



Metro Council

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## Adjourned Meeting

### Bills on Second Reading

#### [BL2023-1892](#)

An ordinance to provide for the designation of public property within specified areas of downtown Nashville as a temporary “Special Event Zone” during the time period beginning at nine o’clock (9:00) p.m. on July 2, 2023, and ending at eleven fifty-nine (11:59) p.m. on July 5, 2023, relative to the use of these areas in conjunction with the 2023 July 4th Celebration and related activities and events.

#### Analysis

This ordinance approves a temporary “Special Event Zone” within portions of the downtown area, in conjunction with the 2023 July 4th Celebration and related activities and events from July 2, 2023 until July 5, 2023. A map of the Special Event Zone areas established under this ordinance is attached to the ordinance. Activity restrictions within the Special Event Zone would begin at 9:00 p.m. on Sunday, July 2, 2023, and end at 11:59 p.m. on Wednesday, July 5, 2023. Activities on public property or in the public right-of-way within the Special Event Zone are regulated as follows:

- 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.
- The sale, provision, or serving of alcoholic beverages are prohibited, except as authorized.
- The sale or distribution of merchandise pertaining to the July 4th Celebration not licensed by the CVC is be prohibited.
- The distribution, promotional give-away activity, or provision of free products, services, or coupons by persons or entities that are not event sponsors is prohibited, except within any Public Participation Area.
- Vehicles shall be allowed only as directed by Metropolitan Nashville Police.
- No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, are permitted within the Special Event Zone.
- No handguns, rifles, or firearms are permitted (Tennessee Code Annotated § 39-17-1359).

- No knives, swords or other fighting devices are permitted.
- No fireworks, firecrackers, or explosive devices are permitted, except event-related exhibitions permitted by the CVC.
- The Special Event Zone will be a “no fly zone.”

This ordinance requires 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 2023 July 4th Celebration. However, no additional Metro personnel or overtime would be required just for the enforcement of these restrictions.*

**Sponsors:** OConnell

## **Bills on Third Reading**

### **[BL2023-1870](#)**

An ordinance to amend Title 7 of the Metropolitan Code of Laws, the Alcoholic Beverage Regulations of the Metropolitan Government of Nashville and Davidson County, exempting from the arterial-boulevard requirement, a retail location near Charlotte Park, all of which is described herein.

#### **Analysis**

This ordinance amends Section 7.16.030 of the Metropolitan Code of Laws regarding where a retail liquor store may be located. Current Metro law authorizes liquor to be sold at retail locations, provided the following criteria are met: (1) the proposed location is within the Urban Services District, (2) the proposed location is on, or has its principal access to, an existing arterial-boulevard as shown on the major street plan as adopted by the metropolitan planning commission; and (3) the proposed location is within major commercial concentrations having a land area of ten or more contiguous commercially developed acres.

For the second criteria, there are currently two exceptions to the requirement that the location be on an arterial-boulevard: (1) retail locations with an entertainment event center adjoining as a separate business on a commercial property that consists of 2.24 acres within a strip shopping center as of 2018, located 750 feet from the nearest existing arterial boulevard and located on collector-avenues or local streets no more than 3,960 feet (3/4 of a mile) in length that intersect, at two or more locations, the same existing arterial boulevard and (2) an artisan distillery, as defined in Section 17.04.060 of the Metropolitan Code.

The ordinance under consideration would add another exception to the arterial-boulevard requirement. This exemption would apply to a retail location on a commercial property that consists of approximately four acres within a Master Condominium Property established by Declaration recorded in 2021, located on a collector-avenue or local street no more than 3,960 feet from the nearest existing arterial boulevard and located within 200 yards of Charlotte Park.

**Sponsors:** Roberts

**[BL2023-1871](#)**

An ordinance amending sections 15.32.210 and 15.44.070 of the Metropolitan Code of Laws to modify the Metropolitan Department of Water and Sewerage Services' reporting requirements.

**Analysis**

This ordinance amends the Metropolitan Department of Water and Sewerage Services' ("MWS") reporting requirements. Under current Metro law, MWS is required to submit an annual written report to the Metropolitan Council regarding the financial performance of water division and the director must personally appear during the regularly scheduled budget hearing each year. This ordinance will require MWS to maintain financial policies and the financial policies must be included in the annual written report. The report must also include MWS's performance as measured against its policy targets. These new requirements will apply to both the water division and the sewerage division of MWS.

**Sponsors:** Rhoten and Pulley

**[BL2023-1872](#)**

An ordinance adopting the revised Debt Management Policy for The Metropolitan Government of Nashville and Davidson County.

**Analysis**

This ordinance will adopt a revised Debt Management Policy for the Metropolitan Government.

State law requires Metro to adopt a debt management policy consistent with provisions set forth in the model policy developed by the TN State Funding Board. Metro first adopted its debt management policy in RS2011-94, which was revised by adoption of BL2017-949.

The debt management policy provides the guidelines to manage the various debt programs operated by Metro - general obligation debt and revenue debt. The policy applies to all debt issued by Metro with the exception of debt issued on behalf of NES. The Sports Authority and the Convention Center Authority are authorized to issue their own debt and will have authority specific debt management policies. Metro's debt management policy will also not apply to its instrumentalities (IDB and HEFB) which will adopt their own policies.

The revised policy adds three new sections: Bond Rating Agency Strategy, Reporting Schedule, and a Glossary; and two new subsections: Legal Requirements Regarding the Authorization, Use and Administration of Debt and a section on Security and Source of Payment for Debt. Sections that are now covered in the State's Debt Manual were removed: Selection of an Underwriting Team, Credit Quality, and Debt Administration.

The policy now addresses governmental financing programs like WIFIA. The professional service category of Disclosure Counsel is added. Under the debt refinancing section, the

targeted debt services savings was reduced to align with market conditions.

**Sponsors:** Rhoten and Gamble

**[BL2023-1874](#)**

An ordinance approving a Lease Agreement by and between the Metropolitan Government of Nashville and Davidson County by and through the Metropolitan Board of Education and the State of Tennessee, on behalf of Nashville State Community College.

**Analysis**

This ordinance approves a lease agreement between the Metropolitan Board of Education (“MNPS”) and Nashville State Community College. Pursuant to the terms of the lease, MNPS will lease 400 square feet of furnished office space at 120 White Bridge Pike. This includes the right to use all common areas of the building and use of up to three parking spaces. MNPS will use this leased area exclusively for the Gear Up program. The Gear Up program is a federally funded college access grant program authorized by federal law. The purpose of the Gear Up program is to increase the number of low-income and first-generation students who are prepared to enroll in and succeed in college.

The term of the lease begins on April 30, 2023 and ends December 31, 2026. If the Gear Up program is terminated before the end of the lease term, the lease will automatically expire 90 days after the termination or end of the “Gear Up” program. There is no cost to Metro for the lease of this space. However, the value of the rental has been determined to be \$19,445 for the first year and \$14,445 for each subsequent year and is considered part of the State of Tennessee’s match under the Gear Up program.

**Sponsors:** Murphy and Rhoten

**[BL2023-1875](#)**

An ordinance approving an agreement between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Nashville Police Department, and LEAD Cameron to further youth outreach through activities with the Nashville Police Activities League.

**Analysis**

This ordinance approves an agreement between the Metropolitan Nashville Police Department (“MNPD”) and LEAD Cameron to further youth outreach through activities with the Nashville Police Activities League (“Nashville PAL”).

This agreement outlines the coordination of youth outreach and support between MNPD and LEAD Cameron. The program is intended to foster relationships with youth, community stakeholders, police, first responders, and appropriate resources with the goal of mentoring youth to reduce youth victimization and violence; promote youth education to reduce dropout rates and increase student engagement; provide alternate and additional resources for LEAD Cameron to assist with intervention where students are deemed to need additional support where appropriate; and to create programs for youth to promote an active and healthy lifestyle.

MNPD will provide employees and volunteers to chaperone with coaching Nashville PAL athletes; encourage youth involvement in programs and activities; and aid with programs beneficial to both parties. LEAD Cameron will maintain a functioning portion of their facility for use by the Nashville PAL program; allow access to their facility by Nashville PAL employees and volunteers; and allow storage of equipment within the space provided.

The term of this agreement begins upon approval by the parties and the Metropolitan Council and will extend for 60 months. Either party may terminate the agreement by providing at least 30 days prior written notice.

A facility event space rental agreement between LEAD Public Schools and MNPD is also attached to the agreement. There is no cost for MNPD's use of this space.

**Sponsors:** Rhoten and Syracuse

**[BL2023-1876](#)**

An ordinance authorizing the acquisition of certain right of way easements and property rights by negotiation or condemnation for use in public projects of the Metropolitan Government, initially for purposes of the Nashville Department of Transportation and Multimodal Infrastructure Project Number 2022-R-2, 2926 Melvin Road Culvert Replacement Project, (Proposal No. 2022M-179ES-001).

**Analysis**

This ordinance authorizes the Director of Public Property Administration to acquire by negotiation or condemnation right-of-way easements and property rights for use by the Nashville Department of Transportation and Multimodal Infrastructure for the 2926 Melvin Road Culvert Replacement.

Future amendments to this legislation shall be approved by resolution.

**Sponsors:** Evans, Rhoten, Withers and Pulley

**[BL2023-1877](#)**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing public sanitary sewer easement rights, for property located at 1340 Plum Street (Proposal No. 2023M-048ES-001).

**Analysis**

This ordinance abandons an existing 20-foot sanitary sewer easement for property located at 1340 Plum Street.

This ordinance 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 easements have no market value*

*according to the Department of Water Services.*

**Sponsors:** Young, Withers and Pulley

**BL2023-1878**

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to accept new public water main and fire hydrant assembly, for two properties located at 5770 and 5772 Old Hickory Boulevard, also known as Oslo Hermitage (MWS Project Nos. 23-WL-13 and Proposal No. 2023M-057ES-001).

**Analysis**

This ordinance accepts approximately 260 linear feet of new eight-inch water main (DIP) and one fire hydrant assembly for properties located at 5770 and 5772 Old Hickory Boulevard.

This ordinance 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. Donated easements have no market value according to the Department of Water Services.*

**Sponsors:** Evans, Withers and Pulley

**BL2023-1880**

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.

**Analysis**

This ordinance adopts the Capital Improvements Budget (CIB) for fiscal year 2023-2024 through 2028-2029. 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."

Rule 15 of the Council Rules of Procedure provides that Council members submit CIB requests by October 31 and hold a joint committee meeting to determine CIB priorities prior to submission to the Director of Finance and, further provides, that no CIB requests shall be considered that are not submitted in accordance with the rule. 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 2023-2024, 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 will hold an adjourned meeting on June 13, 2023, in order 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 27 affirmative votes.

**Sponsors:** Rhoten and Withers

**[BL2023-1881](#)**

An ordinance authorizing Cannery Owner, LLC; Cannery Owner Investment I LLC to install, construct and maintain encroachments in the right of way located at 521A 8th Avenue South and 1 Cannery Row. (Proposal No. 2023M-007EN-001).

**Analysis**

This ordinance authorizes Cannery Owner, LLC; Cannery Investment I LLC to install, construct, and maintain encroachments in the right-of-way located at 521A 8th Avenue South and 1 Cannery Row. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments and is required to post a certificate of public liability insurance in the amount of \$2,000,000 with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the Planning Commission.

**Sponsors:** OConnell