



Metro Council

H. Resolutions on Public Hearing

1. [RS2022-1895](#)

A resolution exempting 293 Plus Park Blvd, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Substitute Ordinance No. BL2019-78.

Analysis

This resolution exempts 293 Plus Park Blvd from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Substitute Ordinance No. BL2019-78.

On July 7, 2020, the Council adopted Substitute Ordinance No. BL2019-78, as amended, which provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

Sponsors: Welsch

2. [RS2022-1896](#)

A resolution exempting 295 Plus Park Blvd, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Substitute Ordinance No. BL2019-78.

Analysis

This resolution exempts 295 Plus Park Blvd from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Substitute Ordinance No. BL2019-78.

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public hearing, receiving 21 affirmative votes.

Sponsors: Welsch

I. **Consent Resolutions and Resolutions**

3. **[RS2022-1827](#)**

A resolution approving a term sheet describing the terms and conditions of the agreements and transactions required to finance, construct, and operate a new, enclosed multi-purpose stadium on the East Bank, subject to the subsequent approval of final agreements, and authorizing the Metropolitan Government to pursue other matters related thereto.

Analysis

This resolution approves a term sheet related to the financing, construction, and operation of a new, enclosed multi-purpose stadium on the East Bank. The resolution will approve the term sheet subject to final approval by the Council of the final financing, development, lease and other agreements described in the term sheet. The resolution also authorizes Metropolitan officers to take the necessary steps to cause the negotiation and preparation of the final agreements. Approval of the resolution will not obligate the Metropolitan Government to undertake any future approvals contemplated in the term sheet.

The term sheet is not a binding obligation on the Metropolitan Government, the Sports Authority, by its terms, and is anticipated as being utilized solely for the purpose of facilitating ongoing discussions for the proposed transaction. It contemplates that if, in connection with the non-binding term sheet, either party expends funds on the stadium project it does so at its own risk. The non-binding term sheet covers a broad set of topics of the stadium project including: designation of parties; description of the project; location of the stadium site; development of the stadium, including procurement procedures and pre-development expenses; funding responsibilities; budget costs; financing contributions; a plan for application of excess revenues; a plan for funding future capital improvements; parking facilities; campus development; status of current stadium during construction; anticipated approval needs.

Designation of the Parties

The expected parties to the various stadium project transactions will be the Sports Authority, the Metropolitan Government, the Club (Tennessee Football, Inc.), and StadiumCo, a to-be-formed entity anticipated to be under common control with the Club. Although not explicitly identified as a party in the term sheet, presumably the State of Tennessee will be a party to some necessary component of the transaction in order to effectuate the use of its contribution to the cost of the stadium project.

Description of the Project

The term sheet contemplates the construction of a new enclosed stadium to replace the existing stadium. According to Exhibit 1, the stadium will seat approximately 60,000 people and will have features and amenities consistent with other new NFL stadiums. It will be located on the land generally bounded by Russell Street, Interstate Drive, South Second Street and Shelby Avenue. Exhibit 3 generally depicts the anticipated location site. The north and south

sides of the stadium are designated as the Stadium Village. The Stadium Village will be developed by Metropolitan Government except for installation of on-site utilities which will be funded by StadiumCo. The remaining portion of the site on which the current stadium and related parking lots are located will be considered the Campus. Once the new stadium has been completed, the existing stadium will be demolished, and the property will be graded and prepared for development.

Development of the Stadium

The new stadium will be developed in accordance with a yet to be determined Project Development Agreement, whose parties will be the StadiumCo and the Sports Authority. The development agreement will cover the obligations of the parties with respect to administering and managing the design, development, and construction of the project. It is anticipated that StadiumCo will take on the primary responsibility of the administration and management of the project subject to Sports Authority oversight. StadiumCo will be required to follow applicable procurement codes set forth in Chapter 4.46 of the Metro Code of Laws in selecting architects, construction managers, other professionals, and in all other aspects of construction and design.

The demolition of the existing stadium, removal of debris, and fill/grading will be included in the budgeted costs. The parties will agree to a base stadium plan that covers the designated set of stadium design and related documents. This plan will guide planning, development and construction milestones and cannot be amended without Sports Authority approval.

Funding Responsibilities

The term sheet anticipates that the total cost of the stadium project will be \$2,100,000,000. The Sports Authority will contribute \$760,000,000 toward the cost of the new stadium. The funding will come from the proceeds of a revenue bond or series of bonds. The State of Tennessee will contribute \$500,000,000 (note the State of Tennessee is not a party to the term sheet) pursuant to an incentive agreement, the details of which are not yet provided. StadiumCo/Club will be responsible for the remaining funding anticipated to be \$840,000,000. StadiumCo/Club will also be responsible for any cost overruns.

The Club intends to waive any claim it has for reimbursement of capital expenses for the existing stadium, approximately \$32,000,000. And, at the time of the issuance of the Sports Authority revenue bonds, StadiumCo (or the Club) will pay off the outstanding stadium bonds, approximately \$30,000,000.

Details of the funding responsibilities will be set forth in a Project Funding Agreement between the Sports Authority and StadiumCo.

Budget Costs

The anticipated total cost of the stadium project is \$2,100,000,000. StadiumCo will be responsible for any cost overruns, except those caused by project scope amendments requested by the Sports Authority. The budgeted cost is intended to include the following:

- cost of the stadium site preparation,

- cost of demolishing the existing stadium,
- cost to remove all debris and levelling of the demolition site,
- costs associated with preserving access to the existing stadium during the construction of the new stadium, and
- third party design and pre-construction costs including project management, cost estimating and similar expenses.

Budgeted costs are not intended to include respective parties' attorney and other consultant fees or expenses incurred prior to execution of agreements.

Financing

The Sports Authority will issue its revenue bonds in the amount of \$760,000,000. While the revenue bonds are not a debt obligation of the Metropolitan Government, the issuance of the revenue bonds requires Council approval. It is intended that the revenue bonds will be issued on a revenue-only basis - in other words, the revenue bonds will not be backed by other support from the Metropolitan Government like a "non-tax revenue" pledge. This could change based on market conditions at the time of the issuance.

There are five primary sources of payment for the Sports Authority revenue bond debt:

- *stadium sales tax revenues* - state and local sales taxes collected at the stadium are directed to the Sports Authority - authorized by T.C.A. § 67-6-103(d) and § 67-6-712(c), respectively;
- *hotel tax revenues* (subject of pending Council legislation BL2022-1529) - will add 1% to the total hotel occupancy tax collected in the county - authorized by T.C.A. § 67-4-1415;
- *ticket tax revenues* - \$3 per ticket to NFL games at the stadium - this continues the ticket tax rate that is currently assessed for NFL games at the existing stadium -- T.C.A. § 7-3-202(b) authorizes a tax not to exceed 10% of the amount charged to attend an event at a municipal stadium;
- *rent revenues* -- \$3 per ticket sold to non-NFL events; and
- *new sales tax revenues from the yet-to-be designated 130-acre area* - 50% of state and local sales tax collected within the designated area will be directed to the Sports Authority for debt service on the new enclosed stadium - authorized by T.C.A. § 67-6-103(d).

The designation of the 130-acre area will require Council approval and subsequent approval from the State.

StadiumCo will administer the sales of personal seat licenses on behalf of the Sports Authority and these funds will be deemed part of the Sports Authority contribution to the stadium project costs.

StadiumCo may finance its contribution to the project with owner equity, secured loans, NFL financing and/or other loans and contributions. While StadiumCo may secure loans for its contribution it will be prohibited from utilizing the new stadium as security. All StadiumCo

financing will be included in the Project Funding Agreement.

Plan for Application of Excess Revenues

On an annual basis, if the designated revenues exceed the amount required for debt service payments they will be distributed, in order, as follows:

1. Any excess of the ticket tax revenues and rent revenues will be placed in a maintenance and repairs fund to be used for non-operating maintenance and non-capital repairs;
2. The lesser of any excess remaining will be available for the use of the Metropolitan Government:
 - a. The total excess amount;
 - b. The 130-acre area sales tax;
 - c. An amount equal to the debt service for stadium related costs such as stadium related parking or other stadium related public improvements; or
 - d. \$25,000,000;
3. Any excess of in-stadium sales tax revenues and hotel tax revenues will be placed in a stadium capital expenditure reserve fund to fund capital repairs;
4. To the extent that there is a remaining excess amount, it will be deposited in a surplus fund to be used for the capital repairs fund, to retire Sports Authority bonds, or used for other lawful purposes of the Sports Authority. It is anticipated that this provision will be more fully detailed in the final agreements.

Plan for Funding Future Capital Improvements

Except for the use of the excess revenue funds for capital repairs, as described above, StadiumCo will be responsible for all capital repairs, replacements, and improvements to the new stadium. StadiumCo will be required to make such improvements to keep the new stadium in a first-class condition compared to other first-class NFL stadiums of a similar age. It is anticipated that the agreements will contain a reasonable standard to give consideration to things such as the remaining life of the stadium, remaining term of the lease, and conditions unique to the area such as climate, local laws and regulations.

With respect to the existing stadium, once the transaction agreements are executed, the Sports Authority will not be obligated to fund any capital improvements to the existing stadium except for those needed for public safety or to maintain the stadium in a condition to play NFL games.

StadiumCo will be required to maintain a capital asset management plan which will guide planning of routine and preventative maintenance, provide a 10-year forward looking summary of annual needs and capital expenditures, and summary of reasonably expected capital needs in 10-year increments for remainder of the lease term.

Parking Facilities

It is anticipated that the Sports Authority, StadiumCo and the Club will execute a Parking Facilities Agreement with respect to development, use, revenues, operating expenses, and capital expenses for parking facilities. The term sheet indicates that the Authority will be

responsible for providing a minimum of 2,000 parking spaces and will be responsible for capital maintenance and repair for the spaces. StadiumCo will receive all revenues from the spaces in connection with their events - revenues in connection with TSU games and CMA Fest will be allocated according to their respective lease terms.

It is anticipated that the Stadium Village area will accommodate parking spaces for the players, VIPs, and others as may be agreed upon in the agreements so long as it doesn't impede on the ability for Metropolitan Government to develop the property.

Campus Development

In anticipation of the Metropolitan Government's development of the Campus outside of the new stadium site, as depicted in Exhibit 3 to the term sheet, including the Stadium Village, the parties will enter a Site Coordination Agreement to address the collaboration needs. Council approval of the Site Coordination Agreement will likely be required. The development should not interfere with the operation of the new enclosed stadium. Metropolitan Government will be responsible for all design, construction, and infrastructure.

Fiscal Note: The total estimated cost of the Stadium Project is \$2,100,000,000. The contribution towards the costs is \$500,000,000 from the State of Tennessee, \$760,000,000 from the Metropolitan Government of Nashville and Davidson County and \$840,000,000 from Tennessee Football, Inc, d/b/a Tennessee Titans. Metro's contribution to the cost will be from state and local tax collections related to the sales within the existing stadium and new stadium; an additional 1% hotel occupancy tax; ticket tax revenues, rent revenues; state and local tax collections related to the sales within an area of up to 130 acres contiguous to the new stadium to be designated by Metro and approved by the State.

Sponsors: Withers, Rhoten, Hurt, Young, Nash, Swope, Pulley, Hall and Rutherford

4. [RS2022-1897](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of James Hood against the Metropolitan Government of Nashville and Davidson County in the amount of \$25,000.00, and that said amount be paid from the Self-Insured Liability Fund.

Analysis

On April 9, 2020, James Hood was an inmate at the Davidson County Sheriff's Office ("DCSO") Maximum Correction Center ("MCC") on Harding Pike. Mr. Hood was attempting to climb into the bunk bed in his cell when the bed tipped over causing Mr. Hood to fall to the floor. Correctional officers responded and found Mr. Hood on the floor with the bunk bed lying on top of him.

Mr. Hood was taken by ambulance to the Nashville General Hospital Emergency Room and also received follow-up care on multiple occasions. He was ultimately diagnosed with acute lumbar radiculopathy. An MRI of Mr. Hood's spine revealed disk bulging and spinal stenosis.

He continued to receive treatment for back pain from the Tennessee Department of Corrections including physical therapy. He periodically uses a walker due to continuing back pain.

Bunk beds at the DCSO MCC are supposed to be secured to the floor. Three days prior to this incident, there was a separate incident of a bunk bed tipping over. Maintenance records document other instances of bunk beds becoming loose or detached from the floor prior to this incident. Following this incident, an audit of all bunk beds in this pod revealed multiple loose or detached bunk beds and all were repaired.

The Department of Law recommends settlement of this personal injury claim for \$25,000.

Fiscal Note: This \$25,000 settlement would be the 18th payment from the Self-Insured Liability Fund in FY23 for a cumulative total of \$570,700. The fund balance would be \$15,641,468 after this payment.

Sponsors: Rhoten

5. [**RS2022-1898**](#)

A resolution approving a contract by and between the Government of Williamson County, on behalf of the Williamson County Juvenile Court and the Metropolitan Government of Nashville & Davidson County, acting by and through its Juvenile Court for the housing of juveniles in the Williamson County Juvenile Detention Center.

Analysis

This resolution approves a contract between Williamson County and the Metropolitan Government for the housing of juveniles in the Williamson County Juvenile Detention Center.

Tennessee Code Annotated § 37-1-116(f) provides that a county may contract with a juvenile court in another county to detain juveniles in a juvenile detention facility.

Pursuant to the terms of the agreement, the Williamson County Juvenile Detention Court will take custody, house, and provide detention care services to juveniles under the jurisdiction of Metro's Juvenile Court. While there is sufficient space at the Williamson County Juvenile Detention Center, Williamson County juvenile offenders will at all times have priority for space in the Williamson County Juvenile Detention Center. Metro will be responsible for transporting the juveniles to and from the Williamson County Juvenile Detention Center and will reimburse Williamson County for any medical expenses. This includes a \$55 fee for each history and physical conducted on a juvenile, a \$50 fee for each medical call for treatment, and a \$20 fee for each daily check conducted by contracted medical staff.

Metro will pay the Williamson County Juvenile Court \$125 per day for each Metro juvenile detained at the Williamson County Juvenile Detention Center at the request of Metro. Metro will be responsible for any destructive actions that may be taken by a juvenile and must compensate the Williamson County Juvenile Detention Center accordingly.

The term of this contract will terminate on May 21, 2023 and may be automatically extended for one additional year, provided that the Williamson County Juvenile Detention Center operations are funded by the Williamson County Board of Commissioners.

Sponsors: Rhoten and Syracuse

6. [RS2022-1899](#)

A resolution approving a settlement agreement between the Metropolitan Government and Meharry Medical College with respect to claims arising under a lease agreement for the land and improvements used in the operation of Nashville General Hospital and related matters.

Analysis

This resolution approves a settlement agreement between the Metropolitan Government and Meharry Medical College related to claims arising under a lease agreement for the land and improvements used in the operation of Nashville General Hospital.

The Metropolitan Government and Meharry Medical College are parties to a lease agreement dated December 1, 1994. Claims have arisen related to the lease term, parking payments, utility payments, and the scope of services and payments due under a Physicians Services Agreement between Meharry and the Hospital Authority.

This resolution approves the settlement agreement and mutual release between Meharry and the Metropolitan Government. Meharry and the Metropolitan Government both agree to discharge and release the other party of claims and liabilities related to the lease term dispute, any claims and liabilities existing on or before June 30, 2022, related to the disputed Physicians Services Agreement, and any claims and liabilities existing on or before December 31, 2021, related to the parking dispute and the utilities dispute. The settlement agreement will not become effective until (1) the settlement agreement has been executed by all parties; (2) the third amendment to the lease agreement has been executed by all parties; and (3) the settlement agreement and third amendment have been approved by the Metropolitan Government, as required by law.

The proposed third amendment to the lease agreement between the Metropolitan Government and Meharry is attached to the settlement agreement but is not subject to approval by this resolution. The proposed amendment extends the lease term to December 31, 2027 and sets forth additional annual rental payments. The Council Office anticipates that the third amendment to the lease agreement will be approved by future legislative action.

Fiscal Note: While this resolution does not approve the third amendment, the settlement agreement is conditioned on future approval of the third amendment. The third amendment will amend the rental payments beginning July 1, 2022. The rental payment in the amount of \$6,300,000 is due for the lease term July 1, 2022 to June 30, 2023; \$6,457,500 is due for the lease term July 1, 2023 to June 30, 2024; \$6,618,938 is due for the lease term July 1, 2024 to June 30, 2025; \$6,784,411 is due for the lease term July 1, 2025 to June 30, 2026; \$6,954,021

is due for the lease term July 1, 2026 to June 30, 2027; and \$3,563,963 is due for the lease term July 1, 2027 to December 31, 2027.

Sponsors: Rhoten, Syracuse, Hurt and Gamble

7. **RS2022-1900**

A resolution accepting a grant from the Tennessee Historical Commission to the Metropolitan Government, acting by and through the Metropolitan Historical Commission, to provide a comprehensive, countywide cemetery preservation plan for Davidson County, Tennessee.

Analysis

This resolution accepts a grant from the Tennessee Historical Commission to the Metropolitan Historical Commission to provide a comprehensive, countywide cemetery preservation plan for Davidson County. The grant award is an amount not to exceed \$38,895 with a required local cash match of \$25,930.

This grant will fund Phase II of a comprehensive, countywide cemetery preservation plan for Davidson County. Phase I began in 2021 with funding from a Tennessee Historical Commission grant approved by Resolution No. RS2021-1118. The Council approved the application for this grant on February 1, 2022, pursuant to Resolution No. RS2022-1363. Davidson County is home to over 500 rural cemeteries.

Sponsors: Rhoten, Withers and Bradford

8. **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. Since this resolution adopts the policy that is required by BL2022-1632, it should be deferred to track with BL2022-1632.

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

9. **RS2022-1902**

A resolution approving an Economic Impact Plan for the Madison Station Economic Development Area.

Analysis

This resolution approves an Economic Impact Plan for the Madison Station Economic Development Area (the "Plan"). T.C.A. § 7-53-314 authorizes the Industrial Development Board (the "IDB") to prepare economic impact plans for approval by the Metropolitan Council. On December 14, 2022, the IDB considered and approved the Plan for submission to the Metropolitan Council. The purpose of an economic impact plan is primarily to provide tax increment financing for a designated project to cover costs related to public infrastructure and site development.

The Madison Station project is located at 721 Madison Square, Madison, TN 37215, currently home to a shopping center. At completion the project area will be a mixed-use development home to residential units, parks, other public spaces, and commercial units. The real property tax increment above the base tax and dedicated tax will be used to pay for the public improvements to the property, such as streets, transit center, pocket parks, greenway, etc. The funds will also be used to pay the costs of preparing the site for construction of the public improvements, such as demolition and grading.

An economic impact analysis was prepared by an outside consultant, Development Planning and Finance Group. The analysis estimates that the \$630+ million investment will generate 545 construction jobs, 732 average annual total jobs in the area, and \$608.8 million in annual labor income over the buildout period. Once completed, the analysis estimates that the project will

create 845 direct permanent jobs on site, 2,026 permanent jobs in the area, and \$185.2 annual labor income in the area. Local sales and use tax is expected to be over \$270,000 annually.

Over the life of the Plan, Metro will continue to receive all of the personal property tax generated in the plan area as well as the base tax amount equal to \$187,848 and any “dedicated tax” which is the amount designated to pay Metro’s annual debt service. The annual excess over the base tax and the dedicated tax are the TIF Revenues, of which, Metro shall be paid 25% and the remaining 75% shall be available for the IDB (the “Net Increment”) to use according to the Plan and a Project Agreement between the IDB and the Company, Artesia Real Estate and The Cauble Group. The maximum amount of TIF Revenues that will be made available over the term of the Plan will be \$146,050,534, divided over three phases:

Phase 1 - \$17,209,563

Phase 2 - \$44,502,620

Phase 3 - \$84,338,351

The IDB will issue bonds or notes for each phase of the project, the proceeds of which shall be used to pay the above referenced public improvements costs. The Net Increment shall be used to pay the debt service on the bonds or notes. The Plan permits the IDB to pledge all or a portion of the available Net Increment for the debt service “provided that the payment of any interest shall not increase the maximum” amount of TIF Revenues available for the project.

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

The term of the Plan is 30 years. Pursuant to state law, the Commissioner of the Department of Economic and Community Development and the Tennessee Comptroller must approve any term beyond 20 years. Submission of the Plan for such approval will occur after Council consideration and approval.

Sponsors: VanReece, Benedict, Young, Gamble and Hancock

10. [RS2022-1903](#)

A resolution appropriating \$5,110,000 in American Rescue Plan Act funds from Fund #30216 to Metro General Services for renovations to the McGruder Family Resource Center.

Analysis

This resolution appropriates \$5,100,000 in American Rescue Plan Act (“ARP”) funds from Fund #30216 to the Department of General Services for renovations to the McGruder Family Resource Center.

The McGruder Center is a neighborhood resource center in the North Nashville Area. The McGruder center is in need of renovation to make it ADA-compliant and to expand its capacity. The proposed upgrades include new roofing, an elevator shaft and equipment room to connect the first and second floors of the original facility, window replacements, masonry waterproofing and minor tuckpointing, and administrative costs such as architect fees, engineers,

miscellaneous costs, codes review, and other requirements.

Fiscal Note: This \$5,100,000 appropriation, along with the appropriations per Resolution No. RS2022-0904, RS2022-1905, and RS2022-1906 would be the 41st, 42nd, 43rd and 44th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$240,697,030. 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, Toombs, Welsch and Taylor

11. [**RS2022-1904**](#)

A resolution appropriating \$2,000,000 in American Rescue Plan Act funds from Fund #30216 to the YWCA Nashville & Middle Tennessee for repairs and infrastructure improvements to the Weaver Domestic Violence Center.

Analysis

This resolution appropriates \$2,000,000 in American Rescue Plan Act (“ARP”) funds from Fund #30216 to the YWCA Nashville & Middle Tennessee for repairs and infrastructure improvements to the Weaver Domestic Violence Center.

The YWCA provides domestic violence services in Nashville and Davidson County. Weaver Domestic Violence Center was built in 2000 on a five-acre lot donated by the Metropolitan Government. It works closely with the Metro Office of Family Safety, the Metropolitan Nashville Police Department, local hospitals, and local social service agencies to provide life-saving intervention to the community. The Weaver Center expanded capacity to accommodate the surge of domestic violence and trauma that was exacerbated by the COVID-19 pandemic. The Weaver Center is in need of various repairs and infrastructure improvements to continue to provide quality service to victims of domestic violence.

The ARP funds requested here would be used to replace the shelter’s existing roof system, repair high-traffic kitchen areas, provide an adequate staff room for frontline workers, improve exterior infrastructure, and other projects.

Fiscal Note: This \$2,000,000 appropriation, along with the appropriations per Resolution No. RS2022-1903, RS2022-1905, and RS2022-1906 would be the 41st, 42nd, 43rd and 44th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$240,697,030. 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, Toombs, Welsch and Suara

12. [**RS2022-1905**](#)

A resolution appropriating \$10,000,000 in American Rescue Plan Act funds from Fund #30216 to Fisk University for the renovation and upgrading of Burrus Hall in a public/private

partnership with Metro Government to establish a small business entrepreneurship and innovation facility in North Nashville.

Analysis

This resolution appropriates \$10,000,000 in American Rescue Plan Act (“ARP”) funds from Fund #30216 to Fisk University for the renovation and upgrading of Burrus Hall in a public/private partnership with the Metropolitan Government to establish a small business enterprise and innovation facility in North Nashville.

Fisk University plans to establish a small business incubation and innovation center in North Nashville. Fisk University seeks a capital investment toward establishing the space to house the small business incubation and innovation center and act as a catalyst for the Fisk University endowment to establish and sustain this program.

The Council adopted Resolution No. RS2022-1395 on February 1, 2022, a non-binding resolution supporting the establishment of a business incubation and innovation center at Fisk University.

According to Exhibit A, attached to the Resolution, the physical buildout is anticipated to cost between \$7,500,000 and \$8,000,000. Technology infrastructure is estimated to cost an additional \$4,000,000 to \$5,000,000, and Fisk University will pursue additional funds from the federal government and the business community, as well as an operational endowment. Fisk University has pledged that it will cover construction costs in excess of \$10,000,000. If construction costs total less than \$10,000,000, Fisk University has pledged that the surplus funds will be used for technology infrastructure.

Fiscal Note: This \$10,000,000 appropriation, along with the appropriations per Resolution No. RS2022-1903, RS2022-1904, and RS2022-1906 would be the 41st, 42nd, 43rd and 44th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$240,697,030. 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, OConnell, Rhoten, Toombs, Hurt, Welsch, Suara and Taylor

13. [RS2022-1906](#)

A resolution appropriating \$2,090,000 in American Rescue Plan Act funds from Fund #30216 to the Metropolitan Action Commission for repairs and safety improvements to Metro-owned child care centers.

Analysis

This resolution appropriates \$2,090,000 in American Rescue Plan Act (“ARP”) funds from Fund #30216 to the Metropolitan Action Commission (“MAC”) for repairs and safety improvements to Metro-owned childcare centers.

MAC provides affordable childcare for Head Start children throughout the city. Many of these childcare facilities are in old buildings that are in need of repairs and safety improvements. The funding request includes plumbing, new HVAC units, replacement of damaged walls and flooring, new signage, a portable, replacement of tile flooring, painting, installation of mini-blinds for energy efficiency, an expanded concrete sidewalk for the Dudley Head Start, and installation of sprinkler systems at Berry, Richland, and Tom Joy Head Start facilities.

Fiscal Note: This \$2,090,000 appropriation, along with the appropriations per Resolution No. RS2022-1903, RS2022-1904, and RS2022-1905 would be the 41st, 42nd, 43rd and 44th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$240,697,030. 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, Toombs, Welsch and Suara

14. [RS2022-1907](#)

A resolution accepting the terms of a cooperative purchasing master agreement for ambulances and emergency medical service vehicles for the department of General Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for ambulances and emergency medical service vehicles for the Department of General Services. The purchasing agreement is between Sourcewell, a state of Minnesota local government agency, and Halcore Group, Inc., dba Horton Emergency Vehicles. The agreement is valid through February 23, 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 and Syracuse

15. [RS2022-1908](#)

A resolution accepting the terms of a cooperative purchasing master agreement for ambulances and emergency medical service vehicles for the department of General Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for ambulances and emergency medical service vehicles for the Department of General Services. The purchasing agreement is between Sourcewell, a state of Minnesota local government

agency, and P.L. Custom Body and Equipment Co., Inc. The agreement is valid through February 23, 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 and Syracuse

16. [**RS2022-1909**](#)

A resolution accepting the terms of a cooperative purchasing master agreement for firefighting apparatus and fire service vehicles for the department of General Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for firefighting apparatus and fire service vehicles for the Department of General Services. The purchasing agreement is between Sourcewell, a state of Minnesota local government agency, and Rev Group, Inc, Spartan Emergency Response. The agreement is valid through February 10, 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 and Syracuse

17. [**RS2022-1910**](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the Metropolitan Government of Nashville and Davidson County's property damage claim against Clarissa Martinez in the amount of \$31,925.00, and that said amount be paid to the Office of Fleet Management.

Analysis

On October 22, 2019, a Nashville Fire Department ambulance was traveling eastbound on Hamilton Church Road attempting to proceed through the intersection with Hobson Pike. The ambulance's lights and siren were activated. Clarissa Martinez was approaching the same intersection northbound on Hobson Pike with a green traffic signal. All other vehicles near the intersection were stopped, yielding the right-of-way to the ambulance. Ms. Martinez did not see the ambulance and proceeded into the intersection and collided with the ambulance.

The ambulance was unable to be repaired due to substantial damage and was determined to

be a total loss. The Metropolitan Department of General Services estimates Metro's total damages to be \$32,802, which represents the total value of the vehicle minus the salvage value. Ms. Martinez's insurance company estimates the salvage value to be higher than Metro's estimate and proposes to settle Metro's claim for \$31,925.

The Department of Law recommends the settlement of Metro's property damage claim for \$31,925.

Fiscal Note: The defendant, Clarissa Martinez, will pay the Metropolitan Department of General Services Office of Fleet Management a settlement in the amount of \$31,925.

Sponsors: Rhoten

18. [RS2022-1911](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of Joshua Lipscomb against the Metropolitan Government of Nashville and Davidson County in the amount of \$450,000.00, with said amount to be paid out of the Judgments and Losses Fund and the Nashville Fire Department's operating budget.

Analysis

On February 2, 2022, Joshua Lipscomb, a Nashville Fire Department ("NFD") employee, tweeted the following:

"I hate feeding into the illusion that America's government and existence is legitimate so I'm no fan of voting.

But the majority of Nashville city council is white supremacists. I know it's boring but millennials HAVE to start caring about local elections

These folk want us dead"

On February 22, 2022, the NFD informed Mr. Lipscomb that his statements violated several internal policies. Mr. Lipscomb attended a disciplinary hearing and, on March 18, 2022, was suspended without pay for 16 days. He was previously suspended for eight days in 2020 for harassing a local business owner on social media. Mr. Lipscomb filed suit via 42 U.S.C. § 1983 alleging that his 2022 discipline violated several constitutional rights.

A preliminary injunction was entered by the chancery court against the Metropolitan Government related to the Courtesy and Derogatory Notices sections of the NFD Operational and Procedural Guideline 1.24. The NFD is revising this policy as well as the NFD social media policy in light of evolving current jurisprudence governing public employees' free speech rights.

Mr. Lipscomb claims damages for the violation of his First Amendment rights. If he were to prevail on this claim, a jury would award compensatory damages at its discretion. He also claims back pay for the 16-day suspension totaling \$4,053.12. In addition, under 42 U.S.C. § 1988, Mr. Lipscomb's attorneys would be entitled to recover their fees if he were to prevail in

his lawsuit. It is likely that those fees could total at least \$200,000 at this point in the case and would increase if litigation continues.

The Department of Law recommends settlement of Mr. Lipscomb's claims for \$450,000.

Fiscal Note: This settlement would be paid from the Judgment and Losses Fund in the amount of \$425,000 and \$25,000 from the Nashville Fire Department operating budget. This settlement would be the 2nd payment from the Judgment and Losses Fund in FY23 for a cumulative total of \$429,339. The fund balance would be \$17,262,866 after this payment.

Sponsors: Rhoten

19. [**RS2022-1912**](#)

A resolution accepting the terms of a cooperative purchasing master agreement for golf, utility, and hospitality carts, including parts and accessories, for the department of Water Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for golf, utility, and hospitality cars, including parts and accessories, for the Department of Water Services. The purchasing agreement is between Region 4 Education Service Center in Houston, Texas and E-Z GO Division of Textron, Inc. The agreement is valid through September 30, 2024.

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

20. [**RS2022-1913**](#)

A resolution approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and ECG 49TN, LLC, to provide stormwater infrastructure improvements through funding the design and construction of an improved stormwater system (MWS Project No. 2020046476 and Proposal No. 2022M-047AG-001).

Analysis

This resolution approves a participation agreement between the Metropolitan Department of Water and Sewerage Services ("MWS") and ECG 49TN, LLC ("ECG 49TN"), to provide stormwater infrastructure improvements through funding the design and construction of an improved stormwater system.

The Council passed Ordinance No. BL2022-1214 on May 17, 2022, which authorizes MWS to enter into participation agreements with developers for infrastructure projects via resolutions. This is codified at Metropolitan Code of Laws Section 15.36.130.

The MWS owns and operates the Municipal Separated Storm System. MWS desires to make stormwater infrastructure improvements based on the State Street North Stormwater Management Study of the 697-acre drainage basin in the West Nashville area known as the Nations, which is part of the Richland Creek basin and ultimately discharges into the Cumberland River. ECG 49TN is constructing six multifamily units at the 49th and Tennessee development. ECG 49TN agrees to provide on-site stormwater control measures and pay fees toward off-site public infrastructure improvements to the current stormwater system and construction of a new stormwater system.

Pursuant to this agreement, ECG 49TN will provide MWS with \$46,000 to fund the design and construction of current and new stormwater systems in the Nations area. All design and work will be completed by MWS.

Fiscal Note: ECG 49TN, LLC, will provide the Metropolitan Department of Water and Sewerage Services with \$46,000 for the design and construction of current and new stormwater systems in the Nations area.

Sponsors: Roberts, Rhoten, Withers and Pulley

21. [RS2022-1914](#)

A resolution accepting a grant from the State of Tennessee, Department of Environment and Conservation to the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services Waste Division, to fund the purchase of curbside recycling carts.

Analysis

This resolution accepts a grant from the Tennessee Department of Environment and Conservation (“TDEC”) to the Metropolitan Department of Water and Sewerage Services, Waste Division, to fund the purchase of curbside recycling carts. The grant award is an amount not to exceed \$75,807.51 with a required cash match of \$75,807.51.

This grant represents annual funding supplied by TDEC to the five most populous counties for recycling programs. This funding will be used to purchase additional recycling carts. The term of this grant is January 1, 2023 through December 31, 2023.

Sponsors: Rhoten and Pulley

22. [RS2022-1915](#)

A resolution approving an agreement between The Metropolitan Government of Nashville and Davidson County and the Metropolitan Nashville Airport Authority for use of the property commonly known as the John C. Tune Airport for the development and construction of an aircraft hangar and a lease for the storage of aircraft, aeronautical equipment, and other

related materials for the Metropolitan Nashville Police Department. (Proposal No. 2022M-045AG-001).

Analysis

This resolution approves an agreement between the Metropolitan Government and the Metropolitan Nashville Airport Authority (“MNAA”) for the use of the John C. Tune Airport. The Metropolitan Government plans to design and construct an aircraft hangar and ancillary facilities for the storage of aircraft, aeronautical equipment, and other related materials.

The Metropolitan Government desires to lease a parcel consisting of .84 acres or 36,624 square feet of unimproved land. The term of the lease is 30 years, with one option to extend the term for an additional period of five years.

The rent in the first year of the lease will be \$2.21 per square foot, or \$80,939.04. Each year, rent will be increased to an amount equal to 103% of the rent payable for the immediately preceding leasing year, representing a 3% annual rent increase, for the first nine years. At the beginning of the tenth year of the lease and the twentieth year of the lease, the rent will be adjusted to the then-prevailing fair market value rental rate for the premises.

Pursuant to the terms of the agreement MNAA will engage a firm to design the initial improvements and engage a firm to construct the initial improvements. The Metropolitan Government will be able to install or erect additional improvements upon approval of MNAA. The Metropolitan Government is responsible for repairs and maintenance of the premises, including grassed areas, buildings, roadways, driveways, paved aircraft and automobile parking areas, landscaping, sidewalks, fencing, lighting, detention areas, drainage and utility facilities and other improvements in or under the premises. Every five years, the Metropolitan Government must conduct a Property Condition Assessment. The Metropolitan Government will also be responsible for all utility services required for the premises.

Fiscal Note: Metro will lease annually, for 30 years, an aircraft hangar and ancillary facilities that Metro Nashville Airport Authority will design and construct at John C. Tune Airport. The initial base rent for the premises will be \$80,939.04, representing a rate of \$2.21 per square foot. Each year the rent will be increased by 3%. In the tenth year and the twentieth year, rent will be adjusted to the then-prevailing fair market value rental rate for the premises.

Sponsors: Roberts, Rhoten, Withers and Syracuse

23. [RS2022-1916](#)

A resolution approving an intergovernmental agreement between The Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department, and the City of Cookeville, by and through the Cookeville Police Department, for the distribution of state grant funds to assist with investigations of internet crimes against children.

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the City of Cookeville Police Department to distribute \$17,500 in state grant funds to assist with investigations of internet crimes against children. Pursuant to Resolution No. RS2021-921, the Metropolitan Nashville Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (“ICAC”) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Cookeville Police Department is eligible for funding under this program. The term of the agreement is through June 30, 2023.

Metro has entered into similar agreements with other local law enforcement agencies for the distribution of grant funds for this program under previous grant awards.

Sponsors: Rhoten and Syracuse

24. [RS2022-1917](#)

A resolution approving an intergovernmental agreement between The Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department, and Dickson County, by and through the Dickson County Sheriff’s Office, for the distribution of state grant funds to assist with investigations of internet crimes against children.

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the Dickson County Sheriff’s Office to distribute \$17,500 in state grant funds to assist with investigations of internet crimes against children. Pursuant to Resolution No. RS2021-921, the Metropolitan Nashville Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (“ICAC”) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Dickson County Sheriff’s Office is eligible for funding under this program. The term of the agreement is through June 30, 2023.

Metro has entered into similar agreements with other local law enforcement agencies for the distribution of grant funds for this program under previous grant awards.

Sponsors: Rhoten and Syracuse

25. [RS2022-1918](#)

A resolution approving an intergovernmental agreement between The Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville

Police Department, and the City of Spring Hill, acting by and through the Spring Hill Police Department, for the distribution of state grant funds to assist with investigations of internet crimes against children.

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the City of Spring Hill Police Department to distribute \$17,500 in state grant funds to assist with investigations of internet crimes against children. Pursuant to Resolution No. RS2021-921, the Metropolitan Nashville Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (“ICAC”) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Spring Hill Police Department is eligible for funding under this program. The term of the agreement is through June 30, 2023.

Metro has entered into similar agreements with other local law enforcement agencies for the distribution of grant funds for this program under previous grant awards.

Sponsors: Rhoten and Syracuse

26. [RS2022-1919](#)

A resolution approving an intergovernmental agreement between The Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department, and Williamson County, by and through the Williamson County Sheriff’s Office, for the distribution of state grant funds to assist with investigations of internet crimes against children.

Analysis

This resolution approves an intergovernmental agreement between the Metro Nashville Police Department and the Williamson County Sheriff’s Office to distribute \$17,500 in state grant funds to assist with investigations of internet crimes against children. Pursuant to Resolution No. RS2021-921, the Metropolitan Nashville Police Department was previously awarded a grant in the amount of \$1,200,000 from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, for the Internet Crimes Against Children (“ICAC”) unit with the understanding that a portion of the grant funds will be sub-granted to other local law enforcement agencies in the Middle Tennessee area. These funds are to be used solely for equipment, training, and travel related to ICAC investigations. The Williamson County Sheriff’s Office is eligible for funding under this program. The term of the agreement is through June 30, 2023.

Metro has entered into similar agreements with other local law enforcement agencies for the distribution of grant funds for this program under previous grant awards.

Sponsors: Rhoten and Syracuse

27. [RS2022-1920](#)

A resolution approving an agreement between the United States Department of Justice, Drug Enforcement Administration (“DEA”), and the Metropolitan Government of Nashville and Davidson County, by and through the Metropolitan Nashville Police Department (“MNPD”), pertaining to the DEA Middle Tennessee Drug and Violent Crime Appalachia Task Force.

Analysis

This resolution approves an agreement between the United States Department of Justice Drug Enforcement Administration (“DEA”) and the Metropolitan Nashville Police Department (“MNPD”) pertaining to the DEA Middle Tennessee Drug and Violent Crime Appalachia Task Force.

Pursuant to the terms of the agreement, MNPD will assign two experienced officers to the DEA Middle Tennessee Drug and Violent Crime Appalachia Task Force for a period of not less than two years. DEA will assign two Special Agents to the task force. The High Intensity Drug Traffic Areas (HIDTA) program will provide, subject to availability of annually appropriated funds, the necessary funds and equipment to support the activities of the DEA Special Agents and MNPD officers assigned to the task force. This support will include office space, office supplies, travel funds, funds for the purchase of evidence and information, investigative equipment, training and other support items. The term of this agreement ends September 30, 2026, the end of the federal government’s fiscal year.

Fiscal Note: Metropolitan Nashville Police Department will receive reimbursement for overtime of the two assigned officers to the DEA Middle Tennessee Drug and Violent Crime Appalachia Task Force under the HIDTA State and Local Task Force Agreement.

Sponsors: Rhoten and Syracuse

28. [RS2022-1921](#)

A resolution accepting a grant from the Tennessee Emergency Management Agency to the Metropolitan Government, acting by and through the Office of Emergency Management, to provide public assistance for damage caused by severe storms, straight-line winds, and tornadoes during December 2021. (Presidential Disaster Declaration Number FEMA-4637-DR-TN)

Analysis

This resolution accepts a grant from the Tennessee Emergency Management Agency to the Office of Emergency Management to provide public assistance for damage caused by severe storms, straight-line winds, and tornadoes during December 2021. The grant is in an amount not to exceed \$775,415.64 with a required local cash match of \$40,631.51. The grant period begins on December 10, 2021 and ends December 9, 2025.

Sponsors: Rhoten and Syracuse

29. [RS2022-1922](#)

A resolution approving a contract by and between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and Vanderbilt University Medical Center to make available to potentially eligible individuals who receive inpatient or outpatient prenatal or postpartum services or minors under the age of five receiving pediatric services, information about WIC program benefits.

Analysis

This resolution approves a contract between the Metropolitan Board of Health and the Vanderbilt University Medical Center. Pursuant to this contract, Vanderbilt agrees to communicate with individuals and families about Women, Infant & Children (“WIC”) services to increase WIC program participation.

Vanderbilt agrees to incorporate WIC eligibility screening at all patient visits based on screening guidelines provided by Metro, submit WIC enrollment forms to Metro, and provide phone support with any needed translation for WIC enrollment in clinic. Metro agrees to provide relevant participant information to Vanderbilt for each referral so that WIC pre-screening services may be measured and quantified. The term of this contract begins October 4, 2022, and ends October 3, 2027.

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

Sponsors: Rhoten, Syracuse, Welsch and Suara

30. [RS2022-1923](#)

A resolution approving a contract by and between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and Nurture the Next to provide funding for a program coordinator for the collective impact initiative, ACE Nashville.

Analysis

This resolution approves a contract between the Metropolitan Board of Health and Nurture the Next to provide a program coordinator for the collective impact initiative, ACE Nashville.

Pursuant to the contract, the Metropolitan Public Health Department will hire a program coordinator on a full-time basis for the collective impact initiative, ACE Nashville. Nurture the Next will provide up to \$102,809 for this position. There are no other charges for fees for the performance of this contract.

The contract is for a term of 12 months, beginning December 10, 2022 and ending December 9, 2023.

Fiscal Note: Metro Board of Health Department will receive \$102,809 from Nurture the Next to

fund the hiring of a program coordinator for the collective impact initiative, ACE Nashville.

Sponsors: Rhoten, Syracuse and Welsch

31. [RS2022-1924](#)

A resolution approving an application for a Brownfields Community-Wide Assessment grant from the U.S. Environmental Protection Agency to the Metropolitan Government, acting by and through the Metropolitan Nashville Planning Department, to evaluate the presence of environmental contaminants within properties along the East Bank having a history of industrial use (Proposal No. 2022M-055AG-001).

Analysis

This resolution approves an application for a Brownfields Community-Wide Assessment grant from the U.S. Environmental Protection Agency to the Metropolitan Nashville Planning Department to evaluate the presence of environmental contaminants within properties along the East Bank having a history of industrial use. If the grant application is awarded, the grant would be \$500,000 with no local cash match required.

Sponsors: Withers and Rhoten

32. [RS2022-1925](#)

A resolution approving an intergovernmental agreement by and between the State of Tennessee Department of Transportation and the Metropolitan Government of Nashville & Davidson County, acting by and between the Nashville Department of Transportation and Multimodal Infrastructure for the acceptance of work in connection with the construction of intersection improvements on I-40 Interchange at McCrory Lane, Fed. No. NH-I-40-3(182); State No. 191040-F3-013/19CCIT-S3-003; PIN 132675.00 (Proposal No. 2022M-049AG-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") for the acceptance of work in connection with the construction of intersection improvements on I-40 Interchange at McCrory Lane.

The total cost estimate of the project is \$26,265,000. Metro has agreed to provide \$4,032,500, a 50% share of the Local Interstate Connector funds for this project. TDOT will be responsible for the remaining funds and all design, right-of-way, construction, and construction engineering and inspection tasks associated with the project. The project will be for the I-40 Interchange at McCrory Lane, including intersection improvements and realignment of McCrory Lane at I-40. The project includes potential ramp improvements and construction of three lanes north and south of I-40 on McCrory Lane.

Fiscal Note: The Metropolitan Government will be responsible for up to \$4,032,500 for this project.

Sponsors: Rosenberg, Rhoten, Withers and Pulley

K. Bills on Second Reading

57. [BL2022-1528](#)

An Ordinance amending Title 2, Title 6, and Title 7 of the Metropolitan Code of Laws to amend the membership of various boards and commissions.

Analysis

This ordinance changes the composition of 11 Metropolitan boards and commissions. The following boards and commissions would be amended: the Board of Property Standards and Appeals, Metropolitan Transportation Licensing Commission, Auditorium Commission, Historical Commission, Human Relations Commission, Housing Trust Fund Commission, Board of Ethical Conduct, CATV Special Committee, Short Term Rental Appeals Board, Beer Permit Board, and Stormwater Management Committee.

The *Board of Property Standards* is currently comprised of seven members appointed by the mayor and confirmed by a majority vote of the whole membership of the council. This legislation would reduce the mayoral appointees to five and have two members be elected by a majority vote of the whole membership of the council. The mayor's appointments are selected from specific categories. The two members elected by the council would be appointed at large.

The *Metropolitan Transportation Licensing Commission* is currently comprised of nine members appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council. This legislation would reduce the mayor's appointments to five and have four members elected by a majority vote of the whole membership of the council.

The *Metropolitan Auditorium Commission* is currently comprised of seven members appointed by the mayor and confirmed by a majority vote of the whole council. This legislation would reduce the mayor's appointments to four members and have three members elected by a majority vote of the whole membership of the council.

The *Historical Commission* is currently comprised of fifteen members appointed by the mayor and confirmed by a majority vote of the whole council. This legislation would reduce the mayor's appointments to ten members and have five members elected by a majority vote of the whole membership of the council.

The *Human Relations Commission* is currently comprised of seventeen members appointed by the mayor and confirmed by a majority vote of the whole council. This legislation would reduce the mayor's appointments to ten members and have seven members elected by a majority vote of the whole membership of the council.

The *Metropolitan Housing Trust Fund Commission* is currently comprised of seven members. One member is designated by the Metropolitan Development and Housing Agency and one member is a councilmember designated by the vice mayor for a term of two years. Five

members are appointed by the mayor and approved by the council. This legislation would reduce the mayor's appointments to two members and have two members elected by a majority vote of the whole membership of the council.

The *Board of Ethical Conduct* currently has five members. The president pro tem of the council is an ex officio, non-voting member of the board. One member of the board is selected by each of the following organizations: League of Women Voters of Nashville, Nashville Area Central Labor Council, Napier-Looby Bar Association, Nashville Area Chamber of Commerce, Nashville Bar Association. This legislation increases the membership to seven members. Of these two additional members, one will be selected by the National Association for the Advancement of Colored People Nashville Branch and one will be selected by the Tennessee Immigrant & Refugee Rights Coalition. The quorum requirement for the board to conduct business would be increased from four to six.

The *CATV Special Committee* is currently comprised of seven members who are appointed by the mayor. This legislation would reduce the mayor's appointments to four members who will be confirmed by a majority vote of the whole membership of the council and have three members elected by a majority vote of the whole membership of the council. Of the members to be elected by the Council, one is to be a representative of a union representing the telecommunications industry.

The *Short Term Rental Appeals Board* is currently comprised of seven members. One member is a member of council, selected by the body from its membership. The six remaining members are appointed by the mayor and confirmed by a majority vote of the whole council. This legislation would reduce the mayor's appointments to three members and have three members elected by a majority vote of the whole membership of the council.

The *Metropolitan Beer Permit Board* is currently comprised of seven members appointed by the mayor and approved by the council. This legislation would reduce the mayor's appointments to four members and have three members elected by a majority vote of the whole membership of the council.

The *Stormwater Management Committee* is currently comprised of seven members appointed by the mayor and confirmed by a majority vote of the whole council. Four members must be registered professional engineers in the State of Tennessee with expertise in civil engineering, hydraulics, hydrology, and/or environmental sciences and three members are lay members from the community at large. This legislation would reduce the mayor's appointments to the four members who are registered professional engineers. The three lay members would be elected by a majority vote of the whole membership of the council.

This ordinance states that, when an existing mayoral appointment is transferred to a new appointing authority (such as the council), the new appointing authority will fill all vacancies after the effective date of this ordinance until each board and commission is appointed as described in this ordinance.

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

Sponsors: Sepulveda, Toombs, Styles, Suara, Lee, Porterfield, Hurt, Sledge, Cash, Evans, Welsch, Taylor, Bradford and Benedict

58. [BL2022-1533](#)

An ordinance accepting an easement on certain property located at 7034 Charlotte Pike (Parcel No. 10200008600) owned by Lowes Home Centers, LLC (Proposal No. 2022M-036AG-001).

Analysis

This ordinance accepts an easement on property located at 7034 Charlotte Pike owned by Lowes Home Centers, LLC. The Metropolitan Government proposes to install and maintain an 8-foot chain link fence on this easement.

Future amendments to this legislation may be approved by a resolution receiving at least 21 affirmative votes. This ordinance has been approved by the Planning Commission.

Sponsors: Rosenberg, Rhoten, Withers, Pulley, Hausser and Druffel

59. [BL2022-1572](#)

An ordinance amending Section 12.12.190 of the Metropolitan Code of Laws relative to traffic calming projects.

Analysis

This ordinance codifies the existing traffic calming program maintained by the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) and provides additional regulations for privately funded traffic calming projects.

The ordinance under consideration codifies this existing program. This requires that the program allow for neighborhood organizations to submit applications for traffic calming projects in residential neighborhoods. Selections for traffic calming projects based upon the applications submitted to NDOT must occur at least once per year or as funding allows. Applications will be reviewed by NDOT pursuant to criteria established by NDOT.

In addition, the ordinance provides that NDOT may authorize private construction of a traffic calming project by a neighborhood organization provided that:

- Private funding for the traffic calming project has been secured by the neighborhood organization;
- A letter of intent is sent to NDOT;
- The street where the traffic calming project is proposed is under Metro’s jurisdiction, is a local street, is not an arterial or collector street, as designated by the major and collector street plan, and the infrastructure will not negatively impact parallel streets;
- The applicant provides to NDOT a traffic study, a local map, a design plan, a preliminary support petition, the applicant contacts affected homeowners, and certain

information related to the installment of the infrastructure;

- After this information is provided, NDOT will conduct an online ballot process, requiring at least 66% of responding homeowners on the affected street to vote in favor of the project;
- After the installment of the traffic calming project, NDOT will assume maintenance and replacement responsibilities once the infrastructure passes inspection.

This ordinance further allows for NDOT to authorize the private construction or funding under the following conditions:

- The private construction must be required by NDOT as part of an on-site or off-site traffic calming improvement as part of permitting for a project under existing entitlements; a traffic study recommends the traffic calming improvements as part of a rezoning or lot subdivision; NDOT recommends the traffic calming improvements to the Planning Commission for lot subdivisions; or NDOT recommends the traffic calming improvements to the Planning Commission or the Council as part of a zone change or PUD revision approval;
- NDOT will verify that the street where the traffic calming project is proposed is under Metro's jurisdiction, is a local street, is not an arterial or collector street, as designated by the major and collector street plan unless authorized by NDOT's chief traffic engineer, and the infrastructure will not negatively impact parallel streets;
- The application must provide to NDOT a local map, a design plan, and certain information related to the installment of the infrastructure;
- Once the proposed project has been approved by NDOT engineers, the applicant may apply for a right-of-way permit to install the traffic calming infrastructure;
- After the installment of the traffic calming project, NDOT will assume maintenance and replacement responsibilities one the infrastructure passes inspection.

This ordinance also requires an annual report from NDOT to the Council regarding the traffic calming project applications received.

Sponsors: Young, Bradford, Withers and Styles

60. [BL2022-1579](#)

An ordinance amending Metropolitan Code of Laws Section 6.28.035 to align the term of the member of the Metropolitan Council appointed to the short-term rental appeals board with the Metropolitan Council term.

Analysis

This ordinance amends Metropolitan Code of Laws Section 6.28.035 to align the term of the member of the Metropolitan Council appointed to the short-term rental appeals board with the Metropolitan Council term.

On July 7, 2020, the Metropolitan Council adopted Ordinance No. BL2020-187, now codified as Metropolitan Code of Laws Section 6.28.035, which established a short-term rental appeals

board. The membership includes a member of the Metropolitan Council selected by the Council from its membership for a term of two years. Due to the date of adoption of Ordinance No. BL2020-187, this two-year term does not align with the Council term, the result being that a member of Council would either serve across a term or necessitate a new election for a partial term.

This ordinance states that the term of the current member of the Metropolitan Council selected to serve on the short-term rental appeals board will end on October 31, 2023. The term of the subsequent member of Council selected to serve on the board will begin on November 1, 2023, or upon the Council's selection of a new board member, whichever is earlier. The next member of Council selected will serve a term of two years, consistent with Section 6.28.035.

Sponsors: Parker

61. [BL2022-1580](#)

An ordinance amending Metropolitan Code Section 15.16.370 to clarify the Metropolitan Department of Water and Sewerage Services' ability to access, read, repair and replace meters.

Analysis

This ordinance amends Metropolitan Code of Laws Section 15.16.370 to clarify language regarding the Metropolitan Department of Water and Sewerage Services' ("MWS") ability to access, read, repair, and replace water service connection meters.

Currently, Section 15.16.370 states the following:

"All water service connections, unless otherwise specified in this title, shall be metered with a meter of such size and make as may be approved by the director."

The ordinance under consideration retains this existing language. It also clarifies that all meters and service lines connect to a public main must be located within the public right-of-way or in a dedicated easement. As a condition of receiving service, meters located outside of the public right-of-way or a dedicated easement are deemed to have granted MWS and its employees and contractors the right to reasonable access to the meter and connecting service line. Any claim against the Metropolitan Government for damages relating to the exercise of this right while using reasonable care are deemed to be waived.

Sponsors: Pulley

62. [BL2022-1582](#)

An ordinance establishing a program for the purpose of providing assistance to low-income elderly residents of the Metropolitan Government for the fiscal year 2022-2023.

Analysis

This ordinance establishes the property tax relief program for low-income elderly residents of

the Metropolitan Government for Fiscal Year 2022-2023. This is essentially an extension of an existing tax relief program that has been in existence for many years and is renewed annually.

Tennessee Code Annotated § 5-9-112 authorizes county legislative bodies to appropriate funds for the purpose of providing assistance to low-income elderly residents in the county on an annual basis, based on the particular needs of eligible recipients. The county legislative body is also authorized to develop guidelines for eligibility. Additionally, Tennessee Code Annotated § 67-5-702 provides that the general funds of the state shall be paid to certain low-income taxpayers 65 years of age or older necessary to pay or reimburse such taxpayers for all or part of their local property taxes. For many years, Metro has provided a double match of the state funds for the program. \$6,187,000 has been included in the proposed FY23 operating budget in the Property Tax Relief Program Account.

This ordinance directs the Metropolitan Trustee to disburse funds to eligible taxpayers and further authorizes the Trustee to establish rules and procedures for implementation of the program. All persons who qualify for the state property tax relief program and whose income does not exceed a state-mandated cap of \$31,600 annually will qualify for this program. Because this budgetary appropriation is non-recurring, this program would expire June 30, 2023.

Fiscal Note: The FY23 operating budget includes \$6,187,000 for the property tax relief program for the elderly and the same amount was appropriated for this program in FY22.

Sponsors: Rhoten, Young, Evans, Suara, Welsch, Hausser, Gamble, Benedict,
Bradford, Styles, Hancock and Allen

63. [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: Rhoten and Hurt

64. [BL2022-1584](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon public sanitary sewer mains, sanitary sewer manholes and an easement, to construct public sanitary sewer mains and sanitary sewer manholes, and to acquire permanent and temporary easements through negotiation and acceptance, needed for property located at 28th Avenue North (unnumbered) (Project No. 22-SG-06 and Proposal No. 2022M-154ES-001).

Analysis

This ordinance abandons approximately 670 linear feet of existing 12-inch sanitary sewer main, two sanitary sewer manholes and easement, authorizes construction of approximately 660 linear feet of new 12-inch sanitary sewer mains (DIP) and five sanitary sewer manholes, and authorizes the negotiation and acceptance of permanent and temporary easements for property located at 28th Avenue North (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. Abandoned and donated easements have no market value according to the Department of Water Services.

Sponsors: Withers and Pulley

65. [BL2022-1585](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main and easement, and to accept new water mains, fire hydrant assemblies, sanitary sewer manhole and easements, for property located at 1904 Hayes Street, also known as Hayes Street Residential (MWS Project Nos. 22-WL-45 and 22-SL-105 and Proposal No. 2022M-163ES-001).

Analysis

This ordinance abandons approximately 560 linear feet of existing six-inch water main (DIP) and easement, and accepts approximately 30 linear feet of new six-inch water main (DIP), approximately 498 linear feet of new 12-inch water main (DIP), two fire hydrant assemblies, one sanitary sewer manhole and easements for property located at 1904 Hayes Street, also known as Hayes Street Residential.

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: Withers and Pulley

66. [BL2022-1586](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer manhole, for property located at 1317 B Baptist World Center Drive (MWS Project No. 22-SL-182 and Proposal No. 2022M-166ES-001).

Analysis

This ordinance accepts one sanitary sewer manhole, for property located 1317 B Baptist World Center 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

67. [BL2022-1587](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer manhole and easement, for property located 1300 B Edgehill Avenue, also known as Edgehill Townhomes (MWS Project No. 22-SL-133 and Proposal No. 2022M-162ES-001).

Analysis

This ordinance accepts one new sanitary sewer manhole and easement for property located at 1300 B Edgehill Avenue, also known as Edgehill 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: OConnell, Withers and Pulley

68. [BL2022-1588](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main and sanitary sewer manhole, to relocate public fire hydrant, and to accept new public sanitary sewer main and sanitary sewer manholes, for property located at 110 Jo Johnston Avenue, also known as Metro Permanent Supportive Housing (MWS Project Nos. 22-SL-37 and 22-WL-105 and Proposal No. 2022M-152ES-001).

Analysis

This ordinance abandons approximately 115 linear feet of existing 12-inch and eight-inch sanitary sewer main and one sanitary sewer manhole, relocates one fire hydrant assembly, and accepts approximately 115 linear feet of new 12-inch sanitary sewer main (DIP) and two sanitary sewer manholes for property located at 110 Jo Johnston Avenue, also known as Metro Permanent Supportive Housing.

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: OConnell, Withers, Pulley and Evans

69. [BL2022-1589](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, and to accept new public water main and one sanitary sewer manhole, for three properties located 542, 546, and 548 Rosedale Avenue, also known as The View at Rosedale (MWS Project Nos. 22-WL-89 and 22-SL-180 and Proposal No. 2022M-151ES-001).

Analysis

This ordinance abandons approximately six linear feet of existing six-inch water main (CIP), and accepts approximately six linear feet of new six-inch water main (DIP) and one sanitary sewer manhole for three properties located 542, 546, and 548 Rosedale Avenue, also known as The View at Rosedale.

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: Sledge, Withers and Pulley

70. [BL2022-1590](#)

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 1010 Church Street (MWS Project Nos. 22-WL-14 and 22-SL-29; and Proposal No. 2022M-165ES-001).

Analysis

This ordinance accepts approximately 111 linear feet of new eight-inch water main (DIP), approximately 28 linear feet of new 12-inch sanitary sewer main (DIP) and one sanitary sewer manhole for property located at 1010 Church Street.

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

71. [BL2022-1591](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, and to accept new public water main and fire hydrant assemblies, for property located at 1 Terminal Drive, also known as Atlantic Aviation Hangers, (MWS Project No. 22-WL-41 and Proposal No. 2022M-160ES-001).

Analysis

This ordinance abandons approximately 884 linear feet of existing eight-inch water main (CIP) and accepts approximately 884 linear feet of new eight-inch water main (DIP) and two fire hydrant assemblies for property located at 1 Terminal Drive, also known as Atlantic Aviation Hangers.

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: Bradford, Withers and Pulley

72. [BL2022-1592](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer mains, sanitary sewer manholes, and easements, for two properties located at 2676 and 2664 Sanford Road in Williamson County, also known as

Willowbrook Subdivision (MWS Project No. 22-SL-225 and Proposal No. 2022M-153ES-001).

Analysis

This ordinance accepts approximately 4,478 linear feet of new eight-inch sanitary sewer mains (PVC), 20 sanitary sewer manholes, and easements for two properties located at 2676 and 2664 Sanford Road in Williamson County, also known as Willowbrook 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: Withers and Pulley

73. [BL2022-1593](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to rehabilitate existing public sanitary sewer main, and to accept sanitary sewer manhole, for property located at 1264 3rd Avenue South, also known as 3rd and Hart (MWS Project No. 22-SL-151 and Proposal No. 2022M-159ES-001).

Analysis

This ordinance authorizes the rehabilitation of approximately 72 linear feet of existing eight-inch sanitary sewer pipe lining (CIPP) and accepts one sanitary sewer manhole for property located at 1264 3rd Avenue South, also known as 3rd and Hart.

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

L. Bills on Third Reading

81. [BL2022-1529](#)

An ordinance amending Chapter 5.12 of the Metropolitan Code of Laws pursuant to Tenn. Code Ann. § 67-4-1415 by increasing the hotel occupancy privilege tax in the amount of one percent and directing the proceeds be used for the construction of and future capital improvements to a new enclosed stadium, and debt service related thereto.

Analysis

This ordinance, as amended. authorizes the increase of the hotel occupancy privilege tax levy

by 1% in Davidson County in accordance with Tenn. Code Ann. § 67-4-1415.

Currently, sections 5.12.020 and 15.12.060 of the Metropolitan Code of Laws levy a hotel occupancy privilege tax in the amount of six percent of the consideration charged by hotel operators for occupation of hotel rooms within Davidson County. These provisions also direct the use of the proceeds from this hotel occupancy privilege tax. Sections 5.12.120 and 5.12.130 of the Metropolitan Code of Laws levy an additional hotel occupancy privilege tax in the amount of \$2.50 upon the occupancy of each hotel room within Davidson County and direct the use of the proceeds. Tenn. Code Ann. § 67-4-1415, recently enacted by the Tennessee General Assembly, authorizes a local government to levy an additional privilege tax of one percent of the consideration charged by hotel operators, with the proceeds to be used (“Sports Authority”) for “the payment of debt service for the construction of an enclosed stadium with at least fifty thousand (50,000) seats and for future capital improvements to the enclosed stadium”.

The privilege tax authorized by this ordinance will expire on January 1, 2024 unless the Sports Authority has issued revenue bonds as contemplated by the non-binding Term Sheet, which is the subject of Resolution No. RS2022-1827. This ordinance would take effect after approval of final, binding documents to construct the Stadium.

Sponsors: Withers, Rhoten, Hurt and Swope

82. [BL2022-1530](#)

An ordinance to amend Chapter 13.20 of the Metropolitan Code of Laws to restrict obstructions within the public way or public right-of-way.

Analysis

This ordinance amends Chapter 13.20 of the Metropolitan Code of Laws to restrict obstructions and excavations which close or occupy any portion of the public right-of-way or public way.

Chapter 13.20 of the Metropolitan Code of Laws governs excavations and obstructions in, on, over or under any street, road, alley, sidewalk or other public way. This includes a permitting system to allow individuals excavate in or obstruct these public ways.

This ordinance amends Section 13.20.030 of the Metropolitan Code to prohibit permits affecting multimodal pathway travel within the public way or public right-of-way to be issued for any construction activities or special events for 7 days or more. Currently, there is no time limitation for these permits.

Section 13.20.030.E currently provides that the fee to place a trailer or dumpster in the public right of way is ten dollars per day, with a \$2,000 cap per year, per location. This ordinance removes the \$2,000 cap and allows the department to set the fee, as derived from the actual internal operating costs of administering the related services.

Section 13.20.030.G, which governs permits for the temporary closure of a Metropolitan Government right-of-way, would also be amended. The current fee for a closure of a

right-of-way of five or less days is \$55. Closures of five or more days are currently charged at ten dollars per day. This would allow for the fees to be set by the department, as derived from the actual internal operating costs of administering the related services.

Section 13.20.095, governing signage for commence and completion dates for excavation and obstruction projects, would be amended to require the sign include the name, address, and telephone number for a contact person for the project. The format, quantity, location, and size of the signs are to be as specified by the director of the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”).

In addition, this ordinance adds a new Section 13.20.160 entitled “Policy Compliance and Exceptions” to the Chapter. This requires those seeking to engage in any excavation, obstruction, or closure of the right-of-way to satisfy certain conditions, which include providing ADA compliant alternative pathways, submit an application for exception and construction package to NDOT if the excavation or obstruction is anticipated to last more than 7 days, pay the temporary closure fee, obtain the necessary approvals and permits, and demonstrate the overriding public interest will be promoted by allowing the applicant to engage in activities in excess of those permitted under Chapter 13.20. Notice of an application of an exception must be given to those persons who may be adversely affected by such exception and to the district councilmember. Exceptions shall be granted by notice to the applicant containing any necessary conditions.

Additional housekeeping changes would be made to this Chapter, including a clarification in Section 13.20.120 that any interferences with warning lights required by Chapter 13.20 will be assessed as a civil penalty punishable at the rate of \$50 per day and language clarifications in Section 13.20.140.B.

Sponsors: Cash, Mendes, Bradford, Benedict, Allen and Welsch

108. [BL2022-1573](#)

An ordinance approving an agreement between the Metropolitan Government and MarketStreet Management, LLC concerning the construction of public infrastructure improvements on the Fairgrounds campus.

Analysis

This ordinance approves a participation agreement between the Metropolitan Government and MarketStreet Management, LLC (“MSM”), related to the construction of public infrastructure improvements on the Fairgrounds campus.

The improvements to be constructed as part of this participation agreement are noted on the concept plan, attached as Exhibit A to the agreement. This includes improvements within Fair Plaza and Speedway Alley. Pursuant to the agreement, MSM will engage an architect or engineer as well as a qualified contractor to complete the work related to certain improvements on the Fairgrounds campus. MSM agrees to complete the infrastructure work within 24 months. Upon completion of the infrastructure, and upon approval by Metro, MSM will convey ownership of the infrastructure to Metro at no cost. Metro will then be responsible for the ongoing

maintenance and operation of Fair Plaza and Speedway Alley.

Fiscal Note: Metro will pay to MarketStreet Management, LLC the actual costs of the infrastructure work in an amount not to exceed \$8,975,000 for the complete design and construction of the improvements on the Fairgrounds campus under this agreement.

Sponsors: Sledge, Rhoten, Hurt, Pulley and Allen

109. [BL2022-1574](#)

An Ordinance providing the honorary street name designation of “Valor Memorial Lane” for a portion of McCrory Lane.

Analysis

This ordinance adds the honorary street name designation of “Valor Memorial Lane” for a portion of McCrory Lane between Newsome Station Road and U.S. Highway 70. This is the portion of McCrory Lane that leads to the Middle Tennessee State Veterans Cemetery at 7931 McCrory Lane.

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

Sponsors: Rosenberg

110. [BL2022-1575](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main and sanitary sewer manhole, for property located at 211 Walton Lane, (MWS Project No. 22-SL-026 and Proposal No. 2022M-155ES-001).

Analysis

This ordinance accepts approximately 141 linear feet of new eight-inch sanitary sewer main (PVC) and one sanitary sewer manhole for property located at 211 Walton Lane.

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

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

Sponsors: VanReece, Withers and Pulley

111. [BL2022-1576](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water mains, and to accept new water main and sanitary sewer manhole, for property located at 223 Oceola Avenue, also known as Chelsea at Oceola (MWS Project Nos. 22-WL-08 and 22-SL-171 and Proposal No. 2022M-157ES-001).

Analysis

This ordinance abandons approximately 180 linear feet of existing four-inch water main and approximately 188 linear feet of existing two-inch water main and accepts approximately 374 linear feet of new eight-inch water main (DIP) and one sanitary sewer manhole for property located at 223 Oceola Avenue, also known as Chelsea at Oceola.

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

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

Sponsors: Roberts, Withers and Pulley

112. [BL2022-1577](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water main, for property located at 101 Factory Street, (MWS Project No. 22-WL-74 and Proposal No. 2022M-158ES-001).

Analysis

This ordinance accepts approximately 26 linear feet of new eight-inch water main (DIP) for property located at 101 Factory Street.

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

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