



Metropolitan Council

PROPOSED AMENDMENTS TO

ORDINANCES AND

RESOLUTIONS, LATE-FILED

ORDINANCES, AND

SUBSTITUTE ORDINANCE TO

BE FILED WITH THE METRO

CLERK

FOR THE COUNCIL MEETING OF

TUESDAY, MARCH 5, 2019

AMENDMENT NO. ____

TO

ORDINANCE. NO. 2018-1358

Mr. President,

I move to amend Substitute Ordinance BL 2018-1358, as follows:

I. By amending Section 4, Part 16 as follows:

16. The overall maximum height of the building structure shall be limited to 155 feet measured from Murphy Road per the Zoning Code, ancillary equipment screening and architectural features as allowed by the Metropolitan Code will not be counted towards this height limitation.

INTRODUCED BY:

Member of Council

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 the fifth numbered condition therein and substituting therefore the following:

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.

INTRODUCED BY:

Nancy VanReece
Member of Council

AMENDMENT NO. ____
TO
SUBSTITUTE RESOLUTION NO. RS2018-1507

Mr. President –

I hereby move to amend Substitute Resolution No. RS2018-1507 as follows:

I. By adding a new recital between the fourth and fifth recitals as follows:

WHEREAS, pursuant to Resolution No. RS2019-1609, the Metropolitan Government would award up to \$3,675,000 to AllianceBernstein, L.P., based upon a \$500 grant for each of 1,050 jobs created over the next seven years; and

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

Section 1. That the Metropolitan Council hereby goes on record as requesting that the Metropolitan Government of Nashville and Davidson County provide cost of living adjustments to employees of the Metropolitan Government if economic incentives are to be awarded to Amazon, AllianceBernstein, or any other entity. If the Metropolitan Government is unable to provide cost of living adjustments to Metro employees, however, no economic incentives should be given to Amazon, AllianceBernstein, or to any other entity.

INTRODUCED BY:

Bill Pridemore
Member of Council

AMENDMENT NO. _____
TO
RESOLUTION NO. RS2019-1559

Mr. President –

I move to amend Resolution No. RS2019-1559 as follows:

I. By amending Section 1 by deleting from Exhibit A, entitled "A/E Masterlist Update 2018", the following entry:

A/E	Name	Number of Employees	Location of Employees	Address 1	Address 2	City	State	Zip
A/E	Collier Engineering Co., Inc.	82	Nashville, TN	5560 Franklin Pike Circle		Brentwood	TN	37027

INTRODUCED BY:

Angie Henderson
Member of Council

AMENDMENT NO. _____
TO
RESOLUTION NO. RS2019-1559

Mr. President –

I move to amend Resolution No. RS2019-1559 as follows:

I. By amending Section 1 by deleting from Exhibit A, entitled "A/E Masterlist Update 2018", the following entry:

A/E	Name	Number of Employees	Location of Employees	Address 1	Address 2	City	State	Zip
A/E	Barge Waggoner Sumner and Cannon, Inc.	356	TN, GA, OH, AL, TX	211 Commerce Street	Suite 600	Nashville	TN	37201

and substituting therefore the following:

A/E	Name	Number of Employees	Location of Employees	Address 1	Address 2	City	State	Zip
A/E	Barge Design Solutions, Inc.	356	TN, GA, OH, AL, TX	615 3rd Avenue South	Suite 700	Nashville	TN	37210

INTRODUCED BY:

Freddie O'Connell
Member of Council

AMENDMENT NO. A

TO

RESOLUTION NO. RS2019-1609

Mr. President –

I move to amend Resolution No. RS2019-1609 as follows:

- I. By adding the following recitals clauses between clauses 11 and 12 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 Fifth and Broadway project designated as the site of the AllianceBernstein L.P. incentive proposal; and

WHEREAS, the project proposal submitted by AllianceBernstein L.P. will generate significant increased inflow of revenue to the CCA from (1) the sales tax revenue associated with the retail and dining spaces (estimated to total 235,000 square feet) to be located at this site and directed to the CCA, as well as (2) additional funds for the CCA generated as the result of the \$38.5 million parking garage being financed by the CCA on this same site; and

WHEREAS, the Metropolitan Government general fund will receive reduced property taxes at the Fifth and Broadway project for a number of years as the result of a \$25 million Tax Increment Financing payment that has been awarded to the developer, using the pledge of future property taxes from this 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 Fifth and Broadway 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 8th, 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, 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 8th, 2018; and

- II. By revising the economic and community development incentive grant agreement ("Agreement"), as referenced in recital clauses 11 and 12 and in Sections 1, 3, and 4 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. Although the Parties recognize that such annual appropriation is a legal requirement of the Metropolitan Government, the Metropolitan Government acknowledges that this Agreement has served as a material inducement to AB to relocate and make material investments in the County; 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:

John Cooper

Tanaka Vercher

Erica Gilmore

Jonathan Hall

Steve Glover

Dave Rosenberg
Members of Council

AMENDMENT NO. B

TO

RESOLUTION NO. RS2019-1609

Mr. President,

I move to amend Resolution RS2019-1609, as follows:

I. By amending the Agreement by and among the Metropolitan Government, the Board, and AllianceBernstein, L.P. to substitute a revised Exhibit E.

INTRODUCED BY:

Member of Council

Exhibit E

AB Project Proposal

1.) Company Name: AllianceBernstein L.P.(“AB”)

2.) Project Description:

AB is a leading global-investment management and research firm. AllianceBernstein Holding L.P. is a publicly traded limited partnership that is listed on the New York Stock Exchange. Alliance Bernstein Holding L.P. owns approximately a 35 percent interest in Alliance Bernstein L.P. AB is a private limited partnership that conducts a diversified investment management services business bringing together a wide range of insights, expertise and innovations to advance the interests of its clients around the world. AB has comprehensive research, portfolio-management, wealth-management capabilities and client-service offices around the world, reflecting the company’s global capabilities and the needs of its clients. AB has grown to over \$530 billion in assets by having its global teams collaborate across asset classes. The company’s research capabilities bring together the perspective of a diverse range of expert analysts -from fundamental and quantitative to economic and glide path experts. Their common focus is on delivering investment solutions and results for their clients.

AB is currently headquartered in Manhattan, a location that represents the highest total cost of operations in AB’s real estate portfolio with higher real estate, workforce, tax and utility costs versus the other U.S. company locations.

AB is relocating its headquarters to Nashville. The FTEs associated with this project have an average annual wage in New York City of over \$207,000 including bonuses which remain stable year after year. AB also provides a full slate of benefits including health and dental, vision and life insurance. The value of the benefits is over \$17,800 per employee.

The proposed level of new job creation in Nashville is 1050 FTEs over the next five years. The proposed level of capital investment is \$70.1 million over the next 5 years.

AB strives to be a good global corporate citizen and wants to partner with the new headquarters community through philanthropy, volunteerism and social awareness. In 2015 and 2016 AB and its employees collectively donated more than \$15 million and thousands of hours to nearly 2,000 causes around the world. The company is especially proud of its AB Day of Service series, a global volunteer initiative sponsored and organized by its Cultural Advancement Team. For the third consecutive year, AB has achieved a perfect score of 100 on the Corporate Equality Index, the national benchmarking for corporate policies and practices for LGBTQ employees, administered by the Human Rights Campaign Foundation.

Construction Phase

N/A. AB is not building the building, it simply will be a tenant in the facility like any other tenant and they have no control over the contractor and the construction of the facility. However, AB will have Skanska, the general contractor for the project, be present at the Council vote and available to answer any questions the Council may pose. AB selected the site in a thoughtful and selective manner understanding Skanska’s history working with Metro and delivering projects with significant minority involvement and involvement from local laborers. As a result, AB has not completed the following tables relating to the construction phase of the Project since they relate to Skanska over which AB has no control. However, once the build-out of AB’s space occurs AB will also be happy to provide information as required by Metro from whomever is selected to do the build-out concerning the information below.

Job Category	Expected Hourly Wage	Average Wage in Davidson County for Comparable Positions	Number Employed by General Contractor	Number Employed by Sub Contractor	Percent Expected to Live in Davidson County

Will the construction of the Project utilize (circle one):

- Temporary or Staffing Agencies? Yes or No
- The Nashville Career Advancement Center? Yes or No
- U.S. Dept. of Labor Certified Apprenticeship Programs? Yes or No

List the number and type, within the preceding seven (7) years, of (a) violations assessed by the U.S. Department of Labor – Occupational Safety and Health Administration and/or by the Tennessee Occupational Safety and Health Administration against the qualified company, or any contractor or subcontractor of the company retained on the qualified project; or (b) employment or wage-related legal actions filed within federal or state courts against the qualified company, or any contractor or subcontractor of the company retained on the qualified project.

Name	TN OSHA	Dept. of Labor OSHA	Employment or Wage related legal claims
N/A but it is notable that AB has no TOSHA or OSHA violations to disclose nor any employment or wage related claims that were initially filed within the 7 year timeframe; however, AB did want to disclose that there was one FLSA wage case, concerning how employees were			

classified and if they should receive overtime, that was filed in 2009 which is outside of the above referenced window. This matter was settled and resolved with a settlement of approximately \$2.98 million dollars and final approval of the settlement occurred in 2013. See Silverstein and Stamatelos v. AllianceBernstein L.P.			

Ongoing Corporate Operations

**AllianceBernstein Nashville Office
Nashville-Davidson-Murfreesboro-Franklin, TN**

OCC_CODE	OCC_TITLE	Median Annual Wage	Projected # Permanent Salaried Jobs in Nashville	# of Permanent Salaried Jobs Based in Nashville Above Median (Based on Best Estimates as of January 2019) Please note these jobs do provide full benefits which are valued at approximately \$17,000 per employee.	Estimated percentage of employees residing in Davidson County
00-0000	All Occupations	47,110	1,050	90-95%	40%

OCC_CODE	OCC_TITLE	Median Annual Wage	Projected # of Permanent Salaried Jobs in Nashville	# of Permanent Salaried Jobs Based in Nashville	Estimated percentage of employees residing in

				Above Median	Davidson County
11-0000	Management Occupations	104,830	230	90-95%	40%
13-0000	Business and Financial Operations Occupations	67,370	460	90-95%	40%
15-0000	Computer and Mathematical Occupations	77,920	220	90-95%	40%
23-0000	Legal Occupations	92,010	10	90-95%	40%
41-0000	Sales and Related Occupations	39,850	100	90-95%	40%
43-0000	Office and Administrative Support Occupations	37,540	30	90-95%	40%

* Please note that of the approximately 200 current employees, approximately 60 percent currently reside in Davidson County. Moreover, of those 200, 140 are new hires that were not relocated from New York.

Workforce Plan

Will the ongoing operations of the Project utilize (circle one):

- Temporary or Staffing Agencies? **Yes or No**
- The Nashville Career Advancement Center? **Yes or No**
- U.S. Dept. of Labor Certified Apprenticeship Programs? **Yes or No**

AB has a multi-pronged approach to recruiting and training diverse populations. They partner with historically black colleges and universities (HBCUs) and minority student groups at local universities, and AB has already attended career fairs at Fisk, TSU, Belmont, Lipscomb, TN Tech, and MTSU. They will continue these relationships going forward. Likewise, they are a WITT scholarship sponsor and they sponsor other opportunities geared towards recruiting and hiring women in technology. They have a relationship with the Nashville Software School, which is focused on training professionals for a second career in tech and AB is in the process of finalizing a plan to position themselves as the employer of choice for diverse populations. To that end, they have joined several diverse Chambers including the Black Chamber and LGBTQ Chamber, and will post and advertise jobs in addition to attending events across the city. Likewise, they are working with several firms specializing in diversity recruiting for more senior level positions and AB has created a diverse and locally-hired internal talent acquisition team to support the recruitment activities. This team is focused on hiring locally in the market, with the clear majority of hires coming from the Middle TN area.

AB offers training to their employees, providing online training and formal classroom education. AB focuses on ensuring all employees have the right mix of experience, exposure and more

formal education opportunities to build their skills and knowledge, regularly sending employees to NY for formal training with their new team and rotating NY team members to Nashville to train new hires here as well.

AMENDMENT NO. C

TO

RESOLUTION NO. RS2019-1609

Mr. President,

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INTRODUCED BY:

Member of Council

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Will the construction of the Project utilize (circle one):

- Temporary or Staffing Agencies? **Yes** or No
- The Nashville Career Advancement Center? **Yes** or No
- U.S. Dept. of Labor Certified Apprenticeship Programs? Yes or **No**

List the number and type, within the preceding seven (7) years, of (a) violations assessed by the U.S. Department of Labor – Occupational Safety and Health Administration and/or by the Tennessee Occupational Safety and Health Administration against the qualified company, or any contractor or subcontractor of the company retained on the qualified project; or (b) employment or wage-related legal actions filed within federal or state courts against the qualified company, or any contractor or subcontractor of the company retained on the qualified project.

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employees were classified and if they should receive overtime, that was filed in 2009 which is outside of the above referenced window. This matter was settled and resolved with a settlement of approximately \$2.98 million dollars and final approval of the settlement occurred in 2013. See Silverstein and Stamatelos v. AllianceBernstein L.P.			

Ongoing Corporate Operations

**AllianceBernstein Nashville Office
Nashville-Davidson-Murfreesboro-Franklin, TN**

The table provides the median annual wage in the region for the occupations defined below. These median wage rates were provided by the Chamber of Commerce who referenced the US Bureau of Labor Statistics report, May 2017, and the table provides the percentage of AB employees who will earn over that median wage rate for the occupation they are filling.

OCC_CODE	OCC_TITLE	Median Annual Wage	Projected # Permanent Salaried Jobs in Nashville	# of Permanent Salaried Jobs Based in Nashville Above Median (Based on Best Estimates as of January 2019) Please note these jobs do provide full benefits which are valued at approximately \$17,000 per employee.	Estimated percentage of employees residing in Davidson County
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41-0000	Sales and Related Occupations	39,850	100	90-95%	40%
43-0000	Office and Administrative Support Occupations	37,540	30	90-95%	40%

* Please note that of the approximately 200 current employees, approximately 60 percent currently reside in Davidson County. Moreover, of those 200, 140 are new hires that were not relocated from New York. AB anticipates a majority of their total population in Nashville will be sourced with local and new hires. AB will aim to hire a majority of new hires locally from Middle Tennessee, posting and sourcing locally first for the positions, and then nationally if a local hire cannot be found.

Workforce Plan

Will the ongoing operations of the Project utilize (circle one):

Temporary or Staffing Agencies?	Yes or No
The Nashville Career Advancement Center?	Yes or No
U.S. Dept. of Labor Certified Apprenticeship Programs?	Yes or No

* Please note that the temporary staffing agencies used by AB in Nashville currently are for temp to hire positions in relatively high skilled job categories, and these agencies are only used on an as-needed basis.

AB has a multi-pronged approach to recruiting and training diverse populations. They partner with historically black colleges and universities (HBCUs) and minority student groups at local universities, and AB has already attended career fairs at Fisk, TSU, Belmont, Lipscomb, TN Tech, and MTSU. AB typically attends these job fairs semi-annually and they will continue these relationships going forward. Likewise, they are a WiTT scholarship sponsor and they sponsor other opportunities geared towards recruiting and hiring women in technology and will continue

to do so. They have a relationship with the Nashville Software School, which is focused on training professionals for a second career in tech and AB is in the process of finalizing a plan to position themselves as the employer of choice for diverse populations. To that end, they have joined several diverse Chambers including the Black Chamber and LGBTQ Chamber and will post and advertise jobs in addition to attending events across the city. Likewise, they are working with several firms specializing in diversity recruiting for more senior level positions and AB has created a diverse and locally-hired internal talent acquisition team to support the recruitment activities. This team is focused on hiring locally in the market, with the clear majority of hires to date coming from the Middle TN area.

AB offers training to their employees, providing online training and formal classroom education. AB focuses on ensuring all employees have the right mix of experience, exposure and more formal education opportunities to build their skills and knowledge, regularly sending employees to NY for formal training with their new team and rotating NY team members to Nashville to train new hires here as well.

AMENDMENT NO.____
TO
RESOLUTION NO. RS2019-1627

Mr. President –

I move to amend Resolution No. RS2019-1627 as follows:

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

Section 1. That those persons named on the list attached hereto as "Exhibit A" and
"Exhibit B", and incorporated by reference the same as if copied in full herein, are hereby
elected as Notaries Public for Davidson County.

II. By attaching as Exhibit B the list attached hereto.

INTRODUCED BY:

Antoinette Lee
Member of Council



DAVIDSON COUNTY CLERK

Howard Office Building Fulton Complex
700 Second Avenue South, Suite 101 • Nashville, Tennessee 37210 • 615-862-6050



Mailing Address:
P.O. Box 196333 • Nashville, Tennessee 37219-6333

February 27, 2019

Ms. Elizabeth Waites
Metropolitan Clerk
Metropolitan Courthouse
Nashville, TN 37201

Re: Notaries Public

Dear Ms. Elizabeth:

In compliance with the rules of the Metropolitan Council, please be advised that a list of one (1) applicants for election as state of Tennessee notaries public is attached to the resolution filed today.

Each individual applicant meets all of the qualifications of the office of notary public and has made the following statement:

“I hereby certify that the above questions have been answered to the best of my knowledge, information and belief.”

Applicants serve as Notaries Public for Davidson County for a term of four (4) years upon election.

Sincerely,

Brenda Wynn
Davidson County Clerk

BW/BR

Sworn to and Subscribed before me this 27TH day of FEBRUARY 2019.

Notary Public

11-8-22

My Commission Expires



MY COMMISSION EXPIRES
NOVEMBER 8, 2022

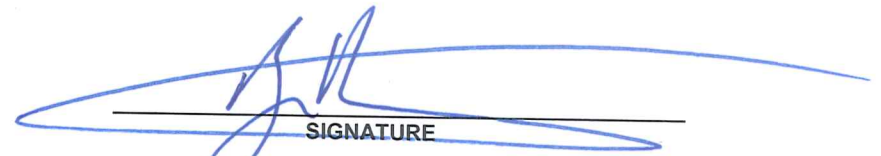
CERTIFICATE OF ELECTION OF NOTARIES PUBLIC

BATCH # 74

AS A CLERK OF THE COUNTY OF DAVIDSON, TENNESSEE I HEREBY CERTIFY TO THE SECRETARY OF STATE THAT THE FOLLOWING WERE ELECTED TO THE OFFICE OF NOTARY PUBLIC DURING THE MARCH 05, 2019 MEETING OF THE GOVERNING BODY:

NAME	HOME ADDRESS	HOME PHONE	BUSINESS ADDRESS	BUSINESS PHONE	SURETY
1. HERMAN A. RUBEN	8181 BOONE TRACE NASHVILLE TN 37221	615715 7851	700 2ND AVENUE SOUTH NASHVILLE TN 37210	615862 6080	




SIGNATURE

CLERK OF THE COUNTY OF DAVIDSON, TENNESSEE

2/27/19
DATE

ORDINANCE NO. _____

An Ordinance authorizing 151 Nashville LLC to install, construct and maintain aerial and underground encroachments in the right-of-way located at 151 1st Avenue South (Proposal No. 2019M-012EN-001).

WHEREAS, 151 Nashville LLC, plans to install, construct and maintain aerial and underground encroachments comprised of a pedestrian bridge connection, planters, pop-up irrigation, bike racks, trashcans, and a planter wall, in the right-of-way of 151 Nashville LLC, under proposal No. 2019M-012EN-001; and,

WHEREAS, 151 Nashville LLC has agreed to indemnify and hold The Metropolitan Government of Nashville and Davidson County harmless of any and all claims for damages of every nature and kind resulting from or arising from the installation of said encroachments under proposal No. 2019M-012EN-001.

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

Section 1. That subject to the requirements, limitations and conditions contained herein and in the attached License Agreement, 151 Nashville LLC is hereby granted the privilege to construct and maintain said encroachments under proposal No. 2019M-012EN-001, in accordance with the plans which are on file in the office of the Director of Public Works, and which are more particularly described by lines, words and figures on the attached sketches which are attached to and made a part of this Ordinance.

Section 2. That the authority granted hereby for the construction, installation, operation, and maintenance of said encroachments under proposal No. 2019M-012EN-001 shall not be construed as a surrender by the Metropolitan Government of its rights or power to pass resolutions or ordinances regulating the use of its streets, or the right of the Metropolitan Government through its legislative body, in the interest of public necessity and convenience to order the relocation of said facilities at the expense 151 Nashville LLC.

Section 3. That plans and specifications for said encroachments under proposal No. 2019M-012EN-001 shall be submitted to the Director of Public Works of The Metropolitan Government of Nashville and Davidson County for approval before any work is begun; and all work, material, and other details of said installation shall be approved by the Director of Public Works prior to its use by 151 Nashville LLC.

Section 4. That construction and maintenance of said encroachments under proposal No. 2019M-012EN-001 shall be under the direction, supervision and control of the Director of Public Works, and their installation, when complete, must be approved by said Director.

Section 5. That this Ordinance confers upon 151 Nashville LLC a privilege and not a franchise, and the Mayor and the Metropolitan Council herein expressly reserve the right to repeal this ordinance, whenever, in their judgment, a repeal may be demanded by public welfare, and such repeal shall confer no liability on The Metropolitan Government of Nashville and Davidson County, its successors and assigns, by reason of said repeal. In the event of such repeal by Metropolitan Government, 151 Nashville LLC, its successors and assigns, shall remove said encroachment at their own expense.

Section 6. 151 Nashville LLC, its successors and assigns, shall pay all cost incident to the construction, installation, operation and maintenance of said encroachments under proposal No. 2019M-012EN-001 and shall save and hold The Metropolitan Government of Nashville and Davidson County harmless from all suits, costs, claims, damages or judgments in any way connected with the construction,

installation, operation and maintenance of said encroachments and shall not claim, set up or plead, as a defense, in the event of joint liability, with or without suit, that it and the Metropolitan Government were joint wrongdoers. 151 Nashville LLC, its successors and assigns, shall be responsible for the expense, if any, of repairing and returning the right-of-way to the condition, which it was in prior to the installation of, said encroachments, and for any street closure.

Section 7. That the authority granted to 151 Nashville LLC as herein described, shall not in any way interfere with the rights of the Metropolitan Government, its agents, servants, and/or contractors and utility companies, operating under franchise from the Metropolitan Government to enter, construct, operate, maintain, repair, rebuild, enlarge, and patrol its now existing or future utilities, including drainage facilities, together with their appurtenances, and to do any and all things necessary and incidental thereto.

Section 8. 151 Nashville LLC, shall and is hereby required, to furnish The Metropolitan Government of Nashville and Davidson County a certificate of public liability insurance, naming The Metropolitan Government as an insured party, of at least two million (\$2,000,000) dollars aggregate, for the payment of any judgment had on any claim, of whatever nature, made for actions or causes of action arising out of, or connected with, the construction or installation of said encroachment. Said certificate of insurance shall be filed with the Metropolitan Clerk and the Department of Public Works prior to the granting of a permit, and the insurance required herein shall not be canceled without the insurance company or companies first giving thirty (30) days written notice to The Metropolitan Government of Nashville and Davidson County.

Section 9. That said construction shall be carefully guarded and protected, and shall be completed promptly, so as to cause the least inconvenience to the public. The acceptance by 151 Nashville LLC of all provisions of this Ordinance shall be determined by the beginning of work.

Section 10. The authority granted pursuant to this Ordinance shall not become effective until the certificate of insurance, as required in Section 8, has been posted with the Department of Public Works.

Section 11. This Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED BY:

Mark Sturtevant, Director
Department of Public Works

APPROVED AS TO FORM
AND LEGALITY:

Assistant Metropolitan Attorney

Proposal No. 2019M-012EN-001



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/31/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis of Massachusetts, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA		CONTACT NAME: PHONE (A/C, No, Ext): 1-877-945-7378 FAX (A/C, No): 1-888-467-2378 E-MAIL ADDRESS: certificates@willis.com	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Hartford Fire Insurance Company	NAIC# 19682
		INSURER B: Hartford Casualty Insurance Company	29424
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** W8723330 **REVISION NUMBER:**


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSUR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	Y	08 UN AY6149	10/31/2018	10/31/2019	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					MED EXP (Any one person) \$ 10,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					PERSONAL & ADV INJURY \$ 1,000,000
	OTHER:					GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COMP/OP AGG \$ 2,000,000
						\$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY					PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS					\$
	<input type="checkbox"/> NON-OWNED AUTOS ONLY					\$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB		08RHUAY5887	10/31/2018	10/31/2019	EACH OCCURRENCE \$ 5,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB					AGGREGATE \$ 5,000,000
	<input type="checkbox"/> CLAIMS-MADE					\$
	DED <input checked="" type="checkbox"/> RETENTION \$ 10,000					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)		N/A			E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
This Voids and Replaces Previously Issued Certificate Dated 10/31/2018 WITH ID: W8719706.

The Metropolitan Government of Nashville and Davidson County is included as an Additional Insured as respects to General Liability if required by written contract.

CERTIFICATE HOLDER **CANCELLATION**

The Metropolitan Government of Nashville and Davidson County Metro Legal & Claims c/o Insurance and Safety Division 222 3rd Ave North, Ste #501 Nashville, TN 37201	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

ROW ENCROACHMENT | SITEPLAN

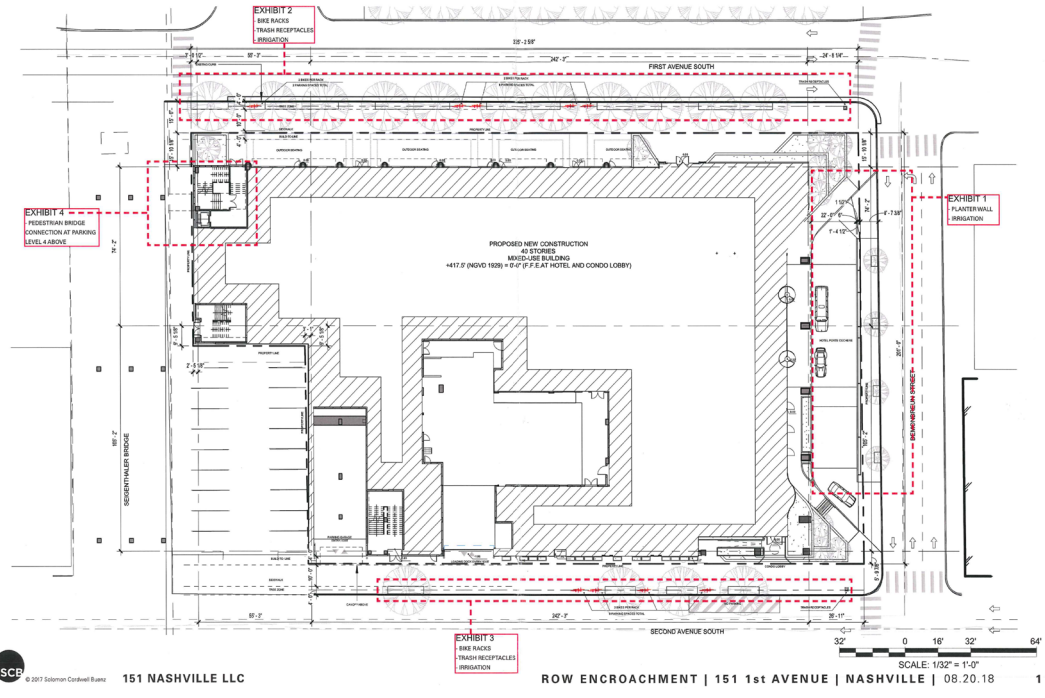


EXHIBIT 1 | DEMONBREUN STREET SIDEWALK

- PLANTER WALL
- IRRIGATION

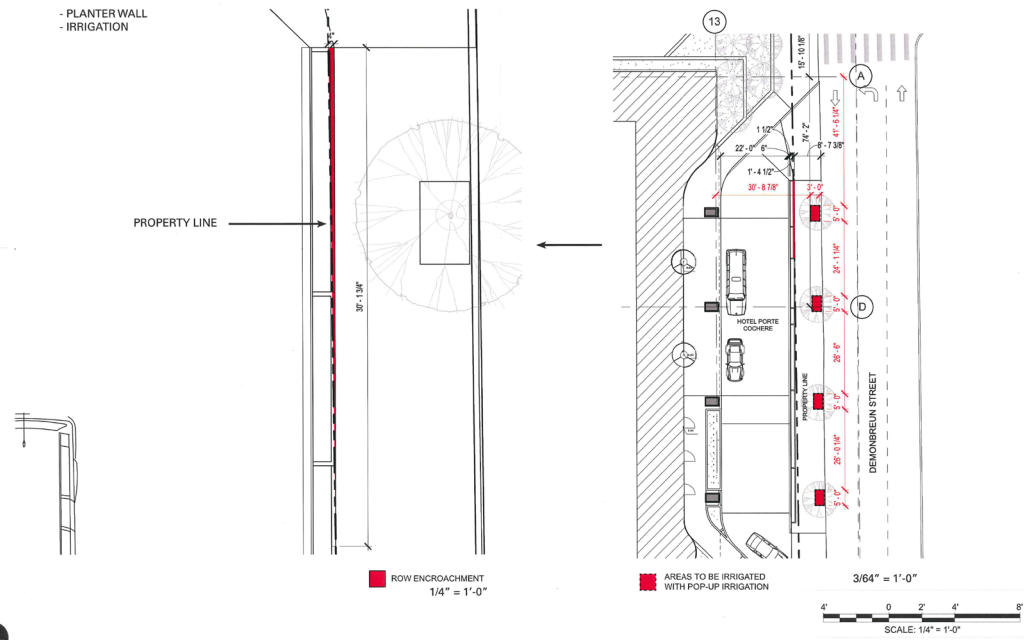
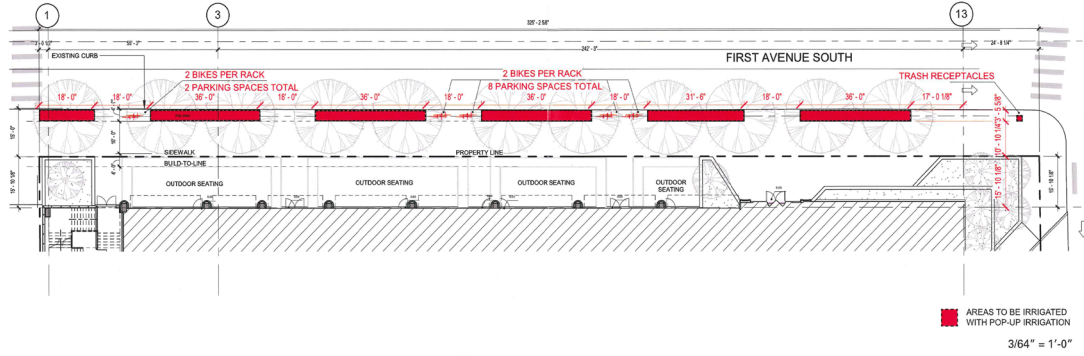


EXHIBIT 2 | FIRST AVENUE SOUTH SIDEWALK

- BIKE RACKS
- TRASH RECEPTACLES
- IRRIGATION

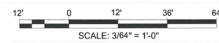
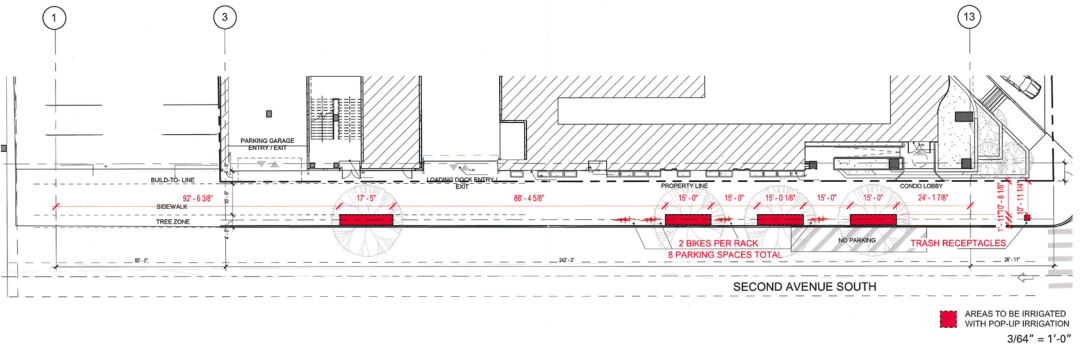


SCB © 2017 Salomon Cordwell Buenz 151 NASHVILLE LLC

ROW ENCROACHMENT | 151 1st AVENUE | NASHVILLE | 08.20.18 3

EXHIBIT 3 | SECOND AVENUE SOUTH SIDEWALK

- BIKE RACKS
- TRASH RECEPTACLES
- IRRIGATION



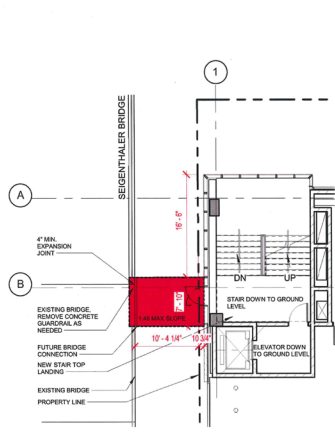
SCB © 2017 Salomon Cordwell Buenz 151 NASHVILLE LLC

ROW ENCROACHMENT | 151 1st AVENUE | NASHVILLE | 08.20.18 4

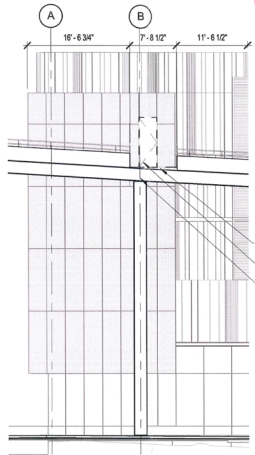
EXHIBIT 4 | CONNECTION TO SEIGENTHALER BRIDGE

- PEDESTRAIN BRIDGE CONNECTION

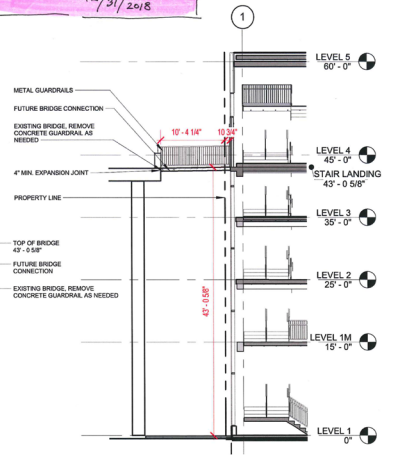
CONNECTION TO BRIDGE SHALL NOT
 BE TAKEN TO CONSIDER UNTIL
 FORMALLY APPROVED BY MPWJ
 STRUCTURES / BRIDGE DIVISION.
 RD
 12/31/2018



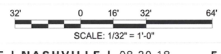
LEVEL 4



SECTION OF BRIDGE CONNECTION
 LOOKING SOUTH



SECTION OF BRIDGE CONNECTION
 LOOKING EAST



SCP © 2017 Selman Cordwell Burns 151 NASHVILLE LLC

ROW ENCROACHMENT | 151 1st AVENUE | NASHVILLE | 08.20.18 5

ORDINANCE NO. _____

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 and IR to SP zoning for properties located at 500, 502, 504, 506 and 508 28th Avenue North and 510 27th Avenue North, approximately 145 feet southwest of 27th Avenue North, (1.55 acres), to permit an office building, all of which is described herein (Proposal No. 2018SP-078-001).

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 and IR to SP zoning for properties located at 500, 502, 504, 506 and 508 28th Avenue North and 510 27th Avenue North, approximately 145 feet southwest of 27th Avenue North, (1.55 acres), to permit an office building, being on various Property Parcel Nos. 264, 265, 266, 267, 267.01, 267.02 as designated on Map 092-10 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 plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department 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 092 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to general office, medical office, outpatient clinic and medical or scientific lab.

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

1. Any final site plan shall meet all requirements of the Major and Collector Street Plan.
2. Comply with all conditions and requirements of Traffic and Parking and Public Works.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as

adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the OG zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. 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

AMENDMENT NO. ____
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:

Kevin Rhoten
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-1472

Mr. President –

I hereby move to amend Ordinance No. BL2019-1472 by deleting proposed Subsection D in its entirety and substituting in lieu thereof the following:

- D. Upon the annual appropriation of an economic and community development incentive grant to a qualified company pursuant to this section, the metropolitan government shall provide an appropriation of an equivalent amount to the Barnes Fund for Affordable Housing. Such appropriations shall not be in lieu of other appropriations to the Barnes Fund, nor shall this subsection be construed as prohibiting other appropriations to the Barnes Fund.

INTRODUCED BY:

Fabian Bedne
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2019-1475

Mr. President –

I move to amend Ordinance No. BL2019-1475 as follows:

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

Section 1. That Section 15.64.110 of the Metropolitan Code of Laws is amended by adding the following new provisions as subsection D and re-numbering the remaining subsections as necessary:

~~D. A grading permit shall be valid for eighteen (18) months from the date of issuance, but may be renewed for successive eighteen (18) month periods.~~

D. Grading permits for certain projects, as described herein, shall be valid only for a period of eighteen (18) months from the date of issuance. This limitation shall apply to project sites meeting each of the following criteria:

- i) No contemporary building permit or use and occupancy permit has been issued or requested for the project site property;
- ii) The project site is located upon a local street, minor local street, or arterial or collector street consisting of two (2) lanes or less, according to the Major and Collector Street Plan;
- iii) The project site is on a lot adjacent to a residential zone district or a district permitting residential use; and
- iv) The project site is not owned by the Metropolitan Government of Nashville and Davidson County, the Metropolitan Nashville Airport Authority, the Nashville Electric Service, the Metropolitan Transit Authority, or the Metropolitan Development and Housing Authority.

Upon expiration of grading permits for properties meeting the criteria set forth in this subsection, such permits may be renewed only upon the adoption of a resolution, after a public hearing, by the metropolitan council receiving twenty-one affirmative votes to approve the permit renewal. Subject to the approval of the department of water and sewerage services, permits approved for renewal may be re-issued for an additional eighteen (18) months without an additional application and review process.

As a condition of the issuance of grading permits subject to this section, the expiration or non-renewal thereof shall require the previously permitted operator to satisfy any closure requirements deemed necessary by the department of water and sewerage services for purposes of ensuring site stabilization and site stormwater management functionality, including installation of stormwater infrastructure and/or stormwater control measures, within a reasonable period of time.

INTRODUCED BY:

Jonathan Hall
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-1519

Mr. President:

I hereby move to amend Ordinance No. BL2019-1519 as follows:

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

Section 1. That Ordinance No. SO93-740 is hereby amended by deleting Section 1 in its entirety and substituting in lieu thereof the following:

That the Geographic Information Systems (GIS) Street and Alley Centerline Layer for The Metropolitan Government of Nashville and Davidson County, as enacted by Ordinance No. ~~NO- BL2018-1444~~, be and hereby is amended as follows:

That 24th Avenue South between Alley No. 636 and Vanderbilt Place; Vanderbilt Place between 25th Avenue, South and its eastern terminus; Kensington Place between 24th Avenue South and 25th Avenue South; and an unnamed alley extending easterly approximately 180 feet from the intersection of 24th Avenue South and Kensington Place; as shown on the attached sketch, be and the same are hereby closed.

Provided, however, that upon the closure of said streets, Vanderbilt University shall continue to permit said streets to be used by members of the public as a right-of-way except for the following streets and alleys, which shall be closed to the public right-of-way:

24th Avenue South between Alley No. 636 and Vanderbilt Place; Kensington Place between 24th Avenue South and 25th Avenue South; and, an unnamed alley extending easterly approximately 180 feet from the intersection of 24th Avenue South and Kensington Place.

Vanderbilt shall maintain said streets and alleys to at least the same standards of repairs as public streets are maintained by the Metropolitan Government. In the event that said streets and alleys not excluded above are not permitted to be used by members of the public as a right-of-way or are not properly maintained, then in such event, said streets and alleys shall revert to the Metropolitan Government and become public streets. Vanderbilt University shall indemnify and hold harmless the Metropolitan Government, together with its officers, agents and employees from any and all claims, damages, penalties, costs and attorney's fees arising out of any accident or event occurring in or upon the closed portions of said streets, whether the cause thereof is related to maintenance and upkeep, or for some other reason, subsequent to the effect date of this ordinance.

INTRODUCED BY:

Burkley Allen
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-1520

Mr. President:

I hereby move to amend Ordinance No. BL2019-1520 as follows:

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

Section 1. That Ordinance No. 2000-278 is hereby amended by deleting Section 1 in its entirety and substituting in lieu thereof the following:

That the Geographic Information Systems (GIS) Street and Alley Centerline Layer for The Metropolitan Government of Nashville and Davidson County, as enacted by Ordinance No. BL2018-1444, be and hereby is amended as follows:

That Alley #636 from 25th Avenue South to its terminus slightly beyond 24th Avenue South; Alley #638 from 25th Avenue South to its terminus at Alley #603; Alley #603 from Kirkland Place to its terminus at Alley #638; Alley #911 from 28th Avenue South to its terminus at Alley #914; Alley #914 from 28th Avenue South to its terminus at Alley #911 and from Alley #913 to its western terminus, but not section over near 29th Avenue South; Alley #912 from 28th Avenue South to its terminus at Alley #913; Alley #913 from 28th Avenue South to its terminus at Alley #912; 24th Avenue South between West End Avenue and its terminus at Alley #636 and between Highland Avenue to its terminus at Garland Avenue; Kirkland Place from 25th Avenue South to its terminus; and Garland Avenue from 25th Avenue South to its terminus at 24th Avenue South, all of which is more particularly described by lines, words and figures on the sketch which is attached to and made a part of this ordinance as though copied herein, are hereby closed.

Provided, however, that Vanderbilt University shall continue to permit Garland Avenue to be used by members of the public as right-of-way. Vanderbilt University shall maintain said closed streets to at least the same standards of repair as public streets are maintained by the Metropolitan Government; That Vanderbilt University shall indemnify and hold harmless the Metropolitan Government, together with its officers, agents and employees from any and all claims, damages, penalties, costs and attorneys fees arising out of any accident or event occurring in or upon the closed portions of said streets, whether the cause thereof is related to maintenance and upkeep, or for some other reason, subsequent to the effect date of this ordinance; That this ordinance shall not take effect until evidence of the indemnification required by the preceding subsection, in a form and amount satisfactory to the Director of Finance, the Director of Law, and the Director of Public Works, has been furnished to the Metropolitan Government.

INTRODUCED BY:

Burkley Allen
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.

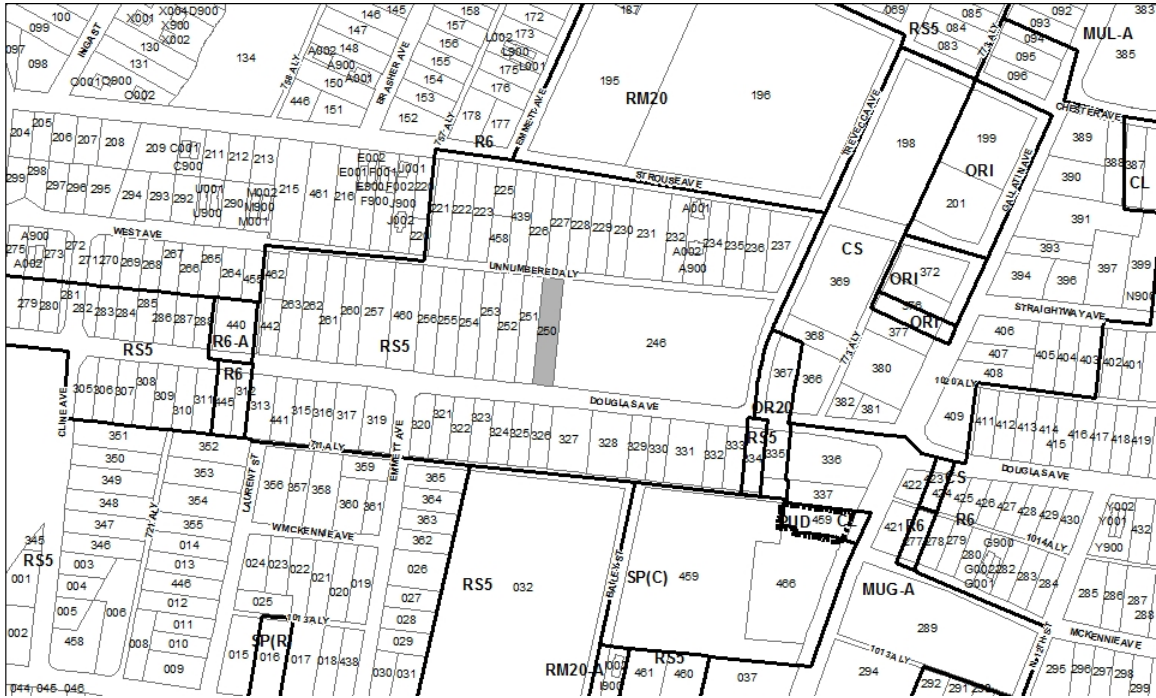
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

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. A

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1441

Mr. President –

I move to amend Second Substitute Ordinance No. BL2018-1441 as follows:

I. By amending Section 1 by deleting Subsection 12.62.020.B as proposed therein and substituting therefore the following:

B. The application must include these items:

1. A completed Certificate of Public Convenience and Necessity Application, in a form approved by the MTLC, which includes the following information and is accompanied by a payment of a \$500 nonrefundable application fee:
- ~~2. a.~~ Images and description of SUMDs and mobile application;
3. ~~b.~~ Size of fleet at launch, including any planned fleet expansions during the pilot period;
4. ~~c.~~ Service area at launch, including any planned expansions during the pilot period;
5. ~~d.~~ A written plan for educating users on proper SUMD operation and parking;
6. ~~e.~~ A written plan for providing equitable access in neighborhoods and to communities and users that are underserved by mobility and transportation options, as described in section 12.62.090 of this chapter; and
7. ~~f.~~ A written plan for complying with this ordinance and its requirements.
8. ~~g.~~ Certificate of Insurance, pursuant to Sec. 12.62.030.D.

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

Section 2. That Section 12.62.040.E shall be amended by deleting it in its entirety and substituting therefore the following:

- E. SUMDs shall not be parked in such a manner as to impede the right-of-way or impede access to the right-of-way, consistent with the following:
1. SUMDs shall be parked in the frontage zone as defined in the Major and Collector Street Plan (MCSP), or in the hard surfaces of a furnishing zone (e.g., concrete or asphalt surface; never in a planted area) as defined by the adopted standards of the metropolitan government, or at a bicycle rack owned or operated by the metropolitan government. Operators shall inform customers on how to park SUMDs properly, following the requirements for parking of bicycles outlined in Section 12.60.140.
 2. Restrictions to eligible SUMD parking zones on sidewalks:
 - a. SUMDs shall not be parked on blocks where the frontage/furnishing zone is less than three feet wide, or where there is no frontage/furnishing zone.
 - b. On blocks without sidewalks, SUMDs may be parked if the travel lane(s) and six-foot pedestrian clear zone are not impeded.
 - c. Metro, through the MTLC shall determine certain block faces or areas where free-floating SUMD parking is prohibited. Geo-fenced areas may be used to designate

where SUMD parking is or is not allowed. The MTLC shall issue its initial determinations no later than ~~forty-five~~ sixty days from the enactment date of this ordinance and report them to the Metropolitan Council. The determinations shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these block faces or areas where SUMD parking is not allowed, including in their mobile applications. It is encouraged, but not required, that wherever free-floating SUMD parking is prohibited that dedicated and preferred SUMD parking areas be available on public or private property within a reasonable distance.

- d. SUMDs shall not be parked in the frontage/furnishing zone adjacent to or within:
 - i. Parklets;
 - ii. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - iii. B-Cycle stations;
 - iv. Loading zones;
 - v. Disabled parking zone;
 - vi. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);
 - vii. Curb ramps;
 - viii. Entryways; and
 - ix. Driveways.

3. At all times, SUMDs shall be parked in a manner compliant with the Americans with Disabilities Act, 42 U.S.C. § 12132, et seq.

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

Section 4. That Title 12, Section 12.62.040 of the Metropolitan Code is hereby amended by adding new subsections O, P, and Q to read as follows:

O. A powered SUMD shall only be operated by a person who is ~~over~~ eighteen (18) years of age or older. It is unlawful for any person who is less than eighteen (18) years of age to operate a powered SUMD.

P. Section 12.84.020 sets out the penalty for violation of subsection O of this section.

Q. Parking a SUMD where it is prohibited pursuant to Section ~~12.62.040.E.1-e~~ 12.62.040.E.2.c shall be a \$10 fine, assessed upon the operator. In its mobile application and elsewhere, a permitted operator shall clearly and conspicuously inform users where SUMD parking is prohibited and inform them that parking where it is prohibited shall result in a \$10 fine. The fine shall be ~~collected from the user by the permitted operator through its mobile application or other means, and it shall be remitted to the Metropolitan Government within 30~~ 60 days. Nothing herein shall prohibit permitted operators from seeking reimbursement of such fines from users whose actions incurred the assessment of fines.

IV. By amending Section 5 by deleting it in its entirety and substituting therefore the following:

Section 5. That Title 12, Section 12.62.040 of the Metropolitan Code is hereby amended by adding the following as a subsection 12.62.040.R to read as follows:

R. ~~The Metropolitan Government~~ department of public works shall establish a program of assigning and marking a limited number of street parking spaces, small sections of sidewalk, areas adjacent to transit stops, and other rights of way as dedicated and preferred parking areas where SUMDs can park without penalty as long as they are properly parked and upright. ~~The Metropolitan Government~~ department of public works shall implement an initial first phase of this program no later than sixty days from the enactment date of this ordinance and report on it to the Metropolitan Council. Information on this program shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these dedicated and preferred parking areas for dockless SUMDs, including in their mobile applications. Dedicated and preferred parking areas for dockless SUMDs may be located where parking for dockless SUMDs is otherwise prohibited pursuant to Section ~~12.62.040.E.1.e.~~ 12.62.040.E.2.c.

V. By amending Section 6 by deleting Section 12.62.050.N as proposed therein and substituting in lieu thereof the language below, and further adding Subsection 12.62.050.O as provided:

N. MTLC or its staff ~~shall~~ may establish limitations on the hours of operation of SUMDs, the streets within the metropolitan area in which they can or cannot operate, and streets and areas where SUMDs shall be slowed down remotely by the operator. The MTLC shall ~~make its initial determinations~~ establish any necessary initial limitations pursuant to this subsection no later than ~~forty-five days~~ sixty days from the enactment date of this ordinance and report them to the Metropolitan Council. The determinations shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these determinations, including in their mobile applications. Any deviation from the approved hours, locations of operation, or streets and ~~area~~ areas where SUMDs shall be slowed down remotely by the operator must be approved by the MTLC or its staff. Any approved deviation must be reported to the MTLC or the MTLC director staff prior to beginning of operations.

O. SUMD operators shall purge duplicate user accounts on a regular basis according to rules to be established by the MTLC.

VI. By amending Section 7 by deleting Section 12.62.080.D as proposed therein and substituting in lieu thereof the following:

D. Each expansion or increase in fleet size, including each incremental increase in 12.62.080.B, shall require the following:

1. a determination by the MTLC or its staff that:
 - a) The permitted operator has fulfilled the requirements of this chapter;
 - b) The number of violations associated with the SUMDs of that operator is below a threshold to be established by the MTLC; and
 - c) The type or category of SUMD in the permitted operator's current fleet to be increased is meeting or exceeding the average utilization threshold;
2. a publicly noticed hearing conducted before the MTLC for purposes of determining public preference regarding increases in SUMD volume.

VII. By amending Section 9 by deleting it in its entirety.

Section 9. That Title 12, Section 12.62.080 of the Metropolitan Code is hereby amended by adding the following subsections J and K to read as follows:

J. The number of SUMDs allowed under this section shall apply to the SUMDs of permitted operators on the types or categories of SUMDs they are operating in their fleets on the enactment date of this ordinance.

K. The MTLC may establish any such different limitations, regulations, guidelines or rules as allowed by law to promote and protect the health, safety, and well-being of the public regarding additional SUMD operators or the number of additional SUMDs in Nashville and Davidson County for:

1. Any SUMD operator that applies after the enactment date of this ordinance for a certificate of public convenience and necessity
2. Any operator permitted on the enactment date of this ordinance that requests to add additional types of SUMDs to their fleets.

VIII. By amending Section 10 by deleting it in its entirety.

Section 10. That Title 12, Section 12.62 of the Metropolitan Code is hereby amended by adding new section to read as follows:

Officers of the Metropolitan Nashville Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter, of any regulation or rule established by the MTLC or the MTLC director pursuant to this chapter, shall take necessary enforcement action to insure effective regulation of SUMDs.

IX. By amending Section 11 by deleting it in its entirety and substituting therefore the following:

Section 11. That Title 12, Section Chapter 12.62 of the Metropolitan Code is hereby amended by adding a new section 12.62.110 to read as follows:

12.62.110 – Sunset provision.

The SUMD pilot program shall terminate ~~one year from the enactment date of this ordinance on April 1, 2020~~, except it may be extended before such date by a resolution of the metropolitan council that specifically states the length of the extension. This provision, commonly known as a "sunset provision," is included to ensure that the effectiveness and necessity of this chapter is reviewed by the metropolitan council after its adoption. Once the pilot project is terminated, SUMDs and SUMD systems shall no longer be permitted within the geographic boundaries of Nashville and Davidson County, and all certificates of public convenience and necessity shall be revoked. The Metropolitan Government may take all necessary action to conclude the pilot project. By obtaining or renewing a certificate of public convenience and necessity under this chapter, a permitted operator agrees to abide by and comply with the Metropolitan Government as it ends the SUMD pilot project.

X. By amending Section 12 by deleting it in its entirety and substituting therefore the following:

Section 12. That Title 12, Section Chapter 12.62 of the Metropolitan Code is hereby amended by adding a new section 12.62.120 to read as follows:

12.62.120 – Severability.

If any ~~sentence, section, subsection or provision of Title 12, Section 12.62 this chapter,~~ or the application of any provision of ~~Title 12, Section 12.62 this chapter~~ to any person or circumstance ~~is~~ be held invalid or unconstitutional, the invalidity does such declaration shall not affect the validity of other provisions or applications of ~~Title 12, Section 12.62 this chapter~~ that can be given effect without the invalid provision or application; and to that end, the provisions of ~~Title 12, Section 12.62 this chapter~~ are declared to be severable.

INTRODUCED BY:

Jeremy Elrod

Freddie O'Connell
Members of Council

AMENDMENT NO. B

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1441

Mr. President –

I move to amend Second Substitute Ordinance No. BL2018-1441 as follows:

I. By amending Section 1 by deleting Subsection 12.62.020.B as proposed therein and substituting therefore the following:

B. The application must include these items:

1. A completed Certificate of Public Convenience and Necessity Application, in a form approved by the MTLC, which includes the following information and is accompanied by a payment of a \$500 nonrefundable application fee:
- ~~2. a.~~ Images and description of SUMDs and mobile application;
3. ~~b.~~ Size of fleet at launch, including any planned fleet expansions during the pilot period;
4. ~~c.~~ Service area at launch, including any planned expansions during the pilot period;
5. ~~d.~~ A written plan for educating users on proper SUMD operation and parking;
6. ~~e.~~ A written plan for providing equitable access in neighborhoods and to communities and users that are underserved by mobility and transportation options, as described in section 12.62.090 of this chapter; and
7. ~~f.~~ A written plan for complying with this ordinance and its requirements.
8. ~~g.~~ Certificate of Insurance, pursuant to Sec. 12.62.030.D.

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

Section 2. That Section 12.62.040.E shall be amended by deleting it in its entirety and substituting therefore the following:

- E. SUMDs shall not be parked in such a manner as to impede the right-of-way or impede access to the right-of-way, consistent with the following:
1. SUMDs shall be parked in the frontage zone as defined in the Major and Collector Street Plan (MCSP), or in the hard surfaces of a furnishing zone (e.g., concrete or asphalt surface; never in a planted area) as defined by the adopted standards of the metropolitan government, or at a bicycle rack owned or operated by the metropolitan government. Operators shall inform customers on how to park SUMDs properly, following the requirements for parking of bicycles outlined in Section 12.60.140.
 2. Restrictions to eligible SUMD parking zones on sidewalks:
 - a. SUMDs shall not be parked on blocks where the frontage/furnishing zone is less than three feet wide, or where there is no frontage/furnishing zone.
 - b. On blocks without sidewalks, SUMDs may be parked if the travel lane(s) and six-foot pedestrian clear zone are not impeded.
 - c. Metro, through the MTLC shall determine certain block faces or areas where free-floating SUMD parking is prohibited. Geo-fenced areas may be used to designate

where SUMD parking is or is not allowed. The MTLC shall issue its initial determinations no later than ~~forty-five~~ sixty days from the enactment date of this ordinance and report them to the Metropolitan Council. The determinations shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these block faces or areas where SUMD parking is not allowed, including in their mobile applications.

- d. SUMDs shall not be parked in the frontage/furnishing zone adjacent to or within:
 - i. Parklets;
 - ii. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - iii. B-Cycle stations;
 - iv. Loading zones;
 - v. Disabled parking zone;
 - vi. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);
 - vii. Curb ramps;
 - viii. Entryways; and
 - ix. Driveways.

3. At all times, SUMDs shall be parked in a manner compliant with the Americans with Disabilities Act, 42 U.S.C. § 12132, et seq.

III. By amending Section 3 by deleting proposed Subsection 12.62.040.M as proposed therein substituting therefore the following:

M. In addition to penalties assessed for any separate violation of Tennessee law or Metropolitan Code of Laws, and except where it is specified otherwise in this chapter, any violation of this ordinance by a user in the ~~operation or~~ parking of a SUMD shall be a fine of twenty-five dollars (\$25) to be assessed on the SUMD and paid by the owner of the SUMD.

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

Section 4. That Title 12, Section 12.62.040 of the Metropolitan Code is hereby amended by adding new subsections O, P, and Q to read as follows:

O. A powered SUMD shall only be operated by a person who is ~~over~~ eighteen (18) years of age or older. It is unlawful for any person who is less than eighteen (18) years of age to operate a powered SUMD.

P. Section 12.84.020 sets out the penalty for violation of subsection O of this section.

Q. Parking a SUMD where it is prohibited pursuant to Section ~~12.62.040.E.1-e~~ 12.62.040.E.2.c shall be a \$10 fine, assessed upon the operator. In its mobile application and elsewhere, a permitted operator shall clearly and conspicuously inform users where SUMD parking is prohibited and inform them that parking where it is prohibited shall result in a \$10 fine. The fine shall be ~~collected from~~

~~the user by the permitted operator through its mobile application or other means, and it shall be remitted to the Metropolitan Government within 30 days.~~

V. By amending Section 5 by deleting it in its entirety and substituting therefore the following:

Section 5. That Title 12, Section 12.62.040 of the Metropolitan Code is hereby amended by adding the following as a subsection 12.62.040.R to read as follows:

R. ~~The Metropolitan Government~~ department of public works shall establish a program of assigning and marking a limited number of street parking spaces, small sections of sidewalk, areas adjacent to transit stops, and other rights of way as dedicated and preferred parking areas where SUMDs can park without penalty as long as they are properly parked and upright. ~~The Metropolitan Government~~ department of public works shall implement an initial first phase of this program no later than sixty days from the enactment date of this ordinance and report on it to the Metropolitan Council. Information on this program shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these dedicated and preferred parking areas for dockless SUMDs, including in their mobile applications. Dedicated and preferred parking areas for dockless SUMDs may be located where parking for dockless SUMDs is otherwise prohibited pursuant to Section ~~12.62.040.E.1.c.~~ 12.62.040.E.2.c.

VI. By amending Section 6 by deleting Section 12.62.050.N as proposed therein and substituting in lieu thereof the language below, and further adding Subsection 12.62.050.O as provided:

N. MTLC or its staff shall establish limitations on the hours of operation of SUMDs, the streets within the metropolitan area in which they can or cannot operate, and streets and areas where SUMDs shall be slowed down remotely by the operator. The MTLC shall make its initial determinations no later than ~~forty-five days~~ sixty days from the enactment date of this ordinance and report them to the Metropolitan Council. The determinations shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these determinations, including in their mobile applications. Any deviation from the approved hours, locations of operation, or streets and ~~area~~ areas where SUMDs shall be slowed down remotely by the operator must be approved by the MTLC or its staff. Any approved deviation must be reported to the MTLC or the MTLC director staff prior to beginning of operations.

O. SUMD operators shall purge duplicate user accounts on a regular basis according to rules to be established by the MTLC.

VII. By amending Section 7 by deleting Section 12.62.080.D as proposed therein and substituting in lieu thereof the following:

D. Each expansion or increase in fleet size, including each incremental increase in 12.62.080.B, shall require the following:

1. a determination by the MTLC or its staff that:
 - a) The permitted operator has fulfilled the requirements of this chapter;
 - b) the number of violations associated with the SUMDs of that operator is below a threshold to be established by the MTLC; and
 - c) The type or category of SUMD in the permitted operator's current fleet to be increased is meeting or exceeding the average utilization threshold;

2. If requested by three (3) or more registered voters residing within the boundaries of the Metropolitan Government of Nashville and Davidson County, a publicly noticed hearing before the MTLC shall be conducted prior to any expansion or increase in fleet size for purposes of determining public preference regarding increases in SUMD volume. Such requests shall be submitted in writing to the MTLC director prior to the grant of an expansion or fleet size increase.

VIII. By amending Section 9 by deleting it in its entirety.

~~Section 9. That Title 12, Section 12.62.080 of the Metropolitan Code is hereby amended by adding the following subsections J and K to read as follows:~~

~~J. The number of SUMDs allowed under this section shall apply to the SUMDs of permitted operators on the types or categories of SUMDs they are operating in their fleets on the enactment date of this ordinance.~~

~~K. The MTLC may establish any such different limitations, regulations, guidelines or rules as allowed by law to promote and protect the health, safety, and well-being of the public regarding additional SUMD operators or the number of additional SUMDs in Nashville and Davidson County for:~~

- ~~1. Any SUMD operator that applies after the enactment date of this ordinance for a certificate of public convenience and necessity~~
- ~~2. Any operator permitted on the enactment date of this ordinance that requests to add additional types of SUMDs to their fleets.~~

IX. By amending Section 10 by deleting it in its entirety.

~~Section 10. That Title 12, Section 12.62 of the Metropolitan Code is hereby amended by adding new section to read as follows:~~

~~Officers of the Metropolitan Nashville Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter, of any regulation or rule established by the MTLC or the MTLC director pursuant to this chapter, shall take necessary enforcement action to insure effective regulation of SUMDs.~~

X. By amending Section 11 by deleting it in its entirety and substituting therefore the following:

Section 11. That Title 12, Section Chapter 12.62 of the Metropolitan Code is hereby amended by adding a new section 12.62.110 to read as follows:

12.62.110 – Sunset provision.

The SUMD pilot program shall terminate one year from the enactment date of this ordinance, except it may be extended before such date by a resolution of the metropolitan council that specifically states the length of the extension. This provision, commonly known as a "sunset provision," is included to ensure that the effectiveness and necessity of this chapter is reviewed by the metropolitan council after its adoption. Once the pilot project is terminated, SUMDs and

SUMD systems shall no longer be permitted within the geographic boundaries of Nashville and Davidson County, and all certificates of public convenience and necessity shall be revoked. The Metropolitan Government may take all necessary action to conclude the pilot project. By obtaining or renewing a certificate of public convenience and necessity under this chapter, a permitted operator agrees to abide by and comply with the Metropolitan Government as it ends the SUMD pilot project.

XI. By amending Section 12 by deleting it in its entirety and substituting therefore the following:

Section 12. That ~~Title 12, Section~~ Chapter 12.62 of the Metropolitan Code is hereby amended by adding a new section 12.62.120 to read as follows:

12.62.120 – Severability.

If any sentence, section, subsection or provision of Title 12, Section 12.62 this chapter, or the application of any provision of ~~Title 12, Section 12.62 this chapter~~ to any person or circumstance is be held invalid or unconstitutional, ~~the invalidity does such declaration shall not~~ affect the validity of other provisions or applications of ~~Title 12, Section 12.62 this chapter~~ that can be given effect without the invalid provision or application; and to that end, the provisions of ~~Title 12, Section 12.62 this chapter~~ are declared to be severable.

INTRODUCED BY:

Freddie O'Connell

Burkley Allen
Members of Council