



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 12, 2018

RE: **Analysis and Fiscal Notes for Adjourned Council meeting
of June 12, 2018 at 6:00pm**

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

– ORDINANCE ON SECOND READING –

BILL NO. BL2018-1206 (HURT & O’CONNELL) – This ordinance would approve a temporary “Special Event Zone” for the downtown area, in conjunction with the 2018 July 4th Celebration and related activities and events, scheduled for July 3 - 5, 2018.

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 3, 2018, and end at six o’clock (6:00) a.m on Thursday, July 5, 2018.

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 on the public streets, sidewalks, alleys, and rights-of-way, except for street vendors with valid vending licenses issued pursuant to Section 13.08.040 of the Metro Code of Laws.
2. Alcoholic beverages provided, served, or sold from any temporary outdoor use would be prohibited, except as authorized by the Nashville Convention and Visitors Corporation and permitted by Metro.
3. The sale or distribution of merchandise pertaining to the July 4th Celebration, where it is apparent such merchandise is not licensed by the Nashville Convention and Visitors Corporation, regardless of whether the vendor is operating with a valid license or permit, would be prohibited.
4. No tents or membrane structures of any kind would be authorized, except for those sanctioned and authorized by the Nashville Convention and Visitors Corporation or Metro.

5. The construction, placement, occupation, or use of any temporary structure would be prohibited, except for those sanctioned and authorized by the Nashville Convention and Visitors Corporation.
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 or authorized by the Nashville Convention and Visitors Corporation would be prohibited, except within the Public Participation Area.
7. Vehicles would be allowed only as directed by the Metro Police which will include trucks, automobiles, motorcycles, bicycles, scooters, and motorized scooters.

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 2018 July 4th Celebration, activities, and events.

The ordinance would also express the intent of the Council that the Metro Police Department focus its enforcement efforts upon preserving peace and securing safety of the July 4th Celebration participants while the Special Event Zone is in effect.

– ORDINANCES ON THIRD READING –

BILL NO. BL2018-1191 (O'CONNELL, BEDNE, & ELROD) – This ordinance, as amended, would authorize the Nashville Symphony Association to install, construct, and maintain underground and structural encroachments in the right-of-way located at 1 Symphony Place. This would consist of a monument sign encroaching the right-of-way.

The Nashville Symphony Association has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

BILL NO. BL2018-1192 (PULLEY, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for Belmont Park Terrace Sidewalk Improvements, between Lone Oak Road and Arden Place.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY18 Capital Projects Fund.

BILL NO. BL2018-1193 (ROSENBERG, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for Belle Forest Circle Sidewalk Improvements, between Highway 70 South and Old Hickory Boulevard.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.

BILL NO. BL2018-1194 (KINDALL, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for 23rd Avenue North Sidewalk Improvements, between Buchanan Street and Cass Street.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.

BILL NO. BL2018-1196 (VERCHER & BEDNE) – This ordinance would adopt the Capital Improvements Budget (CIB) for fiscal year 2018-2019 through 2023-2024. A listing of the CIB new projects for FY19, as well as removed and redirected projects -- organized by district -- was distributed to Council members on May 15, 2018. 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.

The Charter requires the Council to adopt the CIB no later than June 15 of each year. The Council is conducting an adjourned meeting on June 12, 2018 in order to approve the CIB on third reading prior to this June 15 Charter deadline.

This budget is amendable on third and final reading. However, as revised, Rule 17 of the Council Rules of Procedure established a new mechanism for Council members to submit CIB requests beginning October 15th. Thereafter, the Metro Planning Department prepares a report regarding all requests by December 1st; then the Budget & Finance and Planning, Zoning & Historical Committees jointly prioritize among individual requests. On February 9, 2018, a FY2019 CIB Prioritization Score Sheet was submitted to the Finance Department, reflecting the collective prioritized requests of Metro Council district members. Under this new procedure, Rule 15 of the Council Rules of Procedure now provides that no motion to amend the CIB shall be entertained by the Council unless such amendment was submitted in compliance with Rule 17. (This rule is construed to apply only to amendments *adding* requests since deletions could not be expected until the CIB is actually filed.)

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

An amendment to the CIB that removed the proposed Flood Protection System project was approved at the June 5, 2018 Council meeting.