



**Metropolitan Council**

**PROPOSED SUBSTITUTE FOR  
ORDINANCE, AMENDMENT TO  
RESOLUTION, LATE-FILED  
RESOLUTION, LATE-FILED  
ORDINANCE, AND AMENDMENTS  
TO ORDINANCES TO BE FILED WITH  
THE METRO CLERK  
FOR THE COUNCIL MEETING OF  
TUESDAY, APRIL 4, 2017**

SUBSTITUTE ORDINANCE NO. BL2017-606

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 R8, R10 and R15 to RS10 on various properties along Foothill Drive, Hollydale Drive, Deervale Drive, Shady Oak Drive, and Giant Oak Drive, at the northeast corner of Interstate 24 and Old Glenrose Avenue (approximately 33.42 acres), all of which is described herein (Proposal No. 2017Z-021PR-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 R8, R I O and R1 5 to RS10 on various properties long Foothill Drive, Hollydale Drive, Deervale Drive, Shady Oak Drive, and Giant Oak Drive, at the northeast corner of Interstate 24 and Old Glenrose Avenue (approximately 33.42 acres), being various parcels on various maps of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

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

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

INTRODUCED BY:

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Councilmember Mike Freeman

2017Z-021 PR-001

Map 106-15, Parcel(s) 058-061

Map 106-16, Parcel(s) 026-027, 029, 031-043, 080

Map 119-03, Parcel(s) 144-146, 149-151, 153-161, 163-167, 169

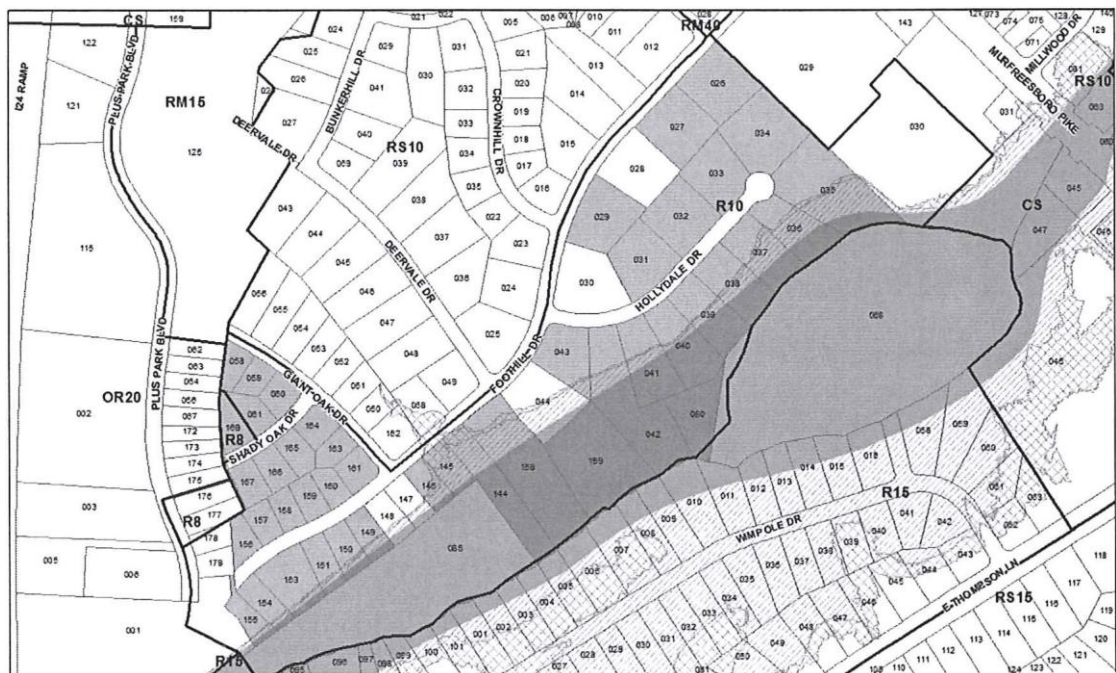
Map 119-04, Parcel(s) 158-159

Subarea 11, South Nashville

District 16 (Freeman)

Application fee paid by: Fee waived by Council

By changing from R8, R10 and R15 to RS10 on various properties along Foothill Drive, Hollydale Drive, Deervale Drive, Shady Oak Drive, and Giant Oak Drive, at the northeast corner of Interstate 24 and Old Glenrose Avenue (approximately 33.42 acres), requested by Councilmember Mike Freeman, applicant; various owners.



AMENDMENT NO. \_\_\_\_  
TO  
RESOLUTION NO. RS2017-642

Mr. President –

I move to amend Resolution No. RS2017-642 as follows:

I. By amending the recitals clauses by inserting the following three (3) paragraphs at the beginning thereof:

WHEREAS, a federal investigation into the actions of Judge Casey Moreland of Division X of the General Sessions Courts has resulted in his arrest; and

WHEREAS, Judge Moreland is charged with obstruction of criminal investigations; tampering with a witness, victim, or an informant; and retaliating against a witness, victim, or an informant; and

WHEREAS, the actions allegedly occurred over the past month while Judge Moreland was under investigation for other alleged transgressions; and

II. By further amending the recitals clause by deleting the paragraph beginning: "WHEREAS, recent investigations..." in its entirety and substituting the following in lieu thereof:

WHEREAS, WSVM-TV uncovered a series of text messages from Judge Moreland wherein he referred to defendants in his courtroom as "hos" and "junkies", used sexually explicit vulgar language, and submitted photographs of defendants appearing before him in court to others via text -- all of which transpired during formal court proceedings; and

III. By further amending the recitals clause by deleting the paragraph beginning: "WHEREAS, these lapses in judgment..." in its entirety.

IV. By further amending the recitals clause by deleting the paragraph beginning: "WHEREAS, these incidents..." in its entirety.

V. By deleting Section 2 in its entirety and substituting in lieu thereof the following:

Section 2. That, if Casey Moreland refuses to immediately resign his position as General Sessions judge, the Metropolitan County Council further goes on record as requesting the immediate initiation of removal proceedings against him in accordance with state law.

INTRODUCED BY:

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Jacobia Dowell  
Member of Council

**RESOLUTION NO. RS2017-\_\_\_\_**

**A resolution proclaiming April 6, 2017 as Global Meetings Industry Recognition Day in Nashville, Tennessee.**

Whereas, meetings and conventions are a vital part of the economy in Nashville and Davidson County, Tennessee; and

Whereas, Nashville is the ninth busiest meeting destination in the United States; and

Whereas, Nashville features two world-class convention centers, the Music City Center and the Gaylord Opryland Resort and Convention Center; and

Whereas, Nashville annually attracts meetings whose delegates leave \$2 billion, 42% of all visitor spending in Davidson County; and

Whereas, since the opening of the Music City Center in 2013, as a result of meetings there, one Nashville transportation company hired 13 full time and 12 part time employees and has performed 274 bus movements; and

Whereas, another Nashville bus company, as a result of meetings, has paid drivers \$192,000, bought \$96,000 in diesel fuel and incurred \$120,000 in maintenance costs.

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

Section 1. That the Metropolitan Council hereby does on record as proclaiming April 6, 2017 to be Global Meetings Industry Recognition Day in Nashville, Tennessee.

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.

INTRODUCED BY:

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

ORDINANCENO. \_\_\_\_\_

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 CS to MUL-A zoning on properties located at 3962, 3968 and 3976 Dickerson Pike and Dickerson Pike (unnumbered), approximately 1,140 feet southwest of Hunters Lane (7.67 acres), all of which is described herein (Proposal No. 2017Z-017PR-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 CS to MUL-A zoning on properties located at 3962, 3968 and 3976 Dickerson Pike and Dickerson Pike (unnumbered), approximately 1,140 feet southwest of Hunters Lane (7.67 acres), being Property Parcel Nos. 074, 083 as designated on Map 041-04 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be on Map 041 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.


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

INTRODUCED BY:

\_\_\_\_\_  
Councilmember Brenda Haywood

Approved (9-0)

APPROVED ON January 26, 2017 BY THE  
METROPOLITAN PLANNING COMMISSION.

  
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EXECUTIVE DIRECTOR & SECRETARY

2017Z-017PR-001  
Map 041-04, Parcel(s) 074, 083  
Map 041-08, Parcel(s) 021-023  
Subarea 02, Parkwood - Union Hill  
District 03 (Haywood)  
Application fee paid by: Fulmer Engineering LLC

By changing from CS to MUL-A zoning on properties located at 3962, 3968 and 3976 Dickerson Pike and Dickerson Pike (unnumbered), approximately 1,140 feet southwest of Hunters Lane (7.67 acres), requested by Fulmer Engineering, LLC, applicant; Mary King Family Limited Partnership and Patricia Frensley, owners.





AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2017-645

Mr. President –

I move to amend Ordinance No. BL2017-645 as follows:

I. By amending Section 1 by deleting Section 12.54.210.C.3 in its entirety and substituting therefore the following:

3. Alcoholic beverages as defined in this Section may only be consumed from ~~plastic or foam cups~~ plastic cups, paper cups, or cups made from other materials that are lightweight, recyclable and biodegradable.

INTRODUCED BY:

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

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2017-646

Mr. President –

I move to amend Ordinance No. BL2017-646 as follows:

I. By amending Section 1 by deleting subsection 13.08.080.A in its entirety and substituting therefore the following:

13.08.080 Deployment of surveillance or electronic data gathering devices onto public rights of way requires Metropolitan Council approval

A. For the purposes of this section, the following terms shall be defined as follows:

(1) "Public right-of-way" shall mean any street, avenue, boulevard, highway, sidewalk, alley or public space which is within the Metropolitan Government of Nashville and Davidson County besides facilities or areas of facilities not open to the general public and highways that comprise the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(2) "Surveillance technology" shall mean any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.

(a) "Surveillance technology" includes, but is not limited to: ~~(a)~~ international mobile subscriber identity (IMSI) catchers and other cell site simulators; ~~(b)~~ automatic license plate readers; ~~(c)~~ ~~electronic toll readers~~; ~~(d)~~ closed-circuit television cameras; ~~(e)~~ biometric surveillance technology, including facial, voice, iris, and gait-recognition software and databases; ~~(f)~~ mobile DNA capture technology; ~~(g)~~ ~~gunshot detection and location hardware and services~~; ~~(h)~~ x-ray vans; ~~(i)~~ video and audio monitoring and/or recording technology, such as surveillance cameras and wide-angle cameras; ~~(j)~~ surveillance enabled or capable lightbulbs or light fixtures; ~~(k)~~ tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network; ~~(l)~~ social media monitoring software; ~~(m)~~ through-the-wall radar or similar imaging technology, ~~(n)~~ passive scanners of radio networks, ~~(o)~~ long-range Bluetooth and other wireless-scanning devices, and ~~(p)~~ radio-frequency I.D. (RFID) scanners, ~~and (q) software designed to integrate or analyze data from Surveillance Technology, including surveillance target tracking and predictive policing software.~~ The enumeration of surveillance technology examples in this subsection shall not be interpreted as an endorsement or approval of their use.

(b) "Surveillance technology" does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined in Section 13.08.080(A)(2): (~~a~~i) routine office hardware, such as televisions, computers and printers, that is in widespread public use and will not be used for any surveillance or law enforcement functions; (~~b~~ii) Parking Ticket Devices (PTDs); (~~e~~iii) manually operated non-wearable handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; (~~d~~iv) surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles; (~~e~~v) manually operated technological devices used primarily for internal communications among Metropolitan Government entities and are not designed to surreptitiously collect surveillance data, such as radios and email systems; and (~~f~~vi) Metropolitan Government databases that do not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology.

(3) "Installing" shall mean attaching to an existing building, pole, overpass, roadway, sidewalk, natural area, or other structure in a manner that facilitates the permanent or semi-permanent presence of the applicable device. "Installing" shall not mean operating a mobile device intended to be present for a time of limited and discernable length.

II. By further amending Section 1 by adding the following as new subsections E and F thereto, and renumbering the remaining sections as necessary:

E. This section shall not apply to activities conducted by or on behalf of law enforcement agencies which are part of an active investigation targeting a specific person or persons, provided that any data collected as part of the investigation that is not determined to be pertinent to the investigation be destroyed at the conclusion of the investigation.

F. This section shall not apply to surveillance equipment installed for the purpose of securing a building or facility from unlawful entry.

III. By further amending Section 1 by deleting subsection E (to be labeled subsection G pursuant to the other changes above) in its entirety and substituting the following in lieu thereof, renumbering the remaining subsection as necessary:

~~E.~~ G. Beginning July 1, 2017, no department of the Metropolitan Government, nor any board, commission or agency thereof, nor any individual or entity acting on its behalf may enter into any contract or other agreement that facilitates the receipt of surveillance data from, or provision of surveillance data to any non-governmental entity in exchange for any

monetary or any other form of consideration from any source, including the assessment of any additional fees, interest, or surcharges on unpaid fines or debts absent approval by the Metropolitan Council. ~~Any contracts or agreements signed prior to the enactment of this Act that violate this section shall be terminated as soon as is legally permissible.~~

INTRODUCED BY:

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Dave Rosenberg  
Member of Council

AMENDMENT NO. \_\_\_\_

TO

SUBSTITUTE ORDINANCE NO. BL2017-585

Mr. President –

I move to amend Substitute Ordinance No. BL2017-585 as follows:

I. By amending Section 1 by deleting it in its entirety and substituting therefore the following:

Section 1. Section 8.12.030 of the Metropolitan Code of Laws is hereby amended by adding the following as a new subsection B and renaming the other subsections as appropriate:

~~B. No person shall fail to provide protection to pregnant animals, nursing females, or animals less than 6 months old from the following inclement weather conditions: freezing temperatures, a heat index of 95 degrees Fahrenheit (95° F) or above as determined by the National Weather Service, thunderstorms, or tornados.~~

B. No person shall allow pregnant animals, nursing females, or animals less than 6 months old to remain outdoors during periods of inclement weather unless such animal is accompanied by a custodian, keeper or handler. For purposes of this subsection, inclement weather conditions shall mean freezing temperatures, a heat index of 95 degrees Fahrenheit (95° F) or above as determined by the National Weather Service, thunderstorms, or tornados.

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

Section 2. Section 8.20.040 of the Metropolitan Code of Laws is hereby amended by deleting it in its entirety and substituting the following in lieu thereof:

8.20.040 - Care of confined animals.

~~Any person who shall impound or cause to be impounded, in any pound or other place, any creature, shall supply to the same during such confinement a sufficient quantity of good, wholesome food and water. Such persons shall further provide protection from inclement weather conditions, as listed in section 8.12.030.B of this title, to any creature that is pregnant, a nursing female, or less than six (6) months old.~~

Any person who shall impound or cause to be impounded, in any pound or other place, any creature, shall supply to the same during such confinement a sufficient quantity of good, wholesome food and water. Such persons shall not

allow any creature that is pregnant, a nursing female, or less than six (6) months old to remain outdoors during periods of inclement weather conditions as listed in section 8.12.030.B.

INTRODUCED BY:

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Sheri Weiner  
Member of Council