



Metro Council

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**G. Bills on Public Hearing**

**2. [BL2021-797](#)**

An ordinance amending Section 17.12.070 of the Metropolitan Code to amend the requirements of the residential floor area ratio bonus in mixed use (Proposal No. 2021Z-011TX-001).

Analysis

This ordinance amends Section 17.12.070 of the Metropolitan Code of Laws relative to the residential floor area ratio bonus in mixed use districts. This section provides, in part, that either (a) in the MUI, MUI-NS, MUI-A, and MUI-A-NS district, or (b) within the urban zoning overlay district in any mixed-use, ORI, ORI-NS, ORI-A, ORI-A-NS, CF, or CF-NS district, in any building where at least twenty-five percent of the floor area (exclusive of parking) is designed and constructed for residential occupancy, the floor area designed and constructed for residential use does not count in determining the floor area ratio of the building. This uncounted benefit cannot be combined with other bonuses.

The current provisions require developments using the uncounted floor area benefit to restrict a portion of the units for affordable housing. However, Tennessee Code Annotated § 66-35-102 limits Metro's ability to require affordable housing under its Zoning Code and this requirement cannot be enforced under state law.

The ordinance under consideration removes the requirement that affordable housing be provided and instead requires that at least 20% of the development be dedicated to commercial, medical, or office uses, excluding the hotel/motel and short term rental property - not owner-occupied uses.

**Sponsors:** Withers

**5. [BL2021-831](#)**

An ordinance amending Sections 6.28.030, 17.04.060, and 17.20.030 of the Metropolitan Code to amend the definition of "Short term rental property (STRP)-Not owner-occupied" and to amend parking requirements related to "Short term rental property (STRP)-Not owner-occupied" (Proposal No. 2021Z-012TX-001).

Analysis

This ordinance amends Sections 6.28.030, 17.04.060, and 17.20.030 related to “Short term rental property (STRP)- Not owner-occupied” uses. The definition of “Short term rental property (STRP)- Not owner-occupied” would be amended in two different Code provisions to remove “residential” from the definition. This use is already considered a commercial use under Title 17. Further, this ordinance would require that the STRP-Not owner-occupied use have a parking minimum of one space per bedroom/sleeping area.

This has been referred to the Planning Commission.

**Sponsors:** OConnell, Bradford and Parker

**6. [BL2021-832](#)**

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to incentivize Inclusionary Housing with any residential development that seeks additional development entitlements beyond that permitted by the current base zoning district (Proposal No. 2021Z-013TX-001).

**Analysis**

This ordinance amends Title 17 of the Metro Code to create a voluntary program for inclusionary housing. This would be a program for affordable and workforce housing. Under this program, a developer could voluntarily elect to create affordable housing as an option for receiving bonus height under the Downtown Code’s bonus height program. A developer could also voluntarily elect to enter into a participation agreement with the Metropolitan Government for infrastructure improvements, or voluntarily accept a parcel from the Metropolitan Government. Metro would provide subsidies to developers for the voluntary provision of affordable housing in accordance with the regulations set forth in this ordinance.

Metro would use the estimated new tax revenue generated by the bonus height to subsidize the affordable housing units within the development, making it so that the units would then rent at market rate.

Developments of fewer than five units would not be eligible for this program. No benefit would be provided if the average unit sale price or rental rate is less than, or within 5% above, 100% of the Median Household Income market prices or rental rate for Nashville and Davidson County.

The affordable or workforce housing requirement is included in a chart in the text of the legislation.

The developer would be required to submit an Inclusionary Housing Plan (“the Plan”), which includes the total residential units provided under the site plan, whether the development uses public resources or public property, the number of affordable or workforce housing units provided, the income levels of families eligible for the affordable or workforce units, the proposed market rates for the units, the location, sizes, and bedroom counts of the affordable or workforce units, and the market rate for comparable units within the same census tract.

The Plan would also be required to include the “Proposed Master Lease with MDHA” with approval from the Office of Economic Opportunity and Empowerment, with assistance from the Finance Department. The master lease agreements must provide a minimum term of 15 years for Inclusionary Housing rental units, reassess the market rate for each unit every five years during the lease term, and ensure that the units are occupied by eligible households.

Further, exterior and interiors of Inclusionary Housing units could not differ materially from other units in the development.

Before the issuance of a building permit, compliance with the above requirements must be documented on the permit plans. Before a use & occupancy permit could be issued, the above requirements must be satisfied, and documentation provided to the Codes Department.

During the subsidized rental period, MDHA would be required to submit a compliance report to the Office of Economic Opportunity and Empowerment, in the form and manner determined by the Office of Economic Opportunity and Empowerment with assistance from the Finance Department.

Additional regulations related to the implementation of this program are found in the companion bill, Ordinance No. BL2021-912.

A substitute to this ordinance is anticipated.

This has been referred to the Planning Commission.

**Sponsors:** Allen and OConnell

7. **[BL2021-842](#)**

An ordinance amending Chapter 16.28 and Section 17.40.430 of the Metropolitan Code to amend the regulations of the demolition of potentially historic structures and sites (Proposal No. 2021Z-015TX-001).

**Analysis**

This ordinance amends the Metropolitan Code of Laws to amend the regulations of the demolition of potentially historic structures and sites. The ordinance separates out historic demolition permits from demolition permits for non-historic properties. The process for the issuance of non-historic demolition permits would remain unchanged.

The current Metro Code provides that, when the Department of Codes receives a demolition permit for a structure that not in a historic overlay, but is listed or eligible for registry on the National Register of Historic Places (NR), or meets the criteria of T.C.A. § 7-51-1201, a demolition permit cannot be issued until the executive director of the historic zoning commission approves the demolition permit. The director must take action within 90 days, unless a longer period is agreed upon by the application and the director. Additional procedures exist for gathering information related to T.C.A § 7-51-1201, which provides that a residential structure constructed before 1865 in reparable condition with a historical

significance besides age cannot be demolished unless approved by the local legislative body.

The ordinance under consideration makes various changes to the process for issuing demolition permits for historic properties. Additional procedures would be put in place related to properties subject to T.C.A. § 7-51-1201. A new category would be added for “preferably preserved structure or site”, which would include properties listed on the NR, determined by the metro historical commission to be eligible for listing on the NR, or determined by the metro historical commission to be a significantly important structure or site that culturally or physically communicates Nashville’s history.

Finally, this would amend Section 17.40.430, which sets a 90-day moratorium period on the granting of permits for demolition, relocation, new construction, exterior alterations, additions to structures or improvements on land recommended for designation as an historic landmark district. The moratorium begins with the filing of an ordinance to designate a historic landmark district. This ordinance would clarify that the moratorium ends once the ordinance establishing the overlay district has been approved, rejected, withdrawn, deferred for a period of time greater than 90 days, or indefinitely deferred by the Metro Council.

A substitute is anticipated to rewrite the bill.

This has been referred to the Planning Commission.

**Sponsors:** Cash, Porterfield, Murphy and Styles

8. **[BL2021-843](#)**

An ordinance to amend Sections 17.36.110, 17.36.120, and 17.40.550 of the Metropolitan Code of Laws relative to historic signage (Proposal No. 2021Z-017TX-001).

**Analysis**

This ordinance amends the Metropolitan Code of Laws to create an Historic Landmark Signage district. This would require a sign to qualify as a historic landmark sign. Criteria in determining whether a sign qualifies as a historic landmark sign include the materials, technology, and design of the sign, the historical integrity of the sign, and the sign’s location. An historic landmark sign must be constructed more than 50 years before the date of application.

When a sign does not identify the business occupying the premises and is not used by an owner or occupant of the premises to advertise a business currently on the premises, the sign would not count against the total allowable sign area for the premises and would not count against the number of signs allowed for the premises. If the sign does identify a business or is used or adaptively reused by an owner or occupant to advertise a business on the premises, 50% of the square footage of the landmark sign would count toward the total allowable sign area and count against the number of signs allowed for the premises. Sign calculations would be determined and confirmed by the Codes Department.

This has been approved by the Planning Commission.

**Sponsors:** Roberts, Porterfield and Styles

9. [BL2021-844](#)

An ordinance to amend Section 17.40.720 of the Metropolitan Code of Laws to require notice by mail to the address of a property in certain cases (Proposal No. 2021Z-016TX-001).

Analysis

This ordinance, as substituted, amends Section 17.40.720 of the Metropolitan Code related to public notice. Mailed notice to the subject property would be required if tax records indicate a mailing address different from the address of the subject property. Properties included in the application of an overlay district, excluding planned unit developments, and properties included in an application to rezone 10 or more parcels filed by a member of Council in their official capacity would be exempt from these provisions. If the subject property is a multi-family or mobile home park, one sign would be required at each ingress/egress onto the property.

This has been approved by the Planning Commission.

**Sponsors:** Parker

14. [BL2021-868](#)

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to update review processes, update maps, revise typographic errors, and refine the urban design standards within Chapter 17.37, Downtown Code, all of which is described herein (Proposal No. 2021Z-007TX-001)

Analysis

This ordinance makes changes to the Downtown Code (DTC), by updating the maps with the most recently available property lines, revising typographical and mapping errors, and removes outdated provisions related to Board of Zoning Appeals variances for a height that is no longer in use. Various DTC design standards and review process would also be modified. This includes:

- Requirement of a minimum 14' ground floor height for all frontages, whereas currently storefront frontage types have a minimum ground floor height.
- Update to ground floor glazing requirements on principal frontages.
- Clarification on what constitutes an active ground floor use on primary streets and what ancillary uses do not qualify as active uses.
- Limitation on materials like EIFS, concrete blocks, and plywood as façade materials.
- Simplification of language on minimum glazing transparency.
- Limitation on the ratio of unlined structured parking to underground parking.
- Update and streamlining of review processes between the MDHA DRC and DTC DRC to establish the process.
- Review of civic buildings may be conducted by minor modification, rather than major.
- Redesignation of segments of George L Davis Boulevard and 11th Avenue from Other Street and Tertiary Street to Secondary Street.

- Updates to structured parking cladding precedent images.
- Clarification on how distances from intersections are measured.
- Addressing conflicts between the DTC Land Use Chart and Title 17 Land Use Table (updated more frequently).
- Requirement to implement Priority Bikeway Network Recommendations of the WalknBike Nashville plan.

Because the DTC amendment includes construction material restrictions, there is a companion bill (BL2021-869) to allow the Council to vote on the material restrictions separately from the other regulations in this ordinance, as required by the state law.

This has been approved by the Planning Commission.

**Sponsors:** OConnell

## H. Consent Resolutions and Resolutions

### 43. [RS2021-1166](#)

A resolution accepting a donation from the Congress Group in the amount of \$2,500,000 as a contribution to the Barnes Housing Trust Fund and approving a donation from the Congress Group in the amount of \$500,000 to a to-be-formed nonprofit entity for the benefit of Wharf Park.

#### Analysis

This resolution approves a donation in the amount of \$2,500,000 from the Congress Group as a contribution to the Barnes Housing Trust Fund and approves a donation in the amount of \$500,000 from the Congress Group to a to-be-formed nonprofit entity for the benefit of Wharf Park.

**Sponsors:** OConnell, Parker, Allen, Bradford, Toombs, Welsch and Suara

### 44. [RS2021-1167](#)

A resolution accepting a grant from the Tennessee Department of Mental Health and Substance Abuse Services to The Metropolitan Government of Nashville and Davidson County for the State Trial Courts to provide Tennessee Highway Safety Office Recovery Court Enhancements to existing recovery court programs and services to improve alcohol countermeasures.

#### Analysis

This resolution accepts a grant from the Tennessee Department of Mental Health and Substance Abuse Services to the State Trial Courts. This grant award is not to exceed \$60,000, with no required local cash match. The grant is to provide Tennessee Highway Safety Office Recovery Court Enhancements to existing recovery court programs and services to improve alcohol countermeasures. The term of the grant is October 1, 2021 to September 30, 2022.

**Sponsors:** Allen and Toombs

**45. [RS2021-1168](#)**

A resolution approving a contract between the State of Tennessee, Department of Mental Health and Substance Abuse Services, and The Metropolitan Government of Nashville and Davidson County for establishing agreed rates for court ordered evaluations and treatment for defendants charged with misdemeanor crimes.

**Analysis**

This resolution approves a contract between the Metropolitan Government and the Tennessee Department of Mental Health and Substance Abuse Services. Under Tenn. Code Ann. § 33-7-301, et seq., judges are authorized to order defendants charged with misdemeanors to undergo outpatient or inpatient mental health evaluations and treatment. When a General Sessions, Criminal, or Circuit Court orders such evaluation and treatment, the Metropolitan Government is responsible for the payment of the costs incurred at the State's Regional Mental Health Institutes.

This agreement outlines the services the State would provide and the cost for each service, which range between \$100 and \$900 per outpatient service and \$450 per day for inpatient evaluation and treatment. If a court determines that a defendant has the financial means to pay for part or all of the evaluation treatment services, Metro would be required to seek reimbursement from the defendant. The term of this agreement would be from July 1, 2021 through June 30, 2022.

*Fiscal Note: Actual expenditures for FY2020-2021 was \$41,900 according to the General Sessions Court's office.*

**Sponsors:** Allen and Toombs

**46. [RS2021-1169](#)**

A resolution authorizing Fairgrounds Nashville and Municipal Auditorium to accept Community Development Block Grant funds from the Metropolitan Development and Housing Agency.

**Analysis**

This resolution authorizes Fairgrounds Nashville and the Municipal Auditorium to accept Community Development Block Grant ("CDBG") funds from the Metropolitan Development and Housing Agency ("MDHA"). MDHA is designated as the lead agency for the development and administration of the funds provided by the Coronavirus Act, Relief and Economic Security Act ("CARES Act"). Because the Fairgrounds exposition center and Municipal Auditorium were used as homeless and medical shelters during the pandemic, they have been identified for CARES Act funding by MDHA.

*Fiscal Note: The resolution would authorize funds to reimburse Fairgrounds Nashville for \$663,292.74, and the Municipal Auditorium for \$254,627.22 representing depreciation costs and property insurance costs, incurred while the facilities were used as homeless shelters.*



**Sponsors:** Allen, Bradford and Styles

**47. [RS2021-1170](#)**

A resolution accepting the terms of a cooperative purchasing master agreement for portable automatic seating risers for the Nashville Municipal Auditorium.

**Analysis**

This resolution accepts the terms of a cooperative purchasing master agreement for portable automatic seating risers for the Nashville Municipal Auditorium. The master purchasing agreement is between Region 4 Education Service (“Region 4”) and Irwin Seating Company (“Irwin”). Region 4 is a regional education service center established by the Texas Legislature serving a seven-county area comprised of 48 public school districts. The initial contract term began May 1, 2020 and ends on April 30, 2023. The 2021 Irwin purchase contract price list is attached to the agreement.

T.C.A. § 12-3-1205(b) authorizes local governments to participate in cooperative purchasing agreements with governmental entities outside of the state as long as the goods or services were competitively procured by the other governmental entity. T.C.A. § 12-3-1205(b) further provides that local governments may participate in a master agreement by adopting a resolution accepting the terms of the master agreement.

Metro has entered into several other master purchasing agreements, most recently involving the auctioneer services and related products to replace the eBid system (See *RS2021-1026*).

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

**48. [RS2021-1171](#)**

A resolution approving a contract between the Metropolitan Government of Nashville and Davidson County and NuOrigin Systems, Inc. to provide annual maintenance, support, and necessary upgrades for various mission critical applications for Public Works.

**Analysis**

This resolution approves a sole source contract with an estimated contract value of \$1,500,000 between the Metropolitan Government and NuOrigin Systems, Inc. to provide annual maintenance, support, and necessary upgrades for various mission critical applications for Public Works. This includes technology to manage capital funds, bridge inspections, road maintenance, and other critical functions. Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

The contract term is 60 months from the date of filing with the Metropolitan Clerk’s Office. A pricing sheet is attached as Exhibit A to the contract.

*Fiscal Note: The total value over the life of this contract is \$1,500,000. This would be paid from*



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*the GSD General Fund #10101, Business Unit #42161110.*

**Sponsors:** Allen and Young

**49. [RS2021-1172](#)**

A resolution authorizing the Metropolitan Mayor to submit the Nashville-Davidson CARES Act Substantial Amendment 3 to the 2019-2020 Annual Action Plan to the 2018-2023 Consolidated Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development (HUD).

**Analysis**

This resolution approves the Coronavirus Act, Relief and Economic Security Act (“CARES Act”) Substantial Amendment 3 to the 2019-2020 Annual Action Plan of the 2018-2023 Consolidated Plan for Housing and Community Development, and authorizes the Mayor submit the Substantial Amendment 3 and Annual Update to HUD.

The Metropolitan Development and Housing Agency (“MDHA”) is designated as the lead agency for creating and administering the Consolidated Plan, including funds allocated through the CARES Act. On September 11, 2020, Metro received notification that Metro would receive \$5,940,972 in Community Development Block Grant (“CDBG-CV”) dollars from round three of CARES Act funds to prevent, prepare for, and respond to the Coronavirus outbreak in Nashville.

Pursuant to the 2020 Consolidated Plan amendment, these additional funds were to be used as follows:

- \$700,000 to reimburse Metro for allowable cost associated with opening and operating a shelter at the Fairgrounds for the homeless, and opening a second shelter for homeless women at the Municipal Auditorium
- \$4,646,875 to make grants and/or loans to acquire and/or rehabilitate properties to be used as permanent supportive housing for the homeless population
- \$594,097 for program oversight and administration thru June 2026

This Amendment 3 reduces the funds available for the acquisition/rehabilitation properties by \$1,512,659, from \$4,646,875 to \$3,134,216. This \$1,512,659 is from funds remaining after a request for applications seeking projects to acquire/rehab properties for use as permanent supportive housing for the homeless only resulted in one project. \$1,294,739 of this reduction would be reallocated to support services for homeless individuals. An additional \$217,920 would be reallocated as additional funding to reimburse Metro for allowable cost associated with opening and operating a shelter at the Fairgrounds and Municipal Auditorium, increasing the total allocation from \$700,000 to \$917,920.

The HUD guidance for Citizen Participation involving CARES Act funding allows for a five day expedited public comment period. This Substantial Amendment 3 was made available for public comment from August 27, 2021 through September 3, 2021. A virtual public hearing was

held on September 1, 2021.

**Sponsors:** Parker, Allen and Welsch

**50. [RS2021-1173](#)**

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 900 Dickerson Pike, known as 900 Dickerson.

**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 900 Dickerson Pike, known as 900 Dickerson. 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-seventh such PILOT program overall, and the fifth for MDHA in 2021. Before this project, the amount of annual funding available for LIHTC projects is \$1,379,298, accounting for the Poplar Bend project in RS2021-910, Riverwood Tower project in RS2021-911, Chippington Towers project in RS2021-1041, and the Shelby House project in RS2021-1117.

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, Nashville Leased Housing Associates III, LP, proposes an apartment project consisting of approximately 195 units to be restricted to individuals and families earning at or below 60% AMI. The amount of the PILOT payment to Metro will be \$23,821 in the first year. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment. The estimated project valuation is \$33,168,617.

*Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$23,821 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 \$33,168,617. 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 \$4,089,256 would be abated, although Metro would still receive \$273,081 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	\$33,168,617	\$436,234	\$23,821	\$412,413	94.5%
2	\$33,168,617	\$436,234	\$24,535	\$411,699	94.4%
3	\$33,168,617	\$436,234	\$25,272	\$410,962	94.2%
4	\$33,168,617	\$436,234	\$26,030	\$410,204	94.0%
5	\$33,168,617	\$436,234	\$26,811	\$409,423	93.9%
6	\$33,168,617	\$436,234	\$27,615	\$408,619	93.7%
7	\$33,168,617	\$436,234	\$28,443	\$407,791	93.5%
8	\$33,168,617	\$436,234	\$29,297	\$406,937	93.3%
9	\$33,168,617	\$436,234	\$30,176	\$406,058	93.1%
10	\$33,168,617	\$436,234	\$31,081	\$405,153	92.9%
<b>Totals</b>		\$4,362,337	\$273,081	\$4,089,256	93.7%

*After the property tax abatement from this project, \$966,885 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2021.*

**Sponsors:** Parker, Allen and Welsch

**51. [RS2021-1174](#)**

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 300 Rains Avenue, known as Fairgrounds Site C.

**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 300 Rains Ave, known as Fairgrounds Site C. 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-eighth such PILOT program overall, and the sixth for MDHA in 2021. Before this project, the amount of annual funding available for LIHTC projects is \$966,885, accounting for the Poplar Bend project in RS2021-910, Riverwood Tower project in RS2021-911, Chippington Towers project in RS2021-1041, Shelby House project in RS2021-1117, and 900 Dickerson project in RS2021-1173.

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, Fairgrounds Affordable Housing, LP, plans to construct approximately 120 units to be restricted to individuals and families earning at or below 60% AMI. The amount of the PILOT payment to Metro will be \$18,000 in the first year. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment. The estimated project valuation is \$16,904,554.

*Fiscal Note: This PILOT request would require the developer to make a first-year payment of*

\$18,000 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 \$16,904,554. 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 \$2,016,937 would be abated, although Metro would still receive \$206,350 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	\$16,904,554	\$222,329	\$18,000	\$204,329	91.9%
2	\$16,904,554	\$222,329	\$18,540	\$203,789	91.7%
3	\$16,904,554	\$222,329	\$19,096	\$203,233	91.4%
4	\$16,904,554	\$222,329	\$19,669	\$202,660	91.2%
5	\$16,904,554	\$222,329	\$20,259	\$202,070	90.9%
6	\$16,904,554	\$222,329	\$20,867	\$201,462	90.6%
7	\$16,904,554	\$222,329	\$21,493	\$200,836	90.3%
8	\$16,904,554	\$222,329	\$22,138	\$200,191	90.0%
9	\$16,904,554	\$222,329	\$22,802	\$199,527	89.7%
10	\$16,904,554	\$222,329	\$23,486	\$198,843	89.4%
<b>Totals</b>		\$2,223,287	\$206,350	\$2,016,937	90.7%

After the property tax abatement from this project, \$762,556 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2021.

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

**52. [RS2021-1175](#)**

A resolution approving Amendment 1 to the contract between the Metropolitan Government of Nashville and Davidson County and Civic Engineering and Information Technologies, Inc.

Analysis

This resolution approves the first amendment to a contract between the Metropolitan Government and Civic Engineering and Information Technologies, Inc. previously approved pursuant to Resolution No. RS2020-164. This contract is a sole source contract for the provision of software maintenance consisting of Enterprise Land Management, ePermits, Electronic Plans Review, Queue Management, Contractor/Licensing Management, Geographic Information Systems, Cityworks PLL software and related customizations and interfaces. The term of the contract is five years.

This amendment changes the name of “Civic Engineering and Information Technologies, Inc.” to “Civic Engineering and Information Technologies, LLC”. No other changes would be made to the contract.

*Fiscal Note: The terms and total value of the contract is not changed by this amendment. The previous fiscal note indicated that the total value was \$3,600,000 over the life of this contract and would be paid from the ITS Enterprise Application account (Fund 51137, Business Unit #14521011).*

**Sponsors:** Hancock

**53. [RS2021-1176](#)**

A resolution approving amendment one to appropriate American Rescue Plan Act grant funds from the U.S. Department of Health and Human Services to the Metropolitan Government, acting by and through the Metropolitan Action Commission, to support activities pertaining to the prevention, preparation, and/or response to the coronavirus disease.

**Analysis**

This resolution approves the first amendment to the American Rescue Plan Act grant from the U.S. Department of Health and Human Services, to the Metropolitan Action Commission. The grant, previously approved by RS2021-968, was for the purpose of supporting activities pertaining to the prevention, preparation, and/or response to the coronavirus disease. The amendment increases the amount of the grant by \$1,633,223, from \$410,823 to \$2,044,046. The grant budget period remains April 1, 2021 and ends March 31, 2023.

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

**54. [RS2021-1177](#)**

A resolution accepting a Promotion of the Arts grant from the National Endowment for the Arts to the Metropolitan Government, acting by and through the Metropolitan Nashville Arts Commission, to support a permanent public art lighting installation and an artist residency program in North Nashville.

**Analysis**

This resolution accepts a Promotion of the Arts grant from the National Endowment for the Arts to the Metropolitan Nashville Arts Commission. This grant award is not to exceed \$75,000, with a required local cash match of \$75,000. The grant is to support a permanent public art lighting installation and an artist residency program in North Nashville. The term of the grant is July 1, 2021 to June 30, 2023.

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

**55. [RS2021-1178](#)**

A resolution accepting a Community Health Workers for Public Health Response and Resilient 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

health disparities in the Nashville area.

Analysis

This resolution accepts a Community Health Workers for Public Health Response and Resilient Grant from the Centers for Disease Control and Prevention to the Metropolitan Government, acting by and through the Metropolitan Board of Health. This grant award is not to exceed \$1,000,000, with no required local cash match. The grant is to address COVID-19 health disparities in the Nashville area. The term of the grant is August 31, 2021 to August 30, 2022.

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

**56. [RS2021-1179](#)**

A resolution approving amendment one to a grant from the U.S. Department of Health and Human Services to the Metropolitan Government, acting by and through the Metropolitan Board of Health, to provide for the prevention, surveillance, diagnosis, and treatment of HIV/AIDS and administer a Minority AIDS Initiative program.

Analysis

This resolution approves the first amendment to a grant from the U.S. Department of Health and Human Services, to the Metropolitan Board of Health. The grant, previously approved by RS2021-914, was to provide for the prevention, surveillance, diagnosis, and treatment of HIV/AIDS and administer a Minority AIDS Initiative program. The amendment increases the amount of the grant by \$3,404,587, from \$1,010,627 to \$4,415,214. The term of the grant remains March 1, 2021 and ends February 28, 2022.

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

**57. [RS2021-1180](#)**

A resolution accepting a grant from the Tennessee Department of Safety and Homeland Security to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, to continue the enhanced DUI enforcement initiative and target distracted driving and seatbelt enforcement.

Analysis

This resolution accepts a grant from the Tennessee Department of Safety and Homeland Security to the Metropolitan Nashville Police Department. This grant award is not to exceed \$500,000, with no required local cash match. The grant is to continue the enhanced DUI enforcement initiative and target distracted driving and seatbelt enforcement. The term of the grant is October 1, 2021 to September 30, 2022.

**Sponsors:** Allen and Evans

**J. Bills on Second Reading**

**99. [BL2021-784](#)**

An ordinance amending Sections 17.36.680 and 17.36.690 of the Metropolitan Code, Zoning Regulations to expand the allowable locations of a Detached Accessory Dwelling Unit (DADU)



Overlay District (Proposal No. 2021Z-008TX-001).

Analysis

The ordinance, as substituted, amends Section 17.36.690 of the Metro Code to allow for the Highland Heights neighborhood (as defined by the adopted Highland Heights Study Area) to be eligible for the recently adopted DADU Overlay. The DADU Overlay was passed by the Council on May 18, 2021 through Ordinance No. BL2021-620 and enables the DADU use on RS zoned lots located within the overlay area. Currently, the eligible area for a DADU overlay is restricted to the Urban Zoning Overlay (UZO).

The prior version of this ordinance included additional provisions related to the definition of "Accessory dwelling, detached" and also required this use to have one parking space. These provisions were removed by the substituted adopted by the Council on August 3, 2021.

The ordinance has been disapproved by the planning commission.

**Sponsors:** Parker

**102.** [BL2021-867](#)

An ordinance to amend Section 12.40.190 of the Metropolitan Code of Laws regarding night parking restrictions.

Analysis

This ordinance amends the Metropolitan Code of Laws to prohibit any vehicle with a length in excess of twenty feet or a dump truck of more than 54,000 pounds of gross weight to be parked on any street or alley within the jurisdiction of Metro between sunset and sunrise.

Under the current Metro Code provision, no school bus, recreational vehicle in excess of twenty feet, or dump trunk of more than 54,000 pounds of gross weight may be parked on any street or alley within the jurisdiction of Metro between sunset and sunrise. This provision was amended in May 2021 by Ordinance No. 2020-493, which reduced the length of prohibited recreational vehicles from twenty-four feet to twenty feet. The ordinance under consideration extends the prohibition from recreational vehicles only to any vehicle.

**Sponsors:** OConnell, Cash, Evans and Porterfield

**103.** [BL2021-874](#)

An ordinance authorizing the conditional abandonment of a portion of Alley 371, approving the acquisition of an interest in certain real property and improvements thereon comprising a new alley, and the granting of an easement above that new alley in connection with the development of a project in Nashville. (Proposal No. 2021M-013AB-001).

Analysis

This ordinance authorizes the conditional abandonment of a portion of Alley 371, approves the acquisition of a new alley, and grants an easement in the air space above the new alley in connection with the development of a project in Nashville. Jack C. Wilder (Wilder) owns certain

parcels on either side of Alley 371. He requests that the alley be relocated. The abandonment of the current Alley 371 would be conditioned on (a) the provision of a letter of credit from Wilder in the full amount of the estimated cost of construction, (b) that no final use and occupancy permit will be issued until NDOT has filed a notice of acceptance of the new alley, and (c) that all utility easements held by Metro are retained.

Wilder would construct a new alley and convey to Metro the fee interest in the property underlying the new alley. Metro would convey an air-rights easement to Wilder to permit construction, use, and maintenance of improvements above the new alley. Wilder will pay \$30,000 as consideration for this transaction.

*Fiscal Note: Metro will receive \$30,000 from Jack C. Wilder under the Deed and Easement agreement.*

**Sponsors:** OConnell, Toombs, Murphy and Nash

**104. [BL2021-879](#)**

An ordinance approving an agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services (“MWS”), and Piedmont Natural Gas Company (“Piedmont”) for shared use of MWS’ Access Drive (Proposal No. 2021M-024AG-001).

**Analysis**

This ordinance approves an agreement between Metro Water Services (MWS) and Piedmont Natural Gas Company (Piedmont) for shared use of an Access Drive off Franklin Pike (“Access Drive”). Piedmont will maintain a gas regulator station near the Access Drive and has requested Metro allow Piedmont to use the Access Drive to monitor and maintain the gas regulator station. In exchange for the shared use of the Access Drive, Piedmont agrees to widen the Access Drive to two lanes in each direction and maintain it (with 50% reimbursement from MWS) to account for wear and tear. MWS may cancel the agreement if Piedmont fails to cure a breach of this agreement within 30 days of written notice to Piedmont.

*Fiscal Note: Upon completion of the Access Drive widening, Metro Water and Sewerage Services Department (MWS) will reimburse Piedmont fifty percent (50%) of the future expenses incurred in connection with maintaining and repairing the Access Drive. Reimbursement requests for expenses exceeding \$5,000 will require written approval from MWS.*

**Sponsors:** Henderson, Toombs, Murphy and Nash

**105. [BL2021-884](#)**

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 manholes and easements, for property located on 4005 Utah Avenue, (MWS Project No. 21-SL-89 and Proposal No. 2021M-068ES-001).

**Analysis**

This ordinance abandons approximately 215 linear feet of existing eight inch sanitary sewer (lined VCP), one sanitary sewer manhole and easements, and accepts approximately 262 linear feet of new eight inch sanitary sewer main (PVC), two sanitary sewer manholes and easements, for property located on 4005 Utah Avenue. Future amendments to this ordinance 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

**106. [BL2021-911](#)**

An ordinance amending Chapter 2.100 of the Metropolitan Code pertaining to the composition of the Metropolitan Transportation Licensing Commission, amending Title 6 of the Metropolitan Code pertaining to the operation and regulation of Entertainment Transportation Vehicles, amending Section 9.20.020 pertaining to vehicle noise, and amending Sections 6.75.240, 7.24.040, and 12.54.210 of the Metropolitan Code pertaining to the consumption of alcoholic beverages in vehicles.

**Analysis**

This ordinance amends the Metropolitan Code of Laws to regulate Entertainment Transportation Vehicles (“ET”s), increases the size of the Metropolitan Transportation Licensing Commission, and makes other various changes related to vehicle noise and the consumption of alcoholic beverages in vehicles.

The ordinance would increase the size of the Metropolitan Transportation Licensing Commission (“MTLC”) from seven members to eleven members. Currently, all seven members are appointed by the mayor, subject to confirmation by the Council. Of the eleven members, eight would be appointed by the mayor, subject to confirmation by the Council. One of the mayor’s eight appointees must be a resident of the Downtown or Gulch Central Business District. For the remaining three members, one would be selected by the board of directors of the Nashville Chamber of Commerce, one would be selected by the board of directors of the Nashville Convention and Visitors Bureau, and one would be selected by the board of directors of the Nashville Downtown Partnership.

The ordinance further creates a framework for regulating Entertainment Transportation Vehicles (“ET”s). ETs are defined as motor vehicles designed for more than one passenger for hire and hired not only as a means of transportation, but also for some entertainment or social purposes. The definition of ETs includes trucks, buses, and wagons/trailers pulled by a motor vehicle and specifically excludes limousines, sedans, shuttles, taxicabs, and electric-assist pedal carriages.

The regulations for ETs would be similar to other vehicles regulated by the MTLC. Before an ET could operate within the jurisdiction of Metro, the owner or operator must obtain a certificate of public necessity. This certificate is subject to annual renewal. An application must be

submitted to the MTLC with required information and owners and operators are required to meet certain criteria. MNPD is authorized to enforce the provisions of this chapter of the Metro Code.

Drivers of ETs must also be permitted by the MTLC, which includes meeting certain requirements. Drivers must be permitted annually.

Alcoholic beverages are not authorized in ETs. Alcoholic beverages cannot be provided to passengers for a fee or as a part of the transportation service and alcohol beverages may not be provided or stocked on the ET. The consumption of an alcoholic beverage upon or within an unenclosed ET is prohibited.

This ordinance further regulates alcohol in motor vehicles generally within Metro. It would be unlawful for a passenger to consume alcoholic beverages or beer or possess an open container of alcohol or beer during the operation of an unenclosed vehicle. An “enclosed vehicle” is defined as a motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. An “unenclosed vehicle” is any vehicle not meeting this definition. The provisions authorizing alcoholic beverages in pedicabs, pedal carriages, and horse-drawn carriages would be deleted.

Finally, this ordinance amends the general noise provision regulating noise in motor vehicles to include ETs.

**Sponsors:** OConnell, Withers, Evans, Allen, Hurt, Mendes, Benedict, Bradford, Welsch, Swope, Murphy, Sledge, Rhoten, Hancock, Rosenberg, VanReece, Suara, Roberts, Young, Styles, Taylor, Porterfield, Rutherford, Henderson, Syracuse, Gamble and Cash

**107. [BL2021-912](#)**

An ordinance amending Chapter 2.213 of the Metropolitan Code to create a mechanism for the implementation of the Inclusionary Housing Incentive program.

**Analysis**

This ordinance amends the Metro Code to create a program to implement the inclusionary housing incentive that is proposed in Ordinance No. BL2021-832. This ordinance establishes an Inclusionary Housing Incentive Payment Fund within the Department of Finance to consist of funds appropriated by the Council for the Inclusionary Housing program established by BL2021-832.

The Planning Department is responsible for determining whether a project is eligible for a height bonus in accordance with the Downtown Code for participation in the inclusionary housing incentive program (“the Program”). Upon determination of eligibility, the Planning Director must submit written notice of the determination to the Director of Finance.

The Director of Finance, upon consultation with the Davidson County Assessor’s Office, would

then determine the estimated new tax revenue that would be generated by the bonus height to subsidize the rental of workforce or affordable housing units for the development qualifying for the Program. The Council would then consider whether to appropriate this amount for the program, either as part of the operating budget or by a separate resolution.

The administering agency responsible for administering the Program would be responsible for administering payments to developers eligible under the Program. Funds would be transferred from Finance to the administering agency upon receiving the compliance report required in BL2021-832, and in accordance with the terms of the master lease.

**Sponsors:** Allen, OConnell, Suara and Porterfield

**108. [BL2021-913](#)**

An ordinance to amend Substitute Ordinance No. BL2019-1633 to permit certain individuals with active permits on file with the Department of Codes Administration as of January 1, 2022 to be eligible for Short Term Rental Property - Not Owner Occupied Permits.

Analysis

On August 20, 2019, the Council adopted Substitute Ordinance No. BL2019-1633. That ordinance made various changes to Title 17 related to “Short term rental property - Owner-occupied” and “Short term rental property - Not Owner-occupied”. Section 1 of that ordinance prohibited “Short term rental property - Not Owner-occupied” in RM-zoned districts beginning on January 1, 2022.

The Metropolitan Department of Codes Administration (“Codes”) anticipates a large volume of permit applications in the coming months. In order to process permit applications that were received timely, this ordinance would allow individuals who have an active “Short term rental property - Not Owner-occupied” permit application on file with Codes as of December 31, 2021 to be eligible for the permit to be issued, provided that all other conditions are met.

**Sponsors:** Hagar

**109. [BL2021-914](#)**

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

Analysis

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

The Financial Empowerment Center provides one-on-one financial counseling and other financial education activities at no charge to low income residents. The term of this contract extends through June 30, 2022. The United Way agrees to conduct a minimum of 2,160 counseling sessions during this period. At least three full time (or equivalent) counselors would be retained and supervised to provide these services.

*Fiscal Note: Metro would pay the United Way an amount not to exceed \$276,000, which would include all labor, overhead, profit, and expenses. This is an increase of \$26,000 over previous contracts.*

**Sponsors:** Toombs, Suara, Welsch and Porterfield

**110. [BL2021-915](#)**

An ordinance approving an agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Parks and Recreation ("Parks"), and Memphis Basketball, LLC to allow Parks to participate in a youth basketball program operated by Memphis Basketball, LLC.

**Analysis**

This ordinance approves an agreement between the Metropolitan Department of Parks and Recreation and Memphis Basketball, LLC (Memphis Grizzlies) to allow Parks to participate in the youth basketball program operated by the Memphis Grizzlies. Memphis Basketball owns the Memphis Grizzlies, an NBA basketball team, and also owns and operates the "Junior Grizzlies" youth basketball program.

In addition to participation in league games, each participant would receive a ticket to a Memphis Grizzlies regular season home game, Junior Grizzlies apparel, and a basketball. Discounted tickets for parents, friends, and family members will also be made available. All coaches, administrators, and volunteers would be invited to a clinic hosted by a Grizzlies coach.

The only payment per this agreement would be \$35 per basketball participant, which is built into the registration fee. No other charges or fees are required for performance of the agreement. The agreement terminates June 30, 2022. Similar agreements were approved in 2017 per Ordinance No. BL2017-987, 2018 per Ordinance No. BL2018-1379, and 2020 per BL2020-118.

**Sponsors:** Toombs, VanReece, Suara and Porterfield

**111. [BL2021-916](#)**

An ordinance providing the honorary street name designation of "Billy Sherrill Way" for a portion of 18th Ave S.

**Analysis**

This ordinance adds the honorary designation of "Billy Sherrill Way" for a portion of 18th Ave S

between Edgehill Ave and Grand Ave. Mr. Sherill, who passed away on August 4, 2015, was a legendary producer on Music Row from the late 1960s to the early 1980s. He worked with stars including Tammy Wynette, George Jones, Johnny Cash, Ray Charles, and more.

Section 13.08.025 of the Metro Code provides a procedure for the designation of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install two honorary street signs per street - at each end of a street - beneath the official street name sign for any street identified on the official Street and Alley Centerline Layer map. No honorary street sign can be installed honoring a living person; and each member of council can sponsor only one such ordinance each calendar year. This ordinance does not officially re-name the designated street. Therefore, there would be no change of official address for properties along this portion of 2nd Ave S.

**Sponsors:** OConnell

**112. [BL2021-917](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent easements for the Neighborly Avenue Stormwater Improvement Project for six properties located on Neighborly Avenue, (Project No. 21-SWC-278 and Proposal No. 2021M-069ES-001).

**Analysis**

This ordinance authorizes the Metropolitan Government to negotiate and accept permanent easements for six properties located on Neighborly Avenue for the Neighborly Avenue Stormwater Improvement Project. 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 do not have a market value according to the Department of Water Services.*

**Sponsors:** Roberts, Murphy and Nash

**113. [BL2021-918](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon an existing storm sewer easement for two properties located at 900 and 902 Dickerson Pike (Proposal No. 2021M-067ES-001).

**Analysis**

This ordinance abandons an existing storm sewer easement for two properties located at 900 and 902 Dickerson Pike. Future amendments to this ordinance 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:** Parker, Murphy and Nash

**114. [BL2021-919](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer and water mains, sanitary sewer manholes, fire hydrant assemblies and easements, for property located at Burkitt Road (unnumbered), also known as Burkitt Ridge Phase 6 (MWS Project Nos. 20-SL-76 and 20-WL-41 and Proposal No. 2021M-065ES-001).

**Analysis**

This ordinance accepts approximately 2,175 linear feet of new eight inch sanitary sewer main (PVC), approximately 320 linear feet of new eight inch sanitary sewer main (DIP), approximately 188 linear feet of new four inch water main (DIP), approximately 1,989 linear feet of new eight inch water main (DIP), approximately 393 linear feet of new 10 inch water main (DIP), 19 sanitary sewer manholes, five fire hydrant assemblies and easements, for property located at Burkitt Road, (unnumbered) also known as Burkitt Ridge Phase 6. Future amendments to this ordinance 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:** Rutherford, Murphy and Nash

**115. [BL2021-920](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main and easements, and to accept new sanitary sewer mains, sanitary sewer manholes and easements, for three properties located at 5540 Oakmont Circle and 262 and 264 White Bridge Pike, (MWS Project No. 20-SL-317 and Proposal No. 2021M-071ES-001).

**Analysis**

This ordinance abandons approximately 225 linear feet of existing eight inch sanitary sewer main (LINED) and easements, and accepts approximately 188 linear feet of new eight inch sanitary sewer main (PVC), approximately 101 linear feet of new eight inch sanitary sewer main (DIP), four sanitary sewer manholes and easements, for three properties located at 5540 Oakmont Circle and 262 and 264 White Bridge Pike. Future amendments to this ordinance 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

**K.**

**Bills on Third Reading**

**116. [BL2021-849](#)**

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning a portion of Alley Number 403 right-of-way from 8th Avenue South to Alley Number 404. (Proposal Number 2021M-011AB-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 a portion of Alley #403 from 8th Ave S to Alley #404, between South St and Archer St. The abandonment has been requested by Crowell Capital Partners, GP.

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

*Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Nashville Department of Transportation and Multi-modal infrastructure (formerly the Department of Public Works), abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.*

**Sponsors:** Sledge, Murphy, Nash and OConnell

**119. [BL2021-870](#)**

An ordinance approving a documentary film agreement between the Metropolitan Government of Nashville and Davidson County and Eureka Entertainment, LLC.

Analysis

This ordinance approves an agreement between the Metropolitan Government and Davidson County and Eureka Entertainment, LLC (Eureka), related to a documentary film project in which Metropolitan Government departments, offices, elected officials, and employees plan to participate, entitled "Justice USA". The agreement authorizes Eureka to use certain sites, including the Downtown Detention Center, Behavioral Care Center, Birch Building, Public Defender offices, and other sites for the production of the documentary. Eureka would have access to these sites from commencement of filming until completion of filming, and may return on dates which Metro and Eureka agree. Eureka agrees to leave all sites in substantially the same condition and as clean and orderly as when found. Metro can require Eureka to stop filming in the event of an emergency or unforeseen urgent event in Metro's sole discretion, if Eureka fails to comply with the agreed upon dates and times, and if Eureka does not comply with other terms of the agreement within a reasonable time following written notice by Metro.

Eureka will obtain comprehensive general public liability insurance coverage, as well as automobile liability insurance and insurance coverage for damage to a structure. Eureka will also indemnify Metro from any and all third party claims.

The Davidson County Sheriff's Office (DCSO) has the right to refuse to allow filming of any sites or materials that could compromise the security of DCSO facilities. Eureka will not film

participants of the Cherished Hearts Program. Further, they will not identify Mental Health Court and Veterans Count Program participants by name or film participants without a release or waiver.

**Sponsors:** Toombs and Gamble

**120.** [BL2021-871](#)

An ordinance establishing a program for the purpose of providing assistance to low-income elderly residents of the Metropolitan Government for the fiscal year 2021-2022.

Analysis

This ordinance establishes the property tax relief program for low-income elderly residents of the Metropolitan Government for Fiscal Year 2021-2022. This is essentially an extension of an existing tax relief program that has been in existence for many years and is renewed annually.

Tennessee Code Annotated § 5-9-112 authorizes county legislative bodies to appropriate funds for the purpose of providing assistance to low-income elderly residents in the county on an annual basis, based on the particular needs of eligible recipients. The county legislative body is also authorized to develop guidelines for eligibility. Additionally, Tennessee Code Annotated § 67-5-702 provides that the general funds of the state shall be paid to certain low-income taxpayers 65 years of age or older necessary to pay or reimburse such taxpayers for all or part of their local property taxes. For many years, Metro has provided a double match of the state funds for the program. \$6,187,000 has been included in the proposed FY22 operating budget in the Property Tax Relief Program Account.

This ordinance directs the Metropolitan Trustee to disburse funds to eligible taxpayers and further authorizes the Trustee to establish rules and procedures for implementation of the program. All persons who qualify for the state property tax relief program and whose income does not exceed a state-mandated cap of \$31,190 annually will qualify for this program. Because this budgetary appropriation is non-recurring, this program would expire June 30, 2022.

*Fiscal Note: The FY22 operating budget includes \$6,187,000 for the property tax relief program for the elderly. \$5,187,000 was appropriated for this program in FY21.*

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

**121.** [BL2021-872](#)

An ordinance to require masks be worn by all individuals in public spaces, as further described herein.

Analysis

This ordinance requires masks to be worn by all individuals in public spaces within the jurisdiction of Metropolitan Nashville and Davidson County. Masks are defined as cloth face coverings, masks, or other devices to cover the nose and mouth of a person and must comply with the Centers for Disease Control (CDC) guidance for appropriate masks. That includes

having two or more layers of breathable fabric, completely covering the nose and mouth of wearer, fitting snugly against the side of the wearers face without gaps, and having nose wire to prevent air from leaking out of the top of the mask. If a gaiter is worn, it must have two layers.

This ordinance imposes much of the same provisions as Amended and Restated Order 8 from the interim Chief Medical Director, which was in effect from April 9, 2021 until May 14, 2021. The main differences are the use of the term “mask” instead of “face covering” and the addition that masks conform to CDC guidance.

The mask requirement in this ordinance would not apply:

- Within one’s own residence or a residence of another;
- To persons under two years;
- To persons who cannot medically tolerate wearing a mask;
- Within one’s own or another’s motor vehicle, provided the vehicle is not used for public transportation or a vehicle for hire;
- To persons working alone in separate office spaces or in non-public workplaces that have more than adequate area for social distancing based on the size of and number of people in the space, provided that a mask must be worn when six feet of distance cannot be maintained;
- When wearing a Mask poses a safety risk or security risk;
- When actively eating or drinking in public at a restaurant, bar, or other food or beverage establishment;
- While outdoors in public spaces;
- While engaged in outdoor work or recreation;
- While in a place of worship;
- While in a building or indoor space owned, managed, or leased by the State of Tennessee or federal government.

Certain signage would be required to be posted in businesses or facilities open to the public reminding them of the mask requirement in effect. Violations of the ordinance would be subject to a fine of \$50.

Future amendments to this ordinance could be made by resolution.

**Sponsors:** Styles, Hurt, Sepulveda, Benedict and Bradford

**122. [BL2021-873](#)**

An ordinance authorizing the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for use in public projects of the Metropolitan Government, initially for purposes of the Department of Transportation and Multimodal Infrastructure, Project Number 2017-B-001, Lickton Pike bridge replacement. (Proposal No. 2021M-010PR-001)

**Analysis**

This ordinance authorizes the Director of Public Property Administration to acquire, by negotiation or condemnation, certain right-of-way easements, drainage easements, temporary construction easements, and property rights for use in the Lickton Pike bridge replacement. The Lickton Pike bridge is rated in poor condition and heavy truck traffic has been prohibited since 2017. The existing bridge is scheduled for replacement.

*Fiscal Note: The estimated cost for the property acquisition is \$117,571.72 according to Nashville Department of Transportation and Multi-Modal Infrastructure (NDOT).*

**Sponsors:** Young, Toombs, Murphy and Nash

**123. [BL2021-875](#)**

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 Lincoln Street right-of-way from McKinley Street to Alley Number 1024. (Proposal Number 2021M-006AB-001).

**Analysis**

This ordinance abandons a portion of Lincoln Street right-of-way from McKinley Street to Alley Number 1024. This abandonment has been requested by XE Development Company, LLC. This ordinance retains the existing utility easements. The Nashville Department of Transportation has determined there is no future need for this portion of right-of-way and all abutting property owners have consented to the abandonment.

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

**Sponsors:** Toombs, Murphy, Nash and OConnell

**124. [BL2021-876](#)**

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Alley Number 442 and an Unnumbered Alley right-of-way and easement between 17th Avenue South and 18th Avenue South. (Proposal Number 2021M-012AB-001).

**Analysis**

This ordinance abandons Alley Number 442 and an Unnumbered Alley right-of-way between 17th Avenue South and 18th Avenue South. This abandonment has been requested by Vanderbilt University. This ordinance also abandons the existing utility easements. The

Nashville Department of Transportation has determined there is no future need for this portion of right-of-way and all abutting property owners have consented to the abandonment.

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

**Sponsors:** Sledge, Murphy, Nash and OConnell

**125. [BL2021-877](#)**

An ordinance approving a contract between the Metropolitan Government of Nashville and Davidson County, through the Department of Water and Sewerage Services and LightWave Renewables, LLC for the design, construction, operation, management, and administration services related to photovoltaic solar facilities located at Central Wastewater Treatment Plant, Whites Creek Wastewater Treatment Plant and Omohundro Water Treatment Plant.

**Analysis**

This ordinance approves a contract between the Metropolitan Government and LightWave Renewables, LLC related to photovoltaic solar facilities located at Central Wastewater Treatment Plant, Whites Creek Wastewater Treatment Plant, and Omohundro Water Treatment Plant. The agreement is in furtherance of the Council's approval of Ordinance No. BL2019-1600, now codified as Metro Code of Laws Section 2.32.080, which in part requires Metro to utilize 35% tier-one renewable energy sources by 2025, 2.45% of which must be derived from solar, and to utilize 100% tier-one renewable energy by 2041, 10% of which must be from solar. Section 4.12.160 of the Metro Code requires Council approval of contracts in excess of sixty months.

This is an assignment of a contract originally approved by BL2021-613. The contract was originally with LightWave Solar, LLC, who has agreed to assign the contract to the newly named LightWave Renewables, LLC ("Lightwave"). The contract approved by BL2021-613 will be replaced by the contract approved by this ordinance.

Lightwave was originally selected through a request for proposals process to design, construct, and maintain solar arrays at the three MWS facilities (the "System"). The term of the agreement is for 30 years commencing on the date when LightWave gives written notice to MWS that the System is mechanically complete and capable of providing electric energy. Lightwave will remain the owner of the System and will provide to MWS all of the electrical energy generated by the System during term of the agreement. MWS will be responsible for delivering any electric energy generated by the System that is in excess of the MWS facility's requirements to Nashville Electric Service.



MWS will make monthly payments to Lightwave in the amount of \$31,090.99 throughout the term of the agreement. Metro can terminate the agreement for any reason with 90 days written notice and upon the payment of a termination fee, which is calculated as the sum of (1) a percentage of the System value after depreciation, (2) the net present value of the remaining monthly payments, and (3) the costs of removal. If Lightwave terminates the agreement early, Metro will be entitled to a termination payment consisting of the net present value of the expected cost of the electricity that is in excess of the monthly fee.

MWS cannot make alterations to the System that could adversely affect operation of the System without Lightwave's consent. MWS can be "off line" up to 48 daylight hours per year without penalty. Being off line for more than 48 hours in a year will require MWS to reimburse Lightwave for lost environmental incentives or lost sales. MWS will have the option to purchase the System at fair market value at the end of the 6th, 15th, 20th, and 25th contract year.

This ordinance also approves a site lease for the solar array areas for the duration of the solar energy agreement with Lightwave.

Future amendments to the agreement may be approved by resolution.

*Fiscal Note: The estimated total value over the life of this contract is \$11,192,756.40. This would be paid from the Water and Sewerage Operating Fund #67331, Business Unit #65560210.*

**Sponsors:** Toombs, Nash, Welsch and Allen

**126. [BL2021-878](#)**

An ordinance approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and Regent Homes, LLC, to provide public sewer service improvements for Regent's proposed development, as well as other existing properties in the area (MWS Project No. 18-SL-0084 and Proposal No. 2021M-022AG-001).

**Analysis**

This ordinance approves a participation agreement between the Metropolitan Department of Water and Sewerage Services (MWS) and Regent Homes, LLC (Regent) to provide public sewer improvements for Regent's proposed development and other properties in the area. Regent agrees to contract and oversee the construction of approximately 2,461 lineal feet of 15 inch sanitary sewer main on Murfreesboro Pike at the intersections of LaVergne Couchville Pike and Hickory Woods Drive, to serve its development The Preserve at Hickory Woods and other existing properties. These improvements will be in compliance with all Metro requirements and specifications. Metro will inspect the construction and, upon acceptance, be responsible for ongoing operation and maintenance. Metro will pay 50% of the actual costs of construction, not to exceed \$266,446.

This has been approved by the Planning Department.



*Fiscal Note: Metro will pay the lesser of fifty percent of the actual project costs not to exceed \$266,446 towards the public sewer services improvements project.*

**Sponsors:** Toombs, Murphy, Nash and Lee

**127. [BL2021-880](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer mains, sanitary sewer manholes and easements, for two properties located at 1101 Chadwell Drive and Chadwell Drive (unnumbered), (MWS Project No. 21-SL-75 and Proposal No. 2021M-061ES-001).

Analysis

This ordinance accepts approximately 84 linear feet of new eight inch sanitary sewer main (PVC), approximately 132 linear feet of new 10 inch sanitary sewer main (PVC), three sanitary sewer manholes and easements, for two properties located at 1101 Chadwell Drive and Chadwell Drive (unnumbered). Future amendments to this ordinance may be made by resolution. This 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 Metro Water Services.*

**Sponsors:** VanReece, Murphy and Nash

**128. [BL2021-881](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water main and easements, to relocate existing fire hydrant assemblies, and to accept new water main and easements, for property located at 1 Terminal Drive, also known as BNA Garage B Phase 1 (MWS Project No. 21-WL-60 and Proposal No. 2021M-064ES-001).

Analysis

This ordinance abandons approximately 924 linear feet of existing eight inch water main and easements, relocates three fire hydrant assemblies, and accepts approximately 892 linear feet of new 16 inch water main (DIP) and easements, for property located at 1 Terminal Drive, also known as BNA Garage B Phase 1. Future amendments to this ordinance 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:** Bradford, Murphy and Nash

**129. [BL2021-882](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main, sanitary sewer manholes and easements, for seven properties located on Rio Vista Drive, (MWS Project No. 21-SL-81; and Proposal No. 2021M-063ES-001).

Analysis

This ordinance accepts approximately 446 linear feet of new eight inch sanitary sewer main (PVC), four sanitary sewer manholes and easements, for seven properties located on Rio Vista Drive. Future amendments to this ordinance may be made by resolution. This 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 Metro Water Services.*

**Sponsors:** Hancock, Murphy and Nash

**130. [BL2021-883](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new sanitary sewer main and a sanitary sewer manhole, for property located on 2176 B Carson Street, (MWS Project No. 21-SL-69 and Proposal No. 2021M-066ES-001).

Analysis

This ordinance accepts approximately 40 linear feet of eight inch sanitary sewer main (PVC) and one sanitary sewer manhole, for property located on 2176 B Carson Street. Future amendments to this ordinance may be made by resolution. This 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 Metro Water Services.*

**Sponsors:** Sledge, Murphy and Nash