



Metro Council

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## H. Resolutions on Public Hearing

### 2. [RS2022-1688](#)

A resolution exempting Fait La Force Brewing Company, located at 1414 3rd Avenue South, Suite 101 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 Fait La Force Brewing Company located at 1414 3rd Avenue South, Suite 101.

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:** Sledge and Hancock

### 3. [RS2022-1689](#)

A resolution exempting 11 Music Square E #104, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Substitute Ordinance No. BL2019-78.

#### Analysis

This resolution exempts 11 Music Square E #104 from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Substitute Ordinance No. BL2019-78.

On July 7, 2020, the Council adopted Substitute Ordinance No. BL2019-78, as amended, which provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

**Sponsors:** OConnell and Hancock

4. [\*\*RS2022-1690\*\*](#)

A resolution exempting 102 N 8th Street, from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Substitute Ordinance No. BL2019-78.

**Analysis**

This resolution exempts 102 N 8th Street from the minimum distance requirements for obtaining a Short Term Rental Property - Not Owner-Occupied permit pursuant to Substitute Ordinance No. BL2019-78.

On July 7, 2020, the Council adopted Substitute Ordinance No. BL2019-78, as amended, which provides that no new STRP - not owner-occupied permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. The Council may approve an exemption from the minimum distance requirements upon adoption of a resolution, after a public hearing, receiving 21 affirmative votes.

**Sponsors:** Withers and Hancock

I. **Consent Resolutions and Resolutions**

7. [\*\*RS2022-1691\*\*](#)

A resolution approving amendments to two grant contracts for constructing affordable housing approved by RS2019-1861 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 two grant contracts between the Metropolitan Housing Trust Fund Commission and two nonprofit organizations. Pursuant to Resolution No. RS2019-1861, the Metropolitan Housing Trust Fund Commission entered into grant agreements with multiple nonprofits, including Renewal House and Urban Housing Solutions, for the express purpose of constructing affordable housing. These two grant agreements were

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previously amended to extend the term of the grant pursuant to Resolution No. RS2021-1065.

The resolution under consideration approves the second amendment to both grant contracts to extend the term of each contract. The original contracts were set to terminate 24 months from execution of the grant agreement. The first amendment to each grant extended the term to no greater than 36 months from the execution of the agreement. The amendments under consideration extend the term of each agreement to no greater than 42 months from the execution of the agreement. No other amendments would be made to either grant agreement.

**Sponsors:** Parker, Allen, Welsch and Suara

8. [RS2022-1692](#)

A resolution to approve the Third Amendment to a grant contract for constructing affordable housing approved by RS2019-1861 between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission, and Affordable Housing Resources.

Analysis

This resolution approves the third amendment to a grant contract between the Metropolitan Housing Trust Fund Commission and Affordable Housing Resources. Pursuant to Resolution No. RS2019-1861, the Metropolitan Housing Trust Fund Commission entered into grant agreements with multiple nonprofits, including Renewal House and Urban Housing Solutions, for the express purpose of constructing affordable housing.

This grant agreement was previously amended pursuant to Resolution Nos. RS2021-1065 and RS2022-1328. The first amendment extended the term of the grant agreement and the second amendment reduced the number of units and the grant award to accommodate the grantee's financial request.

The amendment under consideration extends the grant term to 48 months from the execution of the grant agreement.

**Sponsors:** Parker, Allen, Welsch and Suara

9. [RS2022-1693](#)

A resolution accepting the terms of a cooperative purchasing master agreement for Polaris off-road vehicles, utility task vehicles, and all-terrain vehicles.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for Polaris off-road vehicles, utility task vehicles, and all-terrain vehicles. This purchasing agreement is between Sourcewell, a state of Minnesota local government agency, and Polaris Sales, Inc. The agreement is valid through January 29, 2025.

T.C.A. § 12-3-1205(b) authorizes local governments to participate in cooperative purchasing agreements with governmental entities outside of the state as long as the goods or services

were competitively procured by the other governmental entity. T.C.A. § 12-3-1205(b) further provides that local governments may participate in a master agreement by adopting a resolution accepting the terms of the master agreement.

**Sponsors:** Allen

10. [RS2022-1694](#)

Initial resolution authorizing and providing for the issuance and sale of water and sewer revenue bonds in an aggregate principal amount not to exceed \$315,000,000 of The Metropolitan Government of Nashville and Davidson County.

Analysis

This is an initial resolution providing for the issuance of up to \$315 million in water and sewer revenue bonds. The maximum interest rate of these bonds cannot exceed the maximum rate permitted by applicable law. The purpose of water and sewer revenue bonds is for financing capital improvements to the Metropolitan Government's water and sewer system, and the principal, premium, and interest on the bonds are payable solely from and secured solely by a pledge of the income and revenues of this system. This initial resolution is required by T.C.A § 9-21-304 to be adopted prior to the issuance of revenue bonds. As required by state law, the clerk is directed to publish, once, the initial resolution in a newspaper of general circulation.

**Sponsors:** Allen

11. [RS2022-1695](#)

Resolution supplementing and amending Substitute Resolution No. RS2010-1442 to authorize the execution, terms and delivery of a loan agreement by and between the Metropolitan Government and the United States Environmental Protection Agency, acting by and through the Administrator of the Environmental Protection Agency, pursuant to which a loan will be provided in a principal amount not to exceed \$315,000,000, providing for the financing of certain water and sewer system projects of the Metropolitan Government, and to authorize the execution, terms, issuance, sale and payment of one or more water and sewer revenue bonds in connection with and as evidence of said loan agreement; and repealing those provisions of Resolution No. RS2011-114 authorizing the issuance of subordinate lien water and sewer revenue bonds.

Analysis

This resolution authorizes the execution, terms and delivery of a loan agreement between the Metropolitan Government and the U.S. Environmental Protection Agency ("EPA") not to exceed \$315,000,000, pursuant to The Water Infrastructure Finance and Innovation Act ("WIFIA"). The resolution further authorizes the execution, terms, issuance, sale and payment of one or more water and sewer revenue bonds in connection with and as evidence of this loan agreement. Finally, the resolution repeals the provisions of Resolution No. RS2011-114 (the "Second Supplemental Resolution") which authorized the issuance of subordinate lien water and sewer revenue bonds because the subordinate lien bonds have been defeased and Metro Water does not need to have more subordinate lien bonds issued.

The WIFIA Loan will be issued on parity with the Bond Resolution as well as other

supplemental resolutions. Substitute Resolution RS2010-1442 (the “Bond Resolution”) authorized the issuance from time to time of Metro Water and Sewer (MWS) revenue bonds after adoption of a supplemental Council resolution. This authority has been used seven times since then. The first supplemental resolution authorized the 2010 bonds in four series, collectively known as the Series 2010 bonds. The second supplemental resolution, approved in 2011, amended certain provisions of the Bond Resolution. The third supplemental resolution authorized the 2013 revenue bonds, and the fourth supplement authorized the 2017 revenue bonds. The fifth supplemental resolution was approved in March 2020 and the sixth supplemental resolution was approved in April 2020 to authorize the financing and construction of several MWS capital projects through the State Revolving Fund Loan. The seventh supplemental resolution authorized the issuance of Series 2021 revenue bonds in an amount not to exceed \$780,000,000 to retire commercial paper, funding capital improvements to the water and sewer system, refund the Series 2013 Bonds, and to defease the remaining outstanding Series 2012 Subordinate Lien Bonds. The WIFIA Loan also will be on parity with the 2020 State Revolving Fund Loans, as approved by the Tennessee Local Development Authority.

This resolution, which will be the Eighth Supplemental Resolution, authorizes the Metropolitan Government to enter into a loan agreement with the WIFIA Lender, the EPA, as evidenced by a water and sewer bond and approves the WIFIA Loan Agreement, pursuant to which the WIFIA lender will make a loan to the Metropolitan Government in a principal amount not to exceed \$315,000,000. This loan will finance water and sewer infrastructure improvements. Participation in the EPA’s WIFIA program will be beneficial for MWS because it creates a ceiling for the interest rate. At closing, a flat interest rate will be established but may be reduced if the interest rates drop prior to drawing on the loan. Additionally, the structure of the WIFIA Loan Agreement allows MWS to draw down the funds as needed, thus only paying the interest on the amount drawn. And, the WIFIA Loan Agreement is prepayable without penalty at any time, unlike public market bonds.

**Sponsors:** Allen

**12. [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 Authority (“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 and Toombs

**13. [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 and Toombs

**14. [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 and Toombs

**15. [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 and Toombs

**16. [RS2022-1700](#)**

A resolution accepting a grant from the Greater Nashville Regional Council to the Metropolitan Government, acting by and through the Metropolitan Social Services Commission, to provide delivered meals to eligible seniors in their homes and in congregate meal sites throughout Davidson County.

**Analysis**

This resolution accepts a grant from the Greater Nashville Regional Council (“GNRC”) to the Metropolitan Social Services Commission in an amount not to exceed \$897,335 with a required cash match of \$81,459.22. This grant will provide delivered meals that meet RDA nutritional guidelines to eligible seniors in their homes and in congregate meal sites throughout Davidson County. The grant also provides transportation services to eligible seniors and adults with physical disabilities. The grant period is from July 1, 2022 to June 30, 2023. This is a continuation of the Nutrition Grant that Metro Social Services has had with GNRC for over 30 years.

**Sponsors:** Allen, Welsch, Suara and Styles

**17. [RS2022-1701](#)**

A resolution approving the Second Amendment to an agreement between the Metropolitan Government of Nashville and Davidson County and WellSky Corporation to provide a homeless management information system.

**Analysis**

This resolution approves the second amendment to an agreement between the Metropolitan Government and WellSky Corporation. This contract is for the provision of a homeless management information system.

Metropolitan Code of Laws Section 4.12.060 provides that sole source contracts with a total contract amount in excess of two hundred fifty thousand dollars must be approved by the Council by resolution. The previous estimated contract life value of this contract was \$210,123, which did not trigger the requirement that this sole source contract be approved by Council.

This amendment to the contract increases the term of the contract from 24 months to 60 months. The original term of the contract began on October 7, 2020. The amendment further increases the value of the contract by \$152,562.83 for a new estimated value of \$362,685.83. Exhibit F - Order Form and Pricing would also be updated to reflect these changes.

*Fiscal Note: The amendment will extend the term of the contract to sixty months and increase the contract value by \$152,562.83 for a total revised estimated value of \$362,685.83 due to the extension of the contract. The end date of the contract is October 6, 2025.*

**Sponsors:** Allen and Welsch

18. [RS2022-1702](#)

A resolution accepting a grant from the Tennessee Arts Commission to the Metropolitan Government, acting by and through the Metropolitan Arts Commission, for general operating support to expand, improve, and develop the arts in Tennessee.

Analysis

This resolution accepts a grant from the Tennessee Arts Commission to the Metropolitan Arts Commission in an amount not to exceed \$77,300 with a required cash match of \$77,300. This grant is for general operating support to expand, improve, and develop the arts in Tennessee. The grant period is from July 1, 2022 to June 30, 2023.

**Sponsors:** Allen, Bradford, Welsch and Styles

19. [RS2022-1703](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claims of Dorthea Chatman against the Metropolitan Government of Nashville and Davidson County in the amount of \$25,000 and that said amount be paid from the Self-Insured Liability Fund.

Analysis

On October 22, 2019, Dorthea Chatman was stopped at the intersection of Hamilton Church and Hobson Pike when her vehicle was involved in a collision with a Nashville Fire Department ambulance. Ms. Chatman had stopped at a red traffic signal while the ambulance proceeded through the intersection with emergency lights and siren activated. Another vehicle proceeded through the intersection with a green traffic signal and did not see the ambulance. The ambulance struck the other vehicle and, in turn, struck two additional vehicles, including Ms. Chatman's vehicle.

Ms. Chatman was transported to the hospital complaining of a headache and other physical bodily pain. She was discharged and sought follow-up treatment. She underwent a course of physical therapy and treatment for headaches after the accident. Ms. Chapman's medical expenses total \$53,753.85.

The Department of Law recommends settlement of this personal injury claim for \$25,000. No disciplinary action was taken against the Metropolitan Government employee at the discretion

of the employee's supervisor.

*Fiscal Note: This \$25,000 settlement, along with the settlements per Resolution Nos. RS2022-1705 and RS2022-1706 would be the 5th, 6th, and 7th payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$139,674. The fund balance would be \$12,242,837 after these payments.*

**Sponsors:** Allen

**20. [RS2022-1704](#)**

A resolution approving amendment one to 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 approves amendment one to a Project Safe Neighborhood grant from the Tennessee Department of Finance and Administration to the Metropolitan Nashville Police Department to reduce gun violence. The original agreement was approved by Resolution No. RS2021-1096. The term of the grant began October 15, 2021.

The amendment extends the end date of the grant from August 31, 2022 to June 30, 2023. The amendment also adds a new section regarding State Sponsored Insurance to the grant contract. No additional money is being added to the grant.

**Sponsors:** Allen, Evans and Suara

**21. [RS2022-1705](#)**

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Reatha White against the Metropolitan Government of Nashville and Davidson County in the amount of \$6,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On December 7, 2021, Reatha White was traveling northbound on Myatt Drive when she slowed her vehicle due to metal plates in the roadway covering a construction trench. An employee of the Department of Health, driving a Department of Health van, struck the rear of Ms. White's vehicle causing damage to the rear bumper. The cost to repair Ms. White's vehicle totaled \$3,802.78, which has been paid previously by Metro.

Ms. White received treatment for lower back and neck pain. Her medical costs totaled \$4,970.

The Department of Law recommends settlement of this personal injury claim for \$6,000, which includes the cost of her medical treatment and pain and suffering. The Metropolitan employee was required to retake the defensive driving course.

*Fiscal Note: This \$6,000 settlement, along with the settlements per Resolution Nos. RS2022-1703 and RS2022-1706 would be the 5th, 6th, and 7th payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$139,674. The fund balance would be \$12,242,837 after these payments.*

**Sponsors:** Allen

22. [RS2022-1706](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Marlene Woods against the Metropolitan Government of Nashville and Davidson County in the amount of \$5,815.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On December 7, 2021, Reatha White was traveling northbound on Myatt Drive when she slowed her vehicle due to metal plates in the roadway covering a construction trench. Marlene Woods was a passenger in Ms. White's vehicle. An employee of the Department of Health, driving a Department of Health van, struck the rear of Ms. White's vehicle causing damage to the rear bumper.

Ms. Woods received treatment for neck and lower back pain. Her medical costs totaled \$4,785.

The Department of Law recommends settlement of this personal injury claim for \$5,815, which includes the cost of her medical treatment and pain and suffering. The Metropolitan employee was required to retake the defensive driving course.

*Fiscal Note: This \$5,815 settlement, along with the settlements per Resolution Nos. RS2022-1703 and RS2022-1705 would be the 5th, 6th, and 7th payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$139,674. The fund balance would be \$12,242,837 after these payments.*

**Sponsors:** Allen

23. [RS2022-1707](#)

A resolution accepting a grant from the State of Tennessee, Department of Health, to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to use available data to identify populations at high risk for adverse consequences from substance abuse and employ evidence-based interventions that are responsive to population needs.

Analysis

This resolution accepts a grant from the State of Tennessee to the Metropolitan Board of Health in an amount not to exceed \$681,000 with no cash match required. This grant will provide for use of available data to identify populations at high risk of adverse consequences from substance abuse and employ evidence-based interventions that are responsive to population needs. The grant period is from September 1, 2022 to August 31, 2023.

**Sponsors:** Allen, Evans, Welsch and Suara

**24. [RS2022-1708](#)**

A resolution accepting a grant from the State of Tennessee, Department of Health, to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to promote the proper use of all recommended vaccines and respond to vaccine preventable diseases in collaboration with the CDC and other partners.

Analysis

This resolution accepts a grant from the Tennessee Department of Health to the Metropolitan Board of Health in an amount not to exceed \$6,437,474 with no cash match required. This grant will be used for promoting the proper use of all recommended vaccines and respond to vaccine preventable diseases in collaboration with the CDC and other partners. The grant period is from July 1, 2021 to June 30, 2023.

**Sponsors:** Allen, Evans, Welsch, Suara and Styles

**25. [RS2022-1709](#)**

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 provide an array of programs and direct patient care services to meet the public health needs of Tennessee's citizens.

Analysis

This resolution accepts a grant from the Tennessee Department of Health to the Metropolitan Board of Health in an amount not to exceed \$725,200 with no cash match required. This will provide for an array of programs and direct patient care services to meet the public health needs of Tennessee's citizens. The grant period is from July 1, 2022 to June 30, 2023.

**Sponsors:** Allen, Evans, Welsch and Suara

**26. [RS2022-1710](#)**

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 ensure federal preparedness funds are directed to Tennessee Regional and Metropolitan Emergency Preparedness programs to prepare for, respond to, and recover from public health threats.

Analysis

This resolution accepts a grant from the Tennessee Department of Health to the Metropolitan Board of Health in an amount not to exceed \$4,012,875 with no cash match required. This grant will be used to ensure federal preparedness funds are directed to Tennessee Regional and Metropolitan Emergency Preparedness programs to prepare for, respond to, and recover from public health threats. The grant period is from July 1, 2022 to June 30, 2027.

**Sponsors:** Allen, Evans, Welsch and Suara

**27. [RS2022-1711](#)**

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 provide oral disease

prevention services for school children in grades K-8 in qualifying public schools.

Analysis

This resolution accepts a grant from the Tennessee Department of Health in an amount not to exceed \$1,804,200 with no cash match required to the Metropolitan Board of Health. This will provide oral disease prevention services for school children in grades K-8 in qualifying public schools. The grant period is from July 1, 2022 to June 30, 2024.

**Sponsors:** Allen, Evans, Withers and Suara

**28. [RS2022-1712](#)**

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 provide Viral Hepatitis Program Services aimed at prevention, testing, diagnosis, surveillance, and linkage to treatment and other support services.

Analysis

This resolution accepts a grant from the Tennessee Department of Health in amount not to exceed \$188,200 with no cash match required to the Metropolitan Board of Health. This will provide Viral Hepatitis Program Services aimed at prevention, testing, diagnosis, surveillance, and linkage to treatment and other support services. The grant period is from July 1, 2021 to June 30, 2023.

**Sponsors:** Allen, Evans and Welsch

**29. [RS2022-1713](#)**

A resolution approving amendment one to a grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide HIV/AIDS core medical services and early intervention services.

Analysis

This resolution approves amendment one to a grant from the Tennessee Department of Human Services to the Metropolitan Board of Health to provide HIV/AIDS core medical services and early intervention services. The original agreement was approved by Resolution No. RS2022-1429. The term of the grant began April 1, 2022.

The amendment updates section A.16 of the existing grant agreement regarding COVID-19 Vaccination Education Efforts. No other changes will be made to the grant agreement.

**Sponsors:** Allen, Evans, Welsch and Bradford

**30. [RS2022-1714](#)**

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

Analysis

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

The amendment increases the amount of the grant by \$198,052.80 for a new grant total of \$378,852.80. The amendment also extends the end date of the grant by one year to September 30, 2023. The payment methodology would also be changed from a fee per month to a fee per establishment.

**Sponsors:** Allen, Evans, Welsch and Suara

**31. [RS2022-1715](#)**

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

Analysis

This resolution accepts a grant from the Friends of Metro Animal Care and Control to the Metropolitan Board of Health in an amount not to exceed \$23,000 with no cash match required. This grant will provide \$10,000 in funding for emergency care for shelter animals, \$10,000 in funding for the Safety Net Program, and \$3,000 in funding to foster behavioral support. The grant period is from July 1, 2022 to June 30, 2023.

**Sponsors:** Allen, Evans, Bradford, Hancock and Styles

**32. [RS2022-1716](#)**

A resolution accepting a grant from the Nashville Public Library Foundation to the Metropolitan Government, acting by and through the Nashville Public Library, to fund a program manager position to help supervise NAZA capacity building and grant management that focuses on integration of Nashville's Vision for Holistic Youth Development.

Analysis

This resolution accepts a grant from the Nashville Public Library Foundation to the Nashville Public Library in an amount not to exceed \$80,500 with no cash match required. This grant will fund a program manager position to help supervise NAZA capacity building and grant management of a federal grant that focuses on integration of Nashville's Vision for Holistic Youth Development. The grant period is from July 1, 2022 to June 30, 2023.

**Sponsors:** Allen, Bradford, Welsch and Suara

**33. [RS2022-1717](#)**

A resolution accepting a Wishing Chair Productions grant from the Nashville Public Library

Foundation to the Metropolitan Government, acting by and through the Nashville Public Library, to fund puppeteers to help with education outreach by providing puppet shows to daycare centers, elementary schools, and Head Start facilities.

Analysis

This resolution accepts the award of a Nashville Public Library Foundation Wishing Chair Productions grant to the Nashville Public Library in an amount not to exceed \$87,500 with no cash match required. This grant will fund puppeteers to help with education outreach by providing puppet shows to daycare centers, elementary schools, and Head Start facilities. The grant period is from July 1, 2022 to June 30, 2023.

**Sponsors:** Allen, Bradford, Welsch, Suara and Styles

**34. [RS2022-1718](#)**

A resolution accepting a grant from the Nashville Public Library Foundation to the Metropolitan Government, acting by and through the Nashville Public Library, to fund education and literacy programs to provide literacy initiatives that emphasize the importance of developing literacy skills by educating teachers, children, and parents.

Analysis

This resolution accepts a grant from the Nashville Public Library Foundation to the Nashville Public Library in an amount not to exceed \$421,400 with no cash match required. This grant will fund education and literacy programs to provide literacy initiatives that emphasize the importance of developing literacy skills by educating teachers, children, and parents. The grant period is from July 1, 2022 to June 30, 2023.

**Sponsors:** Allen, Bradford, Welsch and Suara

**35. [RS2022-1719](#)**

A resolution accepting a grant from the Nashville Public Library Foundation to the Metropolitan Government, acting by and through the Nashville Public Library, to fund program coordinator positions for the Votes for Women and Archives Digitization Program divisions to facilitate ongoing programming and continued digitization of audiovisual materials.

Analysis

This resolution accepts a grant from the Nashville Public Library Foundation to the Nashville Public Library in an amount not to exceed \$131,000 with no cash match required. This grant will fund program coordinator positions for the Votes for Women and Archives Digitization Program divisions to facilitate ongoing programming and continued digitization of audiovisual materials. The grant period is from July 1, 2022 to June 30, 2023.

**Sponsors:** Allen, Bradford, Welsch and Suara

**36. [RS2022-1720](#)**

A resolution accepting a Systemwide Programming grant from the Nashville Public Library Foundation to the Metropolitan Government, acting by and through the Nashville Public Library, to fund a program coordinator to facilitate performers, program supplies, and

foundation enhancement.

Analysis

This resolution accepts a Systemwide Programming grant from the Nashville Public Library Foundation to the Nashville Public Library in an amount not to exceed \$68,100 with no cash match required. This grant will fund a program coordinator to facilitate performers, program supplies, and foundation enhancement. The grant period is from July 1, 2022 to June 30, 2023.

**Sponsors:** Allen, Bradford and Welsch

**37.** [RS2022-1721](#)

A resolution accepting an in-kind grant from the Metropolitan Development and Housing Agency (MDHA) to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide procurement and construction management services for Kossie Gardner Sr. Park.

Analysis

This resolution accepts an in-kind grant from the Metropolitan Development and Housing Agency ("MDHA") to the Metropolitan Board of Parks and Recreation with an estimated value of \$1,500,000 and no cash match required. This grant will provide for procurement and construction management services for Kossie Gardner Sr. Park Phase 2. MDHA will directly pay for these improvements. The Metropolitan Board of Parks and Recreation approved the acceptance of this in-kind grant on July 5, 2022.

**Sponsors:** OConnell, Allen and Bradford

**38.** [RS2022-1722](#)

A resolution approving amendment two to a Transportation Alternatives Program (TAP) grant from the Tennessee Department of Transportation to the Metropolitan Government, acting by and through the Metropolitan Nashville Parks and Recreation Department, to provide funding for the construction of a multi-modal path and elevated boardwalk from the Cumberland River Pedestrian Bridge to the Opry Mills Complex.

Analysis

This resolution approves amendment two to a Transportation Alternatives Program grant from the Tennessee Department of Transportation to the Metropolitan Nashville Parks and Recreation Department. The grant is used to provide funding for the construction of a multi-modal path and elevated boardwalk from the Cumberland River Pedestrian Bridge to the Opry Mills Complex. The original agreement was approved by Resolution No. RS2017-990 and amendment one was approved by RS2018-1236. The term of the grant began July 1, 2017.

The amendment extends the end date of the grant from July 1, 2022 to June 30, 2024. The amendment also updates Exhibit A to the grant agreement. No other changes are made by this amendment.

**Sponsors:** Syracuse, Withers, Allen, Bradford and Welsch

**39. [RS2022-1723](#)**

A resolution authorizing LMC Towne Property Owner, LLC to construct and install an aerial encroachment at 808 Garfield St (Proposal No.2022M-017EN-001).

Analysis

This resolution authorizes LMC Towne Property Owner, LLC to construct, install, and maintain an aerial encroachment at 808 Garfield Street. The encroachment comprises one projecting sign 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. Prior to receiving a permit, the applicant must file a certificate of public liability insurance in the amount of \$4,000,000 with the Metropolitan Clerk and NDOT naming the Metropolitan Government as an insured party.

This resolution has been approved by the Planning Commission.

**Sponsors:** OConnell, Withers and Young

**40. [RS2022-1724](#)**

A resolution adopting the Nashville Department of Transportation and Multimodal Infrastructure's Vision Zero Action Plan and Vision Zero Five-Year Implementation Plan and pledging to support the Metropolitan Government's efforts to achieve zero traffic deaths and serious injuries on Nashville's roadways.

Analysis

This resolution adopts the Nashville Department of Transportation and Multimodal Infrastructure's ("NDOT") Vision Zero Action Plan and Vision Zero Five-Year Implementation Plan and pledges support to the Metropolitan Government's efforts to achieve zero traffic deaths and serious injuries on Nashville's roadways.

NDOT has completed work on the Vision Zero Action Plan and the Vision Zero Five-Year Implementation Plan. Both plans are available as attachments to this resolution.

The Vision Zero Action Plan is NDOT's plan to reduce the number of deaths and serious injuries on Nashville's streets. The Action Plan includes strategies and actions that will create safer streets, prioritize equity, increase collaboration and transparency, promote a culture of safety, and improve data quality. The Action Plan also identifies a High Injury Network of the most dangerous roads and intersections across Davidson County for people walking, biking and driving, and the plan was developed based upon extensive data analysis as well as community input.

The Vision Zero Five-Year Implementation Plan makes specific commitments to projects, policies, and programs over the next five years to meet the goal of zero deaths and serious injuries with a specific focus on locations identified in the High Injury Network. The Implementation Plan determines annual funding needs for NDOT to successfully meet the goals outlined in the document. The Implementation Plan develops specific, measurable

actions over the next five years that can be taken based on the Action Plan.

**Sponsors:** Young, Allen, Syracuse and Styles

**41. [RS2022-1725](#)**

A resolution approving an agreement between the United States Department of the Army and the Metropolitan Government of Nashville and Davidson County for Phase 7 of the Flood Preparedness Study in Davidson County, Tennessee.

**Analysis**

This resolution approves an agreement between the Metropolitan Government and the U.S. Department of Army for Phase 7 of a flood preparedness study. This study has been underway for several years to gather data and prepare modeling to develop flood insurance rates. Phase 6 of this study was approved in August 2017 pursuant to Resolution No. RS2017-818.

Phase 7 includes the following:

- Continuing technology transfer between Metro, USACE, FEMA, NWS, and USGS;
- Update flood frequency analysis;
- Future buildout analysis for Cumberland River tributary streams;
- Future conditions analysis of the Cumberland River;
- HEC-RTS training, technology transfer, and modeling; and
- H&H modeling support.

The cost of Phase 7 of the study is estimated to be \$1,035,123, with Metro and the USACE each paying 50% cost. Metro is responsible for approximately \$517,562, payable in three installments across three fiscal cycles.

*Fiscal Note: Metro will pay 50% of the Technical Assistance's projected total cost of \$1,035,123 in the amount of \$517,562 for the Phase 7 of the Flood Preparedness Study. This payment will be paid in three interval payments with the first installment in the amount of \$173,000. The second installment in the amount \$172,000 after July 1, 2023 and third installment in the amount of \$172,000 after July 1, 2024.*

**Sponsors:** Allen and Young

**K. Bills on Second Reading**

**51. [BL2022-1344](#)**

An ordinance amending Title 5 of the Metropolitan Code to establish a development impact fee.

**Analysis**

This ordinance would implement a development impact fee in Nashville and Davidson County which would only become effective upon the enactment of legislation by the Tennessee General Assembly authorizing the Metropolitan Government to levy an impact fee or privilege tax as set forth in the ordinance. Impact fees are monetary amounts paid by developers at the

time a development commences that are designed to offset the impact the development will have on government services and infrastructure.

Provided that state enabling legislation authorizes this ordinance, there would be an impact fee at a rate of \$1.00 per gross square foot of residential development and \$2.00 per gross square foot of non-residential development. Certain development would be excluded from the impact fee, including public buildings, places of worship, barns or outbuildings used for agricultural purposes, replacement of structures destroyed by fire or natural disaster, additions to single-family dwellings, and structures owned by certain nonprofit organizations.

The impact fee would be collected at the time of application for a building permit and no permit could be issued until the impact fee has been paid to the Metropolitan Department of Codes Administration. The impact fees would be used to provide necessary public facilities related to new development. Public facilities includes roads, bridges, jails, law enforcement facilities, schools, government buildings, fire stations, landfills, water and wastewater projects, and drainage projects.

While the ordinance provides that the bill will only become effective upon approval of the state enabling legislation, the Council Office is of the opinion that enacting an impact fee is inconsistent with the 2006 Tennessee County Powers Relief Act (CPRA) (codified as T.C.A. § 67-4-2901, et seq.), and thus cannot be implemented in Davidson County absent a change in state law. Although there was a state public act from 1988 regarding impact fees that other counties used to implement impact fees, that act predated the CPRA. The 1988 public act has essentially been preempted by the CPRA, which provides that “after June 20, 2006, no county shall be authorized to enact an impact fee on development or a local real estate transfer tax by private or public act.” (T.C.A. § 67-4-2913). Since Metro did not have an impact fee enacted prior to 2006, Metro cannot rely on the 1988 public act.

In order to be eligible to enact an impact fee under the CPRA, Metro must meet one of the following:

1. The county experienced a growth rate of 20% or more in total population from the 1990 federal census to the 2000 federal census, or any subsequent federal decennial censuses;  
or
2. The county experienced a 9% or more increase in population over the period from the year 2000 to 2004, or over a subsequent four-year period, according to United States census bureau population estimates.

To date, Metro has not met the population increase thresholds articulated in the state law. In addition, a court would likely find there is not a sufficient nexus between the development paying the impact fee and the use of the funds.

There is no legislation pending before the Tennessee General Assembly that would authorize the Metropolitan Government to implement an impact fee. Further, the Council Office is not aware of any intent to bring legislation before the Tennessee General Assembly in the 2023 session to implement an impact fee. While this legislation purportedly becomes effective only

upon the enactment of enabling legislation by the Tennessee General Assembly, without that enabling legislation this ordinance cannot be effective.

**Sponsors:** Hall

**52. [BL2022-1379](#)**

An Ordinance to amend Title 2 of the Metropolitan Code of Laws to create the Nashville Entertainment Industry Board.

**Analysis**

This ordinance establishes the Nashville Entertainment Industry Board (“NEIB”). The NEIB would promote the film and television industry in Nashville and Davidson County, as well as market Nashville and Davidson County for regional, national, and international opportunities and promote job creation, economic development, and general and racial equity in the entertainment industry.

The NEIB would be composed of nine members. Two members would be appointed by the mayor, two members would be elected by the Council, two members would be selected by the Council from nominations submitted by the entertainment industry at large, one member would be selected by the Council from nominations from each of the following: the International Alliance of Theatrical Stage Employees, the Screen Actors Guild - American Federation of Television and Radio Artists, and the American Federation of Musicians. All members would be required to hold occupation in the entertainment industry, defined to include “film, television, digital streaming content, virtual/augmented reality or within the metaverse/omniverse.” Members would be required to have a minimum of five years of professional experience. Members of the board would serve without compensation and serve staggered three-year terms.

The work of the board would be managed by an executive director appointed by the NEIB. Staff would be provided by the Metropolitan Government upon recommendation of the NEIB. The director and staff would be responsible for providing necessary permitting and the facilitation of locations for production and necessary relations with Metro departments.

**Sponsors:** Swope, Hurt, Hall, Syracuse and VanReece

**53. [BL2022-1380](#)**

An ordinance amending Section 2.178.010 of the Metropolitan Code of Laws to add property to the South Nashville Central Business Improvement District for Metropolitan Nashville and Davidson County, Tennessee.

**Analysis**

This ordinance amends Section 2.178.010 of the Metropolitan Code of Laws to add an additional tract of land to the South Nashville Central Business Improvement District (“SONA CBID”). The SONA CBID was approved by Council on April 17, 2018, pursuant to Ordinance No. BL2018-1140.

Central Business Improvement Districts (“CBIDs”) are permitted pursuant to Tenn. Code Ann. §7-84-501 et seq. and allow the imposition of an additional assessment on all property located within the area to provide enhanced services. Under state law, a CBID can be established by either a petition of a majority of all real property owners in the proposed district, representing two thirds of the assessed value, or by Council action. The Council has approved the creation of two other CBIDs - one in downtown and a second in the Gulch area. The SONA CBID’s special assessment is primarily used to fund the construction and maintenance of roadways, to fund other improvements within the CBID related to the construction and maintenance of water and sewer infrastructure, and to construct a public greenway.

At the time of its creation, the SONA CBID consisted of 12 parcels owned by Century Farms, LLC. Since the adoption of the SONA CBID, Century Farms, LLC has acquired an additional property comprising approximately 2.97 acres. Century Farms, LLC has requested this property be included within the boundaries of the SONA CBID. The ordinance under consideration adds this additional property to the boundaries of the SONA CBID.

**Sponsors:** Styles and Suara

**54. [BL2022-1381](#)**

An ordinance amending Chapter 5.04 of the Metropolitan Code of Laws requiring payments in lieu of taxes made by the Convention Center Authority be dedicated to affordable housing initiatives.

**Analysis**

This ordinance amends the Metropolitan Code of Laws to require any payments in lieu of taxes made by the Convention Center Authority (“CCA”) to be utilized for affordable housing initiatives. In November 2019, the Metropolitan Government and the CCA entered into a memorandum of understanding whereby CCA agrees to make annual payments to the Metropolitan Government from the CCA’s surplus revenue fund that equal the ad valorem property taxes that would be paid on privately-owned property similar to that of the Music City Center. The payments are to continue for so long as the CCA receives the pledged funds and is able to otherwise by its operating expenses and contractual obligations.

The ordinance under consideration creates a new section of the Metropolitan Code of Laws which would require that any such payment will be deposited into a separate fund and, subject to annual appropriations, would be used solely for the funding of affordable housing initiatives within the boundaries of the Metropolitan Government. This would include funding of the Barnes Fund for Affordable Housing. In addition, this ordinance requires that the Department of Finance review the amount of anticipated payment in lieu of ad valorem taxes for the Music City Center against the affordable housing needs in Nashville and Davidson County every five years. If the payment exceeds the needs for affordable housing initiatives, the Finance and Planning Departments would be required to notify and make recommendations to the Council regarding the expenditure of these funds.

The ordinance under consideration creates a new section of the Metropolitan Code of Laws which would require that any such payment would be used for the funding of affordable

housing initiatives within the boundaries of the Metropolitan Government. This would include funding of the Barnes Fund for Affordable Housing.

In addition, this ordinance requires that the Department of Finance review the amount of anticipated payment in lieu of ad valorem taxes for the Music City Center against the affordable housing needs in Nashville and Davidson County every five years. If, after this review, the payment exceeds the needs for affordable housing initiatives, departments would be required to notify and make recommendations to the Council regarding the expenditure of these funds.

**Sponsors:** Parker, Allen, VanReece, Welsch and Suara

**55. [BL2022-1382](#)**

An ordinance amending Metropolitan Code Section 5.20.100 regarding the abatement of property taxes for certain improvements or restorations made to historic properties as authorized under the provisions of Tennessee Code Annotated Section 67-5-218.

**Analysis**

This ordinance amends Metropolitan Code of Laws Section 5.20.100, which established a property tax abatement program for certain improvements or restorations made to historic properties. T.C.A. § 67-5-218 authorizes local governments to establish a historic properties review board, and to establish tax abatement programs for historic properties through such board. T.C.A. § 67-5-218 further allows a property tax exemption on the value of improvements made to properties certified by a historic properties review board.

If any structure receiving a historic properties tax exemption is demolished or significantly altered during the period of exemption, the exemption of the improved value will immediately terminate and the owner would be liable at that time for the full property tax value.

The Metropolitan Historic Zoning Commission serves as the historic properties review board for Nashville and Davidson County.

In September 2021, the Council approved Ordinance No. BL2021-864 which amended this provision to create a cap of \$10 million for the cumulative maximum value of improvements made to, or restorations of, any structure for which historic property tax abatements may apply in one fiscal year. That ordinance also provided that the provisions of Metropolitan Code of Laws Section 5.20.100, including authorization for the establishment of a historic property review board and the abatement of property taxes, expires July 1, 2024 unless extended by a resolution of the Council.

The ordinance under consideration increases the cap for the cumulative value of improvements made to, or restorations of, any structure for which historic property tax abatements in any one fiscal year from \$10 million to \$20 million. The ordinance also creates a new category for improvements made to historic structures damaged whether by a natural disaster, manmade disaster or any other cause or causes beyond the owner's reasonable control. The cap for the cumulative value of these damaged properties is \$10 million. Finally, the ordinance extends the date of when these provisions expire to July 1, 2032, unless extended by a resolution of the

Council.

T.C.A. § 67-5-218 was enacted by the Tennessee General Assembly in 1976. A Tennessee Attorney General opinion from 1982 called into question the constitutionality of the statute since Article II, Section 28, of the Tennessee Constitution specifies the categories for which the General Assembly can authorize a property tax exemption. However, this statute has never been challenged in court and the statute was never repealed. At least one other jurisdiction in Tennessee has implemented the statute at the local level.

*Fiscal Note: If the maximum cumulative value for both the general historic property tax abatement category and the damaged historic property abatement category were met, based upon the current tax rate for commercial property in the Urban Services District, the abatement would be \$390,480 for one year of the program.*

**Sponsors:** Syracuse and Allen

56. [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 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 “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.

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

57. [BL2022-1384](#)

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

calming projects.

### Analysis

This ordinance 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, this ordinance requires that, over any two-year period, every Council district where a qualifying traffic calming program application has been submitted must have been selected for a traffic calming project through the program. In addition, the ordinance provides that NDOT may authorize private construction of a traffic calming project when a neighborhood is able to secure private funding for a traffic calming project on a public road, provided that:

- A qualifying traffic calming program application was submitted by a neighborhood and the project was not selected for the program;
- The road where the traffic calming project is proposed is not an arterial or collector street, as designated by the major and collector street plan;
- The proposed project would promote safety and the quality of life;
- The proposed project meets required design standards approved by NDOT; and
- A petition signed by at least 50% of the property owners on the affected road supporting the proposed traffic calming project has been submitted to NDOT.

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

**Sponsors:** Rosenberg and Evans

### 58. [BL2022-1385](#)

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 enforcing laws outlawing abortion or outlawing interstate travel to obtain an abortion as an allowed use of LPRs.

### Analysis

This ordinance amends Metropolitan Code of Laws Section 13.08.080.G(1)(a)(ii) to add a new subsection prohibiting the use of license plate scanner (“LPR”) technology for assisting with enforcing laws outlawing abortion or outlawing interstate travel to obtain an abortion. The Metropolitan Code of Laws has provisions governing what LPR may be used for and prohibited uses for LPR. This ordinance would add “the enforcement of any laws prohibiting, limiting, or criminalizing reproductive healthcare, including an abortion, or prohibiting, limiting, or

criminalizing interstate travel for the purpose of obtaining reproductive healthcare, including an abortion” to the prohibited uses of LPR.

**Sponsors:** Mendes, Sledge, Withers, OConnell, Hausser, VanReece, Sepulveda, Benedict and Welsch

59. [BL2022-1386](#)

An ordinance approving a contract between The Metropolitan Government of Nashville and Davidson County, acting by and through the Mayor’s Office, and the United Way of Middle Tennessee to provide financial counseling and other financial education activities to low-income residents in accordance with the Financial Empowerment Center program model.

Analysis

This ordinance approves a contract between the Metropolitan Government and the United Way for the continuation of the Nashville Financial Empowerment Center. The Metropolitan Government was the recipient of a grant from Bloomberg Philanthropies for the purpose of operating the financial empowerment program through December 2015. The Financial Empowerment Center program has subsequently been extended by Ordinances Nos. BL2016-387, BL2017-869, BL2018-1313, BL2019-10, BL2020-522, and BL2021-914.

The Financial Empowerment Center provides one-on-one financial counseling and other financial education activities at no charge to low-income residents. The term of this contract extends through June 30, 2023. The United Way agrees to conduct a minimum of 2,160 counseling sessions during this period. At least three full time (or equivalent) counselors would be retained and supervised to provide these services.

*Fiscal Note: Metro will pay United Way of Middle Tennessee \$276,000 annually to provide financial counseling and other financial education activities to low-income residents in accordance with the Financial Empowerment Center program model.*

**Sponsors:** Suara, Welsch and Styles

60. [BL2022-1388](#)

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 1089 right-of-way between Haynie Avenue and Woodfolk Avenue, (Proposal Number 2022M-002AB-001).

Analysis

This ordinance abandons a portion of Alley Number 1089 right-of-way between Haynie Avenue and Woodfolk Avenue. The easements would be retained by the Metropolitan Government. This abandonment has been requested by Start, LLC.

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. In the opinion of the Nashville Department of Transportation and Multi-modal Infrastructure, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.*

**Sponsors:** Toombs, Withers and Young

**61. [BL2022-1389](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept and adjust sanitary sewer manholes, for property located at 1406 Brick Church Pike, also known as the Brick Church Auto Dealership (MWS Project No. 22-SL-71 and Proposal No. 2022M-094ES-001).

**Analysis**

This ordinance authorizes the acceptance and adjustment of two sanitary sewer manholes, for property located at 1406 Brick Church Pike, also known as the Brick Church Auto Dealership.

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

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

**Sponsors:** Toombs, Withers and Young

**62. [BL2022-1390](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept sanitary sewer manholes, for two properties located at 1919 and 1928 9th Avenue North, also known as the Clay Street Commons (MWS Project No. 20-SL-129 and Proposal No. 2022M-091ES-001).

**Analysis**

This ordinance authorizes the acceptance of two sanitary sewer manholes for two properties located at 1919 and 1928 9th Avenue North, also known as the Clay Street Common.

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

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

**Sponsors:** Taylor, Withers and Young

**63. [BL2022-1391](#)**

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 2A (MWS Project Nos. 21-WL-100 and 21-SL-235 and Proposal No. 2022M-096ES-001)

Analysis

This ordinance authorizes the acceptance of approximately 1,331 linear feet of new eight-inch water main (DIP), approximately 542 linear feet of new 10 inch water main (DIP), approximately 1,205 linear feet of new eight inch sanitary sewer main (PVC), three fire hydrant assemblies, eight sanitary sewer manholes and easements for property located at Old Hickory Boulevard (unnumbered), also known as Evergreen Hills Phase 2A.

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

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

**Sponsors:** Rutherford, Withers and Young

**64. [BL2022-1392](#)**

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 1018 B Jefferson Street, also known as Jefferson Street Townhomes (MWS Project No. 22-SL-40 and Proposal No. 2022M-095ES-001).

Analysis

This ordinance authorizes the acceptance of approximately 291 linear feet of new 12-inch sanitary sewer main (DIP) and one sanitary sewer manhole for property located at 1018 B Jefferson Street, also known as Jefferson Street 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. Donated easements have no market value according to the Department of Water Services.*

**Sponsors:** OConnell, Withers and Young

**65. [BL2022-1393](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main and sanitary sewer manhole, for two properties located at 414 and 416 Mallory Street, also known as Mallory Street Townhomes (MWS Project No. 22-SL-28 and Proposal No. 2022M-098ES-001).

Analysis

This ordinance authorizes the acceptance of approximately 189 linear feet of new eight-inch sanitary sewer main (PVC) and one sanitary sewer manhole for two properties located at 414 and 416 Mallory Street, also known as Mallory Street 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. Donated easements have no market value according to the Department of Water Services.*

**Sponsors:** Sledge, Withers and Young

## L. Bills on Third Reading

### 66. [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, as amended, amends Section 13.08.080 of the Metropolitan Code of Laws by adding a new provision to subsection 13.08.080G(1)(a)(ii) to prohibit any department from using an LPR system or LPR information to assist any federal official in the identification, apprehension, detention, or removal of any person in connection with the immigration laws of the United States. The ordinance also adds a provision prohibiting 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.

This ordinance could be interpreted by the State as a sanctuary policy a violation Title 7, Chapter 68, Part 101, et seq., of the Tennessee Code Annotated (the “Act”). The Act prohibits a local governmental entity from adopting a “sanctuary policy” 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.*” If the State were to determine that the ordinance is a sanctuary policy because it prohibits a department from using the LPR system/information to assist federal officials with immigration compliance the Metropolitan Government will be ineligible to enter 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 were to determine 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.

An amendment added at the August 2 Council meeting allows cooperating with federal officials to use the LPR system or information to *verify or report the immigration status* of a person.

This mitigates the potential for the State to determine that the Metropolitan Government has adopted a sanctuary policy.

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

67. [BL2022-1250](#)

An Ordinance to amend Title 2 of the Metropolitan Code of Laws to create the Nashville Entertainment Commission.

Analysis

This ordinance establishes the Nashville Entertainment Commission (“NEC”). The NEC would promote the production of music, film, television, commercials, documentaries, music videos, and video games in Nashville and Davidson County, as well as market Nashville and Davidson County for regional, national, and international opportunities and promote job creation, economic development, and general and racial equity in the entertainment industry.

The NEC would be composed of 11 members. Three would be appointed by the council, three appointed by the mayor, and five nominated by members of the public and selected by the council. Of these five members nominated by the public, one member would be selected from nominations from each of the following organizations: the International Alliance of Theatrical Stage Employees, the Screen Actors Guild - American Federation of Television and Radio Artists, and the American Federation of Musicians.

All members would be required to hold occupation in the film industry, music industry, and/or entertainment industry and must have five years of experience in their occupation. No more than six members can be representatives of either the film industry or the music industry at any one time. The commission would be comprised of members who represent the diversity of the residents of Nashville and Davidson County. Members would serve staggered five-year terms.

The executive director of the NEC would be appointed by the commission. Staff would be provided for by the Metropolitan Government.

*Fiscal Note: The administrative costs to support the new commission has not yet been determined. Although not directly related to this legislation, the amount of \$100,000 is included in the Mayor’s Proposed FY23 Budget for a new Director of Music, Film and Entertainment position. This one position will work to coordinate between the private and public sectors on Music, Film and Entertainment opportunities and issues.*

**Sponsors:** Styles, Welsch, Toombs, Swope, VanReece, Porterfield, Sepulveda, Hausser and Suara

68. [BL2022-1270](#)

An Ordinance amending Section 17.12.030 of Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to the calculation of required street setbacks for residential areas with an established development pattern (Proposal No. 2022Z-009TX-001).

Analysis

The ordinance amends Section 17.12.030 of the Metropolitan Code of Laws regarding the contextual street setback requirement in R, R-A, RS, RS-A, and MHP zoning districts. The contextual street setback only applies along streets with an established development pattern and is determined by calculating the average street setback of the four nearest single-family or two-family houses on the same block face oriented to the same street and follow the established development pattern, with a maximum required street setback of three times the standard setback provided in Table 17.12.030.A. The ordinance under consideration removes the three times the standard setback maximum, requiring contextual street setbacks to be calculated based on the average street setback with no maximum limit.

This ordinance was approved 9-0 by the Planning Commission at their July 28, 2022 meeting.

**Sponsors:** Pulley, Johnston and VanReece

**72. [BL2022-1352](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to relocate a fire hydrant assembly, for property located at 17 White Bridge Pike, also known as Chuy's White Bridge Pike Restaurant (MWS Project No. 22-WL-32 and Proposal No. 2022M-084ES-001).

Analysis

This ordinance authorizes the relocation of a fire hydrant assembly for property located at 17 White Bridge Pike, also known as Chuy's White Bridge Road.

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

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

**Sponsors:** Murphy, Withers and Young

**73. [BL2022-1356](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a new sanitary sewer main, sanitary sewer manhole and easements, for properties located at 409 and 411 McAdoo Avenue, (MWS Project No. 22-SL-41 and Proposal No. 2022M-089ES-001).

Analysis

This ordinance accepts approximately 87 linear feet of new eight inch sanitary sewer main (DIP), one sanitary sewer manhole and easements for properties located at 409 and 411 McAdoo Avenue.

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

ordinance may be approved by resolution.

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

**Sponsors:** Murphy, Withers and Young

**87. [BL2022-1372](#)**

An ordinance to amend Title 2, Chapter 210, of the Metropolitan Code of Laws, by adding an additional requirement to Nashville's Do Better Bill.

**Analysis**

This ordinance amends Section 2.210.030 of the Metropolitan Code of Laws, which is part of the legislation known as the "Do Better Bill." This legislation added reporting requirements for companies seeking economic and community development incentive grants and payment in lieu of taxes ("PILOT") incentives. These requirements include the type and number of jobs the company will create, the number of jobs to be filled by residents of Davidson County, whether projects will use apprentices from programs certified by the U.S. Department of Labor, and the number and types of OSHA or TOSHA violations against the company or any contractor retained on the project, among other information.

The ordinance under consideration adds a requirement that the company report whether it provides its employees with benefits that include covering the cost of transportation, accommodations, and other related costs when necessary to obtain medical treatment not otherwise available in the employee's home state. This would include reproductive healthcare treatment such as abortion.

**Sponsors:** Mendes, Benedict and Welsch

**88. [BL2022-1373](#)**

An ordinance to amend Chapter 10.64 of the Metropolitan Code, pertaining to the Fire Prevention Code, Section 13.3.5.1 of the NFPA 101 Life Safety Code, and Section 18.5.5.1 of the NFPA 1 Fire Code.

**Analysis**

This ordinance amends Chapter 10.64 of the Metropolitan Code of Laws to update the NFPA Fire Code. The Council adopted the 2018 edition of the National Fire Protection Association ("NFPA") 1 Fire Code pursuant to Ordinance No. BL2021-658. The applicable codes for fire, building, dwelling, energy, gas/mechanical, plumbing, and life safety standards are updated by international bodies on a periodic basis, and such updates are currently available.

This ordinance amends the Metropolitan Code to add references to the NFPA 101 Life Safety Code, which will be on file with the Nashville Fire Department and the Metropolitan Clerk's Office. The ordinance also amends provisions of the NFPA 101 Life Safety Code and the NFPA 1 Fire Code.

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**Sponsors:** Evans and Hancock

**89. [BL2022-1374](#)**

An ordinance amending Metropolitan Code of Laws Section 15.48.300, New Water Meter Installation Inspection Charge, to clarify charges for service related to meters.

**Analysis**

This ordinance clarifies an inconsistency created by Ordinance No. BL2019-45, an ordinance that amended various provisions of the Metropolitan Code regarding fees charged by the Department of Water and Sewerage Services (“MWS”). In part, BL2019-45 amended Section 15.48.300. The first paragraph of this Section provides that MWS shall collect a \$75 fee for the performance of an inspection of a water meter. The second paragraph states that MWS shall develop a fee schedule for services performed in connection with the inspection, maintenance, and repair of meters for commercial customers.

The ordinance under consideration deletes the first paragraph of Section 15.48.300 in order to clarify how fees for these services are set.

**Sponsors:** Allen and Young

**90. [BL2022-1375](#)**

An ordinance authorizing the granting of permanent and temporary construction easements to Piedmont Natural Gas Co. on certain property owned by the Metropolitan Government located at O County Hospital Road (Parcel No. 08000002900) (Proposal No. 2022M-092ES-001).

**Analysis**

This ordinance authorizes the granting of permanent and temporary construction easements to Piedmont Natural Gas Co. on property owned by the Metropolitan Government at O County Hospital Road. Piedmont will use this easement for the purposes of constructing, installing, maintaining, operating, repairing, altering, replacing, removing, relocating, inspecting, upgrading, and protecting one or more pipelines. Piedmont has agreed to pay fair market value as compensation for these easements.

*Fiscal Note: Piedmont will pay Metro for the permanent easements in the amount of \$17,000 and temporary easements in the amount of \$3,100. Metro will receive a total of \$20,100 for these easements, based on the fair market value per acre of \$25,000.*

**Sponsors:** Allen, Withers and Young

**91. [BL2022-1376](#)**

An ordinance authorizing the acquisition and conveyance of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects of the Metropolitan Government, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), for Dickerson Pike Sidewalk Improvements, Federal Project No. STP-M-11(84), State Project No. 19LPLM-F3-132, PIN 121730.00 (Proposal No. 2022M-101ES-001).

Analysis

This ordinance authorizes the acquisition of easements on Dickerson Pike from Douglas Avenue to Trinity Lane for the purposes of constructing a sidewalk project. The estimated cost for the right-of-way easements is \$1,550,000.

*Fiscal Note: Metro will pay \$310,000, 20% of \$1,550,000 the total estimated cost of to acquire the right of way, towards the Dickerson Pike Sidewalk Improvements project. The rest of the project cost will be paid for by the federal government.*

**Sponsors:** Parker, Allen, Withers and Young

**92. [BL2022-1377](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer easement rights, for property located at 1620 Corporate Place (Proposal No. 2022M-093ES-001).

Analysis

This ordinance abandons an existing 20-foot sanitary sewer easement along the east and south sides of the property located at 1620 Corporate Place.

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 Water Services.*

**Sponsors:** Withers and Young

**93. [BL2022-1378](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main and sanitary sewer manholes, and to accept new sanitary sewer main and sanitary sewer manholes, for property located at 1610 Church Street, also known as the Project C Hotel (MWS Project No. 20-SL-303 and Proposal No. 2022M-090ES-001).

Analysis

This ordinance abandons approximately 247 linear feet of existing 10 inch sanitary sewer main and two sanitary sewer manholes and accepts approximately 247 linear feet of new 10 inch sanitary sewer main and three sanitary sewer manholes for the property located at 1610 Church Street, also known as the Project C Hotel.

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

*Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements have no*

*market value according to the Department of Water Services.*

**Sponsors:** Taylor, Withers and Young