



Metropolitan Council

**PROPOSED AMENDMENTS PACKET
FOR THE COUNCIL MEETING OF
THURSDAY, NOVEMBER 7, 2024**

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SUBSTITUTE ORDINANCE NO. BL2024-486

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 RS7.5 to SP zoning for property located at 520 Ewing Drive, approximately 375 feet west of Gwynnwood Drive (3.58 acres), to permit ~~56~~ 29 multi-family residential units, all of which is described herein (Proposal No. 2024SP-024-001).

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:

A request to rezone from RS7.5 to SP zoning for property located at 520 Ewing Drive, approximately 375 feet west of Gwynnwood Drive (3.58 acres), to permit ~~56~~ 29 multi-family residential units, being Property Parcel No. 098 as designated on Map 059-00 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 plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and the 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 Property Parcel No. 098 as designated on Map 059-00 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 ~~56 single family residential lots~~ 29 multi-family residential units. Short term rental property owner occupied and short term rental property not owner occupied shall be prohibited.

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

1. On the final site plan, Buildings 1 and 11 shall be oriented toward Ewing Drive with pedestrian entrances as shown on the preliminary SP.
2. On the final site plan additional landscaping shall be provided around surface parking areas.
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.
4. Comply with all conditions and requirements of Metro reviewing agencies.
5. The maximum height permitted within the development shall be 2 stories in 35 feet.
6. The developer shall construct a sidewalk along the south side of Ewing Drive from the development site west to the intersection of Ewing Drive and Vista Lane.
7. The developer shall work with NDOT to install pedestrian safety measures at the intersection of Ewing Drive and Vista Lane and the intersection of Ewing Drive and Gynnwood Drive at the developer's expense.

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 as of the date of the applicable request or application. 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.

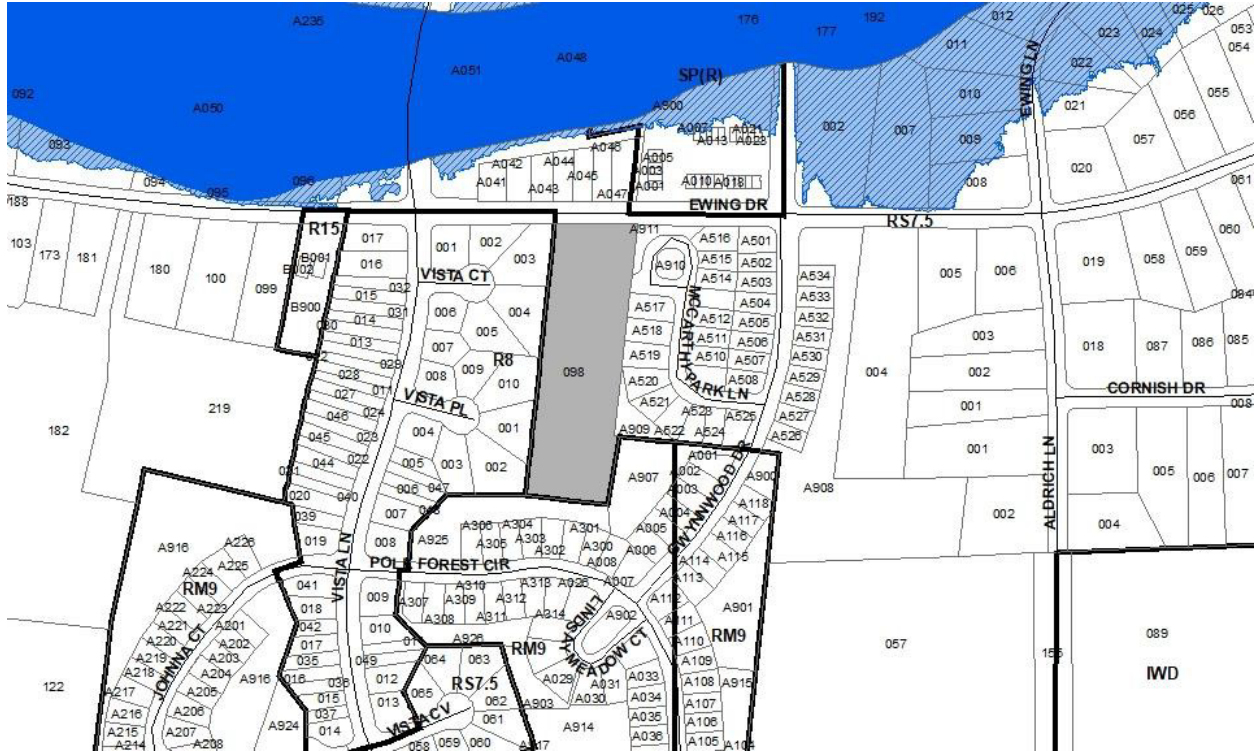
Section 9. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Kyonzté Toombs
Member of Council

2024SP-024-001
THE MARLOWE
Map 059, Parcel(s) 098
Subarea 03, Bordeaux - Whites Creek - Haynes Trinity
District 02 (Kyonzté Toombs)
Application fee paid by: Legacy South LLC

A request to rezone from RS7.5 to SP zoning for property located at 520 Ewing Drive, approximately 375 feet west of Gwynnwood Drive (3.58 acres), to permit ~~56~~ 29 multi-family residential units, requested by Catalyst Design Group, applicant; Legacy South, LLC, owner.



SUBSTITUTE ORDINANCE NO. BL2024-487

An ordinance to authorize building material restrictions and requirements for BL2024-486, a proposed Specific Plan Zoning District on property located 520 Ewing Drive, approximately 375 feet west of Gwynnwood Drive (3.58 acres), to permit up to ~~56~~ 29 multi-family residential units (Proposal No. 2024SP-024-001). **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 BL2024-486, a proposed Specific Plan Zoning District located at 520 Ewing Drive, approximately 375 feet west of Gwynnwood Drive (3.58 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.

SPONSORED BY:

Kyonzté Toombs
Member of Council

SUBSTITUTE ORDINANCE NO. BL2024-570

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 CN to ~~R15~~ RS15 zoning for properties located 1532, 1536, 1538 Neely's Bend Road and Neely's Bend Road (unnumbered), approximately 90 feet north of Neely's Bend Court (1.52 acres), all of which is described herein (Proposal No. 2024Z-122PR-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 CN to ~~R15~~ RS15 zoning for properties located 1532, 1536, 1538 Neely's Bend Road and Neely's Bend Road (unnumbered), approximately 90 feet north of Neely's Bend Court (1.52 acres), being Property Parcel Nos. 006-009 as designated on Map 063 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 063 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. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

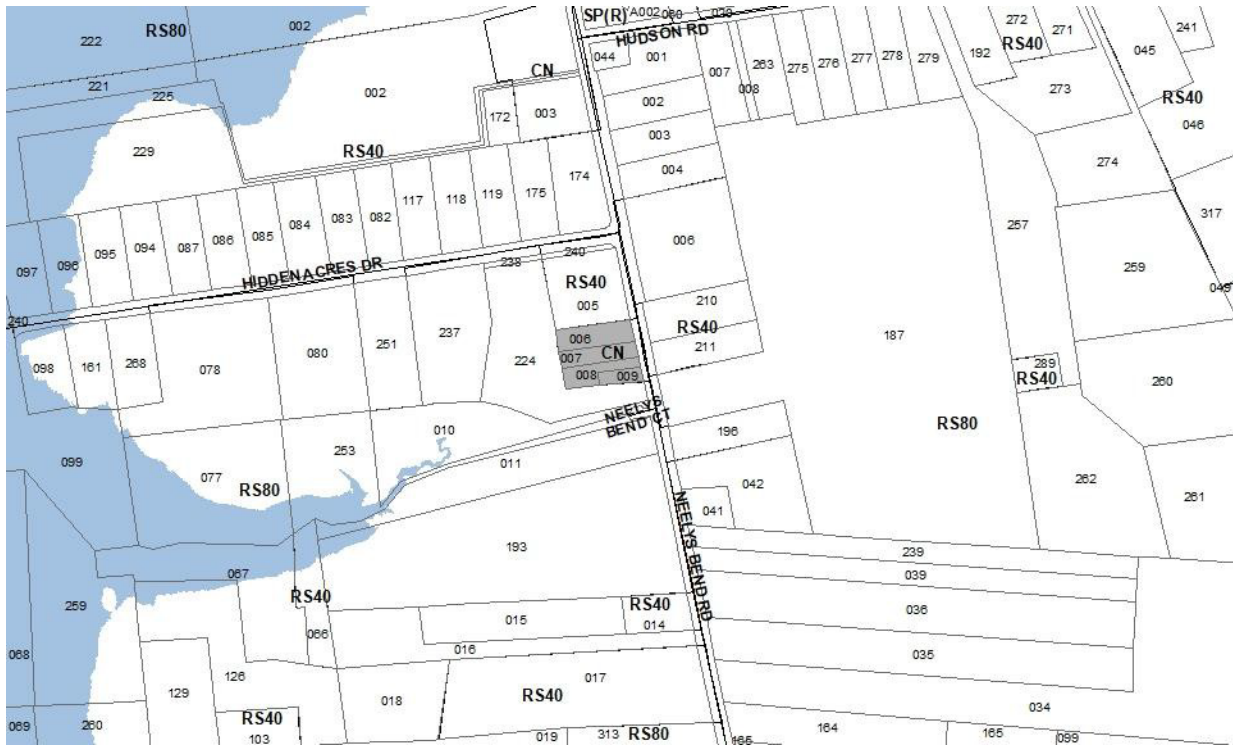
Section 4. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Tonya Hancock
Member of Council

2024Z-122PR-001
Map 063, Parcel(s) 006-009
Subarea 04, Madison
District 09 (Tonya Hancock)
Application fee paid by: Fee waived by Council

A request to rezone from CN to R15 RS15 zoning for properties located 1532, 1536, 1538 Neely's Bend Road and Neely's Bend Road (unnumbered), approximately 90 feet north of Neely's Bend Court (1.52 acres), requested by Councilmember Tonya Hancock, applicant; Jorge Acevedo and Laurent Champonnois, owners.



AMENDMENT NO. ____
TO
RESOLUTION NO. RS2024-818

Madam President –

I hereby move to amend Resolution No. RS2024-818 as follows:

- I. By replacing the Park Center, Inc. contract amendment with the amendment attached hereto.
- II. By supplementing the Urban Housing Solutions, Inc. contract amendment with the project budget as the amendment attached hereto.
- III. By replacing the William Franklin Buchanan Community Development Corporation contract amendment with the amendment attached hereto.

SPONSORED BY:

Delishia Porterfield
Member of Council

**AMENDMENT #1 TO GRANT CONTRACT BETWEEN
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
BY AND THROUGH
THE METROPOLITAN HOUSING TRUST FUND COMMISSION
AND
PARK CENTER INC.**

This contract amendment is entered into by and between **THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY ACTING BY AND THROUGH THE METROPOLITAN HOUSING TRUST FUND COMMISSION**, a municipal corporation of the State of Tennessee (hereinafter referred to as "**Metro**") and **PARK CENTER INC.** (hereinafter referred to as "**Recipient**"). It is mutually understood and agreed by and between said undersigned contracting parties that the subject Grant Contract approved is hereby amended as follows:

1. Grant Contract section B.1 is deleted in its entirety and replaced with the following:

B.1. Grant Contract Term. The term of this Grant shall be from execution of the grant agreement until Project completion, but in no way greater than 36 months from the execution of the grant agreement. Metro shall have no obligation for services rendered by the Recipient which are not performed within this term.

The remaining provisions of the Contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Contract:

Recipient: PARK CENTER INC.

By: *Amanda Bracht*

Amanda Bracht, Chief Executive Officer

Oct 30, 2024

Date: _____

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:


APPROVED:



Peter Westerholm, Chair
Metropolitan Housing Trust Fund Commission

10/31/2024
Date

APPROVED AS TO AVAILABILITY OF FUNDS:

Signed by:


Kevin Crumbo, Director
Department of Finance

10/31/2024
Date


APPROVED AS TO RISK AND INSURANCE:

DocuSigned by:


Director of Risk Management Services

10/31/2024
Date

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:


Assistant Metropolitan Attorney

10/31/2024
Date

APPROVED BY METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Freddie O'Connell
Metropolitan County Mayor

Date

ATTEST, this the _____ day of _____, 20 _____

BY: _____
Metropolitan Clerk

26th and Clarksville Phase 4-D

Stacked Duplexes

22,298

GSF

9 Duplexes (18x 3BR Units)

Uses	Budget	% of Total	Per Unit
Land Acquisition	\$0	0.0%	\$0
Construction Hard Costs	\$4,277,780	80.3%	\$237,654
Hard Cost Contingency	\$43,425	0.8%	\$2,413
Soft Costs	\$526,000	9.9%	\$29,222
<i>Survey</i>	\$4,275	0.1%	\$238
<i>Architecture, MEP, Structural, Landscape</i>	\$216,800	4.1%	\$12,044
<i>Civil Engineering</i>	\$14,000	0.3%	\$778
<i>Geotechnical Survey</i>	\$9,925	0.2%	\$551
<i>Energy Consultant</i>	\$37,000	0.7%	\$2,056
<i>Final As-Built Survey</i>	\$5,000	0.1%	\$278
<i>Legal & Financing Fees</i>	\$15,000	0.3%	\$833
<i>Utilities, Taxes & Insurance</i>	\$224,000	4.2%	\$12,444
Developer Costs	\$250,000	4.7%	\$13,889
Project Contingency	\$229,897	4.3%	\$12,772
TOTAL	\$5,327,102	100.0%	\$295,950

Sources

Barnes Fund Grant	\$2,100,000	39.4%	\$116,667
Owner Equity (Ph 3 Developer Fee)	\$500,000	9.4%	\$27,778
CITC Loan @ 4.50% Floating, 17 Years	\$2,477,102	46.5%	\$137,617
Deferred Developer Fee	\$250,000	4.7%	\$13,889
TOTAL	\$5,327,102	100.0%	\$295,950

**AMENDMENT #1 TO GRANT CONTRACT BETWEEN
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
BY AND THROUGH
THE METROPOLITAN HOUSING TRUST FUND COMMISSION
AND
WILLIAM FRANKLIN BUCHANAN COMMUNITY DEVELOPMENT
CORPORATION**

This contract amendment is entered into by and between **THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY ACTING BY AND THROUGH THE METROPOLITAN HOUSING TRUST FUND COMMISSION**, a municipal corporation of the State of Tennessee (hereinafter referred to as "**Metro**") and **WILLIAM FRANKLIN BUCHANAN COMMUNITY DEVELOPMENT CORPORATION** (hereinafter referred to as "**Recipient**"). It is mutually understood and agreed by and between said undersigned contracting parties that the subject Grant Contract approved is hereby amended as follows:

1. Grant Contract section B.1 is deleted in its entirety and replaced with the following:

B.1. Grant Contract Term. The term of this Grant shall be from execution of the grant agreement until Project completion, but in no way greater than 36 months from the execution of the grant agreement. Metro shall have no obligation for services rendered by the Recipient which are not performed within this term.

The remaining provisions of the Contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Contract:

Recipient: WILLIAM FRANKLIN BUCHANAN COMMUNITY DEVELOPMENT CORPORATION

By: 

Carlina Bell, Executive Director

Date: 10/30/2024

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:


APPROVED:



Peter Westerholm, Chair
Metropolitan Housing Trust Fund Commission

10/31/2024
Date

APPROVED AS TO AVAILABILITY OF FUNDS:

Signed by:


Kevin Crumbo, Director
Department of Finance

11/1/2024
Date

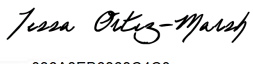
APPROVED AS TO RISK AND INSURANCE:

DocuSigned by:


Director of Risk Management Services

11/1/2024
Date

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:


Assistant Metropolitan Attorney

10/31/2024
Date

APPROVED BY METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Freddie O'Connell
Metropolitan County Mayor

Date

ATTEST, this the _____ day of _____, 20 _____

BY: _____
Metropolitan Clerk

SUBSTITUTE ORDINANCE NO. BL2024-469

An ordinance amending Chapters ~~2.44~~, 2.28; and ~~2.222~~ Title 3 of the Metropolitan Code of Laws pertaining to criminal participation and related actions of employees of the Metropolitan Government.

WHEREAS, officers and emergency service workers who support or affiliate with hate groups and paramilitary gangs undermine the mission of their agency by allying themselves with lawbreakers and by undermining the department's efforts to ensure equitable policing and earn community trust; and

WHEREAS, several hate groups and paramilitary gangs actively seek to enlist current and former police officers and members of the military to benefit from their social credibility and firearms expertise; and

WHEREAS, when police officers join, support, or advocate for hate groups or paramilitary gangs, they raise questions not only about their own fairness, judgment, and commitment to lawful policing, but also impair the credibility and legitimacy of a department that aims to equitably serve all communities within its jurisdiction; and

WHEREAS, unlawful political violence perpetuated by members of such hate groups and militia is the only type of violence and fundamentalism in our nation's history that has been state sanctioned and benefited from deep institutional penetration; and

WHEREAS, the Brennan Center for Justice has documented that since 2000, law enforcement officials with alleged connections to white supremacist groups or far-right militant activities have been exposed throughout the south including Alabama, Florida, Illinois, Louisiana, Oklahoma, Texas, Virginia, West Virginia, and elsewhere; and

WHEREAS, the FBI's 2015 Counterterrorism Policy Directive and Policy Guide warns that "domestic terrorism investigations focused on militia extremists, white supremacist extremists, and sovereign citizen extremists often have identified active links to law enforcement officers."; and

WHEREAS, members of hate groups and paramilitary gangs will utilize the knowledge and expertise gained through trainings and employment within public safety institutions to plan and effectuate attacks; and

WHEREAS, the presence of hate groups and paramilitary gangs within our public safety institutions endangers the entire community and poses a significant national security risk; and

WHEREAS, water cannons and high pressure firehoses were first used for crowd control in the 1930's in Germany and, by the 1960's, were frequently used during Civil Rights protests in the United States; and

WHEREAS, the use of water cannons and high pressure ~~firehouses~~ firehoses against protesters and demonstrators is a practice known as “perp washing”; and

WHEREAS, perp washing has a high risk of causing hypothermia, direct trauma from the pressurized water, secondary injury from being knocked down or colliding with object; and

WHEREAS, perp washing has significant practical and human rights concerns including civil rights intimidation, indiscriminate and disproportionate use, and collective punishment; and

WHEREAS, the incitement of unlawful violence degrades the mission of government to function and serve the entirety of the community; and

WHEREAS, MNP, NFD, and Metro agencies have a commitment to ensuring that appropriate policies and procedures are in place to prohibit biased and unlawful behavior that undermine their vital role in serving the community and this ordinance affirms that commitment and bolsters present policies and practices; and

WHEREAS, all Metro departments and agencies have a commitment to ensuring that appropriate policies and procedures are in place to prohibit biased and unlawful behavior that undermine their vital role in serving the community and this ordinance affirms that commitment and bolsters present policies and practices.

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

~~Section 1. Chapter 2.44 of the Metropolitan Code of Laws is hereby amended as follows:~~

~~2.44.105— Prohibition against criminal participation.~~

~~A. Purpose. The purpose of this section is to provide for the prohibition of knowing participation in criminal hate groups and paramilitary gangs, because such participation betrays public trust, degrades institutional cohesion, and frustrates the fundamental function and purpose of law enforcement and of service to the whole of Nashville and Davidson County.~~

~~B. Definitions. For the purposes of this section the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.~~

~~“MNP” means the Metropolitan Nashville Police Department.~~

~~“Hate Group” means any person or group that incites, or provides material support for criminal acts or criminal conspiracies that promote violence toward racial, religious, ethnic, sexual, gender, or other groups or classes of individuals.~~

~~“Paramilitary Gang” means person or group that advocates the overthrow of the U.S. Government or any state, municipality, tribal, or other government by force or violence or any unlawful means including as defined under Tennessee Code Annotated § 39-17-314.~~

~~C. Prohibitions. No person employed by MNPB shall knowingly participate in activities of a Hate Group or Paramilitary Gang. This provision shall not be construed as prohibiting the officers from engaging in political activity pursuant to Tenn. Code Ann. § 38-8-310.~~

~~D. Policies and Procedures. MNPB shall adopt policies to enforce this section to include, but not limited to, policies and procedures for investigating allegations of prohibited participation, mandatory reporting of employees known to be partaking in prohibited participation.~~

Section 21. Chapter 2.28 of the Metropolitan Code of Laws is hereby amended as follows:

2.28.025 – ~~Prohibition against criminal participation and p~~ Prohibited practices

A. Purpose. The purpose of this section is to provide for the prohibition of ~~knowing participation in criminal hate groups and paramilitary gangs~~ the practice of perp washing, because such ~~participation practice~~ betrays public trust, degrades institutional cohesion, and frustrates the fundamental function and purpose of service to the whole of Nashville and Davidson County.

B. Definitions. For the purposes of this section the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

“NFD” means the Nashville Fire Department including the Division of Emergency Ambulance and Rescue Service.

~~“Hate Group” means any person or group that incites or provides material supports for criminal acts or criminal conspiracies that promote violence toward racial, religious, ethnic, sexual, gender, or other groups or classes of individuals.~~

~~“Paramilitary Gang” means person or group that advocates the overthrow of the U.S. Government or any state, municipality, tribal, or other government by force or violence or any unlawful means including as defined under Tennessee Code Annotated § 39-17-314.~~

“Perp Washing” means the use of high-pressured water cannons of or fire houses firehoses as an anti-personnel and crowd control tactic.

~~C. Prohibitions. No person employed by NFD shall knowingly participate in activities of a Hate Group or Paramilitary Gang. This provision shall not be construed as prohibiting the officers from engaging in political activity pursuant to Tenn. Code Ann. § 38-8-310.~~

~~D. Policies and Procedures. NFD shall adopt policies to enforce this section to include, but not limited to, policies and procedures for investigating allegations of prohibited participation, mandatory reporting of employees known to be partaking in prohibited participation.~~

~~E.C. Prohibited Practices. No NFD personnel may engage in the practice of Perp Washing.~~

~~Section 3. Chapter 2.222 of the Metropolitan Code of Laws is hereby amended by adding the following section:~~

~~2.222.020 – Standards of conduct.~~

~~(t) No person employed by the Metropolitan Government shall incite violence or threaten to commit crimes of violence or participate in a group that incites violence or threatens to commit crimes of violence.~~

Section 2. Title 3 of the Metropolitan Code of Laws is hereby amended by adding the following:

3.02.010 – Definitions for employment standards.

For purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

(1) "Hate Group" means any person or group that incites or provides material support for criminal acts or criminal conspiracies that promote violence toward racial, religious, ethnic, sexual, gender, or other groups or classes of individuals.

(2) "Paramilitary Gang" means person or group that advocates the overthrow of the U.S. Government or any state, municipality, tribal, or other government by force or violence or any unlawful means including as defined under Tennessee Code Annotated § 39-17-314.

3.02.020 – Employment Standards.

Metropolitan government employees who serve in non-civil service positions:

A. Shall not knowingly participate in criminal acts or conspiracies of a Hate Group or Paramilitary gang as defined by this Chapter. Nothing in this chapter shall be construed to restrict legitimate investigations into the criminal activity of Hate Groups and Paramilitary Gangs.

- B. Shall not discriminate on the basis of race, color, religion, sex, or national origin, or act in a manner in violation of the Civil Rights Act of 1964 (42 USC §§ 2000, et seq.).
- C. Shall not knowingly participate in or incite violence, or threaten to commit crimes of violence, or participate in the criminal activities of a group that incites violence or threatens to commit crimes of violence.

3.02.030 – Procedures and Enforcement.

All departments of the metropolitan government are instructed to review existing policy and, where provisions are not already included, adopt policies to enforce this section to include, but not be limited to, policies and procedures for investigating allegations of prohibited participation, mandatory reporting of employees known to be partaking in prohibited participation, or any action known to violate this chapter.

Section 53. If any section or provision of this ordinance is found to be invalid, unconstitutional, or unenforceable, that finding shall not affect or undermine the validity of any other section, subsection, or provision of this ordinance.

Section 64. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Jeff Preptit
Member of Council

SUBSTITUTE ORDINANCE NO. BL2024-469

An ordinance amending ~~Chapters 2.44, 2.28; and 2.222~~ Title 2 of the Metropolitan Code of Laws pertaining to criminal participation and related actions of employees of the Metropolitan Government.

WHEREAS, ~~officers and emergency service workers~~ employees of the Metropolitan Government who support or affiliate with hate groups and ~~paramilitary~~ insurgent gangs undermine the mission of their agency by allying themselves with lawbreakers and by undermining the any department's efforts to ensure equitable policing and earn community trust; and

WHEREAS, several hate groups and ~~paramilitary~~ insurgent gangs actively seek to enlist current and former police officers and members of the military to benefit from their social credibility and firearms expertise; and

WHEREAS, when police officers join, support, or advocate for hate groups or ~~paramilitary~~ insurgent gangs, they raise questions not only about their own fairness, judgment, and commitment to lawful policing, but also impair the credibility and legitimacy of a department that aims to equitably serve all communities within its jurisdiction; and

WHEREAS, unlawful political violence perpetuated by members of such hate groups and militia is the only type of violence and fundamentalism in our nation's history that has been state sanctioned and benefited from deep institutional penetration; and

WHEREAS, the Brennan Center for Justice has documented that since 2000, law enforcement officials with alleged connections to white supremacist groups or far-right militant activities have been exposed throughout the south including Alabama, Florida, Illinois, Louisiana, Oklahoma, Texas, Virginia, West Virginia, and elsewhere; and

WHEREAS, the FBI's 2015 Counterterrorism Policy Directive and Policy Guide warns that "domestic terrorism investigations focused on militia extremists, white supremacist extremists, and sovereign citizen extremists often have identified active links to law enforcement officers."; and

WHEREAS, members of hate groups and ~~paramilitary~~ insurgent gangs will utilize the knowledge and expertise gained through trainings and employment within public safety institutions to plan and effectuate attacks; and

WHEREAS, the presence of hate groups and ~~paramilitary~~ insurgent gangs within our public safety institutions endangers the entire community and poses a significant national security risk; and

WHEREAS, the Civil Service Rules of the Metropolitan Government state in Section 6.1 that "it shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in his work" and Section 6.7 of the manual includes among its grounds for disciplinary

action dishonesty; immoral conduct; the use or threat of violence or intimidation when directed toward another person; discrimination on the unlawful basis of race, sex, color, age, religion, national origin, handicap or lawful political or employee group affiliation; and any failure of good behavior which reflects discredit upon himself, the department, and/or the Metropolitan Government; and

WHEREAS, the Metro Police Department Manual in Section 4.50 -- Harassment and Discrimination states that “the Metropolitan Nashville Police Department will not tolerate, condone, or allow harassment or discrimination by employees or of employees.” And “A violation of this order can lead to discipline, up to and including termination. Repeated violations, even if ‘minor’, will result in greater levels of discipline as appropriate;” and

WHEREAS, it is vital for the public to have trust in the employees of Metropolitan Government, especially those involved in public safety, and that trust can be further built through acknowledgement and codification of anti-discrimination policies that already exist in all departments; and

WHEREAS, water cannons and high pressure firehoses were first used for crowd control in the 1930’s in Germany and, by the 1960’s, were frequently used during Civil Rights protests in the United States; and

~~WHEREAS, the use of water cannons and high pressure firehouses against protesters and demonstrators is a practice known as “perp washing”; and~~

~~WHEREAS, perp washing has a high risk of causing hypothermia, direct trauma from the pressurized water, secondary injury from being knocked down or colliding with object; and~~

~~WHEREAS, perp washing has significant practical and human rights concerns including civil rights intimidation, indiscriminate and disproportionate use, and collective punishment; and~~

WHEREAS, the incitement of unlawful violence degrades the mission of government to function and serve the entirety of the community; and

WHEREAS, MNP, NFD, and Metro agencies have a commitment to ensuring that appropriate policies and procedures are in place to prohibit biased and unlawful behavior that undermine their vital role in serving the community and this ordinance affirms that commitment and bolsters present policies and practices; and

WHEREAS, all Metro agencies have a commitment to ensuring that appropriate policies and procedures are in place to prohibit biased and unlawful behavior that undermine their vital role in serving the community and this ordinance affirms that commitment and bolsters present policies and practices.

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

~~Section 1. Chapter 2.44 of the Metropolitan Code of Laws is hereby amended as follows:~~

~~2.44.105 – Prohibition against criminal participation.~~

~~A. Purpose. The purpose of this section is to provide for the prohibition of knowing participation in criminal hate groups and paramilitary gangs, because such participation betrays public trust, degrades institutional cohesion, and frustrates the fundamental function and purpose of law enforcement and of service to the whole of Nashville and Davidson County.~~

~~B. Definitions. For the purposes of this section the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.~~

~~“MNPDP” means the Metropolitan Nashville Police Department.~~

~~“Hate Group” means any person or group that incites or provides material support for criminal acts or criminal conspiracies that promote violence toward racial, religious, ethnic, sexual, gender, or other groups or classes of individuals.~~

~~“Paramilitary Gang” means person or group that advocates the overthrow of the U.S. Government or any state, municipality, tribal, or other government by force or violence or any unlawful means including as defined under Tennessee Code Annotated § 39-17-314.~~

~~C. Prohibitions. No person employed by MNPDP shall knowingly participate in activities of a Hate Group or Paramilitary Gang. This provision shall not be construed as prohibiting the officers from engaging in political activity pursuant to Tenn. Code Ann. § 38-8-310.~~

~~D. Policies and Procedures. MNPDP shall adopt policies to enforce this section to include, but not limited to, policies and procedures for investigating allegations of prohibited participation, mandatory reporting of employees known to be partaking in prohibited participation.~~

~~Section 2. Chapter 2.28 of the Metropolitan Code of Laws is hereby amended as follows:~~

~~2.28.025 – Prohibition against criminal participation and prohibited practices~~

~~A. Purpose. The purpose of this section is to provide for the prohibition of knowing participation in criminal hate groups and paramilitary gangs the practice of perp washing, because such participation practice betrays public trust, degrades institutional cohesion, and frustrates the fundamental function and purpose of service to the whole of Nashville and Davidson County.~~

~~B. Definitions. For the purposes of this section the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.~~

~~"NFD" means the Nashville Fire Department including the Division of Emergency Ambulance and Rescue Service.~~

~~"Hate Group" means any person or group that incites or provides material supports for criminal acts or criminal conspiracies that promote violence toward racial, religious, ethnic, sexual, gender, or other groups or classes of individuals.~~

~~"Paramilitary Gang" means person or group that advocates the overthrow of the U.S. Government or any state, municipality, tribal, or other government by force or violence or any unlawful means including as defined under Tennessee Code Annotated § 39-17-314.~~

~~"Perp Washing" means the use of high pressured water cannons of fire houses as an anti-personnel and crowd control tactic.~~

~~C. Prohibitions. No person employed by NFD shall knowingly participate in activities of a Hate Group or Paramilitary Gang. This provision shall not be construed as prohibiting the officers from engaging in political activity pursuant to Tenn. Code Ann. § 38-8-310.~~

~~D. Policies and Procedures. NFD shall adopt policies to enforce this section to include, but not limited to, policies and procedures for investigating allegations of prohibited participation, mandatory reporting of employees known to be partaking in prohibited participation.~~

~~E. Prohibited Practices. No NFD personnel may engage in the practice of Perp Washing.~~

Section 1. Title 2 of the Metropolitan Code of Laws is hereby amended by adding the following new chapter:

2.240 -- Prohibition against criminal activities.

2.240.010 – Definitions.

(1) "Hate Group" means any person or group that advocates, incites, or provides material supports for criminal acts or criminal conspiracies or that promote violence, hatred, or discrimination toward racial, religious, ethnic, sexual, gender, or other groups or classes of individuals.

(2) “Insurgent Gang” means person or group that advocates the overthrow of the U.S. Government or any state, municipality, tribal, or other government by force or violence or any unlawful means including as defined under Tennessee Code Annotated § 39-17-314.

2.240.020 – Prohibited activities.

Employees of the metropolitan government:

(a) Shall not knowingly participate in or incite violence or threaten to commit crimes of violence or participate in the criminal activities of a group that incites violence or threatens to commit crimes of violence.

(b) Shall not knowingly participate in criminal activities of a Hate Group or Insurgent Gang as defined by this chapter.

(c) Shall not discriminate on the basis of race, color, religion, sex, or national origin, as set forth in the Civil Rights Act of 1964.

Section 5 2. If any section or provision of this ordinance is found to be invalid, unconstitutional, or unenforceable, that finding shall not affect or undermine the validity of any other section, subsection, or provision of this ordinance.

Section 6 3. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Jordan Huffman
Tonya Hancock
Members of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2024-469

Madam President,

I move to amend Ordinance No. BL2024-469, as substituted, as follows:

1. Insert the following recitals after the eighth recital:

WHEREAS, the Civil Service Rules of the Metropolitan Government state in Section 6.1 that “it shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in his work” and Section 6.7 of the manual includes among its grounds for disciplinary action dishonesty; immoral conduct; the use or threat of violence or intimidation when directed toward another person; discrimination on the unlawful basis of race, sex, color, age, religion, national origin, handicap or lawful political or employee group affiliation; and any failure of good behavior which reflects discredit upon himself, the department, and/or the Metropolitan Government; and

WHEREAS, the Metro Police Department Manual in Section 4.50 -- Harassment and Discrimination states that “the Metropolitan Nashville Police Department will not tolerate, condone, or allow harassment or discrimination by employees or of employees.” And “A violation of this order can lead to discipline, up to and including termination. Repeated violations, even if ‘minor’, will result in greater levels of discipline as appropriate;” and

WHEREAS, it is vital for the public to have trust in the employees of Metropolitan Government, especially those involved in public safety, and that trust can be further built through acknowledgement and codification of anti-discrimination policies that already exist in all departments; and

2. Section 1 shall be amended by amending Section 2.44.105 D as follows:

D. Policies and Procedures. MNPD shall review its existing discrimination policy and, if provisions are not already included, adopt policies to enforce this section to include, but not be limited to, policies and procedures for investigating allegations of prohibited association participation, and mandatory reporting of employees known to be partaking in prohibited participation.

3. Section 2 shall be amended by amending Section 2.28.025 D as follows:

D. Policies and Procedures. NFD shall review its existing discrimination policy and, if provisions are not already included, adopt policies to enforce this section to include, but not be limited to, policies and procedures for investigating allegations of prohibited association participation, and mandatory reporting of employees known to be partaking in prohibited participation.

4. Section 3 shall be amended by amending Section 2.222.020 as follows:

2.222.020 - Standards of conduct.

(t) No person employed by the Metropolitan Government shall incite violence or threaten to commit crimes of violence or knowingly participate in a group that incites violence or threatens to commit crimes of violence.

SPONSORED BY:

Burkley Allen
Member of Council