



Metro Council

H. Consent Resolutions and Resolutions

2. [RS2022-1689](#)

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

Analysis

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

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

Sponsors: OConnell and Hancock

3. [RS2022-1733](#)

A resolution authorizing grants not exceeding \$74,596.00 from the Barnes Fund for Affordable Housing to Affordable Housing Resources for the express purpose of constructing and rehabilitating affordable or workforce housing.

Analysis

This resolution authorizes a grant not exceeding \$74,596 from the Barnes Fund for Affordable Housing to Affordable Housing Resources 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 50 affordable housing units approved by the original contracts authorized by RS2017-965, RS2019-1861, RS2020-239 and RS2021-936. 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 24 months from the execution of the agreement.

Sponsors: Rhoten, Gamble, Welsch, Suara and Porterfield

4. [RS2022-1744](#)

A resolution approving a grant contract between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and the Mental Health Cooperative to provide expertise and staff in emergency behavioral health care to support the launch and pilot year of the Metropolitan Nashville Police Department's (MNPd) co-response model, Nashville Partners in Care.

Analysis

This resolution approves a grant contract between the Metropolitan Board of Health and the Mental Health Cooperative ("MHC") related to the Metropolitan Nashville Police Department's ("MNPd") co-response model, Nashville Partners in Care. These funds are to be used to provide expertise and staff in emergency behavioral health care to support the launch and pilot year of Nashville Partners in Care.

Pursuant to the terms of the grant, MHC will receive \$1,435,574 to be used for the following outcomes:

- Preparation of master's level clinicians for mental health crisis response and assignment to specific police details throughout the county for the purpose of fulfilling the charge and work of Partners in Care.
- Coordination with the Metropolitan Public Health Department ("MPHD"), MNPd, the Mayor's Office, and other necessary Metro departments and stakeholder organizations to ensure regular and timely data sharing.
- Provision of regular reporting to MPHD, MNPd, the Mayor's Office and stakeholders through a process and schedule acceptable to Metro departments and MHC.

The term of this agreement begins July 1, 2022 and ends June 30, 2023.

Fiscal Note: Metro would pay \$1,435,574 to Mental Health Cooperative to provide expertise and staff in emergency behavioral health care to support the launch and pilot year of the MNPd's co-response model, Nashville Partners in Care.

Sponsors: Rhoten, Gamble, Syracuse, Porterfield, Welsch, Evans, Suara, Allen and Benedict

5. [RS2022-1745](#)

A resolution approving a grant contract between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and the Mental Health Cooperative to provide funds to operate a 24/7 Mental Health Coop Treatment Center to provide urgent mental health care

alternatives to the emergency room or jail.

Analysis

This resolution approves a grant contract between the Metropolitan Board of Health and the Mental Health Cooperative (“MHC”) to provide funds to operate a 24/7 Mental Health Coop Treatment Center to provide urgent mental health care alternatives to the emergency room or jail.

Pursuant to the agreement, MHC will serve as a visible and expedient source of emergency psychiatric care, including crisis treatment, crisis stabilization, and respite care. The funds will be used to operate a 24/7 Mental Health Coop Treatment Center (“MHCTC”) mental health urgent care alternative to the emergency room or jail.

Pursuant to the terms of the agreement, MHC will receive \$2,508,400 to be used for the following outcomes:

- MHCTC will maintain a monthly average of 90 individuals referred by MNPDP who require psychiatric emergency care.
- MHCTC will assume the responsibility of a minimum of 225 walk-in individuals for psychiatric emergency care per month.
- MHCTC will assume the responsibility of a minimum of 170 individuals for crisis stabilization and respite care per month.
- MHCTC will maintain an average drop-off time for MNPDP of 10 minutes or less.
- MHCTC will partner with Metro officials to enhance access to psychiatric emergency care.

MHC would be required to collect data to evaluate the effectiveness of services provided under the contract and provide the results to Metro. The term of the grant begins July 1, 2022 and ends June 30, 2023.

Fiscal Note: Metro would pay \$2,508,400 to Mental Health Cooperative to provide funds to operate a 24/7 Mental Health Coop Treatment Center for mental health care alternatives to the emergency room or jail.

Sponsors: Rhoten, Gamble, Syracuse, Porterfield, Welsch, Evans, Suara and Allen

6. [RS2022-1746](#)

A resolution approving a contract for services by and between the Metropolitan Government, acting by and through the Metropolitan Board of Health, and Neighborhood Health, Inc. to provide homeless individuals with medical and dental services at two or more clinics in or near downtown Nashville.

Analysis

This resolution approves a one-year contract for services between the Metropolitan Board of Health and Neighborhood Health, Inc. to provide various medical services to homeless persons. Metro has had such a contract since 2005 to provide a portion of the medical

services, including examinations, diagnosis, and treatment of medical conditions of homeless persons seen at the downtown clinic. Neighborhood Health is to provide primary medical services to at least 3,500 individuals, which is to include a 24 hour on-call system for emergencies. This contract also includes the provision of dental care for at least 500 patient visits and mental health services to at least 600 homeless clients. Neighborhood Health will also be responsible for making transportation available to its homeless patients. The term of this agreement begins July 1, 2022 and ends June 30, 2023.

Fiscal Note: Metro would pay \$355,200 to Neighborhood Health, Inc., to provide homeless individuals with medical and dental services at two or more clinics in or near downtown Nashville.

Sponsors: Rhoten, Gamble, Syracuse, Porterfield, Welsch and Evans

7. [RS2022-1765](#)

A resolution approving amendment one to the grant contract between the Metropolitan Government of Nashville and Davidson County and FUSE Corps.

Analysis

This resolution approves an amendment to a grant to the FUSE Corps previously approved by Resolution No. RS2021-1203. The original grant agreement provides fellowships to the Metropolitan Government under its Equitable Recovery Initiative for work in the areas of affordable housing, resilience for vulnerable populations, and afterschool programs combatting learning loss exacerbated by the COVID-19 pandemic. The amendment extends the end date of the grant from October 24, 2022 to October 24, 2023 to allow for an additional fellowship.

Sponsors: Gamble

8. [RS2022-1766](#)

A resolution approving a grant contract between the Metropolitan Government of Nashville and Davidson County, acting by and through the Davidson County Juvenile Court, and Youth Advocate Programs, Inc., to fund the continuation of the Wrapping Around Families for Success Program.

Analysis

This resolution approves a grant contract from the Metropolitan Government to Youth Advocate Programs, Inc. to fund the continuation of the Wrapping Around Families for Success Program. Resolution No. RS2022-1637, adopted by Council on July 5, 2022, accepted a Victim of Crime Act ("VOCA") grant from the State of Tennessee for the Wrapping Around Families for Success program, which supports 24/7 crisis intervention, mentoring, and counseling services.

The resolution under consideration approves a grant contract between the Metropolitan Government and Youth Advocate Programs, Inc. in an amount not to exceed \$439,637. The term of the grant begins July 15, 2022 and ends June 30, 2023.

Fiscal Note: Metro would pay \$439,637 to Youth Advocate Programs, Inc. for the Wrapping

Around Families for Success program to support 24/7 crisis intervention, mentoring and counseling services.

Sponsors: Gamble and Suara

9. [RS2022-1767](#)

A resolution affirming the intent of the Metropolitan Government of Nashville and Davidson County to explore a commercial property assessed clean energy and resiliency (C-PACER) program within Nashville and Davidson County, Tennessee.

Analysis

This resolution affirms the intent of the Metropolitan Government to explore a commercial property assessed clean energy and resiliency (C-PACER) program by making the findings required by state law and setting a public hearing. The resolution represents the first step required under state law to institute the program. Title 68 of the Tennessee Code Annotated was amended in 2021 to add Chapter 205 creating the C-PACER program to authorize local governments to implement a program offering commercial property owners an alternative method to obtain long-term financing for clean energy and resiliency improvements to real property.

This resolution complies with Tenn. Code Ann. § 68-205-105(a) requiring, that as the initial step to implementation, the local government adopt a resolution that:

1. makes a finding that financing C-PACER projects through assessments is a valid public purpose; *(Section 2 of the resolution)*
2. states the intent to authorize direct financing between property owners and capital providers for the C-PACER projects; *(Section 3 of the resolution)*
3. states that the local government intends to authorize special assessments, via a written assessment contract, as a means to repay the financing; *(Section 4 of the resolution)*
4. includes a description of the types of qualified projects that may be subject to special assessments; *(Section 5 of the resolution)*
5. includes a description of the boundaries of the region; *(Section 6 of the resolution)*
6. includes a description of the administration of the program; *(Section 7 of the resolution)*
7. if a third party will be involved in servicing the assessment payments, a description of the procedures; *(Section 8 of the resolution)*
8. designates the time and place for a public hearing on the program; and *(Section 9 of the resolution)*
9. identifies the local official and tax collector for the program. *(Section 8 of the resolution)*

The remaining steps required under state law to implement the C-PACER program are the public hearing (to be held at the October 4, 2022 Council meeting) and the adoption of a separate resolution establishing the specific terms of the program. Once all the steps are completed, the program should allow commercial property owners with a qualifying project to enter a written contract with Metro to enact a special assessment on the property that will repay the long-term financing in installments. The special assessment will become a first and prior lien on the property with the same priority status as a tax lien and will be collected by the Metro Trustee in the same manner as property taxes. A C-PACER assessment lien will run with the

property and cannot be eliminated by a back tax sale.

Sponsors: Allen

10. [**RS2022-1768**](#)

A resolution approving amendment one to a grant from the Tennessee Department of Human Services to the Metropolitan Government, acting by and through the Metropolitan Action Commission, to address community needs resulting from the COVID-19 pandemic.

Analysis

This resolution approves an amendment to a grant from the Tennessee Department of Human Services to the Metropolitan Action Commission, previously approved by Resolution No. RS2020-407. This grant is used to address community needs resulting from the COVID-19 pandemic. This amendment increases the grant amount by \$58,315.04, from \$1,870,794.01 to \$1,929,109.05. The amendment also adds a new Section A.26 related to the incorporation of a Federal Award Identification Worksheet into the grant contract. An updated Grant Budget and a Federal Award Identification Worksheet would be added to the agreement as attachments.

Sponsors: Gamble, Suara, Welsch and Styles

11. [**RS2022-1769**](#)

A resolution approving amendment one to a Summer Jobs Connect grant from the Cities for Financial Empowerment Fund, Inc. ("CFE Fund") to the Metropolitan Government, acting by and through the Metro Action Commission, to implement a comprehensive financial empowerment program that provides participants with access to safe bank or credit union products.

Analysis

This resolution approves an amendment to a Summer Jobs Connect grant from the Cities for Financial Empowerment Fund, Inc. to the Metropolitan Action Commission, previously approved by Resolution No. RS2021-1088. This grant is used to implement a comprehensive financial empowerment program that provides participants with access to safe bank or credit union products. This amendment increases the grant amount by \$25,000, from \$25,000 to \$50,000, and extends the end date of the grant to April 30, 2023. Attachments to the grant would be updated to reflect these changes.

Sponsors: Gamble and Welsch

12. [**RS2022-1770**](#)

A resolution accepting a grant from the U. S. Department of Homeland Security to the Metropolitan Government, acting by and through the Nashville Fire Department, to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

Analysis

This resolution accepts a grant from the U.S. Department of Homeland Security to the Nashville Fire Department in an amount not to exceed \$390,528.18 with a required cash match of \$39,052.82. This grant will provide chemical, biological, radiological, and nuclear equipment

to replace existing equipment that is worn out or broken. It will also replace worn out or broken fitness equipment in each fire hall.

The grant period is from May 1, 2022 and ends on April 30, 2024.

Fiscal Note: The required cash match will be funded through a future 4% Fund allocation.

Sponsors: Gamble, Syracuse, Hancock, Suara and Styles

13. [RS2022-1771](#)

A resolution approving an application for a Hazardous Materials Emergency Preparedness Grant from the Tennessee Emergency Management Agency to the Metropolitan Government, acting by and through the Office of Emergency Management, to stay abreast of emerging trends and deliver the latest and most pertinent training possible to increase the effectiveness of safely and efficiently handling hazardous materials.

Analysis

This resolution approves a grant application for a Hazardous Materials Emergency Preparedness Grant from the Tennessee Emergency Management Agency with a grant award of \$98,660 and required cash match of \$24,665 to the Office of Emergency Management. This grant will be used to stay abreast of emerging trends and deliver the latest and most pertinent training possible to increase the effectiveness of safely and efficiently handling hazardous materials.

Sponsors: Gamble and Syracuse

14. [RS2022-1772](#)

A resolution approving amendment one to a grant from A Step Ahead Foundation of Middle Tennessee, Inc. to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide reimbursement for certain costs associated with providing long-acting reversible contraception.

Analysis

This resolution approves amendment one to a grant from A Step Ahead Foundation of Middle Tennessee to the Metropolitan Board of Health, previously approved by Resolution No. RS2021-1243. This grant provides reimbursement for certain costs associated with providing long-acting reversible contraception.

This amendment increases the grant amount by \$222,000, from \$48,000 to \$270,000. The amendment also extends the grant end date from December 31, 2022 to October 31, 2024. No other changes would be made to the grant contract.

Sponsors: Gamble, Syracuse, Allen and Welsch

15. [RS2022-1773](#)

A resolution appropriating \$250,000 through a grant contract by and between the Metropolitan Government, acting by and through the Nashville Public Library, and Oasis

Center, Inc. to provide college access services for the Opportunity Now Program.

Analysis

This resolution appropriates \$250,000 through a grant contract from the Nashville Public Library (“NPL”) to the Oasis Center, Inc. to provide college access services for the Opportunity Now Program. Under this agreement, Oasis Center, Inc. will use the funds to provide ongoing support to high school students who participated in Metro’s Opportunity Now Program, including meetings with designated staff members, development of a college plan, ongoing monitoring of the student’s goals, and assistance with the college application process, and other support.

NPL will provide \$250,000 to Oasis Center, Inc. for performance of this agreement. The grant term begins July 1, 2022 and ends June 30, 2023.

Fiscal Note: Metro would pay \$250,000 to the Oasis Center, Inc. to provide college access services for the Opportunity Now Program.

Sponsors: Gamble, Hurt, Allen, Suara, Welsch and Styles

16. [RS2022-1774](#)

A resolution appropriating \$30,000 through a grant contract by and between the Metropolitan Government, acting by and through the Nashville Public Library, and Oasis Center, Inc. to provide services that help youth grow, thrive, and create positive change in their lives and our community.

Analysis

This resolution approves a \$30,000 grant from the Nashville Public Library to Oasis Center, Inc. to provide services that help youth grow, thrive, and create positive change in their lives and our community. The funds will be used to assist the Mayor’s Youth Council (“MYC”). The MYC program will provide up to 50 hours of service learning for at least 25 Nashville high school students annually. The term of the grant contract begins July 1, 2021 and ends June 30, 2022.

Fiscal Note: Metro would pay \$30,000 to the Oasis Center, Inc. to fund a consultant to coordinate the daily functions of the Mayor’s Youth Council.

Sponsors: Gamble, Hurt, Allen, Welsch and Styles

17. [RS2022-1775](#)

A resolution approving amendments to Contract Number L-5161, a grant contract between Aspiring Youth Enrichment Services and The Metropolitan Government of Nashville and Davidson County, and Contract Number L-5170, a grant contract between Global Outreach Developments International and The Metropolitan Government of Nashville and Davidson County for the provision of free and high-quality afterschool programs through the Nashville After Zone Alliance.

Analysis

This resolution approves an amendment to a contract between Aspiring Youth Enrichment Services and the Metropolitan Government and an amendment to a contract between Global Outreach Developments International and the Metropolitan Government. Both contracts are for the provision of free and high-quality afterschool programs through the Nashville After Zone Alliance (“NAZA”).

On June 21, 2022, the Council adopted Resolution RS2022-1593, which appropriated a total of \$2,544,580.20 from the Nashville Public Library to various non-profit organizations for the provision of free and high-quality afterschool programs through NAZA. This resolution authorized the Metropolitan Government to enter into grant contracts with these non-profit organizations.

As authorized by RS2022-1593, the Metropolitan Government provided a grant of \$159,580 to Aspiring Youth Enrichment Services pursuant to a grant contract. This resolution amends that grant contract to increase the grant amount by \$40,650. These additional funds would be used to add a community-based location serving 30 youth. The new grant total would be \$200,230.

Similarly, the Metropolitan Government provided a grant of \$162,964.80 to Global Outreach Developments International. This resolution also amends that grant contract to increase the grant amount by \$18,725 to support transportation costs to help improve the access and safety of children and youth in afterschool programs. The new grant total would be \$181,689.80.

Sponsors: Gamble, Hurt, Allen, Suara, Welsch and Styles

18. [RS2022-1776](#)

A resolution approving a project modification to an agreement between the Metropolitan Government of Nashville and Davidson County and the United States Department of Army, to add three parcels related to the acquisition and removal of flood-prone properties in the Sevenmile Creek watersheds. (MWS Project No. 19-SWC-214 and Proposal Number 2019M-014PR-003)

Analysis

This resolution modifies a project to acquire flood prone property in the Sevenmile Creek watersheds, previously approved by Resolution No. RS2019-1593. RS2019-1593 approved an agreement between the Metropolitan Department of Water and Sewerage Services (“MWS”) and the U.S. Department of Army for the Sevenmile Creek Flood Risk Management project. RS2019-1802 identified 45 flood-prone properties to be acquired pursuant to the agreement. RS2020-626 added an additional 11 flood-prone properties to be acquired and RS2021-775 further approved the acquisition of 11 additional flood-prone properties.

The resolution under consideration adds three properties to the lists of flood-prone properties to be acquired. Exhibits 1 and 2 to the agreement would be amended to reflect this change. The parcels to be added are all in Council District 26. One parcel is located on Dewain Drive and two parcels are located on Elysian Fields Road.

MWS has provided the budgeted property costs for these additional parcels. The Planning Commission approved this acquisition on July 12, 2022.

Fiscal Note: The total budgeted property costs for the three additional properties is \$1,344,650.

Sponsors: Johnston, Gamble, Withers and Pulley

19. [RS2022-1777](#)

A resolution approving a project modification to an agreement between the Metropolitan Government of Nashville and Davidson County and the United States Department of Army, to replace four parcels related to the acquisition and removal of flood-prone properties in the Mill Creek, Sorghum Branch, and Whittemore Branch watersheds. (MWS Project No. 18-SWC-136 and Proposal Number 2018M-019PR-003)

Analysis

This resolution modifies a project to remove and replace four flood prone properties related to the acquisition and removal of flood prone properties in the Mill Creek, Sorghum Branch, and Whittemore Branch watersheds, previously approved by Resolution No. RS2017-976. RS2017-976 approved an agreement between the Metropolitan Department of Water and Sewerage Services (“MWS”) and the U.S. Department of Army for the Mill Creek Flood Risk Management project. RS2018-1445 identified 44 flood-prone properties to be acquired pursuant to the agreement. RS2021-1226 removed and replaced two flood-prone properties to be acquired.

The resolution under consideration removes and replaces four properties on the lists of flood-prone properties to be acquired. Exhibits 1 and 2 to the agreement would be amended to reflect this change. The parcels to be removed are in Council Districts 16, 30, and 31. The parcels to be added are in Council District 16. The four parcels to be removed are on Cedarvalley Drive, East Thompson Lane, and Packard Drive. The four parcels to be added are all on Wimpole Drive.

MWS has provided the budgeted property costs for these additional parcels. The Planning Commission approved this acquisition on July 12, 2022.

Fiscal Note: The total budgeted property costs for the four parcels to be removed is \$1,136,670. The total budgeted property costs for the four parcels to be added is \$2,030,700.

Sponsors: Welsch, Rutherford, Gamble, Withers, Pulley and Styles

20. [RS2022-1778](#)

A resolution appropriating \$42,405.00 through a grant contract by and between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and the Tennessee Environmental Council to provide trash and debris removal around Nashville’s waterways.

Analysis

This resolution appropriates \$42,405 through a grant contract from the Metropolitan

Department of Water and Sewerage Services (“MWS”) and the Tennessee Environmental Council (“TEC”). Resolution RS2021-1282, adopted by the Council on December 21, 2021, determined a plan for the allocation of funds from the State of Tennessee which included funds for riparian clean-up.

Pursuant to the terms of this agreement, TEC will coordinate 25 clean-ups in and along Nashville waterways for litter remediation. These clean-ups will occur in at least 12 Council districts. TEC will provide event outreach, safety training to volunteers, secure permission from property owners where the clean-ups occur, and educational content about the value of clean water. TEC will also provide reporting on expenses as well as metrics and progress related to the goals of this program. MWS will provide \$42,405 to TEC for performance of this contract. The grant term begins upon the date of approval by all required parties and filing in the Metropolitan Clerk’s Office and extend for a period of 18 months.

Fiscal Note: Metro would pay \$42,405 to the Tennessee Environmental Council to provide trash and debris removal around Nashville’s waterways.

Sponsors: Gamble, Pulley and Hancock

21. [RS2022-1779](#)

A resolution appropriating \$66,275.00 through a grant contract by and between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and the Cumberland River Compact to provide trash and debris removal around Nashville’s waterways.

Analysis

This resolution appropriates \$66,275 through a grant contract from the Metropolitan Department of Water and Sewerage Services (“MWS”) to the Cumberland River Compact (“CRC”). Resolution No. RS2021-1282, adopted by the Council on December 21, 2021, determined a plan for the allocation of funds from the State of Tennessee which included funds for riparian clean-up.

Pursuant to the terms of this agreement, CRC will coordinate 17 clean-ups in and along Nashville waterways for litter remediation. These clean-ups will be divided into large and woody flood debris and flood debris accessible only by water. CRC will coordinate these events with the Tennessee Environmental Council to ensure no overlap or confusion. CRC will provide event outreach, safety training to volunteers, secure permission from property owners where the clean-ups occur, and educational content about the value of clean water. CRC will also provide reporting on expenses as well as metrics and progress related to the goals of this program. MWS will provide \$66,275 to CRC for performance of this contract. The grant term begins upon the date of approval by all required parties and filing in the Metropolitan Clerk’s Office and extend for a period of 18 months.

Fiscal Note: Metro would pay \$66,275 to the Cumberland River Compact to provide trash and debris removal around Nashville’s waterways.

Sponsors: Gamble, Pulley, Hancock and Welsch

J. Bills on Second Reading

49. [BL2022-1381](#)

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

Analysis

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

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

The ordinance under consideration creates a new section of the Metropolitan Code of Laws which would require that any such payment would be used for the funding of affordable housing initiatives within the boundaries of the Metropolitan Government. This would include funding of the Barnes Fund for Affordable Housing.

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

Sponsors: Parker, Allen, VanReece, Welsch and Suara

50. [BL2022-1383](#)

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

Analysis

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

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

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

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

51. [BL2022-1384](#)

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

Analysis

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

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

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

- Private funding for the traffic calming project has been secured;

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

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

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

Sponsors: Rosenberg, Evans and Bradford

52. [BL2022-1405](#)

An ordinance to amend Section 13.32.165 of the Metropolitan Code of Laws to permanently extend the provisions for county-wide sidewalk cafes.

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 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.

Sponsors: Parker, Allen and Henderson

53. [BL2022-1410](#)

An ordinance amending Chapters 6.04 and 13.08 of the Metropolitan Code to authorize the installation of interactive wayfinding kiosks within the public right-of-way, and authorizing the Metropolitan Planning Department and the Metropolitan Purchasing Agent to issue a request for proposals for wayfinding kiosks.

Analysis

This ordinance authorizes the creation of an interactive wayfinding kiosk program.

The ordinance amends the Metropolitan Code to allow for the placement of interactive wayfinding kiosks within the right-of-way or on Metropolitan Government property. It also creates an interactive wayfinding kiosk program (“Kiosk Program”) that would allow for the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) to issue permits and regulate the placement of kiosks within the right of way. Before any permits may be issued, the Council would first approve a resolution approving an operating agreement with an operator of wayfinding kiosks. The NDOT director would then be able to issue permits for the Kiosks Program. NDOT would approve the placement of the kiosks to ensure that the kiosks do not impede the flow of traffic or the use of the street or alley and subject to public safety concerns normally considered in connection with similar permits issued by NDOT. NDOT and the Metropolitan Department of Law would determine appropriate insurance and indemnification requirements for the Kiosk Program. The NDOT director would also be authorized to establish fees associated with the program and promulgate additional rules and regulations for the program. If any kiosk is removed, the permit holder would be required to restore the location to match the immediately surrounding sidewalk or other public way in both condition and materials.

The ordinance further authorizes the Purchasing Agent, working in consultation with the Metropolitan Planning Department and/or NDOT, to prepare and issue a request for proposals (“RFP”) to select a Kiosk Program operator. The ordinance states that it’s the Council’s intent that the RFP be issued within 60 days of the effective date of the ordinance. The Kiosk Program operator would be solely responsible for constructing, installing, operating, maintaining, repairing, replacing, upgrading, and removing the kiosks subject to the Kiosk Program. Any contract resulting from an RFP award would include provisions enabling the Metropolitan Government to cause the removal or relocation of kiosks that are part of the Kiosk Program in the event a particular portion of right-of-way is needed for governmental purposes.

Sponsors: OConnell, Johnston, Young, VanReece and Porterfield

54. [BL2022-1411](#)

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

Analysis

This ordinance adds a new section to the Metropolitan Code of Laws to provide certain family planning services free of charge to residents of Davidson County. The Metropolitan Department of Health would be required to provide, at a minimum, family planning counseling, birth control counseling, and birth control products including birth control pills, birth control patches, birth control rings, birth control injections, and birth control prophylactics. These minimum services would be provided free of charge to Davidson County residents. The minimum services do not include birth control implants, IUDs, or other long-acting reversible contraceptives.

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

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

Sponsors: Benedict, Porterfield, Sepulveda, Welsch and OConnell

55. [BL2022-1413](#)

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

Analysis

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

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

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

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

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

56. [BL2022-1414](#)

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

Analysis

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

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

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

Sponsors: Rhoten, Gamble and Welsch

57. [BL2022-1415](#)

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

Analysis

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

The Committee would consist of seven members, to be approved by Council by resolution. Within 30 days of the adoption of this ordinance, the following would be nominated:

- One member nominated by the Director of the Office of Economic and Community

Development;

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

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

The Committee would be directed to assess the following:

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

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

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

Sponsors: Allen

58. [BL2022-1416](#)

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

Analysis

This resolution authorizes McGavock Apartment Venture, LLC to install and maintain underground encroachments located at 1212 McGavock Street. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance in the amount of \$4,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

Sponsors: OConnell, Withers and Pulley

59. [BL2022-1417](#)

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

Analysis

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

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

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

Sponsors: OConnell, Withers and Pulley

60. [BL2022-1418](#)

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

Analysis

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

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

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

Sponsors: Parker, Withers and Pulley

61. [BL2022-1419](#)

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

Analysis

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

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

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

Sponsors: Syracuse, Withers and Pulley

62. [BL2022-1420](#)

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

Analysis

This ordinance abandons approximately 24 linear feet of existing eight-inch sanitary sewer main, one sanitary sewer manhole and easements, and accepts approximately 24 linear feet of new eight-inch sanitary sewer main (DIP), one sanitary sewer manhole and easements for property located at 684 Myatt Drive, also known as 698 Myatt Drive Phase 3.

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

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

Sponsors: Young, Withers and Pulley

63. [BL2022-1421](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements, for property located at Old Hickory Boulevard (unnumbered), also known as Evergreen Hills Phase 2B (MWS Project Nos. 21-WL-101 and 21-SL-236 and Proposal No. 2022M-099ES-001).

Analysis

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

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

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

Sponsors: Rutherford, Withers and Pulley

64. [BL2022-1422](#)

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

Analysis

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

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

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

Sponsors: Withers and Pulley

65. [BL2022-1423](#)

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

Analysis

This ordinance abandons approximately 773 linear feet of existing six-inch water main, authorizes the relocation of one fire hydrant assembly, and accepts approximately 685 linear feet of new 12-inch water main (DIP), approximately 253 linear feet of new eight-inch water main (DIP), and one fire hydrant assembly, for property located at 1805 Church Street, also

known as 19th and Church.

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

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

Sponsors: Taylor, Withers and Pulley

66. [BL2022-1424](#)

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

Analysis

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

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

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

Sponsors: Taylor, Withers and Pulley

67. [BL2022-1425](#)

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

Analysis

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

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

Fiscal Note: This ordinance has no cost to Metro. Donated and abandoned easements have no

market value according to the Department of Metro Water Services.

Sponsors: Roberts, Withers and Pulley

68. [BL2022-1426](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public water main, and to accept new public water main, for property located at 5621 B Lenox Avenue, also known as Lenox Avenue Townhomes (MWS Project No. 22-WL-16 and Proposal No. 2022M-100ES-001).

Analysis

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

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

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

Sponsors: Roberts, Withers and Pulley

69. [BL2022-1427](#)

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

Analysis

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

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

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

Sponsors: Taylor, Withers and Pulley

70. [BL2022-1428](#)

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

Analysis

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

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

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

Sponsors: Benedict, Withers and Pulley

71. [BL2022-1429](#)

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

Analysis

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

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

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

Sponsors: Roberts, Withers and Pulley

72. [BL2022-1430](#)

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

Analysis

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

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

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

Sponsors: Roberts, Withers and Pulley

73. [BL2022-1431](#)

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

Analysis

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

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

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

Sponsors: OConnell, Withers and Pulley

K. Bills on Third Reading

74. [BL2022-1328](#)

An Ordinance amending Section 17.16.060 of the Metropolitan Code, Zoning Regulations to delete the limitations on veterinarian facility size and the number of veterinarian establishments per lot in zoning districts where the veterinarian use is permitted conditionally (Proposal No. 2022Z-010TX-001).

Analysis

This ordinance, as substituted, amends Subsection 17.16.060.B of the Metropolitan Code of Laws to amend the limitations on veterinarian facility size and the number of veterinarian establishments per lot in zoning districts where the veterinarian use is permitted conditionally. Currently, in zoning districts where the veterinarian use is permitted conditionally, the building footprint of veterinary offices and facilities is limited to 2,500 square feet. This ordinance limits the building footprint to 4,000 square feet. There is also a limitation of no more than two veterinary establishments per lot. The substitute also changes veterinarian uses to a permitted use in all zoning districts except MUN and CN where it would be permitted with conditions.

This ordinance has been approved, as substituted, by the Planning Commission.

Sponsors: Evans

79. [BL2022-1382](#)

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

Analysis

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

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

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

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

The ordinance under consideration increases the cap for the cumulative value of improvements made to, or restorations of, any structure for which historic property tax abatements in any one fiscal year from \$10 million to \$20 million. The ordinance also creates a new category for improvements made to structures damaged by the December 25, 2020 bombing on Second Avenue. The cap for the cumulative value of these damaged properties is \$40 million. The ordinance further requires the Historic Zoning Commission to submit a report to the Council on or before November 30 of each year. Finally, the ordinance extends the date of when these provisions expire to July 1, 2032, unless extended by a resolution of the Council.

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

Fiscal Note: If the maximum cumulative value for the general historic property tax abatement category were met, based upon the current tax rate for commercial property in the Urban Services District, the abatement would be \$260,320 for one year of the program. If the maximum cumulative value for historic properties damaged by the December 25, 2020, bombing category were met at one time, based upon the current tax rate for commercial property in the Urban Services District, the abatement would be \$520,640 for one year of the

program. The total potential abatement over the life of the program for both categories, based upon the current tax rate for commercial property in the Urban Services District, would be \$31,238,400.

Sponsors: Syracuse, Allen and Hancock

89. [BL2022-1406](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing stormwater drainage easement rights, for property located at 1036 East Trinity Lane (Proposal No. 2022M-103ES-001).

Analysis

This ordinance abandons easement rights for an existing stormwater drainage easement as recorded in Instrument 20201203-0140777, R.O.D.C., TN (Davidson County Register of Deeds), for property located at 1036 East Trinity Lane.

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

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

Sponsors: Parker, Withers and Young

90. [BL2022-1407](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to relocate a public fire hydrant assembly, for property located at 1160 Tulip Grove Road, also known as Tulip Trace Homes (MWS Project No. 22-WL-37 and Proposal No. 2022M-102ES-001).

Analysis

This ordinance relocates one public fire hydrant assembly, for property located at 1160 Tulip Grove Road, also known as Tulip Trace Homes

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

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

Sponsors: Evans, Withers and Young

91. [BL2022-1408](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water mains and easements, to relocate a fire hydrant assembly, and to accept new water main, fire hydrant assemblies, and easements, for three properties located at 2500, 2504 and 2508 Bransford Avenue, also known as Broadstone Berry Hill (MWS Project No. 22-WL-21 and Proposal No. 2022M-097ES-001).

Analysis

This ordinance abandons approximately 667 linear feet of existing six-inch water main, approximately 380 linear feet of existing eight-inch water main and easements, relocates one fire hydrant assembly, and accepts approximately 350 linear feet of new eight-inch water main (DIP), two fire hydrant assemblies and easements, for three properties located at 2500, 2504 and 2508 Bransford Avenue, also known as Broadstone Berry Hill.

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

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

Sponsors: Sledge, Withers and Young