



Metro Council

G. Resolutions on Public Hearing

1. [RS2021-1038](#)

A resolution exempting Strikeout Wingz, located at 2521 Nolensville Pike B, 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 Strikeout Wingz, located at 2521 Nolensville Pike B.

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

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

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

Sponsors: Welsch

2. [RS2021-1039](#)

A resolution exempting Longhorn Steakhouse #5639, located at 6804 Charlotte Pike, 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 Longhorn Steakhouse #5639 located at 6804 Charlotte Pike.

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

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

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

Sponsors: Roberts

H. Consent Resolutions and Resolutions

3. [RS2021-1040](#)

A resolution accepting a grant from the Tennessee Department of Transportation to the Metropolitan Government, acting by and through the Davidson County Sheriff's Office, to provide litter pickup and litter prevention education within Davidson County.

Analysis

This resolution accepts a routine grant from the Tennessee Department of Transportation to the Davidson County Sheriff's Office to provide litter pickup and litter prevention education within Davidson County. This is a grant award of \$179,900 with no local cash match required. The term of this grant begins July 1, 2021 and ends June 30, 2022.

Sponsors: Toombs, Gamble, Welsch, Hancock and Bradford

4. [RS2021-1041](#)

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 94 Berkley Drive and 1310 Coreland Drive known as Chippington Towers.

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 94 Berkley Drive and 1310 Coreland Drive, known as Chippington Towers. 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 twenty-fifth such PILOT program overall, and the third for MDHA in 2021. Before this project, the amount of annual funding available for LIHTC projects is \$2,027,523, accounting for the Poplar Bend project in RS2021-910 and the Riverwood Tower project in RS2021-911.

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 \$35,460 for individuals and \$50,580 for families of four in 2021. 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, Chip III, LP, plans to construct approximately 425 units to be restricted to individuals and families earning at or below 60% AMI. The amount of the PILOT payment to Metro will be \$300,000. 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 \$53,674,673.

Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$300,000 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 \$53,674,673. 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 \$3,620,129 would be abated, although Metro would still receive \$3,439,164 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	\$53,674,673	\$705,929	\$300,000	\$405,929	57.5%
2	\$53,674,673	\$705,929	\$309,000	\$396,929	56.2%
3	\$53,674,673	\$705,929	\$318,270	\$387,659	54.9%
4	\$53,674,673	\$705,929	\$327,818	\$378,111	53.6%
5	\$53,674,673	\$705,929	\$337,653	\$368,276	52.2%
6	\$53,674,673	\$705,929	\$347,782	\$358,147	50.7%
7	\$53,674,673	\$705,929	\$358,216	\$347,713	49.3%
8	\$53,674,673	\$705,929	\$368,962	\$336,967	47.7%
9	\$53,674,673	\$705,929	\$380,031	\$325,898	46.2%
10	\$53,674,673	\$705,929	\$391,432	\$314,497	44.6%
Totals		\$7,059,293	\$3,439,164	\$3,620,129	51.3%

After the property tax abatement from this project, \$1,621,594 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2021.

Sponsors: Benedict, Suara, Toombs, Mendes and Welsch

5. [RS2021-1042](#)

A resolution to approve the Second Amendment to the Lease Agreement between The Metropolitan Government of Nashville and Davidson County and the State of Tennessee for operation of a medical examiner's office (Proposal No. 2021M-019AG-001).

Analysis

This resolution approves the second amendment to a lease agreement between Metro and the State of Tennessee to provide space for the Metropolitan Government's medical examiner's office located at 850 R.S. Gass Boulevard.

The State of Tennessee and the Metropolitan Government entered into a twenty-year lease effective July 15, 2001. The original lease was approved by Ordinance No. O99-1765. An amendment to the agreement was approved in 2002 pursuant to Resolution No. RS2002-1044.

This amendment would extend the lease for an additional five year term, which would end on July 15, 2026. The amendment would allow for an alteration of the leased premises for the expansion to the existing cooler, which will add approximately 720 square feet to the facility.

Under the original lease, Metro and the State share the cost of all utilities (excluding telephone service) at a 50% split for year 6 of the lease and beyond. This amendment sets the State's

maximum monthly reimbursement responsibilities for utilities at no more than \$9,600.

Fiscal Note: There is no cost to Metro for the expansion of the existing cooler by 720 square feet. Forensic Medical Management Services Inc. will pay for the expansion cost and all on-going repairs, maintenance, and operation of the cooler impacted by the expansion. The debt service on the building will be paid off on July 21, 2021 and future lease payment would be \$1 per year according to the Metro Health Department.

Sponsors: Parker, VanReece, Toombs, Taylor, Murphy and Welsch

6. [**RS2021-1043**](#)

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

Analysis

This resolution accepts a grant from the Tennessee Arts Commission to the Metropolitan Arts Commission. The grant amount is \$76,000 with a required local cash match of \$69,000. The term of the grant begins on July 1, 2021 and ends June 30, 2022. The grant funds will be used for general operating support to expand, improve, and develop arts in Tennessee.

Sponsors: Toombs and VanReece

7. [**RS2021-1044**](#)

A resolution accepting a grant from the Tennessee Department of Health to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide an array of programs and direct patient care services to meet the public health needs of Tennessee's citizens.

Analysis

This resolution accepts a grant of \$725,200 from the Tennessee Department of Health to the Metropolitan Board of Health. No local cash match is required. The grant funds will be used to provide an array of programs and direct patient care services to meet the public health needs of Tennessee's citizens. The grant term begins July 1, 2021 and ends June 30, 2022.

Sponsors: Toombs, Taylor and Welsch

8. [**RS2021-1045**](#)

A resolution accepting a COVID-19 Health Disparities Among Populations grant from the Centers for Disease Control and Prevention to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to address COVID-19 related health disparities and expand capacity and services to prevent and control infection or transmission among underserved populations.

Analysis

This resolution approves a \$4,930,248 grant from the Centers for Disease Control and

Prevention to the Metropolitan Board of Health. No local cash match is required. This COVID-19 Health Disparities Among Populations Grant will be used to address COVID-19 related health disparities and expand capacity and services to prevent and control infection or transmission among underserved populations. This includes implementation of a collaborative, multilevel, culturally informed approach to expand access to COVID-19 testing and vaccine administration and to reduce disparities among Nashville's underserved African American, Hispanic, immigrant, and refugee communities. The grant period ends on May 31, 2023.

Sponsors: Toombs, Taylor and Welsch

9. [RS2021-1046](#)

A resolution approving amendment three to a grant from the U. S. Environmental Protection Agency to the Metropolitan Government, acting by and through the Metropolitan Board of Health, for the ongoing collection of data on ambient air concentrations for fine particulate matter in Nashville, Tennessee.

Analysis

This resolution approves the third amendment to a grant from the U.S. Environmental Protection Agency to the Metropolitan Board of Health, originally approved by Resolution No. RS2020-187. This grant is used for the ongoing collection of data on ambient air concentrations for fine particulate matter in Nashville.

This amendment increases the grant amount by \$347,473, from \$531,187 to \$878,660. No other changes would be made to the grant agreement.

Sponsors: Toombs, Taylor, Welsch, Hancock and Hurt

10. [RS2021-1047](#)

A resolution approving amendment three to a grant from the Greater Nashville Regional Council to the Metropolitan Government, acting by and through the Metropolitan Social Services Commission, to provide Nutrition HCBS (Home and Community Based Services) to eligible seniors throughout Davidson County.

Analysis

This resolution approves the third amendment to a grant from the Greater Nashville Regional Council to the Metro Social Services Commission, originally approved by Resolution No. RS2018-1300. The grant provides Nutrition Home and Community Based Services (HCBS) to eligible seniors throughout Davidson County.

This amendment increase the grant amount for FY2022 by \$80,000, from \$240,000 to \$320,000, with no local cash match required.

Sponsors: Toombs, Taylor, Suara and Welsch

11. [RS2021-1048](#)

A resolution approving amendment seven to a grant from the Greater Nashville Regional Council to the Metropolitan Government, acting by and through the Metropolitan Social Services Commission, to provide meals that meet RDA nutritional guidelines and

transportation services to eligible seniors and handicapped residents.

Analysis

This resolution approves the seventh amendment to a grant originally approved by Resolution No. RS2018-1369. The grant is from the Greater Nashville Regional Council to the Metro Social Services Commission to provide meals that meet RDA nutritional guidelines and transportations to eligible seniors and handicapped residents.

This amendment increases the amount of the grant by \$1,068,045, from \$2,995,398 to \$4,063,443. The required local cash match would increase by \$719,798, from \$973,080 to \$1,692,878.

Sponsors: Toombs, Taylor, Suara and Welsch

12. [RS2021-1049](#)

A resolution accepting a grant from the Tennessee State Library and Archives to the Metropolitan Government, acting by and through the Nashville Public Library, to provide funds to hire computer instructors to provide free technology training to the general public.

Analysis

This resolution accepts a Training Opportunities for the Public Grant from the Tennessee State Library and Archives to the Nashville Public Library. The grant award is \$16,500 with no local cash match required. The term of this grant begins July 1, 2021 and ends June 30, 2022. The grant funds will be used to hire computer instructors to provide free technology training to the general public.

Sponsors: Toombs, VanReece, Welsch, Suara and Hancock

13. [RS2021-1050](#)

A resolution accepting a grant from the Tennessee State Library and Archives to the Metropolitan Government, acting by and through the Nashville Public Library, to target library materials to persons having difficulty using a library and to provide special services to children and the underserved.

Analysis

This resolution accepts a \$1,015,500 grant from the Tennessee State Library and Archives to the Nashville Public Library. No local cash match is required for this grant. The grant proceeds will be used to target library materials to persons having difficulty using a library and to provide special services to children and the underserved. The grant term begins July 1, 2021 and ends on May 31, 2022.

Sponsors: Toombs, VanReece and Suara

14. [RS2021-1051](#)

A resolution accepting an in-kind grant from Creative Parks Nashville to the Metropolitan

Government, acting by and through the Metropolitan Board of Parks and Recreation, for improvements to the Centennial Arts Center shed roof project.

Analysis

This resolution accepts an in-kind grant from Creative Parks Nashville to the Metropolitan Board of Parks and Recreation. This grant is for improvements to the Centennial Arts Center shed roof project, including electrical installation and the additional of an industrial ceiling fan. The estimated value of this in-kind grant is \$4,000. Improvements will be paid for directly by Creative Parks Nashville. This has been approved by the Metropolitan Board of Parks and Recreation.

Sponsors: Taylor, Toombs and VanReece

15. [RS2021-1052](#)

A resolution approving amendment one to a grant from the Friends of Shelby Park & Bottoms to the Metropolitan Government, acting by and through the Metropolitan Board of Parks and Recreation, to provide various repair and construction improvements to Shelby Park and Bottoms.

Analysis

This resolution approves the first amendment to a grant from the Friends of Shelby Park and Bottoms to the Metropolitan Board of Parks and Recreation. The original grant was approved by Resolution No. RS2021-858 to provide various repair and construction improvements to Shelby Park and Bottoms.

This amendment makes three changes. It changes the language in the original grant from “licensed professional” to “Metro Parks Carpenters” for work on the Mission Picnic Shelter. Friends of Shelby Park and Bottoms would be responsible for paying for the portion of the work by the Metro Parks Carpenters. It also sets out a grant reimbursement process for the labor, including monthly invoices.

Sponsors: Withers, Toombs and VanReece

16. [RS2021-1053](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the civil rights and state law claims of Patrick Greve against Austin Bass in the amount of \$80,000.00, with said amount to be paid out of the Judgments and Losses Fund.

Analysis

On February 25, 2015, Patrick Greve was arrested outside of the venue Citizen/Virago. Mr. Greve had been attempting to collect his personal belongings from inside of the locked venue after working as a roadie and photographer during a private music entertainment event. The burglar alarm had been set off as other individuals found a way inside the venue in order to retrieve their own belongings. Despite knowing that the door was locked, that the business was closed, and that everyone associated with the event had left, Mr. Greve attempted to open the

front door, causing the handle to fall off in his hand.

A responding MNPD officer saw Mr. Greve standing outside of the venue. Mr. Greve explained that he had been attempting to enter the venue to retrieve his personal belongings. The manager of the venue walked the officers on the scene through the venue and confirmed that nothing was out of place. The manager confirmed that Mr. Greve was not authorized to re-enter the venue. Mr. Greve was arrested for public intoxication and burglary. The District Attorney's office dismissed the charges.

Mr. Greve filed a lawsuit alleging that his arrest violated the Fourth Amendment and that he was maliciously prosecuted for attempted burglary and public intoxication.

The Department of Law recommends settling the case for \$80,000 to avoid the risk of trial. If the case went to trial, the claim would hinge on whether the MNPD officer involved had probable cause to arrest Mr. Greve. The legal standard is whether the facts and circumstances known to the officer "warrant a prudent mand in believing that the offense has been committed." *Logsdon v. Hains*, 492 F.3d 334, 341 (6th Cir. 2007). It would be up to a jury to determine whether there was probable cause for the arrest.

No disciplinary action was taken against the MNPD officer involved.

Fiscal Note: This \$80,000 settlement would be the 1st payment from the Judgment and Losses Fund in FY22 for a cumulative total of \$80,000.

Sponsors: Toombs

17. [**RS2021-1054**](#)

A resolution approving an application for a DNA Capacity Enhancement for Backlog Reduction Grant from the U. S. Department of Justice to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to outsource sexual assault kits to private vendors for forensic case sample analysis to increase the efficiency and effectiveness of the Forensic Biology Unit.

Analysis

This resolution approves an application for a DNA Capacity Enhancement for Backlog Reduction Grant from the U.S. Department of Justice to MNPD. The application requests a grant of \$250,000, with a required local cash match of \$24,325. The application proposes to use the funds to outsource sexual assault kits to private vendors for forensic case sample analysis and to purchase TrueAllele parallel processors.

Sponsors: Toombs, Gamble, Welsch and Suara

18. [**RS2021-1055**](#)

A resolution approving an intergovernmental agreement by and between the State of Tennessee, Department of Transportation, and the Metropolitan Government of Nashville &

Davidson County, acting by and between the Department of Public Works, for the acceptance of work in connection with the installation of separated bike lanes on Union Street from 2nd Avenue North to 1st Avenue North; Woodland Street from 1st Avenue North to South 11th Street; South 5th Street from Woodland Street to Davidson Street; South 10th Street from Woodland Street to Sevier Street; Fed. Project No. STP-M-9312(122), State Project No. 19LPLM-F3-166, PIN 128886.00. (Prop. No. 2021M-009AG-001)

Analysis

This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation and the Department of Public Works for the acceptance of work in connection with the installation of separated bike lanes on portions of Union Street, Woodland Street, South 5th Street, and South 10th Street.

Under the terms of the agreement, the total cost estimate is \$1,614,375. The federal government will fund 80% of the project (\$1,291,500) and Metro will fund 20% of the project (\$322,875). The date of completion for this project is October 31, 2025. The agreement funds the East Nashville Backbones project to install separate bike lanes on Union Street from 2nd Avenue North to 1st Avenue North; Woodland Street from 1st Avenue North to South 11th Street; South 5th Street from Woodland Street to Davidson Street; and South 10th Street from Woodland Street to Sevier Street.

Under state law, Metro may approve intergovernmental agreements by resolution.

Sponsors: Withers, OConnell, Toombs, Murphy and Nash

19. [RS2021-1056](#)

A resolution approving an Intergovernmental Participation Agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and the State of Tennessee, Department of General Services to provide improved public sanitary sewer service through the construction of an improved stormwater system. (Project No. SWGR 2018033055 and Proposal Number 2021M-020AG-001).

Analysis

This resolution approves an intergovernmental participation agreement between the Department of Water and Sewerage Services (MWS) and the Tennessee Department of General Services for stormwater and sewer infrastructure related to the construction of the Tennessee State Library and Archives building. The State has agreed to pay Metro \$515,415 to fund the design and construction of current and new stormwater systems by Metro. This work will separate stormwater and sewer flow from this site in order to reduce the potential for storm flooding, surcharging sewer, and odor in the area, as well as improve water quality in the Cumberland River. Any unused portion of these funds will be refunded to the State.

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

Sponsors: OConnell, Toombs, Murphy and Nash

20. [RS2021-1057](#)

A resolution to amend Ordinance No. BL2018-1162 to authorize The Metropolitan Government of Nashville and Davidson County to modify the acceptance of public sewer mains, manholes and easements, and update Map and Parcel information for now three properties located at 1000 Bradburn Village Drive, 701 B Bradburn Village Way, and Bradburn Village Circle (unnumbered), also known as Bradburn Village Phase 4 (MWS Project Nos. 17-WL-208 and 17-SL-211 and Proposal No. 2018M-028ES-002.)

Analysis

This resolution amends Ordinance No. BL2018-1162, which abandoned existing sanitary sewer force main and a pump station and accepted water main, sanitary sewer main, sanitary sewer manholes, fire hydrants, and associated easements for 0 Pin Hook Road.

Approximately 119 linear feet of new 15 inch sanitary sewer main, an additional sanitary sewer manhole, and easements are needed to construct this project. The property located at 0 Pin Hook Road is now three properties located at 1000 Bradburn Village Drive, 701 B Bradburn Village Way, and Bradburn Village Circle (unnumbered), also known as Bradburn Village Phase 4. BL2018-1162 provides that amendments to that legislation may be made by resolution.

This 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: Murphy and Nash

J. Bills on Second Reading**37. [BL2019-7](#)**

An ordinance to amend Section 6.28.030 of the Metropolitan Code of Laws regarding the existence of a Short Term Rental Property - Owner-Occupied in a two-family zoning district (Proposal No. 2019Z-017TX-001).

Analysis

This ordinance, as substituted, amends the Metropolitan Code pertaining to owner-occupied STRP permits for two-family dwellings. The Code currently requires both dwellings to be under the same ownership in order for a two-family dwelling to have an owner-occupied STRP permit. This ordinance would create a mechanism whereby two separate owner-occupied STRP permits could be issued for two-family dwellings when the units are owned by different persons and each unit is the primary residence of the corresponding owner. No more than two permits could be issued per lot, and only one permit could be issued per dwelling unit.

This ordinance has been approved by the Planning Commission.

Sponsors: OConnell

40. [BL2021-792](#)

An ordinance amending Chapter 2.136 of the Metropolitan Code to require the Planning Department to provide periodic reports regarding the Metropolitan Government's efforts to address the issue of housing affordability in Nashville and Davidson County.

Analysis

This ordinance requires the Planning Department to publish and provide members of the Metropolitan Council's Affordable Housing Committee with a report by July 1 of each year. The report would be required to contain the following information:

1. The baseline of needs for families with incomes at or below 60% of Area Median Income, as defined by the U.S. Department of Housing and Urban Development.
2. The number of new affordable housing units that are currently authorized and/or funded for construction.
3. The number of units being explicitly preserved through public or private intervention.
4. Any other information deemed necessary by the Planning Department to provide a clear assessment of Metro's progress toward reducing the deficit in affordable housing.

Data can be based on MDHA's most recent Consolidated Plan and augmented with data provided by the Barnes Fund Commission, the Planning Department, and other agencies. The report would be updated quarterly on the Planning Department's website.

Sponsors: Allen, Bradford and Porterfield

41. [BL2021-793](#)

An ordinance amending Section 13.08.030 of the Metropolitan Code with respect to liability insurance coverage requirements in connection with certain public right of way encroachments.

Analysis

The Metro Code of Laws requires anyone constructing, installing, operating, and maintaining an encroachment in the right-of-way to provide a liability insurance policy to save the Metro Government harmless from all claims resulting from the encroachment.

This ordinance amends the Metro Code of Laws to allow legally constituted homeowners associations and nonprofit organizations exempt from taxation under 501(c)(3) of the Internal Revenue Code to install or construct an encroaching beautification project or sign in the right-of-way if the director of public works has approved and determined in writing that such project is in the public interest and poses no risk of harm to the public.

Sponsors: Withers

42. [BL2021-794](#)

An ordinance amending Metropolitan Code of Laws Section 15.44.050, Waters Diverted from Public Sewerage, by deleting subsection E. Green Roofs.

Analysis

This ordinance deletes the rebate program for the installation of a functioning green roof that complies with certain requirements under that rebate provision established under Section 15.44.050.E. This rebate was created in 2012 and has never been used. According to the Department of Water Services (MWS), under the new stormwater regulation revisions, it will be easier for green roofs to meet Metro's water quality standards. Green roofs can now receive up to a 90% runoff reduction credit, which will increase their utilization and incentivize green roofs more than the existing green roof rebate program

Under Section 15.44.050 of the Metro Code of Laws, green roofs on privately-owned properties installed after September 7, 2012 are entitled to a credit against month sewer charges. The credit is \$10 multiplied by the number of square feet covered by the green roof, with a maximum credit of \$500,000 annually. The credit would be spread out into a monthly credit for up to 60 months. The green roof is required to be a building roof covering placed over a minimum of fifty percent of a building's rooftop containing, at least, a waterproof membrane layer, a drainage layer designed such that roof drains can be inspected and cleaned, a growth medium at least four inches in depth, and a vegetation layer with at least eighty percent live, hardy, drought-resistant plants. The ordinance under consideration would eliminate this credit.

New stormwater regulation revisions will allow green roofs to receive up to a 90% runoff reduction credit, which will allow for a green roof to meet a site's full water quality requirement in most cases. Under the previous stormwater regulations, green roof only provided 45% to 60% runoff reduction credit. In addition, since introduction of this rebate in 2012, green infrastructure has become a requirement for most development sites.

Sponsors: Nash

43. [BL2021-795](#)

An ordinance to amend Section 16.24.330 of the Metropolitan Code pertaining to intermodal containers on residential property.

Analysis

This ordinance prohibits the storage of an intermodal container on property zoned R or RS for longer than 90 days. Intermodal containers include general-purpose shipping containers, garmentainers, and/or hard or soft-open topped bulk containers.

Sponsors: Porterfield

44. [BL2021-799](#)

An ordinance authorizing the granting of temporary construction easements to Piedmont Natural Gas Company, INC. ("Piedmont") on a parcel or property owned by the Metropolitan Government (Proposal No. 2021M-013ES-001).

Analysis

This ordinance grants temporary construction easements to Piedmont Natural Gas Company,

Inc., across a parcel owned by the Metropolitan Government. This easement will be used for the purposes of performing construction activities and laying, storing, erecting, parking, and/or protecting any equipment, vehicle's materials, fill, components, parts, and tools associated with the construction of Piedmont's natural gas pipeline. The property is part of the John Overton High School campus. This easement has been approved by the Board of Education.

The Director of Public Property is authorized to execute and record the easements and any other documents necessary to carry out the objective of this ordinance.

Fiscal Note: Piedmont has agreed to pay \$17,363, which has been determined to be fair market value, as compensation for the easements.

Sponsors: Henderson, Porterfield, Murphy and Nash

45. [BL2021-800](#)

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 March 22, 2021.

Analysis

This ordinance is a routine readoption of the Metro Code to include all ordinances enacted on or before March 22, 2021.

Sponsors: Johnston

46. [BL2021-801](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning a portion of Hamilton Avenue right-of-way adjacent to Map 10506026400. (Proposal Number 2021M-007AB-001).

Analysis

This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Hamilton Avenue right-of-way adjacent to Map 10506026400. The abandonment has been requested by Fulmer Lucas Engineering, applicant.

This ordinance has been approved by the planning commission. Further amendments to this ordinance may be approved by resolution.

Sponsors: Sledge, Murphy, Nash and OConnell

47. [BL2021-802](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer main, sanitary sewer manhole and easements, and to accept new sanitary sewer main, sanitary sewer manholes and easements, for two properties located at 6001 and 6003 B Obrien Avenue, (MWS Project No. 20-SL-302 and Proposal No.

2021M-047ES-001).

Analysis

This ordinance abandons approximately 100 linear feet of existing eight inch sanitary sewer main, two sanitary sewer manholes and easements, and the acceptance of approximately 56 linear feet of new eight inch sanitary sewer main (PVC), two sanitary sewer manholes and easements, for two properties located at 6001 and 6003 B Obrien Avenue. Future amendments to this ordinance 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: Roberts, Murphy and Nash

48. [BL2021-803](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing combination sewer and water mains, combination sewer manholes, fire hydrant assemblies and easements, and to accept new combination sewer, sanitary sewer and water mains, combination sewer manholes/inlets, sanitary sewer manholes, fire hydrant assemblies and easements, for five properties located on Church Street and 12th Avenue North, also known as the 1111 Church Street Development (MWS Project Nos. 20-SL-221 and 20-WL-113 and Proposal No. 2021M-048ES-001).

Analysis

This ordinance abandons approximately 207 linear feet of existing 36 inch combination sewer main (brick), approximately 701 linear feet of existing 12 inch water main (DIP), approximately 31 linear feet of existing four inch water main (DIP), seven sanitary sewer manholes, 2 fire hydrant assemblies and easements, and accepts approximately 310 linear feet of new 72 inch combination sewer main (RCP), approximately 67 linear feet of new 66 inch combination sewer main (RCP), approximately 47 linear feet of new 48 inch combination sewer main (RCP), approximately 673 linear feet of new 15 inch sanitary sewer main (PVC), approximately 62 linear feet of new 12 inch sanitary sewer main (PVC), approximately 731 linear feet of new 12 inch water main (DIP), five combination sewer manholes/inlets, eight sanitary sewer manholes, three fire hydrant assemblies and easements, for five properties located on Church Street and 12th Avenue North. Future amendments to this ordinance 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: OConnell, Murphy and Nash

49. [BL2021-804](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water and sanitary sewer, fire hydrant assemblies, sanitary sewer manholes and easements and to accept new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements for property located at 300 Rains Avenue, also known as the MLS Fairgrounds development (MWS Project Nos. 21-WL-15 and 21-SL-21 and Proposal No. 2021M-050ES-001).

Analysis

This ordinance abandons approximately 42 linear feet of existing eight inch water main (DIP), approximately 115 linear feet of existing 12 inch water main (DIP), approximately 240 linear feet of existing eight inch sanitary sewer main, two fire hydrant assemblies, two sanitary sewer manholes and easements, and accepts approximately 995 linear feet of new eight inch water main (DIP), approximately 2,036 linear feet of new 12 inch water main (DIP), approximately 668 linear feet of new eight inch sanitary sewer main (PVC), approximately 410 linear feet of new eight inch sanitary sewer main (DIP), approximately 813 linear feet of new 12 inch sanitary sewer main (PVC), approximately 69 linear feet of new 12 inch sanitary sewer main (DIP), nine fire hydrant assemblies, 16 sanitary sewer manholes and easements, for property located at 300 Rains Avenue, also known as the MLS Fairgrounds development. Future amendments to this ordinance 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: Sledge, Murphy and Nash

50. [BL2021-805](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept a new sanitary sewer manhole, for property located at 251 Venture Circle, also known as the 261 French Landing development, (MWS Project Nos. 21-SL-33 and Proposal No. 2021M-049ES-001).

Analysis

This ordinance accepts one sanitary sewer manhole, for property located at 251 Venture Circle, also known as the 261 French Landing development. Future amendments to this ordinance 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, Murphy and Nash

51. [BL2021-806](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to

relocate a public fire hydrant assembly, for properties located at 750 and 754 Douglas Avenue (MWS Project Nos. 21-WL-47 and Proposal No. 2021M-051ES-001).

Analysis

This ordinance authorizes the relocation of one public fire hydrant assembly, for properties located at 750 and 754 Douglas Avenue. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

Sponsors: Parker, Murphy and Nash

52. [BL2021-807](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new water main, fire hydrant assemblies and easements, for property located at 1320 Adams Street, also known as the Neuhoff Development Phase 2 (MWS Project No. 21-WL-31 and Proposal No. 2021M-052ES-001).

Analysis

This ordinance accepts approximately 402 linear feet of new 12 inch water main (DIP), three fire hydrant assemblies and easements, for property located at 1320 Adams Street, also known as the Neuhoff Development Phase 2. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

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

Sponsors: OConnell, Murphy and Nash

K. Bills on Third Reading

53. [BL2019-3](#)

An ordinance amending Metropolitan Code Chapters 5.20 and 17.40 authorizing the Metropolitan Government of Nashville and Davidson County to come under the provisions of Tennessee Code Annotated Section 67-5-218 and establishing a Historic Property Review Board empowered to abate property taxes relating to certain improvements or restorations made to historic properties (Proposal No. 2019Z-018TX-001).

Analysis

This ordinance authorizes the Metropolitan Government to opt into the historic properties tax abatement program under state law and would establish a historic properties review board. 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. The owner must agree to restore the structure in accordance with guidelines established by the board and agrees to refrain from significantly altering or demolishing the structure during the period of exemption. Such exemption would be for a period of ten years in the case of a partial or exterior restoration or improvement, and fifteen years in the case of a total restoration, as determined by the review board. At the end of the applicable period, the structure would be assessed and taxed on the basis of its full market value.

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 any difference between the tax paid and the tax that would have been due on such improved value.

This ordinance further designates the existing Metro historic zoning commission to also serve as the historic properties review board for Nashville and Davidson County.

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.

This ordinance has been approved by the Planning Commission.

This ordinance will be automatically deferred one meeting pursuant to Council Rule 43.

Sponsors: Syracuse, Murphy, VanReece, Hancock, OConnell, Allen and Suara

54. [BL2019-49](#)

An ordinance authorizing a property tax exemption for historic properties owned by charitable institutions in accordance with Tennessee Code Annotated § 67-5-222.

Analysis

This ordinance authorizes a property tax exemption for historic properties owned by charitable institutions in accordance with state law. T.C.A. § 67-5-222 provides that certain historic properties owned by charitable institutions are eligible for property tax exemption upon compliance with the provisions of such section, subject to a 2/3 vote by the county governing body. Historic properties owned by charitable institutions must meet the following requirements under T.C.A. § 67-5-222 to be eligible to apply for the property tax exemption:

1. On the National Register of Historic Places;
2. Used for occasional rentals that last for no more than two days at a time per event; 015
3. Not rented out more than 180 days per year, and the proceeds received from such rental periods must be used solely for the purposes of defraying the maintenance and upkeep of such property; and

4. Has been owned and maintained by the charitable institution for at least ten years prior to application for the exemption.

T.C.A. § 67-5-222 further provides that the owner of such qualified property must submit a comprehensive preservation and maintenance plan to the historic properties review board (to be established under Ordinance No. BL2019-3 on third reading) that demonstrates how the property tax savings will be applied to the preservation and maintenance of the property. Such plans shall meet the guidelines established by the historic properties review board.

The tax exemption would be valid for a ten-year period, but the property owner may apply for additional exemption periods.

Property that is owned and used by charitable institutions for charitable purposes is already available for exemption from taxation under T.C.A. § 67-5-212. However, in order to be exempt from taxation under existing law, the property must be used as part of the charitable mission of the organization. This ordinance would allow nonprofits to obtain an exemption for properties used for income producing purposes that otherwise would not be exempt under state law.

This ordinance will be automatically deferred one meeting pursuant to Council Rule 43.

Sponsors: Syracuse, OConnell, Allen and Suara

57. [BL2021-721](#)

An ordinance amending Sections 17.08.030 and 17.16.050 of the Metropolitan Code, Zoning Regulations to remove the Alternative Financial Services use from the ON - Office Neighborhood, CN - Commercial Neighborhood, CN-A - Commercial Neighborhood Alternative, CN-NS - Commercial Neighborhood No STRP, and CN-A-NS - Commercial Neighborhood Alternative No STRP zoning districts (Proposal No. 2021Z-004TX-001).

Analysis

The proposed ordinance would remove alternative financial services as a permitted use in ON, CN, CN-A, CN-NS, and CN-A-NS zoning districts. It would also amend Section 17.16.050.D.2 which has size limitations for alternative financial services in the ON, CN, and CN-NS zoning districts.

Alternative financial services would still be permitted in many mixed-use, commercial, and shopping center zoning districts. These zoning districts are primarily located along major corridors or within large areas of non-residential uses. Development in these zoning districts tends to serve a wider range of people, as opposed to providing immediate services adjacent to serve a neighborhood level. Both the CN and ON zoning districts are typically near residentially zoned properties and intended for nonresidential uses to be developed at a smaller, neighborhood scale. From an analysis of existing alternative financial service establishments by the Planning Department, there were none found in the ON zoning district and one found in the CN zoning district.

This has been approved by the Planning Commission.

Sponsors: Porterfield, Murphy, Syracuse and Bradford

74. [BL2021-782](#)

An ordinance repealing Section 2.56.135 of the Metropolitan Code of Laws pertaining to the assessment and collection of probation supervision fees.

Analysis

This ordinance eliminates the supervision fees for probation services provided by the general sessions court. This fee was established in 1991 at a rate of \$20 per month. It was increased to \$25 per month in 2006, and to \$35 per month in 2008.

A 2020 fee study prepared for Metro by PFM's Center for Justice & Safety Finance recommended that the Council eliminate this fee to ease the financial burden on criminal defendants, many of whom lack the ability to pay the probation fees.

This ordinance is a companion to Resolution Nos. RS2021-988 and RS2021-989 approved on June 15, 2021, which eliminated the indigent defense fee and the courthouse security litigation tax as recommended in the PFM study.

The FY22 budget ordinance set aside \$662,500 in a contingency account to offset lost revenue as a result of the reduction of criminal fines and fees.

Sponsors: Toombs, Taylor, Sledge, Hurt, Welsch, OConnell, Porterfield and Suara

75. [BL2021-783](#)

An ordinance to amend Section 13.26.020 of the Metropolitan Code of Laws to require a report from the metropolitan historical commission when a public building named after a person is renamed, demolished, or sold.

Analysis

Section 13.26.020 of the Metro Code currently requires that biographical information be attached to any ordinance naming a Metro-owned building in honor of a person or company. This ordinance amends this Code section to require a report from the Metro Historical Commission prior to the second reading consideration of any ordinance seeking to rename, demolish, or sell a public building previously named after a person. The report, which would be similar to the report required for street renaming ordinances, would include biographical information regarding the person for whom the building is named and their contribution to the Metropolitan Government. The report is also to include a recommendation as to whether the person for whom the building is named should be recognized in another way, such as by a historical marker, if the building is ever renamed, demolished, or sold.

This ordinance would prohibit any action by the Council on second reading until the Historical Commission has provided the required report or 60 days has passed from the date the ordinance was forwarded by the Metro Clerk to the Historical Commission.

Sponsors: Murphy, OConnell, Cash and Porterfield

76. [BL2021-785](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for The Metropolitan Government of Nashville and Davidson County by renaming Tuliptree Court as “Tulip Tree Court” and renaming Tuliptree Lane as “Tulip Tree Lane”, south of Poplar Creek Trace (Proposal No. 2021M-006SR-001).

Analysis

This is a housekeeping street name change ordinance to rename Tuliptree Lane as “Tulip Tree Lane” from Poplar Creek Trace to the cul-de-sac, and to rename Tuliptree Court as “Tulip Tree Court” from Tulip Tree Lane to the cul-de-sac. This name change has been approved by the Planning Commission and the Emergency Communications District Board. The required report from the Historical Commission has been received and is available as an attachment to the ordinance.

Sponsors: Rosenberg

77. [BL2021-786](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer and water main, sanitary sewer manholes, fire hydrant assemblies and easements, for property located at 4225 Central Pike, also known as New Hope Village (MWS Project Nos. 20-SL-300 and 20-WL-148 and Proposal No. 2021M-046ES-001).

Analysis

This ordinance accepts new water and sewer main, manholes, fire hydrant assemblies, and the associated easements for property located at 4225 Central Pike, also known as New Hope Village. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

Fiscal Note: There is no cost to Metro. Donated easements have no market value according to the Department of Water Services.

Sponsors: Evans, Murphy and Nash