



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2023-2078      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 3/8/2023      **In control:** Metropolitan Council

**On agenda:** 3/21/2023      **Final action:** 3/21/2023

**Title:** A resolution approving a Memorandum of Understanding between The Metropolitan Development and Housing Agency and the Department of Water and Sewerage Services of the Metropolitan Government of Nashville and Davidson County, for sewer/storm separation on the 2nd Street Separation Project.

**Sponsors:** Kevin Rhoten, Russ Pulley

**Indexes:**

**Code sections:**

**Attachments:** 1. MOU Exhibit

Date	Ver.	Action By	Action	Result
3/23/2023	1	Mayor	approved	
3/21/2023	1	Metropolitan Council	adopted	
3/21/2023	1	Transportation and Infrastructure Committee	approved	
3/20/2023	1	Budget and Finance Committee	approved	
3/14/2023	1	Metropolitan Council	filed	

A resolution approving a Memorandum of Understanding between The Metropolitan Development and Housing Agency and the Department of Water and Sewerage Services of the Metropolitan Government of Nashville and Davidson County, for sewer/storm separation on the 2nd Street Separation Project.

WHEREAS, on December 25, 2020, a bomb exploded on Second Avenue causing significant damage to buildings and infrastructure over a broad area in downtown; and

WHEREAS, the most damaged areas include First and Second Avenues from Broadway to Union (“the Project Area”); and

WHEREAS, the Metropolitan Government immediately took steps to secure buildings and property in the Project Area; and

WHEREAS, the Mayor’s office, Planning, the Metropolitan Development and Housing Authority (“MDHA”), Metro Historical Commission, Nashville Department of Transportation (“NDOT”), Metro Water and Sewerage Services of the Metropolitan Government of Nashville and Davidson County (“MWS”), and the citizens of Nashville collaborated to plan for the recovery of the Project Area; and

WHEREAS, MDHA engaged with the Urban Land Institute to create a strategy to rebuild the Project Area; and

WHEREAS, Planning has completed the preliminary and desires to advance the Project plans to implementation; and

WHEREAS, resulting construction plans include rebuilding the streetscapes including the sewer infrastructure; and

WHEREAS, MDHA has contracted with Reeves Construction to develop the streetscape; and

WHEREAS, the construction plans call for sewer and stormwater separation in the combined system along Second Avenue from Union to Broadway; and

WHEREAS, separation of the combined system meets goals of the Consent Decree Agreement between MWS, the Environmental Protection Agency, the Department of Justice, and the Tennessee Department of Environment and Conservation, by reducing sewer overflows volumes in the combined system. Beyond the regulatory benefits, separation will also aide in the removal of odors associated with combined systems; and,

WHEREAS, doing this separation work in the affected streets under this plan will save MWS and the Metropolitan Government resources by doing it cooperatively under one plan and will eliminate future disruption to the street and affected businesses; and

WHEREAS, approval of internal agreements between Metropolitan Government departments and agencies valued in excess of five hundred thousand dollars must be approved by resolution of the Metropolitan Council by twenty-one affirmative votes.

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

Section 1. That the Memorandum of Understanding between The Metropolitan Development and Housing Agency and the Department of Water and Sewerage Services of the Metropolitan Government of Nashville and Davidson County, for sewer/storm separation on the 2nd Street Separation Project, attached hereto and incorporated herein, is hereby approved.

Section 2. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

#### Analysis

This resolution approves a memorandum of understanding (“MOU”) between the Metropolitan Development and Housing Agency (“MDHA”) and the Metropolitan Department of Water and Sewerage Services (“MWS”) for sewer/storm separation on the 2<sup>nd</sup> Street Separation Project.

Section 5.04.065 of the Metropolitan Code of Laws requires that any internal agreements between any department, board, commission, or agency of the Metropolitan Government valued in excess of \$500,000 must be approved by a resolution adopted by the Metropolitan Council by 21 affirmative votes.

After the December 25, 2020 bombing of Second Avenue, stakeholders were engaged for a collaborative plan for recovery for the damaged areas of First and Second Avenue. The Metropolitan Planning Department has completed the preliminary plans and desires to begin implementation. Construction plans include rebuilding the streetscapes, including sewer infrastructure.

MDHA has contracted with Reeves Construction to develop the streetscape. The construction plans call for sewer and stormwater separation in the combined system along Second Avenue from Union to Broadway. Separation of the sewer and stormwater system meets goals of the Consent Decree Agreement between MWS, the U.S. Environmental Protection Agency, the U.S. Department of Justice, and the Tennessee Department of Environment and Conservation.

Performing the separation work under this plan will save MWS and Metropolitan Government resources by working cooperatively under one plan and will eliminate future disruption to the street and affected businesses.

Pursuant to the MOU, MWS will review and approve the design for sewer/storm separation for the project area, inspect all construction activity, reimburse MDHA up to \$2.1 million (to be provided at milestones in the construction activity), and accept the storm sewer asset into the stormwater system. MDHA will design the new storm sewer, assign the completion of the sewer/storm separation project for the area, allow MWS inspectors to inspect the project, and provide documentation to engineering staff at agreed upon milestones for reimbursement. This agreement begins upon approval by the Council. The agreement may be terminated by any party upon 30 days written notice. MDHA would be paid for any outstanding reimbursement up through and including the expiration of the 30-day notice.

*Fiscal Note: The Department of Water and Sewerage Services of Metropolitan Government of Nashville and Davidson County will reimburse Metropolitan Development Housing Agency up to \$2.1 million for the sewer and stormwater separation in the combined system along Second Avenue from Union to Broadway.*