



Metropolitan Council
PROPOSED SECOND SUBSTITUTE
ORDINANCE, SUBSTITUTE
ORDINANCE, LATE-FILED
RESOLUTION, AND
AMENDMENTS TO ORDINANCES
AND RESOLUTIONS, TO BE FILED
WITH THE METRO CLERK
FOR THE COUNCIL MEETING OF
TUESDAY, APRIL 2, 2019

SECOND 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 ~~365,000~~ 360,000 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. 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).

2. 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. The façade will be limited to a maximum of 75% glazing, and the glazing reflectivity will be limited to a 30% exterior reflectance for all uses onsite.

~~2.~~ 3. Parking for all uses shall be provided consistent with the requirements of the Metro Zoning Ordinance.

~~3.~~ 4. No building signage is approved with this Preliminary SP. All signage shall comply with the standards of the ORI-A zoning district.

~~4.~~ 5. 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.~~ 6. Show locations and numbers of required bicycle parking on site plan with Final SP submittal.

~~6.~~ 7. Provide employee lockers, shower facility, and indoor bicycle parking for employees. Show on site plan with Final SP submittal.

~~7.~~ 8. 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.~~ 9. Comply with all conditions of Metro Public Works and Traffic and Parking.

9. 10. 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.~~ 11. 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 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.~~

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~~ 155 feet measured from Murphy Road per the Zoning Code, 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~~ For the first 12 months of operations, the developer shall include 1.5 hours of free parking for retail customers and 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. Developer will comply with the State's blasting requirements, and Developer will exceed the state's blasting requirements by agreeing to pre-blast surveys on buildings that physically front West End Place and 3500 Murphy Road as well as the exterior of the Continental. Prior to blasting, Developer and its blasting consultants will conduct two informational meetings for the RWENA and one meeting for the Continental residences prior to blasting. Developer will provide weekly blasting summaries of the seismic readings and how they compare to the state's requirements.~~

25. Prior to commencement of construction, the Developer will present a construction parking plan to the RWENA Board that includes an off-site parking area.

Section 5. ~~Be it further enacted, elevations for the Project are attached hereto as Exhibit A, and a revised a corrected copy of the preliminary SP 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 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 ORI-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:

Ed Kindall

Burkley Allen
Members of Council



**Gresham
Smith**

Genuine Ingenuity

SP PACKAGE SUBMISSION

**3415 MURPHY
ROAD**

3415 Murphy Road,
Nashville, Tennessee 37203

03-28-19



SOUTH PERSPECTIVE

**3415 MURPHY
ROAD**

Drawn By: DRMF
 Checked By: DRA
 Approved By: DRA



GreshamSmith.com

222 Second Avenue South
 Suite 1400
 Nashville, TN 37201
 615.770.8100

3415 MURPHY ROAD

3415 Murphy Road, Nashville, Davidson
 County, Tennessee 37203
 PARCEL ID: 10406005800
 SP CASE NUMBER: 2018SP-049-001
 2001P-005-001



LANDSCAPE PLAN

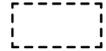
L100

PROJECT: 43179.00
 DATE: 06.27.2018



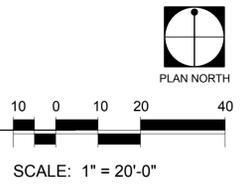
1 LANDSCAPE PLAN
 1" = 20'

LEGEND:

-  **LANDSCAPE PLANTING AREA:** 48" SOIL DEPTH FOR ALL TREE PLANTING, 24" SOIL DEPTH FOR SHRUBS, GROUNDCOVERS, AND PERRENIALS. EXCAVATE ALL PLANTING AREAS TO SPECIFIED DEPTH AND BACKFILL WITH TOPSOIL
-  **MIN. 3" CALIPER SHADE TREE.** MINIMUM OF 100 SF / 300 CF OF ROOT ZONE
-  **LIMIT OF STRUCTURAL SOILS**

NOTES:

1. ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AUTOMATICALLY CONTROLLED, HIGH EFFICIENCY IRRIGATION SYSTEM WITH POP-UP SPRAY HEADS AND DRIP IRRIGATION WHERE APPLICABLE. BASELINE 1000 CONTROLLER SHALL BE CONSIDERED STANDARD.
2. REFER TO CIVIL DRAWINGS FOR ALL SIDEWALK/ROADWAY LAYOUT, RETAINING WALLS, UTILITIES, SITE GRADING, AND DRAINAGE.
3. SITE FURNITURE NOT INCLUDED. FOR REFERENCE ONLY.
4. LANDSCAPE TO MEET ALL REQUIREMENTS OF CHAPTER 17.24 OF THE ZONING CODE



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SUBSTITUTE ORDINANCE NO. BL2019-1535

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 applying a Neighborhood Conservation Overlay District to various properties along Kenner Avenue, zoned R10 and SP and ~~partially located with a Planned Unit Development Overlay District~~ (approximately 18.74 acres), all of which is described herein (Proposal No. 2019NHC-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 applying a Neighborhood Conservation Overlay District to various properties along Kenner Avenue, zoned R10 and SP and ~~partially located with a Planned Unit Development Overlay District~~ (approximately 18.74 acres), being on various Property Parcel Nos. as designated on various Maps 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 on Map 116 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.

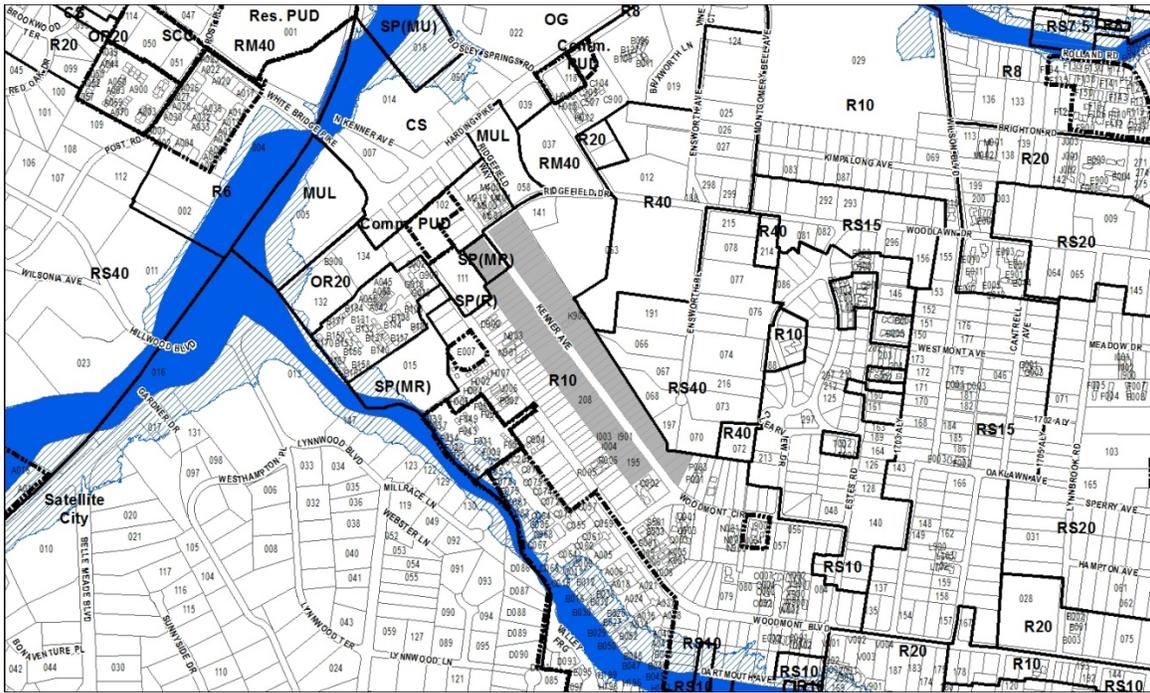
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kathleen Murphy
Member of Council

2019NHC-001-001
Map 116-03, Parcel(s) 056-091, 135
Map 116-04, Parcel(s) 019-029, 033.01, 036.01, 031-053, 192, 208
Map 116-04-0-I, Parcel(s) 001-004, 900-901
Map 116-04-0-K, Parcel(s) 001-002, 900
Map 116-08, Parcel(s) 025-026, 028, 029, 195
Subarea 10, Green Hills - Midtown
District 24 (Murphy)
Application fee paid by: Fee waived by Council

A request to apply a Neighborhood Conservation Overlay District to various properties along Kenner Avenue, zoned R10 and SP and partially located with a Planned Unit Development Overlay District (approximately 18.74 acres), requested by Councilmember Kathleen Murphy, applicant; various owners.



AMENDMENT NO. ____
TO
RESOLUTION NO. RS2019-1617

Mr. President –

I hereby move to amend Resolution No. RS2019-1617 by deleting Amendments No. A and B and substituting in lieu thereof the following:

AMENDMENT NO. A

I. Section 15.01 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting the language:

“At such general election each voter shall be entitled to vote for one (1) candidate for mayor, one (1) candidate for vice-mayor, five (5) candidates for councilmember-at-large, and one (1) candidate for district councilmember from the district wherein the voter resides”

And substituting the language:

“At such general election each voter shall be entitled to vote for mayor, vice-mayor, councilmember-at-large, district councilmember from the district wherein the voter resides by ranking his or her preferred candidates. In the event that this method of voting becomes repugnant to state law as determined by an appropriate regulatory agency or court of competent jurisdiction, each voter shall vote for one (1) candidate for mayor, one (1) candidate for vice-mayor, five (5) candidates for councilmember-at-large, and one (1) candidate for district councilmember from the district wherein the voter resides”

II. Section 15.02 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be deleted in its entirety and replaced as follows:

Sec. 15.02 – Vote required for election in metropolitan elections

A. In the general metropolitan election for mayor, vice-mayor, and district councilmember for each of the thirty-five (35) districts, those qualified persons who receive a majority of the votes cast shall be elected to their respective offices.

a. If no candidate shall receive a majority of all the votes cast for the office of mayor, vice-mayor or district councilman, the winner shall be determined using ranked choice voting as described in section 15.11 hereof.

b. If ranked choice voting becomes repugnant to state law as determined by an appropriate regulatory agency or court of competent jurisdiction, and no candidate shall receive a majority of all the votes cast for the office of mayor, vice-mayor or district councilmember, a runoff election shall be held in the manner prescribed in section 15.12 hereof. In the event that the aforementioned invalidation of ranked choice voting occurs after a general election in which no candidate receives a majority, only the first place

rankings of each ballot shall be counted, and the top two vote-getters in the general election shall be considered the participants in a runoff election, if required.

B. In the general metropolitan election for councilmember-at-large, those qualified persons who surpass the election threshold as defined in section 15.11 hereof shall be elected to office.

a. If fewer than five candidates shall reach this threshold, the winner shall be determined using ranked choice voting as described in section 15.11 hereof.

b. If ranked choice voting becomes repugnant to state law as determined by an appropriate regulatory agency or court of competent jurisdiction, each candidate receiving a majority shall be elected. For the purpose of this section, "the total vote cast for the office of councilmen-at-large" shall be deemed to be one-fifth of the aggregate number of votes received by all candidates for the office of councilmen-at-large. Unfilled positions will be filled through a runoff election, which shall be held in the manner prescribed in section 15.12 hereof. In the event that the aforementioned invalidation of ranked choice voting occurs after a general election in which there would be an unfilled position under the definitions of this subsection, the top vote-getters in the general election as determined by counting only the first place rankings of each ballot, in a quantity twice the unfilled positions, shall be considered the participants in a runoff election, if required.

III. 15.03 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting the language:

"F. If in such a special election to fill a vacancy for the unexpired term of the office of mayor, no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held five (5) weeks subsequent to the first special election to fill a vacancy in accordance with the provisions hereinbefore set forth in the case of a general metropolitan election. In the event that the date prescribed for the runoff election falls on a major holiday or creates other major logistical concerns, the Election Commission shall be empowered to schedule the election no more than two days prior to the prescribed date.

G. If in such a special election to fill a vacancy for the unexpired term of the office of vice mayor or district council member no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held in the manner prescribed in Part F of this section."

And substituting the language:

"F. If in such general or special election to fill a vacancy for the unexpired term of the office of mayor, vice-mayor, or district council member, no candidate shall receive a majority of all the votes cast for such office, the winner shall be determined using ranked choice voting as described in section 15.11 hereof. If ranked choice voting becomes repugnant to state law as determined by an appropriate regulatory agency or court of competent jurisdiction, and no candidate shall receive a majority of all the votes cast for the office of mayor, vice-mayor or district councilmember, a runoff election shall be held in the manner prescribed in section 15.12 hereof. In the event that the aforementioned invalidation of ranked choice voting occurs after a general election in which no candidate receives a majority, only the first place rankings of each ballot shall be counted, and the

top two vote-getters in the general election shall be considered the participants in a runoff election, if required.

And renumbering succeeding subsections accordingly.

IV. Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by adding the following new section 15.11:

Section 15.11 – Ranked Choice Voting

"Ranked choice voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds, and votes or fractions thereof are distributed to candidates according to the preferences marked on each ballot. For offices elected by ranked choice voting, the ballot must be simple and easy to understand and allow a voter to rank candidates for an office in order of preference. A voter may include no more than one (1) write-in candidate among that voter's ranked choices for each office.

A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- a. "Batch elimination" means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.
- b. "Continuing ballot" means a ballot that is not an exhausted ballot.
- c. "Continuing candidate" means a candidate who has not been defeated.
- d. "Election threshold" means the number of votes sufficient for a candidate to be elected in a multi winner contest. The election threshold is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of one (1) plus the number of offices to be filled, rounding up to four decimal places.
- e. "Exhausted ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains two (2) or more sequential skipped rankings before its highest continuing ranking.
- f. "Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate.
- g. "Last-place candidate" means the candidate with the fewest votes in a round of the ranked choice voting tabulation.
- h. "Mathematically impossible to be elected," with respect to a candidate in a single-winner contest, means:
 - i. The candidate cannot be elected because the candidate's vote total in a round of the ranked choice voting tabulation plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or
 - ii. The candidate has a lower vote total than a candidate described in subparagraph (i) above.

- i. "Overvote" means a circumstance in which a voter has ranked more than one candidate at the same ranking.
- j. "Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one (1) is the highest ranking, ranking number two (2) is the next-highest ranking and so on.
- k. "Round" means an instance of the sequence of voting tabulation steps established in subsection B.
- l. "Skipped ranking" means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking.
- m. "Surplus" means a positive difference between a candidate's vote total and the election threshold in a multi-winner contest.
- n. "Surplus fraction" means the number equal to a candidate's surplus divided by that candidate's vote total, calculated to four decimal places, ignoring any remainder.
- o. "Transfer value" means the proportion of a vote that a ballot will contribute to its highest continuing ranking. Each ballot begins with a transfer value of one (1). If a ballot transfers from an elected candidate with a surplus, it receives a new transfer value. The new transfer value of such a ballot is calculated by multiplying the surplus fraction of the elected candidate by the ballot's current transfer value, calculated to four decimal places, ignoring any remainder.

B. Procedures. Except as provided in subsections C and D, the following procedures are used to determine the winner in an election for an office elected by ranked choice voting.

- a. Single-winner tabulation. For the offices of mayor, vice-mayor, and district councilmember, tabulation must proceed in rounds. In each round, the number of votes for each continuing candidate must be counted. Each continuing ballot counts as one (1) vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following two (2) potential outcomes.
 - i. If there are two (2) or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.
 - ii. If there are more than two (2) continuing candidates, the last-place candidate is defeated and a new round begins.
- b. Multi-winner tabulation. For the office of councilmember-at-large, tabulation must proceed in rounds each validly cast ballot shall be initially counted as one vote for its highest-ranked continuing candidate or as an exhausted ballot. The election threshold shall be calculated. Tabulation shall then proceed sequentially as follows:
 - i. If the number of continuing candidates whose vote totals exceed the election threshold is equal to the number of seats remaining to be filled, those candidates are elected and the tabulation is complete. If the number of continuing candidates is equal to or less than the number of seats remaining to be filled, then all continuing candidates are elected and the tabulation is complete. Otherwise, the tabulation continues to subsection (b)(ii).

ii. If no candidate has a vote total that exceeds the election threshold, the tabulation continues to subparagraph (b)(iii). If at least one continuing candidate has a vote total that exceeds the election threshold, then the continuing candidate with the highest vote total is elected. The number of surplus votes for such candidate shall be calculated. The surplus fraction for such candidate shall be calculated. The new transfer value of each vote cast for such candidate shall be calculated. Votes for such candidate shall be added, at their new transfer values, to the totals of each ballot's highest-ranked continuing candidate or counted as exhausted ballots, and a new round begins with subsection (b)(i). In all subsequent rounds, any candidates elected under this subsection shall have vote totals equal to the election threshold.

iii. The candidate with the fewest votes is defeated. Then, if the number of continuing candidates is equal to the number of seats remaining to be filled, all continuing candidates are elected, and the tabulation is complete. Otherwise, votes for the defeated candidate shall cease counting for the defeated candidate and shall be added, at their current transfer values, to the totals of each ballot's next-ranked continuing candidate or counted as exhausted ballots, and a new round begins with subsection (b)(i).

C. Ties. A tie under this section between candidates for the most votes in the final round or a tie between last-place candidates in any round must be decided by tallying and comparing the number of first place rankings, and the candidate with the most first place rankings prevails. If the number of first place rankings is the same for both candidates, then second place rankings would be tallied and compared, and continuing down the rankings until a difference is established. If no difference is established, the Metropolitan Council will break the tie. The result of the tie resolution must be recorded and reused in the event of a recount. Election officials may resolve prospective ties between candidates before the election.

D. Modification of ranked choice voting ballot and tabulation. Modification of a ranked choice voting ballot and tabulation is permitted in accordance with the following.

a. The number of allowable rankings may be limited to no fewer than six (6) unless there are five (5) or fewer candidates on the ballot, in which case the number shall be limited to the number of candidates on the ballot plus one (1).

b. Two (2) or more candidates may be defeated simultaneously by batch elimination in any round of tabulation.

V. Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by adding the following new section 15.12:

Section 15.12 – Runoff elections

A runoff election, if called for by this section, shall take place five (5) weeks subsequent to the election that triggers it. If the date prescribed for the runoff election falls on a major holiday or creates other major logistical concerns, the Election Commission shall be empowered to schedule the election no more than two (2) days prior to the prescribed date.

A. In a runoff election for the offices of mayor, vice-mayor, and district councilmember, only the names of the two (2) candidates who received the highest number of votes cast for such office which failed to be filled at the general election shall be placed on the official ballot or voting machine. The candidate receiving the most votes shall be elected.

B. In a runoff election for the office of councilmember-at-large, there shall be included on the ballot or voting machine a number of candidates which is twice the number of vacancies remaining to be filled. The candidates to be so included shall be those who in the general election received the highest vote less than a majority and the other candidates shall be eliminated. In the event of a tie vote among candidates, one (1) of whom should be in the runoff except for such tie, then all such candidates so having tie votes shall be in the runoff. In a runoff election for councilmen-at-large it shall not be necessary to receive a majority and those candidates who have the highest vote and who equal in number those remaining to be elected shall be elected.

In the case of tie between candidates for the same office, it shall be broken as provided by Tennessee Code Annotated, section 2-8-111.

FOR THE BALLOT

Amendment No. ____

~~Under this amendment, prevailing candidates for mayor, vice mayor, district councilmember, and councilmember-at-large would still require a majority of the vote. However, in those instances where no candidate receives a majority of the vote, this amendment would offer an alternative to holding a separate runoff election. Voters would instead cast votes only one time, doing so by ranking candidates in order of preference. A candidate receiving a majority of votes for that office would win the election. Otherwise, an "instant runoff" would occur by eliminating the last place candidate. Each ballot listing the eliminated candidate as a first choice would then be counted for the ballot's second choice candidate. This amendment would eliminate runoff elections for mayor, vice mayor district councilmember, and councilmember-at-large. Instead, voters would rank candidates in order of preference. A candidate receiving a majority of first preferences for that office would win the election. If no candidate receives such a majority for mayor, vice mayor, or district councilmember, the lowest scoring candidate is eliminated and his or her votes are redistributed to remaining non-eliminated candidates based upon the eliminated candidate's voters' order of preference. This would continue until one candidate receives a majority of the votes. If vacancies remain for councilmember-at-large, surplus votes for elected candidates are redistributed to subsequent choices until all vacancies are filled.~~

AMENDMENT NO. B

I. Section 15.03 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting subsection G and substituting the following as subsection G:

"G. In such a special election to fill a vacancy for the unexpired term of the office of vice mayor or district council member, the winner shall be determined using ranked choice voting as described in section 15.11 hereof. In the event that this method becomes repugnant to state law as determined by an appropriate regulatory agency or court of competent jurisdiction, a runoff election shall be held in the manner prescribed in Part F of this section. In the event that the aforementioned invalidation of ranked choice voting occurs after a general election in which no candidate received a majority, only the first place rankings of each ballot shall be counted, and the top two vote-getters in the general election shall be considered the participants in a runoff election, if required."

II. Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by adding the following new section 15.11:

Section 15.11 – Ranked Choice Voting

"Ranked choice voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated, and the candidate with the most votes in the final round is elected. For offices elected by ranked choice voting, the ballot must be simple and easy to understand and allow a voter to rank candidates for an office in order of preference. A voter may include no more than one (1) write-in candidate among that voter's ranked choices for each office.

A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- a. "Batch elimination" means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.
- b. "Continuing ballot" means a ballot that is not an exhausted ballot.
- c. "Continuing candidate" means a candidate who has not been defeated.
- d. "Exhausted ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains two (2) or more sequential skipped rankings before its highest continuing ranking.
- e. "Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate.
- f. "Last-place candidate" means the candidate with the fewest votes in a round of the ranked choice voting tabulation.
- g. "Mathematically impossible to be elected," with respect to a candidate, means either:
 - i. The candidate cannot be elected because the candidate's vote total in a round of the ranked choice voting tabulation plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or
 - ii. The candidate has a lower vote total than a candidate described in subparagraph (i) above.
- h. "Overvote" means a circumstance in which a voter has ranked more than one candidate at the same ranking.
- i. "Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking and so on.
- j. "Round" means an instance of the sequence of voting tabulation steps established in subsection B.
- k. "Skipped ranking" means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

B. Procedures. Except as provided in subsections C and D, the following procedures are used to determine the winner in an election for an office elected by ranked choice voting. Tabulation

must proceed in rounds. In each round, the number of votes for each continuing candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following two (2) potential outcomes.

- a. If there are two (2) or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.
- b. If there are more than two (2) continuing candidates, the last-place candidate is defeated and a new round begins.

C. Ties. A tie under this section between candidates for the most votes in the final round or a tie between last-place candidates in any round must be decided by tallying and comparing the number of first place rankings, and the candidate with the most first place rankings prevails. If the number of first place rankings is the same for both candidates, then second place rankings would be tallied and compared, and continuing down the rankings until a difference is established. If no difference is established, the Metropolitan Council will break the tie. The result of the tie resolution must be recorded and reused in the event of a recount. Election officials may resolve prospective ties between candidates before the election.

D. Modification of ranked choice voting ballot and tabulation. Modification of a ranked choice voting ballot and tabulation is permitted in accordance with the following.

- a. The number of allowable rankings may be limited to no fewer than six (6) unless there are five (5) or fewer candidates on the ballot, in which case the number shall be limited to the number of candidates on the ballot plus one (1).
- b. Two (2) or more candidates may be defeated simultaneously by batch elimination in any round of tabulation.

FOR THE BALLOT

Amendment No. ____

Under this amendment, prevailing candidates for mayor, vice mayor, district councilmember, and councilmember-at-large would still require a majority of the vote. However, for special elections for vice mayor and district councilmember only, in those instances where no candidate receives a majority of the vote, this amendment would offer an alternative to holding a separate runoff election. Voters would instead vote only one time, doing so by ranking candidates in order of preference. A candidate receiving a majority of votes for that office would win the election. Otherwise, an "instant runoff" would occur by eliminating the last place candidate. Each ballot listing the eliminated candidate as a first choice would then be counted for the ballot's second choice candidate. This amendment would eliminate runoff elections subsequent to special elections for vice mayor and district council member. Instead, voters would rank candidates in order of preference. A candidate receiving a majority of first preferences for that office would win the election. If no candidate receives such a majority, the lowest scoring candidate is eliminated and his or her votes are redistributed to remaining non-eliminated candidates based upon the eliminated candidate's voters' order of preference. This would continue until one candidate receives a majority of the votes.

INTRODUCED BY:

Dave Rosenberg
Member of Council

AMENDMENT NO. _____

TO

RESOLUTION NO. RS2019-1617

Mr. President –

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

I. By deleting the proposed "Amendment C" submitted within Resolution No. RS2019-1617 in its entirety, and substituting therefore the following, to be included among the proposed amendments to the Charter of the Metropolitan Government of Nashville and Davidson County:

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;
- 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.

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.

INTRODUCED BY:

John Cooper

Bob Mendes
Members of Council, At-Large

AMENDMENT NO. _____

TO

RESOLUTION NO. RS2019-1617

Mr. President –

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

I. By adding the following proposed amendment as "Amendment D" to the Resolution No. RS2019-1617, and including it among the proposed amendments to the Charter of the Metropolitan Government of Nashville and Davidson County referenced in Section 1 thereof:

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.

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.

INTRODUCED BY:

Kevin Rhoten
Member of Council

AMENDMENT NO. _____

TO

RESOLUTION NO. RS2019-1617

Mr. President –

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

I. By adding the following proposed amendment as "Amendment E" to the Resolution No. RS2019-1617, and including it among the proposed amendments to the Charter of the Metropolitan Government of Nashville and Davidson County referenced in Section 1 thereof:

AMENDMENT NO. E

I. Section 9.02 of Article 9, Chapter 7 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be amended by deleting in its entirety the second-from-last paragraph thereof (beginning, "In the event a vacancy...") and substituting in lieu thereof the following:

In the event a vacancy should occur for any reason other than the expiration of the term of a board member, the ~~metropolitan board of public education shall be empowered to appoint, by a two thirds majority of the remaining membership,~~ vacancy shall be filled by the metropolitan council in accordance with the provisions of Tennessee Code Annotated, section 49-2-201(a)(1). Persons eligible for appointment shall a person residing within the school district in which the vacancy occurs ~~to~~ and shall serve until the next county-wide general election, at which time a person shall be elected for the remainder of the unexpired term.

FOR THE BALLOT

Amendment No. ____

The Metropolitan Charter currently provides that a vacancy upon the metropolitan board of education is to be filled by the remaining members of the board. However, such vacancies are filled by the local legislative body pursuant to state law. This amendment would revise the Charter to render it consistent with state law.

INTRODUCED BY:

Davette Blalock
Member of Council

RESOLUTION NO. RS2019-_____

A resolution requesting that the Metropolitan Board of Public Education refrain from taking any action regarding Dr. Shawn Joseph's employment contract as Director of Metro Nashville Public Schools until such time as the State of Tennessee Board of Education has concluded its review and consideration of pending suspension recommendations.

WHEREAS, Dr. Shawn Joseph serves as the Director of Metro Nashville Public Schools (MNPS). He is the first African-American Director to serve in this position in Nashville and Davidson County; and

WHEREAS, on March 12, 2019, the staff of the State of Tennessee Board of Education proposed that the state board suspend Dr. Joseph's educator license for a period of one (1) year for an alleged failure to report misconduct cases; and

WHEREAS, Dr. Joseph is entitled to a hearing, should he so choose, regarding the recommendation by the staff of the State of Tennessee Board of Education, whereupon the suspension recommendation will go before the full State Board of Education for disposition; and

WHEREAS, Dr. Joseph has duly indicated his intent to defend against the recommendation made by the staff of the State of Tennessee Board of Education. However, as of this writing, a date has not yet been established for the consideration of the matter before the full State Board; and

WHEREAS, on Monday, March 25, 2019, Anna Shepard of the Metropolitan Board of Public Education submitted a motion to terminate Director Joseph's employment contract, and the motion is scheduled for consideration before the Metropolitan Board on Tuesday, April 9, 2019; and

WHEREAS, any determination by the Metropolitan Board of Public Education regarding the tenure of Dr. Shawn Joseph and his continued employment as Director of Metro Nashville Public Schools should be fully informed, deliberative, and preceded by the resolution of any suspension considerations by the State of Tennessee Board of Education.

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

Section 1. That the Metropolitan Council hereby goes on record as requesting that the Metropolitan Board of Public Education refrain from rendering any decision regarding Dr. Shawn Joseph's employment contract as Director of Metro Nashville Public Schools until such time as the State of Tennessee Board of Education has concluded its review and consideration of pending suspension recommendations.

Section 2. The Metropolitan Clerk is directed to send a copy of this Resolution to each member of the Metropolitan Board of Public Education and to Dr. Shawn Joseph, Director of Metropolitan Nashville Public Schools.

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:

Steve Glover
Member of Council

AMENDMENT NO. A
TO
ORDINANCE NO. BL2019-1543

Mr. President –

I hereby move to amend Ordinance No. BL2019-1543 as follows:

I. By amending Section 1 by deleting proposed Section 11.12.090, Subsection B, in its entirety and substituting in lieu thereof the following:

B. It shall be unlawful for any person to engage in an act of panhandling when either the panhandler or the person being solicited is located in, on, or at any of the following locations:

1. Any bus stop;
2. Any sidewalk cafe;
3. Any area within twenty-five feet (in any direction) of an automatic teller machine (ATM) or entrance to a bank;
4. Any daycare or community education facility, as defined by Section 17.04.060 of the Metropolitan Code;
5. Within ten feet of a point of entry to or exit from any building open to the public, including commercial establishments;
6. Within the DTC and CF districts on (i) Second Avenue North between Broadway and Church Street, (ii) Commerce Street between Second Avenue North and Third Avenue North, ~~or~~ (iii) Symphony Place between Third Avenue South and Fourth Avenue South, ~~or~~ (iv) the John Seigenthaler Pedestrian Street Bridge, or (v) Broadway between 1st Avenue and 6th Avenue.

INTRODUCED BY:

Freddie O’Connell
Member of Council

AMENDMENT NO. B
TO
ORDINANCE NO. BL2019-1543

Mr. President –

I hereby move to amend Ordinance No. BL2019-1543 as follows:

I. By amending Section 1 by deleting proposed Section 11.12.090, Subsection B, in its entirety and substituting in lieu thereof the following:

B. It shall be unlawful for any person to engage in an act of panhandling when either the panhandler or the person being solicited is located in, on, or at any of the following locations:

1. Any bus stop;
2. Any sidewalk cafe;
3. Any area within twenty-five feet (in any direction) of an automatic teller machine (ATM) or entrance to a bank;
4. Any daycare or community education facility, as defined by Section 17.04.060 of the Metropolitan Code;
5. Within ten feet of a point of entry to or exit from any building open to the public, including commercial establishments;
6. Within the DTC and CF districts on (i) Second Avenue North between Broadway and Church Street, (ii) Commerce Street between Second Avenue North and Third Avenue North, or (iii) Symphony Place between Third Avenue South and Fourth Avenue South-
7. Any motor vehicle in operation on a public street or roadway within the jurisdiction of the Metropolitan Government of Nashville and Davidson County.

INTRODUCED BY:

Steve Glover
Member of Council