



Metro Council

H. Bills on Public Hearing

3. [BL2023-1858](#)

An ordinance amending Title 17 of the Metropolitan Code of Laws by deleting sections 17.32.020(B)(3) and 17.40.510(C) and adding new language in those sections clarifying that signs regulated by the Metropolitan Department of Codes are to be maintained so that all sign panels remain complete and intact (Proposal No. 2023Z-005TX-001).

Analysis

This ordinance, as substituted, amends Sections 17.32.020 and 17.40.510 of the Metropolitan Code of Laws related to the maintenance of signs.

Current law requires all signs to be maintained in good surface and structural condition, in addition to meeting all applicable building and electrical codes. It identifies any sign where the supports, braces, guys, and anchors are not maintained in good repair as being “dilapidated”. The zoning administrator has the authority to remove any sign not maintained in accordance with these requirements or other applicable building and electrical codes. The existing language does not identify missing panels as a condition that would make a sign dilapidated.

The ordinance under consideration would add the existence of missing, incomplete, or damaged sign panels to the criteria that determine if a sign is dilapidated and in violation of the sign code.

This proposal is scheduled for the July 27, 2023 Planning Commission meeting.

Sponsors: Withers

5. [BL2023-2010](#)

An ordinance amending Metropolitan Code of Laws Section 17.20.140 regarding access management studies (Proposal No. 2023Z-004TX-001).

Analysis

This ordinance amends Section 17.20.140 of the Metropolitan Code of Laws related to access management studies.

Current law requires applications to the Metropolitan Planning Commission that meet certain

thresholds of development to submit a traffic access study (for smaller scale projects) or traffic impact study (for larger scale projects). These studies focus on the vehicular traffic impacts to an area that occur when development intensity is increased. In response to these projected effects, the Code allows the planning commission to impose conditions on the approval of projects based on the findings of their respective traffic impact study, which typically include the provision of traffic signals, turning lanes, and/or road widenings. The traffic impact study requirements in the Code work in conjunction with NDOT's Traffic Study Requirements, which were published in 2004. NDOT has since updated the Traffic Study Requirements to consider all modes within the transportation system, now called Guidelines for Multimodal Transportation Analysis.

The ordinance under consideration renames "traffic impact study" as "multimodal transportation analysis" to align with NDOT's updated guidelines. It also renames traffic access studies and traffic impact studies as "Level 1" and "Level 2" multimodal transportation analyses, respectively. Additionally, the ordinance adds language to the Code that allows NDOT to consider parking supply, existing or planned multimodal infrastructure adjacent to the development, proximity to transit, population density of the area adjacent to the development, and traffic congestion when evaluating the analysis for Level 2 multimodal analyses.

This proposal was approved at the May 11, 2023 Planning Commission meeting.

Sponsors: Withers, Pulley, Henderson, Sledge, Toombs, Styles, Murphy and Allen

6. [BL2023-2021](#)

An ordinance approving the plans for a solid waste processing facility to be located at 7133 Centennial Boulevard, Nashville, TN 37209, with ancillary uses at 7139 Centennial Boulevard, Nashville, TN 37209.

Analysis

This ordinance approves the plans for a new solid waste processing facility to be located at 7133 Centennial Boulevard, with ancillary uses at 7139 Centennial Boulevard. On May 2, 2017, the Metro Council approved adoption of the provisions of the "Jackson Law" per Ordinance No. BL2016-484, thereby requiring local approval of landfills, solid waste disposal facilities, and solid waste processing facilities prior to construction.

Barge Design Solutions has submitted an application on behalf of Triune Residuals Management, LLC for a solid waste processing facility to the Tennessee Department of Environment and Conservation, Division of Solid Waste Management. The application including the plans for the facility, which, if approved, would process and sort incoming construction and demolition waste to recycle the ferrous and non-ferrous metals, cardboard, drywall, wood, aggregate/concrete, and then remove the residual waste to an approved landfill. The amount of waste to be handled, processed, and/or stored by the proposed facility is estimated to be 1,200 tons per day, with a maximum storage capacity of 9,850 cubic yards.

The state enabling legislation establishing the Jackson Law requires the municipal governing body to approve or disapprove the proposed new construction "[w]ithin thirty (30) days after

notice and an opportunity for a public hearing." Tenn. Code Ann. §68-211-704(a). The Metropolitan Council must consider the following criteria in evaluating the construction of this facility:

- (1) the type of waste to be disposed of;
- (2) the method of disposal to be used;
- (3) the projected impact on surrounding areas from noise and odor created;
- (4) the projected impact on property values on surrounding areas;
- (5) the adequacy of existing roads and bridges to carry the increased traffic projected to result;
- (6) the economic impact on the county, city or both;
- (7) the compatibility with existing development or zoning plans; and
- (8) any other factor which may affect the public health, safety or welfare.

Sponsors: Roberts

I. Consent Resolutions and Resolutions

77. [RS2023-2295](#)

A resolution approving a grant contract between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, and Why We Can't Wait, Inc., for the provision of violence interruption services.

Analysis

The resolution approves a grant contract between the Metropolitan Board of Health and Why We Can't Wait, Inc., for the provision of violence interruption services.

The Community Safety Partnership Fund Advisory Board has recommended \$750,000 to be distributed to Why We Can't Wait, Inc. to be used to deliver a public health approach to reducing violence crime in Nashville and Davidson County. This grant will be used to provide best practices based violence interruption services in collaboration with the Metro Public Health Department. Why We Can't Wait will use these funds to assist with the Cure Violence Model using the following approaches:

- Detecting and interrupting potentially violent conflicts
- Identifying and helping highest risk individuals
- Community mobilization/change behavior norms
- Continual data collection and modeling

The term of the grant contract begins August 1, 2023 and ends on July 31, 2025. Metro will pay to Why We Can't Wait \$750,000 for the performance of this contract.

Sponsors: Rhoten, Syracuse and Hurt

78. [RS2023-2331](#)

A resolution appropriating \$12,000 from a certain account of the Community Safety Fund for a grant to API Middle Tennessee for South Nashville Community Safety programs.

Analysis

This resolution appropriates \$12,000 from the Community Safety Fund for a grant to API Middle Tennessee. The Mayor's Office has recommended that \$12,000 of the funds appropriated for community safety grants in the Budget Ordinance (Substitute Ordinance No. BL2023-1867) be distributed to API Middle Tennessee for the provision of South Nashville Community Safety programs.

The purpose of this grant contract is to assist with implementing a program focusing on violence-interruption programs and strengthening anti-violence social norms and peer relationships. Through the grant, API Middle Tennessee will provide training and resources to address the rise of violence and harassment directed at the Asian and Pacific Islander community in Middle Tennessee.

The term of the contract begins August 1, 2023, and ends on July 31, 2024.

Sponsors: Rhoten and Syracuse

79. [RS2023-2332](#)

A resolution appropriating \$32,293 from a certain account of the Community Safety Fund for a grant to ASMT, Inc (d/b/a Autism Tennessee) for South Nashville Community Safety programs.

Analysis

This resolution appropriates \$32,293 from the Community Safety Fund for a grant to ASMT, Inc (d/b/a Autism Tennessee). The Mayor's Office has recommended that \$32,293 of the funds appropriated for community safety grants in the Budget Ordinance (Substitute Ordinance No. BL2023-1867) be distributed to ASMT, Inc. (d/b/a Autism Tennessee) for the provision of South Nashville Community Safety programs.

The purpose of this grant contract is to increase the reach and impact of AutismTN's teen and adult programs. The expanded program reach is to engage a minimum of 2,640 autistic youth and 5,280 autistic adults annually in south Nashville through AutismTN's programs.

The term of the contract begins August 1, 2023, and ends on July 31, 2024.

Sponsors: Rhoten, Syracuse, Hurt and Welsch

80. [RS2023-2333](#)

A resolution appropriating \$48,000 from a certain account of the Community Safety Fund for a grant to Black Mental Health Village for South Nashville Community Safety programs.

Analysis

This resolution appropriates \$48,000 from the Community Safety Fund for a grant to Black Mental Health Village. The Mayor's Office has recommended that \$48,000 of the funds appropriated from community safety grants in the Budget Ordinance (Substitute Ordinance No. BL2023-1867) be distributed to Black Mental Health Village for services pertaining to South

Nashville Community Safety programs.

Through this grant, Black Mental Health Village will assist the Mayor's Office in implementing a program that provides peer support and therapy, engaging and supporting youth, and strengthening anti-violence social norms and peer relationships.

The term of this contract begins on August 1, 2023, and concludes on July 31, 2024.

Sponsors: Rhoten, Syracuse, Hurt and Welsch

81. [RS2023-2334](#)

A resolution approving an application for a Community Based Violence Intervention and Prevention Initiative grant from the U.S. Department of Justice to the Metropolitan Government, acting by and through the Mayor's Office of Community Safety, to implement programs aimed at mitigating community violence and establish a Community Violence Intervention and Prevention Initiative to reduce violence in Nashville.

Analysis

This resolution approves an application for a Community Based Violence Intervention and Prevention Initiative grant from the U.S. Department of Justice to the Mayor's Office of Community Safety. The application is for a grant award of \$1,988,190 with no cash match required. If awarded, the grant would be used to establish Community Violence Intervention and Prevention Initiative to address the issue of community violence in vulnerable neighborhoods through various programs.

Sponsors: Rhoten and Syracuse

82. [RS2023-2335](#)

A resolution accepting a grant from the Tennessee Department of Transportation to the Metropolitan Government, acting by and through the Davidson County Sheriff's Office, to provide litter pickup and litter prevention education within Davidson County.

Analysis

This resolution accepts a grant from the Tennessee Department of Transportation to the Davidson County Sheriff's Office in an amount not to exceed \$188,600 with no cash match required. This grant provides for a portion of the cost of the Sheriff's Office Community Service Program, including litter prevention education and litter pickup on roadways within the county. The grant term begins on July 1, 2023 and ends on June 30, 2024.

Sponsors: Rhoten, Syracuse, Hancock, Bradford and Hurt

83. [RS2023-2336](#)

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

Analysis

This resolution approves the fourth amendment to a grant contract between the Metropolitan Housing Trust Fund Commission and Affordable Housing Resources. Pursuant to Resolution No. RS2019-1861, the Metropolitan Housing Trust Fund Commission entered into grant agreements with multiple nonprofits, including Affordable Housing Resources, for the express purpose of constructing affordable housing.

This grant agreement was previously amended pursuant to Resolution Nos. RS2021-1065, RS2022-1328, and RS2022-1692. The first amendment extended the term of the grant agreement, the second amendment reduced the number of units and the grant award to accommodate the grantee's financial request, and the third agreement extended the term of the grant agreement to a total of 48 months.

The amendment under consideration extends the term of the grant contract for 60 months from the execution of the grant agreement, which is 12 additional months from the last extension. The grant amount, as amended by RS2022-1328, is \$283,690 and would not be amended by this resolution.

Sponsors: Rhoten and Welsch

84. [RS2023-2337](#)

A resolution approving amendments one and two to a grant from the U. S. Department of the Interior, National Park Service, to the Metropolitan Government, acting by and through the Metropolitan Nashville Historical Commission, to provide funding for the completion of a historical context focused on Nashville resources associated with the Civil Rights Movement from 1944 to 1966.

Analysis

This resolution approves amendments one and two to a grant from the U.S. Department of Interior, National Park Service, to the Metropolitan Nashville Historical Commission. The grant, originally approved pursuant to Resolution No. RS2021-1212, is used to provide funding for the completion of a historical context focused on Nashville resources associated with the Civil Rights Movement from 1944 to 1966.

Amendment one extends the end date of the grant from September 30, 2023 to December 31, 2023. Amendment two removes the \$3,010 cost of one historical marker from the budget match requirement and scope of work because the marker will cause significant delays in the project due to regulatory review. As a result, the required cash match is reduced from \$5,160 to \$2,150.

Sponsors: Rhoten, Withers, Hancock and Welsch

85. [RS2023-2338](#)

A resolution to approve the Fifth 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-002).

Analysis

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

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 space leased by Metro to 55,593 square feet, via Resolution No. RS2021-1210. In April 2023, the Council approved a fourth amendment to the lease which provided that, as of May 31, 2023, Metro will vacate 1,855 rentable square feet of space located on the first floor of the building. The fourth amendment also extended the lease agreement by two months, from August 31, 2023 to October 31, 2023, with a monthly rent of \$88,648.09 during this period.

The amendment under consideration provides that, as of September 30, 2023, Metro will vacate 4,452 rentable square feet of space located on the first floor of the building. In addition, the term of the lease will be extended by three months, from October 31, 2023 to January 31, 2024. The monthly rent during this extended lease period will be \$81,303.91 per month.

Fiscal Note: This amendment reduces the rentable space by 4,452 square feet, from 53,738 to 49,286 square feet, effective September 30, 2023, and extends the lease term from October 31, 2023 to January 31, 2024. The monthly rent is reduced from \$88,648.09 to \$81,303.91 for the extended lease period from October 1, 2023, to January 31, 2024.

Sponsors: OConnell, Rhoten and Withers

86. [RS2023-2339](#)

A resolution accepting the terms of a cooperative purchasing master agreement for the purchase of special purpose firefighting apparatus vehicles for the Department of General Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for the purchase of special purpose firefighting apparatus vehicles for the Department of General Services. The purchasing agreement is between Sourcewell, which is a State of Minnesota local government agency, and Rosenbauer America. The agreement is valid through February 10, 2026.

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

Sponsors: Rhoten, Hancock and Welsch

87. [RS2023-2340](#)

A resolution approving a Memorandum of Understanding between the United States Department of Homeland Security and the Metropolitan Government of Nashville and Davidson County, for participation in the E-Verify Program.

Analysis

This resolution approves a Memorandum of Understanding (“MOU”) between the United States Department of Homeland Security (“DHS”) and the Metropolitan Government for participation in the E-Verify Program.

The E-Verify Program is an internet-based system that is operated by DHS and allows enrolled employers to confirm the eligibility of their employees to work in the United States. Pursuant to the MOU, Metro agrees to display a notice of participation in the E-Verify Program and a Notice of Right to Work in a prominent place clearly visible to prospective employees and employees who are to be verified through the program. E-Verify cannot be used for pre-employment screenings of job applicants and Metro is prohibited from creating an E-Verify case before an employee has been hired. Metro agrees to use E-Verify for all new hires. Metro agrees that the information it receives from E-Verify will only be used to confirm the employment eligibility of employees. E-Verify services will be provided to Metro at no cost. The MOU will be in effect for as long as the Social Security Administration and DHS operate the E-Verify program, unless modified by the parties.

Fiscal Note: There are no service fees charged to Metro for access and use of E-Verify under this agreement.

Sponsors: Rhoten and Hancock

88. [RS2023-2341](#)

A resolution accepting a grant from the Tennessee Arts Commission to the Metropolitan Government, acting by and through the Metro Arts Commission, for general operating support to expand, improve, and develop the arts in Tennessee.

Analysis

This resolution accepts a Major Cultural Institution grant from the Tennessee Arts Commission to the Metropolitan Nashville Arts Commission in an amount not to exceed \$101,300 with a required cash match of \$101,300. This grant will fund general operation support costs related to art programs, including program and direct expenses not covered in the Metropolitan

Government's operating budget. The grant term begins on July 1, 2023 and ends on June 30, 2024.

Sponsors: Rhoten, Hurt, Syracuse and Welsch

89. [RS2023-2342](#)

A resolution approving full implementation of license plate reader (LPR) technology by the Metropolitan Nashville Police Department following the July 22, 2023 conclusion of the pilot implementation.

Analysis

This resolution approves the full implementation of license plate reader ("LPR") technology by the Metropolitan Nashville Police Department ("MNP") following the conclusion of MNP's pilot program.

The Council authorized the use of LPR in the public right-of-way under certain conditions pursuant to Ordinance No. BL2021-961 on February 1, 2022. This ordinance, now codified at Metropolitan Code of Laws Section 13.08.080.G, requires departments to engage in a six-month pilot program prior to the full implementation of an LPR program. At least two weeks prior to the conclusion of the pilot program period, the department must submit a report to the Council on the efficacy of the program.

After both a public hearing and Council authorization to acquire and install LPR technology in the public right-of-way in Ordinance No. BL2022-1883, MNP began its pilot program on January 23, 2023. MNP has submitted three reports to Council on March 13, 2023, May 23, 2023, and July 8, 2023. These reports are attached to the resolution. The pilot program ended on July 22, 2023.

MCL Section 13.08.080.G.14 requires that, at least two weeks prior to the conclusion of the pilot program period, the department must submit a report to the Council on the efficacy of the program, compliance with the provisions of Section 13.08.080, and any policies implemented in order to carry out the use of the LPR system. The report must be posted on the department's website. MNP has provided a report as an exhibit to the resolution, which is posted on the MNP website.

For the use of LPR by MNP to continue, the Council must approve the full implementation of MNP's use of LPR technology by adoption of this resolution. If the Council fails to adopt this resolution, MNP must stop its use of LPR technology.

If the full implementation of LPR use by MNP is approved, MNP must provide reports to the Council every three months, including the number of LPRs in use, the number of matches made by the LPR including matches read correctly or misread, the number of matches that identified vehicles and individuals and the number of stops made as a result, and the number of matches that results in searches of vehicles and individuals, releases, arrests, or other outcomes.

Sponsors: Syracuse, Johnston, Gamble, Rutherford, Styles, Nash, Hancock, Swope, Hagar, Bradford, Pulley, Druffel, Young and Hausser

90. [RS2023-2343](#)

A resolution approving an application for the Statewide School Resource Officer (SRO) Program grant from the Tennessee Department of Safety and Homeland Security for the placement of School Resource Officers in schools for the continued efforts to establish and maintain safe and secure learning environments.

Analysis

This resolution approves an application for the Statewide School Resource Officer (SRO) Program grant from the Tennessee Department of Safety and Homeland Security to Metropolitan Nashville Police Department with a grant award not to exceed \$75,000 per year, per SRO, and per School with no cash match required. If awarded, the grant award would be \$3,450,000 and will be used to fund School Resource Officers in all Nashville public middle and high schools.

Sponsors: Rhoten, Syracuse and Hancock

91. [RS2023-2344](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Cordolta Sullivan against the Metropolitan Government of Nashville and Davidson County in the amount of \$27,000.00, and that said amount be paid from the Self-Insured Liability Fund.

Analysis

On November 30, 2021, a Metropolitan Nashville Police Department (“MNPDP”) officer was driving an MNPDP patrol car in the scope and course of his employment. After completing a response to a traffic incident, the officer turned into the Richland Creek Shopping Center parking lot. As the officer was driving through the parking lot, he collided with the passenger side of Cordolta Sullivan’s vehicle. Both vehicles were in the travel lanes of the parking lot when the collision occurred.

Ms. Sullivan sought treatment for neck and chest pain at the emergency room following the accident. She was diagnosed with traumatic cervical neck pain and traumatic left sided chest pain. She sought follow-up treatment and underwent a three-month course of physical therapy. Her total medical expenses related to this accident were \$11,935.

The Department of Law recommends settlement of Ms. Sullivan’s personal injury claims for \$27,000.

Disciplinary action taken against the Metro employee involved consisted of a one-day suspension and remedial driving training.

Fiscal Note: This \$27,000 settlement, along with the settlements per Resolution Nos. RS2023-2350 and RS2023-2351, would be the 1st, 2nd and 3rd payments from the

Self-Insured Liability Fund in FY24 for a cumulative total of \$58,374. The fund balance would be \$17,599,413 after these payments.

Sponsors: Rhoten

92. [RS2023-2345](#)

A resolution approving a Proposal of the State of Tennessee, Department of Transportation ("TDOT"), to the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT"), for NDOT to agree to maintain signal and sidewalk upgrades in connection with TDOT's pedestrian road safety construction initiative on State Route 106 (21st Avenue/Broadway) from Pierce Avenue to 19th Avenue South, Federal No. HSIP-106(44), State No. 19045-2247-94, PIN 125526.13 (Proposal No. 2023M-031AG-001).

Analysis

This resolution approves a Proposal from the Tennessee Department of Transportation ("TDOT") to the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") for maintenance of signal and sidewalk upgrades in connection with TDOT's pedestrian road safety construction initiative on State Route 106 (21st Avenue/Broadway) from Pierce Avenue to 19th Avenue South.

Pursuant to the terms of this agreement, NDOT will be responsible for the maintenance of signals and sidewalks in connection with this project. TDOT will be responsible for all design, right-of-way, and construction services for this project.

Sponsors: Sledge, Cash, Rhoten, Withers and Pulley

93. [RS2023-2346](#)

A resolution approving an application for a Safe Streets and Roads for All grant from the Tennessee Department of Transportation to the Metropolitan Government, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), for improvements along Nolensville Pike to address safety issues related to substandard and/or missing walking, bicycling, and transit facilities, the need for pedestrian lighting, and the lack of pedestrian crossing locations.

Analysis

This resolution approves an application for a Safe Streets and Roads for All grant from the Tennessee Department of Transportation to the Nashville Department of Transportation and Multimodal Infrastructure. The grant award would be \$13,049,572 with a required cash match of \$3,262,393. If awarded, the grant would fund improvements along Nolensville Pike that addresses safety issues related to substandard and/or missing walking, bicycling, and transit facilities, the need for pedestrian-scale lighting, and lack of pedestrian crossing locations.

Sponsors: Rhoten, Pulley, Welsch, Johnston, Nash and Hancock

94. [RS2023-2347](#)

A resolution approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and Clark UMC Community Development Corporation, to provide public water service improvements for Clark UMC's proposed development, as well as other existing properties in the area (MWS Project No. 22-WL-0060 and Proposal No. 2023M-018AG-001).

Analysis

This resolution approves a participation agreement between the Metropolitan Department of Water and Sewerage Services ("MWS") and Clark UMC Community Development Corporation ("Clark UMC").

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, Clark UMC has agreed to contract and oversee construction of approximately 633 linear feet of new eight-inch water main (DIP) and one fire hydrant assembly on Phillips Street to serve the residents on Phillips Street. Metro will inspect the construction and, upon acceptance, will be responsible for ongoing operation and maintenance of these improvements. Metro agrees to pay the lesser of 30% of the actual project costs or \$100,000 as a contribution toward these improvements.

Fiscal Note: Metro will pay the lesser of 30% of the actual project costs or \$100,000 for the improvements to be completed by Clark UMC.

Sponsors: OConnell, Rhoten, Withers, Pulley and Hurt

95. [RS2023-2348](#)

A resolution authorizing the Director of Public Property, or his designee, to exercise an option agreement for the purchase of a flood-prone property, located at 3432 Brick Church Pike, for Metro Water Services. (Proposal No. 2023M-011PR-001).

Analysis

This resolution authorizes the purchase of one flood-prone property located at 3432 Brick Church Pike. This purchase is part of the Metro Water Services' on-going program to purchase flood prone properties, generally using grant funds. Metro has acquired the option to purchase this property for \$312,000.

This resolution has been approved by the Planning Commission.

Fiscal Note: Metropolitan Department of Water and Sewerage Services will pay the fair market value of \$312,000 for the property on 3432 Brick Church Pike, parcel number 050-00-0-015.00. The current property owner, Harold Day III and Melondy Day, will pay for the pro-rated current property tax and all back taxes assessed on the property. The appraised value of this property, according to the Assessor of Property's website, is \$188,900 for the 0.80-acre parcel.

Sponsors: Gamble, Rhoten, Withers and Pulley

96. [RS2023-2349](#)

A resolution approving amendment 1 to a contract between The Metropolitan Government of Nashville and Davidson County and Waste Pro of Tennessee, Inc., for the provision of solid waste collection and collection of carts.

Analysis

This resolution approves the first amendment to a contract between the Metropolitan Government and Waste Pro of Tennessee, Inc. for the provision of solid waste collection and collection of carts. The Council previously approved the contract with Waste Pro pursuant to Resolution No. RS2022-1655.

The original value of the contract was \$7,500,000. This amendment would increase the value of the contract by \$32,500,000, for a total of \$40,000,000. This amendment was requested as Waste Pro has taken on many of the routes of a failed trash company, depleting the initial value of the contract. Waste Pro initially serviced 20 routes but has taken on 30 additional routes for a total of 50 residential trash routes per week. Starting August 1, 2023, Waste Pro will service 11 front load dumpster routes. Metro will continue to service eight front load dumpster routes.

Sponsors: Rhoten and Pulley

97. [RS2023-2350](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Elizabeth Todd against the Metropolitan Government of Nashville and Davidson County in the amount of \$16,074.25, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

In March 2023, Elizabeth Todd reported that raw sewage had been backing up into the lower level of her home at 113 Dunham Springs Lane. At the time, Metro Water Services indicated that the Metro lines were clear and the problem was at Ms. Todd's property. Ms. Todd hired four plumbing and remediation companies to clean up the damage that accumulated over a three-week period. However, the Metro line was cleaned and began to flow properly on April 6, 2023. Following the cleaning, the sewage backup at Ms. Todd's home was resolved.

Ms. Todd accumulated \$16,074.25 in out-of-pocket expenses to repair the sewer and water damage, along with damage to her garage, bathroom walls, and flooring. The Department of Law recommends settlement of Ms. Todd's property damage claim for \$16,074.25.

Fiscal Note: This \$16,074.25 settlement, along with the settlements per Resolution Nos. RS2023-2344 and RS2023-2351, would be the 1st, 2nd and 3rd payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$58,374. The fund balance would be \$17,599,413 after these payments.

Sponsors: Rhoten

98. [RS2023-2351](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Dru Bloom against the Metropolitan Government of Nashville and Davidson County in the amount of \$15,300.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On March 16, 2023, a Metro Waste Services driver attempted to turn into a narrow alley and struck a cinder block retaining wall between the property of Dru Broom at 300 32nd Avenue South and the alley adjoining it. The collision caused significant damage to the retaining wall, which broke and partially moved off its foundation when it was struck.

The estimated costs to repair the cinder block wall are \$15,300. This includes \$9,900 in labor costs and \$5,400 of materials including concrete mix, sand, mortar, gravel, rebar, and cinder blocks.

The Department of Law recommends settlement of Dru Bloom's property damage claim for \$15,300.

Disciplinary action against the Metro employee is currently pending.

Fiscal Note: This \$15,300 settlement, along with the settlements per Resolution Nos. RS2023-2344 and RS2023-2350, would be the 1st, 2nd and 3rd payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$58,374. The fund balance would be \$17,599,413 after these payments.

Sponsors: Rhoten

K. Bills on Second Reading

108. [BL2023-1869](#)

An ordinance to amend Title 6, Chapter 77, Article I of the Metropolitan Code of Laws, regarding renewal of Entertainment Transportation certificates of public necessity and convenience and Entertainment Transportation vehicle permits.

Analysis

This ordinance amends Chapter 6.77 of the Metropolitan Code of Laws ("MCL") regarding the renewal of permits for entertainment transportation vehicles.

This ordinance would amend MCL Section 6.77.030 to require that, prior to issuing any new certificates of public convenience and necessity, renewing any previously issued certificates, or adding any additional permitted vehicles to an existing certificate holder's permitted fleet, the Metropolitan Transportation Licensing Commission ("MTLC") must determine what number of entertainment transportation vehicle service providers and vehicles are required by the public

convenience and necessity, in the metropolitan government area.

The ordinance would also amend MCL Section 6.77.060 regarding the annual renewal of certificates to clarify that, in addition to the applicant meeting all applicable standards for renewal, a certificate may not be renewed if the MTLC has determined that the number of entertainment transportation vehicles exceeds the public need pursuant to MCL Section 6.77.030. If the MTLC determines that the number of entertainment transportation vehicles already in operation exceeds the public need and is adding to traffic congestion, the MTLC would be required to determine the lower number of vehicles that would meet the public need. Notice would be provided to all renewing and new applicants that it may not be possible to renew all certificates and or vehicle permits from the preceding year. If any existing permits are not renewed due to the reduction of the number of permits, non-renewed permitted vehicles may continue operating for 100 days from the date of non-renewal.

MCL Section 6.77.090 would be amended to remove language about not renewing a certificate.

Sponsors: Pulley and Young

110. [BL2023-1992](#)

An ordinance amending Section 2.24.230 of the Metropolitan Code pertaining to community meetings

Analysis

This ordinance amends Section 2.24.230 of the Metropolitan Code of Laws pertaining to community meetings held prior to the lease of property owned by the Metropolitan Government.

Section 2.24.230 of the Metropolitan Code of Laws places certain conditions on the lease of property owned by the Metropolitan Government where the appraised value is greater than one million dollars to a private entity for a lease term of more than five years. This Section requires a publicly noticed community meeting to be held prior to the Council consideration approving the lease.

Section 2.24.230.A.3 of the existing ordinance requires that a Councilmember in whose district the property is located to coordinate the scheduling of the community meeting.

The ordinance under consideration would add a new Subsection A.4. This new subsection would provide for the following alternative to the district councilmember scheduled community meeting requirement:

1. If a metro department, board, agency or commission has held a public hearing with public comment (presumably on the topic of the lease); and
2. If the district councilmember is unable or unwilling to coordinate the scheduling of a community meeting in accordance with Subsection A.3. on a date that will permit three readings of an ordinance seeking approval of the lease prior to the expiration of a Council term; then

3. The Council may set a public hearing with a 2/3rds affirmative vote of those present and voting in lieu of the community meeting.

Notice of the public hearing must be posted to Nashville.gov and must be advertised daily on the Metro Nashville Network. Written notice of the public hearing must be mailed to all property owners within 1,000 feet of the property at least 10 days prior to the public hearing.

The ordinance would further provide that a public hearing held prior to the effective date of this ordinance would be deemed to satisfy the community meeting requirements of Section 2.24.230 if conducted in accordance with the ordinance and prior to third reading of an ordinance seeking approval of the lease.

There are two ordinances pending before the Council seeking approval of a property lease implicated by this ordinance: Ordinance No. BL2023-1883 and BL2023-1995. Both pending ordinances are on first reading and have previously been automatically deferred pursuant to Rule 21. Both ordinances will continue to be automatically deferred until the requirements of Section 2.23.230, either as currently codified or as finally amended, are met.

Sponsors: Young

111. [BL2023-1993](#)

An ordinance amending Chapter 10.20 Waste Management and Title 16 Buildings and Construction, of the Metropolitan Code of Law, to add the requirement that construction and demolition materials be diverted from landfills.

Analysis

This ordinance amends various provisions of the Metropolitan Code to require that construction and demolition materials be diverted from landfills.

This ordinance adds a new Section 10.20.600 to the Metropolitan Code of Laws, which requires that construction and demolition materials be recycled or reused on or off site for beneficial reuse. Building permit types that fall within the following project scopes must comply with the new regulations:

1. Commercial construction permits of \$500,000 or greater construction cost, as entered by Metro Codes; and
2. Residential multifamily construction permits of five units or greater and \$500,000 or greater construction cost, as entered by Metro Codes; and
3. Commercial demolition permits of \$50,000 or greater demolition cost, as entered by Metro Codes.

Construction debris would be required to be diverted for beneficial reuse under the following schedule:

1. Effective July 1, 2024, readily recyclable cardboard per §10.20.095, metal (ferrous and non-ferrous), clean concrete, and concrete masonry units,
2. Effective July 1, 2025, readily recyclable unpainted and untreated wood, asphalt shingles, and masonry.

3. Effective July 1, 2026, readily recyclable new construction gypsum scrap and carpet.

Demolition debris would be required to be diverted for beneficial reuse under the following schedule:

1. Effective July 1, 2024, readily recyclable metal (ferrous and non-ferrous), clean concrete, and concrete masonry units.
2. Effective July 1, 2025, readily recyclable carpet, asphalt shingles, and masonry.

Alternatives for compliance would include clean fill sites, receiving and recycling centers, beneficial reuse on a construction or demolition project site, donation of materials for reuse, and beneficial reuse of material as soil amendment. The diversion requirements would not apply to hazardous wastes like asbestos or lead-based constituents, or in disaster emergency situations. A construction and demolition waste management plan must be submitted to, reviewed by, and approved by MWS prior to the issuance of a building permit. Violations of these provisions would be \$50 per violation, with each violation constituting a separate offense.

This ordinance also adds a new Section 10.20.605, which authorizes the MWS director to establish criteria for identifying qualified receiving and recycling facilities that meet construction and demolition materials requirements. The facility must comply with federal, state, and local laws and regulations, weigh construction and demolition materials received, authorize a right of entry and inspection by MWS, and agree to the average diversion rate calculation and validation requirements set by this ordinance.

A qualified receiving and recycling facility must meet the following average diversion rate:

1. Starting July 1, 2025, a qualified receiving and recycling facility that accepts mixed construction and demolition debris must have at least a 40% average diversion rate. Up to 5% of this average diversion rate may include alternative daily cover application.
2. Starting July 1, 2025, a qualified receiving and recycling facility that accepts source separated construction and demolition debris must have at least an 85% average diversion rate without use of alternative daily cover application.
3. Starting July 1, 2027, a qualified receiving and recycling facility that accepts mixed construction and demolition debris must have at least a 50% average diversion rate without use of alternative daily cover application.
4. Starting July 1, 2027, a qualified receiving and recycling facility that accepts source separated construction and demolition debris must have at least a 90% average diversion rate without use of alternative daily cover application.
5. Starting July 1, 2029, a qualified receiving and recycling facility that accepts mixed construction and demolition debris must have at least a 60% average diversion rate without use of alternative daily cover application.

The ordinance further adds requirements for average diversion rate calculations and validation for qualified receiving and recycling facilities, set forth in a new Section 10.20.610. The average diversion rate would be calculated by the tons of materials reclaimed divided by the tons of materials processed and multiplied by 100. The rate would be calculated both with and without daily cover and other landfill application. The rate cannot be validated by an employee,

owner, or agent of the qualified receiving and recycling facility.

MWS would be authorized to suspend a qualified receiving and recycling facility's registration if it fails to comply with Sections 10.20.605 or 10.20.610.

Metro convenience centers and recycling centers would not be allowed to be used for recycling or disposal of commercially generated construction and demolition waste.

Owners or contractors of any premises that collects construction and demolition waste would be required to collect inert material on site separate from putrescible wastes, including municipal solid waste.

A new section 10.20.640 would be added to the code to require the Metropolitan Government to comply with the new Sections 10.20.600 and 10.20.605 and to integrate sustainable materials management for construction and demolition material into the design, construction, and demolition of Metropolitan Government facilities.

Section 16.64.010 would be added to require building permit and demolition permit applicants to acknowledge the need for compliance with Section 10.20.600 before a building permit, demolition permit, or use and occupancy permit is issued.

Fiscal Note: The penalty will be \$50 per violation under this ordinance, with each and every violation constituting a separate and distinct offense.

Sponsors: Allen, Rhoten, Pulley and Bradford

112. [BL2023-2030](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, and to accept new public water main and the replacement of existing fire hydrant assemblies, for property located at 1 Terminal Drive, also known as Terminal Drive Water Main Project (MWS Project No. 23-WL-31 and Proposal No. 2023M-091ES-001).

Analysis

This ordinance abandons approximately 514 linear feet of existing 12-inch water main (DIP), accepts 514 linear feet of new 24-inch water main (DIP) and replaces two existing fire hydrant assemblies for property located at 1 Terminal Drive, also known as Terminal Drive Water Main Project.

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

Sponsors: Bradford, Withers and Pulley

113. [BL2023-2106](#)

An ordinance amending Metropolitan Code of Laws, sections 9.20.010 to clarify that all types of amplified music, including live music, must be limited to certain decibels to ensure adequate public health and safety.

Analysis

This ordinance amends Section 9.20.010 of the Metropolitan Code of Laws to clarify provisions related to amplified music and the orientation of speakers.

This ordinance amends Section 9.20.010.B, which applies to properties lying within an area zoned DTC district and properties zoned CF district that are contiguous to those zoned DTC district. This mostly consists of the core of Downtown Nashville.

The ordinance adds language to clarify that all interior speakers in an establishment must be oriented toward the center of the establishment. During business hours, all interior speakers would be limited to 85 decibels (A weighted) (“Db(A)”), as measured at street level fifty linear feet from the outside wall of the structure within which noise is produced. Outside of business hours, interior speakers could not register more than 70 Db(A) as measured at or on the boundary of the nearest public right-of-way or park.

The ordinance provides that speakers oriented towards musicians performing live music specifically or “wedges” would be exempt from the requirement to orient and focus toward the center of the establishment until July 1, 2024. The Mayor’s Office of Nightlife would be required to convene an advisory committee to contemplate the impact of sustained exposure to loud music on local musicians, including “wedges,” and make recommendations that may be implemented through a pilot project.

Existing provisions that limit prerecorded music to 85 Db(A), and exempt live music from this limitation, would be deleted.

The ordinance would also allow for the Nashville Department of Transportation and the Department of Codes and Building Safety, in addition to the Metropolitan Nashville Police Department, to enforce violations of Chapter 9.20, Excessive Noise.

Sponsors: Syracuse, OConnell, Pulley, Nash, Welsch and Porterfield

114. [BL2023-2107](#)

An ordinance establishing a program for the purpose of providing assistance to low-income elderly residents of the Metropolitan Government for the fiscal year 2023-2024.

Analysis

This ordinance establishes the property tax relief program for low-income elderly residents of the Metropolitan Government for Fiscal Year 2023-2024. This is essentially an extension of an existing tax relief program that has been in existence for many years and is renewed annually.

Tennessee Code Annotated § 5-9-112 authorizes county legislative bodies to appropriate funds for the purpose of providing assistance to low-income elderly residents in the county on an annual basis, based on the particular needs of eligible recipients. The county legislative body is also authorized to develop guidelines for eligibility. Additionally, Tennessee Code Annotated § 67-5-702 provides that the general funds of the state shall be paid to certain low-income taxpayers 65 years of age or older in order to pay or reimburse such taxpayers for all or part of their local property taxes. For many years, Metro has provided a double match of the state funds for the program. \$6,187,000 has been included in the proposed FY24 operating budget in the Property Tax Relief Program Account.

This ordinance directs the Metropolitan Trustee to disburse funds to eligible taxpayers and further authorizes the Trustee to establish rules and procedures for implementation of the program. All persons who qualify for the state property tax relief program and whose income does not exceed a state-mandated cap of \$33,460 annually will qualify for this program. Because this budgetary appropriation is non-recurring, this program would expire June 30, 2024.

Note that this program, which provides funds to low-income elderly residents, is separate from the Property Tax Freeze Program, which was the subject of Resolution No. RS2023-2159 earlier this term. The income eligibility for the Property Tax Freeze Program was increased pursuant to state law but does not impact the Property Tax Relief Program that is the subject of this ordinance.

Fiscal Note: The FY24 operating budget includes \$6,187,000 for the property tax relief program for the elderly and the same amount was appropriated for this program in FY23.

Sponsors: Rhoten, Welsch, Suara and Porterfield

115. [BL2023-2108](#)

An ordinance approving a lease between the Metropolitan Nashville Public Schools and Hispanic Family Foundation for the establishment of an EL Enrollment Site.

Analysis

This ordinance would allow Metro Nashville Public Schools (“MNPS”) to lease office space from the Hispanic Family Foundation to establish an English Learners Enrollment Center at 3927 Nolensville Pike. The Enrollment Center would be operated five days a week and open to the public by appointment.

The lease term would begin on July 15, 2023, and conclude on July 14, 2028. MNPS would pay \$1,000 in monthly rent to the Hispanic Family Foundation. Any amendment, change or extension of this lease must be approved by a resolution of the Metropolitan Council receiving 21 affirmative votes. The Metro Board of Education approved this agreement on June 16, 2023.

Fiscal Note: Metro Nashville Public Schools (MNPS) will pay a monthly rent of \$1,000 to Hispanic Family Foundation for 1,436 square feet of furnished office space to host an English

Learner (EL) Enrollment Site.

Sponsors: Johnston, Rhoten, Suara, Welsch and Hancock

116. [BL2023-2110](#)

An Ordinance approving a limited revocable license agreement between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and Cosecha Community Development to create, operate, and maintain a noncommercial community garden on the west side of the Woodbine Clinic to utilize Metro property to improve community health and nutrition.

Analysis

This ordinance approves a limited revocable license agreement between the Metropolitan Board of Health and Cosecha Community Development to create, operate, and maintain a community garden on the west side of the Woodbine Clinic on 224 Oriel Avenue.

Per the agreement, Metro Health agrees to allow Cosecha to access the site to develop, manage, and operate a community garden and educational programs that comply with all Metro rules, regulations, and policies. Further, Cosecha agrees to maintain the property in a neat and orderly condition and to store bulk gardening materials out of public sight at the rear of the property. No fees will be charged by Cosecha unless first obtaining written permission from Metro Health.

The initial term of this license agreement begins on the date of approval by all required parties and filed in the office of the Metropolitan Clerk and extends for a period of 24 months. Any amendments to this license agreement must be approved by resolution of the Metropolitan Council receiving 21 affirmative votes.

Fiscal Note: There is no cost to Metro and no other charges or fees for the performance of this agreement.

Sponsors: Welsch, Rhoten, Syracuse and Porterfield

117. [BL2023-2111](#)

An ordinance authorizing the granting of a temporary overhead line easement and a permanent underground utility easement to Electric Power Board of the Metropolitan Government of Nashville and Davidson County on certain property owned by the Metropolitan Government of Nashville and Davidson County (Parcel Nos. 09302403400, 09302403500, 09302403600, 09306210300) (Proposal No. 2023M-106ES-001).

Analysis

This ordinance authorizes the granting of four temporary utility easements and one permanent underground utility easement to the Electric Power Board on certain properties owned by the Metropolitan Government between 1st Avenue North, Gay Street, and the Cumberland River.

The four temporary easements would be used for erecting, maintaining, repairing, rebuilding, operating, and patrolling electric overhead. The easements would automatically terminate when

the overhead facilities are removed from the site.

The permanent underground utility easement would be used for underground conductors, conduits, transformers and switchgears, with all necessary equipment, and would extend for approximately 71 feet between the eastern margin Union Street and the western margin of Gay Street.

Sponsors: Rhoten, Withers, Hurt and Pulley

118. [BL2023-2112](#)

An ordinance approving a greenway conservation easement and a participation agreement between the Metropolitan Government of Nashville and Davidson County, through the Metropolitan Board of Parks and Recreation, and 301 Ben Allen LP for greenway improvements. (Proposal No.2023M-032AG-001).

Analysis

This ordinance approves a greenway conservation easement for property located at 301 Ben Allen Road and Ben Allen Road (unnumbered), owned by 301 Ben Allen LP. This ordinance also approves a participation agreement between the Metropolitan Board of Parks and Recreation and 301 Ben Allen LP. The easement will have a total area of approximately 2.40 acres.

The participation agreement provides that 301 Ben Allen LP will assist Metro in the construction of improvements within a portion of the greenway and will construct and keep, maintain, repair, and replace the greenway improvements in good order.

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.

Fiscal Note: There is no cost to Metro to acquire this easement.

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

119. [BL2023-2113](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming J.B. Estille Drive, between Lebanon Pike and Old Lebanon Pike, to "Donelson Station Boulevard". (Proposal Number 2023M-001SR-001).

Analysis

This ordinance renames J.B. Estille Drive, from Lebanon Pike to Old Lebanon Pike to "Donelson Station Boulevard." The current roadway, J.B. Estille Drive, was named for a business that has not been in operation for 15 years.

This proposal has been approved by the Planning Commission. Prior to second reading, this

ordinance must be approved by the Emergency Communications District Board and a written report regarding any historical significance of the street name must be provided by the Historical Commission. The Emergency Communications District Board has not considered this proposal and will not meet again before the final Council meeting of the term.

Sponsors: Syracuse, Withers and Pulley

120. [BL2023-2114](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming Forrest Avenue, between Main Street and North 17th Street, and between North 17th Street to terminus, to "Forest Avenue". (Proposal Number 2023M-002SR-001).

Analysis

This ordinance renames the current roadway that runs from Main Street to North 17th Street and from North 17th Street to terminus, from "Forrest Avenue" to "Forest Avenue." Research was conducted by the Metro Nashville Historical Commission and the Nashville Department of Transportation and Multimodal Infrastructure that showed the avenue had been spelled both ways, with the earliest recordings spelling the avenue as "Forest Avenue."

This proposal has been approved by the Planning Commission and the Emergency Communications District Board. Prior to second reading, a written report regarding any historical significance of the street name must be provided by the Historical Commission.

Sponsors: Withers

121. [BL2023-2115](#)

An ordinance approving the conditional abandonment of the public right of way of Jess Neely Drive between Natchez Trace and 25th Avenue South. (Proposal No. 2023M-004AB-002).

Analysis

This resolution approves the conditional abandonment of the public right-of-way of Jess Neely Drive between Natchez Trace and 25th Avenue South, located on the campus of Vanderbilt University. Vanderbilt has proposed that the public right-of-way at Jess Neely Drive be abandoned and closed. In exchange for the abandonment, Vanderbilt will grant a non-exclusive, perpetual public utility easement for the purpose of maintaining, utilizing, repairing and replacing existing and future public utilities and a non-exclusive public access easement for emergency vehicles, pedestrians, and bicycles over Jess Neely Drive. In addition, Vanderbilt will make the following commitments:

- Complete and submit an updated "Jess Neely Drive Activities Policy";
- Make upgrades related to the Kerrigan Basin, including separation of the combined sewer and upgrades to aged public water lines at a total approximate cost to Vanderbilt of \$19.6 million;
- Make upgrades associated with Kensington Drive at a total approximate cost of \$2.5 million;
- Modify traffic signals at Jess Neely Drive and 25th Avenue and Jess Neely Drive and

Natchez Trace; and

- Transform Jess Neely Drive into a permanent pedestrian corridor including permeable pavers, site walls, seating opportunities, enhanced tree canopy and landscape, bicycle and scooter parking, and/or moon lighting of tree canopy.

Sponsors: Cash, Rhoten, Withers and Pulley

122. [BL2023-2116](#)

An ordinance authorizing the abandonment of an easement and the acquisition of another easement on the same parcel of property bounded by Hermitage Avenue, First Avenue South, and Peabody Street. (Proposal No. 2023M-010AB-001).

Analysis

This ordinance abandons an existing 495-square-foot easement held by the Metropolitan Government on a parcel of property bounded by Hermitage Avenue, First Avenue South, and Peabody Street owned by Warren G. Farms, LLC. This easement is not useful to Metro for any purpose and has no commercial value. The owners of the property, Warren G. Farms, LLC, have proposed to provide a 1,319-square-foot easement to the Metropolitan Government on a different part of this property in exchange for the abandonment of the existing easement. This ordinance abandons the existing easement, approves the acquisition and acceptance of the new easement, and authorizes the Director of Public Property to execute any documents necessary to carry out this ordinance.

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

Sponsors: Rhoten, Withers and Pulley

123. [BL2023-2117](#)

An ordinance approving a contract between the Metropolitan Government of Nashville and Davidson County and Nedrow and Associates, Inc. to provide Flygt and Boerger products, parts and services.

Analysis

This ordinance approves a sole source contract between the Metropolitan Government and Nedrow and Associates to provide Flygt and Boerger products, parts, and services.

Section 4.12.060 of the Metropolitan Code of Laws authorizes the Metropolitan Purchasing Agent to enter into sole source contracts when the Purchasing Agent determines in writing according to standards adopted by the Procurement Standards Board that there is only one source for the supply or services required. According to the sole source justification form attached to the agreement, Metro Water Services uses Flygt and Boerger products in its system. Only Flygt and Boerger parts and products are compatible with existing equipment. Nedrow and Associates is the sole source for these products in Tennessee.

The term of this agreement begins upon approval of all required parties and will end 60 months

from the effective date. The contract may be extended for an additional 60 months, for a term not to exceed 120 months. The estimated contract value is \$15,000,000.

Fiscal Note: The estimated value of this sole source contract is \$15,000,000 to be paid from Fund 67331, Business Unit 65557930. Flygt and Boerger's rate for services is \$125 per hour and is eligible for annual escalation/de-escalation adjustments but capped at 5% annually. The Flygt and Boerger products and parts minimum percentage discount off MSLP is 8% according to the Exhibit A of the agreement.

Sponsors: Rhoten and Pulley

124. [BL2023-2118](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon easement rights located at 519 Elgin Street, formerly a portion of Hill Street (Proposal No. 2023M-097ES-001).

Analysis

This ordinance abandons easement rights for existing utilities located at 59 Elgin Street, formerly a portion of Hill Street between Raymond Street and Elgin Street.

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

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

Sponsors: Withers and Pulley

125. [BL2023-2119](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a new public water main, horizontal relocation of a public water main, and a doghouse sanitary sewer manhole, for four properties located at 1505, 1509, 1511 and 1513 Dickerson Pike (MWS Project Nos. 23-WL-35 and 23-SL-76 and Proposal No. 2023M-098ES-001).

Analysis

This ordinance accepts approximately 421 linear feet of new eight-inch water main (DIP), the horizontal relocation of approximately 446 linear feet of existing 12-inch water main (DIP), and one doghouse sanitary sewer manhole for properties located at 1505, 1509, 1511 and 1513 Dickerson 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: Parker, Withers and Pulley

126. [BL2023-2120](#)

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 1121 and 1127 Waller Road and 3112 Kottas Court in Williamson County (MWS Project No. 23-SL-16 and Proposal No. 2023M-100ES-001).

Analysis

This ordinance accepts approximately 360 linear feet of new eight-inch sanitary sewer main (PVC), two sanitary sewer manholes and easements for three properties located at 1121 and 1127 Waller Road and 3112 Kottas Court in Williamson County.

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

127. [BL2023-2121](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer main, sanitary sewer manholes and easements, for two properties located at Old Hickory Boulevard (unnumbered) and Windypine Drive (unnumbered) (MWS Project No. 23-SL-08 and Proposal No. 2023M-094ES-001).

Analysis

This ordinance accepts approximately 879 linear feet of new eight-inch sanitary sewer (PVC), five sanitary sewer manholes, and easements for two properties located at Old Hickory Boulevard (unnumbered) and Windypine Drive (unnumbered).

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

128. [BL2023-2122](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon an existing sanitary sewer force main and easements, and to accept a new public sanitary sewer force main and easements, for six properties located at Victory Avenue, South 1st Street, Shelby Avenue, Titans Way, Russell Street, and Woodland Street, also known as the Browns Creek Force Main Sewer Relocation Project (MWS Project No. 23-SL-54 and Proposal No. 2023M-088ES-001).

Analysis

This ordinance abandons approximately 1,982 linear feet of existing 60-inch sanitary sewer force main (PCCP) and easements, and the accepts approximately 2,157 linear feet of 60-inch sanitary sewer force main (STL) and easements for six properties located at Victory Avenue, South 1st Street, Shelby Avenue, Titans Way, Russell Street and Woodland Street, also known as the Browns Creek Force Main Sewer Relocation Project.

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

Sponsors: Withers and Pulley

129. [BL2023-2123](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon an existing public water main, and to accept a new public water main and fire hydrant assemblies, for six properties located on Sevier Street, also known as Sevier Street Water Main Extension Project (MWS Project No. 23-WL-08 and Proposal No. 2023M-87ES-001).

Analysis

This ordinance abandons approximately 243 linear feet of existing two-inch cast lines water main and accepts approximately 323 linear feet of new six-inch water main (DIP), and two fire hydrant assemblies for six properties located on Sevier Street, also known as Sevier Street Water Main Extension Project.

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

Sponsors: Withers and Pulley

130. [BL2023-2124](#)

An ordinance amending Ordinance No. BL2013-395, and approving an extension of one year to the initial term of the cable television franchise of Comcast of Nashville I, LLC, pending completion of the franchise renewal process.

Analysis

This ordinance approves a one-year extension of a cable television franchise agreement with Comcast of Nashville I, LLC through May 5, 2024. The agreement, originally approved by Ordinance No. BL2013-395, commenced on or about May 5, 2013 and was set to expire on or

about May 5, 2023. The agreement may be modified following an appropriate resolution or order by the Metropolitan Government, and both Comcast and the Metropolitan Government stipulate that this extension serves as an appropriate modification.

Currently, the CATV Special Committee is engaged in a franchise renewal process with Comcast, including whether to renew Comcast's franchise and what the content and term of a new franchise agreement may include. The CATV Special Committee wishes to continue to review Comcast's performance of the 2013 agreement, negotiate with Comcast, and explore the possibility of an informal franchise renewal between the parties.

For these reasons, Comcast and the Metropolitan Government agree to extend its franchise for 12 additional months through May 5, 2024. Within 30 days of the effective date approving this Franchise Extension Agreement, Comcast will provide a \$200,000 access support grant to the Metropolitan Government for public, educational, and governmental access equipment, facilities, and support. All other terms of the agreement would remain in full force and effect as a result of the extension.

If approved, the agreement shall be deemed retroactively effective on May 5, 2023. The agreement shall not be construed as a new franchise extension under Section 6.08.030 of the Metropolitan Code.

Fiscal Note: Comcast will provide an additional Public, Education, and Government (PEG) access support grant in the amount of \$200,000 payment to Metro to be used for public, educational, and governmental access equipment, facilities, and support.

Sponsors: Rhoten and Evans

131. [BL2023-2125](#)

An Ordinance to amend Chapters 10.16, 10.40, 10.44, and 10.72 of the Metropolitan Code of Laws to include provider-neutral language.

Analysis

This ordinance amends the Metropolitan Code of Laws to include "provider-neutral language" that replaces the use of "physician" or "physicians" with "healthcare provider" and "healthcare providers."

In practice, this legislation would allow a larger range of medical professionals to do what only physicians are authorized under the current Metropolitan Code. This includes the following: notify the Department of Health and other authorities of any patients known or suspected to have a disease that requires notification under existing law; notify the heads of household immediately upon discovering a case or suspected case of communicable disease; diagnose a suspected communicable or contagious disease as required to regulate the departure of a trailer coach and its occupants from a trailer court; and report cases involving bullet or gunshot wounds, other injuries caused by the discharge of a firearm, or a stab, cut or other wound caused by a dangerous instrumentality. The legislation also provides for facilities to be arranged for healthcare providers, instead of physicians, at mass gatherings.

Sponsors: Murphy

L. Bills on Third Reading

134. [BL2023-1882](#)

An ordinance creating Chapter 2.153 of the Metropolitan Code of Laws establishing a Bicycle and Pedestrian Advisory Commission.

Analysis

This ordinance creates a Bicycle and Pedestrian Advisory Commission, who will advise the mayor, council, and relevant Metropolitan departments and provide written formal recommendations when necessary. This will be a thirteen-member commission. Eleven members will be appointed by the mayor, one member will be appointed by the vice mayor, and one member will be elected by the council. All appointments must be confirmed by a majority of the membership to which the council is entitled. All members serve without compensation. The membership of the commission must reflect the diversity of the citizens of Nashville and Davidson County. The mayor will select the chair from the voting membership of the committee and the chair will serve for one year.

The eleven members appointed by the mayor would be recommended to be selected from the following categories:

- Non-profit community groups advocating biking and walking;
- Students or faculty members from a local university;
- Local organizations that represents disabled persons;
- Transportation planning, policy, or design professionals;
- Senior citizen advocacy organizations such as AARP or Fifty-Forward;
- Local bicycle clubs;
- Walking, running, or hiking clubs;
- Urban planning or multi-modal transportation support organizations;
- Parks or greenways friends groups; and
- Individuals who are interested in biking and walking.

In addition to the thirteen voting members, the mayor, the director of the metro health department, the director of the parks department, the director of the department of transportation and multimodal infrastructure, the chief of the metropolitan police department, the superintendent of metro public schools, the director of the metro planning department, and the director of WeGo would serve as ex officio members. Ex officio members have no vote and do not count toward quorum.

Members of the committee will serve staggered four-year terms. A position on the committee will be deemed vacant based upon failure to attend two consecutive meetings.

- The duties and purpose of the Bicycle and Pedestrian Advisory Commission is to advise the mayor, council, and relevant departments and to provide formal

recommendations related to the following:

- Promotion of bicycling and walking to the mayor, council, and departments.
- Promotion of the WalknBike Strategic Plan and bicycle, greenway and pedestrian infrastructure projects to the mayor and council.
- Promotion of the integration of bicycling, shared mobility devices, and walking in the metropolitan government's planning, design, and development of transportation facilities including bikeways and greenways.
- Promotion of the integration of bicycling, shared mobility devices, and walking in the metropolitan government's planning process and implementation of community plans, including feedback on specific plan zoning requests as they relate to walking and biking.
- Coordinate with the Vision Zero Advisory Committee, Traffic and Parking Commission, and other relevant committees, including appointing a member to serve as liaison to these bodies.
- Working with local businesses, governmental agencies, and community organizations to encourage bicycling and walking and promote community investment in bicycle racks, signage, markings and other facilities and programs.
- Working with the metropolitan government, board of education, and community groups to foster programs to educate all age groups on safe bicycling and walking skills.
- Developing and distributing informational, educational, and promotional materials for bicyclists, pedestrians, and motorists.
- Providing guidance and serving as a resource to the department of transportation and multimodal infrastructure, department of parks and recreation and the planning department in developing long-range plans to encourage increased micromobility, bicycling, and walking.
- Build a more inclusive bicycling community by representing the needs of the diverse population of bicyclists in the city.
- Provide guidance to the mayor, council, and departments on the implementation of bike share systems and shared micromobility programs.

The commission will hold regular monthly meetings and meet no less than ten times per year. Special meetings can be called by the chair. Meetings must be publicly noticed at least two weeks in advance and all relevant documents must be made available on Nashville.gov.

The commission will report quarterly to the council's Transportation and Infrastructure Committee and the Public Facilities, Arts, and Culture Committee, as needed and requested. The report may be by writing or by appearance. The commission will also submit an annual report to the council and mayor on the activities of the commission during that year, including a report on improvements and remaining needs in the bicycling and walking infrastructure. The commission will also hear from members of the public at called meetings to the extent possible.

Departments will work cooperatively with the commission in meeting these requirements and provide assistance as required. The Department of Transportation and Multimodal

Infrastructure will provide day to day staffing and assistance to the commission as it may require.

Fiscal Note: The thirteen voting members of the Bicycle and Pedestrian Advisory Commission will serve without receiving compensation from Metro.

Sponsors: OConnell, Welsch, Allen, Benedict, Mendes, Sledge, Evans, Hancock, Parker and Porterfield

135. [BL2023-1884](#)

An ordinance codifying an updated version of BL2019-78, providing that non-owner-occupied short term rental properties be located at a minimum distance from churches, schools, daycares and parks, which ordinance was approved during a Council session in which the section of the Metropolitan Code to be amended by that ordinance was simultaneously moved to another title in the Code, rendering BL2019-78 un-codifiable.

Analysis

This ordinance re-codifies the provisions of Ordinance No. BL2019-78 into Section 6.28.030 of the Metropolitan Code. BL2019-78 restricts non-owner-occupied short term rental properties from being located within one hundred feet of churches, schools, parks, playgrounds, and daycare centers and was approved by Council on July 8, 2020. However, at that same meeting, the Council also approved BL2020-187, which relocated most short term rental property regulations from Title 17 to Title 6, resulting in BL2019-78 not being codified.

The ordinance under consideration adds the provisions of BL2019-78 into Title 6 of the Metropolitan Code.

Sponsors: Sledge, Benedict, Welsch and Porterfield

136. [BL2023-1894](#)

An ordinance approving and authorizing the Director of Public Property Administration, or his designee, to accept a donation of real property consisting of 5.08 acres located at 0 Carothers Road (Parcel No. 18800003400) for the site of a new fire station (Proposal No. 2023M-004PR-001).

Analysis

This ordinance accepts the donation of real property located at 0 Carothers Road. Arden Village Apartments, LLC, owns these 5.08 acres and proposes to donate the property to the Metropolitan Government for the benefit of the Nashville Fire Department to be used as a new fire station.

Fiscal Note: The assessed value of parcel 18800003400, located at 0 Carothers Road, is \$243,091 with a land area of 129.26 acres according to the Property Appraiser's office website. Metro would only be receiving 5.08 acres of this property.

Sponsors: Lee, Rhoten, Withers, Syracuse and Suara

146. [BL2023-1994](#)

An ordinance amending Metropolitan Code Section 16.08.012 to regulate mass timber construction with the standards set forth in the 2021 Edition of the International Building Code and the 2021 Edition of the International Fire Code.

Analysis

This ordinance amends Section 16.08.012 of the Metropolitan Code to amend the adopted 2018 Edition of the International Building Code (IBC) to use the provisions of the 2021 Edition of the International Building Code (IBC) and the 2021 Edition of the International Fire Code (IFC) specific to mass timber and the construction type of the building or structure to regulate new construction utilizing mass timber. Mass timber products are solid, structural load-bearing components such as columns, beams, and panels. They are typically manufactured off-site in factories by fastening multiple layers of wood together with glue, dowels, or nails and are engineered for high strength.

Under the 2018 IBC, mass timber construction is included with other forms of wood construction and is limited to no more than up to 6 stories in height. Under the 2021 IBC, mass timber construction is split between three subtypes (Type IV-A, Type IV-B, and Type IV-C). Type IV-A is limited to no more than up to 18 stories in height; Type IV-B is limited to no more than up to 12 stories in height; and Type IV-C is limited to no more than up to 9 stories in height. This subtype delineation is determined based on amount of exposure of the mass timber portion of the building, with Type IV-A having all mass timber fully protected by noncombustible material inside and out. Additionally, various considerations and conditions may result in lower allowable maximum heights for mass timber structures. The ordinance under consideration adopts these subtype classifications, allowing for the use of mass timber for construction up to 18 stories in height.

Sponsors: Parker

147. [BL2023-2004](#)

An ordinance to amend Title 2 of the Metropolitan Code of Laws to create a Sustainability Advisory Committee to guide Nashville and Davidson County's efforts to increase sustainability and resilience and further community livability and economic competitiveness.

Analysis

This ordinance establishes the Nashville Sustainability Advisory Committee. The Committee would guide Metro's efforts to reduce greenhouse gas emissions and detrimental environmental impacts, and increase economic competitiveness, sustainability, and resilience.

The Committee would be composed of 15 members appointed by the Mayor and confirmed by the Council. Members would serve for a term of two years without compensation. All members must be residents of Davidson County. Three members would be representatives of environmental, sustainability, and resilience interests from the private, for-profit sector, three would be representatives of environmental, sustainability, and resilience interests from the non-profit community, at least one member would be a representative of higher education, at

least two would be representatives from the metropolitan council, at least one will be a representative of the mayor, and at least two will be representatives of the general public.

The following individuals or their designees would be invited to attend the Committee meetings: the director of general services, the director of water services, a member of the waste services team, the director of parks and recreation, the director of the Nashville department of transportation and multimodal infrastructure, the executive director of the metropolitan transit authority, the executive director of planning, the director of the office of emergency services, the director of social services, the director of schools, the executive director of the Metropolitan Development and Housing Authority, and the chief executive officer of Nashville Electric Service.

The Committee would be able to utilize the office and clerical staff of the mayor.

The Committee would meet at least quarterly but could meet more frequently if determined necessary.

Sponsors: Allen and Bradford

148. [BL2023-2006](#)

An ordinance to designate the Department of Codes Administration (Codes) and the Department of Transportation and Multi-modal Infrastructure (NDOT) to meet the definition of "Police Department," as authorized in Tennessee Code Section 55-16-103(6), and as used in that part, and to amend section 6.80.540 of the Metropolitan Code of Laws, for the limited purpose of allowing Codes and NDOT to also authorize the removal of abandoned vehicles by towing or transportation by emergency wrecker licensees, in emergency circumstances, as defined in Chapter 6.80, Article V, of the Metropolitan Code.

Analysis

This ordinance designates the Department of Codes and the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") to meet the definition of "Police Department" related to unclaimed and abandoned vehicles.

State law authorizes metropolitan forms of government with populations over 400,000 to designate any department, board or commission to perform the duties of a police department related to unclaimed and abandoned vehicles. T.C.A. § 55-16-103. Pursuant to the state law, the police department is authorized to remove, preserve, and store motor vehicles that have been abandoned, immobile, or unattended, among other authorizations. T.C.A. § 55-16-104.

Currently, Section 6.80.540 of the Metropolitan Code of Law only authorizes police officers and state highway patrolmen to order an emergency wrecker licensee to engage in an emergency transport or towing of a vehicle in an emergency situation as defined in that chapter.

The ordinance under consideration would authorize Codes and NDOT to instruct emergency wrecker licensees to tow or transport an abandoned vehicle in an emergency situation to enable the vehicle to be removed from the public right-of-way.

Sponsors: Parker, Pulley, Bradford, Welsch and Porterfield

149. [BL2023-2007](#)

An ordinance amending section 7.08.090 of the Metropolitan Code of Laws regarding location restrictions pertaining to beer permits.

Analysis

This ordinance amends Section 7.08.090 of the Metropolitan Code of Laws regarding location restrictions pertaining to beer permits.

Under current law, no beer permit may be issued to an applicant whose location is less than one hundred feet from a place of worship, a school or its playground, a park, a licensed day care center or nursery school or their playgrounds, or a dwelling for one or two families. There are several exceptions to this minimum distance requirement, including any location in the DTC or CF zone districts, establishments in the urban services district selling beer for on-premises consumption only who are separated by a federal highway of no less than four lanes from the locations listed above, retailers in a metropolitan area, and catered events by the holder of a valid caterer's permit.

This ordinance would add an exception for any retailer special events permit wherein the footprint of the event is less than one hundred feet from a place of worship, a school or its playground, a park, a licensed day care center or nursery school or their playgrounds, or a dwelling for one or two families, provided that the metropolitan beer permit board grants an exemption after consideration of rules promulgated by the board.

Sponsors: Johnston

150. [BL2023-2008](#)

An ordinance to amend Section 7.16.030 of the Metropolitan Code of Laws to exempt a retail location near a secondary tourist development zone from the arterial-boulevard requirement.

Analysis

This ordinance amends Section 7.16.030 of the Metropolitan Code of Laws regarding where a retail liquor store may be located. Current Metro law authorizes liquor to be sold at retail locations, provided the following criteria are met: (1) the proposed location is within the Urban Services District, (2) the proposed location is on, or has its principal access to, an existing arterial-boulevard as shown on the major street plan as adopted by the metropolitan planning commission; and (3) the proposed location is within major commercial concentrations having a land area of ten or more contiguous commercially developed acres.

For the second criteria, there are currently three exceptions to the requirement that the location be on an arterial-boulevard: (1) retail locations with an entertainment event center adjoining as a separate business on a commercial property that consists of 2.24 acres within a strip shopping center as of 2018, located 750 feet from the nearest existing arterial boulevard and located on collector-avenues or local streets no more than 3,960 feet (3/4 of a mile) in length

that intersect, at two or more locations, the same existing arterial boulevard; (2) an artisan distillery, as defined in Section 17.04.060 of the Metropolitan Code; and (3) the proposed location is on a commercial property that consists of approximately four acres within a Master Condominium Property established by Declaration recorded in 2021, located on a collector-avenue or local street no more than 3,960 feet from the nearest existing arterial boulevard and located within 200 yards of Charlotte Park

The ordinance under consideration would add a fourth exception to the arterial-boulevard requirements. This exception would apply to a retail location with a gas station and convenience store co-located on the same parcel as a separate business, on a commercial property that consists of approximately 1.66 acres located on a collector-avenue no more than 640 feet from the nearest arterial boulevard and secondary tourist development zone boundary and located adjacent to right-of-way for Briley Parkway.

Sponsors: Syracuse

151. [BL2023-2009](#)

An ordinance amending the Metropolitan Code of Laws, sections 16.08.014 and 16.08.016, in order to bring it into compliance with a new state law regarding maximum standards for energy conservation in one and two-family construction projects.

Analysis

This ordinance amends Sections 16.08.014 and 16.08.016 of the Metropolitan Code of Laws to bring Metro into compliance with a new state law regarding maximum standards for energy conservation in one and two-family construction projects.

2023 Tennessee Public Acts, Chapter 312, effective July 1, 2023, which provides that jurisdictions that exempt themselves from the state building construction safety standards must adopt the International Energy Conservation Code for one and two-family construction and may not apply it in a manner that is more stringent than the state minimum standard. Metro has exempted itself from the state building construction safety standards and has adopted the 2018 International Energy Conservation Code - however, it was amended so that it does not apply to one and two-family construction but only commercial structures. Metro currently enforces only the 2018 International Residential Code regarding energy conservation in one and two-family construction, which Code duplicates the 2018 Energy Conservation Code standards. The State of Tennessee has adopted the 2018 International Energy Conservation Code with amendments that are listed in state regulations.

This ordinance amends the Metro Code of Laws to bring it into compliance with 2023 Tennessee Public Acts, Chapter 312.

Sponsors: Parker

152. [BL2023-2011](#)

An ordinance approving a lease agreement between the Metropolitan Government of Nashville and Davidson County and Donelson Corporate Centre, L.P. for office space at 3055 Lebanon Road, Nashville, Tennessee (Proposal No. 2023M-022AG-001).

Analysis

This ordinance approves a lease agreement between the Metropolitan Government and Donelson Corporate Centre, L.P. (“the Landlord”), for use for office space located at 3055 Lebanon Road.

The Metropolitan Government has determined that office space at 3055 Lebanon Road is needed to provide office space for the Department of Social Services. Per the lease agreement, Metro would lease 29,956 square feet of space. The lease would begin upon the Landlord’s completion of improvements, which is anticipated to December 1, 2023, and continue for 121 months.

The rent for months two through thirteen will be \$26.50 per square foot, with an annual increase of 2.5%. The monthly rent for the term of the lease is as follows:

- Month 1: \$0.00
- Months 2-13: \$66,152.83
- Months 14-25: \$67,806.83
- Months 26-37: \$69,501.82
- Months 38-49: \$71,239.37
- Months 50-61: \$73,020.35
- Months 62-73: \$74,845.86
- Months 74-85: \$76,717.01
- Months 86-97: \$78,634.93
- Months 98-109: \$80,600.80
- Months 110-121: \$82,615.82

Metro shall have the option to renew this lease for a single, five-year term. Starting in the second year of the contract, Metro is responsible for a portion of operating expenses, including utilities and insurance, based on the expenses on the property when compared to the previous year’s operating expenses.

Fiscal Note: The base rental price is \$26.50/square foot or \$66,152.83 per month for the square footage of 29,956, the net rentable area, beginning the second month of Year 1 and will increase by 2.5% annually thereafter. Donelson Corporate Centre, L.P. will pay for the operating expenses or all operating costs for the building during the first calendar year of the lease and Metro will pay the tenant’s percentage share of the operating expenses after the first calendar year. The percentage share is calculated by the total number of square feet of net rentable area divided by 95% of the total square footage for all net rentable area in the building or total square footage of all net rentable area in the building leased by Metro.

Sponsors: Withers

153. [BL2023-2012](#)

An ordinance approving three agreements relating to the acquisition of a parcel of property

and improvements located at 607 Bass Street. (Proposal No. 2023M-030AG-001).

Analysis

This legislation approves three agreements tied to approximately 2.36 acres of land at 607 Bass Street that was part of the grounds of the original Fort Negley.

The first agreement is an Option Agreement for American Battlefield Trust, a Virginia non-stock corporation, to purchase the land from the current owner Robert F. Green for \$9,250,000. The Metropolitan Government is not a formal party to this Option Agreement. However, as conditions to closing, the American Battlefield Trust will assign the Option Agreement to the Metropolitan Government, a conservation easement to a qualified conservation easement holder shall be conveyed or executed upon closing, and grants shall be approved and received by Robert F. Green from the American Battlefield Protection Program in the amount of \$3,250,000, the State of Tennessee in the amount of \$3,000,000, and the Metropolitan Board of Parks and Recreation in the amount of \$3,000,000. The grants total \$9,250,000 and will be used to fund the acquisition of the property. The property sale would close on or before April 1, 2024. The appraised value of the property exceeds the purchase price stated in the Option Agreement.

The second agreement is an Assignment Agreement transferring the same parcel of property to the Metropolitan Government. Per the agreement, Metro would pay between \$3,000,000 and \$9,250,000 as its share of the purchase price, and American Battlefield Trust would work with Friends of Fort Negley Park to pursue grant funding to reduce Metro's share of the purchase price. When combined, Metro's share of the purchase price and any grant funding would equal the property purchase price plus reasonable and customary closing costs and title insurance. Metro would also agree to convey a conservation easement as may be required by grant funding. This assignment would take effect the day before the purchase contemplated in the Option Agreement would occur.

The third agreement is a lease agreement between the Metropolitan Government and the current property owner Robert F. Green. The lease would allow the current property owner to occupy the land for three years to wrap up any business on the land. The tenant would pay \$1 in annual rent and be responsible for insurance, maintenance, taxes, and utility costs on the property. The tenant would vacate the property at the end of the three-year term.

Fiscal Note: American Battlefield Trust will assign and Metro will assume responsibility of the acquisition and preservation of a parcel of property adjacent to Fort Negley Park for the purchase agreement price of \$9,250,000. The purchase agreement listed three parcels that will be acquired. The estimated appraised value according to the Assessor of Property website of these three parcels are as follows: Parcel 105-02-0-257.00 appraised value \$480,200 for 0.490 acres; Parcel 105-02-0-433.00 appraised value \$1,802,100 for 1.240 acres; and Parcel 105-02-0-432.00 appraised value \$225,000 for 0.170 acres. The conditions to close the purchase of the property include an approval and receipt of three grants, an American Battlefield Protection Program grant totaling not less than \$3,250,000, a grant from the State of Tennessee totaling not less than \$3,000,000, and a grant from Nashville Board of Parks and

Recreation totaling not less than \$3,000,000. In addition to the closing costs, a reimbursement of \$51,970 for a roof replacement will be made to the seller, Robert F. Green. According to the lease agreement, Robert F. Green will lease the property from Metro in amount of \$1.00 per year and will be responsible for leasehold property tax, property insurance, maintenance, and utility charges.

Sponsors: Sledge, Rhoten, Withers and Hurt

154. [BL2023-2013](#)

An ordinance approving and authorizing the Director of Public Property Administration, to accept a donation of real property consisting of approximately .53 acres located at 7166 Highway 100 (Parcel No. 14300001800), to increase park land for Edwin Warner Park (Proposal No. 2023M-009PR-001).

Analysis

This ordinance accepts the donation of real property located at 7166 Highway 100. Friends of the Warner Parks, Inc. owns this .53 acre property and proposes to donate it to the Metropolitan Government for the benefit of the Board of Parks and Recreation to increase park land for Edwin Warner Park.

The Board of Parks and Recreation recommends acceptance of this donation of property.

Fiscal Note: The estimated appraised value of the real property is \$97,200 according to the Assessor of Property website.

Sponsors: Henderson, Rhoten, Withers and Hurt

155. [BL2023-2014](#)

An ordinance approving and authorizing the Director of Public Property Administration, to accept a donation of real property consisting of approximately 7.81 acres located at 7156 Highway 100 (Parcel No. 14300001500), to increase park land for Edwin Warner Park (Proposal No. 2023M-008PR-001).

Analysis

This ordinance accepts the donation of real property located at 7156 Highway 100. Friends of the Warner Parks, Inc. owns this 7.81 acre property and proposes to donate it to the Metropolitan Government for the benefit of the Board of Parks and Recreation to increase park land for Edwin Warner Park.

The Board of Parks and Recreation recommends acceptance of this donation of property.

Fiscal Note: The estimated appraised value of the real property is \$511,700 according to the Assessor of Property website.

Sponsors: Henderson, Rhoten, Withers and Hurt

156. [BL2023-2015](#)

An ordinance approving and authorizing the Director of Public Property Administration, to accept a donation of real property consisting of approximately 13.18 acres located at 6949 Highway 70 S (Parcel No. 14300001100), to increase park land for conservation of open space and local flora and fauna (Proposal No. 2023M-010PR-001).

Analysis

This ordinance accepts the donation of real property located at 6949 Highway 70 S. Wilson Pike, LLC owns this 13.18 acre property and proposes to donate it to the Metropolitan Government for the benefit of the Board of Parks and Recreation to increase park land for conservation of open space and local flora and fauna.

The Board of Parks and Recreation recommends acceptance of this donation of property.

Fiscal Note: The estimated appraised value of the 14.30 acres real property is \$345,200 according to the Assessor of Property website but only 13.18 acres are donated.

Sponsors: Henderson, Rhoten, Withers, Hurt and Allen

157. [BL2023-2016](#)

An ordinance to approve the First Amendment to an agreement between The Metropolitan Government of Nashville and Davidson County and Nashville Steam Preservation Society for the lease and restoration of Steam Locomotive Number 576.

Analysis

This ordinance approves the first amendment to a lease agreement between the Metropolitan Government and the Nashville Steam Preservation Society regarding Steam Locomotive Number 576, which previously resided in Centennial Park. The original agreement, as approved by BL2016-332, allowed the Nashville Steam Preservation Society to restore the locomotive, make it operational, and allow it to be used on an existing rail line.

The amendment under consideration provides the Nashville Steam Preservation Society an additional four years to complete its restoration work with the possibility of an additional extension. If the restoration is not completed by then, the locomotive shall be returned to Centennial Park or an alternative location as requested by Metro in the same or better condition than it was found at the start of the lease.

At or before the termination of the amended lease, the Nashville Steam Preservation Society may renew the lease for an additional 13-year period, contingent on the approval of the Board of Parks and Recreation, Mayor, and Metro Council.

Fiscal Note: This amendment will not change the annual rental rate and the contingency amount.

Sponsors: Rhoten, Hurt, Welsch, Allen and Syracuse

158. [BL2023-2017](#)

An ordinance approving an agreement between the Metropolitan Government and Tennessee Golf Foundation concerning the renovation of two golf courses in Shelby Park.

Analysis

This participation agreement between the Metropolitan Government and the Tennessee Golf Foundation would provide for the renovation of the Shelby Golf Course and Vinny Links, both located at Shelby Park. Per the agreement, Metro would pay \$2,000,000 to the Tennessee Golf Foundation to design and improve the courses, which includes rebuilding the greens, installing new irrigation systems around the greens, constructing or repairing all cart paths, and upgrading a water pump that supplies water from the Cumberland River. Metro is not responsible for cost overruns, though the government may later decide to increase its contribution to the project. All work shall be completed by November 30, 2024, subject to reasonable extensions by the parties.

The participation also provides that the Metropolitan Government, through the Department of Parks and Recreation, will form a standing advisory committee of 10 members to advise on the operating and capital needs of Metro golf courses and recommend improvements on those facilities. The Tennessee Golf Foundation shall appoint three of its members, and the committee shall meet quarterly.

Fiscal Note: Metropolitan Department of Parks and Recreation would pay Tennessee Golf Foundation a total of \$2,000,000 to design and construct the renovations of two Shelby Park golf courses, Shelby and Vinny Links, as outlined in the general scope of work attached as Exhibit 1 of the agreement.

Sponsors: Withers, Rhoten and Hurt

159. [BL2023-2018](#)

An ordinance authorizing 1010 Church Owner, LLC to install, construct and maintain aerial and underground encroachments in the right of way located 1010 Church Street. (Proposal No. 2022M-019EN-001)

Analysis

This resolution authorizes 1010 Church Owner, LLC to install, construct and maintain aerial and underground encroachments at 1010 Church Street. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

Sponsors: Withers and Pulley

160. [BL2023-2019](#)

An ordinance authorizing Parke West Investment Partners, LLC, to install, construct and maintain underground encroachments in the right of way located at 3415 Murphy Road. (Proposal No. 2022M-035EN-001).

Analysis

This resolution authorizes Parke West Investment Partners, LLC to install, construct and maintain underground encroachments at 3415 Murphy Road. The proposal will consist of irrigation lines for required street trees along Murphy Road, Murphy Court, and Alley 1141 encroaching the right-of-way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments and is required to post a certificate of public liability insurance in the amount of \$4,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

Sponsors: Taylor, Withers, Pulley and Toombs

161. [BL2023-2020](#)

An ordinance authorizing LMC Towne Property Owner, LLC to install, construct and maintain encroachments in the right of way located at 808 Garfield Street (Proposal No. 2022M-034EN-001)

Analysis

This resolution authorizes LMC Towne Property Owner, LLC to install, construct and maintain encroachments at 808 Garfield Street. The proposal will consist of an irrigation system for in ground planters along Rosa Parks Boulevard, Garfield Street, Alley 516, and Nassau Street encroaching the rights-of-way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments and is required to post a certificate of public liability insurance in the amount of \$4,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

Sponsors: Withers and Pulley

162. [BL2023-2022](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent and temporary easements for the Mashburn Road Stormwater Improvement Project for three properties located at 2822 Mashburn Road and 133 and 134 East Thompson Lane, (Project No. 23-SWC-239 and Proposal No. 2023M-092ES-001).

Analysis

This ordinance authorizes the Metropolitan Government to negotiate and accept permanent and temporary drainage easements for three properties located at 2822 Mashburn Road and 133 and 134 East Thompson Lane. These easements will be used for the Mashburn Road

Stormwater Improvement Project, MWS Project 23-SWC-239.

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

Sponsors: Welsch, Withers and Pulley

163. [BL2023-2023](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon a portion of existing public stormwater drainage easement rights, for property located at 7330 Tolbert Road (Proposal No. 2023M-096ES-001).

Analysis

This ordinance authorizes the Metropolitan Government to abandon a portion of existing drainage easement rights for property located at 7330 Tolbert Road.

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

Sponsors: Withers and Pulley

164. [BL2023-2024](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer manhole, for property located at 2803 12th Avenue South, (MWS Project No. 23-SL-90 and Proposal No. 2023M-086ES-001).

Analysis

This ordinance accepts one sanitary sewer manhole for property located at 2803 12th Avenue South.

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: Cash, Withers and Pulley

165. [BL2023-2025](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer main, sanitary sewer manholes and easements, for two properties located at 3465 and 3453 West Hamilton Avenue, also known as Hamilton Place Lot 2 (MWS Project No. 23-SL-04 and Proposal No. 2023M-083ES-001).

Analysis

This ordinance accepts approximately 1,056 linear feet of new eight-inch sanitary sewer main (DIP), seven sanitary sewer manholes and easements for two properties located at 3465 and

3453 West Hamilton Avenue, also known as Hamilton Place Lot 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: Toombs, Withers and Pulley

166. [BL2023-2026](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water main, for two properties located at 1100 Spurgeon Avenue and 1400 B Napoleon Street, also known as 1110 Baptist World Center development, (MWS Project No. 22-WL-15 and Proposal No. 2023M-077ES-001).

Analysis

This ordinance accepts approximately 248 linear feet of new eight-inch water main (DIP) for two properties located at 1100 Spurgeon Avenue and 1400 B Napoleon Street, also known as 1110 Baptist World Center development.

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: Toombs, Withers and Pulley

167. [BL2023-2027](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer main, sanitary sewer manholes and easements, for two properties located at 1306 Rural Hill Road and 727 Bell Road, (MWS Project No. 22-SL-62 and Proposal No. 2023M-084ES-001).

Analysis

This ordinance accepts approximately 300 linear feet of new eight-inch sanitary sewer main (DIP), three sanitary sewer manholes and easements, for two properties located at 1306 Rural Hill Road and 727 Bell Road.

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

168. [BL2023-2028](#)

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 Zermatt Avenue (unnumbered), also known as Rose Monte Phase 4 (MWS Project Nos. 22-WL-56 and 22-SL-122 and Proposal No. 2023M-085ES-001).

Analysis

This ordinance accepts approximately 1,702 linear feet of new eight-inch water main (DIP), four new fire hydrant assemblies, approximately 2,597 linear feet of new eight-inch sewer main (PVC), 187 linear feet of new eight-inch sewer main (DIP), 20 new sanitary sewer manholes and easements for property located at Zermatt Avenue (unnumbered), also known as Rose Monte Phase 4.

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

169. [BL2023-2029](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, sanitary sewer main and sanitary sewer manhole, and to accept new public water main, sanitary sewer main and sanitary sewer manhole, for property located at 1801 Patterson Street (MWS Project Nos. 23-WL-20 and 23-SL-36 and Proposal No. 2023M-089ES-001).

Analysis

This ordinance abandons approximately 404 linear feet of existing six-inch water main, approximately 283 linear feet of existing 15-inch sanitary sewer main (VCP), and one sanitary sewer manhole and accepts of approximately 404 linear feet of new eight-inch water main (DIP), approximately 283 linear feet of new 18-inch sanitary sewer main (PVC) and one sanitary sewer manhole for property located at 1801 Patterson Street.

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

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

Sponsors: Taylor, Withers, Pulley and Toombs

170. [BL2023-2031](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to

abandon existing public water and sanitary sewer mains, sanitary sewer manholes and easements, and to accept new water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manholes and easements, for two properties located at 301 15th Avenue North and 302 McMillin Street, also known as 15th Avenue North Mixed Use Development (MWS Project Nos. 22-WL-53 and 22-SL-05 and Proposal No. 2023M-080ES-001).

Analysis

This ordinance abandons approximately 236 linear feet of existing six-inch water main (CIP), approximately 396 linear feet of existing six-inch sanitary sewer main (VCP), approximately 240 linear feet of existing 10-inch sanitary sewer main (VCP), three sanitary sewer manholes and easements, and accepts approximately 238 linear feet of new six-inch water main (DIP), approximately 559 linear feet of new 10-inch sanitary sewer main (PVC), one fire hydrant assembly, five sanitary sewer manholes and easements for two properties located at 301 15th Avenue North and 302 McMillin Street, also known as 15th Avenue North Mixed Use Development.

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

Sponsors: Withers and Pulley

171. [BL2023-2032](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water and sanitary sewer mains, sanitary sewer manholes and easements, and to accept new public sanitary sewer main, sanitary sewer manhole and easements, for six properties located at Victory Avenue, South 1st Street, Shelby Avenue, Woodland Street, Titans Way, and Russell Street, also known as the Nissan Stadium Infrastructure Project (MWS Project Nos. 23-WL-27 and 23-SL-52 and Proposal No. 2023M-082ES-001).

Analysis

This ordinance abandons approximately 1,993 linear feet of existing 12-inch water main (DIP), approximately 251 linear feet of existing eight-inch sanitary sewer main (PVC), approximately 222 linear feet of existing 18-inch sanitary sewer main (PVC), four sanitary sewer manholes and easements, and accepts approximately 108 linear feet of new eight-inch sanitary sewer main (PVC), one new sanitary sewer manhole and easements for six properties located at Victory Avenue, South 1st Street, Shelby Avenue, Woodland Street, Titans Way, and Russell Street, also known as the Nissan Stadium Infrastructure Project.

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 and donated easements have no

market value according to the Department of Water Services.

Sponsors: Withers and Pulley

172. [BL2023-2033](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer main, sanitary sewer manholes and easements, for two properties located at 9784 Concord Road and Glenmore Lane (unnumbered) in Williamson County (MWS Project No. 22-SL-207 and Proposal No. 2023M-095ES-001).

Analysis

This ordinance accepts approximately 659 linear feet of new eight-inch sanitary sewer main (DIP), four sanitary sewer manholes and easements for two properties located at 9784 Concord Road and Glenmore Lane (unnumbered) in Williamson County.

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