would be reduced to at least two members.

As amended, the ordinance provides transition language that states the mayor will identify vacancies that are not intended to be filled, due to the reduction in overall membership, as eligible vacancies occur and that such vacancies must occur within 12 months of the effective date of the ordinance.

Tourism and Convention Commission

The ordinance provides that, when appointing one seat to the Tourism and Convention Commission to succeed a term ending in 2026 and recommended by the Nashville Area Chamber of Commerce, the mayor will identify the seat as serving two years.

Wastewater Hearing Authority

The Wastewater Hearing Authority would be increased from five members to seven members. One of the new members would be a representative of the manufacturing/industrial field. One new member would be a representative of the food service field. Neither category is currently represented on the Wastewater Hearing Authority. The quorum requirement in the Metropolitan Code would be amended to reflect the change in total membership. The ordinance provides transition language that states the mayor will identify two seats to serve three years and three seats to serve four years.

Sponsors: Sepulveda, Preptit and Toombs

91. BL2025-812

An ordinance amending Chapter 6.72 of the Metropolitan Code of Laws to update requirements for taxicabs.

<u>Analysis</u>

This ordinance amends Chapter 6.72, which regulates taxicabs, to authorize the use of "smart taximeters" in taxicabs.

The ordinance, as amended, would add a definition of "Smart taximeter" which means "a system of hardware or software that integrates a taximeter and other components together to perform functions required by this Chapter." A taximeter is already required in all taxicabs and must be fastened in front of the passengers, visible at all times day and night. Taximeters must denote when the vehicle is employed and when it is not employed. The taxicab driver must activate the taximeter at the beginning of the trip and deactivate the taximeter at the end of the trip. The ordinance would add references to smart taximeter to these requirements.

In addition, a smart taximeter would be required to be inspected at least once per year by the executive director of the Metropolitan Transportation Licensing Commission or his or her designee.

Section 6.72.350 of the Metropolitan Code would be amended to remove the right of a taxicab driver to demand payment in advance for a fare projected to be \$20 or more, and to refuse

service unless so paid.

Section 6.72.405 of the Metropolitan Code requires a current map of Metropolitan Nashville and Davidson County to be carried by all taxicabs. The ordinance under consideration would clarify that the map could be kept electronically.

Section 6.72.425 of the Metropolitan Code requires, in part, that all taxicabs have a global positioning system (GPS) installed. The ordinance under consideration would allow for the GPS to be installed or immediately accessible to the driver electronically.

Sponsors: Parker

92. BL2025-813

An ordinance readopting the Code of The Metropolitan Government of Nashville and Davidson County, Tennessee, prepared by Municipal Code Corporation including supplemental and replacement pages thereof, containing certain ordinances of a general and permanent nature enacted on or before November 20, 2024.

Analysis

This ordinance is a routine readoption of the Metropolitan Code to include all ordinances enacted on or before November 20, 2024.

Sponsors: Preptit

93. BL2025-814

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to acquire permanent and temporary easements through negotiation, condemnation and acceptance, for the Lynn Lee Drive Stormwater Improvement Project for 11 properties located on Lynn Lee Drive, Gayle Drive and Old Hickory Boulevard (Project No. 25-SWC-205 and Proposal No. 2025M-031ES-001).

Analysis

This ordinance authorizes the negotiation, condemnation, and acceptance of permanent and temporary easements for 11 properties located on Lynn Lee Drive, Gayle Drive, and Old Hickory Boulevard for the Lynn Lee Drive Stormwater Improvement Project.

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

Sponsors: Eslick, Gamble and Parker

94. BL2025-815

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main and easement, and to accept new public water mains, fire hydrant assemblies and easements, for three properties located at Centennial Boulevard (unnumbered) and 7475 Cockrill Bend Boulevard, also known as MALETA (MWS Project No. 24-WL-34 and Proposal No. 2025M-029ES-001).

<u>Analysis</u>

This ordinance abandons approximately 644 linear feet of existing 16-inch water line (DIP) and easements, and accepts approximately 4,623 linear feet of new eight-inch water line (DIP), approximately 8,640 linear feet of new 12-inch water line (DIP), approximately 705 linear feet of new 16-inch water line (DIP, twenty-one fire hydrant assemblies, and easements, for three properties located at Centennial Boulevard and 7475 Cockrill Bend Boulevard, also known as MALETA.

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: Horton, Gamble, Parker and Gadd

95. BL2025-816

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer main, sanitary sewer manholes and easements, for property located at 9835 Clovercroft Road in Williamson County, also known as Sagebrook Subdivision (MWS Project No. 24-SL-228 and Proposal No. 2025M-028ES-001).

<u>Analysis</u>

This ordinance accepts approximately 1,613 linear feet of new eight-inch sanitary sewer main (PVC), eight sanitary sewer manholes and easements for property located at 9835 Clovercroft Road in Williamson County, also known as Sagebrook Subdivision.

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

96. BL2025-817

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer mains, sanitary sewer manholes and easements, for property located at Fly Road (unnumbered) in Williamson County, also known as Storyvale Phase 2 (MWS Project No. 24-SL-147 and Proposal No. 2025M-027ES-001).

Analysis

This ordinance accepts approximately 622 linear feet of new eight-inch sanitary sewer main (DIP), approximately 2,752 linear feet of new eight-inch sanitary sewer main (PVC), 23 sanitary sewer manholes and easements located at Fly Road in Williamson County, also known as

Storyvale Phase 2 Subdivision.

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