



**Metropolitan Council**

**PROPOSED LATE-FILED  
RESOLUTION, SUBSTITUTE  
ORDINANCES AND  
AMENDMENTS TO  
ORDINANCES TO BE FILED  
WITH THE METRO CLERK  
FOR THE COUNCIL MEETING OF  
TUESDAY, OCTOBER 2, 2018**

**RESOLUTION NO. RS2018-\_\_\_**

**A resolution to request that the General Assembly of the State of Tennessee reconsider the authorization of the use of deadly force by law enforcement officers.**

WHEREAS, two young men, Jocques Clemmons and Daniel Hambrick, have been shot and killed by officers of the Metropolitan Nashville Police Department in two separate events over the past two years; and

WHEREAS, both of these deaths were the result of officers using deadly force to effectuate an arrest; and

WHEREAS, Tennessee Code Annotated § 39-11-620 authorizes the use of deadly force by law enforcement officers under limited circumstances; and

WHEREAS, this statute was enacted in the 1980s to codify the principles set forth by the United States Supreme Court decision in *Tennessee v. Garner*, 471 U.S. 1 (1985); and

WHEREAS, *Tennessee v. Garner*, brought against the City of Memphis, Tennessee and others, involved an unarmed young man shot and killed while evading arrest in a suspected burglary; and

WHEREAS, the U.S. Supreme Court struck down the Tennessee statute authorizing use of any force necessary to assist with arrests of suspected felons, instead stating that the Fourth Amendment to the United States Constitution allows apprehension by the use of deadly force only in limited circumstances; and

WHEREAS, the U.S. Supreme Court stated that suspects have a fundamental interest in their own life and that the use of deadly force “frustrates the interest of the individual, and of society, in judicial determination of guilt and punishment”; and

WHEREAS, despite this ruling, officers in Nashville and throughout the United States continue to use deadly force to apprehend individuals, even when those individuals are later found to be unarmed, did not commit a felony involving the infliction or threatened infliction of serious bodily injury, and did not pose a threat of serious bodily injury; and

WHEREAS, based upon these recent tragic deaths in Nashville, it is important that the General Assembly reconsider Tennessee Code Annotated § 39-11-620, determine whether the scope of this statute is appropriate, and determine whether it should be amended or repealed.

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 requesting that the Davidson County Delegation to the Tennessee General Assembly reconsider Tennessee Code Annotated § 39-11-620, which authorizes the use of deadly force by law enforcement officers.

Section 2. That the Metropolitan Clerk is directed to send a copy of this Resolution to each member of the Davidson County Delegation to the Tennessee General Assembly.

Section 3. 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:

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Tanaka Vercher  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2018-1316**

**An ordinance to amend Section 17.24.060 of the Metropolitan Code of Laws pertaining to special screening requirements for dumpsters and other trash receptacles (Proposal No. 2018Z-006TX-001).**

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

Section 1. That Section 17.24.060 of the Metropolitan Code of Laws is hereby amended by deleting subsection A thereof in its entirety and substituting in lieu thereof the following:

- A. Dumpsters and other trash receptacles for all structures other than single-family and two-family residences shall be screened by an enclosure from public streets and from properties which are zoned or policed for residential use. The following design standards shall apply:
1. Receptacles shall be placed on a concrete pad, constructed from steel reinforced concrete and a minimum of eight inches (8") ~~four inches (4")~~ thick.
  2. Enclosures shall consist of a fence or wall constructed of opaque-type materials, such as wood, masonry, or other permanent materials, which prevent direct visibility of the receptacle. Evergreen plants may be used in part to meet the requirement of opacity.
  3. Enclosures shall be constructed to a minimum height of one foot (1') higher than the height of the enclosed receptacle, or six feet (6') in height, whichever is higher.
  4. Enclosures shall be constructed in such a manner that all structural members, including braces, posts, poles, and other projections, are located within the interior of the enclosure.
  5. Unless the service opening is oriented away from adjacent public streets and residential properties, enclosures shall have a service access gate meeting the following design standards:
    - a) Access gates shall be of sufficient size to remove the receptacle from the enclosure.
    - b) Access gates shall be constructed of opaque-type materials which prevent direct visibility of the receptacle.
    - c) Access gates shall be constructed with a latch to keep the access gate closed when the receptacle is not in use.
    - d) Access gates shall not open directly onto public streets or sidewalks.
  6. Enclosures may have an additional side door for accessing the receptacle. This additional side door may be up to three feet (3') in width and may be secured or unsecured.
  7. Receptacles shall be located in the rear of the building or structure which they service. If a receptacle cannot be placed behind the building or structure it services, the location shall be determined by the department of codes administration.
  8. Receptacles must remain readily accessible to the Nashville Fire Department.
- B. On sites which are developed at the time of adoption of the ordinance codified in this chapter which are subsequently upgraded, dumpsters shall be screened to meet the standards set out in this subsection if:
1. Any single expansion of the site increases the total building area by twenty-five percent or more;
  2. Multiple expansions within a five-year period increase the total building area by twenty-five percent or more;
  3. The value of any single expansion is more than twenty-five percent of the existing value of improvements;
  4. The total value of all improvements increases by fifty percent or more as a result of multiple expansions over a five year period.

Section 2. All other subsections of Section 17.24.060 shall be renumbered accordingly.

Section ~~3~~ 2. 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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Jacobia Dowell  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2018-1317**

**An ordinance to amend Section 17.40.160 of Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to ~~permitted land uses under~~ neighborhood landmark districts, all of which is more particularly described herein (Proposal No. 2018Z-007TX-001).**

WHEREAS, section 17.40.160 of the Metropolitan Code of Laws provides for the establishment of Neighborhood Landmark Districts following a recommendation from the Metropolitan Planning Commission; and

WHEREAS, subsection 17.40.160.A of the Metropolitan Code explicitly provides that establishment of such Neighborhood Landmark Districts is achieved only by "approval of an ordinance by the metropolitan council"; and

WHEREAS, subsection 17.40.160.E of the Metropolitan Code provides in part that additional uses -- beyond those classified as accessory, permitted, or permitted with conditions -- may be permitted, subject to certain conditions as described in the neighborhood landmark development plan; and

WHEREAS, it is implicit within subsection 17.40.160.E of the Metropolitan Code that additional permitted uses consist only of those approved by the metropolitan council. Nevertheless, in the interests of clarity, an explicit statement to this effect is in order.

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

Section 1. That Chapter 17.40 of Title 17 of the Code of the Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by deleting Section 17.40.160 ~~amending Section 17.40.160 by deleting subsection E~~ thereof in its entirety and substituting in lieu thereof the following:

17.40.160 Neighborhood Landmark (NL) district.

The following provisions apply to all Neighborhood Landmark (NL) overlay districts.

- A. Application Requirements. An application to establish a NL district shall be submitted by the property owner (or authorized agent) in form and content established by the planning commission, along with all applicable processing fees. The application shall be accompanied by a development plan consisting of scaled drawings, written text, and any reports necessary to demonstrate compliance with the purpose and intent of the NL district, to demonstrate how the proposal will protect the character of the district and neighborhood, and to ensure compatibility with surrounding uses. The application shall detail the following, as applicable:
1. The overall NL district boundary including underlying zoning districts;
  2. How the proposed NL district meets the criteria for an NL district as described in Section 17.36.420 of the Zoning Ordinance, to be described in a written statement;
  3. The location, orientation, and size of all existing and proposed structures, features and other elements and associated parking spaces;
  4. The location of any structures on any property adjacent to the boundaries of the district;
  5. The type, location, number, and size of all existing and proposed vegetation and landscaping;
  6. The location, width, height, and type of any existing and proposed fence or wall;
  7. The number, location, width, height, type and lighting of any existing or proposed sign(s);
  8. The location of any accessory structures for refuse collection, recycling, or feature maintenance;

9. The existing and proposed location of any water mains and sewer lines required to serve the property;
  10. The location of all existing and proposed access points, loading areas, and drive-thru lanes;
  11. The location and name of all existing streets and alleys;
  12. The anticipated traffic impacts of the proposed development, as documented in a traffic impact study or access study, if deemed necessary by Metro Public Works;
  13. Tabular data identifying the specific existing and proposed uses and square footage; proposed densities; floor area ratios; impervious surface ratios; feature height(s); and parking spaces; and
  14. A proposed development schedule.
- B. Relationship to Other Requirements. Unless explicitly authorized otherwise by the approved NL District and development plan, all requirements and standards established by other chapters of this title, as a well as any other applicable metro, state or federal regulation, shall apply to the development and use of properties located within a NL district. All development within a NL district shall conform to Chapter 15.64, the "ordinance for storm water management" and the subdivision regulations. In case of conflict between the standards of this article and other chapters of this Zoning Code, the provisions of this article shall control.
- C. Permitted Land Uses. All uses classified as a "A", "P" or "PC" by the underlying zoning district(s) shall be permitted within the NL district. Additional uses, including uses prohibited by the underlying zoning district(s), may be permitted subject to certain conditions as described in the development plan, provided they are determined by the planning commission to be compatible with, and sensitive to, abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district, and approved by the metropolitan council.
- D. Alternative Design Standards. In addition to permitted uses, the approval of an NL district development plan may establish alternative design standards. A finding must be made that those standards would serve to enhance and provide a strong sense of place, permit the reasonable use of the property, and not impair the continued use and enjoyment of abutting properties in fulfillment of the land use policies of the general plan. Alternative design standards may be approved in lieu of otherwise applicable code provisions to the following provisions of this title.
1. Minimum lot area, maximum building coverage, setback and building height standards of Tables 17.12.020A, 17.12.020B, and 17.12.020C;
  2. Street setback standards of Tables 17.12.030A and 17.12.030B provided any new setback does not conflict with any adopted major street plan as contained in the general plan;
  3. Landscape buffer yard standards of Chapter 17.24;
  4. Parking, loading, and access standards of Chapter 17.20; and
  5. Sign regulations of Chapter 17.32.
- E. Design Standards. To ensure compatibility of a NL district with surrounding uses and streetscape, the NL District development plan should adequately address the following design elements at a minimum:
1. Building Mass and Scale. The mass and scale of any new construction or alterations to a feature shall be consistent with the principal features, if any, on-site and in relation to existing and surrounding uses, buildings, structures, and streetscape.
  2. Parking. The number of any required parking spaces shall be established recognizing any available on-street and alternative parking available in the area. New parking spaces shall be located so as not to disrupt the continuity of the existing neighborhood context, building rhythm, and streetscape. New parking spaces shall be located to the side and rear of the feature to the extent possible.
  3. Lighting. Lighting shall be designed and located at a pedestrian scale consistent with pedestrian movements and the neighborhood. Lighting shall be concealed or shielded to avoid glare and off-site impacts on abutting properties. Lighting poles and fixtures shall be compatible with the function and design of the feature and abutting properties.
  4. Signs. Any sign, where permitted as part of the development plan, shall be consistent with the context, scale, and character of the neighborhood and streetscape. The mass and scale of the feature and the neighborhood context shall be considered in any sign

- size and design to ensure appropriate sign proportions and sensitivity to surrounding properties.
5. Landscaping. Landscaping shall enhance and reinforce the distinguishing characteristics of the feature and appropriately buffer development within the district from adjacent properties.
- F. Staff Recommendation. The staff of the planning commission shall review all applications to establish an NL district or amend an existing district and submit a written report to the planning commission to serve as a basis for action. The report shall adequately describe the location, nature, and scope of the proposed neighborhood landmark development plan, and the manner in which the plan demonstrates conformance with the development and performance standards of Chapter 17.36, Article XI and other applicable provisions of this title.
  - G. Metro Historic Zoning Commission Action. Any feature located within an historic overlay district, listed on the national register of historic places, or eligible for the national register of historic places, shall first be referred to and reviewed by the metropolitan historic zoning commission. The commission shall provide a written recommendation to the planning commission on any alterations proposed to the feature which would be subject to any applicable historical design review guidelines.
  - H. Planning Commission Action. The planning commission shall act to provide a recommendation on the application according to the procedures of Article III of this chapter (Amendments to the Official Zoning Map).
    1. Findings for approval. In recommending approval of a neighborhood landmark district, the planning commission shall find that:
      - a. The feature is a critical component of the neighborhood context and structure;
      - b. Retention of the feature is necessary to preserve and enhance the character of the neighborhood;
      - c. Adaptive reuse, as described in the development plan, will facilitate protection and preservation of the identified feature;
      - d. The proposed use(s) in the development plan is compatible with and sensitive to abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district; and
      - e. All other provisions of Chapter 17.36, Article XI; Section 17.40.160, and this title have been satisfied.

Absent a finding that the proposed feature meets all of the criteria for consideration, the planning commission shall recommend disapproval.
    2. Conditions. The planning commission may recommend approval of a NL district and development plan subject to conditions. Conditions shall be adopted that serve to minimize or mitigate potential impacts of a proposed use or development on the neighborhood character and abutting properties, protect the continuity of the existing building rhythm and streetscape in the neighborhood, enhance the pedestrian realm, and/or to otherwise achieve the purpose and intent of the NL district as described in Chapter 36, Article XI of this title.
  - I. Council Consideration. The metropolitan council shall consider an ordinance establishing a NL district and its associated development plan according to the procedures of Article III of this chapter (Amendments to the Official Zoning Map).
  - J. Development Permits. All zoning, building and other land development permits shall only be issued in conformance with the provisions of the approved NL District development plan. For previously approved NL Districts that do not have an approved development plan and approved uses in place, no zoning permits, building permits or other land development permit of any kind that would alter the character of the district shall be issued within a NL district prior to approval of a neighborhood landmark development plan according to the procedures of this article and chapter. This provision shall not be intended to prevent the issuance of any permit necessary to stabilize any condition of imminent danger to life safety.
  - K. Changes to a Neighborhood Landmark District. Applications to modify a NL District and/or its associated development plan in whole or in part shall be filed with the planning department, and shall be submitted in accordance with the requirements of Section 17.40.160.A of this title. The

planning executive director may waive specific application details or requirements as appropriate based on the type of modification proposed.

1. Amendments. The following types of changes shall be considered amendments to an NL district and require concurrence by the metropolitan council according to the provisions of Subsection I of this section:
    - a. Expansion or modification of the boundary of an existing NL district; and
    - b. Change in the use(s) or addition of new use(s) for an existing NL district with an approved development plan.
  2. Existing NL Districts without an approved development plan. Submittal of a development plan to establish permitted uses for an existing NL district that lacks an approved development plan shall be considered an amendment to the district and shall require concurrence by the metropolitan council.
  3. Revisions. All other modifications to an approved NL District and the associated development plan shall be considered revisions subject to the planning commission's review and action as set forth in this section.
  4. Minor modifications. The planning executive director shall have the authority to grant minor modifications to an approved NL District development plan that do not exceed 10% of any square footage limitation, building setback, lot coverage, landscaping requirement, parking requirement, or dimensional requirement relating to fences or walls. At the planning executive director's discretion, any minor modification may be referred to the planning commission for consideration in accordance with this section.
- L. Removal of Feature. If the feature identified as a neighborhood landmark is removed or destroyed, only those uses permitted by the base zoning district shall be permitted. Uses approved for the NL district beyond those permitted by the base zoning shall no longer be permitted.
- M. Cancellation. In the event a building permit and/or certificate of use and occupancy has not been issued for a feature within two years from and after the effective date of the Council ordinance establishing the NL district and approving the associated development plan, the metropolitan council, the planning commission, or a property owner within the NL district may initiate cancellation of the district. An NL district shall be cancelled by ordinance according to the provisions of Article III of this chapter. (Amdts. 1, 2 with Ord. BL2000-365, Exh.A (part), 2000)

E. Permitted Land Uses. All land uses classified as a "A", "P" or "PC" by the underlying zoning district(s) shall be permitted within the NL district. Additional uses, including uses prohibited by the underlying zoning district(s), may be permitted by the metropolitan council subject to certain conditions as described in the neighborhood landmark development plan, provided they are determined by the planning commission to be compatible with, and sensitive to, abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district.

Section 2. That this Ordinance shall take effect five (5) days from and 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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Anthony Davis  
Member of Council



**SUBSTITUTE ORDINANCE NO. BL2018-1322**

**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 MUG-A and MUL-A zoning, and from RS5 to MUL-A zoning on properties located at 2501, 2521 Clarksville Pike and 2122 26th Avenue North, at the southeast corner of Clarksville Pike and 26th Avenue North (~~6.53~~ 6.10 acres), all of which is described herein (Proposal No. 2018Z-052PR-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 MUG-A and MUL-A zoning, and from RS5 to MUL-A zoning on properties located at 2501, 2521 Clarksville Pike and 2122 26th Avenue North, at the southeast corner of Clarksville Pike and 26th Avenue North (~~6.53~~ 6.10 acres), being Property Parcel No. 009 as designated on Map 081-02 , and Property Parcel Nos. 229 and 475 as designated on Map 081-06 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the 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 081 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.

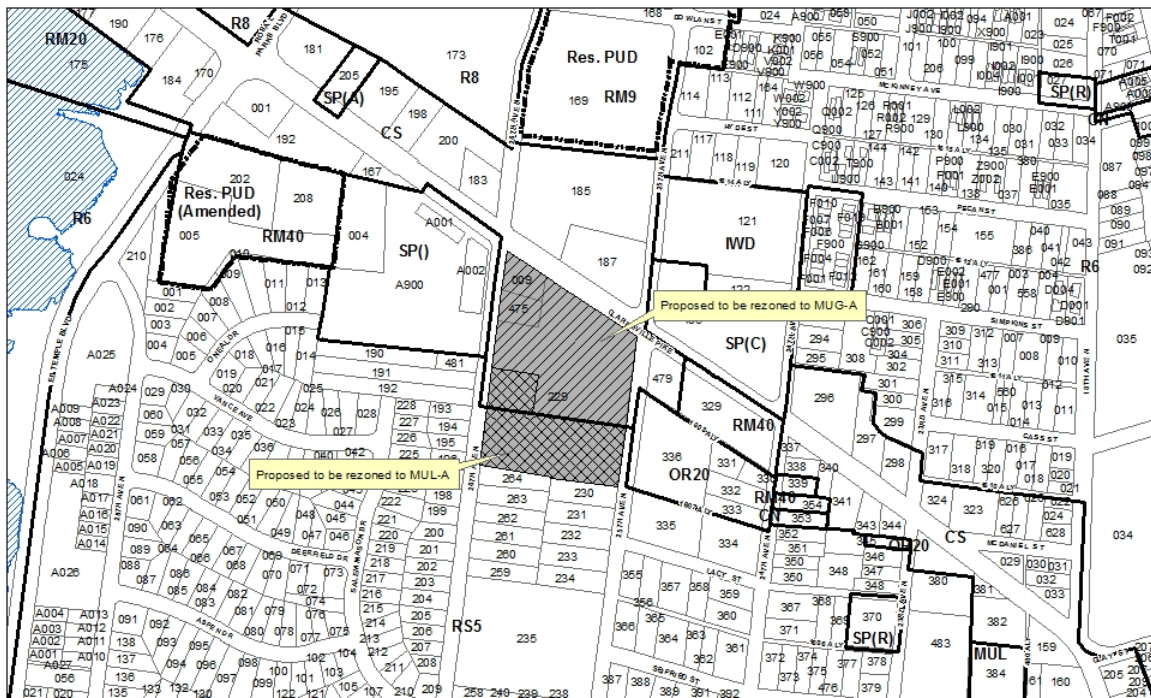
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

\_\_\_\_\_  
Councilmember Ed Kindall

2018Z-052PR-001  
Map 081-02, Parcel(s) 009  
Map 081-06, Parcel(s) 229, 475  
Subarea 08, North Nashville  
District 21 (Kindall)  
Application fee paid by: Titus Young Real Estate LLC

A request to rezone from CS to MUG-A and MUL-A zoning, and from RS5 to MUL-A zoning on properties located at 2501, 2521 Clarksville Pike and 2122 26th Avenue North, at the southeast corner of Clarksville Pike and 26th Avenue North (6.53 6.10 acres), requested by Lukens Engineering Consultants, applicant; HOLO 37208, LLC and United Holdings, LLC, owners.



AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2018-1281

Madam President –

I move to amend Ordinance No. BL2018-1281 as follows:

- I. By amending Section 1 by deleting subsection B of 2.230.050 in its entirety, and substituting the following in lieu thereof as follows:

~~B. Contractors must demonstrate to the Department of Personnel a training program that is comparable to the program for Metropolitan employees. Contractors may enter into contracts with the Department of Personnel to utilize the training program for Metropolitan employees. Contractors must train relevant employees within ninety (90) days of effective date of the contract or the employees start date if after the effective date of the contract.~~

B. Contractors must execute an affidavit, in the form provided by the Purchasing Agent, attesting that:

1. Contractor has provided sexual harassment awareness and prevention training to its employees who fall under the provision of Section 2.230.020(B); or
2. Contractor will provide sexual harassment awareness and prevention training to its employees who fall under the provision of Section 2.230.020(B) within ninety (90) days of the effective date of the contract or the employee's start date if after the effective date of the contract.

INTRODUCED BY:

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Kathleen Murphy  
Member of Council

AMENDMENT NO. A  
TO  
ORDINANCE NO. BL2018-1283

Mr. President:

I move to amend Ordinance No. BL2018-1283 by deleting the existing Section 1 in its entirety and replacing it with the following:

Section 1. That Title 5 of the Metropolitan Code of Laws shall be amended by inserting into Chapter 5.04 a new ~~sub~~section 5.04.140 as follows:

Section 5.04.140 – Prohibition on use of real property proceeds

- A. Proceeds from the sale of real property owned by the metropolitan government shall not be used for ~~recurring operating costs-expenses~~ of the metropolitan government.
- B. Proceeds from the sale of real property owned by the metropolitan government, other than real property acquired pursuant to section 67-5-2501 of the Tennessee Code Annotated, shall not be relied upon as a funding source for ~~recurring~~ operating expenses in any proposed operating budget.
- C. Any proceeds from the sale of real property owned by the metropolitan government, other than real property acquired pursuant to section 67-5-2501 of the Tennessee Code Annotated, shall be used exclusively for the payment of debt services or the purchase other real property.
- D. This section is not intended to interfere with the procedures for the disposition of property for the Metropolitan Government pursuant to Chapter 2.24, Part II, of the Metropolitan Code of Laws.

INTRODUCED BY:

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Kathleen Murphy  
Member of Council

AMENDMENT NO. B

TO

ORDINANCE NO. BL2018-1283

Mr. President:

I move to amend Ordinance No. BL2018-1283 by renumbering the existing Section 2 as Section 3, and by adding the following new Section 2:

Section 2. The provisions of this Ordinance shall apply to the sale of real property from and after July 1, 2019.

Section ~~2~~3. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Kathleen Murphy  
Member of Council

AMENDMENT NO. C

TO

ORDINANCE NO. BL2018-1283

Mr. President:

I move to amend Ordinance No. BL2018-1283 by deleting proposed section 5.04.140, Subsection C, in its entirety and re-lettering the remaining subsections accordingly.

INTRODUCED BY:

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Kathleen Murphy  
Member of Council

AMENDMENT NO. D

TO

ORDINANCE NO. BL2018-1283

Mr. President:

I move to amend Ordinance No. BL2018-1283 by deleting proposed section 5.04.140, Subsection C, in its entirety and substituting in lieu thereof the following:

- C. Any proceeds from the sale of real property owned by the metropolitan government shall be used exclusively for the payment of debt services, ~~or~~ the purchase of other real property or other capital expenditures.

INTRODUCED BY:

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Kathleen Murphy  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2018-1314**

**An ordinance ~~establishing a~~ amending requirements for the Blue Ribbon Commission, as established by Substitute Ordinance BL2018-1184, consistent with the Annual Operating Budget for Fiscal Year 2019.**

WHEREAS, the Annual Operating Budget for FY 2019, approved by Substitute Ordinance No. BL2018-1184, as amended, authorized the establishment of a Blue Ribbon Commission, to be established by September 30, 2018; and

WHEREAS, pursuant to the Substitute Ordinance No. BL2018-1184, as amended, the Mayor has appointed five (5) members to the Blue Ribbon Commission by resolution, subject to confirmation by the Metropolitan Council; and

WHEREAS, subsequent to adoption of Substitute Ordinance No. BL2018-1184, as amended, it has been determined that the Blue Ribbon Commission would benefit from additional members as well as the provision of procedures, objectives, and additional resources; and

WHEREAS, pursuant to Substitute Ordinance No. BL2018-1184, as amended, the goals of the Blue Ribbon Commission are to identify government inefficiencies, practices, transfer payments, third party payments and subsidies with the targeted goal of achieving budgetary cost savings of \$20 million in annual savings. The goals of the Commission should further include identification of potential savings — from both the operating and capital budgets — including one-time and on-going savings; and

WHEREAS, it is in the interest of the people to have a cost-efficient government; and

WHEREAS, the Metropolitan County Council desires to modify and establish in further detail the membership, procedures, objectives, and resources available to the Blue Ribbon Commission.

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

Section 1. The Blue Ribbon Commission established pursuant to Substitute Ordinance No. BL2018-1184, as amended, is hereby modified as follows:

There is hereby established a Blue Ribbon Commission, referred to as the "Commission": The Blue Ribbon Commission (hereinafter "the Commission") shall consist of ~~fifteen (15)~~ twelve (12) members. This shall include ~~twelve (12)~~ ten (10) voting members and ~~three (3)~~ two (2) ex-officio, non-voting members. The purpose of the Commission shall be to identify cost savings, increased revenues and cost avoidance, including one-time and on-going savings, with the targeted goal of achieving budgetary cost savings, increased revenues, and cost avoidance collectively totaling \$20 million; and

Section 2. Of the ~~twelve (12)~~ ten (10) voting members, five (5) members shall be appointed by the Mayor as designated by Resolution No. RS2018-1411 and shall have business experience relevant to efficient city administration, including such fields as general business experience, contracting, human resources, finance, and asset and property management. and pension administration. Four (4) members shall be appointed by the Mayor and assented to by the Vice Mayor, of which three (3) shall have backgrounds in labor management and practice, and one (1) shall have a professional accounting background. Three (3) members shall be appointed from membership of the Council, including (a) the Vice Mayor or his designee, (b) the chair of the Budget and Finance Committee; and (c) one (1) councilmember selected by the Vice Mayor from the membership of the Council. The councilmembers shall be appointed by the Vice Mayor and serve at the Vice Mayor's discretion. In addition, in consultation with the chairperson of the Budget and Finance Committee, the Vice Mayor shall appoint two (2) additional Commission members from the



membership of the Council or by selecting individuals from the business or labor communities with relevant expertise.

Administrative support shall be provided by employee(s) of the Department of Finance, Mayor's Office, and any other department designated by the Mayor. Legal support shall be provided by the Department of Law. The Mayor's Office and Department of Finance representatives will coordinate responses and facilitate the flow of information on inquiries made by the Commission, assist with the scoring of each idea presented by the Commission, as well as present ideas collected by the Finance Department staff for potential savings. The representative from the Department of Law shall confirm the legal feasibility of Commission proposals, and provide counsel to the Commission. The members appointed by the Vice Mayor from among current councilmembers shall assist with coordination of the work of the Commission and collect and submit proposals generated by the Metropolitan Council.

Subject to the re-authorization of the Commission, the members of the Commission who are not members of the Metropolitan Council shall serve for terms of three (3) years. The term of each councilmember appointee shall be one (1) year. ~~The term of the non-council members of the Commission shall be for three (3) years.~~ Any vacancy on the Commission due to any cause shall be filled for the unexpired term in the same manner as the original appointment.

Section 3. ~~The Commission shall determine the resources needed to comply with its mission and make such recommendations and hiring as appropriate and necessary to complete its work. The Commission shall have the authority to enter into a six-month contract for professional consulting services with outside parties for the completion of the Commission's work with the value of this contract to be not more than \$250,000. This contract shall be awarded pursuant to Metro Code of Laws Section 4.08.080.~~

The Commission may subsequently request additional funding and/or employment of a consultant, outside expert, or other party if deemed necessary and useful for the completion of the Commission's objectives. Such request may be submitted to the Metropolitan Council's Budget and Finance Committee for consideration, and an appropriation may be funded by a vote of the full Council by resolution receiving twenty-one (21) affirmative votes. Any appropriation under this provision shall have the expectation of recognized budget savings or revenue generation materially greater than the appropriation. In the event of such request by the Commission, the Department of Metropolitan Finance may be requested to determine the availability of resources under then-existing consulting contracts to which the Metropolitan Government is a party that may be used to further the objectives of the Commission.

The Commission shall elect a Chairperson for the term of the Commission who shall supervise the conduct of the meetings, determine the Commission's meeting and work schedule, formulate with other Commission members the adoption of rules governing the Commission, and oversee coordination of the work of the Commission.

The Commission shall provide the Mayor's Office and the Council with a report detailing (1) ~~expense saving ideas and~~ a listing of budget savings proposals, providing therein a ranking based upon value and feasibility, and further including an evaluation of "recommended", "not recommended", or "neutral" for each such proposal; and (2) revenue generation proposals as may be practicable for the efficient administration of the Metropolitan Government. Both ~~expense budget savings proposals~~ and revenue generation ~~ideas proposals~~ may be for either recurring or one-time cost and revenue amounts.

The Commission shall not consider cost savings or cost avoidance measures pertaining to employee benefits that fall within the purview of the Study and Formulating Committee under Section 13.06 of the Metropolitan Charter. Further, the Commission shall not consider cost savings or cost avoidance measures pertaining to Nashville General Hospital since the Council has already established a strategic planning committee for Nashville General Hospital pursuant to Substitute Resolution No. RS2018-1032.

The Commission shall encourage and solicit cost savings and cost avoidance ideas from current employees of the Metropolitan Government, and shall recommend appropriate incentives and/or rewards in order to

encourage and recognize effective cost saving ideas submitted by such employees (excluding Commission and councilmembers). The Commission shall encourage such ideas from the general public, as well.

The Commission shall focus its efforts during the remainder of Fiscal Year 2019 on identifying cost savings, cost avoidance, and revenue enhancements that can be realized in the Fiscal Year 2020 operating budget.

All meetings of the Commission shall be publicly noticed and shall be open to the public consistent with the requirements of the Tennessee Open Meetings Act.

The Commission shall consider and vote on proposed ideas for expense savings and revenue generation proposals. Only those ideas receiving a majority vote of the Commission shall be submitted to the Mayor's Office and the Council for possible inclusion in the budget. The deadline for the submission of these ideas shall be no later than March 31, 2019, or March 31 of a subsequent calendar year. The Commission shall present a report detailing potential budget savings proposals, cost avoidance proposals and revenue generation proposals to the Mayor and to the Metropolitan Council by April 1 of each year. The Commission may present an interim report to the Mayor and to the Council from time-to-time whenever it has reason to believe three million dollars (\$3,000,000) or more in savings might be obtained by a change in budget practice. The Commission shall be available to the Metropolitan Council's Budget and Finance Committee to discuss the Commission's progress.

Section 4. This Commission shall sunset upon adoption of the annual operating budget, but may be reauthorization in each subsequent budget. The Blue Ribbon Commission shall be subject to annual reauthorization in the annual operating budget ordinance for the Metropolitan Government. Failure to reauthorize the Commission shall result in the immediate termination of the Commission.

Section 5. This ordinance shall supersede the provisions of Amendment B to Substitute Ordinance No. BL2018-1184, adopted June 19, 2018, regarding establishment of the Blue Ribbon Commission.

Section 5-6. Be it further enacted that this ordinance shall take effect immediately after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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John Cooper  
Member of Council, At-Large