



Metropolitan Council

PROPOSED SUBSTITUTE

RESOLUTION, AMENDMENTS TO

RESOLUTIONS, LATE-FILED

RESOLUTIONS, SECOND SUBSTITUTE

ORDINANCE, AMENDMENTS TO

ORDINANCES, AND SUBSTITUTE

ORDINANCES TO BE FILED WITH THE

METRO CLERK

FOR THE COUNCIL MEETING OF

TUESDAY, JULY 21, 2020

SUBSTITUTE RESOLUTION NO. RS2020-431

A resolution requesting Mayor John Cooper to include a representative from work with the Community Oversight Board, a representative from community organizations and advocacy groups, Tennessee Immigrant and Refugee Rights Coalition, The Equity Alliance, Metro Community Oversight Now, Metro Human Relations Commission and a representative from the Fraternal Order of Police on a committee to gather community input and to ensure a transparent process to select the next Chief of Police.

WHEREAS, on June 18, 2020, Mayor John Cooper announced that Metro Police Chief Steve Anderson will be retiring in the fall of 2020; and

WHEREAS, ~~in the wake of the murder of George Floyd by police officers in Minneapolis,~~ it has become clear that in order to save the lives of black men and women and to rebuild trust, police practices must change; and

WHEREAS, in order to build that trust between the Metropolitan Nashville Police Department and our impacted communities of color, Nashville's next Chief of Police must be a leader who is willing to oversee significant policy changes in the Police Department and who is empathetic to the concerns ~~people of color impacted communities~~ impacted communities have regarding policing in Nashville; and

WHEREAS, the Community Oversight Board ("COB") was overwhelmingly approved by the voters of Nashville and Davidson County in November 2018 to provide a greater level of oversight regarding the Metropolitan Nashville Police Department; and

WHEREAS, the COB has the power and responsibility under Section 11.1302 of the Metropolitan Charter to make recommendations to agencies involved in public safety and the administration of justice; and

WHEREAS, in addition to the COB, there are a number of community organizations and advocacy groups in Nashville, including but not limited to Community Oversight Now, and the Tennessee Immigrant & Refugee Rights Coalition (TIRRC), and The Equity Alliance that have a vested interest in ensuring Nashville's next Chief of Police is responsive to community needs and concerns regarding policing; and

WHEREAS, in order to create meaningful policy and behavioral change in the Metropolitan Nashville Police Department and to increase community trust, the Mayor should seek to involve ~~representatives for the COB and other these~~ community organizations and advocacy groups, as well as ~~a representative of the Fraternal Order of Police,~~ in the process of selecting a new Chief of Police; and

WHEREAS, further, it is important that the Mayor work with these organizations to host community meetings where all Nashvillians, especially those impacted communities, can give input on what qualities they want in a new Chief of Police and what reforms are a priority for the Metropolitan Nashville Police Department.

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

Section 1. The Metropolitan County Council hereby goes on record as requesting Mayor John Cooper to ~~include a representative from work with~~ the Community Oversight Board, ~~representatives from other community organizations and advocacy groups,~~ Tennessee Immigrant and Refugee Rights Coalition, The Equity Alliance, Metro Community Oversight Now, Metro Human Relations Commission and ~~a representative from the Fraternal Order of Police on a committee to gather community input and to ensure a transparent process~~ to select the next Chief of Police.

Section 2. This Resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Russ Bradford
Member of Council

AMENDMENT NO. ____
TO
RESOLUTION NO. RS2020-440

Mr. President –

I hereby move to amend Resolution No. RS2020-440 by renumbering Section 3 as Section 4 and by adding the following new Section 3:

Section 3. The grant funds accepted by this resolution shall not be expended until a plan for disbursement of the funds is approved by a resolution adopted by the Metropolitan Council.

Section ~~3~~4. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Kyonzté Toombs

Bob Mendes
Members of Council

SUBSTITUTE RESOLUTION NO. RS2020-440

A resolution accepting a direct appropriation grant from the State of Tennessee in the amount of \$10,000,000 and appropriating a portion of the funds to the United Way COVID-19 Response Fund.

WHEREAS, the State of Tennessee General Assembly adopted Public Chapter 760 wherein a direct appropriation grant in the amount of \$10,000,000 was made to The Metropolitan Government of Nashville and Davidson County to provide funds for one-time expenses for information technology hardware upgrades, capital maintenance, utility system upgrades, road projects, public safety, and COVID-19 response, offsetting the loss of local revenues or supplementing local revenue; and,

WHEREAS, the State of Tennessee Department of Finance and Administration required the submission of an executed Letter of Agreement accepting the grant funds by July 15, 2020 in order to distribute the funds by July 31, 2020; and,

WHEREAS, the Letter of Agreement was executed and timely submitted; and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that the Letter of Agreement accepting the grant funds be ratified and approved ; and

WHEREAS, in order to address the immediate needs of Nashvillians who are struggling to make ends meet as a result of the COVID-19 pandemic, it is fitting and proper that a portion of the grant funds be immediately appropriated to the COVID-19 Relief Fund.

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

Section 1. That the Letter of Agreement accepting the direct appropriation grant by and between the State of Tennessee and the Metropolitan Government of Nashville and Davidson County in the amount of \$10,000,000, an executed copy of which is attached hereto and incorporated herein, is hereby ratified and approved.

Section 2. That \$5,000,000 the amount of this grant is hereby be-appropriated to the Department of Finance based on revenues estimated to be received United Way of Greater Nashville COVID-19 Relief Fund to be used for the benefit of Nashvillians.

Section 3. The remaining \$5,000,000 shall be retained by the Department of Finance for future appropriation by the Metropolitan Council, provided that in the event the funds are not otherwise appropriated by the Metropolitan Council by October 1, 2020, the remaining \$5,000,000 is hereby appropriated to the United Way of Greater Nashville COVID-19 Relief Fund.

Section 34. 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:

Freddie O'Connell
Member of Council

AMENDMENT NO. ____
TO
RESOLUTION NO. RS2020-442

Mr. President –

I hereby move to amend Resolution No. RS2020-442 by replacing the Ground Lease Exhibit incorporated into Section 3 with the attached new Exhibit A: Development Ground Lease Parcel Map.

SPONSORED BY:

Colby Sledge
Members of Council



EXHIBIT A : DEVELOPMENT GROUND LEASE PARCEL MAP



Resolution No. _____

A resolution approving an amendment to a grant from the Tennessee Administrative Office of the Courts to The Metropolitan Government of Nashville and Davidson County, acting by and through the Davidson County General Sessions Music City Community Court, Division VIII, to implement a community court to combine the power of the community and the justice system to address local public safety concerns.

WHEREAS, The Metropolitan Government of Nashville and Davidson County, acting by and through the Davidson County General Sessions Music City Community Court, Division VIII, previously entered into a grant agreement with the Tennessee Administrative Office of the Courts, to implement a community court to combine the power of the community and the justice system to address local public safety concerns approved by RS2018-1498; and,

WHEREAS, the parties wish to increase the amount of the grant by \$17,503.37 from \$150,307.65 to \$167,811.02 with no cash match required and to extend the end date of the grant agreement to August 31, 2020, a copy of which amendment is attached hereto; and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that this amendment be approved.

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

Section 1: That the amendment to the grant by and between the Tennessee Administrative Office of the Courts, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Davidson County General Sessions Music City Community Court, Division VIII, to implement a community court to combine the power of the community and the justice system to address local public safety concerns, a copy of which amendment is attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is authorized to execute the same..

Section 2: That this resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:
Kevin Crumbo
Kevin Crumbo, Finance Director

INTRODUCED BY:

Kyonzte Toombs

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:
Miki Eke
Assistant Metropolitan Attorney

Member(s) of Council

GRANT SUMMARY SHEET

Grant Name: Community Court Grant Program: Creating Avenues of Restoration and Empowerment 18-20 Amend. 1

Department: GENERAL SESSIONS CT

Grantor: TN ADMINISTRATIVE OFFICE OF THE COURTS

**Pass-Through Grantor
(If applicable):**

Total Award this Action: \$17,503.37

Cash Match Amount \$0.00

Department Contact: Judge Rachel L.Bell
862-8341

Status: AMENDMENT

Program Description:

Create a restorative justice for individuals aged 18-26 with a program called C.A.R.E. (Creating Avenues of Restoration and Empowerment) dealing with the criminal justice system with non-violent misdemeanor level crimes. CARE will work to assist young adults with navigating the criminal justice sytem hands-on individualized approach, meeting the participants where they are and helping them move past their mistakes. Amendment 1 extends the end date from 6/30/20 to 8/31/20 and increases the budget by an additional \$17,503.37 to the previous amount of \$150,307.65 for a new total of \$167,811.02.

Plan for continuation of services upon grant expiration:

With the needs assessment and the C.A.R.E. model in place, our goal would be to reach out to private foundations and/or state and local government for funding to continue the Program Director/Coordinator position.

Grants Tracking Form

Part One

Pre-Application <input type="radio"/>		Application <input type="radio"/>		Award Acceptance <input type="radio"/>		Contract Amendment <input checked="" type="radio"/>	
Department	Dept. No.	Contact			Phone	Fax	
GENERAL SESSIONS CT	027	Judge Rachel L.Bell			862-8341		
Grant Name:		Community Court Grant Program: Creating Avenues of Restoration and Empowerment 18-20 Amend. 1					
Grantor:		TN ADMINISTRATIVE OFFICE OF THE COURTS			Other:		
Grant Period From:		10/01/18	<small>(applications only)</small> Anticipated Application Date:				
Grant Period To:		08/31/20	<small>(applications only)</small> Application Deadline:				
Funding Type:		STATE	Multi-Department Grant		<input type="checkbox"/> If yes, list below.		
Pass-Thru:			Outside Consultant Project:		<input checked="" type="checkbox"/>		
Award Type:		COMPETITIVE	Total Award:		\$17,503.37		
Status:		AMENDMENT	Metro Cash Match:		\$0.00		
Metro Category:		Est. Prior.	Metro In-Kind Match:		\$0.00		
CFDA #		N/A	Is Council approval required?		<input type="checkbox"/>		
Project Description:		Create a restorative justice for individuals aged 18-26 with a program called C.A.R.E. (Creating Avenues of Restoration and Empowerment) dealing with the criminal justice system with non-violent misdemeanor level crimes.CARE will work to assist young adults with navigating the criminal justice sytem hands-on individualized approach, meeting the participants where they are and helping them move past their mistakes. Amendment 1 extends the end date from 6/30/20 to 8/31/20 and increases the budget by an additional \$17,503.37 to the previous amount of \$150,307.65 for a new total of \$167,811.02.					
Plan for continuation of service after expiration of grant/Budgetary Impact:							
With the needs assessment and the C.A.R.E. model in place, our goal would be to reach out to private foundations and/or state and local government for funding to continue the Program Director/Coordinator position.							
How is Match Determined?							
Fixed Amount of \$		\$0.00	or	% of Grant		Other: <input type="checkbox"/>	
Explanation for "Other" means of determining match:							
For this Metro FY, how much of the required local Metro cash match:							
Is already in department budget?			Fund	Business Unit			
Is not budgeted?			Proposed Source of Match:				
(Indicate Match Amount & Source for Remaining Grant Years in Budget Below)							
Other:							
Number of FTEs the grant will fund:		1.00	Actual number of positions added:		1.00		
Departmental Indirect Cost Rate		10.00%	Indirect Cost of Grant to Metro:		\$16,781.10		
*Indirect Costs allowed? <input type="radio"/> Yes <input checked="" type="radio"/> No		% Allow.	0.00%	Ind. Cost Requested from Grantor:		\$0.00 in budget	
<small>*(If "No", please attach documentation from the grantor that indirect costs are not allowable. See Instructions)</small>							
Draw down allowable? <input type="checkbox"/>							
Metro or Community-based Partners:							
District Attorney General Office, Davidson County Public Defenders Office, Urban League of Middle Tennessee, Centerstone, General Sessions Court Div. 8							

Part Two

Grant Budget										
Budget Year	Metro Fiscal Year	Federal Grantor	State Grantor	Other Grantor	Local Match Cash	Match Source (Fund, BU)	Local Match In-Kind	Total Grant Each Year	Indirect Cost to Metro	Ind. Cost Neg. from Grantor
Yr 1	FY19		\$89,041.80					\$89,041.80	\$8,904.18	\$0.00
Yr 2	FY20		\$78,769.22					\$78,769.22	\$7,876.92	\$0.00
Yr 3	FY__									
Yr 4	FY__									
Yr 5	FY__									
Total			\$167,811.02					\$167,811.02	\$16,781.10	\$0.00
Date Awarded:				06/29/30	Tot. Awarded:		\$17,503.37	Contract#:		
(or) Date Denied:					Reason:					
(or) Date Withdrawn:					Reason:					

Contact: trinity.weathersby@nashville.gov
vaughn.wilson@nashville.gov

VW

**GRANT CONTRACT AMENDMENT
BETWEEN
THE TENNESSEE ADMINISTRATIVE OFFICE OF THE COURTS
AND
GENERAL SESSIONS MUSIC CITY COMMUNITY COURT, DIVISION VIII (8) OF
METROPOLITAN NASHVILLE-DAVIDSON COUNTY**

The undersigned parties do hereby agree to the following changes in the grant contract between the Administrative Office of the Courts (hereinafter referred to as the "State") and the GENERAL SESSIONS MUSTIC CITY COMMUNITY COURT, DIVISION VIII (8) OF METROPOLITAN NASHVILLE-DAVIDSON COUNTY (hereinafter referred to as the "Grantee") for the implementation of a community court as set forth below. The funding under this grant amendment is supported by the amendment to the Subaward received by the State from the Center for Court Innovation (the "Center"), and is attached as Appendix A.

1. PAYMENT TERMS AND CONDITIONS

The maximum allocation from the State to the Grantee under this Contract is increased to \$167,811.02 (one hundred sixty-seven thousand eight hundred eleven dollars and two cents). In the event that a portion of the amount allocated is not accepted by the Grantee, the unused balance will revert to the State.

The maximum amount has been increased by \$17,503.37 to track the amendment to the Subaward received by the State. The increase will permit the State and the Grantee to spend down the remaining amount of the Subaward. The budget will be amended to reflect the increase and provide additional details.

2. TERMS OF AGREEMENT

The ending date is extended by two months so the agreement shall be effective for the period commencing on October 1, 2018, and ending on August 31, 2020, unless this Contract is terminated at an earlier date by thirty (30) days written notice to Grantee from the State. In the event of such termination, Grantee shall immediately cease the provision of all services hereunder, and the State shall be liable to Grantee only for the services actually performed up to and including the effective date of termination.

3. The Amended Budget is below. A budget narrative as part of the Subaward between the State and the Center is attached. Note that the Equipment & Supplies in this budget below is \$8,000 more than the amount in the narrative. This \$8,000 represents equipment and supplies for the Music Community Court Site therefore they are marked as supplies in this contract.

Line Item	Original Budget	Amount Spent Thru 3/31/20	Anticipated Amounts Thru 8/31/20	Amended Budget
Personnel	\$91,369.93	\$48,194.80	\$14,458.60	\$62,653.40
Fringe	\$40,915.72	\$17,909.27	\$8,679.07	\$26,588.34
Travel	\$11,022.00	\$11,957.30	\$0	\$11,957.30
Equipment & Supplies	\$7,000.00	\$20,336.75	\$12,885.16	\$33,221.91
New Item: Music City Community Court Site	\$0	\$0	\$33,390.07	\$33,390.07
Total Budget	\$150,307.65	\$98,398.12	\$69,412.90	\$167,811.02

The rest and remainder of the contract shall remain the same.

SIGNATURE PAGE

FOR

GRANT NO. Community Court Grant Program: Creating Avenues of Restoration and Empowerment 18-20
Amend 1

IN WITNESS WHEREOF, the parties have by their duly authorized representatives set their signatures.

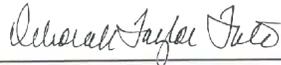
METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Judge Rachel L. Bell
General Sessions Court, Division VIII (8)
Music City Community Court

6/29/2020

Date



Deborah Taylor Tate, Exec. Director
TN AOC, Supreme Court

7/8/20

Date

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:


Kevin Crumbo, Director
Department of Finance

7/10/2020

Date

APPROVED AS TO RISK AND INSURANCE:

DocuSigned by:


Lora Bark Fox
Director of Insurance

7/11/2020

Date

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:


Meli Elie
Metropolitan Attorney

7/10/2020

Date

John Cooper
Metropolitan Mayor

Date

ATTEST:

Metropolitan Clerk

Date

RESOLUTION NO. RS2020- _____

A Resolution honoring the memory of Reverend C.T. Vivian.

WHEREAS, on July 17, 2020, Civil Rights leader Reverend Cordy Tindell "C.T." Vivian died at the age of 95; and

WHEREAS, Vivian was born in Boonville, Missouri, on July 30, 1924. He moved to Illinois as a child and studied at Western Illinois University. It was in Peoria, Illinois in 1947 that he joined his first protest to help desegregate a cafeteria; and

WHEREAS, Vivian studied ministry at the American Baptist Theological Seminary in Nashville. In Nashville in 1957, Vivian first heard Dr. Martin Luther King speak on nonviolence; and

WHEREAS, in 1959, Vivian met Rev. James Lawson, who was teaching nonviolent strategies to members of the Nashville Student Movement, including Diane Nash, John Lewis, and other individuals who became prominent civil rights organizers; and

WHEREAS, in 1960, the Nashville Student Movement led a three-month sit-in campaign which culminated in a march on Nashville City Hall where Vivian and Diane Nash confronted Mayor Ben West, who acknowledge that racial discrimination was morally wrong and agreed to desegregate the lunch counters in the city; and

WHEREAS, after the sit-ins, Vivian joined the Congress of Racial Equality on the Freedom Ride to Mississippi, where he suffered beatings in response to his nonviolent protests. He later became a pastor in Chattanooga and then helped organize Tennessee's contingent for the 1963 March on Washington. He was then invited to join Dr. King's staff as part of the Southern Christian Leadership Conference; and

WHEREAS, he fought for civil rights for the rest of his life, becoming director of the Urban Training Center for Christian Mission in Chicago, the dean of Shaw University Divinity School in Raleigh, NC, and founder of the Black Action Strategies and Information Center in Atlanta and the National Anti-Klan Network, later renamed the Center for Democratic Renewal; and

WHEREAS, Vivian received the Presidential Medal of Freedom, the nation's highest civilian honor, from President Barack Obama in 2013; and

WHEREAS, Vivian left an indelible mark on Nashville and on the United States. It is fitting and proper that the Metropolitan Council recognize his work during the Civil Rights Movement and beyond and honor his memory.

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

Section 1. That the Metropolitan County Council hereby goes on record as honoring the memory of Reverend C.T. Vivian, a Civil Rights Movement leader who left a lasting mark on Nashville and across the United States.

Section 2. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Delishia Porterfield

Zulfat Suara
Members of Council

RESOLUTION NO. RS2020- _____

A Resolution honoring the memory of Congressman John Lewis.

WHEREAS, on July 17, 2020, revered Civil Rights icon and Congressman John Robert Lewis died at age 80 after a battle with cancer; and

WHEREAS, Congressman Lewis was born to sharecroppers in Alabama on February 21, 1940. As a child, his family called him "Preacher" and as a young man he found inspiration in Dr. Martin Luther King. He came to Nashville in 1957 to study at the American Baptist Theological Seminary; and

WHEREAS, Congressman Lewis met civil rights activists in Nashville, including Diane Nash, and studied civil disobedience under Reverend James M. Lawson Jr. In February 1960, he and other students staged sit-ins at whites-only lunch counters in Nashville, which led to his first arrest; and

WHEREAS, these sit-ins lasted for three months and were ultimately successful. Because of the work of John Lewis and others, Nashville became the first major Southern city to begin desegregating public facilities; and

WHEREAS, after his graduation from seminary in 1961, Congressman Lewis became a member of the original 13 Freedom Riders who traveled across the South to challenge segregation. During this time, Lewis suffered beatings at the nonviolent demonstrations. In 1965, Lewis led a march across the Edmund Pettus Bridge in Selma, Alabama to demand voting rights. State troopers ordered the protesters to disperse, and when they stood their ground, the troopers attacked the protesters. Lewis's skull was fractured and the event became known as "Bloody Sunday"; and

WHEREAS, images of Bloody Sunday drew national attention to the issue of voting rights. Eight days later, President Johnson presented the Voting Rights Act to a joint session of Congress, which was signed into law later that year; and

WHEREAS, Congressman Lewis returned to Nashville later to attend Fisk University, graduating in 1967. He then worked with the Field Foundation, the Southern Regional Council, and the Voter Education Project. After this, he sought elected office. He ran unsuccessfully for Congress in 1977. In 1980, he was elected to the Atlanta City Council. He ran for Congress again in 1986, winning against his friend and fellow civil rights activist Julian Bond. Lewis won the race and served in Congress until his death; and

WHEREAS, Congressman Lewis sought to cause "good trouble". He continued protesting while serving in Congress and was arrested several times. He demonstrated against apartheid, against genocide in Darfur, in support of the Affordable Care Act, and led a sit-in on the floor of the U.S. House of Representatives to protest inaction on gun control; and

WHEREAS, Congressman Lewis received the Presidential Medal of Freedom, the nation's highest civilian honor, from President Barack Obama in 2011. In recognition of this honor and his contributions to Nashville, the Metropolitan Council declared March 23, 2011 as "John Lewis Day" in Nashville; and

WHEREAS, Congressman Lewis changed the United States through nonviolence. His protests desegregated Nashville, made way for landmark voting rights legislation, and fought racial injustice. Lewis continued this fight during his 33 years in Congress. It is fitting and proper that the Metropolitan Council go on record as honoring the memory of this extraordinary leader.

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

Section 1. The Metropolitan County Council hereby goes on record as honoring the memory of Congressman John Lewis, a Civil Rights icon who fought racial injustice in Nashville and across the United States.

Section 2. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Zulfat Suara

Delishia Porterfield
Members of Council

SECOND SUBSTITUTE ORDINANCE NO. BL2020-147

An ordinance to amend Chapter 2.196 and Section 2.222.040 of the Metropolitan Code regarding Lobbyist Registration and Disclosure.

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

Section 1. That Chapter 2.196 – LOBBYIST REGISTRATION AND DISCLOSURE be deleted in its entirety and replaced with the following:

Chapter 2.196 – LOBBYIST REGISTRATION AND DISCLOSURE

2.196.010 - Purpose and intent.

It is the intent of the Metropolitan Council to promote, preserve and advance public trust and confidence in our system of government by holding others and ourselves to ethical and transparent standards. Public Officials, Lobbyists, and Clients of Lobbyists should be truthful and transparent in communications and interactions with each other and the public. No one should act in any manner that will undermine the public confidence and trust in our government or in our processes. In adopting this ordinance, the Metropolitan Council also recognizes the delicate balance sought in this lobbyist regulatory framework and the rights included in the First Amendment to the United States Constitution, particularly, the right of Freedom of Speech and the right to Petition the Government for a Redress of Grievances.

2.196.020 - Definitions.

As used in this chapter, unless the context otherwise requires:

"Administrative action" means the taking of any recommendation, report or nonministerial action, the making of any decision or taking any action to postpone any action or decision, action of the mayor in approving or vetoing any ordinance or resolution, the promulgation of a rule and regulation, or any action of a quasi-legislative nature, by an official in the executive branch; however, "administration action" does not include ordinary and routine permitting, licensing, or compliance decisions by an official of the executive branch.

"Association" means a union, league, chamber of commerce, committee, club, or other membership organization.

"Board of Ethical Conduct" means the board established in Section 2.222.040, sometimes referred to as the "Board".

"Business day" means every day, except Saturday, Sunday and holidays observed by the metropolitan government.

"Candidate for public office" means an individual who has made a formal announcement of candidacy or qualified under the law of this state to seek nomination for election or elections to any metropolitan government office, or has received contributions or made expenditures except for incidental expenditures to determine if one shall be a candidate, or has given consent for a campaign committee to receive contributions or make expenditures with a view to bringing about a nomination for election or the election to metropolitan government office, and any individual who has been nominated for appointment as an official in the legislative or executive branch.

"Clerk" means the metropolitan clerk.

"Client" means any person or entity that employs, retains or otherwise arranges for a lobbyist to engage in lobbying on behalf of the person or entity for compensation, sometimes referred to as "employer".

- A. "Client" specifically includes any such person or entity notwithstanding the lobbyist's status as an employee, agent, contractor, subcontractor or other representative lobbying on behalf of such person or entity for compensation.
- B. "Client" does not include the individual employees, officers, directors, or members of a corporation, labor organization, association, or membership organization other than the chief executive officer and the chief financial officer or comparable individuals within such corporation, labor organization, association, or membership organization.
- C. A lobbying firm or law firm is not deemed to be the client of any lobbyist within the firm.

"Compensation" means any salary received or to be received by anyone acting as a lobbyist, whether in the form of a fee, salary, payment, reimbursement or other valuable consideration and any combination thereof. Compensation does not include the salary of an individual whose lobbying is incidental to regular employment.

"Contribution" shall not be construed to include the following:

- A. Services, including expenses provided without compensation by a candidate or individuals volunteering a portion or all of their time, on behalf of a candidate or campaign committee;
- B. Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless such facilities are owned wholly or in part, or controlled by any political party, political committee or candidate;
- C. Nonpartisan activity designed to encourage individuals to vote or register to vote;
- D. Any written, oral or electronically transmitted communication by any membership organization or corporation to its members or stockholders, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any person to public office; or
- E. The use of real or personal property and the cost of invitations, food and beverages not exceeding one hundred dollars (\$100), voluntarily provided on an individual's residential premises for candidate related activities.

~~"Day" means any day of the week.~~

"Executive action" means the action of a commission, board, agency or other body in the metropolitan government that is not a part of the legislative or judicial branch.

"Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make an expenditure; "expenditure" also includes any honorarium.

"Gift" to an officer or employee of the legislative branch of metro government means a payment, honorarium, subscription, loan, advance, forbearance, rendering or deposit of money or services, any of which are valued at fifty dollars (\$50) or more, unless consideration of equal or greater value is received. A "gift" to an officer or employee of the executive branch of metro government means a payment, honorarium, subscription, loan, advance, forbearance, rendering or deposit of money or services, any of which are valued at twenty-five dollars or more, unless consideration of equal or greater value is received.

- A. "Gift" does not include a political contribution otherwise reported as required by law, a commercially reasonable loan made in the ordinary course of business, or a gift received from a member of the person's immediate family or from a relative within the third degree of consanguinity of the person or of the person's spouse, or from the spouse of any such relative.

B. "Gift" does not include the waiver of a registration fee for a conference or educational seminar.

"Honorarium" means payment of money or anything of value for an appearance, speech or article, but "honorarium" does not include actual and necessary travel expenses which are not paid or reimbursed.

"Immediate family" means a spouse or minor child living in the household.

"Influencing" means promoting, supporting, modifying, opposing or delaying any legislative or administrative action by any means, including but not limited to the provision or use of information, statistics, studies or analyses. "Influencing" does not include the furnishing of information, statistics, studies or analyses requested by an official of the legislative or executive branch to such official, or the giving of testimony by an individual testifying at an official hearing conducted by officials of the legislative or executive branch.

"Legislative action" means introduction, sponsorship, debate voting or any other nonministerial official action or inaction on any ordinance, resolution, amendment, nomination, appointment, report or any other matter pending or proposed in a council committee or in the council.

"Lobby" or "Lobbying" means to communicate, directly or indirectly, with any official in the legislative branch or executive branch for pay or for any consideration, for the purpose of influencing any legislative action or administrative action.

"Lobby" does not mean any of the following communications:

- A. with officials of the legislative or executive branches by an elected or appointed public official performing the duties of the office held;
- B. from a duly licensed attorney at law acting in a representative capacity on behalf of a client appearing before an official of the executive branch for the purpose of determining or obtaining such person's legal rights or obligations in a contested case action, administrative proceeding, or rule making procedure;
- C. from an editor or working member of the press, radio or television who, in the ordinary course of business, disseminates news or editorial comment to the general public;
- D. by an incumbent or prospective contractor or vendor, or an employee of the contractor or vendor, while engaged in selling or marketing to Metro, or any Metro department, board, or commission, by demonstrating or describing goods or services to be provided or by inquiring about specifications, terms, conditions, timing, or similar commercial information. However, the contractor or vendor, or employee of the contractor or vendor, shall be deemed to be a lobbyist if actively engaged in selling or marketing to an official in the executive branch or an official in the legislative branch whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or any contract so marketed or sold;
- E. with officials of the executive branch by any person to promote, oppose, or otherwise influence the outcome of a decision related to the issuance or award of a bond, grant, lease, loan, incentive or any component of an economic development incentive package; provided, that any person who is otherwise required to register as a lobbyist under the provisions of this chapter shall not be deemed to fall within this exception.

"Lobbying firm" means any firm, corporation, partnership or other business entity that supplies lobbying services to others for compensation. A lobbying firm is not considered an "employer" or "client" of any lobbyist within the firm for purposes of this chapter.

"Lobbyist" means any person who engages in lobbying for compensation ~~or in the course of their regular employment.~~

"Ministerial action" means an action that a person performs in a prescribed manner in obedience to the mandate of legal authority, without regard to, or the exercise of, that person's own judgment upon the propriety of the action being taken. Ministerial action includes ordinary and routine permitting, licensing, or compliance decisions by an official of the executive branch.

"Official in the executive branch" means any member or employee of a commission, agency or other body in the executive branch who takes any administrative action.

"Official in the legislative branch" means any member, member-elect, any staff person or employee of the council.

"Person" means an individual, business entity, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

"Political contribution" or "Campaign contribution" means anything of value or any amount of money, in the form of an advance, conveyance, deposit, distribution, transfer of funds, loan, loan guaranty, personal funds of a candidate, payment, digital currency, gift, pledge, purchase of a ticket to a testimonial or similar fundraising event, or subscription of money or anything of value and any contract, agreement, promise or other obligation, whether or not legally enforceable, made for the purpose of influencing a measure or nomination for election or the election of any person for public office or for the purpose of defraying any expenses of an officeholder incurred in connection with the performance of the officeholder's duties, responsibilities, or constituent services; however, "political contribution" or "campaign contribution" does not mean volunteer services.

"Solicit" means to entreat, to implore, to ask, to attempt, or to try to obtain.

~~"Volunteer Lobbyist" is a person who does not receive any compensation for services other than reimbursement of actual out-of-pocket expenses and the reimbursement is for more than ten (10) days per calendar year.~~

"Year" or "Annual" shall mean January 1st through December 31st.

2.196.030 - Administration of provisions—Powers and duties.

- A. This chapter shall be administered by the metropolitan clerk. It shall be the duty of the metropolitan clerk:
1. To prescribe forms for statements, reports and other information required to be electronically filed by this chapter, and to furnish such forms to persons required to file such statements, reports and information;
 2. To ~~prepare and~~ publish formal written policies and procedures or other information developed by the Board of Ethical Conduct setting forth prescribed forms and procedures to assist persons required to file statements by this chapter and publish such policies, procedures, and information online;
 3. To preserve such statements, reports and other information required to be filed by this chapter for a period of five (5) years from date of receipt;
 4. To develop a filing, coding and cross-indexing system by lobbyist name, by client, and by subject matter or any other way consonant consistent with the purposes of this chapter;
 5. To seek from the ~~director of law~~ Board of Ethical Conduct, issue, and publish, upon proper request from any lobbyist or public official, advisory opinions upon the requirements of this chapter. Such advisory opinions shall follow the procedures set forth in 2.222.040.B;
 6. To accept and file any information voluntarily supplied that exceeds the requirements of this chapter;

7. To make statements and other information filed with the clerk available for public inspection and copying during regular office hours, and to make copying facilities available at a charge ~~that is reasonable~~ calculated in the public records policy adopted by the Metro Council;
8. To prepare and publish such reports as may be deemed appropriate;
9. To promulgate any rules and regulations developed by the Board of Ethical Conduct as may be appropriate for the administration of this chapter; ~~and~~
10. To make a list of all registered lobbyists prepared pursuant to this chapter available electronically. The metropolitan clerk shall update and make the list available prior to each meeting of the Metropolitan Council. ~~This list shall identify any persons registered as a volunteer lobbyist;~~
11. To electronically publish all information included in the annual reports filed by lobbyists; and
12. To develop, maintain, and periodically review and update internal written procedures for each critical process and task related to the administration of the lobbyist code.

B. It shall be the duty of the director of law to render opinions and give counsel to the metropolitan clerk and the board of ethical conduct regarding this chapter upon request and in a timely manner.

2.196.040 - Registration—Required when—Term—Fees.

- A.1. Every person qualifying as a lobbyist under this chapter shall register by filing an electronic form prescribed by the metropolitan clerk within five (5) business days after accepting employment as a lobbyist, as defined in Section 2.196.020. A separate registration is required for each client a lobbyist represents.
 2. Each year thereafter, the lobbyist shall register in the same manner if the lobbyist continues to engage in lobbying for that client no later than December 31st for the subsequent year.
 3. For the purpose of registration, the lobbyist has been employed once the client and lobbyist have entered into an engagement or contract.
 4. The filing shall include each of the following:
 - a. The lobbyist's name, mailing address, business address, home address, telephone number and email address.
 - b. The name, mailing address, business address, telephone number and email address for ~~each~~ the client of the lobbyist, and in the case of a corporation, association or governmental entity, the names of the individuals performing the functions of chief executive officer and chief financial officer.
 - c. A listing of the general categories of subject matters on which the registrant lobbies. The list of general categories shall be available from the metropolitan clerk.
 - d. Written proof of the lobbyist's authority to lobby on behalf of the client.
 - e. The name home address, and position of any member of the lobbyist's immediate family who is an official within the legislative or executive branch.
 - f. The extent of any direct or indirect business arrangement or partnership between the lobbyist and any candidate for public office or any official in the legislative or executive branch.
 - g. A ~~sworn~~ statement signed by the lobbyist that any employment agreement between a lobbyist and the client of a lobbyist is in writing, and the agreement does not contain any provision wherein the fee or a bonus to be paid to the lobbyist is contingent upon success of the lobbyist.
- B. At the time of registration, the lobbyist shall pay an annual filing fee of one hundred dollars (\$100) for each client for whom they are filing the registration.
- C. ~~Any person fitting the definition of volunteer lobbyist, as defined in Sec. 2.196.050, shall register as listed in subsection A, but shall be exempt from such fee.~~
- ~~D.~~ A person engaged in a communication that is not considered lobbying as defined in Sec. 2.196.020 need not register as a lobbyist under this section.

ED. All fees collected by the metropolitan clerk shall be paid into the general fund of the general services district.

FE. The annual registration fee is non-refundable and non-transferable.

2.196.050 – Registration of Volunteer Lobbyists.

~~A. Notwithstanding any provision of this chapter to the contrary:~~

- ~~1. An individual who only receives from another person the reimbursement for actual out of pocket personal expenses as compensation for lobbying on behalf of such person for less than ten (10) non consecutive days per year, then the person is not a lobbyist for purposes of this chapter and is not required to register or fulfill any lobbyist requirements imposed pursuant to this chapter.~~
- ~~2. An individual who only receives from another person the reimbursement for actual out of pocket personal expenses as compensation for lobbying on behalf of such person, and if the person receives the reimbursement for more than ten (10) non consecutive days per year, then that individual shall register as a "volunteer lobbyist" on behalf of that person as their "volunteer client" and shall comply with all lobbyist requirements imposed pursuant to this chapter, but shall be exempt from the annual filing fee.~~

~~B. For purposes of subsection A, the term "actual out of pocket personal expenses" includes such things as legislative information services material, copying expenses, transportation costs, parking fees, and personal lodging and food expenses incurred while actually engaging in lobbying.~~

- ~~1. Reimbursement for transportation, parking, personal lodging, and food costs shall be limited to expenses allowed for those items in the Tennessee Department of Finance and Administration Policy 8 – Comprehensive Travel Regulations.~~
- ~~2. No such reimbursed expenses shall be for the benefit of any public official, except for informational materials delivered to public officials.~~

2.196.0650 - Amending or Withdrawing a Lobbyist Registration.

- A. A lobbyist must amend or update their registration statement within five (5) business days of any event or circumstance that renders the registration statement inaccurate or incomplete.
- B. Every person registered under this chapter shall file a written notice of withdrawal with the metropolitan clerk within five (5) business days following the termination of a lobbying employment agreement between the lobbyist and a client. Such notice of withdrawal shall be retained by the metropolitan clerk for a period of five (5) years, and the date of withdrawal shall be noted on the Registered Lobbyist Index posted on the metropolitan clerk's website. Lobbyists must update their registration statement within five (5) business days of any event or circumstance that renders the registration statement inaccurate or incomplete.
- C. An Annual Lobbying and Expense Report must be completed for a year in which a lobbyist was registered, regardless of any subsequent amendment or withdrawal of registration.

2.196.0760 – Annual Lobbying and Expense Report Requirements – Invitations and Gifts.

- A. Every lobbyist registered under this chapter shall electronically file with the metropolitan clerk a sworn report regarding lobbying activities and expenses no later than January 31st for the previous year. The report shall contain the following:
 1. An itemized list, by date, beneficiary, amount and circumstance of the transaction, of each gift or expenditures of fifty dollars (\$50) or more made by the lobbyist on behalf of the client or anyone acting at the specific direction of the lobbyist on behalf of the client to benefit a candidate for public

- office, an official in the legislative branch, a member of the candidate or official's staff or immediate family, or a campaign committee or testimonial committee established for the benefit of a candidate for public office or such official;
2. An itemized list by date, beneficiaries, amount and circumstance of the transaction of each gift or expenditure of twenty-five dollars (\$25) or more made by the lobbyist on behalf of the client or anyone acting at the specific direction of the lobbyist on behalf of the client to benefit an official in the executive branch, a member of the official's staff or immediate family, or a campaign committee or testimonial committee established for the benefit of such official;
 3. Such report shall include a sworn statement from the client attesting to the accuracy.
- B. Every lobbyist registered under this chapter shall electronically file with the Metropolitan Clerk a sworn report regarding their own lobbying activities and expenses not related to a client no later than January 31st for the previous year. The report shall contain the following:
1. An itemized list, by date, beneficiaries, amount and circumstance of the transaction, of each gift or expenditures of fifty dollars (\$50) or more made by the lobbyist or anyone acting at the specific direction of the lobbyist to benefit a candidate for public office, an official in the Legislative branch, a member of the candidate or official's staff or immediate family, or a campaign committee or testimonial committee established for the benefit of a candidate for public office or such official;
 2. An itemized list by date, beneficiaries, amount and circumstance of the transaction of each gift or expenditures of twenty-five dollars (\$25) or more made by the lobbyist or anyone acting at the specific direction of the lobbyist to benefit an official in the Executive branch, a member of the official's staff or immediate family, or a campaign committee or testimonial committee established for the benefit of such official.
- C. ~~When invitations, food, beverage, gifts, entertainment such as tickets to events, or the like are paid for by the client of a lobbyist or by a lobbyist, or person with the intent of directly or indirectly influencing legislative action, such invitation, food, beverage, gifts, entertainment such as tickets to events, or the like must extended to all members of the Metropolitan Council and be included in Annual Lobbying and Expense Reports. A copy of any such invitations or notice shall be submitted to the metropolitan clerk at least seven (7) business days in advance of the event. Entertainment, food, refreshments, meals, or beverages that are provided by a lobbyist or client of a lobbyist, may be provided to Council Members if such invitations are extended to either the entire membership of a council committee or the entire membership of the Metro Council. A copy of the invitation shall be delivered to the Metro Clerk's Office and to each member of the Council Committee or each member of the entire Council at least seven (7) days in advance of the event by the client of a lobbyist or lobbyist paying for the event and must be included in their Annual Lobbying and Expense Reports unless:~~
1. the same equal opportunity is provided to the general public;
 2. is provided at a scheduled meeting of an established and recognized association that has regular meetings; or
 3. the total aggregate cost of the expenditure or gift does not exceed the limits set forth in Section 2.222.020.
- D. In determining the threshold for the reporting levels required by this chapter of an event attended by more than one official of the legislative branch, a staff member, or immediate family member, a lobbyist may attribute only the actual cost for any gift or expenditure to each such official or member in attendance.
- E. Any person providing funds to make a gift or expenditure other than a political contribution for the purpose of lobbying shall comply with the reporting requirements of this section whenever the purpose of such funds is to assist directly or indirectly an official of the executive or legislative branch, or any educational institution to lobby a specific program or programs on which legislative action is pending.

Such person shall also report the source and amount of the funds which such gift or expenditure is made.

- F. The Clerk shall send a reminder letter to lobbyists who have not filed their client's Annual Lobbying and Expense Reports by ~~January 31st~~ February 1st. On March 1st, the Clerk shall provide the Board of Ethical Conduct a list of missing or incomplete reports. A person responsible for filing a late report shall include a \$50 filing fee which shall be in addition to any other fees due.

2.196.0870 - Unlawful activities designated.

- A. No lobbyist, lobbyist's client, or anyone acting at the specific direction of a client or lobbyist shall:
1. Offer or attempt to offer anything of value to an official in the legislative or executive branch, or to the official's immediate family, based on any stated or tacit understanding that the official's vote, official action or judgment would be influenced thereby.
 2. Make a loan of money to any candidates for public office, officials in the legislative or executive branch, or to anyone on their behalf. No candidate for public office, official in the legislative or executive branch, or a member of that person's staff or immediate family, shall solicit or accept a loan from a lobbyist.
 3. Knowingly or willfully make or cause to be made any false statement or misrepresentation of the facts concerning any matter for which the lobbyist is registered to lobby to any official in the legislative or executive branch or any matter which the client of a lobbyist or lobbyist is required to disclose to the metropolitan clerk.
 4. Pay or agree to pay a candidate for public office or an official in the legislative or executive branch compensation for real or personal property or services substantially in excess of that charged in the ordinary course of business.
 5. Permit a candidate for public office, an official in the legislative or executive branch, or a staff member or a member of the candidate or official's immediate family, to use the credit or credit card of a client or lobbyist or any other credit or credit card over which the client or lobbyist has control.
 6. Pay the lodging expenses of an official in the legislative or executive branch or immediate family of the official.
- B. No lobbyist shall:
- ~~1. Offer or make any political contribution or campaign contribution, including any in kind contribution, to or on behalf of the mayor, vice mayor, any judge or chancellor, or any member of the council, or any candidates for offices.~~
 - ~~21. Instigate the introduction of legislation for the purpose of obtaining employment to lobby in opposition of that legislation.~~
 - ~~32. While engaging in lobbying on behalf of a client refuse to disclose to a Metropolitan employee or elected official upon request the identity of the client.~~
 - ~~43. Shall serve as a member of any Board, Commission or governmental entity of Metropolitan government having jurisdiction to regulate the business endeavors or professional activities of any client of the lobbyist. Such lobbyist will resign from such board or commission immediately if they are employed by a client creating a conflict of interest.~~
 - ~~5. A lobbyist shall not lobby on behalf of a client on any subject matter in which the client's interests are directly averse to another of the lobbyist's clients they are registered for.~~
- C. No official in the legislative or executive branch or a member of the official's staff or immediate family shall solicit or accept anything of value in violation of subsection A of this section.
- D. No official in the legislative or executive branch shall accept travel expenses, meals or lodging if payment of the travel expenses, meals or lodging violates this section or constitutes a prohibited gift.

E. It is a violation of this chapter for anyone to knowingly file with the Metropolitan Clerk a sworn complaint which is false or for the purpose of harassment and will be turned over to the Director of Law to make a recommendation to the Board of Ethical Conduct for consideration.

2.196.0980 – Lobbyist identification.

When speaking at a public hearing, presenting or speaking at a community meeting, or engaging in lobbying activities, a lobbyist must identify themselves by name and the client they are representing or speaking on behalf of at that time.

2.196.100090 – Lobbyist Compensation.

~~A. A client may not compensate or incur an obligation to compensate a lobbyist for compensation contingent in whole or in part upon the occurrence, nonoccurrence or amendment of any administrative or legislative action.~~

~~B. A lobbyist may not engage in or agree to engage in lobbying for compensation contingent in whole or in part upon the occurrence, nonoccurrence, or amendment of any administrative or legislative action. No employer of a lobbyist shall offer or pay, and no lobbyist shall solicit or accept any fee, compensation or bonus for lobbying wherein the amount of the fee, compensation or bonus is contingent upon achievement of an outcome deemed to be successful for the employer.~~

2.196.1100 – Cooling Off Period.

~~A. An Elected Official or public employee may not, within 12 months following the voluntary termination of office, or employment, or leaving Elected Office, obtain employment in which they will be able to take direct advantage, unavailable to others, of matters with which they were directly or indirectly involved during a term of office or during employment. A department head or employee of the mayor's office shall not be registered as a lobbyist within 12 months of voluntary cessation of their official responsibilities in matters which were directly within their former official responsibilities or employment with Metro Government. For this section, "Official Responsibility" means direct administrative or operating authority, whether intermediate or final, either exercisable alone or with other, either personally or through subordinates, to approve, disapprove or otherwise direct metropolitan government action.~~

~~B. An Elected Official or public employee may shall not be registered as a lobbyist within 12 months following the voluntary termination of office, or employment, or leaving Elected Office.~~

2.196.1210 – Complaints Procedures.

A. Complaint procedures:

1. Any person may submit a complaint alleging that any one or more person, lobbyist, or client of a lobbyist has violated the provisions of this chapter.
2. The complaint must be filed electronically with the Metropolitan Clerk and be signed by the complainant and notarized, and must contain the following:
 - a. Complainant's legal name, current mailing address, home address, and a valid telephone number and email address;
 - b. Names and contact information of the individuals who committed the alleged violation, if possible;
 - c. Summary of the facts giving rise to the complaint;
 - d. Explanation of why those facts constitute a violation of this chapter; and
 - e. Any supporting documentation of the violation

3. Upon receipt, the clerk shall:
 - ~~1a.~~ Provide a copy of the complaint to ~~the individuals named therein,~~ the director of law, and to the members of the board of ethical conduct electronically and by U.S. Postal Service.
 - ~~eb.~~ Provide the complainant and the named persons with a copy of the complaint, ~~procedures and hearing procedures,~~ Board Actions, Penalties and Sanctions, Enforcement Procedures and Appeal Rights of the Board of Ethical Conduct, and of this Code electronically and by U.S. Postal Service by certified mail.
4. Once a complaint has been received by the members of the Board, and until a written decision has been issued by the Board, no member of the Board shall participate in any communication regarding the allegations or merits of the complaint, outside of the Board's public meetings or hearings, except as contemplated by these procedures.
5. The department of law will evaluate the complaint, applying the law of this chapter to the facts alleged in the complaint, and shall undertake an investigation as may be deemed necessary, to determine if such complaint alleges facts, which if proven true, could be deemed to be a violation of this chapter. Within fourteen (14) business days from its receipt of the complaint, the department of law will issue a report concluding whether the facts alleged in the complaint, if true, would give rise to a violation of this chapter, and including a recommendation to either dismiss the complaint or hold a hearing on the complaint. The department of law shall provide its report to the chair of the board of conduct, and shall file it with the clerk on the same day.
6. Within three (3) business days of receiving the department of law's report, the chair of the board of ethical conduct shall set a meeting of the board, which meeting is open to and noticed to the public. The clerk shall also provide notice of the meeting to the director of law electronically, ~~the complainant,~~ and ~~the individuals named in the complaint.~~ The clerk shall provide notice of the meeting to the complainant and the named persons electronically and by U.S. Postal Service by certified mail.
7. At the board's meeting, the board shall evaluate the department of law's report, and may accept or reject the department of law's recommendation. At this meeting, the board may decide to dismiss the complaint or call for a hearing on the complaint and set a date for the hearing.
8. Whether or not the board holds a hearing on the complaint or dismisses the complaint, it shall issue a decision in writing. Any decision shall require the affirmative vote of at least four members of the board. If a hearing is to be held, the decision will not be issued until after the hearing is held.
9. Any decision shall require the affirmative vote of at least four members of the board.
10. The decision shall be filed with the clerk, and provided to the complainant and to the individuals named in the complaint.

2.196.120 – Hearing Procedures.

BA. Hearing procedures:

1. If the board of conduct calls for a hearing on a complaint, the hearing shall be conducted as follows:
 - a. The hearing shall be noticed to and open to the public, in accordance with these procedures.
 - b. Notice of hearing shall be provided to the complainant and to the individual named in the complaint (together, the "parties").
 - c. The parties may, but are not required to, submit material to the board. If a party does wish to submit such material to the board, the party must file the material with the clerk, and provide a copy of the same to the other parties, at least seven (7) business days prior to the hearing. The clerk shall provide a copy of the same to the board members and the department of law.
 - d. The parties shall have a full and fair opportunity, but are not required, to present their positions and facts to the board at the hearing. Each party has the right to the assistance

- of legal counsel. Each party shall be allotted a reasonable amount of time to make its presentation to the board.
- e. All parties may call witnesses to give testimony at the hearing, which testimony shall be given under oath, with the witnesses stating their legal names. All witnesses will be subject to cross-examination. Each party must file with the clerk a list of the witnesses that the party intends to call at the hearing, and provide a copy of the same to the other parties, at least seven (7) business days prior to the hearing. At the hearing, no party shall be permitted to call upon any person to give testimony if that person's name was not included on such list; however, the board may permit such an unnamed witness to be called by a party if, in the board's judgment, there was good cause for not timely naming the witness and the other parties would not be unduly prejudiced.
 - f. Board members may ask questions of any party, counsel, or witness at any time during the hearing.
 - g. The board may, in the exercise of its discretion, permit interested persons present at the hearing to offer testimony under oath, even if those persons were not called as witnesses by any party.
 - h. The board may continue a hearing to a later date.
 - i. The director of law or a metropolitan attorney shall be present during the hearing to advise the board.
 - j. The board shall abide by any applicable policies, rules, or procedures promulgated by the board as otherwise permitted in chapter 2.222.

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2.196.130 – Actions, Penalties, Sanctions, Enforcement and Appeals of Decisions of the board:

A. Actions:

1. If, after a hearing, the board decides that an individual violated the procedures set forth in this chapter, then the board shall take one or more of the following actions, as decided by affirmative vote of at least four of its members:
 - a. Recommend to the Council that the elected official or member of the Board or commission be censured;
 - b. Recommend to the violating elected official or member of a Board or commission resign their respective position;
 - c. ~~Recommend to the metropolitan clerk~~ Suspend the registration of the lobbyist ~~be suspended or that a person be prohibited or prohibit the person~~ from registering as a lobbyist for a period of up to two years. The Metropolitan Clerk shall act to prohibit or suspend registration upon a decision by the Board following the procedures set forth in this section 2.196.140;
 - d. Direct the metropolitan clerk to issue a citation;
 - ~~ed.~~ Refer the matter to the district attorney general for appropriate action; and/or,
 - ~~fe.~~ Refer the matter to the director of law with a request that appropriate civil action be instituted by the metropolitan government for restitution or other relief.
2. The Board of Ethical Conduct may take into account the following mitigating factors and include them in the written record of the vote:
 - a. Good faith effort to comply. The violator is found to have made a good faith effort to comply with the law.
 - b. Prompt corrective action. The violator is found to have taken prompt corrective action where corrective action was possible to remedy the violation.
 - c. Prompt self-reporting. The violator is found to have reported promptly the violation to the Clerk or the Board of Ethical Conduct.
3. The Board of Ethical Conduct may take into account the following aggravating factors and include them in the written record of the vote:
 - a. Intent. The violator is found to have acted knowingly. An act is done knowingly if done voluntarily and intentionally and not because of mistake or accident or other innocent reason.

- b. Repeat violation. The violator previously has been found by the Board of Ethical Conduct or by a court of competent jurisdiction to have violated the same or similar provisions.
- c. Obstruction of investigation. The violator is found to have obstructed the investigation of the Board of Ethical Conduct into the same violation.

~~2.196.130 Violations—False Complaints, Penalties, Sanctions, Enforcement.~~

- ~~A. False Complaints: It is a violation of this chapter for anyone to knowingly file with the Metropolitan Clerk a sworn complaint which is false or for the purpose of harassment and will be turned over to the Director of Law to make a recommendation to the Board of Ethical Conduct for consideration.~~
- B. Penalties: In addition to the suspension and registration prohibition actions noted in subsection A. of this Section, Anyone found by a court of competent jurisdiction to be in violation of this chapter may be punished by a fine of up to fifty dollars (\$50) per day per violation and/or the prohibition from registration, or suspension of a current registration, for a period not to exceed two years. The Metropolitan Clerk shall act to prohibit or suspend registration upon recommendation by the Board of Ethical Conduct following the procedures set forth in section 2.196.90.
- C. Sanctions: Upon receipt of a recommendation from the Board that an elected official or member of a Board or commission be censured by the Council, the chairman of the rules-confirmations-public elections committee shall timely file one or more resolutions with the Metropolitan Clerk, for the next regularly scheduled Council Meeting to do one or more of the following:
 - 1. Providing for censure of the member, which resolution shall require twenty-one affirmative vote to be adopted.
 - 2. Providing for the removal of the censured member of Council from any or all committees and/or removal as chairman of a committee of the Council which resolution shall require twenty-one affirmative vote to be adopted.
 - 3. Providing for the censure or removal of a Board/Commission member which resolution shall require twenty-one affirmative votes to be adopted.
- D. Enforcement:
 - 1. Board recommendations and complaints regarding violations by employees, other than elected officials, of the standards set forth in this chapter shall be made to the appointing authority. Decisions of the appointing authority regarding violation of the standards of Conduct set forth herein by employees within the classified service may be appealed to the Civil Service Commission in accordance with the Civil Service Rules adopted pursuant to section 12.06 and 12.07 of the Metropolitan Charter.
 - 2. The metropolitan clerk shall issue citations at the direction of the Board.
- E. Appeals: Any suspension or revocation under this chapter may be appealed by writ of certiorari to the Circuit or Chancery Courts of Davidson County within sixty days from the date of the action taken by the board.

Section 2. That Section 2.222.040.A.5 of the Metropolitan Code be amended to add the following subsection e:

- e. To conduct an investigation and make recommendations regarding any alleged violation of the lobbyist code as set forth in Chapter 2.196 of this code, using the procedures set forth in Section 2.196.085.

Section 3. Be it further enacted, that this ordinance shall take effect January 1, 2021, 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. BL2020-147

Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2020-147 by amending Section 1 by deleting Section 2.196.100 in its entirety:

~~2.196.100 — Lobbyist Compensation.~~

~~A. — A client may not compensate or incur an obligation to compensate a lobbyist for compensation contingent in whole or in part upon the occurrence, nonoccurrence or amendment of any administrative or legislative action.~~

~~B. — A lobbyist may not engage in or agree to engage in lobbying for compensation contingent in whole or in part upon the occurrence, nonoccurrence, or amendment of any administrative or legislative action.~~

SPONSORED BY:

Nancy VanReece
Member of Council

AMENDMENT NO. ____
TO
SECOND SUBSTITUTE ORDINANCE NO. BL2020-147

Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2020-147 by amending Section by adding the following as proposed Code Section 12.196.110.C.:

C. The provisions of subsections A. and B. of this section shall not apply to an elected official, department head, or employee of the mayor's office serving or employed as of the date this Section is enacted.

SPONSORED BY:

Nancy VanReece
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-323

Mr. President –

I hereby move to amend Ordinance No. BL2020-323 by amending Section 1 by adding the following provision at the end of the new subsection 2.44.055. A.:

A. Officers shall use de-escalation tactics such as verbal warnings and advisements before resorting to force unless the subject of such warnings is already assaulting the officer or another person, or initiates such an assault before the officer can initiate de-escalation tactics.

SPONSORED BY:

Bob Nash
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-323

An ordinance amending Chapter 2.44 of the Metropolitan Code to incorporate certain limitations on police use of force into Metro Nashville Police Department's policy.

WHEREAS, multiple national studies of use of police force and de-escalation tactics, including the Police Use of Force Project and 8 Can't Wait, have identified eight key areas of meaningful protection against police violence; and

WHEREAS, the Metro Nashville Police Department has, according to the Police Use of Force Project, addressed three of these eight areas in its current Use of Force Policy: a Use of Force Continuum, a Required Warning Before Shooting, and a Requirement to Exhaust All Other Means Before Shooting; and

WHEREAS, the Police Use of Force Project identifies five areas it says the MNPD Use of Force Policy falls short: Required De-Escalation, Ban on Chokeholds and Strangleholds, Restricted Shooting at Moving Vehicles, Duty to Intervene, and Required Comprehensive Reporting; and

WHEREAS, the current version of the MNPD Department Manual does address some of these five areas, including a prohibition on "neck restraint" in Section 11.10.020 and a prohibition against discharging a firearm at or from a moving vehicle, unless necessary to protect the life of the employee or others, in Section 11.10.150; and

WHEREAS, the MNPD Department Manual gives officers an option of choosing where to begin on the force continuum as outlined in Section 11.10.030; and

WHEREAS, the MNPD Department Manual requires officers to report and intervene in situations where they witness unlawful acts or acts that violate department policy, but does not appear to elaborate further on this reporting process; and

WHEREAS, the MNPD Department Manual Section 11.10.170 requires reporting use of force against civilians when injury or complaint of injury occurs, but does not contain clarifying language about reporting civilian complaint of pain continuing beyond the use of physical force; and

WHEREAS, an analysis by the Community Oversight Board (COB) has determined that the MNPD amended the policy regarding an officer's duty to intervene on June 11, 2020, and is now consistent with the 8 Can't Wait recommendations; and

WHEREAS, the COB has determined that the MNPD Department Manual currently complies with the comprehensive reporting requirement as recommended by 8 Can't Wait; and

WHEREAS, the COB recommends further amending the MNPD Department Manual regarding neck restraints and requirements regarding de-escalation; and

WHEREAS, in the interest of protecting civilian safety, the Metropolitan Council deems it appropriate to limit Metro Nashville Police officers' use of force.

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

Section 1. That Chapter 2.44 of the Metropolitan Code is hereby amended by adding Section 2.44.055 containing the following provisions:

"2.44.055 - Required policies—limitations on police use of force.

The chief of police shall incorporate the following policies regarding use of force in any regulation concerning the conduct of officers:

- A. In non-lethal situations, ~~Officers shall use de-escalation tactics such as verbal warnings and advisements before resorting to force.~~
- B. Officers shall not use any form of ~~chokehold or stranglehold~~ neck restraint. Neck restraint shall be defined as one of the following types of holds: (1) arm-bar control hold, a hold that inhibits breathing by compression of the airway in the neck; (2) carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck; (3) lateral vascular neck constraint; or (4) a hold with a knee or other object to the back of a prone subject's neck.
- C. ~~Any officer who is present and observes another officer utilizing force when it is not reasonably necessary shall intervene to impede the use of unreasonable force.~~
- D. ~~Officers shall report any use of force against civilians when any civilian is injured, complains of injury in the presence of officers, or complains of pain continuing beyond the use of physical force."~~

Section 2. This Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Colby Sledge
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-324

Mr. President –

I hereby move to amend Ordinance No. BL2020-324 by amending Section 1, proposed Section 7.16.110, subsection D, as follows:

D. In determining distance from any schoolground or college campus, the distance shall be measured from the nearest ~~location~~ access point of such schoolground or college campus to the center of the main entrance of the proposed retail liquor store following the usual and customary path of pedestrian travel. ~~However, if such schoolground or college campus is surrounded by a fence, the distance shall be measured from the center of the nearest gate or door of the fence to the center of the main entrance of the proposed retail liquor store following the usual and customary path of pedestrian travel.~~ However, in no instance shall a proposed retail liquor store be located within one hundred yards of the closest property line of a schoolground or college campus following the usual and customary path of pedestrian travel. For the purposes of this subsection D, "access point" shall mean the first point at which a pedestrian is able to step onto the property of a schoolground or college campus, such as the opening or gate in a fence or similar barrier, or the property line if no such barrier exists.

SPONSORED BY:

Kathleen Murphy
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-331

Mr. President –

I hereby move to amend Ordinance No. BL2020-331 by adding the following as a recital:

WHEREAS, Section 4.40 of the Metro Nashville Police Department Manual currently requires that “[a]nnually, the Metropolitan Nashville Police Department will provide training addressing the prevention of biased-based police practices. Training may include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support”, and the Metro Council supports this training, and its continued requirement.

SPONSORED BY:

Burkley Allen
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-333

Mr. President –

I hereby move to amend Ordinance No. BL2020-333 as follows:

I. By amending the fourth recital as follows:

WHEREAS, the Metropolitan Council has determined that it is in the best interest of the safety and welfare of the residents of Metropolitan Nashville and Davidson County to prohibit personal delivery devices within the public rights-of-way as further described below in order to further consider accessibility issues for all Nashvillians, including disabled and elderly individuals, within the public right-of-way.

II. By amending Section 1, proposed Section 12.62.020 as follows:

12.61.020 Personal delivery devices prohibited.

Personal delivery devices shall be prohibited within the Metropolitan Government public rights-of-way. The initial expiration date of this prohibition shall be December 31, 2020; provided however that the expiration date shall be automatically extended until April 30, 2021, unless the Metropolitan Council shall terminate this prohibition by a resolution receiving twenty-one (21) affirmative votes before the initial expiration date. The prohibition shall not be extended past April 30, 2021, except by the Metropolitan Council by resolution.

SPONSORED BY:

Emily Benedict
Member of Council

Bob Mendes
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-335

Mr. President –

I hereby move to amend Ordinance No. BL2020-335 by deleting Section 1 in its entirety and replacing it with the following:

Section 1. That a new Section of the Metropolitan Code, to be designated as Metropolitan Code § 2.08.110, is hereby enacted to state as follows:

“Any person violating the provisions of orders issued by the mayor during a civil emergency and pursuant to the authority of Tennessee Code Annotated, Title 38, Chapter 9 commits a Class C misdemeanor. This section shall expire and be null and void on October 1, 2023, unless extended by resolution of the metropolitan council.”

SPONSORED BY:

Dave Rosenberg
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-377

Mr. President:

I move to amend Ordinance No. BL2020-377 as follows:

1. By amending Section 1 by adding language as shown underlined below:

Section 1. Ordinance No. BL2020-234, as amended, is hereby further amended by deleting the phrase "the permits are obtained on or before June 30, 2020" and substituting with the phrase "the permits are obtained on or before September 30, 2020, provided that permits obtained after July 1, 2020 must be for properties for which there has been no change in ownership since March 3, 2020 in order have the permit fees waived."

2. By renumbering Section 2 as Section 3 and by adding the following new Section 2:

"Section 2. The period for the building permit fee waivers authorized by this ordinance may be extended by the Metropolitan Council by a resolution receiving twenty-one affirmative votes."

SPONSORED BY:

Brandon Taylor
Member of Council

AMENDMENT NO. _____
TO
ORDINANCE NO. BL2020-261

Mr. President –

I move to amend Ordinance No. BL2020-261 as follows:

I. By substituting the current SP plans associated with this bill for those contained in Exhibit A.

INTRODUCED BY:

Kevin Rhoten
Member of Council

EROSION CONTROL & GRADING NOTES

- 1) EXPOSE AS SMALL AN AREA OF SOIL AS POSSIBLE ON THE SITE FOR NO MORE THAN 15 DAYS. KEEP DUST WITHING TOLERABLE LIMITS BY SPRINKLING OR OTHER ACCEPTABLE MEANS.
2) ALL CUT/FILL AREAS TO HAVE A MINIMUM OF 6" OF TOPSOIL COVER. AREAS DRESSED WITH TOPSOIL SHALL RECEIVE 12POUNDS PER 1000 SQUARE FEET OF 6-12-12 FERTILIZER (UNLESS OTHER WISE SPECIFIED IN WRITTEN SPECIFICATIONS). 5 POUNDS OR MORE OF KENTUCKY 31 FESCUE SEED PER 1000 SQUARE FEET. AND A STRAW MULCH COVER OF 70%-80% COVERAGE (APPROXIMATELY 125 POUNDS PER 1000 SQUARE FEET), UNLESS OTHERWISE NOTED WITHIN WRITTEN SPECIFICATIONS.
3) EROSION CONTROL BARRIER IS CALLED OUT ON PLANS AND IS TO COMPLY WITH THE METROPOLITAN STORMWATER MANAGEMENT MANUAL, VOLUME FOUR, SECTION TCP-14.
4) DISTURBED AREAS ARE TO BE GRADED TO DRAIN AS INDICATED IN THE PLAN TO SEDIMENT BARRIERS DURING AND UPON THE COMPLETION OF CONSTRUCTION.
5) THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION AND THE LOCATION OF ANY EXISTING UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO AVOID DAMAGE TO ALL EXISTING UTILITIES DURING CONSTRUCTION. IF DAMAGE DOES OCCUR TO ANY SUCH INSTALLATION, FULL REPAIR WILL BE ACCOMPLISHED AS PER THE CURRENT SPECIFICATION GOVERNING SUCH WORK.
6) ANY ACCESS ROUTES TO THE SITE SHALL BE BASED WITH CRUSHED STONE, ASTM #1 STONE, 100 FEET LONG AND AT LEAST 6" THICK.
7) THE PLACING AND SPREADING OF ANY FILL MATERIAL IS TO BE STARTED AT THE LOWEST POINT AND BROUGHT UP IN HORIZONTAL LAYERS OF 8" THICKNESS (OR AS DIRECTED BY THE SOILS INVESTIGATIVE REPORT). SAID FILL MATERIAL IS TO BE FREE OF SOD, ROOTS, FROZEN SOILS, OR ANY OTHER DECOMPOSABLE MATERIAL. SAID FILL IS TO BE COMPACTED TO A MINIMUM OF 95% STANDARD PROCTOR, OR AS OTHERWISE SPECIFIED BY THE SOILS REPORT OR WRITTEN SPECIFICATIONS.
8) THE CONTRACTOR SHALL NOTIFY THE METRO DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS CONSTRUCTION COMPLIANCE DIVISION, THREE DAYS PRIOR TO BEGINNING THE WORK.
9) THE CONTRACTOR SHALL LOCATE AND STAKE THE LAYOUT OF THE SITE IN THE FIELD FOR INSPECTION BY THE ENGINEER. THE CONTRACTOR SHALL CHECK THE GRADES AND FINAL DIMENSIONS ON THE GROUND, AND REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY FOR A DECISION.
10) SURPLUS EXCAVATION OF TOPSOIL SHALL BE PLACED ON THE SITE AS APPROVED BY THE OWNER FOR THE PURPOSE OF FUTURE LANDSCAPE USE.
11) THE CONTRACTOR SHALL FURNISH AND INSTALL ALL NECESSARY TEMPORARY WORKS FOR THE PROTECTION OF THE PUBLIC AND EMPLOYEES, INCLUDING WARNING SIGNS AND LIGHTS.
12) THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE DONE TO THE PREMISES OR ADJACENT PREMISES OR INJURIES TO THE PUBLIC DURING THE CONSTRUCTION CAUSED BY HIMSELF, HIS SUB-CONTRACTORS, OR THE CARELESSNESS OF ANY OF HIS EMPLOYEES.
13) ALL WORK IS TO BE COMPLETED WITH COMPLIANCE TO THE RULES AND REGULATIONS SET FORTH BY METRO WATER SERVICES. THE CONTRACTOR SHALL GIVE ALL NECESSARY NOTICE, OBTAIN ALL PERMITS, AND PAY FEES REQUIRED FOR THE COMPLETION OF HIS PORTION OF THE WORK. HE SHALL ALSO COMPLY WITH ALL CITY, COUNTY AND STATE LAWS AND ORDINANCE OR REGULATIONS RELATING TO PORTIONS OF WORK WHICH HE IS TO PERFORM.
14) ALL EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL SITE IS STABILIZED & CONSTRUCTION IS COMPLETE.
15) CONTRACTOR SHALL PROVIDE AN AREA FOR CONCRETE WASH DOWN AND EQUIPMENT FUELING IN ACCORDANCE WITH METRO CP-10 & CP-13. LOCATION TO BE COORDINATED WITH THE NPDES DEPARTMENT DURING THE PRE-CONSTRUCTION MEETING.

PUBLIC WORKS NOTES

- 1) ALL WORK WITHIN THE PUBLIC RIGHT OF WAY REQUIRES AN EXCAVATION PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS.
2) PROOF-ROLLING OF ALL STREET SUBGRADES IS REQUIRED IN THE PRESENCE OF THE PUBLIC WORKS INSPECTOR. INSPECTION OF THE BINDER COURSE IS REQUIRED PRIOR TO FINAL PAVING IN THE PRESENCE OF THE PUBLIC WORKS INSPECTOR. THESE REQUESTS ARE TO BE MADE 24 HOURS IN ADVANCE.
3) STOP SIGNS ARE TO BE 30 INCH BY 30 INCH.
4) STREET SIGNS TO HAVE SIX INCH WHITE LETTERS ON A NINE INCH GREEN ALUMINUM BLADE, HIGH INTENSITY REFLECTIVE.
5) ALL PAVEMENT MARKING ARE TO BE THERMOPLASTIC.
6) THE DEVELOPER'S FINAL CONSTRUCTION DRAWINGS SHALL COMPLY WITH THE DESIGN REGULATIONS ESTABLISHED BY THE DEPARTMENT OF PUBLIC WORKS, IN EFFECT AT THE TIME OF THE APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN OR BUILDING PERMIT, AS APPLICABLE. FINAL DESIGN MAY VARY BASED ON FIELD CONDITIONS.
7) COMPLY WITH THE MPW TRAFFIC ENGINEER, UPON FINAL PLAN INDICATE THAT ADEQUATE SIGHT DISTANCE IS PROVIDED AT PROPOSED ROAD ACCESS THROUGH AN ACCESS STUDY.
8) DRIVEWAYS WITHIN THE DEVELOPMENT ARE TO BE A MINIMUM OF 24 FT WIDE (ASPHALT TO ASPHALT) WITH NO ON STREET PARKING AND 30 FT WIDE WITH ON STREET PARKING. PAVING CROSS SECTION IS TO COMPLY WITH MPW ST-251 STANDARD.
9 A 4 FOOT SIDEWALK WITH A 5 FOOT GRASS STRIP, CURB, AND GUTTER PER MPW STANDARDS ST 200-210
10. IF SIDEWALKS ARE REQUIRED WITH THIS PROJECT THEY ARE TO BE SHOWN PER THE MCSP AND PER MPW STANDARDS AND SPECIFICATIONS. SIDEWALKS ARE TO BE WITHIN DEDICATED RIGHT OF WAY.
11. SIDEWALKS ARE TO BE CONSTRUCTED IN RIGHT OF WAY PER MCSP AND MPW STANDARDS AND SPECS.THERE ARE TO BE NO VERTICAL OBSTRUCTIONS WITHIN SIDEWALK (POLES, SIGNS, ETC.)
12. AT DRIVEWAY ACCESS POINTS INSTALL GROUND MOUNTED SIGNS "NOW ENTERING PRIVATE PROPERTY"

- 13. Prior to building permit approval by MPW, submit recorded HOA/ Master Deed document setting up private hauler for the development.
WATER & SEWER NOTES
1) SEWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH SPECIFICATIONS AND STANDARD DETAILS OF THE METRO WATER SERVICES.
2) THE CONTRACTOR IS RESPONSIBLE FOR REIMBURSING THE METRO WATER SERVICES THE COST OF INSPECTION.
3) THE CONTRACTOR IS TO PROVIDE AND MAINTAIN THE CONSTRUCTION IDENTIFICATION SIGN FOR PRIVATE DEVELOPMENT APPROVED.
4) ALL CONNECTIONS TO EXISTING MANHOLES SHALL BE BY CORING AND RESILIENT CONNECTOR METHOD.
5) REDUCED PRESSURE BACKFLOW PREVENTION DEVICES (RPBP) OR DUAL CHECK VALVE WILL BE REQUIRED ON ALL TEST AND FILL LINES (JUMPER) NEEDED FOR WATER MAIN CONSTRUCTION AND MUST BE APPROVED BY THE METRO WATER SERVICES.
6) ALL WATER METERS SHALL BE A MINIMUM OF 24" NOT TO EXCEED A MAXIMUM OF 28" BELOW FINISHED GRADE.
7) PRESSURE REGULATING DEVICES WILL BE REQUIRED ON THE CUSTOMER SIDE OF THE METER WHEN PRESSURES EXCEED 100 PSI.
8) PRESSURE REGULATING DEVICES WILL BE REQUIRED ON THE STREET SIDE OF THE METER WHEN PRESSURES EXCEED 150 PSI.
9) APPROVED AS A PRELIMINARY SP ONLY. PUBLIC AND/OR PRIVATE SANITARY SEWER CONSTRUCTION PLANS MUST BE SUBMITTED AND APPROVED PRIOR TO FINAL SP APPROVAL. THE APPROVED CONSTRUCTION PLANS MUST MATCH THE FINAL SP PLANS. THE REQUIRED CAPACITY FEES MUST BE PAID PRIOR TO FINAL SP APPROVAL. (PERMIT NO T201903524)
10) WATER IS TO BE PROVIDED BY MADISON SUBURBAN UTILITY DISTRICT.

Stormwater Notes

- 1. This site is responsible for water quality and water quantity.
2. Design of stormwater features will be provided during the final SP process.
3. Storm sewer system on this plan is shown schematically. Final design will be provided during the final SP process and the requirements of the stormwater management manual.
4. This project will disturb more than 1 acre, therefore, a NOI will be submitted to TDEC during final SP process.
5. This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.
6. (Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.)
7. (The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)
8. (Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)
9. (Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15' CMP).)

Irrigation Notes

Irrigation will be provided in more detail on final plan. Irrigation to be design/build by landscape contractor.

LANDSCAPE NOTES

- 1) THE LANDSCAPE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY AND SHALL BE RESPONSIBLE FOR AND DAMAGE TO UTILITIES. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UTILITIES AND TAKE PRECAUTIONS TO PREVENT DAMAGE TO THE UTILITIES.
2) ALL PLANTING AND MULCH BEDS SHALL BE SPRAYED WITH ROUND-UP (CONTRACTOR'S OPTION) PRIOR TO THE INSTALLATION OF MULCH.
3) PLANT MATERIALS AND STUMPS INDICATED FOR REMOVAL SHALL BE REMOVED AND DISPOSED OFF-SITE BY THE CONTRACTOR. BACKFILL HOLES WITH TOPSOIL FREE OF ROOTS AND ROCKS.
4) THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINE GRADING OF ALL PLANTING AREAS.
5) ALL PLANTING AREAS SHALL BE FERTILIZED WITH 12#/1000 S.F. OF 10-10-10 FERTILIZER.
6) ALL PLANTING BEDS SHALL HAVE A MINIMUM OF 3" DEPTH OF SHREDDED HARDWOOD BARK MULCH.
7) THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL MATERIAL QUANTITIES. IN THE EVENT OF A DISCREPANCY, THE QUANTITIES SHOWN ON THE PLAN WILL TAKE PRECEDENCE.
8) THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE OWNER WITH WRITTEN INSTRUCTIONS ON THE PROPER CARE OF ALL SPECIFIED PLANT MATERIALS PRIOR TO FINAL PAYMENT.
9) EXISTING TREES TO REMAIN SHALL BE PROTECTED FROM CONSTRUCTION DAMAGE. SELECTIVELY PRUNE DEAD WOOD.
10) ALL DISTURBED AREAS SHALL BE PLANTED WITH TURF AS INDICATED ON THE MATERIALS SCHEDULE.
11) ALL DECIDUOUS TREES, EXISTING AND PROPOSED SHALL BE PRUNED TO PROVIDE 4' MINIMUM CLEAR TRUNK UNLESS OTHERWISE NOTED.
12) THE LANDSCAPE CONTRACTOR SHALL PROVIDE A ONE YEAR WARRANTY ON ALL PLANT MATERIALS AND REPLACE ANY DEAD OR DYING MATERIAL WITHIN THAT TIME PERIOD.
13) NO PLANT MATERIALS SHOULD BE SUBSTITUTED WITHOUT AUTHORIZATION BY DALE & ASSOCIATES. PLANT SIZES SHOWN ARE MINIMUMS REQUIRED BY THE LOCAL MUNICIPALITY AND MATERIALS SHOWN HAVE BEEN SELECTED SPECIFICALLY FOR THIS PROJECT.
14) ALL WIRE BASKETS SHALL BE COMPLETELY REMOVED AND DISPOSED OF. BURLAP SHOULD BE REMOVED OR PUNCTURED IN AT LEAST 5 PLACES. REMOVE ALL TWINE FROM BURLAPPED MATERIALS.
15) GUYING IS NOT ALLOWED UNLESS REQUIRED BY MUNICIPALITY OR SITE CONDITIONS. THE LANDSCAPE CONTRACTOR SHALL REMOVE WIRES AFTER A ONE YEAR PERIOD.
16) NO CANOPY TREE SHALL BE LOCATED WITHIN 15' OF AN OVERHEAD UTILITY. NO TREE SHALL BE LOCATED WITHIN A PUBLIC UTILITY EASEMENT. LOCATING PLANT MATERIALS WITHIN A DRAINAGE EASEMENT IS ACCEPTABLE, BUT ONLY IF INSTALLED AS NOT TO DISTURB EXISTING DRAINAGE FLOW. IN SUCH INSTANCES, THE MATERIALS SHALL BE LOCATED NO CLOSER THAN 5' FROM THE CENTERLINE OF DRAINAGE.
17) LIGHTING PLAN TO BE COORDINATED WITH PROPOSED PLANTING PLAN. NO LIGHT POLES TO BE LOCATED IN TREE ISLANDS. SEE LIGHTING PLAN FOR PROPOSED LIGHT LOCATIONS.

FIRE MARSHALL

FIRE FLOW SHALL MEET THE REQUIREMENTS OF THE INTERNATIONAL FIRE CODE- 2006 EDITION FIRE CODES ISSUES WILL BE ADDRESSED IN THE PERMIT PHASE.

- Limited building details provided. 20'w drive aisle shown on plans. Buildings limited to 30' height unless fire department aerial apparatus access requirements are met.
1. Fire apparatus access roads shall be provided and maintained in accordance with the adopted fire code and standards.
2. Except as approved by the fire code official; fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the facility.
3. Fire apparatus access roads shall have a minimum unobstructed width of 20 feet. Where a fire hydrant is located on a fire apparatus access road the minimum width in the vicinity of the hydrant shall be 26 feet.
4. Buildings over 30 feet in height shall meet fire department aerial apparatus access requirements.
5. Dead end fire apparatus access roads in excess of 150 feet shall be provided with an approved fire apparatus turnaround.
6. All points of the building shall be within 500 feet of a fire hydrant when measured via approved fire apparatus access route.
7. All buildings and/or developments are required to meet the fire-flow requirements listed in the adopted code prior to construction.
8. Fire department connections for standpipe/sprinkler system shall be within 100 feet of the fire hydrant via approved access route.
9. Developments of one- or two-family dwelling units where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.
10. Buildings exceeding 30 feet in height or 62,000 square feet in area (124,000 fully sprinklered) shall be provided with two separate and approved fire apparatus access roads.
11. Where two separate and approved fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. The s/hj may approve variations to this requirement in the event remoteness cannot be accomplished.
12. The maximum grade for fire apparatus access roads shall not exceed 10% without approval from the fire code official.
13. Gates across fire apparatus access roads shall comply with adopted code and standards.
14. Approval of a preliminary or final site plan is not an approval for building construction. Full and complete review of building plans is required prior to approval for construction and may require changes to the site.

STANDARD SP NOTES

- 1) THE PURPOSE OF THIS SP IS TO PERMIT 28 MULTIFAMILY RESIDENTIAL UNITS. STRPs (OWNER OCCUPIED AND NON OWNER OCCUPIED) SHALL BE PROHIBITED
2) ANY EXCAVATION, FILL OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH STORM WATER MANAGEMENT ORDINANCE NO. 78-840 & APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.
3) THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA AS IDENTIFIED BY FEMA FLOOD MAP 47037C0139H DATED APRIL 5, 2017.
4) ALL PUBLIC SIDEWALKS ARE TO BE CONSTRUCTED IN CONFORMANCE WITH METRO PUBLIC WORKS SIDEWALK DESIGN STANDARDS.
5) WHEEL CHAIR ACCESSIBLE CURB RAMPS, COMPLYING WITH APPLICABLE METRO PUBLIC WORKS STANDARDS, SHALL BE CONSTRUCTED AT STREET CROSSINGS.
6) THE REQUIRED FIRE FLOW SHALL BE DETERMINED BY THE METROPOLITAN FIRE MARSHAL'S OFFICE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
7) SIZE DRIVEWAY CULVERTS PER THE DESIGN CRITERIA SET FORTH BY THE METRO STORMWATER MANUAL (MINIMUM DRIVEWAY CULVERT IN METRO RIGHT OF WAY IS 15' CMP).
8) METRO WATER SERVICES SHALL BE PROVIDED SUFFICIENT & UNENCUMBERED INGRESS & EGRESS AT ALL TIMES IN ORDER TO MAINTAIN, REPAIR, REPLACE & INSPECT ANY STORMWATER FACILITIES WITHIN THE PROPERTY.
9) INDIVIDUAL WATER AND/OR SANITARY SEWER SERVICE LINES ARE REQUIRED FOR EACH UNIT.
10) SOLID WASTE PICKUP PER PRIVATE CURBSIDE PICKUP, NO DUMPSTER ALLOWED.
11) 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 THE 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.
12) FOR ANY DEVELOPMENT STANDARDS, REGULATIONS AND REQUIREMENTS NOT SPECIFICALLY SHOWN ON THE SP PLAN AND/OR INCLUDED AS A CONDITION OF COMMISSION OR COUNCIL APPROVAL, THE PROPERTY SHALL BE SUBJECT TO THE STANDARDS, REGULATIONS AND REQUIREMENTS OF THE RM6 ZONING DISTRICT AS OF THE DATE OF THE APPLICABLE REQUEST OR APPLICATION.
13) THE FINAL SITE PLAN/BUILDING PERMIT SITE PLAN SHALL DEPICT THE REQUIRED PUBLIC SIDEWALKS, ANY 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.
14) ALL DEVELOPMENT WITHIN THE BOUNDARIES OF THIS PLAN MEETS THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT AND THE FAIR HOUSING ACT AND THE FAIR HOUSING ACT. ADA: http://ada.gov/

METRO TRAFFIC ENGINEER

Identify one way signage and stop signs per MUTCD prior to final sp approval.

GENERAL PLAN CONSISTENCY NOTE

THE SPECIFIC PLAN PROPOSED HEREIN IS LOCATED WITHIN THE DONELSON, HERMITAGE, OLD HICKORY COMMUNITY. THE SPECIFIED LAND USE POLICY FOR THIS SITE IS TRANSECT 3 SUBURBAN NEIGHBORHOOD EVOLVING. URBAN NEIGHBORHOOD EVOLVING AREAS WILL DEVELOP TO INCLUDE GREATER HOUSING CHOICES, SIDEWALK CONNECTIVITY, AND SENSITIVE DEVELOPMENT TECHNIQUES.

AS PROPOSED, THIS SPECIFIC PLAN DISTRICT CREATES DETACHED HOMES IN A COTTAGE DEVELOPMENT STYLE ON AN OVERLY LARGE PARCEL WHILE MAINTAINING THE CHARACTER OF THE PUBLIC STREET FRONTAGE. THE PROPOSED HOMES IMPROVE PEDESTRIAN CONNECTIVITY WITH THE INSTALLATION OF A 5' SIDEWALKS. THE PROPOSED DETACHED HOMES WILL ALSO PROVIDE A UNIQUE AND AFFORDABLE HOUSING TYPE NEEDED IN THE AREA. EACH UNIT WILL HAVE AMPLE PARKING , AND ADDITIONAL GUEST PARKING WILL BE PROVIDED ON-SITE. OPEN SPACE WILL BE PROVIDED, AND THE INSTALLATION OF STORM WATER UTILITIES THAT COMPLY WITH INFILL REGULATIONS WILL PROVIDE FOR ON-SITE STORM WATER MANAGEMENT. A DOG PARK WILL BE PROVIDED FOR THE RESIDENTS OF THE GENERAL OVERALL COMMUNITY

ARCHITECTUAL NOTES

BUILDING ELEVATIONS FOR ALL STREET FACADES SHALL BE PROVIDED WITH THE FINAL SITE PLAN. THE FOLLOWING STANDARDS SHALL BE MET:

A. BUILDING FACADES FRONTING A STREET OR OPEN SPACE SHALL PROVIDE A MINIMUM OF ONE PRINCIPAL ENTRANCE (DOORWAY) AND A MINIMUM OF 15% GLAZING.

B. WINDOWS SHALL BE VERTICALLY ORIENTED AT A RATIO OF 1.5:1 OR GREATER, EXCEPT FOR DORMERS. .

C. EIFS, VINYL SIDING, AND UNTREATED WOOD,SHALL BE PROHIBITED.

D. A RAISED FOUNDATION OF 12"-36" IS REQUIRED FOR ALL RESIDENTIAL STRUCTURES.

E. MINIMUM SPACING BETWEEN BUILDINGS SHALL BE 6 FEET

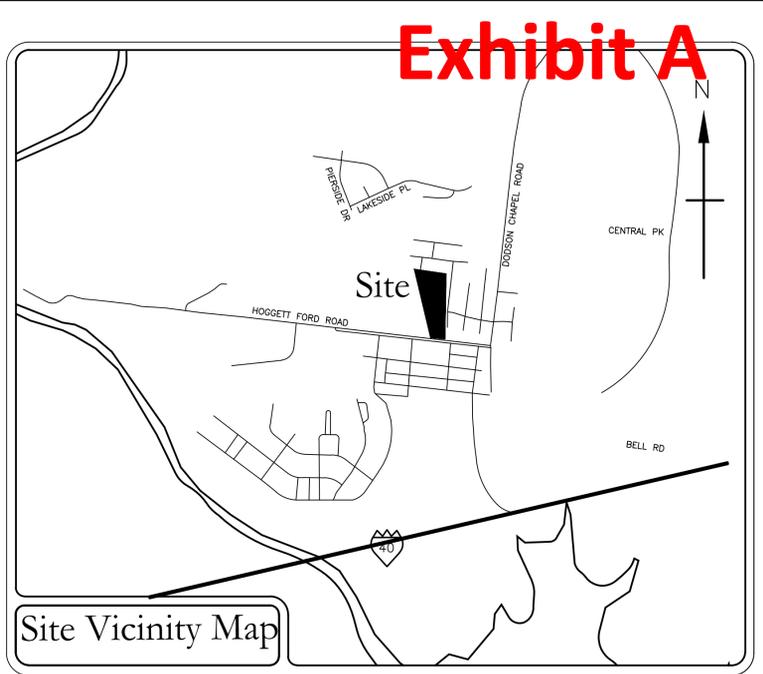
NES

NES can meet with developer upon request to determine service options. This development will be fed underground with the riser pole located at the entrance off of Hoggett Ford Road. Construction plans shall show any existing utilities easements on property and the utility poles along ROW. All NES equipment to be installed in a P.U.E. or P.U.D. NES will need any construction drawings showing improvements to Hoggett Ford Road. Any relocations of NES equipment may come at a cost to the developer. Meter wall will be required for this development. Any additional easements required that are not part of this parcel must be obtained by the developer or the engineer for the developer.

Postal plan is required before NES's final construction drawings can be approved. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ www.nespower.com). Overhead electrical power lines are required to meet or exceed the conditions as specified in the National Electrical Safety Code as adopted by the State of Tennessee in Chapter 89, Public Acts. The existing overhead power lines are located in the public right-of-ways and will require an electrical safety clearance that must be maintained during and after construction of any buildings. The National Electrical Safety Code, 2012 edition, dictates the clearances in Rule 234 C and G to provide the minimum horizontal and vertical clearances from live conductors. The overhead line must have a horizontal clearance of 7'-6" away from the nearest conductor to allow for blow-out conditions as it is configured today. It is the developer and his contractor's responsibility to ensure that they comply with OSHA regulations for working near energized conductors. Check with OSHA regulations for meeting clearances for construction near energized conductors for additional clearance requirements. Typically OSHA clearances will exceed what is required by the NESC. Often the locations of new buildings are impacted by the inability of de-energizing the circuits to meet cost and construction schedules. Proper clearances must be maintained from not only the building envelope, but also from scaffolding and other construction equipment. If porches or walls are allowed to be constructed beyond the minimum setback limits and into the public utility easements; then the easement will be considered reduced by that much of the easement. Such encroachments may increase the cost of electrical infrastructure to allow for reduced or limited access to equipment. NES reserves the right to enter and to erect, maintain, repair, rebuild, operate and patrol electric power overhead and underground conductors and communications circuits with all necessary equipment and materials incident thereto including the right to clear said easement and keep the same clear of brush, timber, flammable structures, buildings, permanent structures, and fire hazards; all over, under, upon, and across the easement as granted on any plat. Final quantity and location of NES equipment to be determined by the NES Engineer after receiving final plans and electrical load information. A preliminary Exhibit 'B' design will be sent to the developer or representatives of the developer for review. Suggestions or requests to the design should be made during this review process. Any changes requiring re-design, after this document has been signed, will be at the developer's expense. Developer's vegetation design shall meet both Metro requirements and NES Vegetation Management requirements/clearances. NES facilities will not be allowed to sit in or to pass through retention areas including rain gardens, bio-retention, bio swales and the like. This includes primary duct between pad-mounted equipment, as well as service duct to a meter or meter center. NES needs electrical load information.

TO APPLY FOR SERVICE: DIGITAL COPY: Provide copy of civil site plan on a CD (no pdfs; no x-ref's in .dwg file) registered to the TN State Plane Coordinate System, North American Datum 1983 (NAD83) with NO Datum Adjustment applied. Put data in separate layers and label them for easy identification. Developer/Engineer will provide one complete set of approved plans by Metro Planning w/ all changes from other departments (fire, storm water, public works, etc...) to NES.

Developer/Engineer to provide a proposed easement drawing for the electric, phone and CATV. Go to www.nespower.com click on the "BUILDERS & CONTRACTORS" tab. Next click on the "Apply for Residential Subdivision" fill out the form. Then follow the direction for sending the digital drawing and the forms.



SPECIFIC PLAN DEVELOPMENT SUMMARY
USE: MULTIFAMILY
PROPERTY ZONING: RS15, SURROUNDING ZONING: RS15
TOTAL PROPERTY SIZE: 5.0 ACRES
NUMBER OF RESIDENTIAL UNITS/DENSITY: 28 TOTAL UNITS 5.6 UN/AC
TOTAL BUILDING FLOOR AREA: 76,000 SF
PARKING AND ACCESS: ONE ACCESS FROM HOGGETT FORD ROAD
REQUIRED PARKING: 56 REQ'D (RESIDENTIAL 2 STALLS/UNIT @ 28UNITS)
PARKING PROPOSED: 2 PARKING SPACES EACH UNIT (GARAGES ON MOST UNITS) -56 SPACES
25 GUEST PARKING SPACES
81 TOTAL PARKING SPACES
SOME UNITS MAY NOT HAVE A GARAGE , HOWEVER THE TOTAL PARKING FOR THE PROJECT SHALL NO FEWER THAN 2.5 SPACES PER UNIT OR 70 TOTAL PARKING SPACES.

A Preliminary SP

Hoggett Point Cottages

Being Parcel 235 on Tax Map 86
Davidson County, Tennessee
Case No. 2020SP-008-001

Sheet Schedule

- C1.0 Notes & Project Standards
C2.0 Existing Conditions
C3.0 SP Layout

Notes & Project Standards

Exhibit A



REVISIONS: 2/10/2020

Preparation Date:

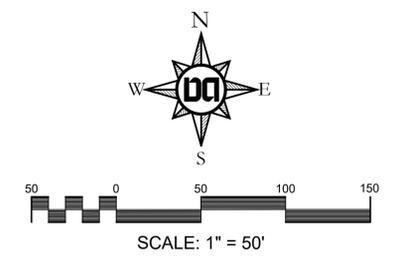
Hoggett Point Cottages
Preliminary Specific Plan
Being Parcel 235 on Tax Map 86
Nashville, Davidson County, Tennessee



REV 2/10/20
REV 7/8/20

Dale & Associates
Consulting Civil Engineering
Land Planning & Zoning
Surveying
MPC Case Number
Case No. 2020SP-008-001
D&A Project #
Hoggett Point Cottages
C1.0
Sheet 1 of 3

516 Heather Place
Nashville, Tennessee 37204
(615) 297-5166



BOUNDARY AND TOPO DATA PER METRO GIS

EROSION CONTROL & GRADING NOTES

- 1) EXPOSE AS SMALL AN AREA OF SOIL AS POSSIBLE ON THE SITE FOR NO MORE THAN 15 DAYS. KEEP DUST WITHIN TOLERABLE LIMITS BY SPRINKLING OR OTHER ACCEPTABLE MEANS.
- 2) ALL CUT/FILL AREAS TO HAVE A MINIMUM OF 6" OF TOPSOIL COVER. AREAS DRESSED WITH TOPSOIL SHALL RECEIVE 12 POUNDS PER 1000 SQUARE FEET OF 6-12-12 FERTILIZER (UNLESS OTHERWISE SPECIFIED IN WRITTEN SPECIFICATIONS), 5 POUNDS OR MORE OF KENTUCKY 31 FESCUE SEED PER 1000 SQUARE FEET, AND A STRAW MULCH COVER OF 70%-80% COVERAGE (APPROXIMATELY 125 POUNDS PER 1000 SQUARE FEET), UNLESS OTHERWISE NOTED WITHIN WRITTEN SPECIFICATIONS.
- 3) EROSION CONTROL BARRIER IS CALLED OUT ON PLANS AND IS TO COMPLY WITH THE METROPOLITAN STORMWATER MANAGEMENT MANUAL, VOLUME FOUR, SECTION TCP-14.
- 4) DISTURBED AREAS ARE TO BE GRADED TO DRAIN AS INDICATED IN THE PLAN TO SEDIMENT BARRIERS DURING AND UPON THE COMPLETION OF CONSTRUCTION.
- 5) THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION AND THE LOCATION OF ANY EXISTING UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO AVOID DAMAGE TO ALL EXISTING UTILITIES DURING CONSTRUCTION. IF DAMAGE DOES OCCUR TO ANY SUCH INSTALLATION, FULL REPAIR WILL BE ACCOMPLISHED AS PER THE CURRENT SPECIFICATION GOVERNING SUCH WORK.
- 6) ANY ACCESS ROUTES TO THE SITE SHALL BE BASED WITH CRUSHED STONE, ASTM #1 STONE, 100 FEET LONG AND AT LEAST 6" THICK.
- 7) THE PLACING AND SPREADING OF ANY FILL MATERIAL IS TO BE STARTED AT THE LOWEST POINT AND BROUGHT UP IN HORIZONTAL LAYERS OF 8" THICKNESS (OR AS DIRECTED BY THE SOILS INVESTIGATIVE REPORT). SAID FILL MATERIAL IS TO BE FREE OF SOD, ROOTS, FROZEN SOILS, OR ANY OTHER DECOMPOSABLE MATERIAL. SAID FILL IS TO BE COMPACTED TO A MINIMUM OF 95% STANDARD PROCTOR, OR AS OTHERWISE SPECIFIED BY THE SOILS REPORT OR WRITTEN SPECIFICATIONS.
- 8) THE CONTRACTOR SHALL NOTIFY THE METRO DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS CONSTRUCTION COMPLIANCE DIVISION, THREE DAYS PRIOR TO BEGINNING THE WORK.
- 9) THE CONTRACTOR SHALL LOCATE AND STAKE THE LAYOUT OF THE SITE IN THE FIELD FOR INSPECTION BY THE ENGINEER. THE CONTRACTOR SHALL CHECK THE GRADES AND FINAL DIMENSIONS ON THE GROUND, AND REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY FOR A DECISION.
- 10) SURPLUS EXCAVATION OF TOPSOIL SHALL BE PLACED ON THE SITE AS APPROVED BY THE OWNER FOR THE PURPOSE OF FUTURE LANDSCAPE USE.
- 11) THE CONTRACTOR SHALL FURNISH AND INSTALL ALL NECESSARY TEMPORARY WORKS FOR THE PROTECTION OF THE PUBLIC AND EMPLOYEES, INCLUDING WARNING SIGNS AND LIGHTS.
- 12) THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE DONE TO THE PREMISES OR ADJACENT PREMISES OR INJURIES TO THE PUBLIC DURING THE CONSTRUCTION CAUSED BY HIMSELF, HIS SUB-CONTRACTORS, OR THE CARELESSNESS OF ANY OF HIS EMPLOYEES.
- 13) ALL WORK IS TO BE COMPLETED WITH COMPLIANCE TO THE RULES AND REGULATIONS SET FORTH BY METRO WATER SERVICES. THE CONTRACTOR SHALL GIVE ALL NECESSARY NOTICE, OBTAIN ALL PERMITS, AND PAY FEES REQUIRED FOR THE COMPLETION OF HIS PORTION OF THE WORK. HE SHALL ALSO COMPLY WITH ALL CITY, COUNTY AND STATE LAWS AND ORDINANCE OR REGULATIONS RELATING TO PORTIONS OF WORK WHICH HE IS TO PERFORM.
- 14) ALL EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL SITE IS STABILIZED & CONSTRUCTION IS COMPLETE.
- 15) CONTRACTOR SHALL PROVIDE AN AREA FOR CONCRETE WASH DOWN AND EQUIPMENT FUELING IN ACCORDANCE WITH METRO CP-10 & CP-13. LOCATION TO BE COORDINATED WITH THE NPDES DEPARTMENT DURING THE PRE-CONSTRUCTION MEETING.

Parcel ID	Owner	Zoning
1 08600075700	DUNCAN, SAUNDRA M. & REDRIC N.	RS15
2 08614009010000	SOUTHEASTERN DEVELOPMENT ENTERPRISE LLC	RS15
3 08614000440000	CRAWFORD, TAMMI MICHELLE & TERRENCE MSR	RS15
4 08614000430000	WILLIAMS, ANDREW T	RS15
5 08614000420000	PETERS-MAKSYMIAK, LINDA	RS15
6 08614000410000	SAWYER, DAVID M. & NANCY L.	RS15
7 08614000400000	FONSECA, LUIS SANCHEZ & JIMENEZ, MARIA DE LOS D. C.	RS15
8 08614000390000	LOCKHART, KENNETH THOMAS & KELLY NICOLE	RS15
9 08614081050000	TIDWELL, AMBER TURELL	RS15
10 08614081040000	FROST, RANDOLPH L. ET UX	RS15
11 08614081030000	FORRESTER, JOSEPH P. & BENTLEY, CHRISTINA	RS15
12 08614089010000	FLEETWOOD HOA INC	RS15
13 08614080910000	VANAPELDORN, APRIL ANN	RS15
14 08614080900000	COCKRILL, PATRICK	RS15
15 08614080890000	THOMAS, JAMES HOUSTON & BATES, LEA ANN COURTER	RS15
16 08614080880000	KNIGHT, BERT & KNIGHT, CYNTHIA M.	RS15
17 08614080870000	TAYLOR, PALMEDA D.	RS15
18 08614080860000	CRUMBY, JOSEPH A. & JENNIFER L.	RS15
19 08614080850000	HAUS, DEBRA L.	RS15
20 08614080840000	RASHID, IHSAN & AWAI, RAGHAD AL	RS15
21 08614080830000	LIBBY, LISA	RS15
22 08614080820000	KITCHIN, TIFFANY APRIL	RS15
23 08614080810000	COMM, ABBY R. & DAVID N.	RS15
24 08614080800000	PURCELL, DARREN & LAUREN	RS15
25 08614080790000	STALLING, GEORGE & AMY	RS15
26 08614080780000	EAKES, AL D. & SANDERS, ELIZABETH ANN	RS15



REVISIONS:
 2/10/2020
 Preparation Date:

Hoggett Point Cottages
Preliminary Specific Plan
 Being Parcel 235 on Tax Map 86
 Nashville, Davidson County, Tennessee



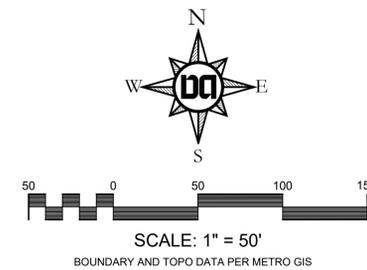
REV 1/28/20
 REV 7/8/20

Dale & Associates
 Consulting Civil Engineering
 Land Planning & Zoning
 Surveying

MPC Case Number
 Case No. 2020SP-008-001
 D&A Project #
 Hoggett Point Cottages
C2.0
 Sheet 2 of 3

Existing Conditions

516 Heather Place
 Nashville, Tennessee 37204
 (615) 297-5166



SPECIFIC PLAN DEVELOPMENT SUMMARY			
USE	MULTIFAMILY		
PROPERTY ZONING	RS15	SURROUNDING ZONING	RS15
TOTAL PROPERTY SIZE	5.0 ACRES		
NUMBER OF RESIDENTIAL UNITS/DENSITY	28 TOTAL UNITS 5.6 UN/AC)		
TOTAL BUILDING FLOOR AREA	76,000 SF		
FAR	0.35		
ISR	0.80		
STREET YARD SETBACK:	50' MEASURED FROM RIGHT OF WAY		
SIDE YARD FROM PERIMETER PROPERTY LINE	20'		
REAR YARD	20'		
HEIGHT STANDARDS	2 STORIES MAX. IN 35 FT (MEASURED TO HIGHEST POINT ON ROOF)		
PARKING AND ACCESS			
RAMP LOCATION AND NUMBER	ONE ACCESS FROM HOGGETT FORD ROAD		
REQUIRED PARKING	56 REQ'D (RESIDENTIAL 2 STALLS/UNIT @ 28UNITS)		
PARKING PROPOSED	22 PARKING SPACES EACH UNIT (GARAGES ON MOST UNITS) -56 SPACES 22 GUEST PARKING SPACES 79 TOTAL PARKING SPACES		
SOME UNITS MAY NOT HAVE A GARAGE, HOWEVER THE TOTAL PARKING FOR THE PROJECT SHALL NO FEWER THAN 2.5 SPACES PER UNIT OR 70 TOTAL PARKING SPACES.			

STANDARD SP NOTES

- 1) THE PURPOSE OF THIS SP IS TO PERMIT 28 MULTIFAMILY RESIDENTIAL UNITS. STRPs (OWNER OCCUPIED AND NON OWNER OCCUPIED) SHALL BE PROHIBITED.
- 2) ANY EXCAVATION, FILL OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH STORM WATER MANAGEMENT ORDINANCE NO. 78-840 & APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.
- 3) THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA AS IDENTIFIED BY FEMA FLOOD MAP 47037C0139H DATED APRIL 5, 2017.
- 4) ALL PUBLIC SIDEWALKS ARE TO BE CONSTRUCTED IN CONFORMANCE WITH METRO PUBLIC WORKS SIDEWALK DESIGN STANDARDS.
- 5) WHEEL CHAIR ACCESSIBLE CURB RAMPS, COMPLYING WITH APPLICABLE METRO PUBLIC WORKS STANDARDS, SHALL BE CONSTRUCTED AT STREET CROSSINGS.
- 6) THE REQUIRED FIRE FLOW SHALL BE DETERMINED BY THE METROPOLITAN FIRE MARSHAL'S OFFICE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- 7) SIZE DRIVEWAY CULVERTS PER THE DESIGN CRITERIA SET FORTH BY THE METRO STORMWATER MANUAL (MINIMUM DRIVEWAY CULVERT IN METRO RIGHT OF WAY IS 15" CMP).
- 8) METRO WATER SERVICES SHALL BE PROVIDED SUFFICIENT & UNENCUMBERED INGRESS & EGRESS AT ALL TIMES IN ORDER TO MAINTAIN, REPAIR, REPLACE & INSPECT ANY STORMWATER FACILITIES WITHIN THE PROPERTY.
- 9) INDIVIDUAL WATER AND/OR SANITARY SEWER SERVICE LINES ARE REQUIRED FOR EACH UNIT.
- 10) SOLID WASTE PICKUP PER PRIVATE CURBSIDE PICKUP, NO DUMPSTER ALLOWED.
- 11) 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, 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.
- 12) FOR ANY DEVELOPMENT STANDARDS, REGULATIONS AND REQUIREMENTS NOT SPECIFICALLY SHOWN ON THE SP PLAN AND/OR INCLUDED AS A CONDITION OF COMMISSION OR COUNCIL APPROVAL, THE PROPERTY SHALL BE SUBJECT TO THE STANDARDS, REGULATIONS AND REQUIREMENTS OF THE RM6 ZONING DISTRICT AS OF THE DATE OF THE APPLICABLE REQUEST OR APPLICATION.
- 13) THE FINAL SITE PLAN/BUILDING PERMIT SITE PLAN SHALL DEPICT THE REQUIRED PUBLIC SIDEWALKS, ANY 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.
- 14) ALL DEVELOPMENT WITHIN THE BOUNDARIES OF THIS PLAN MEETS THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT AND THE FAIR HOUSING ACT AND THE FAIR HOUSING ACT. ADA: <http://ada.gov/>

Tree Density Notes

Metro tree density requirements will be addressed in final construction documents. At the preliminary phase of this project no detailed tree information is available.

SP Layout



REVISIONS:
 2/10/2020
 Preparation Date:

**Hoggett Point Cottages
 Preliminary Specific Plan**
 Being Parcel 235 on Tax Map 86
 Nashville, Davidson County, Tennessee



12/30/19
 REV 1/28/20
 REV 7/8/20

Dale & Associates
 Consulting Civil Engineering
 Land Planning & Zoning
 Surveying

MPC Case Number
 Case No. 2020SP-008-001
 D&A Project #
 Hoggett Point Cottages
C3.0
 Sheet 3 of 3

516 Heather Place
 Nashville, Tennessee 37204
 (615) 297-5166

AMENDMENT NO. ____
TO
SUBSTITUTE ORDINANCE NO. BL2020-288

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2020-288 as follows:

I. By amending proposed Section 17.20.120.C.2.c as follows:

c. For multi-family and nonresidential development or redevelopment, street trees shall be required within the grass strip/green zone or frontage zone for any sidewalk constructed within a center designated in the general plan.

i. Trees shall be installed according to the provisions of the Metro Nashville Street Tree Specifications prepared and maintained by Metro Water Services in conjunction with Metro Public Works, Planning and Codes.

ii. Street trees shall be chosen from the Urban Forestry Recommended Tree List. Canopy trees shall be installed, except where conflicts with overhead electrical power lines exist. In those instances, understory trees may be substituted.

iii. iv. The owner of the property frontage along which the street trees are installed shall maintain the trees installed per this title according to the provisions of the Metro Nashville Street Tree Specifications. The owner of the property frontage shall execute and record a restrictive covenant agreeing to these maintenance responsibilities.

iii. iv. Required street trees shall be depicted on a landscape plan, which shall be submitted with construction drawings for the sidewalks. The landscape plan and specifications shall be prepared by, or under the direction of, and bear the seal of a professional landscape architect registered in Tennessee.

iv. v. Trees installed pursuant to this section shall be eligible for credit toward the tree density required by Chapter 17.24 of this title.

III. By amending Section 2 as follows:

Section 2. This ordinance shall take effect ~~from and after its passage~~ August 3, 2020 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:

Angie Henderson
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-292

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 RS15 to RM9-NS zoning for property located at Ashland City Highway (unnumbered), at the northwest corner of Ashland City Highway and Cato Road (3.74 acres), all of which is described herein (Proposal No. 2020Z-038PR-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 RS15 to RM9-NS zoning for property located at Ashland City Highway (unnumbered), at the northwest corner of Ashland City Highway and Cato Road (3.74 acres), being Property Parcel No. 008 as designated on Map 069-00 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 069 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 following conditions shall be completed, bonded or satisfied as specifically required:

1. Prior to issuance of building permit, a traffic study shall be completed.

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:

Councilmember Jonathan Hall

2020Z-038PR-001
Map 069, Parcel(s) 008
Subarea 03, Bordeaux - Whites Creek - Haynes Trinity
District 01 (Hall)
Application fee paid by: Guerrier Development LLC

A request to rezone from RS15 to RM9-NS zoning for property located at Ashland City Highway (unnumbered), at the northwest corner of Ashland City Highway and Cato Road (3.74 acres), requested by Smith Gee Studio, applicant; Guerrier Development LLC, owner.

