



Metro Council

F. Resolutions on Public Hearing

1. [RS2022-1825](#)

A resolution exempting Canvas East, located at 1105 Fatherland 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 Canvas Lounge, LLC, dba Canvas East, located at 1105 Fatherland Street.

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

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

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

Sponsors: Withers

G. Bills on Public Hearing

6. [BL2022-1409](#)

An ordinance amending Title 2 and Title 17 of the Metropolitan Code of Laws relative to trees (Proposal No. 2022Z-014TX-001).

Analysis

This ordinance amends Titles 2 and 17 to amend various provisions related to the regulation of trees.

First, the ordinance amends the provisions related to arborist permits in Section 2.104.070 of the Metropolitan Code of Laws, including the increase of required liability coverage, the ability for the Metropolitan Government to rescind the permit, and allows the Director of the Codes Department to set the permit fee.

The ordinance further amends Section 17.20.120 of the Metropolitan Code of Laws related to street trees to require all development and redevelopment to be subject to the street tree requirement under certain conditions.

Chapter 17.24 of the Metropolitan Code, related to landscaping, buffering, and tree requirements, would be amended related to the requirements of the landscape plan requirements, a removal of tractor trailer staging and parking from the exemptions for a landscape buffer, along with changes to the special screening requirements, scenic landscape easement requirements, and maintenance requirements, among other changes.

Section 17.28.065, recently added to the Metropolitan Code as a consolidation of existing tree requirements pursuant to Substitute Ordinance No. BL2022-1122, as amended, would also be subject to various amendments. These amendments include the addition of new definitions, requires a tree survey for all developments, increases the minimum tree canopy retention, requires tree save areas, increases the replacement tree requirements, and adds new tree removal permit requirements, among other changes.

This ordinance is scheduled to be heard by the Planning Commission at the October 27, 2022 meeting. A substitute is anticipated.

A redlined version of this ordinance is available from the Council Office upon request. In addition, the staff report for the Metropolitan Planning Commission meeting on October 27, 2022, contains a helpful chart and additional information regarding the proposed substitute. The Planning Commission Staff report can be found at the following link:

<https://www.nashville.gov/sites/default/files/2022-10/MPC-221027sr.pdf?ct=1666392142>

Sponsors: Murphy, Hancock, Hausser, Bradford, Styles, Syracuse, Rutherford and Druffel

7. **[BL2022-1412](#)**

An ordinance to amend Section 17.20.040 of the Metropolitan Code of Laws relative to parking minimums (Proposal No. 2022Z-013TX-001).

Analysis

This ordinance amends Section 17.20.040 of the Metro Code to eliminate minimum parking requirements in the Urban Zoning Overlay (“UZO”). Minimum parking requirements require property owners to build and maintain a certain number of automobile parking spaces onsite to

be granted development permits and operate. Ordinance No. BL2020-117, passed on May 5, 2020, eliminated minimum parking requirements for parcels having a majority of their frontage on a multi-modal corridor within the UZO. Additionally, no parking is required in the DTC district or for existing structures in the CF, CF-NS, MUI, MUI-NS, MUI-A, or MUI-A-NS districts which were constructed prior to December 24, 1974. For other parcels within the UZO, they are currently eligible for up to a 25% reduction of required parking if the development meets established criteria located in Section 17.20.040. Additionally, Table 17.20.030 provides different, lower minimum parking standards for many uses within the UZO compared to those same uses outside of the UZO.

This ordinance is scheduled to be heard by the Planning Commission at the October 27, 2022 meeting. A substitute is anticipated.

Sponsors: Sledge, OConnell, Withers, Welsch, Henderson, Hancock, Benedict, Young, Sepulveda and Allen

13. [BL2022-1472](#)

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 refine site plan review procedures within Chapter 17.37, Downtown Code and Chapter 17.40, Administration and Procedures, relating to approval of concept plans and final site plans within the DTC zoning district, all of which is described herein (Proposal No. 2022Z-015TX-001).

Analysis

This ordinance amends Chapter 17.37 and Chapter 17.40 of the Metro Code to integrate the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) into the concept plan and final site plan processes of the Downtown Code (“DTC”). The ordinance amends Chapter 17.37 to require a formal recommendation from NDOT on concept plans reviewed by the Downtown Code Design Review Committee. A concept plan is the initial step in the approval process for developments within the DTC district. Currently, NDOT staff attend Downtown Code Design Review Committee meetings to answer questions related to proposed developments but have no formal role within the review process.

Additionally, the ordinance amends Section 17.40.170.C to require DTC final site plans to be approved by both the Planning Department and NDOT and to clarify the if the DTC district and Urban Design Overlay zoning are on the same parcel, then the DTC final site plan requirements shall take precedent. Currently, only the Planning Department reviews and approves DTC final site plans.

This ordinance is scheduled to be heard by the Planning Commission at the October 27, 2022 meeting.

Sponsors: OConnell

14. [BL2022-1473](#)

An ordinance to amend Section 17.40.010 of the Metropolitan Code of Laws to require written

notice to neighboring property owners of the decision to grant or deny a reasonable accommodation. (Proposal No. 2022Z-016TX-001)

Analysis

This ordinance amends Subsection 17.40.010.I of the Metro Code to require the Zoning Administrator to provide mailed notice of a decision to grant or deny a reasonable accommodation to all property owners within 1,000 feet of the subject property. The notice must include information about the reasonable accommodation and the procedures to file a notice of appeal. Subsection 17.40.010.I establishes a right to request a reasonable accommodation to the standards set forth in the Code. Persons permitted to seek reasonable accommodation are those who have a disability recognized by federal law, who provide housing for a person with a disability recognized by federal law, or whose religious exercise is burdened by a provision of Title 17. "Person" can be an individual, group, or institution. Subsection 17.40.010.I regulates where the right to reasonable accommodation is to be displayed, the way the Zoning Administrator must make a determination on a reasonable accommodation, and the process to appeal the Zoning Administrator's decision to the Board of Zoning Appeals. Currently, there is no requirement for notifying surrounding property owners of a reasonable accommodation determination.

This ordinance is scheduled to be heard by the Planning Commission at the October 27, 2022 meeting. A substitute is anticipated.

Sponsors: Rosenberg

I. **Consent Resolutions and Resolutions**

41. [RS2022-1578](#)

A resolution approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and 1302 Pillow Street, LLC, to provide public water service improvements for Pillow Street's proposed development, as well as other existing properties in the area (MWS Project No. 20-WL-0142 and Proposal No. 2022M-021AG-001).

Analysis

This resolution approves a participation agreement between the Metropolitan Department of Water and Sewerage Services ("MWS") and 1302 Pillow Street, LLC ("Pillow Street"), to provide public water service improvements for Pillow Street's proposed development as well as other developments in the area.

Pursuant to the agreement, Pillow Street agrees to contract and oversee the construction of approximately 998 linear feet of eight inch water main and one fire hydrant assembly on Pillow Street. Metro will inspect the construction and, upon acceptance, will be responsible for ongoing operation and maintenance. Metro will pay 50% of the actual project costs, not to exceed \$64,774. Pillow Street will further agree to improve the public water main to Merritt Avenue and will be reimbursed by Metro not to exceed \$239,850. Metro's total contribution to the project will be \$304,624.

Ordinance No. BL2022-1214 authorizes NWS to enter into participation agreements funding infrastructure with developers by resolution of the Metropolitan Council.

Fiscal Note: The Metropolitan Department of Water and Sewerage Services will pay 50% of the actual project costs of the water main and fire hydrant assembly on Pillow Street up to \$64,774 and will reimburse the developer for the public water main to Merritt Avenue up to \$239,850. Metro's total contribution will not exceed \$304,624.

Sponsors: Sledge, Allen, Withers and Young

42. [RS2022-1826](#)

A resolution approving the election of certain Notaries Public for Davidson County.

Analysis

This is a routine resolution approving the election of notaries public in accordance with state law.

Sponsors: Murphy

43. [RS2022-1827](#)

A resolution approving a term sheet describing the terms and conditions of the agreements and transactions required to finance, construct, and operate a new, enclosed multi-purpose stadium on the East Bank, subject to the subsequent approval of final agreements, and authorizing the Metropolitan Government to pursue other matters related thereto.

Analysis

This resolution approves a term sheet related to the financing, construction, and operation of a new, enclosed multi-purpose stadium on the East Bank. The resolution will approve the term sheet subject to final approval by the Council of the final financing, development, lease and other agreements described in the term sheet. The resolution also authorizes Metropolitan officers to take the necessary steps to cause the negotiation and preparation of the final agreements. Approval of the resolution will not obligate the Metropolitan Government to undertake any future approvals contemplated in the term sheet.

The term sheet is not a binding obligation on the Metropolitan Government, the Sports Authority, by its terms, and is anticipated as being utilized solely for the purpose of facilitating ongoing discussions for the proposed transaction. It contemplates that if, in connection with the non-binding term sheet, either party expends funds on the stadium project it does so at its own risk. The non-binding term sheet covers a broad set of topics of the stadium project including: designation of parties; description of the project; location of the stadium site; development of the stadium, including procurement procedures and pre-development expenses; funding responsibilities; budget costs; financing contributions; a plan for application of excess revenues; a plan for funding future capital improvements; parking facilities; campus development; status of current stadium during construction; anticipated approval needs.

Designation of the Parties

The expected parties to the various stadium project transactions will be the Sports Authority, the Metropolitan Government, the Club (Tennessee Football, Inc.), and StadiumCo, a to-be-formed entity anticipated to be under common control with the Club. Although not explicitly identified as a party in the term sheet, presumably the State of Tennessee will be a party to some necessary component of the transaction in order to effectuate the use of its contribution to the cost of the stadium project.

Description of the Project

The term sheet contemplates the construction of a new enclosed stadium to replace the existing stadium. According to Exhibit 1, the stadium will seat approximately 60,000 people and will have features and amenities consistent with other new NFL stadiums. It will be located on the land generally bounded by Russell Street, Interstate Drive, South Second Street and Shelby Avenue. Exhibit 3 generally depicts the anticipated location site. The north and south sides of the stadium are designated as the Stadium Village. The Stadium Village will be developed by Metropolitan Government except for installation of on-site utilities which will be funded by StadiumCo. The remaining portion of the site on which the current stadium and related parking lots are located will be considered the Campus. Once the new stadium has been completed, the existing stadium will be demolished, and the property will be graded and prepared for development.

Development of the Stadium

The new stadium will be developed in accordance with a yet to be determined Project Development Agreement, whose parties will be the StadiumCo and the Sports Authority. The development agreement will cover the obligations of the parties with respect to administering and managing the design, development, and construction of the project. It is anticipated that StadiumCo will take on the primary responsibility of the administration and management of the project subject to Sports Authority oversight. StadiumCo will be required to follow applicable procurement codes set forth in Chapter 4.46 of the Metro Code of Laws in selecting architects, construction managers, other professionals, and in all other aspects of construction and design.

The demolition of the existing stadium, removal of debris, and fill/grading will be included in the budgeted costs. The parties will agree to a base stadium plan that covers the designated set of stadium design and related documents. This plan will guide planning, development and construction milestones and cannot be amended without Sports Authority approval.

Funding Responsibilities

The term sheet anticipates that the total cost of the stadium project will be \$2,100,000,000. The Sports Authority will contribute \$760,000,000 toward the cost of the new stadium. The funding will come from the proceeds of a revenue bond or series of bonds. The State of Tennessee will contribute \$500,000,000 (note the State of Tennessee is not a party to the term sheet) pursuant to an incentive agreement, the details of which are not yet provided. StadiumCo/Club will be responsible for the remaining funding anticipated to be \$840,000,000. StadiumCo/Club will also be responsible for any cost overruns.

The Club intends to waive any claim it has for reimbursement of capital expenses for the existing stadium, approximately \$32,000,000. And, at the time of the issuance of the Sports Authority revenue bonds, StadiumCo (or the Club) will pay off the outstanding stadium bonds, approximately \$30,000,000.

Details of the funding responsibilities will be set forth in a Project Funding Agreement between the Sports Authority and StadiumCo.

Budget Costs

The anticipated total cost of the stadium project is \$2,100,000,000. StadiumCo will be responsible for any cost overruns, except those caused by project scope amendments requested by the Sports Authority. The budgeted cost is intended to include the following:

- cost of the stadium site preparation,
- cost of demolishing the existing stadium,
- cost to remove all debris and levelling of the demolition site,
- costs associated with preserving access to the existing stadium during the construction of the new stadium, and
- third party design and pre-construction costs including project management, cost estimating and similar expenses.

Budgeted costs are not intended to include respective parties' attorney and other consultant fees or expenses incurred prior to execution of agreements.

Financing

The Sports Authority will issue its revenue bonds in the amount of \$760,000,000. While the revenue bonds are not a debt obligation of the Metropolitan Government, the issuance of the revenue bonds requires Council approval. It is intended that the revenue bonds will be issued on a revenue-only basis - in other words, the revenue bonds will not be backed by other support from the Metropolitan Government like a "non-tax revenue" pledge. This could change based on market conditions at the time of the issuance.

There are five primary sources of payment for the Sports Authority revenue bond debt:

- *stadium sales tax revenues* - state and local sales taxes collected at the stadium are directed to the Sports Authority - authorized by T.C.A. § 67-6-103(d) and § 67-6-712(c), respectively;
- *hotel tax revenues* (subject of pending Council legislation BL2022-1529) - will add 1% to the total hotel occupancy tax collected in the county - authorized by T.C.A. § 67-4-1415;
- *ticket tax revenues* - \$3 per ticket to NFL games at the stadium - this continues the ticket tax rate that is currently assessed for NFL games at the existing stadium -- T.C.A. § 7-3-202(b) authorizes a tax not to exceed 10% of the amount charged to attend an event at a municipal stadium;
- *rent revenues* -- \$3 per ticket sold to non-NFL events; and
- *new sales tax revenues from the yet-to-be designated 130-acre area* - 50% of state and

local sales tax collected within the designated area will be directed to the Sports Authority for debt service on the new enclosed stadium - authorized by T.C.A. § 67-6-103(d).

The designation of the 130-acre area will require Council approval and subsequent approval from the State.

StadiumCo will administer the sales of personal seat licenses on behalf of the Sports Authority and these funds will be deemed part of the Sports Authority contribution to the stadium project costs.

StadiumCo may finance its contribution to the project with owner equity, secured loans, NFL financing and/or other loans and contributions. While StadiumCo may secure loans for its contribution it will be prohibited from utilizing the new stadium as security. All StadiumCo financing will be included in the Project Funding Agreement.

Plan for Application of Excess Revenues

On an annual basis, if the designated revenues exceed the amount required for debt service payments they will be distributed, in order, as follows:

1. Any excess of the ticket tax revenues and rent revenues will be placed in a maintenance and repairs fund to be used for non-operating maintenance and non-capital repairs;
2. The lesser of any excess remaining will be available for the use of the Metropolitan Government:
 - a. The total excess amount;
 - b. The 130-acre area sales tax;
 - c. An amount equal to the debt service for stadium related costs such as stadium related parking or other stadium related public improvements; or
 - d. \$25,000,000;
3. Any excess of in-stadium sales tax revenues and hotel tax revenues will be placed in a stadium capital expenditure reserve fund to fund capital repairs;
4. To the extent that there is a remaining excess amount, it will be deposited in a surplus fund to be used for the capital repairs fund, to retire Sports Authority bonds, or used for other lawful purposes of the Sports Authority. It is anticipated that this provision will be more fully detailed in the final agreements.

Plan for Funding Future Capital Improvements

Except for the use of the excess revenue funds for capital repairs, as described above, StadiumCo will be responsible for all capital repairs, replacements, and improvements to the new stadium. StadiumCo will be required to make such improvements to keep the new stadium in a first-class condition compared to other first-class NFL stadiums of a similar age. It is anticipated that the agreements will contain a reasonable standard to give consideration to things such as the remaining life of the stadium, remaining term of the lease, and conditions unique to the area such as climate, local laws and regulations.

With respect to the existing stadium, once the transaction agreements are executed, the Sports Authority will not be obligated to fund any capital improvements to the existing stadium except for those needed for public safety or to maintain the stadium in a condition to play NFL games.

StadiumCo will be required to maintain a capital asset management plan which will guide planning of routine and preventative maintenance, provide a 10-year forward looking summary of annual needs and capital expenditures, and summary of reasonably expected capital needs in 10-year increments for remainder of the lease term.

Parking Facilities

It is anticipated that the Sports Authority, StadiumCo and the Club will execute a Parking Facilities Agreement with respect to development, use, revenues, operating expenses, and capital expenses for parking facilities. The term sheet indicates that the Authority will be responsible for providing a minimum of 2,000 parking spaces and will be responsible for capital maintenance and repair for the spaces. StadiumCo will receive all revenues from the spaces in connection with their events - revenues in connection with TSU games and CMA Fest will be allocated according to their respective lease terms.

It is anticipated that the Stadium Village area will accommodate parking spaces for the players, VIPs, and others as may be agreed upon in the agreements so long as it doesn't impede on the ability for Metropolitan Government to develop the property.

Campus Development

In anticipation of the Metropolitan Government's development of the Campus outside of the new stadium site, as depicted in Exhibit 3 to the term sheet, including the Stadium Village, the parties will enter a Site Coordination Agreement to address the collaboration needs. Council approval of the Site Coordination Agreement will likely be required. The development should not interfere with the operation of the new enclosed stadium. Metropolitan Government will be responsible for all design, construction, and infrastructure.

Fiscal Note: The total estimated cost of the Stadium Project is \$2,100,000,000. The contribution towards the costs is \$500,000,000 from the State of Tennessee, \$760,000,000 from the Metropolitan Government of Nashville and Davidson County and \$840,000,000 from Tennessee Football, Inc, d/b/a Tennessee Titans. Metro's contribution to the cost will be from state and local tax collections related to the sales within the existing stadium and new stadium; an additional 1% hotel occupancy tax; ticket tax revenues, rent revenues; state and local tax collections related to the sales within an area of up to 130 acres contiguous to the new stadium to be designated by Metro and approved by the State.

Sponsors: Withers, Rhoten and Hurt

44. [RS2022-1828](#)

A resolution requesting that the Division of Purchases, with the assistance of the Department of Planning, issue a solicitation for development of portions of the Nissan Stadium campus.

Analysis

This resolution requests that the Division of Purchases, with the assistance of the Department of Planning, issue a solicitation for development of portions of the Nissan Stadium campus. The Sports Authority of the Metropolitan Government of Nashville and Davidson County ("Authority") owns certain property on the East Bank, located near a multi-purpose outdoor stadium currently known as Nissan Stadium, also owned by the Authority and leased to Cumberland Stadium, L.P., an affiliate of the National Football League's Tennessee Titans ("Titans"). The existing lease between the Authority and the Titans prohibits the development of the property near the current Nissan Stadium campus.

The Titans have proposed to construct a new enclosed stadium immediately to the east of the existing stadium and release the encumbrances on developing this property. Approximately 40 acres of this area would be developed ("Initial Development Area") to include infrastructure, diverse and attainable housing, parks and green space, and transportation and mobility facilities, in coordination with the activation of a new stadium. A map of the Initial Development Area is attached as Exhibit 1 to the resolution.

This resolution requests the Division of Purchases, with the assistance of the Department of Planning, to prepare and issue a solicitation seeking a private partner to develop the Initial Development Area. Proposals must address infrastructure, diverse and attainable housing, parks and green space, and transportation and mobility facilities. Proposers must demonstrate financial and management capacity suited to the project and a record successful completion of comparable projects, including transit-oriented developments and mixed-use urban environments.

Once the Purchasing Agent identifies the most advantageous proposal, a proposed agreement should be negotiated and submitted to the Council for approval by ordinance.

Sponsors: Withers, Rhoten and Hurt

45. [RS2022-1829](#)

A resolution accepting the terms of a cooperative purchasing master agreement for firefighting apparatus and fire service vehicles for the department of General Services.

Analysis

This resolution accepts the terms of a cooperative purchasing master agreement for firefighting apparatus and fire service vehicles for the Department of General Services. The purchasing agreement is between Sourcewell, a state of Minnesota local government agency, and Oshkosh Corporation. The agreement is valid through February 10, 2026.

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: Rhoten and Syracuse

46. [RS2022-1830](#)

A resolution appropriating \$7,890,153.00 in American Rescue Plan Act funds from Fund #30216 to the Urban League of Middle Tennessee and Nashville State Community College to advance workforce equity and strengthen family foundations through education and training in Davidson County

Analysis

This resolution appropriates \$7,890,153 in American Rescue Plan Act (“ARP”) funds from Fund #30216 to the Urban League of Middle Tennessee and Nashville State Community College.

The Urban League of Middle Tennessee and Nashville State Community College have partnered to create a program that will bring workforce training to the community, preparing 1,500 individuals to be Ready to Connect, before committing to quality employer-supported programs that lead to high-wage, high-demand jobs. The program would take place over two years.

This resolution would appropriate \$5,630,182 to the Urban League of Middle Tennessee and \$2,259,971 to Nashville State Community College to execute this program.

This resolution further requires reporting from the Urban League of Middle Tennessee and Nashville State Community College including accounting of the disbursement of funds, accounting of any fees related to the disbursement of these funds, the balance of funds remaining from the total allocation, and the demographics of the beneficiaries of any funds.

Fiscal Note: This \$7,890,153 appropriation, along with the appropriations per Resolution No. RS2022-1831, and Resolution No. RS2022-1832 would be the 31st, 32nd and 33rd resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$188,397,030. 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: Gamble, Johnston, Rhoten, Toombs and Welsch

47. [RS2022-1831](#)

A resolution appropriating \$272,042.00 in American Rescue Plan Act funds from Fund #30216 to complete anticipated funding for critical immigration legal services

Analysis

This resolution appropriates \$272,042 in American Rescue Plan Act (“ARP”) funds from Fund #30216.

On June 7, 2022, the Metropolitan Council passed Resolution No. RS2022-1560, which appropriated \$1,820,585 in ARP funds to the Tennessee Immigrant & Refugee Rights Coalition (“TIRRC”) for a two-year pilot program for immigration legal services. That resolution stated

that the funding represented 87% of the requested funds, with the expectation that the remainder of the program may be funded when additional ARP funds become available.

The resolution under consideration appropriates the remaining 13% of requested funding to TIRRC for the purposes described in the original resolution, RS2022-1560.

The resolution further requires reporting from TIRRC including accounting of the disbursement of funds, accounting of any fees related to the disbursement of these funds, the balance of funds remaining from the total allocation, and the demographics of the beneficiaries of any funds.

Fiscal Note: This \$272,042 appropriation, along with the appropriations per Resolution No. RS2022-1830, and Resolution No. RS2022-1832 would be the 31st, 32nd and 33rd resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$188,397,030. 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, Johnston, Gamble, Rhoten, Toombs and Welsch

48. [RS2022-1832](#)

A resolution appropriating \$399,149.00 in American Rescue Plan Act funds from Fund #30216 to complete anticipated funding for right to eviction counsel

Analysis

This resolution appropriates \$399,149 in American Rescue Plan Act (“ARP”) funds from Fund #30216.

On June 7, 2022, the Metropolitan Council passed Resolution No. RS2022-1559, which appropriated \$2,600,851 in ARP funds to Legal Aid Society of Middle Tennessee and the Cumberland (‘‘Legal Aid’’) and Conexion Americas for a two-year pilot program to provide defense for a renter or tenant opposing eviction proceedings. That resolution stated that the funding represented 87% of the requested funds, with the expectation that the remainder of the program may be funded when additional ARP funds become available.

The resolution under consideration appropriates the remaining 13% of requested funding to Legal Aid for the purposes described in the original resolution, RS2022-1559.

The resolution further requires reporting from Legal Aid including accounting of the disbursement of funds, accounting of any fees related to the disbursement of these funds, the balance of funds remaining from the total allocation, and the demographics of the beneficiaries of any funds.

Fiscal Note: This \$399,149 appropriation, along with the appropriations per Resolution No. RS2022-1830, and Resolution No. RS2022-1831 would be the 31st, 32nd and 33rd resolutions appropriating from the American Recovery Plan Act (ARP) Fund for a cumulative total of \$188,397,030. 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: Gamble, Johnston, Rhoten, Toombs and Welsch

49. [RS2022-1833](#)

A resolution authorizing a grant in the amount of \$20,800 from the Barnes Fund for Affordable Housing to New Level Community Development Corporation for the express purpose of constructing and rehabilitating affordable or workforce housing.

Analysis

This resolution authorizes a grant in the amount of \$20,800 from the Barnes Fund for Affordable Housing to New Level Community Development Corporation for the express purpose of constructing and rehabilitating affordable or workforce housing.

The funds will be used for cost overruns associated with the construction of 51 affordable housing units approved by the original contract authorized by Resolution No. RS2020-443. The grant agreement reconfirms the terms and conditions provided for in the original contracts, such as the affordability restrictive covenants. Section 7-3-314 of the Tennessee Code Annotated states that metropolitan forms of government may provide financial assistance to a nonprofit organization in accordance with the guidelines of the Metropolitan Government. Section 5.04.070 of the Metropolitan Code of Laws provides that the Metropolitan Council may by Resolution appropriate funds for the financial aid of nonprofit organizations.

The term of this agreement is nine months from the execution of the agreement.

Sponsors: Rhoten and Welsch

50. [RS2022-1834](#)

A resolution approving amendments one and two to a Workforce Innovation and Opportunity Act (WIOA) grant from the Tennessee Department of Labor in conjunction with the Northern Middle Tennessee Local Workforce Development Board, to the Metropolitan Government, acting by and through the Metropolitan Action Commission, to establish programs and services in an integrated workforce system as the Career Services Provider through the American Job Center.

Analysis

This resolution approves amendment one and two to a Workforce Innovation and Opportunity Act ("WIOA") grant, previously approved by RS2020-673, from the Tennessee Department of Labor, in conjunction with the Northern Middle Tennessee Local Workforce Development Board, to the Metropolitan Action Commission. This grant is used to establish programs and services in an integrated workforce system as the Career Services Provider through the American Job Center.

Amendment one increases the amount of the grant by \$266,667 for a new grant total of \$1,066,667 and extends the end date of the grant from June 30, 2022 to December 31, 2022. Amendment two increases the grant by an additional \$266,666 for a new grant total of

\$1,333,333 and extends the end date of the grant by six months to June 30, 2023.

Sponsors: Rhoten and Styles

51. [RS2022-1835](#)

A Resolution authorizing the Metropolitan Development and Housing Agency to negotiate and enter into a PILOT Agreement and accept payments in lieu of ad valorem taxes with respect to a multi-family housing project located at 8101 McCrory Lane known as HV Land Co.

Analysis

This resolution authorizes the Metropolitan Development and Housing Agency (“MDHA”) to enter into an agreement to accept payments in lieu of taxes (“PILOT”) for a multi-family housing project located at 8101 McCrory Lane, known as HV Land Co. In 2016, Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low income housing tax credit (“LIHTC”) properties, capped at \$2,500,000 annually. If approved, this PILOT, would be the thirty-fifth such PILOT program overall, and the fifth for MDHA in 2022. Before this project, the amount of annual funding available for LIHTC projects is \$1,376,719 after accounting for the Clarksville Pike project in RS2022-1644, Dickerson Flats project in RS2022-1645, Stone Bridget Lofts in project RS2022-1666 and Margaret Robertson Apartments in project RS2022-1737.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs were historically used by Metro to provide incentives through the Industrial Development Board (“IDB”) to large employers to create job opportunities. But Tenn. Code Ann. § 13-20-104 was amended several years ago to give MDHA the authority to enter PILOTs to create affordable rental housing subject to Council approval.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded LIHTC program. Subsidized LIHTC developments serve those at or below 60% of the average median income (“AMI”) for the Nashville area, which translates to an income cap of \$39,660 for individuals and \$58,020 for families of four in 2022. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

The maximum term for the PILOT payments under this program is 10 years. The PILOT agreement would only be available for additional tax liability over and above the pre-development assessed value of the property. The program is available for both existing and new developments, based on financial need. The PILOT lease is to be terminated if the property sits vacant for two years.

MDHA is required by state law to file an annual report with the Council, Assessor of Property, and State Board of Equalization identifying the values of the properties subject to PILOTs, the date and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

The owner of the property, HV Land Co, LP plans to construct approximately 251 units to be restricted to individuals and families earning at or below 60% AMI. The amount of the PILOT payment to Metro will be \$37,650. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment. The estimated project valuation is \$48,182,968.

Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$37,650 in lieu of property taxes, with a 3% annual increase through the remainder of the 10-year period.

In addition to the PILOT payments, the developer would be required to pay a monitoring and reporting fee to MDHA. This fee would be set by MDHA not to exceed five percent (5%) of the amount of the PILOT payment due each year.

The final assessed value of this project will not be known until completion. However, the value of the project when completed is estimated to be \$48,182,968. For purposes of this analysis, this number will be used as a reasonable estimate of the final project value.

Over the 10-year life of this PILOT agreement, a total of \$5,200,009 would be abated, although Metro would still receive \$431,616 in property taxes from this project, as depicted in the following table:

Real Property Tax (New)

Year	Total Value	Standard Tax	Still Pay	Abatement	Abatement %
1	\$48,182,968	\$563,163	\$37,650	\$525,513	93.3%
2	\$48,182,968	\$563,163	\$38,780	\$524,383	93.1%
3	\$48,182,968	\$563,163	\$39,943	\$523,220	92.9%
4	\$48,182,968	\$563,163	\$41,141	\$522,022	92.7%
5	\$48,182,968	\$563,163	\$42,375	\$520,788	92.5%
6	\$48,182,968	\$563,163	\$43,647	\$519,516	92.2%
7	\$48,182,968	\$563,163	\$44,956	\$518,207	92.0%
8	\$48,182,968	\$563,163	\$46,305	\$516,858	91.8%
9	\$48,182,968	\$563,163	\$47,694	\$515,469	91.5%
10	\$48,182,968	\$563,163	\$49,125	\$514,038	91.3%
Totals		\$5,631,625	\$431,616	\$5,200,009	92.3%

After the property tax abatement from this project, \$851,206 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2022.

Sponsors: Rhoten and Hausser

52. [RS2022-1836](#)

A Resolution authorizing the Metropolitan Development and Housing Agency to negotiate and enter into a PILOT Agreement and accept payments in lieu of ad valorem taxes with respect to a multi-family housing project located at 4207 Murfreesboro Pike known as Flats at Hickory Woods.

Analysis

This resolution authorizes the Metropolitan Development and Housing Agency (“MDHA”) to enter into an agreement to accept payments in lieu of taxes (“PILOT”) for a multi-family housing project located at 4207 Murfreesboro Pike, known as Flats at Hickory Woods. In 2016, Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low income housing tax credit (“LIHTC”) properties, capped at \$2,500,000 annually. If approved, this PILOT, would be the thirty-sixth such PILOT program overall, and the 6th for MDHA in 2022. Before this project, the amount of annual funding available for LIHTC projects is \$851,206 after accounting for the Clarksville Pike project in RS2022-1644, Dickerson Flats project in RS2022-1645, Stone Bridget Lofts in project RS2022-1666, and Margaret Robertson Apartments in project RS2022-1737 and HV Land Co in projects RS2022-1835.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs were historically used by Metro to provide incentives through the Industrial Development Board (“IDB”) to large employers to create job opportunities. But Tenn. Code Ann. § 13-20-104 was amended several years ago to give MDHA the authority to enter PILOTs to create affordable rental housing subject to Council approval.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded LIHTC program. Subsidized LIHTC developments serve those at or below 60% of the average median income (“AMI”) for the Nashville area, which translates to an income cap of \$39,660 for individuals and \$58,020 for families of four in 2022. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

The maximum term for the PILOT payments under this program is 10 years. The PILOT agreement would only be available for additional tax liability over and above the pre-development assessed value of the property. The program is available for both existing and new developments, based on financial need. The PILOT lease is to be terminated if the property sits vacant for two years.

MDHA is required by state law to file an annual report with the Council, Assessor of Property, and State Board of Equalization identifying the values of the properties subject to PILOTs, the date and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

The owner of the property, Flats at Hickory Woods, LP, plans to construct approximately 88 units to be restricted to individuals and families earning at or below 60% AMI. The amount of the PILOT payment to Metro will be \$65,000 in the first year. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment. The estimated project valuation is \$12,222,957.

Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$65,000 in lieu of property taxes, with a 3% annual increase through the remainder of the 10-year period.

In addition to the PILOT payments, the developer would be required to pay a monitoring and reporting fee to MDHA. This fee would be set by MDHA not to exceed five percent (5%) of the amount of the PILOT payment due each year.

The final assessed value of this project will not be known until completion. However, the value of the project when completed is estimated to be \$12,222,957. For purposes of this analysis, this number will be used as a reasonable estimate of the final project value.

Over the 10-year life of this PILOT agreement, a total of \$845,788 would be abated, although Metro would still receive \$745,152 in property taxes from this project, as depicted in the following table:

Real Property Tax (New)

Year	Total Value	Standard Tax	Still Pay	Abatement	Abatement %
1	\$12,222,957	\$159,094	\$65,000	\$94,094	59.1%
2	\$12,222,957	\$159,094	\$66,950	\$92,144	57.9%
3	\$12,222,957	\$159,094	\$68,959	\$90,135	56.7%
4	\$12,222,957	\$159,094	\$71,027	\$88,067	55.4%
5	\$12,222,957	\$159,094	\$73,158	\$85,936	54.0%
6	\$12,222,957	\$159,094	\$75,353	\$83,741	52.6%
7	\$12,222,957	\$159,094	\$77,613	\$81,481	51.2%
8	\$12,222,957	\$159,094	\$79,942	\$79,152	49.8%
9	\$12,222,957	\$159,094	\$82,340	\$76,754	48.2%
10	\$12,222,957	\$159,094	\$84,810	\$74,284	46.7%
Totals		\$1,590,940	\$745,152	\$845,788	53.2%

After the property tax abatement from this project, \$757,112 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2022.

Sponsors: Lee, Hausser and Rhoten

53. [RS2022-1837](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Renay Scott Patterson, individually and as next of kin and Administratrix Ad Litem of the Estate of Rickey Scott, III, deceased, and on behalf of the wrongful death beneficiaries of Rickey Scott III against the Metropolitan Government of Nashville and Davidson County in the amount of \$175,000.00, and that said amount be paid from the Self-Insured Liability Fund.

Analysis

On October 13, 2019, Rickey Scott, III, and his roommate entered their dorm room at Tennessee State University ("TSU"), accompanied by another student, George Wells, Jr. A few minutes later, around 11:00 a.m., a loud noise was heard from inside the dorm room and a resident assistant ("R.A.") on staff was alerted. The R.A. knocked on the door, had a brief

conversation with someone inside the room, and then left. After this conversation, Mr. Wells left the room and brought back water. Mr. Scott was seen leaving the room, going to the bathroom, and then returning. Mr. Scott left a second time and was visibly distressed as he again went to the bathroom. When Mr. Scott emerged, he was assisted by another student but collapsed in the hallway. The R.A. was then alerted and called the TSU campus police and was patched through to the Metro Emergency Communication Center's 911 call center. At this point, the R.A. did not know that Mr. Scott had been shot and was told that Mr. Scott may have taken a pill. This information was relayed to the 911 call taker.

Nashville Fire Department ("NFD") personnel arrived at the dormitory at approximately noon. NFD personnel assessed the scene and noted the presence of blood and vomit on the floor, along with complaints from Mr. Scott of abdominal pain. NDF personnel also noted a lack of credible information from bystanders about Mr. Scott's condition. Mr. Scott told one paramedic that he had been hit with an air soft gun, but denied being assaulted or any foul play. The paramedic noticed a small scab on Mr. Scott's abdomen that looked like a cigarette burn. No blood was coming from the site. No one at the scene, including Mr. Scott's roommate and Mr. Wells, offered any information about a possible gun shot. The paramedic suspected that Mr. Scott was suffering from a gastrointestinal bleed and transported him to Centennial Medical Center's Emergency Room, the nearest hospital. The Centennial ER evaluated Mr. Scott and determined that he had been shot and a projectile was lodged in his abdomen. The Centennial ER did not have a trauma unit capable of treating a gunshot victim and Mr. Scott was transported to Skyline Medical Center by NFD personnel around 1:08 p.m. Mr. Scott arrived at Skyline around 1:30 p.m. and underwent surgery. At 2:12 p.m., Mr. Scott was pronounced deceased by Skyline's medical personnel. A .22 caliber bullet was recovered from Mr. Scott's abdomen. In July 2022, after a criminal investigation and trial, Mr. Wells was found guilty of reckless homicide and sentenced to five years in prison for the death of Mr. Scott.

Mr. Scott's mother, Renay Scott Patterson, seeks damages against the Metropolitan Government under Tennessee's wrongful death statutes. Under the statutes, categories of damages are generally available including, among other categories, the pecuniary value of life of the decedent. The "pecuniary value of life" is the present value of the amount the decedent would have earned over the remaining course of his or her life, less the amount of money for expenses such as food, clothing, housing, etc. Pecuniary value of life also includes loss of consortium damages, which includes both tangible services provided by a family member and intangible benefits from the continued existence of other families, such as protection, companionship, and love. Mr. Scott was a 19-year-old student pursuing his college degree in engineering. Given Mr. Scott's age, life expectancy, health, and pursuits, along with the damages allowed under the wrongful death statutes, it is possible that the Court would place a high value on the pecuniary value of Mr. Scott's life and the loss of consortium to his parents.

Ms. Patterson's claims against the Metropolitan Government are based on the lost chance of survival due to the delay in getting Mr. Scott to an appropriate trauma center to treat his injuries. NFD protocols and operational guidelines and procedures applicable to emergency medical services require NFD personnel to transport patients to Vanderbilt University Medical Center when a patient is assessed with a penetrating injury to the abdominal region, such as a

gunshot wound. Mr. Scott was instead taken to Centennial and later transported to Skyline. While it is possible that the Court could find that the Metropolitan Government is partially at fault for the wrongful death of Mr. Scott, the Tennessee Governmental Tort Liability Act would cap the applicable damages against the Metropolitan Government at \$300,000.

The Metropolitan Department of Law recommends settlement of the claims of Ms. Patterson and the Estate of Rickey Scott, III, for \$175,000.

Disciplinary action taken against the Metropolitan employee involved consisted of verbal counseling.

Fiscal Note: This \$175,000 settlement, along with the settlement per Resolution Nos. RS2022-1838, be the 13th and 14th payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$498,221. The fund balance would be \$15,745,091 after these payments.

Sponsors: Rhoten

54. [RS2022-1838](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Andrickia Wiseman against the Metropolitan Government of Nashville and Davidson County in the amount of \$25,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On January 6, 2022, Andrickia Wiseman was a passenger on a WeGo Public Transit bus. A Nashville Fire Department (“NFD”) engine was traveling north on Jefferson Street with emergency equipment activated. The WeGo bus was driving through the intersection of Jefferson Street and Third Avenue North on a green traffic signal when the NFD engine slid on ice, colliding with the right rear of the bus. The bus spun on the roadway and Ms. Wiseman struck her right shoulder on the bus window, causing the window to shatter. NDF previously paid MTA/WeGo for property damage to the bus in the amount of \$28,040.96.

Ms. Wiseman was transported to the hospital with right shoulder and neck pain. X-rays were taken and she was diagnosed with a right clavicle fracture.

The Metropolitan Department of Law recommends settlement of Ms. Wiseman’s personal injury claim for \$25,000, which includes \$11,677.63 in medical expenses and \$13,322.37 in pain and suffering.

Disciplinary action against the NFD engine driver consisted of a ten-day suspension and additional driver training. Another NFD employee received a five-day suspension.

Fiscal Note: This \$25,000 settlement, along with the settlement per Resolution Nos. RS2022-1837, be the 13th and 14th payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$498,221. The fund balance would be \$15,745,091 after these payments.

Sponsors: Rhoten

55. [RS2022-1839](#)

A resolution approving an intergovernmental agreement between the United States Marshals Service (USMS), and The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Police Department, to investigate and apprehend local, state, and federal fugitives.

Analysis

This resolution approves an intergovernmental agreement between the United States Marshals Services (“USMS”) and the Metropolitan Nashville Police Department (“MNPD”) to investigate and apprehend local, state, and federal fugitives.

The memorandum of understanding provides that the Metro Police Department will be reimbursed, to the extent federal funds are available, for participating officers’ overtime costs. The term of the MOU is for the duration of the task force’s operations, but may be terminated by either party with 30 days’ written notice.

The Council is authorized to approve by resolution intergovernmental agreements with federal agencies under Tennessee’s Interlocal Cooperation Act, Tenn. Code Ann. §12-9-101, et seq.

Sponsors: Rhoten, Syracuse and Styles

56. [RS2022-1840](#)

A resolution accepting a grant from the Tennessee Department of Safety and Homeland Security, to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to provide bicycle and pedestrian education and enforcement to gain compliance with state and local ordinances.

Analysis

This resolution accepts a grant from the Tennessee Department of Safety and Homeland Security to the Metropolitan Nashville Police Department in an amount not to exceed \$35,000 with no cash match required. This grant will provide for bicycle and pedestrian education and enforcement to gain compliance with the state and local ordinances. The grant term is from October 1, 2022 to September 30, 2023.

Sponsors: Rhoten and Syracuse

57. [RS2022-1841](#)

A resolution accepting a Studio NPL Outreach Coordinator Grant from the Nashville Public Library Foundation to the Metropolitan Government, acting by and through the Nashville Public Library, to encompass outreach in the community working with partners for the various Studio NPL programs including STEM and Mobile Maker.

Analysis

This resolution accepts a Studio NPL Outreach Coordinator grant from the Nashville Public

Library Foundation to Nashville Public Library (“NPL”) in an amount not to exceed \$76,600 with no cash match required. This grant will be used to encompass outreach in the community working with partners for the various Studio NPL programs including STEM and Mobile Maker. The grant end date is June 30, 2023.

Sponsors: Rhoten, Welsch and Styles

58. [RS2022-1842](#)

A resolution approving amendment two to a grant contract between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and STARS Nashville to fund an epidemiologist position to study data regarding cigarette smoking, vaping, and e-cigarette use with the primary focus on children and young adults.

Analysis

This resolution approves amendment two to a grant between the Metropolitan Board of Health and STARS Nashville, originally approved by Resolution No. RS2020-679.

Under the terms of the contract, STARS commits to leading the Nashville Strategic Prevention Framework-Partnerships for Success e-cigarette and substance misuse capacity building, prevention, and messaging campaign. Metro commits to providing a full-time epidemiologist with expertise in substance abuse, research, and evaluation. Further, Metro will be responsible for all data collection and reporting for this project, provide education to 500 students annually, and serve on the Inter-agency Advisory Board. The total grant amount is \$415,071. The term of the contract ends August 30, 2025.

Amendment two amends Section 1.1 of the contract to increase the amount of effort provided by the epidemiologists funded through the grant. In addition, the annual funding structure would be amended for years three through five. No other changes would be made to the grant agreement.

Sponsors: Rhoten, Syracuse and Welsch

59. [RS2022-1843](#)

A resolution approving an application for a transportation alternatives program grant from the Tennessee Department of Transportation to the Metropolitan Government, acting by and through the Nashville Department of Transportation & Multimodal Infrastructure (NDOT), to ensure safety and active transportation by providing walking facilities that feel safe, comfortable, inviting, and useful.

Analysis

This resolution approves an application for a transportation alternatives program grant from the Tennessee Department of Transportation to the Nashville Department of Transportation and Multimodal Infrastructure (NDOT). If awarded, the grant amount would be \$1,000,000 with a required cash match of \$250,000. The grant would be used to provide construction funding to complete shortfalls in local funding for the James Avenue Sidewalk Completion Project to provide neighborhood connectivity to West Park, West Park Neighborhood Community Center,

Charlotte Park, and across Briley Parkway.

Sponsors: Rhoten, Pulley, Welsch and Roberts

60. [RS2022-1844](#)

A resolution approving an application for a railroad crossing elimination grant from the United States Department of Transportation to the Metropolitan Government, acting by and through the Nashville Department of Transportation & Multimodal Infrastructure (NDOT), to conduct a planning project study to evaluate alternatives to improve the local rail and highway infrastructure to enhance rail safety.

Analysis

This resolution approves an application for a railroad crossing elimination grant from the United States Department of Transportation to the Nashville Department of Transportation and Multimodal Infrastructure. If awarded, the grant amount would be \$680,000 with a required cash match of \$170,000. The grant would be used to provide for a Planning Project Study to evaluate alternatives and plan for the elimination of three existing CSX main line Highway - Rail Grade Crossings (Reeves Road; Antioch Pike; and Camper Road); elimination of two three-way stop intersections; one stop intersection; construction of a new grade separation between CSX Transportation Railroad's main line track and Antioch Pike; replacement of an existing substandard grade separation (CSX over Bell Road) with a wider clear span structure; and construction of a Collins Park Road Extension to provide an alternate road access to Camper Road, west of CSX main line.

Sponsors: Vercher, Styles, Rhoten and Pulley

61. [RS2022-1845](#)

Resolution authorizing and providing for the issuance and sale of water and sewer revenue bond anticipation notes in a principal amount not to exceed \$217,753,425 at any one time in the form of commercial paper of The Metropolitan Government of Nashville and Davidson County; authorizing and providing for one or more dealer agreements, issuing and paying agency agreements, and credit and/or liquidity facility agreements; and providing for certain other matters related thereto

Analysis

This resolution authorizes and provides for the issuance and sale of water and sewer revenue bond anticipation notes, in the form of commercial paper, in an amount not to exceed \$217,753,425 at any one time. The Metropolitan Government has used commercial paper as a form of short-term financing for capital projects since 2003. Commercial paper is basically a line of credit Metro can access to cover interim construction costs while awaiting the appropriate time to issue long-term bonds. The State of Tennessee uses a similar commercial paper program, as do many other large cities.

The resolution approves the necessary dealer agreement, the offering memorandum, the issuing and paying agent agreement, and a revolving credit agreement with TD Bank, N.A. Metro's financial adviser is Hilltop Securities, Inc.

The offering memorandum furnishes information about the water/sewer commercial paper program to prospective purchasers. The issuing and paying agent is responsible for collecting the funds and paying the principal and interest on the notes. The dealer's responsibility is to find buyers for the commercial paper issued by Metro.

Sponsors: Rhoten

62. [RS2022-1846](#)

A resolution approving a grant application for the recycling rebate grant from the State of Tennessee, Department of Environment and Conservation to the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to fund the purchase of curbside recycling carts.

Analysis

This resolution approves a grant application to the Tennessee Department of Environment and Conservation to Metropolitan Department of Water and Sewerage Services. If the application is approved, the grant would be in the amount of \$72,865.19 with a required match of \$36,432.59. This grant would be used to fund the purchase of curbside recycling carts.

Sponsors: Rhoten, Pulley and Welsch

K. **Bills on Second Reading**

116. [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, Cash and Welsch

117. [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 and VanReece

118. [BL2022-1506](#)

An ordinance amending Chapter 5.16 of the Metropolitan Code to impose a privilege tax upon the sale of goods and services at the National Museum of African American Music to be used for the cost of the museum.

Analysis

This ordinance imposes a privilege tax upon the sale of goods and services at the National Museum of African American Music to be used for the cost of the museum. State law

authorizes municipalities, excluding those with a metropolitan form of government, upon approval of an ordinance by a two-thirds majority vote of the municipal legislative body, to levy a privilege tax of up to 5% on the sales price of goods and services sold within a qualified public use facility that is located within a tourism development zone. This state law was amended in May 2022 to allow for this privilege tax to be imposed on the sale of goods and services at privately owned or operated museums principally dedicated to the preservation of cultural heritage, achievements, and contributions of minority artists, musicians, composers, or other fine arts practitioners located within a county having a metropolitan form of government, which includes the National Museum of African American Music located at 510 Broadway in downtown Nashville.

This ordinance amends Chapter 5.16 of the Metropolitan Code of Laws to impose a 5% privilege tax upon the sales price of tangible personal property and services sold at the National Museum of African American Music. The proceeds from this tax will be deposited into a fund entitled the “qualified public use facility development fund” and remitted to the National Museum of African American Music to be used solely for the cost of the museum. The National Museum of African American Music shall be responsible for furnishing such books, records, and other information reasonably requested by the Metropolitan Government to ensure the privilege tax proceeds are used for the payment of the cost of the Museum.

This ordinance must be adopted by a two-thirds majority vote of the Metropolitan Council at two consecutive regularly scheduled meetings.

Fiscal Note: This ordinance will levy a privilege tax in the amount of five percent (5%) upon the sales of tangible personal property and services sold at the National Museum of African American Music to be used for the payment of the cost of the museum.

Sponsors: Hurt, Rhoten, Vercher, Gamble, Styles and Porterfield

119. [BL2022-1507](#)

An ordinance approving and authorizing the execution of the first amendment to the Sublease agreement between OliverMcMillan Spectrum Emery, LLC and the Metropolitan Government of Nashville and Davidson County for the benefit of the National Museum of African American Music.

Analysis

This ordinance approves the first amendment to the sublease agreement between OliverMcMillan Spectrum Emery, LLC and the Metropolitan Government for the benefit of the National Museum of African American Music.

Substitute Ordinance No. BL2019-1605, as amended, approved the Fifth + Broadway Sublease between OliverMcMillan Spectrum Emery, LLC (“Company”) and the Metropolitan Government to facilitate the operation of the National Museum of African American Music (“Museum”). The Company and the Metropolitan Government desire to amend the Sublease to abate a portion of the common area operating costs and chilled water costs, and to require the Museum to provide the Company with a strategic marketing plan for the Museum. The Metropolitan

Government, the Industrial Development Board, and the African American History Foundation of Nashville, Inc. entered into an agreement with respect to the development and operation of the Museum on December 1, 2008, and as amended in 2017 and 2019, whereby the Museum is responsible for all operating costs, including common area maintenance (“CAM”) expenses, of the Museum.

This ordinance approves amendment one to the sublease agreement. Pursuant to this amendment, the Metropolitan Government will have no obligation to pay for the fixed CAM operating costs for a period of six months. The amounts otherwise due and payable by the Metropolitan Government for fixed common area operating costs and total chilled water costs for the period commencing January 30, 2021 and expiring March 4, 2021 will be abated and no amounts will be due and payable by the Metropolitan Government for this period. In addition, the Museum must provide a strategic marketing plan for the premises for calendar year 2022. The Company will provide marketing support to the Museum to align with this strategic marketing plan. The Company and the Museum will schedule monthly business meetings to review the achievement of financial and marketing objectives and the current status as compared to the strategic plan.

Sponsors: Hurt, Rhoten, Vercher, Gamble, Styles and Porterfield

120. [BL2022-1510](#)

An ordinance to provide for the designation of public property within specified areas of downtown Nashville as a temporary "Special Event Zone" during the time period beginning at nine o'clock (9:00) p.m. on December 30, 2022, and ending at 6 o'clock (6:00) a.m. on January 1, 2023, relative to the use of these areas in conjunction with the 2022 New Year's Eve Celebration and related activities and events.

Analysis

This ordinance approves a temporary “Special Event Zone” for the downtown area, in conjunction with the 2022 New Year's Eve Celebration and related activities and events from December 30, 2022 to January 1, 2023. A map of the Special Event Zone areas established under this ordinance is attached to the ordinance. Activity restrictions within the Special Event Zone would begin at 9:00 p.m. on Thursday, December 30, 2022, and end at 6:00 a.m. on Saturday, January 1, 2023. Activities on public property or in the public right-of-way within the Special Event Zone are regulated as follows:

- The sale of any food, beverages, goods, or merchandise would be prohibited, unless street vendors obtain a “Special Event Zone” permit from the Nashville Convention and Visitors Corporation (CVC) in order to sell within the geographic area listed above.
- Alcoholic beverages provided, served, or sold from any temporary outdoor use would be prohibited, except as authorized.
- The sale or distribution of merchandise pertaining to the New Year's Eve Celebration, where it is apparent on its face that the merchandise is not licensed by CVC, would be prohibited.
- No tents or membrane structures of any kind would be permitted, except as authorized by CVC or Metro for public safety purposes.

- The construction, placement, occupation, or use of any temporary structure would be prohibited except those sanctioned and authorized by the CVC.
- The distribution, promotional give-away activity, or provision of free products, services, or coupons by persons or entities that are not event sponsors officially sanctioned and authorized by CVC would be prohibited, except within any Public Participation Area.
- Vehicles would be allowed only as directed by Metropolitan Nashville Police.
- No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, would be permitted within the Special Event Zone.
- No handguns, rifles, or firearms would be permitted. (Tennessee Code Annotated § 39-17-1359)
- No knives, swords, or other fighting devices would be permitted.
- No fireworks, firecrackers, or explosive devices of any type would be permitted, except exhibitions permitted by CVC.
- The Special Event Zone would be a “no fly zone.”

This ordinance requires at least one Public Participation Area within the Special Event Zone while the zone is in effect. This Area would allow for the reasonable expression by the public in a manner that is not disruptive to the New Year's Eve Celebration, activities, and events.

Fiscal Note: This ordinance places restrictions on the activities that would be allowed to take place within the special event zone during the New Year's Eve Celebration. However, no additional Metro personnel or overtime would be required just for the enforcement of these restrictions.

Sponsors: OConnell

121. [BL2022-1511](#)

An ordinance approving a Lease Agreement by and between the Metropolitan Government of Nashville and Davidson County acting by and through the Metropolitan Board of Education and Conexion Americas (Proposal No. 2022M-035AG-001).

Analysis

This ordinance approves a lease agreement between the Metropolitan Board of Education (“MNPS”) and Conexion Americas. Pursuant to the agreement, MNPS would lease approximately 8,975 square feet at 2195 N. Nolensville Pike, a portion of the structure known as Casa Azafrán. This includes approximately 265 square feet of office space, plus parking spaces (“EL Office space”), and 8,710 square feet of pre-kindergarten space, plus parking spaces (“Pre-Kindergarten space”).

MNPS will make payments to Conexion Americas as follows:

EL Office space (265 square feet):

- Year 1: \$900 per month (\$3.39 per square foot)
- Year 2: \$936 per month (\$3.53 per square foot)
- Year 3: \$1,012.34 per month (\$3.82 per square foot)

- Year 4: \$1,184.09 per month (\$4.46 per square foot)
- Year 5: \$1,331.84 per month (\$5.02 per square foot)
- Year 6: \$1,498 per month (\$5.65 per square foot)
- Year 7: \$1,557.92 per month (\$5.87 per square foot)
- Year 8: \$1,620.17 per month (\$6.11 per square foot)
- Year 9: \$1,684.92 per month (\$6.35 per square foot)
- Year 10: \$1,75.52 per month (\$6.61 per square foot)

Pre-Kindergarten space (8,710 square feet):

- Year 1: \$9,530.19 per month (\$1.09 per square foot)
- Year 2: \$9,911.39 per month (\$1.13 per square foot)
- Year 3: \$10,307.84 per month (\$1.18 per square foot)
- Year 4: \$10,720.15 per month (\$1.23 per square foot)
- Year 5: \$11,148.95 per month (\$1.28 per square foot)
- Year 6: \$11,594.90 per month (\$1.33 per square foot)
- Year 7: \$12,058.69 per month (\$1.38 per square foot)
- Year 8: \$12,541.03 per month (\$1.43 per square foot)
- Year 9: \$13,042.67 per month (\$1.49 per square foot)
- Year 10: \$13,564.37 per month (\$1.55 per square foot)

There are no other charges or fees for the performance of this lease contract.

The initial term of the lease agreement is 10 years, commencing on January 1, 2023 and ending on December 31, 2032.

Fiscal Note: Metro Nashville Public School would lease approximately 8,975 square feet from Conexion Americas. The total rent amount is not to exceed \$1,550,000 for ten years.

Sponsors: Sledge, Rhoten, Suara, Withers and Welsch

122. [BL2022-1512](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public stormwater drainage easement rights, for property located at 281 Cumberland Bend, also known as The Presley Apartments (Proposal No. 2022M-137ES-001).

Analysis

This ordinance abandons easement rights for an existing public stormwater drainage easement dedicated unto The Metropolitan Government of Nashville and Davidson County by the plat of Metro Center Resubdivision, Tracts 4M and 4G, of record in Book 6200, Page 751 (Davidson County Register of Deeds) and also mentioned in Master Deed Book 5035, Page 972 (R.O.D.C., TN), for property located at 281 Cumberland Bend, also known as The Presley Apartments. This abandonment has been requested by Berliner Cohen on behalf of the owner.

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

Sponsors: Toombs, Withers and Pulley

123. [BL2022-1513](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept temporary and permanent easements for the Tinnin Road Stormwater Improvement Project for two properties located at 2237 and 2245 Tinnin Road, (Project No. 23-SWC-38 and Proposal No. 2022M-131ES-001).

Analysis

This ordinance authorizes the negotiation and acceptance of temporary and permanent easements for two properties located at 2237 and 2245 Tinnin Road. These easements are needed to construct a drainage project, MWS Project 23-SWC-38.

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: Young, Withers and Pulley

124. [BL2022-1514](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent and temporary easements for the Radnor Street Stormwater Improvement Project for nine properties located on Radnor Street, Morton Avenue and Timmons Street, (Project No. 22-SWC-238 and Proposal No. 2022M-141ES-001).

Analysis

This ordinance authorizes the negotiation and acceptance of permanent and temporary easements for nine properties located on Radnor Street, Morton Avenue and Timmons Street. These easements are needed to construct a drainage project, MWS Project 22-SWC-238.

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: Welsch, Withers and Pulley

125. [BL2022-1515](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent and temporary easements for the Edge Moor Drive Stormwater Improvement Project for four properties located on Creekview Drive, (Project No. 21-SWC-69 and Proposal No. 2022M-130ES-001).

Analysis

This ordinance authorizes the negotiation and acceptance of permanent and temporary easements for four properties located on Creekview Drive. These easements are needed to construct a drainage project, MWS Project 21-SWC-69.

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: Withers and Pulley

126. [BL2022-1516](#)

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 2525 Gallatin Avenue, also known as Roufail Plaza (MWS Project No. 22-WL-80 and Proposal No. 2022M-132ES-001).

Analysis

This ordinance abandons approximately six linear feet of existing six-inch water main (cast iron pipe) and accepts approximately six linear feet of new six-inch water main (ductile iron pipe) for property located at 2525 Gallatin Avenue, also known as Roufail Plaza.

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

Sponsors: Parker, Withers and Pulley

127. [BL2022-1517](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, and to accept new water main, for property located at 423 D Veritas Street, (MWS Project No. 22-WL-54 and Proposal No. 2022M-133ES-001).

Analysis

This ordinance abandons approximately 237 linear feet of existing 12 inch water main and accepts approximately 237 linear feet of new 12 inch water main (DIP) for property located at 423 D Veritas Street.

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

Sponsors: Welsch, Withers and Pulley

128. [BL2022-1518](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer mains, sanitary sewer manholes and easements, for three properties located on Sunset Road in Williamson County, also known as Thunder Drive Subdivision (MWS Project No. 21-SL-271 and Proposal No. 2022M-134ES-001).

Analysis

This ordinance accepts approximately 985 linear feet of new eight-inch sanitary sewer main (DIP), approximately 1,378 linear feet of new eight-inch sanitary sewer main (PVC), approximately 550 linear feet of new 1.5-inch sanitary sewer low pressure main (PVC), approximately 548 linear feet of new two-inch sanitary sewer low pressure main (PVC), 13 sanitary sewer manholes and easements for three properties located on Sunset Road in Williamson County, also known as Thunder Drive Subdivision.

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: Withers and Pulley

129. [BL2022-1519](#)

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 five properties located on West Trinity Lane (MWS Project Nos. and Proposal No. 2022M-135ES-001).

Analysis

This ordinance accepts approximately 489 linear feet of new 10-inch water main (DIP), approximately 466 linear feet of new eight-inch water main (DIP), approximately 378 linear feet of new eight-inch sanitary sewer main (DIP), approximately 1,012 linear feet of new eight-inch sanitary sewer main (PVC), three fire hydrant assemblies, 12 sanitary sewer manholes and easements for five properties located on West Trinity Lane.

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 Pulley

130. [BL2022-1520](#)

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 1 Terminal Drive, also known as Sky Harbour Hangers, (MWS Project No. 22-WL-96 and Proposal No. 2022M-139ES-001).

Analysis

This ordinance abandons approximately 14 linear feet of existing 12-inch water main, and accepts approximately 14 linear feet of new 12-inch water main (DIP) for property located at 1 Terminal Drive, also known as Sky Harbour Hangers.

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

Sponsors: Bradford, Withers and Pulley

131. [BL2022-1521](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public sanitary sewer main and sanitary sewer manholes, for property located at 1206 B 1st Avenue South, also known as Trimble Street Cottage Homes (MWS Project No. 22-SL-166 and Proposal No. 2022M-138ES-001).

Analysis

This ordinance accepts approximately 185 linear feet of new eight-inch sanitary sewer main (PVC) and two sanitary sewer manholes for property located at 1206 B 1st Avenue South, also known as Trimble Street Cottage Homes.

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 Pulley

132. [BL2022-1522](#)

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 812 45th

Avenue North, (MWS Project Nos. 22-SL-186 and Proposal No. 2022M-136ES-001).

Analysis

This ordinance accepts approximately 25 linear feet of new eight-inch sanitary sewer main (PVC) and one sanitary sewer manhole for property located at 812 45th Avenue North.

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: Roberts, Withers and Pulley

133. [BL2022-1523](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept the relocation of a public fire hydrant assembly, for property located at 3220 Charlotte Avenue (MWS Project Nos. 22-WL-66 and Proposal No. 2022M-129ES-001).

Analysis

This ordinance accepts the relocation of one fire hydrant assembly for property located at 3220 Charlotte Avenue.

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 Pulley

134. [BL2022-1524](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main, sanitary sewer manholes and easements, for property located at 2236 B Whites Creek Pike, (MWS Project No. 22-SL-185 and Proposal No. 2022M-140ES-001).

Analysis

This ordinance accepts approximately 442 linear feet of new eight-inch sanitary sewer main (PVC), two sanitary sewer manholes and easements for property located at 2236 B Whites Creek 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. Donated easements have no market value

according to the Department of Water Services.

Sponsors: Toombs, Withers and Pulley

135. [BL2022-1527](#)

An ordinance to amend Ordinance No. BL2022-1415 regarding the makeup of the Tax Incentive and Abatement Study and Formulating Committee membership.

Analysis

This ordinance amends Ordinance No. BL2022-1415, which was passed at the October 4, 2022, Council meeting. That ordinance established 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 original ordinance states that seven members will serve on the committee, who will be approved by Council by resolution.

The ordinance under consideration clarifies that, of the four members appointed by election of the Metropolitan Council, up to two may be elected from the membership of the Council. This ordinance also corrects a typographical error in the original ordinance to clarify that the mayor will nominate one member.

Sponsors: Allen

L.

Bills on Third Reading

136. [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 and workforce housing initiatives.

Analysis

This ordinance, as substituted, 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 and workforce 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 and workforce

housing initiatives within the boundaries of the Metropolitan Government. This would include funding of the Barnes Fund for Affordable Housing, the Housing Incentive Pilot Program (with an annual limitation of \$500,000 in any fiscal year), and other initiatives addressing affordable and workforce housing as added by resolution.

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 and workforce housing needs in Nashville and Davidson County every five years. If the payment exceeds the needs for affordable and workforce housing initiatives, the Finance and Planning Departments would be required to notify and make recommendations to the Council regarding the expenditure of these funds.

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

137. [BL2022-1405](#)

An ordinance to amend Section 13.32.165 of the Metropolitan Code of Laws to amend the requirements for sidewalk café permits including implementing a fee for the use of right-of-way, an insurance requirement related to the sale of alcoholic beverages, and allowing for the issuance of permits throughout Nashville and Davidson County.

Analysis

In September 2020, the Council enacted Second Substitute Ordinance No. BL2020-403 which, in part, temporarily allowed sidewalk café dining facilities within the public right-of-way throughout the jurisdiction of the Metropolitan Government. The purpose of the ordinance was to provide some relief to restaurants impacted by COVID-19 and the resulting social distancing/seating capacity requirements.

The portion of the bill that expanded sidewalk café dining facilities throughout the jurisdiction of the Metropolitan Government was originally set to expire on February 5, 2021, but was extended through February 15, 2022 pursuant to RS2021-734. This was extended until November 15, 2022 in January 2022 pursuant to RS2022-1306.

The ordinance under consideration, as substituted, makes changes to the existing Section 13.32.165 of the Metropolitan Code of Laws to remove the sunset date related to permitting sidewalk café dining facilities county-wide and also makes various amendments to the sidewalk café program.

Under the current law, any person who maintains or operates a sidewalk café must first obtain a permit. This permit requires a nonrefundable fee of one hundred dollars to cover the cost of processing the permit. This ordinance would further add an annual fee per square foot of right-of-way use, at a rate determined by NDOT.

The current program would be amended to require that a minimum of five feet of sidewalk be left clear for pedestrian traffic. In addition to the existing insurance requirements, any sidewalk café serving beer and other alcoholic beverages must provide proof of liquor liability insurance. Additional provisions intended to allow for continued use and accessibility of the right-of-way by

pedestrians would also be added.

Sponsors: Parker, Allen, Henderson, Porterfield and Styles

138. [BL2022-1470](#)

An ordinance amending Section 13.08.080 of the Metropolitan Code of Law to authorize the use of data collection and video technologies solely for the purpose of traffic monitoring and management by the Metropolitan Department of Information Technology Services and the Nashville Department of Transportation and Multimodal Infrastructure.

Analysis

This ordinance adds a new subsection to Metropolitan Code of Laws Section 13.08.080, which governs the deployment of surveillance or electronic data gathering devices, to allow for the Department of Information Technology Services (“ITS”) and/or the Nashville Department of Transportation and Multimodal Infrastructure to use data collection and video technologies solely for the purpose of traffic monitoring and management.

The ordinance provides that this technology would be used for non-law enforcement purposes only. The technology could not save or store data that could be associated with any specific individual or group, could not have video that is paused or rewound and is instead viewed in real-time only, and could not be monitored, used, or acquired by law enforcement personnel for law enforcement purposes, except for real-time emergency response to support public safety. The technology must be reviewed by ITS for data and network concerns prior to implementation.

Sponsors: Pulley

139. [BL2022-1474](#)

An ordinance approving a contract between the Metropolitan Government of Nashville and Davidson County and Granicus, LLC to provide service, maintenance and licensing related to various platforms, including but not limited to, Granicus government meetings, short-term rentals monitoring, communication cloud and web streaming services for Metro-wide internal and external usage.

Analysis

This ordinance approves a sole source agreement between the Metropolitan Government and Granicus, LLC to provide service, maintenance, and licensing related to various platforms, including Granicus government meetings, short-term rentals monitoring, communication cloud and web-streaming services for Metro-wide internal and external usage.

Section 4.12.060 of the Metropolitan Code of Laws authorizes the Metropolitan Purchasing Agent to enter into sole source contracts when the Purchasing Agent determines in writing according to standards adopted by the Procurement Standards Board that there is only one source for the supply or services required. The initial contract term ends 60 months from the date of filing with the Metropolitan Clerk’s Office, but may be extended by letter signed by the

Metropolitan Purchasing Agent for an additional 60 months. In no event may the contract term exceed 120 months from the date of filing with the Metropolitan Clerk's Office.

The estimated value of the contract is \$7,000,000. The pricing details are available in Exhibit A to the contract. This contract covers services such as Legistar, VoteCast, Bang the Table, Boards and Commissions, as well as a 24/7 hotline, compliance monitoring, webstreaming and more.

According to the Sole Source Justification Form provided by the Department of Information Technology Services ("ITS"), this contract would allow for the combination of various critical government services and communication solutions into one consolidated, 10-year contract. The Metropolitan Government has used some of the services under this contract for over 10 years and are embedded into internal and external communications. Replacing the system would be cost prohibitive. Therefore, ITS is intending to consolidate these Granicus services into one sole source contract for a 10-year term.

Fiscal Note: The total value of over the life of this contract is \$7,000,000 and would be paid from various Business Units. The contract term ends on October 22, 2027, for various platform service, maintenance and licensing including but not limited to Granicus government meetings, short term rentals monitoring, communication cloud and web streaming services for Metro-wide internal and external usage.

Sponsors: Rhoten, Benedict and Gamble

140. [BL2022-1475](#)

An ordinance approving an agreement by and between the Metropolitan Government and LAZ Parking Georgia, LLC relating to the operation and management of the on-street metered parking program within the public rights-of-way of the Metropolitan area, and approving a lease agreement to lease Metropolitan Government property to LAZ Parking Georgia, LLC, to use as office space in performing these functions (2022M-041AG-001).

Analysis

UPDATED

This ordinance, as amended, approves two related agreements: (1) an agreement between the Metropolitan Government and LAZ Parking Georgia, LLC ("LAZ") relating to the operation and management of the on-street metered parking program within the public right-of-way of the Metropolitan area (the "Parking Agreement"), and (2) approves a lease agreement to lease Metropolitan Government property to LAZ for use as an office space in performance of these functions (the "Lease Agreement").

Section 11.907 of the Metropolitan Charter authorizes the Traffic and Parking Commission to enter into lease agreements with private operators to operate parking facilities such as on-street metered parking within the rights-of-way of Metro. Metro accordingly issued RFQ # 98182 (the "RFQ") with the objective of soliciting respondent qualifications and detailed feedback from parking management experts regarding improvements to Metro's Metered

Parking System. On December 30, 2021, Metro awarded the RFQ to LAZ and conducted final contract negotiations which have resulted in an agreement between Metro and LAZ. This contract was approved by the Traffic and Parking Commission at its September 12, 2022, meeting.

Pursuant to the terms of the Parking Agreement, LAZ will operate and maintain a metered parking program for on-street parking spaces or curb areas. LAZ will pay to Metro \$2,000,000 annually in guaranteed revenue in monthly installments. If, at the end of each year, Metro has not received the full \$2,000,000, LAZ will pay Metro the difference. LAZ will be paid a monthly management fee which escalates over the five-year contract term. LAZ will be paid a \$60,000 management fee in Year 1, a \$75,000 management fee in Year 2, a \$90,000 management fee in Year 3, a \$105,000 management fee in Year 4, and a \$120,000 management fee in Year 5. In addition, if certain performance indicators are met, Metro will pay to LAZ an additional \$30,000 each year. These "Key Performance Indicators" are available in Schedule 13 of the agreement.

LAZ will pay all operating expenses under the agreement, including but not limited to, staff salary and benefits, employee training, license and permit fees, supplies, advertising and promotion, credit card fees, and cost of remote monitoring. Upon the execution of the agreement, Metro will give to LAZ an amount equal to three months of estimated operating expenses (the "Operating Advance"), based upon the Business Plan Operating Expenses. The Business Plan is the subject of Schedule 11 and will be provided by LAZ within 30 days of the effective date of the agreement. So, upon execution of the Parking Agreement, the actual cost of the Operating Advance will be unknown. The funds provided by Metro will be used by LAZ to pay the monthly operating expenses of the program. If the gross revenue for any month is insufficient to pay LAZ's operating expenses, Metro will provide LAZ with an amount equal to the deficit. While the Parking Agreement does not explicitly direct that the Operating Advance will be an annual payment, it is implied in that the Operating Advance amount will be adjusted on, at least, an annual basis.

LAZ will be responsible for the continuous operation of the metered parking system, at the direction and supervision of Metro. LAZ will, except as specifically provided otherwise, pay or cause to be paid all costs and expenses relating to the metered parking system operations. LAZ is authorized to enter upon Metro property to make necessary repairs and perform any necessary actions related to the metered parking system. LAZ will install all capital improvements related to the metered parking system on behalf of Metro. Metro will be responsible for all costs of removing old metered devices, poles, and related infrastructure, and for repairing any damage caused by such removal for the installation of new metered devices.

The Parking Enforcement Patrol, to the extent authorized by state law and the Metropolitan Charter, may utilize LAZ to perform responsibilities such as the assistance in investigation of potential parking violations and Parking Enforcement Patrol may rely on evidence presented by LAZ to issue or cause the issuance of citations when warranted. However, any citation must be based on a Parking Enforcement officer's determination that there is probable cause to believe a violation of the parking enforcement provisions of the Metropolitan Code has been

committed. LAZ may be used to deliver notice of such citations.

LAZ is authorized to collect metered parking fees as Metro's agent and deposit these fees into an account maintained by Metro for all project revenue. Metro has the sole authority, through the Traffic and Parking Commission, to establish the metered parking fee.

Currently, the parking fees in the Central Business District (the "CBD") are \$2.25 per hour with a two-hour limit Monday through Saturday, 8am to 6pm. Sunday is currently free. Outside of the CBD, the parking fee is \$1.75 per hour with a 2-hour limit Monday through Saturday, 8am to 6pm. Sunday is currently free. LAZ is authorized to request a change to the parking fees in the future, subject to the approval of the Traffic and Parking Commission.

Metro may, at all reasonable times and upon 10 business days prior notice, cause a representative to carry out an audit and review of information required to be maintained by LAZ under this agreement in connection with the performance of the metered parking system operations. Metro may also carry out an audit and review of LAZ's annual reports or accounts related to this agreement. Metro and LAZ will also have quarterly and annual meetings regarding the performance of this agreement.

The term of this agreement begins upon approval of all parties and filing with the Metropolitan Clerk's Office and extends for a term of 60 months. The agreement may be terminated at Metro's convenience upon notice to LAZ.

The Lease Agreement between Metro and LAZ provides for the lease of approximately 2,450 square feet of space at 740 South 5th Street. This property will be used as the local office premises for LAZ to run metered parking operations. The term of the lease will commence upon its execution and end conterminously with the contract for metered parking. LAZ will pay to Metro \$1 annually for the use of this space.

An amendment added to the ordinance at the Council's October 18, 2022 meeting added a definition for the term "citation" and replaced the Lease Agreement with a signed version, labeled as Exhibit B.

The Council Office anticipates an amendment to this ordinance to make various changes to the parking agreement document, attached to the ordinance as Exhibit A. This includes the addition of the definition of "Citation" as well as additional housekeeping changes. Amendments to Section 2.2 of the agreement would be made to fix errors in the numbering of provisions, remove redundant language, and clarify the existing language. Section 2.2(d), regarding the management fee paid to LAZ, would be amended, for clarity, to state that LAZ will be paid an annual management fee, payable in monthly installments. In addition, Section 3.2(e)(i) of the agreement would be amended to add language to clarify that, to the extent that license plate reader data is used for parking enforcement, a vehicle's license plate number must be deleted within 30 minutes of its exit from the monitored parking space, unless the vehicle is suspected of violating parking restrictions. The language added to the contract for this provision is taken directly from Metropolitan Code of Laws Section 13.08.080.H.b.

Updated Fiscal Note: LAZ Parking Georgia, LLC will pay \$2 million in annual guaranteed revenue to Metro. Metro will pay the management fees to LAZ Parking Georgia, LLC \$720,000 for Year 1, \$900,000 for Year 2, \$1,080,000 for Year 3, \$1,1260,000 for Year 4 and \$1,440,000 for Year 5. With the proposed amendment on third reading it will be clear that Metro will pay the management fees to LAZ Parking Georgia, LLC \$60,000 for Year 1, \$75,000 for Year 2, \$90,000 for Year 3, \$105,000 for Year 4 and \$120,000 for Year 5. Metro will pay an additional performance fee up to \$30,000 for each management year to LAZ Parking Georgia, LLC at the end of the year based on performance measures as established in Schedule 13. LAZ Parking Georgia, LLC will pay all operating expenses. Metro will deposit an operating advance, equal to three months of the estimated operating expenses based on the Business Plan Operating Budget, to be used by LAZ Parking Georgia, LLC to pay monthly operating expenses. The operating advance will be adjusted not less frequently than annually, as agreed by the parties, to cover increases in operating expenses. If the gross revenues for any month are insufficient to cover the operating expenses, Metro will pay the deficit amount. LAZ Parking Georgia, LLC will remove and install all metered parking system equipment and Metro will pay for the cost.

Sponsors: Henderson, Pulley, Withers, Rhoten, Gamble and Styles

141. [BL2022-1476](#)

An ordinance readopting the Code of The Metropolitan Government of Nashville and Davidson County, Tennessee, prepared by Municipal Code Corporation including supplemental and replacement pages thereof, containing certain ordinances of a general and permanent nature enacted on or before May 18, 2022.

Analysis

This ordinance is a routine re adoption of the Metro Code to include all ordinances enacted on or before May 18, 2022.

Sponsors: Murphy

142. [BL2022-1477](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a public fire hydrant assembly, for property located at 3887 Central Pike, (MWS Project No. 22-WL-59 and Proposal No. 2022M-127ES-001).

Analysis

This ordinance accepts one fire hydrant assembly for property located at 3887 Central 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: Evans, Withers and Pulley

143. [BL2022-1478](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a public fire hydrant assembly, for property located at 245 B Hermitage Avenue, (MWS Project No. 22-WL-13 and Proposal No. 2022M-125ES-001).

Analysis

This ordinance accepts one fire hydrant assembly for property located at 245 B Hermitage Avenue.

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: OConnell, Withers and Pulley