



Metro Council

F. Resolutions on Public Hearing

1. [RS2023-2062](#)

A resolution directing the Metropolitan Planning Department to prepare a Council redistricting plan consisting of 17 district councilmembers and 3 councilmembers at-large to comply with state law; requesting the Metropolitan Planning Commission to hold the necessary meeting(s) to approve the redistricting plan; and requesting the Vice Mayor to call any special Council meeting(s) that may be required to effectuate the redistricting plan.

Analysis

This resolution, in direct response to the new state law requirements to reduce the size of the Metro Council, directs the Planning Department to prepare a councilmanic redistricting plan consisting of 17 districts and 3 at-large positions; directs the Planning Commission to hold the necessary meetings to approve the redistricting plan; and requests the Vice Mayor to call special meetings as necessary to effectuate the redistricting plan.

On March 9, 2023, the Tennessee General Assembly enacted House Bill No. 48/Senate Bill No. 87, which was then signed into law by Governor Bill Lee that same day and has now become Public Chapter 21. Public Chapter 21 (the "Act") provides that the membership of a metropolitan council must not exceed 20 voting members. The Act further provides broad authority for the legislative action necessary to alter the membership of the metropolitan council. The Act requires the reduction of the Metropolitan Council of the Metropolitan Government to no more than 20 members be effective as of the next metropolitan general election. The next metropolitan general election will occur on August 3, 2023. The Act authorizes the Metropolitan Council to take any legislative action necessary to effectuate the requirements of the Act by resolution receiving an affirmative majority vote of those present and voting.

The Act requires the Metropolitan Council to approve the new council district boundaries by resolution on or before May 1, 2023. If the Metropolitan Council fails to take action by the qualifying date of the next metropolitan general election, which is May 18, 2023, the terms of the current members of the Metropolitan Council will be extended by one year and a special general metropolitan election will be held on the first Thursday in August 2024 to elect councilmembers for a term of three years, beginning September 1, 2024. After that election, future councilmembers would serve four year terms.

The process to reduce the Metropolitan Council provided for in the Act differs from the process in the Metropolitan Charter. Absent the Act, the Metropolitan Council would be required to pursue a charter amendment, as outlined in Article 19 of the Metropolitan Charter, in order to make changes to the makeup of the Metropolitan Council. The Charter process, which was amended by a referendum vote in the August 4, 2022 election, requires, at a minimum, review by the charter revision commission and approval by voters at a referendum election. As stated above, the Act allows the Council to act by resolution receiving an affirmative majority vote of those present and voting.

This resolution would direct the Planning Department to prepare a councilmanic redistricting plan consisting of 17 districts and 3 at-large positions using the most recent census to ensure that the reapportionment maintains substantially equal representation and complies with state and federal laws. The number of districts and at-large members were chosen in an effort to be as consistent with the Metropolitan Charter as practicable under the circumstances while maintaining substantial equal representation and compliance with state and federal laws. The resolution would direct the Planning Commission to hold the necessary meetings to approve the redistricting plan. The resolution would request the Vice Mayor to call special meetings as necessary to effectuate the redistricting plan so that the next metropolitan general election for council members can occur on August 3, 2023. The resolution further provides that if a court issues an injunction, stay, or otherwise rules that the Act is not legally binding, the existing membership shall be maintained.

Note that this resolution does not approve new council district boundaries. This resolution will provide guidance to the Planning Department, who will then prepare district boundaries in accordance with the number of districts and at-large positions determined by the Metropolitan Council. The Act requires the Planning Commission to establish new council boundaries by April 8, 2023. The Council would be required to approve the new council district boundaries in a separate action before May 1, 2023.

The following substitutes were submitted for consideration at the March 22 Council meeting:

- A substitute sponsored by Councilmembers Pulley, VanReece, and Johnston to direct the preparation of a redistricting plan consisting of 15 districts and 3 at-large positions.
- A substitute sponsored by Councilmember Bradford to direct the preparation of a redistricting plan consisting of 20 districts and no at-large positions.
- A substitute sponsored by Councilmember Hurt to direct the preparation of a redistricting plan consisting of 16 districts and 4 “super district” positions composed of 4 council districts and comprising approximately one-quarter of the population of the county.
- A substitute sponsored by Councilmember Toombs to direct the preparation of multiple redistricting plans consisting of 17 district councilmembers and 3 councilmembers at-large, 15 district council members and 5 at-large councilmembers; 20 district councilmembers and no at-large members; 16 district council members and 4 at-large councilmembers; and any other configuration that Planning Department staff deems appropriate.
- A substitute sponsored by Councilmember Gamble to direct the preparation of a

redistricting plan consisting of 16 districts and 4 at-large positions.

- A substitute sponsored by Councilmember Toombs to direct the preparation of redistricting plans consisting of 17 districts and 3 at-large positions and 15 districts and 5 at-large positions.

Sponsors: Johnston, VanReece, Vercher, Nash, Swope, Hagar and Druffel

G. Bills on Public Hearing

3. [BL2023-1691](#)

An Ordinance amending Section 17.12.030 of the Metropolitan Code, Zoning Regulations regarding street setbacks and building orientation for residential corner lots (Proposal No. 2023Z-002TX-001).

Analysis

This ordinance amends Section 17.12.030 of the Metropolitan Code of Laws related to the setbacks for corner lots.

Current law allows corner lots that have a rear setback oriented towards the rear setback of a neighboring lot and corner lots created by plat prior to the effective date of the existing ordinance to reduce the required street setback shown in Table 17.12.030A of the Metropolitan Code by 50% on the secondary street frontage. The ordinance under consideration would require that corner lots in the R20, RS20, R30, RS30, R40, RS40, R80, and RS80 zoning districts provide the full contextual street setbacks on both street frontages.

In addition, current law requires the front façades of principal structures on corner lots that have unequal lot lines abutting streets to be oriented towards the shorter lot line, except when the longer lot line of a lot zoned for office, mixed-use, commercial, or industrial use is located along an arterial street as shown on the adopted major street plan; the proposed structure will contain multiple businesses with outside entrances; or the predominant character or pattern of adjoining development is or will be oriented to the street on which the longer lot line is located as determined by the Zoning Administrator. The ordinance under consideration allows for the orientation of the front façade of a principal structure on a residential corner lot that has unequal lot lines abutting streets to orient towards the longer lot line if the previous principal structure on the lot was oriented towards the longer lot line.

This proposal is scheduled for the April 27, 2023 Planning Commission meeting. An amendment is anticipated.

Sponsors: Johnston and Henderson

H. Consent Resolutions and Resolutions

28. [RS2023-1951](#)

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

Analysis

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

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

This proposal was deferred at the March 22, 2023 meeting of the COVID-19 Financial Oversight Committee.

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

29. [RS2023-2044](#)

A resolution creating a Nashville Needs Impact Fund to help provide resources to nonprofit entities serving Nashville and Davidson County and designating certain amounts thereto.

Analysis

This resolution, as amended, establishes a Nashville Needs Impact Fund (“Fund”) as contemplated in Amendment F to Resolution No. RS2022-1827 which approved the term sheet that described the terms and conditions of the agreements related to a new enclosed multi-purpose stadium on the East Bank of the Cumberland River. The final agreements, referred to as “Definitive Documents” in the term sheet, related to the creation of the new stadium reference a “Dedicated Payment” that will be made by the Tennessee Titans to the Fund. The Stadium Lease Agreement, attached as Exhibit C to BL2023-1741 on first reading, includes a provision in section 10.5 expressly requiring an annual donation to the Authority of \$1,000,000 in the first year of the lease agreement which will increase by 3% in each subsequent lease year. The total payment over the course of the agreement will be \$47,575,416. The Intergovernmental Agreement, attached as Exhibit A to BL2023-1742 on first reading, includes a provision in section 3(j) wherein the Sports Authority assigns the annual donations to the Metropolitan Government for deposit into the Fund.

Pursuant to the resolution, the Fund would be used to provide resources to nonprofit entities serving Nashville and Davidson County in public education, public transit, affordable housing, and in supporting diversity, equity, and inclusion in sports, including gender equity. The Fund could also be used for the provision of resources to entities related to professional women’s sports infrastructure, promotion, marketing, and direct recruitment. In addition to the

Tennessee Titans annual donation to the Fund and the Metropolitan Government would also consider appropriations of other revenues generated by the new stadium, including the incremental property taxes not utilized for campus infrastructure, net rents, and local option sales taxes, to the fund.

The Council would form a committee each year to receive and consider applications from nonprofit entities and to recommend appropriations from the Nashville Needs Impact Fund, which the Council may make consistent with the purpose of the fund.

Sponsors: Withers, Rhoten, Hurt, Toombs, Pulley, Allen, Welsch, Styles, VanReece and Suara

31. [RS2023-2063](#)

A resolution extending the provisions of Chapter 5.11 of the Metropolitan Code of Laws, as enacted under Ordinance no. BL2021-972.

Analysis

This resolution extends the provisions of Chapter 5.11 of the Metropolitan Code of Laws. On December 7, 2021, the Council adopted Ordinance No. BL2021-972 which created a mechanism for providing funds for restoring and maintaining the tree canopy in Nashville and Davidson County.

BL2021-972 created a mechanism for providing funds to restore and maintain the tree canopy in Nashville and Davidson County by allocating from the general fund equivalent to one percent of the annual revenues for building permits, the annual revenues for grading permits, and the five-year average of net proceeds of general obligation bonds issues to fund construction projects. The legislation provided for an annual funding cap of \$2,500,000 per fiscal year. The program expires on June 30, 2023, unless extended by a resolution of the Metropolitan Council.

The Council has appropriated up to \$2,500,000 to the Cumberland River Compact ("CRC") to provide tree canopy restoration and maintenance pursuant to Resolution No. RS2022-1599. That agreement terminates upon the end of the program or June 30, 2025, whichever occurs first. CRC is on pace to plant 4,500 trees this fiscal year. CRC has also approved subgrants to other nonprofits including Trevecca, Progress, Inc., the Nashville Tree Conservation Corps, Green Interchange, the Nashville Tree Foundation, the Native American Indian Association, and the Historic Germantown Neighborhood Association.

The resolution under consideration extends the tree canopy program until March 1, 2026.

Sponsors: Allen, Welsch, Hancock, Sledge, Styles, Henderson, OConnell and Gamble

32. [RS2023-2086](#)

A resolution authorizing the Metropolitan Government to join the State of Tennessee and other local governments in amending the Tennessee State-Subdivision Opioid Abatement Agreement and approving the related settlement agreements.

Analysis

This resolution authorizes the Metropolitan Government to join the State of Tennessee and other local governments in amending the Tennessee State-Subdivision Opioid Abatement Agreement and approving the related settlement agreements. The Council previously approved participation in this settlement pursuant to Resolution No. RS2021-1235. This settlement resolves years of complex litigation related to the opioid epidemic.

The Metropolitan Government filed suit in 2017 in *Metropolitan Gov't v. Purdue Pharma, L.P., et al.*, in the Middle District of Tennessee. That lawsuit became part of the nationwide multi-district litigation that resulted in the settlement at issue in this resolution. This resolution seeks to authorize Metro's participation in an amendment to that settlement, which amends the settlement agreements to include numerous other opioid distributors and retailer defendants.

This is a settlement with the three largest pharmaceutical distributors AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson ("J&J"). This litigation alleged various claims arising out of the manufacture and distribution of opioids. Metro is a named plaintiff in this litigation.

In November 2021, the Council approved Metro Nashville's participation in the agreement between the State of Tennessee and its political subdivisions (including Metro) as to how settlement funds will be distributed. Metro has received millions of dollars related to this settlement and will continue to receive funds for the next 17 years. The Metropolitan Department of Health is actively developing recommendations for the use of the funds with input from community-based organizations and relevant departmental stakeholders. The recommendations will be presented to the Mayor's Office for consideration and then a plan will be presented to the Metropolitan Council for consideration and approval.

The amendment to the settlement agreement under consideration includes settlement of claims against Teva Pharmaceutical Industries, Ltd., Allergan Finance, LLC, CVS Health Corporation, Walgreen Co., and Walmart, Inc. The settlement distribution between states and subdivisions in the revised agreement is identical to the original agreement. The amendment merely rolls in the additional defendants based on those same terms with the settlement amounts that the new defendants have agreed to pay.

The distribution in the original and amended agreement are as follows:

- Subdivision Fund: 15% of the funds will be paid directly to counties and certain municipalities that participate in the settlement. It is anticipated that these funds will be used for opioid abatement-related purposes.
- Abatement Fund: 70% of the funds will be paid into a new, statutorily created Opioid Abatement Fund. By law, these funds are placed in a trust and must be spent on future opioid abatement and remediation programs and expenditures. Funds are controlled by the independent Tennessee Opioid Abatement Council. 35% of funds, however, must be directed to counties participating in the settlements, and each county will determine

how to spend its share of these funds on approved abatement programs in their communities.

- State Fund: 15% of the funds will be paid directly to the State. It is anticipated that these funds will be used for opioid abatement-related purposes.

The Metropolitan Department of Law recommends the Council approve the amended settlement agreement.

Sponsors: Rhoten and Syracuse

33. [RS2023-2087](#)

A resolution authorizing the Metropolitan Mayor to submit the Nashville-Davidson Community Development Block Grant- Disaster Recovery (CDBG-DR) Action Plan for funds allocated to Metropolitan Nashville-Davidson County from the U. S. Department of Housing and Urban Development (HUD) to recover from Presidentially Disaster declaration 4601-DR-TN.

Analysis

This resolution authorizes the Metropolitan Mayor to submit the Nashville-Davidson Community Development Block Grant - Disaster Recovery (CDBG-DR) Action Plan. In May 2022, there was a Presidential Disaster Declaration that resulted in the award of \$8,518,000 in CDBG-DR funds to assist in long-term recovery efforts related to the historic rain and flash flooding on March 27 and 28, 2021. The funds must be spent in the Most Impacted and Distressed (“MID”) area, which has been identified as the 37211 zip code.

The Metropolitan Development and Housing Agency (“MDHA”) is the lead agency responsible for the preparation of the Five-Year Consolidated Plan for Housing and Community Development for the Metropolitan Government.

In order to access the CDBG-DR funds, the Department of Housing and Urban Development (“HUD”) has directed grantees to prepare an Action Plan to allocate the funds to eligible activities and projects. The CDBG-DR Action Plan allocates funds to the following activities:

Category	Remaining Unmet Need	% of Unmet Need	Program Allocation	Amount	% of Program Allocation
Administration	\$425,900	5%			
Planning	\$425,900	5%			
Housing	\$1,171,800,000	100%	\$6,555,200		77%
Mitigation	\$1,111,000	13%			
Total	\$8,518,000	100%			

A total of \$7,666,200 would be allocated for activities associated with the development of Affordable Housing and mitigation features incorporated into the affordable housing development during the design phase based on factors such as site location, facility layout/design, cost, and other factors. The funds will be used to make grants and/or loans to entities to pay for the costs associated with the development of affordable housing, a minimum of 70% will benefit low-to-moderate income households. \$851,800 would be allocated for

planning and grant management.

MDHA, in accordance with its HUD-approved Citizen Participation Plan, held a virtual public hearing on January 31, 2023 and an in-person public hearing on February 6, 2023 at Casa Azafran, located within the MID. The 30-day public comment period opened on January 25, 2023 and closed on February 25, 2023.

Sponsors: Rhoten

34. [RS2023-2088](#)

A resolution to approve the Fourth Amendment to the Lease Agreement between The Metropolitan Government of Nashville and Davidson County and 404 James Robertson Prop, LLC for office space in the Parkway Towers Building located at 404 James Robertson Parkway. (Proposal No. 2023M-010AG-001).

Analysis

This resolution approves the fourth amendment to a lease agreement between the Metropolitan Government and 404 James Robertson Prop, LLC for office space in the Parkway Towers Building located at 404 James Robertson Parkway.

In November 2013, the Council approved Ordinance No BL2013-555, which approved a new lease agreement for the continued occupancy of the public defender's office and justice information services (JIS), and the addition of the department of human resources, the human relations commission, and the internal auditor. The agreement contemplated a future increase in the amount of the leased space through a right of first refusal granted to Metro. In May 2014, the council approved an amendment to the lease to add space for use by the public defender via Resolution No. RS2014-1079. In June 2015, the Council approved a second amendment to increase the number of reserved parking spaces provided to Metro from six spaces to 13 spaces via Resolution No. RS2015-1531. In November 2021, the Council approved a third amendment to expand the space leased by Metro for an additional 5,705 square feet of space located on the 15th floor of the building, bringing the total spaced leased by Metro to 55,593 square feet, via Resolution No. RS2021-1210.

The amendment under consideration provides that, as of May 31, 2023, Metro will vacate 1,855 rentable square feet of space located on the first floor of the building. In addition, the term of the lease agreement will be extended by two months, from August 31, 2023 to October 31, 2023. During the lease period for June 1, 2023 to October 31, 2023, Metro will pay a monthly rent of \$88,648.09.

Fiscal Note: This amendment reduces the rentable space by 1,855 square feet from 55,593 to 53,738 square feet effective May 31, 2023, and extends the lease terms from August 31, 2023, to October 31, 2023. The monthly rent for the lease period June 1, 2023, to October 31, 2023, will be \$88,648.09, based on the annualized rate of \$18.94 per square foot of the 48,033 rentable square feet and the annualized rate of \$27 per square foot of the 5,705 rentable square feet, The Suite 1510 Expansion Premises. The amendment reduces the monthly rent by \$2,928.05.

Sponsors: Rhoten and Withers

35. [RS2023-2089](#)

A resolution accepting a grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide the Community Health Access and Navigation in Tennessee (CHANT) Program to deliver comprehensive care coordination services to eligible families and children.

Analysis

This resolution accepts a grant from the Tennessee Department of Health to the Metropolitan Board of Health in an amount not to exceed \$2,026,200 with no cash match required. This grant will be used to provide the Community Health Access and Navigation in Tennessee (CHANT) Program to deliver comprehensive care coordination services to pregnant and postpartum adolescents and women; all children less than 5 years of age; TennCare kids eligible (up to 21 years old); and children and youth with special health care needs (up to 21 years old). The grant terms begins on July 1, 2023 and ends on June 30, 2024.

Sponsors: Rhoten and Syracuse

36. [RS2023-2090](#)

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

Analysis

This resolution approves amendment one to a Strengthening Public Health Infrastructure, Workforce, and Data Systems grant from the Centers for Disease Control and Prevention to the Metropolitan Board of Health, originally approved by Resolution No. RS2023-1955. The grant is used for implementation of workforce strategies to build organization resilience, promote employee well-being, and enhance workforce performance while focusing on building healthier communities. The total grant amount is not to exceed \$8,578,283 with no local cash match required. The term of the grant ends November 30, 2027.

The amendment under consideration reduces the amount of indirect costs collection by \$2,947 by moving from the Indirect Costs line item into the Direct Cost line item. There are no changes to the total funding amount or to any terms of the grant.

Sponsors: Rhoten and Syracuse

37. [RS2023-2091](#)

A resolution approving amendment two to a Presumptive Eligibility Services grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide prenatal presumptive eligibility program enrollment assistance to pregnant women with TennCare and CoverKids applications.

Analysis

This resolution approves amendment two to a Presumptive Eligibility Services grant from the Tennessee Department of Health to the Metropolitan Board of Health, originally approved by Resolution No. RS2019-1817. Amendment one to the grant was approved by Resolution No. RS2022-1489. The grant is used to provide prenatal presumptive eligibility program enrollment assistance to pregnant women with TennCare and CoverKids applications.

The amendment under consideration increases the grant amount by \$206,600, from \$826,400 to \$1,033,000, and extends the end date of the grant from June 30, 2023 to June 30, 2024. The amendment replaces the Grant Budget attachment to reflect these changes. The amendment also adds Attachment 7, Federal Award Identification Worksheet.

Sponsors: Rhoten and Syracuse

38. [RS2023-2092](#)

A resolution approving an application for a Project Safe Neighborhoods (PSN) grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to reduce gun related violence in Nashville by funding additional training, staff overtime, and the purchase of additional forensic equipment.

Analysis

This resolution approves an application for a Project Safe Neighborhoods (PSN) grant from the Tennessee Department of Finance and Administration to the Metropolitan Nashville Police Department with a grant award of \$167,335 and no cash match required. If the grant is awarded, the proceeds would be used to reduce gun related violence in Nashville and Davidson County by funding for staff overtime, purchase of additional forensic equipment, the Leisca FSC microscope and imaging station for the MNPDP Crime Lab.

Sponsors: Rhoten and Syracuse

39. [RS2023-2093](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Angelino Mulzer against the Metropolitan Government for \$26,426.65, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On February 27, 2023, an MNPDP officer was traveling east on I-24 and attempted to merge into another lane of traffic. Traffic had come to a stop in front of him, and the MNPDP officer collided with the vehicle in front of him, which was pushed into the rear of a vehicle driven by Angelino Mulzer. Mr. Mulzer's vehicle was then pushed into the rear of another vehicle.

Mr. Mulzer's vehicle received damage to the frame, trailer hitch, tow hook, steps, and front and rear bumpers. The property damage totaled \$26,426.65.

The Metropolitan Department of Law recommends settlement of Mr. Mulzer's property damage claim for \$26,426.65.

Fiscal Note: This \$26,426.65 settlement would be the 25th payment from the Self-Insured Liability Fund in FY23 for a cumulative total of \$846,766. The fund balance would be \$17,107,916 after these payments.

Sponsors: Rhoten

40. [RS2023-2094](#)

A resolution authorizing the Director of Public Property, or his designee, to transfer to the State of Tennessee, via the attached easement agreement, a temporary construction easement over a portion of property owned by the Metropolitan Government of Nashville and Davidson County located within or adjacent to Broadway Avenue (Highway 70).

Analysis

This resolution authorizes the Director of Public Property to execute an easement agreement granting a temporary construction easement to the State of Tennessee over a portion of property owned by the Metropolitan Government located within or adjacent to Broadway Avenue. The Tennessee Department of Transportation requires use of this temporary construction easement to complete renovation and improvement work upon the Broadway Avenue (Highway 70) right-of-way.

Future amendments to this legislation may be approved by resolution.

Sponsors: Rhoten and Pulley

41. [RS2023-2095](#)

A resolution authorizing MCBC Downtown, LLC to construct and install an aerial encroachment at 104 Rep. John Lewis Way, S. (Proposal No.2022M-031EN-001).

Analysis

This resolution authorizes MCBC Downtown, LLC to construct, install, and maintain an aerial encroachment at 104 Rep. John Lewis Way South. The encroachment comprises one double-faced, illuminating projecting sign encroaching the public right-of-way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign. Prior to receiving a permit, the applicant must file a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk and the Nashville Department of Transportation and Multimodal Infrastructure naming the Metropolitan Government as an insured party.

Sponsors: Withers and Pulley

42. [RS2023-2096](#)

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, Mapco Express, Inc., to provide improved public sanitary sewer

service through the construction of an improved stormwater system (Project No. SWGR 2022018618 and Proposal Number 2023M-002AG-001).

Analysis

This resolution approves a participation agreement between the Metropolitan Department of Water and Sewerage Services (“MWS”) and Mapco Express, Inc. (“Mapco”).

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.

Pursuant to the terms of this participation agreement, Mapco will provide improved public sanitary sewer service through the construction of an improved stormwater system in the Kerrigan Basin. Mapco is constructing a convenience store and fueling station in the combined sewer system for the Kerrigan Basin and has agreed to provide on-site stormwater control measures and to provide MWS the amount of \$200,000 to fund the design and construction of the current and new stormwater infrastructure, according to the terms of the CSEP Separation Project Participation Agreement.

Fiscal Note: The Department of Water and Sewerage Services will receive \$200,000 from Mapco Express, Inc. towards the Combined Sewer Elimination Program to fund the design and construction of the current and new stormwater systems for the Kerrigan Basin.

Sponsors: Rhoten, Withers and Pulley

J. Bills on Second Reading

92. [BL2022-1630](#)

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

Analysis

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

The NFTAB would be composed of nine members. Two members would be appointed by the mayor, three members would be selected by the Council from nominations submitted by the entertainment industry at large, one member would be selected by the Council from nominations from each of the following: the International Alliance of Theatrical Stage Employees, the Screen Actors Guild - American Federation of Television and Radio Artists, the American Federation of Musicians, and the NECAT Board of Directors. All members would be required to hold occupation in the entertainment industry, defined to include “film, television,

digital streaming content, virtual/augmented reality or within the metaverse/omniverse.” Members would be required to have a minimum of five years of professional experience. Members of the board would serve without compensation and serve staggered three-year terms.

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

Fiscal Note: The pay for a Director of Music, Film & Entertainment would depend on the duties and functions of the position, whether it is Civil Service or not in accordance with the Metro Charter and other applicable provisions, as well as where and how the position is housed. If housed and employed by the Mayor’s Office as a non-Civil Service position, the pay for this position could be in the range of \$100,000 plus benefits dependent of functions and duties. There was a \$100,000 appropriation in the FY23 operating budget for a “Director of Music, Film & Entertainment” (1.0 FTE) to “support our creative class and protect Music City’s future.” The potential for other staff is speculative at this point, but for purposes of consideration, the salary range for administrative staff classed at ASO02 is \$43,647 to \$56,740 plus approximately \$22,624 - \$25,242 for benefits. The salary range for administrative staff classed at ASO03 is \$52,575 to \$68,344 plus approximately \$24,410 - \$27,562 for benefits.

Sponsors: Swope, Syracuse, Hall, Rutherford, Hancock and VanReece

93. [BL2022-1631](#)

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

Analysis

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

The NEC would be composed of fifteen members. Four members would be appointed by the mayor, two members would be elected by the Council, one member would be a Councilmember elected by the Council’s Public Facilities, Arts, and Culture Committee, five members would be selected from nominations submitted from the entertainment industry at large, one member would be selected by the Council from nominations from each of the following: the International Alliance of Theatrical Stage Employees, the Screen Actors Guild - American Federation of Television and Radio Artists, and the American Federation of Musicians. All members would be required to hold occupation in the entertainment industry, defined to include “music, film, television, digital streaming content, virtual/augmented reality or

within the metaverse/omniverse.” Members would be required to have a minimum of five years of professional experience. Members of the commission would serve without compensation and serve staggered five-year terms.

The initial goals of the NEC would be to create and maintain a strong brand identity for Nashville and Davidson County related to the entertainment industry, assist Nashville pursuing top-tier ranking within the national and international entertainment industry publications and rating services, to provide significant and sustained assistance and investment in the entertainment industry in Nashville, and help grow the entertainment workforce in Nashville and Davidson County, along with additional goals regarding workforce development, diversity and inclusion, quality of life issues, and community outreach.

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

This ordinance was reinstated onto the agenda pursuant to Rule 8 of the Council Rules of Procedure. A substitute to this ordinance is anticipated.

Fiscal Note: The pay for a Director of Music, Film & Entertainment would depend on the duties and functions of the position, whether it is Civil Service or not in accordance with the Metro Charter and other applicable provisions, as well as where and how the position is housed. If housed and employed by the Mayor’s Office as a non-Civil Service position, the pay for this position could be in the range of \$100,000 plus benefits dependent of functions and duties. There was a \$100,000 appropriation in the FY23 operating budget for a “Director of Music, Film & Entertainment” (1.0 FTE) to “support our creative class and protect Music City’s future.” The potential for other staff is speculative at this point, but for purposes of consideration, the salary range for administrative staff classed at ASO02 is \$43,647 to \$56,740 plus approximately \$22,624 - \$25,242 for benefits. The salary range for administrative staff classed at ASO03 is \$52,575 to \$68,344 plus approximately \$24,410 - \$27,562 for benefits.

Sponsors: Styles, Welsch, Toombs, Sepulveda, Evans, Suara, Gamble, Murphy, Porterfield and Allen

95. [BL2023-1742](#)

An ordinance requiring the Metro Division of Housing to establish a public dashboard on how the city is addressing the issue of housing affordability in Nashville and Davidson County.

Analysis

This ordinance directs the Metropolitan Planning Department, through its Housing Division, to create a dashboard to track funding, development, and preservation of subsidized homeownership and rental housing. This would include when units were funded, their completion status, and when affordability restrictions expire. The Housing Division will also

track the number of subsidized owner-occupied units preserved through home rehabilitation and improvement programs annually.

For the purposes of the ordinance, “subsidized units” are (1) income-restricted units funded or incentivized through a Metro resource, including grants, loans, property awards, and tax incentives and abatements, including those administered by agencies, boards, and commissions (such as the Industrial Development Board and the Health and Educational Facilities Board) or another entity on behalf of Metro (such as MDHA) and (2) income-restricted units funded by state or federal funds or resources awarded to Metro Nashville through direct allocation or competitive award and/or administered on behalf of Metro Nashville.

By July 1, 2023, the Housing Division is required to publish the total number of subsidized units funded for development and/or rehab annually since 2018. In addition, by this same date, the Housing Division is required to establish a reporting method and schedule for collecting data and will work with organizations administering subsidized programs to complete the inventory by June 30, 2024.

The dashboard must be available and accessible to the public by January 1, 2024. This dashboard should also provide a baseline of Davidson County’s housing needs for households with incomes at or below 80% of the Area Median Income as defined by the U.S. Department of Housing and Urban Development and may include additional metrics as identified by the Housing Division as best practices. The dashboard will be updated quarterly.

Finally, this ordinance repeals Resolution No. RS2018-1242, which requested the Mayor’s Office of Housing to provide periodic reports on affordable housing to the Council’s Ad Hoc Affordable Housing Committee.

Sponsors: Allen, Evans, Suara, Porterfield, Hausser, Mendes, Parker, Sepulveda, Sledge, Taylor, Toombs and Welsch

96. [BL2023-1783](#)

An ordinance to correct the staggering of the Metropolitan Human Relations Commission, as codified in Chapter 2.132 of the Metropolitan Code of Laws.

Analysis

This ordinance seeks to correct the staggering of members of the Metropolitan Human Relations Commission. Chapter 2.132 of the Metropolitan Code of Laws created the Metropolitan Human Relations Commission (“MHRC”). The MHRC is made up of 17 members with staggered terms of three years.

In 1999, due to a mistake on appointment letters, six members were appointed to two-year terms instead of three-year terms and this pattern was maintained for over two decades. Currently, 11 members have terms that are set to expire on April 18, 2025. In order to correct this staggering, this ordinance states that, when reappointing the 11 seats of the MHRC that are set to expire on April 18, 2025, five seats will serve until April 18, 2028 and six seats will

serve until April 18, 2029. Thereafter, all members will serve terms of three years.

Sponsors: Sepulveda and Porterfield

97. [BL2023-1784](#)

An ordinance approving a participation agreement and temporary construction easement between the Metropolitan Government of Nashville and Davidson County, through the Metropolitan Board of Parks and Recreation, and 1000 2nd Ave N, LP for improvements within a portion of the greenway. (Proposal No. 2023M-005AG-001).

Analysis

This ordinance approves a participation agreement and a temporary construction easement between the Metropolitan Board of Parks and Recreation and 1000 2nd Ave N, LP, for improvements within a portion of a property in the Metro greenway system. 1000 2nd Ave N, LP, proposes to construct improvements within a portion of the greenway located at 914 2nd Avenue North at no cost to the Metropolitan Government. 1000 2nd Ave N, LP, further proposes to be responsible for ongoing care and maintenance of such improvements.

This proposal was approved at the December 6, 2022 meeting of the Metropolitan Board of Parks and Recreation, subject to Metro Parks' design approval and permanent maintenance of the owners.

Sponsors: OConnell, Rhoten, Withers, Hurt, Pulley and Allen

98. [BL2023-1785](#)

An ordinance authorizing C.B. Ragland Company to install, construct and maintain aerial and underground encroachments in the right of way located 118 12th Ave South. (Proposal No. 2022M-020EN-001)

Analysis

This ordinance authorizes C.B. Ragland Company to install, construct, and maintain aerial and underground encroachments in the right-of-way located at 118 12th Avenue South. The encroachments include a canopy and irrigation lines, encroaching the public right-of-way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments. Prior to receiving a permit, the applicant must file a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk and the Nashville Department of Transportation and Multimodal Infrastructure naming the Metropolitan Government as an insured party.

Sponsors: OConnell, Withers and Pulley

99. [BL2023-1786](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at 2239 Edge O Lake Drive, also known as Canyon Ridge Phase 5, (MWS Project Nos. 20-WL-157 and 20-SL-309 and Proposal No. 2023M-014ES-001).

Analysis

This ordinance accepts approximately 1,423 linear feet of new eight-inch water main (DIP), approximately 960 linear feet of new eight-inch sanitary sewer main (PVC), approximately 278 linear feet of new eight-inch sanitary sewer main (DIP), four fire hydrant assemblies, 15 sanitary sewer manholes and easements for property located at 2239 Edge O Lake Drive, also known as Canyon Ridge Phase 5.

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

Sponsors: Vercher, Withers and Pulley

100. [BL2023-1787](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for two properties located at 4927 Buena Vista Pike and Buena Vista Pike (unnumbered), also known as 4927 Buena Vista SP Development (MWS Project Nos. 22-WL-17 and 22-SL-36 and Proposal No. 2023M-021ES-001).

Analysis

This ordinance accepts approximately 1,714 linear feet of new eight-inch water main (DIP), approximately 350 linear feet of new eight-inch sanitary sewer main (DIP), approximately 1,453 linear feet of new eight-inch sanitary sewer main (PVC), two fire hydrant assemblies, 14 sanitary sewer manholes and easements for two properties located at 4927 Buena Vista Pike and Buena Vista Pike (unnumbered), also known as 4927 Buena Vista SP Development.

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

101. [BL2023-1788](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sanitary sewer manhole and easements, for property located 155 Lafayette Street, also known as the Tennessee Justice Center (MWS Project Nos. 22-SL-188 and Proposal No. 2023M-020ES-001).

Analysis

This ordinance abandons approximately 172 linear feet of existing eight-inch sanitary sewer main, one sanitary sewer main, one sanitary sewer manhole and easements for property located at 155 Lafayette Street, also known as the Tennessee Justice Center.

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

Sponsors: Sledge, Withers and Pulley

102. [BL2023-1789](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer mains, sanitary sewer manholes, and easements, and to accept new sanitary sewer mains, sanitary sewer manholes and easements, for five properties located on 41st Avenue North, Clifton Avenue, and Indiana Avenue (MWS Project No. 21-SL-294 and Proposal No. 2023M-022ES-001).

Analysis

This ordinance abandons approximately 430 linear feet of existing eight-inch sanitary sewer main, two sanitary sewer manholes and easements, and accepts of approximately 690 linear feet of new eight-inch sanitary sewer main (PVC), approximately 102 linear feet of new eight-inch sanitary sewer main (DIP), 11 sanitary sewer manholes and easements for five properties located on 41st Avenue North, Clifton Avenue, and Indiana Avenue.

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

Sponsors: Taylor, Withers and Pulley

103. [BL2023-1790](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for three properties located at 839 West Trinity Lane and West Trinity Lane (unnumbered), also known as 839 West Trinity Lane Townhomes (MWS Project Nos. 22-WL-65 and 22-SL-136 and Proposal No. 2023M-024ES-001).

Analysis

This ordinance accepts approximately 2,275 linear feet of new eight-inch water main (DIP), approximately 465 linear feet of new eight-inch sanitary sewer main (DIP), approximately 1,811 linear feet of new eight-inch sanitary sewer main (PVC), five fire hydrant assemblies, 20 sanitary sewer manholes and easements for three properties located at 839 West Trinity Lane and West Trinity Lane (unnumbered), also known as 839 West Trinity Lane Townhomes.

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

104. [BL2023-1791](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main, sanitary sewer manholes, fire hydrant assembly and easement, and to accept new public sanitary sewer main, sanitary sewer manholes and fire hydrant assembly, for property located at 2212 12th Avenue South (MWS Project Nos. 22-SL-176 and 22-WL-87 and Proposal No. 2023M-023ES-001).

Analysis

This ordinance abandons approximately 404 linear feet of existing eight-inch sanitary sewer main, two sanitary sewer manholes, one fire hydrant assembly and easement, and accepts approximately 423 linear feet of new eight-inch sanitary sewer main (PVC), three sanitary sewer manholes and one fire hydrant assembly for property located at 2212 12th Avenue South.

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

Sponsors: Sledge, Withers and Pulley

105. [BL2023-1792](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water main and fire hydrant assembly, for property located at 1620 Corporate Place (MWS Project No. 22-WL-002 and Proposal No. 2023M-026ES-001).

Analysis

This ordinance accepts approximately 490 linear feet of new eight-inch water main (DIP) and one fire hydrant assembly for property located at 1620 Corporate Place.

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

Sponsors: Withers, Pulley and Lee

K. Bills on Third Reading

106. [BL2023-1743](#)

An ordinance to provide for the designation of public property within specified areas of downtown Nashville as a temporary “Special Event Zone” during the time period beginning at six o’clock (6:00) a.m. on June 7, 2023, and ending at midnight (12:00) on June 12, 2023, relative to the use of these areas in conjunction with the 2023 CMA Fest and related activities and events.

Analysis

This ordinance approves a temporary “Special Event Zone” for the downtown area, in conjunction with the 2023 CMA Fest and related activities and events from June 7, 2023 until June 12, 2023. A map of the Special Event Zone areas established under this ordinance is attached to the ordinance. Activity restrictions within the Special Event Zone would begin at 6:00 a.m. on Wednesday, June 7, 2023, and end at midnight on Monday, June 12, 2023. Activities on public property or in the public right-of-way within the Special Event Zone are regulated as follows:

- The sale of any food, beverages, goods, or merchandise would be prohibited, unless street vendors obtain a “Special Event Zone” permit from CMA in order to sell within the geographic area listed above.

- Alcoholic beverages provided, served, or sold from any temporary outdoor use would be prohibited, except as authorized.
- The sale or distribution of merchandise pertaining to the CMA Fest, where it is apparent on its face that the merchandise is not licensed by CMA, would be prohibited.
- No tents or membrane structures of any kind would be permitted, except as authorized by CMA or Metro for public safety purposes.
- The construction, placement, occupation, or use of any temporary structure would be prohibited except those sanctioned and authorized by the CMA.
- The distribution, promotional give-away activity, or provision of free products, services, or coupons by persons or entities that are not event sponsors officially sanctioned and authorized by CMA would be prohibited, except within any Public Participation Area.
- Vehicles would be allowed only as directed by Metropolitan Nashville Police.
- No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, would be permitted within the Special Event Zone.
- No handguns, rifles, or firearms would be permitted. (Tennessee Code Annotated § 39-17-1359)
- No knives, swords, or other fighting devices would be permitted.
- No fireworks, firecrackers, or explosive devices of any type would be permitted, except exhibitions permitted by CMA.
- The Special Event Zone would be a “no fly zone.”

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

Fiscal Note: This ordinance places restrictions on the activities that would be allowed to take place within the special event zone during the 2023 CMA Fest. However, no additional Metro personnel or overtime would be required just for the enforcement of these restrictions.

Sponsors: OConnell

107. [BL2023-1744](#)

An ordinance approving a greenway conservation easement on certain property located at 801 12th Ave N Nashville, TN 37203 (Parcel No. 09204032300) owned by Union Brick RE LLC (Proposal No 2023M-012ES-001).

Analysis

This ordinance accepts a greenway conservation easement for property located at 801 12th Avenue North, owned by Union Brick RE, LLC. The easement will have a total area of 3,002 square feet. There is no cost to Metro to acquire the easement. Future amendments to this easement agreement may be approved by resolution.

Pursuant to Tenn. Code Ann. § 66-9-305 and Metropolitan Charter § 2.01, the Metropolitan Government may accept donations of property interests for the purpose of establishing greenways and providing the public with recreational opportunities in natural areas.

This ordinance has been approved by the Planning Commission.

Sponsors: OConnell, Rhoten, Withers, Hurt, Pulley and Allen

108. [BL2023-1745](#)

An ordinance authorizing the Director of Public Property, or his designee, to donate to the State of Tennessee, via quitclaim deeds, real property consisting of approximately 0.136 acres located at 6681 Nolensville Pike (Map 181-00 Parcel 102) and 6655 Nolensville Pike (Map 181-00 Parcel 6) for use in construction at S.R. 11, US-31A, Nolensville Road from South of Burkitt Road near S. R. 254, Old Hickory Boulevard, State Project No. 19028-2242-14, Federal Project No. NH-11 (80), PIN No. 105766.01 (Proposal No. 2023M-002PR-001).

Analysis

This ordinance authorizes the Director of Public Property to donate to the State of Tennessee, via quitclaim deeds, approximately 0.136 acres of real property located at 6681 Nolensville Pike and 6655 Nolensville Pike for use in construction at Nolensville Road from South of Burkitt Road near Old Hickory Boulevard. The ordinance also provides that all easements will be retained by the Metropolitan Government. Any proposed construction over, above, or under existing utilities would require the approval of the Director of Water and Sewerage Services, along with any other relevant departments or agencies, including the Nashville Electric Service.

Future amendments to this legislation may be approved by resolution.

Sponsors: Swope, Rhoten, Withers and Pulley

109. [BL2023-1746](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main and to accept new public water main, for two properties located at 2309 and 2315 Clifton Avenue, also known as Clifton Triangle (MWS Project No. 22-WL-33 and Proposal No. 2023M-003ES-001).

Analysis

This ordinance abandons approximately 583 linear feet of existing six-inch water main and accepts approximately 583 linear feet of new eight-inch water main (DIP), for two properties located at 2309 and 2315 Clifton Avenue, also known as Clifton Triangle.

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. Abandoned easements have no market value according to the Department of Water Services.

Sponsors: Taylor, Withers and Pulley

110. [BL2023-1747](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manholes and easements, for property located at Brick Church Pike (unnumbered), also known as Brick Church Pike Subdivision (MWS Project Nos. 22-WL-83 and 22-SL-174 and Proposal No. 2023M-005ES-001).

Analysis

This ordinance accepts approximately 987 linear feet of new eight-inch water main (DIP), approximately 1,229 linear feet of new eight-inch sanitary sewer main (PVC), one fire hydrant assembly, six sanitary sewer manholes and easements for property located at Brick Church Pike (unnumbered), also known as Brick Church Pike Subdivision.

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. Abandoned easements have no market value according to the Department of Water Services.

Sponsors: Gamble, Withers and Pulley

111. [BL2023-1748](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon an existing public utility easement, for property located at 1702 17th Avenue North (Proposal No. 2023M-009ES-001).

Analysis

This ordinance abandons a portion of an existing 10-foot public utility easement located at 1702 17th Avenue North.

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. Abandoned easements have no market value according to the Department of Water Services.

Sponsors: Taylor, Withers and Pulley

112. [BL2023-1749](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a new public sanitary sewer force main and easement, for property located at 6785 A Sunnywood Drive, also known as Sunnywood Place (MWS Project No. 21-SL-214 and Proposal No. 2023M-015ES-001).

Analysis

This ordinance accepts approximately 355 linear feet of new two-inch sanitary sewer force main (PVC), and easement for property located at 6785 A Sunnywood Drive, also known as

Sunnywood Place.

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: Rutherford, Withers and Pulley

113. [BL2023-1750](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer mains, sanitary sewer manholes and easements, for three properties located at 1145 and 1201 Neely's Bend Road and Neely's Bend Road (unnumbered), also known as Fox Valley Phase 2 (MWS Project No. 22-SL-21 and Proposal No. 2023M-008ES-001).

Analysis

This ordinance accepts approximately 1,434 linear feet of new eight-inch sanitary sewer main (PVC), approximately 607 linear feet of new eight-inch sanitary sewer main (DIP), 13 sanitary sewer manholes and easements for three properties located at 1145 and 1201 Neely's Bend Road and Neely's Bend Road (unnumbered), also known as Fox Valley Phase 2.

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: Hancock, Withers and Pulley

114. [BL2023-1751](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer main, sanitary sewer manholes and easements, for property located at 1201 Neely's Bend Road, also known as Fox Valley Phase 3, (MWS Project No. 22-SL-22 and Proposal No. 2023M-010ES-001).

Analysis

This ordinance accepts approximately 1,151 linear feet of new eight-inch sanitary sewer main (PVC), six sanitary sewer manholes and easements for property located at 1201 Neely's Bend Road, also known as Fox Valley Phase 3.

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: Hancock, Withers and Pulley

115. [BL2023-1752](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public combination and sanitary sewer mains and sanitary sewer manholes, and to accept new public sanitary sewer main and sanitary sewer manholes, for property located at 915 Division Street, also known as Society Nashville (MWS Project No. 22-SL-08 and Proposal No. 2023M-004ES-001).

Analysis

This ordinance abandons approximately 359 linear feet of existing 30-inch combination sewer main (brick), approximately 272 linear feet of existing eight-inch sanitary sewer main (PVC) and three sanitary sewer manholes and accepts approximately 276 linear feet of new eight-inch sanitary sewer main (PVC) and five sanitary sewer manholes, for property located at 915 Division Street, also known as Society Nashville.

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 and abandoned easements have no market value according to the Department of Water Services.

Sponsors: OConnell, Withers and Pulley

116. [BL2023-1753](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water main, for property located at 5 City Boulevard (MWS Project No. 22-WL-104 and Proposal No. 2023M-006ES-001).

Analysis

This ordinance accepts approximately 46 linear feet of new eight-inch water main (DIP) for property located at 5 City Boulevard.

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: Taylor, Withers and Pulley

117. [BL2023-1754](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manholes and easements, for two properties located at 5978 and 5984 Edmondson Pike

(MWS Project Nos. 20-WL-145 and 20-SL-297 and Proposal No. 2023M-013ES-001).

Analysis

This ordinance accepts approximately 719 linear feet of new eight-inch water main (DIP), approximately 7 linear feet of new six-inch water main (DIP), approximately 1,004 linear feet of new eight-inch sanitary sewer main (PVC), one fire hydrant assembly, six sanitary sewer manholes and easements for two properties located at 5978 and 5984 Edmonson Pike.

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: Swope, Withers and Pulley

118. [BL2023-1755](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at 6018 Mount View Road, also known as Campbell Crossings Townhomes (MWS Project Nos. 20-WL-80 and 20-SL-154 and Proposal No. 2023M-018ES-001).

Analysis

This ordinance accepts approximately 645 linear feet of new eight-inch water main (DIP), approximately 899 linear feet of new eight-inch sanitary sewer main (PVC), approximately 782 linear feet of new eight-inch sanitary sewer main (DIP), three fire hydrant assemblies, 12 sanitary sewer manholes and easements for property located at 6018 Mount View Road, also known as Campbell Crossings Townhomes.

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: Withers and Pulley

119. [BL2023-1756](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer mains, sanitary sewer manholes and easements, and to accept new public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for two properties located at 420 Green Lane and Tisdall Drive (unnumbered), also known as Ridgecrest at Vista Phase 2 (MWS Project Nos. 21-WL-41 and 21-SL-101 and Proposal No. 2023M-016ES-001).

Analysis

This ordinance abandons approximately 2,016 linear feet of existing eight-inch sanitary sewer main, approximately 940 linear feet of existing 10-inch sanitary sewer main, 12 sanitary sewer manholes and easements and accepts approximately 2,766 linear feet of new eight-inch water main (DIP), approximately 1,683 linear feet of new eight-inch sanitary sewer main (PVC), approximately 435 linear feet of new eight inch sanitary sewer main (DIP), approximately 1,360 linear feet of new 10-inch sanitary sewer main (PVC), approximately 380 linear feet of new 10-inch sanitary sewer main (DIP), five fire hydrant assemblies, 30 sanitary sewer manholes and easements for two properties located at 420 Green Lane and Tisdall Drive (unnumbered), also known as Ridgecrest at Vista Phase 2.

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 and abandoned easements have no market value according to the Department of Water Services.

Sponsors: Gamble, Withers and Pulley

120. [BL2023-1757](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at 12474 Old Hickory Boulevard, (MWS Project Nos. 22-WL-47 and 22-SL-108 and Proposal No. 2023M-017ES-001).

Analysis

This ordinance accepts approximately 1,081 linear feet of new eight-inch water main (DIP), approximately 739 linear feet of new eight-inch sanitary sewer main (PVC), approximately 207 linear feet of new eight-inch sanitary sewer main (DIP), two fire hydrant assemblies, five sanitary sewer manholes and easements for property located at 12474 Old Hickory Boulevard.

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: Withers and Pulley

Memorandum

To: Metropolitan Council
From: Margaret O. Darby, Director and Special Counsel
Date: March 30, 2023

Subject: Analysis of Ordinance BL2023-1741 – East Bank Stadium

This ordinance would do the following:

1. Approve the issuance of public facility revenue bonds by the Sports Authority to finance a portion of the costs related to the construction of a new enclosed football stadium;
2. Authorize the execution and delivery of an intergovernmental project agreement with the Sports Authority relating to the development and funding of a new enclosed football stadium;
3. Designate a geographic area within which 50% of state sales and local option sales taxes will be allocated to fund capital projects at the stadium or any onsite or offsite infrastructure necessary for the operation of the stadium;
4. Authorize the acquisition of the stadium campus from the Sports Authority and the lease of the new stadium site to the sports authority;
5. Approve the execution and delivery of a Site Coordination Agreement related to the interaction between the operations of the stadium and the development within certain areas around the stadium; and
6. Authorize the defeasance of a portion of the Metropolitan Government's general obligation bonds issued to fund the acquisition of the campus on which the stadium is located.

All of the actions and approvals contemplated in this ordinance are for the purposes of financing the construction of a new enclosed NFL Football Stadium and to eliminate the financial liability of the existing stadium. It is anticipated that the Sports Authority will approve its revenue bonds resolution in late May or June of 2023.

Under Section 1 of the ordinance, the Metropolitan Council would approve and authorize the execution by the Mayor of the Intergovernmental Project Agreement ("IGA") in the form attached as Exhibit A (discussed in more detail below). The Mayor would be permitted to make non-material modifications to the IGA after adoption of this ordinance.

Section 2 of the ordinance would designate the geographic area, as depicted in Exhibit G, within which 50% of the collected sales taxes will be allocated to stadium and stadium related projects, to the extent permitted by state law.

Sections 3 through 5 of the ordinance would approve the issuance of the Sports Authority's revenue bonds in an amount that will produce, together with investment earnings, the following: \$760,000,000 for the costs of construction, planning, design, engineering, improving, equipping and furnishing the stadium; the cost of paying capitalized interest, if any, during the construction period, the cost of funding the debt service reserve fund (estimated to be \$9.5 million), and the

costs of issuance (estimated to be \$20.9 million). The ordinance designates six sources of revenue for the payment of the bonds:

- a. certain state and local sales taxes derived from sales at the existing and new stadium;
- b. 50% of certain state and local sales taxes derived from the designated geographic area;
- c. certain hotel occupancy taxes;
- d. certain ticket taxes levied on events at the existing stadium and the new stadium;
- e. rental payments made by Tennessee Stadium LLC (“StadCo”), new stadium lessee; and
- f. until December 31 following the commencement date defined in the Stadium Lease, the PILOT payment from the Department of Water and Sewerage Services (\$4,000,000).

Section 6 of the ordinance would authorize the Sports Authority to designate some of the bonds as being payable from Non-Tax Revenues. Non-Tax Revenues are defined in section 2(k) of the IGA to include all income and revenue of the Metropolitan Government which are derived from sources other than taxes. According to the Finance Department, the non-tax revenue collections in FY2022 totaled over \$233 million. Non-Tax Revenues explicitly exclude:

- a. *ad valorem* property taxes;
- b. sales taxes;
- c. state shared taxes;
- d. revenues of any agency or instrumentality of the Metropolitan Government;
- e. assets of any proprietary fund or enterprise fund;
- f. the PILOT payment (until December 31 after the Commencement Date);
- g. lease payments for the use of any sports facility now or hereafter owned by the Sports Authority; or
- h. ticket surcharge revenues related to the Bridgestone Arena.

Section 7 of the ordinance provides the obligation and pledge of the Metropolitan Government to provide the Tax Revenues (the various taxes listed in Section 4), the PILOT payment, and the Non-Tax Revenues, if needed, to the Sports Authority.

Section 8 of the ordinance limits the sale of the bonds and the release of the proceeds from the sale until certain conditions outlined in section 3.3 of the Development and Funding Agreement (Exhibit B) are met. Additionally, the sale is conditioned upon the State not having adopted legislation that purports to reduce or limit the manner in which the sources of payment (the various taxes listed in Section 4) are calculated, administered, or applied.

Section 9 of the ordinance would approve an Option Agreement (Exhibit I) and a Ground Lease (Exhibit J) in substantially the forms that are attached to the ordinance and would approve acquisition of a portion of the Campus from the Sports Authority – a portion of which is the subject of the Ground Lease. Section 10 of the ordinance approves the Site Coordination Agreement (Exhibit K) in substantially the forms that are attached to the ordinance.

Section 11 of the ordinance would approve the defeasance of outstanding General Obligation Bonds originally issued in 1996 to acquire the campus. The Sports Authority would supply the funding to defease the outstanding GO Bonds as outlined in section 3(a) the IGA. This means

that the outstanding GO Bonds will be rendered paid and no longer an obligation of the Metropolitan Government.

Section 12 authorizes the Mayor, the Clerk, the Director of Finance, or the Director of Law or any other officer to take actions in conformity with this ordinance that are necessary and appropriate to comply with the documents approved by this ordinance.

Exhibits to Ordinance

(Metro is a Party – Requires Council Approval)

(Exhibit A) - Intergovernmental Project Agreement

The Sports Authority (“Authority”) and the Metropolitan Government would be the parties to this Agreement. The purpose of the Agreement is to formally engage the Sports Authority to undertake the new stadium project, provide for the obligations of each party, and provide for the Metropolitan Government’s pledge and delivery of certain revenues to the Sports Authority to support the debt service for the revenue bonds.

Under the terms of the IGA, the Metropolitan Government would be under a duty to perform the following:

- a. Provide information and assistance to facilitate the Authority’s defeasance of the outstanding general obligation bonds;
- b. Establish separate funds in which specific revenues would be deposited:
 - i. Stadium Revenue Fund,
 - ii. Maintenance and Repair Fund,
 - iii. Capital Repairs Reserve Fund, and
 - iv. Eligible Projects Fund
- c. Deposit sales tax revenues derived from sales of personal seat licenses (“PSLs”) into the Capital Fund created under section 7.3 of the existing stadium lease for the existing stadium until its demolition at which time the sales tax revenues will be depositing into the Stadium Revenue Fund;
- d. Enforce the PILOT payment until at least December 31 following the Commencement Date;
- e. Refrain from taking any action to rescind or reduce the hotel occupancy tax or the ticket tax for the life of the revenue bonds;
- f. Refrain from taking any action that would alter the apportionment or application of the stadium sales taxes or the geographic area sales taxes;
- g. Refrain from issuing or incurring any new indebtedness payable from the tax revenues or the PILOT payment or creating a lien on or other security interest in the tax revenues or the PILOT payment. However, after the designated time period the PILOT payment may be applied elsewhere; and the geographic area sales taxes may be pledged for other eligible projects as contemplated in state law and the Stadium Lease;

- h. Provide an annual report to the Authority and StadCo identifying and detailing the costs of any eligible projects;
- i. Provide timely reports to the state as required by state law regarding the geographic area sales taxes;
- j. Pledge and transfer Non-Tax Revenues as needed to cure any debt service deficiencies for the Additionally Secured Bonds, if any, and the section provides that the pledge of non-tax revenues would be subordinate to prior pledges of these revenues on behalf of the Sports Authority or Convention Center Authority as well as bond or debt obligations subsequently issued by either authority;
- k. This section provides the definition of non-tax revenues (provided hereinabove on page 2);
- l. Agree to provide non-tax revenues as long as any Additionally Secured Bonds or other parity bonds are outstanding;
- m. This section provides for the circumstances under which Metro could issue or incur other indebtedness secured by a pledge of non-tax revenues;
- n. Authorize the Authority to pledge its rights under the IGA, the tax revenues, the PILOT payment and non-tax revenues as security for its obligations related to the issuance of the revenue bonds.

The duties of the Sports Authority would be as follows:

- a. Provide for the defeasance of the outstanding general obligation bonds on or before the issuance of the revenue bonds;
- b. Cause the bonds to be issued and sold, the proceeds of which will be deposited into a construction project account and used solely for construction related expenses, capitalized interest, debt service reserve fund, or paying costs of issuance;
- c. Cause the construction of the new stadium;
- d. Provide capital improvements budgets to the Director of Finance until the demolition of the existing stadium;
- e. Submit annual audit to the Metropolitan Council;
- f. Deposit Stadium Lease payments into the Stadium Revenue Fund;
- g. Comply with all terms and conditions set forth in the revenue bond indenture, the development agreement, the state funding agreement, the ground lease, the new Stadium Lease, and the existing stadium lease;
- h. Enforce all of its rights pursuant to all documents and agreements related to the existing stadium and the new stadium. Refrain from amending any of the agreements related to the existing stadium or new stadium without the prior written consent of the Director of Finance. If the amendment were to shorten the term, limit remedies, or alter application of Stadium Fund accounts that would have a material adverse effect on the amount of monies allocated to the Eligible Projects or bond prepayment, then the amendment would require prior Council approval by resolution.
- i. Refrain from issuing or incurring any new indebtedness payable from the Stadium Lease payments or creating a lien on or other security interest in the Stadium Lease payments;
- j. Remit designated donations to the Metropolitan Government for deposit in the Nashville Needs Fund.

The term of the IGA would extend until either the indenture is discharged or the Stadium Lease is terminated, whichever is later. Neither party may assign its rights under the IGA except that the Authority is specifically authorized to assign its rights to the bond trustee to secure its obligations. StadCo would be a third party beneficiary and be able to rely on the representations, warranties, and covenants contained in the IGA.

(Exhibit G) - Development Sales Tax Area

Sections 67-6-103(d)(1)(A)(ii)(c) and 67-6-712(c)(1)(B)(ii) of the Tennessee Code Annotated authorize the Metropolitan Government to designate a geographical zone within which to capture a 50% of state and local option sales taxes for the purposes of financing capital improvements for a new enclosed football stadium as well as any onsite or offsite infrastructure necessary for the operation of the stadium. The geographic zone will be comprised of multiple parcels on the east bank of the Cumberland River generally bounded by the River to the West, Interstate 24 to the East, Korean Veterans Boulevard to the South, and the CSX train tracks to the North, all more particularly described in Exhibit G. The State Commissioner of Finance and Administration must approve the designation area. The ordinance directs the Metropolitan Mayor and Director of Finance to file the ordinance with the Commissioner and take the necessary steps to obtain approval. The distribution of the tax from the zone will last for 30 years after the revenue bonds are issued.

(Exhibit K) - Site Coordination Agreement

The Sports Authority, StadCo, and the Metropolitan Government would be parties to this Agreement. The primary purpose of the agreement is to determine coordination obligations between the parties to develop the site, the rights and duties of the parties during development, the rights and obligations of the parties with respect to the use of the site, and for the provision and maintenance of parking facilities for the new stadium and the existing stadium while it remains in operation.

The term of the agreement commences on the Effective Date, to be designated upon execution, and expires at the end of the Stadium Lease term.

The agreement authorizes the Metropolitan Government to engage a Campus Developer to perform development, design, and construction of improvements to properties within the Campus, excluding the stadium project. Campus is defined as the 95 acres on the East Bank, currently held by the Sports Authority and more particularly described in exhibit B to the Site Coordination Agreement. StadCo will not be responsible for Campus improvement costs.

Any agreements for Campus development and Stadium Village development should include a provision requiring good faith consultation, collaboration, and coordination with StadCo in order to provide continuity and shared interests between the stadium project and the campus improvements. Any agreement for a Construction Manager At Risk ("CMAR") for the stadium

project should include a provision requiring that the CMAR meet with and keep the Campus Developers informed about the progress and status of the stadium project. The parties agree that their contractors will be obligated to meet and confer regularly to: coordinate construction scheduling; coordinate site management plans; coordinate site safety plans; and coordinate in good faith with regard to portions of the Campus that require integration with the stadium site.

The parties will be obligated to develop a plan to minimize disruption to events at the stadium. The parties will be responsible for their own environmental remediation work and related costs.

StadCo will develop and construct the North Village staging area and parking area with costs funded from the stadium project budget. If a Campus Developer improves the North Village, it must provide adequate notice, replacement parking spaces, a sliding fee between \$1 million and \$5 million to StadCo, and cover any Parking Contractor termination fees. The Campus Developer must construct a structured parking facility in the North Village area and provide 150,000 sq ft of parking/staging area for StadCo use.

Metro and the Authority will be obligated to maintain 2,000 parking spaces on the Campus outside of the North Village area. If the Campus Developer reduces the 2,000 parking spaces in order to develop parcels, it shall provide parking elsewhere on the Campus at a mutually agreeable location. The parties will be required to meet annually regarding parking coordination.

The parties will be required to agree upon a parking plan wherein all of the required parking spaces under this agreement shall be made available to StadCo during stadium events. StadCo will have right to revenue generated from the parking spaces in the North Village at all times; and the other required parking spaces in connection with stadium events. Parking will also be made available during the remaining term of the Existing Stadium.

The cost to develop the Second Street Improvements (between Woodland Street and Shelby Street) will be covered by the Stadium Project Budget, however the Authority will reimburse StadCo for 50% of its portion of costs which shall be payable from amounts on deposit in the Eligible Project Fund (derived from the geographic area sales taxes).

The Metropolitan Government will construct a Campus Park as contemplated in exhibit G to the Site Coordination Agreement. The costs will be borne by Metro and may be funded with amounts from the Eligible Project Fund.

The Authority and Metro, subject to reasonable approval by StadCo, will develop and record covenants, conditions, and restrictions that will govern the use, operation, and maintenance of the Campus by all owners and lessees.

In addition to other commercial rights (i.e. advertising rights, concession rights, broadcasting rights) that StadCo will have with respect to the Stadium, Stadium Plaza, and Campus Park during stadium events, StadCo will also retain all Data Rights in those areas during those times. Data Rights is defined as "the right to collect, use, sell, license, display, publish or otherwise use,

names, contact information and other identifiable information with respect to those attending stadium events.” StadCo will also have the sole right to approve or not activities related to sports betting and casinos throughout the Campus, not just the stadium site. StadCo will also have the sole right to control metaverse opportunities and other digital experiences “now existing or hereafter developed” at the Stadium and to “mint” non-fungible tokens and other digital assets that relate to any Stadium element. Naming rights for the Campus Park will be shared by StadCo and the Campus Developer. Presumably, this right can be retained by Metro or the Sports Authority in its contract with the Campus Developer.

(Exhibit I) - Option Agreement

The Metropolitan Government and the Sports Authority are the parties to this Option Agreement. The Sports Authority grants to Metro the option to purchase the property bounded on the north by Russell Street, the east by Second Avenue, the south by Victory Avenue, and the west by Titans Way for \$100 within 36 months following the expiration of the Existing Stadium Lease. If exercised, the Sports Authority would convey fee interest in the 32 acres currently comprising the Existing Stadium to the Metropolitan Government. It is expected that the option would be exercised after the demolition of the Existing Stadium.

(Exhibit J) - Stadium Site Ground Lease

The Metropolitan Government (Lessor) and the Sports Authority (Lessee) are the parties to the Ground Lease. Metro will lease the property for the new stadium site to the Sports Authority for \$10 annually. The term of the ground lease will extend until the discharge of the revenue bonds or the end of the initial term and any extension of the Stadium Lease whichever is later in time. While other assignments and subletting is prohibited, the Sports Authority is expressly permitted to enter into the Stadium Lease. The Ground Lease expressly authorizes the Metropolitan Government to enter into a recognition, non-disturbance, and attornment agreement with the Sports Authority and StadCo in the form attached to the ground lease.

Additionally, the Sports Authority is permitted to grant the existing stadium lessee a license to use a portion of the property during the remaining portion of the existing stadium lease for any purpose for which the existing stadium site may be utilized.

Other Exhibits to Ordinance

(Metro Not a Party - No Council Approval)

Development and Funding Agreement (Exhibit B) – the parties to this agreement would be the Sports Authority and StadCo. The term begins upon execution of the agreement and extends through the date the project work is completed. The agreement covers funding commitments and conditions as well as payment of costs covenants. The Project Costs will be paid with the Sports Authority contribution of \$760 million; the State contribution of proceeds from a \$500 million bond

issue; the proceeds received from PSL sales; and the amount necessary to complete the project contributed by StadCo. The Sports Authority's issuance of its revenue bonds would be subject to several conditions, among which is the presentation of evidence from StadCo that it has sufficient resources or access to financing to meet its obligations; and that the State contribution has been deposited into the Construction Fund Trust. The agreement also addresses the responsibilities for development of the project. StadCo would be required to procure the design, development, and construction of the project on behalf of the Sports Authority, who will have been engaged by Metro in the IGA to construct the project.

Stadium Lease (Exhibit C) – the parties to this agreement would be the Sports Authority and StadCo. The term of the lease would begin on the date of execution and continue through the initial term (maturity date of the revenue bonds) or any extension terms (3 periods of 5 years and a month-to-month period). The Rent is an amount equal to \$3.00 for each ticket sold to non-NFL stadium events payable quarterly in arrears. Complimentary and no-consideration tickets will not be calculated as “tickets sold.” The Lease is a net lease meaning that StadCo will be responsible for all costs related to operations, equipping, furnishing, maintenance, and tangible personal property taxes. The costs of maintenance and capital repairs will be paid from the Capital Repairs Reserve Fund and/or the Maintenance and Repairs Fund, whichever is applicable to the expense. The Parties will undertake efforts to plan for and work in good faith to determine appropriate timelines for capital repairs and capital maintenance. The agreement covers the use of the facilities, the designation of certain rights for StadCo, such as naming rights, broadcast rights, etc. The Sports Authority will be entitled to use the stadium, rent free, five days per year for civic events. The lease provides that StadCo intends to enter a lease with Tennessee State University to use the stadium. StadCo will be responsible to procure and maintain liability and property insurance, naming the Sports Authority and the Metropolitan Government as additional insureds. Effectiveness of the lease will be conditioned upon the TeamCo executing a guaranty (Exhibit E to the Ordinance) guaranteeing the obligations of StadCo under the lease and other stadium project documents.

Non-Relocation Agreement (Exhibit D) – the parties to this agreement would be the Sports Authority and StadCo. The agreement provides for a “non-relocation term” beginning on the commencement date defined in the Stadium Lease and ending on the Stadium Lease expiration date or the date on which the Stadium Lease is terminated, whichever is earlier. The agreement provides for the remedies of specific performance or injunctive relief if there is a non-relocation default. And the agreement provides for specific liquidated damages if there is a “specified non-relocation default” as described in section 3(b) of the agreement.

Team Guaranty (Exhibit E) – the parties to this agreement would be the Sports Authority and TeamCo. The term of the guaranty begins at execution and extends for three years beyond the term of the Stadium Lease, subject to the full payment and performance of all StadCo obligations. The guaranty may not be terminated. TeamCo guarantees StadCo payments and performance of all obligations under the Stadium Lease and all other project documents.

State Funding Agreement (Exhibit F) – the parties to this agreement would be the State of Tennessee and the Sports Authority, with StadCo executing a joinder acknowledging certain obligations. The term of the agreement begins with the effective date and extends through the initial term of the Stadium Lease. The agreement obligates the State to deposit \$500 million into the State Contribution Trust Account on or before the date the Sports Authority provides its contribution. The Authority will entertain requests from the State to use the stadium for civic events. StadCo will provide 10,000 sq. ft. in the facility for the use of the Tennessee Sports Hall of Fame.

Existing Lease Amendment (Exhibit H) – amends certain portions of the Existing Lease in order to provide for continued use during the development and construction of the new stadium. CSI will have the right to use parking lots S, H, K, and J and will be solely responsible for maintenance costs and have rights to all revenues produced from the operation of the parking lots. The amendment would amend the initial term of the existing lease to provide another term ending option to be completion of the new stadium. The Amendment would transfer all obligations for improved item expenses, stadium equipment expenses, and capital project expenses to CSI. The definition of First Class Condition would be restated as follows: *“the condition satisfying each of the following, (a) being in compliance with applicable law, and (b) being in such condition and repair as does not pose a public health and safety risk for patrons of or participants in events at the stadium , and (c) being in such an operating condition sufficient to allow NFL Games to be played at the stadium in accordance with applicable NFL rules and regulations with respect to player safety, including the field, the locker rooms and other player facilities.”* Most notably, the restated definition removes the comparable facilities standard for the remainder of the use of the existing stadium. If the new stadium is not built, the amended definition of First-Class Condition will remain in place, although the other provisions related to expense obligations will revert to the pre-amendment provisions.