



Metro Council

H. Consent Resolutions and Resolutions

1. [RS2022-1328](#)

A resolution to approve the Second Amendment to a grant contract for constructing affordable housing approved by RS2019-1861 between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission, and Affordable Housing Resources.

Analysis

This resolution approves the second amendment to a grant for the construction of affordable housing originally approved by Resolution No. RS2019-1861 and amended by Resolution No. RS2021-1065.

Affordable Housing Resources entered into a grant contract to distribute \$533,690 in monetary grants from the Barnes Fund. The contract was originally for the construction of 30 units of affordable housing. The first amendment to the grant extended the term of the grant from 24 months to 36 months.

The resolution under consideration approves a second amendment to the grant contract. This amendment reduces the grant award from \$533,690 to \$283,690 and reduces the number of units from 30 to 10.

Sponsors: Parker, Allen, Welsch and Styles

2. [RS2022-1329](#)

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

Analysis

This resolution approves the first and second amendments to a grant from the Tennessee Housing Development Agency to the Metropolitan Action Commission for Low Income Home Energy Assistance Program (LIHEAP) services targeted toward the elderly, disabled, veterans, and households with children under the age of six years, originally approved by Resolution No. RS2020-543. Amendment one to the grant contract extends the end date of the grant from July

31, 2020 to October 1, 2021. Amendment two to the grant contract extends the end date to June 30, 2022. No other changes would be made to the terms of the grant.

Sponsors: Allen, Welsch, Suara, Hurt, Hancock and Styles

3. **RS2022-1330**

A resolution approving amendment one to appropriate supplemental benefit grant funds from the Tennessee Housing Development Agency to the Metropolitan Government, acting by and through the Metropolitan Action Commission, for Low Income Home Energy Assistance Program (LIHEAP) services targeted toward the elderly, disabled, veterans, and households with children under the age of six years.

Analysis

This resolution approves the first amendment to a grant from the Tennessee Housing Development Agency to the Metropolitan Action Commission for Low Income Home Energy Assistance Program (LIHEAP) services targeted toward the elderly, disabled, veterans, and households with children under the age of six years, originally approved by Resolution No. RS2020-544. Amendment one to the grant contract extends the end date of the grant from July 31, 2020 to June 30, 2022. No other changes would be made to the terms of the grant.

Sponsors: Allen, Welsch, Suara, Hurt, Hancock and Styles

4. **RS2022-1331**

A resolution approving a contract between the Metropolitan Government of Nashville and Davidson County and US eDirect, Inc. to provide a Point of Sale System, including any maintenance and upgrades, for the Department of Parks and Recreation.

Analysis

This resolution approves a sole source contract with an estimated contract value of \$345,000 between the Metropolitan Government and US eDirect, Inc. to provide a Point of Sale System, including any maintenance and upgrades, for the Department of Parks and Recreation.

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

The contract term is 60 months from the date of filing with the Metropolitan Clerk's Office. This agreement is for the continued maintenance and future programming fees for the Point of Sale system, which is managed and hosted by US eDirect, Inc. This is the collection system used for all fees for the Department of Parks and Recreation.

Fiscal Note: The total value over the life of this contract is \$345,000 and would be paid from Park's 16 Business Unit numbers in the GSD account for the continued maintenance and future programming fees to the department's existing Point-of-Sale system.

Sponsors: Allen and Bradford

5. [RS2022-1332](#)

A resolution accepting an in-kind grant from Greenways for Nashville to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide improvements to seven trailheads on the Stones River Greenway and three trailheads on the Whites Creek Greenway.

Analysis

This resolution accepts an in-kind grant from Greenways for Nashville to the Metropolitan Board of Parks and Recreation to provide improvements to seven trailheads on the Stones River Greenway and three trailheads on the Whites Creek Greenway. The estimated value of this in-kind grant is \$75,000 with no local cash match required. This has been approved by the Board of Parks and Recreation.

Sponsors: Allen, Bradford, Gamble and Hancock

6. [RS2022-1333](#)

A resolution accepting an in-kind grant from Creative Parks Nashville to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to fund the purchase and installation of a historical marker near the front of the Centennial Art Center acknowledging the facility as the former swimming pool.

Analysis

This resolution accepts an in-kind grant from Creative Parks Nashville to the Metropolitan Board of Parks and Recreation to fund the purchase and installation of a historical marker near the front of the Centennial Art Center, acknowledging the facility as the former swimming pool which was closed during desegregation. The estimated value of this in-kind grant is \$2,975 with no local cash match required. This in-kind grant has been approved by the Board of Parks and Recreation.

Sponsors: Taylor, Allen, Bradford, Hancock and Styles

7. [RS2022-1334](#)

A resolution accepting an in-kind grant from the Centennial Park Conservancy to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to fund the purchase and installation of flooring in the Parthenon's West Gallery and replace signage at the Parthenon's entrance.

Analysis

This resolution accepts an in-kind grant from Centennial Park Conservancy to the Metropolitan Board of Parks and Recreation to fund the purchase and installation of flooring in the Parthenon's West Gallery and replace signage at the Parthenon's entrance. The estimated value of this in-kind grant is \$6,811 with no local cash match required. This has been approved by the Board of Parks and Recreation.

Sponsors: Taylor, Allen, Bradford and Styles

8. [RS2022-1335](#)

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 for a grant in the amount of \$16,642 to provide funding for one part-time position in the Parthenon Museum store. The grant period would be January 1, 2022 through June 30, 2022. This has been approved by the Board of Parks and Recreation.

Sponsors: Taylor, Allen, Bradford and Styles

9. [RS2022-1336](#)

A resolution approving a joint funding agreement with the United States Department of the Interior, United States Geological Survey, to acquire approximately 525 square miles of current LiDAR derived high-resolution elevation data for Davidson County, Tennessee.

Analysis

This resolution approves a joint funding agreement with the United States Department of the Interior, United States Geological Survey, to acquire approximately 525 square miles of LiDAR (Light Detection and Ranging) derived high-resolution elevation data for Davidson County.

This LiDAR data will be used to generate Digital Elevation Models (“DEMs”) for use in dam safety assessments, engineering design and design reviews, conservation planning, research, floodplain mapping, and hydrological modeling. This data will also support homeland security requirements of the National Geospatial-Intelligence Agency (“NGA”), water resources flood-inundation studies of the U.S. Geological Survey and the U.S. Army Corps of Engineers, will support the National Spatial Data Infrastructure (“NSDI”), and will advance United States Geological Survey efforts related to The National Map and the National Elevation Dataset.

Fiscal Note: The cost to the Metropolitan Department of Information Technology Services to acquire high-resolution digital elevation data developed from airborne LiDAR for an area of approximately 525 square miles is \$218,962.14.

Sponsors: Allen

10. [RS2022-1337](#)

A resolution approving an application for an Assistance to Firefighters Grant from the U.S. Department of Homeland Security to the Metropolitan Government, acting by and through the Metropolitan Nashville Fire Department, to protect the health and safety of the public and first responder personnel against fire and fire-related hazards.

Analysis

This resolution approves an application for an Assistance to Firefighters Grant from the U.S. Department of Homeland Security to the Metropolitan Nashville Fire Department. If approved, the grant award would be \$693,081 with a require local cash match of \$63,007.36. The

objective of the Assistance to Firefighters Grant program is to provide funding directly to fire departments for the purpose of protecting the health and safety of the public and first responder personnel against fire and fire-hazards. This grant would provide chemical, biological, radiological, and nuclear equipment to replace existing equipment that is worn out or broken. It would also replace worn out or broken fitness equipment in each fire hall. The match for this grant would be funded through a future 4% Fund allocation.

Sponsors: Allen, Evans, Welsch, Suara and Styles

11. [RS2022-1338](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Maureen Slade against the Metropolitan Government of Nashville and Davidson County in the amount of \$25,806.71, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On January 25, 2021, a Metropolitan Nashville Fire Department employee was responding to a call with emergency equipment activated when he struck a vehicle driven by Maureen Slade. Ms. Slade was approaching the intersection of I-40 Access Road and Second Avenue South. Ms. Slade had a green traffic signal.

The collision caused property damage to Ms. Slade's vehicle, which was deemed a total loss. The total recommended settlement is \$25,806.71, based on the payment, minus salvage costs, plus rental costs and the insurance deductible

The Metropolitan Department of Law recommends settlement of this property damage claim for \$25,806.71.

The disciplinary action against the Metropolitan Nashville Fire Department employee consisted of a written reprimand.

Fiscal Note: This \$25,806.71 settlement, along with the settlement per Resolution No. RS2022-1339 would be the 21st and 22nd payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,092,918. The fund balance would be \$7,400,572 after these payments.

Sponsors: Allen

12. [RS2022-1339](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of State Farm Insurance, subrogee of Jordan Rippelmeyer, against the Metropolitan Government of Nashville and Davidson County in the amount of \$26,791.08, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On February 14, 2021, a Metropolitan Nashville Fire Department ambulance was traveling on Edgehill Avenue in inclement weather. The road was covered in snow and ice, and the

ambulance slid while the driver attempted to turn onto Hillside Avenue. The ambulance struck a parked vehicle owned by Jordan Rippelmeyer.

Mr. Rippelmeyer's vehicle sustained damages to the rear bumper, passenger side quarter panel and doors. His insurance carrier submitted a repair estimate in the amount of \$18,488.54. The vehicle was declared a total loss.

The total settlement amount, based on the vehicle book value, insurance deductible, and fees, minus the amount of salvage recovery, is \$26,791.08.

The Metropolitan Department of Law recommends settlement of this property damage claim for \$26,791.08.

Fiscal Note: This \$26,791.08 settlement, along with the settlement per Resolution No. RS2021-1338 would be the 21st and 22nd payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,092,918. The fund balance would be \$7,400,572 after these payments.

Sponsors: Allen

13. [RS2022-1340](#)

A resolution accepting an Emergency Management Performance Grant (EMPG) from the State of Tennessee, Tennessee Emergency Management Agency, to the Metropolitan Government, acting by and through the Office of Emergency Management, to subsidize the Emergency Management Program.

Analysis

This resolution accepts an Emergency Management Performance Grant from the Tennessee Emergency Management Agency to the Office of Emergency Management to subsidize the Emergency Management Program. The grant award is not to exceed \$189,525.79 with a required local cash match of \$189,525.79. The term of this grant agreement begins October 1, 2020 and ends September 30, 2022. The application for this grant was previously approved by Resolution No. RS2021-919.

Sponsors: Allen, Evans and Styles

14. [RS2022-1341](#)

A resolution accepting a grant from the Friends of Metro Animal Care and Control to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide funding for families experiencing difficulty maintaining ownership of their pets (Safety Net Program) and for emergency medical care for shelter animals.

Analysis

This resolution accepts a grant in an amount not to exceed \$14,500 from the Friends of Metro Animal Care and Control to the Metropolitan Board of Health to provide funding for families experiencing difficulty maintaining ownership of their pets (Safety Net Program) and for emergency medical care for shelter animals. No local cash match is required for this grant.

Sponsors: Allen, Evans, Bradford and Styles

15. [RS2022-1342](#)

A resolution approving an application for a Flood Mitigation Assistance Grant from the State of Tennessee, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Water and Sewerage Services Department, for flood mitigation.

Analysis

This resolution approves an application for the Flood Mitigation Assistance Grant from the Tennessee Emergency Management Agency to the Metropolitan Water and Sewerage Services Department (MWS). This application is for a total award of \$1,213,141 to be used for the acquisition and demolition of three flood prone properties on the National Flood Insurance Repetitive Loss list designated as Severe Repetitive loss properties which lie in designated floodplain areas in Metropolitan Nashville and Davidson County. Two properties are located in the McCrory Creek floodplain and the other property is located in the Stoner Creek floodplain.

Sponsors: Allen, Young, Toombs, Gamble and Suara

16. [RS2022-1343](#)

A resolution approving an application for a Hazard Mitigation Grant from the State of Tennessee, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Water and Sewerage Services Department, for flood mitigation.

Analysis

This resolution approves an application for a Hazard Mitigation Grant from the Tennessee Emergency Management Agency to the Metropolitan Water and Sewerage Services Department (MWS). If approved, the grant award would be \$612,732.75 with a required local cash match of \$87,533.25. The grant would be used to acquire and demolish two properties on Elysian Fields Road which lie in a designated floodplain area in Metropolitan Nashville and Davidson County.

Sponsors: Johnston, Allen, Young and Suara

17. [RS2022-1344](#)

A resolution approving an application for a Hazard Mitigation Grant from the State of Tennessee, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Water and Sewerage Services Department, for flood mitigation.

Analysis

This resolution approves an application for a Hazard Mitigation Grant from the Tennessee Emergency Management Agency to the Metropolitan Water and Sewerage Services Department (MWS). If approved, the grant award would be \$766,972.50 with a required local cash match of \$109,567.50. The grant would be used to acquire and demolish two properties

on Blackman Court which lie in a designated floodplain area in Metropolitan Nashville and Davidson County.

Sponsors: Johnston, Allen, Young and Suara

18. [RS2022-1345](#)

A resolution approving an application for a Flood Mitigation Assistance Grant from the State of Tennessee, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Water and Sewerage Services Department, for flood mitigation.

Analysis

This resolution approves an application for a Hazard Mitigation Grant from the Tennessee Emergency Management Agency to the Metropolitan Water and Sewerage Services Department (MWS). If approved, the grant award would be \$254,677.50 with a required local cash match of \$28,297.50. The grant would be used to acquire and demolish one property on Coopertown Road on the National Flood Insurance Repetitive Loss list, which lies in a designated floodplain area in Metropolitan Nashville and Davidson County.

Sponsors: Hall, Allen, Young and Suara

19. [RS2022-1346](#)

A resolution to amend Ordinance No. BL2021-803 to authorize The Metropolitan Government of Nashville and Davidson County to abandon existing combination sewer and water mains, combination sewer manholes, fire hydrant assemblies and easements, relocate a water main, and to accept new combination sewer, sanitary sewer and water mains, combination sewer manholes/inlets, sanitary sewer manholes, fire hydrant assemblies and easements and update Map and Parcel information, for two properties now located at 138 12th Avenue North and 1102 Grundy Street, also known as the 1111 Church Street Development (MWS Project Nos. 20-SL-221 and 20-WL-113 and Proposal No. 2021M-048ES-002).

Analysis

This resolution amends Ordinance No. BL2021-803 to relocate approximately 344 linear feet of existing 24 inch water main (DIP) and easement that was formerly located at five properties located on Church Street and 12th Avenue North, which are now two properties located at 138 12th Avenue North and 1102 Grundy Street, also known as 1111 Church Street Development.

Ordinance No. BL2021-803 abandoned approximately 207 linear feet of existing 36 inch combination sewer main (brick), approximately 701 linear feet of existing 12 inch water main (DIP), approximately 31 linear feet of existing four inch water main (DIP), seven sanitary sewer manholes, 2 fire hydrant assemblies and easements, and accepted approximately 310 linear feet of new 72 inch combination sewer main (RCP), approximately 67 linear feet of new 66 inch combination sewer main (RCP), approximately 47 linear feet of new 48 inch combination sewer main (RCP), approximately 673 linear feet of new 15 inch sanitary sewer main (PVC), approximately 62 linear feet of new 12 inch sanitary sewer main (PVC), approximately 731 linear feet of new 12 inch water main (DIP), five combination sewer manholes/inlets, eight sanitary sewer manholes, three fire hydrant assemblies and easements, for five properties

located on Church Street and 12th Avenue North. That ordinance provides that amendments to the legislation may be approved by resolution.

This resolution relocates approximately 344 linear feet of existing 24 inch water main (DIP) and easement. Further, the ordinance previously accepted approximately 62 linear feet of new 12 inch

sanitary sewer main (PVC) and two of the eight sanitary sewer manholes and easements, which are no longer needed. This proposal has been approved by the Planning Commission.

Fiscal Note: This resolution has no cost to Metro. Abandoned and donated easements have no market value according to the Department of Metro Water Services.

Sponsors: OConnell, Withers and Young

J. Bills on Second Reading

41. [BL2021-961](#)

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

Analysis

This ordinance, as amended, amends Section 13.08.080 of the Metropolitan Code to provide for and regulate the usage of license plate reader (LPR) technology. The Code currently prohibits the operation of LPRs installed onto or within the public right-of-way except for use in conjunction with a vehicle emissions sensor as part of an emissions inspection program authorized under local, state or federal law. This ordinance would replace the provisions of subsection G. of Section 13.08.080 entirely. The ordinance preserves the existing emissions inspection program exception, and adds a new comprehensive regulatory structure for other uses of LPR technology.

The ordinance would require departments, either directly or through contractors, who want to use LPRs to implement a usage and privacy policy that would be posted on the department's website. The policy must be designed "to ensure that the collection, use, maintenance, sharing, and dissemination of LPR information is consistent with respect for individuals' privacy and civil liberties." The data collected could only be used for the following purposes:

- investigating and prosecuting felony offenses and criminal offenses associated with violent crimes
- detecting traffic or parking offenses
- operating a smart parking or curb management program
- assisting in missing persons cases including Amber and Silver Alerts

Law enforcement agencies, the parking enforcement patrol, NDOT, and their contractors must have reasonable suspicion that a felony offense, or a traffic or parking offenses, has occurred before examining any LPR data that was collected more than one hour prior to the examination. Prior to taking any action, law enforcement officers must also confirm visually that

a plate matches the number and state identified in the alert, confirm that the alert is still active by calling dispatch and, determine whether the alert pertains to the registrant of the car and not the car itself.

The usage policy must also provide a description of the employees or contractors who are authorized to use or access the LPR system or to collect LPR information, and the steps that will be taken to ensure the security of the information and exclude identifying information of the driver and passengers to the extent possible. The policy must include the purposes of and restrictions on sharing LPR data, the measures used to ensure the accuracy of the data, and the length of time the data will be retained.

The installation and maintenance of LPR hardware and software, as well as LPR data access, retention, and security, would be managed by an LPR Custodian. The custodian would be responsible for assigning the personnel who will administer the day-to-day operation of the LPR system, and to develop guidelines and procedures for the further implementation of this ordinance. This will include establishing and maintaining security procedures and practices, maintaining a list of the name and job title of all authorized users, training requirements, audit procedures, and a data retention policy. This policy and its related procedures must be posted conspicuously on the department's public website.

The ordinance also includes specific restrictions on the access and use of the department's LPR system, such as supervisor approval and limiting access to those tasks that fall within the specific user's job responsibilities. All users must be specifically trained regarding the LPR system and the usage/privacy policy prior to receiving account access. Users found to have used the LPR system without authorization would have their access immediately revoked and may face disciplinary action in accordance with applicable civil service policies, up to and including termination.

LPR data could not be retained for more than 10 days unless it is evidence in a criminal offense or civil traffic or parking offense, subject to a properly issued warrant, subpoena, public records request or court order, or where a litigation hold has been placed by the Department of Law. T.C.A. § 55-10-302 provides that any LPR data collected by any governmental entity may not be stored "for more than 90 days" unless the data is retained or stored as part of an ongoing investigation, and in that case, the data must be destroyed at the conclusion of the investigation or criminal action. Thus, the state law does not prevent local governments from having a shorter retention period.

The ordinance requires the LPR custodian to perform an audit at least once per year of the LPR system and the access history. The ordinance also provides some limitations on the sharing of LPR data with other law enforcement agencies. The ordinance further provides that LPR data obtained by Metro from a privately owned or operated LPR system could only be used for the purposes outlined above.

Law enforcement officers who stop vehicles based upon LPR data must complete a written record that includes the following:

- The date, time, and precise location of the stop;
- Any investigative or enforcement actions that were taken as a result of the stop; and
- The self-identified race(s) and ethnicities of the driver of the stopped motor vehicle if voluntarily provided by the driver at the request of the officer.

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

K. Bills on Third Reading

45. [BL2021-1013](#)

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 Liberty Collegiate Academy (Proposal No. 2021M-013PR-001).

Analysis

This ordinance approves a lease agreement between Metro Nashville Public Schools (MNPS) and Liberty Collegiate Academy (Liberty) for use of property at 3515 Gallatin Pike as a charter school. The property includes approximately 35,158 square feet of the building.

The term of the lease begins on July 14, 2021 and ends on June 30, 2031. Upon termination of the lease, the property will revert to MNPS. For the first year, the lease payment will be \$14,649.17 per month, which represents a rate of \$5.00 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 \$5.00 per square foot in Year 1 to \$6.00 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. Liberty is responsible for custodial services, utilities, routine maintenance of the premises, and ADA compliance, building, fire, and zoning codes and regulations. Liberty 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 \$5.00/square foot or \$14,649.17 per month for the approximate square footage of 35,158 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 to \$6.00 per square foot in Year 2 and will increase by 3% each year beginning in year 3 and throughout the term of the lease.

Sponsors: VanReece, Allen, Withers and Lee

46. [BL2021-1015](#)

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 Nashville Prep (Proposal No. 2021M-014PR-001).

Analysis

This ordinance approves a lease agreement between Metro Nashville Public Schools (MNPS) and Nashville Prep for use of property at 1300 56th Avenue North as a charter school. The property includes approximately 42,227 square feet of the building.

The term of the lease begins on July 14, 2021 and ends on June 30, 2031. Upon termination of the lease, the property will revert to MNPS. For the first year, the lease payment will be \$14,075.67 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. Nashville Prep is responsible for custodial services, utilities, routine maintenance of the premises, and ADA compliance, building, fire, and zoning codes and regulations. Nashville 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 \$14,075.67 per month for the approximate square footage of 42,227 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 to \$5.00 per square foot in Year 2 and will increase by 3% each year beginning in year 3 and throughout the term of the lease.

Sponsors: Allen, Withers, Roberts and Lee

47. [BL2021-1022](#)

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to update the corridor design overlay and the residential accessory structure overlay within Chapter 17.36.20, 17.36.540, 17.36.590, relating to permitted façade materials, all of which is described herein (Proposal No. 2022Z-001TX-001). THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.

Analysis

This ordinance makes various changes to Chapter 17.36 of the Metropolitan Code of Laws to bring these provisions into compliance with recent state law changes to Tennessee Code Annotated § 68-120-101, related to the regulation of building materials by local governments.

The state law restricts a local government's ability to prohibit certain building materials, however, it allows for the continued regulation of materials where alternative materials are allowed. This ordinance removes references to prohibited materials and better defines building materials that can be used in Corridor Design Overlays and Residential Accessory Structure Overlays.

Sponsors: Withers

64. [BL2021-1050](#)

An Ordinance to amend Section 16.28.230 of the Metropolitan Code of Laws regarding project information signs.

Analysis

This ordinance amends the requirements for project information signs in Section 16.28.230 of the Metropolitan Code of Laws to amend the noise code reference.

Under the current Section 16.28.230 requires information on project signs. In a residential district, the sign must state that "No noise in excess of 70 Db(a) shall be emitted from construction equipment in or beside residential districts between 9:00 p.m. and 6:00 a.m." This information comes from the construction noise provision in Section 9.30.010, which was recently changed by BL2020-300 to restrict noise between 8:00 p.m. and 6:00 a.m. during the months of June, July, and August and between 7:00 p.m. and 7:00 a.m. the rest of the year.

This ordinance would update Section 16.28.230 to remove the reference to the specific noise code text and instead replace it with a requirement that the sign contain information about the acceptable noise level at a construction site pursuant to Section 9.30.010.

Sponsors: Murphy, Benedict and Allen

65. [BL2021-1051](#)

An Ordinance to adopt a Plan for a Metropolitan Council of Nashville and Davidson County Internet Forum.

Analysis

This ordinance adopts a plan for a Metropolitan Council of Nashville and Davidson County Internet Forum.

Pursuant to TCA § 8-44-109, a governing body subject to the Tennessee Open Meetings Act (TOMA) may allow electronic communication between members through an internet forum, provided the governing body does the following:

- Ensures that the forum is available to the public at all times, other than necessary maintenance or unforeseen technical limitations;
- Provides adequate public notice of the governing body's intended use of the forum;
- Controls who may communicate through the forum;
- Controls the archive of electronic communications over the forum to ensure communications are available for at least one year from the date of the

communications; and

- Provides reasonable access for the public to view the forum at the local public library, the building where the governing body meets, or another public building.

Communications made over an internet forum cannot be a substitute for decision making by a governing body. However, communications between members posted to a forum that complies with the state law are deemed to be in compliance with TOMA.

Before a governing body may use an electronic forum, the governing body must file a plan with the Office of Open Records Counsel, describing how the governing body will ensure compliance with the state law requirements for an internet forum. The Office of Open Records Counsel has 30 days after receipt of the plan to review it and report whether or not the plan complies with state law.

This legislation approves the Metropolitan Council's plan for an internet forum and, upon passage, the plan would be submitted to the Office of Open Records Counsel. The Council first gave notice of its intent to explore the establishment of an internet forum through Resolution No. RS2020-173, adopted on January 21, 2020. This resolution requested that the Metro ITS Department assist the Council in the creation of a plan for an internet forum.

The Council's proposed internet forum would be hosted by Bang the Table. Only members of the Council would be allowed to post to the forum and no communications would be deleted from the forum. A username and password would be required to post to the forum and all members would be required to sign the Internet Forum Terms of Use Agreement, which is attached to the plan.

Sponsors: Suara, Styles and Rosenberg

66. [BL2021-1052](#)

An ordinance approving and adopting a plan for redistricting the Councilmanic Districts of The Metropolitan Government of Nashville and Davidson County and revising the school districts pursuant to Article 18, Section 18.06 of the Metropolitan Charter.

Analysis

This ordinance adopts a new redistricting plan for the council districts and school board districts as required by the Metropolitan Charter. Section 18.06 of the Charter provides that within six months after the decennial census is published by the U.S. Census Bureau showing the population in the area of the Metropolitan Government, it is the duty of the Planning Commission to recommend to the Council whether there has been substantial under-representation of particular areas as a result of population changes. The decennial census of 2020 was published on August 12, 2021, and showed substantial underrepresentation of the current council districts and school board districts. The planning department prepared three version of a redistricting plan, held public meetings, and solicited feedback online regarding the plans. The Planning Commission approved the planning staff's recommendation, with amendments, on December 9, 2021.

The redistricting plan proposed by the planning commission accomplishes the necessary redistricting to assure population representation so as to provide for the required "one person, one vote." The council may adopt or reject this plan, but the plan may not be amended. In the event the council rejects the plan it may adopt its own plan and submit the council plan, together with the plan forwarded by the planning commission, to a referendum vote.

Sponsors: Withers

67. [BL2021-1053](#)

An ordinance adopting the Geographic Information Systems Street and Alley Centerline Layer, with the recordation of renaming, additions and deletions of acceptances and abandonments as reflected on the Centerline Layer to date, as the Official Street and Alley Acceptance and Maintenance Record for the Metropolitan Government of Nashville and Davidson County, (Proposal Number 2022M-001OT-001).

Analysis

This ordinance adopts the Geographic Information Systems Street and Alley Centerline Layer, with the changes as reflected on the Centerline Layer to date, as the official Street and Alley Acceptance and Maintenance Record for Metro. The updated Centerline Layer shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro since it was last adopted by Ordinance Number BL2020-555 on January 5, 2021.

This ordinance has been approved by the Planning Commission.

Sponsors: Withers and Young

68. [BL2021-1054](#)

An ordinance approving an Agreement by and between the Metropolitan Government, CSX Transportation, Inc., and Nashville Phase II Property Holder LLC for the construction of roadway and Quiet Zone improvements at the Chestnut Street and 4th Avenue South railroad crossings.

Analysis

This ordinance approves an agreement between the Metropolitan Government, CSXS Transportation, Inc. (CSXT), and Nashville Phase II Property Holder LLC (Developer) for the construction of roadway and Quiet Zone improvements at the Chestnut Street and 4th Avenue South railroad crossings.

Pursuant to the agreement, the Developer would construct proposed quiet zone and roadway improvements at Chestnut Street and 4th Avenue. The Developer would perform work related to roadway improvements. CSXT would perform work related to signal warning system upgrades, construction monitoring, inspection, review, and flagging, and other services identified in the agreement. After completion and inspection of the project, Metro would accept the project within Metro's right of way and be responsible for maintenance. All work would be

completed by December 31, 2025.

Sponsors: Sledge and OConnell

69. [BL2021-1055](#)

An ordinance providing the honorary street name designation of “Charles Dungey Way” for a portion of 40th Avenue North.

Analysis

This ordinance adds the honorary designation of “Charles Dungey Way” for a portion of 40th Avenue North between Indiana Avenue and Clifton Avenue. Charles Dungey, Jr., who passed away on September 22, 2003, was an internationally recognized jazz bassist and vocalist who dedicated his career to jazz performance and education. He toured with Pearl Bailey and Sammy Davis Jr. and worked alongside jazz greats Milt Jackson, Eartha Kitt, Betty Carter, and Hank Crawford. He was the first black bassist with the Nashville Symphony in the 1970s and served as a faculty member at Tennessee State University. His father owned Deborah’s Casino Royale Supper Club, which once stood near this portion of 40th Avenue North.

Section 13.08.025 of the Metro Code provides a procedure for the designation of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install two honorary street signs per street - at each end of a street - beneath the official street name sign for any street identified on the official Street and Alley Centerline Layer map. No honorary street sign can be installed honoring a living person; and each member of council can sponsor only one such ordinance each calendar year. This ordinance does not officially re-name the designated street. Therefore, there would be no change of official address for properties along this portion of 40th Avenue North.

Sponsors: Hurt and Taylor