



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2023-1992, **Version:** 1

An ordinance amending Section 2.24.230 of the Metropolitan Code pertaining to community meetings

WHEREAS, Section 2.24.230/A of the Metropolitan Code provides that no lease of Metropolitan Government-owned property with an appraised value in excess of \$1,000,000 to a private entity shall be considered by the Metropolitan Council unless a publicly-noticed community meeting has been held; and

WHEREAS, Section 2.24.230.A of the Metropolitan Code further provides that the council member in whose district the property is located shall coordinate the scheduling of the community meeting; and

WHEREAS, Section 2.24.230.A of the Metropolitan Code does not provide a mechanism for scheduling the public hearing when the district councilmember is unwilling or unable to coordinate the community meeting on a date that permits three readings of an ordinance seeking approval of a lease to occur at regularly scheduled Council meetings prior to the expiration of a Council term or otherwise does not unreasonably delay the Council's consideration of the lease.

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

Section 1. Section 2.24.230 of the Metropolitan Code of Laws is hereby amended adding the following new subsection A.4. after subsection A.3:

“4. If a public hearing that includes public comment has been held by a metropolitan government department, board, agency, or commission and the district council member is unable or unwilling to coordinate the scheduling of the community meeting in accordance with subsection A.3. of this section on a date that will permit three readings of an ordinance seeking approval of a lease to occur at regularly scheduled Council meetings prior to the expiration of a Council term or that does not unreasonably delay the Council's consideration of the lease, the Metropolitan Council, with a 2/3 affirmative vote of those present and voting, may set a public hearing before the Council in lieu of holding a community meeting otherwise required by this section. Upon adoption of such public hearing motion, notice of the public hearing shall be posted on the nashville.gov website and shall be advertised daily on the Metro Nashville Network or the equivalent thereof. Further, written notice of the public hearing shall be mailed to all property owners within one thousand feet of the property to be leased at least ten days prior to the public hearing.”

Section 2. A public hearing held prior to the effective date of this ordinance is deemed to satisfy the community meeting requirements of Metropolitan Code of Laws § 2.24.230 with respect to a lease that is the subject of that public hearing if conducted in accordance with such section as amended in this ordinance and prior to third reading of an ordinance seeking approval of the lease.

Section 3. This Ordinance shall take effect after its passage, the welfare of the Metropolitan Government requiring it.

Analysis

This ordinance amends Section 2.24.230 of the Metropolitan Code of Laws pertaining to community meetings

held prior to the lease of property owned by the Metropolitan Government.

Section 2.24.230 of the Metropolitan Code of Laws places certain conditions on the lease of property owned by the Metropolitan Government where the appraised value is greater than one million dollars to a private entity for a lease term of more than five years. This Section requires a publicly noticed community meeting to be held prior to the Council consideration approving the lease.

Section 2.24.230.A.3 of the existing ordinance requires that a Councilmember in whose district the property is located to coordinate the scheduling of the community meeting.

The ordinance under consideration would add a new Subsection A.4. This new subsection would provide for the following alternative to the district councilmember scheduled community meeting requirement:

1. If a metro department, board, agency or commission has held a public hearing with public comment (presumably on the topic of the lease); and
2. If the district councilmember is unable or unwilling to coordinate the scheduling of a community meeting in accordance with Subsection A.3. on a date that will permit three readings of an ordinance seeking approval of the lease prior to the expiration of a Council term; then
3. The Council may set a public hearing with a 2/3rds affirmative vote of those present and voting in lieu of the community meeting.

Notice of the public hearing must be posted to Nashville.gov and must be advertised daily on the Metro Nashville Network. Written notice of the public hearing must be mailed to all property owners within 1,000 feet of the property at least 10 days prior to the public hearing.

The ordinance would further provide that a public hearing held prior to the effective date of this ordinance would be deemed to satisfy the community meeting requirements of Section 2.24.230 if conducted in accordance with the ordinance and prior to third reading of an ordinance seeking approval of the lease.

There are two ordinances pending before the Council seeking approval of a property lease implicated by this ordinance: Ordinance No. BL2023-1883 and BL2023-1995. Both pending ordinances are on first reading and have previously been automatically deferred pursuant to Rule 21. Both ordinances will continue to be automatically deferred until the requirements of Section 2.23.230, either as currently codified or as finally amended, are met.