



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director and Special Counsel
Hannah Zeitlin, Assistant Legal Counsel
Maria Caulder, Finance Manager
Metropolitan Council Office

COUNCIL MEETING DATE: December 17, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 12/11/19:

4% Reserve Fund	\$35,289,237*
Metro Self Insured Liability Claims	\$3,188,491
Judgments & Losses	\$2,773,421
Schools Self Insured Liability Claims	\$3,221,255
Self-Insured Property Loss Aggregate	\$6,996,675
Employee Blanket Bond Claims	\$698,143
Police Professional Liability Claims	\$2,158,637
Death Benefit	\$1,651,064

*This assumes unrealized estimated revenues in FY20 of \$26,838,531.

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

– RESOLUTIONS –

RESOLUTION NO. RS2019-130 (MENDES, ROSENBERG, & OTHERS) – This resolution appropriates \$7,578,000 from the undesignated fund balance of the General Purpose School Fund to Metro Nashville Public Schools to fund a mid-year 3% cost of living adjustment for MNPS teachers and support staff. Of this amount, approximately \$2.5 million is the result of a tax increment financing (TIF) loan refund. The remaining funds are the result of the fund balances for MNPS ending FY2019 higher than projected for fiscal year end.

The TIF loan refund is the result of tax revenues exceeding the MDHA amount needed to pay the debt service on a TIF loan for a project in the Capitol Mall redevelopment district. The total amount of the TIF loan refund was \$7,502,602.92, which was allocated as follows:

- \$4,000,214.30 to the General Fund of the General Services District
- \$932,564.19 to the General Fund of the Urban Services District
- \$2,569,824.43 to the General Purpose School Fund

T.C.A. § 49-3-352 requires local governments operating a school system to maintain a minimum 3% fund balance except in the case of emergencies. Amounts above 3% may be expended for any education purpose, but must be recommended by the board of education prior to appropriation by the local legislative body. The FY2020 operating budget (Ordinance No. BL2019-1624) estimates a schools fund balance of \$31.9M on June 30, 2020, which is 3.5%. This appropriation would take the fund balance below 3% based upon the projections in the FY2020 budget. Since FY19 closed with a higher fund balance than expected, this appropriation would still leave the fund balance at 3.5%.

The board of education recommended approval of this appropriation.

Fiscal Note: The appropriations to MNPS fund of \$7,578,000 to fund a mid-year 3% cost of living adjustment will leave an estimated 3.5% in the undesignated fund balance of the General Purpose School Fund FY20 budget.

RESOLUTION NO. RS2019-131 (MENDES, HURT, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-132 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-133 (MENDES, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-134 (MENDES) – This resolution would authorize the Department of Law to settle the property damage claim of the Evergreen at Werthan apartments against the Metropolitan Government in the amount of \$25,699.

On October 10, 2019, a Metro public works employee parked a trash compacting truck in the alley behind 1016 18th Avenue South. The employee engaged the parking brake and assisted in emptying refuse cans into the truck. The truck rolled backward into the apartment building, damaging the parking garage door and surrounding masonry. It has been determined that the truck's parking brake system failed. The truck had received brake service in May and September 2019.

The incident damaged the overhead garage door and surrounding bricks and concrete blocks. Evergreen at Werthan has agreed to accept a total of \$25,699 in full settlement of this case, based upon the cost to remove, dispose of, and replace the damaged garage door and masonry.

The Department of Law recommends settlement of this claim for \$25,699.

No disciplinary action was taken against the employee.

Fiscal Note: This \$25,699.00 settlement would be the fifteenth payment from the Self-Insured Liability Fund in FY20 for a cumulative total of \$743,047. The fund balance would be \$3,188,491 after this payment.

RESOLUTION NO. RS2019-135 (WELSCH, JOHNSTON, & OTHERS) – This resolution approves a memorandum of understanding between the Department of Public Works and the Metropolitan Transit Authority and approves an intergovernmental agreement between the Tennessee Department of Transportation and the Department of Public Works for the acceptance of work in connection with the construction of intersection improvements on Nolensville Pike from McNally Drive to Natchez Court.

This resolution approves a grant contract between TDOT and Public Works for a Multimodal Access Grant. This grant will fund a project along Nolensville Pike for intersection improvements, sidewalks, ADA upgrades, curb and gutter, striping, transit stop improvements, pedestrian signals, and drainage. The total cost estimate of the project is \$980,005. 95% of this will be funded by the Multimodal Access Grant, which is accepted by the agreement. The final 5% of the cost will be funded locally. This resolution also approves a memorandum of understand between the Metropolitan Transit Authority and Public Works, under which MTA will provide the 5% local match.

Fiscal Note: Metropolitan Transit Authority's local match is \$49,000.25 towards the construction of the intersection improvements.

RESOLUTION NO. RS2019-136 (WELSCH, JOHNSTON, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-137 (TOOMBS, GAMBLE, & OTHERS) – See attached grant summary spreadsheet.

– ORDINANCES ON SECOND READING –

BILL NO. BL2019-30 (MURPHY) – This ordinance amends Chapter 16.04 of the Metropolitan Code of Laws (MCL) regarding the use of barbed wire fencing.

Currently, barbed wire and razor wire fencing is prohibited along sidewalks within the Urban Services District, pursuant to MCL Section 13.32.120. However, a single strand of barbed wire may be stretched on top of any fence over seven feet high.

This ordinance would amend MCL Section 16.04.200.B, which also contains regulations regarding barbed wire fencing, to include a reference to the already existing requirements in MCL Section 13.32.120. In addition, this ordinance would add a new requirement to prohibit barbed wire and razor wire fencing in the Urban Zoning Overlay District along arterial and collector roadways, as defined by the adopted Major & Collector Street Plan.

BILL NO. BL2019-49 (SYRACUSE & O'CONNELL) – This ordinance authorizes a property tax exemption for historic properties owned by charitable institutions in accordance with state law. T.C.A. § 67-5-222 provides that certain historic properties owned by charitable institutions are eligible for property tax exemption upon compliance with the provisions of such section, subject to a 2/3 vote by the county governing body. Historic properties owned by charitable institutions must meet the following requirements under T.C.A. § 67-5-222 to be eligible to apply for the property tax exemption:

1. On the National Register of Historic Places;
2. Used for occasional rentals that last for no more than two days at a time per event;
3. Not rented out more than 180 days per year, and the proceeds received from such rental periods must be used solely for the purposes of defraying the maintenance and upkeep of such property; and
4. Has been owned and maintained by the charitable institution for at least ten years prior to application for the exemption.

T.C.A. § 67-5-222 further provides that the owner of such qualified property must submit a comprehensive preservation and maintenance plan to the historic properties review board (to be established under Ordinance No. BL2019-3 on third reading) that demonstrates how the property tax savings will be applied to the preservation and maintenance of the property. Such plans shall meet the guidelines established by the historic properties review board.

The tax exemption would be valid for a ten-year period, but the property owner may apply for additional exemption periods.

Property that is owned and used by charitable institutions for charitable purposes is already available for exemption from taxation under T.C.A. § 67-5-212, whether this ordinance is enacted or not. However, in order to be exempt from taxation under existing law, the property must be used as part of the charitable mission of the organization. This ordinance would allow nonprofits

to obtain an exemption for properties used for income producing purposes that otherwise would not be exempt under state law.

BILL NO. BL2019-50 (MURPHY) – This ordinance authorizes the Director of Public Property Administration to transfer to Bonnie Small, Administrator of the Estate of Sylvia Rose Barish, via quitclaim deeds, any remaining interest the Metropolitan Government may have in certain parcels of property located at 264 White Bridge Pike, 262 White Bridge Pike and 5540 Oakmont Circle.

These three parcels were conveyed to Sylvia Barish by deeds from Metro on August 23, 1978. However, deeds to these properties were not recorded in the Register of Deeds Office and cannot be located by the heirs of Sylvia Barish. These quitclaim deeds were requested by the Administrator of the Estate of Sylvia Barish to replace the 1978 deeds to clarify ownership of the parcels.

BILL NO. BL2019-75 (ROSENBERG & TOOMBS) – This ordinance amends Chapter 2.30 of the Metropolitan Code to require 9-1-1 operators to be trained in the delivery of telecommunicator cardiopulmonary resuscitation (T-CPR). This training teaches 9-1-1 operators how to instruct a caller to perform CPR in a cardiac emergency situation.

This ordinance would require all 9-1-1 telecommunicators who provide dispatch for emergency conditions to be trained, using in the most current nationally recognized emergency cardiovascular care guidelines, in high-quality T-CPR. At a minimum, this training must incorporate recognition protocols for out-of-hospital cardiac arrest, compression-only CPR instructions for callers, and continuous education as appropriate. The ordinance provides that the department of emergency communications is to establish a procedure for monitoring compliance. The ordinance further provides that the “governing bodies of identified telecommunicators” may adjust grant/shared revenue amounts based on failure to comply with the requirements of this ordinance. The ordinance also includes a provision granting immunity to call takers provide T-CPR from civil liability except in the case of gross negligence.

The council office recommends an amendment to this ordinance removing the adjustment of grant revenue language and the granting of civil immunity. The council does not have the authority to reduce the amount of grants or shared revenues. The council only has the authority to approve or deny grants and appropriate funds. Further, the granting of immunity is not consistent with the provisions of the Tennessee Governmental Tort Liability Act.

BILL NO. BL2019-85 (MURPHY & HENDERSON) – This ordinance accepts new sanitary sewer main, sanitary sewer manholes, and easements for property located at 4119 Murfreesboro Pike.

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

Fiscal Note: This ordinance has no cost to Metro. The Department of Water Services could not provide an estimated value of the easements as the cost for an appraisal could cost more than the easement is worth. The easement may not be permanent and the appraisal will be null/void as soon as the project is completed.

BILL NO. BL2019-86 (ROBERTS, MURPHY, & HENDERSON) – This ordinance abandons existing easement rights for property located at 4901 Centennial Boulevard, between 49th Avenue North and Louisiana Avenue. This abandonment has been requested by 4901 Centennial Partners, LLC, owner.

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

Fiscal Note: This ordinance has no cost to Metro. The Department of Water Services could not provide an estimated value of the easements as the cost for an appraisal could cost more than the easement is worth.

BILL NO. BL2019-87 (TOOMBS, MURPHY, & HENDERSON) – This ordinance abandons existing public water main and easements and to accept new water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manhole and easements for property located at 2420 Stivers Street.

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

Fiscal Note: This ordinance has no cost to Metro. The Department of Water Services could not provide an estimated value of the easements as the cost for an appraisal could cost more than the easement is worth.

BILL NO. BL2019-95 (SLEDGE, HURT, & SUARA) – This ordinance amends Sections 16.08.015.M and 16.12.130.N of the Metropolitan Code of Laws to require changing stations in buildings with public restrooms.

Public restrooms would be required to have at least one diaper changing station per floor if located within a family, assisted-use, or unisex bathroom, or one per sex per floor if located within a separate-sex restroom.

This legislation would not require a retrofitting of any buildings. However, newly constructed public bathrooms and public bathrooms that are altered so as to require a building permit would be required to install diaper changing stations in accordance with this requirement.

Fiscal Note: Metro's General Services estimated cost to install a changing station is \$850 per station on Metro's facilities.

BILL NO. BL2019-96 (MURPHY & HENDERSON) – This ordinance adopts the Geographic Information Systems Street and Alley Centerline Layer, with the changes as reflected on the Centerline Layer to date, as the official Street and Alley Acceptance and Maintenance Record for Metro. The updated Centerline Layer shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro since it was last adopted per Ordinance Number BL2018-1444 on January 16, 2016.

This has been approved by the Planning Commission.

BILL NO. BL2019-97 (VANREECE, MENDES, & OTHERS) – This ordinance approves and authorizes the Director of Public Property Administration, or a designee, to accept a donation of real property including an existing water pumping station and the surrounding pump house building located at Oakwood Avenue (unnumbered).

Oakwood Developer, LLC owns property in Davidson County that houses a public water pump station. The parcel housing the water pump station was recently created with the intention of being deeded over to the Metropolitan Government. The acceptance of the donation is contingent on the completion and verification of the water pumping station, followed by the abandonment of the water pumping station located at 2124 Oakwood Avenue. Acceptance of this donation has been recommended by Metro Water Services.

This has been approved by the Planning Commission.

Fiscal Note: The estimated value of the new parcel is \$27,610.

BILL NO. BL2019-98 (WITHERS, MURPHY, & HENDERSON) – This ordinance abandons existing water main and easements and accepts new water mains, fire hydrant assemblies, and easements for property located at 750 South 5th Street.

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

Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements do not have a market value according to the Department of Water Services.

BILL NO. BL2019-99 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance abandons existing public water main and to accept new public water main, for properties located at 200 and 308 12th Avenue North.

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

Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements do not have a market value according to the Department of Water Services.

BILL NO. BL2019-100 (STYLES, MURPHY, & HENDERSON) – This ordinance abandons existing public water main, one fire hydrant assembly, and easements and accepts a new fire hydrant assembly and easements for property located at 5510 Crossings Circle.

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

Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements do not have a market value according to the Department of Water Services.

BILL NO. BL2019-101 (PULLEY, MURPHY, & HENDERSON) – This ordinance authorizes the negotiate and accept permanent and temporary easements for the Battlefield Drive Stormwater Improvement Project for 43 properties located along Battlefield Drive.

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

Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements do not have a market value according to the Department of Water Services.

– ORDINANCES ON THIRD READING –

BILL NO. BL2019-3 (SYRACUSE, MURPHY & OTHERS) – This ordinance authorizes the Metropolitan Government to opt into the historic properties tax abatement program under state law and would establish a historic properties review board. T.C.A. § 67-5-218 authorizes local governments to establish a historic properties review board, and to establish tax abatement programs for historic properties through such board. T.C.A. § 67-5-218 further allows a property tax exemption on the value of improvements made to properties certified by a historic properties review board. The owner must agree to restore the structure in accordance with guidelines established by the board and agrees to refrain from significantly altering or demolishing the structure during the period of exemption. Such exemption would be for a period of ten years in the case of a partial or exterior restoration or improvement, and fifteen years in the case of a total restoration, as determined by the review board. At the end of the applicable period, the structure would be assessed and taxed on the basis of its full market value.

If any structure receiving a historic properties tax exemption is demolished or significantly altered during the period of exemption, the exemption of the improved value will immediately terminate and the owner would be liable at that time for any difference between the tax paid and the tax that would have been due on such improved value.

This ordinance further designates the existing Metro historic zoning commission to also serve as the historic properties review board for Nashville and Davidson County.

T.C.A. § 67-5-218 was enacted by the Tennessee General Assembly in 1976. A Tennessee Attorney General opinion from 1982 called into question the constitutionality of the statute since Article II, Section 28, of the Tennessee Constitution specifies the categories for which the General Assembly can authorize a property tax exemption. However, this statute has never been challenged in court and the statute was never repealed. At least one other jurisdiction in Tennessee has implemented the statute at the local level.

This ordinance has been approved by the Planning Commission.

BILL NO. BL2019-31 (MURPHY, STYLES, & HENDERSON) – This ordinance, as amended, amends Chapter 16.04 of the Metropolitan Code of Laws (MCL) to require a fence permit for all permanent fences to be constructed in Nashville and Davidson County.

The ordinance under consideration requires all new fences to obtain a permit issued by the Department of Codes Administration. Codes would determine all associated fees for the fence permit. This fence permit requirement would not apply to temporary construction fencing, temporary tree protection fencing, temporary festival fencing, fencing around a place of incarceration, or to any fence located on property zoned AR, AG, R80, or RS80. Fences constructed prior to the adoption of this ordinance would be exempt from the fence permit requirements.

An amendment added at the November 19, 2019 meeting makes the effective date of this ordinance January 1, 2020.

BILL NO. BL2019-32 (BRADFORD) – This ordinance amends various provisions of Title 17 pertaining to an Airport, Medium or Large Commercial Service.

This ordinance adds a definition of “Airport, Medium or Large Commercial Service”. This use would be added to the District Land Use tables as a use permitted with conditions in AR2a, CS, IWD, IR and IG zoning districts. Conditions for “Airport, Medium or Large Commercial Service” would be added to Section 17.16.105 - Transportation Uses. These conditions include:

1. A combined minimum area of all parcels of 3,000 acres;
2. A required minimum setback of 500 feet where transportation facilities abut residential zone districts or districts permitting residential use;
3. Required screening in the form of a landscape buffer yard applied along common property lines for residential zone districts and districts permitting residential use; and
4. Airport land uses would have driveway access on nonresidential collector streets.

Parking requirements for this use would be established by the traffic engineer.

This ordinance has been approved by the Planning Commission.

BILL NO. BL2019-35 (TAYLOR) – This ordinance, as substituted, amends the official Geographic Information Systems Street and Alley Centerline Layer by abandoning Alley Number 377 right-of-way. This abandonment has been requested by Kimley-Horn, applicant.

This has been approved by the Traffic and Parking Commission and the Planning Commission.

BILL NO. BL2019-46 (MENDES, TOOMBS, & GLOVER) – This ordinance, as substituted, amends chapters 15.32 and 15.44 of the Metropolitan Code to require Metro Water Services to submit annual reports to the Metropolitan Council regarding both the water and sewer divisions. The reports would include at a minimum:

1. The Audited Financial Statements, including net position, capital assets, outstanding bonds payable, and other financial information.
2. The Annual Budget Review, including the adequacy of budgeted revenues to cover projected expenses and debt requirements.
3. Any other information deemed relevant by the director or upon request of the Council public works or budget and finance committees.

The ordinance further requires the director of Metro Water Services to personally appear annually before a joint meeting of the council public works and budget and finance committees to discuss the report.

As substituted, this ordinance also requires semiannual reports in June and December of 2020 and 2021 summarizing the status of implementing the new water rates pursuant to Ordinance No. BL2019-45, including a description of milestones achieved and any obstacles to full implementation.

BILL NO. BL2019-74 (BRADFORD, TOOMBS, & ALLEN) – This ordinance requires Metropolitan Social Services to adopt an annual plan detailing plans for an overflow shelter for the homeless population in Nashville during cold weather. This plan must include an assessment of projected needs in the upcoming year, an analysis and recommendation of Metro’s response, and whether current funding meets that need. The plan would be required to be submitted to Council by May 31 of each year.

BILL NO. BL2019-77 (MENDES, WELSCH, & OTHERS) – This ordinance amends Chapter 5.04 of the Metropolitan Code to require disclosure of full cost itemizations prior to submission of capital expenditure authorization legislation to the Metropolitan Council. The purpose of this ordinance is to provide clarity regarding the total costs of capital projects so the Council will know whether sufficient funding has been allocated for projects to be funded as part of a capital spending plan.

This ordinance will require the finance department to develop a Capital Project Cost Itemization Form to be completed for all proposed capital projects with an estimated total value greater than \$5 million. Such form is to itemize the present value full projected costs (allowing for local market cost escalation), including the following costs, as applicable:

1. land acquisition;
2. environmental compliance;
3. temporary relocation;
4. architectural, engineering, and design;
5. construction;
6. furniture, fixture, and equipment;
7. infrastructure improvement;
8. new and supporting technology;
9. utility relocation and related costs;
10. estimated operating budget impact; and
11. other anticipated project costs.

Departments seeking to have capital projects funded as part of a capital spending plan (an initial general obligation bond authorization resolution) would be required to complete the Capital Project Cost Itemization Form and deliver it to the finance department and the mayor for review

prior to the inclusion of any capital project in an initial G.O. bond resolution. The initial G.O. bond resolution must include:

1. an itemized list by categories of capital projects for which the bonds will be issued, and including a total amount not to be exceeded for each category;
2. an itemized list of each capital project for which the bonds will be issued that includes the Capital Improvements Budget project number and a total amount not to be exceeded for each capital project; and
3. a completed Capital Project Cost Itemization Form for each included capital project with an estimated total value greater than \$5 million.

The requirements of this ordinance would not apply to capital projects that are: (1) limited solely to preliminary project planning and/or feasibility costs; or (2) funded exclusively by an enterprise fund, water or sewer rates, or other fees paid to the metropolitan government.

BILL NO. BL2019-80 (HAUSSER, MENDES, & OTHERS) – This ordinance grants two permanent easements and a temporary construction easement to Harpeth Valley Utilities District of Davidson and Williamson Counties, Tennessee, on property located at 0 Highway 70 South, known as Harpeth River Park. The easements are for the purpose of installing and maintaining a sanitary sewer line.

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

Fiscal Note: The total cost of the easement is \$7,150, based on an appraisal report attached to the ordinance.

BILL NO. BL2019-81 (WITHERS, MURPHY, & HENDERSON) – This ordinance abandons existing public sanitary sewer main and easements and accepts new sanitary sewer mains, sanitary sewer manholes, fire hydrant assembly and easements for property located at 1111 Gallatin Avenue and 1100B Greenwood Avenue.

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

Fiscal Note: This ordinance has no cost to Metro. The Department of Water Services could not provide an estimated value of the easements as the cost for an appraisal could cost more than the easement is worth.

BILL NO. BL2019-82 (HAGAR, MURPHY, & HENDERSON) – This ordinance abandons existing public water main and accepts new water main for five properties located on Hermitage Street and Center Street.

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

Fiscal Note: This ordinance has no cost to Metro. The Department of Water Services could not provide an estimated value of the easements as the cost for an appraisal could cost more than the easement is worth.

BILL NO. BL2019-83 (HANCOCK, MURPHY, & HENDERSON) – This ordinance accepts new public sanitary sewer main, sanitary sewer manholes, and easements for three properties located at 1020 C Old Hickory Boulevard, Old Hickory Boulevard (unnumbered) and New Providence Pass (unnumbered).

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

Fiscal Note: This ordinance has no cost to Metro. The Department of Water Services could not provide an estimated value of the easements as the cost for an appraisal could cost more than the easement is worth.

BILL NO. BL2019-84 (HANCOCK, MURPHY, & HENDERSON) – This ordinance accepts new sanitary sewer main, sanitary sewer manholes, and easements for three properties located at 1020 C Old Hickory Boulevard and New Providence Pass (unnumbered).

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

Fiscal Note: This ordinance has no cost to Metro. The Department of Water Services could not provide an estimated value of the easements as the cost for an appraisal could cost more than the easement is worth.

BILL NO. BL2019-88 (GAMBLE, MURPHY, & HENDERSON) – This ordinance accepts new sanitary sewer main, sanitary sewer manholes, and easements for three properties located at 3810 and 3825 Whites Creek Pike and Whites Creek Pike.

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

Fiscal Note: This ordinance has no cost to Metro. The Department of Water Services could not provide an estimated value of the easements as the cost for an appraisal could cost more than

the easement is worth. The easement may not be permanent and the appraisal will be null/void as soon as the project is completed.

BILL NO. BL2019-94 (O'CONNELL) – This ordinance approves a temporary “Special Event Zone” for specified areas of downtown Nashville, in conjunction with the 2019 New Year’s Eve Celebration scheduled for December 30, 2019 through January 1, 2020. Similar zones have previously been approved by the Council for celebrations of the 2018 New Year’s Eve Celebration (BL2018-1386), CMA Fest (BL2018-1160), and the NCAA Women’s Final Four (BL2014-687).

The boundaries of the Special Event Zone established under this ordinance are Charlotte Avenue from 10th Circle North to 5th Avenue North, 5th Avenue North from Charlotte Avenue to Gay Street, Gay Street from 5th Avenue North to 3rd Avenue North, 3rd Avenue North from Gay Street to Jefferson Street, Jefferson Street from 3rd Avenue North to Rosa L. Parks Blvd., Rosa L. Parks Blvd. from Jefferson Street to 10th Circle North, 10th Circle North at Rosa L. Parks Boulevard to Charlotte Avenue.

Activity restrictions within the Special Event Zone would begin at nine o’clock (9:00) p.m. on Monday December 30, 2019 and end at six o’clock (6:00) a.m. on Wednesday January 1, 2020.

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 New Year’s Eve Celebration where it is apparent on its face that the merchandise is not licensed by the CVC, would be prohibited.
4. No tents or membrane structures of any kind would be permitted, except as authorized by the 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 the 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.
12. The Special Event Zone would be a “no fly zone.” (Tenn. Comp. R. & Regs. 0400-02-02-.02)

This ordinance establishes at least one Public Participation Area within the Special Event Zone while the zone is in effect. This Area allows for the reasonable expression by the public in a manner that is not disruptive to the 2019 New Year’s Eve 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 New Year's Eve Celebration. However, no additional Metro personnel or overtime would be required solely for the enforcement of these restrictions.

GRANTS LEGISLATION – DECEMBER 17, 2019

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2019-131	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	Increase by \$600,000.00	\$0	N/A	<p>This approves the first amendment to a grant approved by RS2017-722.</p> <p>The grant amount would be increased from \$4,325,500.00 to \$4,925,500.00. The grant proceeds are used for family planning services.</p>
RS2019-132	<p>From: American Society for the Prevention of Cruelty to Animals</p> <p>To: Metropolitan Board of Health</p>	Not to exceed \$5,000.00	\$0	August 5, 2019 through February 5, 2020	The grant proceeds would be used to help support the emergency sheltering of 60 rabbits seized in May 2019.
RS2019-133	<p>From: Tennessee Arts Commission</p> <p>To: Metropolitan Nashville Arts Commission</p>	\$100,000	\$100,000	N/A	<p>This would approve an application for a Major Cultural Institution Grant.</p> <p>If the grant is awarded, proceeds would provide general operating support to the Metro Arts Commission to cover program and direct expenses related to arts programs, research, and community engagement not otherwise covered in the operating budget.</p>

<p>RS2019-136</p>	<p>From: Tennessee Department of Transportation</p> <p>To: Metropolitan Department of Public Works</p>	<p>\$931,005.00</p>	<p>\$49,000.00</p>	<p>N/A</p>	<p>This approves an application for a Multimodal Access Grant.</p> <p>If the grant is awarded, the proceeds would be used for safety and access improvements at the intersection of Nolensville Pike and McNally Drive.</p>
<p>RS2019-137</p>	<p>From: Tennessee Emergency Management Agency</p> <p>To: Metropolitan Nashville Water and Sewerage Services Department</p>	<p>\$1,005,939.38</p>	<p>\$143,705.63</p>	<p>N/A</p>	<p>This approves an application for a Hazard Mitigation Grant.</p> <p>If the grant is awarded, the proceeds would be used for flood mitigation to acquire and demolish seven properties:</p> <ul style="list-style-type: none"> • 3430 Brick Church Pike • 3841 Crouch Drive • 3903 Crouch Drive • 4693 Lickton Pike • 4945 Shadowlawn Drive • 403 Wimpole Drive • 405 Wimpole Drive.