

RESOLUTION 20-47

A RESOLUTION TO ESTABLISH CONSTRUCTION HOURS FOR THE BUCKNER ROAD/I-65 INTERCHANGE (BUILD) PROJECT

WHEREAS, the City of Spring Hill (“City”) applied for and was awarded a \$25,000,000 BUILD grant for the I-65 Interchange at Buckner Road (BUILD Grant Project) that includes connecting roads to Buckner Lane and Lewisburg Pike (“Project”); and

WHEREAS, the State of Tennessee Department of Transportation (“TDOT”) and the City of Spring Hill have entered into a Local Agency Project Agreement for the Project that provides for TDOT to administer a design-build project delivery to ensure expedient completion of the Project; and

WHEREAS, it is anticipated the TDOT will award a contract and issue a Notice to Proceed to a design-build contractor by the Fall 2020; and

WHEREAS, the Board of Mayor and Aldermen adopted Ordinance 13-10 as found in Title 11, Chapter 4, Section 11-402 that establish rules and regulations regarding the days of the week and hours of the day within which construction work may take place; and

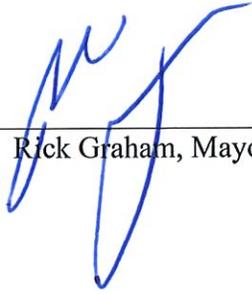
WHEREAS, the Board of Mayor and Aldermen from time to time have granted exceptions and waivers to Title 11, Chapter 4, Section 11-402 to help expedite the completion of public infrastructure projects; and

WHEREAS, as a TDOT managed project, TDOT often does not have restrictions or limitations on the days of week or hours of day within which construction work may be undertaken by a contractor and therefore has subsequently requested the City of Spring Hill waive the requirements contained in Title 11, Chapter 4, Section 11-402 (A) (10) to permit construction associated with the Project to occur without restriction or limitation for the duration of the construction phase to ensure timely completion of Project.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Mayor and Aldermen of the City of Spring Hill authorizes the following:

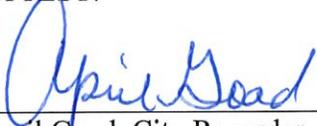
1. The requirements of Title 11, Chapter 4, Section 11-402 (A) (10) are hereby waived for the Project as described herein for the duration of construction of the Project administered by the TDOT.

**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill,
Tennessee on this 20th day of April, 2020.**



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney



REQUEST: Resolution 20-47 – Establish Construction Hours for Buckner Road/I-65 Interchange (BUILD) Project

SUBMITTED BY: Chuck Downham, Assistant City Administrator and Victor Lay, City Administrator

DATE: April 20, 2020

RE: Establish Construction Hours for Buckner Road Interchange Project

ATTACHMENTS: Supporting documentation

PURPOSE:

To approve Resolution 20-47 to establish construction hours for the Buckner Road/I-65 Interchange (BUILD) project.

BACKGROUND:

The City adopted Ordinance 13-10 (Title 11, Chapter 4, Section 11-402 (A) (10) of City Code) that sets forth day and time of day limits on construction activity by limiting to certain times of day as well as which days of the week construction work is permissible that are summarized as follows:

Weekdays	7:00am to 6:00pm
Saturday	9:00am to 6:00pm (7:00am if it would not result in loud, disturbing, or unnecessary noise)
Sunday	No work allowed (this includes City holidays)

The City Administrator may permit exceptions from these parameters on a case-by-case basis in response to written request and typically are issued only for a short time period. The Board of Mayor and Aldermen has also granted exceptions to these parameters for various infrastructure projects including Duplex Road to help ensure timely completion of a particular construction element.

The TDOT has requested the City consider waiving the day and time period limits on construction of the Buckner Road Interchange Project. TDOT will be managing the design-build

contractor on behalf of the City and typically does not impose day or time of day limitations on projects the Department manages.

As illustrated in the attached aerial image of the project, the project for the most part is located away from residential areas with the exception of its intersection with Buckner Lane and the road segment that runs parallel with Brienze Valley subdivision on the eastern end of the project. The vast majority of the project will be performed in a "greenfield area" away from residential neighborhoods providing minimal noise impacts.

In order for the selected design-build contractor to complete design and permitting, right-of-way acquisition, and construction by May 2024 the contractor will need to be expedient with each required step in the execution of the project including construction. While it is unknown at this time to what extent the contractor may need to deviate from the day of week and time of day requirements of the City, it is important that the City address construction hours consideration in advance of the release of the bidding process so that risk associated with time is manageable and predictable for the contractor to bid the project. In response to the request from TDOT, the City needs to give consideration to preparing an overall construction hour framework within which work can be performed by the contractor with preference as recommended by TDOT to not placing limitations on the day of the week and hours of the day construction work may be performed to remove risk associated with time for completion of the project. This also provides the opportunity for the contractor to expedite construction for completion in advance of the required May 2024 project deadline.

FINANCIAL IMPACT:

One of the key risk factors in the Buckner Road Interchange Project is "time" and the ability of the selected design-build contractor to expeditiously complete remaining design and permitting, right-of-way acquisition, and construction of the project in advance of prescribed deadlines being imposed in conformance with the BUILD Grant award. The ability of the contractor to complete these tasks without restriction relative to time of day or days of the week could potentially reduce risk to the design-build contractor and subsequently could result in a corresponding cost adjustment in relation to the time risk factor.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 20-47 to establish construction hours for construction of the Buckner Road/I-65 Interchange (BUILD) Project by waiving the requirements of Title 11, Chapter 4, Section 11-402 (A) (1)) of the City Code to assist in ensuring the timely completion of the BUILD Project by design-build contractor.

ORDINANCE 13-10

**AN ORDINANCE TO AMEND THE SPRING HILL MUNICIPAL CODE,
TITLE 11, CHAPTER 4, SECTION 11-402, OFFENSES AGAINST THE PEACE AND
QUIET OF THE CITY OF SPRING HILL**

WHEREAS, the Mayor and Board of Aldermen of The City of Spring Hill desire to make necessary changes to the Offenses Against the Peace and Quiet" Section of the Spring Hill Municipal Code;

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE, that the following amendments be made to Title 11, Chapter 4, Section 11-402 of the Spring Hill Municipal Code:

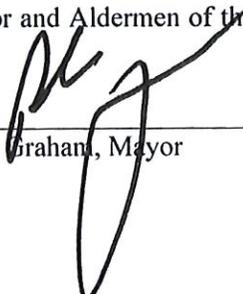
Replacing Paragraph "j" in its entirety to read:

"(j) Construction or repairing of buildings. The erection (including excavation), construction, demolition, alteration or repair of weekdays, and from 9:00 A.M. to 6:00 P.M. on Saturday. Work may also begin on Saturdays at 7:00 A.M. if it would not result in any loud, disturbing, or unnecessary noise that would otherwise violate this chapter. City holidays shall be considered as a Sunday for purposes of this section.

If the city administrator or his designee should determine that the interest of the public health and safety are served, by the erection, demolition, alteration or repair of any building or the excavation of streets or highways, or if he determines the scope of a commercial or industrial project is incapable of being confined within the hours of 6:00 P.M. and 7:00 A.M., and if he shall determine that any loss of inconvenience that might result is outweighed by the public's interest in its safety and welfare, he may grant permission for such work to be done within the hours of 6:00 P.M. and 7:00 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work."

BE IT FURTHER ENACTED, that any Ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20th day of May, 2013.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Timothy P. Underwood, City Attorney

(Deferred on March 18, 2013)

PASSED ON 1ST READING: April 22, 2013

PASSED ON 2ND READING: May 20, 2013

Zimbra

agoad@springhilltn.org

FW: Peace and Quiet Ordinance

From : Tim Underwood <Tunderwood@pulaskilaw.com> Thu, Mar 28, 2013 04:43 PM
Subject : FW: Peace and Quiet Ordinance  2 attachments
To : Chris Brooks <cbrooks@springhilltn.org>, Victor Lay <vlay@springhilltn.org>
Cc : April Goad <agoad@springhilltn.org>

Victor and Chris,

I have been looking back at the previous noise ordinances and the City Code. Chris believed that there might be some concern since he discovered an old Ordinance (06-77) which appeared not to be codified into the Code. After my review I do not have reason to believe that is a concern. Why it may not appear in the Code is because ordinance 08-16 drastically changed 11-402 of the City Code and wiped most of it out and replaced it with a new provision, so that is why it did not show up. Even if had not been codified it appears the new 2008 version would have consumed it anyway.

So I think the proposed 13-10 can be placed on the BOMA agenda. However, I do have some questions about this. What does the highlighted section attempt to accomplish? It does not appear to be necessary to me, but again I don't know the context so that may be my confusion.

Let me know if there is anything I can do to help.

Timothy P. Underwood



HENRY, HENRY & UNDERWOOD, P.C.

From: April Goad [mailto:agoad@springhilltn.org]
Sent: Thursday, March 14, 2013 3:53 PM
To: Tim Underwood
Cc: Chris Brooks
Subject: Peace and Quiet Ordinance

I can't remember if I sent you this or not. You will probably need to talk to Chris also.
Thanks,

April Goad, CMC, CMFO

fifty feet (50') from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(c) Loudspeakers, amplifiers for advertising. The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(d) Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, or in the parking lots of commercial business open to the public, particularly between the hours of 10:00 P.M. and 7:00 A.M. or at anytime or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity. If the owner or manager of a commercial enterprise operates his business and is open to the public between the hours of 10:00 P.M. and 7:00 A.M. or at anytime on Sunday or holidays, he shall locate his customer parking so his customers and patrons will not violate this chapter. A failure of the owner or manager to so locate his customer parking constitutes a violation of the chapter, when a customer or patron is convicted of violation of this subsection (d) provided the owner or manager permits customer or patron parking within one hundred feet (100') of a residential zone.

(e) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(f) Steam whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin to stop work or as a warning of fire or danger, or upon request of proper city authorities.

(g) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or other vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(i) Loading, unloading, opening boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or dumpster or the opening and destruction of bales, boxes, crates and containers, particularly other than during the hours between 6:00 A.M. and 6:00 P.M.

(j) Construction or repairing of buildings. The erection (including excavation), construction, demolition, alteration or repair of

any building other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays, and from 9:00 A.M. to 6:00 P.M. on Saturday. Work may also begin on Saturdays at 7:00 A.M. if it would not result in any loud, disturbing, or unnecessary noise that would otherwise violate this chapter. City holidays shall be considered as a Sunday for purposes of this section.

If the city administrator or his designee should determine that the interest of the public health and safety are served, by the erection, demolition, alteration or repair of any building or the excavation of streets or highways within the hours of 6:00 P.M. and 7:00 A.M., and if he shall determine that any loss of inconvenience that might result is outweighed by the public's interest in its safety and welfare, he may grant permission for such work to be done within the hours of 6:00 P.M. and 7:00 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(k) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, indicating that the same is a school, hospital or court street.

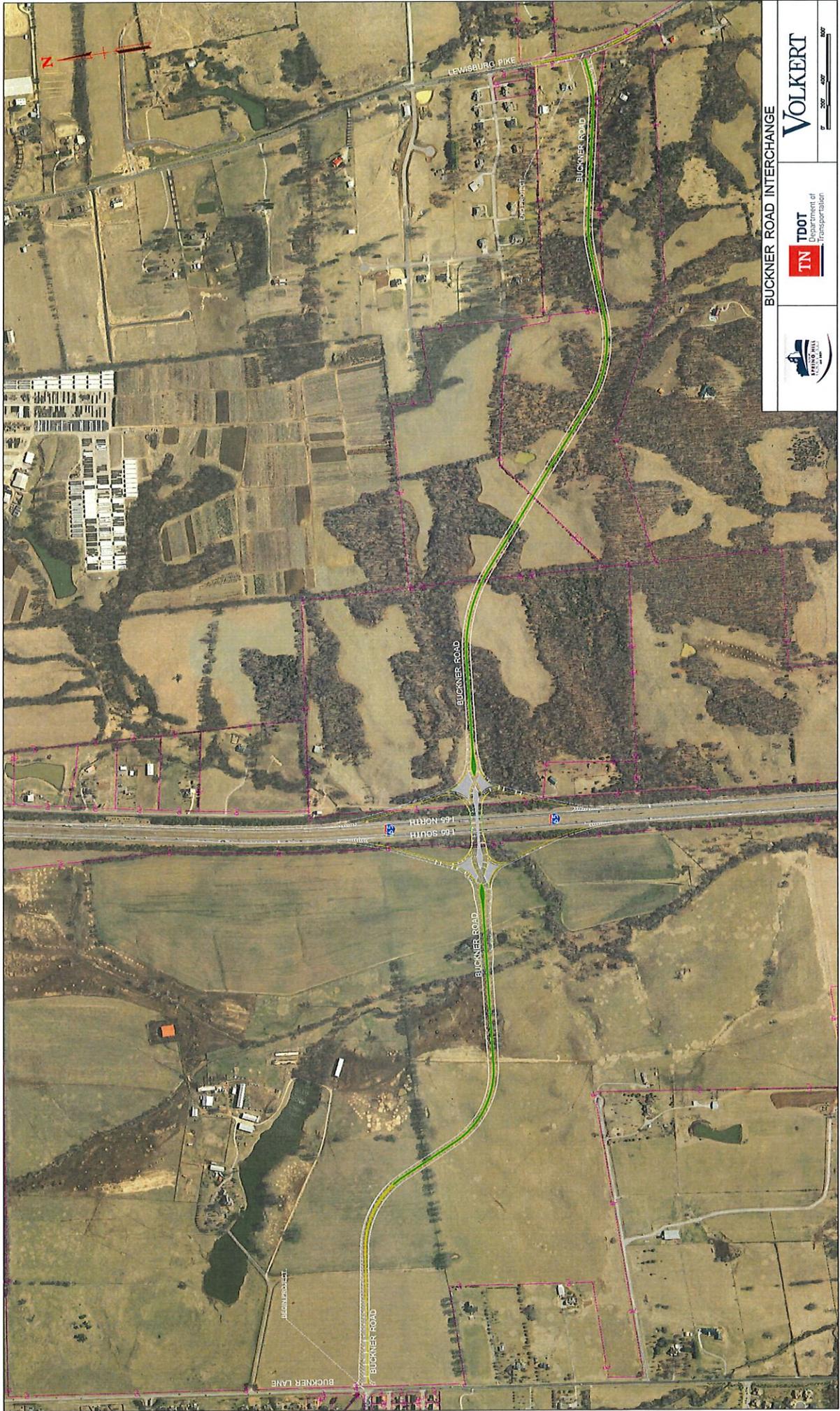
(l) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(m) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(n) Metal rails, pillars and columns, transportation thereof. The transportation of rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace of such streets or other public places.

(o) Pile drivers, hammers, etc. The operation between the hours of 6:00 P.M. and 7:00 A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(p) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.



BUCKNER ROAD INTERCHANGE



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