



Metro Council

---

**F. Bills on Public Hearing**

**4. [BL2022-1508](#)**

An ordinance amending Sections 17.08.030, 17.16.030, and 17.16.160 of the Metropolitan Code, Zoning Regulations to change the Multi-family use in the IWD - Industrial Warehousing/Distribution and IR - Industrial Restrictive zoning districts from being permitted with conditions to requiring a special exception (Proposal No. 2022Z-019TX-001).

Analysis

This ordinance amends Title 17 of the Metropolitan Code to change the multi-family use in the IWD - Industrial Warehousing/Distribution and IR - Industrial Restrictive zoning districts from being permitted with conditions to requiring a special exception. Special exceptions require a public hearing and approval by the Board of Zoning Appeals, whereas uses permitted with conditions are administratively approved by the Codes Department if all listed conditions for the use in Chapter 17.16 of the Metropolitan Code are met. The proposed special exception regulations for the multi-family use are the same as the currently required conditions, with the exception that being located within the Downtown Donelson Urban Design Overlay (UDO) will no longer exempt a potential adaptive residential building from the requirement that its parcel have the majority of its frontage on an arterial or collector street. There are no IWD or IR zoned parcels within the Downtown Donelson UDO.

This item was approved by the Planning Commission at its January 12, 2023 meeting.

**Sponsors:** Toombs

**5. [BL2022-1509](#)**

An ordinance amending Chapters 17.36 and 17.40 of the Metropolitan Code to create a Two-Story Residential Overlay district (Proposal No. 2022Z-018TX-001).

Analysis

This ordinance amends Chapters 17.36 and 17.40 of the Metropolitan Code to create a Two-Story Residential Overlay district. The proposed overlay district limits the height of a principal structure to two stories up to 35 feet and an accessory structure to one story up to 16 feet and not to exceed the height of its principal structure. All heights would be measured from finished grade. The proposed overlay can only be implemented in areas with underlying R, R-A, RS, or RS-A zoning and does not affect land uses.

Under standard zoning, the maximum height for single family and two-family residential units in residential zoning districts is three stories and the maximum height of an accessory structure is one story of 16 feet in zoning districts with a minimum lot size of less than 40,000 square feet. In districts with a minimum lot size of 40,000 or greater, an accessory structure may have a height of up to two stories and 24 feet.

This item was approved by the Planning Commission at its January 12, 2023 meeting.

**Sponsors:** Syracuse

**6. [BL2022-1581](#)**

An ordinance amending Metropolitan Code Sections 17.12.040 and 17.28.103 to regulate the location of electric utility meters in residential areas and to amend the requirements for underground utilities for new residential developments (Proposal No. 2023Z-001TX-001).

**Analysis**

This ordinance amends Sections 17.12.040 and 17.28.103 of the Metropolitan Code to prohibit electric utility meters from being located within the required street setback and located within three feet or mounted to the serviced structure unless required by the power supplier for safety and access and to require underground utilities for new residential developments governed a by new or amended preliminary SP plan.

Currently, electric utility meters are permitted within the required street setback and underground utilities are only required for new residential developments that are governed by a new or amended plan unit development, a new or amended preliminary urban design overlay district, or a new or revised preliminary subdivision plat.

This item was deferred by the Planning Commission at its January 12, 2023 meeting.

**Sponsors:** Benedict, Sledge, OConnell and Withers

**H. Consent Resolutions and Resolutions**

**38. [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.

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

**39. [RS2023-1977](#)**

A resolution accepting a Community-Based Treatment Services for Offenders grant from the Tennessee Department of Correction to the Metropolitan Government, acting by and through the State Trial Courts, to divert eligible offenders from the Tennessee prison system by providing community supervision and treatment services.

**Analysis**

This resolution accepts a Community-Based Treatment Services for Offenders grant from the Tennessee Department of Corrections to the State Trial Courts in an amount not to exceed \$5,207,400 with no cash match required. The grant will be used to provide community-based supervision and treatment services as an alternative felony supervision program to divert felony offenders from the Tennessee prison system. The term of the grant begins July 1, 2022 and ends June 30, 2025.

**Sponsors:** Rhoten, Welsch and Suara

**40. [RS2023-1978](#)**

An initial resolution determining to issue general obligation bonds of The Metropolitan Government of Nashville and Davidson County in an aggregate principal amount of not to exceed \$478,540,000.

**Analysis**

This resolution authorizes the issuance of up to \$478,540,000 in general obligation bonds to provide funding for various projects contained in the Mayor's proposed capital spending plan.

This resolution provides \$313,520,000 for the General Government, \$139,020,000 for Metropolitan Nashville Public Schools, and a contingency of \$26,000,000.

The capital spending plan filed by the administration includes the information required by Ordinance No. BL2019-77, which requires disclosure of full cost itemizations prior to submission of capital expenditure authorization legislation to the Council. Approval of this initial resolution would allow the Metropolitan Government to use its commercial paper program to provide short-term financing to commence construction prior to the sale of the long-term bonds.

A memo from the Director of Finance was provided to Council in accordance with Metro Code of Laws Section 5.04.110.

A list of the capital projects to be funded through this spending plan, including the estimated cost for each of the projects, is attached to the resolution. Each of these capital projects is properly listed within the Capital Improvements Budget.

Pursuant to Council Rule 21 this resolution will need to be deferred for at least one meeting.

*Fiscal Note: This resolution would authorize issuance of up to \$478,540,000 in general obligation bonds to provide funding for the Mayor's proposed capital spending plan.*

**Sponsors:** Rhoten and Gamble

**41. [RS2023-1979](#)**

A resolution reducing the authority of The Metropolitan Government of Nashville and Davidson County to issue general obligations bonds pursuant to certain initial resolutions previously adopted by the Metropolitan County Council.

**Analysis**

This resolution deauthorizes the issuance of approximately \$2,404,239 in previously approved general obligation bonds. Resolution RS2013-559, previously adopted on February 5, 2013, would be reduced by \$2,300,000 and Resolution RS2015-1500, previously adopted on June 9, 2015, would be reduced by \$104,239. This deauthorization will have the effect of reducing the par amount of Metro's total outstanding issuance authorization by \$2,404,239.

**Sponsors:** Rhoten, Johnston and Gamble

**42. [RS2023-1980](#)**

A resolution appropriating to certain accounts for the benefit of the Administrative Department, Police Department, Fire Department, Finance Department, Information Technology Services, Parks Department, Nashville Department of Transportation (NDOT), Department of General Services, Nashville General Hospital and NDOT-Surplus Parking Funds in the amount of Eighty-Eight Million Nine Hundred Eight Thousand Two Hundred Dollars (\$88,908,200).

**Analysis**

This resolution approves supplemental appropriations in a total amount of \$88,908,200 for the benefit of various departments.

A total of \$84,726,300 would be appropriated from the GSD General Fund to the Administrative Equipment & Major Maintenance Fund 2023, which would then be appropriated for the following purposes:

- Police - Motorola Contract Payment -- \$4,300,000
- Police - MDC/ICC Patrol Car Outfitting -- \$2,336,000
- Fire - Generators -- \$600,000

- Finance - Operations -- \$2,400,000
- Finance - Treasury -- \$808,000
- Finance - Procurement -- \$16,000
- ITS - Public Safety Radio Contract -- \$2,200,000
- ITS - End-of-Life Network Backbone -- \$9,751,000
- ITS - Capital Projects Support -- \$2,000,000
- Parks - EAB Tree Removal -- \$5,000,000
- Parks - Paving -- \$2,525,000
- Parks - Playgrounds -- \$1,650,000
- Parks - Athletic Field Lighting -- \$1,275,000
- Parks - Building Mechanicals -- \$1,850,000
- Parks - Roof Replacement -- \$1,700,000
- Parks - Courts Repair (Tennis & Basketball) -- \$4,500,000
- NDOT - Equipment / Major Maintenance Repair -- \$2,500,000
- General Services - MNPD Safety Center Buildout -- \$3,500,000
- General Services - Maintenance & Roofing -- \$13,500,000
- General Services - Fleet -- \$22,000,000
- Nashville General Hospital -- \$315,300

A total of \$1,000,000 would be appropriated from the GSD General Fund to Administrative Property Loss-Extreme Weather Deductible.

A total of \$3,181,900 would be appropriated from the undesignated fund balance of the Surplus Parking Fund to the NDOT- Surplus Parking Fund.

**Sponsors:** Rhoten and Gamble

**43. [RS2023-1981](#)**

A resolution appropriating the amount of \$16,779,600.00 from the General Fund Reserve Fund for the purchase of equipment and building repairs for various departments of The Metropolitan Government of Nashville and Davidson County.

**Analysis**

This resolution appropriates \$16,779,600 from the General Fund Reserve Fund (4% Fund) to 19 departments for various purchases of equipment and building repairs. Section 6.14 of the Metropolitan Charter requires that 4% of all the general fund revenue of the General Services District be set aside each year solely for the purchase of equipment and building repairs.

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

The following departments would receive funding:

- Beer Permit Office -- \$41,000 for office reconfiguration, laptops for staff, and recording equipment for meetings
- Codes and Building Safety -- \$47,200 for Development Services Center office

reconfiguration

- Criminal Court Clerk -- \$65,000 for replacement of old office chairs and furniture
- Davidson County Sheriff's Office -- \$2,000,000 for jail management system technology - Phase 1, and miscellaneous repairs and maintenance
- Department of Emergency Communications -- \$3,000 for new laptops for additional employees
- Department of Finance -- \$1,060,000 for treasury management system and R12 expense and travel module
- Department of General Services -- \$2,440,000 for fleet - new and replacement vehicles, fencing, and equipment/material for drainage and grading
- Information Technology Services -- \$4,916,000 for end of life equipment, hardware and software and Microsoft enterprise agreement
- Justice Information Services -- \$225,000 for disaster recovery EXS hosts and Datacenter 2022 court applications and data
- Metropolitan Nashville Police Department -- \$750,000 for bullet-proof vests and training, body-worn and in-car camera (BWC/ICC) video audit section vehicles, WorkBrain time accounting smartphone app integration, NetMotion mobile security for officer smartphone access to police applications, IT-SafetyKam Trailer - 4G connectivity
- Metropolitan Parks and Recreation -- \$500,000 for equipment and supplies for Parks administration, regional/neighborhood community centers, consolidated maintenance, safety and security, and golf/Sportsplex/Wave County/Parthenon
- Metropolitan Historical Commission -- \$50,000 for historical markers/placards - new and repair/replacement
- Nashville Department of Transportation -- \$600,000 for miscellaneous software technology updates - custom applications
- Nashville Fire Department -- \$750,000 for medical and safety supplies, repair and maintenance of facilities, and personal safety equipment/supplies
- Nashville Public Library -- \$1,500,000 for books, periodicals, library materials, and miscellaneous repairs
- Office of Emergency Management -- \$150,400 for WebEOC emergency management and critical incident management system
- Sports Authority -- \$15,000 for stormwater permeable paver repairs at First Horizon Ballpark
- State Trial Courts -- \$1,167,000 for replacement chairs in courtrooms and hardware for video recordings
- Metro Water -- Waste Services -- \$500,000 for convenience center upgrades and improvements and carts

**Sponsors:** Rhoten

**44. [RS2023-1982](#)**

A resolution accepting a grant from the Tennessee Emergency Management Agency to the Metropolitan Government, acting by and through the Department of Finance, to provide public assistance for damage caused by severe storms, tornadoes, and flooding during March 25 to April 3, 2021. (Presidential Disaster Declaration Number FEMA-4601-DR-TN)

Analysis

This resolution accepts a grant from the Tennessee Emergency Management Agency to the Metropolitan Department of Finance in an amount not to exceed \$2,285,086.12 with a required cash match of \$120,267.66. This grant is to provide public assistance for damage caused by severe storms, tornadoes, and flooding during March 25 to April 3, 2021. The grant period begins March 25, 2021 and ends March 24, 2025.

**Sponsors:** Rhoten and Suara

**45. [RS2023-1983](#)**

A resolution accepting the terms of a cooperative purchasing master agreement for the purchase of emergency generators and electrical energy power generation equipment for the department of General Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for the purchase of emergency generators and electrical energy power generation equipment for the Department of General Services. The purchasing agreement is between Sourcewell, which is a State of Minnesota local government agency, and Caterpillar Inc. The agreement is valid through November 22, 2026.

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

**Sponsors:** Rhoten

**46. [RS2023-1984](#)**

A resolution appropriating \$1,200,000 in Community Development Block Grant funds to assist with construction of Phase II of Kossie Gardner Sr. Park located at 1606 Jefferson Street in North Nashville.

Analysis

This resolution authorizes the Metropolitan Development and Housing Agency (“MDHA”) to appropriate up to \$1,200,000 in Community Development Block Grant (“CDBG”) funds to assist with the construction and related cost for construction of Phase II of Kossie Gardner Sr. Park located at 1606 Jefferson Street from. MDHA is the administrator of the CDBG funds on behalf of Metro and collaborated with the Metro Parks Department to identify projects in Tier II Priority Areas based on need and community input. The plans and specifications for the park construction will be on file with MHDA’s construction department.

*Fiscal Note: The resolution would appropriate up to \$1,200,000 from the 2020 CDBG Funds for Phase II of Kossie Gardner Sr. Park construction costs.*

**Sponsors:** OConnell, Rhoten and Allen

**47. [RS2023-1985](#)**

A Resolution authorizing the Metropolitan Development and Housing Agency to negotiate and enter into a PILOT Agreement and accept payments in lieu of ad valorem taxes with respect to a multi-family housing project located at 301 Ben Allen Road known as Ben Allen Ridge.

**Analysis**

This resolution authorizes the Metropolitan Development and Housing Agency (“MDHA”) to enter into an agreement to accept payments in lieu of taxes (“PILOT”) for a multi-family housing project located at 301 Ben Allen Road at Ben Allen Ridge. In 2016, Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low income housing tax credit (“LIHTC”) properties, capped at \$2,500,000 annually. If approved, this PILOT, would be the thirty-ninth such PILOT program overall, and the first for MDHA in 2023. Before this project, the amount of annual funding available for LIHTC projects is \$2,500,000.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs were historically used by Metro to provide incentives through the Industrial Development Board to large employers to create job opportunities. But Tenn. Code Ann. § 13-20-104 was amended several years ago to give MDHA the authority to enter PILOTs to create affordable rental housing subject to Council approval.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded LIHTC program. Subsidized LIHTC developments serve those at or below 60% of the average median income (“AMI”) for the Nashville area, which translates to an income cap of \$39,660 for individuals and \$58,020 for families of four in 2022. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

The maximum term for the PILOT payments under this program is 10 years. The PILOT agreement would only be available for additional tax liability over and above the pre-development assessed value of the property. The program is available for both existing and new developments, based on financial need. The PILOT lease is to be terminated if the property sits vacant for two years.

MDHA is required by state law to file an annual report with the Council, Assessor of Property, and State Board of Equalization identifying the values of the properties subject to PILOTs, the date and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

The owner of the property, 301 Ben Allen, LP plans to construct approximately 238 units to be restricted to individuals and families earning at or below 60% AMI, utilizing income averaging. The amount of the PILOT payment to Metro will be \$522,951 in the first tax year after

completion. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment. The estimated project valuation is \$42,920,343.

*Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$35,700 in lieu of property taxes, with a 3% annual increase through the remainder of the 10-year period.*

*In addition to the PILOT payments, the developer would be required to pay a monitoring and reporting fee to MDHA. This fee would be set by MDHA not to exceed five percent (5%) of the amount of the PILOT payment due each year.*

*The final assessed value of this project will not be known until completion. However, the value of the project when completed is estimated to be \$42,920,343. For purposes of this analysis, this number will be used as a reasonable estimate of the final project value.*

*Over the 10-year life of this PILOT agreement, a total of \$5,177,252 would be abated, although Metro would still receive \$409,260 in property taxes from this project, as depicted in the following table:*

**Real Property Tax (New)**

Year	Total Value	Standard Tax	Still Pay	Abatement	Abatement %
1	\$42,920,343	\$558,651	\$35,700	\$522,951	93.6%
2	\$42,920,343	\$558,651	\$36,771	\$521,880	93.4%
3	\$42,920,343	\$558,651	\$37,874	\$520,777	93.2%
4	\$42,920,343	\$558,651	\$39,010	\$519,641	93.0%
5	\$42,920,343	\$558,651	\$40,181	\$518,470	92.8%
6	\$42,920,343	\$558,651	\$41,386	\$517,265	92.6%
7	\$42,920,343	\$558,651	\$42,628	\$516,023	92.4%
8	\$42,920,343	\$558,651	\$43,906	\$514,745	92.1%
9	\$42,920,343	\$558,651	\$45,224	\$513,427	91.9%
10	\$42,920,343	\$558,651	\$46,580	\$512,071	91.7%
<b>Totals</b>		\$5,586,512	\$409,260	\$5,177,252	92.7%

*After the property tax abatement from this project, \$1,977,049 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2023.*

**Sponsors:** VanReece, Rhoten and Allen

**48. [RS2023-1986](#)**

A resolution approving an application for a Major Cultural Institution grant from the Tennessee Arts Commission to the Metropolitan Government, acting by and through the Metro Arts Commission, to provide general operating support.

Analysis

This resolution approves an application for a Major Cultural Institution grant from the Tennessee Arts Commission to the Metro Arts Commission with an award of \$150,000 and no cash match required. If the grant is awarded, the proceeds will be used to fund general

operation support costs related to art programs, including program and direct expenses not covered in the Metropolitan Government's operating budget. The term of the grant is July 1, 2023 to June 15, 2024.

**Sponsors:** Rhoten and Hurt

49. [\*\*RS2023-1987\*\*](#)

A resolution approving a grant contract between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and the Mental Health Cooperative to provide expertise and staff in emergency behavioral health care to support the Nashville Fire Department co-response model, also known as Responders Engaged and Committed to Help (REACH).

Analysis

This resolution approves an agreement between the Metropolitan Board of Health and the Mental Health Cooperative ("MHC") to provide expertise and staff in emergency behavioral health care to support the Nashville Fire Department co-response model, also known as Responders Engaged and Committed to Help ("REACH").

The Metropolitan Board of Health will provide MHC with \$99,359 for the performance of this contract. MHC will prepare master's level clinicians for mental health crisis response and assessing to specific fire details throughout the county for the purpose of fulfilling the charge and work of REACH, coordinate with Metro departments and stakeholder organizations to ensure regular and timely data sharing, and provide regular reporting to the Metropolitan Department of Public Health, the Nashville Fire Department, the Mayor's Office and stakeholders through a process and schedule acceptable to both parties. The term of this agreement is six months, beginning January 1, 2023 and ending June 30, 2023.

*Fiscal Note: The Metropolitan Government will pay \$99,359 to the Mental Health Cooperative for the performance of this agreement.*

**Sponsors:** Rhoten, Syracuse, Welsch, Suara and Allen

50. [\*\*RS2023-1988\*\*](#)

A resolution approving an agreement between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and the Duke University Sanford School of Public Policy to provide a wide range of clinical, non-clinical, and public health experience opportunities for its students.

Analysis

This resolution accepts a grant from the Marjorie A. Neuhoff Private Foundation, Inc. to the Metropolitan Board of Health in an amount not to exceed \$10,000 with no cash match required. This grant will provide funding to Metro Animal Care and Control for the care of shelter animals.

**Sponsors:** Syracuse and Welsch

51. [\*\*RS2023-1989\*\*](#)

A resolution accepting a grant from the Marjorie A. Neuhoff Private Foundation, Inc. to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide funding for the care of shelter animals at Metro Animal Care and Control.

Analysis

This resolution accepts a grant from the Marjorie A. Neuhoff Private Foundation, Inc. to the Metropolitan Board of Health in an amount not to exceed \$10,000 with no cash match required. This grant will provide funding to Metro Animal Care and Control for the care of shelter animals.

**Sponsors:** Rhoten, Syracuse, Welsch and Bradford

**52.** [RS2023-1990](#)

A resolution approving amendment one to a Community Health Workers for Public Health Response and Resilient grant from the Centers for Disease Control and Prevention to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to address COVID-19 health disparities in the Nashville area.

Analysis

This resolution approves amendment one to a Community Health Workers for Public Health Response and Resilient grant approved by RS2021-1178 from the Centers of Disease Control and Prevention to the Metropolitan Board of Health. The amendment increases the grant amount from \$1,000,000 to \$2,000,000. The end date of the grant is extended from August 30, 2022 to August 30, 2023. This grant is used to address COVID-19 health disparities in the Nashville area.

**Sponsors:** Rhoten, Syracuse, Welsch and Suara

**53.** [RS2023-1991](#)

A resolution approving amendment three to a grant contract between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and STARS Nashville to fund an epidemiologist position to study data regarding cigarette smoking, vaping, and e-cigarette use with the primary focus on children and young adults.

Analysis

This resolution approves the third amendment to a grant contract between the Metropolitan Board of Health and STARS Nashville, originally approved by Resolution No. RS2020-679.

Under the terms of the contract, STARS commits to leading the Nashville Strategic Prevention Framework-Partnerships for Success e-cigarette and substance misuse capacity building, prevention, and messaging campaign. Metro commits to providing a full-time epidemiologist with expertise in substance abuse, research, and evaluation. Further, Metro will be responsible for all data collection and reporting for this project, provide education to 500 students annually, and serve on the Inter-agency Advisory Board. The total grant amount is \$415,071. The term of the contract ends August 30, 2025.

Amendment three amends Section 1.1 of the contract to amend the requirement for an

epidemiologist after Year 3 and to require a research analyst in Years 4 and 5. In addition, Section 3.1 would be amended related to invoice payments. No other changes would be made to the grant agreement.

**Sponsors:** Rhoten, Syracuse and Welsch

**54. [RS2023-1992](#)**

A resolution approving amendment six to a grant from the U. S. Environmental Protection Agency to the Metropolitan Government, acting by and through the Metropolitan Board of Health, for the ongoing collection of data on ambient air concentrations for fine particulate matter in Nashville, Tennessee.

**Analysis**

This resolution approves the sixth amendment to a grant from the U.S. Environmental Protection Agency to the Metropolitan Board of Health for the ongoing collection of data on ambient air concentrations for fine particulate matter in Nashville, Tennessee. This grant was originally approved by Resolution No. RS2020-187 and subsequently amended by Resolutions No. RS2021-721, RS2021-1046, RS2022-1432, and RS2022-1743. The end date of the grant is September 30, 2023.

This amendment increases the grant amount by \$100,000, from \$1,310,942 to \$1,410,942. No other changes would be made to the grant agreement.

**Sponsors:** Rhoten, Syracuse and Welsch

**55. [RS2023-1993](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Liberty Mutual as subrogee of Maya Davila against the Metropolitan Government in the amount of \$18,473.98, and that said amount to be paid from the Self-Insured Liability Fund.

**Analysis**

On July 9, 2022, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) was driving an NDOT vehicle on I-65 South. Maya Davila was driving in another lane on I-65 South. Ms. Davila began merging into a lane. The NDOT driver failed to see Ms. Davila’s vehicle and also began to merge, causing the NDOT vehicle to strike Ms. Davila’s vehicle in the rear and roll over.

Ms. Davila’s vehicle received damage to the front bumper, grille, headlights, hood, right and left fenders, left airbag, right and left doors, rear window and rear lights. The vehicle was determined to be a total loss. The total property damage, less salvage recovery and plus rental, is \$18,473.98.

The Metropolitan Department of Law recommends settlement of this property damage claim with Liberty Mutual as subrogee of Maya Davila for \$18,473.98.

Disciplinary action taken against the NDOT employee involved consisted of a written reprimand.

*Fiscal Note: This \$18,473.98 settlement would be the 19th payment from the Self-Insured Liability Fund in FY23 for a cumulative total of \$592,174. The fund balance would be \$17,465,497 after this payment.*

**Sponsors:** Rhoten

56. [\*\*RS2023-1994\*\*](#)

A resolution approving an application for a Homeland Security Grant from the State of Tennessee, Tennessee Emergency Management Agency, to the Metropolitan Government, Office of Emergency Management.

**Analysis**

This resolution approves an application for a Homeland Security Grant from the State of Tennessee, Tennessee Emergency Management Agency to the Metropolitan Government, Office of Emergency Management with an award of \$352,431 and no cash match required.

If the grant is awarded, the proceeds will be used to fund costs related to enhancing cyber risk assessment, terrorism prevention, catastrophic event response, and environmental hazards that pose the greatest risk to the security of the United States.

**Sponsors:** Rhoten and Syracuse

57. [\*\*RS2023-1995\*\*](#)

A resolution approving a Child and Adult Care Food Program (CACFP) grant application and accepting a CACFP grant from the Tennessee Department of Human Services to the Metropolitan Government, acting by and through the Metro Parks and Recreation Department, to provide nutritious meals and snacks for children attending after school programs at 13 community centers.

**Analysis**

This resolution approves an application and accepts an award for a Child and Adult Care Food Program Grant from the Tennessee Department of Human Services to the Metropolitan Parks and Recreation Department in amount not to exceed \$758,355 with no cash match required. The grant proceeds will be used to provide nutritious meals and snacks for children enrolled in at-risk after-school programs at 13 community centers. The term of the grant begins October 1, 2022 and ends September 30, 2023.

**Sponsors:** Rhoten, Hurt, Welsch and Suara

58. [\*\*RS2023-1996\*\*](#)

A resolution accepting a grant from the Tennessee Titans (Tennessee Football Inc.) to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to launch a Titans NFL Flag League in Spring 2023 with funding to be used for registration fees and scholarships.

**Analysis**

This resolution accepts a grant from the Tennessee Titans (Tennessee Football Inc.) to the Metropolitan Board of Parks and Recreation in amount of \$12,355.33 with no cash match required. This grant will be used to launch a Titans NFL Flag League in Spring 2023 and the funding to be used for registration fees and scholarships for children participating in the program. This has been approved by the Metropolitan Board of Parks and Recreation.

**Sponsors:** Rhoten and Hurt

**59. [RS2023-1997](#)**

A resolution accepting a monetary donation from the Nashville Downtown Partnership, Inc. to the Metropolitan Nashville Police Department (“MNP”) to assist with the purchase of a Polaris Utility Vehicle.

**Analysis**

This resolution accepts a monetary donation of \$9,901 from the Nashville Downtown Partnership, Inc. to the Metropolitan Nashville Police Department to assist with the purchase of a Polaris Utility Vehicle for use by the department.

Metropolitan Code Section 5.04.120.B allows donations exceeding \$7,500 to be accepted upon approval of a resolution of the Council.

*Fiscal Note: The total value of the donation to the Metropolitan Nashville Police Department is \$9,901.*

**Sponsors:** Rhoten and Syracuse

**60. [RS2023-1998](#)**

A resolution approving an intergovernmental agreement by and between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Police Department, and Tennessee State University for extra-duty police services.

**Analysis**

This resolution approves an intergovernmental agreement between Tennessee State University (“TSU”) and the Metropolitan Nashville Police Department (“MNP”) for the use of extra-duty police services during various campus events. This is a routine agreement and MNP last entered into an agreement with TSU in 2018 per Resolution No. RS2018-1487. All officers will be assigned exclusively through the MNP Secondary Employment Unit and will be compensated at standard extra-duty hourly rates. TSU will be responsible for paying for the officers’ time in advance, unless prior arrangements are made.

The term of the agreement commences upon execution and terminates on June 30, 2024.

State law allows the Metropolitan Government to enter into intergovernmental agreements with other government entities with approval of the Council by resolution.

*Fiscal Note: The rates charged by the MNP in agreements of this type are designed solely to recover their costs. As such, the agreement being approved by this resolution would be*

*revenue neutral.*

**Sponsors:** Rhoten and Syracuse

**61. [RS2023-1999](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of Paul Garrett against the Metropolitan Government and its employees in the amount of \$1,200,000.00, with said amount to be paid from the Judgments and Losses Fund.

**Analysis**

In August 2001, Paul Shane Garrett was arrested for the murder of Velma Tharpe, who was murdered in June 2000. Mr. Garrett was interrogated on four separate occasions in August of 2001 about the murder after being identified by another woman as the man she believed had raped her. Mr. Garrett made incriminating statements during these interrogations, including that he had previously had sex with Ms. Tharpe and that he had put his hands around her neck. Mr. Garrett denied murdering Ms. Tharpe.

Mr. Garrett was arrested based in part on the statements he made implicating himself as well as his identification of a photograph of Ms. Tharpe. However, DNA collected from Ms. Tharpe's body did not match Mr. Garrett's DNA. He was arrested for the rape of the other woman and Ms. Tharpe's murder and was indicted by a grand jury. Mr. Garrett ultimately pleaded guilty to voluntary manslaughter and was sentenced to 15 years in prison in June 2003. Mr. Garrett was released from prison on December 18, 2011.

In 2011, two MNPDP detectives were reviewing old homicide files for an unrelated matter and discovered a TBI communication from 2004 stating that there had been a CODIS hit on the DNA taken from Ms. Tharpe's body, which matched a different individual. MNPDP's cold case unit strongly advocated to the District Attorney's Office for Mr. Garrett's conviction to be set aside. Based on the MNPDP cold case unit's work and the advocacy of the District Attorney's Office, Mr. Garrett's conviction was vacated through post-conviction proceedings on August 2, 2021.

Mr. Garrett is suing the individual MNPDP detectives involved in his investigation and prosecution as well as the Metropolitan Government. Based on the cost for the officers' private counsel to take a case through trial, the number of attorneys representing employees, the anticipated cost of expert witnesses, and the likelihood of the case reaching trial on at least some claims, the Department of Law anticipates the cost of defense far exceeding \$1,000,000.

The Metropolitan Department of Law recommends settlement of Mr. Garrett's claims against the Metropolitan Government and its employees for \$1,200,000.

*Fiscal Note: This \$1,200,000 settlement would be the 4th payment from the Judgment and Losses Fund in FY23 for a cumulative total of \$1,865,339. The fund balance would be \$15,464,131 after this payment.*

**Sponsors:** Rhoten

**62. [RS2023-2000](#)**

A resolution approving a project modification to an agreement between the Metropolitan Government of Nashville and Davidson County and the United States Department of Army, to add a parcel related to the acquisition and removal of flood-prone properties in the Sevenmile Creek watersheds. (MWS Project No. 19-SWC-214 and Proposal Number 2019M-014PR-004)

**Analysis**

This resolution modifies a project to acquire flood-prone property in the Sevenmile Creek watersheds, previously approved by Resolution No. RS2019-1593. RS2019-1593 approved an agreement between the Metropolitan Department of Water and Sewerage Services (“MWS”) and the U.S. Department of Army for the Sevenmile Creek Flood Risk Management project. RS2019-1802 identified 45 flood-prone properties to be acquired pursuant to the agreement. RS2020-626 added an additional 11 flood-prone properties to be acquired, RS2021-775 further approved the acquisition of 11 additional flood-prone properties, and RS2022-1776 further approved the acquisition of three additional flood-prone properties.

The resolution under consideration adds one additional property to the lists of flood-prone properties to be acquired. Exhibits 1 and 2 to the agreement would be amended to reflect this change. The parcel is located on Milner Court and is located in Council District 26.

*Fiscal Note: The total budgeted property cost for acquisition of the additional parcel is \$460,000.*

**Sponsors:** Johnston, Rhoten, Withers and Pulley

**63. [RS2023-2001](#)**

A resolution approving an agreement between the United States Department of the Army and the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, for the Richland Creek Flood Risk Management Project in Davidson County, Tennessee (Proposal Number 2023M-001PR-001).

**Analysis**

This resolution approves an amendment between the U.S. Department of the Army (“Army”) and the Metropolitan Department of Water and Sewerage Services (“MWS”) for the Richland Creek Flood Management Project (“Project”).

The Project consists of two parts. The first part is the design of a bank modification on the west bank of Richland Creek upstream of Interstate 40 through Charlotte Avenue. The second part is a buyout of 36 flood-prone properties in the Richland Creek watershed.

The Army and MWS will jointly fund the cost of the Project. The specific parcels to be acquired are identified in Exhibit 2 to this resolution. MWS has provided the budgeted property costs for each acquisition and will acquire properties in stages within the estimates listed. MWS will contribute between 35% and 50% of construction costs allocated by the Army to structural flood risk management and 35% to nonstructural flood risk management.

This Project has been approved by the Planning Commission.

*Fiscal Note: MWS and the Army will jointly fund the cost of this project. The total construction costs are projected to be \$9,844,000, with the Army paying \$6,399,000 and MWS paying the remaining \$3,445,000.*

**Sponsors:** Rhoten, Withers, Pulley, Murphy and Roberts

**64. [RS2023-2002](#)**

A resolution authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to enter into an agreement with Novo Antioch Owner, LLC, to fund the operation and maintenance of a force main within the public right-of-way for its development at 1421 Rural Hill Road (MWS Project No. 2022014926 and Proposal No. 2022M-054AG-001).

**Analysis**

This resolution approves an agreement between the Metropolitan Department of Water and Sewerage Services (“MWS”) and Novo Antioch Owner, LLC (“Novo”) to improve public sewer services in Davidson County.

Pursuant to this agreement, Novo will construct a public pressure sewer extension through construction of a sanitary sewer lift station and force main for its development of Novo Antioch at 1421 Rural Hill Road. MWS will inspect the construction of this project and will be responsible for ongoing operation and maintenance of the force main upon acceptance.

Novo will also provide a letter of credit in the amount of \$300,000 to cover the repair and maintenance costs of the force main in the public right-of-way for a period of 10 years.

Ordinance No. BL2022-1214 authorizes MWS to enter into maintenance agreements with developers by resolution of the Metropolitan Council.

*Fiscal Note: Novo Antioch Owner, LLC will provide Metro a letter of credit in the amount of \$300,000 to cover the additional repair, operation, and maintenance costs for the force main in the public right-of-way for a period of 10 years.*

**Sponsors:** Rhoten, Withers and Pulley

**65. [RS2023-2003](#)**

A resolution to amend Ordinance No. BL2022-1082 to authorize The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer and water mains, sanitary sewer manholes and easements, to replace fire hydrant assembly, to relocate fire hydrant assembly, and to accept new public sanitary sewer and water mains, sanitary sewer manhole, fire hydrant assemblies and easements, for two properties located at 801 12th Avenue North and 800 14th Avenue North, also known as Chartwell at Marathon Village (MWS Project Nos. 21-SL-15 and 21-WL-10 and Proposal Nos. 2022M-004ES-001 and 2022M-187ES-001).

Analysis

This resolution amends Ordinance No. BL2022-1082 to accept approximately 203 linear feet of new 18-inch sanitary sewer main (PVC), one additional new sanitary sewer manhole and easements, and replace of one fire hydrant assembly. In addition, the acceptance of approximately 90 linear feet of new eight-inch water main (DIP), approximately 15 linear feet of new eight-inch sanitary sewer main, one fire hydrant assembly and easements are no longer needed to construct this project.

This resolution has been approved by the Planning Commission. Ordinance No. BL2022-1082 provided that future amendments to the ordinance may be made by resolution.

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

**Sponsors:** OConnell, Withers and Pulley

**66. [RS2023-2004](#)**

A resolution confirming the appointment of the members of the Tax Incentive and Abatement Study and Formulating Committee, established per Ordinance No. BL2022-1415 and Ordinance No. BL2022-1527.

Analysis

This resolution confirms the appointments of the members of the Tax Incentive and Abatement Study and Formulating Committee, established pursuant to Ordinances No. BL2022-1415 and BL2022-1527.

The Committee consists of seven (7) persons to be approved by the Metropolitan Council by resolution, with one (1) member being nominated by the Director of the office of Economic and Community Development; one (1) member being nominated by the Director of the Affordable Housing Division of the Metropolitan Planning Department, one (1) member being nominated by the mayor; and four (4) members being appointed by election of the Metropolitan Council, of which up to two (2) may be elected from the membership.

The members of the Committee are as follows: Councilmember Burkley Allen, Charles Robert Bone, LaTanya D. Channel, Fiona Haulter, Mick Nelson, An'gel Sims, and Councilmember Kyonzté Toombs.

**Sponsors:** Allen

**J. Bills on Second Reading****114. [BL2022-1630](#)**

An Ordinance to amend Title 2 of the Metropolitan Code of Laws to create the Nashville Film and Television Advisory Board.

Analysis

This ordinance establishes the Nashville Film and Television Advisory Board (“NFTAB”). The NFTAB would promote the film and television industry in Nashville and Davidson County, as well as market Nashville and Davidson County for regional, national, and international opportunities and promote job creation, economic development, and general and racial equity in the entertainment industry.

The NFTAB would be composed of nine members. Two members would be appointed by the mayor, three members would be selected by the Council from nominations submitted by the entertainment industry at large, one member would be selected by the Council from nominations from each of the following: the International Alliance of Theatrical Stage Employees, the Screen Actors Guild - American Federation of Television and Radio Artists, the American Federation of Musicians, and the NECAT Board of Directors. All members would be required to hold occupation in the entertainment industry, defined to include “film, television, digital streaming content, virtual/augmented reality or within the metaverse/omniverse.” Members would be required to have a minimum of five years of professional experience. Members of the board would serve without compensation and serve staggered three-year terms.

The work of the board would be managed by an executive director appointed by the NFTAB. Staff may be provided by the Metropolitan Government upon recommendation of the NFTAB. The director and staff would be responsible for providing necessary permitting and the facilitation of locations for production and necessary relations with Metro departments.

**Sponsors:** Swope, Syracuse, Hall and Rutherford

**115. [BL2022-1631](#)**

An Ordinance to amend Title 2 of the Metropolitan Code of Laws to create the Nashville Entertainment Creation Commission.

**Analysis**

This ordinance establishes the Nashville Entertainment Creation Commission (“NECC”). The NECC would promote the film and television industry in Nashville and Davidson County, as well as market Nashville and Davidson County for regional, national, and international opportunities and promote job creation, economic development, and general and racial equity in the entertainment industry.

The NECC would be composed of nineteen members. Five members would be appointed by the mayor, four members would be elected by the Council, one member would be a Councilmember elected by the Council’s Public Facilities, Arts, and Culture Committee, six members would be selected from nominations submitted from the entertainment industry at large, one member would be selected by the Council from nominations from each of the following: the International Alliance of Theatrical Stage Employees, the Screen Actors Guild - American Federation of Television and Radio Artists, and the American Federation of

Musicians. All members would be required to hold occupation in the entertainment industry, defined to include “music, film, television, digital streaming content, virtual/augmented reality or within the metaverse/omniverse.” Members would be required to have a minimum of five years of professional experience. Members of the commission would serve without compensation and serve staggered five-year terms.

The initial goals of the NECC would be to create a strong brand identity for Nashville and Davidson County related to the entertainment industry, assist Nashville to be in the top 10 cities and counties in the United States for the entertainment industry, to provide significant and sustained investment in the entertainment industry in Nashville, and help grow the entertainment workforce in Nashville and Davidson County.

The work of the commission would be managed by an executive director appointed by the NECC who would also manage the Nashville Office of Music, Film and Entertainment. Staff may be provided by the Metropolitan Government upon recommendation of the NECC. The director and staff would be responsible for providing necessary permitting and the facilitation of locations for production and necessary relations with Metro departments and community engagement.

**Sponsors:** Styles, Welsch, Toombs, Sepulveda and Henderson

**116.** [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 and the Emergency Communications District Board. The required report from the Historical Commission has also been received and is available as an attachment to this ordinance.

**Sponsors:** Sledge, Withers, Pulley, Benedict, Hurt, Syracuse and Toombs

**117.** [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 and the Emergency Communications District Board. The required report from the Historical Commission has also been received and is available as an attachment to this ordinance.

**Sponsors:** OConnell, Withers, Pulley, Henderson, Porterfield and Toombs

**118. [BL2023-1683](#)**

An ordinance approving an amendment to a lease agreement between the Metropolitan Government and Meharry Medical College relating to the land and improvements used in the operation of Nashville General Hospital.

**Analysis**

This ordinance approves the third amendment to a lease agreement between the Metropolitan Government and Meharry Medical College (“Meharry”) relating to the land and improvements used in the operation of Nashville General Hospital.

The Metropolitan Government and Meharry entered into a lease agreement on December 1, 1994. This third amendment extends the lease term of the agreement through December 31, 2027. In addition, it sets forth rental payments effective July 1, 2022 that Metro will pay to Meharry. The rental payments are in the following amounts:

- July 1, 2022 - June 30, 2023 -- \$6,300,000
- July 1, 2023 - June 30, 2024 -- \$6,457,500
- July 1, 2024 - June 30, 2025 -- \$6,618,938
- July 1, 2025 - June 30, 2026 -- \$6,784,411
- July 1, 2026 - June 30, 2027 -- \$6,954,021
- July 1, 2027 - December 31, 2027 -- \$3,563,936

The amendment takes effect upon (1) the execution of the amendment by all parties, (2) the execution of the settlement agreement by all parties, and (3) the approval of both the amendment and the settlement agreement by the Metropolitan Government, as required by law. The settlement agreement was approved by the Council pursuant to Resolution No. RS2022-1899 at the December 20, 2022 meeting.

**Sponsors:** Rhoten, Syracuse, Hurt and Welsch

**119. [BL2023-1684](#)**

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, by and through the Department of Parks and Recreation, to swap 3140 Parthenon Avenue (Parcel No. 10402004300) and a portion of 3138 Parthenon Avenue (Parcel No. 10402004200) for 3136 Parthenon Avenue (Parcel No. 10402004100) to allow for a future expansion of the Centennial dog park (Proposal No. 2022M-051AG-001).

**Analysis**

This ordinance authorizes the Metropolitan Department of Parks and Recreation (“Parks”) to enter into an agreement to swap 3140 Parthenon Avenue and a portion of 3138 Parthenon

Avenue, currently owned by Parks, for 3136 Parthenon Avenue.

The newly acquired 3136 Parthenon Avenue property will be used for the future expansion of the Centennial dog park. The current owner of 3136 Parthenon has agreed to demolish all structures, clear underbrush, and remediate the site with seed and straw within 60 days of the enactment of this ordinance and to maintain all healthy and mature trees on the property.

The Director of Public Property Administration is also authorized to execute any necessary documents to carry out the intent of this ordinance.

Ordinance No. BL2022-1570 and its companion bill BL2022-1629 relate to a proposed Specific Plan rezone for a portion of 3138 Parthenon Avenue and 3140 Parthenon Avenue as part of this proposed land swap.

**Sponsors:** Taylor, Rhoten, Withers and Hurt

**120. [BL2023-1685](#)**

An ordinance readopting the Code of The Metropolitan Government of Nashville and Davidson County, Tennessee, prepared by Municipal Code Corporation including supplemental and replacement pages thereof, containing certain ordinances of a general and permanent nature enacted on or before August 17, 2022.

Analysis

This ordinance is a routine readoption of the Metro Code to include all ordinances enacted on or before August 17, 2022.

**Sponsors:** Murphy

**121. [BL2023-1686](#)**

An ordinance authorizing the granting of permanent and temporary construction easements to Piedmont Natural Gas Co. on certain property owned by the Metropolitan Government (Proposal No.2022M-170ES-001).

Analysis

This ordinance authorizes the granting of permanent and temporary construction easements to Piedmont Natural Gas Co. on property owned by the Metropolitan Government at 0 Whites Creek Pike, 385 Whites Creek Pike, 0 Whites Creek Pike, 3832 Whites Creek Pike, 0 Buena Vista Pike, 2715 Tucker Road, and 3200 Kings Lane. Piedmont will use this easement for the purposes of constructing, installing, maintaining, operating, repairing, altering, replacing, removing, relocating, inspecting, upgrading, and protecting one or more pipelines. Piedmont has agreed to pay fair market value as compensation for these easements.

*Fiscal Note: Piedmont will pay Metro a total of \$128,600 for the permanent and temporary easements approved by this ordinance.*

**Sponsors:** Toombs, Gamble, Rhoten, Withers and Pulley

**122. [BL2023-1687](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer manhole, for property located at 910 Commerce Street, also known as Nashville Yards Parcel 9 (MWS Project No. 21-SL-268; and Proposal No. 2022M-178ES-001).

Analysis

This ordinance accepts one new public sanitary sewer manhole, for property located at 910 Commerce Street, also known as Nashville Yards Parcel 9.

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:** OConnell, Withers and Pulley

**K. Bills on Third Reading****123. [BL2022-1471](#)**

An ordinance to amend Sections 16.24.030 and 17.04.060 of the Metropolitan Code of Laws to amend the definitions of “dwelling unit” and “family”. (Proposal No. 2022Z-017TX-001).

Analysis

This ordinance amends the definition of “Family” in Titles 16 and 17 of the Metropolitan Code to change the allowance of unrelated persons living together from 3 to seven persons and provide that this group can include a combination of related and unrelated persons.

Additionally, this ordinance amends the portion of the “Family” definition in Title 17 related to group homes for persons with disabilities to update terminology to modern standards and to align with state law more closely. The ordinance also adds a definition of “dwelling unit” to clarify that it is a single nit for use by one family.

This has been approved with a substitute by the Planning Commission.

**Sponsors:** Parker and Welsch

**124. [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 and Benedict

**134. [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

**135. [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

**136. [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

**137. [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, Pulley and Toombs

**138. [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

**139. [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

**140. [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

**141. [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

**142. [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

**143. [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

**144. [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

**145. [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