



Metropolitan Council

**PROPOSED AMENDMENTS PACKET
FOR THE COUNCIL MEETING OF
TUESDAY, AUGUST 6, 2024**

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SUBSTITUTE

AMENDMENT TO RULES OF PROCEDURE, RULE 13

Madam President:

I move to amend the 2023-2027 Metropolitan Council Rules of Procedure by amending Rule 13.4 as shown below:

~~13. Filing deadlines; emergency items~~

~~13.1 The following deadlines apply:~~

~~1. All ordinances and resolutions shall be filed in the Clerk's Office not later than noon on the Tuesday at least one week prior to a regular meeting of the Council and not later than 11:00 a.m. of the third day, excluding Saturdays and Sundays, preceding the day of any other Council meeting.~~

~~2. No ordinance or resolution may be filed by the Council Office unless the originals have first been delivered to the Council Office not later than noon on the second Friday preceding the regular meeting date or not later than noon the fourth day, excluding Saturdays and Sundays, preceding the day of any other Council meeting.~~

~~3. Legislation prepared by the Council Office must be requested in writing at least 48 hours prior to this delivery deadline.~~

~~4. Subject to Section 6.13 of the Metropolitan Charter, the Capital Improvements Budget shall be filed in the Clerk's Office on or before May 15 at 4:30 p.m. for consideration at the next regular Council meeting.~~

~~13.2 All amendments to, or substitutes for, an ordinance or a resolution, or any requested late-filed legislation, shall be delivered to the Council Office not later than noon on the Friday immediately preceding the regular meeting date. In the event of a special meeting, delivery shall occur not later than noon the second day, excluding Saturdays and Sundays, preceding the day of such Council meeting. Amendments or substitutes will be prepared in a manner that indicates deletions by striking through such content and insertions by underlining such content.~~

~~13.3 The Council may not consider any ordinance, resolution, amendment, or substitute unless filed in accordance with the two preceding paragraphs, with the exception of legislation filed directly with the Clerk by a Councilmember.~~

13.4 No ordinance, ~~binding~~ resolution, amendment, or substitute submitted after these prescribed deadlines (~~"late-filed legislation"~~) will be considered by the Council except on an emergency basis. Nonbinding resolutions submitted after the prescribed deadlines are not eligible to be considered on an emergency basis. It is not the responsibility of the Council Office to prepare late-filed legislation.

~~13.5 Any sponsor of such late filed legislation must appear before the Rules Committee immediately prior to the regular meeting to disclose (1) the nature of the emergency; (2) whether the legislation could have been timely filed; and (3) whether the matter can wait until the next Council meeting. Late filed legislation ordinances and late resolutions will be referred to other appropriate committees per Rule 7.~~

~~13.6 Late filed legislation introduced during a Council meeting is not subject to Section 13.5 however the rules must be suspended, per Rule 7, for the late filed legislation to be considered.~~

~~13.76 Upon consideration of the late filed legislation, At the subsequent regular meeting, the sponsor must state on the introduction thereof that an emergency exists, must state the nature of the emergency, and must request a suspension of the rules. The Council recommends that memorializing late filed legislation be filed for the subsequent Council meeting.~~

INTRODUCED BY:

Kyonzte Toombs
Member of Council

AMENDMENT NO. 1
TO
RESOLUTION NO. RS2024-559

Madam President –

I hereby move to amend Charter Amendment 1 to Resolution No. RS2024-559 as follows:

I. Title of the Amendment:
Director of Finance—Qualifications, Appointment and Vacancy

II. Summary of the Amendment for the Ballot:

This amendment would designate the metropolitan treasurer, a specific position within the department of finance, to perform the duties of the finance director in the absence of the finance director and if the office of finance director becomes vacant.

III. Text of the Amendment for the Ballot:

Section 8.102 of Article 8 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be amended as follows:

Sec. 8.102. – Director of finance—Qualifications, appointment and vacancy.

The director of finance shall have proven administrative ability and a well founded reputation in public finance, or a record of exceptional performance for at least five (5) years as a comptroller or financial head of a large business. The mayor shall appoint the director of finance subject to confirmation by a majority of the whole membership of the council. He or she shall serve at the pleasure of the mayor making the appointment and until his or her successor is qualified. The director's salary shall be fifteen thousand (\$15,000) dollars per annum, payable semimonthly. In the absence of the director of finance or in the event of a vacancy in his or her office, the metropolitan treasurer shall perform the duties thereof until the director returns or the vacancy is filled.

IV. Statement of the Financial Impact of the Amendment:

No significant financial impact.

SPONSORED BY:

Sheri Weiner
Member of Council

AMENDMENT NO. 2
TO
RESOLUTION NO. RS2024-559

Madam President –

I hereby move to amend Charter Amendment 1 to Resolution No. RS2024-559 as follows:

- I. Title of the Amendment:
Director of Finance—Qualifications, Appointment and Vacancy
- II. Summary of the Amendment for the Ballot:
This amendment would designate an eligible officer within the department of finance to perform the duties of the finance director for a limited time in the absence of the finance director and if the office of finance director becomes vacant.
- III. Text of the Amendment for the Ballot:
Section 8.102 of Article 8 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be amended as follows:

Sec. 8.102. – Director of finance—Qualifications, appointment and vacancy.

The director of finance shall have proven administrative ability and a well-founded reputation in public finance, or a record of exceptional performance for at least five (5) years as a comptroller or financial head of a large business. The mayor shall appoint the director of finance subject to confirmation by a majority of the whole membership of the council. He or she shall serve at the pleasure of the mayor making the appointment and until his or her successor is qualified. The director's salary shall be fifteen thousand (\$15,000) dollars per annum, payable semimonthly. In the absence of the director of finance or in the event of a vacancy in his or her office, the mayor shall appoint via communication to the metropolitan council an individual who shall perform the duties thereof until the director returns or the vacancy is filled. This individual shall be selected from among the budget officer, chief accountant, and metropolitan treasurer, and he or she shall serve for no more than 90 days prior to confirmation as interim finance director by a majority of the whole membership of the council.

- IV. Statement of the Financial Impact of the Amendment:
No significant financial impact.

SPONSORED BY:

Sheri Weiner
Member of Council

AMENDMENT NO. 3
TO
RESOLUTION NO. RS2024-559

Madam President –

I hereby move to amend Charter Amendment 3 to Resolution No. RS2024-559 as follows:

I. Title of the Amendment:

Terms; compensation; age and residence qualification.

II. Summary of the Amendment for the Ballot:

This amendment would remove the requirement that councilmembers attain the age of 25. This amendment would instead require a councilmember-at-large or district councilmember to be a qualified voter, pursuant to Tennessee state law.

III. Text of the Amendment for the Ballot:

Section 3.02 of Article 3 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be amended as follows:

Sec. 3.02. - Terms; compensation; age and residence qualification.

Members of the council shall serve for a term of four (4) years and until their successors are elected and qualified; and shall be compensated at the rate of three hundred (\$300) dollars per month. No person shall be eligible to serve as councilmember-at-large or district councilmember unless he or she shall be a qualified voter, pursuant to Tennessee state law, at the beginning of his or her term and unless he or she shall have been a resident of the area of the metropolitan government for a period of one (1) year and shall continue to reside therein during his or her period of service. No person shall be eligible to serve as district councilmember unless he or she shall have been a resident of the district for which elected for a period of six (6) months and shall continue to reside therein during his or her period of service. Members of the council shall hold no other elective or appointive office in the metropolitan government or employment by said government, except as expressly provided in this Charter.

IV. Statement of the Financial Impact of the Amendment:

No significant financial impact.

SPONSORED BY:

John Rutherford
Member of Council

AMENDMENT NO. 4
TO
RESOLUTION NO. RS2024-559

Madam President –

I hereby move to amend Resolution No. RS2024-559 by adding the following proposed additional amendment to the Charter of the Metropolitan Government of Nashville and Davidson County following “Amendment No. 3”:

AMENDMENT NO. ____

- I. Title of the Amendment:
Regular meetings; adjourned meetings; special meetings.
- II. Summary of the Amendment for the Ballot:
This amendment provides that no regular meeting of the Metropolitan Council may be held in the month of September. Special or adjourned meetings of the Metropolitan Council could still be held in September.
- III. Text of the Amendment for the Ballot:
Section 3.04 of Article 3 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be amended as follows:
Sec. 3.04. - Regular meetings; adjourned meetings; special meetings.
The council shall hold regular meetings only on the first and third Tuesday of each month and may hold an adjourned meeting of a regular meeting on any week day or hour it may fix. However, no regular meeting of the council shall be held during the month of September. At an adjourned meeting the council may transact any business which it might transact at a regular meeting. Special meetings of the council may be held when called by the mayor or vice mayor and shall be called by either official when the public welfare requires it or when requested in writing by a majority (21) of the members of the council. At least forty-eight (48) hours' written notice shall be given for any special meeting, stating the object or objects thereof, and the business of such meeting shall be restricted to the objects so stated. All meetings of the council shall be open to the public and shall be held in a metropolitan building unless by reasons of casualty a different meeting place shall be selected, with public announcement thereof.
- IV. Statement of the Financial Impact of the Amendment:
No significant financial impact.

SPONSORED BY:

Kyonzté Toombs
Member of Council

SUBSTITUTE RESOLUTION NO. RS2024-570

A resolution accepting a donation from 601 Lafayette Owner, LLC in the amount of \$100,000 as a contribution towards planning, designing, and constructing necessary infrastructure improvements in the vicinity of 601 Lafayette. ~~towards the costs of construction of a nearby community pocket park.~~

WHEREAS, pursuant to Metropolitan Code of Laws § 5.04.120, the Metropolitan Council can approve donations, exclusive of donations of real estate by resolution; and,

WHEREAS, 601 Lafayette Owner, LLC owns and plans to develop a parcel of property (the "Property") at 601 Lafayette Street in Nashville; and,

WHEREAS, the project will impact the infrastructure in the vicinity as well as the demand for local green space or other pedestrian amenities; and,

WHEREAS, as provided in the letter attached as Exhibit 1, 601 Lafayette Owner, LLC proposes to donate \$100,000 to the Metropolitan Government as a contribution towards infrastructure improvements.

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

Section 1. The proposed donation by 601 Lafayette Owner, LLC of \$100,000 as a contribution towards the cost of the infrastructure improvements, as proposed in Exhibit 1, is approved.

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

INTRODUCED BY:

Jacob Kupin
Member of Council

July 19, 2024

Devin Doyle
Senior Engineer
Nashville Department of Transportation and Multimodal Infrastructure (NDOT)
750 South 5th Street
Nashville, TN 37206

Re: 601 Lafayette Owner, LLC Donation to the Metropolitan Government

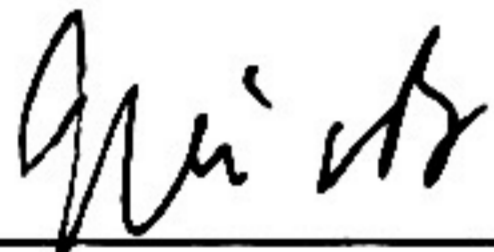
Mr. Doyle:

I am the Authorized Agent of 601 Lafayette Owner, LLC ("Owner"), which is undertaking a project ("the Project") at 601 Lafayette Street. Owner acknowledges the impact that the Project will have on infrastructure in the vicinity of the Project and on the demand for local green space or other pedestrian amenities. Accordingly, Owner agrees to donate \$100,000 to the Metropolitan Government of Nashville and Davidson County as a contribution towards the costs of planning, designing, and constructing necessary infrastructure improvements in the vicinity of 601 Lafayette.

This donation will be made within 14 days after its approval by the Metropolitan Council.

Please do not hesitate to contact me with questions or for additional information.

Best regards,



Nick Benjamin
Title: *Authorized Person*
601 Lafayette Owner, LLC

SUBSTITUTE RESOLUTION NO. RS2024-637

A resolution condemning the attempted assassination of former President Trump, honoring the victims of the attack and the actions of Secret Service, and condemning all political violence in America.

WHEREAS, a rise in hateful rhetoric has created a climate of danger and fear; and

WHEREAS, political violence of any kind undermines the foundation of democracy and must never be tolerated; and

WHEREAS, all public officials, leaders, and citizens must work to promote a culture of respect, nonviolence, and tolerance in political and public discourse; and

WHEREAS, America is a nation that was built on the idea of freedom but unfortunately has too often resorted to political violence to achieve it; and

WHEREAS, America is a nation that was built on the idea of freedom but unfortunately has too often resorted to political violence to achieve it; and

WHEREAS, this violent legacy includes, but is not limited to, the colonizers' violence against Native Americans through murder, disease, and land theft; the institution of human chattel slavery primarily affecting Africans and African Americans; the 1837 lynching of abolitionist clergyman Elijah P. Lovejoy; the 1859 beating of anti-slavery Republican Charles Sumner on the Senate floor; pro-slavery congressmen threatening Northern colleagues with violence; the assassination of President Abraham Lincoln; the founding of the Ku Klux Klan in Pulaski, TN; the 1875 election violence in Mississippi where an angry mob set buildings on fire, killed four men and forced African Americans from their homes; the Tulsa Race Massacre of 1921, when white mobs burned down 35 city blocks of Black Wall Street, resulting in 300 deaths, 800 injuries, and the displacement of 9,000 residents; and the Red Scare of the 1950s; and

WHEREAS, furthermore, we have witnessed additional instances of political violence including the Nashville bombings of Hattie Cotton School to resist desegregation; the bombing of the home of civil rights leader, attorney, and former Councilmember Z. Alexander Looby; the assassinations of Dr. Martin Luther King Jr., President John F. Kennedy, and Malcolm X; the 1963 bombing of the Sixteenth Street Baptist Church, which killed four young Black girls—Denise McNair (11), Addie Mae Collins (14), Carole Robertson (14), and Cynthia Wesley (14)—and injured 20 others; and the 1974 shooting at Ebenezer Baptist Church that resulted in the death of Alberta Williams King, mother of Dr. Martin Luther King Jr.; and

WHEREAS, still unable to resolve our political differences, America has witnessed further acts of political violence, including the 2011 shooting of Representative Gabby Giffords and 18 others; the 2015 Mother Emanuel Charleston Church shooting, which claimed the lives of state Senator Rev. Clementa Pinckney, Cynthia Hurd, Rev. Sharonda Coleman-Singleton, Tywanza Sanders, Ethel Lance, Susie Jackson, Depayne Middleton Doctor, Rev. Daniel Simmons, and Myra Thompson; the 2017 shooting of Majority Leader Steve Scalise and others; the 2020 foiled kidnapping attempt of Governor Gretchen Whitmer; the January 6th insurrection that attacked the United States Capitol, assaulted Capitol police officers, threatened to hang then Vice President Pence, and sought to attack then-Speaker Nancy Pelosi; former President Trump's inflammatory rhetoric directing neo-fascist white nationalists to "fight like hell" and to "stand back and stand by";

the 2022 assault on Paul Pelosi, husband of former House Speaker Nancy Pelosi; and the most recent assassination attempt on former President and political candidate Donald Trump; and

WHEREAS, political violence also encompasses the forced continuation of pregnancies despite medical necessity to terminate, the execution of unarmed individuals by those sworn to protect and serve, the withholding of humanitarian aid, violence at borders such as the use of razor wire in the Rio Grande, America's role in global conflicts, genocides, and territorial disputes, the rise in violence against women, Black people, the LGBTQIA+ community, and an increase in harmful rhetoric and legislation, as well as a troubling rise in hate against AAPI communities since COVID-19, anti-immigrant, anti-Semitic, and anti-Muslim violence and hate; and

WHEREAS, these instances of political violence have caused profound harm and division, threatening the core values of democracy and justice; and

WHEREAS, condemnation of political violence in any form is necessary to preserve our democratic institutions and ensure the safety of all Americans; and

WHEREAS, it is our collective responsibility to confront and reject divisive rhetoric and actions that threaten the safety and unity of our communities; and

WHEREAS, political differences should be handled at the ballot box, and the results of elections should be honored; and

WHEREAS, there is no place for political violence in the United States or in Nashville and Davidson County.

~~WHEREAS, on July 13, 2024, during a presidential campaign rally in Butler, Pennsylvania there was an assassination attempt on former President Trump; and~~

~~WHEREAS, the shooter fired eight shots at former President Trump and into the crowd; and~~

~~WHEREAS, former President Trump was struck and wounded on stage; and~~

~~WHEREAS, the Secret Service acted quickly and effectively to secure the former President, and~~

~~WHEREAS, 50-year-old firefighter Corey Comperatore, bravely sacrificed his own life protecting his wife and daughters; and~~

~~WHEREAS, David Dutch, James Copenhaver, and other innocent attendees were wounded; and~~

~~WHEREAS, despite our differences, political violence has no place in our society, and we should instead settle our differences at the ballot box.~~

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

Section 1. That the Metropolitan County Council hereby goes on record as ~~honoring Corey Comperatore, David Dutch, James Copenhaver, and all other victims of the July 13, 2024, attempted assassination attempt on former President Trump~~ standing against and condemning political violence in all forms and reaffirming our commitment to peace, unity, and respect in all political and public discourse.

Section 2. That the Metropolitan County Council hereby goes on record as ~~condemning the attempted assassination of former President Trump and all political violence.~~ The Metropolitan

County Council calls upon all citizens, residents, leaders, and institutions to actively work towards fostering a culture of nonviolence, understanding, and cooperation.

Section 3. The Metropolitan County Council acknowledges that it is our shared responsibility to reject violence in all its forms and to build a future where democratic principles and human dignity are upheld for everyone.

Section ~~34~~. 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:

Delishia Porterfield
Member of Council

SUBSTITUTE ORDINANCE NO. BL2024-476

An ordinance to amend Chapter 2.112 of the Metropolitan Code of Laws regarding the membership of the Metropolitan Nashville Arts Commission and the process for approving the criteria for awarding funds.

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

Section 1. That Section 2.112.020 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

2.112.020 - Membership and term of office.

The commission shall be composed of ~~fifteen~~ sixteen members. Fifteen members are to be appointed by the mayor and to serve without compensation. All members of the commission appointed by the mayor shall be confirmed by the metropolitan county council. One member shall be a member of the council who serves on the arts, parks, libraries, and entertainment committee of the council, or a successor committee to which arts-related legislation is referred, nominated by that committee and elected by a majority vote of the whole membership of the council who shall serve in a nonvoting capacity. The members appointed by the mayor shall serve staggered terms of four years. The term of the member of council shall be two years. In no event shall the term of the council member extend beyond the council term in which they were elected. All vacancies of any commission member shall be filled for the balance of the unexpired term in the same manner as original appointments.

Section 2. That Section 2.112.040 of the Metropolitan Code of Laws is further amended by deleting Subsection H in its entirety and replacing it with the following:

H. Award funds appropriated to it by the metropolitan council to deserving nonprofit civic and nonprofit charitable organizations. Criteria for the awarding of such funds shall be established by the Metropolitan Nashville Arts Commission and approved by ~~resolution of~~ the metropolitan council each year before funds are awarded. If there is a change in the award criteria from the previous year, the council must approve the criteria by ordinance. If there is no change in the award criteria from the previous year, the council may approve the criteria by resolution. The criteria for the awarding of funds must be presented to the arts, parks, libraries, and entertainment committee, or a successor committee to which arts-related legislation is referred, of the metropolitan council prior to the filing of the ordinance.

1. A "nonprofit charitable organization" is defined as one in which no part of the net earnings benefit any private shareholder or individual and which provides year-round services benefiting the general welfare of the residents of the municipality.

2. A "nonprofit civic organization" is defined as a civic organization exempt from taxation pursuant to Section 501(c) of the IRS Code. A nonprofit civic organization must operate primarily for the purpose of bringing about civic betterment and social improvements through efforts to maintain and increase employment opportunities in the municipality.

3. For purposes of this code section, both nonprofit charitable organizations and nonprofit civic organizations shall be involved in the study, participation in and appreciation of the visual, performing and literary arts for the Metropolitan Nashville and Davidson County area.

Section 3. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government requiring it.

SPONSORED BY:

Joy Styles
Erin Evans
Jordan Huffman
Jacob Kupin
Zulfat Suara
Burkley Allen
Jennifer Webb
Mike Cortese
Tasha Ellis
Members of Council

ORDINANCE NO. _____

An ordinance amending Metropolitan Code of Law Section 16.16.260 International Mechanical Code – Local Amendments, to adopt Chapter 11 of the 2024 International Mechanical Code.

WHEREAS, in compliance with the Environmental Protection Agency’s 2021 issuance of a rule implementing an 85% economy-wide phasedown in HFC refrigerants by 2036, the International Code Council recently approved six code changes to the 2024 International Mechanical Code; and,

WHEREAS, these changes permit the use of A2L refrigerants consistent with industry standards and will facilitate compliance with EPA refrigerant regulations; and,

WHEREAS, the Codes Department has adopted the 2018 International Mechanical Code, as amended in 16.16.260, and the 2018 International Mechanical Code does not allow for A2L refrigerant to be considered a code compliant refrigerant, while the 2024 International Mechanical Code does; and,

WHEREAS, it is in the best interest of the citizens of Nashville and Davidson County that Chapter 11 of the 2024 International Mechanical Code be adopted.

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

Section 1. That Metropolitan Code Section 16.16.260 International Mechanical Code – Local Amendments is hereby amended by adding a new section, Section G, and the following language:

The 2018 International Mechanical Code is hereby amended by deleting Chapter 11 Refrigeration in its entirety, and replacing it in lieu thereof with Chapter 11 Refrigeration of the 2024 International Mechanical Code.

Section 2. This ordinance shall take effect upon passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Jennifer Webb
Quin Evans Segall
Sean Parker
Council Member(s)



METROPOLITAN GOVERNMENT NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING - 3RD FLOOR
800 PRESIDENT RONALD REAGAN WAY
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196350
NASHVILLE, TENNESSEE 37219
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

July 31, 2024

Madam Vice Mayor and Members of Council,

I am writing to request the Metro Council accept a late-filed ordinance amending 16.16.260 of the Metro Code of Laws to adopt Chapter 11 of the 2024 International Mechanical Code. Passage of this ordinance is of critical importance so that developments currently under construction may adhere to the refrigerant installation regulations of the 2024 International Mechanical Code.

In compliance with the Environmental Protection Agency's 2021 issuance of a rule implementing an 85% economy-wide phasedown in HFC refrigerants by 2036, the International Code Council recently approved six code changes to the 2024 International Mechanical Code. These changes permit the use of A2L refrigerants consistent with industry standards and will facilitate compliance with EPA refrigerant regulations.

Worldwide material shortages stemming from the Covid pandemic led to manufacturers selling off inventory of units utilizing HFC refrigerants. When material supplies returned to normal levels, manufacturers began producing units that utilized A2L refrigerant.

Chapter 11 of the 2018 International Mechanical Code does not allow for A2L refrigerant to be considered a code compliant refrigerant, but Chapter 11 of the International Mechanical Code does.

Understanding the need to move to a next-generation refrigerant, the Metro Codes Department requests that this code amendment be adopted to ensure that current and future projects comply until Metro can adopt the 2024 codes in their entirety.

Our Director of Building and Trades Shannon Roberts will be available to answer questions at the appropriate committee meetings for this legislation. Please contact me or our Council Liaison Will Dodd if you have further questions.

Sincerely,

William Herbert
Director
Metro Codes Department

AMENDMENT NO. 1
TO
ORDINANCE NO. BL2024-426

Madam President –

I move to amend Ordinance No. BL2024-426, as follows:

- I. By amending section C.3.b as follows:
 - b. Fill, not authorized by law, from off-site activity has been brought to and stored on the site; ~~or~~ and
- II. By adding a new subsection to section C:

6. No part of this subsection shall be construed as permitting landfills as defined and regulated by federal or state law.

SPONSORED BY:

Joy Kimbrough
Member of Council

AMENDMENT NO. 2
TO
ORDINANCE NO. BL2024-426

Madam President –

I hereby move to amend Ordinance No. BL2024-426 as follows:

I. By amending Section 1 by deleting proposed Section 15.64.140, Subsection C.3, in its entirety and replacing it with the following:

3. Procedure. Within 30 days from the initiation of a review, department director or designee shall inspect the site and determine whether grading activity, including excavation, clearance, fill, or other alteration of the landscape, on the site is in compliance with the requirements of the applicable grading and drainage plan and state and local grading regulations. ~~this subsection.~~ ~~Grading activity is not in compliance with this subsection if the following factors are established:~~

- ~~a. The grading and drainage plan has been approved and active for more than 60 days; and~~
- ~~b. Fill, not authorized by law, from off-site activity has been brought to and stored on the site; or~~
- ~~c. No building permit or use and occupancy permit has been issued by the department of codes administration for the site.~~

II. By amending Section 1 adding a new proposed Section 15.64.140, Subsection C.4 as follows and renumbering the subsequent sections:

4. Applicability. This subsection C shall apply to projects when the following factors apply:

- a. The grading and drainage plan has been approved and active for more than 60 days;
- b. Fill, not authorized by law, from off-site activity has been brought to and stored on the site; and
- c. No building permit or use and occupancy permit has been issued by the department of codes administration for the site.

SPONSORED BY:

Burkley Allen
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2024-472

Madam President –

I hereby move to amend Ordinance No. BL2024-472 by modifying Section 3 as follows:

Section 3. Amendments to this legislation shall be approved by ~~ordinance~~ resolution.

SPONSORED BY:

Sandy Ewing
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2024-271

Madam President –

I hereby move to amend Ordinance No. BL2024-271 as follows by amending Section 4 to add the following conditions:

12. The developer shall work with NDOT to identify and construct road improvements necessary and feasible to improve pedestrian safety along Homestead Road at the developer's expense.
13. There shall be no more than 14 units utilized for the Not Owner Occupied Short Term Rental use within the development. There shall be no more than 14 Not Owner Occupied Short Term Rental permits granted within the development at any one time.

INTRODUCED BY:

Kyonzte Toombs
Member of Council

SUBSTITUTE ORDINANCE NO. BL2024-317

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 RS10 to SP zoning for properties located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit ~~46~~ 40 multi-family residential units, all of which is described herein (Proposal No. 2024SP-006-001).

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 RS10 to SP zoning for properties located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit ~~46~~ 40 multi-family residential units, being Property Parcel Nos. 034, 035, 049 as designated on Map 070-02 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 070 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 a maximum of ~~46~~ 40 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited.

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

1. With the final site plan submittal applicant shall submit a proposed phasing plan to show how access will be provided to the existing residence at Map: 070-02 Parcel: 33 throughout the construction period.
2. Setbacks shown on page three of the plan set are considered a part of the survey document but are not to be used in place of the setbacks shown on the cover sheet.
3. On the corrected copy, update maximum height to "3 stories within 45 feet." Maximum height shall apply to all units across the site.
4. Height shall be measured from average elevation (average of four most exterior corners) at the finished grade (final ground elevation) to the midpoint of the primary roof pitch or to the top of the parapet.
5. No master permit/HPR shall be recorded prior to final SP approval.
6. Final plat may be required prior to permitting.
7. Comply with all conditions and requirements of Metro reviewing agencies.

8. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
9. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
10. 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.
11. The developer shall construct a sidewalk extending northeast along the east side of Buena Vista Pike from the north property line of the development to the intersection of Buena Vista Pike and Stokers Lane and a crosswalk crossing Stokers Lane on the eastern side of the intersection at a cost not to exceed \$54,000. If construction costs for the sidewalk and crosswalk exceed \$54,000, the developer may make a payment in lieu of construction of \$54,000 to NDOT to be used for pedestrian improvements in the general area of the development.

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 RM15 zoning district. Uses are limited as described in the Council ordinance.

Section 8. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 9. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kyonzté Toombs
Member of Council

2024SP-006-001
BUENA VISTA PIKE
Map 070-02, Parcel(s) 034-035, 049
Subarea 03, Bordeaux – Whites Creek – Haynes Trinity
District 02 (Kyonzté Toombs)
Application fee paid by: Roberto Gutierrez

A request to rezone from RS10 to SP zoning for properties located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit 46 40 multi-family residential units, requested by SWS Engineering, applicant; Mickey Marston, Vickie Morris, Rickie & Barry Morris and R Squared Construction, LLC, owners



SUBSTITUTE ORDINANCE NO. BL2024-318

An ordinance to authorize building material restrictions and requirements for BL2024-317, a proposed Specific Plan Zoning District on properties located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit ~~46~~ 40 multi-family residential units, all of which is described herein (Proposal No. 2024SP-006-001). **THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.**

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

Section 1. That the following building material restrictions and requirements as a part of BL2024-317, a proposed Specific Plan Zoning District located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres), are hereby authorized:

- Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.

Section 2. 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:

Kyonzté Toombs
Member of Council