



**Metropolitan Council**

**PROPOSED SUBSTITUTE  
ORDINANCES, SUBSTITUTE  
RESOLUTION, AMENDMENTS  
TO ORDINANCES AND  
RESOLUTIONS, AND LATE-  
FILED RESOLUTION TO BE  
FILED WITH THE METRO CLERK  
FOR THE COUNCIL MEETING OF  
TUESDAY, FEBRUARY 5, 2019**

**SUBSTITUTE ORDINANCE NO. BL2018-1358**

**An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from ORI-A to SP zoning on property located at 3419 Murphy Road, approximately 100 feet west of West End Avenue, within a Planned Unit Development Overlay District (1.47 acres), to permit a mixed-use development, all of which is described herein (Proposal No. 2018SP-049-001).**

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

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

By changing from ORI-A to SP zoning on property located at 3419 Murphy Road, approximately 100 feet west of West End Avenue, within a Planned Unit Development Overlay District (1.47 acres), to permit a mixed-use development, being Property Parcel No. 058 as designated on Map 104-06 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 104 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to a maximum of ~~37865,700~~ 7000 square feet of all uses permitted by the ORI-A zoning district.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Façade treatment of parking structures and mechanical areas shall be reviewed by staff with the submittal of the final site plan. Façade treatments shall be generally consistent with the submitted elevations. Applicant shall work with staff to minimize light bleed from cars utilizing the garage.
2. Parking for all uses shall be provided consistent with the requirements of the Metro Zoning Ordinance.
3. No building signage is approved with this Preliminary SP. All signage shall comply with the standards of the ORI-A zoning district.
4. Prior to submittal of the Final SP, coordinate with Planning and Public Works to identify appropriate bicycle infrastructure improvements for Murphy Road between Bowling Avenue and West End Avenue given the site location and context. Appropriate improvements shall be incorporated into an implementation plan to be submitted with the final. This may include physically

protecting the existing bike lanes where feasible, adding bicycle signals at signalized intersections, and improving the bike lanes I-440 ramp crossings.

5. Show locations and numbers of required bicycle parking on site plan with Final SP submittal.

6. Provide employee lockers, shower facility, and indoor bicycle parking for employees. Show on site plan with Final SP submittal.

7. Prior to submittal of Final SP, meet with Planning to develop a Transportation Demand Management (TDM) plan and implementation strategy that includes transportation modal shift goals that reduce number of single occupancy vehicle (SOV) trips to and from the development. TDM plan shall be included with Final SP submittal.

8. Comply with all conditions of Metro Public Works and Traffic and Parking.

9. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.

10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

11. With the Final SP submittal, building materials shall be refined subject to Planning Staff approval. (i.e., lower reflectivity glass and introduction of masonry on the lower floors).

12. The Final SP shall reflect extensive landscaping including planting trees and/or tall shrubs on every outdoor amenity area in addition to planned streetscaping.

13. Skyline signage that faces the neighborhood shall be indirectly lit (not internally illuminated) to reduce the level of visible light from a distance.

14. Prior to obtaining a use and occupancy permit, the developer must install curbing along the eastern edge of West End Place (between West End Avenue and Murphy Road) and Park Circle (between Murphy Road and Acklen Park Drive) subject to approval by Metro Public Works. Scope of work to not exceed \$100,000.

15. Prior to obtaining a use and occupancy permit, the developer must install traffic calming measures along Acklen Avenue and Orleans Drive per the traffic calming petition prepared by KCI and approved by the Metro Traffic Calming Committee.

16. The overall maximum height of the building structure shall be limited to 167 feet, ancillary equipment screening and architectural features as allowed by the Metropolitan Code will not be counted towards this height limitation.

17. All external lighting will be LED with a CCT of 3,000 K or lower; building and freestanding signs will be downlit or internally illuminated and put on a night circuit, and external lighting will be shielded where possible. Skyline signage on the western face of the building is prohibited and all signage facing the Richland neighborhood will be indirectly lit.

18. The developer shall not close the sidewalks along Murphy Road during construction unless required for public safety pursuant to the City's requirements, in which case the surrounding properties will receive notice.

19. The developer will work with WeGo to encourage participation and the use of Easy Ride passes for employees working in the building.

20. The developer shall include 1 hour free parking for retail customers to be available to existing retail businesses.

21. The developer shall use its best efforts to include 10 percent minority contractor participation for the construction of the project.

22. The developer will pay for, construct and have a traffic signal installed from Murphy Court onto Murphy Road, if approved by the City and State.

23. No short term rental usage will be permitted within this SP.

24. All blasting on the Property will comply with the State's blasting standards.

Section 4 ~~5~~. Be it further enacted, ~~a corrected~~ elevations for the Project are attached hereto as Exhibit A, and a revised copy of the preliminary SP plan ~~incorporating~~ reflecting the conditions in this substitute ordinance will be provided to the Council prior to third reading and attached hereto. Any further corrections to the preliminary SP plan which are necessary to incorporate the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 5 ~~6~~. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 6 ~~7~~. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the ORI-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 7 ~~8~~. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Ed Kindall  
Member of Council

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Burkley Allen  
Member of Council



**Gresham  
Smith**

Genuine Ingenuity

# SP PACKAGE SUBMISSION

**3415 MURPHY  
ROAD**

3415 Murphy Road,  
Nashville, Tennessee 37203

1.30.2019



**SOUTH PERSPECTIVE**

**3415 MURPHY  
ROAD**

































AMENDMENT NO.\_\_\_\_  
TO  
ORDINANCE NO. BL2018-1416

Dear Mr. President –

I move to amend Ordinance No. BL2018-1416 as follows:

I. By adding the following recital clauses:

WHEREAS, trees are beneficial to the city and to property owners because trees increase property values, improve air quality, provide habitat for wildlife, absorb and filter stormwater, reduce energy consumption by providing shade in summer, reduce the heat island effect, and provide psychological and aesthetic benefits; and

WHEREAS, Nashville’s tree canopy has been declining in recent years due to clearing for new development, and the Tennessee Division of Forestry estimates that over the last eight years, the city has lost an average of 9,000 trees per year; and

WHEREAS, in February of 2017, the Livable Nashville Committee issued in their draft report a recommendation to stop tree loss by 2020 and to plant 500,000 trees by 2050; and on October 3, 2018, Metro Water Services joined with the Cumberland River Compact to launch Root Nashville, a campaign to plant 500,000 trees in Davidson County by 2050. This public private partnership should be supported by the city’s codified tree planting requirements;

INTRODUCED BY:

\_\_\_\_\_  
Burkley Allen  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2018-1457**

**An ordinance amending Chapter 17.08 and 17.16 of Title 17 of the Metropolitan Code, Zoning Regulations, to add conditions applicable to the uses "Automobile Sales, Used" and "Automobile Repair" to restrict building within the floodplain, floodway or any associated buffer (Proposal No. 2019Z-002TX-001).**

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

Section 1. That Section 17.08.030 of the Metropolitan Code of Laws be amended by replacing P (Permitted) wherever it appears with PC (Permitted with Conditions) for the uses of "automobile sales, used" and "automobile repair".

Section 2. That Section 17.16.070.E is hereby amended by adding a new subsection 9 as follows:

9. Automobile repair uses shall not be located within the floodplain or floodway, as designated on the current Flood Insurance Rate Map (FIRM) ~~in use on January 1, 2019~~, or any water quality buffer, as defined in the Stormwater Management Manual.

Section 3. That Section 17.16.070.F is hereby amended by adding a new subsection 9 as follows:

9. Automobile sales, used uses shall not be located within the floodplain or floodway, as designated on the current Flood Insurance Rate Map (FIRM) ~~in use on January 1, 2019~~, or any water quality buffer, as defined in the Stormwater Management Manual.

Section 4. Be it further enacted that this Ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

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Tanaka Vercher  
Member of Council

AMENDMENT NO. \_\_\_\_\_  
TO  
ORDINANCE NO. BL2019-1465

Mr. President –

I move to amend Ordinance No. BL2019-1465 as follows:

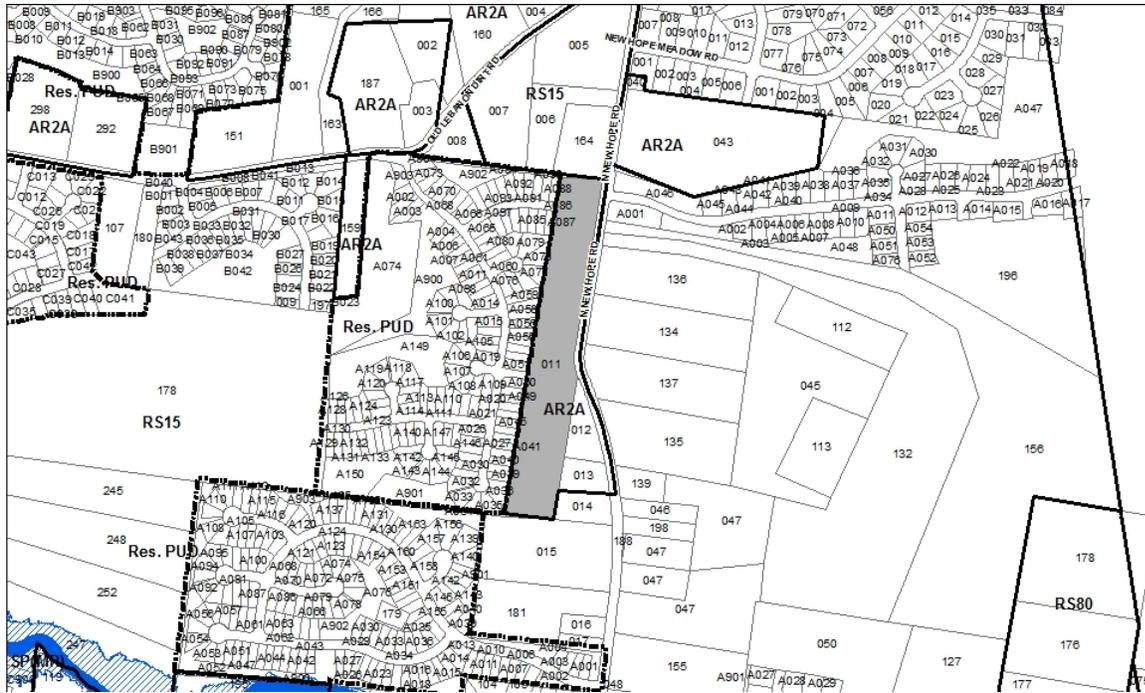
I. By removing the map originally submitted with the Ordinance as an attachment and replacing it with the map attached hereto, designated as Map 087-00.

INTRODUCED BY:

\_\_\_\_\_  
Steve Glover  
Member of Council

2018SP-050-001  
6280 NEW HOPE ROAD  
Map 087, Parcel(s) 011  
Subarea 14, Donelson - Hermitage  
District 12 (Glover)  
Application fee paid by: The Wise Group Inc

A request to rezone from AR2a to SP zoning on property located at 6280 N. New Hope Road, west of the terminus of Landings Way (10.0 acres), to permit 54 single-family lots, requested by Dale and Associates, applicant; Wise Group, Inc., owner.



**SUBSTITUTE ORDINANCE NO. BL2019-1470**

**An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from R6 and CL to ~~MUL~~ SP zoning for property located at 412 Brewer Drive, on the northwest corner of Nolensville Pike and Brewer Drive (1.63 acres), all of which is described herein (Proposal No. 2018Z-119PR-001).**

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

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

By changing from R6 and CL to ~~MUL~~ SP zoning for property located at 412 Brewer Drive, on the northwest corner of Nolensville Pike and Brewer Drive (1.63 acres), being Property Parcel No. 009 as designated on Map 161-08 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 161 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to all uses permitted by the MUL zoning district, excluding Automobile sales, new; Automobile sales, used; Automobile repair; Alternative financial services; Bar or nightclub; Liquor sales; and After hours establishments.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Compliance with all conditions from the Metropolitan Public Works Department and the Metropolitan and Traffic and Parking Commission shall be required.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. This property shall not be eligible for Automobile sales, new; Automobile sales, used; Automobile repair; Alternative financial services; Bar or nightclub; Liquor sales; or After hours establishments uses.
4. One final site plan shall be reviewed for compliance with SP standards.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee, based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increases the permitted density or floor area, adds uses not otherwise permitted, eliminates

specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or adds vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of MUL zoning districts as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

~~Section 3.~~ 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Davette Blalock  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2019-1471**

**An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from R10 to ~~MUL~~ SP zoning for property located at 414 Brewer Drive, approximately 310 feet west of Nolensville Pike (0.82 acres), all of which is described herein (Proposal No. 2018Z-126PR-001).**

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

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

By changing from R10 to ~~MUL~~ SP zoning for property located at 414 Brewer Drive, approximately 310 feet west of Nolensville Pike (0.82 acres), being Property Parcel No. 008 as designated on Map 161-08 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 161 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to all uses permitted by the MUL zoning district, excluding Automobile sales, new; Automobile sales, used; Automobile repair; Alternative financial services; Bar or nightclub; Liquor sales; and After hours establishments.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Compliance with all conditions from the Metropolitan Public Works Department and the Metropolitan and Traffic and Parking Commission shall be required.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. This property shall not be eligible for Automobile sales, new; Automobile sales, used; Automobile repair; Alternative financial services; Bar or nightclub; Liquor sales; or After hours establishments uses.
4. One final site plan shall be reviewed for compliance with SP standards.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee, based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increases the permitted density or floor area, adds uses not otherwise permitted, eliminates

specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or adds vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of MUL zoning districts as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

~~Section 3.~~ 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Davette Blalock  
Member of Council

**SUBSTITUTE RESOLUTION NO. RS2018-1508**

**A resolution encouraging Nashville Electric Service (NES) to ~~transition its implement a Round-Up Donation program from a customer-select to a customer-remove policy~~ in order to provide additional funding for NES's Home Energy Uplift program, ~~and further requesting NES and the Tennessee Valley Authority to match funds resulting from the program.~~**

WHEREAS, Nashville Electric Service (NES) ratepayers are fortunate to be served by a publicly-owned municipal utility which provides residential electricity at rates almost 14 percent less than the national average; and

WHEREAS, despite comparatively low rates, Nashville faces the challenge that approximately sixteen percent (16%) of its residents live in poverty; and

WHEREAS, rates of poverty coincide with poorly-weatherized housing stock; and poorly-weatherized homes prevent older residents from aging in place -- making them more susceptible to predatory homebuyers; and

WHEREAS, the cost burden of energy-inefficient homes falls particularly heavily upon vulnerable citizens, contributing to decreased educational achievement, financial instability, and pervasive cycles of poverty; and

WHEREAS, the energy burden from the combination of poverty, poorly-weatherized and aging housing stock are a significant impediment to equity and livability in Nashville; and

WHEREAS, high energy burdens and substandard housing stock also contribute to mental and physical health challenges, particularly among children and the elderly, contributing to Nashville's rates of respiratory illness such as asthma and other endemic health conditions; and

WHEREAS, households in the Tennessee Valley Authority (TVA) footprint earning less than fifty percent (50%) of the federal poverty level are spending an average of twenty-nine percent (29%) of their income on utilities. An income expenditure of six percent (6%) is considered affordable; and

WHEREAS, during 2017 and 2018, NES and TVA have committed initial seed funding to a Home Energy Uplift program, which provides whole-home energy improvements to limited-income families who own homes in Davidson County; and

WHEREAS, NES, TVA, and the Metropolitan Government have identified the need for additional funding to support this program, given the thousands of Davidson County residents who qualify for assistance; and

WHEREAS, a utility bill round-up program (which allows customers to round-up their monthly utility bills to the next whole dollar, with resulting donations averaging approximately \$0.50 cents per month) with a customer-remove (or "opt out") policy approach ~~to the current NES-supported utility bill round-up program (which allows customers to round-up their monthly utility bills to the next whole dollar, with resulting donations averaging approximately \$0.50 cents per month)~~ could grow ~~garner~~ participation from just eight to ten percent (8%–10%) of approximately sixty to sixty-five percent (60%–65%) of NES's customer base to ~~sixty to sixty-five percent (60%–65%)~~, increasing the households Home Energy Uplift can serve to 180 per year; and

WHEREAS, NES's energy experts, in partnership with TVA and the Mayor's Office, have been successfully weatherizing one hundred twenty-five (125) low-income Nashville households through a program called "Home Energy Uplift" which provides whole-home, deep-energy retrofits valued at an average of \$8,000 each -- providing the tools and information needed for these homes to be as energy-efficient and comfortable as possible; and

WHEREAS, Home Energy Uplift has resulted in lower utility bills for low-income customers through more energy-efficient single-family houses and has alleviated strain on community utility bill payment assistance resources; and

WHEREAS, NES has affirmed that a ~~customer-remove-policy position for its current Round-Up donation program~~ would allow Home Energy Uplift to substantially increase the amount of weatherization services available to the community, benefiting a significant at-risk segment of the NES customer base, thereby serving the best interests of TVA, NES, and their customers; and

WHEREAS, the Mayor of the Metropolitan Government of Nashville and Davidson County has expressed support for the Home Energy Uplift program as a root-cause solution to housing displacement; and the Mayor's Livable Nashville Committee recommended for Round-Up utility-bill donations as a sustainable local funding source for NES and TVA to continue assisting those in need and to reduce greenhouse-gas emissions from residential buildings; and

WHEREAS, there is successful precedent in other Tennessee urban areas -- including Knoxville and Memphis -- for automatically enrolling utility customers in an optional round-up program to generate revenue for low-income weatherization grants, and for ~~pairing~~ leveraging those local funds with matching dollars toward additional program investment from the Tennessee Valley Authority.

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

Section 1. The Metropolitan Council hereby goes on record as formally requesting the Nashville Electric Service (NES) and its five-member Electric Power Board to ~~transition its~~ implement a customer-remove Round-Up donation program from a customer-select position to a customer-remove position, such that all ratepayers will be enrolled in the program automatically, creating a reasonable and sustainable source of revenue for its low-income weatherization program, Home Energy Uplift, funded by NES customers for NES customers in partnership with TVA, in order to ease energy burdens on economically and otherwise disadvantaged homeowners throughout Davidson County.

Section 2. The Metropolitan Council further goes on record as requesting that ~~this transition in the Round-Up program allow~~ any NES ratepayer ~~to be able to easily and promptly elect not to participate in the a Round-Up donation program at any time.~~

Section 3. The Metropolitan Council further goes on record as requesting that ~~such transition~~ the launch of such a program be extensively and effectively marketed to all NES customers and to the general public at large prior to its implementation.

Section 4. The Metropolitan Council further goes on record as encouraging NES to find creative ways to use funding provided by ~~this~~ such a program to create educational and employment opportunities within its service area that would further reduce economic hardships for Davidson County's poorest citizens, particularly focusing on renewable energy, job creation, and building upon NES's track record of supporting local, MWBEs, and small businesses by people the community trusts.

Section 5. The Metropolitan Council further goes on record as requesting that, in creating the employment opportunities referenced above, NES give priority to certified, MWBE energy professionals and to contractors from zip codes of highest energy burden.

Section 6. The Metropolitan Council further goes on record as requesting NES Home Energy Uplift administrators to issue a report to all members of the Metropolitan Council at least annually regarding the success of the fund, including in such report data regarding revenues, expenditures, ratepayer participation rates, most burdened communities and key performance indicators -- including but not limited to households served, energy efficiencies realized, and minority contractor outcomes.

~~Section 7. The Metropolitan Council further goes on record as requesting that NES and TVA match funds given by ratepayers for the Home Energy Uplift program at a 2:1 ratio.~~

~~Section 8. The Metropolitan Clerk is directed to send a copy of this Resolution to Decosta Jenkins, President and CEO of Nashville Electric Service, and to each member of the NES board of directors.~~

~~Section 9.~~ 8. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Member of Council

LATE-FILED  
AMENDMENT NO. \_\_\_\_\_  
TO  
RESOLUTION NO. RS2019-1508

Mr. President –

I move to amend Resolution No. RS2019-1508 as follows:

I. By amending Section 2 by deleting it in its entirety and substituting therefore the following:

Section 2. The Metropolitan Council further goes on record as requesting that this transition in the Round-Up program allow any NES ratepayer to be able to easily and promptly elect not to participate in the program at any time, even after implementation of the program goes into effect.

I. By amending Section 3 by deleting it in its entirety and substituting therefore the following:

Section 3. The Metropolitan Council further goes on record as requesting that such transition be extensively and effectively marketed to all NES customers and to the general public at large prior to its implementation. Such marketing efforts should be conducted through a variety of mediums, including direct mail, social media, telephone notification, and/or newspaper notice, so as to ensure that every potentially affected customer is notified well prior to implementation of the program. Implementation should not proceed until after such notification efforts have been concluded.

INTRODUCED BY:

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Fabian Bedne  
Member of Council

AMENDMENT NO. \_\_\_\_\_  
TO  
RESOLUTION NO. RS2019-1559

Mr. President –

I move to amend Resolution No. RS2019-1559 as follows:

I. By amending Section 1 by deleting from Exhibit A, entitled "A/E Masterlist Update 2018", the following entry:

<b>A / E</b>	<b>Name</b>	<b>Number of Employees</b>	<b>Location of Employees</b>	<b>Address 1</b>	<b>Address 2</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
A/E	Collier Engineering Co., Inc.	82	Nashville, TN	5560 Franklin Pike Circle		Brentwood	TN	37027

INTRODUCED BY:

\_\_\_\_\_  
Angie Henderson  
Member of Council

AMENDMENT NO. \_\_\_\_\_  
TO  
RESOLUTION NO. RS2019-1601

Mr. President –

I move to amend Resolution No. RS2019-1601 by deleting Section 1 and Section 2 and substituting in lieu thereof the following:

“Section 1. That the Metropolitan Council, on behalf of the people of Nashville, Tennessee, United States of America, does hereby extend an invitation to the government and the people of Chengdu, China to participate with Nashville, Tennessee as its Sister City for the purpose of creating greater mutual understanding and to promote a future of liberty and peace by creating a world of friendship and further authorizes the Mayor to execute a Sister City Charter.

Section 2. That the Metropolitan Clerk is directed to send a certified copy of this Resolution to Mayor David Briley is hereby directed to send a certified copy of this Resolution and to the Mayor and Foreign Affairs Office of Chengdu, China.”

INTRODUCED BY:

\_\_\_\_\_  
Jeff Syracuse  
Member of Council

**LATE-FILED RESOLUTION NO. RS2019-\_\_\_\_\_**

**A resolution calling upon the Purchasing Agent for the Metropolitan Government of Nashville and Davidson County, following independent review, to immediately suspend Collier Engineering Co., Inc. from consideration for awards of any and all contracts in the event probable cause for debarment is established, and to further declare existing contracts null and void should fraudulent conduct and/or bad faith be established.**

WHEREAS, in 2015, Collier Engineering Co., Inc. was awarded a five-year contract by the Metropolitan Government of Nashville and Davidson County worth an estimated twenty million dollars (\$20,000,000) for the provision of engineering, design, inspection and management services for public infrastructure projects; and

WHEREAS, in 2018, an increase to the contract to thirty-five million dollars (\$35,000,000) was approved through the Metropolitan Government Purchasing Agent, intended to provide extended infrastructure projects required by the Metropolitan Parks Department and the Metropolitan Water and Sewerage Services Department; and

WHEREAS, following a well-publicized incident in which multiple employees of the Metropolitan Government attended sporting events at Bridgestone Arena in a suite provided by Collier Engineering Co., Inc., an audit of the company's work was ordered by the office of Mayor David Briley; and

WHEREAS, on October 16, 2018, the subsequent report from the Metropolitan Auditor stated that Collier's conduct was in violation of Ethical Standards in Procurement and gave the appearance of preferential treatment; and

WHEREAS, though the Audit Report did not find that Collier Engineering had received direct benefits from the Metropolitan Government in exchange for the entertainment provided to government employees, ensuing reports indicated that Metropolitan Government employees had not paid for their arena suite tickets, as required under the Metropolitan Government's standards of conduct. Additional reports indicated that Collier Engineering had submitted substantial yet inappropriate billing invoices for the time during which they were entertaining government employees. Still further reports indicated that previous proposals for work under Collier Engineering's paving contract with the Metropolitan Department of Public Works revealed discrepancies with the specified scope of work; and

WHEREAS, on January 30, 2019, these repeated indications of impropriety prompted the Metropolitan Government's Chief Compliance Officer to request that the Metro Purchasing Agent take the necessary actions authorized under Sections 4.36.020 and 4.36.030 of the Metropolitan Code of Laws; and

WHEREAS, pursuant to Section 4.36.020 of the Metropolitan Code of Laws, the purchasing agent for the Metropolitan Government of Nashville and Davidson County is authorized, after reasonable notice, to suspend a party from consideration for award of contracts for up to three months if there is probable cause for debarment, provided the suspension is exercised in accordance with regulations promulgated by the standards committee; and

WHEREAS, while formal conviction of a criminal offense, or conviction under state or federal statutes, in the performance of contracts is sufficient cause for debarment or suspension, additional causes under Section 4.36.020.B of the Metropolitan Code of Laws include violation of contract provisions, violation of ethical standards set forth in Chapter 4.48 of the Code, as well as any other cause the purchasing agent determines to be so serious and compelling as to affect responsibility as a Metropolitan Government contractor; and

WHEREAS, pursuant to Section 4.36.030 of the Metropolitan Code of Laws, the purchasing agent is authorized, prior to commencement of an action in court, to resolve controversies involving breach of contract, misrepresentation, and other causes for contract rescission or modification, and to issue a decision in writing if the controversy is not resolved by mutual agreement.

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

Section 1. That the Metropolitan Council hereby submits that the Metropolitan Purchasing Agent has sufficient grounds to conclude that the conduct and actions by Collier Engineering Co., Inc. constitute a violation of contract provisions and a violation of ethical standards set forth in Chapter 4.48 of the Code, and that these actions are so serious and compelling as to affect responsibility as a Metropolitan Government contractor, under Section 4.36.020.B of the Metropolitan Code of Laws.

Section 2. That the Metropolitan Council hereby further requests that, if the Metropolitan Government Purchasing Agent, upon independent review, finds probable cause for grounds substantiating debarment, that immediate notice be issued to Collier Engineering Co., Inc., pursuant to Section 4.36.020 of the Metropolitan Code of Laws, of the intent to suspend the company from consideration for the award of any and all contracts for no less than the maximum allowed duration of three (3) months.

Section 3. That the Metropolitan Council hereby further requests that, if the Metropolitan Government Purchasing Agent, upon independent review, determines the existence of fraudulent conduct or bad faith on the part of Collier Engineering Co., Inc., all contracts previously awarded to Collier by the Metropolitan Government of Nashville and Davidson County should be immediately declared null and void, pursuant to Section 4.36.060.B of the Metropolitan Code of Laws.

Section 4. That the Metropolitan Clerk direct a copy of this Resolution to be delivered to the Purchasing Agent for the Metropolitan Government, Michelle Hernandez-Lane.

Section 5. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Angie Henderson  
Member of Council

AMENDMENT NO. \_\_\_\_\_  
TO  
ORDINANCE NO. BL2019-1511

Mr. President –

I move to amend Ordinance No. BL2019-1511 as follows:

I. By re-numbering the section currently labeled "Section 8" as "Section 9", and adding the following text as a new Section 8:

8. In an effort to show support for the development goals of the community, LDG Development, LLC desires to make a voluntary cash contribution to the Metropolitan Board of Parks and Recreation in the amount of one hundred thousand dollars (\$100,000) to be designated for park improvements at 801 Skyline Ridge Drive (Parcel ID: 05100002200), informally known as Solar Park or Skyline Ridge Park, with the acknowledgment that improvements by the Metropolitan Board of Parks and Recreation shall be contingent upon securing additional funding from other sources sufficient to complete proposed improvements. If such additional funding is not forthcoming on or before December 31, 2022, the contribution may be allocated for improvements to the Skyline Ridge Bashaw Historic Cemetery. LDG Development, LLC desires to make such voluntary contribution prior to commencing construction on the development of the Skyline Ridge Drive property in accordance with the final site plan, provided that this contribution shall not be deemed a condition to the issuance of any building permit(s). The Metropolitan Government Director of Finance is hereby authorized to accept such voluntary monetary contribution, to be placed in an appropriate account for the benefit of the Metropolitan Board of Parks and Recreation, to be appropriated in accordance with the terms hereinabove.

INTRODUCED BY:

\_\_\_\_\_  
Nancy VanReece  
Member of Council

**SECOND SUBSTITUTE ORDINANCE NO. BL2018-1441**

**An ordinance amending Chapters 12.62 and 12.84 of Title 12 of the Metropolitan Code of Laws regarding shared urban mobility devices.**

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

Section 1. That Title 12, Section 12.62.020, Subsections ~~D~~ B through H of the Metropolitan Code of Laws is hereby amended by deleting said subsections in ~~its~~ their entirety and replacing it ~~them~~ as follows:

B. The application must include these items:

1. A completed Certificate of Public Convenience and Necessity Application, in a form approved by the MTLC, which includes the following information and is accompanied by a payment of a \$500 nonrefundable application fee:
2. Images and description of SUMDs and mobile application;
3. Size of fleet at launch, including any planned fleet expansions during the pilot period;
4. Service area at launch, including any planned expansions during the pilot period;
5. A written plan for educating users on proper SUMD operation and parking;
6. A written plan for providing equitable access in neighborhoods and to communities and users that are underserved by mobility and transportation options, as described in section 12.62.090 of this chapter; and
7. A written plan for complying with this ordinance and its requirements.
8. Certificate of Insurance, pursuant to Sec. 12.62.030.D.

C. If the MTLC staff determines that the application meets all the requirements above, the applicant/operator shall submit the items below prior to issuance of the permit.

1. Nonrefundable Program Administrative Fee, pursuant to Sec. 12.62.070.A.;
2. Performance Bond, pursuant to Sec. 12.62.050.D.; and
3. Five (5) account logins to allow Metropolitan Government staff to login to the operator's system as if they were a User, for oversight.

~~D. The number of permitted operators shall not be limited by the Metropolitan Government, except the number of permitted operators that rent powered SUMDs that are not bicycles shall be limited to four. The MTLC may issue certificates of public convenience and necessity to additional permitted operators that rent powered SUMDs that are not bicycles after it conducts a hearing to review applications:~~

- ~~1. The MTLC director shall fix a time and place for public hearings, to be held biannually, to review applications for additional certificates of public convenience and necessity.~~
- ~~2. No such hearing shall be held to review applications for additional certifications of public convenience and necessity without giving due notice of the time and place of such hearing to each applicant and to all current certificate holders. Additionally, notice shall be given to the general public by posting notice of the hearing on the MTLC home web page at least five days prior to the hearing.~~
- ~~3. Any person may file with the MTLC a memorandum, letter or electronic correspondence in support of or opposition to the issuance of an additional certificate of public convenience and necessity.~~
- ~~4. The MTLC may, in its discretion, call special meetings in addition to the biannual meetings for the consideration of additional certificates of public convenience and necessity.~~
- ~~5. An applicant shall pay all necessary applicant fees, program administrative fees as set forth in Section 12.62.080, and any other fees set forth in this chapter or established by the MTLC before the applicant may be considered by the MTLC for a certificate of public~~

~~convenience and necessity. These fees shall be payable at the time of application and are nonrefundable.~~

~~6. The MTLC may set any additional fees as it deems necessary to process and consider an application for a certificate of public convenience and necessity.~~

- ~~D. A certificate shall not be transferred or sold unless approved by the MTLC.~~
- ~~E. During this pilot program, a certificate of public necessity and convenience shall be issued for one (1) year and may be renewed by the MTLC only after re-application.~~
- ~~F. Permitted operators are not entitled to and have no automatic right to renewal of their permit, and operators must comply with any and all ordinances, regulations or policies that are duly and lawfully adopted by the Metropolitan Government after a permit is approved.~~
- ~~G. Any operator determined to have operated without a proper permit within the geographic boundaries of Nashville and Davidson County after June 15, 2018 shall be prohibited from obtaining a permit for one (1) year from the effective date of this ordinance.~~
- ~~H. The MTLC is authorized to promulgate regulations to interpret and administer this chapter.~~
- ~~I. If a permitted SUMD operator fails to apply for renewal prior to the end of their certificate, the SUMD operator shall be treated as a new applicant.~~

~~Section 2. That if more than four operators that rent powered SUMDs that are not bicycles have a certificate of public convenience and necessity as of the effective date of this ordinance, the MTLC shall revoke the certificate of public convenience and necessity of any operator that rent powered SUMDs that are not bicycles that received its certificate after four certificates of public convenience and necessity were already issued. The MTLC may hold a hearing to review whether to issue a new certificate of public convenience and necessity to operators that rent powered SUMDs that are not bicycles whose certificate was revoked due to this section.~~

Section 2. That Section 12.62.040.E.2.c is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

- c. Metro, through the MTLC or the ~~its Traffic and Parking Commission~~, reserves the right to shall determine certain block faces or areas where free-floating SUMD parking is prohibited. Geo-fenced areas may be used to designate where SUMD parking is or is not allowed. The MTLC shall initial determinations no later than forty-five days from the enactment date of this ordinance and report them to the Metropolitan Council. The determinations shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these block faces or areas where SUMD parking is not allowed, including in their mobile applications.

Section 3. That Title 12, Section 12.62.040.M of the Metropolitan Code is hereby amended by deleting said subsection in its entirety and replacing it as follows:

- M. In addition to penalties assessed for any separate violation of Tennessee law or Metropolitan Code of Laws, and except where it is specified otherwise in this chapter, any violation of this ordinance by a user in the operation or parking of a SUMD shall be a fine of twenty-five dollars (\$25) to be assessed on the SUMD and paid by the owner of the SUMD.

Section 34. That Title 12, Section 12.62.040 of the Metropolitan Code is hereby amended by adding new subsections O, and P, and Q to read as follows:

- O. A powered SUMD shall only be operated by a person who is over eighteen (18) years of age or older. It is unlawful for any person who is less than eighteen (18) years of age to operate a powered SUMD.
- P. Section 12.84.020 sets out the penalty for violation of subsection O of this section.

- Q. Parking a SUMD where it is prohibited pursuant to Section 12.62.040.E.1.c shall be a \$10 fine. In its mobile application and elsewhere, a permitted operator shall clearly and conspicuously inform users where SUMD parking is prohibited and inform them that parking where it is prohibited shall result in a \$10 fine. The fine shall be collected from the user by the permitted operator through its mobile application or other means, and it shall be remitted to the Metropolitan Government within 30 days.

Section 5. That Title 12, Section 12.62.040 of the Metropolitan Code is hereby amended by adding a subsection to read as follows:

The Metropolitan Government shall establish a program of assigning and marking a limited number of street parking spaces, small sections of sidewalk, areas adjacent to transit stops, and other rights of way as dedicated and preferred parking areas where SUMDs can park without penalty as long as they are properly parked and upright. The Metropolitan Government shall implement an initial first phase of this program no later than sixty days from the enactment date of this ordinance and report on it to the Metropolitan Council. Information on this program shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these dedicated and preferred parking areas for dockless SUMDs, including in their mobile applications. Dedicated and preferred parking areas for dockless SUMDs may be located where parking for dockless SUMDs is otherwise prohibited pursuant to Section 12.62.040.E.1.c.

Section 6. That Section 12.62.050.N is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

- N. MTLC or its staff may shall establish limitations on the hours of operation of SUMDs or, the streets within the metropolitan area in which they can or cannot operate, and streets and areas where SUMDs shall be slowed down remotely by the operator. The MTLC shall make its initial determinations no later than forty-five days from the enactment date of this ordinance and report them to the Metropolitan Council. The determinations shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these determinations, including in their mobile applications. Any deviation from the approved hours, or locations of operation, or streets and area where SUMDs shall be slowed down remotely by the operator must be approved by the MTLC or its staff. Any approved deviation must be reported to the MTLC or the MTLC director staff prior to beginning of operations.
- Q. SUMD operators shall purge duplicate user accounts on a regular basis according to rules to be established by the MTLC.
- P. SUMD operators shall scan the driver's license of users prior to a user operating a SUMD according to rules to be established by the MTLC.

Section 47. That Section 12.62.080.D is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

- D. Each expansion or increase in fleet size, including each incremental increase in 12.62.080.B, shall require a determination by the MTLC or its staff that:
1. The permitted operator has fulfilled the requirements of this chapter;
  2. The number of violations associated with the SUMDs of that operator is below a threshold to be established by the MTLC; and
  3. The type or category of SUMD in the permitted operator's current fleet to be increased is meeting or exceeding the average utilization threshold.

Section 58. That Section 12.62.080.H is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

- H. The MTLC shall establish regulations, requirements and limitations to reduce clustering of SUMDs. Until the MTLC establishes such regulations, requirements and limitations, All permitted operators shall have systems with service areas that do not exceed three hundred forty of each type of SUMDs per square mile. The MTLC shall designate the location of the square mile locations in relation to service areas. The MTLC may require less than three hundred forty of each type of SUMD per square mile and establish other requirements to reduce clustering of SUMDs only after notice and a hearing before the MTLC.

Section 9. That Title 12, Section 12.62.080 of the Metropolitan Code is hereby amended by adding the following subsections J and K to read as follows:

- J. The number of SUMDs allowed under this section shall apply to the SUMDs of permitted operators on the types or categories of SUMDs they are operating in their fleets on the enactment date of this ordinance.
- K. The MTLC may establish any such different limitations, regulations, guidelines or rules as allowed by law to promote and protect the health, safety, and well-being of the public regarding additional SUMD operators or the number of additional SUMDs in Nashville and Davidson County for:
  - 1. Any SUMD operator that applies after the enactment date of this ordinance for a certificate of public convenience and necessity
  - 2. Any operator permitted on the enactment date of this ordinance that requests to add additional types of SUMDs to their fleets.

Section 10. That Title 12, Section 12.62 of the Metropolitan Code is hereby amended by adding new section to read as follows:

Officers of the Metropolitan Nashville Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter, of any regulation or rule established by the MTLC or the MTLC director pursuant to this chapter, shall take necessary enforcement action to insure effective regulation of SUMDs.

Section 11. That Title 12, Section 12.62 of the Metropolitan Code is hereby amended by adding new section to read as follows:

The SUMD pilot program shall terminate one year from the enactment date of this ordinance, except it may be extended before such date by a resolution of the metropolitan council that specifically states the length of the extension. Once the pilot project is terminated, SUMDs and SUMD systems shall no longer be permitted within the geographic boundaries of Nashville and Davidson County, and all certificates of public convenience and necessity shall be revoked. The Metropolitan Government may take all necessary action to conclude the pilot project. By obtaining or renewing a certificate of public convenience and necessity under this chapter, a permitted operator agrees to abide by and comply with the Metropolitan Government as it ends the SUMD pilot project.

Section 12. That Title 12, Section 12.62 of the Metropolitan Code is hereby amended by adding new section to read as follows:

If any provision of Title 12, Section 12.62 or the application of any provision of Title 12, Section 12.62 to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of Title 12, Section 12.62 that can be given effect without the invalid provision or

application, and to that end, the provisions of Title 12, Section 12.62 are declared to be severable.

Section ~~6~~13. That Title 12, Section 12.84.020(A) of the Metropolitan Code is hereby amended by adding a new subsection 66 to read as follows:

66. 12.62.040(O) and (P), Operating a powered SUMD by a person who is less than eighteen (18) years old.

Section 14. This ordinance shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Jeremy Elrod  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2019-1472

Mr. President –

I hereby move to amend Ordinance No. BL2019-1472 by deleting proposed Subsection D in its entirety and substituting in lieu thereof the following:

- D. Upon the annual appropriation of an economic and community development incentive grant to a qualified company pursuant to this section, the metropolitan government shall provide an appropriation of an equivalent amount to the Barnes Fund for Affordable Housing. Such appropriations shall not be in lieu of other appropriations to the Barnes Fund, nor shall this subsection be construed as prohibiting other appropriations to the Barnes Fund.

SPONSORED BY:

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Fabian Bedne  
Member of Council

AMENDMENT NO. A  
TO  
ORDINANCE NO. BL2019-1473

Mr. President –

I hereby move to amend Ordinance No. BL2019-1473 by deleting proposed Section 1 in its entirety and substituting in lieu thereof the following:

"Section 1. Subsection 11.12.070(A)(1) of the Metropolitan Code shall be replaced in its entirety with the following:

Operate or allow the operation of any sound amplification equipment so as to create sounds that are plainly audible from the boundary line of the nearest residentially occupied property. For multifamily structures, including apartments, condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds that are plainly audible any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property. For purposes of this section, "sound amplification equipment" means a radio, tape player, compact disc player, digital audio player, television, electronic audio equipment, musical instrument, sound amplifier, or other mechanical or electronic sound-making device that produces, reproduces or amplifies sound. This subsection shall not apply to a special event, mass gathering or other permitted activity by the metropolitan government or its boards or commissions. This subsection shall not apply to educational institutions during typical on-campus activities, including athletic events, musical performances, and student festivals between the hours of 7:00 a.m. and 11:00 p.m. Further, the provisions of this section shall not apply to entertainment facilities constructed to provide outdoor entertainment owned by metropolitan government or its agencies and parks under the control of the board of parks and recreation. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard by unimpaired auditory senses."

SPONSORED BY:

\_\_\_\_\_  
Burkley Allen  
Member of Council

AMENDMENT NO. B  
TO  
ORDINANCE NO. BL2019-1473

Mr. President –

I hereby move to amend Ordinance No. BL2019-1473 by deleting proposed Section 1 in its entirety and substituting in lieu thereof the following:

“Section 1. Subsection 11.12.070(A)(1) of the Metropolitan Code shall be replaced in its entirety with the following:

Operate or allow the operation of any sound amplification equipment so as to create sounds ~~that~~ are plainly audible from the boundary line of the nearest residentially occupied property. For multifamily structures, including apartments, condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds that are plainly audible any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property. For purposes of this section, "sound amplification equipment" means a radio, tape player, compact disc player, digital audio player, television, electronic audio equipment, musical instrument, sound amplifier, or other mechanical or electronic sound-making device that produces, reproduces or amplifies sound. This subsection shall not apply to a special event, mass gathering or other permitted activity by the metropolitan government or its boards or commissions. This subsection shall not apply to educational institutions during typical on-campus activities, including athletic events, musical performances, and student festivals between the hours of 7:00 a.m. and 11:00 p.m. for sound up to seventy Db(A) measured from a point as close as possible to the outside walls of any residential structure located within a residential zoning district affected by the noise at a height of four feet above the immediate surrounding surface. Further, the provisions of this section shall not apply to entertainment facilities constructed to provide outdoor entertainment owned by metropolitan government or its agencies and parks under the control of the board of parks and recreation. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard by unimpaired auditory senses.”

INTRODUCED BY:

\_\_\_\_\_  
Burkley Allen  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2018-1425**

**An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from R6 to SP zoning on properties located at 4603 Sloan Road and 4409 and 4411 Westlawn Drive, at the corner of Sloan Road and Westlawn Drive (1.03 acres), to permit six ~~multi-family-detached~~ residential units, all of which is described herein (Proposal No. 2018SP-001-001).**

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

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

By changing from R6 to SP zoning on properties located at 4603 Sloan Road and 4409 and 4411 Westlawn Drive, at the corner of Sloan Road and Westlawn Drive (1.03 acres), to permit six ~~multi-family-detached~~ residential units, being Property Parcel Nos. 135, 136, 137 as designated on Map 103-08 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 103 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to a maximum of 6 ~~multi-family detached~~ residential units, and the following uses shall not be permitted: short term rental property (STRP), owner occupied, and short term rental property (STRP), non-owner occupied.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. On the corrected copy, revise Standard Note #12: If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the R6-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
2. On the corrected copy, a landscape "C" buffer shall be identified along the southern property line, south of Unit 6. A landscape "B" buffer shall be included along the eastern property line.
3. On the corrected copy, the 6 foot opaque fence shall be identified along the eastern and southern property lines.
4. With the submittal of the final site plan, provide architectural elevations generally consistent with the conceptual elevations and all architectural standards outlined on the Preliminary SP for review and approval.
5. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions

shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.

6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.

7. Comply with all conditions of Stormwater, Water Services, and Public Works.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the R6-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Kathleen Murphy  
Member of Council

AMENDMENT NO. A  
TO  
ORDINANCE NO. BL2018-1442

Mr. President –

I move to amend Ordinance No. BL2019-1442 as follows:

I. By amending Section 2 by amending the referenced "Participation Agreement", attached as Exhibit 1 to the Ordinance, as follows:

a) By amending Subjection B of Section II of the Participation Agreement, labeled "Terms and Conditions", by deleting it in its entirety and substituting therefore the following:

B. Nashville Yards shall let one or more construction contracts for the Infrastructure, including the Work. Additionally, in an effort to promote full and equal business opportunities for all persons with which Nashville Yards shall do business on the Infrastructure, including the Work, and to ensure that firms seeking to participate in construction contracts with Nashville Yards are not prevented from doing so on the basis of the race or gender of their owners, Nashville Yards will endeavor, on a voluntary basis, to comply to the fullest extent possible with the Equal Business Opportunity Program established under Chapter 4.46 of the Metropolitan Code of Laws. This voluntary compliance shall not be deemed a condition to execution of the Participation Agreement.

b) By further amending Section II of the Participation Agreement, labeled "Terms and Conditions", by adding the following as a new Subsection "H" thereto:

H. To the extent any private firm is engaged by Metro through a separate agreement to provide construction, professional services, goods or other services in furtherance of this Participation Agreement, the requirements of Chapter 4.46 of the Metropolitan Code of Laws shall apply to such firm(s).

INTRODUCED BY:

\_\_\_\_\_  
Erica Gilmore  
Member of Council

AMENDMENT NO. B  
TO  
ORDINANCE NO. BL2018-1442

Mr. President –

I hereby move to amend Ordinance No. BL2018-1442 by adding a new section after Section 6 as follows and renumbering the subsequent sections accordingly:

Section 7. No appropriation shall be made to UPH pursuant to this ordinance unless and until the Metropolitan Government approves a pay plan for Fiscal Year 2020 for employees of the Metropolitan Government consistent with the pay plan adopted for Fiscal Year 2020 approved in Resolutions No. RS2017-717, RS2017-718, RS2017-719.

SPONSORED BY:

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Steve Glover  
Member of Council

AMENDMENT NO. C  
TO  
ORDINANCE NO. BL2018-1442

Mr. President –

I move to amend Ordinance No. BL2019-1442 as follows:

I. By amending Section 2 by amending the referenced "Participation Agreement", attached as Exhibit 1 to the Ordinance, as follows:

a) By amending the 8<sup>th</sup> recital clause to the Participation Agreement by deleting it in its entirety and substituting therefore the following:

WHEREAS, Metro has agreed to reimburse Nashville Yards for certain of the Infrastructure, as more particularly set forth on Exhibit B, in an amount not to exceed ~~\$15,250,000~~ \$11,487,874. All other costs for the Infrastructure, and any amount in excess of ~~\$15,250,000~~ \$11,487,874 for the Work (as defined herein), shall be paid by Nashville Yards;

b) By deleting Section III, Subsection C of the Participation Agreement in its entirety and substituting therefore the following:

C. Nashville Yards anticipates that the cost of the Work, as set forth on Exhibit B, will be approximately ~~\$16,693,699~~ \$11,487,874. ~~Notwithstanding as such,~~ Metro's reimbursement obligation shall not exceed ~~\$15,250,000~~ \$11,487,874.

c) By deleting Exhibit B to the Participation Agreement in its entirety and replacing it with Exhibit B attached hereto.

INTRODUCED BY:

\_\_\_\_\_  
Angie Henderson

\_\_\_\_\_  
John Cooper  
Members of Council

**Exhibit B**  
**Work**

<b>Environment Clean-Up (Right of Way)</b>	TBD
<b>Streets and Sidewalks</b>	
8 <sup>th</sup> Avenue	\$61,363
9 <sup>th</sup> Avenue	\$245,451
10th Avenue	\$1,227,253
Church Street	\$460,220
Commerce Street	\$398,858
<b>Traffic Signalization</b>	<b>\$1,867,754</b>
<b>Utilities</b>	
Traffic Control and Utility Demolition	\$1,690,000
Storm/Water Separation	\$4,716,504
Water Line Upgrades	\$1,975,213
Communication Duct Bank	\$2,019,732
Temporary Power	\$1,086,425
<b>Other</b>	
Project Construction Management	\$944,926
<b>Total</b>	<b>\$16,693,699</b>
	<b><u>\$11,487,874</u></b>

LATE FILED  
AMENDMENT NO. \_\_\_  
TO  
ORDINANCE NO. BL2018-1442

Mr. President —

I move to amend Ordinance No. BL2019-1442 as follows:

I. By amending Section II of the "Participation Agreement," labeled "Terms and Conditions", attached as Exhibit 1 to the Ordinance, as follows:

a) By adding the following as a new Subsection "H" thereto:

H. Nashville Yards is committed to including and promoting small, minority-owned, woman-owned and local business enterprises as a part of this project and ensuring that firms seeking to participate in construction contracts with Nashville Yards are not prevented from doing so on the basis of the race or gender of their owners. To that end, Nashville Yards agrees to subsequently provide a summary of its disadvantaged business enterprises efforts. These efforts shall be considered voluntary and non-binding and shall not be deemed a condition to the execution of this Agreement.

b) By adding the following as a new Subsection "I" thereto:

I. To the extent any private firm is engaged by Metro through a separate agreement to provide construction, professional services, goods or other services in furtherance of this Participation Agreement, the requirements of Chapter 4.46 of the Metropolitan Code of Laws shall apply to such firm(s).

INTRODUCED BY:

\_\_\_\_\_  
Erica Gilmore  
Member of Council, At-Large