



Metropolitan Council

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## H. Resolutions

### 1. [RS2023-131](#)

A resolution authorizing the Metropolitan Mayor to execute an Interlocal Agreement for the Northern Middle Tennessee Local Workforce Development Area in accordance with the Workforce Innovation and Opportunity Act.

#### Analysis

This resolution authorizes the Mayor to execute an interlocal agreement for the Northern Middle Tennessee Local Workforce Development Area in accordance with the Workforce Innovation and Opportunity Act (“WIOA”). WIOA provides federal funding and is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and match employers with skilled workers. The Council previously approved the acceptance of a WIOA grant pursuant to RS2020-673, which was amended by RS2022-1834. The Mayor was previously authorized to enter into an interlocal agreement for the Northern Middle Tennessee Local Workforce Development Area pursuant to RS2018-1351.

Under the authority of WIOA, the Governor of Tennessee has previously designated the Northern Middle Tennessee Local Workforce Development Area that consists of the counties of Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, and there has been further established the Northern Middle Tennessee Local Workforce Development Board as the regional entity responsible for the implementation and operation of the workforce development system. Mayors and chief executives of the counties in the Northern Middle Tennessee Local Workforce Development Area previously executed an intergovernmental agreement regarding their obligations and responsibilities related to WIOA and the agreement is valid through June 30, 2024.

This resolution authorizes Mayor Freddie O’Connell to execute this agreement, in accordance with state law.

**Sponsors:** Evans, Welsch and Gadd

### 2. [RS2023-132](#)

A resolution authorizing the Metropolitan Department of Water and Sewerage Services to transfer control of two parcels of property to the Metropolitan Government.

Analysis

This resolution authorizes the transfer of control of two parcels of property from the Metropolitan Department of Water and Sewerage Services to the Metropolitan Government for use by the Affordable Housing Division of the Planning Department.

The properties at 0 Hagan Street and 136 Jacksonian Drive are no longer needed in the operation of the Metropolitan Government's water or sewerage systems and may have value as land for affordable housing. Appraisals on both properties indicate they are suitable for residential use.

Tennessee Code Annotated section 7-34-115(a)(9) provides that revenues derived from public works may be paid to the municipality if the municipality so requests in lieu of ad valorem tax on the property of the public works within the municipality's corporate limits. Transfer of control of the properties to the Metropolitan Government would serve as an in-kind payment in lieu of ad valorem taxes.

*Fiscal Note: According to the appraisal report, the appraised value of the 0.30-acre vacant land site at 0 Hagan Street is \$1,050,000 and the appraised value of the 2.79-acre vacant land site at 136 Jacksonian Drive is \$770,000 as of October 23, 2023.*

**Sponsors:** Huffman, Vo, Porterfield, Gamble and Parker

**3. [RS2023-133](#)**

A resolution amending Ordinance No. BL2023-1690, as amended, to provide a stormwater capacity fee appeal process and to amend the applicability of the new section 15.64.035 of the Metropolitan Code.

Analysis

This resolution amends Ordinance No. BL2023-1690, previously approved by the Council on March 7, 2023. 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 and, later, to January 1, 2024, pursuant to RS2023-2388. The ordinance further provided that amendments to the ordinance may be approved by a resolution of Council.

The resolution under consideration amends the text of Section 15.64.035 as approved by BL2023-1690. The resolution would amend the applicability of the stormwater capacity fee. Currently, the stormwater capacity fee is applicable to "properties located in Davidson County, excluding satellite cities." The resolution amends the provision to also exclude single-family, two-family, and residential multi-family projects in the MS-4 area and infill lots. In addition, a new subsection would be added to the section to outline the procedures for an appeal for the stormwater capacity fee. A developer could appeal the stormwater capacity fee to an engineering firm selected from a list of contracted engineering firms approved by the Metropolitan Government. The appeal would be limited to a review of the fee calculation based on the square footage calculation provided by the developer and a review of the calculation

determination by the Metropolitan Government. The decision of the review would be final.

**Sponsors:** Weiner and Allen

4. [\*\*RS2023-134\*\*](#)

A resolution authorizing The Metropolitan Government of Nashville and Davidson County, herein after referred to as “Metro”, to enter into an agreement with the Harpeth Valley Utilities District of Davidson and Williamson Counties, Tennessee, hereinafter referred to as “HVUD”, for reading of water consumption meters, billing of Metro’s sewer customers.

**Analysis**

This resolution approves an agreement between the Metropolitan Government and the Harpeth Valley Utilities District of Davidson and Williams Counties, Tennessee (“HVUD”) to authorize HVUD to read water consumption meters and bill Metro sewer customers.

Tennessee Code Annotated §§ 12-9-101, *et seq.* authorizes political subdivisions of the state to enter into cooperative agreements by resolution of the local governing body.

Metro provides sewer transportation and treatment services to customers receiving water service from HVUD. Customer sewer bills are determined by water consumption measured by individual meters read monthly by HVUD.

Pursuant to the terms of this agreement, HVUD would be authorized to read the water consumption meter for each of Metro’s sewer service customers. HVUD will then submit the readings to Metro electronically. Metro will calculate and individually bill its sewer customers using the meter readings provided by HVUD. HVUD will note changes to accounts such as new accounts, closed accounts, and status changes when the reading is submitted to Metro. HVUD will maintain and assure the proper performance of the meters and notify Metro in the event a water consumption meter has been found to be malfunctioning or inoperable as well as any estimated billing. Finally, Metro would notify HVUD of a customer’s non-payment. HVUD will grant Metro conditional permission, by letter or email, to disconnect the customer’s water service meter. Metro will notify the customer that the water will be disconnected. Metro would then disconnect the water service and reinstate service as needed.

The term of this agreement is 10 years, beginning December 19, 2023, and may be extended by agreement of the parties. Either party may terminate the agreement upon 180 days’ written notice to the other party.

**Sponsors:** Porterfield and Parker

5. [\*\*RS2023-135\*\*](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the Americans with Disabilities Act claim of Jane Doe against the Metropolitan Government of Nashville and Davidson County, by adopting an accommodation policy for board and commission members and paying \$500.00 to Ms. Doe out of the Judgments and Losses Fund.

**Analysis**

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Jane Doe, a member of the Metropolitan Public Arts Committee (“Committee”), is an individual with a disability within the meaning of the Americans with Disabilities Act (“ADA”). The U.S. Department of Justice alleges that the Committee failed to provide reasonable accommodation to Ms. Doe, who is unable to attend Committee meetings in person due to her disability.

The Tennessee Open Meetings Act does not provide for remote participation in the meetings of a local government committee. Thus, a court could find that holding public meetings with all committee members participating in person is a fundamental aspect of the state law and that failing to do so voids the committee’s action.

However, a U.S. district court opinion from Michigan held that the Michigan Open Records Act must yield to the ADA and that refusing to provide reasonable modifications that would permit the complainant to fully participate in a committee meeting by virtual or electronic means violates the ADA.

The Department of Law recommends settlement of Ms. Doe’s ADA claim for \$500. In addition, the Department of Law recommends an accommodation policy that provides that, if an individual’s disability prevents that person from attending meetings of a local government board, commission, or other body in person, the Metropolitan Government will permit such individuals to fully participate virtually.

The Department of Law will annually send a memorandum or provide training to each department head and chair of each board and commission informing them of this accommodation policy.

*Fiscal Note: The total settlement amount is \$500. This \$500 settlement, 3rd payment from the Judgment and Losses Fund in FY24 for a cumulative total of \$292,656. The fund balance would be \$17,260,121 after this payment.*

**Sponsors:** Porterfield and Welsch

**6. [RS2023-136](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of the Nashville Rescue Mission, Erin Tolbert, Province Builders, Progressive Development, DY Construction, KP2 LLC, and New Day Homes LLC against the Metropolitan Government of Nashville and Davidson County in the amount of \$213,966.13, to be paid out of the NDOT Sidewalk Fund.

**Analysis**

In May 2023, the United States Court of Appeals for the Sixth Circuit ruled that Metro’s sidewalk ordinance, Section 17.20.120 of the Metropolitan Code of Laws, was an unconstitutional exaction in violation of the Fifth Amendment’s Takings Clause. Soon after this ruling, Metro established a claims process by which property owners and others who had incurred costs under the sidewalk ordinance in the year prior to the Sixth Circuit’s ruling could submit claims for reimbursement. Reimbursement of permit projects for which use and

occupancy letters had not yet been issued at the time of claim were processed beginning in August of 2023 and will not require Council approval.

The claims subject to this resolution are for permit projects where the projects were complete and use and occupancy letters had been issued, as well as claims where sidewalks had been constructed. This resolution is the second of what may be multiple batches of claims for Council approval.

The claims comprising this batch are as follows:

Nashville Rescue Mission -- \$80,134.06

Erin Tolbert -- \$26,077

Province Builders -- \$52,639.35

Progressive Development -- \$9,870.90

DY Construction -- \$12,381.73

KP2 LLC -- \$11,880.33

New Day Homes, LLC -- \$20,982.76

The Department of Law recommends settlement of these claims by reimbursing these claimants for a total of \$213,966.13, to be paid from the NDOT Sidewalk Fund.

*Fiscal Note: The total settlement amount of \$213,966.13 for the seven claimants would be paid from the NDOT Sidewalk Fund.*

**Sponsors:** Porterfield

7. [\*\*RS2023-137\*\*](#)

A resolution amending Resolution RS2023-78 to correct a typographical error concerning the name of the grantor of an in-kind grant.

Analysis

This resolution corrects a typographical error in Resolution No. RS2023-78, which was intended to approve an in-kind grant from Friends of McCabe Park, in partnership with the Nashville Parks Foundation, to the Metropolitan Board of Parks and Recreation. The in-kind grant provides for a playground renovation and expansion, landscaping, and equipment upgrades at the McCabe Park Community Center.

The original resolution incorrectly listed Friends of Warner Parks as the grantor. The resolution under consideration amends RS2023-78 to correct the error by listing Friends of McCabe Park as the grantor.

**Sponsors:** Gadd, Porterfield and Styles

8. [\*\*RS2023-138\*\*](#)

A resolution accepting an in-kind grant from the Joe C. Davis Foundation and the Friends of Mill Ridge Park to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, for the fabrication and installation of two signs - one at Mill Ridge Park and one at the Moore Farm at Mill Ridge Park.

Analysis

This resolution accepts an in-kind grant from the Joe C. Davis Foundation and the Friends of Mill Ridge Park to the Metropolitan Board of Parks and Recreation with an estimated value not to exceed \$3,000 with no cash match required. This in-kind grant will provide for fabrication and installation of two signs to recognize the contributions to Mill Ridge Park of Angela Moretti Goddard, Executive Director of Joe C. Davis Foundation. One sign will be located at Mill Ridge Park and one sign will be located at the Moore Farm at Mill Ridge Park.

This was approved by the Board of Parks and Recreation on November 7, 2023.

**Sponsors:** Styles, Porterfield and Welsch

**9. [RS2023-139](#)**

A resolution accepting an in-kind grant from the West Nashville Sports League to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide funding for a new HVAC system in the maintenance building located in the sports complex area of Edwin Warner Park.

Analysis

This resolution accepts an in-kind grant from the West Nashville Sports League to the Metropolitan Board of Parks and Recreation with an estimated value not to exceed \$12,500 with no cash match required. This in-kind grant will provide a new HVAC system in the maintenance building located at 2547 Old Hickory Blvd in the sports complex area of Edwin Warner Park.

This was approved by the Board of Parks and Recreation on November 7, 2023.

**Sponsors:** Ewing, Porterfield, Styles, Welsch and Gadd

**10. [RS2023-140](#)**

A resolution accepting an in-kind grant from the Dalton Family to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, for a bench with a plaque honoring their parents to be placed on the west end of the walking loop at Parmer Park.

Analysis

This resolution accepts an in-kind grant from the Dalton Family to the Metropolitan Board of Parks and Recreation with an estimated value of \$2,251 with no cash match required. This in-kind grant provides a bench to be placed on the west end of the walking loop of Parmer Park in Belle Meade with a plaque in honor of the Dalton Family's 94-year-old parents who walk in the park.

This was approved by the Board of Parks and Recreation on November 7, 2023.

**Sponsors:** Porterfield, Styles and Welsch

**11. [RS2023-141](#)**

A resolution approving a contract between the Metropolitan Government of Nashville and Davidson County and RJ Young Company LLC, to provide multifunction devices, copiers, printers, related devices and services for Metro General Services Department.

**Analysis**

This resolution approves a contract between the Metropolitan Government and RJ Young Company LLC to provide multifunction devices, copiers, printers, related devices, and services for the Metropolitan General Services Department.

Section 5.04.020 of the Metropolitan Code of Laws provides that leases of equipment must be approved by a resolution of the Council if the annual expenditure for the lease exceeds \$5,000.

The contract under consideration has an estimated contract value of \$6,000,000. The contract term begins on the date of approval of all required parties and filing with the Metropolitan Clerk's Office and extends for 60 months. The contract includes the provision of equipment and tools, as well as labor, materials, and trained personnel to services the equipment.

*Fiscal Note: The estimated life value of the contract 6551611 is \$6,000,000 to provide multifunction devices, copiers/printers and related devices and services to Metro departments. Fund and Business Unit numbers will vary based on the Purchase Order issued by Metro departments under this contract.*

**Sponsors:** Porterfield

**12. [RS2023-142](#)**

A resolution accepting the terms of a cooperative purchasing master agreement for mailing equipment, supplies and maintenance services for the General Services Department.

**Analysis**

This resolution accepts the terms of a cooperative purchasing master agreement for mailing equipment, supplies, and maintenance services for the General Services Department. The purchasing agreement is between Sourcewell, a state of Minnesota local government agency, and Pitney Bowes Inc. The agreement is valid through February 28, 2026. The agreement includes an option to extend the agreement for one year upon the request of Sourcewell and written agreement by the supplier.

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:** Porterfield

**13. [RS2023-143](#)**



A resolution accepting a grant from the Friends of Metro Animal Care and Control to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide funding for emergency medical care for shelter animals and the Pet Pantry, a component of the Safety Net Program.

Analysis

This resolution accepts a grant from the Friends of Metro Animal Care and Control to the Metropolitan Board of Health in amount not to exceed \$12,500 with no cash match required. The grant will provide \$10,000 funding for emergency medical care for shelter animals and \$2,500 to the Pet Pantry, a component of the Safety Net Program.

**Sponsors:** Porterfield, Evans, Bradford, Kupin, Styles, Huffman, Gadd and Weiner

14. [RS2023-144](#)

A resolution approving amendments three and four to a grant from the U.S. Department of Health and Human Services to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide for the prevention, surveillance, diagnosis, and treatment of HIV/AIDS and to administer a Minority AIDS Initiative program.

Analysis

This resolution approves the third and fourth amendments to a grant from the U.S. Department of Health and Human Services to the Metropolitan Board of Health, previous approved by Resolution Nos. RS2023-2050 and RS2023-2175. This grant is used to provide for the prevention, surveillance, diagnosis, and treatment of HIV/AIDS and to administer a Minority AIDS Initiative program. Amendment one corrected the end date of the grant from February 28, 2024, to February 29, 2024. Amendment two obligated partial funding for the next grant cycle of \$3,854,666 to the previous grant award of \$811,526 for a new grant total of \$4,666,192.

Amendment three removes the requirement of a report due within 30 days of the issuance of the notice of award for amendment one.

Amendment four approves a carryover of an unobligated balance of \$604,847 from the previous FY2022 grant period to the current FY2023 grant period. This increases the total grant amount from \$4,666,192 to \$5,271,039.

**Sponsors:** Porterfield, Evans, Bradford, Welsch, Benedict and Gadd

15. [RS2023-145](#)

A resolution approving amendments four, five, and six to a grant from the U.S. Department of Health and Human Services to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide for the prevention, surveillance, diagnosis, and treatment of HIV/AIDS and to administer a Minority AIDS Initiative program.

Analysis

This resolution approves the fourth, fifth, and sixth amendments to a grant agreement between the U.S. Department of Health and Human Services and the Metropolitan Board of Health,



previously approved by Resolution No. RS2022-1428 and amended by Resolution Nos. RS2022-1651 and RS2022-1874. This grant is used to provide for the prevention, surveillance, diagnosis, and treatment of HIV/AIDS and to administer a Minority AIDS Initiative program. The first amendment increased the grant amount to \$4,644,704 and extended the end date from February 28, 2023, to February 28, 2025. Amendment two updated grant specific reporting terms. Amendment three authorized the carryover of the unobligated balance from the prior budget period which ended February 28, 2022, into the current budget period. Amendment three allowed for the use of an additional \$1,060,039, for a total of \$5,704,743 during the current budget period.

Amendment four removes the requirement of a report due within 30 days of the issuance of the notice of award for amendment one.

Amendment five de-obligates \$604,847 from the FY2022 grant award which will be re-obligated to the FY2023 grant award.

Amendment six de-obligates the remaining \$0.96 of funding from the FY2022 grant award, documents that the award is expired and is closed, and describes the Metropolitan Government's ongoing obligations following the end of the grant period including the tracking of all equipment and supplies acquired under the award after the grant closeout.

**Sponsors:** Porterfield, Evans, Bradford, Welsch, Benedict and Gadd

**16. [RS2023-146](#)**

A resolution approving a Homeland Security Grant Program application from the State of Tennessee, Tennessee Emergency Management Agency, to the Metropolitan Government, acting by and through the Office of Emergency Management, to fund costs related to enhancing efforts to build, sustain, and deliver the capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism.

**Analysis**

This resolution approves an application for a Homeland Security Grant from the Tennessee Emergency Management Agency to the Office of Emergency Management. If awarded, the grant amount would be not to exceed \$740,450 with no cash match required. This grant would fund efforts to prevent, prepare for, protect against, and respond to acts of terrorism and other catastrophic events. This funding would support the purchase of a handheld spectrometer, atmospheric monitors, pneumatic and electric tools, portable radio and licenses, bomb detection robot system, and training for the Metropolitan Nashville and Davidson County Community Emergency Response Team.

**Sponsors:** Porterfield and Evans

**17. [RS2023-147](#)**

A resolution accepting the Edward Byrne Memorial Justice Assistance Grant from the Office of Justice Programs to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, for specialized training and equipment to ensure personnel maintain needed certifications for criminal investigation and crime reduction initiatives.

Analysis

This resolution accepts the Edward Byrne Memorial Justice Assistance Grant (JAG) from the United States Department of Justice to the Metropolitan Nashville Police Department to support a broad range of activities to prevent and control crime including technology upgrades, supplies for direct support, in-service, and specialized training. The grant is an amount not to exceed \$594,876 with no cash match required.

The grant period is October 1, 2022, to September 30, 2026. The budget details for the grant are attached to the resolution. This grant includes funding for travel and lodging for personnel to attend the CALEA Conference, Digital Forensic training, SANS and EnCase Digital Forensics training, Crimes Against Children Conference, International Conference on Sexual Assault and Domestic Violence, IACP Officer Safety and Wellness Symposium, National Association of SRO Basic Class, Virtual Crash Training to Law Enforcement, LeadsOnline Conference, Airbus Recurrent Pilot Training, Crime Prevention and Environmental Design, Introduction to Human Trafficking, Wickerlander-Zulaski Interview Techniques, International Association of Crime Analysis Conference, International Association of Chiefs of Police, and MCCA Financial Managers Meeting. Conferences and training are required for certification, recertification, or to provide information to personnel in the police office. Equipment includes F.A.S.T. forensic laptop, wireless Axis cameras, F.A.S.T. digital forensic workstations, first responder bag with AED and first aid kits, a shelving system for the property room, 5' x 10' utility trailer to carry cones and barricades for special events, night vision goggles to replace existing goggles used by SWAT, K-9 and the Emergency Contingency Unit, wide body enclosed motorcycle trailer for the motor unit, pole camera with computer for the special investigations division, a Microsoft Surface and television for the Behavior Health Division, and workout equipment for the Hermitage, West, and Midtown precincts including single bay suspension station, free-weight rack, adjustable bench, and treadmill. The grant would also fund supplies including breaching kits or search warrants, water filled barriers for special events, chairs for Central Precinct, stinger spike systems to reduce length and safety concerns of vehicular pursuits, shelving for the property and evidence sections, and exercise equipment for the Hermitage, West, and Midtown precincts including kettle bells and bumper plates. Included in the total grant amount is \$40,099 for indirect costs.

The application for this grant award was previously approved pursuant to RS2023-22.

**Sponsors:** Porterfield and Evans

**18. [RS2023-148](#)**

A resolution approving an application for a Carbon Reduction Program 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 a project, Connect Downtown: Adaptive Signal System, that will improve mobility and address traffic congestion in the downtown core.

Analysis

This resolution approves an application for a Carbon Reduction Program Grant from the

Tennessee Department of Transportation to the Nashville Department of Transportation. If awarded, the grant would partially fund the Connect Downtown: Adaptive Signal System, which would apply adaptive signal control technology to adjust the timing of red, yellow, and green lights to accommodate traffic patterns and ease traffic congestion.

The application is for an award of \$8,000,000 with a cash match of \$2,000,000, funding which NDOT states has been identified in a previous capital spending plan request.

**Sponsors:** Porterfield, Parker, Welsch, Kupin and Gadd

**19. [RS2023-149](#)**

A resolution accepting a donation from VFV Partners, LLC in the amount of \$50,000 as a contribution towards infrastructure improvements in the vicinity of 2760 Murfreesboro Pike.

**Analysis**

This resolution accepts a donation from VFV Partners, LLC to the Nashville Department of Transportation in the amount of \$50,000. VFV Partners, LLC plans to develop a parcel of property at 2760 Murfreesboro Pike. This donation will be used towards the estimated cost of infrastructure improvements in the vicinity of 2760 Murfreesboro Pike.

The Council is authorized to approve donations by resolution pursuant to Metropolitan Code of Laws Section 5.04.120.B.

**Sponsors:** Ellis, Porterfield and Parker

**20. [RS2023-150](#)**

A resolution accepting a donation from Albion Residential in the amount of \$15,000 as a contribution towards the cost of an analysis conducted by NDOT for roadway infrastructure improvements associated with the Pie Town Mobility Study.

**Analysis**

This resolution accepts a donation from Albion Residential to the Nashville Department of Transportation in the amount of \$15,000. Albion Residential plans to develop a parcel of property at 645 Division. This donation will be used towards the cost of the study for roadway infrastructure improvements associated with the Pie Town Mobility Study.

The Council is authorized to approve donations by resolution pursuant to Metropolitan Code of Laws Section 5.04.120.B.

**Sponsors:** Kupin, Porterfield and Parker

**J. Bills on Second Reading**

**44. [BL2023-81](#)**

An ordinance approving a sole source contract between the Metropolitan Government of Nashville and Davidson County and Carahsoft Technology Corporation, to provide hosting and security services for Nashville.gov, and licensing and support services for departmental

systems.

Analysis

This ordinance approves a sole source contract between the Metropolitan Government and Carahsoft Technology Corporation to provide hosting and security services for Nashville.gov. The contract also provides licensing and support services for departmental systems such as HubNashville, MAC Hope, Metro Clerk's public records requests, Finance public records requests, and HR Benefits CRM system. The contract has an estimated value of \$25,000,000. The term of the contract begins on approval by all required parties and filing in the Metropolitan Clerk's Office and extends for a period of 60 months. Metro has the option to extend the contract for an additional 60 months.

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. Sole source contracts with a total contract value over \$250,000 must be approved by the Council. Sole source contracts are generally approved by resolution, however, contracts with a term exceeding sixty months must be approved by ordinance.

This sole source contract is being requested by the ITS Department. According to the sole source justification form, this contract provides Acquia hosting and security services and Salesforce licensing and support. The use of the Salesforce system has grown tremendously in recent years, and Nashville.gov moved to a cloud-based system through Acquia. Both systems were obtained through Carahsoft, and Metro is seeking to leverage and obtain volume discounts on these programs procured through Carahsoft.

*Fiscal Note: The estimated value of this sole source contract no. 6508243 is \$25,000,000 to be paid from Fund 51137, Business Unit 14521017. However, actual expenses may be paid from various department's fund and business unit when purchase orders are issued.*

**Sponsors:** Porterfield and Bradford

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

An ordinance amending Title 7 of the Metropolitan Code of Laws pertaining to the definition of beer.

Analysis

This ordinance updates the definition of beer in the Metropolitan Code of Laws after the definition was amended by the Tennessee General Assembly in April 2023. The Metropolitan Code currently defines beer as "beer, ale or any other beverage having an alcoholic content of not more than eight percent by weight." The ordinance under consideration would change this definition of beer to match the new definition in state law.

Tennessee Code Annotated section 57-5-101 now defines beer as "products made from the

normal alcoholic fermentation of malt or other cereal grains, sugar, or fruit ingredients used to make cider, and having an alcoholic content of not more than eight percent (8%) alcohol by weight and that do not contain distilled spirits or wine as defined in § 57-3-101; provided, that at least fifty-one percent (51%) of the overall alcoholic content by weight in the finished product is obtained by the fermentation of malt, other cereal grains, sugar, or fruit ingredients used to make cider, and no more than forty-nine percent (49%) of the overall alcoholic content by weight in the finished product is obtained by the addition of flavorings or other non-beverage ingredients containing alcohol.”

**Sponsors:** Bradford and Kupin

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

An ordinance increasing the amounts of the official bonds for the Public Administrator and Public Trustee.

Analysis

This ordinance increases the official bonds of the Public Trustee and Public Administrator to \$1,000,000 respectively. Tennessee Code Annotated section 30-1-401 allows the Metropolitan Council to set the official bonds for both offices that is needed to protect the estates, funds, and properties that may come into their possession as part of their duties.

The Metropolitan Council last set the bond of the Public Trustee at \$200,000 and the bond of the Public Administrator at \$100,000 in 1999. The Honorable Andra Hedrick, Probate Court Judge in Davidson County, has recommended that the bonds of both officials be increased to \$1,000,000.

The ordinance also provides that future determinations or modifications of the official bond amounts of the Public Trustee, Public Administrator, or any other official appointed by the Metropolitan Council through Tennessee Code Annotated section 30-1-401 may be made by resolution.

**Sponsors:** Porterfield

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

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, and to accept new public water main, for property located 300 HM Hutcherson Alley, also known as the Clifton Avenue Public Water Relocation, (MWS Project No. 23-WL-149 and Proposal No. 2023M-158ES-001).

Analysis

This ordinance abandons approximately 174 linear feet of existing one and a half-inch water main (UNK) and accepts approximately 174 linear feet of new three-inch water main (DIP) for property located at 300 HM Hutcherson Alley, also known as the Clifton Avenue Public Water Relocation.

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

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

**Sponsors:** Taylor, Gamble and Parker

48. [BL2023-123](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manholes and easements, and to accept new public water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manholes and easements, for property located at 1600 County Hospital Road, also known as Cumberland Logistics Park (MWS Project Nos. 23-WL-11 and 23-SL-21 and Proposal No. 2023M-156ES-001).

Analysis

This ordinance abandons approximately 448 linear feet of existing eight-inch water main (DIP), approximately 488 linear feet of existing 10-inch sanitary sewer main (VCP), one fire hydrant assembly, two sanitary sewer manholes and easements, and accepts approximately 446 linear feet of new eight-inch water main (DIP), approximately 25 linear feet of new six-inch water main (DIP), approximately 488 linear feet of new 10-inch sanitary sewer main (PVC), one fire hydrant assembly, two sanitary sewer manholes and easements for property located at 1600 County Hospital Road, also known as Cumberland Logistics Park.

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

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

**Sponsors:** Gamble and Parker

49. [BL2023-124](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing brick water pumping station building located at 2124 Oakwood Avenue but to retain the Public Utility & Drainage Easement (Proposal No. 2023M-160ES-001).

Analysis

This ordinance abandons the existing brick water pumping station building and retains the remaining Public Utility & Drainage Easement for property located at 2124 Oakwood Avenue.

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

**Sponsors:** Parker, Porterfield and Gamble

**50. [BL2023-125](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water mains, and to accept new public water mains and fire hydrant assemblies, for property located at 1215 21st Avenue South, also known as VUMC Link Tower (MWS Project No. 23-WL-71 and Proposal No. 2023M-159ES-001).

**Analysis**

This ordinance abandons approximately 1,882 linear feet of existing six-inch water main (CI) and approximately 1,714 linear feet of existing 12-inch water main (CI) and accepts approximately 1,263 linear feet of new 12-inch water main (DIP), approximately 39 linear feet of new 10-inch water main (DIP), approximately 121 linear feet of new eight-inch water main (DIP), approximately 135 linear feet of new six-inch water main (DIP), and three fire hydrant assemblies for property located at 1215 21st Avenue South, also known as VUMC Link Tower.

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

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

**Sponsors:** Cash, Gamble and Parker

**51. [BL2023-126](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manholes and easements, for property located at 524 Edwin Street and Edwin Street (unnumbered), also known as Edwin Greens Phase 2 (MWS Project Nos. 23-WL-34 and 23-SL-74 and Proposal No. 2023M-163ES-001).

**Analysis**

This ordinance accepts approximately 25 linear feet of new six-inch water main (DIP), approximately 159 linear feet of new eight-inch sewer main (DIP), one fire hydrant assembly, two sanitary sewer manholes and easements for property located at 524 Edwin Street and Edwin Street (unnumbered), also known as Edwin Greens Phase 2.

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

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

**Sponsors:** Parker and Gamble

**52. [BL2023-127](#)**

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 3500 Brick Church Pike, also known as



Thornton Grove Phase 4B, (MWS Project Nos. 23-WL-17 and 23-SL-30 and Proposal No. 2023M-155ES-001).

Analysis

This ordinance accepts approximately 1,363 linear feet of new eight-inch water main (DIP), approximately 1,025 linear feet of new eight-inch sanitary sewer main (PVC), approximately 329 linear feet of new eight-inch sanitary sewer main (DIP), three fire hydrant assemblies, 11 sanitary sewer manholes and easements for property located at 3500 Brick Church Pike, also known as Thornton Grove Phase 4B.

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

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

Sponsors: Gamble and Parker

**K. Bills on Third Reading**

**53. [BL2023-1](#)**

An ordinance approving the contract between the Metropolitan Government of Nashville and Davidson County ("Metro") and Net Tango, Inc., to provide website maintenance and development support for Metro's website, Nashville.gov, and for other Metro governmental agency or department websites, as needed, and which will replace the expiring contract between the parties (contract number 432814).

Analysis

This ordinance approves a sole source contract between the Metropolitan Government and Net Tango, Inc. for the purpose of website maintenance and developmental support for Nashville.gov, the Nashville Public Library website, and other departmental websites. The contract term is five years beginning upon the date the contract is approved by all parties and filed in the Metropolitan Clerk's Office. As amended, the Metropolitan Government would have the option to extend the contract by an additional five years if desired. The estimated contract value is \$10,000,000.

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. Sole source contracts with a total contract value over \$250,000 must be approved by the Council. Sole source contracts are generally approved by resolution, however, contracts with a term exceeding sixty months must be approved by ordinance.

According to the sole source justification form, Net Tango possesses in-depth critical experience and the propriety knowledge of the Metropolitan Government's websites. Net Tango

developed the previous and current versions of Nashville.gov and its related content management system (“CMS”), heavily customized the CMS, and works with the Metropolitan Government in maintaining its current websites. Net Tango was previously awarded two competitive Requests for Proposals (“RFPs”) for five-year contracts prior to this sole source request.

*Fiscal Note: The estimated value of this sole source contract no. 6528123 is \$10,000,000 to be paid from Fund No. 51137, Business Unit No. 14521021 to Net Tango, Inc. This contract is for the re-design of the Metro’s website Nashville.gov, maintenance and development support. Net Tango’s hourly rate for the following service categories is \$155/hour for design, development, project and account management, and \$310/hour for emergency support-after hours.*

**Sponsors:** Porterfield and Bradford

55. [BL2023-70](#)

An ordinance to amend Section 13.08.040 of the Metropolitan Code of Laws related to the offering of merchandise for sale on or near public property.

Analysis

This ordinance amends Section 13.08.040, subsection A, of the Metropolitan Code of Laws related to the offering of merchandise for sale on public property.

Currently, this section prohibits a person from stopping, standing, or parking any wagon, pushcart, platform, table, automobile, truck, or other vehicle, or erecting any temporary stands, signs, or otherwise, upon any Metro property for the purpose of selling good, food, wares, merchandise, or products. The section further prohibits persons from selling or offering for sale any goods, food, wares, merchandise, or projects of any kind on Metro property. These restrictions do not apply to persons who have an agreement with or written permission of the department, board, agency, officer or other persons having control of custody of the property.

The ordinance under consideration provides that the display or exhibition of animals for payment or gratuity constitutes a prohibited action under this section. As amended, the ordinance also prohibits the above actions from occurring on a public right-of-way in addition to public property. A prohibition of the sale of “services” on public property and right-of-ways was removed in the amended bill.

**Sponsors:** Kupin, Evans and Huffman

71. [BL2023-112](#)

An ordinance accepting the conditional donation of approximately 0.026 acres of land near the intersection of Fesslers Lane and Lebanon Pike. (Proposal No. 2023M-014PR-001).

Analysis

This ordinance accepts the conditional donation of approximately 0.026 acres of land owned by

McBride Properties, Inc. near the intersection of Fessler's Lane and Lebanon Pike. McBride Properties, Inc. has contracted to sell a larger parcel of property near the intersection of Fessler's Lane and Lebanon Pike. Adjacent to the property is an associated right-of-way remnant comprising approximately 0.026 acres which McBride Property, Inc. proposes to donate and convey to the Metropolitan Government by quitclaim deed conditioned upon the closing of the sale of the larger parcel. The form of the quitclaim deed is attached to the ordinance as an exhibit.

The ordinance accepts the conveyance of the 0.026-acre right-of-way remnant, conditioned upon the closing of the larger parcel of property. The Director of Public Property, or a designee, is authorized to execute such other documents as are necessary to carry out the intent of this ordinance. Future amendments to this ordinance may be approved by resolution.

*Fiscal Note: Metro would pay the sum of \$10.00 cash for the conveyance of the quitclaim title for the approximately 0.026 acres of land near the intersection of Fessler's Lane and Lebanon Pike.*

**Sponsors:** Gregg, Porterfield and Gamble

**72. [BL2023-114](#)**

An ordinance authorizing Edgehill Village Townhomes, LLC to construct and install underground encroachments at 1516 Edgehill Avenue. (Proposal No. 2023M-013EN-001).

**Analysis**

This resolution authorizes Edgehill Village Townhomes, LLC to install, construct and maintain underground encroachments at 1516 Edgehill Avenue. The proposal will consist of an irrigation system within the grass strip 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.

**Sponsors:** Vo, Gamble and Parker

**73. [BL2023-115](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public gate valve on a public water line, and to accept and relocate new public gate valve on a public water line, for property located at Cabot Drive (unnumbered), also known as Cabot Townhomes, (MWS Project No. 23-WL-77 and Proposal No. 2023M-154ES-001).

**Analysis**

This ordinance abandons an existing six-inch gate valve and accepts and relocates a new six-inch gate valve closer to the public water main for property located at Cabot Drive (unnumbered), also known as Cabot Townhomes.

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

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

**Sponsors:** Gamble and Parker