



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Mike Jameson, Director and Special Counsel
Mike Curl, Finance Manager
Metropolitan Council Office

COUNCIL MEETING DATE: June 11, 2019

RE: **Analysis and Fiscal Notes for Adjourned Council
meeting of June 11, 2019 at 6:00pm**

Note: No fiscal note is included for legislation that poses no significant financial impact.

– ORDINANCES ON THIRD READING –

BILL NO. BL2019-1641 (O’CONNELL & HURT) – This ordinance would approve a temporary “Special Event Zone” for the downtown area, in conjunction with the 2019 July 4th Celebration scheduled July 2 to 5, 2019.

The Special Event Zone established under this ordinance would consist of seven (7) areas, all contiguous within Downtown Nashville, as follows:

- Area 1 would extend from 8th Ave to Rosa L Parks Blvd, and from Korean Veterans Blvd to Commerce Street, with an extension from Commerce Street to Church Street along 2nd and 1st Ave North.
- Area 2 would extend from the East side of the Woodland Street Bridge to Interstate Drive, between Woodland Street and Shelby Ave.
- Area 3 would contain the John Seigenthaler Pedestrian Bridge from 3rd Ave South to South Second Street.
- Area 4 would contain the Woodland Street Bridge, from 1st Ave North to South 1st Street.
- Area 5 would contain the Gay Street Connector; 3rd Ave North to the Cumberland River, between James Robertson Parkway and Union Street; and 2nd Ave North to 1st Ave North, between Union Street and Church Street, including Bank Street.
- Area 6 would contain Woodland Street to Shelby Street, between the Cumberland River and Interstate Drive including Cumberland Park, and South 2nd Street, from Sylvan Street to Korean Veterans Blvd.
- Area 7 would contain the Korean Veterans Blvd. Bridge.

Activity restrictions within the Special Event Zone would begin at nine o’clock (9:00) p.m. on Tuesday, July 2, 2019, and end at 11 o’clock (11:00) p.m. on Friday, July 5, 2019.

Activities on public property or in the public right-of-way within the Special Event Zone are regulated as follows:

1. The sale of any food, beverages, goods, or merchandise would be prohibited, unless street vendors obtain a “Special Event Zone” permit from the Nashville Convention and Visitors Corporation (CVC) in order to sell within the geographic area listed above.
2. Alcoholic beverages provided, served, or sold from any temporary outdoor would be prohibited, except as authorized.
3. The sale or distribution of merchandise pertaining to the July 4th Celebration, where it is apparent on its face that the merchandise is not licensed by CVC, would be prohibited.
4. No tents or membrane structures of any kind would be permitted, except as authorized by CVC or Metro for public safety purposes.
5. The construction, placement, occupation, or use of any temporary structure would be prohibited except those sanctioned and authorized by the CVC.
6. The distribution, promotional give-away activity, or provision of free products, services, or coupons by persons or entities that are not event sponsors officially sanctioned and authorized by CVC would be prohibited, except within any Public Participation Area.
7. Vehicles would be allowed only as directed by Metropolitan Nashville Police.

8. No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, would be permitted within the Special Event Zone.
9. No handguns, rifles, or firearms would be permitted. (Tennessee Code Annotated § 39-17-1359)
10. No knives, swords, or other fighting devices would be permitted.
11. No fireworks, firecrackers, or explosive devices of any type would be permitted, except exhibitions permitted by CVC.
12. The Special Event Zone would be a “no fly zone.”

This ordinance would establish at least one Public Participation Area within the Special Event Zone while the zone is in effect. This Area would allow for the reasonable expression by the public in a manner that is not disruptive to the July 4th Celebration, activities, and events.

Fiscal Note: This ordinance places restrictions on the activities that would be allowed to take place within the special event zone during the July 4th Celebration. However, no additional Metro personnel or overtime would be required just for the enforcement of these restrictions.

BILL NO. BL2019-1642 (VERCHER, SLEDGE, & OTHERS) – This ordinance would approve a participation agreement between the Metropolitan Government and Stratos Development Group, LLC (Stratos), to provide public water service improvements for Stratos’s proposed development, as well as other existing properties in the area.

Pursuant to the terms of the agreement, Stratos would contract and oversee the abandonment of approximately 1,000 linear feet of two-inch water main and the construction/installation of approximately 1,000 feet of eight-inch water main and 1 fire hydrant on Carvell Avenue from Wedgewood Avenue to Southgate Avenue to serve the Carvell Avenue Development. Metro would inspect the construction and accept the new water main and fire hydrant and would further be responsible for ongoing operation and maintenance.

The agreement would be terminated if these improvements are not operational by May 13, 2020.

Fiscal Note: Metro would pay the lesser of fifty percent (50%) of the actual project costs, not to exceed \$91,045.00 for the water main and fire hydrant improvements. Stratos would further agree to improve the public water main along Carvell Avenue. Metro would reimburse Stratos an amount not to exceed \$90,900.00.

BILL NO. BL2019-1646 (PULLEY, O’CONNELL, & BEDNE) – This ordinance would abandon existing easement rights located at 2003 B Castleman Drive, formerly known as Burtonwood Drive. The abandonment has been requested by Build Nashville DB2, LLC, owner. It has been determined by Metro that the easement rights are no longer needed.

This has been approved by the Planning Commission. Future amendments to this legislation may be approved by resolution.

BILL NO. BL2019-1647 (O'CONNELL & BEDNE) – This ordinance would abandon existing easement rights and existing three inch water main located at 65 Lindsley Avenue, formerly known as Berrien Street. The abandonment has been requested by The Fuel Tank, LLC, owners. It has been determined by Metro that the easement rights are no longer needed.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2019-1648 (VERCHER, BEDNE, & O'CONNELL) – This ordinance would accept new sanitary sewer and water mains, sanitary sewer manholes and fire hydrant assemblies for property located at Middlewick Lane (unnumbered), also known as Burkitt Village Phase 6 Section 1.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2019-1649 (VERCHER, BEDNE, & O'CONNELL) – This ordinance would accept new sanitary sewer and water mains, sanitary sewer manholes and fire hydrant assemblies for property located at Middlewick Lane (unnumbered), also known as Burkitt Village Phase 6 Section 2.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2019-1650 (RHOTEN, O'CONNELL, & BEDNE) – This ordinance would abandon existing public water main and public sanitary sewer main, a sanitary sewer manhole, and easements and accept new water and sanitary sewer mains, a fire hydrant assembly, sanitary sewer manholes, and easements for property located at 3177 Lebanon Pike.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2019-1654 (VERCHER) – This ordinance would adopt the Capital Improvements Budget (CIB) for fiscal year 2019-2020 through 2024-2025. A listing of the CIB new projects for FY20, as well as removed and redirected projects -- organized by district -- was distributed to Council members on May 15, 2019 and is posted on the Council's Sharepoint webpage. The CIB

is a planning document and does not in itself appropriate any money. All capital projects must be provided for in this document before a capital improvement can be approved by the Council, except in the case of a public emergency.

Section 6.13 of the Metropolitan Charter provides: “The mayor shall submit the capital improvements budget to the council not later than May 15th and shall recommend those projects to be undertaken during the ensuing fiscal year and the method of financing them, noting the impact on the debt structure of the metropolitan government and shall include in the appropriate current operating budget any projects to be financed from current revenues for the ensuing fiscal year.”

Pursuant to Section 11.504(k) of the Charter, the Metropolitan Planning Commission reviewed capital improvement project requests submitted by Metro departments, boards, commissions and agencies, evaluated the overall needs of the community, and recommended to the Mayor a CIB budget for fiscal year 2019-2020, including a program of proposed expenditures for the ensuing five years.

The Charter requires the Council to adopt the CIB no later than June 15 of each year. Accordingly, the Council is conducting an adjourned meeting on June 11, 2019 to approve the CIB on third reading prior to this June 15 Charter deadline.

The CIB is amendable on third and final reading.

Once adopted, any future amendments to the CIB would need to be approved by the Planning Commission, recommended by the Mayor, and then adopted by resolution of the Council receiving at least twenty-seven (27) affirmative votes.