



**Metropolitan Council**

**PROPOSED AMENDMENTS TO**

**ORDINANCES AND**

**RESOLUTIONS, SUBSTITUTE**

**RESOLUTION, AND**

**SUBSTITUTE ORDINANCES TO**

**BE FILED WITH THE METRO**

**CLERK**

**FOR THE COUNCIL MEETING OF**

**TUESDAY, MARCH 19, 2019**

AMENDMENT NO.   A    
TO  
RESOLUTION NO. RS2019-1644

Mr. President –

I move to amend Resolution No. RS2019-1644 as follows:

- I. By adding the following recitals clauses between clauses 10 and 11 of the Resolution:
- WHEREAS, the Nashville Convention Center Authority (CCA) receives tax revenues from a variety of sources, including portions of a hotel/motel tax (authorized under Tenn. Code Ann. §7-4-110), hotel room occupancy fees (Tenn. Code Ann. §7-4-202), a rental car tax (Tenn. Code Ann. §67-4-1908), campus sales taxes (Tenn. Code Ann. §67-6-103), airport departure taxes (Tenn. Code Ann. §7-88-101), and sales taxes collected within a Tourism Development Zone surrounding and extending beyond the convention center (Tenn. Code Ann. §7-88-101), which zone includes the Nashville Yards project designated as the site of the Amazon, Inc. incentive proposal; and
- WHEREAS, the project proposal submitted by Amazon, Inc. will generate significant increased inflow of revenue to the CCA from the increase in employees in the downtown area and the other anticipated businesses which will be part of the Nashville Yards development; and
- WHEREAS, under the terms of this Resolution, the Metropolitan Government may be obligated to pay a cumulative seven-year total of \$17,500,000, assuming creation of 5,000 new jobs for each grant year totaling \$2,500,000 annually; and
- WHEREAS, the Metropolitan Government will be required to pay up to \$15,250,000 from the general fund in order to reimburse the Nashville Yards project for infrastructure items at its project site; and
- WHEREAS, in fiscal year 2017, the CCA received over \$92,365,781 in revenues generated by the tourism-related taxes and fees described above, and \$102,539,865 in fiscal year 2018; and the CCA will receive substantial additional future revenues following completion of this Nashville Yards project, as well as others currently under construction; and
- WHEREAS, as of June 2018, the CCA held \$124,392,777 in cash and cash equivalents of unrestricted funds in unencumbered surplus revenue (inclusive of sales taxes, other revenue streams dedicated to the convention center, and operating profits); and
- WHEREAS, funds generated or received by the CCA may be applied to its operating expenses and/or to general CCA purposes; and
- WHEREAS, the bylaws of the CCA provide that among the “purposes” for which the Authority is organized are to operate within the meaning of and exercise all powers granted to it by state law, including the promotion of tourism *and business opportunities* through accommodating conventions or other means, and to do what is reasonable and necessary to promote and further develop tourism, convention *and employment opportunities*; and
- WHEREAS, the CCA has previously defrayed expenses incurred by the Metropolitan Government by appropriating approximately \$10,441,661 from CCA revenues to the

general fund of the Metropolitan Government. Pursuant to a Memorandum of Understanding signed May 8<sup>th</sup>, 2018 between the CCA and the Metropolitan Government, the CCA appropriated portions of its receipts from hotel/motel tax revenues, hotel room occupancy tax revenues, and campus sales tax revenues; and

WHEREAS, the CCA further committed to appropriating between \$1,500,000 and \$3,000,000 annually between 2018 to 2027 to assist with funding the proposed transit improvement program (which failed at referendum in May 2018); and

WHEREAS, this appropriation of funds as a reimbursement by the CCA of expenses incurred by the Metropolitan Government has been construed as consistent with the operating expenses and/or purposes of the CCA; and

WHEREAS, it is therefore appropriate that the CCA be requested to voluntarily pay for the economic and community development incentive grant, using the same means as the Memorandum of Understanding between the Metropolitan Government and the CCA dated May 8<sup>th</sup>, 2018; and

- II. By revising the economic and community development incentive grant agreement ("Agreement"), as referenced in recital clauses 10 and 11 and in Sections 1, 2, 4, and 5 of the Resolution, by amending Section 2.4 of the Agreement by deleting it in its entirety and substituting therefore the following:

**2.4 Annual Appropriation.** Notwithstanding anything to the contrary herein, the Metropolitan Government's obligation to make any payments hereunder is contingent upon:

(a) the annual appropriation of funds for such purpose by the Metropolitan Council. Without limiting the generality of the foregoing, if the Metropolitan Council does not appropriate funds for payments hereunder during a Grant Year, then the Grant Payment request may be resubmitted in subsequent Grant Years. Furthermore, if the Metropolitan Government fails to comply with any of its obligations set forth in this Agreement, including the failure to appropriate funds as specified in this Section, AMAZON's obligations under this Agreement shall cease; and

(b) the solicitation by the Metropolitan Government of a voluntary appropriation of funds from the Convention Center Authority (CCA), in an amount equivalent to the economic and community development incentive grant addressed herein, using legal revenue sources consistent with the operating expenses and/or purposes of the CCA; and

(c) the receipt of a response from the CCA to the solicitation by Metropolitan Government for a voluntary appropriation; the response to be delivered by the CCA to the Metropolitan Council prior to the adoption of the Budget Ordinance of the Metropolitan Government of Nashville and Davidson County for Fiscal Year 2020.

- III. By adding a new Section 3 to the Resolution as set forth below, re-numbering the remaining sections as necessary:

Section 3. Notwithstanding anything to the contrary herein or within the Agreement, the Metropolitan Government's obligation to make any payments hereunder is contingent upon (a) the solicitation by the

Metropolitan Government of a voluntary appropriation of funds from the Convention Center Authority (CCA) in an amount equivalent to the economic and community development incentive grant approved herein, using legal revenue sources consistent with the operating expenses and/or purposes of the CCA; and (b) the receipt of a response from the CCA to the solicitation by the Metropolitan Government for a voluntary appropriation, to be delivered by the CCA to the Metropolitan Council prior to the adoption of the Budget Ordinance of the Metropolitan Government of Nashville and Davidson County for Fiscal Year 2020.

INTRODUCED BY:

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John Cooper  
Member of Council

AMENDMENT NO. B

TO

RESOLUTION NO. RS2019-1644

Mr. President –

I move to amend Resolution No. RS2019-1644 as follows:

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

Section 2. That the amount of the annual incentive grant payments authorized hereby be calculated by multiplying the number of Amazon Jobs (as defined in Exhibit A hereto) for each Grant Year (as defined in Exhibit A hereto) by five hundred dollars (\$500.00), provided that the annual incentive grant payment shall not exceed two million five hundred thousand dollars (\$2,500,000) in any given year, representing a maximum of five thousand Amazon Jobs. Any increase in this yearly payment amount must be approved by a resolution of the Metro Council.

II. By amending the Economic and Community Development Incentive Grant Agreement ("Agreement"), attached as Exhibit A to this Resolution and incorporated therein by reference, by adding the following as the thirteenth recital clause:

WHEREAS, in order to establish explicit limitations upon the obligations of the Metropolitan Government of Nashville and Davidson County under this Agreement, a cap of two million five hundred thousand dollars (\$2,500,000) upon annual incentive grant payments, representing a maximum of five thousand Amazon Jobs, is proper and necessary.

III. By further revising the Economic and Community Development Incentive Grant Agreement ("Agreement"), attached as Exhibit A to this Resolution and incorporated therein by reference, by deleting the definition of "Grant Payment" in Section 1.2 of the Agreement and replacing it with the following:

"Grant Payment" shall mean, with respect to each Grant Year, the amount calculated by multiplying the number of AMAZON Jobs as of December 31 by Five Hundred and No/100 Dollars (\$500.00). Notwithstanding any other provision of this definition or this Agreement to the contrary, the annual incentive grant payment shall not exceed two million five hundred thousand dollars (\$2,500,000) in any given year, representing a maximum of five thousand Amazon Jobs.

INTRODUCED BY:

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Angie Henderson

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Dave Rosenberg  
Members of Council

**SUBSTITUTE RESOLUTION NO. RS2019-1647**

**A resolution supporting ~~SB 0277/HB 1390~~ SB 0932/HB 1335, currently pending before the Tennessee General Assembly.**

WHEREAS, introduced by ~~Senator Rosalind Kurita and Representative Ryan Williams~~ Senator Jon Lundberg and Representative Rick Eldridge, ~~SB 0277/HB 1390~~ SB 0932/HB 1335, currently pending before the Tennessee General Assembly, as amended, would authorize a municipality, a county, or a county having a metropolitan form of government to regulate tobacco product and vapor product in certain locations, as long as the regulation is not less restrictive than required by state law; and

WHEREAS, in the United States, over 45 million adults still smoke cigarettes, with approximately 500,000 dying each year of tobacco smoke-related illnesses; and

WHEREAS, the health and welfare of Tennessee residents is a top priority of local and state legislators; and

WHEREAS, 83,399 or 17.4% of adults regularly smoke cigarettes in Nashville and Davidson County; and

WHEREAS, research shows that smoking bans lead to marked reductions in cardiovascular incidents, and furthermore, some studies have suggested that brief exposure to second-hand smoke can damage the lining of blood vessels, cause blood platelets to become stickier, and lead to a deadly heart attack; and

WHEREAS, additional effects of second-hand smoke include: increased risk of stroke by 20-30%, increased risk of developing heart disease by 25-30% for non-smokers who are exposed to second-hand smoke, and nearly 34,000 premature deaths from heart disease each year in the United States among non-smokers; and

WHEREAS, preliminary research has suggested an association between dementia syndromes in adults and exposure to second-hand smoke; and

WHEREAS, in the United States, 4 out of 10 school-aged children, and 1 out of 3 adolescents are involuntarily exposed to second-hand tobacco smoke (SHS), with children of minority ethnic backgrounds and those living in low-socioeconomic-status households being disproportionately affected (68% and 43%, respectively); and

WHEREAS, children are particularly vulnerable, with little control over home and social environment, and lack the understanding, agency, and ability to avoid SHS exposure on their own volition; and

WHEREAS, side-stream smoke – the smoke emanating from the burning end of the cigarette – a major component of SHS, contains a higher concentration of some toxins than mainstream smoke – inhaled by the smoker directly – making SHS potentially as dangerous as or even more dangerous than direct smoking; and

WHEREAS, compelling animal and human evidence shows that SHS exposure during childhood is detrimental to arterial function and structure, resulting in premature atherosclerosis and its cardiovascular consequences; and

WHEREAS, childhood SHS exposure is also related to impaired cardiac autonomic function and changes in heart rate variability, and is associated with clustering of cardio metabolic risk factors such as obesity, dyslipidemia, and insulin resistance; and

WHEREAS, evidence suggests that comprehensive smoke free laws may reduce the risk of heart attack and stroke hospitalizations by 15% and 16% respectively; and

WHEREAS, smoking not only claims the lives of those who use tobacco, but also those who are exposed to second-hand smoke; and

WHEREAS, this state legislation would support and further ensure the health and wellbeing of all Tennesseans, including the citizens of Nashville and Davidson County; and

WHEREAS, it is fitting and proper that the Metropolitan Council of Nashville and Davidson County go on record as supporting ~~SB 0277/HB 1390~~ SB 0932/HB 1335, as amended.

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 supporting the state legislation proposed under ~~SB 0277/HB 1390~~ SB 0932/HB 1335, as amended, currently pending before the Tennessee General Assembly.

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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Erica Gilmore

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Freddie O'Connell  
Members of Council

AMENDMENT NO. A  
TO  
ORDINANCE NO. BL2018-1404

Mr. President –

I hereby move to amend Ordinance No. BL2018-1404 as follows:

I. By deleting Section 1 in its entirety and substituting in lieu thereof the following:

Section 1. That section 6.80.550 of the Metropolitan Code of Laws be amended by adding the following new subsection:

- K. Effective June 30, 2019, if a vehicle stored pursuant to this chapter is determined to be a stolen vehicle and storage of the vehicle is necessary for investigative purposes, a waiver of storage fees charged pursuant to this section shall be granted to the owner, authorized operator, or lienholder seeking to reclaim the vehicle. An individual requesting a waiver under this subsection must present (1) a police report or other official documentation from the Metropolitan Nashville Police Department confirming that the vehicle was stolen and (2) an affidavit signed by the owner, authorized operator, or lienholder attesting that the storage fees are not eligible for coverage under any applicable insurance policy.

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

Section 2. That section 12.08.150 of the Metropolitan Code of Laws be amended by adding the following new subsection:

- G. Effective June 30, 2019, the owner or authorized driver or operator of the impounded vehicle may have storage fees waived if the vehicle is a recovered stolen vehicle and storage of the vehicle is necessary for investigative purposes. An individual requesting a waiver of fees must present (1) a police report or other official documentation from the Metropolitan Nashville Police Department confirming that the vehicle was stolen and (2) an affidavit signed by the owner or authorized driver or operator attesting that the storage fees are not eligible for coverage under any applicable insurance policy.

INTRODUCED BY:

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Kevin Rhoten  
Member of Council



AMENDMENT NO.   B    
TO  
ORDINANCE NO. BL2018-1404

Mr. President –

I move to amend Ordinance No. BL2018-1404 as follows:

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

Section 1. That section 6.80.550 of the Metropolitan Code of Laws be amended by adding the following new subsection:

K. Effective June 30, 2019, if upon being notified by the chief of police, or his/her designated representative, that a vehicle stored pursuant to this chapter is determined to be a stolen vehicle, a then the registered owner of the stolen vehicle may reclaim their vehicle within twenty-four hours of being notified by the police department, and shall not be charged a storage fee, provided that the waiver of storage fees charged pursuant to this section shall be granted to the owner, authorized operator, or lienholder seeking to reclaim the vehicle. An individual requesting a waiver under this subsection must present (1) a police report or other official documentation from the Metropolitan Nashville Police Department confirming that the vehicle was stolen and (2) fees shall not apply if the storage fees are eligible for coverage under any applicable insurance policy. The registered owner of the stolen vehicle shall provide an affidavit signed by the owner, authorized operator, or lienholder attesting that the storage fees are not eligible for coverage under any applicable insurance policy. If the registered owner fails to reclaim his vehicle and remove same from the storage lot within twenty-four hours after being notified, the owner shall be charged the regular storage fee from the time and date of receipt of the automobile at the storage lot. The provisions of this section shall apply only to those registered owners of stolen motor vehicles who have reported their automobile stolen to the metropolitan police department prior to recovery of their motor vehicle by the police department.

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

Section 2. That section 12.08.150 of the Metropolitan Code of Laws be amended by adding the following new subsection:

G. Effective June 30, 2019, the owner or authorized driver or operator of the impounded vehicle may have storage fees waived if the vehicle is a recovered stolen vehicle. An individual requesting a waiver of fees must present (1) a police report or other official documentation from the Metropolitan Nashville Police Department confirming that the vehicle was stolen and (2) upon being notified by the chief of police, or his/her designated representative, that a vehicle stored pursuant to this chapter is a stolen vehicle, then the registered owner of the stolen vehicle may reclaim their vehicle within twenty-four hours of being notified by the police department, and shall not be charged a storage fee, provided

that the waiver of storage fees shall not apply if the storage fees are eligible for coverage under any applicable insurance policy. The registered owner of the stolen vehicle shall provide an affidavit signed by the owner or ~~authorized driver or operator~~, attesting that the storage fees are not eligible for coverage under any applicable insurance policy. If the registered owner fails to reclaim his vehicle and remove same from the storage lot within twenty-four hours after being notified, the owner shall be charged the regular storage fee from the time and date of receipt of the automobile at the storage lot. The provisions of this section shall apply only to those registered owners of stolen motor vehicles who have reported their automobile stolen to the metropolitan police department prior to recovery of their motor vehicle by the police department.

INTRODUCED BY:

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Freddie O'Connell  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2019-1518**

**An ordinance amending ~~Title 6~~, Chapter 6.81 of the Metropolitan Code of Laws regarding Booting Services.**

WHEREAS, the public safety is entrusted to booting services; and,

WHEREAS, sections of Chapter 6.81 need to be amended to provide further clarity to the citizens of Nashville and Davidson County subject to booting and the licensees and employees engaged in the act of booting; and,

WHEREAS, it is in the best interests of the people of Nashville and Davidson County that the amendments be made.

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

Section 1. That Section 6.81.005 of the Metropolitan Code of Laws shall be amended by adding the following definition:

“Residential parking area” means a contiguous or nearly contiguous parking area containing public streets and highways or parts thereof where residents dwell.

Section 2. That Section 6.81.080(B) of the Metropolitan Code of Laws shall be amended by deleting the phrase “twenty-one” and replacing it with “eighteen.”

Section 3. That Section 6.81.080(G) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

“A permit issued by the commission to an employee of a booting service permitting such person to engage in the practice of booting shall be issued for a period of one year at a fee of fifty dollars, plus an additional forty dollars for an investigation of the person applying for the permit. The commission shall have the authority to adopt future increases in the fee to pay for the cost of the investigation of the permit applicant, subject to approval of the metropolitan council by resolution.”

Section 4. That Section 6.81.080 of the Metropolitan Code of Laws shall be amended by adding the new subsection (L) and the following language:

“All persons engaged in the act of booting must wear a uniform which contains the name and/or logo of the booting company on the right or left chest of the shirt or jacket the employee is wearing.”

Section 5. That Section 6.81.100 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

“6.81.100 Vehicle Requirements and Damages

Vehicles being used by operators to assist in the operation of a vehicle immobilization service must display on each side, in plain view, the name of the vehicle immobilization service, and the telephone number of the vehicle immobilization service. The lettering shall

be in a contrasting color to the color of the vehicle, or if a vehicle magnet is used, the lettering shall be in a contrasting color to the color of the magnet. The lettering shall be at least 1.5 inches in height.

A vehicle immobilization service must maintain a 24-hour a day, 365 days per year phone number that is staffed by a live operator to communicate immediately with a driver of a vehicle that has been immobilized by the vehicle immobilization service.

In the event that the application of a vehicle immobilization device damages a vehicle, then the vehicle immobilization service or operator must pay the cost of repairs for that damage.

~~In the event that the owner or driver of a vehicle, to which an immobilization device has been applied, attempts to operate said vehicle or remove the device, then the vehicle immobilization service is not liable for any damage to that vehicle. Additionally, the owner, driver or person in charge of the vehicle, will be liable to the vehicle immobilization service for the cost of damage to the vehicle immobilization device.~~

It shall be unlawful for either a vehicle immobilization service or an operator to immobilize vehicles at any off-street parking facility, vacant lot, or other private property without having a valid written contract specifically for such services entered into with the private property owner, lawful lessee, managing agent or other person in control of the property."

Section 6. That Section 6.81.140 of the Metropolitan Code of Laws shall be amended by deleting the word "fifty" and replacing it with "seventy five."

Section 7. That Section 6.81.150 of the Metropolitan Code of Laws shall be amended by deleting the word "towed" and replacing it with "booted."

Section 8. That Section 6.81.170 of the Metropolitan Code of Laws shall be amended by deleting section B and section C, and renumbering the remainder of the section accordingly.

Section 9. That Section 6.81.170 of the Metropolitan Code of Laws shall be amended by deleting section E and replacing it with the following language:

"To fail to respond and arrive to a booted vehicle to remove the boot within one hour of being contacted by the owner or operator or to fail to remove the boot within 15 minutes after full boot removal payment has been received.

Section 10. That Section 6.81.170 of the Metropolitan Code of Laws shall be amended by adding a new section and the following language:

"For a person or company to engage in the business of providing booting services within the area of the metropolitan government without first obtaining and keeping in force a license from the commission to operate a booting service."

Section 11. That Section 6.81.180(a) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"No boot shall be placed on a vehicle parked on private property unless a permanently affixed sign measuring not less than twenty-four inches in height and eighteen inches in width is placed at the property's intended ingress/egress. All signage must be inspected

by the TLC staff within seven days of installation and must bear a decal affixed by TLC staff to indicate compliance after inspection is complete. The TLC Director may, if necessary, require additional signage for notification.

Such signs shall include the following information in red lettering on a white background:

Parking Policy Strictly Enforced  
Violators will be Booted or Towed at Owner's Expense  
\$75.00 Maximum Booting fee  
[Name and 24-hour phone number of booting and/or towing company]."

Section 12. That Section 6.81.200(A) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"The MTLC Director is authorized to suspend, revoke, otherwise restrict, or not renew any license or permit issued under this article for failing or refusing to comply with the provisions of this chapter or the MTLC rules and regulations."

Section 13. That Section 6.81.200(B) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"No action to suspend, revoke or place on probation any license or permit provided for in this chapter shall be taken by the commission or the MTLC Director, except in emergency situations, until the licensee or permittee has been furnished a written statement of the Metropolitan Code Violations and a notice of the time and place of the hearing to be held thereon. The furnishing of such notice and the reasons for the commission's or MTLC Director's proposed action shall be given to such licensee or permittee at least fifteen days prior to the date of the hearing. If at such hearing, the commission finds the licensee or permittee has violated the Metropolitan Code or any provision of Section 6.81, it may suspend, revoke or place on probation the license or permit previously issued by it.

Section 14. That Section 6.81.200(C) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"Upon the failure to renew any license or permit, the commission or MTLC Director shall so notify the licensee or permittee, giving the licensee or permittee the reasons for its failure to renew the license or permit. The licensee or permittee may by a simple written request addressed to the commission, ask for and request a hearing by the commission as to the reasons for the commission's or MTLC Director's failure to renew the license or permit. The commission shall then grant the licensee or permittee a hearing and shall fix the time and place for such hearing within thirty days and shall promptly notify the licensee or permittee of the time and place. It shall be incumbent upon the commission at the hearing to substantiate the reasons for its failure to renew the license or permit."

Section 15. That Section 6.81.200(D) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"At any hearing provided for in this chapter, the licensee or permittee shall have the right to be represented by an attorney of his/her choice, to present evidence, to have witnesses testify under oath on his behalf, and the strict rules of evidence shall not apply."

~~Section 16. That Title 6, Section 6.81.200 of the Metropolitan Code of Laws shall be amended by adding a new section (E) and the following language: "The maximum suspension period for any one violation of this article shall be sixty days. The maximum fine for any violation of this article shall be \$1,000.00."~~

Section ~~17.~~ 16. 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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Freddie O'Connell  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2018-1413**

**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 RS5 to ~~R6-A~~ RM20 zoning on property located at 927 Douglas Avenue, approximately 285 feet east of Emmett Avenue (0.33 acres), all of which is described herein (Proposal No. 2018Z-087PR-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 RS5 to ~~R6-A~~ RM20 zoning on property located at 927 Douglas Avenue, approximately 285 feet east of Emmett Avenue (0.33 acres), being Property Parcel No. 250 as designated on Map 072-13 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 072 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.

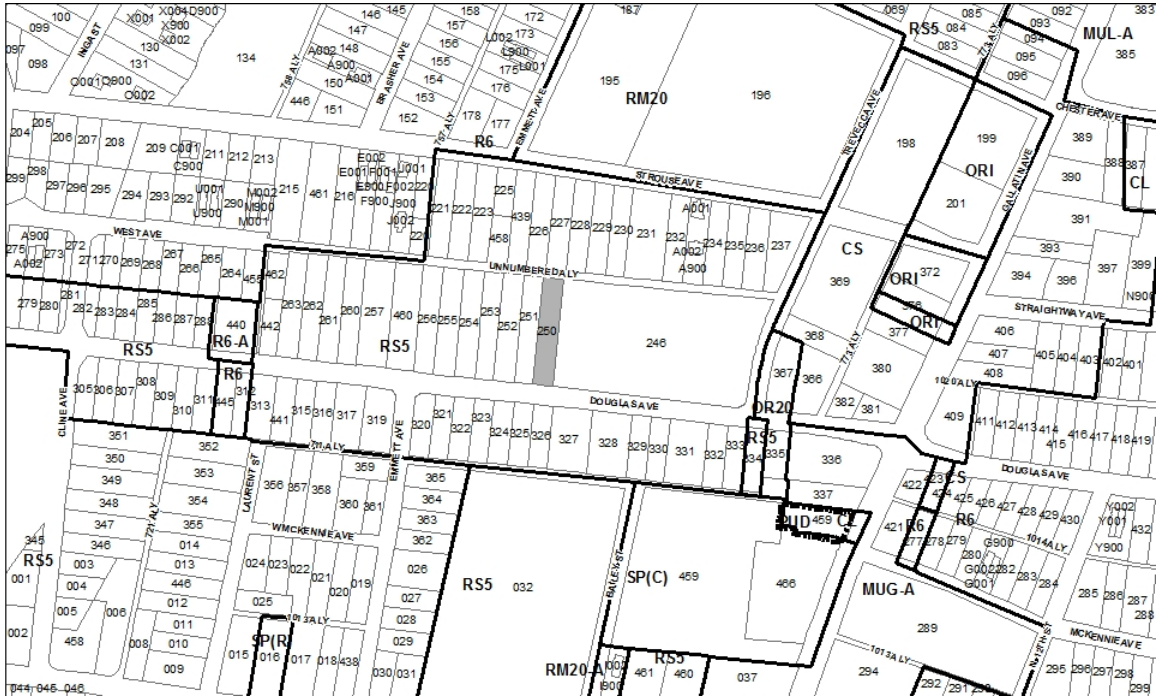
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

\_\_\_\_\_  
Councilmember Scott Davis

2018Z-087PR-001  
Map 072-13, Parcel(s) 250  
Subarea 05, East Nashville  
District 05 (Davis)  
Application fee paid by: Fee waived by Council

A request to rezone from RS5 to R6-A RM20 zoning on property located at 927 Douglas Avenue, approximately 285 feet east of Emmett Avenue (0.33 acres), requested by Councilmember Scott Davis, applicant; Kimberly Smith-Tucker, owner.





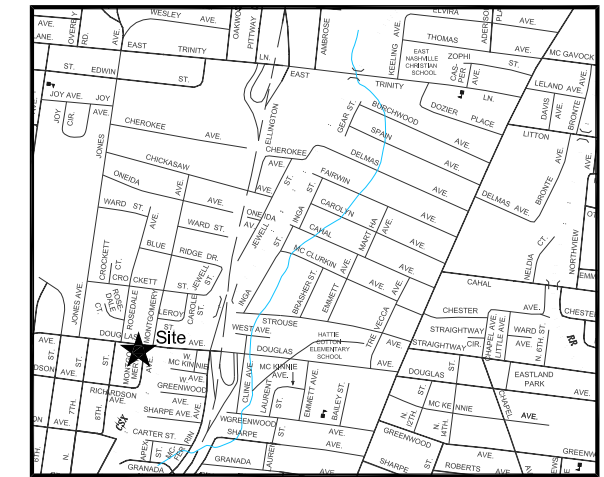
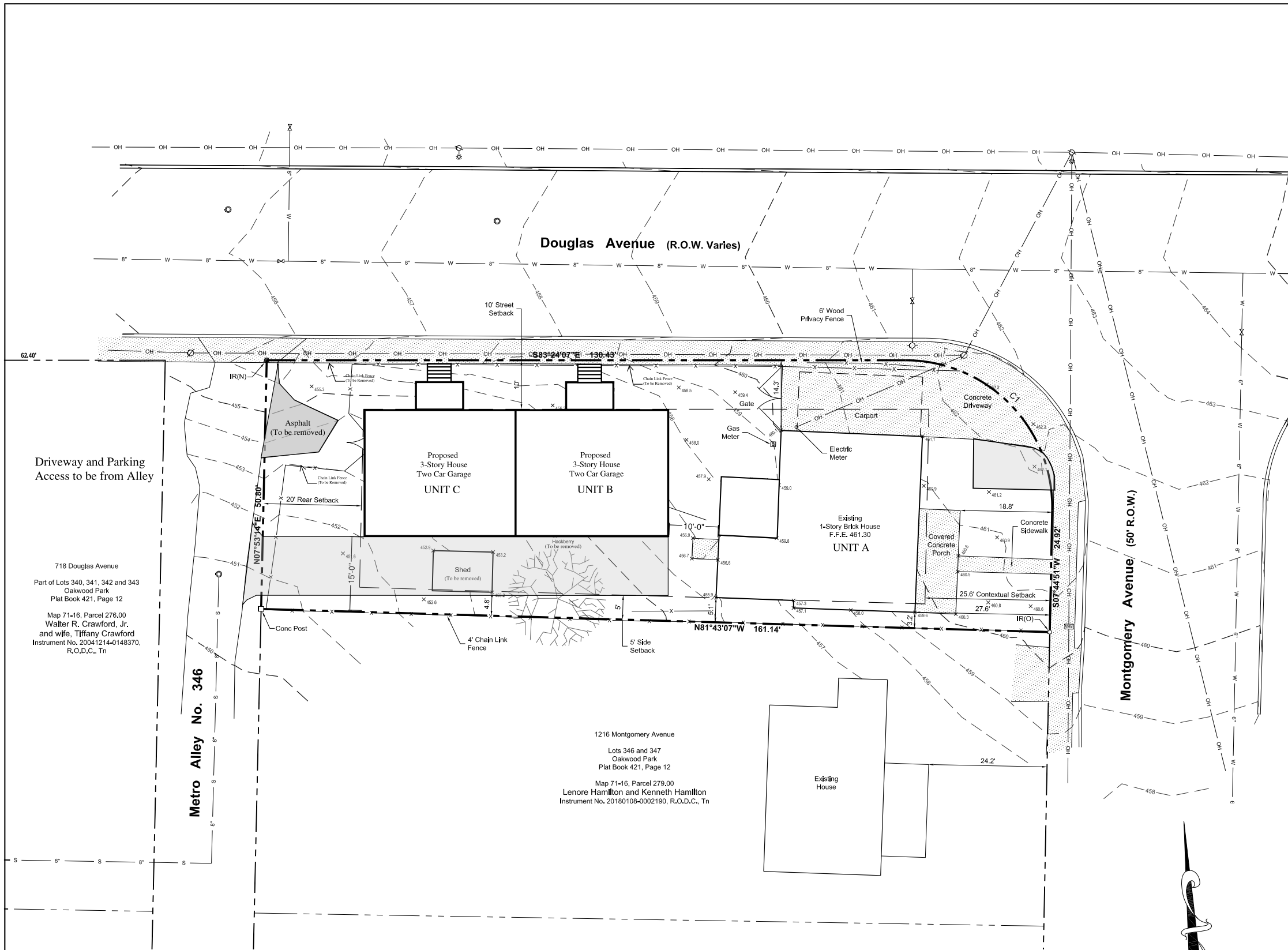
AMENDMENT NO. \_\_\_\_\_  
TO  
ORDINANCE NO. BL2019-1464

Mr. President –

I move to amend Ordinance No. BL2019-1464 by attaching the site plan submitted herewith to the ordinance as a supplemental exhibit.

INTRODUCED BY:

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Scott Davis  
Member of Council



**MAP REFERENCE**

Parcel 278.00 as shown on Davidson County Property Map 71-16.

**DEED REFERENCE**

Ston Matthew Allison and Jordan J. Allison as of record in Instrument No. 20181001-0097086, Register's Office for Davidson County, Tennessee.

**PLAT REFERENCE**

Being Lots 344 and 345 on the Plan of Oakwood Park of record in Plat Book 421, Page 12, Register's Office for Davidson County, Tennessee.

**SURVEYOR'S NOTES**

- Property is located at 1218 Montgomery Avenue, Nashville, Tennessee 37207 and is located within the Cleveland Park/McFerrin SP.
- The entire property is located in an area designated as Zone "X" (Areas determined to be outside the 0.2% annual chance floodplain) as shown on FEMA FIRM Community Map Panel No. 47037C0234H, Effective date April 5, 2017.
- Utilities shown hereon were taken from visible structures in the field. Verification of existence, size, location and depth should be confirmed with the appropriate utility sources.
- Bearings shown hereon based on Tennessee State Plane (NAD83).
- Elevations shown hereon based on North American Vertical Datum 1988 using Global Navigation Satellite Systems (GNSS) dual frequency receiver Leica ATX1230GG, GPS/Glonass SmartAntenna and Tennessee Department of Transportation (TDOT) Continuously Operated Reference Station (CORS) Network.
- This is a Terrestrial Positioning System (TPS) Survey Using the Following Equipment and Criteria:
  - Leica TCPR1205 Robotic Total Station
  - Horizontal Datum Based on North American Datum (NAD) 83(07) with All Dimensions Shown Hereon Being Ground Values
  - Ratio of Precision - 1:250,033
- All building setbacks shown hereon taken from current Metro Zoning Code. All building setbacks should be verified with the Metro Codes Department prior to any new construction.
- A title report was not furnished to this surveyor, therefore, this survey is subject to the findings of a current title search.

**SURVEYOR'S CERTIFICATE**

I Certify That This Plat and the Survey on Which it is Based Were Made on the Ground Under My Direct Supervision in Accordance with the February 15, 2015 Minimum Standards of Practice For Land Surveyors Pursuant to Tennessee Code Annotated Section 62-16-105(d) and 62-18-106(c) Chapter 0820-03-05 Established by the Tennessee Board of Examiners of Land Surveyors. The Field Work was Completed on October 20, 2018.

I Further Certify That There Are No Encroachments or Projections Other Than Those Shown.

I Further Certify That This Survey is True and Correct to the Best of My Knowledge and Belief.

By: *Jack Whitson*



TN R.L.S. No.: 1732

Date: October 24, 2018

**UTILITY DISCLAIMER**

THE UNDERGROUND UTILITIES HAVE NOT BEEN PHYSICALLY LOCATED, ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS, THERE ARE NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED, FURTHERMORE, THIS SURVEY DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED, DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE, AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY, IN TENNESSEE, IT IS A REQUIREMENT, PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT", THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN THREE (3) NOR MORE THAN TEN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT, TENNESSEE ONE CALL 811.

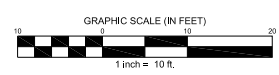
Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	30,00'	47.73'	91°08'58"	S37°49'38"E	42.85'

**Contextual Front Setback Calculation**

Address	Measured Setback
1210 Montgomery Avenue	26.6'
1212 Montgomery Avenue	25.6'
1214 Montgomery Avenue	26.1'
1216 Montgomery Avenue	24.2'
<b>Average Setback</b>	<b>25.6'</b>

**LEGEND**

- Utility Pole
- Utility Pole w/Lamp
- Overhead Utility Line
- Sanitary Sewer
- Water Line
- Water Meter
- Iron Rod (Old)
- Iron Pipe (Old)
- Iron Rod (New)
- Concrete Post



AMENDMENT NO. \_\_\_\_\_  
TO  
ORDINANCE NO. BL2019-1506

Mr. President –

I move to amend Ordinance No. BL2019-1506 as follows:

I. By amending Section 4 by deleting it in its entirety and substituting therefore the following:

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Planning Commission approval of the development plan is conditioned upon Council approval of the Neighborhood Landmark development plan. No permits related to the Neighborhood Landmark Overlay uses shall be issued until Metro Council adopts the development plan.
2. Comply with the Metro noise ordinance.
3. Comply with all conditions of Public Works and Traffic and Parking.
4. No outdoor amplification is permitted.
5. All amplified music must end at 10:00 pm on Friday and Saturday. All amplified music must end at 9:00 pm on Sunday through Thursday, except on federal holidays when it must end at 10:00 pm.
6. The address for the Event Parking lot, to be disclosed in all promotional materials, marketing efforts, and directional or navigational assistance, shall be "125 Cash Lane, Madison, Tennessee 37115." This address shall further be conspicuously posted at the entrance using characters six inches (6") or larger in height.

INTRODUCED BY:

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Nancy VanReece  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2019-1517

Mr. President –

I hereby move to amend Ordinance No. BL2019-1517 by amending Section 1 by deleting proposed Section 1.24.050, Subsection B, and substituting in lieu thereof the following:

- B. When a person ~~pleads guilty to a violation of~~ is found liable for violating a metropolitan ordinance, the court having jurisdiction of such previous action, upon petition of such person, may order that all public records concerning same shall be expunged if:
1. At the time of filing, the person has never been convicted of any criminal offense, including federal offenses and offenses in other states; provided, however, that any moving or non-moving traffic offense shall not be considered a criminal offense as used in this section;
  2. At the time of the filing of the petition for expungement, at least five (5) years have elapsed since the completion of the sentence imposed for the offense; and
  3. The person has fulfilled all the requirements of the sentence imposed by the court in which the individual was convicted of the offense, including:
    - a. Payment of all fines, restitution, court costs and other assessments;
    - b. Completion of any term of imprisonment or probation;
    - c. Meeting all conditions of supervised or unsupervised release; and
    - d. If so required by the conditions of the sentence imposed, remaining free from dependency on or abuse of alcohol or a controlled substance or other prohibited substance for a period of not less than one (1) year.

INTRODUCED BY:

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Freddie O'Connell  
Member of Council

AMENDMENT NO. \_\_\_\_\_  
TO  
ORDINANCE NO. BL2019-1521

Mr. President –

I move to amend Ordinance No. BL2019-1521 as follows:

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

WHEREAS, in recognition of this anniversary and in honor of the men and women who have served Nashville for the past century, it is fitting and proper that the Metropolitan Council provide an honorary street name designation of "Saint Thomas Midtown Way" for 20th Avenue North, between Church Street to ~~Patterson Street~~ and Charlotte Avenue; and

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

Section 1: That 20th Avenue North between Church Street and ~~Patterson Street~~ Charlotte Avenue is hereby designated with the honorary street name of "Saint Thomas Midtown Way".

INTRODUCED BY:

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Ed Kindall  
Member of Council