



Metro Council

G. Resolutions on Public Hearing

1. [RS2023-1943](#)

A resolution exempting Martha My Dear, located at 2503 Gallatin Avenue, Suite 102 from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Martha My Dear, located at 2503 Gallatin Avenue, Suite 102.

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

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

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

Sponsors: Parker

2. [RS2023-1944](#)

A resolution exempting Velvet Taco East Nashville, located at 301 Gallatin Avenue from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Velvet Taco East Nashville, located at 301 Gallatin Avenue.

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

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

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

Sponsors: Withers

H. Consent Resolutions and Resolutions

3. [RS2022-1901](#)

A resolution adopting the Fund Balance Reserve Policies for the Metropolitan Government of Nashville and Davidson County.

Analysis

This resolution adopts the Fund Balance Reserve Policies for the Metropolitan Government of Nashville and Davidson County. Adoption of the Fund Balance Reserve Policies has the purported objectives of:

- a. documenting the responsibility for the oversight and management of Metro's Fund Balance Reserves;
- b. defining the types of fund balance that will comprise Metro's Fund Balance Reserves;
- c. defining the criteria for establishing and maintaining Metro's Fund Balance Reserves;
- d. defining the criteria for use of the Metro's Funds Balance Reserves;
- e. protecting and enhancing the Metropolitan Government's credit ratings; and
- f. promoting equity for all Metro residents.

The policy will set a minimum target of 17% of each governmental operating fund, which is equal to approximately two months of Metro's operating expenditures. The policy will set a minimum target of 50% of the budgeted debt service or a larger amount if necessary to avoid the need to issue tax anticipation notes.

The policy addresses the circumstances under which the Fund Balance Reserves can be

utilized. For instance, the operating reserve could be accessed during the budget process in the event of an economic downturn. Both the operating reserves and debt service reserves could be used to address unusual, unanticipated, and unforeseen expenditures or unanticipated/unexpected revenue declines, but only after all other reserves or budgeted contingencies are exhausted.

Additionally, the policy addresses the method by which the reserves would be replenished if utilized as described above.

This resolution is a companion to BL2022-1632 which will create Section 5.04.160 of the Metropolitan Code of Laws requiring the Metropolitan Government to maintain fund balance policies.

Sponsors: Rhoten, Johnston, Syracuse, Toombs, Allen, Suara, Gamble, Druffel and Styles

4. [RS2023-1945](#)

A resolution accepting the terms of a cooperative purchasing master agreement for the purchase of rental services for storage containers, specialty trucks, and related products and services for the department of Water Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for the purchase of rental services for storage containers, specialty trucks, and related products for the Department of Water Services. The purchasing agreement is between Omnia Partners, which is a City of Charlotte, North Carolina local government agency, and Herc Rentals. The agreement is valid through October 31, 2023.

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

Sponsors: Rhoten and Pulley

5. [RS2023-1946](#)

A resolution approving a contract between the Metropolitan Government of Nashville and Davidson County and Ingersoll Rand for the maintenance and service of Metro Water Services' equipment.

Analysis

This resolution approves a sole source contract between the Metropolitan Government and Ingersoll Rand for the maintenance and service of Metro Water Services' equipment.

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 term of the contract begins upon approval of all required parties and filing with the Metropolitan Clerk's Office and ends after 60 months. The estimated value of this contract is \$1,017,006.06.

The agreement is for the maintenance of certain types of equipment. The agreement price is \$159,378.55 in Year 1 of the contract, \$164,159.90 in Year 2, \$169,084.70 in Year 3, \$174,157.24 in Year 4, and \$179,381.96 in Year 5. In addition, Exhibit D contains additional equipment for which maintenance will be provided under the contract. The additional annual payment for this equipment in Exhibit D will be \$32,179.19 in Year 1, \$33,144.57 in Year 2, \$34,138.91 in Year 3, \$35,163.07, and \$36,217.97 in Year 5. The total payments over the course of this contract will be \$1,017,006.06.

According to the sole source justification form, Metro Water Services has Ingersoll Rand equipment in its Central and Whites Creek facility to provide process air. This contract for "PackageCare" services for the Ingersoll Rand equipment will ensure maintenance to factory specifications and provide for repairs. If the equipment cannot be repaired, Ingersoll Rand will replace the equipment. Ingersoll Rand is the sole source for this type of service.

Fiscal Note: The term of this contract would be for five years, from January 5, 2023 through January 4, 2028. The estimated value over the five-year life of this contract is \$1,017,006.06 to be paid from Fund 502920, Business Unit 65558020.

Sponsors: Rhoten and Pulley

6. [RS2023-1947](#)

A resolution appropriating \$10,000,000.00 in American Rescue Plan Act funds from Fund #30216 to be allocated to neighborhood needs through a community-led participatory budgeting program.

Analysis

This resolution appropriates \$10,000,000 in American Rescue Plan Act ("ARP") funds from Fund #30216 to be allocated to neighborhood needs through a community-led participatory budgeting program.

This funding would be used for a citywide participatory budgeting process. A steering committee, selected by the Mayor's Office from nominations from Councilmembers, would adapt the existing participatory budgeting guidelines. Residents will be able to submit ideas which will then be reviewed with the support of Metro staff, who will eliminate non-eligible items. A 35-item ballot will be created and residents 14 years old and older will be able to vote for which project they want funded.

Fiscal Note: This \$10,000,000 appropriation, along with the appropriations per Resolutions No.

RS2023-1948, RS2023-1949, RS2023-1952, and RS2023-1950 would be the 45th, 46th, 47th, 48th, and 49th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$251,791,030. The total grant award is \$259,810,600. The first half of this amount was received in July 2021 and the second half was received in July 2022. The grant award must be obligated by December 31, 2024 and expended by December 31, 2026.

Sponsors: Gamble, Johnston, Rhoten, Toombs and Allen

7. **RS2023-1948**

A resolution appropriating \$75,000 in American Rescue Plan Act funds from Fund #30216 to the Nashville Voluntary Organization Active in Disasters (VOAD) coalition for a pilot program to engage the community in emergency preparedness.

Analysis

This resolution appropriates \$75,000 in American Rescue Plan Act (“ARP”) funds from Fund #30216 to the Nashville Voluntary Organization Active in Disasters (“VOAD”) coalition for a pilot program to engage the community in emergency preparedness.

VOAD is a coalition of nonprofits, community organizations, faith-based institutions, and government departments who work together to ensure effective response to disasters. VOAD proposes using \$75,000 for a preparedness pilot. This includes risk assessment, planning, preparation, and evaluation. The program would bring speakers to members and nonmembers, expand the VOAD website to make the community more aware of available resources, provide training on specific topics related to disaster response, and host a preparedness council to include community leaders. The appropriation would fund the pilot program through June 30, 2024.

Fiscal Note: This \$75,000 appropriation, along with the appropriations per Resolution No. RS2023-1947, RS2023-1949, RS2023-1952, and RS2023-1950 would be the 45th, 46th, 47th, 48th, and 49th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$251,791,030. The total grant award is \$259,810,600. The first half of this amount was received in July 2021 and the second half was received in July 2022. The grant award must be obligated by December 31, 2024 and expended by December 31, 2026.

Sponsors: Johnston, Sepulveda, Gamble, Rhoten, Welsch, Styles and Allen

8. **RS2023-1949**

A resolution appropriating \$175,200 in American Rescue Plan Act funds from Fund #30216 to the Music City Community Court to hire program navigators to connect tenants to attorneys and other community resources.

Analysis

This resolution appropriates \$175,200 in American Rescue Plan Act (“ARP”) funds from Fund #30216 to the Music City Community Court (“MCCC”) to hire program navigators to connect tenants to attorneys and other community resources.

This appropriation would fund two social worker positions related to the MCCC. These individuals will serve as program navigators to assist tenants in finding resources, including the “Right to Counsel” program that connects tenants facing eviction with lawyers from the Legal Aid Society.

Fiscal Note: This \$175,200 appropriation, along with the appropriations per Resolution No. RS2023-1978, RS2023-1948, RS2023-1952, and RS2023-1950 would be the 45th, 46th, 47th, 48th, and 49th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$251,791,030. The total grant award is \$259,810,600. The first half of this amount was received in July 2021 and the second half was received in July 2022. The grant award must be obligated by December 31, 2024 and expended by December 31, 2026.

Sponsors: Sepulveda, Johnston, Gamble, Rhoten and Welsch

9. **RS2023-1950**

A resolution appropriating \$517,000 in American Rescue Plan Act funds from Fund #30216 to offset Covid-19 Financial Oversight Committee and staff administrative expenses, and to expand the use of the existing American Rescue Plan Act funds currently allocated to public emergency response to include telework and information technology expenses.

Analysis

This resolution appropriates \$326,800 in American Rescue Plan Act (“ARP”) funds from Fund #30216 to offset COVID-19 Financial Oversight Committee and staff administrative expenses.

On June 7, 2022, Metro Council approved RS2022-1558, which included a \$398,000 allocation for administrative expenses necessary for the operation of the COVID-19 Financial Oversight Committee. The resolution acknowledged that the funding only partially satisfied the necessary administrative expenses to date and that the Committee may recommend further administrative expense allocations as ARP Funds became available, including any additional expenditures.

In June 2022, the COVID-19 Financial Oversight Committee estimated the total cost of the staffing compensation and benefits, third party consultants, external legal support, banking fees, and miscellaneous expenses to be \$915,000 through December 31, 2027. The first resolution appropriated \$398,000. This resolution appropriates the remaining \$517,000.

Fiscal Note: This \$517,000 appropriation, along with the appropriations per Resolution No. RS2023-1947, RS2023-1948, RS2023-1949, and RS2023-1952 would be the 45th, 46th, 47th, 48th, and 49th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$251,791,030. The total grant award is \$259,810,600. The first half of this amount was received in July 2021 and the second half was received in July 2022. The grant award must be obligated by December 31, 2024 and expended by December 31, 2026.

Sponsors: Gamble, Johnston, Sepulveda, Rhoten, Welsch and Styles

10. **RS2023-1951**

A resolution appropriating \$1,000,000 in American Rescue Plan Act funds from Fund #30216 to the Metropolitan Government to provide subsidies for electric bicycles.

Analysis

This resolution appropriates \$1,000,000 in American Rescue Plan Act (“ARP”) funds from Fund #30216 to be allocated for a program to provide subsidies for electric bicycles (“e-bikes”).

This program would provide subsidies for the purchase of e-bikes for residents of Nashville and Davidson County. Through this program, individuals would be able to submit applications for a rebate. The standard rebate is up to \$300 for an e-bike or \$500 for an e-cargo bike. Income-qualified rebates would be available for individuals with a household income below 80% of the Area Median Income of Nashville and Davidson County or below 200% of the relevant federal poverty level. The income-qualified rebate is up to \$1,400 for an e-bike and up to \$1,400 for an e-cargo bike. Applicants must provide proof of Davidson County residency and proof of income if seeking an income-qualified rebate. The rebate must be used at a participating bike shop and the Metropolitan Government will partner with brick-and-mortar bike-shops in Nashville and Davidson County for participation in this program.

It is anticipated that this resolution will be deferred pursuant to Council Rule 14, as the Finance Director has not yet certified the availability of funds for this appropriation. This resolution has not been considered by the COVID-19 Financial Oversight Committee.

Sponsors: Sledge, OConnell, Parker, Toombs, Sepulveda, Hancock, Henderson, Porterfield, Benedict and Welsch

11. [RS2023-1952](#)

A resolution appropriating \$326,800.00 in American Rescue Plan Act funds from Fund #30216 to complete funding allocation to the Office of Family Safety, to be used to address increased demand for therapy and services for victims of abuse, human trafficking and interpersonal violence.

Analysis

This resolution appropriates \$326,800 in American Rescue Plan Act (“ARP”) funds from Fund #30216 to complete the funding allocation to the Office of Family Safety to address increased demand for therapy and services for victims of abuse, human trafficking, and interpersonal violence.

Resolution No. RS2021-1152 appropriated \$3,148,980 in ARP Funds to the Office of Family Safety to fund four high risk case managers, transportation and emergency needs of clients, therapy clinicians for children and adults impacted by interpersonal violence, and two additional AGAPE overnight and afterhours order of protection advocates.

Additional staff is required to support the original scope of activities and the Office of Family Safety also seeks to broaden the scope of those programs to include crisis advocacy. The requested funding would cover fringe for the four case managers, salary and fringe for one additional crisis advocacy and case manager, case manager mileage and parking, specific

assistance to individuals, training and conferences for staff, and supplies for staff. This additional funding will allow the program to continue through June 30, 2024.

Fiscal Note: This \$326,800 appropriation, along with the appropriations per Resolution No. RS2023-1947, RS2023-1948, RS2023-1949, and RS2023-1950 would be the 45th, 46th, 47th, 48th, and 49th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$251,791,030. The total grant award is \$259,810,600. The first half of this amount was received in July 2021 and the second half was received in July 2022. The grant award must be obligated by December 31, 2024 and expended by December 31, 2026.

Sponsors: Johnston, Sepulveda, Gamble, Rhoten, Syracuse, Welsch, Styles and Allen

12. [RS2023-1953](#)

A resolution accepting a grant from the Tennessee Office of Criminal Justice Programs, to the Metropolitan Government, acting by and through the Office of Family Safety, to plan and implement a two-day conference hosting Tennessee Family Justice Centers personnel, Coordinated Community Response Teams, and Family Justice Center partner agencies to enhance interest and reach of multi-disciplinary teams to reduce gaps in victim safety and offender accountability.

Analysis

This resolution accepts a grant from the Tennessee Office of Criminal Justice Programs to the Office of Family Safety in an amount not to exceed \$118,000 with no cash match required. This grant will provide funding for planning and implementing an in-person symposium event for Tennessee Family Justice Centers personnel, Coordinated Community Response Teams, and Family Justice Center partner agencies to enhance interest and reach of multi-disciplinary teams to reduce gaps in victim safety and offender accountability. The grant term begins February 1, 2023 and ends June 30, 2023.

Sponsors: Rhoten, Syracuse and Welsch

13. [RS2023-1954](#)

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 improve the health of the citizens of Davidson County by preventing and controlling the use of tobacco and tobacco products.

Analysis

This resolution accepts a grant from the Tennessee Department of Health to the Metropolitan Board of Health in an amount not to exceed \$260,000 with no cash match required. This grant will be used to prevent and control the use of all tobacco products with the focus on reducing smoking during pregnancy, prevention of youth initiating usage of nicotine products and the prevention of second-hand smoke exposure in children. The term of the grant begins July 1, 2023 and ends June 30, 2025.

Sponsors: Rhoten, Syracuse, Hurt, Welsch, Styles and Allen

14. [RS2023-1955](#)

A resolution accepting a Strengthening Public Health Infrastructure, Workforce, and Data Systems grant from the Centers for Disease Control and Prevention to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to implement workforce strategies to build organizational resilience, promote employee well-being, and enhance workforce performance while focusing on building healthier communities.

Analysis

This resolution accepts a Strengthening Public Health Infrastructure, Workforce, and Data Systems grant from the Centers of Disease Control and Prevention to the Metropolitan Board of Health in an amount not to exceed \$8,578,283 with no local cash match required. This grant will provide for implementation of workforce strategies to build organization resilience, promote employee well-being, and enhance workforce performance while focusing on building healthier communities. The term of the grant begins December 1, 2022 and ends November 30, 2027.

Sponsors: Rhoten, Syracuse and Welsch

15. [RS2023-1956](#)

A resolution accepting a grant from the Friends of Metro Animal Care & Control to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide funding for various programs for shelter animals.

Analysis

This resolution accepts a grant from the Friends of Metro Animal Care & Control to the Metropolitan Board of Health. The grant award is not to exceed \$5,068.11 with no required local cash match. Of the total grant award, \$4,680.11 will be used to provide funding for emergency medical care and \$388 will be used for rabies/microchip for shelter animals.

Sponsors: Rhoten, Syracuse, Welsch, Bradford and Styles

16. [RS2023-1957](#)

A resolution approving amendment one to the Epidemiology and Laboratory Capacity for Infectious Diseases grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to support all construction requirements associated with the cooler expansion project for the Office of Medical Examiner.

Analysis

This resolution approves the first amendment to the Epidemiology and Laboratory Capacity for Infectious Diseases grant from the Tennessee Department of Health to the Metropolitan Board of Health, originally approved by Resolution No. RS2022-1741.

This \$450,000 grant is used to support all construction requirements associated with the cooler expansion project for the Office of Medical Examiner.

The amendment under consideration extends the end date of the grant from February 28,

2023, to June 30, 2024. The grant budget attachment would be updated to reflect this change. No other changes would be made to the grant agreement.

Sponsors: Rhoten and Syracuse

17. [RS2023-1958](#)

A resolution approving amendment one to a Nashville Health Accelerator Plan grant from the Centers for Disease Control and Prevention to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to address social determinants of health to improve chronic disease outcomes among persons experiencing health disparities and inequities.

Analysis

This resolution approves the first amendment to a Nashville Health Accelerator Plan grant from the Centers for Disease Control and Prevention and the Metropolitan Board of Health, originally approved by Resolution No. RS2021-1244.

The grant proceeds are used to address social determinants of health to improve chronic disease outcomes among persons experiencing health disparities and inequities. The grant award is \$125,000.

The amendment under consideration extends the end date of the grant from September 29, 2022, to March 29, 2023. No other changes would be made to the grant agreement.

Sponsors: Rhoten, Syracuse and Welsch

18. [RS2023-1959](#)

A resolution authorizing Two Hands Nashville, LLC to construct and install an aerial encroachment at 606 8th Avenue South. (Proposal No.2022M-027EN-001).

Analysis

This resolution authorizes Two Hands Nashville, LLC to construct, install, and maintain an aerial encroachment at 606 8th Avenue South. The encroachment comprises one double-sided 10" x 60" blade sign and one set of channel letters encroaching the public right-of-way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign. 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.

Sponsors: OConnell, Withers and Pulley

19. [RS2023-1960](#)

A resolution approving an intergovernmental agreement by and between the State of Tennessee, Department of Transportation, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure, for lighting and signal maintenance associated with the Bicycles and Pedestrian Facilities on State Route 6 (Gallatin Pike) from Walton Lane to Wiley Street, Fed No. HSIP-6(145); State No. 19025-3233-94; PIN 125526.09 (Prop. No.

2022M-052AG-001).

Analysis

This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (“TDOT”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) on State Route 6 (Gallatin Pike) from Walton Lane to Wiley Street. The agreement provides for the construction of bike and pedestrian facilities. Pursuant to the agreement, TDOT will pay for all design and construction services and NDOT will agree to cover the maintenance costs of the upgrades.

Fiscal Note: There is no cost to Metro for the performance of this agreement. TDOT will pay for the design and construction services of the lighting and signal upgrades. Metro will pay for the future maintenance costs, which are unknown at this time.

Sponsors: VanReece, Hancock, Rhoten, Withers and Pulley

20. [**RS2023-1961**](#)

A resolution approving an intergovernmental agreement by and between the State of Tennessee, Department of Transportation, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure, for lighting and signal maintenance associated with the Bicycle and Pedestrian Facilities on State Route 1 (West End Avenue/Broadway) from 23rd Avenue North to 8th Avenue South (Rosa Parks Boulevard), Fed No. HSIP-1(441); State No. 19100-3226-94; PIN 125526.11 (Prop. No. 2022M-053AG-001).

Analysis

This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (“TDOT”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) on State Route 1 (West End Avenue/Broadway) from 23rd Avenue North to 8th Avenue South. The agreement provides for the construction of bike and pedestrian facilities. Pursuant to the agreement, TDOT will pay for all design and construction services and NDOT will agree to cover the maintenance costs of the upgrades.

Fiscal Note: There is no cost to Metro for the performance of this agreement. TDOT will pay for the design and construction services of the lighting and signal upgrades. Metro will pay for the future maintenance costs, which are unknown at this time.

Sponsors: OConnell, Taylor, Rhoten, Withers and Pulley

21. [**RS2023-1962**](#)

A resolution approving an intergovernmental agreement by and between the State of Tennessee, Department of Transportation, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure, for lighting and signal maintenance associated with the Bicycle and Pedestrian Facilities on State Route 255 (Harding Place) from Linbar Drive to near Harding Industrial Drive; Fed No. HSIP-255(17); State No. 19084-3218-94; PIN 125526.12 (Prop. No. 2022M-056AG-001).

Analysis

This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (“TDOT”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) on State Route 255 (Harding Place) from Linbar Drive to near Harding Industrial Drive. The agreement provides for the construction of bike and pedestrian facilities. Pursuant to the agreement, TDOT will pay for all design and construction services and NDOT will agree to cover the maintenance costs of the upgrades.

Fiscal Note: There is no cost to Metro for the performance of this agreement. TDOT will pay for the design and construction services of the lighting and signal upgrades. Metro will pay for the future maintenance costs, which are unknown at this time.

Sponsors: Sepulveda, Rhoten, Withers and Pulley

22. [RS2023-1963](#)

A resolution approving an intergovernmental agreement by and between the State of Tennessee, Department of Transportation, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure, for lighting and signal maintenance associated with the Bicycle and Pedestrian Facilities on State Route 106 (21st Avenue/Broadway) from Pierce Avenue to 19th Avenue South, Fed No. HSIP-106(44); State No. 19045-3247-94; PIN 125526.13 (Prop. No. 2022M-057AG-001).

Analysis

This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (“TDOT”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) on State Route 106 (21st Avenue/Broadway) from Pierce Avenue to 19th Avenue South. The agreement provides for the construction of bike and pedestrian facilities. Pursuant to the agreement, TDOT will pay for all design and construction services and NDOT will agree to cover the maintenance costs of the upgrades.

Fiscal Note: There is no cost to Metro for the performance of this agreement. TDOT will pay for the design and construction services of the lighting and signal upgrades. Metro will pay for the future maintenance costs, which are unknown at this time.

Sponsors: Cash, OConnell, Rhoten, Withers and Pulley

23. [RS2023-1964](#)

A resolution approving an intergovernmental agreement by and between the State of Tennessee, Department of Transportation, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure, for lighting and signal maintenance associated with the Bicycle and Pedestrian Facilities on State Route 11 (Nolensville Pike) from Haywood Lane to McNally Drive, Fed No. HSIP-11(113); State No. 19028-3252-94; PIN 125526.15 (Prop. No. 2022M-058AG-001).

Analysis

This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (“TDOT”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) on State Route 11 (Nolensville Pike) from Haywood Lane to McNally Drive. The agreement provides for the construction of bike and pedestrian facilities. Pursuant to the agreement, TDOT will pay for all design and construction services and NDOT will agree to cover the maintenance costs of the upgrades.

Fiscal Note: There is no cost to Metro for the performance of this agreement. TDOT will pay for the design and construction services of the lighting and signal upgrades. Metro will pay for the future maintenance costs, which are unknown at this time.

Sponsors: Welsch, Johnston, Nash, Sepulveda, Rhoten, Withers and Pulley

24. [RS2023-1965](#)

A resolution approving Amendment Two to a grant agreement 170129 between the Tennessee Department of Transportation and The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”), to extend the term of the Nashville Complete Trips Transportation Demand Management Program.

Analysis

This resolution approves the second amendment to a grant agreement between the Tennessee Department of Transportation (“TDOT”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) originally approved by Resolution No. RS2017-942.

The original grant funds the Nashville Complete Trips Transportation Management Program. This program seeks to reduce congestion and contribute to the exceedance of air quality standards by supporting and promoting the use of transportation options other than single occupancy vehicles. The first amendment, approved by Resolution No. RS2021-975, extended the term of the agreement from November 21, 2021 to May 31, 2022.

The amendment under consideration extends the completion date to December 31, 2022, which will operate to extend the 120-day grace period to accept reimbursements from TDOT.

Sponsors: Rhoten and Pulley

25. [RS2023-1966](#)

A resolution accepting an in-kind grant from Ryzec Building Group, LLC to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, for two new laptops and a PlayStation video gaming system for the exclusive use of the Kirkpatrick Community Center’s new library program.

Analysis

This resolution accepts an in-kind grant from the Ryzec Building Group, LLC to the Metropolitan Board of Parks and Recreation with an estimated value of \$2,800 with no cash match required. This grant provides for two new laptops and a PlayStation video gaming

system for the exclusive use of the Kirkpatrick Community Center's new library program. The purchases will be made directly by Ryzec Building Group and no money will be given to Metro Parks. This was approved by the Board of Parks and Recreation at its December 6, 2022, meeting.

Sponsors: Withers, Rhoten, Hurt and Welsch

26. [RS2023-1967](#)

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, in support of the DisABILITIES program offering supervised recreational activities for individuals with intellectual and developmental disabilities.

Analysis

This resolution accepts a grant from the Nashville Parks Foundation to the Metropolitan Board of Parks and Recreation in an amount not to exceed \$20,000 with no local cash match required. This grant is to provide support of the DisABILITIES program offering supervised recreational activities for individuals with intellectual and developmental disabilities. This was approved by the Board of Parks and Recreation at its December 6, 2022, meeting.

Sponsors: Rhoten, Hurt, Welsch and Styles

27. [RS2023-1968](#)

A resolution accepting an in-kind grant from Nashville Youth Hockey League, Inc. to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to fund the purchase and installation of two Electro-Mech scoreboards on Rink B of the Centennial Sportsplex.

Analysis

This resolution accepts an in-kind grant from the Nashville Youth Hockey League, Inc. to the Metropolitan Board of Parks and Recreation with an estimated value of \$20,000 with no cash match required. Nashville Youth Hockey League, Inc. has agreed to purchase and install two Electro-Mech scoreboards in Rink B of the Centennial Sportsplex. This was approved by the Board of Parks and Recreation at its December 6, 2022, meeting.

Sponsors: Taylor, Rhoten and Hurt

28. [RS2023-1969](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of Ralph Ward against the Metropolitan Government and its employees in the amount of \$236,000.00, with said amount to be paid from the Judgments and Losses Fund.

Analysis

On November 14, 2019, Metropolitan Nashville Police Department ("MNPDP") officers had been conducting surveillance on a wanted murder suspect at a hotel. MNPDP officers observed a suspicious vehicle at the hotel and decided to follow the vehicle. The vehicle was exceeding the speed limit and the officers initiated a traffic stop. However, the vehicle sped away. The MNPDP

officers believed they located the vehicle, which eventually stopped at R&B Liquors in Nolensville.

Mr. Ralph Ward exited the vehicle and entered R&B Liquors. The officers followed Mr. Ward into the store and arrested him, believing that the vehicle Mr. Ward exited was the same vehicle that had fled from a lawful traffic stop and that a wanted murder suspect could have been in the vehicle. Mr. Ward complied with the arrest and denied that he had fled from the traffic stop, offering to show officers the GPS on his phone or his GPS device. Mr. Ward was charged with felony evading arrest. The charge was ultimately dismissed and his arrest was expunged.

Mr. Ward filed a lawsuit alleging a 14 U.S.C. § 1983 claim against the arresting MNPD officers for false arrest, excessive force, and malicious prosecution under the Fourth Amendment. He also included a malicious prosecution claim against the Metropolitan Government.

Mr. Ward claims \$4,338.85 in pecuniary damages, including bond, attorneys fees, missed work days, and travel to court, along with an undisclosed amount of damages for emotional distress. He also has a claim for punitive damages. If Mr. Ward were to prevail at trial on the Section 1983 claim, he would also be entitled to attorney's fees.

The Council approved Resolution No. RS2022-1794 on October 4, 2022, which authorized the Department of Law to make an offer of judgment for \$50,000 plus fees and costs. As of October 4, 2022, the fees and costs were \$107,000. After the offer of judgment was made, Mr. Ward drastically reduced his demand and Metro and Mr. Ward participated in a mediation.

To eliminate the risk of continued litigation and the associated rising expenses, the Department of Law recommends settlement of Mr. Ward's claim for \$236,000.

Fiscal Note: This settlement would be paid from the Judgment and Losses Fund in the amount of \$236,000. This settlement would be the 3rd payment from the Judgment and Losses Fund in FY23 for a cumulative total of \$665,339. The fund balance would be \$16,750,985 after this payment.

Sponsors: Rhoten

J. Bills on Second Reading

38. [BL2022-1571](#)

An Ordinance to amend Title 8 of the Metropolitan Code of Laws relative to animals.

Analysis

This ordinance amends Title 8 of the Metropolitan Code of Laws relative to animals to rewrite the existing Animal Code.

Many existing regulations in Title 8 would be reorganized, combined, and reworded, but largely

retained in the ordinance, such as regulations on animals running at large, animals creating a nuisance, guard dogs, restrictions on owning wild or exotic animals, and restrictions related to rabies.

There would also be new definitions such as “Community cat” and “Community cat caregiver”. Many definitions would be edited, and new definitions of existing words would be added to provide greater clarity throughout Title 8.

One large change from the current Title 8 is a restructuring of Chapter 8.08, which currently regulates what is termed “Vicious Dogs”. This ordinance would create a new, two-tiered designation of “Dangerous Dogs” that defines level one and level two dangerous dogs and the restrictions for these dogs.

A level one dangerous dog is one that has attacked a person or domestic animal on the property of its owner on two or more occasions in 24 months; engaged in any behavior when unprovoked and off the property of its owner that would have required a person to take a defensive action to prevent harm to any person or domestic animal within a 24 month period; or, when unprovoked while off the property of its owner, has bitten a person or domestic animal causing a minor injury. General sessions court is authorized to declare a dog a level one dangerous dog and impose certain restrictions, such as requiring the dog to be confined indoors or behind a fence, be spayed or neutered, be microchipped, have the owner and dog attend obedience training, among other restrictions.

A level two dangerous dog is one that has attacked a person or domestic animal on the property of its owner three or more occasions during a 24 month period; on two or more occasions, engaged in any behavior when unprovoked and off the property of its owner that would have required a person to take a defensive action to prevent severe injury or death or a person or domestic animal within a 24 month period; when unprovoked, bitten a person or domestic animal causing a severe injury; has been declared a level one dangerous dog but not kept in compliance with a restriction imposed by the general sessions court; or has been kept, trained, or used in violation of T.C.A. § 39-14-203, which governs animal fighting. General sessions court is authorized to declare a dog a level two dangerous dog and impose certain restrictions, including requiring that the dog be kept in a securely enclosed and locked enclosure; the posting of signage warning of a dangerous dog; the attendance of a class designed to manage problem behavior; or the maintenance of liability insurance for claims arising from the conduct of the dog.

There are procedures that would reduce the designation of a dangerous dog from a level two to a level one dangerous dog, and from a level one dangerous dog to a removal of the designation.

Section 8.12.010, which currently regulates “Keeping of animals that disturb the peace”, would be changed to “Animals creating a nuisance”. The ordinance broadens the existing section to include animals that run at large, in addition to animals that create excessive noise, to be included in the definition of animals that can be declared to be a public nuisance.

A new subsection would be added to Section 8.20.100 to regulate the types of fences to be used for livestock and prevent tethering of livestock, except for horses when the owner is present.

Sponsors: Styles and Gamble

39. [BL2023-1647](#)

An ordinance amending various provisions of Chapters 6.104, 13.08 and 13.32 of the Metropolitan Code relating to sidewalk vending and the clearing of obstacles from the public right-of-way.

Analysis

This ordinance amends the Metropolitan Code of Laws relative to vending and the clearing of obstacles from the public right-of-way.

This ordinance makes various amendments to Section 13.08.040 of the Metropolitan Code of Laws. This includes delegations of authority to the Traffic and Parking Commission to set fees and make rules and regulations. In addition, staff of the Traffic and Parking Commission is explicitly authorized to take actions such as suspending and revoking permits, sending written notice of a suspension, revocation, or denial of a permit, and authorizing the renewal of a permit.

Language would be added to make clear that vending must occur in an approved location and not interfere with vehicular or pedestrian traffic or create an unsafe condition. Vendors must also display their permit.

Language regarding permits for food and beverage vendors would be amended to include those who sell other types of substances for consumption. Vendors of food, beverages, or substances are required to obtain all applicable permits from the Metropolitan Public Health Department.

Provisions governing insurance would be updated to require that the existing minimum insurance coverage of one million dollars cover the annual permitting period. If the vendor does not maintain this insurance coverage throughout the permit period, the permit would be automatically revoked.

Applicants for a vending permit who make intentional misrepresentations on the application would not be allowed to reapply for an application for a 12-month period.

The fee provisions would be amended to authorize the Traffic and Parking Commission to set the annual permit fee. The current fee is one hundred dollars. The fee will authorize the location of one stand for vending. If additional stands are sought, the applicant must pay the annual permit fee for each stand.

The County Clerk is no longer required to notify the vendor in writing of a decision to issue or

deny a permit. An oral notification of a denial will also suffice for a renewal of an application.

The sale of goods and services by street vendors would be limited to the DTC and CF zoned districts. No sales may occur (i) between Union Street and Korean Veterans Boulevard, spanning from the Cumberland River to 8th Avenue, (ii) Symphony Place between Third Avenue South and Fourth Avenue South, or (iii) the John Seigenthaler Pedestrian Street Bridge. Note that the current provisions prohibit vending on (i) Second Avenue North between Broadway and Church Street, (ii) Commerce Street between Second Avenue North and Third Avenue North, (iii) Symphony Place between Third Avenue South and Fourth Avenue South, and (iv) the John Seigenthaler Pedestrian Street Bridge.

Vending may not occur on the portion of the street designated for vehicular traffic, unless permitted for a special event. The Traffic and Parking Commission is authorized to create or enlarge the areas where vending is prohibited. In addition to the existing authority of the Traffic and Parking Commission to adopt and enforce regulations related to vending to ensure the free flow of pedestrian and vehicular traffic and to ensure the safety of the public, the Commission is also authorized to create and adopt maps showing locations where vending is prohibited and/or permitted.

The penalties in this Section are “provided for in Section 1.01.030 of this Code, or, to the extent permitted by law” the amounts listed in the ordinance. Penalties in this Section are amended to state that the fine is “up to” the amounts listed, however the amounts listed are not changed from the current provisions. The penalty for the first offense is up to \$250, the second offense within a one-year period is up to \$350, the third offense within a one-year period is up to \$500, and the fourth offense and all subsequent offenses, regardless of time period, is up to \$500. The Tennessee Supreme Court has held that fines or penalties for violations of local government ordinances are limited to \$50 where the fine or penalty is punitive. See *City of Chattanooga v. Davis*, 54 S.W.3d 248 (Tenn. 2001). It is likely that the fines outlined in this section would be limited to \$50. In addition, Section 1.01.030 of the Metropolitan Code of Laws generally limits the penalty for a violation of the Metropolitan Code to a fine not to exceed fifty dollars.

The ordinance deletes Chapter 6.104 of the Metropolitan Code of Laws, which regulates produce peddlers. The sale of fresh produce will be governed by the provisions of Section 13.08.040 of the Metropolitan Code of Laws.

This ordinance also amends provisions related to the removal of obstructions in the right-of-way in Section 13.32.100. The Metropolitan Nashville Police Department (“MNPd”), Nashville Fire Department, and Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) are to cause the prompt removal of any material or obstruction in the public right-of-way, whether by the person or entity responsible for the obstruction or otherwise. The person responsible is required to pay the reasonable expense of removing and disposing of the obstruction, along with the costs of storage and any administrative costs. The section also adds a definition for abandoned property, which is personal property, other than a motor vehicle, placed within the right-of-way (1) for at least 48 hours, (2) in a manner that interferes

with vehicular or pedestrian traffic or otherwise creates a reasonable safety concern, or (3) the owner of the property is arrested for violation of Tenn. Code Ann. Sections 39-17-307 or 62-30-101 et seq., or any other applicable criminal law.

The ordinance also adds a new Section 13.32.105 that governs impoundment and disposal. This section governs the removal of property pursuant to 13.32.100. NDOT would be required to give an owner present at the time of the removal a receipt listing the removed items, items disposed of at the time of removal, the impoundment location, and the contact information for the official who authorized the removal and impoundment. If the owner is not present, NDOT would be required to make reasonable efforts to notify the owner of this information. The Metropolitan Government would have no liability for disposal or damage resulting from the removal or storage of removed property.

A redlined version of this ordinance showing changes from the current provisions of the Metropolitan Code of Laws is available from the Council Office upon request.

Sponsors: Henderson, Pulley, Rhoten and OConnell

40. [BL2023-1648](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming Horton Avenue, between 11th Avenue South and 18th Avenue South, to “DeFord Bailey Avenue (Proposal Number 2022M-005SR-001).

Analysis

This ordinance renames Horton Avenue between 11th Avenue South and 18th Avenue South as “DeFord Bailey Avenue”.

This name change has been approved by the Planning Commission.

Approval from the Emergency Communications District Board and a written report from the Historical Commission are required prior to second reading. It is anticipated that the sponsor will defer this ordinance.

Sponsors: Sledge, Withers, Pulley, Benedict and Hurt

41. [BL2023-1649](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming Lifeway Plaza, between Rev Kelly M Smith Way and the 12th Avenue North/14th Avenue North intersection to “Josephine Holloway Avenue”. (Proposal Number 2022M-004SR-001).

Analysis

This ordinance renames Lifeway Plaza between Rev Kelly M Smith Way and the 12th Avenue North/14th Avenue North intersection to "Josephine Holloway Avenue".

This name change has been approved by the Planning Commission.

Approval from the Emergency Communications District Board and a written report from the Historical Commission are required prior to second reading. It is anticipated that the sponsor will defer this ordinance.

Sponsors: OConnell, Withers, Pulley, Henderson and Porterfield

42. [BL2023-1650](#)

An ordinance authorizing the abandonment and conveyance by quitclaim deed of approximately 0.024 acres of excess right of way adjacent to 11th Avenue North and approving a performance agreement under which a WeGo transit stop will be constructed at no cost to the Metropolitan Government. (Proposal No. 2022M-007AB-001).

Analysis

This ordinance authorizes the abandonment of a 0.024-acre portion of right-of-way adjacent to a parcel of property at the intersection of 11th Avenue North and Church Street. This parcel is owned by 125 11th Ave Property Owner, LLC ("Property Owner"). The right-of-way is no longer needed by the Metropolitan Government and has no commercial value. Property Owner has offered to pay the Metropolitan Government \$2,681.84 for this right-of-way.

The ordinance abandons the 0.024-acre right-of-way and authorizes the conveyance of the abandoned right-of-way to Property Owner via quitclaim deed. The ordinance also approves the Performance Agreement, pursuant to which Property Owner agrees to construct a WeGo transit stop at no cost to the Metropolitan Government. According to the Performance Agreement, the Metropolitan Government will not execute the quitclaim deed until the completion of the construction of the WeGo transit stop. The ordinance further authorizes the Finance Director to accept the \$2,681.84 payment from Property Owner.

Future amendments to this ordinance may be approved by resolution.

Fiscal Note: The estimated cost of construction of the WeGo transit stop is \$111,438. 125 11th Ave Property Owner, LLC will also pay \$2,681.84 to the Metropolitan Government.

Sponsors: OConnell, Rhoten, Withers and Pulley

43. [BL2023-1651](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon public utility easement rights, for property located at 425 A Westboro Drive, formerly a portion of Bruce Drive (Proposal No. 2022M-183ES-001).

Analysis

This ordinance abandons public utility easement rights shown on the plat of Westboro Subdivision Section One (Book 1424, Page 18, Davidson County Register of Deeds) that were retained by Council Bill No. O69-1001 for property located at 425 A Westboro Drive, formerly a portion of Bruce Drive. The abandonment has been requested by Dale and Associates on

behalf of the owner.

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

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

Sponsors: Roberts, Withers and Pulley

44. [BL2023-1652](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a new sanitary sewer manhole, for property located at 908 Anderson Lane, also known as Anderson Townhomes (MWS Project No. 22-SL-170; and Proposal No. 2022M-182ES-001).

Analysis

This ordinance accepts a new sanitary sewer manhole for property located at 908 Anderson Lane, also known as Anderson Townhomes.

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

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

Sponsors: Hancock, Withers and Pulley

45. [BL2023-1653](#)

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 on Sunset Road in Williamson County, also known as Davis Property Sewer (MWS Project No. 22-SL-68 and Proposal No. 2022M 172ES-001).

Analysis

This ordinance accepts approximately 675 linear feet of new public sanitary sewer main (PVC), three sanitary sewer manholes and easements for three properties located on Sunset Road in Williamson County, also known as Davis Property Sewer.

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: Withers and Pulley

46. [BL2023-1654](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main, and to accept new public sanitary sewer main, sanitary sewer manholes and easements, for property located at 2521 Clarksville Pike, also known as We Go North Nashville (MWS Project No. 22-SL-223; and Proposal No. 2022M-176ES-001).

Analysis

This ordinance abandons approximately 227 linear feet of existing eight-inch sanitary sewer main (PVC), and to accept approximately 275 linear feet of new 10-inch sanitary sewer main (PVC), four sanitary sewer manholes and easements for property located at 2521 Clarksville Pike, also known as WeGo North Nashville.

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: Taylor, Withers and Pulley

47. [BL2023-1655](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for properties located at 600 and 606 Ewing Drive (MWS Project Nos. 21-WL-98 and 21-SL-231; and Proposal No. 2022M-171ES-001).

Analysis

This ordinance accepts approximately 1,545 linear feet of new eight-inch water main (DIP), approximately 27 linear feet of new six-inch water main (DIP), approximately 618 linear feet of new four-inch water main (DIP), approximately 1,953 linear feet of new eight-inch sanitary sewer main (PVC), three fire hydrant assemblies, 13 sanitary sewer manhole and easements for properties located at 600 and 606 Ewing Drive.

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, Withers and Pulley

48. [BL2023-1656](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, and to accept new public water and sanitary sewer main, fire hydrant assembly, and sanitary sewer manholes, for property located at 1016 and 1016 B West Trinity Lane, also known as West Trinity Townhomes (MWS Project Nos. 22-WL-67

and 22-SL-141; and Proposal No. 2022M-169ES-001).

Analysis

This ordinance abandons approximately 605 linear feet of existing three-inch water main and accepts approximately 613 linear feet of new eight-inch water main (DIP), approximately 317 linear feet of new eight-inch sewer main (PVC), one fire hydrant, and five sanitary sewer manholes for property located at 1016 and 1016 B West Trinity Lane, also known as West Trinity Townhomes.

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

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

Sponsors: Toombs, Withers and Pulley

49. [BL2023-1657](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manholes and easements, for property located at Rains Avenue (unnumbered), also known as Fairgrounds Mixed Use Block C (MWS Project Nos. 22-WL-116 and 22-SL-242 and Proposal No. 2022M-174ES-001).

Analysis

This ordinance accepts approximately 460 linear feet of new eight-inch water main (DIP), approximately 97 linear feet of new eight-inch sanitary sewer main (PVC), approximately 181 linear feet of new 10-inch sanitary sewer main (PVC), one fire hydrant assembly, four sanitary sewer manholes and easements, for property located at Rains Avenue (unnumbered), also known as Fairgrounds Mixed Use Block C.

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: Sledge, Withers and Pulley

50. [BL2023-1658](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main, sanitary sewer manholes and easements, for two properties located at 1015 Tulip Grove Road and Rachael's Ridge (unnumbered) (MWS Project No. 22-SL-172 and Proposal No. 2022M-177ES-001).

Analysis

This ordinance accepts approximately 245 linear feet of new eight-inch sanitary sewer main (PVC), two sanitary sewer manholes and easements for two properties located at 1015 Tulip Grove Road and Rachael's Ridge (unnumbered).

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: Evans, Withers and Pulley

51. [BL2023-1659](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sanitary sewer manholes and easements, for three properties located at 2842, 2836, and 2832 A Lebanon Pike, (MWS Project No. 22-SL-20 and Proposal No. 2022M-181ES-001).

Analysis

This ordinance abandons approximately 131 linear feet of existing eight-inch sanitary sewer main, two sanitary sewer manholes and easements for three properties located at 2842, 2836, and 2832 A Lebanon Pike.

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

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

Sponsors: Syracuse, Withers and Pulley

52. [BL2023-1660](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, fire hydrant assembly and easements, and to accept new public water main, fire hydrant assembly and easements, for property located at 5655 Frist Boulevard, also known as Tristar Summit Medical Center-South Bed Tower (MWS Project No. 22-WL-70 and Proposal No. 2022M-184ES-001).

Analysis

This ordinance abandons approximately 80 linear feet of existing eight-inch water main (DIP), one fire hydrant assembly and easements, and accepts approximately 12 linear feet of new six-inch water main (DIP), one fire hydrant assembly and easements for property located at 5655 Frist Boulevard, also known as Tristar Summit Medical Center - South Bed Tower.

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: Rhoten, Withers and Pulley

K. Bills on Third Reading

58. [BL2022-1531](#)

An ordinance amending Section 17.16.030 of the Metropolitan Code, Zoning Regulations to require notice to surrounding property owners for adaptive residential developments (Proposal No. 2022Z-20TX-001).

Analysis

This ordinance amends Section 17.16.030 of the Metropolitan Code to require written notice of an application for an adaptive residential development use be mailed to property owners and condominium associations within 1,000 feet of the affected property. The notice must be mailed at least 21 days prior to the issuance of any permit related to the proposed adaptive residential development.

This has been approved by the Planning Commission.

Sponsors: Toombs

61. [BL2022-1583](#)

An ordinance approving Amendment 2 to the contract for program management services between Gobbell Hays Partners, Inc. and the Metropolitan Government of Nashville and Davidson County, which extends the contract term for an additional thirty months and limits the scope.

Analysis

This ordinance approves Amendment 2 to a contract for program management services between the Metropolitan Government and Gobbell Hays Partners, Inc.

Gobbell Hays entered into a contract with the Metropolitan Government in 2015 to provide a wide range of administrative, management, technical, and/or inspection services to the Department of General Services and other Metro departments, agencies, commissions, and boards. Gobbell Hays has served as the project manager for the various recent improvements to the Fairgrounds Nashville. Ordinance No. BL2020-337 approved an extension of the contract for another 28 months until December 26, 2022.

The ordinance under consideration approves Amendment 2 to the contract. This amendment extends the term of the contract an additional 30 months. The scope of services would be narrowed to project management services for various fairgrounds projects, including but not limited to, Fair Park Phase 2, Infrastructure Part 2, and potential speedway project, only during

the amended term. In addition, the amendment specifies that the contractor's DBE effort during the amended term will be to achieve DBE participation consistent with levels being achieved on various projects currently on site. The contractor will work with the Metro Business Assistance Office to ensure compliance. This amendment also updates the contractor name and address in various provisions of the contract.

Section 4.12.160(A) of the Metropolitan Code limits the term of contracts for services to 60 months, unless otherwise authorized by the Council. Given the involvement Gobbell Hays has had in the Fairgrounds projects, replacing the firm would likely result in additional costs to the Metropolitan Government and potential project delays.

Sponsors: Sledge, Rhoten and Hurt

87. [BL2022-1632](#)

An ordinance amending Title 5 of the Metropolitan Code of Laws by adding a new section requiring the metropolitan government to adopt and maintain a fund balance reserve policy.

Analysis

This Ordinance adopts and codifies in Title 5 of the Metropolitan Code of Laws a requirement to adopt and maintain a fund balance reserve policy. The new code section would define "debt service funds," "operating funds," and "fund balance." It would define "fund balance reserve policy" to mean:

"[A] written policy, recommended by the mayor and adopted by resolution of the metropolitan council, requiring the metropolitan government to maintain adequate fund balance in its respective operating funds and debt service funds that:

- a. Provides funding in the event of disaster, emergency, or other similar unusual, unanticipated, or unforeseen expenditures;
- b. Provides for sufficient cash flows for daily financial needs to account for fluctuations in revenue sources;
- c. Provides funds that can be used to offset revenue declines as a result of an economic downturn;
- d. Details the conditions upon which fund balance can be spent;
- e. Restricts fund balance from being used for recurring expenses or to pay one-time expenses not of an emergent nature, provided that the excess fund balance above the amounts stated in the policy may be used for any one-time expense as approved by the metropolitan council; and
- f. Plans for replenishment of fund balance if amounts fall below policy-target levels."

The Ordinance would require regular assessment of the fund balance reserve policy to assure it is meeting its purposes and to determine whether appropriate amounts are being maintained.

Resolution No. RS2022-1901 is tracking with this Ordinance. The Resolution would approve a fund balance reserve policy pursuant to the requirements of this Ordinance.

Sponsors: Rhoten, Allen, Gamble, Toombs, Johnston, Suara and Syracuse

88. [BL2022-1633](#)

An ordinance amending Title 5 of the Metropolitan Code of Laws to adopt a Commercial Property Assessed Clean Energy and Resilience (C-PACER) program within Davidson County to be administered by the Office of the Metropolitan Trustee.

Analysis

This Ordinance adopts and codifies in Title 5 of the Metropolitan Code a Commercial Property Assessed Clean Energy and Resilience (“C-PACER”) program to be administered by the Metropolitan Trustee. Local governments are expressly authorized by Tenn. Code Ann. § 68-208-101, et seq. (the “Act”) to adopt C-PACER programs to assist owners of agricultural, commercial, industrial, and some multi-family residential properties to obtain low-cost and long-term financing for qualifying improvements to the property. The Act requires a public hearing and adoption of an initial resolution (RS2022-1767) to declare the intent to create a C-PACER program. The public hearing was held on October 4, 2022.

The Act prohibits Metropolitan Government funds from being utilized to fund or repay loans related to C-PACER financing. C-PACER loans would be secured with government lien against the property and would run with the land until the loan is paid in full. The lien would have the same priority status as a lien for property taxes and cannot be accelerated or eliminated by foreclosure of a property tax lien.

The program would apply throughout all of the Metropolitan Government for eligible properties with qualifying projects. A project would qualify if it involves the installation or modification of an improvement affixed to the property if it, among other things, decreases energy consumption/demand, decreases water consumption/demand, or increases resilience, fire suppression, flood mitigation, stormwater management, etc. The Metropolitan Trustee would review and approve applications that are qualified in accordance with the Program Guidelines (see BL2022-1634) and, on behalf of the Metropolitan Government, execute, acknowledge, and deliver all necessary documents to carry out the purposes of the program. The Metropolitan Trustee would assess and collect a fee from the applicant for administration of the program up to 1% of the financing, not to exceed \$50,000. The C-PACER loans would be financed by a private entity who would be required to obtain written consent from all other lienholders for the property owner to participate in the program.

The Metropolitan Government would enter separate assessment agreements with property owners and financing entities where the parties would agree to place an assessment on the subject property that is to be paid in annual installments and sufficient to cover the principal, interest, and any penalties/fees related to the debt. The Metropolitan Trustee would include the annual assessment on the tax bill and the property owner would make its annual assessment payment, along with the property taxes, to the Metropolitan Trustee who would forward the assessment receipts to the financing entity. Failure to make timely assessment payments would result in penalties/interest on unpaid amounts due to the financing entity and will incur interest and penalties in the same manner as delinquent property taxes.

Sponsors: Allen, Rhoten, Hurt, OConnell and Murphy

89. [BL2022-1634](#)

An ordinance approving standardized forms, agreements, and other documents to be utilized by the Metropolitan Trustee in administering the C-PACER Program.

Analysis

This Ordinance approves the standardized form and use of the C-PACER program forms, agreements, and other documents, all of which are contained in the Program Guidelines attached to the Ordinance, that would be utilized by the Metropolitan Trustee in administering the program. If such forms, agreements, or other documents are materially amended after the enactment of the Ordinance, then they will require Council approval by resolution.

The forms that will be approved are as follows:

- Program Guidelines (Exhibit A-1)
 - Contains the program guidelines as required by the C-PACER Act and the specific provisions of BL2022-1633.
- C-PACER Project Application Checklist (Exhibit A-2)
 - To be used by the Metropolitan Trustee when reviewing applications. Contains the information and documentation required to be provided by the applicant: property address, property owner, qualifying property, qualifying owner, capital provider, qualifying improvement certifications, economic benefit certifications, consents, etc.
- Assessment Agreement for C-PACER Financing (Exhibit A-3)
 - Form of the agreement between Metro, the capital provider, and the property owner regarding the amount of the annual assessment, the term of the assessments, billing procedures, assignment of interest in the assessment installment payments, collection and disbursement of the assessment payments, no liability for Metro, etc.
- Notice of Assessment Interest and C-PACER Lien (Exhibit A-4)
 - Form of notice of lien to be filed and recorded with the Davidson County Register of Deeds.
- Certificate of C-PACER Use of Minority and Women-Owned Business Enterprises (Exhibit A-5)
 - Will contain a list of MWBE anticipated to participate in the project.
- Certificate of C-PACER Compliance: Economic Benefits (Exhibit A-6)
 - A statement that the economic benefits of the project outweigh the cost of the assessment.
- Certificate of C-PACER Compliance: Energy, Water, Renewable Energy, Resilience (Exhibit A-7)
 - Certification from a licensed engineer or engineering firm that the project proposal includes qualified improvements as defined in state law and that they will be affixed to the property. Additionally, certifies that the improvements

provide the environmental benefits required in state law.

- Certificate of C-PACER Environmental and Economic Benefits (Exhibit A-8)
 - Details the anticipated environmental and economic benefits of the project.
- Certificate of C-PACER Improvements Completion (Exhibit A-9)
- Mortgage Holder Consent (Exhibit A-10)
- Ground Lessor Consent (Exhibit A-11)

Sponsors: Allen, Rhoten, Hurt and Murphy

90. [BL2022-1635](#)

An ordinance approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Housing Division of the Metropolitan Planning Department, and Urban Housing Solutions, to provide enhanced pedestrian signaling for UHS's proposed development, as well as other existing properties in the area (Proposal No. 2022M-048AG-001).

Analysis

This ordinance approves a participation agreement between the Housing Division of the Metropolitan Planning Department and Urban Housing Solutions ("UHS") to provide enhanced pedestrian signaling on Dickerson Pike.

UHS desires to provide enhanced pedestrian signaling at 2940 Dickerson Pike to serve its own development, The Skyliner, and existing properties in the area. Pursuant to the participation agreement UHS will construct a HAWK signal at 2940 Dickerson Pike in compliance will all requirements and specifications of the Metropolitan Government.

Metro will inspect the construction and, upon acceptance, will be responsible for ongoing operation and maintenance of the pedestrian signaling. Metro will pay \$85,225.25 toward these improvements, payable on a reimbursement basis.

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

Fiscal Note: Metro would pay in an amount not to exceed \$85,225.25 towards the pedestrian signaling improvements on Dickerson Pike.

Sponsors: Toombs, Rhoten, Withers and Pulley

91. [BL2022-1636](#)

An ordinance approving the Fourth Amendment to the Lease Agreement between The Metropolitan Government of Nashville and Davidson County and The Nashville Zoo, Inc., approving the conveyance of property from the Nashville Zoo, Inc. via quitclaim to the Metropolitan Government of Nashville and Davidson County and approving a participation agreement between the Metropolitan Government of Nashville and Davidson County and The Nashville Zoo, Inc. for the construction of a facility Parking Garage. (Proposal No. 2022M-050AG-001).

Analysis

This ordinance approves the fourth amendment to a lease agreement between the Metropolitan Government and The Nashville Zoo, Inc. ("Zoo"), approves the conveyance of property from the Zoo via quitclaim deed to the Metropolitan Government, and approves a participation agreement between the Metropolitan Government and the Zoo for the construction of a facility parking garage.

Metro and the Zoo entered into a lease agreement which was approved pursuant to Ordinance No. O96-473. Pursuant to this lease agreement, the Zoo leases the property at 3777 Nolensville Pike, commonly known as Grassmere Wildlife Park. Metro allocated \$15 million dollars to contribute to a facility parking garage as part of the FY2021-2022 Capital Spending Plan, approved by Resolution No. RS2021-1201. The Zoo plans to donate the property upon which the facility parking garage will be constructed. The Zoo will convey the facility parking garage to Metro upon completion.

The fourth amendment to the lease agreement incorporates the facility parking garage and underlying property, as described in the quitclaim deed, to the premises referred to in the lease agreement. Pursuant to this amendment, the Zoo is entitled to receive, collect and retain all revenue generated from the parking garage throughout the lease term.

The quitclaim deed conveys a parcel near the railroad tracks at the north of the Grassmere Wildlife Park property from the Zoo to Metro.

The participation agreement relates to the construction of the parking garage improvements. The Zoo will provide construction plans to Metro and then, after review, complete all improvements on the construction plans. Metro will agree to pay a total of \$15 million toward the improvements. Upon completion of the improvements, the Zoo will convey ownership of the improvements to Metro at no additional cost to Metro.

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

Fiscal Note: Metro will contribute an amount not to exceed \$15 million dollars towards the construction of a facility Parking Garage to be paid from the FY2021-2022 Metro Capital Spending Plan under Business Unit #40403022, Fund #40022.

Sponsors: Johnston, Rhoten, Withers, Hurt and Bradford

92. [BL2022-1637](#)

An ordinance approving a purchase and sale agreement between the Trust for Public Land and Metropolitan Government, for a parcel of property located at 1900 Forrest Avenue (Parcel No. 08310028200) for the purposes of expanding Lockeland Springs Park. (Proposal No. 2022M-046AG-001).

Analysis

This ordinance approves the purchase and sale agreement for a parcel located at 1900 Forrest Avenue, for the purpose of expanding Lockeland Springs Park. The Trust for Public Land owns the parcel located 1900 Forrest Avenue. The Metropolitan Government proposes to purchase the approximately 3.9-acre parcel for \$800,000 for the purposes of expanding Lockeland Springs Park.

The appraisal report attached to the ordinance states that the market value of the property is \$1,400,000.

Fiscal Note: Metro would pay \$800,000 for 3.9 acres of the property located at 1900 Forrest Avenue for the expansion of Lockeland Springs Park to be paid from FY2021-2022 Metro Capital Spending Plan. The market value based on the appraisal conducted on April 23, 2021, is \$1,400,000.

Sponsors: Withers, Rhoten and Hurt

93. [BL2022-1638](#)

An ordinance authorizing Newco Arc, LLC to install, construct and maintain underground encroachments in the right of way located 221 4th Avenue North. (Proposal No. 2022M-015EN-001)

Analysis

This ordinance authorizes Newco Arc, LLC, to install, construct, and maintain underground encroachments in the right-of-way located at 221 4th Avenue North. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

Sponsors: OConnell, Withers and Pulley

94. [BL2022-1639](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon public sanitary sewer force main, to construct public sanitary sewer force main, and to acquire permanent and temporary easements through negotiation, condemnation and acceptance, needed for 13 properties located near Whites Creek Pike at Interstate 24 (Project No. 21-SG-141 and Proposal No. 2022M-156ES-001).

Analysis

This ordinance abandons approximately 8,300 linear feet of existing six-inch sanitary sewer

force main (DIP), authorizes the construction of approximately 7,500 linear feet of new 10-inch sanitary sewer force main (DIP), and authorizes the negotiation, condemnation and acceptance of temporary and permanent easements for 13 properties located near Whites Creek Pike at Interstate 24.

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: Withers and Pulley

95. [BL2022-1640](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at 1363 Pleasant Hill Road, also known as Pleasant Cove Subdivision (MWS Project Nos. 22-WL-50 and 22-SL-112 and Proposal No. 2022M-167ES-001).

Analysis

This ordinance accepts approximately 634 linear feet of new eight-inch water main (DIP), approximately 674 linear feet of new eight-inch sanitary sewer main (PVC), two fire hydrant assemblies, five sanitary sewer manholes and easements for property located at 1363 Pleasant Hill Road, also known as Pleasant Cove 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: Bradford, Withers and Pulley

96. [BL2022-1641](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer main and sanitary sewer manhole, for property located at 2040 B McKinley Street, also known as 810 McKinley Street development (MWS Project Nos. 22-WL-91 and 22-SL-215 and Proposal No. 2022M-168ES-001).

Analysis

This ordinance accepts approximately 288 linear feet of new eight-inch water main (DIP), approximately 166 linear feet of new eight-inch sanitary sewer main (PVC) and one sewer manhole for property located at 2040 B McKinley Street, also known as 810 McKinley Street development.

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, Withers and Pulley