



Metro Council

H. Consent Resolutions and Resolutions

1. [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

2. [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 (“MNPDP”) following the conclusion of MNPDP’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, MNPDP began its pilot program on January 23, 2023. MNPDP 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. MNPDP has provided a report as an exhibit to the resolution, which is posted on the MNPDP website.

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

If the full implementation of LPR use by MNPDP is approved, MNPDP 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

3. [**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

4. [**RS2023-2361**](#)

A resolution appropriating \$28,250 from a certain account of the Community Safety Fund for a grant to Rocketown of Middle Tennessee for Napier and Sudekum Community Safety programs.

Analysis

This resolution appropriates \$28,250 from the Community Safety Fund for a grant to Rocketown of Middle Tennessee, Inc. for Napier and Sudekum Community Safety programs. The Mayor’s Office recommended that \$28,250 of the funds appropriated for community safety programs in the Budget Ordinance (Substitute Ordinance BL2023-1867) be distributed to Rocketown. The funding would contribute to the compensation and benefits for a manager for the “Student Night Lights” program, which would include skating, e-sports and performing arts events and recording studio access. The grant would also provide for supplies and a portion of security costs for the program for five days a week between 3 p.m. and 6 p.m. Rocketown will also provide transportation for residents of Napier or Sudekum to and from the program services as part of the contract.

The grant term will begin on August 16, 2023 and end on December 31, 2023.

Sponsors: Rhoten and Syracuse

5. [**RS2023-2362**](#)

A resolution appropriating \$59,442 from a certain account of the Community Safety Fund for a grant to Raphah Institute for Napier and Sudekum Community Safety programs.

Analysis

This resolution appropriates \$59,442 from the Community Safety Fund for a grant to the Raphah Institute for Napier and Sudekum Community Safety programs. The Mayor's Office recommended that \$59,442 of the funds for community safety grants appropriated in the Budget Ordinance (Substitute BL2023-1867) be distributed to the Raphah Institute to implement a program focused on engaging and supporting youth by providing peer support and therapy.

The grant will be used to hire a team of two restorative justice facilitators and one caseworker and equip them to support the Napier and Sudekum communities with restorative justice and case management work.

The term of this contract begins on August 16, 2023, and concludes on December 31, 2023.

Sponsors: Rhoten, Syracuse and Welsch

6. [**RS2023-2363**](#)

A resolution amending Resolution No. RS2022-1307, which appropriated funding from the American Rescue Plan Act to the Community Safety Partnership Fund to support evidence-based community solutions to interpersonal violence.

Analysis

This resolution amends Resolution No. RS2022-1307, which appropriated \$1,060,000 in American Rescue Plan Act funds from Fund No. 30216 to the Community Safety Partnership Fund. The Community Safety Partnership Fund was to use these funds to support evidence-based community solutions to interpersonal violence. Exhibit A to RS2022-1307 references that these funds are to be used specifically for a "Cure Violence" pilot program in North Nashville. Cure Violence is a specific program model for violence interruption.

The resolution under consideration amends RS2023-1307 to remove references to Cure Violence specifically and instead allow for the funding to be used for violence interruption services generally. This amendment would not preclude the Community Safety Partnership Fund from using the Cure Violence model, however, it would no longer require these funds to be used for the Cure Violence model. No other changes will be made to the appropriation.

Sponsors: Toombs

7. [**RS2023-2364**](#)

A resolution approving amendment one to an Adult Drug Court and Veterans Treatment Court Discretionary Program grant from the U. S. Department of Justice to the Metropolitan Government, acting by and through the General Sessions Court, to implement a DUI Court to serve participants convicted of a misdemeanor DUI offense.

Analysis

This resolution amends a grant agreement between the Metropolitan Government and the U.S. Department of Justice, previously approved by Resolution No. RS2022-1397. The grant is used to implement a DUI Court to serve participants convicted of a misdemeanor DUI offense. The

grant period began on October 1, 2021 and ends September 30, 2025.

This amendment reallocates a total of \$7,116.35 in unused funding from Year 1 of the grant. This funding represents \$2,784.35 in unused funding for Drug Testing and Rental Assistance and \$4,332 in unused funding for Rental Assistance. The funds would be reallocated to Travel, Airfare & Lodging for Years Two, Three, and Four of the grant. The additional funding would allow court staff to attend state and national conferences to provide training on best practices in treatment and specialty courts and further resource education.

Sponsors: Rhoten, Welsch and Hancock

8. [RS2023-2365](#)

A Resolution authorizing the Metropolitan Development and Housing Agency to negotiate and enter into a PILOT Agreement and accept payments in lieu of ad valorem taxes with respect to a multi-family housing project located at 333 Rio Vista Drive known as Charter Village.

Analysis

This resolution authorizes the Metropolitan Development and Housing Agency (“MDHA”) to enter into an agreement to accept payments in lieu of taxes (“PILOT”) for a multi-family housing project located at 333 Rio Vista Drive, known as Charter Village. In 2016, Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low-income housing tax credit (“LIHTC”) properties, capped at \$2,500,000 annually. If approved, this PILOT, would be the forty-first such PILOT program overall, and the third for MDHA in 2023. Before this project, the amount of annual funding available for LIHTC projects is \$1,944,953 after taking into account Resolution Nos. RS2023-1985 and RS2023-2315.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. Tenn. Code Ann. § 13-20-104 authorizes MDHA to enter PILOTs to create affordable rental housing subject to Council approval.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded LIHTC program. Subsidized LIHTC developments serve those at or below 60% of the average median income (“AMI”) for the Nashville area, which translates to an income cap of \$41,940 for individuals and \$59,880 for families of four in 2023. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

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

MDHA is required by state law to file an annual report with the Council, Assessor of Property,

and State Board of Equalization identifying the values of the properties subject to PILOTs, the date and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

The owner of the property, Charter Village Preservation, LP, plans to construct approximately 250 units to be restricted to individuals and families earning at or below 60% AMI, utilizing income averaging. The amount of the PILOT payment to Metro will be \$186,079 in the first tax year after completion. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment. The estimated project valuation is \$42,920,343.

Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$186,079 in lieu of property taxes, with a 3% annual increase starting at Year 3 through the remainder of the 10-year period.

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

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

Over the 10-year life of this PILOT agreement, a total of \$3,453,324 would be abated, although Metro would still receive \$2,133,188 in property taxes from this project, as depicted in the following table:

Real Property Tax (New)

Year	Total Value	Standard Tax	Still Pay	Abatement	Abatement %
1	\$42,920,343	\$558,651	\$186,079	\$372,572	66.7%
2	\$42,920,343	\$558,651	\$191,661	\$366,990	65.7%
3	\$42,920,343	\$558,651	\$197,411	\$361,240	64.7%
4	\$42,920,343	\$558,651	\$203,334	\$355,317	63.6%
5	\$42,920,343	\$558,651	\$209,434	\$349,217	62.5%
6	\$42,920,343	\$558,651	\$215,717	\$342,934	61.4%
7	\$42,920,343	\$558,651	\$222,188	\$336,463	60.2%
8	\$42,920,343	\$558,651	\$228,854	\$329,797	59.0%
9	\$42,920,343	\$558,651	\$235,719	\$322,932	57.8%
10	\$42,920,343	\$558,651	\$242,791	\$315,860	56.5%
Totals		\$5,586,512	\$2,133,188	\$3,453,324	61.8%

After the property tax abatement from this project, \$1,572,381 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2023.

Sponsors: Hancock and Rhoten

9. [RS2023-2366](#)

A Resolution authorizing the Metropolitan Development and Housing Agency to negotiate and enter into a PILOT Agreement and accept payments in lieu of ad valorem taxes with respect to a multi-family housing project located at 590 Joseph Avenue, known as Joseph Avenue.

Analysis

This resolution authorizes the Metropolitan Development and Housing Agency (“MDHA”) to enter into an agreement to accept payments in lieu of taxes (“PILOT”) for a multi-family housing project located at 590 Joseph Avenue, known as Joseph Avenue. In 2016, Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low-income housing tax credit (“LIHTC”) properties, capped at \$2,500,000 annually. If approved, this PILOT, would be the forty-second such PILOT program overall, and the fourth for MDHA in 2023. Before this project, the amount of annual funding available for LIHTC projects is \$1,572,381 after taking into account Resolution Nos. RS2023-1985, RS2023-2315 and RS2023-2365.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. Tenn. Code Ann. § 13-20-104 authorizes MDHA to enter PILOTs to create affordable rental housing subject to Council approval.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded LIHTC program. Subsidized LIHTC developments serve those at or below 60% of the average median income (“AMI”) for the Nashville area, which translates to an income cap of \$41,940 for individuals and \$59,880 for families of four in 2023. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

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

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

The owner of the property, Joseph Avenue Partners, LP, plans to construct approximately 140 units to be restricted to individuals and families earning at or below 60% AMI, utilizing income averaging. The amount of the PILOT payment to Metro will be \$27,277 in the first tax year after completion. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment. The estimated project valuation is \$24,427,651.

Fiscal Note: This PILOT request would require the developer to make a first-year payment of

\$27,277 in lieu of property taxes, with a 3% annual increase starting at Year 3 through the remainder of the 10-year period.

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

The final assessed value of this project will not be known until completion. However, the value of the project when completed is estimated to be \$24,427,651. For purposes of this analysis, this number will be used as a reasonable estimate of the final project value.

Over the 10-year life of this PILOT agreement, a total of \$2,866,803 would be abated, although Metro would still receive \$312,700 in property taxes from this project, as depicted in the following table:

Real Property Tax (New)

Year	Total Value	Standard Tax	Still Pay	Abatement	Abatement %
1	\$24,427,651	\$317,950	\$27,277	\$290,673	91.4%
2	\$24,427,651	\$317,950	\$28,095	\$289,855	91.2%
3	\$24,427,651	\$317,950	\$28,938	\$289,012	90.9%
4	\$24,427,651	\$317,950	\$29,806	\$288,144	90.6%
5	\$24,427,651	\$317,950	\$30,701	\$287,249	90.3%
6	\$24,427,651	\$317,950	\$31,622	\$286,328	90.1%
7	\$24,427,651	\$317,950	\$32,570	\$285,380	89.8%
8	\$24,427,651	\$317,950	\$33,547	\$284,043	89.4%
9	\$24,427,651	\$317,950	\$34,544	\$283,396	89.1%
10	\$24,427,651	\$317,950	\$35,590	\$282,360	88.8%
Totals		\$3,179,503	\$312,700	\$2,866,803	90.2%

After the property tax abatement from this project, \$1,281,708 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2023.

Sponsors: Parker and Rhoten

10. [RS2023-2367](#)

A resolution to approve the Eighth Amendment to the Lease Agreement between The Metropolitan Government of Nashville and Davidson County and Square Investment Holdings, LLC for office space in the Washington Square Building located at 222 Second Avenue North. (Proposal No. 2023M-035AG-001).

Analysis

This resolution approves the eighth amendment to the lease agreement between the Metropolitan Government and Square Investment Holdings, LLC for office space in the Washington Square Building located at 222 Second Avenue North.

Metro currently leases a total of 72,187 square feet of the Washington Square Building. Metro began leasing space in this building for Office of the District Attorney in 1993. A new lease

agreement was approved in 2008 (per BL2008-226) to add another 18,000 square feet for the Metropolitan Department of Law. In 2013, Metro exercised a right to lease an additional 4,508 square feet and to extend the term of the lease through November 30, 2023 (per RS2013-921). In 2014, an additional 2,051 square feet was leased for use by Criminal Justice Planning (per RS2014-1016). In 2019, Metro leased an additional 1,491 square feet for use by Criminal Justice Planning (per RS2019-1678) and an additional 3,854 square feet for use by the Community Oversight Board (per RS2019-1863). In 2020, the lease term for the Department of Law and Office of the District Attorney space was extended through November 30, 2028 (per RS2020-337). Earlier this year, the lease terms for the Criminal Justice Planning space was extended through November 30, 2028 (per RS2023-2141).

The amendment under consideration extends the term of the lease for the Community Oversight Board space through May 31, 2024. The annual rental rate per rentable square foot for the period December 1, 2023 through May 31, 2024 would be \$27.08. The Community Oversight Board space is 3854 square feet. The current term of the lease for the Criminal Justice Planning, Metro Legal, and District Attorney space will expire November 30, 2028, and are not subject to this amendment.

Fiscal Note: The annual rental rate for the Community Oversight Board space, which consists of 3,854 rentable square feet, for the lease extension period from December 1, 2023, to May 31, 2024, is \$27.08 per rentable square foot.

Sponsors: OConnell, Rhoten and Withers

11. [RS2023-2368](#)

A resolution approving an amendment to the intergovernmental license agreement between the Metropolitan Government of Nashville and Davidson County and the United States of America, acting by and through the Department of Defense, to enter certain property located at 1414 County Hospital Road owned by the Metropolitan Government, for limited military training purposes. (Proposal No. 2023M-028AG-002)

Analysis

This resolution amends a license agreement between the Metropolitan Government and the U.S. Department of Defense to conduct military training on 1414 County Hospital Road in September 2023. The original license agreement was approved by Resolution No. RS2023-2292.

The effective dates for the original license agreement were September 11 to 12, 2023. This amendment would alter the effective dates to September 7 to 12, 2023. No other changes would be made to this agreement.

Sponsors: Rhoten and Withers

12. [RS2023-2369](#)

A resolution approving a \$19,500,000 grant agreement from The Metropolitan Government of Nashville and Davidson County to the Community Foundation of Middle Tennessee for the purpose of creating the Housing Catalyst Fund using American Rescue Plan Act (ARPA)

funds from Fund No. 30216.

Analysis

This resolution approves a grant from the Metropolitan Government to the Community Foundation of Middle Tennessee (“CFMT”) for the purpose of creating the Housing Catalyst Fund using American Rescue Plan Act (“ARPA”) funds from Fund No. 30216.

On December 21, 2021, the Council appropriated \$40,200,000 in ARPA funds through Resolution No. RS2021-1260. Of this, \$20,000,000 was to be used for the creation of a Housing Catalyst Fund. The Housing Division of the Planning Department conducted a publicly advertised, competitive procurement process and selected Forsyth Street Advisors and associated subcontractors Nelson Community Partners and Pillars Development to conduct a market analysis to determine the best structure for a sustainable housing fund and to assist in the creation of a fund that maximizes Metro’s investment.

The remaining \$19,500,000 in funding will be granted to the CFMT to establish and provide for the administration of the Housing Catalyst Fund. This resolution approves a grant contract between Metro and CFMT. Pursuant to the terms of the contract, CMFT will establish and provide for the administration of the Housing Catalyst Fund to support the creation and preservation of affordable and workforce housing by providing low-cost capital as loans for development in Metropolitan Nashville. The term of the grant begins upon execution and will extend until the Catalyst Fund is established and in operation, but in no event more than 24 months. CFMT will be required to continue to comply with the provisions of the grant contract for as long as it continues to operate the Housing Catalyst Fund.

Details about the Housing Catalyst Fund program can be found in Exhibit 1 to the resolution, which is also incorporated into the grant contract.

Sponsors: VanReece, Rhoten and Welsch

13. [RS2023-2370](#)

A resolution amending RS2022-1860 to change the implementation strategy for the collective or shared equity housing activity from an RFP to a designated set-aside in Barnes funding round.

Analysis

This resolution amends Resolution No. RS2022-1860 to alter the implementation strategy for \$9,500,000 in American Rescue Plan Act funds previously allocated by the Council.

The Council adopted RS2022-1860 on November 15, 2022. That resolution appropriated \$10,000,000 in American Rescue Plan Act funds from Fund No. 30216 to the Housing Division of the Metropolitan Planning Department. Of this funding, \$9,500,000 was to be used for new construction or acquisition/rehabilitation of housing for shared equity ownership. The Housing Division would issue a request for proposals (“RFP”) for a partner with experience in developing or financing collective or shared equity housing. The goal of this activity was to

create 76 units.

The remaining \$500,000 was to be used to increase awareness of and connection to existing resources for prospective homebuyers and the creation of a network among service providers and financial institutions. The Housing Division would issue an RFP for a community-based nonprofit or consortium of nonprofits with demonstrated experience building trust with Black and brown communities. The goal of this activity was to assist 100 people in becoming mortgage ready.

The amendment under consideration would delete the current implementation strategy for collective or shared equity housing activity through an RFP. Instead, this \$9,500,000 in funding would be used for a designated set-aside in a Barnes Fund funding round.

Sponsors: Rhoten and Welsch

14. [RS2023-2371](#)

A resolution approving a contract between the Metropolitan Government of Nashville and Davidson County and Johnson Control, Inc. to provide Metasys service, maintenance and upgrades.

Analysis

This resolution approves a sole source contract between the Metropolitan Government and Johnson Control, Inc. to provide Metasys service, maintenance, and upgrades.

Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

The term of the contract is for 60 months. The estimated value of the contract is \$4,000,000.

The Department of General Services will use this contract for preventative maintenance, repairs, and upgrades to the Metasys Building Automation software/systems on an as needed basis. According to the sole source justification form, Johnson Controls, Inc. is the sole manufacturer and service provider for Metasys software and the only entity authorized to access the Metasys software for existing Metro facilities.

Fiscal Note: The estimated value of the sole source contract with Johnson Controls, Inc. for the Metasys Building Automation Software/Systems service maintenance and upgrade is \$4,000,000 to be paid from Fund 10101, Business Units Nos. 10103220 and 39102000.

Sponsors: Rhoten and Benedict

15. [RS2023-2372](#)

A resolution approving amendment one to a grant from the Community Foundation of Middle Tennessee to the Metropolitan Government, acting by and through the Information Technology Services Department, to fund the position of Digital Inclusion Officer to manage

the allocation of resources to ensure equitable service delivery and expand economic opportunities in meeting the needs of the underserved.

Analysis

This resolution approves amendment one to a grant from the Community Foundation of Middle Tennessee to the Information Technology Services Department. This grant will fund the position of Digital Inclusion Officer to manage the allocation of resources to ensure equitable service delivery and expand economic opportunities in meeting the needs of the underserved. The original agreement was approved by RS2023-2052. The original grant amount was \$65,000 with a required local cash match of \$16,666.66.

The amendment increases the amount of the grant by \$25,000 to a new grant total of \$90,000. The match requirement will stay the same.

Sponsors: Rhoten, Benedict and Welsch

16. [RS2023-2373](#)

A resolution approving Amendment Number 2 to a sole source contract between the Metropolitan Government of Nashville and Davidson County (“Metro”) and Tyler Technologies, Inc., to increase the value of the contract.

Analysis

This resolution approves amendment two to a sole source contract between the Metropolitan Government and Tyler Technologies, Inc. to design, develop, and deploy an open data and citizen connect portal platform.

Section 4.12.060 of Metropolitan Code of Laws requires the Metropolitan Council to approve sole source contracts with values of more than \$250,000. The original contract value was under \$250,000 and therefore approval by the Council was not required.

The amendment would extend the term of the agreement from July 16, 2023, to July 26, 2024, and increase the value of the contract by \$72,000, from \$216,000 to \$288,000. The amendment would also replace Exhibit C, the Investment Summary, to reflect the pricing for the additional year of the contract.

Fiscal Note: This sole source contract (457078) amendment increases the contract life value by \$72,000 for a new estimated contract value of \$288,000 to be paid from Fund 51137, Business Unit 14521180.

Sponsors: Rhoten, Benedict and Welsch

17. [RS2023-2374](#)

A resolution accepting a grant from the Tennessee State Library and Archives to the Metropolitan Government, acting by and through the Nashville Public Library, to target library materials to persons having difficulty using a library and to provide special services to children and the underserved.

Analysis

This resolution accepts a grant from the Tennessee State Library and Archives to the Nashville Public Library in an amount not to exceed \$430,500 with no cash match required. The grant will be used for library materials to persons having difficulty using a library and the underserved, and access to and/or circulation of library materials in a variety of formats for children and young people. The grant term begins on July 1, 2023 and ends on June 30, 2024.

Sponsors: Rhoten, Hurt, Welsch and Hancock

18. [RS2023-2375](#)

A resolution appropriating a total of \$576,345.00 to increase the individual grant amounts from the Nashville Public Library to specific non-profit organizations for the expansion of free and high-quality afterschool and summer programming through the Library’s Nashville After Zone Alliance out-of-school time coordinating system.

Analysis

This resolution amends grant contracts with 15 non-profit organizations that provide free and high-quality afterschool programming through Nashville Public Library’s Nashville After Zone Alliance (“NAZA”) program. The original grant contracts, approved by RS2023-2282, appropriated a total of \$2,938,965 to 19 organizations.

The amendment under consideration would appropriate an additional \$576,345 to be distributed to 15 organizations, as follows:

- Aspiring Youth Enrichment Services \$114,885(for a new total of \$460,000)
- Backfield in Motion \$14,210 (for a new total of \$318,945)
- Beech Creek Ministries \$30,710 (for a new total of \$89,875)
- Bethlehem Centers of Nashville \$10,390 (for a new total of \$106,910)
- Black Lemonade \$84,010 (for a new total of \$363,335)
- Church on the Rock \$41,255 (for a new total of \$307,030)
- DYMON in the Rough \$35,320 (for a new total of \$132,530)
- Global Outreach Developments International \$54,220 (for a new total of \$218,520)
- Martha O’Bryan Center \$48,650 (for a new total of \$431,650)
- Moves and Grooves, Inc. \$13,550 (for a new total of \$129,790)
- Nashville International Center for Empowerment \$7,318 (for a new total of \$79,138)
- Nations Ministry Center \$57,233 (for a new total of \$213,633)
- Why We Can’t Wait, Inc. \$2,059 (for a new total of \$154,739)
- YMCA of Middle Tennessee \$34,625 (for a new total of \$187,450)
- Youth Journeyz \$28,000 (for a new total of \$106,300)

The grant amendments are attached to the resolution.

Sponsors: Rhoten, Hurt, Welsch, Hancock and Gamble

19. [RS2023-2376](#)

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

Analysis

This resolution accepts a grant from the U.S. Environmental Protection Agency to the Metropolitan Board of Health in an amount not to exceed \$64,825 with no cash match required. This grant will be used to purchase the State and Local Emission Inventory System (SLEIS) to replace the current emission inventory software and hardware. The grant period begins on June 1, 2023, and ends on May 31, 2026.

Sponsors: Rhoten, Syracuse and Hancock

20. [RS2023-2377](#)

A resolution approving amendment two to a grant from the Tennessee Department of Human Services, to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to conduct immunization record audits for child-care centers, drop-in centers, and group child-care homes to ensure the safety and well-being of children and families in Tennessee.

Analysis

This resolution approves amendment two to a grant from the Tennessee Department of Human Services to the Metropolitan Board of Health to conduct immunization record audits for child-care centers, drop-in centers, and group child-care homes to ensure the safety and well-being of children and families in Tennessee. The original agreement was approved by RS2021-1120 and amendment one was approved pursuant to RS2022-1714. The term of the grant began October 1, 2021.

The amendment increases the amount of the grant by \$198,052.80, from \$378,852.80 to \$576,905.60. The amendment also extends the end date of the grant by twelve months to September 30, 2024.

Sponsors: Rhoten, Syracuse and Welsch

21. [RS2023-2378](#)

A resolution accepting a grant from the Greater Nashville Regional Council to the Metropolitan Government, acting by and through the Metropolitan Social Services Commission, to provide nutrition services for older or disabled adults and transportation services for eligible persons.

Analysis

This resolution accepts a grant from the Greater Nashville Regional Council (“GNRC”) to the Metropolitan Social Services Commission in an amount not to exceed \$911,686 with a required cash match of \$81,459.22. This grant will be used to continue providing the meals for the

elderly through the Meals on Wheels program. This grant has been provided by the GNRC for over 30 years. The grant period begins on July 1, 2023, and ends on June 30, 2024.

Sponsors: Rhoten, Druffel, Welsch and Hancock

22. [RS2023-2379](#)

A resolution accepting a grant from the Tennessee Office of Criminal Justice Programs to the Metropolitan Government, acting by and through the Office of Family Safety, to offset funding reductions in the current contract to ensure the continued provision of services in Nashville's Family Safety Centers.

Analysis

This resolution accepts a grant from the Tennessee Office of Criminal Justice Programs to the Office of Family and Safety in an amount not to exceed \$224,625 with no cash match required. The grant will be used to offset VOCA funding reductions to ensure continued services provided in Nashville's Family Safety Centers, Jean Crowe Advocacy Center, and Family Safety Center, by funding seven advocates. The grant period begins on July 1, 2023 and ends on June 30, 2024.

Sponsors: Rhoten and Syracuse

23. [RS2023-2380](#)

A resolution approving Amendment Number 1 to a sole source contract between the Metropolitan Government of Nashville and Davidson County and Fusus, Inc. to increase the value of the contract and extend the term of the contract.

Analysis

This resolution amends a sole source contract between the Metropolitan Government and Fusus, Inc.

Section 4.12.060 of Metropolitan Code of Laws requires the Metropolitan Council to approve sole source contracts with values of more than \$250,000. For that reason, the Metropolitan Council did not approve the original agreement with Fusus, which was worth \$175,000.

The original contract began on September 15, 2022 and is set to expire on September 14, 2023. As part of the agreement, Fusus agreed to provide community safety video integration services, which is designed to provide a platform to collect and share public video footage and data integration to expedite intelligence gathering and criminal investigations. Fusus allows for members of the public to voluntarily register cameras and share videos with the Metropolitan Nashville Police Department ("MNPD"). MNPD maintains a map of registered cameras, but only authorized MNPD personnel have access to the registry map. The map allows MNPD to know if there are registered cameras within the vicinity of a crime or critical incident and to request footage from the registered camera owner. The camera owner can choose whether to provide MNPD with access to the footage. This technology also allows MNPD to access Metropolitan Nashville Public School cameras in real time in the event of an active shooter or similar emergency.

The amendment under consideration extends the term of the agreement by 12 months to September 26, 2024. The amendment also increases the contract value by \$175,000, from \$175,000 to \$350,000.

Fiscal Note: This sole source contract (6518701) amendment increases the contract life value by \$175,000 to a new estimated contract life value of \$350,000, due to the 12-month contract term extension, to be paid from Fund 10101, Business Unit 31160110.

Sponsors: Rhoten and Syracuse

24. [RS2023-2381](#)

A resolution approving a Construction Agreement between CSX TRANSPORTATION, INC., a Virginia corporation with its principal place of business in Jacksonville, Florida (CSXT), and the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), for the reimbursement of CSXT-performed railroad crossing safety improvements at Davidson Road near Harding Pike, CSX Project Number TN2019655. (Proposal No. 2023M-025AG-001.)

Analysis

This resolution approves a construction agreement between CSX Transportation (“CSXT”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”). This agreement is for the reimbursement of CSXT-performed railroad crossing safety improvements at Davidson Road near Harding Pike.

NDOT has programmed a sidewalk project along Davidson Road to facilitate pedestrian travel between transit stops at Harding Pike and Davidson Road to H.G. Hill Middle School, which crosses through the CSXT right-of-way. This consists of a 10-foot sidewalk/multiuse pathway, signals, and a pedestrian gate. NDOT will be responsible for all future maintenance, repair, and improvement costs for the project, including the signals and pedestrian gate. CSXT has sole authority to determine the need for flagging required to protect its operations and NDOT will reimburse CSXT directly for all costs of flagging. CSXT will also perform preliminary engineering services and installation of pedestrian signal equipment and construction engineering and inspection. Signal and communications comprise the bulk of the cost for the CSXT work.

Ordinance No. BL2005-787 authorized approval of agreements between Metro and CSXT by resolution.

Fiscal Note: Nashville Department of Transportation and Multimodal Infrastructure (NDOT) would reimburse CSX Transportation, Inc. in the amount of \$687,316 for the railroad crossing safety improvements at Davidson Road and Harding Place.

Sponsors: Druffel, Rhoten, Withers and Pulley

25. [RS2023-2382](#)

A resolution approving an intergovernmental agreement between the United States

Department of Transportation (USDOT) and the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), for the acceptance of a Strengthening Mobility and Revolutionizing Transportation (SMART) Grant from USDOT to NDOT, to install LiDAR and video camera technologies at key intersections and mid-block segments for “near-miss” data collection. (Federal No. SMARTFY22N1P1G50, Prop. No. 2023M-036AG-001)

Analysis

This resolution accepts a Strengthening Mobility and Revolutionizing Transportation (SMART) grant from United States Department of Transportation to Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) in an amount not to exceed \$2,000,000 with no cash match required. The grant will be used to implement NDOT’s Leveraging Advanced Data to Deliver MultiModal Safety (LADDMS) project through the installation of LiDAR and video camera technologies at key intersections and mid-block segments to understand near misses in Nashville. The grant period begins on August 15, 2023 and ends on February 15, 2025.

Sponsors: Evans, Rhoten, Pulley and Hancock

26. [RS2023-2383](#)

A resolution accepting a donation from Dickerson Nashville Owner, LP in the amount of \$20,000 as a contribution towards infrastructure improvements at the intersection of Dickerson Pike and Lemuel Road.

Analysis

This resolution accepts a donation of \$20,000 from Dickerson Nashville Owner, LP to the Metropolitan Government. Dickerson Nashville Owner, LP owns and plans to develop a parcel of property at the corner of Dickerson Pike and Lemuel Road. This donation will be used towards the estimated cost of installing a pedestrian hybrid beacon at the intersection of Rock Street and Dickerson Pike. The donation will be made prior to the owner obtaining a building permit for the property.

Sponsors: Toombs, Rhoten and Pulley

27. [RS2023-2384](#)

A resolution authorizing BPH Fund II, LLC to construct and install an aerial encroachment at 419 Broadway (Proposal No. 2023M-011EN-001).

Analysis

This resolution authorizes BPH Fund II, LLC to construct, install, and maintain an aerial encroachment at 419 Broadway. The encroachment comprises an illuminated projecting sign at 46 square feet. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachment. Prior to receiving a permit, the applicant must file a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk and the Nashville Department of Transportation and Multimodal Infrastructure naming the Metropolitan Government as an insured party.

Sponsors: OConnell, Withers and Pulley

28. [RS2023-2385](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of April Khoury, Old South Construction LLC, Aspen Construction LLC, and MRB Developers LLC against the Metropolitan Government of Nashville and Davidson County in the amount of \$150,674.47, with \$76,695.67 to be paid from the Judgments and Losses fund, and \$73,978.80 to be paid from the NDOT Sidewalk Fund.

Analysis

In 2017, the Metropolitan Council amended Section 17.20.120 of the Metropolitan Code of Laws to require property owners to build sidewalks or pay a fee in lieu of sidewalk construction as a condition on certain building permits. The Council amended the section in 2019 to its current form. The Plaintiffs, April Khoury, Old South Construction LLC, Aspen Construction LLC, and MRB Developers LLC, all paid in-lieu fees under the initial version of the sidewalk ordinance. Each Plaintiff filed an appeal with the Board of Zoning Appeals. After their applications were denied, they filed a lawsuit against the Metropolitan Government challenging the sidewalk ordinance as an unconstitutional exaction in violation of the Fifth Amendment's Takings Clause.

The Chancery Court has not yet ruled on the dispositive legal question in this case, however, it is likely to follow the United States Court of Appeals for the Sixth Circuit's decision in a related case, *Knight et al. v. Metro Nashville*. Further litigation is unlikely to yield a positive outcome for Metro and will increase costs to taxpayers.

The Plaintiffs requested reimbursement of their in-lieu of fees plus interest. The breakdown is as follows:

- April Khoury: \$12,524.80 in-lieu payment refund, plus \$23,380.93 interest
- Old South: \$31,920 in-lieu payment refund, plus \$6,067.91 interest
- Aspen: \$9,879 in-lieu payment refund, plus \$1,877.97 interest
- MRB: \$19,655 in-lieu payment refund, plus \$3,736.36 interest

The total is \$73,978.80 for in-lieu fee reimbursements and \$14,063.17 interest for a total of \$88,041.97 in damages.

The Department of Law recommends settlement of this case for \$150,674.47, of which \$76,695.67 (representing attorney's fees, costs, and other interest) is to be paid from the Judgments and Losses fund and \$73,978.80 (representing the in-lieu fees) to be paid from the NDOT Sidewalk Fund.

Fiscal Note: The total settlement amount is \$150,674.47. The NDOT Sidewalk Fund would pay the amount of \$73,978.80 and the remaining amount of \$76,695.67 would be paid from Judgements and Losses Fund. This \$76,695.67, along with the settlement per Resolution No. RS2023-2386 would be the 1st and 2nd payment from the Judgment and Losses Fund in FY24 for a cumulative total of \$292,156. The fund balance would be \$14,566,681 after this payment.

Sponsors: Rhoten

29. [RS2023-2386](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of James Knight and Jason Mayes against the Metropolitan Government of Nashville and Davidson County in the amount of \$224,343.91, with \$215,460.70 to be paid out of the Judgments and Losses Fund and \$8,883.21 to be paid out of the NDOT Sidewalk Fund.

Analysis

In 2017, the Metropolitan Council amended Section 17.20.120 of the Metropolitan Code of Laws to require property owners to build sidewalks or pay a fee in lieu of sidewalk construction as a condition on certain building permits. The Council amended the section in 2019 to its current form.

James Knight and Jason Mayes (“Plaintiffs”) both own property in Nashville subject to the sidewalk ordinance. Mr. Knight hired a contractor to build a single-family home on his property on Acklen Park Drive, but halted when he could not get a permit without paying a sidewalk in-lieu fee. Mr. Mayes paid an in-lieu fee in 2020. Both Plaintiffs applied for a variance from the Board of Zoning Appeals. Both applicants were denied and this lawsuit followed, which challenged the sidewalk ordinance as an unconstitutional exaction in violation of the Fifth Amendment’s Takings Clause. This case became *Knight et al. v. Metropolitan Government*.

This District Court sided with Metro and held the sidewalk ordinance as constitutional. Plaintiffs appealed and on May 10, 2023, the United States Court of Appeals for the Sixth Circuit reversed the District Court’s decision. The Plaintiffs sought injunctive relief to declare the sidewalk ordinance unconstitutional. Mr. Mayes also requested reimbursement of his \$8,883.21 in-lieu fee.

Under 42 U.S.C. § 1988, Plaintiffs’ attorneys are entitled to their reasonably incurred costs and fees. The itemized fees for the Plaintiffs’ attorneys come to \$244,343.91.

The Department of Law recommends settlement of this case for \$224,343.91, with \$215,460.70 representing fees and costs to be paid from the Judgments and Losses fund and \$8,883.21 representing Mr. Mayes’s in-lieu fee to be paid from the NDOT Sidewalk Fund.

Fiscal Note: The total settlement amount is \$224,343.91. The NDOT Sidewalk Fund would pay the amount of \$8,883.21 and the remaining amount of \$215,460.70 would be paid from Judgements and Losses Fund. This \$215,460.70 settlement, along with the settlement per Resolution No. RS2023-2385 would be the 1st and 2nd payment from the Judgment and Losses Fund in FY24 for a cumulative total of \$292,156. The fund balance would be \$14,566,681 after this payment.

Sponsors: Rhoten

30. [RS2023-2387](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of April Parker against the Metropolitan Government of Nashville and Davidson County in the amount of \$51,000.00, and that said amount be paid from of the Self-Insured Liability Fund.

Analysis

On September 17, 2019, an NDOT employee was driving a dump truck westbound on the Jefferson Street Bridge in the middle lane. At the same time, April Parker was driving westbound in the right lane on the Jefferson Street Bridge. As the NDOT employee attempted to merge into the right lane, the truck struck the rear driver's side of Ms. Parker's vehicle. The NDOT employee stated that Ms. Parker's vehicle was in his blind spot. The Metro truck sustained minor damage to the front passenger side and Ms. Parker's vehicle sustained minor damage to the rear driver's side.

Ms. Parker sought treatment at the emergency room after the accident. She had pain in her right neck and arm. She underwent examination and x-rays of her right upper arm, right hand, and CTs of her cervical spine and head. She was ultimately diagnosed with a cervical strain. She was referred to a specialist who ordered MRIs of her spine, right shoulder, scapula, right elbow, and right wrist. Her diagnosis was adjusted to a strain of the right sternoclavicular joint, right bicep tendonitis at the shoulder, and a flare of her pre-existing carpal tunnel syndrome. She was treated with a right-hand brace, muscle relaxers, and steroids.

Ms. Parker incurred \$22,779.51 in medical bills. During the claims process, Metro paid \$1,746.58 for the property damage to Ms. Parker's vehicle.

The Department of Law recommends settlement of Ms. Parker's personal injury claim for \$51,000.

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

Fiscal Note: This \$51,000 settlement, along with the settlement per Resolution No. RS2023-2392 would be the 4th and 5th payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$209,374. The fund balance would be \$17,248,343 after these payments.

Sponsors: Rhoten

31. [RS2023-2388](#)

A resolution amending Ordinance No. BL2023-1690, as amended, to extend its effective date to January 1, 2024.

Analysis

This resolution amends Ordinance No. BL2023-1690 to extend the effective date. BL2023-1690 established a stormwater capacity fee for Davidson County. That ordinance

provided an effective date of July 1, 2023, which was previously extended to October 1, 2023 through RS2023-2278. The ordinance further provided that amendments to the ordinance may be approved by a resolution of Council.

This resolution extends the effective date of the ordinance from October 1, 2023 to January 1, 2024.

Sponsors: Syracuse

32. [RS2023-2389](#)

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 Metro Nashville Airport Authority, to provide public water service improvements for MNAA's proposed development, as well as other existing properties in the area (MWS Project No. 23-WL-0031 and Proposal No. 2023M-034AG-001).

Analysis

This resolution approves a participation agreement between the Metropolitan Department of Water and Sewerage Services ("MWS") and Metro Nashville Airport Authority ("MNAA").

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, MNAA has agreed to contract and oversee the replacement of approximately 514 linear feet of 12-inch water main (DIP) with 24-inch watermain (DIP) and two fire hydrants on Terminal Drive. Metro will inspect the construction and, upon acceptance, will be responsible for ongoing operation and maintenance of these improvements. Metro agrees to contribute the material cost difference between MNAA's required 16-inch water main and Metro's requested 24-inch water main, not to exceed \$131,746.60 as a contribution toward these improvements.

Fiscal Note: The Department of Water and Sewerage Services will pay Metro Nashville Airport Authority (MNAA) up to \$131,746.60 for the design and installation of a new 24" water main within the airport property.

Sponsors: Bradford, Rhoten, Withers and Pulley

33. [RS2023-2390](#)

A resolution accepting a Hazard Mitigation Grant from the State of Tennessee, Department of Military, Tennessee Emergency Management Agency, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, to allow for the reimbursement of previously awarded funds.

Analysis

This resolution accepts a Hazard Mitigation Grant from the Tennessee Emergency Management Agency to the Metropolitan Department of Water and Sewerage Services. The

grant award is not to exceed \$709,592.54 with a required cash match of \$101,370.36. This funding will reimburse previously awarded funds that have been used to acquire and demolish seven repetitive loss properties which lie in a designated floodplain area in Metro Nashville-Davidson County.

Sponsors: Rhoten and Pulley

34. [RS2023-2391](#)

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 720 Hite Street, for Metro Water Services (Proposal No. 2023M-012PR-001).

Analysis

This resolution authorizes the purchase of one flood-prone property located at 720 Hite Street. This purchase is part of Metro Water Services' ongoing program to purchase flood-prone properties. Metro has acquired the option to purchase this property for \$440,000.

This resolution has been approved by the Planning Commission.

Fiscal Note: The appraised value of this property, according to the Assessor of Property's website, is \$249,600 for the 0.19-acre parcel.

Sponsors: Rhoten, Withers, Pulley and Roberts

35. [RS2023-2392](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Maricruz Olivares Rodriguez against the Metropolitan Government of Nashville and Davidson County in the amount of \$100,000, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On December 29, 2022, a Metro Water and Sewer Waste Services ("MWS") employee was backing up a waste truck on Rolynn Drive when it struck a vehicle driven by Maricruz Olivares Rodriguez. Ms. Olivares Rodriguez was inside the vehicle when the collision occurred, complained of pain in her neck, lower back, right leg, and shoulder, and was taken to the emergency room. She later attended physical therapy, received orthopedic and chiropractic care, and had an MRI performed on her neck. Her vehicle was deemed a total loss and a settlement of \$3,000 is included in the total settlement.

The Department of Law recommends settlement of Ms. Olivares Rodriguez's personal injury and property damage claims for \$100,000.

Disciplinary action against the MWS employee is pending supervisory review.

Fiscal Note: This \$100,000 settlement, along with the settlement per Resolution No.

RS2023-2387 would be the 4th and 5th payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$209,374. The fund balance would be \$17,248,343 after these payments.

Sponsors: Rhoten

I. Bills on Third Reading

46. [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

48. [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

49. [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

53. [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, Allen and Benedict

54. [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 limit amplified noise and enhance enforcement in order 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, Porterfield and Allen

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. [BL2023-2114](#)

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

120. [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

121. [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

122. [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

123. [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

124. [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

125. [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

126. [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

127. [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

128. [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

129. [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

130. [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