



METROPOLITAN COUNCIL

Metro Council Office

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **November 5, 2013**

RE: **Analysis Report**

Balance As Of:	<u>10/30/13</u>	<u>10/31/12</u>
<u>GSD 4% RESERVE FUND</u>	*\$31,323,906	\$28,756,746

*** Assumes estimated revenues in fiscal year 2014 in the amount of \$26,373,400**

– BILLS ON PUBLIC HEARING –

ORDINANCE NO. BL2013-567 (HUNT) – This ordinance amends the Metro zoning code to allow the zoning administrator to make adjustments to the build-to requirements, landscape buffer yards, and rear setbacks for properties in the alternative (A) zoning districts to accommodate existing utilities. The "A" zoning designation was added as a category in the zoning code last year to create a more pedestrian-friendly environment by placing new buildings closer to the street than what is provided in the other base zoning districts. It has been discovered that utilities such as electrical lines are often located within the build-to zone, and the electrical line clearance requirements of NES at times may conflict with the build-to zoning requirements in the alternative districts. This ordinance would allow the zoning administrator, after receiving a recommendation from the planning department and other relevant agencies, to adjust the build-to zone in order to provide the necessary utility line clearance. The zoning administrator would also be allowed to modify the rear setback and landscape requirements in order to provide for a necessary building area when adjusted to accommodate the utility lines.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2013-568 (ALLEN) – This ordinance amends the Metro zoning code to prohibit LED message boards and digital display signs within the MUI, MUI-A, ORI, and MHP zoning districts. The zoning code currently prohibits LED signs in the residential districts and most of the mixed-use, office, and shopping center districts. However, this prohibition does not include the intensive mixed-use and office/residential districts, which are intended for high density use, nor does it include the mobile home park district. This ordinance simply adds these districts to the list of districts where LED message boards and digital display signs are prohibited.

This ordinance has been approved by the planning commission with the condition that the office/residential intensive-alternative (ORI-A) district be added to the list, which is the subject matter of Ordinance No. BL2013-590 on first reading.

ORDINANCE NO. BL2013-569 (BEDNE, TENPENNY & OTHERS) – This zoning text change amends the conditions applicable to various automobile related uses. In 2006, the council amended the zoning code to prohibit automotive uses such as automobile repair, service, and used car sales, as well as car washes and wrecker services, from being located in the commercial zoning districts (CS and CA). Car washes were a use permitted with conditions before the 2006 change to SP, while the other uses were permitted by right. The intent of the SP requirement was to give the council more control over the location of automotive-related uses. There were no set conditions included in the code applicable to these uses countywide.

(continued on next page)

ORDINANCE NO. BL2013-569, continued

In May 2013, the council enacted Ordinance No. BL2013-418, which basically repealed the SP requirement for automotive uses, added these uses as permitted with conditions, and added a number of specific conditions automotive uses would have to meet in order to obtain a use permit. The conditions for automobile repair; automobile sale, used; and vehicular sales and services, limited are currently as follows:

1. A physical separation between automobile display/parking areas and the right-of-way in the form of a wall or fence not to exceed 3 feet in height.
2. No chain link fencing could be erected within 25 feet of the right-of-way.
3. Service doors facing residential districts must be screened by a solid wall or opaque fence.
4. All buildings, vehicle storage, and repair must take place at least 25 feet from a residential district, and must be screened from residential districts.
5. Inoperable vehicles, outdoor storage, and auto repair activities must be located to the rear or side yard, and cannot be visible from the right-of-way.
6. No billboards or digital signs would be permitted on the property.

The conditions applicable to car washes include:

1. The same physical separation from the right-of-way as noted above.
2. Car wash structures must be at least 50 feet from a residential district.
3. All washing facilities must be within an enclosed structure, and must be separated from the adjacent property by a masonry wall between 6 and 8 feet in height.
4. Operating hours would be restricted to 8:00 a.m. to 10:00 p.m. if the facility is within 100 feet of a residential district.
5. No outdoor speakers would be allowed on the property.
6. No vehicles could be stored or offered for sale.
7. Billboards and digital signs would be prohibited.

This ordinance modifies some of the conditions for automotive uses and adds several new conditions. The primary changes are:

1. Increasing the distance requirement for automotive uses from residential property from 25 feet to 200 feet.
2. Prohibiting more than one car lot or auto repair shop from being located on the same block face.
3. Prohibiting car lots from being located within 1,000 feet of another car lot.
4. Prohibiting car washes from being located within 500 feet of another car wash.
5. Adding a requirement that a community meeting be held prior to submitting a use application to the codes department.

This ordinance would also remove the distinction between used car lots and new car lots so that all car lots would have to abide by the same standards.

This ordinance has been disapproved by the planning commission. A copy of the planning department staff report analyzing the ordinance in detail is attached to this analysis.

- RESOLUTIONS -

RESOLUTION NO. RS2013-880 (LANGSTER & A. DAVIS) – This resolution appropriates up to \$6,996,776.50 in community development block grant (CDBG) funds for implementation of the 2013 annual action plan, which was approved by the council in March 2013 and amended in August 2013. The U.S. department of housing and urban development (HUD) has approved the action plan and the use of CDBG funds for specified activities. These funds will be expended as follows:

a. Acquisition	\$	180,000.00
b. Disposition	\$	15,000.00
c. Clearance & Demo	\$	30,000.00
d. Relocation	\$	10,000.00
e. Clean-up	\$	25,000.00
f. Administration & Planning	\$	943,935.00
g. North Nashville Planning Grant	\$	20,000.00
h. Façade Loans	\$	500,000.00
i. Business Technical Assistance	\$	100,000.00
j. Micro-Enterprise Assistance	\$	115,000.00
k. Section 108 Loan Repayment	\$	482,841.50
l. Homeowner Rehab	\$	1,475,000.00
m. Energy Efficiency Improvements	\$	250,000.00
n. Rental Rehab	\$	400,000.00
o. Rehab Program Delivery	\$	400,000.00
p. Housing Services	\$	25,000.00
q. Shelter Rehab	\$	1,000,000.00
r. Neighborhood Facilities	\$	300,000.00
s. Summer Youth Programs	\$	400,000.00
t. Fair Housing Activities	\$	75,000.00
u. Healthy Food Initiatives	\$	25,000.00
v. Services for the Homeless	\$	200,000.00
w. Non-profit Capacity Building	\$	25,000.00
TOTAL	\$	6,996,776.50

RESOLUTION NO. RS2013-881 (STEINE, HARRISON & OTHERS) – This resolution appropriates \$25,000 from the Reserve for Community Garden Grant Program Account of the general fund of the general services district to ten different schools and nonprofit organizations for the purpose of funding community gardens. The fiscal year 2013-2014 substitute operating budget ordinance included a \$25,000 appropriation for a Reserve for Community Garden Grant Program, which was to be administered by the Agricultural Extension Service subject to development of the grant program and future appropriation by the council. In August 2013, the council enacted Ordinance (continued on next page)

RESOLUTION NO. RS2013-881, continued

No. BL2013-498 to establish a program whereby matching grants could be made to eligible organizations that develop and maintain gardens for the use and benefit of the community and/or schools. Grant funds to be awarded under the program must be used at school or community gardens for the benefit of children and/or senior citizens with an emphasis on contributing to healthy eating habits, addressing childhood obesity, eliminating food deserts, and/or promoting sustainable food sources.

The Agricultural Extension Service has awarded grants to the following schools and nonprofit organizations:

1. Lutheran Services in Tennessee	\$2,800.00
2. Park Avenue Enhanced Option School	\$2,800.00
3. Crieve Hall Elementary School	\$2,800.00
4. J. E. Moss Elementary School	\$2,000.00
5. First Baptist Church Capitol Hill Homes, Inc.	\$1,400.00
6. Organized Neighbors of Edgehill	\$2,800.00
7. Hands on Nashville, Inc.	\$2,800.00
8. Bellevue Exchange Club Foundation	\$2,000.00
9. Bellevue Middle School	\$2,800.00
10. Historic Travellers Rest Plantation and Museum	\$2,800.00
Total	\$25,000.00

This resolution appropriates the individual grants to the grantees selected by the Agricultural Extension Service. State law allows local governments to make appropriations by resolution to nonprofit organizations as long as the funds are used to promote the general welfare of the residents of the government. The nonprofit organizations have submitted a copy of their tax exempt status letter from the IRS and a copy of their most recent fiscal year's audit, as required by the Metro code. Each nonprofit organization will be required to sign a contract outlining the use of the grant funds prior to receiving such funds.

RESOLUTION NO. RS2013-882 (STEINE) – This resolution approves a grant in the amount of \$17,700 from the Tennessee commission on children and youth to the mayor's office for a program to mentor middle school students. This program will involve the use of volunteer coaches to work with students from Bailey, Litton, Jere Baxter, and Gra-Mar Middle Schools through the Nashville AfterZone Alliance (NAZA) to increase reading levels. The mayor's office will sub-grant the funds to the Martha O'Bryan Center, who will be the lead organization for the program with oversight from NAZA. The grant will be used to partially fund a part-time coordinator position. There is a required in-kind match of \$15,092 to be provided by the mayor's office. The term of the grant is from October 1, 2013 through September 30, 2014.

RESOLUTION NOS. RS2013-883 THROUGH & RS2013-885 – These three resolutions authorize the director of public property administration to exercise options to purchase property for use as part of the parks system. The Metro code allows for the acquisition of property through the exercise of a negotiated option to sell at a fixed price, which is subject to approval of the council by resolution. The board of parks and recreation and the planning commission have approved these acquisitions.

Resolution No. RS2013-883 (Dowell, Steine & others) authorizes the acquisition of a 12 acre parcel of property located at 5748 Pettus Road to be used as part of the Mill Creek greenway system. The property is to be acquired from Regent Land, LLC at a purchase price of \$98,400 (\$8,200 per acre).

Resolution No. RS2013-884 (Steine, Tygard & others) authorizes the acquisition of six parcels of property on West Hamilton Road along Whites Creek totaling 72.14 acres. The purchase price would be \$919,000 (\$12,739 per acre) to be provided from capital funds designated for open space acquisition. The properties are being purchased from Rose Garrett and Vincent T. Scalf, although the vast majority of the land (71.37 acres) is owned by Ms. Garrett. Mr. Scalf owns five residential lots to be purchased that are 0.45 acres each. The properties are zoned RS15 and are almost entirely within the floodplain. The property assessor’s website lists a total value of \$260,256 for the properties, although the vast majority of the 71-acre Garrett tract is assessed as agricultural property, which results in a lower assessed value. The purchase price was determined based upon an appraiser’s evaluation.

The option contract specifically conditions the acquisition of the property upon the board of parks and recreation naming the area as “G.C. Garrett Park”. Such a condition is not typically included in option contracts for the purchase of Metro property.

Resolution No. RS2013-885 (Steine, Tygard & others) authorizes the acquisition of three properties located on Antioch Pike and Beech Bend Drive to be used for park land. These properties were all flooded during the May 2010 flood, and are to be acquired using federal community development block grant (CDBG) funds allocated for flood recovery. The properties to be acquired, purchase price, and value designated by the Davidson County property assessor are as follows:

<u>Address</u>	<u>Purchase Price</u>	<u>Assessor Value</u>
• 2340 Antioch Pike – 3.35 acres	\$218,000	\$108,500
• 2360 Antioch Pike – 1.86 acres	\$121,000	\$53,200
• 1016 Beech Bend Drive – 0.48 acres	\$47,000	\$50,300

RESOLUTION NO. RS2013-886 (STEINE, PARDUE & LANGSTER) – This resolution approves an application for a grant in the amount of \$211,357 from the Tennessee emergency management agency to the Metropolitan Government for homeland security preparedness activities. These federal pass-through funds would be used to implement the state homeland security strategy and the national preparedness goals through information sharing and intelligence as part of the Tennessee Fusion Center, as well as equipment and training to sustain law enforcement terrorism prevention capabilities and regional emergency response.

RESOLUTION NO. RS2013-887 (STEINE & PARDUE) – This resolution approves a grant in the amount of \$325,000 from the U.S. department of justice to the Metropolitan police department for the gang resistance education and training (GREAT) program. The GREAT program is a school-based curriculum taught by police officers to middle school students. The primary goal of GREAT is to prevent youth delinquency, violence, and gang membership. The grant funds would be used for the continued hosting of a regional GREAT training center to teach the program to police officers from other jurisdictions. Specifically, the funds would cover personnel costs, travel expenses, equipment, and supplies. The term of the grant is from October 1, 2013 through September 30, 2015.

RESOLUTION NO. RS2013-888 (PARDUE) – This resolution approves a clinical affiliation agreement between Volunteer State Community College and the emergency medical services (EMS) division of the Metro fire department for the participation and training of students enrolled in the school's emergency medical technician program. Students in the training program will work directly with EMS personnel. This agreement is for a term of one year, which may be extended for four additional one year terms.

RESOLUTION NO. RS2013-889 (MAYNARD & LANGSTER) – This resolution approves a resident training agreement between the Metropolitan board of health and Meharry Medical College to provide clinical experience to students. This is a standard agreement the health department has with a number of colleges and universities to provide clinical experience to students in various medical professions. Meharry will be required to provide the health department with a competency assessment of each student participant along with biographical information. The term of this agreement is for one year, but may be extended for four additional one year periods. Meharry is required to maintain malpractice insurance for its students with a single limit of not less than \$1 million per occurrence and \$3 million in the aggregate.

RESOLUTION NO. RS2013-890 (STEINE, MAYNARD & LANGSTER) – This resolution approves two amendments to a grant in the amount of \$353,150 from the U.S. department of health and human services to the Metropolitan board of health for the Healthy Start home visiting program. These two amendments increase the amount of the grant award. The first amendment adds \$234,394 and an offset amount of \$121,756 of unused funds from a previous grant award. Amendment two increases the amount of the grant by an additional \$9,843, for a total grant award of \$716,413. The term of the grant is from June 1, 2013 through May 31, 2014.

RESOLUTION NO. RS2013-891 (STEINE, MAYNARD & LANGSTER) – This resolution approves a grant in the amount of \$1,194,700 from the state department of health to the Metropolitan board of health for sexually transmitted disease services and HIV/AIDS prevention and surveillance. This is an annual grant that pays the salaries of the health department employees that provide these services. The services provided include active surveillance of HIV/AIDS cases, diagnostic and treatment services, and disease intervention services. The term of the grant is from January 1 2014 through December 31, 2014. This grant award includes \$597,350 in each of the two overlapping fiscal years covered by the grant (FY2014 and FY2015).

RESOLUTION NO. RS2013-892 (LANGSTER, DOMINY & HUNT) – This resolution amends a previous sewer easement abandonment to also abandon 158 additional feet of an existing sewer easement for various properties along Cartwright Street and Charlotte Avenue. Ordinance No. BL2013-534, enacted on October 1, 2013, abandoned one sewer manhole and 15 linear feet of an existing public sewer main that was retained in 1997 when Alley No. 888 was abandoned. It has been determined that 158 feet of additional easement needs to be abandoned for ten properties located along Charlotte Avenue and Cartwright Street for the Ascend Federal Credit Union project at 1901 Charlotte Avenue. Ordinance No. BL2013-534 provided that future amendments could be approved by resolution.

RESOLUTION NO. RS2013-893 (GILMORE) – This resolution authorizes Buckingham Management, LLC, to install aerial encroachments into the public rights-of-way of Alley No. 447, 20th Avenue South, and 21st Avenue South for the "Nashville West End" development located at the intersection of Broadway, Division Street, and 21st Avenue South. The encroachments will be comprised of several awnings, as well as balconies on the upper floors that will extend over the sidewalk. The closest balconies to the sidewalk will be along 21st Avenue South, and will provide a clearance height of 19 feet over the sidewalk. The first floor awnings will have a clearance height of at least eight feet. The applicant is required to maintain a \$1 million public liability insurance policy naming Metro as an insured party. This resolution has been approved by the planning commission.

RESOLUTION NO. RS2013-894 (GILMORE) – This resolution authorizes F & H Acquisition Corporation, dba Tent Restaurant Operations, Inc., to install an aerial encroachment at 408 Broadway for Bailey's Sports Grille. This will be a 6'4" x 1'6" double-faced illuminated sign extending over the sidewalk six feet from the building. There will be a six-foot-tall beer glass and tap at the end of the sign. The applicant is required to maintain a \$2 million public liability insurance policy naming Metro as an insured party. This resolution has been approved by the planning commission.

RESOLUTION NO. RS2013-895 (STEINE) – This resolution authorizes the department of law to settle the person injury claim of Edward Swafford against the Metropolitan Government for \$17,844.64. On January 12, 2012, Mr. Swafford was stopped at a red light at the intersection of Gallatin Pike and Due West Avenue when he was rear-ended by a Metro ambulance. The ambulance driver turned her attention away from the roadway to use the dispatch radio. Mr. Swafford was taken to the hospital and treated for injuries to his neck and back. He incurred medical bills totaling \$8,832.02 and lost wages totaling \$1,545.60. Mr. Swafford also incurred \$5,833.67 in damage to his vehicle which has already been paid by Metro.

The department of law recommends settling this claim for \$17,844.64, as the amount would likely be significantly higher if the case went to trial. The Metro employee that caused the accident received disciplinary action consisting of an oral reprimand.

RESOLUTION NO. RS2013-896 (STEINE) – This resolution authorizes the department of law to settle the personal injury claims of Jacquelyn and Marvin Winnett against the Metropolitan Government for \$51,225. On December 15, 2009, Jacqueline Winnett was driving on Old Hickory Boulevard when a Metro water services employee attempted to merge into her lane and struck the side of her vehicle. Ms. Winnett suffered an aggravation of a pre-existing injury, which resulted in numbness, headaches, vision problems, and pain in her neck, arm, and back. Ms. Winnett’s medical expenses total \$25,612.48.

The department of law recommends settling this claim for \$51,225 since a court would likely find Metro to be 100% liable for the injuries as a result of the Metro employee’s failure to yield the right-of-way. Pain and suffering damages would likely be several times more than the medical expenses if the case went to trial.

No disciplinary action was taken against the Metro employee involved.

RESOLUTION NO. RS2013-897 (BARRY) – This resolution approves the election of notaries public in accordance with state law.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2013-552 (HARMON) – This ordinance amends the Metro code to limit the parking of vehicles for sale on commercial property. The code currently does not restrict the parking of vehicles for sale in the parking lots of businesses such as grocery and retail stores. Thus, these vehicles can remain on the property indefinitely as long as the property owner does not take action to remove them. This ordinance would prohibit vehicles that have a visible “for sale” sign (or other conspicuous marking informing the public that the vehicle is for sale) from being parked in a commercial parking lot for more than 24 consecutive hours within a seven day period unless the vehicle owner has the written permission of the property owner or is an employee of a business served by the parking lot.

There is a proposed amendment for this ordinance that would add a statement of intent that the fines collected for violations of the ordinance be used to help offset the costs of enforcement, and to add a requirement that vehicles left parked for sale on commercial property have a valid license plate.

ORDINANCE NO. BL2013-570 (MITCHELL, BANKS & OTHERS) – This ordinance amends the Metropolitan Code pertaining to the licensing of electricians. The code currently requires all electrical contractors, master electricians, equipment contractors, electrical equipment installers, low-voltage contractors and low-voltage wiring installers to obtain a license from the department of codes administration. The licensing differentiation is based upon experience and scope of work. This ordinance would create three new licensing categories: journeyman electrician, apprentice electrician, and beginning electrician. The ordinance adds definitions for these terms and specific licensing requirements for each, as well as an examination requirement for journeymen electricians.

In order to be classified as a journeyman electrician and obtain a license, the person would have to meet one of the following criteria, as provided in the definition of journeyman electrician: (1) passed the journeyman examination and obtained a journeyman license from the Metro board of electrical examiners and appeals; (2) successfully completed an electrical construction apprenticeship; or (3) be regularly employed as a journeyman and work under the supervision of an electrical contractor or master electrician. All applicants for an electrician license, other than for a beginner or apprentice license, would be required to furnish proof that they had at least five years’ experience in the classification applied for. A literal reading of this provision could essentially make it impossible for a person to “move up” to another license type. There is a proposed amendment for this ordinance to address this issue.

“Apprentice electrician” is defined as one enrolled in an apprenticeship registered with the U.S. department of labor, bureau of apprenticeship and training, or any nationally accredited apprenticeship program, which consists of a minimum 8,000 hours of practical experience combined with a minimum of 600 hours of classroom training, and works under the supervision of a master or journeyman electrician. This definition is essentially the same as the definition for apprentice plumber contained in the plumber licensing code provisions. The ordinance defines “beginning electrician” as a person who has no prior electrical experience, is enrolled in an electrician apprenticeship program, and works under the immediate direction and supervision of a master or journeyman electrician. No more than five beginning electricians could be on a job site for every one master or journeyman electrician present.

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ORDINANCE NO. BL2013-570, continued

The ordinance adds a provision to the code requiring the board of electrical examiners to revoke or suspend the license of a master electrician who knowingly obtains a permit for work to be done by persons who are not licensed or who does not personally supervise the work. The ordinance also adds a very detailed section pertaining to continuing education requirements. Prior to renewing a license, an applicant would have to show he/she completed at least six hours of continuing education for each license held during the previous 12 month period. Only two hours of safety training could be counted toward the required six hours. The continuing education would have to be provided by an individual or organization approved by the codes director after supplying detailed information regarding the training to be provided, fees charged, the times, dates and locations where courses are available, and a list of teachers. The continuing education provisions appear to be copied and pasted from an ordinance in another city or another state law, as some of the terminology is inconsistent with Metro's operation. This should be addressed by amendment or substitute.

The ordinance adds a provision making it a misdemeanor for anyone to do electrical work without a valid electrician's license or to allow another person to use the license. Further, the ordinance also includes a provision stating that the names of all license holders would be available to the public, which would clarify that such information is a public record.

There is a proposed amendment for this ordinance that would address the five year experience requirement, remove the continuing education requirements, and add a separate grandfathering provision to ensure that the ordinance would not apply to any person employed as an electrician at the time of enactment.

ORDINANCE NO. BL2013-571 (PARDUE) – This ordinance amends the Metropolitan Code to create a process for the renewal of wrecker licenses. The code requires all wrecker operators to be licensed, but the licenses are only good for one year. Thus, wrecker operators must go through the entire licensing process each year as new applicants. This ordinance would allow the licenses to be renewed annually upon the payment of a \$100 renewal fee. In addition, the code requires wrecker drivers to obtain a driver's permit, which is good for two years. This ordinance would allow the drivers' permits to be renewed by the transportation licensing commission director every two years without processing a new application.

A housekeeping amendment should be offered for this ordinance to remove the reference to certificates of public convenience and necessity.

ORDINANCE NO. BL2013-572 (GILMORE & STEINE) – This ordinance approves an agreement between the Metropolitan Government and Rogers/Welch Venture, Inc. (RWVI) for the lease of 175 parking spaces in the Metro parking garage located at 151 6th Avenue North. Metro is the owner of the garage, which is operated by the Downtown Partnership through an agreement with the Metro traffic and parking commission. In March 2013, as part of the transfer of the Renaissance Hotel property located next to the old convention center to the hotel operator, the council approved an agreement with the Renaissance Hotel for the lease of 180 spaces in the garage for use by hotel guests. RWVI is the owner and operator of space on floors 26-31 of the building above the hotel, and has an existing agreement with Metro for the use of 175 spaces in (continued on next page)

ORDINANCE NO. BL2013-572, continued

the garage. In order to be able to market and sell the space, RWVI needs a long term parking agreement. This lease agreement will allow RWVI to lease the same 175 spaces in the garage 24 hours per day, 365 days per year, for a term of 99 years, which matches the term of the parking agreement with the hotel.

Metro will be leasing the 175 spaces for \$115 per space per month during the first year, which is to be adjusted annually to match the regular monthly rate charged to the general public. RWVI will be able to terminate the lease or reduce the number of leased spaces with 90 days written notice. If Metro stops operating the garage at any point during the 99 lease term, Metro will be required to furnish 175 parking spaces to RWVI that are comparable in quality and location at the same monthly rate. RWVI will be required to maintain \$1 million in general liability insurance naming the Metropolitan Government as additional insured. Metro agrees that it will not hold RWVI responsible for damage to the garage resulting from a fire or other casualty caused by RWVI's negligence. Metro has no liability to RWVI under the lease for damage or injuries in excess of the Governmental Tort Liability Act limitations.

This parking lease agreement would transfer to any new owners of the office space currently owned by RWVI, and the RWVI's lenders would be able to obtain a security interest in the lease agreement.

This agreement has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2013-573 (HARRISON, DOMINY & HUNT) – This ordinance authorizes the director of public property administration to accept a quitclaim deed from Tennessee Processing Center, LLC for property located at 2604 Brick Church Pike. This 0.45-acre parcel needs to be acquired in order for Metro water services to construct a pumping station. There is no cost to Metro for acquiring the property, but it must be used as a pumping station facility or other water/sewer infrastructure for at least 100 years or the property reverts back to the grantor. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2013-574 (WEINER, DOMINY & HUNT) – This ordinance authorizes Metro water services to acquire easements for three properties located at 7128 Birch Bark Drive and Hicks Road, unnumbered, for a stormwater project. There is no anticipated acquisition costs associated with these easements. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2013-575 (LANGSTER, DOMINY & HUNT) – This ordinance abandons approximately 160 feet of an existing 8-inch sewer main and easement, and accepts 373 linear feet of a new sewer main and easement for properties located at 1726 and 1729 Heiman Street. This ordinance is needed for the Lee Chapel AME Church project. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

– BILLS ON THIRD READING –

ORDINANCE NOS. BL2013-526 AND BL2013-527 (STEINE & WESTERHOLM) – These two ordinances, as amended, approve an amendment to the Metropolitan Code to establish a Metro injury-on-duty (IOD) clinic and to approve an agreement with Concentra Health Services, Inc. for operation of the clinic. Per the Metro Charter, Metro is responsible for covering all of the medical expenses related to employees being injured while on duty. Metro's IOD program is a self-insured program administered by Alternative Service Concepts (ASC). Under the current law, the employee benefit board is authorized to appoint a panel of pre-approved doctors called the "in-line-of-duty-treatment network" to treat injured employees. Employees receiving treatment through the IOD network have 100% of the expenses covered. However, employees can seek treatment using his/her group health provider and pay all applicable co-pays and deductibles, which are reimbursed by ASC.

IOD costs have risen exponentially in recent years. The fiscal year 2014 operating budget includes \$23,251,200 for IOD expenses. The finance department, Metro human resources, and the department of law have been reviewing the IOD program and considering possible changes to the program to reduce costs while maintaining quality care and treatment. Out of this review, it has been recommended that Metro establish an IOD clinic to handle non-emergency workplace injuries. Such clinics are successfully used in the private sector for large companies.

Metro sought proposals from Concentra Health Services, Inc. for the operation of a Metro IOD clinic. Concentra is a subsidiary of Humana, Inc. that provides occupational medicine, urgent care, physical therapy, and wellness services at more than 320 medical centers, as well as 270 worksite medical facilities. Concentra's clients include Target, Wal-Mart, FedEx, Coca-Cola, and the City of Dallas. The Metro HR consultant, Buck Consulting, assisted in the review of Concentra's proposals and determined that an IOD clinic would reduce costs, provide higher quality and efficiency of care, and reduce productivity loss.

Ordinance No. BL2013-526, as amended, approves an amendment to the Metro code to authorize the establishment of an IOD clinic. As required by the Charter, this ordinance provides that emergency treatment for injuries on duty would continue to be given at the nearest available medical facility. From the date of enactment of this ordinance through June 30, 2014, non-emergency and follow-up treatment would be furnished either at an IOD medical clinic or through the existing IOD network. After June 30, 2014, only specialized non-emergency medical treatment not available at the IOD clinic would be furnished through the network. All other treatment would take place at the IOD clinic. The ordinance gives the Metro HR director the authority to develop more detailed rules and protocol regarding use of the IOD clinic. The amended ordinance specifically states that this ordinance would have no impact on any existing pensioners while they are receiving a pension.

Ordinance No. BL2013-527, as amended, approves a contract with Concentra for operation of the Metro IOD medical clinic for three years, with a possible extension of two additional one year terms. Metro will provide office space for the clinic at 339 21st Avenue at a cost of approximately \$100,000 per year. Concentra will provide treatment of occupational injuries and illnesses, radiological services, care coordination services, wellness programming, and educational/informational support for on-going Metro health and safety initiatives. The scope of (continued on next page)

ORDINANCE NOS. BL2013-526 AND BL2013-527, continued

services does not specify the types of occupational illnesses and injuries that will be treated at the clinic. Upon mutual consent of the parties, the services provided may be expanded to include physical exams, substance abuse testing, and physical therapy.

Concentra will staff the clinic for 40 hours per week with a doctor, a nurse manager, and a medical assistant. The contract provides that Concentra will also provide x-ray equipment and a radiological technician. The company will be compensated approximately just over \$1 million during the first year of the agreement. The staffing and labor costs are to increase three percent in the second year and five percent in the third year of the contract. The costs for the first year will be billed as follows:

- \$353,000 for a doctor
- \$56,000 for a medical assistant
- \$126,000 for a nurse manager
- \$128,040 for a radiological technician
- \$120,000 for start-up equipment and supplies
- \$22,500 for training
- \$33,300 for computer hardware/software
- \$16,500 for an annual information technology fee

The estimated costs to Metro for the second and third year of the contract without radiology services would be approximately \$780,000 and \$818,000, respectively. These cost estimates do not include certain costs to be billed through to Metro (plus a five percent administrative fee) for medical supplies, laundry, waste disposal, and lab fees. In addition, the costs for medications will be passed through to Metro with a \$3.00 dispensing fee per medication. Concentra has estimated that Metro will essentially break even during the first year of the agreement, and then save approximately \$400,000 in the second year and \$570,000 in the third year. However, these savings estimates do not factor in the aforementioned pass-through costs that will be billed to Metro.

Concentra will be solely responsible for its employees working at the clinic, including employee placement, removal, and discipline. Metro has the right to request the removal of an employee. If an employee is removed at Metro's request without cause, Metro will be required to pay a minimum two weeks' severance for the employee. Concentra agrees to indemnify Metro for injuries or damage caused by Concentra's employees, and is required to maintain \$1 million in general liability and \$1 million in professional liability insurance per occurrence naming Metro as additional insured. Either party may terminate the agreement after one year with 90 days written notice. If Metro terminates the agreement during the first year, Concentra would receive an early termination penalty amounting to two months of the average staffing costs. Concentra will be required to provide quality management and oversight reports to Metro on a biannual basis.

Since this is a contract for professional services, it was not required to go through the standard public procurement system. Concentra was selected based upon the company's reputation and prior results. The procurement code provides that contracts for legal services, medical services, accounting services, fiscal agents, financial advisors or advisory services, educational consultants, architectural services, engineering services, and similar services by professional persons or groups of high ethical standards, are not to be based on competitive sealed bids, but shall be awarded on the basis of recognized competence and integrity.

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ORDINANCE NOS. BL2013-526 AND BL2013-527, continued

As noted above, Metro has a contract with ASC for IOD claims administration and occupational health related services. Part of the scope of services for this new contract with Concentra includes care coordination for occupational injuries and illnesses. The term "care coordination" is not defined in the agreement. Metro will need to coordinate the services with ASC and Concentra to ensure both companies understand their respective roles.

ORDINANCE NO. BL2013-546 (STEINE, HUNT & LANGSTER) - This ordinance approves a lease agreement between the Metropolitan Government and the Christine P. Nall Living Trust for the building located at 339 21st Avenue North to be used for an injury-on-duty medical clinic. This lease agreement would provide 4,814 square feet of space for a Metro IOD clinic to be operated by Concentra pursuant to Ordinance No. BL2013-527, which is also on second reading. This building was previously leased by the Metro Hospital Authority for use as a lifestyle counseling clinic, but that lease expired in August of this year. The term of this lease is from October 16, 2013 through September 30, 2018. The rent to be paid by Metro will be as follows:

10/16/13 – 10/31/13	\$4,327.42
11/1/13 – 9/30/14	\$100,612.60
10/1/14 – 9/30/15	\$103,630.98
10/1/15 – 9/30/16	\$106,739.91
10/1/16 – 9/30/17	\$109,942.11
10/1/17 – 9/30/18	\$113,240.37

Rent payments are to be made by Metro monthly. Metro will be responsible for all utilities and janitorial services. Metro has the right to erect signs on the property, which are to be removed by Metro at the end of the lease.

Amendments to this lease agreement may be approved by the council by resolution.

ORDINANCE NO. BL2013-550 (STEINE & WESTERHOLM) – This ordinance approves an amendment to the Metropolitan Code to clarify that an employee's pension calculation will not be affected by recent civil service commission changes pertaining to injury-on-duty (IOD) compensation. In June 2013, the civil service commission approved a change to its rules and policies to reduce the amount of IOD compensation for an employee whose injury is deemed "non-catastrophic". Under the new policy effective October 1, 2013, the compensation for those employees determined to have a non-catastrophic IOD injury would be reduced from 100% of earnings to 75% of earnings as established by the pay plan. The policy considers a catastrophic injury to be an injury that comes as a result of the employee directly putting himself/herself in harm's way in the performance of his/her duties, and must be severe enough to incapacitate or restrict the employee from performing work of any kind, including light duty, for an extended period.

This ordinance amends the pension provisions in the Code to ensure that the lesser amount of compensation paid to an employee with a non-catastrophic injury will not result in a decrease in pension benefits. An employee's pension is based upon average earnings, so reducing the amount of compensation while an employee is recuperating from a non-catastrophic injury could otherwise negatively affect the amount of pension payments such employee may receive upon retiring or taking a disability pension. Metro's actuarial consultant has determined that this change will not have a material impact on the pension plan's liabilities and would not create a material change in the Metro-wide contribution rate.

ORDINANCE NO. BL2013-551 (PARDUE & HARRISON) – This ordinance amends the Metro code to allow the traffic and parking commission staff to develop zones for the operation of horse-drawn carriages. The transportation licensing commission has regulated horse-drawn carriages since 2002 much in the same manner as taxi companies are regulated, including background checks for operators and equipment regulations. The code currently requires horse-drawn carriages to operate on fixed routes developed by the traffic and parking commission. This ordinance would allow the traffic and parking commission staff to create zones for the carriages to operate within as an alternative to the fixed routes.

ORDINANCE NOS. BL2013-553 & BL2013-554 – These two ordinances declare two parcels of property to be surplus and authorize the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property.

Ordinance No. BL2013-553 (Blalock, Steine & Hunt) authorizes the disposition of a small portion of the McMurray Middle School property located at 520 McMurray Drive. The Metropolitan board of education has determined that this 1.78-acre portion (basically consisting of a drainage ditch) is not needed for school purposes and has transferred it to the director of public property administration. The proceeds of the sale will be credited to the unappropriated school fund.

Ordinance No. BL2013-554 (Gilmore, Steine & Hunt) authorizes the disposition of the 222 Building located at 222 3rd Avenue North. This building has housed a number of Metro departments and agencies over the years, but the department of human resources is the only department currently occupying the building. HR will be relocating to the Parkway Towers Building pursuant to a lease agreement that is the subject matter of Ordinance No. BL2013-555, which is also on third reading. According to information from the property assessor's website, the 222 Building was built in 1890 and has an appraised value of \$5,357,500 (\$1,441,000 for the land and \$3,916,500 for the building). The building has not been updated in a number of years, and significant renovations would be required in order to continue to use the building for government office purposes. The current fiscal year budget includes \$338,160 to operate the 222 Building. Both the finance department and the department of general services have determined that Metro is better off financially and operationally leasing office space than owning and maintaining the 222 Building.

The ordinance provides that the building is to be sold "in accordance with the standard rules and regulations for the disposition of surplus property." This typically means selling the property via an online auction conducted on the Metro eBid site. Proceeds of the sale will be credited to the Metro general fund.

ORDINANCE NO. BL2013-555 (GILMORE, STEINE & HUNT) – This ordinance approves a lease agreement between the Metropolitan Government and Parkway Towers, LLC (the "lessor") for office space in Parkway Towers located at 404 James Robertson Parkway. The public defender's office and justice information services (JIS) have been leasing a total of 30,236 square feet in Parkway Towers since 2003. The previous lease term expired in August 2013. Metro desires to continue leasing space for these two departments, plus additional space for the department of human resources, the human relations commission, and the internal auditor. Human resources is currently housed in the 222 building, which has been proposed for a surplus declaration by the (continued on next page)

ORDINANCE NO. BL2013-555, continued

council so it can be sold. The human relations commission is currently located at the Metro Office Building on the Fulton campus, but this space is needed for the new one-stop permitting facility. The office of internal audit is currently located at the Metro Southeast facility on Murfreesboro Road.

Pursuant to this agreement, Metro will lease a minimum of 25,493 square feet for the departments using the building currently. The agreement contemplates Metro leasing an additional 21,000 square feet on the first and tenth floors over the next six months to house the other departments that will be relocating to the building. This lease agreement is for a term of 10 years. The rent to be paid for the first five years will be \$17.16 per square foot, which would amount to \$797,064.84 per year once all of the space is occupied. After the fifth year, the lease payments increase incrementally each year up to a maximum of \$18.97 per square foot in the final year of the lease. Rent for the additional space to be leased will not commence until the space is actually occupied by Metro.

Metro will be accepting the existing leased premises on an "as-is" basis. The lessor will make the necessary improvements to the 1st and 10th floors to accommodate the new departments/agencies. The lessor will be responsible for furnishing janitorial services and electricity. Metro can make changes to the premises with the written consent of the lessor. Metro will have the right to partially terminate the lease for individual offices with 60 days written notice and payment of a termination fee equal to the unamortized portion of the lessor's improvement costs for the space. Metro can terminate the entire lease agreement after September 1, 2018 with 120 days written notice. The lessor is required to furnish six reserved parking spaces for employees and four visitor spaces in the building's parking garage at no additional cost to Metro. Ten free visitor parking spaces will be provided on Wednesdays. Metro will continue to have the right of first refusal to lease approximately 4,000 square feet of additional office space in the building at the same rental rates.

This lease may be amended upon approval of the council by resolution.

The planning department, acting on behalf of the commission, has recommended approval of this lease agreement.

ORDINANCE NO. BL2013-556 (STEINE, BAKER & HUNT) – This ordinance approves a vacant property exchange with the Metropolitan Nashville Airport Authority for the purpose of acquiring land for greenway and other recreational purposes. The airport authority is in need of 15.8 acres of Metro Government-owned property located off of Cockrill Bend Circle for an expansion of the John Tune airport. In exchange for this parcel, the airport authority will transfer two parcels to Metro that are located near the intersection of Murfreesboro Pike and McGavock Pike totaling approximately 24 acres. The parcels to be exchanged are of like value. The Murfreesboro Pike property will be used as part of the Metro greenway system.

Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the board of parks and recreation and the planning commission.

ORDINANCE NO. BL2013-557 (STEINE & PARDUE) – This ordinance approves an agreement among the public defender’s office, UCLA School of Law, and Gideon’s Promise for a law school partnership project. This agreement will allow the public defender’s office to obtain the services of a 2014 UCLA law school graduate through a fellowship program. UCLA agrees to pay the graduate’s salary for a period of one year. The public defender’s office will be required to pay Gideon’s Promise \$18,000 plus travel expenses to cover the “Fellow’s” participation in a training program, and will be required to move the Fellow into a full-time permanent position at the end of the one year term of the fellowship.

ORDINANCE NO. BL2013-558 (GILMORE & STEINE) – This ordinance authorizes the Metro arts commission to accept the donation of a mosaic sculpture from Oasis Center, Inc. The sculpture by Sheri Warner Hunter called *The Gathering* is being donated at no cost to Metro, provided that the sculpture is installed and displayed at Edmonson Park or another public location. *The Gathering* is a set of four abstract figures made of fiberglass, concrete, and ceramic tiles. The agreement notes that the artwork has some cosmetic and structural flaws, including cracked tiles, punctures at the base of the sculpture, and an improper repair to one of the figure’s arms. Metro will be responsible for transporting the sculpture from its current location, as well as installing and maintaining it on Metro property.

ORDINANCE NO. BL2013-559 (STEINE & GILMORE) – This ordinance designates Lyle Avenue between West End Avenue and Division Street as “Mario Ferrari Way”. Mario Ferrari was the owner of the famed Mario’s Ristorante located at the corner of West End Avenue and Lyle Avenue, as well as a number of other eating establishments in Nashville over his long career in the restaurant business. Ordinance No. BL2012-262 established a procedure for the use of honorary street signs whereby the council, by ordinance, can authorize and direct the department of public works to install honorary street signs beneath the official street name sign for any street identified on the official street and alley acceptance and maintenance map.

This ordinance does not officially rename Lyle Avenue, and property owners will not be required to change their address. The designation as “Mario Ferrari Way” is only honorary. The honorary street signs resulting from the ordinance are to be privately funded.



Project No.	Text Amendment 2013Z-014TX-001
Project Name	Automobile Related Use Conditions
Council Bill No.	BL2013-569
Council District	Countywide
School District	Countywide
Requested by	Councilmembers Bedne, Tenpenny, Blalock, and Potts.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

Amend the Zoning Code to specific auto related uses.

Text Amendment

A request to amend Chapters 17.08 and 17.16 of the Metropolitan Zoning Code pertaining to specific automobile related uses, by making Automobile Sales, New a Permitted with Conditions (PC) use in the Commercial Services (CS) zoning district, and providing conditions for which the use is permitted and by modifying existing conditions for Automobile Repair; Automobile Sales, Used; Car Wash and Vehicular Sales and Service, Limited uses.

CRITICAL PLANNING GOALS

N/A

EXISTING ZONING CODE

The current Zoning Code delineates in which zoning districts specific land uses are permitted and under which conditions they are permitted. The proposed text amendment will affect Automobile Repair; Automobile Sales, New; Automobile Sales, Used; Car Wash; and Vehicular Sales and Service, Limited uses.

PROPOSED ZONING CODE

The proposed text amendment modifies some of the existing requirements and adds additional requirements for auto related uses. The request also modifies sign requirements. The proposal would make the following changes:

Automobile Repair

1. Requires that buildings, structures, inoperable vehicles, outdoor storage and automobile repair activates be located a minimum of 200 feet from any district boundary permitting residential or a property legally occupied by a residential structure. The current requirement is 25 feet.
2. Prohibits more than one automobile repair use from being located on the same block face.

Automobile Sales

1. Add the same requirements for Automobile Sales, New as are required for Automobile, Sales Used.
2. Requires that buildings, structures, inoperable vehicles, outdoor storage and automobile repair activates be located a minimum of 200 feet from any district boundary permitting residential or a property legally occupied by a residential structure. The current requirement is 25 feet.
3. Removes sign requirements for properties with more than 300 feet of frontage.



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4. Prohibits more than one Automobile Sales, New or Used use from being located on the same block face.
5. Prohibits Automobile Sales, New or Used land uses from being located within 1000' feet of one another.
6. Requires that the applicant for an automobile sales, new or used use hold a community meeting prior to submitting an application to Metro Codes for the use.

Car Wash

1. Prohibits more than one car wash from being located on the same block face.
2. Prohibits Car Wash uses from being located within 500 feet of one another.
3. Requires that the applicant for a Car Wash use hold a community meeting prior to submitting an application to Metro Codes for the use.

Vehicular Sales and Services, Limited

1. Prohibits more than one Vehicular Sales and Services, Limited use from being located on the same block face.
2. Prohibits Vehicular Sales and Services, Limited uses from being located within 1,000 feet of one another.
3. Requires that the applicant for a Vehicular Sales and Services, Limited use hold a community meeting prior to submitting an application to Metro Codes for the use.

ANALYSIS

Over the years, auto-related uses have proliferated Nashville and especially along the major corridors leading into Nashville. Historically, these uses have had little regulation, which has led to unsightly properties packed with automobiles, which may or may not function, stacked tires and other auto parts, with little to no landscaping. The unsightliness of these uses has had a negative impact on surrounding properties, including perceived property values and revitalization efforts. Nashville citizens and elected officials have struggled to control the negative impacts that these uses have on surrounding areas, but prior to 2006, Metro had little to no control over how these uses developed.

In 2006, Council attempted to address these issues by passing legislation (BL2006-972) requiring certain newly established auto-related uses to be zoned Specific Plan (SP), which was a fairly new zoning district at the time. The ordinance modified and added definitions for various auto-related uses and amended the zoning districts where auto-related uses were permitted. For example, the ordinance created Automobile Sales, New and Automobile Sales, Used. Prior to the ordinance, all automobile sales were classified as Vehicular Sales and Services Limited. Also, the auto-related uses were previously permitted in many other zoning districts including mixed-use, commercial, shopping center and industrial. The ordinance removed them from a majority of the districts except industrial and made them a "PC" use in the SP zoning district.

While the 2006 ordinance redefined various uses, created new uses, and defined in what districts the uses were permitted, it did not provide any specific conditions for the "PC" uses. Shortly after the adoption of the ordinance, the Planning Department created an internal policy for reviewing auto-related uses that included conditions upon which staff could support a proposed "Auto SP". The policy took into account whether the existing zoning previously permitted the auto-related use and whether the land use policy supported the auto-related use. It also provided conditions for permitting the use. While the ordinance did not provide any specific guidance on how these uses



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should develop, the policy was developed with the understanding that Council's intent was to provide additional review and requirements to ensure that the uses did not continue to detract from their surroundings.

Earlier this year, Council approved legislation (BL2013-418) which pertained to certain auto-related uses. Primarily, the amendment made it possible for certain auto-related uses to be permitted with conditions (PC) in the CS zoning district, no longer requiring a SP zoning district. The intent of the text amendment was to simplify the process for someone wishing to apply for an auto-related use *while maintaining the original intent of the 2006 ordinance and Planning Department policy for design standards.*

Staff has several concerns with the current proposal.

First, the amendment sets locational requirements which may prohibit the subject uses in areas where they may be appropriate. This includes CS zoning districts adjacent to properties zoned industrial. This also includes areas with a land use policy that specifically promotes these uses. For example, the Madison Community Plan recognizes the "Motor Mile", which is an area along Gallatin Pike that consist of numerous auto-related uses. The intent of promoting these uses within this area is to consolidate auto-related uses. By defining the areas where these uses are more appropriate, there is more certainty in the development community in looking for potential sites. It also allows the convenience of having numerous options within one area for consensus of these services.

Second, the locational requirements solidify existing uses in their current locations and may create monopolies for some business, because competition would not be permitted to locate within close proximity. This creates an unfair business climate and does not promote economic development.

Third, the proposal requires that a community meeting be held with surrounding property owners prior to an application being submitted. While in certain processes it is important for community involvement, it is unfair to the community in this case because the community would have no influence on the review process. If the proposed use meets all Code requirements, then the permit would be issued, regardless of community concerns. Therefore, requiring a community meeting sets up a false expectation that community input will alter the design/development of the auto-related use.

The existing PC requirements that were approved by Metro Council earlier this year address design based issues, which lessen the impact of these uses on the streetscape and surrounding properties. Prior to the previous amendment (BL2013-418), staff reviewed 28 SP zone changes for the auto-related uses. Almost all of these were approved by Council and almost all incorporated some or all of the site improvements implemented by the Planning Department's review policy.

CODES ADMINISTRATION RECOMMENDATION

Disapprove

The proposed text amendment imposes greater distance requirements from other automobile-related uses, residential structures, and residential district boundaries. Because the CS district has historically allowed these uses, the proposed text amendment will make many of the existing automobile-related uses legally non-conforming. This will provide "grandfathering" protection



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through state law pursuant to Tennessee Code Annotated § 13-7-208. Grandfathered status will perpetuate the existing automobile-related uses in their current location and eliminate competition.

The greater distance requirements create permitting and enforcement issues. The problem is identifying the actual use of properties within the regulated distance. This will require a parcel by parcel analysis, for all parcels within the regulated distance. While the land use information and permitting history in KIVA is helpful, due to ever changing uses, the accuracy is questionable absent a site inspection. This is particularly true in attempting to determine whether a structure is being used as a legally occupied residence.

The proposed text amendment requires a community meeting prior to the issuance of a permit. Pursuant to ordinance 2013-418, the subject uses are permitted with conditions. As long as the applicant satisfies the conditions, the permit must be issued as a matter of law irrespective of community concerns.

STAFF RECOMMENDATION

Staff recommends disapproval.

ORDINANCE NO. BL2013-569

An ordinance to amend Chapters 17.08 and 17.16 of the Metropolitan Zoning Code pertaining to the conditions applicable to certain automobile related uses, all of which is more specifically described herein (Proposal 2013Z-014TX-001).

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

Section 1. That Section 17.16.070 of the Metropolitan Code is hereby amended by deleting the phrase "25 feet", wherein it appears in subsections E.6 and F.6, and substituting with the phrase "two hundred feet".

Section 2. That Section 17.16.070 of the Metropolitan Code is hereby amended by adding the following new subsection E.9:

"9. No more than one automobile repair establishment shall be located on a single block face."

Section 3. That Section 17.16.070 of the Metropolitan Code is hereby amended by deleting the existing provisions of subsection F and substituting with the following:

Automobile Sales, (New and Used).

1. There shall be a physical separation of any automobile display area or any parking area from the public right-of-way. The separation shall be provided by one of the following options: