



**Metropolitan Council**

**PROPOSED AMENDMENTS TO**

**ORDINANCES AND**

**RESOLUTIONS, LATE-FILED**

**RESOLUTION, AND**

**SUBSTITUTE ORDINANCES TO**

**BE FILED WITH THE METRO**

**CLERK**

**FOR THE COUNCIL MEETING OF**

**TUESDAY, APRIL 16, 2019**

AMENDMENT NO. \_\_\_\_\_

TO

RESOLUTION NO. RS2019-1617 (as amended)

Mr. President –

I move to amend Resolution No. RS2019-1617 as follows:

I. By amending Amendment No. C thereto in its entirety and substituting therefore the following:

**AMENDMENT NO. C**

Section 6.04 of Article 6 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting it in its entirety and substituting the following in lieu thereof:

Sec. 6.04. - Review and revision of operating budget by mayor; submission to council; budget as public record; distribution of copies.

The mayor shall review the operating budget submitted to him or her by the director of finance, and may make any revisions in such budget as he or she may deem necessary or desirable, before it is submitted to the council for consideration.

Not later than May 1st, the mayor shall submit to the metropolitan council the operating budget as approved by him or her in the form and with the contents specified in section 6.03 hereof, together with a message explaining such budget, describing its important features, and outlining the proposed financial policies of the metropolitan government for the ensuing fiscal year and setting forth the reasons for any significant changes in policy or budgetary allocations. The mayor shall further provide the following:

- A. performance and efficiency measurements, as determined by the director of finance, for departments, boards, commissions and other agencies for which appropriations are made by the metropolitan government. The director of finance shall have discretion to omit those departments, boards, commissions and other agencies whose functions, duties and/or responsibilities are not conducive to quantifiable performance and efficiency measurements;
- B. the total principal amount of debt of the metropolitan government then outstanding, excluding those items set forth in subsection (E) herein;
- C. a comparison of such total principal amount of debt to the total principal amount of debt outstanding as of the same date of the previous calendar year (expressed in both dollar and percentage terms);
- D. a calculation of debt per capita, based on such total principal amount of debt and the population of the metropolitan government, as most recently published; ~~and~~
- E. a summary of the total amount of authorized but unissued general obligation bonds for which short term debt has been issued in the form of commercial paper, bond anticipation notes, or capital outlay notes; and a summary of all debt authorized pursuant to an initial general obligation bond resolution for which no short term debt has been issued.
- F. As used herein, the term "debt" shall include only (i) general obligation indebtedness and (ii) indebtedness which does not constitute general obligation indebtedness but which is payable from and/or secured by a pledge or other commitment of all or any portion of the metropolitan

government's general fund; in either case, whether such indebtedness is in the form of bonds, notes, commercial paper, or other instrument.

The mayor shall promptly cause copies of the budget and the budget message to be prepared for distribution to interested persons, and a summary of the budget shall be published in each of the daily newspapers in the area of the metropolitan government. The operating budget, as well as the capital improvements budget hereinafter provided for, the budget message, and all supporting schedules shall be public records in the office of the metropolitan clerk and shall be open to public inspection.

FOR THE BALLOT

Amendment No. \_\_\_\_

This amendment would require that, in conjunction with submission of the annual operating budget, the mayor must also submit performance and efficiency measurements for departments, boards, commissions and agencies that receive appropriations from the metropolitan government. The director of finance would have discretion to determine appropriate measurements and to omit departments, boards, commissions and agencies whose functions are not conducive to quantifiable measurements.

This amendment would further require that the mayor submit the total principal amount of debt of the metropolitan government then outstanding; a comparison of that amount to the previous calendar year's amount; a calculation of debt per capita; ~~and~~ a summary of the total amount of authorized but unissued general obligation bonds; and a summary of all authorized debt for which short term debt has and has not yet been issued.

INTRODUCED BY:

\_\_\_\_\_  
John Cooper  
Member of Council, At-Large

AMENDMENT NO. \_\_\_\_\_

TO

RESOLUTION NO. RS2019-1617 (as amended)

Mr. President:

I move to amend Resolution No. RS2019-1617, as amended, by deleting Amendment D and substituting with the following new Amendment D:

**AMENDMENT NO. D**

I. Section 11.502 of Article 11, Chapter 5 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be deleted in its entirety and replaced as follows:

Sec. 11.502. - Number, qualifications, appointment, terms of office and vacancies of members.

The commission shall consist of ten (10) members. The mayor shall serve as a member of the commission by virtue of his or her public office and one (1) member of the metropolitan county council shall be selected by that body from its membership to serve as a member of the commission for a term of two (2) years. The member of the council selected to serve as a member of this commission shall be the chairman of the council committee on planning, provided such a committee is established. Eight (8) members shall be appointed by the mayor and shall be confirmed by a majority vote of the whole membership of the council.

The eight (8) members appointed by the mayor shall serve a term of four (4) years, respectively, or until a successor is duly appointed and qualified; except, of the members first appointed, two (2) shall serve for a term of one (1) year, two (2) for a term of two (2) years, two (2) for a term of three (3) years, and two (2) for a term of four (4) years.

Any vacancy occurring during the unexpired term of any member shall be filled in the manner prescribed herein for the original selection of the members of this commission.

~~Beginning January 1, 2020, of the eight (8) members appointed by the mayor, at least one (1) member shall be appointed from each of the seven (7) planning districts as described herein. Any member who shall change his or her place of residence from the appointed district shall thereby vacate his or her office. The districts from which at least one (1) member shall be appointed shall be as follows:~~

~~Planning District 1 shall include Councilmanic Districts Nos. 1, 2, 3, 9, 10.~~

~~Planning District 2 shall include Councilmanic Districts Nos. 5, 6, 7, 8, 19.~~

~~Planning District 3 shall include Councilmanic District Nos. 11, 12, 13, 14, 15.~~

~~Planning District 4 shall include Councilmanic District Nos. 16, 17, 18, 21, 25.~~

~~Planning District 5 shall include Councilmanic District Nos. 4, 26, 27, 30, 34.~~

~~Planning District 6 shall include Councilmanic District Nos. 20, 22, 23, 24, 35.~~

~~Planning District 7 shall include Councilmanic District Nos. 28, 29, 31, 32, 33.~~

~~The mayor shall appoint of a member from a planning district upon the subsequent expiration of the term of an existing member until all seven (7) districts are represented. Any subsequent vacancy shall be filled from a planning district with all seven (7) districts represented at all times.~~

~~The mayor shall appoint members of the planning commission according to the planning districts established above as determined by the expiration of their terms of office.~~

~~The planning districts herein established may be altered in a plan for redistricting councilmanic districts adopted pursuant to section 18.06 of this Charter. Any altered planning districts shall attempt to preserve the geographic boundaries of these initial planning districts while keeping councilmanic districts intact.~~

Beginning January 1, 2021, of the eight members appointed by the mayor, at least three shall be residents of the area located outside of the urban services district (USD) boundaries as such boundaries existed on April 1, 1963, when the metropolitan charter became effective. The department of planning shall provide the mayor, the metropolitan council, and the metropolitan clerk with a map designating the USD boundaries as such existed on April 1, 1963.

The mayor shall appoint members of the planning commission consistent with the preceding paragraph as determined by the expiration of their terms of office.

FOR THE BALLOT

Amendment No. \_\_\_\_

~~This amendment would require the eight (8) appointed members of the planning commission to be appointed from seven (7) planning districts, with at least one (1) member appointed from each district. Each planning district would consist of five (5) council districts. The mayor would appoint a member from a planning district upon the vacancy of an existing member's seat until all seven (7) districts are represented. These districts could subsequently be altered in a plan for redistricting councilmanic districts adopted pursuant to Section 18.06 of the Metropolitan Charter.~~

Beginning January 1, 2021, this amendment would require at least three of the eight appointed members of the planning commission to be residents of the area outside of the urban services district boundaries as such boundaries existed when the Metropolitan Charter became effective.

Introduced by:

---

Kevin Rhoten  
Member of Council

**SUBSTITUTE RESOLUTION NO. RS2019-1667**

**A resolution encouraging the Metropolitan Nashville Police Department and the Nashville Fire Department to recruit new officers and employees from local schools and institutions and to further incentivize new recruits to commit to residing in Envision Cayce for a minimum of five years.**

WHEREAS, the Metro Nashville Police Department (MNPD) lost four hundred eighteen (418) employees over the last two years by reason of retirement, resignation, dismissal, and death; and

WHEREAS, the Nashville Fire Department (NFD) similarly lost ninety-three (93) employees during fiscal years 2016 and 2017; and

WHEREAS, Nashville and the surrounding area is home to a multitude of state and community colleges, including Tennessee State University, Nashville State Community College, Volunteer State Community College, and Middle Tennessee State University; and

WHEREAS, students from the aforementioned Colleges and Universities, particularly those receiving degrees in criminal justice and/or law enforcement, would make excellent police officers and firefighters; and

WHEREAS, it is proper for the Metropolitan Council to encourage the MNPD and NFD to recruit and hire from local schools; and

WHEREAS, in the spirit of community policing, new recruits should also be incentivized, perhaps through a housing allowance or student loan forgiveness program, to commit to living in Envision Cayce for a period of five years, subject to Metropolitan Housing and Development Authority eligibility requirements.

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 encouraging the Metropolitan Nashville Police Department and Nashville Fire Department to recruit new employees from schools in or near Nashville.

Section 2. The Metropolitan Council further goes on record as encouraging the Metropolitan Nashville Police Department and Nashville Fire Department to incentivize new recruits, perhaps through a housing allowance or student loan forgiveness program, to commit to living in Envision Cayce for a period of five years, subject to Metropolitan Housing and Development Authority eligibility requirements.

Section 2- 3. 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:

---

Sharon Hurt  
Member of Council, At-Large

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

**A resolution requesting the Davidson County delegation of the Tennessee General Assembly to sponsor and support HB71/SB181, as amended, to authorize the sale of alcoholic beverages and beer for consumption on the premises of a zoo.**

WHEREAS, under Tenn. Code Ann. § 57-4-101, zoological institutions are authorized to sell alcoholic beverages and beer only during special events scheduled for fund-raising purposes; and

WHEREAS, HB71/SB181, currently pending before the Tennessee General Assembly, would authorize the sale of alcoholic beverages and beer at the Knoxville Zoo; and

WHEREAS, an amendment, already adopted by the Tennessee Senate, would add the Nashville Zoo at Grassmere to this legislation; and

WHEREAS, the Nashville Zoo desires to sell alcoholic beverages, limited to on-premises within its new restaurant, set to open in the spring of 2020; and

WHEREAS, the Nashville Zoo is a major attraction for local residents and tourists, with the 2018 attendance at the Nashville Zoo topping one million visitors; and

WHEREAS, the Nashville Zoo employees approximately two-hundred full and part-time employees, with an annual budget of over \$18 million; and

WHEREAS, the Metropolitan Council desires that the Davidson County delegation support this legislation in order to benefit the Nashville Zoo.

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

Section 1. The Metropolitan Council of Nashville and Davidson County hereby goes on record as urging the Davidson County delegation of the Tennessee General Assembly, and the Assembly as a whole, to support HB71/SB181, as amended, to authorize the sale of alcoholic beverages and beer for consumption on the premises of the Nashville Zoo at Grassmere.

Section 2. The Metropolitan Clerk is directed to send a copy of this Resolution to members of the Davidson County delegation of the Tennessee General Assembly.

Section 3. 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:

\_\_\_\_\_  
Jeremy Elrod  
Member of Council

AMENDMENT NO. \_\_\_\_\_  
TO  
SUBSTITUTE ORDINANCE NO. BL2019-1518

Mr. President –

I move to amend Substitute Ordinance No. BL2019-1518 as follows:

I. By amending Section 5 by deleting it in its entirety and substituting therefore the following:

Section 5. That Section 6.81.100 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

“6.81.100 Vehicle Requirements and Damages

Vehicles being used by operators to assist in the operation of a vehicle immobilization service must display on each side, in plain view, the name of the vehicle immobilization service, and the telephone number of the vehicle immobilization service. If the vehicle immobilization service relies upon a third party, such as a call center or local vendor, to answer telephone calls, the telephone numbers of all such third parties must also be displayed. The lettering shall be in a contrasting color to the color of the vehicle, or if a vehicle magnet is used, the lettering shall be in a contrasting color to the color of the magnet. The lettering shall be at least 1.5 inches in height.

A vehicle immobilization service must maintain a 24-hour a day, 365 days per year phone number that is staffed by a live operator to communicate immediately with a driver of a vehicle that has been immobilized by the vehicle immobilization service.

In the event that the application of a vehicle immobilization device damages a vehicle, then the vehicle immobilization service or operator must pay the cost of repairs for that damage.

It shall be unlawful for either a vehicle immobilization service or an operator to immobilize vehicles at any off-street parking facility, vacant lot, or other private property without having a valid written contract specifically for such services entered into with the private property owner, lawful lessee, managing agent or other person in control of the property.”

II. By amending Section 9 by deleting it in its entirety and substituting therefore the following:

Section 9. That Section 6.81.170 of the Metropolitan Code of Laws shall be amended by deleting section E and replacing it with the following language:

“To fail to respond and arrive to a booted vehicle to remove the boot within the lesser of one hour of being contacted by the owner or operator or within 10 minutes of the estimated time required for arrival as posted on the permanently affixed sign; or to fail to remove the boot within 15 minutes after full boot removal payment has been received.

III. By amending Section 11 by deleting it in its entirety and substituting therefore the following:

Section 11. That Section 6.81.180(a) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"No boot shall be placed on a vehicle parked on private property unless a permanently affixed sign measuring not less than twenty-four inches in height and eighteen inches in width is placed at the property's intended ingress/egress. All signage must be inspected by the TLC staff within seven days of installation and must bear a decal affixed by TLC staff to indicate compliance after inspection is complete. The TLC Director may, if necessary, require additional signage for notification.

Such signs shall include the following information in red lettering on a white background:

Parking Policy Strictly Enforced

Violators will be Booted or Towed at Owner's Expense

\$75.00 Maximum Booting fee

[Name and 24-hour phone number of booting and/or towing company, including all call centers, local vendors, and other third parties relied upon by the company to answer telephone calls]

The estimated period of time within which the booting and/or towing company will arrive to a booted vehicle after contact by the vehicle owner or operator.

INTRODUCED BY:

---

Erica Gilmore  
Member of Council, At-Large

**SUBSTITUTE ORDINANCE NO. BL2019-1526**

**An Ordinance amending Metropolitan Code Chapter 6.80 to require ~~commercial parking lots to~~ the display of certain signage if towing and relative to the towing of unauthorized vehicles.**

WHEREAS, towing is a common practice in private parking lots across Nashville; and

WHEREAS, while many parking lots post the contact information for towing companies, there is no requirement to do so, which can lead to confusion for owners of vehicles which have been towed; and

WHEREAS, the Metropolitan Nashville Police Department (MNPD) resources may be impacted if owners of towed vehicles are unaware that their vehicles have been towed, who often call the MNPD to report a stolen vehicle; and

WHEREAS, required signage would assist in notifying owners of towed vehicles of the location of their vehicle and the appropriate party to contact while limiting the need to involve the MNPD and conserve resources related to public safety.

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

Section 1. That Metropolitan Code Section 6.80.195 is hereby created with the following language:

6.80.195 - Signage—Unpaid parking violations.

- A. ~~No vehicle parked at a commercial parking lot shall be towed unless a permanently affixed sign measuring not less than twenty-four inches in height and eighteen inches in width is placed at all points of vehicular ingress to the lot, which sign shall include at least the following information in red lettering on a white background:~~

~~Parking Policy Strictly Enforced~~

~~Violators will be Towed at Owner's Expense~~

~~[Name and 24-hour phone number of towing company]~~

No towing shall occur from a private parking lot unless a permanently affixed sign measuring not less than twenty-four inches in height and eighteen inches in width is placed at the property's intended ingress/egress. All signage must be inspected by the TLC staff within seven days of installation and must bear a decal affixed by TLC staff to indicate compliance after inspection is complete. The TLC Director may, if necessary, require additional signage for notification.

Such signs shall include the following information in red lettering on a white background:

Parking Policy Strictly Enforced

Violators will be Booted or Towed at Owner's Expense

\$75.00 Maximum Booting fee

[Name and 24-hour phone number of booting and/or towing company].

- B. Such signs shall be not less than forty-two and not more than seventy-two inches from the ground.
- C. If a vehicle parked at an unattended commercial parking lot is towed for failure to pay the required parking charge, the owner or operator of the unattended commercial parking lot may require the owner of the vehicle to pay the applicable towing fee plus all unpaid parking fines in order to have the car returned.

Section 2. That Metropolitan Code Section 6.80.452 is hereby created with the following language:

6.80.452 – Towing of unauthorized vehicles

- A. A licensee may tow an unauthorized vehicle from private property only upon the approval of the owner of the private property or the agent of lessee of the owner.
- B. If a licensee tows an authorized vehicle in violation of this section, the licensee shall provide a full refund to the vehicle owner or operator for any towing fee paid, plus fifty dollars. Whether a violation of this section has occurred shall be determined by the MTLC

Section 23. 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:

---

Kathleen Murphy  
Member of Council

AMENDMENT NO. \_\_\_\_

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1358

Mr. President,

I move to amend Second Substitute Ordinance BL 2018-1358, as follows:

I. By deleting Section 4, Part 3 and substituting the following:

3. Parking for all uses shall be provided consistent with the requirements of the Metro Zoning Ordinance. Parking for the residential use shall be provided on-site, in numbers that equal or exceed the requirements of the Metro Zoning Ordinance. All parking for the retail and hotel uses shall be provided on-site in accordance with the requirements of the Chapter 17.20 of the Metro Zoning Ordinance (without application of any reductions permitted under Chapter 17.20.040 or elsewhere in the Metropolitan Code) times 0.95.

II. By deleting Section 4, Part 14 and substituting the following:

14. Prior to obtaining a use and occupancy permit, the developer shall work with Parks and the Greenways for Nashville Nonprofit to make a contribution to improving the tree canopy and the curbing along the greenway in the RWEN. The intent of the foregoing is to enhance the greenway by installing curbing or other approved barriers to protect the grass and other vegetation along the areas of the greenway identified herein from vehicular traffic. Prior to obtaining a use and occupancy permit, the developer will install curbing along the eastern right-of-way of West End Place between West End Avenue and Murphy Road and Park Circle between Murphy Road and Acklen Avenue, subject to having the final design of the foregoing approved by Metro Public Works and Storm Water. The developer will be deemed to have satisfied the donation requirement by performing this scope of work. The new curbing will tie into the existing curbing within the boundaries specified above. The developer will use its best efforts to obtain all required approvals for such curbing, but if curbing cannot be designed in a manner acceptable to Metro Stormwater, then other barriers will be installed, subject to the approval of Metro Parks, Metro Public Works and Metro Stormwater. The developer will use its best efforts to obtain all required approvals for such alternative barrier, but if such approvals are not obtained, then, in lieu of a donation to Greenways for Nashville, the nonprofit friends group of Metro Parks' Greenways Division, should be considered a solution of last resort and would require GfN board approval, as well as endorsement from the RWENA.

III. By deleting Section 4, Part 15 and substituting the following:

15. Prior to obtaining a use and occupancy permit for any portion of the project, 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. Within one year after obtaining a use and occupancy permit for the residential component of the project, the developer shall perform a traffic study on Central Avenue. If the study warrants traffic calming and there is a petition submitted by residents of the Richland West End Neighborhood that is approved by the Metro Traffic Calming Committee, the developer must provide funds to install the requested traffic calming measures on

Central Avenue between Bowling Avenue and North Wilson; provided, in no event will developer be required to fund more than \$45,000.

IV. By deleting Section 4, Part 18 and substituting the following:

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.

V. By deleting Section 4, Part 20 and substituting the following:

20. For the first 12 months of operations, Commencing on the date upon which at least 75% of the retail portions of the project are open for business until the date which is the fifth (5<sup>th</sup>) anniversary thereof, the developer shall include, at a minimum, 1.5 hours of free parking for customers of the retail customers and to be available to existing retail businesses. For the next five (5) years thereafter, the developer shall include, at a minimum, 1.0 hours of free parking for customers of the existing retail businesses.

INTRODUCED BY:

---

Ed Kindall  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2019-1523

Mr. President –

I hereby move to amend Ordinance No. BL2019-1523 as follows:

I. By inserting the following new recitals:

WHEREAS Ordinance No BL2019-1523 was passed without any opposition on second reading on April 2, 2019 and;

WHEREAS the Applicant conducted a Traffic Impact Study as part of this rezoning application and it is appropriate for those suggested improvements to be the responsibility of the Applicant, I move that the following language be added as Section 7 to the Ordinance with prior Section 7 be moved as Section 8.

II. By deleting Section 6 in its entirety and substituting in lieu thereof the following:

Section 6. 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 ~~RS5~~ RS3.75 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

III. By inserting the following as a new Section 7 and renumbering the subsequent section accordingly:

Section 7. Be it further enacted, that the requirements of the Traffic Impact Study performed by the Applicant are hereby referenced and required as the agreed upon and binding road improvements for this development and confirming specifically that any traffic light, which is required, will be installed at the intersection at Whites Creek Pike and Green Lane.

INTRODUCED BY:

\_\_\_\_\_  
Brenda Haywood  
Member of Council