



**Metropolitan Council**

**PROPOSED LATE-FILED**

**RESOLUTION, SUBSTITUTE**

**RESOLUTION, AMENDMENTS TO**

**ORDINANCES, AND SUBSTITUTE**

**ORDINANCE TO BE FILED WITH**

**THE METRO CLERK**

**FOR THE ADJOURNED COUNCIL**

**MEETING OF**

**TUESDAY, APRIL 23, 2019**

**LATE-FILED RESOLUTION NO. RS2019-\_\_\_\_\_**

**A resolution opposing Governor Bill Lee's proposed Tennessee Education Savings Account program currently pending before the Tennessee General Assembly.**

WHEREAS, in his State of the State Address delivered March 4, 2019, Governor Bill Lee proposed an Education Savings Account (ESA) program in Tennessee, stating that the program "will strengthen public schools and provide choices for parents at the same time"; and

WHEREAS, under the proposed plan, families in Tennessee would receive \$7,300 public dollars -- in the form of a voucher -- to use for private schools and a variety of educational services and supplies including uniforms, transportation to private schools, online courses, tutoring, or homeschool curriculums; and

WHEREAS, the plan would allocate seventy-five million dollars (\$75,000,000) over the next three years to begin the program, and could eventually cost taxpayers as much as one hundred twenty-five million dollars (\$125,000,000) by 2024; and

WHEREAS, in addition, the proposed legislation instructs the Tennessee Department of Education to verify the student's legal status in Tennessee, prompting legal concerns regarding the constitutionality of this provision following a 1982 United States Supreme Court ruling which declared that students who enter the United States illegally cannot be denied a public education; and

WHEREAS, increasing public concern is emerging over whether low-income families in Tennessee would be left to compete for private school seats with families that have significantly more money, and that this ESA program will divert taxpayer money away from public schools; and

WHEREAS, research shows that in Arizona, 75 percent of all ESA funding is used by affluent families; and

WHEREAS, the proposed Tennessee ESA program establishes a high income level threshold -- approximately twice the federal earnings limit to qualify for reduced-price school lunches -- prompting further concerns that middle-class families, not low-income families, will be the primary beneficiaries of the program; and

WHEREAS, new research suggests that private school vouchers may in fact harm students who receive them and place voucher students at risk for falling behind their peers in traditional public schools; and

WHEREAS, studies of school voucher programs in Indiana, Louisiana, and Ohio found that students who used vouchers to attend private schools fared worse academically compared to their peers attending public schools -- particularly in reading and math; and

WHEREAS, ESA programs in other states have been plagued by abuse and fraud, leading to significant losses of taxpayer dollars; and

WHEREAS, this new program could have unexpected and negative impacts upon Tennessee's students and taxpayers. Before enacting the proposed Education Savings Account program in Tennessee, thorough research regarding the effectiveness and sufficiency of school voucher programs should be conducted.

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

Section 1. That the Metropolitan Council hereby goes on record as opposing Governor Bill Lee's proposed education savings account legislation currently pending before the Tennessee General Assembly.

Section 2. The Metropolitan Clerk is directed to send a copy of this Resolution to House Speaker Glen Casada, to each member of the Davidson County Delegation to the Tennessee General Assembly, and to Governor Bill Lee.

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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Member of Council

**SUBSTITUTE RESOLUTION NO. RS2019-1667**

**A resolution encouraging the Metropolitan Nashville Police Department and the Nashville Fire Department to recruit new officers and employees from local schools and institutions and to further incentivize new recruits to commit to residing in Envision Cayce for a minimum of five years.**

WHEREAS, the Metro Nashville Police Department (MNPD) lost four hundred eighteen (418) employees over the last two years by reason of retirement, resignation, dismissal, and death; and

WHEREAS, the Nashville Fire Department (NFD) similarly lost ninety-three (93) employees during fiscal years 2016 and 2017; and

WHEREAS, Nashville and the surrounding area is home to a multitude of state and community colleges, including Tennessee State University, Nashville State Community College, Volunteer State Community College, and Middle Tennessee State University; and

WHEREAS, students from the aforementioned Colleges and Universities, particularly those receiving degrees in criminal justice and/or law enforcement, would make excellent police officers and firefighters; and

WHEREAS, it is proper for the Metropolitan Council to encourage the MNPD and NFD to recruit and hire from local schools; and

WHEREAS, in the spirit of community policing, new recruits should also be incentivized, perhaps through a housing allowance or student loan forgiveness program, to commit to living in Envision Cayce for a period of five years, subject to Metropolitan Housing and Development Authority eligibility requirements.

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

Section 1. The Metropolitan Council hereby goes on record as encouraging the Metropolitan Nashville Police Department and Nashville Fire Department to recruit new employees from schools in or near Nashville.

Section 2. The Metropolitan Council further goes on record as encouraging the Metropolitan Nashville Police Department and Nashville Fire Department to incentivize new recruits, perhaps through a housing allowance or student loan forgiveness program, to commit to living in Envision Cayce for a period of five years, subject to Metropolitan Housing and Development Authority eligibility requirements.

~~Section 2- 3.~~ 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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Sharon Hurt  
Member of Council, At-Large

AMENDMENT NO. \_\_\_\_\_  
TO  
SUBSTITUTE ORDINANCE NO. BL2019-1518

Mr. President –

I move to amend Substitute Ordinance No. BL2019-1518 as follows:

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

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. If the vehicle immobilization service relies upon a third party, such as a call center or local vendor, to answer telephone calls, the telephone numbers of all such third parties must also be displayed. 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.

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.”

II. By amending Section 9 by deleting it in its entirety and substituting therefore the following:

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 the lesser of one hour of being contacted by the owner or operator or within 10 minutes of the estimated time required for arrival as posted on the permanently affixed sign; or to fail to remove the boot within 15 minutes after full boot removal payment has been received.

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

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, including all call centers, local vendors, and other third parties relied upon by the company to answer telephone calls]

The estimated period of time within which the booting and/or towing company will arrive to a booted vehicle after contact by the vehicle owner or operator.

INTRODUCED BY:

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Erica Gilmore  
Member of Council, At-Large

**SUBSTITUTE ORDINANCE NO. BL2019-1526**

**An Ordinance amending Metropolitan Code Chapter 6.80 to require commercial parking lots to the display of certain signage if towing and relative to the towing of unauthorized vehicles.**

WHEREAS, towing is a common practice in private parking lots across Nashville; and

WHEREAS, while many parking lots post the contact information for towing companies, there is no requirement to do so, which can lead to confusion for owners of vehicles which have been towed; and

WHEREAS, the Metropolitan Nashville Police Department (MNPD) resources may be impacted if owners of towed vehicles are unaware that their vehicles have been towed, who often call the MNPD to report a stolen vehicle; and

WHEREAS, required signage would assist in notifying owners of towed vehicles of the location of their vehicle and the appropriate party to contact while limiting the need to involve the MNPD and conserve resources related to public safety.

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

Section 1. That Metropolitan Code Section 6.80.195 is hereby created with the following language:

6.80.195 - Signage—Unpaid parking violations.

- A. ~~No vehicle parked at a commercial parking lot shall be towed unless a permanently affixed sign measuring not less than twenty four inches in height and eighteen inches in width is placed at all points of vehicular ingress to the lot, which sign shall include at least the following information in red lettering on a white background:~~

~~Parking Policy Strictly Enforced~~

~~Violators will be Towed at Owner's Expense~~

~~[Name and 24-hour phone number of towing company]~~

No towing shall occur from a private parking lot 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].

- B. Such signs shall be not less than forty-two and not more than seventy-two inches from the ground.
- C. If a vehicle parked at an unattended commercial parking lot is towed for failure to pay the required parking charge, the owner or operator of the unattended commercial parking lot may require the owner of the vehicle to pay the applicable towing fee plus all unpaid parking fines in order to have the car returned.

Section 2. That Metropolitan Code Section 6.80.452 is hereby created with the following language:

6.80.452 – Towing of unauthorized vehicles

- A. A licensee may tow an unauthorized vehicle from private property only upon the approval of the owner of the private property or the agent of lessee of the owner.
- B. If a licensee tows an authorized vehicle in violation of this section, the licensee shall provide a full refund to the vehicle owner or operator for any towing fee paid, plus fifty dollars. Whether a violation of this section has occurred shall be determined by the MTLC

Section 23. This Ordinance 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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Kathleen Murphy  
Member of Council

AMENDMENT NO. \_\_\_\_\_  
TO  
ORDINANCE NO. BL2019-1531

Mr. President –

I move to amend Ordinance No. BL2019-1531 as follows:

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

Section 3. Be it further enacted, that the uses of this SP shall be limited to a maximum of 10 multi-family units. The following uses shall be specifically prohibited: short term rental property (STRP), owner occupied, and short term rental property (STRP), non-owner occupied.

II. By amending Section 4 by adding the following condition:

12. This property shall not be eligible for short-term rental property (STRP) permits under Chapter 17.16 of the Metropolitan Code of Laws. No Short Term Rental Property (STRP), Owner Occupied, nor Short Term Rental Property (STRP), Non-Owner Occupied, uses shall be permitted.

INTRODUCED BY:

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Colby Sledge  
Member of Council

AMENDMENT NO. \_\_\_\_\_

TO

ORDINANCE NO. BL2019-1540

Mr. President –

I move to amend Ordinance No. BL2019-1540 as follows:

I. By amending Section 4 by deleting the first sentence of proposed Section 17.36.540.C.3 in its entirety and substituting therefore the following:

3. Primary Facades shall be at least 75% brick, brick veneer, stone, cast stone, and/or architecturally treated concrete masonry units.

INTRODUCED BY:

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Burkley Allen  
Member of Council