



Metropolitan Council

**PROPOSED SUBSTITUTE
ORDINANCES, SUBSTITUTE
RESOLUTIONS, AND
AMENDMENTS TO ORDINANCES
TO BE FILED WITH THE METRO
CLERK**

**FOR THE COUNCIL MEETING OF
TUESDAY, AUGUST 4, 2020**

SUBSTITUTE ORDINANCE NO. BL2020-372

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 canceling a portion of a Commercial Planned Unit Development Overlay District for properties located at Mt. View Road (unnumbered), Crossings Boulevard (unnumbered), and a portion of property located at Crossings Boulevard (unnumbered), approximately 200 feet east of Hickory Hollow Parkway, all of which is described herein (Proposal No. 84-87P-007).

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 canceling a portion of a Commercial Planned Unit Development Overlay District for properties located at Mt. View Road (unnumbered), Crossings Boulevard (unnumbered), and a portion of property located at Crossings Boulevard (unnumbered), approximately 200 feet east of Hickory Hollow Parkway (18.88 acres), being Property Parcel Nos. 142, 345, and a portion of Property Parcel No. 417 as designated on Map 163-00 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 163 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.

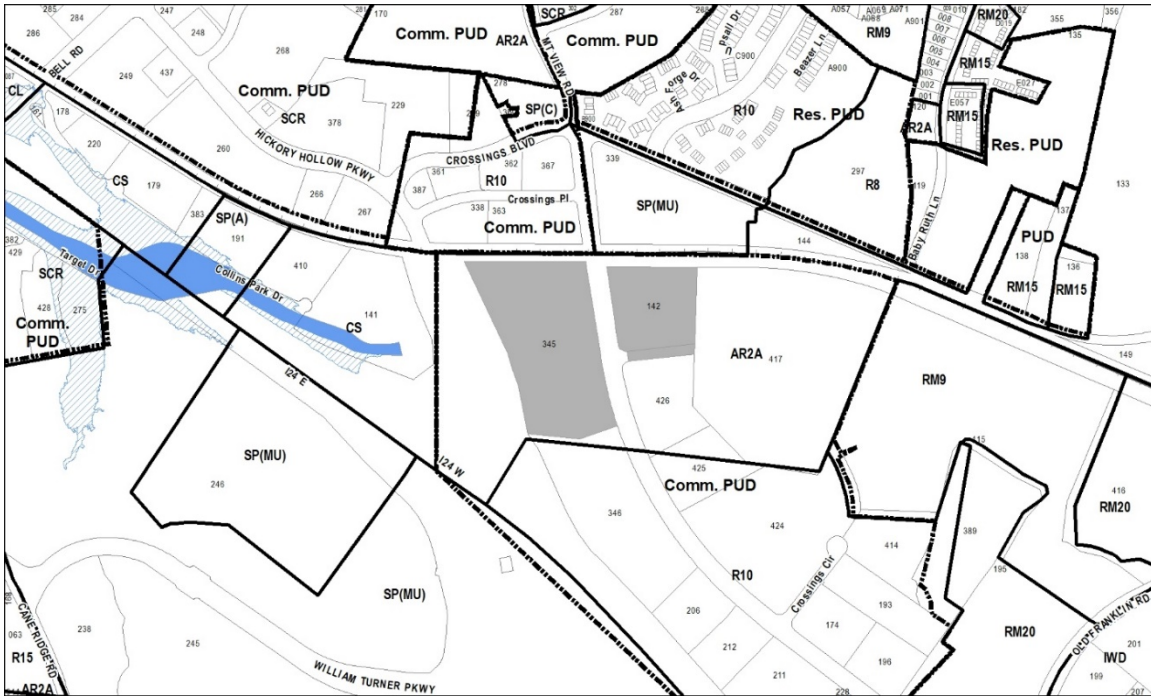
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Joy Styles

84-87P-007
CROSSING COMMERCIAL PUD
Map 163, Parcel(s) 142, 345, Part of 417
Subarea 13, Antioch - Priest Lake
District 32 (Styles)
Application fee paid by: Catalyst Design Group, PC

A request to cancel a portion of a Commercial Planned Unit Development Overlay District for properties located at Mt. View Road (unnumbered), Crossings Boulevard (unnumbered), and a portion of property located at Crossings Boulevard (unnumbered), approximately 200 feet east of Hickory Hollow Parkway (18.88 acres), requested by Catalyst Design Group LLC, applicant; V2 Capital LLC and Metro Gov't, owners.



SUBSTITUTE RESOLUTION NO. RS2020-431

A resolution requesting Mayor John Cooper to include a representative from work with the Community Oversight Board, a representative from community organizations and advocacy groups, Tennessee Immigrant and Refugee Rights Coalition, The Equity Alliance, Metro Community Oversight Now, Metro Human Relations Commission, and a representative from the Fraternal Order of Police on a committee to assist with gathering community input and to ensure a transparent process to select the next Chief of Police.

WHEREAS, on June 18, 2020, Mayor John Cooper announced that Metro Police Chief Steve Anderson will be retiring in the fall of 2020. On July 28, 2020, Mayor John Cooper announced the roadmap for hiring the next Chief of Police, which includes a period of public comment; and

WHEREAS, there are a number of community organizations and advocacy groups in Nashville, including but not limited to Community Oversight Now, Metro Human Relations Commission, the Tennessee Immigrant & Refugee Rights Coalition (TIRRC), and The Equity Alliance that have a vested interest in ensuring Nashville's next Chief of Police is responsive to community needs and concerns regarding policing; and

WHEREAS, in the wake of the murder of George Floyd by police officers in Minneapolis, it has become clear that in order to save the lives of black men and women, police practices must change; and

WHEREAS, in order to build trust between the Metropolitan Nashville Police Department and our impacted communities of color, Nashville's next Chief of Police must be a leader who is willing to oversee significant policy changes in the Police Department and who is empathetic to the concerns people of color impacted communities have regarding policing in Nashville; and

WHEREAS, in order to create meaningful policy and behavioral change in the Metropolitan Nashville Police Department and to increase community trust, the Mayor should also seek to involve these community organizations and advocacy groups, as well the Fraternal Order of Police, in the process of selecting a new Chief of Police; and

WHEREAS, the Community Oversight Board ("COB") was overwhelmingly approved by the voters of Nashville and Davidson County in November 2018 to provide a greater level of oversight regarding the Metropolitan Nashville Police Department; and

WHEREAS, the COB has the power and responsibility under Section 11.1302 of the Metropolitan Charter to make recommendations to agencies involved in public safety and the administration of justice; and

WHEREAS, in addition to the COB, there are a number of community organizations and advocacy groups in Nashville, including but not limited to Community Oversight Now, and the Tennessee Immigrant & Refugee Rights Coalition (TIRRC), and The Equity Alliance that have a vested interest in ensuring Nashville's next Chief of Police is responsive to community needs and concerns regarding policing; and

WHEREAS, in order to create meaningful policy and behavioral change in the Metropolitan Nashville Police Department and to increase community trust, the Mayor should seek to involve representatives for the COB and other these community organizations and advocacy groups, as well as a representative of the Fraternal Order of Police, in the process of selecting a new Chief of Police.

WHEREAS, further, it is important that the Mayor work with these organizations to foster community engagement where all Nashvillians, especially those impacted communities, can give input on what qualities they want in a new Chief of Police and what reforms are a priority for the Metropolitan Nashville Police Department.

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

Section 1. The Metropolitan County Council hereby goes on record as requesting Mayor John Cooper to ~~include a representative from~~ work with the Community Oversight Board, ~~representatives from other community organizations and advocacy groups,~~ Tennessee Immigrant and Refugee Rights Coalition, The Equity Alliance, Metro Community Oversight Now, Metro Human Relations Commission, and a representative from the Fraternal Order of Police on a committee to gather community input and to ensure a transparent process to select the next Chief of Police.

Section 2. This Resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Russ Bradford
Member of Council

SUBSTITUTE RESOLUTION NO. RS2020-459

A resolution appropriating a total of \$1,244,000 from the ~~General Fund of the General Services District~~ COVID-19 Pandemic Fund No. 30009 to various nonprofit organizations selected to receive grant funds for COVID-19 Pandemic response related purposes.

WHEREAS, Section 5.04.070 of the Metropolitan Code of Laws provides that the Council may, by Resolution, appropriate funds for the financial aid of nonprofit organizations; and,

WHEREAS, as a part of Resolution No. RS2020-394, the Metropolitan Council appropriated \$1,800,000 for distribution to non-profit organizations providing services related to the COVID-19 Pandemic; and

WHEREAS, the Metropolitan Government, through the Department of Finance, has identified nonprofit organizations in Davidson County seeking to provide services related to COVID-19 Pandemic response in the county; and,

WHEREAS, the Mayor has accepted the recommendations of the Department of Finance that the funds appropriated in Resolution No. RS2020-394 be distributed to nine specific nonprofit organizations for COVID-19 response related purposes; and,

WHEREAS, Resolution No. RS2020-318, as amended, requires approval by resolution of a plan for disbursement of Coronavirus Relief Fund ("CRF") grant funds, and,

WHEREAS, the Metropolitan Council determined in Resolution No. RS2020-394 that the appropriation of \$1,800,000 of the CRF grant funds to nonprofit organizations providing direct services to members of the community negatively impacted by COVID-19 is to be part of the plan for disbursement, and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that these funds be appropriated to these nine nonprofit organizations.

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

Section 1. There is hereby appropriated \$1,244,000 from the COVID-19 Pandemic Fund (~~Account No. 01602020.505320~~) of the ~~General Fund of the General Services District No. 30009~~ to fund grants to nine nonprofit organizations as follows:

\$275,000 to YWCA for shelter and domestic violence support services for those impacted by the COVID-19 Pandemic.

\$250,000 to In Full Motion, Inc. for mentoring, tutoring, ACT preparation and afterschool and summer programs for at-risk youth impacted by the COVID-19 Pandemic.

\$200,000 to Second Harvest Food Bank of Middle TN for to provide for food distribution for the benefit of those impacted by the COVID-19 Pandemic.

\$169,000 to Legal Aid Society of Middle TN & the Cumberland for legal services and court advocacy for those impacted by the COVID-19 Pandemic.

\$125,000 to FiftyForward to provide meals, financial, and community support for older adults impacted by the COVID-19 Pandemic in Davidson County

\$100,000 to Sexual Assault Center to provide professional care services to sexual assault victim-survivors impacted by the COVID-19 Pandemic.

\$50,000 to Tennessee Immigrant & Refugee Rights Coalition (TIRRC) to ensure immigrant communities in Nashville have access to resources needed due to the COVID-19 Pandemic.

\$50,000 to Tennessee Justice for Our Neighbors to enhance public safety and trust between immigrant communities and local government to ensure access to resources needed due to the COVID-19 Pandemic.

\$25,000 to Safety Net Consortium of Middle Tennessee to better facilitate healthcare coordination for low income Nashvillians impacted by the COVID-19 Pandemic.

Section 2. The appropriations to the nonprofit organizations listed in Section 1 are hereby designated as part of the plan for disbursement of CRF grant funds required by Resolution No. RS2020-318.

Section 3. The Metropolitan Government is hereby authorized to enter into grant contracts with each of the nonprofit organizations listed in Section 1 above for the amount provided herein for the purposes stated. Such contracts shall specify the terms and conditions under which the grant funds are to be spent.

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.

APPROVED AS TO AVAILABILITY
OF FUNDS:

Kevin Crumbo, Director
Department of Finance

APPROVED AS TO FORM AND
LEBALITY:

Assistant Metropolitan Attorney

INTRODUCED BY:

Bob Mendes

Member(s) of Council

SUBSTITUTE RESOLUTION NO. RS2020-457

A resolution recognizing 2020 Nashville Athena Young Professional Award recipient Grace Stranch.

WHEREAS, the Athena Young Professional Award program was founded in 2007 by Athena International to honor emerging women leaders who demonstrate excellence, creativity, and initiative in their business or profession; and

WHEREAS, the Young Professional Award was introduced in 2015 and recognizes women in the 30 to 45 year old range who also provide valuable service by contributing time and energy to improve the quality of life for others in the community, and serve as a role model for young women personally and professionally; and

WHEREAS, the 2020 recipient, Grace ~~at~~ Stranch, was nominated by Women's Political Collaborative, an organization which strives for full and equal participation of women in government and the political process; and

WHEREAS, Ms. Stranch is an attorney and community organizer whose legal practice focuses on class actions and labor, and employment litigation; and

WHEREAS, Ms. Stranch's pro bono work has been recognized by the Tennessee Supreme Court, and the Nashville Bar Association recently selected her for participation in its 2020 Leadership Forum; and

WHEREAS, Ms. Stranch sits on the diversity committees of the Tennessee Bar Association and the Nashville Bar Association, and also serves as the Legislative and Lobbying Co-Chair for the Tennessee Lawyer's Association for Women; and

WHEREAS, Ms. Stranch is Co-President of the American Constitution Society and assisted in founding the Tennessee Trial Lawyers Association's Women's Caucus; and

WHEREAS, in addition to her professional endeavors, Ms. Stranch is passionate about environmental work and serves as Chair of the Sierra Club Middle Tennessee Group, is a Tennessee Ambassador for the Environmental Defense Fund, and Vice President of the United Mountain Defense; and

WHEREAS, most recently, Ms. Stranch was appointed to Mayor John Cooper's Sustainability Advisory Board; and

WHEREAS, Ms. Stranch is also involved in many political initiatives in Tennessee and is the chair for community outreach for the Woman's Political Collaborative; and

WHEREAS, it is fitting and proper that the Metropolitan Council recognize and congratulate Ms. Grace Stranch and thank her for her work and service to the community.

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 recognizing 2020 Nashville Athena Young Professional Award recipient Grace Stranch.

Section 2. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kathleen Murphy
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-389

An ordinance establishing the tax levy in the General Services District for the fiscal year 2020-2021, declaring the amount required for the annual operating budget of the Urban Services District, pursuant to section 6.07 of the Metropolitan Charter, and repealing the initial tax levy adopted for fiscal year 2020-2021.

WHEREAS, the Metropolitan Government has received greater than anticipated sales tax revenue in the fourth quarter of Fiscal Year 2019-2020; and

WHEREAS, the Metropolitan Government had initially forecasted a shortfall of approximately \$200 million in taxes than originally budgeted for April, May, and June 2020. However, the actual shortfall is now anticipated to be approximately \$100 million less than forecasted; and

WHEREAS, in the tax levy adopted pursuant to Substitute Ordinance No. BL2020-287, the Metropolitan Council adopted a tax rate that amounts to a 34% increase over the prior fiscal year. Many citizens have expressed concerns about such a substantial tax increase, especially in the midst of the COVID-19 pandemic; and

WHEREAS, in Substitute Ordinance No. BL2020-286, the Metropolitan Council adopted a requirement that the Director of Finance provide the Metropolitan Council with an updated estimate of revenues, classified by source, to be received by the Metropolitan Government during FY2021. This updated estimate must be provided to the Council by August 15, 2020. If the Director of Finance determines that the revenues to be received by the Metropolitan Government during FY2021 will exceed the previous estimate, an adjustment to the tax levy should be considered; and

WHEREAS, the Metropolitan Government, in recognition of this higher than anticipated sales tax revenue, should reduce the tax levy initially adopted for Fiscal Year 2020-2021, while still recognizing the economic uncertainty caused by the ongoing COVID-19 pandemic.

WHEREAS, since the sales tax revenues during the fourth quarter of Fiscal Year 2019-2020 were significantly higher than projected during a period when most businesses were shut down due to the COVID-19 pandemic, the property tax rate should be adjusted to reflect the increase in the revised forecasted sales tax revenues for the Metropolitan Government for Fiscal Year 2020-2021 as the Metropolitan Government moves through the reopening phases, which will provide much needed assistance to taxpayers in meeting the financial strains that are caused by the COVID-19 pandemic.

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

Section 1. That the tax levy for the General Services District of the Metropolitan Government of Nashville and Davidson County for the fiscal year 2020-2021 on each \$100.00 assessed value of all property, real, tangible personal, intangible personal and mixed, within the General Services District, shall be ~~\$3.485~~ \$3.645 prorated and distributed as follows:

1. General Fund	\$ 1.587 <u>\$1.653</u>	per \$100.00
2. School Fund	\$ 1.186 <u>\$1.219</u>	per \$100.00
3. Debt Service Fund	\$.522 <u>\$.567</u>	per \$100.00
4. School Debt Service Fund	\$.190 <u>\$.206</u>	per \$100.00
Total Levy General Services District	\$ 3.485 <u>\$3.645</u>	per \$100.00

Section 2. That \$0.05 per \$100.00 of the revenue of the General Services District General Fund generated from this tax levy collected from the area of the Urban Services District will be deposited to the credit of the General Fund of the Urban Services District.

Section 3. Pursuant to Section 6.07 of the Charter, BE IT HEREBY DETERMINED AND DECLARED that the annual operating budget of the Urban Services District for the fiscal year 2020-2021 requires ~~\$123,598,200~~ \$122,741,861 by a property tax levy therein, and the Urban Council is hereby directed to levy a tax upon all property, real, tangible personal, intangible personal and mixed, within the Urban Services District of ~~\$0.433~~ \$0.430 per \$100.00 of assessed valuation, prorated and distributed as follows:

1. General Fund	\$0.359 <u>\$0.356</u>	Per \$100.00
2. Debt Service Fund	\$0.074	Per \$100.00
Total Levy Urban Services District	\$0.433 <u>\$0.430</u>	Per \$100.00

Section 4. That the tax levy as adopted by Substitute Ordinance No. BL2020-287 is hereby repealed.

Section 5. This ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED FOR PROPER BUDGET PROCEDURES:

INTRODUCED BY:

Kim McDoniel
Budget Officer

Angie Henderson

Member(s) of Council

APPROVED AS TO AVAILABILITY OF FUNDS:

Kevin Crumbo
Director of Finance

APPROVED AS TO FORM AND LEGALITY:

Robert E. Cooper, Jr.
Director of Law

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-300

Mr. President –

I hereby move to amend Ordinance No. BL2020-300 by renumbering the existing Section 2 as Section 3, and by adding the following new Section 2:

Section 2. That Section 9.30.020 of the Metropolitan Code is hereby amended as shown below:

9.30.020 – Exemptions.

A. Highway, bridge, road, street, dredging in navigable waters, or other public works construction activities, utility work such as water, sewer, gas, electrical, cable, telecom, fiber optic or telephone construction activities and any vehicles used to transport materials to and from such construction activities, so long as the vehicles remain within the highway, road, street or construction right-of-way or easement;

B. Emergency work;

C. Transporting and unloading of construction materials, other than blast materials, between five a.m. and ~~six~~ seven a.m.

D. In the event the forecasted temperature is to above 90 degrees Fahrenheit on a given day, the noise restrictions set forth in Section 9.30.010 shall be between the hours of nine p.m. and six a.m.

Section ~~23~~. This Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Emily Benedict
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-336

Mr. President –

I hereby move to amend Ordinance No. BL2020-300 by modifying Section 1 as followings:

Section 1. The Director of Finance shall recommend to the Metropolitan Council not later than January 1, 2021, revisions to the Metropolitan Government’s Debt Management Policy, if any are appropriate, which may include without limitation: (a) the impact of unfunded Other Post-Employment Benefits (OPEB) liability on Metro's capacity to obtain debt; (b) whether it would be considered prudent to set limits regarding the general amounts, terms, and conditions of each major category of debt for the General Fund of the General Services District, General Fund of the Urban Services District, and Schools General Fund; and (c) other matters that should be updated in the existing policy.

SPONSORED BY:

Bob Mendes
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-378

Mr. President –

I hereby move to amend Ordinance No. BL2020-378 by amending Section 1 as follows:

Section 1. Section 2.44.050 of the Metropolitan Code is hereby amended by adding the following new subsections:
appropriately-designated

x. Every police officer shall receive at least one full day (eight hours) of Diversity and Inclusion training each year.

xx. Every police officer shall receive at least four hours of use of force training each year, which shall include training regarding the use of ~~intermediate weapons~~ less lethal devices and techniques. For purposes of this subsection, ~~“intermediate weapons”~~ “less lethal devices” means those devices that are designed to reduce the potential of causing serious bodily injury or death, which includes tasers, batons, and pepper spray. ~~weapons designed to be used to overcome resistance or stop the threatening actions of an individual and/or control a situation without causing death or serious physical injury, including, but not limited to, batons, expandable batons, pepper spray, Taser devices, beanbag rounds, rubber ammunition, and mace.~~

xxx. Every police officer shall receive at least four hours of mental health training each year.

xiv. The required Diversity and Inclusion Training and the Mental Health Training is to be included in the General Provisions for In-Service Training as part of the Department Manual of the Metropolitan Police Department. Further, the Metropolitan Police Department shall post the topics to be covered in the required Diversity and Inclusion Training and the Mental Health Training on the department’s website.

SPONSORED BY:

Joy Styles
Member of Council

AMENDMENT NO. ____
TO
SECOND SUBSTITUTE ORDINANCE NO. BL2020-147

Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2020-147 as follows:

I. By amending Section 1, proposed Section 2.196.020 as follows:

"Lobby" or "Lobbying" means to communicate, directly or indirectly, with any official in the legislative branch or executive branch ~~for pay or for any consideration~~, for the purpose of influencing any legislative action or administrative action.

II. By amending Section 1, proposed Section 2.196.030, Subsection A.7, as follows:

7. To make statements and other information filed with the clerk available for public inspection and copying during regular office hours, and to make copying facilities available at a charge calculated in the public records policy ~~adopted by the Metro Council~~;

III. By amending Section 1, proposed Section 2.196.060, Subsection F, as follows:

- F. The Clerk shall send a reminder letter to lobbyists who have not filed their client's Annual Lobbying and Expense Reports by February ~~1st~~ 5th. On March 1st, the Clerk shall provide the Board of Ethical Conduct a list of missing or incomplete reports. A person responsible for filing a late report shall include a \$50 filing fee which shall be in addition to any other fees due.

IV. By amending Section 1, proposed Section 2.196.070 by deleting subsection E in its entirety:

- ~~E. It is a violation of this chapter for anyone to knowingly file with the Metropolitan Clerk a sworn complaint which is false or for the purpose of harassment and will be turned over to the Director of Law to make a recommendation to the Board of Ethical Conduct for consideration.~~

V. By amending Section 1, proposed Section 2.196.100 as follows:

2.196.100 – Cooling Off Period.

- A. A department head or employee of the mayor's office shall not be registered as a lobbyist within ~~12~~ 6 months of voluntary cessation of their official responsibilities in matters which were directly within their former official responsibilities or employment with Metro Government. For this section, "Official Responsibility" means direct administrative or operating authority, whether intermediate or final, either exercisable alone or with other, either personally or through subordinates, to approve, disapprove or otherwise direct metropolitan government action.
- B. An Elected Official shall not be registered as a lobbyist within ~~12~~ 6 months following the voluntary termination of office or leaving Elected Office.

SPONSORED BY:

Kathleen Murphy
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-322

Mr. President –

I hereby move to amend Ordinance No. BL2020-322 by amending Section 1 by modifying subsection C. of the new Section 2.44.045 as follows:

C. The provisions of this section shall not apply to any police officer for which, after investigation, there was no finding of wrongdoing related to the accusation of malfeasance or other serious misconduct.

SPONSORED BY:

Sharon Hurt
Member of Council