



Metro Council

G. Resolutions on Public Hearing

1. [RS2021-1185](#)

A resolution exempting Nashville Zoo at Grassmere, located at 3777 Nolensville 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 the Nashville Zoo at Grassmere, located at 3777 Nolensville 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: Johnston

H. Consent Resolutions and Resolutions

2. [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

3. [RS2021-1186](#)

A resolution approving an Intergovernmental Agreement related to the South Nashville Central Business Improvement District by and between The Metropolitan Government of Nashville and Davidson County and the Industrial Development Board of The Metropolitan Government of Nashville and Davidson County

Analysis

The Council approved Ordinance No. BL2018-1140 on April 17, 2018 to authorize a central business improvement district in South Nashville (“SONA CBID”). Central business improvement districts are permitted pursuant to Tenn. Code Ann. §7-84-501 et seq. and allow the imposition of an additional tax assessment on all property located within the area to provide enhanced services. The SONA CBID was amended by Ordinance No. BL2019-1800. The current assessment for properties in the SONA CBID is \$1.00 per \$100 of assessed value of real property.

Pursuant to an agreement between Metro and the State of Tennessee, the State agreed to fund the costs of a new I-24 interchange adjacent to the SONA CBID. Pursuant to a participation agreement between Metro and Century Farms, LLC, the developer of the properties within the SONA CBID, Metro agreed to share the financial responsibility for funding connector roads with Century Farms.

The revenues collected from Century Farms through the SONA CBID assessment would be applied to fund Century Farms’ portion of the costs of the connector roads and other public infrastructure improvements for the benefit of the SONA CBID.

State law authorizes the Industrial Development Board (“IDB”) to issue its bonds to finance the acquisition of public infrastructure improvements within or related to a central business improvement district which has been designated as a “center city area”. State law further authorizes Metro to contribute and pledge its revenues to further secure the payment of bonds issued by the IDB to fund public infrastructure improvements within a central business district designated as a “center city area”.

This resolution would declare the SONA CBID a “center city area” in accordance with state law. Further, this resolution states that the Council understands and agrees that the IDB will issue revenues bonds to pay for the costs of connector roads and other public infrastructure improvements for the SONA CBID, the capitalized interest on the bonds, the debt service reserve fund for the bonds, and the costs of issuing the bonds.

The resolution also authorizes the execution of an intergovernmental agreement between Metro and the IDB, which is attached to the resolution. Pursuant to the agreement, the IDB would issue bonds, referred to as “Series 2021 Bonds” and apply the proceeds of these bonds to the infrastructure projects for the benefit of the SONA CBID. Revenue from the special assessment at the SONA CBID would be used for the payment of the bonds. Metro could not take any action to reduce the size of the SONA CBID, reduce the rate of assessment, or terminate or otherwise limit the term of the SONA CBID. The agreement would be effective on the date of issuance of the Series 2021 Bonds and would terminate when no Series 2021 Bonds remain outstanding. Any amendment to this intergovernmental agreement must be approved by the Metro Council.

The resolution further requires that the intergovernmental agreement not be executed and delivered to the IDB unless and until (1) the Director of Finance approves the structure and sale of the bonds and (2) Metro receives a release from Century Farms showing that Metro has fully satisfied its obligations under the participation agreement referenced above.

Sponsors: Allen

4. [RS2021-1187](#)

A resolution approving a license agreement between the Metropolitan Government and the State of Tennessee relating to the use of certain space beneath the Broadway bridge spanning the Gulch.

Analysis

This resolution approves a license agreement between the Metropolitan Government and the State of Tennessee relate to the use of certain space beneath the Broadway bridge in the Gulch.

Ordinance No. BL2018-1442 approved several agreements related to the development of the Nashville Yards project, including a license agreement the use of certain space, referred to as the “licensed space”, beneath the Broadway bridge spanning the Gulch. Under this license agreement, the State would grant permission to Metro to maintain and operate as publicly open space the licensed space to provide connectivity beneath the Broadway bridge. Metro would not be allowed to disturb the asbestos containing utility conduits on the premises. Metro would be required to use the licensed space for a public use purpose, and the license could be cancelled if the space is no long used for a public use by Metro.

This would be a 10 year, renewable license. If the licensed space is needed for a transportation project, Metro would be required to remove any improvements and surrender all rights and privileges within 60 days written notice from the State. The State could terminate the license upon 60 days written notice to Metro.

Fiscal Note: There is no cost for the license fee to Metro for the public use purpose under this agreement. Metro will be responsible for maintenance and operation of the improvements.

Sponsors: OConnell, Allen and Young

5. **RS2021-1188**

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 5800 Maudina Drive known as Richland Hills.

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 5800 Maudina Ave, known as Richland Hills. 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-ninth such PILOT program overall, and the seventh for MDHA in 2021. Before this project, the amount of annual funding available for LIHTC projects is \$762,557, 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, 900 Dickerson project in RS2021-1173, and Fairground Site C project in RS2021-1174.

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, Richland Hills Housing Partners, LP, plans to rehabilitate approximately 201 units to be restricted to individuals and families earning at or below 60% AMI. The amount of the PILOT payment to Metro will be \$182,975 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 \$29,038,893.

Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$182,975 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 \$29,038,893. 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 \$1,721,595 would be abated, although Metro would still receive \$2,097,600 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	\$29,038,893	\$381,920	\$182,975	\$198,945	52.1%
2	\$29,038,893	\$381,920	\$188,464	\$193,456	50.7%
3	\$29,038,893	\$381,920	\$194,118	\$187,802	49.2%
4	\$29,038,893	\$381,920	\$199,941	\$181,979	47.6%
5	\$29,038,893	\$381,920	\$205,940	\$175,980	46.1%
6	\$29,038,893	\$381,920	\$212,118	\$169,802	44.5%
7	\$29,038,893	\$381,920	\$218,481	\$163,439	42.8%
8	\$29,038,893	\$381,920	\$225,036	\$156,884	41.1%
9	\$29,038,893	\$381,920	\$231,787	\$150,133	39.3%
10	\$29,038,893	\$381,920	\$238,740	\$143,180	37.5%

Totals \$3,819,195 \$2,097,600 \$1,721,595 45.1%

After the property tax abatement from this project, \$563,612 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2021.

Sponsors: Roberts, Parker, Allen and Welsch

6. [RS2021-1189](#)

A resolution approving a contract by and between the State of Tennessee, Department of Commerce and Insurance and the Metro Nashville Fire Department (“NFD”), for the provision of annual fire and building safety inspection services for pre-kindergarten and kindergarten

through twelfth grade schools.

Analysis

This ordinance approves a contract between the Tennessee Department of Commerce and Insurance (“State”) and the Nashville Fire Department (“NFD”) to provide annual fire and building safety inspections for pre-kindergarten and kindergarten through twelfth grade schools.

Under the contract, NFD would conduct one fire and building inspection per school within its jurisdiction for each school year. NFD would also be required to conduct additional inspections as necessary, or upon request by the Tennessee Department of Education (“DOE”). Each inspection report must be provided to the DOE within 30 days of the inspection. If a school is not in compliance NFD would require school personnel to complete a plan of corrective action within 45 days of inspection.

The term of this contract begins on November 1, 2021 and ends January 1, 2025. There is no cost to this contract.

Fiscal Note: The Nashville Fire Department would provide these services to the State of Tennessee at no cost to the State.

Sponsors: Evans and Lee

7. [RS2021-1190](#)

A resolution approving an application for a Firearms Technical Assistance Project Pilot Site Initiative grant from the U. S. Department of Justice to the Metropolitan Government, acting by and through the Office of Family Safety, to increase compliance with Tennessee firearms dispossession laws.

Analysis

This resolution approves an application for a Firearms Technical Assistance Project Pilot Site Initiative grant from the U.S. Department of Justice to the Office of Family Safety. If the grant application is awarded, the grant award would be \$414,482 with no required local cash match. The grant proceeds would be used to increase compliance with Tennessee firearm dispossession laws. The term of the grant would be October 1, 2021 to September 30, 2024.

Sponsors: Allen and Evans

9. [RS2021-1192](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the Metropolitan Government of Nashville and Davidson County’s property damage claim against Hunter Marine Transport, Inc. and Hines Furlong Line, Inc. in the amount of \$285,000.00, and that said amount be paid to the General Fund.

Analysis

On June 6, 2017, a towboat named James H. Hunter, owned and operated by Hunter Marine

Transport, Inc, was navigating the Cumberland River in Nashville. The pilot of the vessel turned the vessel too sharply causing a barge in tow to break loose and collide with a floating dock owned and operated by the Metropolitan Government. In January 2018, Hunter Marine Transport, Inc, and the James H. Hunter towboat were purchased by Hines Furlong Line, Inc.

The floating dock, which is managed by the Metro Department of Parks and Recreation, was severely damaged due to the collision. At least six concrete modules were damaged beyond repair and cables holding the modules were also damaged. The steel gangway ramp was damaged beyond repair and the steel stiff arms holding the dock to the shore also suffered extensive damage. In addition to the damage, Parks and Recreation lost moorage fees estimated to be approximately \$33,000.

The Department of Law recommends settling Metro's claim for \$285,000. This proposed settlement amount represents the midpoint between the parties' disagreement regarding replacement costs and the depreciation of the dock. This midpoint would be a replacement cost valuation of \$263,000 for the dock plus \$22,000 for the moorage fees.

Fiscal Note: Metro will receive a settlement in the amount of \$285,000 to be paid to the General Fund.

Sponsors: Allen

10. [RS2021-1193](#)

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Andrew Kim against the Metropolitan Government of Nashville and Davidson County in the amount of \$56,723.00, with said amount to be paid out of the Self-Insured Liability Fund.

Analysis

On July 5, 2021, raw sewage backed into the lower level of 145 Thompson Lane through floor drainage pipes. Approximately 3,000 square feet of the building was damaged. Upon investigation, it was determined that the sewer main was full and packed with plywood, grease, rocks, trash, and excrement. The sewer main has been cleaned several times by the Metro Water Department.

The clean-up and restoration of the property is estimated to be \$56,723. This includes drywall removal and replacement, moisture treatment of wood and cinderblocks, vinyl flooring removal and replacement, tile removal and replacement, baseboard removal and replacement, electrical work, and painting for 3,000 square feet of the building.

The Metropolitan Department of Law recommends settlement of this claim for \$56,723.

Fiscal Note: This \$56,723 settlement, would be the 14th payment from the Self-Insured Liability Fund in FY21 for a cumulative total of \$734,068. The fund balance would be \$1,195,492 after this payment.

Sponsors: Allen

11. [**RS2021-1194**](#)

A resolution to amend Ordinance No. BL2020-538 to authorize The Metropolitan Government of Nashville and Davidson County to abandon retained public utility easement rights, for property located at 405 South 4th Street, formerly Alley Number 264 and formerly Alley Number 305 (MWS Project No. 21-WL-28 and Proposal No. 2021M-077ES-001).

Analysis

This resolution amends Ordinance No BL2020-538, which was approved on December 16, 2020, and abandoned Alley Number 264 and 305 right-of-way between South Fourth Street and Shelby Avenue. The ordinance retained the existing public utility easement rights.

The public utility easements rights are no longer needed and an abandonment has been requested by Barge Cauthen and Associates on behalf of the owner.

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

Sponsors: Withers and Young

J. **Bills on Second Reading**

22. [**BL2021-866**](#)

An ordinance amending Chapter 11.12 of the Metropolitan Code of Laws to prohibit passengers in a motor vehicle from consuming or possessing an alcoholic beverage or beer during the operation of the vehicle.

Analysis

This ordinance prohibits passengers in a motor vehicle from consuming or possessing an open container of an alcoholic beverage or beer while the motor vehicle is in operation. State law prohibits the driver of a motor vehicle consuming an alcoholic beverage or beer or having an open container during operation of a vehicle. This same state law provision authorizes local governments to prohibit consumption or possession of an open container by passengers. T.C.A. § 55-10-416.

Any person in violation of this ordinance would be subject to a fine of \$50. This ordinance would sunset on October 1, 2022, unless extended by a resolution of the Metropolitan Council.

Sponsors: Parker, Evans, Suara, Bradford and Allen

23. [**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

24. [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

25. [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

26. [BL2021-921](#)

An ordinance to amend Sections 6.72.135, 6.72.435, and 6.75.560 of the Metropolitan Code of Laws to remove existing English language requirements.

Analysis

This ordinance amends Sections 6.72.135, 6.72.435, and 6.75.560 of the Metro Code to remove provisions that require drivers to read and speak English.

Section 6.72.135 requires certain testing at the time of an initial application for a driver's permit for a taxicab. The test is administered by Metropolitan Transportation Licensing Commission staff or a designee and measures (1) the applicant's knowledge of geography, the street system, and location of major attractions in Metro, (2) the applicant's knowledge of the taxicab ordinance relating to the conduct of drivers and operation of a taxicab, (3) the applicant's ability to read and speak English, (4) the applicant's ability to read and interpret local maps. This ordinance would remove the requirement that applicants be tested for their ability to read and speak English.

Section 6.72.435 sets out a taxicab passenger bill of rights. These rights include a driver who is knowledgeable about the major routes, destinations, and attractions in Nashville, a driver who knows and obeys all traffic laws, a taxicab that is clean and mechanically free of problems, among other requirements. This ordinance would remove from the list the requirement for a driver who speaks and understands English.

Section 6.75.560 sets out a pedicab passenger bill of rights, which is similar to the taxicab passenger bill of rights. These rights include a driver who is knowledgeable about the major routes, destinations, and attractions in Nashville, a driver who knows and obeys all traffic laws, a pedicab that is clean and mechanically free of problems, among other requirements. This ordinance would remove from the list the requirement for a driver who speaks and understands English.

Sponsors: Parker, Benedict, Porterfield and Welsch

27. [BL2021-924](#)

An ordinance authorizing the granting of permanent and temporary construction easements to Piedmont Natural Gas Co. on certain property owned by the Metropolitan Government (Parcel No. 059-16-0-248.00) (Proposal No.2021M-074ES-001).

Analysis

This ordinance, as amended, grants permanent and 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 constructing, installing, maintaining, operating, repairing, altering, replacing, removing, relocating, inspecting, upgrading, and protecting one or more pipelines. The property is located at 0 E Nocturne Drive.

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 \$3,500, which has been determined to be fair market value, as compensation for the easements.

Sponsors: Allen, Toombs, Murphy and Young

28. [BL2021-925](#)

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning an Unnamed Right-of-Way and easement off Old Matthews Road. (Proposal Number 2021M-014AB-001).

Analysis

This ordinance abandons an Unnamed Right-of-Way and easement off Old Matthews Road. This abandonment has been requested by Vickie Vaughn. This right-of-way, including all utility easements, would be abandoned by this ordinance.

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 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: Toombs, Murphy and Young

29. [BL2021-926](#)

An ordinance approving a cooperative research and development agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, The Department of Homeland Security, and Intellisense Systems, Inc., for the testing and evaluation of flood sensors.

Analysis

This ordinance approves a cooperative research and development agreement between the Metropolitan Department of Water and Sewerage Services (“MWS”), the Department of Homeland Security (“DHS”), and Intellisense Systems, Inc. (“Intellisense”) for the testing and

evaluation of flood sensors.

According to the agreement, DHA, Intellisense, and MWS each may provide equipment to each other for the purposes of joint research, development, test, and evaluation. No funds would be transferred from DHA to Intellisense or MWS under this agreement. The agreement is effective upon the date of signatures and will remain in effect for 36 months from that date. The parties must agree in writing to any extensions or changes to the termination date of the agreement.

The scope of work for this agreement would involve the design, development, deployment, testing, evaluation and delivery of operation low-cost flood sensor products. This is to evaluate whether these flood sensors would be useful in preparing communities to become more resilient from flood disasters. These sensors can provide alerts, warnings, and notifications of flooding. The flood sensors can monitor flood-prone areas in real time for rapid detection to alert officials, industry, and citizens to potential flood hazards.

Fiscal Note: Metro Water Services will be responsible for installation, operation and maintenance cost of the flood sensors.

Sponsors: Young

30. [BL2021-927](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to negotiate and accept permanent easements for the Surrey Road Stormwater Improvement Project for eight properties located on Surrey Road, (Project No. 22-SWC-220 and Proposal No. 2021M-073ES-001).

Analysis

This ordinance authorizes the Metropolitan Government to negotiate and accept permanent easements for eight properties located on Surrey Road for the Surrey Road 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 have no market value according to the Department of Water Services.

Sponsors: Rhoten, Murphy and Young

31. [BL2021-928](#)

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, storm sewer lines, sanitary sewer manhole, storm catch basin and easements, to relocate storm sewer line, and to accept new sanitary sewer and water mains, sanitary sewer manholes, storm catch basins, fire hydrant assembly and easements, for property located at 131 Great Circle Road and Cumberland Bend (unnumbered), also known as the Duke at Metrocenter Development (MWS Project Nos.

20-SL-105 and 21-WL-76 and Proposal No. 2021M-072ES-001).

Analysis

This ordinance abandons approximately 287 linear feet of existing 10 inch sanitary sewer main (concrete), approximately 133 linear feet of existing 15 inch storm sewer line, approximately 136 linear feet of existing 30 inch storm sewer line, approximately 120 linear feet of existing 42 inch storm sewer line, one sanitary sewer manhole, one storm catch basin and easements, relocates existing storm sewer line, and accepts approximately 220 linear feet of new 12 inch sanitary sewer main (PVC), approximately 306 linear feet of new 12 inch sanitary sewer main (DIP), approximately 16 linear feet of new eight inch water main (DIP), five sanitary sewer manholes, two storm catch basins, one fire hydrant assembly and easements for property located at 131 Great Circle Road and Cumberland Bend (unnumbered), also known as the Duke at Metrocenter 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 and donated easements have no market value according to the Department of Water Services.

Sponsors: Toombs, Murphy and Young

32. [BL2021-959](#)

An ordinance naming the County Clerk's Office Lobby at the Howard Office Building in honor of Mike Taylor, Chief Deputy Clerk of the Davidson County Clerk's Office.

Analysis

This ordinance names the County Clerk's Office Lobby at the Howard Office Building in honor of Chief Deputy Clerk Mike Taylor. Mr. Taylor began his career with Metro on March 14, 1973. After 49 years of service, Mr. Taylor retires on March 14, 2022. This ordinance would rename the lobby the "Mike Taylor Lobby" and General Services would be directed to erect proper signage with this designation.

Section 13.26.010 of the Metro Code provides that no building or structure of the Metropolitan Government may be named except pursuant to an ordinance duly adopted by the Metropolitan Council. There are no other restrictions on renaming buildings or structures by ordinance.

Sponsors: Hurt and Nash

K. Bills on Third Reading

36. [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

39. [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

40. [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

42. [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

43. [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

59. [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, as substituted and amended, 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 nine members. Currently, all seven members are appointed by the mayor, subject to confirmation by the Council. Under the ordinance as

substituted, one of the mayor's nine appointees must be a resident of the Downtown or Gulch Central Business District, one would be a representative of the hospitality sector and must come from a list of three persons recommended jointly by the board of directors of the Nashville Chamber of Commerce, the board of directors of the Nashville Convention and Visitors Bureau, and the board of directors of the Nashville Downtown Partnership.

The ordinance further creates a framework for regulating Entertainment Transportation Vehicles ("ET"s), which would become effective on April 1, 2022. 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. MNPB 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. These regulations would take effect December 1, 2021.

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, Cash, Druffel and Toombs

60. [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

61. [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

62. [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 and Styles

63. [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, Nash and VanReece

64. [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

65. [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