



Metro Council

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## G. Resolutions on Public Hearing

### 1. [RS2022-1786](#)

A resolution exempting Hobson House, located at 814 Woodland Street 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 Hobson House located at 814 Woodland Street.

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:** Withers

## H. Bills on Public Hearing

### 7. [BL2022-1346](#)

An Ordinance amending Chapters 17.04 and 17.12 of the Metropolitan Code to add a definition for "trade permit", amend regulations on accessory structures and to amend regulations on the allowed building height of single and two family dwellings in the Urban Zoning Overlay District (Proposal No. 2022Z-012TX-001).

Analysis

This ordinance, as substituted, amends Chapters 17.04 and 17.12 of the Metropolitan Code of Laws to add a definition for “trade permit”, amend regulations on accessory structures and to amend regulations on the allowed building height of single and two family dwellings in the Urban Zoning Overlay District.

The substitute ordinance under consideration creates a new definition in Subsection 17.04.060.B for “trade permit” that includes any permit issued by the Codes Dept. to perform electrical, plumbing, gas, low voltage electrical, or HVAC work.

Regarding the regulation of accessory structures, the substitute ordinance amends the definition of “Accessory or ancillary structure” in Subsection 17.04.060.B, Subsection 17.12.040.E.1, and Subsection 17.12.060.B to add additional language to specify that accessory buildings are not intended to be used as living units. The provisions would also restrict the plumbing and electrical components to those traditionally found in non-livable accessory structures. Additionally, the ordinance requires accessory structures larger than 700 square feet to meet all required setbacks and height controls of the zoning district. Currently, the definition does not address what can or cannot be done within an accessory structure and there are no defined restrictions on what components can be within an accessory structure. These restrictions on accessory structures have been requested by the Zoning Administrator to prevent the conversion of accessory structures into illegal detached accessory dwelling units.

The substitute ordinance under consideration also amends Subsection 17.12.060.C.1 to change how the height is measured for single- and two-family structures in the Urban Zoning Overlay District. Currently, the code requires height to be measured from natural grade, which is the grade of the property prior to any grading or construction on the site. The ordinance changes this height to be measured from finished grade, which is the grade of the property following grading and construction on the site at final inspection. This change brings the Code into alignment with how the Codes Department and Zoning Administrator have been measuring the height of these structures.

The Planning Commission has recommended disapproval of the substitute ordinance and approval of a second substitute.

**Sponsors:** Murphy

**8. [BL2022-1347](#)**

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 and 17.40 pertaining to lot averaging, all of which is described herein (Proposal No. 2022Z-011TX-001).

Analysis

This ordinance amends Section 17.12.080 and Chapter 17.40 of the Metropolitan Code of Laws to replace the lot averaging standards with a new “compact development” tool. The

current lot averaging standards allow up to 10% of platted lots within each phase of a subdivision may contain as little as 90% of the minimum required lot area of the zoning district, provided that the average size of all lots within the same recorded phase of the subdivision is equal to or greater than the standard minimum lot size for the district.

This ordinance deletes the current lot averaging standards and replaces them with a new compact development tool that links the flexibility of lot size to the provision of recreation open space established in some residential subdivisions. The purpose of this change is to replace and update the Cluster Lot Option of Section 17.12.090 that was deleted and replaced by the Conservation Subdivision by BL2022-1121 to allow for lot size flexibility for subdivisions that do not have environmental restraints that would make them eligible for the conservation subdivision tool.

This ordinance was deferred indefinitely by the Planning Commission.

**Sponsors:** Withers

## J. Consent Resolutions and Resolutions

### 31. [RS2022-1696](#)

A resolution appropriating \$25,000,000 in American Rescue Plan Act funds from Fund #30216 to the Metropolitan Development and Housing Authority to provide low-cost loans to developers for the addition of deeply affordable housing units, with loan proceeds to be used to address affordable housing and homeless services.

#### Analysis

This resolution appropriates \$25,000,000 in American Rescue Plan Act (“ARPA”) funds from Fund #30216 to the Metropolitan Development and Housing Agency (“MDHA”). MDHA has developed a Deeply Affordable Housing Gap Financing program (“AHGF”) dedicated to the creation of new units for permanent supportive housing with affordability periods between 20 and 35 years. Units will be filled through the Coordinated Entry process and matched with the appropriate case management provider. The income generated from this program will be dedicated to housing and/or services for citizens experiencing homelessness.

MDHA requested \$25,000,000 for the AHGF. The COVID-19 Financial Oversight Committee has recommended this request be funded through ARPA funds.

*Fiscal Note: This \$25,000,000 appropriation, along with the appropriations per Resolution No. RS2022-1697, Resolution No. RS2022-1698, and Resolution No. RS2022-1699 would be the 27th, 28th, 29th and 30th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$160,508,686. The total grant award is \$259,810,600. The first half of this amount was received in July 2021 and the second half was received in July 2022.*

**Sponsors:** Sepulveda, Gamble, Parker, Allen, Welsch, Suara, Toombs, Porterfield and Styles

**32. [RS2022-1697](#)**

A resolution appropriating \$9,000,000 in American Rescue Plan Act funds from Fund #30216 to the Metro Homeless Impact Division of Metro Social Services to build capacity in Housing First case management services, including establishing Assertive Community Treatment teams.

**Analysis**

This resolution appropriates \$9,000,000 in American Rescue Plan Act (“ARPA”) funds from Fund #30216 to the Metro Homeless Impact Division of Metro Social Services (“MHID”). MHID has proposed that the funding be used to support the Housing First administrative initiative, which is designed to provide case management support to those experiencing homelessness and to maintain housing opportunities.

The Housing First initiative supports Assertive Community Treatment Teams. Service providers include a rehabilitation/recovery and addiction specialist, medical professionals, psychiatrist, therapist, supported employment options, social workers, and other social service specialists. These services are mobile and available 24/7, which can cost between \$6,000 to \$12,000 annually per client. MHID would administer these funds through competitive grants in coordination with a nonprofit healthcare partner.

The COVID-19 Financial Oversight Committee has recommended this request be funded through ARPA funds.

*Fiscal Note: This \$9,000,000 appropriation, along with the appropriations per Resolution No. RS2022-1696, Resolution No. RS2022-1698, and Resolution No. RS2022-1699 would be the 27th, 28th, 29th and 30th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$160,508,686. The total grant award is \$259,810,600. The first half of this amount was received in July 2021 and the second half was received in July 2022.*

**Sponsors:** Sepulveda, Gamble, Parker, Allen, Welsch, Suara, Toombs and Porterfield

**33. [RS2022-1698](#)**

A resolution appropriating \$9,000,000 in American Rescue Plan Act funds from Fund #30216 to the Metro Homeless Impact Division of Metro Social Services for temporary interim gap housing.

**Analysis**

This resolution appropriates \$9,000,000 in American Rescue Plan Act (“ARPA”) funds from Fund #30216 to the Metro Homeless Impact Division of Metro Social Services (“MHID”). MHID has proposed that the funding be used for temporary interim gap housing for individuals and families experiencing homelessness. This temporary interim gap housing would assist until individuals and families can find permanent supportive housing.

MHID proposes using temporary housing facilities, hotels, church facilities, and related services

at designated housing navigation sites. The gap housing is short term in nature and temporary, with an expected residency of between 90 days and two years.

The COVID-19 Financial Oversight Committee has recommended this request be funded through ARPA funds.

*Fiscal Note: This \$9,000,000 appropriation, along with the appropriations per Resolution No. RS2022-1696, Resolution No. RS2022-1697, and Resolution No. RS2022-1699 would be the 27th, 28th, 29th and 30th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$160,508,686. The total grant award is \$259,810,600. The first half of this amount was received in July 2021 and the second half was received in July 2022.*

**Sponsors:** Sepulveda, Gamble, Parker, Allen, Welsch, Bradford, Suara, Styles,  
Toombs and Porterfield

**34. [RS2022-1699](#)**

A resolution appropriating \$7,000,000 in American Rescue Plan Act funds from Fund #30216 to the Metro Homeless Impact Division of Metro Social Services to establish a low barrier housing collective and to fund competitive grants for support services.

**Analysis**

This resolution appropriates \$7,000,000 in American Rescue Plan Act (“ARPA”) funds from Fund #30216 to the Metro Homeless Impact Division of Metro Social Services (“MHID”). MHID has proposed that the funding be used to support its partnership with the low barrier housing collective and to fund competitive grants for support services.

MHID proposes using \$3,000,000 to fund a program manager and 2-4 housing navigators for the low barrier housing collective to assist clients in obtaining, maintaining, and retaining housing as well as providing landlord and tenant incentives.

MHID also proposes using \$4,000,000 to issue competitive grants to eight to ten local nonprofit agencies with historical data to support services such as trauma-informed care, critical time intervention, recovery opportunities, harm reduction and education support, and Workforce Readiness opportunities, as well as to build staff capacity and for grant management.

The COVID-19 Financial Oversight Committee has recommended this request be funded through ARPA funds.

*Fiscal Note: This \$7,000,000 appropriation, along with the appropriations per Resolution No. RS2022-1696, Resolution No. RS2022-1697, and Resolution No. RS2022-1698 would be the 27th, 28th, 29th and 30th resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$160,508,686. The total grant award is \$259,810,600. The first half of this amount was received in July 2021 and the second half was received in July 2022.*

**Sponsors:** Sepulveda, Gamble, Parker, Allen, Welsch, Bradford, Suara, Toombs and Porterfield

**35. [RS2022-1734](#)**

A resolution appropriating the amount of five-hundred thousand dollars (\$500,000) from the unencumbered balance of appropriations to the Metropolitan Council Office, Mayor's Office, and Nashville Department of Transportation and Multimodal Infrastructure for the purpose of funding a grant to Planned Parenthood of Tennessee and North Mississippi.

**Analysis**

This resolution appropriates the amount of \$500,000 from the unencumbered appropriations of the following sources:

- Metro Council - Regular Pay - \$100,000
- Mayor's Office - Regular Pay - \$100,000
- Traffic Signal Maintenance Regular Pay -- \$300,000

These appropriations will be transferred to a new "Family Planning Services" account to be available for a grant to Planned Parenthood of Tennessee and North Mississippi to provide comprehensive sexual health education in Nashville and Davidson County, distribution of safer sex supply kits, distribution of accurate information about abortion and reproductive health care, and services related to abortion navigation for individuals seeking abortion care in states outside of Tennessee. The new Family Planning Services account is being created by the Department of Finance for this purpose.

This resolution must be deferred to the October 4, 2022, meeting because Section 6.11 of the Metropolitan Charter only permits such appropriation transfers at the end of a fiscal quarter. Section 6.11 specifically authorizes the transfer of the unencumbered balance of an appropriation, by resolution of the Council, within the same section of the budget and within the same fund at the request of the mayor and at the end of any quarter of the fiscal year.

**Sponsors:** Porterfield, Sepulveda, Benedict, Welsch, OConnell, Mendes, Parker and Cash

**36. [RS2022-1787](#)**

A resolution approving a grant contract between the Metropolitan Government of Nashville and Davidson County and Community Care Fellowship, to operate an expanded Mobile Housing Navigation Center program.

**Analysis**

This resolution approves a grant contract between the Metropolitan Government and Community Care Fellowship ("CCF") to operate an expanded Mobile Housing Navigation Center program.

Pursuant to the terms of this agreement, the Metropolitan Government will provide \$4,542,355 to CCF. CCF will use \$4,400,000 of this funding for the expansion and operation of the Mobile

Housing Navigation Center (“MHNC”) program to a total of 7 sites with 15-20 beds per site. The intent is to assist 15-20 unhoused persons into each MHNC location and work to obtain housing as quickly as possible, with a goal of housing people within an average of 120 days. Any remaining funds (approximately \$142,355) will be used by CCF to find and test solutions for high-need populations including LGBTQI+, young adults, families, and pet owners. The term of this grant contract begins October 5, 2022 and ends October 4, 2024.

**Sponsors:** Hausser, Rhoten, Welsch, Allen and Gamble

**37. [RS2022-1788](#)**

A resolution amending Resolution RS2022-1583 by transferring \$75,000.00 previously appropriated from Fund #30096 to the Tennessee Justice Center, Inc; and reducing the funds appropriated to Elijah’s Heart to \$50,000.

**Analysis**

This resolution amends Resolution No. RS2022-1583, previously approved at the Council’s June 2, 2022 meeting. RS2022-1583 appropriated a total of \$820,000 from Fund #30096 to various nonprofit organizations selected to receive Public Safety Violence Reduction Pilot Grant Funds. Included in RS2022-1583 was an appropriation to Napier Kitchen Table for \$75,000 to provide out of school support focused on job training and meal preparation and an appropriation to Elijah’s Heart for \$100,000 to provide out of school support and mentoring focused on literacy and food security.

The resolution transfers the \$75,000 previously appropriated to Napier Kitchen Table to the Tennessee Justice Center, Inc., to construct and operate a community commercial Kitchen to support a youth development program focusing on job readiness and entrepreneurship programs as well as community engagement of adults and families to support residents of the Napier and Sudekum communities. The resolution also reduces the appropriation to Elijah’s Heart from \$100,000 to \$50,000. The Metropolitan Government is authorized to enter into grant contracts with the Tennessee Justice Center, Inc. and Elijah’s Heart.

**Sponsors:** Rhoten and Gamble

**38. [RS2022-1789](#)**

A resolution accepting a grant from the Tennessee Department of Mental Health and Substance Abuse Services to the Metropolitan Government for the State Trial Courts to provide the Tennessee Highway Safety Office Recovery Court Enhancements program utilizing the alcohol countermeasures highway safety project at the Davidson County Residential Drug Court.

**Analysis**

This resolution accepts a grant from the Tennessee Department of Mental Health and Substance Abuse Services to the State Trial Courts. The grant award is not to exceed \$60,000 with no required local cash match. The grant will be used to provide the Tennessee Highway Safety Office Recovery Court Enhancements program utilizing the alcohol countermeasures highway safety project at the Davidson County Residential Drug Court. The term of this grant

begins October 1, 2022 and ends September 30, 2023.

**Sponsors:** Rhoten and Gamble

**39. [RS2022-1790](#)**

A resolution appropriating a total of \$200,000 from the Juvenile Court to various nonprofit organizations selected to receive Community Partnership Fund grants.

**Analysis**

This resolution appropriates \$200,000 from the Juvenile Court to various nonprofit organizations selected to receive Community Partnership Fund grants. The Juvenile Court accepted applications from nonprofit organizations and recommended the distribution of funds to these organizations. The Mayor has accepted these recommendations.

Funds would be distributed as follows:

- \$80,000 to The F.I.N.D. Design, Inc., for The Forever Loving Yourself (FLY) Girl Program;
- \$40,000 to Meharry Medical College Center for Health Policy, for the Choosing How I Lead Life (CHILL) Program;
- \$45,000 to Oasis Center, Inc. for the Reaching Excellence As Leaders (REAL) Program;
- \$25,000 to Stars Nashville for the Youth Overcoming Drug Abuse (YODA) Program;
- \$5,000 to Be About Change, Inc. for the BE ABOUT CHANGE Program;
- \$5,000 to EPIC Girl, Inc. for the EPIC GIRL Program.

**Sponsors:** Rhoten, Welsch and Gamble

**40. [RS2022-1791](#)**

A resolution approving a contract between the Metropolitan Government of Nashville and Davidson County and Disaster Recovery Services, LLC to provide insurance and/or FEMA application and processing services related to federal declared disasters.

**Analysis**

This resolution approves a sole source contract between the Metropolitan Government and Disaster Recovery Services, LLC (“DRS”) to provide insurance and/or FEMA application and processing services related to federal declared disasters.

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

The term of the contract begins upon approval of all required parties and filing with the Metropolitan Clerk’s Office and ends after 60 months. The estimated value of this contract is \$500,000. The pricing details are included in Exhibit A of the contract.

According to the sole source justification form, the Metropolitan Government first contracted with DRS through an emergency contract beginning in March 2020 after the tornado. Since then, Metro has worked with DRS on FEMA applications to reimburse Metro for the costs incurred to repair, rebuild, and recover from four federally declared disasters: the March 2020 tornado, straight-line winds, and flooding (4476DR-TN); the COVID-19 pandemic (4514DR-TN); the May 2020 severe storms, straight-line winds, and flooding (4550DR-TN); and the March 2021 severe storms, tornados, and flooding (4601DR-TN). The emergency contract with DRS ended in March 2022, however, the work for three of these disasters continues. A sole source contract is desired to continue the work already in process with DRS related to these three federally declared disasters.

*Fiscal Note: The estimated contract life value for this sole source contract is \$500,000.*

**Sponsors:** Rhoten and Gamble

41. [RS2022-1792](#)

A resolution appropriating \$1,000,000.00 in American Rescue Plan Act funds from Fund #30216 to various Metro departments to be used to increase Metro's existing public emergency response reserve for vaccination and assessment centers, homeless emergency shelters, personal protective equipment, sanitization, signage, telework, and information technology.

**Analysis**

This resolution appropriates \$1,000,000 in American Rescue Plan Act ("ARPA") funds from Fund #30216 to various Metro departments to increase Metro's existing public emergency response reserve for vaccination and assessment centers, homeless emergency shelters, personal protective equipment, sanitation, signage, telework, and information technology. The Council adopted Resolution No. RS2021-1206 on November 2, 2021, which established a \$1,000,000 public emergency response reserve for this purpose. The reserve was expanded to include telework and information technology expenses pursuant to RS.2022-1558 on June 7, 2022.

The COVID-19 Financial Oversight Committee recommends adding an additional \$1,000,000 into this reserve to cover additional necessary expenses.

**Sponsors:** Johnston, Gamble, Rhoten, Welsch and Hausser

43. [RS2022-1794](#)

A resolution authorizing the Metropolitan Department of Law to make an offer of judgment pursuant to Fed. R. Civ. P. 68 to compromise and settle the claims of Ralph Ward against the Metropolitan Government and its employees in the amount of \$50,000.00, plus reasonable costs, with said amount to be paid from the Judgments and Losses Fund.

**Analysis**

On November 14, 2019, Metropolitan Nashville Police Department ("MNPd") officers had been

conducting surveillance on a wanted murder suspect at a hotel. MNPD officers observed a suspicious vehicle at the hotel and decided to follow the vehicle. The vehicle was exceeding the speed limit and the officers initiated a traffic stop. However, the vehicle sped away. The MNPD officers believed they located the vehicle, which eventually stopped at R&B Liquors in Nolensville.

Mr. Ralph Ward exited the vehicle and entered R&B Liquors. The officers followed Mr. Ward into the store and arrested him, believing that the vehicle Mr. Ward exited was the same vehicle that had fled from a lawful traffic stop and that a wanted murder suspect could have been in the vehicle. Mr. Ward complied with the arrest and denied that he had fled from the traffic stop, offering to show officers the GPS on his phone or his GPS device. Mr. Ward was charged with felony evading arrest. The charge was ultimately dismissed and his arrest was expunged.

Mr. Ward filed a lawsuit alleging a 14 U.S.C. § 1983 claim against the arresting MNPD officers for false arrest, excessive force, and malicious prosecution under the Fourth Amendment. He also included a malicious prosecution claim against the Metropolitan Government.

Mr. Ward claims \$4,338.85 in pecuniary damages, including bond, attorneys fees, missed work days, and travel to court, along with an undisclosed amount of damages for emotional distress. He also has a claim for punitive damages. If Mr. Ward were to prevail at trial on the Section 1983 claim, he would also be entitled to attorney's fees. It is estimated that, to date, Mr. Ward's counsel has worked at least 110 hours.

The Department of Law recommends an offer of judgment to settle Mr. Ward's claims for \$50,000, plus reasonable costs including attorney's fees, pursuant to Federal Rule of Civil Procedure 68. While the exact costs and fees accrued are unknown, it is likely between \$50,000 and \$100,000. An offer of judgment is distinguished from a settlement-rather than concluding the litigation with a payment and release, the offer of judgment will allow Metro to shift some of the risk of cost to the plaintiff. The outcome of the offer of judgement could be conclusion of the litigation if the plaintiff accepts the offer, or it could shift some of the costs, including recovery of attorney's fees accruing after the offer, if the plaintiff rejects the offer and continues to trial.

*Fiscal Note: This settlement would be the 1st payment from the Judgment and Losses Fund in FY23 for a potential total of \$150,000. The fund balance would be \$15,977,410 after these payments.*

**Sponsors:** Rhoten and Gamble

**44. [RS2022-1795](#)**

A resolution approving a grant from the Tennessee Housing Development Agency (THDA) to the Metropolitan Government, acting by and through the Metropolitan Action Commission, to provide housing stability services to eligible households under the THDA's Rent Relief Program.

Analysis

This resolution approves a grant from the Tennessee Housing Development Agency (“THDA”) to the Metropolitan Action Commission (“MAC”) to provide housing stability services to eligible households under the THDA’s Rent Relief Program. The grant is an amount not to exceed \$369,000 with no local cash match required. Pursuant to the agreement, MAC will make available three tiers of services. Tier 1 provides application assistance for financial assistance. Tier 2 provides one-on-one counseling services for tenant households in need of crisis counseling, rental counseling, credit counseling and/or budget counseling. Tier 3 provides for other housing stability services to enable eligible households to maintain or obtain housing, such as eviction prevention and eviction diversion programs; mediation between landlords and tenants; fair housing counseling; programs to assist with households accessing or finding housing; and other services.

The term of the grant begins July 1, 2022 and extends for a period of 24 months.

**Sponsors:** Rhoten, Welsch, Hausser, Gamble and Suara

**45. [RS2022-1796](#)**

A resolution accepting a grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to implement and coordinate activities and services related to HIV/STI prevention, testing, diagnosis, treatment, and surveillance.

**Analysis**

This resolution approves the continuation of a grant in the amount of \$1,616,950 from the Tennessee Department of Health to the Metropolitan Board of Health to implement and coordinate activities and services related to HIV/STI prevention, testing, diagnosis, treatment, and surveillance. No local cash match will be required. This is an annual federal pass-through grant that pays the salaries of the Health Department employees who provide these services. The term of this grant is from January 1, 2022 through December 31, 2022.

**Sponsors:** Rhoten, Syracuse, Welsch, Bradford and Gamble

**46. [RS2022-1797](#)**

A resolution accepting a Project Safe Neighborhood (PSN) grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to reduce gun violence in Nashville.

**Analysis**

This resolution accepts a Project Safe Neighborhood (“PSN”) grant in an amount not to exceed \$39,925 from the Tennessee Department of Finance and Administration to the Metropolitan Nashville Police Department to reduce gun violence. No local cash match is required.

The Council approved Resolution No. RS2022-1704 at its August 16, 2022 meeting which approved an amendment to a PSN grant previously approved by RS2021-1096. However, the State of Tennessee did not execute the amendment. This resolution approves a new contract

that replaces the prior amendment. This funding will be used to pay for overtime and equipment to investigate violent gun crimes. The term of this agreement begins July 1, 2022 and ends after 15 months.

**Sponsors:** Rhoten, Syracuse, Allen and Gamble

47. [RS2022-1798](#)

A resolution accepting a Project Safe Neighborhood (PSN) grant from the Tennessee Department of Finance and Administration to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to create and foster safer neighborhoods through a sustained reduction in violent crime.

Analysis

This resolution accepts a Project Safe Neighborhood (“PSN”) grant from the Tennessee Department of Finance and Administration to the Metropolitan Nashville Police Department. This grant is an amount not to exceed \$152,422 with a required local cash match of \$61,716. This grant will be used to create and foster safer neighborhoods through a sustained reduction in violent crime. This funding will be used to pay for overtime and also the purchase of a BRASSTRAX Acquisition System for the MNPD Crime Lab. The term of this grant begins on November 1, 2022 and ends after 20 months.

**Sponsors:** Rhoten, Syracuse, Allen and Gamble

48. [RS2022-1799](#)

A resolution authorizing The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, to enter into a Utility Relocation Contract No. 9272 with the State of Tennessee, Department of Transportation, to construct PIN Number 124238.00, SR-1 (US Routes70/70S/431; Broadway) Bridge over CSX RR & 11th Ave., located in Davidson County, Tennessee, (State Project No. 19019-2225-04, MWS Project No. 22-WG-0040 and Proposal No. 2022M-039AG-001).

Analysis

This resolution approves a Utility Relocation Contract No. 9272 between the Tennessee Department of Transportation (“TDOT”) and the Metropolitan Department of Water and Sewerage Services (“MWS”) to construct a bridge over CSX RR & 11th Avenue.

Pursuant to the contract, the estimated cost of relocating the facilities is \$547,068.68. MWS agrees to pay a \$361,609.34 deposit to TDOT for the utility work in the contract. Further, MWS agrees to provide TDOT certain material identified as water lines and assembly, DI fittings, and split steel casing pipe with an estimated cost of \$185,459.34.

T.C.A. § 12-9-104 authorizes intergovernmental agreements with the State of Tennessee to be approved by resolution.

**Sponsors:** OConnell, Rhoten, Withers, Pulley and Gamble

49. [RS2022-1800](#)

A resolution authorizing The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, to enter into a Utility Relocation Contract No. 9273 with the State of Tennessee, Department of Transportation, to construct PIN Number 124238.00, SR-1 (US Routes 70/70S/431; Broadway) Bridge over CSX RR & 11th Ave., located in Davidson County, Tennessee, (State Project No. 19019-2225-04, MWS Project No. 22-SG-0031 and Proposal No. 2022M-040AG-001).

Analysis

This resolution approves a Utility Relocation Contract No. 9273 between the Tennessee Department of Transportation (“TDOT”) and the Metropolitan Department of Water and Sewerage Services (“MWS”) to construct a bridge over CSX RR & 11th Avenue.

Pursuant to the contract, the estimated cost of relocating the facilities is \$715,514.50. MWS agrees to pay a \$581,668.25 deposit to TDOT for the utility work in the contract. Further, MWS agrees to provide TDOT certain material identified as DIP gravity sewers, manholes and assembly, cut and cap, and connecting sewer to manholes with an estimated cost of \$133,846.25.

T.C.A. § 12-9-104 authorizes intergovernmental agreements with the State of Tennessee to be approved by resolution.

**Sponsors:** OConnell, Rhoten, Withers, Pulley and Gamble

**50. [RS2022-1801](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Rebecca Ferguson against the Metropolitan Government of Nashville and Davidson County in the amount of \$46,346.38, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On April 10, 2022 a sewer line became blocked and flooded the basement of Rebecca Ferguson’s home. Upon examination, the Metropolitan Water Services Department determined that grit and debris blocked the main sewer line. The main sewer lines had previously been cleaned in 2017 and 2019.

Water from the blocked sewer line flooded a bathroom, kitchen, living room, and dining room. The home had to be dried out and wall board and flooring needed replacement. Ms. Ferguson lost home furnishings, artwork, and family antiques.

The property damage totaled \$46,346.38, including clean-up and restoration, a televised service line, and back flow. The Metropolitan Department of Law recommends settlement of this property damage claim for \$46,346.38.

*Fiscal Note: This \$46,346.38 settlement would be the 12th payment from the Self-Insured Liability Fund in FY23 for a cumulative total of \$298,221. The fund balance would be \$14,249,293 after these payments.*

**Sponsors:** Rhoten and Gamble

## **M. Bills on Second Reading**

### **90. [BL2022-1383](#)**

An Ordinance to amend Title 10 of the Metropolitan Code of Laws to prohibit smoking and the use of vapor products in certain age-restricted venues.

#### Analysis

This ordinance, as amended, prohibits smoking and the use of vapor products in certain age-restricted venues in Nashville and Davidson County. On July 1, 2022, Public Chapter No. 1110 went into effect. This state law authorizes municipalities, counties, and counties having a metropolitan form of government to regulate, including prohibiting, by passing a resolution or ordinance, smoking and the use of vapor products in certain age-restricted venues.

The ordinance under consideration provides that smoking and the use of vapor products is prohibited in age-restricted venues. This prohibition does not apply to retail tobacco stores, retail vapor stores, and cigar bars. An amendment added at the September 20 Council meeting also exempts hookah bars. An “age-restricted venue” is defined as establishments that restrict access to persons 21 years of age or older. A person found in violation of this prohibition would be subject to a fine not to exceed \$50.

Tennessee Code Annotated § 39-17-1551 preempts the field of regulation of tobacco products, smokeless nicotine products, and vapor products. However, this state law explicitly provides the Metropolitan Government with the authority to prohibit smoking and the use of vapor products in certain areas, including within buildings owned or leased by the local government, within 50 feet of the entrance to a hospital, an outdoor amphitheater with a seating capacity of at least six thousand owned or operated by such local government, and on the grounds of a public playground. The Metropolitan Government prohibits smoking in these locations pursuant to Chapter 10.18 of the Metropolitan Code.

This ordinance would take effect on March 1, 2023.

**Sponsors:** Syracuse, Evans, Allen, Welsch, Styles, OConnell, Porterfield, Hausser, Hancock, Henderson and Suara

### **91. [BL2022-1411](#)**

An ordinance adding a new section to the Metropolitan Code of Laws related to family planning services.

#### Analysis

This ordinance adds a new section to the Metropolitan Code of Laws to provide certain family planning services free of charge to residents of Davidson County. The Metropolitan Department of Health would be required to provide, at a minimum, family planning counseling, birth control counseling, and birth control products including birth control pills, birth control

patches, birth control rings, birth control injections, and birth control prophylactics. These minimum services would be provided free of charge to Davidson County residents. The minimum services do not include birth control implants, IUDs, or other long-acting reversible contraceptives.

Currently, the Metropolitan Department of Health provides these services and charges a fee based on the family income of the patient. Currently, patients with family income at or below 100% of the federal poverty level are not charged. Patients with family incomes between 101% and 250% of the federal poverty level are eligible for discounted services. Patients with incomes exceeding 250% of the federal poverty level are charged the reasonable cost of providing services. According to the Metropolitan Department of Health, grant funding for family planning services is currently received pursuant to Title X of the federal Public Health Service Act. The grant funding is conditioned on the participation in a program, which includes a requirement that all reasonable efforts must be made to obtain third-party payment where a third party is authorized or legally obligated to pay for the services, including payment by an insurance company. The ordinance will allow Metro to cover the family planning services costs that exceed the grant covered portion.

*Fiscal Note: The Metropolitan Department of Health estimates that provision of these family planning services to all residents of Davidson County would cost approximately \$2,500,000 more per year than is currently budgeted. If these services were limited to 1,000 residents, the estimated increase in cost would be approximately \$685,000 per year. If these services were limited to 800 residents, the estimated increase in cost would be \$806,000 per year.*

**Sponsors:** Benedict, Porterfield, Sepulveda, Welsch, OConnell and Styles

**92. [BL2022-1449](#)**

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

**Analysis**

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

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

- One member from a non-profit community group advocating biking and walking;
- One member who is a student or faculty member from a local university;
- One member from a local organization that represents disabled persons;

- One member who is a transportation planning, policy, or design professional;
- One member from either AARP, Fifty-Forward, or other senior citizen advocacy organization;
- One member of a local bicycle club;
- One member of a walking, running, or hiking club;
- One member from an urban planning or multi-modal transportation support organization;
- One member from a parks or greenways friends group; and
- Two members who are interested in biking and walking.

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

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

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

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

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

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

Departments will work cooperatively with the commission in meeting these requirements and provide assistance as required. The Department of Transportation and Multimodal Infrastructure will provide day to day staffing and assistance to the commission as it may require.

**Sponsors:** OConnell, Parker, Benedict, Allen, Porterfield and Cash

**93. [BL2022-1450](#)**

An ordinance amending Chapter 2.222 of the Metropolitan Code of Laws relative to expense reimbursement and legal representation in ethics matters before the Board of Ethical Conduct.

**Analysis**

This ordinance adds a new section to Chapter 2.222 of the Metropolitan Code of Laws, which governs the standards of conduct for Metropolitan Government employees, including elected and appointed officials and members of boards and commissions. The ordinance creates a new section related to complaints filed with the board of ethical conduct against an elected official or members of a Metropolitan board or commission.

Pursuant to the ordinance, parties to a complaint are given a right to represent themselves and to have the assistance of legal counsel at the party's own expense. If the board of ethical conduct determines that no alleged ethics violation has occurred, the Council could, by resolution and upon the request of the elected official or members of a board or commission, reimburse the individual for their legal and other related expenses, not exceeding \$15,000, incurred in defending the complaint.

**Sponsors:** Allen

**94. [BL2022-1451](#)**

An ordinance approving a license agreement between the Metropolitan Government of Nashville and Davidson County and Vanderbilt University for use office space and parking spots located at 5224 Hickory Hollow Parkway, Nashville, TN (Parcel No.16300022100) (Proposal No.2022M-033AG-001).

**Analysis**

This ordinance approves a license agreement between the Metropolitan Government and Vanderbilt University for use of office space and parking spots located at 5244 Hickory Hollow Parkway, also known as Global Mall.

Vanderbilt University is conducting a large traffic experiment on Interstate 24 in collaboration with the Tennessee Department of Transportation, Nissan, Toyota, General Motors, the United States Department of Energy, and the National Science Foundation. The Metropolitan Government agrees to make available approximately 150 parking spots and 17,000 square feet of office space. The term of the agreement begins October 22, 2022 and ends November 22, 2022. Vanderbilt University agrees to pay \$19,000 to the Metropolitan Government for this license.

This has been approved by the Planning Commission. Future amendments to this lease agreement may be approved by a resolution receiving at least 21 affirmative votes.

*Fiscal Note: The Metropolitan Government will receive \$19,000 from Vanderbilt University pursuant to this license agreement.*

**Sponsors:** Styles, Rhoten and Withers

**95. [BL2022-1452](#)**

An ordinance approving a license agreement between the Metropolitan Government of Nashville and Davidson County by and through the Department of General Services and the Salvation Army for use of storage space located at 5224 Hickory Hollow Parkway, Nashville, TN (Parcel No. 16300022100) (Proposal No. 2022M-034AG-001).

Analysis

This ordinance approves a license agreement between the Metropolitan Government and the Salvation Army for use of storage space located at 5244 Hickory Hollow Parkway, also known as Global Mall.

Salvation Army desires to operate an Angel Tree Warehouse on the first floor of the Bridgestone Building. Pursuant to the agreement, the Metropolitan Government would provide this space to Salvation Army at no charge. The term of this agreement begins November 1, 2022 and ends January 15, 2023.

This has been approved by the Planning Commission. Future amendments to this lease agreement may be approved by a resolution receiving at least 21 affirmative votes.

**Sponsors:** Styles, Rhoten and Withers

**96. [BL2022-1453](#)**

An ordinance authorizing the granting of a permanent easement to Piedmont Natural Gas Co. on certain property owned by the Metropolitan Government located at 4601 Murphy Road (Parcel No. 10307007500) (Proposal No. 2022M-111ES-001).

Analysis

This ordinance authorizes the granting of a permanent easement to Piedmont Natural Gas Co. ("Piedmont") on property owned by the Metropolitan Government located at 4601 Murphy Road. This easement is for the purposes of constructing, installing, maintaining, operating, repairing, altering, replacing, removing, relocating, inspecting, upgrading, and protecting one or more pipelines at this location. Piedmont agrees to pay Metro a total of \$39,000 for this permanent easement, representing half of the fair-market value of the easement area.

This has been approved by the Planning Commission.

*Fiscal Note: Piedmont Natural Gas Co. has agreed to pay a total of \$39,000 to the Metropolitan Government for the permanent easement.*

**Sponsors:** Murphy, Rhoten, Withers and Pulley

**97. [BL2022-1454](#)**

An ordinance authorizing the granting of two permanent easements to Harpeth Valley Utilities District of Davidson and Williamson Counties, Tennessee, on certain property owned by the Metropolitan Government of Nashville and Davidson County (Parcel No. 10100000100) (Proposal No. 2022M-029AG-001.).

Analysis

This ordinance authorizes the granting of easements to the Harpeth Valley Utilities District of Davidson and Williamson Counties, Tennessee ("Harpeth Valley") on property owned by the Metropolitan Government located at 4107 Old Hickory Boulevard, also known as Bells Bend Park. Harpeth Valley has requested one permanent utility easement and two temporary construction easements for the construction and maintenance of two new sewer pipelines that will parallel existing sewer infrastructure across the Bells Bend property. The temporary construction easements will terminate after the completion of construction. Harpeth Valley has agreed to pay \$3,825 for the permanent easement and \$1,050 for the temporary construction easements.

This has been approved by the Board of Parks and Recreation and the Planning Commission.

*Fiscal Note: Harpeth Valley Utilities District has agreed to pay a total of \$4,875 to the Metropolitan Government for the permanent and temporary construction easements.*

**Sponsors:** Rhoten, Withers, Hurt and Pulley

**98. [BL2022-1455](#)**

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 Whitsett Road right-of-way fronting Map 11910003800 and 11910024500, (Proposal Number 2022M-004AB-001).

Analysis

This ordinance abandons a portion of Whitsett Road right-of-way from Duncan Street eastward to unimproved Meredith Avenue right-of-way. This has been requested by Steven Emery, applicant.

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

**Sponsors:** Welsch, Withers and Pulley

**99. [BL2022-1456](#)**

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 Alley Number 456 right-of-way from Alley Number 442 southwestward to dead end, (Proposal Number 2022M-005AB-001).

**Analysis**

This ordinance abandons a portion of Alley Number 456 right-of-way from Alley Number 442 southwestward to dead end. This has been requested by Gilda's Club of Middle Tennessee, applicant.

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

**Sponsors:** OConnell, Withers and Pulley

**100. [BL2022-1457](#)**

An ordinance authorizing the abandonment and conveyance of the Metropolitan Government's interest in Alley 68 in downtown Nashville and approving an easement and agreement providing for the Metropolitan Government's use of certain space in improvements to be constructed in the former alley. (Proposal No. 2022M-032AG-001).

**Analysis**

This ordinance authorizes the abandonment and conveyance of the Metropolitan Government's interest in Alley 68 in downtown Nashville. Further, this ordinance approves an easement and agreement providing for the Metropolitan Government's use of certain space in improvements to be constructed in the former alley for a proposed special operations center to be used by the Metropolitan Nashville Police Department and the Nashville Department of Transportation.

Alley 68 is no longer useful for vehicle or pedestrian traffic. Alley 68 is abutted by 411 Broadway on the east and 417 Broadway on the west. The owner of 411 Broadway, known as 411 LLC, has an interest in Alley 68 and has requested the Metropolitan Government abandon Alley 68 and convey any interest the Metropolitan Government has in Alley 68 to 411 LLC. In exchange, 411 LLC proposes to grant the Metropolitan Government a permanent easement and right to use the improvements that 411 LLC plans to construct in Alley 68. 411 LLC plans

to expand its building into the Alley 68 property and will give

This ordinance approves a quitclaim deed whereby the Metropolitan Government will transfer and convey any interest it has in the Alley 68 property to 411 LLC. The ordinance also approves an access easement agreement whereby 411 LLC will grant the Metropolitan Government a nonexclusive easement across the Alley 68 property in perpetuity. If the access easement is ever terminated, 411 LLC will pay an amount equal to the value of the unimproved Alley 68 property, as determined based upon tax appraisal for the land, to the Metropolitan Government.

The ordinance further approves a facility use agreement that gives the Metropolitan Government the right to use approximately 1,700 square feet of space in the basement, 140 square feet of square feet in the first floor, and approximately 680 square feet of space in the second floor for safety, security, medical, office, storage, and administrative purposes. Metro agrees to pay for the utilities in this pace and 411 LLC will pay the cost of all real estate taxes and insurance and will also carry general liability insurance.

**Sponsors:** OConnell, Rhoten, Withers, Syracuse and Pulley

**101. [BL2022-1458](#)**

An ordinance authorizing 915 Division Manager, LLC to install, construct and maintain underground encroachments in the right of way located 915 Division Street. (Proposal No. 2022M-016EN-001)

**Analysis**

This ordinance authorizes 915 Division Manager, LLC to install and maintain underground encroachments in the right of way located at 915 Division Street. 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 ordinance has been approved by the Planning Commission.

**Sponsors:** OConnell, Withers and Pulley

**102. [BL2022-1459](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon easement rights, for property located at 630 Division Street, formerly a portion of Alley No. 200 (Proposal No. 2022M-123ES-001).

**Analysis**

This ordinance abandons easement rights that were retained by Council Bill No. O76-188 for any existing utilities for property located at 630 Division Street, formerly a portion of Alley No. 200. This abandonment has been requested by the owner of the property. The Metropolitan Government has determined there is no future need for these easements.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** OConnell, Withers and Pulley

**103. [BL2022-1460](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon easement rights, for property at 1000 Church Street, formerly a portion of Alley No. 121 (Proposal No. 2022M-025ES-001).

**Analysis**

This ordinance abandons easement rights that were retained by Council Bill No. BL66-57 for any existing utilities for property located at 1000 Church Street, formerly a portion of Alley No. 121 extending between YMCA Way (former McLemore Street) and Alley No. 122. This abandonment has been requested by Barge Design Solutions on behalf of the owner. The Metropolitan Government has determined there is no future need for these easements.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** OConnell, Withers and Pulley

**104. [BL2022-1461](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon an existing public utility easement, for property located at 1000 Hawkins Street (Proposal No. 2022M-126ES-001).

**Analysis**

This ordinance abandons a portion of an existing 20-foot public utility easement in the northeastern corner of the property recorded on the plat of Edgehill Estates Subdivision, Section 117, Book 5210, Page 245 R.O.D.C., TN, for property located at 1000 Hawkins Street. This abandonment has been requested by the owner, MP Hawkins Nashville, LLC. The Metropolitan Government has determined there is no future need for this easement.

This ordinance has been approved by the Planning Commission.

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

**Sponsors:** OConnell, Withers and Pulley

**105. [BL2022-1462](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water main and easement, and to accept new water and sanitary sewer mains, fire hydrant assemblies, check valve assembly, sanitary sewer manholes and easements, for property located at 3720 Clarksville Pike, (MWS Project Nos. 22-WL-19 and 22-SL-38 and Proposal No.2022M-121ES-001).

Analysis

This ordinance abandons approximately 300 linear feet of existing 1.25-inch water main and easement and accepts approximately 1,569 linear feet of new eight-inch water main (DIP), approximately 75 linear feet of new eight-inch sanitary sewer main (DIP), approximately 1,143 linear feet of new eight-inch sanitary sewer main (PVC), four fire hydrant assemblies, one check valve assembly, 11 sanitary sewer manholes and easements for property located at 3720 Clarksville Pike.

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

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

**Sponsors:** Toombs, Withers and Pulley

**106. [BL2022-1463](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main, sanitary sewer manhole and easement, for property located at 451 Murfreesboro Pike, also known as the ALTO Apartments (MWS Project No. 22-SL-150 and Proposal No. 2022M-122ES-001).

Analysis

This ordinance abandons approximately 128 linear feet of existing eight-inch sanitary sewer main, one sanitary sewer manhole and easement for property located at 451 Murfreesboro Pike, also known as the ALTO Apartments.

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

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

**Sponsors:** Sledge, Withers and Pulley

**107. [BL2022-1464](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept public fire hydrant assembly and public sanitary sewer manhole, for three properties located at 2000, 2004, and 2006 South Hamilton Road, also known as South Hamilton Townhomes (MWS Project Nos. 22-WL-77 and 22-SL-104 and Proposal No. 2022M-119ES-001).

Analysis

This ordinance accepts one public fire hydrant assembly and one public sanitary sewer manhole for three properties located at 2000, 2004, and 2006 South Hamilton Road, also known as South Hamilton Townhomes.

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

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

**Sponsors:** Toombs, Withers and Pulley

**108.** [BL2022-1465](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new fire hydrant assembly and public sanitary sewer manholes, for property located at 1414 4th Avenue South (MWS Project Nos. 22-WL-61 and 22-SL-99 and Proposal No. 2022M-128ES-001).

Analysis

This ordinance accepts one new fire hydrant assembly and two sanitary sewer manholes for property located at 1414 4th Avenue South.

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

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

**Sponsors:** Sledge, Withers and Pulley

**109.** [BL2022-1466](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water main and easement, to relocate fire hydrant assemblies, and to accept new public water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at Ashland City Highway (unnumbered), also known as Eaton Creek Commons Phase 1 (MWS Project Nos. 21-WL-121 and 21-SL-286 and Proposal No. 2022M-124ES-001).

Analysis

This ordinance abandons approximately 660 linear feet of existing eight-inch water main and easement, relocates two fire hydrant assemblies, and accepts approximately 2,173 linear feet of new eight-inch water main (DIP), approximately 1,590 linear feet of new eight-inch sanitary sewer main (PVC), four fire hydrant assemblies, 10 sanitary sewer manholes and easements for property located at Ashland City Highway (unnumbered), also known as Eaton Creek Commons Phase 1.

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

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

**Sponsors:** Withers and Pulley

**110. [BL2022-1467](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer mains, sanitary sewer manholes and easements, for property located at 3021 Charlotte Avenue, also known as Haven at Charlotte (MWS Project No. 22-SL-135 and Proposal No. 2022M-118ES-001).

**Analysis**

This ordinance accepts approximately 178 linear feet of new eight-inch sanitary sewer main (PVC), approximately 133 linear feet of new eight-inch sanitary sewer main (DIP), four sanitary sewer manholes and easements for property located at 3021 Charlotte Avenue, also known as Haven at Charlotte.

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

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

**Sponsors:** Taylor, Withers and Pulley

**N. Bills on Third Reading**

**113. [BL2022-1384](#)**

An ordinance amending Section 12.12.190 of the Metropolitan Code of Laws relative to traffic calming projects.

**Analysis**

This ordinance, as substituted and amended, codifies the existing traffic calming program maintained by the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) and creates additional requirements.

NDOT currently maintains a traffic calming program that allows neighborhood organizations to submit applications to identify streets where traffic calming projects may be appropriate. NDOT staff reviews applications, gathers data, and prioritizes where traffic calming projects would be appropriate.

The ordinance under consideration codifies this existing program. In addition, the ordinance

requires that, over any two-year period, NDOT must select a project every Council district where a traffic calming program application has been submitted. In addition, the ordinance provides that NDOT may authorize private construction of a traffic calming projects provided that:

- Private funding for the traffic calming project has been secured;
- A letter of intent is sent to NDOT;
- The street where the traffic calming project is proposed is under Metro’s jurisdiction, is a local street, is not an arterial or collector street, as designated by the major and collector street plan, and the infrastructure will not negatively impact parallel streets;
- The applicant produces a traffic study, a local map, a design plan, a preliminary support petition, the applicant contacts affected homeowners, and certain information related to the installment of the infrastructure is submitted to NDOT.

After this information is provided, NDOT will conduct an online ballot process, requiring at least 66% of responding homeowners on the affected street to vote in favor of the project. After the installment of the traffic calming project, NDOT will assume maintenance and replacement responsibilities one the infrastructure passes inspection.

This ordinance also requires an annual report from NDOT to the Council regarding the traffic calming project applications received.

**Sponsors:** Rosenberg, Evans and Bradford

**115. [BL2022-1413](#)**

An ordinance approving an agreement between the Mental Health Cooperative (“MHC”), and the Metropolitan Government of Nashville and Davidson County, by and through the Davidson County General Sessions Court Division II (GSDII), for the purpose of ensuring the provision and implementation of a Competency Restoration Specialty Docket.

**Analysis**

This ordinance approves an agreement between the Mental Health Cooperative (“MHC”) and the Davidson County General Sessions Court Division II (“GSDII”) to ensure the provision and implementation of a Competency Restoration Specialty Docket.

Pursuant to the terms of this agreement, MHC agrees to establish one program manager position to oversee system performance and case management portfolio in routing individuals out of the jail to treatment and/or services for stabilization. MHC will also establish one caseworker position to provide brief solution focused counseling and care coordination services of individuals who have been diverted to the Competency Restoration Docket. The program manager and case worker will be assigned to GSDII and under the supervision of MHC. The program manager and case worker will be employees of MHC and not the Metropolitan government, and MHC will be responsible for providing funding for computer equipment for these employees. The program manager and case worker will be paid from funds designated by the Metropolitan Council for these salaries. GSDII will provide two mobile phones, technical support, office space, and use of courtroom and other facilities required to perform assigned

duties to the two MHC employees.

The term of this agreement begins upon execution by all parties and approval by the Council and expires on June 30, 2023. The agreement can be extended for additional one-year periods upon written agreement of the parties, but the maximum length of the agreement is 60 months. Either party may terminate the agreement at any time upon 60 days written notice to the other party.

*Fiscal Note: The wages and benefits for the program manager and caseworker will be paid from the \$225,000 in funds designated in the Fiscal Year 2022-2023 budget.*

**Sponsors:** Rhoten, Gamble, Syracuse, Porterfield, Evans and Suara

**116. [BL2022-1414](#)**

An ordinance approving an agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Davidson County Recovery Court ("Court"), and Belmont University ("Belmont"), to provide professional education for Belmont occupational therapy students.

**Analysis**

This ordinance approves an agreement between the Davidson County Recovery Court and Belmont University to provide professional education to students of Belmont's School of Occupational Therapy program.

Pursuant to this agreement, students of Belmont University's School of Occupational Therapy would be able to gain professional educational experience with the Davidson County Recovery Court. Students would be required to comply with the existing rules and regulations, including ethics and confidentiality requirements. Belmont would be required to assure that each student possesses health and professional liability insurance.

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

**Sponsors:** Rhoten, Gamble and Welsch

**117. [BL2022-1415](#)**

An ordinance to create a Tax Incentive and Abatement Study and Formulating Committee.

**Analysis**

This ordinance establishes a Tax Incentive and Abatement Study and Formulating Committee ("Committee"). The intent of the Committee is to study how the Metropolitan Government has utilized and potentially could utilize tax incentives to incentivize use of property in a way that contributes to the public good and to formulate recommendations for its implementation in a more transparent, equitable, effective, understandable, and fiscally responsible manner.

The Committee would consist of seven members, to be approved by Council by resolution.

Within 30 days of the adoption of this ordinance, the following would be nominated:

- One member nominated by the Director of the Office of Economic and Community Development;
- One member nominated by the Director of the Affordable Housing Division of the Metropolitan Planning Department;
- Two members nominated by the Mayor;
- Four members appointed by election of the Metropolitan Council.

The Director of Finance, or a designee, and the Director of Law, or a designee, would provide administrative and legal guidance for the Committee.

The Committee would be directed to assess the following:

- how tax incentives are awarded;
- whether alternative lawful applications exist for tax incentives;
- whether methods for awarding tax incentives should be expanded given the challenges of Nashville's growth to the preservation or construction of affordable housing, small business locations, and community necessities like grocery stores, and child care facilities;
- whether there should be a cap on overall tax incentive allocations or individual categories of tax incentive allocations, and if so to recommend a method for setting a cap;
- acknowledge and incorporate where appropriate, the information and recommendations provided by the Tax Increment Financing Study and Formulating Committee Report issued May 17, 2019.

The Committee would be authorized to obtain from any relevant Metropolitan department, board, commission, agency, officer, or employee any information and data with respect to tax incentives, as well as other pertinent information.

The Committee would also be directed to submit a report and recommendations to Council with its findings within six months of its appointment. This time period could be extended by resolution of the Council.

**Sponsors:** Allen, Syracuse, Toombs and Suara

**118. [BL2022-1416](#)**

An ordinance authorizing McGavock Apartment Venture, LLC to install, construct and maintain underground encroachments in the right of way located 1212 McGavock Street. (Proposal No. 2022M-014EN-001)

**Analysis**

This resolution authorizes McGavock Apartment Venture, LLC to install and maintain underground encroachments located at 1212 McGavock Street. 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 \$4,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

**Sponsors:** OConnell, Withers and Pulley

**119. [BL2022-1417](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing stormwater drainage easement rights, for property located at 30 Peabody Street (Proposal No. 2022M-105ES-001).

**Analysis**

This ordinance abandons easement rights in three specific areas for an existing stormwater drainage easement as designated under the Declaration of Restrictions and Conditions For Stormwater Facilities and Systems LTMP for property located at 30 Peabody Street.

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 Metro Water Services.*

**Sponsors:** OConnell, Withers and Pulley

**120. [BL2022-1418](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manholes and easements, and to relocate a fire hydrant assembly, for three properties located at 2135 and 2141 Waterside Drive and 2200 Bowline Avenue, also known as The Landings at River North (MWS Project Nos.20-WL-23 and 20-SL-41 and Proposal No. 2022M-110ES-001).

**Analysis**

This ordinance accepts approximately 1,078 linear feet of new eight-inch water main (DIP), approximately 375 linear feet of new 10-inch sanitary sewer main (DIP), approximately 554 linear feet of new 10-inch sanitary sewer main (PVC), one fire hydrant assembly, six sanitary sewer manholes and easements, and authorizes the relocation of one fire hydrant assembly for three properties located at 2135 and 2141 Waterside Drive and 2200 Bowline Avenue, also known as The Landings at River North.

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 Metro Water Services.*

**Sponsors:** Parker, Withers and Pulley

**121. [BL2022-1419](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main and easements, and to accept new sanitary sewer main, sanitary sewer manholes, fire hydrant assembly and easements, for property located at 2714 Old Lebanon Pike, also known as Donelson Library (MWS Project No. 22-SL-91 and 22-WL-57 and Proposal No. 2022M-109ES-001).

**Analysis**

This ordinance abandons approximately 363 linear feet of existing eight-inch sanitary sewer main (PVC) and easements, and accepts approximately 70 linear feet of new eight inch sanitary sewer main (PVC), three sanitary sewer manholes, one fire hydrant assembly and easements for property located at 2714 Old Lebanon Pike, also known as Donelson Library.

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 Metro Water Services.*

**Sponsors:** Syracuse, Withers and Pulley

**122. [BL2022-1420](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sanitary sewer manhole and easements, and to accept new sanitary sewer main, sanitary sewer manhole and easements, for property located at 684 Myatt Drive, also known as 698 Myatt Drive Phase 3 (MWS Project No. 22-SL-83 and Proposal No. 2022M-107ES-001).

**Analysis**

This ordinance abandons approximately 24 linear feet of existing eight-inch sanitary sewer main, one sanitary sewer manhole and easements, and accepts approximately 24 linear feet of new eight-inch sanitary sewer main (DIP), one sanitary sewer manhole and easements for property located at 684 Myatt Drive, also known as 698 Myatt Drive 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 and abandoned easements have no market value according to the Department of Metro Water Services.*

**Sponsors:** Young, Withers and Pulley

**123. [BL2022-1421](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at Old Hickory Boulevard (unnumbered), also known as Evergreen Hills Phase 2B (MWS Project Nos. 21-WL-101 and 21-SL-236 and

Proposal No. 2022M-099ES-001).

Analysis

This ordinance accepts approximately 3,156 linear feet of new eight-inch water main (DIP), approximately 2,275 linear feet of new eight-inch sanitary sewer main (PVC), approximately 1,198 linear feet of new eight-inch sanitary sewer main (DIP), six fire hydrant assemblies, 25 sanitary sewer manholes and easements for property located at Old Hickory Boulevard (unnumbered), also known as Evergreen Hills Phase 2B.

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 Metro Water Services.*

**Sponsors:** Rutherford, Withers and Pulley

**124.** [BL2022-1422](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer main, sanitary sewer manholes, and easements, for property located at 9917 Sam Donald Road in Williamson County, also known as Primrose School of Nolensville (MWS Project No. 22-SL-65 and Proposal No. 2022M-104ES-001).

Analysis

This ordinance accepts approximately 172 linear feet of new eight-inch sanitary sewer main (DIP), two sanitary sewer manholes and easements for property located at 9917 Sam Donald Road in Williamson County, also known as Primrose School of Nolensville.

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 Metro Water Services.*

**Sponsors:** Withers and Pulley

**125.** [BL2022-1423](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, to relocate a public fire hydrant assembly, and to accept a new public water main and public fire hydrant assembly, for property located at 1805 Church Street, also known as 19th and Church (MWS Project No. 22-WL-39 and Proposal No. 2022M-106ES-001).

Analysis

This ordinance abandons approximately 773 linear feet of existing six-inch water main, authorizes the relocation of one fire hydrant assembly, and accepts approximately 685 linear

feet of new 12-inch water main (DIP), approximately 253 linear feet of new eight-inch water main (DIP), and one fire hydrant assembly, for property located at 1805 Church Street, also known as 19th and Church.

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 Metro Water Services.*

**Sponsors:** Taylor, Withers and Pulley

**126. [BL2022-1424](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main and easement, to relocate a public fire hydrant assembly, and to accept a new public water main and easement, for property located at 2000 Church Street, also known as St. Thomas Midtown Surgery Expansion (MWS Project No. 21-WL-55 and Proposal No. 2022M-108ES-001).

Analysis

This ordinance abandons approximately 648 linear feet of existing six-inch water main and easements, authorizes the relocation of one fire hydrant assembly, and accepts approximately 648 linear feet of new eight-inch water main (DIP) and easement for property located at 2000 Church Street, also known as St. Thomas Midtown Surgery Expansion.

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 Metro Water Services.*

**Sponsors:** Taylor, Withers and Pulley

**127. [BL2022-1425](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept the relocation and vertical adjustment of existing water main, for property located at 203 Oceola Avenue #1, (MWS Project No. 22-WL-52 and Proposal No. 2022M-112ES-001).

Analysis

This ordinance abandons approximately 648 linear feet of existing six-inch water main and easements, authorizes the relocation of one fire hydrant assembly, and accepts approximately 648 linear feet of new eight-inch water main (DIP) and easement for property located at 2000 Church Street, also known as St. Thomas Midtown Surgery Expansion.

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 Metro Water Services.*

**Sponsors:** Roberts, Withers and Pulley

**128. [BL2022-1426](#)**

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 5621 B Lenox Avenue, also known as Lenox Avenue Townhomes (MWS Project No. 22-WL-16 and Proposal No. 2022M-100ES-001).

**Analysis**

This ordinance abandons approximately 215 linear feet of existing two-inch water main (cast unlined) and accepts approximately 222 linear feet of new eight-inch water main (DIP) for property located at 5621 B Lenox Avenue, also known as Lenox Avenue Townhomes.

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

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

**Sponsors:** Roberts, Withers and Pulley

**129. [BL2022-1427](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main and sanitary sewer manhole, for property located at 2007 23rd Avenue North (MWS Project No. 22-SL-78 and Proposal No. 2022M-113ES-001).

**Analysis**

This ordinance accepts approximately 87 linear feet of new eight-inch sanitary sewer main (PVC) and one sanitary sewer manhole for property located at 2007 23rd Avenue North.

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 Metro Water Services.*

**Sponsors:** Taylor, Withers and Pulley

**130. [BL2022-1428](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, to relocate a public fire hydrant assembly, and to accept a new public water main, for property located at 3810 Gallatin Pike, also known as Studio 79 Apartments (MWS Project No. 22-WL-40 and Proposal No. 2022M-115ES-001).

Analysis

This ordinance abandons approximately 250 linear feet of existing eight-inch water main, authorizes the relocation of one fire hydrant assembly, and accepts approximately 320 linear feet of new eight-inch water main (DIP) for property located at 3810 Gallatin Pike, also known as Studio 79 Apartments.

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 Metro Water Services.*

**Sponsors:** Benedict, Withers and Pulley

**131. [BL2022-1429](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept the relocation of a fire hydrant assembly, for property located at 5300 Centennial Boulevard (MWS Project No. 22-WL-18 and Proposal No. 2022M-114ES-001).

Analysis

This ordinance accepts the relocation of one fire hydrant assembly for property located at 5300 Centennial Boulevard.

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 abandoned easements have no market value according to the Department of Metro Water Services.*

**Sponsors:** Roberts, Withers and Pulley

**132. [BL2022-1430](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public utility easement rights, for two properties located at 516 C and 520 B West Bend Drive (Proposal No. 2022M-117ES-001).

Analysis

This ordinance abandons easement rights for a portion of a 20-foot public utility easement recorded on the plat of Crolywood Subdivision, Section 2, Book 1130, Page 100 R.O.D.C., TN, for two properties located at 516 C and 520 B West Bend Drive.

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

*Fiscal Note: This ordinance has no cost to Metro. Abandoned easements have no market value*

*according to the Department of Metro Water Services.*

**Sponsors:** Roberts, Withers and Pulley

**133. [BL2022-1431](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept the relocation of a fire hydrant assembly, for property located at 820 4th Avenue North, also known as Ballpark Village (MWS Project No. 22-WL-49 and Proposal No. 2022M-116ES-001).

**Analysis**

This ordinance accepts the relocation of one fire hydrant assembly for property located at 820 4th Avenue North, also known as Ballpark Village.

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 Metro Water Services.*

**Sponsors:** OConnell, Withers and Pulley