



Metro Council

F. Resolutions on Public Hearing

1. [RS2022-1441](#)

A resolution exempting Street Brothers Seafood, Inc., located at 540 Paragon Mills Road, 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 Street Brothers Seafood, Inc. located at 540 Paragon Mills Road.

The Metro Code of Laws (MCL) 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: Johnston

G. Bills on Public Hearing

2. [BL2021-832](#)

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to incentivize Inclusionary Housing with any residential development that seeks additional development entitlements beyond that permitted by the current base zoning district (Proposal No. 2021Z-013TX-001).

Analysis

This ordinance, as substituted, amends Title 17 of the Metro Code to create a voluntary program for inclusionary housing to promote affordable and workforce housing. Under this program, a developer could voluntarily elect to create inclusionary housing as an option for receiving bonus height under the Downtown Code's bonus height program. Metro would provide subsidies to developers for the voluntary provision of inclusionary housing in accordance with the regulations set forth in this ordinance.

Metro would use the estimated new tax revenue generated by the bonus height to subsidize the inclusionary housing units within the development, making it so that the units would then rent at market rate.

Developments of fewer than five units would not be eligible for this program. No benefit would be provided if the average unit sale price or rental rate is less than, or within 5% above, 100% of the Area Median Income rental rate for Nashville and Davidson County, as determined by the U.S. Department of Housing and Urban Development.

The inclusionary housing requirement is included in a chart in the text of the legislation.

The developer would be required to submit an Inclusionary Housing Plan ("the Plan"), which includes the total residential units provided under the site plan, whether the development uses public resources or public property, the number of inclusionary housing units provided, the income levels of families eligible for the inclusionary housing units, the proposed market rates for the units, the location, sizes, and bedroom counts of the inclusionary housing units, and the market rate for comparable units within the same census tract.

The Plan would also be required to include a Proposed Master Lease with MDHA, or another entity competitively selected to administer this ordinance. The master lease would require approval from the Mayor's Office Director of Housing Programs, or another Metro official responsible for overseeing and administering affordable housing programs. The master lease agreements must provide a minimum term of 15 years for Inclusionary Housing rental units, reassess the market rate for each unit every five years during the lease term, and ensure that the units are occupied by eligible households.

Further, exterior and interiors of Inclusionary Housing units could not differ materially from other units in the development.

Before the issuance of a building permit, compliance with the requirements of this ordinance must be documented on the permit plans. Before a use & occupancy permit could be issued, the above requirements must be satisfied, and documentation provided to the Codes Department.

During the subsidized rental period, the administering agency would be required to submit a compliance report to the Mayor's Office Director of Housing programs, or another such official responsible for overseeing and administering affordable housing programs, in the form and

manner determined by such official with assistance from the Finance Department.

Additional regulations related to the implementation of this program are found in the companion bill, Ordinance No. BL2021-912.

This has been approved by the Planning Commission.

Sponsors: Allen, OConnell, Suara, Welsch, Porterfield, Toombs, Hausser and Benedict

4. [BL2021-922](#)

An ordinance amending Sections 17.04.060, 17.08.030, and 17.16.070 of the Metropolitan Code, Zoning Regulations to implement a distance requirement for the “bar or nightclub” use (Proposal No. 2021Z- 018TX-001).

Analysis

This ordinance amends Title 17 of the Metro Code to define the “bar or nightclub” use. It also implements a condition requiring a distance of 100 feet between a bar or nightclub use and parcels containing single family residential, two family residential, day care center (up to 75), day care center (over 75), day care home, school day care, orphanage, monastery or convent, religious institution, or community education uses in all zoning districts where the bar or nightclub use is currently permitted, excluding the DTC. This bill does not affect bar or nightclub uses located within the DTC.

The current conditions of a maximum size of 2,500 sq. ft. of gross floor area per establishment and no more than one establishment per lot shall remain for the MUN, MUN-A, MUN-NS, MUN-A-NS, CN, CN-A, CN-NS, CN-A-NS, SCN, and SCN-NS.

This has been referred to the Planning Commission.

Sponsors: Taylor, Glover, Murphy, OConnell, Porterfield, Suara and Allen

7. [BL2022-1073](#)

An Ordinance amending Sections 17.04.060, 17.08.030, 17.16.035, 17.16.170, and 17.20.030 of the Metropolitan Code to delete the “Day Care Home Use”, create new “Day Care Home - Small” and “Day Care Home - Large” uses, and to update the requirements for opening a Day Care Home or Day Care Center Use (Proposal No. 2022Z-002TX-001).

Analysis

This ordinance amends Sections 17.04.060, 17.08.030, 17.16.035, 17.16.170, and 17.20.030 of the Metropolitan Code to remove the existing “Day Care Home Use” and replace it with “Day Care Home - Small” and “Day Care Home - Large” uses, as well as update the conditions that must be met to open a day care home or day care center use. As proposed, day care home - small uses would provide services to five to seven individuals, and day care home - large uses would provide services to eight to twelve individuals. Under the current code, the day care home use provides services to five to twelve individuals.

The ordinance under consideration would make the day care home - large use a special exception use, which matches the existing day care home use, and make the day care home - small use a use permitted conditionally within the UZO; however, outside of the UZO the day care home - small use would be a special exception use. The day care home - small use is proposed by the legislation to require one less parking space than the day care home - large use. Additionally, the legislation eliminates the circular driveway requirement for all day care uses and reorganizes the requirements for all day care uses in Section 17.16.035 of the Metropolitan Code for clarity.

This is scheduled for the April 28 meeting of the Planning Commission.

Sponsors: Cash, Evans, Allen and Styles

9. **BL2022-1121**

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to amend Chapters 17.12, 17.24, 17.28, 17.36, and 17.40 pertaining to the cluster lot option, all of which is described herein (Proposal No. 2022Z-004TX-001).

Analysis

This ordinance, as substituted, amends the Metropolitan Code to modify the standards of Section 17.12.090 regarding the Cluster lot option. The ordinance would rename the former "Cluster lot option" to "Conservation Development" to better reflect the purpose and intent of the tool and reorganize the standards for more consistent utilization and implementation. The ordinance also includes housekeeping amendments in Chapters 17.24, 17.28, 17.36, and 17.40 of the Metropolitan Code to change references to "Cluster lot option" to "Conservation Development," correct errors in code section references, and ensure consistency across the Title 17.

The current Cluster Lot Option standards in Section 17.12.090 of the Metropolitan Code are applicable to properties zoned Single-family Residential (RS/RS-A) or One and Two-Family Residential (R/R-A) and require a minimum of 15 percent of the gross acreage of the site be set aside as open space. In exchange, lots within the development may be reduced in size the equivalent of two zoning districts smaller than the existing zoning if standards for landscape buffer yards and perimeter lots are met.

The Conservation Development tool would require the preservation of some natural areas, including steep slopes and hillsides, streams and floodplains, problem soils, archaeological resources, and native forests or vegetation, under certain situations by allowing for flexibility in lot size in a residential subdivision. The Conservation Development tool would require that the development site must have at minimum 10 percent natural area. If less than 20 percent of the site is defined natural areas, all the natural area present must be undisturbed and in open space. If more than 20 percent of the site is natural features, a minimum of 20 percent is required to be preserved. In exchange for preserving these areas, a development may reduce the size of the lots by the percentage of the development preserved in natural area open space. In no case shall the size of any lot be reduced to less than 3,750 square feet, no matter

how much natural area is protected.

This is scheduled for the April 14 meeting of the Planning Commission.

Sponsors: Henderson, Murphy, Withers, Allen, Druffel and Benedict

10. [BL2022-1122](#)

An ordinance to amend Titles 2 and 17 of the Metropolitan Code of Laws, to amend Chapters 17.24 and 17.28 pertaining to Tree Protection and Replacement, and to amend Chapters 2.226, 17.20, 17.24, 17.28, and 17.40 to make associated housekeeping amendments, all of which is described herein (Proposal No. 2022Z-005TX-001).

Analysis

This ordinance is a companion to BL2022-1121 and amends the Metropolitan Code Chapters 2.226, 17.20, 17.24, 17.28, and 17.40 by relocating Chapter 17.24, Article II *Tree Protection and Replacement* and Section 17.40.450 *Designation of Tree Types* to a newly created Section 17.28.065 *Trees* and making associated housekeeping amendments.

This ordinance relocates existing sections of the zoning code pertaining to tree preservation and replacement so that these standards are consolidated into a single proposed section in Chapter 17.28. Additionally, the proposal includes housekeeping amendments to update references to tree preservation throughout the code.

This is scheduled for the April 14 meeting of the Planning Commission.

Sponsors: Henderson, Murphy, Withers, Allen, Druffel and Benedict

H. Consent Resolutions and Resolutions

39. [RS2022-1442](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of the Nashville Electric Service (NES) against the Metropolitan Government of Nashville and Davidson County in the amount of \$32,801.20, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On September 14, 2021, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) was leaving Living Earth Mulch and Composting Soils located at 1511 Elm Hill Pike in a knuckle boom truck. The driver failed to lower the main boom on the truck and drove under electric power lines. The truck boom was caught in the overhead power lines and damaged a Nashville Electric Service (NES) utility pole and electric power lines.

NES provided an itemized list for labor cost and materials to repair/replace the electric power lines and utility pole totaling \$32,801.20. The Department of Law recommends settlement of this property damage claim for \$32,801.20.

Disciplinary action against the NDOT employee consisted of a three day suspension.

Fiscal Note: This \$32,801.20 settlement, along with the settlement per Resolution No. RS2022-1457, would be the 25th and 26th payment from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,215,761. The fund balance would be \$7,109,974 after these payments.

Sponsors: Allen

40. [RS2022-1443](#)

A resolution declaring surplus and authorizing the conveyance of real property to certain nonprofit organizations, and authorizing grants not exceeding \$15,497,279.00 from the Barnes Fund for Affordable Housing to certain nonprofit organizations selected for the express purpose of constructing and rehabilitating affordable or workforce housing. (Proposal No. 2022M-004PR-001.)

Analysis

This resolution declares six properties as surplus and authorizes the conveyance of these parcels and further authorizes grants not exceeding \$15,497,279 to certain nonprofit organizations for the express purpose of constructing and rehabilitating affordable or workforce housing.

Tenn. Code Ann. §7-3-314(e) permits Metro to convey by resolution any real property acquired pursuant to a delinquent tax sale by grant to a non-profit organization for the purpose of constructing affordable or workforce housing. This section also specifies that no property may be granted prior to the expiration of the statutory redemption period. This section also requires that all such property be used to construct affordable and workforce housing for residents in the county.

On October 7, 2021, the Metropolitan Housing Trust Fund Commission issued a request for applications to qualified nonprofit organizations to participate in the nonprofit housing development grant program. Living Development Concepts, Inc. and Be a Helping Hand Foundation were selected to receive these properties, as follows:

- 3210 Torbett Street - District 21 - Living Development Concepts
- 0 Old Matthews Road - District 2 - Living Development Concepts
- 417 Woodfolk Avenue - District 2 - Be a Helping Hand Foundation
- 419 Woodfolk Avenue - District 2 - Be a Helping Hand Foundation
- 0 Batavia Street - District 21 - Be a Helping Hand Foundation
- 0 Batavia Street - District 21 - Be a Helping Hand Foundation

This resolution further authorizes the Metropolitan Housing Trust Fund Commission to enter into grant contracts with Living Development Concepts and Be a Helping Hand Foundation for the express purpose of constructing affordable and workforce housing on these six properties.

In addition to the grants of real property, monetary grants from the Barnes Fund totaling

\$15,497,279 would be made to eleven nonprofit organizations. Tenn. Code Ann. § 7-3-314 authorizes Metro to provide financial assistance to nonprofit organizations. In addition, Section 5.04.070 of the Metro Code of Laws (MCL) provides that the Council may appropriate funds for the financial aid of nonprofit organizations by resolution. The resolution would appropriate these funds as follows:

- Living Development Concepts - \$250,000
- Be a Helping Hand -- \$442,099
- Urban Housing Solutions - \$1,500,000
- Inspiritus, Inc. -- \$2,500,000
- Woodbine Community Organization -- \$3,000,000
- Habitat for Humanity of Greater Nashville -- \$2,997,007
- Urban Housing Solutions -- \$1,500,000
- Rebuilding Together Nashville -- \$1,849,173
- Westminster Home Connection -- \$60,000
- The Mary Parrish Center -- \$507,000
- Aphesis House, Inc. -- \$599,000
- Clark UMC Community Development Corporation -- \$100,000

Per state law and section 5.04.070 of the Metro Code, adoption of this resolution requires 21 affirmative votes.

Fiscal Note: This appropriation would reduce the balance of the Barnes Fund by \$15,497,279.

Sponsors: Parker, Allen, Suara, Toombs, Gamble, VanRhee, Withers, Bradford,
Welsch, OConnell, Sledge and Benedict

41. [RS2022-1444](#)

A resolution authorizing a grant not to exceed \$1,000,000.00 from the Barnes Fund for Affordable Housing to Pathway Lending for the express purpose of providing weatherization assistance and energy efficiency improvements to housing units owned by qualified low-income individuals and families.

Analysis

This resolution authorizes a grant not to exceed \$1,000,000 from the Barnes Fund for Affordable Housing to Pathway Lending. These funds would be used for the express purpose of providing weatherization assistance and energy efficiency improvements to housing units owned by qualified low-income individuals and families.

The term of the grant is 24 months, beginning from the execution of the grant agreement.

Sponsors: Parker, Allen, Toombs, Welsch and Suara

42. [RS2022-1445](#)

A resolution approving amendments to five grant contracts for constructing affordable housing approved by RS2020-239 between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission,

and certain non-profit organizations.

Analysis

This resolution approves amendments to five grant contracts approved by Resolution No. RS2020-239. These grants are between the Metropolitan Housing Trust Fund Commission and nonprofit organizations and are for the construction of affordable housing.

Each of these five amendments extend the term of the relevant grant contract from 24 months to 36 months. No other changes would be made to the grant contract. The nonprofit organizations are as follows:

- Affordable Housing Resources
- Be A Helping Hand Foundation
- Our Place Nashville
- Woodbine Community Organization
- Westminster Home Connection

Fiscal Note: This resolution will extend the terms of the contracts but will not affect the balance of the Barnes Fund.

Sponsors: Parker, Allen and Welsch

43. [RS2022-1446](#)

A resolution to approve the First Amendment to a grant contract for constructing affordable housing approved by RS2020-242 between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission, and Living Development Concepts, Inc.

Analysis

This resolution approves the first amendment to a grant contract for the construction of affordable housing approved by Resolution No. RS2020-242. The grant contract is between the Metropolitan Housing Trust Fund Commission and Living Development Concepts, Inc. for the purpose of constructing affordable housing. The term of the original contract was 24 months. This amendment would extend the term to 36 months. No other changes would be made to the contract.

Sponsors: Parker, Allen and Welsch

44. [RS2022-1447](#)

A resolution to approve the Third Amendment to a grant contract for constructing affordable housing approved by RS2018-1088 between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission, and Crossroads Campus.

Analysis

This resolution approves the third amendment to a grant contract approved by Resolution No.

RS2018-1088 for the construction of affordable housing. The contract is between the Metropolitan Housing Trust Fund Commission and Crossroads Campus with a term not to exceed 24 months. This contract was amended by Resolution No. RS2020-242 to extend the contract for an additional 12 months. The contract was again extended for 12 additional months by Resolution No. RS2021-811, for a total term of 48 months.

This amendment extends the term of the grant to 60 months.

Sponsors: Allen and Welsch

45. [RS2022-1448](#)

A resolution to approve the Third Amendment to a grant contract for constructing affordable housing approved by RS2018-1088 between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission, and Westminster Home Connection.

Analysis

This resolution approves the third amendment to a grant contract approved by Resolution No. RS2018-1088. This grant is from the Metropolitan Housing Trust Fund Commission to Westminster Home Connection for the express purpose of constructing affordable housing.

The original term of the contract was 24 months. The contract was previously extended to 36 months pursuant to RS2020-242 and to 48 months by RS2021-811. This amendment would extend the term of the contract an additional 12 months for a total term of 60 months.

Fiscal Note: This resolution will extend the term of the contract but will not affect the balance of the Barnes Fund.

Sponsors: Parker, Allen and Welsch

46. [RS2022-1449](#)

A resolution approving a memorandum of understanding between the Nashville Farmers' Market and the State of Tennessee, Department of General Services, for maintenance of the shared parking lot between the market and the Tennessee State Museum.

Analysis

This resolution approves a memorandum of understanding (MOU) between the Nashville Farmers' Market and the State of Tennessee, Department of General Service (DGS), for the maintenance of the shared parking lot between the market and the Tennessee State Museum.

In June 1995, the Metropolitan Government entered into a 20-year lease agreement with the State of Tennessee for the construction of the Nashville Farmers' Market. Metro exercised its option to renew the lease for an additional 20-year term in December 2014. This renewed term will expire on June 15, 2035. The renewed lease was amended in March 2016 to return approximately 4.77 acres of the lease property to the State for the purpose of constructing the Tennessee State Museum. This property includes a parking lot available for use by both the

Tennessee State Museum and the Nashville Farmers' Market.

This MOU details the roles and responsibilities of the State and Metro as it relates to this parking lot including towing of unauthorized vehicles, landscaping and general maintenance, and requests for use of the lot and reservation of parking spots.

Fiscal Note: There would be no cost to Metropolitan Government for the performance of this agreement.

Sponsors: OConnell and Bradford

47. [RS2022-1450](#)

A resolution appropriating \$7,519,000 in American Rescue Plan Act funds from Fund #30216 to increase access to existing high quality child care centers, provide more resources to home based child care, and invest in efforts to build capacity and build up high-quality child care programs.

Analysis

This resolution appropriates \$7,519,000 in American Rescue Plan Act funds to increase access to existing high quality child care centers, provide more resources to home based child care, and invest in efforts to build capacity and build up high-quality child care programs.

The COVID-19 Financial Oversight Committee recommends appropriating \$5,546,000 to the United Way of Greater Nashville to be used to administer the program for existing child care centers and \$1,823,000 to the Raphah Institute to be used to administer the program for home based child care centers. \$150,000 would be appropriated to the United Way of Greater Nashville to convene cross-sector groups to develop a birth-through-age-eight framework and an implementation plan that will directly address affordable, accessible, and high-quality child care in Davidson County.

Fiscal Note: This \$7,519,000 appropriation would be the 22nd resolution appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$105,429,250. The total grant award is \$259,810,600 and the first half of this amount was received in July 2021.

Sponsors: Sepulveda, Johnston, Gamble, Allen, Welsch, Toombs, Suara, Styles and Benedict

48. [RS2022-1451](#)

A resolution approving two option agreements authorizing the purchase of properties comprising part of the Global Mall site. (Proposal No. 2022M-017AG-001).

Analysis

This resolution approves two option assignment agreements authorizing Metro to purchase several properties comprising a portion of the Global Mall site.

Option Assignment One

The first option assignment agreement is with Public Square, LLC, for the purchase of six parcels comprising the core portion of the Global Mall site. The assignment agreement assigns the rights and duties of the purchase and sale agreement ("Mall Purchase Agreement") to Metro. The total purchase price to exercise the option is \$24,000,000 plus any extension costs. The purchase price includes an assignment fee. The assignment fee is based on a redacted provision of the Mall Purchase Agreement. The closing date can be extended two times at a cost of \$250,000 per extension. The transaction must close by June 28, 2022. Metro will agree to not re-assign or amend the Mall Purchase Agreement without consent of Public Square, LLC. Metro will receive all third-party due diligence reports previously prepared for Public Square, LLC.

Option Assignment Two

The second option assignment agreement is with the Joe C. Davis Foundation for the purchase of the anchor store parcel currently housing Bridgestone. The assignment agreement assigns the rights and duties of the purchase and sale agreement ("Anchor Purchase Agreement") to Metro. The purchase price for this property is \$19,900,000. In addition to the purchase price, Metro will be obligated to reimburse the Joe C. Davis Foundation for earnest money paid and costs and expenses previously incurred, not to exceed a total of \$150,000. Metro will agree to not re-assign or amend the Anchor Purchase Agreement without consent of the Joe C. Davis Foundation. Metro will receive all third-party due diligence reports previously prepared for the Joe C. Davis Foundation without any representation or warranty by the Joe C. Davis Foundation.

Metro Code § 2.24.250.F permits approval by resolution of options to purchase property at a fixed price. RS2022-1452 is the companion resolution authorizing the issuance bonds to fund the purchase of the properties subject to the option assignment agreements. Council Rule 21 requires resolutions determining to issue bonds be deferred for at least one Council meeting, therefore, since this resolution is a companion to RS2022-1452 it should be deferred to track with the funding resolution.

Fiscal Note: Metro will pay \$24,000,000 for the six parcels containing approximately 27.23 acres referred to as the Mall Property, which includes an assignment fee. Metro will pay up to \$150,000 to the Joe C. Davis Foundation for the option to purchase the Anchor Property and will pay \$19,900,000 for the purchase of the Anchor Property (\$20,000,000, less earnest money paid to the Joe C. Davis Foundation).

Sponsors: Styles, Porterfield, Allen, Withers, Johnston and Parker

49. [RS2022-1452](#)

An initial resolution determining to issue general obligation bonds of The Metropolitan Government of Nashville and Davidson County in an aggregate principal amount not to exceed \$46,000,000.

Analysis

This resolution authorizes the issuance of up to \$46,000,000 in general obligation bonds to provide funding for the purchase of property at the Global Mall site. The funding is as follows:

- \$31,000,000 for CIB #20GS0008 - Global Mall - Master Plan & Implementation
- \$13,000,000 for CIB #12FI002 - Omnibus Project for Capital Allocations for Economic Development Projects in Davidson County
- \$2,000,000 for Contingency/1% for the Arts

The total issuance amount includes the \$44,000,000 for the for the purchase of the Global Mall properties under the agreements contemplated in RS2022-1451, plus the \$2,000,000 contingency.

A total of \$6,025,000 was previously funded in Resolution RS2021-1201 for CIB #20GS0008 - Global Mall - Master Plan & Implementation.

Council Rule 21 requires resolutions determining to issue bonds be deferred for at least one Council meeting. RS2022-1451 is a companion resolution authorizing two options to purchase the property at the Global Mall site and should be deferred to track with this funding resolution.

Sponsors: Allen

50. [**RS2022-1453**](#)

A resolution accepting the terms of a cooperative purchasing master agreement for refuse truck rentals and related products and services and related products for the department of Water Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for refuse truck rentals and related products and services and related products for the Metropolitan Department of Water Services (MWS). This purchasing agreement is between the City of Charlotte, North Carolina and Big Truck Rental, LLC. The agreement is valid through October 31, 2023.

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.

Metro has entered into several other master purchasing agreements, most recently involving laboratory supplies for the water testing lab for MWS (See RS2022-1422).

Sponsors: Allen, Young and Styles

51. [**RS2022-1454**](#)

A resolution accepting the terms of a cooperative purchasing master agreement for large frame agricultural tractors and attachments for the department of Parks and Recreation.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for large frame agricultural tractors and attachments for the Metropolitan Department of Parks and Recreation. This purchasing agreement is between Sourcewell, which is a state of Minnesota local governmental agency, and Deere and Company. The agreement is valid through December 30, 2023.

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.

Metro has entered into several other master purchasing agreements, most recently involving laboratory supplies for the water testing lab for MWS (See RS2022-1422).

Sponsors: Allen and Bradford

52. [RS2022-1455](#)

A resolution accepting the terms of a cooperative purchasing master agreement for public utility equipment with related accessories and supplies for the department of General Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for public utility equipment with related accessories and supplies for the Metropolitan Department of General Services. This purchasing agreement is between Sourcewell, which is a state of Minnesota local governmental agency, and Altec Industries, Inc. The agreement is valid through March 4, 2023.

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.

Metro has entered into several other master purchasing agreements, most recently involving laboratory supplies for the water testing lab for MWS (See RS2022-1422).

Sponsors: Allen

53. [RS2022-1456](#)

A resolution approving an agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Fire Department - Emergency Medical Services (“NFD-EMS”), and Tennessee College of Applied Technology Murfreesboro (“TCAT Murfreesboro”) to establish a clinical affiliation agreement.

Analysis

This resolution approves an agreement between the Nashville Fire Department - Emergency Medical Services (NFD-EMS) and Tennessee College of Applied Technology Murfreesboro (TCAT) to establish a clinical affiliation agreement. Pursuant to this agreement, NFD-EMS would provide clinical experience to students enrolled in the TCAT Murfreesboro Emergency Medical Technician program. TCAT would be required to maintain professional liability coverage for the participating students.

The term of the agreement is May 1, 2022, through April 30, 2023. It may be terminated by either party upon 30 days written notice.

Fiscal Note: There would be no cost to Metropolitan Government for participating in this program.

Sponsors: Evans and Welsch

54. [RS2022-1457](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of WeGo Public Transit against the Metropolitan Government of Nashville and Davidson County in the amount of \$28,040.96, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On January 6, 2022, a Nashville Fire Department engine was traveling north on Jefferson Street with emergency equipment activated. A WeGo Public Transit bus was driving through the intersection of Jefferson Street and Third Avenue North on a green traffic signal. The NFD engine slid on the icy road and collided with the right rear of the bus, causing the bus to spin on the roadway.

The WeGo bus sustained damage to the right rear. In-house repairs were made to the bus totaling \$28,040.96, including \$17,640.96 in parts and \$10,400 for labor. The Department of Law recommends settlement of this property damage claim for \$28,040.96.

Disciplinary action against the NFD employee consisted of a ten day suspension and additional driver training.

Fiscal Note: This \$28,040.96 settlement, along with the settlement per Resolution No. RS2022-1450, would be the 25th and 26th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,215,761. The fund balance would be \$7,109,974 after these payments.

Sponsors: Allen

55. [RS2022-1458](#)

A resolution approving an application for a Training Opportunities for the Public (TOP) grant from the Tennessee State Library and Archives to the Metropolitan Government, acting by and through the Nashville Public Library, to provide funds for free technology training and equipment for use by members of the community.

Analysis

This resolution approves an application for a Training Opportunities for the Public (TOP) grant from the Tennessee State Library and Archives to the Nashville Public Library. If the grant application is approved, the TOP grant would provide funds for free technology training and equipment for use by members of the community and to purchase two solar charging stations for the Donelson Branch Library. The grant award would be \$9,456 with a required local cash match of \$1,851.20.

Sponsors: Allen, Bradford, Welsch and Suara

56. [RS2022-1459](#)

A resolution authorizing Rutledge Flats, LLC to construct and install an aerial encroachment at 622 3rd Avenue S. (Proposal No.2022M-005EN-001).

Analysis

This resolution authorizes Rutledge Flats, LLC to construct, install, and maintain an aerial encroachment at 622 3rd Avenue S. The encroachment comprises one awning attached to the building, encroaching the public right of way. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the Planning Commission.

Sponsors: OConnell, Withers and Young

57. [RS2022-1460](#)

A resolution accepting an in-kind grant from Lawrence K. Wolfe, M.D. and family to the Metropolitan Government, acting by and through the Metropolitan Parks and Recreation Department, of a Knabe & Company baby grand piano to be placed in the entrance lobby of the Centennial Performing Arts Studios for staff and visitors to use.

Analysis

This resolution accepts an in-kind grant of a Knabe & Company baby grand piano from Lawrence K. Wolfe, M.D. and family to the Metropolitan Department of Parks and Recreation. This piano has an appraised value of \$16,000 and is to be placed in the entrance lobby of the Centennial Performing Arts Studios for staff and visitors to use.

Sponsors: Allen, Bradford, Welsch, Suara and Styles

58. [RS2022-1461](#)

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 accepts a grant from the Centennial Park Conservancy to the Metropolitan Board of Parks and Recreation to provide funding for one part-time position in the Parthenon Museum store. The grant amount is \$16,642 with no cash match required. The grant funds the position from the period of July 1, 2022, through June 30, 2023.

Sponsors: Allen and Bradford

59. [RS2022-1462](#)

A resolution accepting a grant from the Nashville Parks Foundation to the Metropolitan Government, acting by and through the Metro Parks and Recreation Department, for programming improvements at Metro Community Centers.

Analysis

This resolution accepts a grant from the Nashville Parks Foundation to the Metropolitan Department of Parks and Recreation for programming improvements at Metro Community Centers. The grant amount is \$25,000 with no local cash match required. The funded projects will include support for youth sports programs, a music studio at Hartman Community Center, the creation of a visual arts program at Hadley Park Community Center, and a city-wide youth event organized by Parks and Recreation Culture Committee.

Sponsors: Allen, Bradford, Welsch, Suara and Styles

60. [RS2022-1463](#)

A resolution accepting an in-kind grant from the Friends of Aittafama Archeological Park to the Metropolitan Government, acting by and through the Metro Parks and Recreation Department, to fund improvements to Aittafama Archaeological Park.

Analysis

This resolution accepts an in-kind grant from the Friends of Aittafama Archeological Park to the Metropolitan Department of Parks and Recreation to fund improvements to Aittafama Archaeological Park. The grant estimated value of the in-kind grant is not to exceed \$380,000. This grant will include the provision of an interpretive palisade, entry signs, a monumental sign, sign footings and miscellaneous site work, and web-based interpretive materials.

Sponsors: Henderson, Allen and Bradford

61. [RS2022-1464](#)

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, and the Israel Ministry of Tourism for extra-duty police services.

Analysis

This resolution approves an intergovernmental agreement between the Metropolitan Nashville Police Department (MNPd) and the Israel Ministry of Tourism for extra-duty police officers. All officers would be assigned exclusively through the MNPd Secondary Employment Unit and would be compensated by the Israel Ministry of Tourism at standard extra-duty hourly rates. The Israel Ministry of Tourism would be responsible for paying the officers' time in advance,

unless prior arrangements are made. This agreement is similar to earlier agreements for extra-duty police services with Tennessee State University (RS2018-1487), the Tennessee Valley Authority (RS2018-1519), and the Israel Ministry of Tourism (RS2020-270).

The term of this agreement terminates on June 30, 2022.

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

Fiscal Note: The agreement attached to the resolution is the standard form contract for secondary employment of police officers. The rates are designed to cover the additional costs to Metro, making the contract cost-neutral overall.

Sponsors: Allen and Evans

62. [RS2022-1465](#)

A resolution authorizing The Metropolitan Government of Nashville and Davidson County, acting by and through Metro Water Services, to enter into a Facility Encroachment Agreement with CSX TRANSPORTATION, INC. to construct, use and maintain culverts in the railroad right-of-way at Hogan Road and Regent Drive, in Davidson County, (Project No. 20-SWC-297 and Proposal No. 2022M-010AG-001).

Analysis

This resolution authorizes the Metropolitan Department of Water Services (MWS) to enter into a Facility Encroachment Agreement with CSX Transportation, Inc. (CSX) to construct, use, and maintain culverts in the railroad right-of-way at Hogan Road and Regent Drive in Davidson County.

Pursuant to this agreement, MWS would construct, use, and maintain one 19 inch by 30 inch drain culvert and one five foot by two and a half foot box culvert solely for the conveyance of stormwater over, under, or across property owned or controlled by CSX. Metro would pay CSX a one-time encroachment fee of \$5,100.

Fiscal Note: Metro Water Services would pay the encroachment fee in the amount of \$5,100.

Sponsors: Johnston, Allen, Withers and Young

63. [RS2022-1466](#)

A resolution providing for the censure of Councilmember Jonathan Hall.

Analysis

This resolution would provide for the censure of Councilmember Jonathan Hall by the Metropolitan Council for multiple failures related to Metropolitan Code § 2.222.020 related to required disclosure statements.

As determined by the Metropolitan Board of Ethical Conduct, the failures related to required

disclosure statements constituted violations of Section (r) of the Metropolitan Government's Standards of Ethical Conduct, Metropolitan Code § 2.222.020. This section requires all disclosure statements and reports be timely filed and include "all material information reasonably required to be included and shall not omit any material information reasonably necessary to make such reports complete and meaningful."

Section 2.222.050 of the Metropolitan Code provides that, upon receipt of a recommendation from the Board of Ethical Conduct that an elected official be censured by the Council, the chairman of the Rules-Confirmations-Public Elections Committee "shall file a resolution with the metropolitan clerk providing for censure of the member."

Sponsors: Vercher

J. Bills on Second Reading

114. [BL2022-1114](#)

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to add a definition of "personally identifiable information."

Analysis

This ordinance will amend section 13.08.080 of the Metropolitan Code of Laws by adding a definition for the term Personally Identifiable Information (also referred to as "PII"). The term is referenced twice in the recently enacted License Plate Scanner ordinance (BL2021-961). The definition will apply to the broader code section on the deployment of surveillance or electronic data gathering devices.

The proposed ordinance defines the term to mean: "any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which any governmental department or agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. (These data elements may include a combination of gender, race, birth date, and other descriptors). Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information. This definition includes information that is maintained in either paper, electronic or other media."

BL2021-961, adopted on February 1, 2022, prohibits any LPR data retained by the Metropolitan Government from containing PII. Further, BL2021-961 requires MNPD to submit an annual report of the collected data to the Council which will contain voluntarily provided race data but prohibits all other PII from being included in the annual report.

Sponsors: Mendes, Evans, Rosenberg, Allen, Welsch, Suara, Cash, Bradford, Parker and Benedict

115. [BL2022-1115](#)

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to exclude assisting with immigration enforcement as an allowed use of LPRs.

Analysis

****This ordinance, if enacted, will violate state law: Title 7, Chapter 68, Part 101, et seq., of the Tennessee Code Annotated (the “Act”).****

A court will likely find that this ordinance violates the Act-which prohibits a local governmental entity from adopting a “sanctuary policy”-because the ordinance would prohibit a department from using the LPR system/information to assist federal officials with immigration compliance. Section 1 of the ordinance explicitly contravenes the Act. The Act provides that “No local governmental entity or official shall adopt or enact a sanctuary policy.” A “sanctuary policy” is defined as one that, among other things, “limits or prohibits any local governmental entity or official from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien.” Section 1, as proposed, would be an express adoption of a sanctuary policy as defined by the Act because it proposes to prohibit any department within the Metropolitan Government from utilizing the LPR system or collected information to cooperate with federal officials in connection with immigration laws of the United States.

Section 2 of the proposed ordinance prohibits the Metropolitan Government from utilizing, in conjunction with LPR, a “hot list” that is related to federal immigration enforcement, including lists created by, provided by, or containing information from ICE. While Section 2 of the proposed ordinance is not as explicit in its contravention of the Act, it is outside the spirit of the Act’s goals of encouraging expansive cooperation with federal officials regarding immigration laws. It is less likely that a court would find that Section 2 of the proposed ordinance violates the Act.

If enacted, the Metropolitan Government will be ineligible to enter into any grant contract with the state department of economic and community development until the policy is repealed. Further, state law authorizes residents to bring a complaint in Chancery Court alleging that the ordinance violates the Act. If a court determines that the Metropolitan Council has adopted a sanctuary policy, it can order that the Metropolitan Government comply with the Act, enjoin the Metropolitan Government from further interference with the Act, and take other necessary action to ensure compliance.

Sponsors: Mendes, Rosenberg, Allen, Welsch, Suara, Cash, Parker and Benedict

116. [BL2022-1131](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon easement rights located at 410 42nd Avenue North and 410 B 42nd Avenue North, formerly a portion of Alabama Avenue, except for those retained by Nashville Electric Service (Proposal No. 2022M-022ES-001).

Analysis

This ordinance abandons easement rights located at 410 42nd Avenue North and 410 B 42nd Avenue North, formerly a portion of Alabama Avenue, except for those retained by Nashville Electric Service. Existing utility easement rights had originally been retained by Council Bill O68-652. The Metropolitan Government has determined that utility easement, except for those retained by Nashville Electric Service, are no longer needed. The abandonment has been requested by Ragan Smith on behalf of the owner.

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

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

Sponsors: Murphy, Withers and Young

117. [BL2022-1163](#)

An ordinance amending Chapter 2.213 of the Metropolitan Code to create a funding mechanism to support the implementation of the Inclusionary Housing Incentive program.

Analysis

This ordinance amends the Metro Code to create a program to implement the inclusionary housing incentive that is proposed in Ordinance No. BL2021-832. This ordinance establishes an Inclusionary Housing Incentive Payment Fund within the Department of Finance to consist of funds appropriated by the Council for the Inclusionary Housing program established by BL2021-832.

The Planning Department is responsible for determining whether a project is eligible for a height bonus in accordance with the Downtown Code for participation in the inclusionary housing incentive program (“the Program”). Upon determination of eligibility, the Planning Director must submit written notice of the determination to the Director of Finance.

The Davidson County Assessor’s Office would then determine the estimated new tax revenue that would be generated by the bonus height to subsidize the rental of workforce or affordable housing units for the development qualifying for the Program. The Council would then consider whether to appropriate this amount for the program, either as part of the operating budget or by a separate resolution.

The administering agency responsible for administering the Program would be responsible for administering payments to developers eligible under the Program. Funds would be transferred from Finance to the administering agency upon receiving the compliance report required in BL2021-832, and in accordance with the terms of the master lease.

Sponsors: Allen and Suara

118. [BL2022-1164](#)

An Ordinance to amend Section 9.30.010 of the Metropolitan Code of Laws pertaining to construction noise.

Analysis

This ordinance amends Section 9.30.010 of the Metropolitan Code of Laws regarding construction noise. Pursuant to this section, construction noise cannot exceed 70 decibels between the hours of 7:00 p.m. and 7:00 a.m. During the months of June, July, and August, this standard applies between the hours of 8:00 p.m. and 6:00 a.m. The current provision applies only to construction sites located within or adjoining a residential zoning district and is measured from a point as close as possible to the outside walls of any residential structure located on the property affected by the noise at a height of four feet above the immediate surrounding surface

The ordinance under consideration would change this provision to apply to all construction sites and have the decibels measured from a point as close as possible to the outside walls of any residential structure located on the property affected by the noise at a height of four feet above the immediate surrounding surface. The decibel limitation and construction noise hours would not be changed.

Sponsors: Sledge, OConnell, Hausser, Evans, Murphy, Welsch, Styles, VanReece, Suara, Benedict and Bradford

119. [BL2022-1165](#)

An Ordinance to amend Section 10.60.020 of the Metropolitan Code of Laws pertaining to alarm permit fees.

Analysis

This ordinance amends Section 10.60.020 to amend when a renewal permit registration is due. Every person who owns, operates, or leases an alarm system within Metropolitan Nashville and Davidson County must register the alarm system with the Department of Codes Administration. The fee is \$20 annually for alarm systems on residential premises and \$50 annually for systems on commercial premises.

Currently, all alarm system permit fees are due April 1 of each year. The ordinance under consideration would provide that renewal permits are due annually on or before the end of the month in which the initial permit was issued. The ordinance would also provide a late fee of \$5 for any permits renewed after the due date.

Sponsors: Syracuse and Benedict

120. [BL2022-1166](#)

An ordinance approving a Lease Agreement by and between the Metropolitan Government of Nashville and Davidson County acting by and through the Metropolitan Board of Education and the Bellevue Civic Association. (Proposal No. 2022M-013AG-001).

Analysis

This ordinance approves a lease agreement between the Metropolitan Government and the Bellevue Civic Association for a portion of the property located at 650 Colice Jeanne Road, commonly known as the Old Bellevue Library. The Bellevue Civic Association will use this as an office and meeting space for various Bellevue civic organizations. The lease will begin upon the Bellevue Civic Association's completion of construction of their space build out, but not later than 90 days after the date of the Metropolitan Clerk's signature.

Fiscal Note: The lease amount per square foot price is \$4.25/square foot or \$2,103 per month for the approximate square footage of 5,940 during year 1. The lease amount per square foot includes the cost of utilities, grounds maintenance, preventive maintenance, and major building systems components. The lease rate will increase to \$2,187/month for year 2, \$2,274/month for year 3, \$2,365/month for year 4 and \$2,460/month for year 5, which is an increase of 4% each year throughout the term of the lease.

Sponsors: Hausser, Allen and Withers

121. [BL2022-1167](#)

An ordinance approving a lease agreement between the Metropolitan Government of Nashville and Davidson County and the Nashville Soccer Club for part of a parcel of property at 1441 12th Avenue South, Nashville, Tennessee (Parcel No. 10505017600) (Proposal No. 2022M-011AG-001).

Analysis

This ordinance approves a lease agreement between the Metropolitan Government and the Nashville Soccer Club for a portion of a parcel of property located at 1441 12th Avenue South, known as the Midtown Hills Police Precinct. This ground lease is for approximately one acre of property for the construction and use of a miniature soccer pitch for youth soccer and community engagement.

Pursuant to this agreement, the Nashville Soccer Club will fund and construct an acrylic miniature soccer pitch with goal installations in coordination with the Metropolitan Nashville Police Department.

Fiscal Note: The Nashville Soccer Club LLC will pay Metro in the amount of \$1 annually for five years during the term of the Ground Lease Agreement for the purposes of constructing and maintaining a mini soccer pitch consistent with promoting youth soccer and community engagement.

Sponsors: Sledge and Taylor

K. Bills on Third Reading

127. [BL2022-1123](#)

An ordinance authorizing the granting of an easement to the Metropolitan Government and its servants and agents to construct, operate, maintain, repair, replace and inspect sanitary sewers and/ or drainage improvements and water mains or appurtenances within the limits of the easement or right-of-way (Planning No. 2022M-013ES-001).

Analysis

This ordinance authorizes the granting of two easements across the Thurgood Marshall Middle School property, located at 5832 Pettus Road, to the Metropolitan Government for the construction, operation, maintenance, repair, replacement, and inspection of sanitary sewers and/or drainage improvements and waters mains or appurtenances within the limits of the easement or right-of-way. Pursuant to the easement dedication agreements, the Metropolitan Government would grant permanent easement rights, as well as a temporary construction easement, to the Metropolitan Government, acting by and through the Metropolitan Department of Water and Sewerage Services, for water and/or sewer improvements on the Thurgood Marshall Middle School property. The execution of the easement dedication agreements will serve as notice to the property owner as required by Ordinance No. O93-815. This has been approved by the Metropolitan Board of Education.

An amendment is anticipated to update the recitals of the legislation to accurately reflect the parties to easements.

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

Sponsors: Styles, Withers and Young

128. [BL2022-1124](#)

An ordinance approving an agreement between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Police Department ("MNPD"), and LexisNexis Coplogic Solutions Inc. for the online reporting services.

Analysis

This ordinance approves an agreement between the Metropolitan Nashville Police Department (MNPD) and LexisNexis Coplogic Solutions Inc. (LexisNexis) for online reporting services. Pursuant to the agreement, LexisNexis would provide Desk Officer Reporting System (DORS) Crash and eCommerce services to MNPD for the management of information and reporting related to vehicle accidents, citations, and incidents occurring within MNPD's jurisdiction. These services provide a citizen reporting system that enables individuals to file and report incidents involving automobile collisions to law enforcement, and web-based portals that distribute reports to authorized requestors.

The term of the agreement will commence upon approval of the Council and continue for 60 months, or until the agreement is terminated by either party.

Fiscal Note: There is no cost to Metro for this agreement.

Sponsors: Allen and Evans

129. [BL2022-1125](#)

An ordinance authorizing the granting of a permanent easement to the Electric Power Board of the Metropolitan Government of Nashville and Davidson County, on certain property owned

by the Metropolitan Government of Nashville and Davidson County (Parcel No. 02200001900) (Proposal No. 2022M-014ES-001).

Analysis

This ordinance authorizes the granting of a permanent easement on property owned by the Metropolitan Government at 3527 Old Clarksville Pike to the Electric Power Board (NES). Pursuant to the agreement, the Metropolitan Government will grant an easement at 3527 Old Clarksville Pike, also known as Joelton Middle School, to NES for the purpose of erecting, maintaining, repairing, and rebuilding stub poles, anchors and necessary guy wires.

This has been approved by the Planning Commission.

Sponsors: Hall, Allen and Withers

130. [BL2022-1126](#)

An ordinance approving an amendment to a deed of conveyance for a parcel of property to Senior Citizens, Inc.

Analysis

This ordinance approves an amendment to a deed of conveyance for 3325 John Mallette Dr from the Metropolitan Government to Senior Citizens, Inc., originally approved by Ordinance No. BL2006-1230. BL2006-1230 expressly contained a reversionary clause requiring the property to be used only for a senior citizen center. It also provided that Senior Citizens, Inc. could not abandon or transfer any portion of the property.

The ordinance under consideration would delete these existing conditions and replace them with a condition that Senior Citizens, Inc. must use the property primarily for the non-profit service of the senior adult populations of Nashville and Davidson County, Tennessee. This would allow Senior Citizens, Inc. to use the property for additional services to the community.

Sponsors: Toombs and Allen

131. [BL2022-1127](#)

An ordinance approving two agreements relating to the use of the properties comprising the Global Mall site. (Proposal No. 2022M-012AG-001).

Analysis

This ordinance approves two agreements related to the use of the properties comprising the Global Mall site, formerly the Hickory Hollow Mall. The Metropolitan Government owns a parcel of property at 5260 Hickory Hollow Parkway, on which sits the Southeast Community Center, Library, and Ford Ice Center, all of which are included in the Global Mall site. CV LHF, LLC, owns a parcel of property at 5256 Hickory Hollow Parkway, the site of the former Macy's, which is also included in the Global Mall site. These two properties, along with three other parcels, are subject to an operating agreement, a deed of declaration, a declaration of protective covenants, and other supplements and amendments thereto, (the "existing agreements") governing the rights and obligations of the owners of the properties at the Global Mall site. The

existing agreements regarding these properties were entered into by the parties' predecessors-in-interest and now the Metropolitan Government and CV LHF wish to terminate the existing agreements and replace them with one or more new agreements consistent with the current and future uses of the Global Mall site.

This ordinance approves and authorizes the execution of a Conditional Termination and Release of Predecessor Agreements, attached to the ordinance as Exhibit 1. This agreement provides that, conditioned upon the execution of a replacement agreement providing for easements, maintenance, property standards and uses by all of the owners of the properties comprising the Global Mall site, the Metropolitan Government and CV LHF will revoke, terminate, and cancel the existing agreements. The Metropolitan Government will also certify to CV LHF that it will not seek to enforce any provision of the existing agreements prohibiting educational or youth development uses, prohibiting alteration of parking areas, or prohibiting construction of athletic fields on the CV LHF property. The certification is not conditioned upon the termination of the existing agreements

This ordinance also approves the form of the proposed Termination of Predecessor Agreements and Creation of Reciprocal Easement Agreement, attached to the ordinance as Exhibit 2. The ordinance authorizes the execution of the termination agreement by the director of public property after its execution by the other parties. The parties to this agreement include all of the property owners comprising the mall site: the Metropolitan Government, CV LFH, Global Mall Partnership, CV Hickory Hollow LLC, and the State of Tennessee. Once executed the termination agreement would terminate all existing agreements and enter into a new agreement to establish easements, covenants, conditions, restrictions, reservations, servitudes, and development standards; provide for the safety, use and maintenance of the Global Mall site; and enhance and protect the Global Mall site by encouraging the development of improvements, including adequate pedestrian and vehicle ingress, egress, and circulation, landscaping, lighting, and other regulations for the development, use, and operation of the Global Mall site.

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

Sponsors: Styles

132. [BL2022-1128](#)

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to enter into an agreement with RW/GC MARATHON VILLAGE OWNER, LLC, to provide improved public sanitary sewer service through the construction of an improved stormwater system (Project No. SWGR 2021032214 and Proposal Number 2022M-007AG-001).

Analysis

This ordinance approves a participation agreement between the Metropolitan Department of Water and Sewerage Services (MWS) and RW/GC MARATHON VILLAGE OWNER, LLC, to provide improved public sanitary sewer service through the construction of an improved

stormwater system.

MWS intends to separate stormwater and sewer flow in a 56-acre area to direct stormwater flow to the Cumberland River and sewage flow to the Central Waste Water Treatment Plant. RW/GC MARATHON VILLAGE OWNER, LLC has been approved to construct a 320-unit multifamily development located in the combined sewer system. RW/GC MARATHON VILLAGE OWNER, LLC agrees to provide on-site stormwater control measures and to fund the design and construction of the current and new stormwater systems in the amount of \$125,000. MWS will begin design and construction of this project upon receiving the funds and will be responsible for ongoing operation and maintenance of the system.

This has been approved by the Planning Commission.

Fiscal Note: The Metropolitan Government will receive \$125,000 from RW/GC MARATHON VILLAGE OWNER, LLC for the design and construction of the current and new stormwater systems.

Sponsors: OConnell, Allen, Withers and Young

133. [BL2022-1129](#)

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to enter into an agreement with Union Brick RE, LLC, to provide improved public sanitary sewer service through the construction of an improved stormwater system (Project No. SWGR 2021003345 and Proposal Number 2022M-006AG-001).

Analysis

This ordinance approves a participation agreement between the Metropolitan Department of Water and Sewerage Services (MWS) and Union Brick RE, LLC, to provide improved public sanitary sewer service through the construction of an improved stormwater system.

MWS intends to separate stormwater and sewer flow in a 56-acre area to direct stormwater flow to the Cumberland River and sewage flow to the Central Waste Water Treatment Plant. Union Brick RE, LLC has been approved to construct a multifamily development located in the combined sewer system. Union Brick RE, LLC agrees to provide on-site stormwater control measures and to fund the design and construction of the current and new stormwater systems in the amount of \$250,000. MWS will begin design and construction of this project upon receiving the funds and will be responsible for ongoing operation and maintenance of the system.

This has been approved by the Planning Commission.

Fiscal Note: The Metropolitan Government will receive \$250,000 from Union Brick RE, LLC for the design and construction of the current and new stormwater systems.

Sponsors: OConnell, Allen, Withers and Young

134. [BL2022-1130](#)

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to enter into a license agreement with Cumberland River Compact, for the installation and maintenance of the Bandalong Bandit Litter Trap in Sevenmile Creek at 497 Paragon Mills Road (Map and Parcel No. 133-00-0070.00).

Analysis

This ordinance authorizes the Metropolitan Department of Water and Sewerage Services to enter into a license agreement with Cumberland River Compact (CRC) for the installation and maintenance of the Bandalong Bandit Litter Trap in Sevenmile Creek at 497 Paragon Mills Road.

Under the license agreement, CRC would install a Bandalong Bandit Litter Trap in Sevenmile Creek at 497 Paragon Mills Road. CRC would anchor, install, and maintain the trap on the property and the trap would skim lightweight litter from the surface of the stream. The license would allow CRC to access the property in order to access the trap. CRC could not alter, improve, or place any permanent structures on the property without the written consent of Metro.

The term of the license would be one year but could be extended by letter agreement. The license agreement would be effective upon approval of the Council and filing with the Metropolitan Clerk.

Amendments to this legislation could be approved by resolution.

Sponsors: Johnston, Allen and Young

135. [BL2022-1132](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water and sanitary sewer mains, fire hydrant assembly and sanitary sewer manholes, for property at 405 B Marshall Street, also known as Marshall Crossing (MWS Project Nos. 20-WL-84 and 20-SL-171 and Proposal No. 2022M-019ES-001).

Analysis

This ordinance accepts approximately 271 linear feet of new eight inch water main (DIP), approximately 279 linear feet of new eight inch sanitary sewer main (PVC), one fire hydrant assembly and three sanitary sewer manholes for property at 405 B Marshall Street, also known as Marshall Crossing.

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

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

Sponsors: Parker, Withers and Young

136. [BL2022-1133](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main, sanitary sewer manholes, fire hydrant assembly and easements, for property located at 6785 A Sunnywood Drive, also known as Sunnywood Place (MWS Project Nos. 21-SL-214 and 21-WL-90 and Proposal No. 2022M-017ES-001).

Analysis

This ordinance accepts approximately 430 linear feet of new eight inch sanitary sewer main (PVC), four sanitary sewer manholes, one fire hydrant assembly and easements, for property located at 6785 A Sunnywood Drive, also known as Sunnywood Place.

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

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

Sponsors: Rutherford, Withers and Young

137. [BL2022-1134](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main and sanitary sewer manholes, for four properties located on Waller Road in Williamson County, also known as Chaudhuri Acres (MWS Project Nos. 21-SL-137 and Proposal No. 2022M-015ES-001).

Analysis

This ordinance accepts approximately 815 linear feet of new eight inch sanitary sewer main (PVC) and five sanitary sewer manholes, for four properties located on Waller Road in Williamson County, also known as Chaudhuri Acres.

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

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

Sponsors: Withers and Young

138. [BL2022-1135](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer manhole and new fire hydrant assembly, for property located at 827 19th Avenue South, also known as the Moore Office Building (MWS Project Nos. 19-SL-157 and 19-WL-68 and Proposal No. 2022M-021ES-001).

Analysis

This ordinance accepts one new sanitary sewer manhole and one new fire hydrant assembly for property located at 827 19th Avenue South, also known as the Moore Office Building.

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

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

Sponsors: OConnell, Withers and Young