



# **Metropolitan Council**

**PROPOSED AMENDMENTS PACKET  
FOR THE COUNCIL MEETING OF  
TUESDAY, DECEMBER 21, 2021**

## Proposed Rules of Procedure Change

Mr. President:

I move to amend the 2019-2023 Metropolitan Council Rules of Procedure by amending Rule 28 as shown below:

### **28. Public addressing Council**

During the public comment period held at the second regular Council meeting of each month, and at the discretion of the Vice Mayor, individuals shall be allowed to speak for up to two (2) minutes each.

During all other public hearings, individuals shall be allowed to speak for up to two (2) minutes regarding each matter.

Members of the public may address the Council in a public hearing format regarding a specific resolution or ordinance, when a public hearing is not otherwise required by law, if the Council approves a Council member's motion by a ~~two-thirds (2/3)~~ simple majority vote of the Council members present at such meeting to allow members of the public to address the Council. Such motion shall specify the subsequent meeting at which the public hearing is to take place.

The Clerk shall keep time in accordance with this rule.

SPONSORED BY:

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Erin Evans  
Member of Council

**SUBSTITUTE RESOLUTION NO. RS2021-1260**

**A resolution appropriating ~~\$20,200,000.00~~ \$40,200,000.00 in American Rescue Plan Act funds from Fund #30216 to supplement The Barnes Fund, to establish a Catalyst Fund for affordable housing purchases, and to create a centralized database of subsidized housing.**

WHEREAS, on June 15, 2021, the Metropolitan Council passed Resolution RS2021-966, a resolution which accepted grant funds for local government support from the Coronavirus State and Local Fiscal Recovery Funds established by the American Rescue Plan Act of 2021 ("ARP Funds") from the U.S. Department of the Treasury to The Metropolitan Government of Nashville and Davidson County, which was subsequently signed into law by Mayor John Cooper on June 16, 2021; and,

WHEREAS, Resolution RS2021-966 established a COVID-19 Financial Oversight Committee ("the Committee") whose role is to collect, consider, and recommend appropriate uses of the ARP Funds as designated by the Metropolitan Council disbursement plan. The Committee will submit its reports and recommendations to the Mayor, the Director of Finance, and the Metropolitan Council not later than June 30, 2025; and,

WHEREAS, there are federal requirements for use of ARP Funds that require that these funds be expended or obligated on or before December 31, 2024; and,

WHEREAS, the Committee recognizes that creating and sustaining affordable housing is a critical priority for the city; and,

WHEREAS the Committee recognizes that the negative financial effects of the COVID-19 pandemic have emphasized the need to create additional affordable housing opportunities; and,

WHEREAS, the Director of Housing Programs of the Mayor's Office ("the Mayor's Office") has proposed a Catalyst Fund to allow affordable housing developers to compete against market rate developers in speed and offer structure to preserve affordable housing, which is described in Exhibit A; and,

WHEREAS, the Mayor's Office has also proposed development of a software program that identifies every subsidized housing unit in the county by allowing access to providers of those units and allows residents to submit applications to multiple units through the program, which is described in Exhibit A; and,

WHEREAS, the Mayor's Office, as also recommended by the Affordable Housing Task Force, has recommended that additional funds be allocated to The Barnes Fund to build additional affordable housing, which is described in Exhibit A; and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that this resolution be approved.

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

Section 1. The Metropolitan Council accepts this resolution as a recommendation of the COVID-19 Financial Oversight Committee.

Section 2. That ~~\$20,200,000.00~~ \$40,200,000.00 from the Covid-19 American Rescue Plan Fund #30216 is hereby appropriated to the Mayor's Office to be used in described in Exhibit A.

Section 3. This resolution shall take effect from and after its final passage, the welfare of the public requiring it.

SPONSORED BY:

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Colby Sledge  
Sandra Sepulveda  
Courtney Johnston  
Jennifer Gamble  
Ginny Welsch  
Freddie O'Connell  
Gloria Hausser  
Joy Styles  
Delishia Porterfield  
Emily Benedict  
Dave Rosenberg  
Sean Parker  
Zulfat Suara  
Russ Bradford  
Brett Withers  
Kyonzte Toombs  
Erin Evans  
Burkley Allen  
Tom Cash  
Kathleen Murphy  
Nancy VanReece  
Bob Mendes  
Russ Pulley  
Brandon Taylor  
Thom Druffel  
Members of Council

## ARP Funding Requests – Affordable

### HousingCatalyst Fund: \$20M requested

**Challenge:** The housing market nationally and locally remains extremely competitive and state law prevents us from providing expanded tenant protections. Timely, strategic housing preservation is a crucial aspect of housing stability, especially for residents who are especially exposed to economic pressures. The Catalyst Fund allows developers to compete against market rate developers in speed and offer structure to preserve affordable housing. Additionally, when proposed investments are announced, proactive acquisitions can be made to develop affordable housing near assets.

**Solution:** Metro provides \$20M in funding. This will launch an RFP to recruit an experienced partner that will manage the fund and pursue additional investors to the Fund. By being housing outside Metro, the Fund can move quickly to acquire land. Metro will preset deal terms and guidelines for qualifying deals. For example, housing along transit access could be prioritized.

**Additional Benefits:** Provides an avenue for recruiting national partners, both corporate and philanthropic, to invest in Nashville's affordable housing market.

#### **Examples:**

[New Generation Fund in Los Angeles](#): this fund offers discounted financing options for flexible acquisition, predevelopment and rehab for affordable housing creation and preservation. California does not have discounted debt options through CITC.

[Denver Regional TOD Fund](#): this fund offers debt financing for acquisition of land or operating properties near public transit in the Denver Metro area. Colorado does not have access to discounted debt options through CITC.

### Centralized Housing Platform: \$200,000 requested

**Challenge:** Residents seeking affordable housing must call 15-20 providers to see if a unit is available. Then, they complete separate affordability certification documents for every provider. Different properties have different requirements based on their funding source or impact focus. The burden on our residents is too great. This investment centralizes units to increase transparency, efficiency, and choice for residents.

**Solution:** \$200,000 will pay for licensing, technical assistance, and onboarding to bring every subsidized housing unit in the county onto a central, transparent, accessible platform.

**Structure:** Going forward, all Metro subsidized contracts will require providers to maintain real-time availability of listings and to utilize the centralized platform. Dr. White is enthusiastic about bringing all MDHA properties and units onto the platform. Technical assistance will be provided to insure successful, thorough onboarding to support our providers in making this adjustment. Market testing has been conducted with housing providers to inform an eventual contract.

### **The Barnes Fund: \$20M Requested**

**Challenge:** Nonprofit developers have multiple projects in the pipeline and the only bottleneck to increasing affordable housing supply is funding. The Barnes Fund is an efficient, effective funding tool for affordable housing development. An additional funding round will be invested in developments that are ready to proceed but only need equity to help unlock bank loans. On average, each Metro dollar into the Barnes Fund leverages an additional \$7 in private, philanthropic or state/federal funding. This housing is affordable for 30 years which provides essential stability for Nashvillians.

**Solution:** \$20M will provide an additional round of funding that can be launched early 2022. The current round is open, and awards will be finalized before the end of the year. These equity grants provide an invaluable source of funding to support nonprofit housing developers as they create and preserve units throughout the county.

**Structure:** All Barnes awards are made after an open and competitive application and review process. The final contracts are structured on a reimbursement basis. Work is completed, inspected by a third party and reviewed by staff before funds are disbursed. This monitoring is invaluable to not only ensure strong stewardship of public funds but also to allow us to work closely with our grantees to navigate any challenges that may arise in the development process.

ORDINANCE NO. \_\_\_\_\_

**An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from RM20-A-NS to RM20-A zoning for property located at 123 Elmhurst Avenue, at the northwest corner of Lucile Street and Elmhurst Avenue (0.13 acres), all of which is described herein (Proposal No. 2021Z-056PR-001).**

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from RM20-A-NS to RM20-A zoning for property located at 123 Elmhurst Avenue, at the northwest corner of Lucile Street and Elmhurst Avenue (0.13 acres), being Property Parcel No. 289 as designated on Map 071-14 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 071 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

\_\_\_\_\_  
Sean Parker  
Member of Council

2021Z-056PR-001  
Map 071-14, Parcel(s) 289  
Subarea 05, East Nashville  
District 05 (Sean Parker)  
Application fee paid by: MP HOME SOLUTION PRO INC

A request to rezone from RM20-A-NS to RM20-A zoning for property located at 123 Elmhurst Avenue, at the northwest corner of Lucile Street and Elmhurst Avenue (0.13 acres), requested by MP Home Solutions Pro, applicant; MP Home Solutions Pro LLC and Rhow Properties LLC, owners.





AMENDMENT NO. 1  
TO  
ORDINANCE NO. BL2021-961

Mr. President –

I hereby move to amend Ordinance No. BL2021-961 by amending Section 1, proposed Metropolitan Code of Laws Section 13.08.080.G.12 as follows:

12. An LPR technology deployment policy shall be developed and implemented by the MNPD to help prevent misuse of LPR technology to track and unfairly target vulnerable communities. Placement of fixed LPR technology in the public right of way shall be limited to major and collector streets as defined in the Nashville Next Major and Collector Street Plan, and the location of LPR devices shall be distributed equitably across the north, south, east, and west quadrants of the county. Signage shall be placed by any fixed LPR technology to give notice to the public of the use of such technology at a given location. The signage shall be clearly visible and legible to the motoring public and shall state “License Plate Reader Technology In Use”.

SPONSORED BY:

\_\_\_\_\_  
Emily Benedict  
Member of Council

AMENDMENT NO. 2  
TO  
ORDINANCE NO. BL2021-961

Mr. President –

I hereby move to amend Ordinance No. BL2021-961 by amending Section 1, proposed Metropolitan Code of Laws Section 13.08.080.G.11 as follows:

11. Any device or service necessary to effectuate the provisions of this subsection G shall be procured pursuant to the provisions of Title 4 of the Metropolitan Code of Laws, the Procurement Code. The Metropolitan Government shall not accept a donation of any LPR, LPR device, or LPR service or any donation of funds for the purchase of any LPR, LPR device, or LPR service from any private source. This shall not limit the Metropolitan Government's ability to accept a grant from a governmental entity.

SPONSORED BY:

\_\_\_\_\_  
Emily Benedict  
Member of Council

AMENDMENT NO. 3  
TO  
ORDINANCE NO. BL2021-961

Mr. President –

I hereby move to amend Ordinance No. BL2021-961 by amending Section 1, proposed Metropolitan Code of Laws Section 13.08.080.G.11 as follows:

11. Any device or service necessary to effectuate the provisions of this subsection G shall be procured pursuant to the provisions of Title 4 of the Metropolitan Code of Laws, the Procurement Code. A donation of any LPR, LPR device, or LPR service or any donation of funds for the purchase of any LPR, LPR device, or LPR service shall be subject to the approval of the metropolitan council by resolution, regardless of the value of the donation.

SPONSORED BY:

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Bob Nash  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2021-1013**

**An ordinance approving a Lease Agreement by and between the Metropolitan Government of Nashville and Davidson County acting by and through the Metropolitan Board of Education and Liberty Collegiate Academy (Proposal No. 2021M-013PR-001).**

WHEREAS, The Metropolitan Government of Nashville and Davidson County (“Metro”), acting by and through the Metropolitan Nashville Public Schools, and Liberty Collegiate Academy desire to enter into an agreement for the lease of property for the purpose of a charter school

WHEREAS, Metro wishes to lease the Premises noted in the lease to Liberty Collegiate Academy.

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

Section 1. The Lease agreement between The Metropolitan Government of Nashville and Davidson County and Liberty Collegiate Academy, which is attached hereto and incorporated by reference, is hereby approved and the Directors of Schools and the Department of Public Property are authorized to execute the lease on behalf of the Metropolitan Government.

Section 2. Any amendment, change, or extension to the lease shall be approved by resolution of the Metropolitan Council receiving twenty-one affirmative votes.

Section 3. That the Director of School shall have authority to approve any and all renovation and/or improvement projects presented by and for Liberty Collegiate Academy.

Section 4. This resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

\_\_\_\_\_  
Nancy VanReece  
Burkley Allen  
Brett Withers  
Antoinette Lee  
Members of Council

**SUBSTITUTE ORDINANCE NO. BL2021-1015**

**An ordinance approving a Lease Agreement by and between the Metropolitan Government of Nashville and Davidson County acting by and through the Metropolitan Board of Education and Nashville Prep (Proposal No. 2021M-014PR-001).**

WHEREAS, The Metropolitan Government of Nashville and Davidson County ("Metro"), acting by and through the Metropolitan Nashville Public Schools, and Nashville Prep desire to enter into an agreement for the lease of property for the purpose of a charter school

WHEREAS, Metro wishes to lease the Premises noted in the lease to Nashville Prep.

Now, therefore, be it resolved by the Council of The Metropolitan Government of Nashville and Davidson County:

Section 1. The Lease agreement between The Metropolitan Government of Nashville and Davidson County and Nashville Prep, which is attached hereto and incorporated by reference, is hereby approved and the Directors of Schools and the Department of Public Property are authorized to execute the lease on behalf of the Metropolitan Government.

Section 2. Any amendment, change, or extension to the lease shall be approved by resolution of the Metropolitan Council receiving twenty-one affirmative votes.

Section 3. That the Director of School shall have authority to approve any and all renovation and/or improvement projects presented by and for Nashville Prep.

Section 4. This resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

\_\_\_\_\_  
Burkley Allen  
Brett Withers  
Mary Carolyn Roberts  
Antoinette Lee  
Members of Council

**SECOND SUBSTITUTE ORDINANCE NO. BL2021-621**

**An ordinance amending Sections 17.40.720 and 17.40.730 of the Metropolitan Code, Zoning Regulations, to require additional public notice regarding applications for permits from the Historic Zoning Commission (Proposal No. 2021Z-003TX-001).**

BE IT ENACTED BY THE METROPOLITAN COUNCIL OF NASHVILLE & DAVIDSON COUNTY:

Section 1. That Section 17.40.720 of the Metropolitan Code is hereby amended by adding the following new subsection D.:

D. Historic Zoning Commission Preservation Permits. No action shall be taken by the historic zoning commission on a preservation permit application under Section 17.40.420 that involves but not limited to demolition without immediate life or safety concerns, alterations, additions, or removals that are substantial, or do not meet the design guidelines, are of a precedent-setting nature, or involve a change in the appearance of a structure or site, and are more substantial in nature than routine maintenance or minor work projects such as new primary or outbuilding construction, expansion of a building footprint, or significant changes in features but shall not include routine maintenance which includes repair or replacement unless there is no change in the design, materials, or general appearance of elements of the structure or grounds unless, at least eleven days prior to consideration of the application by the commission, the permit applicant provides written notice by U.S. Mail of the date, time, and place of the commission meeting to all property owners ~~adjacent to~~ within two hundred and fifty feet of the subject property. The applicant shall be responsible for the costs associated with the preparation of the written notices and shall be responsible for the mailing of such written notices.

Section 2. That Section 17.40.730 of the Metropolitan Code is hereby amended by deleting the first paragraph and replacing it with the following:

Public notice signs shall be posted in accordance with the following provisions on any property subject to council consideration of an amendment to the official zoning map, or to the consideration of a variance, hillside exception or a special exception use permit by the board of zoning appeals. Notwithstanding, the following provisions shall not apply to a change in zoning district title or the specific provisions therein upon the adoption or subsequent amendment of this title. Public notice signs shall be posted in accordance with subsection E of this section on any property subject to consideration of certain preservation permit applications under Section 17.40.420 by the historic zoning commission.

Section 3. That Section 17.40.730 of the Metropolitan Code is further amended by adding the following new subsection E:

E. Historic Zoning Commission Preservation Permits. Public notice signs shall be posted on any property subject to consideration by the historic zoning commission of a preservation permit application that involves but not limited to demolition without immediate life or safety concerns, alterations, additions, or removals that are substantial, or do not meet the design guidelines, are of a precedent-setting nature, or involve a change in the appearance of a structure or site, and are more substantial in nature than routine maintenance or minor work projects such as new primary or outbuilding construction, expansion of a building footprint, or significant changes in features but shall not include routine maintenance which includes repair or replacement unless there is no change in the design, materials, or general appearance of

elements of the structure or grounds, which proposes demolition of a historic building, new construction of a primary building, an addition or outbuilding for a corner lot, or any other preservation permit that requires a setback determination. The public notice sign shall be installed on affected properties no less than eleven days prior to the consideration by the historic zoning commission. One double-sided 24" (vertical) x 36" (horizontal) sign shall be posted for every fifty feet of public road frontage excluding alleys, whenever practical located within ten feet of the right of way and positioned in a manner to best inform the monitoring public without creating a safety hazard, and shall contain at a minimum the time, date and location of the scheduled public hearing at the Historic Zoning Commission, the general nature of the hearing and a phone number for additional information. The number and placement of public notice signs shall be posted in accordance with subsection C. The applicant shall be responsible for both the cost of preparation of these public notice signs, and the placement of the signs in accordance with this provision, and providing proof of compliance to the historic zoning commission.

Section 4. Be it further enacted, that this ordinance shall take effect 60 days after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

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Kathleen Murphy  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2021-999**

**An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from CS to OR20-NS zoning for property located at 2106 A-M 24th Ave North, approximately 75 feet north of Clarksville Pike (0.75 acres), all of which is described herein (Proposal No. 2021Z-099PR-001).**

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from CS to OR20-NS zoning for property located at 2106 A-M 24th Ave North, approximately 75 feet north of Clarksville Pike (0.75 acres),, being Property Parcel Nos. 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 900 as designated on Map 081-06 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 081 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

\_\_\_\_\_  
Kyonzte Toombs  
Member of Council



2021Z-099PR-001  
Map 081-06-0-F, Parcel(s) 01-012, 900  
Subarea 08, North Nashville  
District 02 (Toombs)  
Application fee paid by: Jackson Builders, LLC

A request to rezone from CS to OR20-NS zoning for property located at 2106 A-M 24th Ave North, approximately 75 feet north of Clarksville Pike (0.75 acres), requested by Wisdom Rock, LLC, applicant; O.I.C. 2106 24th Avenue North Commons, owner.



## SECOND SUBSTITUTE ORDINANCE NO. BL2021-1011

**An Ordinance to amend Chapter 7.08 of the Metropolitan Code of Laws pertaining to the sale of beer and beer permits and Chapter 7.24 of the Metropolitan Code of Laws pertaining to alcoholic beverage use restrictions.**

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 7.08.010 of the Metropolitan Code of Laws is hereby amended by adding the following definitions in alphabetical order:

“BYO Beer” is beer as defined in chapter 7.08.010 of the Metropolitan Code that may be brought by a customer to be stored, opened and consumed on ~~an MTLC-regulated a mobile establishment; but not wine, spirits or~~ with a Mobile BYO beer permit ~~having an alcoholic content of more than eight percent by weight.~~

“Food Truck” means a licensed vehicle or trailer that is capable of movement, is permanently enclosed and has a service window for the sale and service of meals that are regularly prepared in the vehicle or trailer.

“Food Truck beer permit” means a retailer’s on-sale permit issued by the metropolitan beer permit board to a food truck business. Food trucks selling or otherwise dispensing beer shall comply with portable barrier ~~and~~ signage and location requirements as may be promulgated by the beer permit board.

“Mobile beer permit” means a retailer’s on-sale permit issued by the metropolitan beer permit board to a business permitted as ~~an MTLC-regulated a mobile~~ establishment. ~~Mobile beer permit establishments may only sell beer for on-premise consumption. Beer may be sold sealed and opened by the purchaser. Beer may be sold, served and consumed in the main office, patio or on carriages or vehicles. Mobile beer permit establishments may also hold a mobile BYO beer permit.~~ Notwithstanding any provision to the contrary in Titles 6 and 12, it shall be legal for mobile establishments with a mobile beer permit to stock, provide and sell beer, and for customers to possess and consume beer on a mobile establishment with a mobile beer permit, in compliance with this Title 7.

“Mobile BYO beer permit” means a permit issued by the metropolitan beer permit board that grants a ~~business permitted as an MTLC-regulated mobile~~ establishment the right to allow a customer to store, open and consume BYO Beer on the MTLC-regulated mobile establishment. Notwithstanding any provision to the contrary in Titles 6 and 12, it shall be legal for customers to store, open and consume BYO Beer on a mobile establishment with a mobile BYO beer permit, in compliance with this Title 7.

“~~MTLC-regulated Mobile~~ establishment” means the following:

- ~~1. A~~ business permitted as a pedal carriage, horse drawn carriage, or entertainment transportation vehicle by the Metropolitan transportation licensing commission (MTLC) pursuant to Title 6 of the Metropolitan Code, or an affiliate of such business with common officers or LLC managers.
- ~~2. The premises of an MTLC-regulated establishment shall include the enclosed, interior main office space, an enclosed or caged storage area, a fenced patio, and pedal carriages, horse drawn carriages, or entertainment transportation vehicles~~

~~operated by the permittee. No beer shall leave the premises of an MTLC-regulated establishment, except that customers may carry beer to and from the office and pedal carriage, horse drawn carriage, or entertainment transportation vehicle, but not across a public street, and the MTLC-regulated establishment may transport beer to and from carriages or vehicles and the main office space or storage area. An MTLC-regulated establishment shall not allow beer to be removed from the premises. All beer shall be consumed or disposed of on pedal carriages, the main office, or patio.~~

“On-premise beer permit” means a retailer’s on-sale permit issued by the metropolitan beer permit board to a business with seating capacities for not less than sixteen persons, where meals or lunches are regularly served and where the premises are equipped with adequate toilet facilities and handwashing facilities, including hot and cold running water, for use by customers.

Section 2. ~~That Section 7.08.030.D is hereby deleted in its entirety and replaced with the following:~~

D. A retailer's "on-sale" permit shall be issued to any person engaged in the sale of beer where the beer is to be consumed by the purchaser or guests upon the premises of the seller and meets the requirements of any of the following:

1. An establishment meeting the requirements for an on-premise beer permit may be issued an on-premise beer permit. An on-premise beer permit may be issued to regularly conducted hotels or motels and to regularly incorporated clubs and lodges in which places beer may be sold and consumed by the purchaser when a retailer's on-sale permit has been issued for the premises.
2. An establishment meeting the requirements for a food truck may be issued a food truck beer permit.
3. An establishment meeting the requirements for a mobile establishment may be issued a mobile beer permit.

Section 3. ~~That Section 7.08.030 is amended by adding the following as a new subsection H and redesignating the existing subsections H and I accordingly:~~

~~H. A mobile BYO beer permit shall be issued to any business engaged in an MTLC-regulated~~ a mobile establishment and grants the right to allow a customer to store, open and consume BYO beer on the premises of ~~an MTLC-regulated a mobile~~ establishment, under the supervision of the ~~MTLC-regulated mobile~~ establishment. ~~An MTLC-regulated A~~ mobile establishment shall be responsible for enforcement of all applicable laws respecting beer under this Title 7.

~~Section 34.~~ Section 34. ~~That Section 7.08.100 is hereby deleted in its entirety and replaced with the following:~~

7.08.100 - Retailer on-sale beer permit-Issuance requirements.

Establishments holding retail on-sale beer permits shall be constructed of such material that the floors, walls, ceilings, carriages and vehicles can be easily cleaned and kept clean.

Section 45. ~~That Section 7.08.140, Subsection E, of the Metropolitan Code of Laws is hereby deleted in its entirety and replaced with the following:~~

E. To allow any person under eighteen years of age to loiter or congregate about the premises. The burden of ascertaining the age of minor persons shall be on the permit

holder and his agent or employee. When a minor is seated at a table, there shall be no beer served at the table unless such minor is accompanied by a parent or guardian. When a minor is seated at ~~an MTLC-regulated~~ a mobile establishment that holds a mobile beer permit or mobile BYO beer permit, there shall be no beer served unless such minor is accompanied by a parent or guardian;

Section ~~56~~. That Section 7.08.140, Subsection J, of the Metropolitan Code of Laws is hereby deleted in its entirety and replaced with the following:

J. To permit rowdy or disorderly conduct on the premises;

Section ~~67~~. That the next to the last sentence of Section 7.24.040, subsection C.1.a, of the Metropolitan Code of Laws is hereby deleted in its entirety and replaced with the following:

~~a.~~ It may contain windows capable of being opened, which may be open or fully raised while the vehicle is in operation.

Section ~~78~~. That Section 7.24.040, subsection C.2, of the Metropolitan Code of Laws is hereby deleted in its entirety and replaced with the following:

2. It is unlawful for any passenger to consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer during the operation of an unenclosed vehicle. This provision shall not apply to any business with a mobile beer permit or mobile BYO beer permit issued pursuant to Chapter 7.08 of the Metropolitan Code of Laws.

Section ~~89~~. That Section 7.24.040 of the Metropolitan Code of Laws is amended to add the following as a new Subsection C.3:

3. It is unlawful for any person driving or in any way operating an unenclosed entertainment transportation vehicle to knowingly allow a passenger to consume alcoholic beverages or beer during operation of an unenclosed vehicle. For purposes of this subsection, “knowingly allow” means the person has actual notice of or, through reasonable due diligence, should know that a passenger is consuming an alcoholic beverage or beer upon or within the unenclosed transportation entertainment vehicle. The provisions of this subsection shall become effective immediately upon adoption

Section ~~910~~. This Ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

\_\_\_\_\_  
Freddie O’Connell  
Member of Council