



Metropolitan Council

PROPOSED AMENDMENTS PACKET FOR THE COUNCIL MEETING OF TUESDAY, MAY 17, 2022

RESOLUTION NO. RS2022-_____

A resolution recognizing the 75th anniversary of the Nashville Symphony.

WHEREAS, the Nashville Symphony has been an integral part of the city since 1946 when World War II veteran and Nashville native Walter Sharp established a new symphony orchestra for Middle Tennessee; and

WHEREAS, William Strickland of New York served as the first music director and conductor of the symphony and led the orchestra's first performance on December 10, 1946 at War Memorial Auditorium; and

WHEREAS, the orchestra continued to perform at the historic War Memorial Auditorium in downtown Nashville until the opening of the Tennessee Performing Arts Center (TPAC) in 1980 when symphony concerts were moved into Andrew Jackson Hall within TPAC; and

WHEREAS, from 1983 to 2005, the Nashville Symphony flourished under the dynamic leadership of Music Director and Principal Conductor Kenneth Schermerhorn who led the ensemble to new levels of artistic achievement while nurturing the tradition of excellence. Under his direction, the orchestra performed a critically acclaimed debut concert at Carnegie Hall and undertook a sold-out East Coast tour in 2000; and

WHEREAS, in 2003, the Nashville Symphony broke ground on the \$123.5 million Schermerhorn Symphony Center, the orchestra's new home, which opened on September 9, 2006. Located in downtown Nashville, the Schermerhorn Symphony Center has attracted global attention for its acoustical excellence and distinctive neo-Classical architecture; and

WHEREAS, during the Nashville flood of 2010, the Schermerhorn Symphony Center took on an estimated 5.25 million gallons of water and sustained more than \$40 million in damage. With the support of many community partners, the orchestra was able to continue performing for the community while the concert hall underwent extensive repairs before reopening on December 31, 2010; and

WHEREAS, the Nashville Symphony remains one of the most prolific recording orchestras in the U.S. with more than 40 releases through its partnership with Naxos, earning 14 Grammy Awards and 27 nominations; and

WHEREAS, led by current music director Giancarlo Guerrero, the Nashville Symphony performs more than 150 concerts annually, with a focus on contemporary American orchestral music through collaborations with composers including Jennifer Higdon, Terry Riley, Joan Tower, and Aaron Jay Kernis; and

WHEREAS, the orchestra is equally renowned for its commissioning and recording projects with Nashville-based artists including bassist Edgar Meyer, banjoist Béla Fleck, singer-songwriter Ben Folds, and electric bassist Victor Wooten; and

WHEREAS, over the course of its history, the Nashville Symphony has premiered 40 compositions and has commissioned or co-commissioned 40 works from numerous composers; and

WHEREAS, like countless other organizations and venues, the Nashville Symphony was severely impacted by the COVID-19 pandemic, but with unwavering support from the Middle Tennessee community and federal relief from the Paycheck Protection Program, Shuttered Venue Operators Grant, and the American Rescue Plan, the symphony reemerged from the pandemic and is building a vision for how it can continue to serve the community for generations to come; and

WHEREAS, the Nashville Symphony continually strives to inspire, entertain, educate, and serve through musical performance, innovation, collaboration, and inclusion; and

WHEREAS, it is fitting and proper that the Metropolitan Council celebrates the 75th anniversary of the Nashville Symphony and recognizes its history and contributions to the Nashville community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Metropolitan Council hereby goes on record as recognizing the 75th anniversary of The Nashville Symphony.

Section 2. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Freddie O'Connell
Erin Evans
Members of Council

RESOLUTION NO. _____

A Resolution amending Resolution No. RS2021-1201, an initial resolution determining to issue general obligation bonds of The Metropolitan Government of Nashville and Davidson County, to reallocate funding as further described herein.

WHEREAS, on December 7, 2021, the Metropolitan Council approved Resolution No. RS2021-1201, an initial resolution which approved the issuance of general obligation bonds in an aggregate principal amount of not to exceed \$568,855,000 for various purposes; and

WHEREAS, pursuant to Section 9-21-205, Tennessee Code Annotated, prior to the issuance of any general obligation bonds, the governing body of the local government proposing to issue said bonds shall adopt a resolution determining to issue the same; and

WHEREAS, in Exhibit A of RS2021-1201 \$20,000,000 is allocated for the acquisition of 88 Hermitage Avenue, Capital Improvement Budget (“CIB”) Project ID # 19PR0005 in order to be used in connection with Wharf Park; and

WHEREAS, this 88 Hermitage Avenue project funding allocated for acquisition of the property would be better utilized for capital projects at existing parks owned and operated by the Metropolitan Government; and

WHEREAS, the funding that would have been used for the acquisition of 88 Hermitage should instead be reallocated to other projects funded in RS2021-1201 for the Metropolitan Department of Parks and Recreation.

NOW, THEREFORE BE IT RESOLVED BY THE METROPOLITAN COUNTY COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Resolution No. RS2021-1201 is hereby amended by amending Exhibit A to reduce the allocation to “Wharf Park – 88 Hermitage Acquisition,” CIB Project ID # 19PR0005 from \$20,000,000 to \$0. The allocation to “General Park / Amenity Improvements”, CIB Project ID #19PR0004 shall be increased by \$17,000,000, from \$5,000,000 to \$22,000,000. The allocation to “General Repairs Fund”, CIB Project ID # 19PR0012 – 24 shall be increased by \$3,000,000, from \$1,750,000 to \$4,750,000.

Section 2. That Resolution No. RS2021-1201 is further amended by amending Exhibit B to replace the Capital Project Cost Itemization Form for “PARKS – Amenity Improvements”, CIB Project ID #19PR0004, with the Capital Project Cost Itemization Form attached to this resolution.

Section 3. This Resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government requiring it.

SPONSORED BY:

Courtney Johnston
Member of Council

CAPITAL PROJECT COST ITEMIZATION FORM

PARKS - Amenity Improvements

CIB # **19PR0004**
Date **5/13/2022**

CAPITAL PROJECT NAME:	GENERAL PARK & AMENITY IMPROVEMENTS IN NEW AND EXISTING PARKS
PROJECT DESCRIPTION:	Projects reflect current user needs and expansion into underserved areas and include amenity replacement based on Plan to Play.

PROJECT FUNDING HISTORY:	<u>Resolution #</u>	<u>Fund #</u>	<u>Account String</u>	<u>Total Allocated *</u>
			N / A	

* less any Contingency

*Will this allocation complete the funding for this project?
If Yes, what is the anticipated date to close-out the project?
If No, when is additional funding anticipated? (Phased project)*

YES

PROJECT COST ITEMIZATION:

BL2019-77: 5.04.150 Cost Itemization for capital projects. A. The Department of Finance shall develop a Capital Project Cost Itemization Form to be completed for all proposed capital projects with an estimated total value greater than \$5,000,000.00. Such form shall itemize the present value full projected costs, allowing for local market cost escalation, including, but not limited to, the following costs, as applicable:

Land Acquisition	0.00
Environmental Compliance	0.00
Temporary Relocation	0.00
Architectural & Engineering	0.00
Design	0.00
Construction	22,000,000.00
Furniture, Fixtures & Equipment	0.00
Infrastructure Improvement	0.00
New and Supporting Technology	0.00
Utility-Relocation, Misc. Costs, etc.	0.00
Other Anticipated Project Costs *	0.00
Total Funding Request	22,000,000.00

* Details of Other Anticipated Project Costs:

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ESTIMATED OPERATING BUDGET IMPACT:

Amount?	58,400.00
What Fiscal Year will this Impact Operating Budget?	FY23

Details - On Impact to Operating Budget

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Form Prepared By:

RESOLUTION NO. _____

A Resolution requesting inspection of the condition and cost of rehabilitation of the structure located at the 88 Hermitage Avenue property be made prior to the acquisition of this property by the Metropolitan Government.

WHEREAS, Resolution No. RS2022-1507, currently pending before the Metropolitan Council, would approve an option agreement between the Metropolitan Government and the State of Tennessee authorizing the purchase of the property located at 88 Hermitage Avenue in Downtown Nashville; and

WHEREAS, this property is the former home of the Tennessee School for the Blind, and the former school building (herein referred to as the "structure"), built in the 1940s, remains on the property today; and

WHEREAS, the current condition and status of this structure on the 88 Hermitage Avenue property is unknown. While many have expressed a desire to preserve and rehabilitate the structure, understanding the condition of the structure prior to the purchase is essential; and

WHEREAS, while preservation of historically significant structures is a public good, restoration and renovation of historic properties can be costly and much of this cost is determined based on the current condition of the structure; and

WHEREAS, RS2022-1507 proposes to spend \$20,300,000 for the purchase of the 88 Hermitage Avenue property, and the cost of preservation and rehabilitation of the structure would be in addition to the purchase price; and

WHEREAS, while an appraisal was provided to the Council, the appraisal provided used a sales comparison approach. Instead, the Council should be provided with a cost approach appraisal for the 88 Hermitage Avenue property; and

WHEREAS, prior to purchasing this property, it is important to know the condition of the structure in order to determine whether the structure can be preserved and rehabilitated and what the cost of this process will be, including the current value of the property.

NOW, THEREFORE BE IT RESOLVED BY THE METROPOLITAN COUNTY COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Metropolitan Council goes on record as requesting that an inspection of the condition of the structure, formerly the Tennessee School for the Blind, on the 88 Hermitage Avenue property, subject to the option agreement currently pending before the Council as Resolution No. RS2022-1507, be performed. This inspection of the condition of the structure should include an analysis of any major issues or concerns with the structure, foundation, wiring, plumbing, and any damage to the structure or the presence of any outdated building materials that may cause health concerns. Further, this inspection should include an analysis of the approximate cost to preserve and rehabilitate the structure.

Section 2. This inspection along with a cost approach appraisal should be provided to the Metropolitan Council prior to the purchase of the 88 Hermitage Avenue property by the Metropolitan Government.

Section 3. This Resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government requiring it.

SPONSORED BY:

Courtney Johnston
Member of Council

AMENDMENT NO. 1

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2022-1121

Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2022-1121 as follows:

I. By amending Section 15 as follows:

Section 15. Be it further enacted that this ordinance shall take effect ~~immediately after its passage~~ on September 14, 2022 and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Angie Henderson
Member of Council

AMENDMENT NO. 2

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2022-1121

Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2022-1121 as follows:

I. By amending Section 1 by modifying proposed Subsection 17.12.090.E.5 as follows:

5. Permitted Uses of Natural Open Space. The following uses may be located or installed within natural open space without affecting the contribution of those areas to flexibility of lot size afforded by the previous section:

- a. Conservation of natural resources;
- b. Paved greenway trails or trailhead facilities identified in the Metropolitan Parks and Greenways Master Plan and located within publicly accessible greenway conservation easements to the benefit of the Metropolitan Greenways Commission or Metro Parks;
- c. Walking or bicycle trails provided they are constructed of porous paving materials;
- d. Athletic courts and fields or playgrounds, provided that they meet the following:
 - i. All facilities are designed and constructed with a permeable base or groundcover; no impermeable surfaces shall be used;
 - ii. All facilities make up no more than 5% of the total natural open space area of the development or 4,600 sq. ft., whichever is less; and
 - iii. No facility shall be constructed on wetlands as determined by Metro Stormwater; in known habitat for federally or state listed or proposed rare, threatened, or endangered species; in areas containing a protected Cedar Glade plant species as established by Section 17.28.060 of the Metro Zoning Code; on archaeological or historic sites, cemeteries, and burial grounds; or in an area that would require the removal of protected, heritage, and/or historic and specimen trees as defined by Section 17.40.450 of the Metro Zoning Code.
- ~~e.~~ Passive recreation areas such as picnic shelters, gazebos, or shared docks;
- ~~ef.~~ Required stormwater mitigation measures such as reforestation that do not require grading;
- ~~fg.~~ Other conservation-oriented uses compatible with the purposes of this section.

II. By amending Section 1 by modifying proposed Subsection 17.12.090.E.6 as follows:

6. Prohibited Uses of Natural Open Space.
- a. Clearing, grading, disturbance, or tree removal except as specifically authorized in the permitted uses;
 - b. Roads, parking lots, impervious surfaces, and infrastructure;
 - c. Active recreational or play facilities that are designed and constructed with impermeable surfaces including but not limited to tennis courts, basketball courts, swimming pools, playgrounds, baseball/softball diamonds or volleyball courts or other facilities ~~that incorporate impervious surface; and~~
 - d. Impoundments, such as retention and detention basins, and other conventional stormwater facilities.

INTRODUCED BY:

Jennifer Gamble
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2022-1122

Mr. President –

I hereby move to amend Ordinance No. BL2022-1122 as follows:

I. By amending Section 16 as follows:

Section 16. Be it further enacted that this ordinance shall take ~~effect immediately after its passage~~ on September 14, 2022 and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Angie Henderson
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2022-1190

Mr. President –

I hereby move to amend Ordinance No. BL2022-1190 as follows:

I. By amendment Section 4 by adding condition 7 as follows:

7. Additional vehicular access along Plum Street may be permitted during the final site plan review. If additional access is proposed, any buffers or screening required will be evaluated at Planning Staff's discretion.

INTRODUCED BY:

Kyonzté Toombs
Member of Council

SUBSTITUTE ORDINANCE NO. BL2022-1207

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from IWD to MUG-NS zoning for property located at 210 Cumberland Bend, approximately 1,160 feet east of Great Circle Road (5.04 acres), all of which is described herein (Proposal No. 2022Z-014PR-001).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from IWD to MUG-NS zoning for property located at 210 Cumberland Bend, approximately 1,160 feet east of Great Circle Road (5.04 acres), being Property Parcel No. 010 as designated on Map 071-13 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 071 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kyonzté Toombs
Member of Council

2022Z-014PR-001
Map 071-13, Parcel(s) 010
Subarea 08, North Nashville
District 02 (Toombs)
Application fee paid by: ANDREW STEFFENS

A request to rezone from IWD to MUG-NS zoning for property located at 210 Cumberland Bend, approximately 1,160 feet east of Great Circle Road (5.04 acres), requested by Kimley-Horn, applicant; Dore Frog, LLC, owner.

