



# **Metropolitan Council**

**PROPOSED AMENDMENTS PACKET  
FOR THE COUNCIL MEETING OF  
TUESDAY, MAY 16, 2023**

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RESOLUTION NO. RS2023-\_\_\_

A resolution affirming the protection of Fort Negley.

WHEREAS, Fort Negley is much more than a Civil War relic. It represents the hope of freedom, the injustice of enslavement, the still-felt effects of urban renewal, and a continued struggle for social and environmental equity within a rapidly changing urban environment; and

WHEREAS, Fort Negley presents the unique opportunity to interpret history from the Civil War to the Civil Rights movement at one location; and

WHEREAS, Fort Negley was built on St. Cloud Hill by the Union Army in 1862 two years before the Battle of Nashville by African American conscript laborers, predominately contrabands, and emancipated free blacks; and

WHEREAS, Hundreds of these African American workers gave their lives during the construction; and

WHEREAS, the site encompasses one of Nashville's first post-war African American communities known as the 'Bass Street Neighborhood;" and

WHEREAS, Fort Negley was listed on the National Register of Historic Places in 1975 by the Metro Historical Commission and Metro Parks; and

WHEREAS, the fort was designated as local Historic Landmark in 2005; and

WHEREAS, Fort Negley is a United Nations Educational, Scientific, and Cultural Organization (UNESCO) site in Tennessee and is recognized as a "Site of Memory in the Routes of Enslaved Peoples Project;" and

WHEREAS, this resolution is supported by the Friends of Fort Negley and the Nashville African American Cultural Alliance; and

WHEREAS, the property is managed by the Nashville Metropolitan Board of Parks & Recreation as one of Nashville's most significant historic and cultural sites.

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

Section 1. That the Metropolitan Government hereby affirms that Fort Negley will be protected and preserved as an historic site of major significance and that it is to be used for educational purposes, archeological research, historic interpretation, and public park uses and shall not be developed for any purpose other than those proposed in the 2022 Fort Negley Master Plan.

Section 2. That any future renovations and plantings will be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties and those set forth in the 2022 Fort Negley Master Plan.

Section 3. This resolution shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County, Tennessee requiring it.

INTRODUCED BY:

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Burkley Allen  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2023-1858**

**An ordinance amending title 17 of the Metropolitan Code of Laws by deleting sections 17.32.020(B)(3) and 17.40.510(C) and adding new language in those sections clarifying that signs regulated by the Metropolitan Department of Codes are to be maintained so that all sign panels remain complete and intact (Proposal No. 2023Z-005TX-001).**

WHEREAS, the Metropolitan Government of Nashville and Davidson County ("Metro"), through the Department of Codes Administration, regulates signs within the Metro area in order to ensure that they convey necessary information and meet standards regarding public health, safety, and welfare, as well as certain legal and aesthetic standards;

WHEREAS, the Metropolitan Government of Nashville and Davidson County has an interest in having signage maintained in good working order, with all panels intact and conveying to the public all necessary and intended information;

WHEREAS, the public benefits when signs are functional, intact, and contain all necessary panels, and when signs do not appear to be dilapidated, in disrepair, and derelict;

WHEREAS, the Metropolitan Government of Nashville and Davidson County wishes to clarify its existing sign ordinances in order to establish that missing or partially missing sign panels violate the Metropolitan Code of Laws.

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

Section 1. That the Metropolitan Code of Laws shall be amended by deleting section 17.32.020(B)(3) and substituting the following language:

Maintenance. All signs shall be maintained in good surface and structural condition, with all panels in place, complete, and intact, and in compliance with all building and electrical codes.

Section 2. That the Metropolitan Code of Laws shall be amended by deleting section 17.40.510(C) and substituting the following language:

Dilapidated Signs. All signs regulated by this title, including the panels constituting the signs, together with all supports, braces, guys and anchors, shall be maintained in good repair, so that all sign panels are affixed in place within the sign cabinet, frame, or similar structure and are complete and intact. In addition to any other available remedies, the zoning administrator may order the removal of any sign that is not maintained in accordance with this code, including the provisions of the metropolitan building code and the metropolitan electric code.

~~Section 3. That this ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.~~

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.

INTRODUCED BY:

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Brett Withers  
Member of Council

ORDINANCE NO. BL2023-\_\_\_\_\_

An ordinance adopting the 2023-2024 through 2028-2029 Capital Improvements Budget for The Metropolitan Government of Nashville and Davidson County as the official Capital Improvements Budget of The Metropolitan Government of Nashville and Davidson County for Fiscal Year 2023-2024.

WHEREAS, Section 6.13 of the Charter of The Metropolitan Government of Nashville and Davidson County provides for the preparation and establishment of a capital improvements budget for the Metropolitan Government including a program of proposed capital expenditures for the ensuing fiscal year and the next five fiscal years thereafter; and,

WHEREAS, the various departments, boards, commissions and agencies of the Metropolitan Government have submitted their capital improvement project requests; and,

WHEREAS, the Metropolitan Planning Commission, in accordance with Section 11.504(k) of the Metropolitan Charter, has reviewed the capital improvement project requests and, upon evaluating the overall needs of the community, has recommended to the Mayor a Capital Improvements Budget for fiscal year 2023-2024 including a program of proposed expenditures for the ensuing five (5) years; and,

WHEREAS, the Mayor and the Director of Finance have reviewed the capital improvement project requests and recommended program of proposed expenditures and have established a priority of undertaking and financing the capital improvement projects; and,

WHEREAS, it is determined that this Capital Improvements Budget and Program represents an appropriate evaluation of the needs of The Metropolitan Government of Nashville and Davidson County and a systematic and orderly framework within which to provide for them; and,

WHEREAS, these findings and recommendations have been bound into a report entitled, "2023-2024 through 2028-2029 Capital Improvements Budget".

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

Section 1. That the recommended program contained in the 2023-2024 through 2028-2029 Capital Improvements Budget is hereby adopted as the official Capital Improvements Budget of The Metropolitan Government of Nashville and Davidson County for fiscal year 2023-2024.

Section 2. That there shall be no authorization for expenditure of funds for the construction of any building, structure, work, or improvement, unless such project is included in and in conformance with the adopted 2023-2024 through 2028-2029 Capital Improvements Budget, except to meet a public emergency threatening the lives, health, or property of the inhabitants, when passed by two-thirds vote of the Council membership.

Section 3. That no fund shall be encumbered nor expended for a capital improvements project unless such project is included in and in conformance with the adopted 2023-2024 through 2028-2029 Capital Improvements Budget.

Section 4. That this Capital Improvements Budget may be amended by resolution at any time during the year to add a capital improvements project to the 2023-2024 through 2028-2029 Capital Improvements Budget, when adopted by two-thirds vote of the membership of the Council.

Section 5. That this ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it, but that the Capital Improvements Budget and Program of The Metropolitan Government of Nashville and Davidson County for fiscal year 2023-2024 shall not take effect until July 1, 2023.

[signature page follows]



RECOMMENDED FOR ADOPTION:

INTRODUCED BY:

Lucy Alden Kempf

Lucy Kempf, Executive Director  
Metropolitan Planning Commission

John W. Dietz

Brett A. Withers

APPROVED AS TO FINANCIAL  
MATTERS:

Kelly Flannery  
Kelly Flannery  
Director of Finance

Member(s) of Council

APPROVED AS TO FORM AND  
LEGALITY:

Wallace W. Dietz  
Wallace W. Dietz  
Director of Law

RECOMMENDED FOR ADOPTION:

John Cooper  
John Cooper, Mayor  
Metropolitan Government of  
Nashville and Davidson County

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2023-1857

Mr. President –

I hereby move to amend Ordinance No. BL2023-1857 as follows:

I. By adding the following recitals:

WHEREAS, the use and sale of fireworks is currently prohibited within Davidson County;  
and

WHEREAS, the prohibition on the sale of fireworks is enforceable and should continue;  
and

WHEREAS, the use of fireworks is prevalent throughout the county on July 4 despite the existing prohibition; and

WHEREAS, the prohibition on the use of fireworks makes it illegal to enjoy even handheld sparklers; and

WHEREAS, the Emergency Communications Center is flooded with calls complaining about the use of fireworks on July 4; and

WHEREAS, because this use is illegal, these calls are communicated to the Metro Nashville Police Department for response; and

WHEREAS, neither the Metro Nashville Police Department nor the Nashville Fire Department has capacity to respond to these calls; and

WHEREAS, police and fire resources are best directed elsewhere; and

WHEREAS, specific regulation on the use of fireworks could reduce these calls and encourage fireworks users to operate within a set of guidelines; and

WHEREAS, the use of fireworks can be stressful for some combat veterans as well as pets; and

WHEREAS, as a result of the status of fireworks as a stressor, these guidelines should include only narrow exceptions to the existing prohibition on the use of fireworks.

II. By amending Section 1, proposed Section 10.68.020.B.2 as follows:

2. The fireworks are used or exploded on July ~~3, 4, or 5~~ 3, 4, or 5 between the hours of noon and ~~11~~ 10:30 p.m.

Sponsored by:

\_\_\_\_\_  
Dave Rosenberg  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2023-1861

Mr. President –

I hereby move to amend Ordinance No. BL2023-1861 by amending Section 1 as follows:

Section 1. That the Agreement between the Metropolitan Government of Nashville and Davidson County and Tennessee Football, Inc. attached hereto and incorporated herein, is hereby approved. The Council's approval of the Agreement is conditioned upon the Agreement being amended in Section II, Subsection a) to read "The Titans commit to establishing a campaign to financially support efforts to make capital improvements, as identified by Metro, to the Looby Community Center facility" and in Section II, Subsection c)iv to read "Renovation, expansion, and/or modification of a-physical area(s) of the facility to be mutually agreed upon by the Parties, for the purpose of providing needed capital improvement(s) to the facility."

Sponsored by:

\_\_\_\_\_  
Kyonzte Toombs  
Member of Council

AMENDMENT NO. \_\_  
TO  
SUBSTITUTE ORDINANCE NO. BL2022-1471

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2022-1471 as follows:

I. By amending Section 1 as follows:

"Family" means for purposes of this chapter:

1. An individual; or
2. Two or more persons related by blood, marriage or law; or
3. A group of two or more unrelated persons living together in a dwelling unit, not to exceed four persons in a dwelling unit with three or fewer bedrooms, and not to exceed five persons in a dwelling unit with four or more bedrooms. Such group may include a combination of related and unrelated persons.

II. By amending Section 3 as follows:

"Family" means one of the following:

1. An individual, or
2. Two or more persons related by blood, marriage or law, or,
3. A group of two or more unrelated persons living together in a dwelling unit, not to exceed four persons in a dwelling unit with three or fewer bedrooms, and not to exceed five persons in a dwelling unit with four or more bedrooms. Such group may include a combination of related and unrelated persons.
4. A group of not more than eight unrelated persons with disabilities including three additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities, residing together in a home in accordance with Tennessee Code Annotated § 13-24-102. For purposes of this subsection, 'persons with disabilities' includes persons with a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). For the purposes of this subsection, "persons with disabilities" does not include persons who pose a substantial likelihood of serious harm as defined in Tennessee Code Annotated § 33-6-501, or who have been convicted of serious criminal conduct related to such disability.
5. A group of not more than eight unrelated persons over the age of sixty-five, including two additional persons acting as house parents or guardians, living together as a single housekeeping unit.
6. Family, as defined herein, is subject to the occupancy limitations in Section 16.24.400.J of the Metropolitan Code of Laws. Where there is a conflict between the definition of Family

in this section and the overcrowding provisions in Section 16.24.400.J, the more restrictive limitation shall apply.

Sponsored by:

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Sean Parker  
Member of Council

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

TO

SUBSTITUTE ORDINANCE NO. BL2023-1688, AS AMENDED

Mr. President –

I hereby move to amend Ordinance No. BL2023-1688 by amending Section 1, proposed Metropolitan Code of Laws Section 8.04.120 as follows:

8.04.120 Animals at large.

A. Any animal found running at large may be seized by the proper authorities of the health and police departments of the metropolitan government.

B. No person owning or having possession, charge, care, custody, or control of any animal shall cause, permit, or allow the animal to stray or in any manner to run at large.

C. Any person owning or having possession, charge, care, custody, or control of any animal which destroys or desecrates public or private property, chases persons, livestock, cars, or other vehicles, or otherwise causes a disturbance while running at large on public or private property shall be deemed to have committed a violation of this chapter.

D. Every person owning or having possession, charge, care, custody, or control of any animal shall keep such animal exclusively upon the person's ~~his~~ own premises; provided, however, that such animal may be off such premises only if it is restrained by the owner or such animal is accompanied by the owner and the owner has ~~full command of~~ physical control of the animal.

E. Subsections A and B of this section shall not apply to a dog on a hunt or chase, a dog in training, a dog guarding or driving stock, a police dog, a working dog, cats, or any animal participating in an organized field competition, or as otherwise authorized by law.

~~F. Every owner of a female dog is required to confine the same during the time she is in heat. The confinement required by this section shall be such that other dogs may not get to the female dog. It is unlawful for any owner of a female dog not to so confine such dog as required by this section.~~

F. The penalties for violation of this section shall be as follows:

1. First Violation. The penalty for the first violation of this section shall be fifty dollars per animal in violation. This penalty may be waived by the court upon proof in the form of a certificate from a licensed veterinarian verified by the metropolitan health department that each animal in violation has been spayed or neutered.

2. Second Violation. The penalty for the second violation of this section shall be fifty dollars for each animal in violation.

3. Third Violation. The penalty for the third violation of this section shall be fifty dollars for each animal in violation. Further the court shall order that any outside area of the owner's premises in which the animal or animals may be kept shall be enclosed by a fence.

4. Fourth Violation. The penalty for the fourth violation of this section shall be fifty dollars for each animal violation and the court shall order that any outside area of the owner's premises in which the animal or animals might be kept or placed even if on a temporary basis shall be enclosed by fencing that is verified as secure by the metropolitan health department.

5. Fifth Violation. The penalty for the fifth violation of this section shall be a penalty of fifty dollars and the animal or animals may be seized and impounded by the metropolitan health department, and may not be released to the owner, and may otherwise be disposed of in the manner provided by this chapter.

Sponsored by:

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Russ Bradford  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2023-1810

Mr. President –

I hereby move to amend Ordinance No. BL2023-1810 as follows:

I. By amending Section 3 as follows:

Section 3. Be it further enacted, that the uses of this SP shall be limited to a total of 37 multi-family residential units. Short-term rental property, owner occupied and short-term rental property, not owner occupied shall be permitted in Phase 1 as previously approved and in Phase 2. Short-term rental property, not owner occupied shall be prohibited in Phase 3 and Phase 4.

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

4. The developer shall work with the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) to identify and install traffic calming and pedestrian improvement initiatives along Cliff Drive from Summitt Avenue to Buena Vista Pike at the developer's expense.

INTRODUCED BY:

\_\_\_\_\_  
Kyonzte Toombs  
Member of Council



AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2023-1818

Mr. President -- I move to amend Ordinance No. BL2023-1818 as follows:

A. By adding the following provisions as a new # 12 at the end of Section 4:

Prior to final site plan approval, an archeological study shall be conducted by a licensed archaeologist from the list maintained by the Tennessee Department of Environment & Conservation, Division of Archaeology. The study shall adhere to the minimum requirements of the Tennessee SHPO Standards and Guidelines for Archaeological Resource Management Studies (TNSHPO 2018).

INTRODUCED BY:

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Jeff Syracuse  
Member of Council

AMENDMENT NO. 1  
TO  
ORDINANCE NO. BL2023-1829, AS AMENDED

Mr. President –

I move to amend Ordinance No. BL2023-1829 as follows:

1. By amending Section 4 to delete condition 17 and replace it with the following:

17. Commencing on the date upon which at least 75 % of the retail/restaurant portion of the project is open for business until the 10<sup>th</sup> anniversary of this date, Developer shall provide a minimum of 1.5 hours of free parking for all retail/restaurant customers. Prior to the date upon which at least 75% of the retail/restaurant portion of the project is open for business, Developer shall provide a minimum of 1.5 hours of free parking to all retail/restaurant customers for any retail/restaurant uses open for business within the project.

2. By amending Section 4 to add the following new conditions:

23. Developer shall contribute \$250,000 to the Metropolitan Government before the first use and occupancy permit is issued, and the funds shall be used for greenway improvements in the vicinity of the project.

24. Developer shall provide half of its \$1,000,000 contribution to NDOT a minimum of three months before the final site plan is approved for this project, to enable NDOT to conduct a regional mobility study.

25. The property owner shall not restrict access to any greenways running through the parcel. Metro Parks shall set the operating hours for all greenways.

26. The developer shall contribute \$375,000 toward upgrading traffic signals on Harding Pike from Belle Meade Blvd to the Saint Thomas Central Driveway to have fiber optic communication, non-intrusive detection, and CCTV capabilities. The contribution is required to be place in escrow prior to approval of any final site plans.

27. The developer shall contribute \$250,000 toward traffic calming. The contribution is required to be place in escrow prior to approval of any final site plans.

28. The developer shall contribute \$250,000 toward a larger area, transportation study. The contribution is required to be place in escrow prior to approval of any final site plans.

29. The developer shall contribute \$125,000 toward a feasibility study and preliminary design for geometric improvements to Harding Road and its intersection with Woodmont Blvd/White Bridge Road. The contribution is required to be place in escrow prior to approval of any final site plans.

3. By attaching the attached May 12, 2023 correspondence from the Nashville Department of Transportation, further clarifying the Traffic Impact and Mobility Study requirements, as Exhibit A to the ordinance.

INTRODUCED BY:

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Kathleen Murphy  
Member of Council



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

**JOHN COOPER  
MAYOR**

**NASHVILLE DEPARTMENT OF TRANSPORTATION  
AND MULTIMODAL INFRASTRUCTURE**

May 12, 2023

Kathleen Murphy  
Council Member  
Metro Nashville Council  
Historic Metro Courthouse  
1 Public Square  
Suite 204, Metro Council Office  
Nashville, TN 37201

Dear Council Member Murphy,

I am submitting this letter for consideration by the Metro Council to provide greater clarification of the recommended conditions of approval submitted by NDOT for BL2023-1829 (2023SP-018-001).

The Belle Meade Plaza development shall comply with all conditions and requirements of NDOT as outlined in the Planning Staff report with clarification that conditions related to the Traffic Impact and Mobility Study – Belle Meade Developments, as outlined in the report, are not all tied to or the responsibility of the Belle Meade Plaza development. The study considered collective impacts from the Belle Meade Plaza development and other future developments in the area. The additional recommendations attributed to the Mobility Study in the report shall be further evaluated, considering the feasibility, and needed infrastructure implementation timelines, as well as future TIS analyses, should those future developments progress.

Thank you for this consideration.

A handwritten signature in black ink that reads "Diana W. Alarcon".

Diana W. Alarcon, Director  
Nashville Department of Transportation and Multimodal Infrastructure  
750 South 5<sup>th</sup> Street, Nashville TN 37206

AMENDMENT NO. 2  
TO  
ORDINANCE NO. BL2023-1829, AS AMENDED

Mr. President –

I hereby move to amend Ordinance No. BL2023-1829 as follows:

I. By amending Section 4, Condition #17 as follows:  
~~17. Commencing on the date upon which at least 75% of the retail/restaurant portion of the project is open for business until the 10th anniversary of this date, a~~ In order to promote accessibility of the project site by the public and to allow for broad community use, Developer shall provide a minimum of 1 hour of free parking for all retail/restaurant customers and individuals accessing the greenway and creek area.

INTRODUCED BY:

\_\_\_\_\_  
Thom Druffel  
Member of Council

AMENDMENT NO. 3  
TO  
ORDINANCE NO. BL2023-1829, AS AMENDED

Mr. President –

I hereby move to amend Ordinance No. BL2023-1829 as follows:

- I. By amending Section 4 to add the following condition as a subsequently numbered condition:  
\_\_\_\_. The Nashville Department of Transportation and Multimodal Infrastructure (NDOT) will follow the traffic engineering standards and best practices established in the FHWA’s Traffic Signal Timing Manual for developing and maintaining timing plans for the intersections within the influence area of the Bell Meade Plaza Development. All major changes to the proposed and future traffic signal timing plans within the Bell Meade Plaza Development influence area will be subject to the completion of an engineering analysis.

INTRODUCED BY:

\_\_\_\_\_  
Thom Druffel  
Member of Council

AMENDMENT NO. 4  
TO  
ORDINANCE NO. BL2023-1829, AS AMENDED

Mr. President –

I hereby move to amend Ordinance No. BL2023-1829 as follows:

- I. By amending Section 4 to add the following condition as a subsequently numbered condition:  
\_\_\_\_. The developer shall work with WeGo to construct an enhanced accessible transit stop within the right of way on the north side of Harding Pike in front of the development area. If construction of a bus pull out is appropriate, corresponding signalized bus queue jumps and a crosswalk for pedestrian safety will be included at a signal for the bus to enter safely back into a general-purpose lane of traffic.

INTRODUCED BY:

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Thom Druffel  
Member of Council

AMENDMENT NO. 5  
TO  
ORDINANCE NO. BL2023-1829, AS AMENDED

Mr. President –

I hereby move to amend Ordinance No. BL2023-1829 as follows:

- I. By amending Section 4 to add the following condition as a subsequently numbered condition:  
\_\_\_\_. The developer shall construct sidewalks along the north side of Harding Pike from their property to the Harding Pike/Hillwood Blvd intersection and from the intersection of Harding Pike/Lynnwood Blvd down Lynnwood Blvd to Lynnwood Terrace. The developer shall also construct crosswalks at the intersection of Harding Pike and Hillwood Blvd/Lynnwood Blvd.

INTRODUCED BY:

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Thom Druffel  
Member of Council