



Metropolitan Council

H. Resolutions on Public Hearing

1. [RS2024-357](#)

A resolution exempting Tacos Y Mariscos Los Carnales, located at 465 Morton Avenue from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Tacos Y Mariscos Los Carnales, located at 465 Morton Avenue.

The Metro Code of Laws prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

A public hearing must be held by the Council prior to voting on resolutions brought under Section 7.08.090(E).

Sponsors: Welsch

J. Resolutions

2. [RS2024-270](#)

A resolution approving a memorandum of understanding related to the proposed development of a multi-use performance space for the Tennessee Performance Arts Center on East Bank property owned by the Metropolitan Government.

Analysis

This resolution approves a memorandum of understanding (“MOU”) for the proposed development of a multi-use performing arts venue (the “performing arts center”) for the Tennessee Performing Arts Center (“TPAC”) on property owned by the Metropolitan Government on the East Bank.

The MOU, attached as Exhibit B to the resolution, is not binding on the parties - it provides the proposed terms and conditions for the development, construction, and operation of the performing arts center, as well as the preliminary terms for a development agreement and a lease agreement for a specific parcel on the East Bank property, identified in Exhibit A to the resolution. Council’s approval of the MOU is preliminary, and all final definitive forms of the agreements presented in the MOU will require additional approval of the Council prior to execution.

Proposed terms of the Development Agreement

Project Design and Construction

TPAC will be responsible for the design and construction of the performing arts center, which would include a 2,600-seat multi-purpose theatre, a 1,200-seat dance and opera hall, a 500-seat flexible venue, four rehearsal studios, and TPAC administrative offices. The project would also include necessary stormwater improvements, a plaza on the north side of the property that provides public access to the riverfront, an extension of the pedestrian bridge that would be structurally independent of the performing arts center, street improvements along Waterside Drive and Victory Way, and any off-site utilities necessary to operate the performing arts center not otherwise built for the new Titans stadium or other East Bank developments. Temporary improvements to the pedestrian bridge would be required to ensure continued pedestrian and bicycle access that would not require riders to dismount.

TPAC will be responsible for contracting with and directing the architects, construction managers, and other professionals in the design and construction of the performing arts center. The Metropolitan Government would have the right to monitor project construction and ensure compliance with the approved plans and requirements, and TPAC would provide reasonable access to the construction site and provide construction reports to the Metropolitan Government until the project is complete. TPAC also committed to achieve a 25% minority and women-owned business participation goal with the project.

Project Funding

TPAC will fund all costs, including cost overruns, of the project and enter into a construction contract with a guaranteed maximum price or stipulated sum. The construction contract will include a final cost budget for the design, development, and construction of the performing arts center. TPAC could not begin construction of the project until it can sufficiently prove it could pay the budgeted costs and any cost overruns. Sources of funding may include: a \$500,000,000 grant from the state of Tennessee; funding from donors of at least

\$100,000,000; and private construction financing from one or more financial institutions.

Termination

The Metropolitan Government will have the right to terminate the development agreement (as well as other definitive agreements) on September 30, 2025, unless the State of Tennessee has approved the entirety of its grant, TPAC has secured the necessary donor contributions, TPAC has delivered a concept design for the performing arts center approved by the Planning Department, TPAC has delivered a preliminary budget with total project costs to the Metropolitan Government, and TPAC has delivered a commitment for private financing to sufficiently fund the preliminary costs for the project, less the State of Tennessee grant and the donor contributions.

Further, the Metropolitan Government will have the right to terminate the development agreement (as well as other definitive agreements) on September 30, 2027, if TPAC has not started construction on the project, with that date being subject to extension for extraordinary events, delays unreasonably caused by the Metropolitan Government, or delays in the utility infrastructure for the Titans stadium and other East Bank projects. TPAC may not start construction work until the Metropolitan Government approves the final design of the performing arts center and until the Metropolitan Government is reasonably satisfied that TPAC can fully fund the project with the state contribution, donor contribution, and private financing.

If the development agreement (as well as other definitive agreements) is terminated for failure to meet the termination conditions, the Metropolitan Government will have no liability to TPAC.

Proposed Terms of the Lease Agreement

Property: Metropolitan Government would lease to TPAC an approximately 3.3-acre parcel on the East Bank directly north of the John Seigenthaler Pedestrian Bridge (the “pedestrian bridge”), identified as parcel E2 in Exhibit 1 to the agreement.

Term: The initial term of the lease agreement would be for 35 years, and TPAC could exercise two options to extend the agreement by 30 additional years each.

Rent: During the initial 35-year term, TPAC would pay \$100 in annual rent. Rent would be recalculated at the beginning on each extension period to be 25% of the then market value, with appropriate annual escalations.

Use: TPAC would agree to use the performing arts center as its primary performance venue and manage the use of the performing arts center by other performance companies.

Revenues and Expenses: TPAC would retain all revenues from the operation of the performing arts center, including advertising rights. TPAC would be responsible for operating expenses, capital improvement expenses necessary to maintain the facility in a condition consistent with other first-class performing arts facilities, utilities expenses, and the maintenance of insurance

coverage for the performing arts center.

Civic Events Use: The Metropolitan Government would be entitled to use the performing arts center for up to three civic-oriented events each year and would be responsible for related operating expenses.

Proposed Terms of Other Agreements

TPAC would also be required to enter into construction coordination and campus operation agreements with the Metropolitan Government, StadCo, and Fallon to ensure the cooperative development and operation of the performing arts center with the other tenants and users of the East Bank. Additional agreements would require TPAC to contribute toward the operation and maintenance expenses of the pedestrian bridge improvements and activate the pedestrian bridge improvements next to the performing arts center. While TPAC will be solely responsible to secure parking for patrons of performing arts center events, the Metropolitan Government would work in good faith with TPAC to negotiate market-rate parking TPAC patrons in Metro-controlled parking facilities. Additionally, TPAC and the Metropolitan Government will work together to identify public areas on the East Bank that are ideal to activate for cultural programming provided by TPAC.

Fiscal Note: Tennessee Performing Arts Center Management Corporation (TPAC) will pay rent in the amount of \$100 per year for the initial term of 35 year, with two 30-year renewal terms. Rent will be recalculated at the beginning of each 30-year extension period to 25% of the market value with appropriate future annual escalations.

Sponsors: Kupin, Porterfield, Gamble, Parker, Huffman, Spain, Vo, Capp, Styles, Ewing and Gadd

4. [RS2024-358](#)

A resolution setting the location, date and time for the 2024 State of the Metropolitan Government Address.

Analysis

This resolution sets the date and time of the State of Metro Address for Tuesday, May 14 at 10:00 a.m. at Expo 1 of The Fairgrounds Nashville at 625 Smith Avenue. Section 1.08 of the Metro Charter requires the Mayor to personally address the Council not later than May 25 of each year on the state of the Metropolitan Government in a Metro facility. The address must be held at a specially called meeting of the Council that shall be open to the public, but no Council quorum is required.

Sponsors: Sepulveda

5. [RS2024-359](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Donegal Insurance Group as subrogee of Brenda Thompson against the Metropolitan Government for \$27,504.38, with said amount to be paid out of the

Self-Insured Liability Fund.

Analysis

On September 14, 2023, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) was traveling east on Briley Parkway in a truck pulling a skid loader on a trailer. The NDOT employee was behind Brenda Thompson. A four-vehicle crash ensued where a vehicle stopped short, causing Ms. Thompson’s vehicle and another vehicle to make a hard stop. The NDOT employee applied his brakes but did not have enough time to stop. The NDOT employee collided with Ms. Thompson’s vehicle and pushed it into the vehicle in front of her. The original vehicle the stopped short fled the scene before the police arrived.

Ms. Thompson’s vehicle sustained damage to her rear bumper and lift gate. The total estimate for the repair is \$26,821.74, which includes a \$1,000 deductible. This amount exceeded 70% of the market value of Ms. Thompson’s vehicle and the vehicle was declared a total loss. The value of the vehicle was \$35,381.44, plus \$709.09 for a rental and \$269.91 rack unit and installation. The vehicle was salvaged for \$8,856.06.

The Department of Law recommends settlement of Donegal Insurance Group, as subrogee of Ms. Thompson’s property damage for a total of \$27,504.38, in full settlement of the claim.

Fiscal Note: The total settlement amount is \$27,504.38. This settlement along with Resolution No. RS2024-368 would be the 23rd and 24th payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$1,193,067. The fund balance would be \$14,052,782 after these payments.

Sponsors: Toombs and Porterfield

6. [RS2024-360](#)

A resolution to approve amendment two and appropriate additional grant funds from the Tennessee Housing Development Agency to the Metropolitan Government, acting by and through the Metropolitan Action Commission, for Low Income Home Energy Assistance Program (LIHEAP) services to assist families with energy costs.

Analysis

This resolution approves the second amendment to a grant agreement between the Metropolitan Action Commission and the Tennessee Housing Development Agency This grant is used for Low Income Home Energy Assistance Program services to assist families with energy costs. MAC originally entered into this grant agreement pursuant to Metropolitan Code of Laws Section 2.108.050. The term of the grant began October 1, 2022, and ends September 30, 2024.

The first amendment to the agreement, approved pursuant to RS2023-70, increased the grant amount by \$4,327,724.78, from \$5,619,242 to \$9,946,966.78.

The amendment under consideration would increase the grant amount by \$22,916.37 from \$9,946,966.78 to \$9,969,883.15. No other changes would be made to the terms of the grant agreement.

Sponsors: Porterfield, Toombs, Evans, Welsch and Ellis

7. [**RS2024-361**](#)

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 provide access to and circulation of special materials formatted for individuals who are hearing impaired.

Analysis

This resolution approves a grant from the Tennessee State Library and Archives to the Nashville Public Library. The grant would provide access to and circulation of special materials formatted for those who are hearing impaired and provide programming and general support for the deaf, hard of hearing, and aurally challenged.

The grant award is not to exceed \$88,000 with no cash match required. The grant term begins on July 1, 2024, and ends on June 30, 2025.

Sponsors: Porterfield, Toombs, Styles and Welsch

8. [**RS2024-362**](#)

A resolution accepting an Education and Literacy grant from the Nashville Public Library Foundation to the Metropolitan Government, acting by and through the Nashville Public Library, for various education and literacy programs including Bringing Books to Life, Adult Literacy, and Be Well.

Analysis

This resolution would accept a grant from the Nashville Public Library Foundation to the Nashville Public Library to fund the operation of various education and literary programs, including Bringing Books to Life, Adult Literacy, and Be Well. The grant amount is not to exceed \$377,400 with no local cash match. The grant term begins on July 1, 2023, and concludes on June 30, 2024.

Sponsors: Porterfield, Toombs, Styles, Welsch and Allen

9. [**RS2024-363**](#)

A resolution accepting a grant from the Centennial Park Conservancy to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide funding for one part-time position in the Parthenon Museum Store.

Analysis

This resolution approves a grant from the Centennial Park Conservancy to the Metropolitan Board of Parks and Recreation to reimburse Metro Parks for funding one part-time position in

the Parthenon Museum Store. The grant amount is \$20,278 with no local match. The grant term begins on July 1, 2024, and concludes on June 30, 2025. Metro Parks expects this grant will recur and continue indefinitely.

The Board of Parks and Recreation approved this grant on March 5, 2024.

Sponsors: Porterfield, Toombs, Styles and Taylor

10. [RS2024-364](#)

A resolution accepting a grant from the Tennessee Titans (Tennessee Football Inc.) to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to continue the Titans NFL Flag League in Spring 2024 with funding to be used for registration fees and scholarships.

Analysis

This resolution accepts a grant from the Tennessee Titans, also known as Tennessee Football Inc., to the Metropolitan Board of Parks and Recreation. The grant would continue the Titans NFL Flag Football League in Spring 2024 and provide funding for registration fees and scholarships. The grant amount is \$5,000 with no cash match.

The Board of Parks and Recreation approved this grant on March 5, 2024.

Sponsors: Porterfield, Toombs, Styles and Welsch

11. [RS2024-365](#)

A resolution accepting a joint grant from the Tennessee Titans Foundation in partnership with Verizon to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide technology and digital support to McFerrin Park and Coleman Park Community Centers.

Analysis

This resolution accepts a joint grant from the Tennessee Titans Foundation in partnership with Verizon to the Metropolitan Board of Parks and Recreation. The grant would provide laptops, printers, wi-fi services, space restoration, and furnishings at McFerrin Community Center and Coleman Community Center. The grant award is \$35,000 (\$15,000 from the Tennessee Titans Foundation and \$20,000 from Verizon) with no cash match.

This grant was approved by the Board of Parks and Recreation on March 5, 2024.

Sponsors: Porterfield, Toombs, Styles, Parker and Welsch

12. [RS2024-366](#)

A resolution approving an intergovernmental agreement by and between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Police Department (hereinafter "MNPD"), and the U.S. Army Corps of Engineers for extra-duty police services.

Analysis

This resolution approves the renewal of an intergovernmental agreement between the Metropolitan Nashville Police Department and the U.S. Army Corps of Engineers for extra-duty police officers to patrol the recreation areas at J. Percy Priest and Old Hickory Lakes. All officers would be assigned exclusively through the Metro Police Secondary Employment Unit.

The base period for performance of this contract this contract is April 1, 2024, through March 31, 2025, with the option for one additional year.

State laws allows the Metropolitan Government to enter into intergovernmental agreements with other governmental entities with approval of Council by resolution.

Sponsors: Porterfield, Toombs, Evans and Ellis

13. [RS2024-367](#)

A resolution approving an application for a Community-Based Traffic Safety Enforcement and Education grant from the Tennessee Highway Safety Office to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to conduct sustained, highly visible, and proactive traffic enforcement addressing impaired driving, distracted driving, occupant protection, older drivers, teen drivers, bicycle and pedestrian safety, motorcycle safety, and speeding (including in work zones).

Analysis

This resolution would approve a grant application submitted by the Metropolitan Nashville Police Department (“MNPDP”) to the Tennessee Highway Safety Office (“THSO”). The application is for a Community-Based Traffic Safety Enforcement and Education grant worth an estimated \$710,000 with no cash match required.

The grant would be used to pay officer overtime, purchase radar and lidar equipment, and to attend additional training conferences as part of an effort to reduce crashes from impairing driving, speeding, and distracted driving.

MNPDP is eligible to apply for this grant but faced a submission deadline of March 31, 2024, from THSO. A staff member from MNPDP submitted the grant application on March 29, 2024, without conditional approval from the Mayor’s Office or the Council. MNPDP discussed the issue with THSO, which agreed to not evaluate the grant application until the Council approved the application.

Sponsors: Porterfield, Toombs and Evans

14. [RS2024-368](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Charles Chasse against the Metropolitan Government for \$18,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On July 16, 2023, Charles Chasses was traveling northbound on Douglas Avenue in his vehicle. Mr. Chasses was proceeding through the intersection of Douglas and Gallatin Avenues with a green light signal when a Metropolitan Nashville Police Department (“MNPDP”) officer approached the same intersection with a red light signal. The MNPDP officer failed to stop at the red light and collided with the front passenger side of Mr. Chasses’ vehicle. The patrol car was not on an emergency call and had no sirens or lights activated when the collision occurred. The damage to and final resting locations of both vehicles indicated that the MNPDP officer failed to take the necessary precaution when approaching a red light at an intersection.

Mr. Chasse reported headaches, shoulder pain, and muscle spasms. He received care from a chiropractor from July 25 through November 27, 2023. Further care was sought at an orthopedic clinic on August 15, October 2, and December 11, 2023, and from a physical therapist from October 9 through December 11, 2023. Mr. Chasse incurred \$10,914.23 in medical expenses.

The Department of Law recommends settlement of Mr. Chasse’s personal injury claim for \$18,000.

Disciplinary action taken against the MNPDP officer consisted of a suspension.

Fiscal Note: The total settlement amount is \$18,000. This settlement along with Resolution No. RS2024-359 would be the 23rd and 24th payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$1,193,067. The fund balance would be \$ \$14,052,782 after these payments.

Sponsors: Toombs and Porterfield

16. [RS2024-370](#)

A resolution accepting a donation from 1111 Church Ground Lessee, LLC in the amount of \$19,204.14 as a contribution towards infrastructure improvements in the vicinity of 1111 Church Street.

Analysis

This resolution accepts a donation from 1111 Church Ground Lease, LLC to the Nashville Department of Transportation and Multimodal Infrastructure in the amount of \$19,204.14. 1111 Church Ground Lease plans to develop a parcel of property at 1111 Church Street. This donation will be used towards the estimated cost of infrastructure improvements in the vicinity of 1111 Church Street.

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

Sponsors: Kupin, Porterfield, Toombs, Parker and Evans-Segall

17. [RS2024-371](#)

A resolution authorizing the Metropolitan Government of Nashville and Davidson County, through Department of Water and Sewerage Services, to fund an increase to the agreement between the United States Department of the Army and the Metropolitan Government of Nashville and Davidson County, for the Mill Creek Flood Risk Management Project in Davidson County, Tennessee. (MWS Project No.18-SWC-136)

Analysis

This resolution would authorize the Metropolitan Government to increase funding for an agreement between the U.S. Department of the Army (“the Army”) and the Department of Water and Sewerage Services for the Mill Creek Flood Risk Management Project.

The initial project agreement, approved by Resolution No. RS2017-976, provides for bridge modifications and channel improvements where Briley Parkway crosses Mill Creek near Curry Road, and for the buyout of 44 flood-prone properties in the Mill Creek, Sorghum Branch, and Whittemore Branch watersheds.

The resolution under consideration would increase the agreement amount by \$512,000. The Army approved an increase of \$512,000 to the estimated budget amount of \$9,722,000, for a total estimated budget amount of \$10,234,000, to complete the acquisition of the final properties. The Army and Metro would jointly fund the \$512,000 increase. Metro is required to pay a minimum of 35%, up to a maximum of 50%, of construction costs allocated by the U.S. Government to structural flood risk management, and 35% of construction costs allocated to non-structural flood risk management.

Fiscal Note: Metro and the Army would jointly fund the \$512,000 increase cost of the project.

Sponsors: Porterfield, Toombs, Parker and Evans-Segall

18. [RS2024-372](#)

A resolution approving a grant application for an Education and Outreach grant from the Tennessee Department of Environment and Conservation to the Metropolitan Government, acting by and through the Metro Water Services Department, to expand and focus education and outreach about proper recycling and materials management to Tennessee citizens.

Analysis

This resolution approves a grant application to the Tennessee Department of Environment and Conservation to the Metro Water Services Department to expand education and outreach about proper recycling and materials management to residents of Nashville and Davidson County. The grant would fund a series of multilingual resources for recycling educating, including workshops, presentations, social media outreach, and video distribution. If the grant is awarded, the grant amount would be \$14,782 with a required cash match of \$7,391.

Sponsors: Porterfield, Toombs, Parker, Welsch, Evans-Segall and Allen

19. [RS2024-373](#)

A resolution approving a grant application for an Organics Management grant from the Tennessee Department of Environment and Conservation to the Metropolitan Government, acting by and through the Metro Water Services Department, to continue a pilot food scraps pickup program to ensure that food scraps that would otherwise end up in a landfill are diverted for compost to expand organics recycling in Davidson County.

Analysis

This resolution approves a grant application for an organics management grant from the Tennessee Department of Environment and Conservation to the Metro Water Services Department. The grant would fund the continuation of the pilot food scraps pickup program established in October 2023. The grant amount is \$100,000 with a local cash match of \$50,000. The grant term begins on July 1, 2024, and ends on June 30, 2025.

Metro's current food scraps pickup program is funded by a private donor and is set to end in October 2024. If awarded, this grant would allow the program to continue through June 2025. The funding would allow the curbside food scraps collection to continue for all pilot participants while Metro Water Services analyzes the information collected and makes recommendations for long-term implementation in FY 2026.

Sponsors: Porterfield, Toombs, Parker, Welsch, Bradford, Evans-Segall and Allen

20. [RS2024-374](#)

A resolution to amend Ordinance No. BL2024-239 to authorize The Metropolitan Government of Nashville and Davidson County to abandon additional public water mains, fire hydrant assemblies and easements, for property located at 1 Terminal Drive, also known as BNA Concourse D Expansion (MWS Project No. 23-WL-97 and Proposal No. 2023M-216ES-002).

Analysis

Ordinance No. BL2024-239 was approved by the Council on March 20, 2024, and authorized the abandonment of approximately 890 linear feet of existing 12-inch water main (DIP), two fire hydrants and easements, for property located at 1 Terminal Drive, also known as BNA Concourse D Expansion. BL2024-239 allows for amendments to the ordinance to be approved by resolution.

The resolution under consideration abandons an additional approximately 495 linear feet of existing 12-inch water main, approximately 280 linear feet of existing 10-inch water main, two additional fire hydrant assemblies and easements.

These changes have been approved by the Planning Commission.

Sponsors: Bradford, Gamble, Parker and Evans-Segall

21. [RS2024-375](#)

A resolution to amend Ordinance No. BL2023-126 to authorize The Metropolitan Government of Nashville and Davidson County to accept additional public water main and vertical raising of existing public water main, for two properties located at 524 Edwin Street and 504 B Edwin Street, also known as Edwin Greens, Phase 2, Revision 1 (MWS Project Nos. 23-WL-34 and

23-SL-74 and Proposal No. 2023M-163ES-002).

Analysis

Ordinance No. BL2023-126 was approved by the Council on January 24, 2024, and authorized the acceptance of 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. BL2023-126 allows for amendments to the ordinance to be approved by resolution.

The resolution under consideration amends BL2023-126 to accept an additional approximately 30 linear feet of new six-inch water main (DIP) and the vertical raising of approximately 30 linear feet of existing 12-inch water main for two properties located at 524 Edwin Street and 504 B Edwin Street.

These changes have been approved by the Planning Commission.

Sponsors: Parker, Gamble and Evans-Segall

L. Bills on Second Reading

36. [BL2024-179](#)

An ordinance to amend Section 2.44.115 of the Metropolitan Code of Laws to require reporting related to use of force by the Metropolitan Nashville Police Department.

Analysis

This ordinance amends Section 2.44.115 of the Metropolitan Code of Laws to require reporting related to the use of force by the Metropolitan Nashville Police Department (“MNPD”).

Currently, MNPD is required to provide certain reports to the Metropolitan Council related to crime and traffic stops.

The ordinance under consideration requires a quarterly use of force report to be submitted by MNPD to the Council within 30 days of the end of the months of March, June, September, and December. “Use of force” is defined as the types of force described in Title 11 of the MNPD manual. The quarterly report must contain the following information:

- Demographic information for the individual subject to the use of force, including the individual’s age, gender, and ethnicity;
- The specific age of an individual subject to use of force;
- The de-escalation tactics used prior to the use of force;
- The number of instances a firearm was displayed or discharged by a police officer in addition to another use of force;
- A summary of incidents where an individual subject to use of force suffered an injury directly related to the use of force; and,
- For the use of a conducted energy weapon (“taser”):
 - The total number of taser deployments; and
 - The average number of taser cartridges used per incident.

Sponsors: Porterfield, Toombs, Benedict, Suara, Kupin, Gadd, Preptit, Ewing, Welsch and Vo

37. [BL2024-182](#)

An ordinance to amend Title 16 of the Metropolitan Code of Laws to clarify who may update the official website regarding issuance of permits and notices, remove requirements for washer and dryer hookups in certain homes, and remove and separate bathroom facilities at gas stations.

Analysis

This ordinance, as substituted, amends Chapters 16.04 and 16.08 of the Metropolitan Code to require the director of the Department of Codes to maintain an online database for residential and multi-family building permits, to remove the requirement for separate restrooms for each sex in gas stations, and to remove the requirement for washer/dryer hookups in structures built under the residential building code.

Currently, Section 16.04.070 of the Metropolitan Code requires the director of the Department of Codes to maintain an online database for residential and multi-family building permits. The database must include quarterly information on the number and type of demolition permits issued for residential property, the number and type of residential building permits issued, and the number and type of residential occupancy permits issued. The ordinance under consideration adds that a designee of the director may maintain the database.

The ordinance also amends Section 16.08.012 of the Metropolitan Code to remove the amendment to the adopted 2018 International Building Code ("IBC") that requires separate restroom facilities for each sex in gas stations. Removing this requirement would revert the restroom requirement back to the standard requirement for restroom facilities found in Table 2902.1 of the 2018 IBC, which is not sex specific and regulates the required number of water closets and lavatories on the basis of occupant load.

Finally, the ordinance amends Section 16.08.014 of the Metropolitan Code to remove the amendment to the adopted 2018 International Residential Code ("IRC") that requires every dwelling unit built under the adopted IRC to include a washing machine connection, a dryer electrical connection, and a vent for the dryer. Removing this amendment to the IRC would fully remove the requirement for a washer/dryer hook up in new construction single-family, two-family, and townhouse structures. The adopted 2018 IRC regulates the construction of single-family structures, two-family structures, and townhouses. Stacked flats, low-rise multi-family buildings, mid-rise multi-family buildings, and high-rise multi-family buildings are regulated by the adopted 2018 IBC.

Sponsors: Evans-Segall, Horton, Huffman, Welsch, Sepulveda, Benedict, Vo and Bradford

38. [BL2024-183](#)

An ordinance to amend Title 16 of the Metropolitan Code of Laws to provide for housing, health, and safety of residents by streamlining Codes provisions related to fireproofing

requirements for middle housing creation and conversion, including specifically the creation of a class of Large Unit Homes within the International Building Code and providing for NFPA-13D sprinklers and one-hour fire-resistance-rated separation therefor.

Analysis

This ordinance amends Section 16.08.012 of the Metropolitan Code to amend the adopted 2018 International Building Code to add a new use called “Large Unit Home” including establishing what it is and the construction methods for its construction.

The ordinance defines a “large unit home” as a 3- or 4-unit single multi-family structure with common walls that is no more than three stories tall and 5,000 sq ft and designed to look like a conventional single-family house. Large Unit Homes are classified in the ordinance as Group R- 2 construction, which is the multi-family use classification (more than two dwelling units) in the IBC; however, the bill reduces the automatic sprinkler requirements to a level more broadly approved for Group R-3 construction, which covers buildings that do not contain more than two dwelling units, care facilities that provide accommodation for five or fewer persons receiving care, non-transient congregate living facilities with sixteen or fewer occupants, transient congregate living facilities with ten or fewer occupants, and transient lodging houses with five or fewer guest rooms and ten or fewer occupants. The ordinance requires one hour fire rated walls and horizontal assemblies between dwelling units. It also requires shaft enclosures, interior exit stairways and ramps, exit access stairways, and exit passageways to be constructed as fire barriers conforming to the adopted IBC.

Currently, a residential structure meeting the proposed standards for a “large unit home” is considered under the broader multi-family classification and must fully meet the requirements of a Group R-2 construction, including the sprinkler requirements.

Sponsors: Evans-Segall, Horton, Huffman, Welsch, Kupin, Sepulveda, Benedict, Vo and Bradford

39. [BL2024-254](#)

An ordinance to amend Title 15 of the Metropolitan Code of Laws relative to infrastructure investment for offsite construction.

Analysis

This ordinance amends Title 15 of the Metropolitan Code of Laws regarding infrastructure investment by a developer.

Section 15.52.010 of the Metropolitan Code of Laws currently provides that, when an application is made for water main extensions or sewer extensions to the water and sewerage system of the Metropolitan Government, the entire cost of the construction and inspection of the extension will be borne by the developer and that no Metro funds will be used for the construction of the extension.

The ordinance under consideration would amend this provision to state that, to the extent

Metro Water Services (“MWS”) requires improvements or extensions to the system for the benefit of future users of the improvements or extensions, an infrastructure investment agreement between MWS and the developer may be negotiated.

The ordinance would further add a new subsection to Section 15.52.010 regarding infrastructure investment agreements. Infrastructure investment agreements may be negotiated between the Metro and the development when it is determined that the extension will benefit future users unrelated to the development and the system as a whole. Infrastructure investment agreements are not authorized when a project requires only connection to the existing main.

MWS may negotiate an infrastructure investment agreement which must include, but is not limited to, the following terms:

- The developer or other responsible party is responsible for all construction costs related to the water main extension or sewer extension.
- If the project or development is isolated or remotely located from the nearest accessible water main or sewer main and the extension is required to be constructed in such a way as to benefit future users unrelated to the development and the system as a whole, the developer is able, over time but in no event over term of 15 years, to recover the costs of construction of the portion that will benefit future users and the system.
- Any reimbursement from the department to the developer or responsible party of surcharges imposed by the department for new customers unrelated to the development tapping into and served by the extension of the system.
- The acquisition and cost thereof of any necessary easement or right-of-way will be the responsibility of the developer or responsible party. In no event will the metropolitan government be responsible for acquiring rights-of-way or easements for water main extensions or sewer extensions to service the developer’s or responsible party’s project.

Sponsors: Hancock, Huffman, Horton, Webb and Bradford

40. [BL2024-290](#)

An ordinance to amend Chapter 2.196 of the Metropolitan Code of Laws regarding lobbying.

Analysis

This ordinance makes various changes to Chapter 2.196 of the Metropolitan Code of Laws, which regulates lobbying.

The ordinance would require the lobbyist registration form to include a current photograph of the lobbyist.

The ordinance would clarify language in the existing code regarding the withdrawal of a lobbyist, stating that if a lobbyist fails to register for a subsequent year, it would be treated as a withdrawal for each client for which the lobbyist was registered.

The ordinance would require disclosure of each political contribution of more than \$100 made

by the lobbyist or on behalf of their client. In addition, the ordinance would remove the requirement that a client attest to the accuracy of the disclosure reports and instead require the lobbyist to attest to the accuracy.

The ordinance would prohibit a lobbyist who has failed to file all required annual lobbying and expense reports by March 1 of each year, or who has failed to include the filing fee with a late report, from registering as a lobbyist for that year. In addition, a lobbyist who fails to comply with the reporting requirements would be subject to a hearing before the Board of Ethical Conduct. After the hearing, the Board of Ethical Conduct would determine if the lobbyist is eligible for registration and whether any other actions, penalties, sanctions, or enforcements, pursuant to Section 2.196.130, are appropriate.

Under current law, department heads and employees of the mayor's office are prohibited from registering as a lobbyist within six months of voluntary cessation of their official responsibilities in matters which were directly within their former official responsibilities or employment with metro government. Similarly, elected officials are prohibited from registering as a lobbyist within six months following the voluntary termination of office or leaving office.

The ordinance under consideration would extend this prohibition from six months to twelve months. In addition, employees of the Council Office would be added to the list of employees whose registration is limited.

Finally, this ordinance replaces two instances of "board of conduct" with "board of ethical conduct" for clarity and consistency with the rest of the chapter.

Sponsors: Evans and Welsch

41. [BL2024-301](#)

An ordinance amending Section 2.78.010 of the Metropolitan Code of Laws to authorize the Board of Fair Commissioners ("the Fair Board") to adopt rules and regulations to enable sponsorships of the divisional fair, expo center events, flea markets, auto racing, and other programs, events, projects, facilities, and sites at The Fairgrounds Nashville ("the Fairgrounds").

Analysis

This ordinance would authorize the Board of Fair Commissioners to adopt rules and regulations to enable business entities, non-profits, and other organizations to sponsor the divisional fair, expo center events, flea markets, auto racing, and other programs, events, projects, facilities, and sites at The Fairgrounds Nashville. The rules and regulations would include the types of events, programs, facilities, and sites that may be sponsored, the size, number, and placement of sponsor signage, the use of logos, and the types of industries and products that are not eligible to become sponsors.

The Board of Fair Commissioners would further be authorized to entered into sponsorship agreements with a total net value not to exceed \$50,000. Sponsorship agreements with a total net value in excess of \$50,000 would be require approval by a resolution of the Council.

Sponsors: Vo, Porterfield and Styles

42. [BL2024-302](#)

An ordinance to amend Section 2.112.030 of the Metropolitan Code of Laws to amend the purpose of the Metropolitan Nashville Arts Commission.

Analysis

This ordinance amends Section 2.112.030 of the Metropolitan Code of Laws, which contains the purpose of the Metropolitan Nashville Arts Commission. This Section currently provides that the purpose of the Arts Commission is:

- A. To promote the study, participation in and appreciation of the visual, performing and literary arts;
- B. To support and participate in the presentation of displays, exhibits, recitals, concerts, lectures and symposia;
- C. To cooperate with and assist public and private educational institutions, the media, and other private and governmental entities involved in artistic and cultural promotion;
- D. To provide information and recommendations to the metropolitan county council and the metropolitan county mayor with respect to the architectural design and aesthetics of public places and property.”

The ordinance under consideration would add “To promote equity in the arts community” to this list.

Sponsors: Styles, Welsch, Gadd, Vo, Ewing, Benedict and Kupin

43. [BL2024-303](#)

An ordinance amending Section 2.222.030 of the Metropolitan Code to add members of Metropolitan Government boards and commissions to the list of persons required to submit annual disclosures.

Analysis

This ordinance amends Section 2.222.030 of the Metropolitan Code of Laws to add members of Metro boards and commissions to the list of persons required to submit annual disclosures.

Currently, the following individuals must file an annual disclosure with the Metropolitan Clerk: (1) the mayor; (2) all employees in the mayor's office, including the members of the mayor's cabinet; (3) the metropolitan council office; (4) the holders of all elected offices authorized or created by the Metropolitan Charter; (5) all directors, executive directors, assistant directors, and associate directors of metropolitan government agencies, boards, and commissions, but not including Nashville Electric Service, the Metropolitan Nashville Airport Authority, the Metropolitan Development and Housing Agency and the Metropolitan Transit Authority. This disclosure is a public record and requires these individuals to list information about the individual and their spouse regarding their sources of income, ownership interests in property,

debts owed (other than through established financial institutions made in the ordinary course of business), and positions held with certain entities.

The ordinance under consideration would add members of boards and commissions to the list of individuals who must file the annual disclosure with the Metropolitan Clerk.

Sponsors: Sepulveda and Welsch

44. [BL2024-304](#)

An ordinance amending Section 16.08.012 of the Metropolitan Code of Laws to add a new exception related to storm shelter occupancy standards.

Analysis

This ordinance amends Section 16.08.012 of the Metropolitan Code of Laws to add a new exception related to storm shelter occupancy standards. Section 16.08.012 houses the amendments, deletions, or additions to the 2018 Edition of the International Building Code (“IBC”) that have been adopted by reference by the Metropolitan Government.

Section 423.4 of the IBC is currently adopted by the Metropolitan Government in full with no amendments. This provision provides that all Group E occupancies with an occupant load of 50 or more must have a storm shelter constructed in accordance with International Code Council (“ICC”) 500. Group E occupancies are schools and day care centers up to the 12th grade. Exceptions to this requirement are day care facilities, facilities that are accessory to places of religious worship, and buildings meeting the requirements for shelter design in ICC 500.

The ordinance under consideration would add an exception to the storm shelter requirement for Group E occupancy new construction additions that are not increasing the occupancy load by more than 50%.

Sponsors: Webb and Bradford

45. [BL2024-305](#)

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, by and through the Department of Parks and Recreation, to deaccession the Pre-Columbian collection from the Parthenon.

Analysis

This ordinance authorizes the Department of Parks and Recreation to permanently remove the Pre-Columbian collection from the Parthenon.

In the 1960s and 1970s, a former director of the Parthenon received a total of 244 Pre-Columbian artifacts separately from donors John Montgomery and Edgar York. According to the archival paperwork, some artifacts were acquired during amateur and undocumented excavations in Western Mexico mostly done by John Montgomery. The artifacts donated by Edgar York have no documentation regarding their origin. The Department of Parks and Recreation is the legal owner of the Parthenon and all of its properties and wishes to

deaccession, or permanently remove, the Pre-Columbian Collection. The Board of Parks and Recreation has approved the deaccession. Because these are illegally sourced artifacts, these artifacts will be shipped to the Government of Mexico where the artifacts were sourced.

This resolution would authorize the Department of Parks and Recreation to deaccession the Pre-Columbian Collection from the Parthenon and authorize the Director of Parks and Recreation to execute the same.

Sponsors: Styles and Taylor

46. [BL2024-306](#)

An ordinance to designate a certain portion of 2nd Avenue North as a Tourism Improvement Zone and to grant the businesses that front thereon certain privileges.

Analysis

This ordinance establishes a Tourism Improvement Zone along a portion of Second Avenue North in Downtown Nashville.

The Tourism Improvement Zone (“TIZ”) would be in effect along Second Avenue North between Broadway and Union Street from the final passage of this ordinance until March 3, 2026, unless the term of the TIZ is extended by the Council by resolution.

The TIZ will be closed to vehicular traffic, except for emergency vehicles, to the extent provided by the Metropolitan Nashville Police Department (“MNPD”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”).

Within the TIZ, businesses that front along the TIZ area will be regulated as follows:

- Businesses may sell their wares outdoors immediately in front of their businesses without a street vendor permit, subject to the review and approval of NDOT;
- Businesses may place wayfinding and advertising signs on the sidewalk, using A-frames or other methods, subject to the review and approval of NDOT;
- Businesses may apply to NDOT to place banners on publicly-owned poles and structures, without the required fee or deposit;
- Outdoor amplification, including audio, video, and live performances, will be allowed, as long as the noise is respectful to neighboring businesses and residences and in compliance with the limitations of 85 decibels during business hours and 70 decibels outside of business hours, in compliance with Section 9.20.010(B) of the Metropolitan Code of Laws, subject to the review and approval of MNPD and NDOT;
- Businesses that serve food and beverages may apply to NDOT for an outdoor dining area at no cost;
- Businesses may use external lighting by projection, mounted string lights, or other methods as approved by NDOT; and
- For public safety purposes, MNPD and NDOT shall have the authority to manage the placement of any person or object that creates an obstruction in the public right-of-way within the TIZ.

Nothing in this ordinance is to be construed as a repeal or suspension of any existing laws outside of the TIZ.

Sponsors: Kupin, Porterfield, Evans, Parker, Ellis and Styles

47. [BL2024-307](#)

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

Analysis

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

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

Sponsors: Gregg and Bradford

48. [BL2024-308](#)

An ordinance approving amendment 1 to the contract between the Metropolitan Government of Nashville and Davidson County and Southern Sales Co, a Division of Tencarva Machinery.

Analysis

This ordinance approves an amendment to a sole source contract between the Metropolitan Government and Southern Sales, a division of Tencarva Machinery. The Council approved the original contract through Resolution No. RS2020-625 on November 5, 2020. The contract term was five years from the date of the filing with the Metropolitan Clerk, and its total value was estimated to be \$20,000,000. The ordinance under consideration would extend the contract term to 10 years and increase the estimated contract value to \$30,000,000.

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. Sole source contracts are generally approved by resolution, however, contracts with a term exceeding sixty months must be approved by ordinance.

The original contract provided products, parts, and equipment for specific brands of products used by the Department of Water and Sewerage Services within its water treatment system. The amendment under consideration would also allow for additional services and an escalation of rates for that service. A pricing exhibit in the original contract would also be replaced to

reflect these rates.

The Department of Water and Sewerage Services has used this contract to purchase products and equipment through Southern Services from other vendors, and at a discount for certain products. According to the sole source justification forms, these parts are not interchangeable, and no other products or parts are compatible with existing equipment. Southern Company is the only authorized representative for these product lines for this region, according to the sole source justification forms provided with this contract amendment.

Sponsors: Porterfield and Parker

49. [BL2024-309](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to authorize the director of Metro Water Services, or his designee, to execute a settlement agreement and release of liability.

Analysis

This ordinance authorizes the director of the Department of Water and Sewerage Services to execute a settlement agreement and release of liability with CH2M Hill Engineers, Inc. ("CH2M"). Metro retained CH2M to perform engineering work for the Dry Creek WWTP Ultraviolet Disinfection Project.

According to the settlement agreement and release, Metro alleges that errors were made regarding the design height of the UV Channel Influent Gates in this project. Both Metro and CH2M seek to enter into an agreement to resolve these issues. Pursuant to the agreement, Metro would receive a credit of \$53,355 on its final invoice for the project, and Metro would release CH2M from any legal claims that could be made as a result of these errors. No liability was admitted by either party in the agreement.

Sponsors: Porterfield and Parker

50. [BL2024-310](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public utility easement rights, for the specific area of property located at 401 Saint Francis Avenue (Proposal No. 2024M-035ES-001).

Analysis

This ordinance abandons an existing 20-foot public utility easement for property located at 401 Saint Francis Avenue. This has been requested by Providence Capital LLC, owner.

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

Sponsors: Gamble and Parker

51. [BL2024-311](#)

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

accept new public water main and fire hydrant assembly, for property located at 2415 Vanderbilt Place, also known as Vanderbilt Garland Hall (MWS Project No. 23-WL-271 and Proposal No. 2024M-032ES-001).

Analysis

This ordinance accepts approximately nine linear feet of new six-inch water main (DIP) and one fire hydrant assembly for property located at 2415 Vanderbilt Place, also known as Vanderbilt Garland Hall.

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: Cash, Gamble and Parker

52. [BL2024-312](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer mains, public sanitary sewer manholes and easements, for three properties located at 9901 Maupin Road and 1102 and 1106 Waller Road (Brentwood) in Williamson County (MWS Project No. 23-SL-231 and Proposal No. 2024M-033ES-001).

Analysis

This ordinance accepts approximately 405 linear feet of new eight-inch sanitary sewer mains (PVC), three new sanitary sewer manholes and easements for three properties located at 9901 Maupin Road and 1102 and 1106 Waller Road (Brentwood) in Williamson County.

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

53. [BL2024-313](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water main, for property located at 630 Division Street, also known as The Depot (MWS Project No. 23-WL-42 and Proposal No. 2024M-036ES-001).

Analysis

This ordinance accepts approximately 184 linear feet of new four-inch water main (DIP), for property located at 630 Division Street, also known as The Depot.

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: Kupin, Gamble and Parker

54. [BL2024-314](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water and sanitary sewer mains, new public fire hydrant assembly and sanitary sewer manholes, for property located at Hamilton Church Road (unnumbered), also known as Brookridge Hamlet (MWS Project Nos. 19-WL-31 and 19-SL-61 and Proposal No. 2024M-038ES-001).

Analysis

This ordinance accepts approximately 1,532 linear feet of new eight-inch water main (DIP), approximately 988 linear feet of new eight-inch sanitary sewer main (PVC), one fire hydrant assembly and five sanitary sewer manholes, for property located at Hamilton Church Road, also known as Brookridge Hamlet.

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: Harrell, Gamble and Parker

55. [BL2024-315](#)

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 at 1919 Division Street (MWS Project No. 23- WL-155 and Proposal No. 2024M-037ES-001).

Analysis

This ordinance abandons approximately 400 linear feet of existing six-inch water main and accepts approximately 400 linear feet of new eight-inch water main (DIP), for property located at 1919 Division Street.

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

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

Sponsors: Vo, Gamble and Parker

M.

Bills on Third Reading

65. [BL2024-258](#)

An ordinance declaring surplus certain real property and authorizing the Metropolitan Government's execution and delivery of a master development agreement and ground lease agreements related thereto, an amended and restated site coordination agreement, a campus operations and use agreement, a declaration, and other documents and agreements relating to the development of a portion of the east bank stadium campus (Proposal No. 2024M-009AG-001).

Analysis

This ordinance authorizes the Metropolitan Government to execute a Master Development Agreement and related Ground Leases related to the development of the East Bank as well as execute a Restated Site Coordination Agreement, a Campus Operations and Use Agreement, a Declaration, and other related documents and agreements. The ordinance approves the form, terms, and provisions of all the agreements, described below. The ordinance also declares the Initial Development Area property as surplus.

This ordinance follows Ordinance BL2023-1741 approving agreements related to the construction of a new football stadium and the transfer of property on the East Bank from the Sports Authority to the Metropolitan Government. With fee title to the "Campus," an area consisting of approximately 95 acres on the East Bank, transferred to the Metropolitan Government, Council is now being asked to approve the development elements of the Initial Development Area ("IDA"), Exhibit A to the ordinance, which includes parcels A, B, C, D, E, F, and G.

The Master Development Agreement & Ground Leases*Exhibit B to the Ordinance*

The Master Development Agreement ("MDA") is an agreement between the Metropolitan Government ("Metro") and TFC Nashville Development LLC ("Fallon") with The Fallon Company providing a Limited Guaranty guaranteeing payment and performance of all Fallon's obligations. Fallon is to be the master developer of the IDA. The MDA includes the form of the Ground Leases that will be utilized for each parcel developed by Fallon. The form of the Ground Lease can be found as Exhibit C-1 to Exhibit B of the ordinance.

Fallon will be required to fund infrastructure costs related to streets and roads in the IDA, including a portion of the East Bank Boulevard, utilities in the IDA, and a portion of the pedestrian bridge (see Exhibit B-4 to Exhibit B). Fallon will be required to deliver at least 1,550 residential units in at least five buildings, of which two must be 100% affordable and the remainder to be 10% affordable. The affordability requirements must last for the 99-year duration of the ground lease. Fallon will also develop hotel uses, retail uses, and office uses, as well as public uses, like the Pedestrian Bridge extension.

If Fallon fails to meet its development milestones (residential construction, hotel construction, and pedestrian bridge extension construction) by the applicable dates for each, Metro will be entitled to either terminate the MDA or waive the delay and proceed in accordance with the terms of the contract. If Fallon meets the residential development milestones, it will have the

option to develop Parcel B.

Metro will be required to fund the portion of the pedestrian bridge expected to span the East Bank Boulevard in addition to funding the relocation of the Colonial gas lines. Metro is obligated to work in good faith with Fallon to rezone the IDA in a manner both parties agree. A component of the zoning changes will include the limitation of bars and nightclubs to no more than 25% of retail space - excepting Parcel C located adjacent to the Stadium and excepting hotels. Legislation concerning zoning changes is expected to be before the Council later in 2024.

As Fallon finalizes specific development plans for each parcel, it will execute a 99-year ground lease for each parcel with Metro. Each executed ground lease will be in the form attached as Exhibit C-1 to the MDA. Each ground lease will follow the same formula for rent calculation: multiply the initial appraised property value, adjusting for annual CPI, by 4% for residential property and by 4.5% for other property classifications. The rent will increase by 2.5% annually. The parties will conduct a Consumer Price Index ("CPI") "lookback" every 10 years to capture lost CPI adjustments that may have occurred during that period. Any adjustments will be limited to increases between 2.5% and 2.75%-in no event will the lookback result in a rent reduction. Metro will also receive "participation rent" which means that Metro will receive a percentage of the sale proceeds as properties are sold during the term of the ground lease. Residential properties will pay 0.75% and other property classifications will pay 1% of the sale proceeds. Fallon will not be able to sell or cash out of the ground lease until the property is developed. The ground lease tenants will be required to pay all *ad valorem* property taxes as if they were the owner. The ground lease tenants will be required to maintain the uses of the property in a manner consistent with the master development plan.

Campus Operations and Use Agreement

Exhibit C to the Ordinance

The Campus Operations and Use Agreement is an agreement between TFC Nashville Development LLC ("Fallon"), Tennessee Stadium LLC ("Titans"), and the Metropolitan Government ("Metro") for the primary purpose of defining the relationships between the parties as it relates to the use of certain parcels within the Campus area, specifically Parcel B, Parcel C, and Parcel D of the IDA, including that portion of Parcel C to be known as the Second Street Plaza Site. The term will commence upon execution and extend coterminous with any Ground Lease in effect and as long as the Stadium Lease is in effect.

The Titans will be obligated to fund the construction, operating, and maintenance costs of the Plaza site. Activation of the Plaza site on game days and other days will be overseen by the Titans.

The agreement governs the cooperation obligations of the parties with respect to the Campus. The parties will create a coordination committee which will keep the parties informed regarding Stadium activities, Plaza activities, and IDA activities. The agreement governs event planning related to the Plaza and creates a booking priority system and calendar. The agreement provides for data rights, commercial rights, and advertising limitations within the Plaza and the

Campus. The Titans will have the naming rights, including related revenues, for the Plaza, subject to certain approvals by Fallon and Metro.

Declaration of Easements, Restrictions, and Covenants for Parcel B, The Stadium Plaza, Parcel C, East Bank

Exhibit D to the Ordinance

Metro, as the Declarant, will establish a series of easements and other rights and obligations on Parcel B, Parcel C, and the Stadium Parcel for the benefit of the Tennessee Stadium LLC ("Titans") and Fallon. The declaration grants a non-exclusive easement for the Plaza to the Titans for construction of plaza improvements, utilization of the plaza, activation of the plaza, and operation of the plaza. The declaration establishes certain encroachments onto Parcel C for a loading ramp from the stadium to Interstate Drive. Additionally, the declaration establishes an easement on Parcel B for an extension of the stadium to accommodate stairs and ramps needed for stadium access.

Stadium Parking Facilities Development, Operations, and Use Agreement

Exhibit E to the Ordinance

The Parking Operations Agreement is an agreement between Metro and Tennessee Stadium LLC ("Titans") to more fully set forth the parking agreements contained in their original Site Coordination Agreement. This agreement governs the development of stadium parking and staging facilities on Parcel B, adjacent to the Stadium, and parking throughout the Campus. Metro will be required to maintain at least 2,000 parking spaces within the Campus, outside of Parcel B, that will be available for use by the Titans during stadium events. In anticipation of development of the Campus and Parcel B, Metro will likely have to fund the construction of a structured parking facility to provide the parking spaces required by previous agreements.

Metro will be obligated to provide adequate ingress/egress to Campus parking spaces and maintain lighting and signage. Metro will also be required to perform all maintenance and capital repair work for the Campus parking spaces. Metro will be responsible for claims of personal injury or property damage in connection to the Campus parking spaces except for those arising during stadium event parking periods where the Titans will bear responsibility.

First Amended and Restated Site Coordination Agreement

Exhibit F to the Ordinance

The Site Coordination Agreement between Metro and Tennessee Stadium LLC is amended to remove the parking use and operations provisions that are more fully set forth in the Parking Operations Agreement, the Campus Operations and Use Agreement, and the Plaza Declaration.

At the April 2, 2024, Council meeting, amendments were added to make clarifications, set requirements for archeological studies, affirmative marketing of affordable housing units, complete streets, and workforce development and labor, and add language requesting that future day care facilities consider preferential admission for children of tenants in the residential building where the day care facility is located.

Sponsors: Kupin, Porterfield, Gamble, Parker, Huffman and Gadd

85. [BL2024-291](#)

An ordinance amending Section 12.41.080(C) of the Metropolitan Code of Laws to allow the Metropolitan Government, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), to charge and collect fees for use of the public right-of-way, in connection with applications for valet parking permits.

Analysis

This ordinance amends Section 12.41.080 of the Metropolitan Code of Laws regarding fees for valet parking permit applicants.

Under current law, the fee for a valet parking permit is \$50, plus revenue lost annually for each required metered space as measured by the hourly rate for each metered space. All fees must be paid in advance.

The ordinance under consideration authorizes the Traffic and Parking Commission to set the application fee, plus additional fees for the use of the public right-of-way, as approved by the Finance Director. Fees will be required to be paid in advance.

Sponsors: Porterfield, Kupin, Welsch and Parker

86. [BL2024-292](#)

An ordinance amending Section 13.08.050 of the Metropolitan Code of Laws with respect to planting trees, bushes, hedges, or other landscaping amenities within the right-of-way of any street within the area of the Metropolitan Government.

Analysis

This ordinance amends Section 13.08.050 of the Metropolitan Code of Laws regarding obstruction of visibility at intersections, driveways, or rights-of-way.

Under current law, no sign, card, poster, pennant, banner, bush, tree, hedge or other obstruction may be placed or maintained within the right-of-way of any street within the area of the Metropolitan Government.

The ordinance under consideration would add a clarification that this restriction does not apply to any bush, tree, hedge, or other landscaping amenity placed or maintained by any department of the Metropolitan Government, or by any organization permitted under Section 13.08.030, which provides for encroachments in, on, over, or under the public right-of-way.

Sponsors: Allen, Kupin, Parker, Vo and Styles

87. [BL2024-294](#)

An ordinance to amend Section 15.64.170 of the Metropolitan Code of Laws regarding development of athletic fields within floodways.

Analysis

This ordinance amends Section 15.64.170 of the Metropolitan Code of Laws regarding the development of athletic fields within floodways.

Section 15.64.170 of the Metropolitan Code of Laws provides that no new structure may be constructed within the floodway in Nashville and Davidson County. Section 15.64.170 of the Metropolitan Code of Laws further provides that the Stormwater Division of the Department of Water and Sewerage Services may allow certain types of structures to be constructed in the floodway, consistent with the provisions of the Stormwater Management Manual, including athletic fields.

The ordinance under consideration adds a definition for “athletic fields,” which would mean pervious, natural land used for recreational purposes by members of the general public on public land or at educational facilities, such as soccer fields, football fields, or baseball diamonds. Athletic fields would not include an athletic facility composed of impervious material, such as tennis courts, basketball courts, or fields with artificial or synthetic grass.

Sponsors: Ewing, Weiner, Vo, Spain and Gadd

88. [BL2024-295](#)

An ordinance approving Amendment Number 1 to the contract between the Metropolitan Government of Nashville and Davidson County (“Metro”) and AT&T Corp. (“AT&T”), for managed and unmanaged telecommunications services.

Analysis

This ordinance approves the first amendment to a contract between the Metropolitan Government and AT&T Corp. (“AT&T”) for managed and unmanaged telecommunications services.

In April 2018, Metro issued a request for proposals for managed and unmanaged telecommunications services. AT&T and Level 3 Communications, LLC (“Level 3”), among others, were notified of Metro’s intent to award contracts to them, contingent upon successful contract negotiations. Contract negotiations with each company concluded at different times and resulted in different expiration dates.

Metro’s contract with AT&T began on April 17, 2022, and expires on April 16, 2024. Metro’s contract with Level 3 began on August 22, 2023, and expires on August 21, 2028. Metro and AT&T desire to amend this contract to have the same end date as the contract with Level 3 and to increase the value of the contract accordingly.

The amendment under consideration extends the end date of the contract from April 16, 2024, to August 21, 2028. Because the amended contract allows for a total term in excess of 60 months, Metropolitan Code of Laws Section 4.12.160.B requires Council approval. The estimated contract value would be increased by \$14,000,000, from \$6,000,000 to \$20,000,000. In addition, the heading would be amended to include references to reference a State of Tennessee agreement and affidavits. In addition, the contract would be amended to reference

AT&T's contract with the State of Tennessee for NetTN 3.0, which replaced NetTN 2.0 in June 2023.

Fiscal Note: This amendment to contract number 6516090 will increase the estimated contract value by \$14,000,000 from \$6,000,000 to \$20,000,000 and extend the terms by 16 months from 60 months to 76 months.

Sponsors: Porterfield and Bradford

89. [BL2024-296](#)

An ordinance authorizing PR II/SH Peabody Union Apartments Owner, LLC to construct and install an underground encroachment at 30 Peabody Street (Proposal No. 2023M-022EN-001).

Analysis

This ordinance authorizes PR II/SH Peabody Union Apartments Owner, LLC to install, construct and maintain underground encroachments at 30 Peabody Street. The proposal will consist of an underground parking garage closure slab 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: Kupin, Gamble and Parker

90. [BL2024-297](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning a portion of Russell Street right-of-way and utility easements between Interstate Drive and South 1st Street, and a portion of South 2nd Street right-of-way and utility easements between Woodland Street and Victory Avenue. (Proposal Number 2023M-014AB-001).

Analysis

This ordinance abandons a portion of Russell Street right-of-way and utility easements between Interstate Drive and South 1st Street; however, utility easements would be retained on Russell Street between South 2nd Street and South 1st Street. In addition, the ordinance abandons a portion of South 2nd Street right-of-way and utility easements between Woodland Street and Victory Avenue. This has been requested by Brad Sladen and Ragan Smith Associates, applicant.

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

Sponsors: Kupin, Gamble and Parker

91. [BL2024-298](#)

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 2215 Edge O Lake Drive, also known as Canyon Ridge Phases 4 and 6 (MWS Project Nos. 23-WL-02 and 23-SL-03 and Proposal No. 2024M-029ES-001).

Analysis

This ordinance accepts approximately 166 linear feet of new four-inch water main (DIP), approximately 1,351 linear feet of new eight-inch water main (DIP), approximately 695 linear feet of new eight-inch sanitary sewer main (PVC), approximately 1,107 linear feet of new eight-inch sanitary sewer main (DIP), three fire hydrant assemblies, 14 sanitary sewer manholes and easements for property located at 2215 Edge O Lake Drive, also known as Canyon Ridge Phases 4 and 6.

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: Styles, Gamble and Parker

92. [BL2024-299](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon an existing public sanitary sewer main, for five properties located on Peabody Street, 3rd Avenue South and President Ronald Regan Way, also known as 2nd and Peabody (MWS Project No. 23-SL-130 and Proposal No. 2024M-028ES-001).

Analysis

This ordinance abandons approximately 123 linear feet of existing six-inch sanitary sewer main for five properties located on Peabody Street, 3rd Avenue South, and President Ronald Reagan Way, also known as 2nd and Peabody.

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: Kupin, Gamble and Parker

93. [BL2024-300](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water and sanitary sewer mains, sanitary sewer manholes and easements, and to accept new public water and sanitary sewer mains, sanitary sewer manholes, relocation of fire hydrant assemblies, rehabilitation of existing sanitary sewer main, realignment of existing water main and sanitary sewer manholes and easements, for 13 properties located on Martin Street, Humphreys Street and Brown Street, also known as

WeHo Phase 3 (MWS Project Nos. 22-WL-35 and 2-SL-77 and Proposal No. 2024M-014ES-001).

Analysis

This ordinance abandons approximately 414 linear feet of existing six-inch water main (DIP), approximately 165 linear feet of existing eight-inch sanitary sewer main (unknown material type), approximately 213 linear feet of existing eight-inch sanitary sewer main (concrete), approximately 214 linear feet of existing 18-inch sanitary sewer main (VCP), two sanitary sewer manholes and easements, and accepts approximately 426 linear feet of new eight-inch water main (DIP), approximately 1,001 linear feet of new eight-inch sanitary sewer main (PVC), approximately 95 linear feet of new eight-inch sanitary sewer main (DIP), approximately 144 linear feet of new 18-inch sanitary sewer main (PVC), approximately 37 linear feet of new 18-inch sanitary sewer main (DIP), 15 sanitary sewer manholes, relocation of four fire hydrant assemblies, rehabilitation of approximately 234 linear feet of existing 18-inch sanitary sewer main (CIPP structural lining) (VCP), vertical realignment of approximately 47 linear feet of existing six inch water main (DIP), vertical realignment of approximately 29 linear feet to an existing 12-inch water main (DIP) and a vertical adjustment of an existing sanitary sewer manhole and easements for 13 properties located on Martin Street, Humphreys Street and Brown Street, also known as to WeHo Phase 3.

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: Vo, Gamble and Parker