



Metropolitan Council

**PROPOSED AMENDMENTS PACKET
FOR THE COUNCIL MEETING OF
TUESDAY, NOVEMBER 18, 2025**

Table of Contents

001	Amendment to Rules of Procedure, Rule 12
002	Substitute Resolution No. RS2025-1637
003	Second Substitute Ordinance No. BL2025-956
007	Amendment to Ordinance No. BL2025-1061
008	Amendment 1 to Ordinance No. BL2025-1063
013	Amendment 2 to Ordinance No. BL2025-1063
014	Amendment 3 to Ordinance No. BL2025-1063
017	Amendment 4 to Ordinance No. BL2025-1063

Amendment to Rules of Procedure, Rule 12

Madam President:

I move to amend the proposed amendment to Rule 12 of the 2023-2027 Metropolitan Council Rules of Procedure by adding the following Rule 12.2 and renumbering the remaining section accordingly:

12.2 A member may make a motion on the floor to add all members voting in the affirmative on an honorary resolution be added as co-sponsors to the honorary resolution. If such motion is successful, a member may request the Clerk to remove their name as co-sponsor before the adjournment of the meeting.

SPONSORED BY:

Joy Styles
Member of Council

SUBSTITUTE RESOLUTION NO. RS2025-1637

A resolution approving amendment one to an Air Pollution Control Program Support grant from the United States Environmental Protection Agency to the Metropolitan Government, acting by and through the Metropolitan Board of Health, for the ongoing collection of data on ambient air monitoring and various other activities to reduce or control air pollutants in Nashville, Tennessee ~~concentrations for fine particulate matter in Nashville, Tennessee.~~

WHEREAS, the Metropolitan Government, acting by and through the Metropolitan Board of Health, previously entered into a grant agreement with the United States Environmental Protection Agency, for the ongoing collection of data on ambient air monitoring and various other activities to reduce or control air pollutants ~~concentrations for fine particulate matter~~ in Nashville, Tennessee approved by RS2025-1433; and,

WHEREAS, the parties wish to amend that grant agreement to increase the amount of the grant by \$200,000, from \$100,000 to \$300,000. Including the local cash match, the total grant amount would be increased from \$810,026.00 to \$1,010,026. The amendment also revises the administrative terms and conditions, a copy of which amendment one is attached hereto; and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that amendment one be approved; and,

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

Section 1. That amendment one to the Air Pollution Control Program Support grant by and between the United States Environmental Protection Agency, and the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, for the ongoing collection of data on ambient air monitoring and various other activities to reduce or control air pollutants ~~concentrations for fine particulate matter~~ in Nashville, Tennessee, a copy of which amendment one is attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is authorized to execute the same.

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.

SPONSORED BY:

Burkley Allen
Member of Council

SECOND SUBSTITUTE ORDINANCE NO. BL2025-956

An ordinance to amend Chapter 12.40 of the Metropolitan Code of Laws regarding ~~abandoned vehicles and restrictions on~~ for street and alley parking.

WHEREAS, trucks and motor vehicles exceeding ten thousand pounds, box trucks, food trucks, trailers, tank trucks, and dump trucks repeatedly park on the right-of-way of the Metropolitan Government and obstruct other vehicles and pedestrians on local roads; and

WHEREAS, Metropolitan Code of Laws section 12.40.080 states that no vehicle shall be parked in a manner as to leave less than twelve feet of roadway available for the free movement of vehicular traffic; and

WHEREAS, notwithstanding current code provisions, additional measures are needed to ensure the free flow of traffic and to address obstructions on the roads and alleys of the Metropolitan Government.

WHEREAS, it is deemed to be in the best interest of the Metropolitan Government to amend the Code to prohibit trucks and similar vehicles from parking in the right of way.

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

Section 1. That Section 12.40.180 of Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

12.40.180 - Large Vehicle Parking in the Public Right-of-Way Prohibited.

A. For purposes of this section:

1. "Box truck" means a commercial truck with an enclosed, box-shaped cargo area that is separate from the cab.
2. "Food truck" means vehicle capable of movement and equipped to serve food.
3. "Food trailer" means a non-motorized unit equipped to serve food that is designed to be towed by a separate vehicle.
4. "Streets" means all streets, roads, highways, avenues, boulevards, publicly owned rights-of-way, bridges, tunnels, or other public ways dedicated to public use and maintained for general public travel within the area of the metropolitan government.

~~B. Except as otherwise permitted by law, the parking of trucks, or motor vehicles exceeding 8,800 ten thousand pounds gross vehicle weight rating, box trucks, food trucks, food trailers, trailers, or semi-trailers, whether or not attached to a tractor, is prohibited on any street within the jurisdiction of the Metropolitan Government at any time of day or night.~~

~~C. This section shall not apply to vehicles:~~

~~_____ 1. Actively engaged in loading or unloading activities;~~

~~_____ 2. With Where a driver is in attendance with the vehicle; or~~

~~_____ 3. Permitted by the Nashville Department of Transportation and Multimodal Infrastructure to operate in the right-of-way, including truck vendors, under Chapter 13.08.~~

~~D. In addition to all other remedies, whenever any police officer finds a vehicle in violation of this section, the officer is authorized to move such vehicle, or require the driver or person in charge of the vehicle, if present, to immediately relocate the same to a position off the roadway.~~

A. Definitions.

For purposes of this section, “large vehicle” means any commercial, oversized, or heavy-duty vehicle classified by the United States Department of Transportation (USDOT) vehicle classification system as Class 4 or higher. The term also includes, but is not limited to: box trucks, semi-trailers, tractors, dump trucks, tank trucks, mobile vending units, and any attached or detached trailer that is classified as a USDOT Class 3 trailer or higher.

For purposes of this section, “public right-of-way” means all streets, roads, highways, avenues, boulevards, alleys, bridges, tunnels, or other public ways dedicated to public use and maintained for general public travel within the area of the metropolitan government.

B. Parking Large Vehicles in the Public Right-of-Way Prohibited.

1. The parking, stopping, or standing of any large vehicle in the public right-of-way is strictly prohibited unless otherwise authorized by a valid permit issued by the Nashville Department of Transportation and Multimodal Infrastructure (NDOT).
2. Overnight parking by large vehicles in the public right-of-way is prohibited.
3. Large vehicles may stand temporarily in the public right-of-way during daylight hours only while actively providing a service to a neighboring business or residence. A minimum 12-foot-wide travel lane must remain open for vehicular traffic in each direction if pavement markings are present (e.g., double yellow line, center line), which requires a 24-foot total clear width; or, a minimum 12-foot total clear width must remain open on the roadway if no pavement markings are present. All vehicles must be removed within 30 minutes of service completion. Regulatory signs shall take precedence over pavement markings.

C. Loading and Unloading Restrictions for Large Vehicles.

Loading and unloading operations by large vehicles shall primarily take place only in designated loading zones, alleys, or loading docks. Stopping a large vehicle in an active vehicular traffic lane in the public right-of-way is strictly prohibited unless absolutely necessary to complete the service, and is subject to the following safety and operational limitations:

1. The stop must not exceed 30 minutes and must be conducted expeditiously.
2. A minimum 12-foot-wide travel lane must remain open for vehicular traffic in each direction if pavement markings are present (e.g., double yellow line, center line), which requires a 24-foot total clear width; or, a minimum 12-foot total clear width must remain open on the roadway if no pavement markings are present. Regulatory signs shall take precedence over pavement markings.
3. The large vehicle must be visibly engaged in the immediate loading or unloading process (e.g., lift gate open, doors open, and staff must be visibly handling cargo); and
4. The operator of the large vehicle must activate warning flashers and immediately deploy visibly placed traffic cones or warning triangles behind the vehicle to alert approaching traffic.

D. Enforcement and Penalties.

Both the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) and the Metropolitan Nashville Police Department (MNPD) are fully authorized to enforce this section. Violators are subject to penalties including immediate orders to move the large vehicle, fines, and towing at the owner's expense. Any violation that constitutes an immediate public safety hazard or impedes emergency access will result in immediate ticketing and towing.

Section 2. That Section 12.40.190 of Metropolitan Code of Laws is hereby amended by deleting it in its entirety.

~~12.40.190 — Parking restrictions — Tank trucks, school buses, and certain other vehicles.~~

~~A. It is unlawful for any person owning or operating a tank truck or any other self-propelled vehicle used for transporting more than fifty (50) gallons of gasoline, kerosene, benzol, naphtha or other volatile liquids, to park such vehicle parked on any public street or alley within the jurisdiction of the metropolitan government for more than two (2) hours, whether loaded or empty.~~

~~B. It is unlawful for any person owning or operating a truck or motor vehicle of more than 8,800 ten thousand pounds gross vehicle weight rating, or a dump truck of more than fifty four thousand pounds of gross weight, including the load therein, to park such vehicle on any public street or alley within the jurisdiction of the metropolitan government for more than two (2) hours, whether loaded or empty.~~

Section 43. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Tasha Ellis
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2025-1061

Madam President –

I hereby move to amend Ordinance No. BL2025-1061 by amending Section 1, proposed Section 2.114.030 of the Metropolitan Code of Laws, as follows:

2.114.030 - Duties.

- A. The commission shall have authority to:
 - 1. Promote the health, safety, and welfare for animals and pets in the jurisdiction of the metropolitan government.
 - 2. At the request of, and in consultation with, the director of the animal care and control services division of the department of health (Metropolitan Animal Care and Control), provide insight relative to its ~~operations and~~ programing while advocating for its mission.
 - 3. Support Metropolitan Animal Care and Control's educational animal welfare initiatives and programming.
 - 4. Promote community outreach, including fostering relationships with nonprofit partners.
 - 5. At the request of, and in consultation with, the director of Metropolitan Animal Care and Control, promulgate and maintain rules and bylaws for the commission.
 - 6. Prepare and submit an annual report to the mayor and metropolitan council no later than June 30 of each year summarizing activities, achievements, and areas of consideration for Metropolitan Animal Care and Control.
- B. The commission shall meet no less than once per quarter.

SPONSORED BY:

Sheri Weiner
Member of Council

AMENDMENT NO. 1
TO
ORDINANCE NO. BL2025-1063

Madam President –

I hereby move to amend Ordinance No. BL2025-1063 as follows:

I. By amending Section 4, Section 2.62.080 as follows:

A. The administrative and permit fees set forth in Sections 2.62.030.F., 2.62.040.F., and 2.62.050.D of this chapter, and Section 12.56.170 of chapter 12.56, shall ~~be in total~~ be the following amounts:

	1/1/2026 through 9/30/2026	10/1/2026 through 6/30/2027	7/1/2027 through 7/31/2028	After 7/31/2028
Event & Film Permit – Banner 2.62.050	\$390 ± <u>\$12 per pole</u>	\$670 ± <u>\$12 per pole</u>	\$950 ± <u>\$12 per pole</u>	See (B) below
Event & Film Permit – Film 2.62.030	\$230	\$330	\$456	See (B) below
Event & Film Permit – Right-of-Way 2.62.030	\$235	\$365	\$500	See (B) below
Event & Film Permit – Parade 12.56.170	\$565	\$1,035	\$1,500	See (B) below
Event & Film Permit – Special Events 2.62.040	\$785	\$1,245	\$1,700	See (B) below

B. Fees shall increase on August 1, 2028, and on August 1 of succeeding years by the greater of (a) a percentage equal to the percentage change of the CPI Urban Index (CPI-U) over the prior fiscal year and (b) three percent. If, however, the change in CPI-U is negative, there shall be no change for that fiscal year. Any fee increases made after July 31, 2030 are subject to the conditions in Subsection F below.

C. The applicable date for a fee subject to Subsections A and B above shall be the date on which a permit was entered into the metropolitan government's permitting system. If such date is prior to January 1, 2026, the fee amount shall be the fee that was in effect immediately prior to January 1, 2026.

D. Annual changes in fees shall be provided to each member of the metropolitan council and published on the Metropolitan government's website at least 30 days before an adjustment goes into effect.

E. The department of transportation and multimodal infrastructure (NDOT) shall publish a report regarding performance improvements based on clearly defined key performance indicators related to its incremental fee increases to the metropolitan council within two months subsequent to the three period end dates specified in Section A. The report shall include comparative data for each key performance indicator covering at least the two prior fiscal years to demonstrate performance trends associated with fee adjustments. The director of NDOT shall present the findings of such report in person to the metropolitan council upon invitation.

F. Subject to the availability of funding, NDOT shall cause to be completed and published a study of fees no less frequently than every five years, beginning in 2030, and no increase in fees set in this Section shall occur after July 31, 2030 absent such a study supporting an increase.

II. By amending Section 6, Section 13.02.020, as follows:

13.02.020 – Determination of fees.

A. All administrative and permit fees required by this Title, except for those set forth in Section 13.02.010 of this chapter, shall ~~be in total~~ the following amounts:

	1/1/2026 through 9/30/2026	10/1/2026 through 6/30/2027	7/1/2027 through 7/31/2028	After 7/31/2028
Encroachment Permit 13.08.030	\$250	\$250	\$250	<u>See (B) below \$250</u>
Excavation Permit (High Impact Area: <u>1st 500 linear ft of trenching or 1st 500 sf of other excavation work</u>) 13.20.030(D)	\$535	\$965	\$1,400	See (B) below
Excavation Permit (Non-High Impact Area: <u>1st 500 linear ft of trenching or 1st 500 sf of other excavation work</u>) 13.20.030(D)	\$315	\$535	\$750	See (B) below
<u>Excavation Permit</u> (<u>Each additional 100 linear ft of trenching or 100 square feet of other excavation work</u>) 13.20.030(D)	<u>\$100</u>	<u>\$100</u>	<u>\$100</u>	<u>See (B) below</u>
Multimodal Access Closure Exception 13.20.030(A)	\$865	\$1,235	\$1,600	See (B) below
Parklet Permit 13.32.166	\$150	\$150	\$150	<u>See (B) below</u>

				\$150
Right-of-Way Abandonment 13.08.010(C)	\$600	\$900	\$1,200	See (B) below
Sidewalk & Right-of-Way Obstruction Permit (High Impact Area) 13.20.030(E)	\$285	\$520	\$750	See (B) below
Sidewalk & Right-of-Way Obstruction Permit (Non-High Impact Area) 13.20.030(E)	\$160	\$270	\$375	See (B) below
Sidewalk Café Permit 13.32.165	\$250	\$250	\$250	<u>See (B)</u> <u>below</u> <u>\$250</u>
<u>Sidewalk Café Annual Right-of-Way</u> <u>Use (<500 sf)</u> <u>13.32.165</u>	<u>\$200</u>	<u>\$200</u>	<u>\$200</u>	<u>See (B)</u> <u>below</u>
<u>Sidewalk Café Annual Right-of-Way</u> <u>Use (500-1000 sf)</u> <u>13.32.165</u>	<u>\$300</u>	<u>\$300</u>	<u>\$300</u>	<u>See (B)</u> <u>below</u>
<u>Sidewalk Café Annual Right-of-Way</u> <u>Use (>1000 sf)</u> <u>13.32.165</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>See (B)</u> <u>below</u>
<u>Streatory Permit (see also (D)</u> <u>below)</u> <u>13.32.166</u>	\$150	\$150	\$150	<u>See (B)</u> <u>below</u> <u>\$150</u>
Street and Alley Map Amendment 13.08.010(D)	\$285	\$365	\$450	See (B) below
Temporary Street Closure Permit (High Impact Area) 13.20.030(G)	\$285	\$520	\$750	See (B) below
Temporary Street Closure Permit (Non-High Impact Area) 13.20.030(G)	\$160	\$270	\$375	See (B) below

B. Fees, besides those set in Subsection C below, shall increase on August 1, 2028, and on August 1 of succeeding years by the greater of (a) a percentage equal to the percentage change of the CPI Urban Index (CPI-U) over the prior fiscal year and (b) three percent. If, however, the change in CPI-U is negative, there shall be no change for that fiscal year. Any fee increases made after July 31, 2030 are subject to the conditions in Subsection G below.

C. The applicable date for a fee subject to Subsections A and B above shall be the date on which a permit was entered into the metropolitan government's permitting system. If such date is prior to January 1, 2026, the fee amount shall be the fee that was in effect immediately prior to January 1, 2026.

D. Fees that shall be set in a manner other than those described in Subsections A through C above are:

1. The pavement assessment fee described in Subsection D of Section 13.20.030 of this code shall equal five hundred dollars plus the cost to restore the excavation per existing pavement restoration specifications of the department of transportation and multimodal infrastructure (NDOT). The cost shall be based on the average cost of similar work performed by metropolitan government in the previous year and shall be updated annually by the director of NDOT on August 1 of each year.

~~2. The annual per square foot fee for sidewalk cafe dining facilities described in Subsection C of Section 13.32.165 of this code shall be based on downtown commercial real estate rates.~~

~~32.~~ The annual fee for streatory facilities described in Subsection D of Section 13.32.166 of this code shall be a) the lost revenue for metered parking spaces occupied by the streatory plus b) a rate lower than the average metered parking space for the time and number of non-metered parking spaces occupied by a streatory, as determined by the director of NDOT.

E. Changes in fees shall be provided to each member of the metropolitan council and published on the metropolitan government's website at least 30 days before an adjustment goes into effect.

F. NDOT shall publish a report regarding performance improvements based on clearly defined key performance indicators related to its incremental fee increases to the metropolitan council within two months subsequent to the three period end dates specified in Section A. The report shall include comparative data for each key performance indicator covering at least the two prior fiscal years to demonstrate performance trends associated with fee adjustments. The director of NDOT shall present the findings of such report in person to the metropolitan council upon invitation.

G. Subject to the availability of funding, NDOT shall cause to be completed and published a study of fees no less frequently than every five years, beginning in 2030, and no increase in fees set in this Section shall occur after July 31, 2030 absent such a study supporting an increase.

III. By amending Section 12, Subsection 13.20.030.D.1 as follows:

1. Each separate excavation shall require a permit. ~~Excavated areas of up to five square meters (six square yards) of surface area shall constitute an excavation. Trench excavations running parallel to traffic shall require a permit for each fifty linear feet.~~ Permits for excavation may require differing fees within different designated areas, such as right-of-way permit high impact areas. Such fees shall conform to Section 13.02.020 of this code.

IV. By amending Section 15, Subsection 13.32.165.C as follows:

C. Any person applying for a permit to operate a sidewalk cafe dining facility shall, in addition to filing the appropriate application as required by the department of transportation and multimodal infrastructure, pay to the metropolitan government a nonrefundable application fee and an annual fee ~~per square foot~~ for right-of-way use. If a renewal of the permit is desired, an application for renewal must be made at least thirty days prior to the expiration of the existing permit and must be accompanied by the aforementioned nonrefundable application fee and right-of-way use fee. Such fees shall conform to Section 13.02.020 of this code.

SPONSORED BY:

Sean Parker
Member of Council

AMENDMENT NO. 2
TO
ORDINANCE NO. BL2025-1063

Madam President,

I move to amend Ordinance No. BL2025-1063 by adding the following as a new Section 17 and renaming the remaining section accordingly:

Section 17. In order to facilitate the provision of workforce housing within the area of the metropolitan government, the permit fees provided in Section 6 of this ordinance for encroachment, excavation, sidewalk & right-of-way obstruction, right-of-way abandonment, or temporary closure for new home construction or the rehabilitation of existing dilapidated and vacant homes related to affordable and workforce housing, shall be evaluated by NDOT and the affordable housing division of the planning department for potential permit fee reductions. Both entities shall provide a recommendation to the metropolitan council no later than March 31, 2026, for the fee reduction and related criteria, including which properties or projects qualify.

SPONSORED BY:

Jacob Kupin
Member of Council

AMENDMENT NO. 3
TO
ORDINANCE NO. BL2025-1063

Madam President,

I move to amend Ordinance No. BL2025-1063 as follows:

- I. By amending Section 6, proposed Metropolitan Code of Laws subsection 13.02.020.A as follows:

13.02.020 - Determination of fees.

A. All fees required by this Title, except for those set forth in Section 13.02.010 of this chapter, shall be in the following amounts:

	1/1/2026 through 9/30/2026	10/1/2026 through 6/30/2027	7/1/2027 through 7/31/2028	After 7/31/2028
Encroachment Permit 13.08.030	\$250	\$250	\$250	\$250
Excavation Permit (High Impact Area) 13.20.030(D)	\$535	\$965	\$1,400	See (B) below
Excavation Permit (Non-High Impact Area) 13.20.030(D)	\$315	\$535	\$750	See (B) below
Multimodal Access Closure Exception 13.20.030(A)	\$865	\$1,235	\$1,600	See (B) below
Parklet Permit 13.32.166	\$150	\$150	\$150	\$150
Right-of-Way Abandonment 13.08.010(C)	\$600	\$900	\$1,200	See (B) below
Sidewalk & Right-of-Way Obstruction Permit (High Impact Area) 13.20.030(E)	\$285	\$520	\$750	See (B) below
Sidewalk & Right-of-Way Obstruction Permit (Non-High Impact Area) 13.20.030(E)	\$160	\$270	\$375	See (B) below

Sidewalk Cafe Permit 13.32.165	\$250	\$250	\$250	\$250
<u>Sidewalk Café Annual Right-of-Way Use (<500 sf)</u> <u>13.32.165</u>	<u>\$200</u>	<u>\$200</u>	<u>\$200</u>	<u>See (B)</u> <u>below</u>
<u>Sidewalk Café Annual Right-of-Way Use (500-1000 sf)</u> <u>13.32.165</u>	<u>\$300</u>	<u>\$300</u>	<u>\$300</u>	<u>See (B)</u> <u>below</u>
<u>Sidewalk Café Annual Right-of-Way Use (>1000 sf)</u> <u>13.32.165</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>See (B)</u> <u>below</u>
Streatery Permit <u>(see also (D) below)</u> 13.32.166	\$150	\$150	\$150	<u>See (B)</u> <u>below</u> \$150
Street and Alley Map Amendment 13.08.010(D)	\$285	\$365	\$450	See (B) below
Temporary Street Closure Permit (High Impact Area) 13.20.030(G)	\$285	\$520	\$750	See (B) below
Temporary Street Closure Permit (Non High Impact Area) 13.20.030(G)	\$160	\$270	\$375	See (B) below

II. By amending Section 6, proposed Metropolitan Code of Laws subsection 13.02.020.D as follows:

D. Fees that shall be set in a manner other than those described in Subsections A through C above are:

1. The pavement assessment fee described in Subsection D of Section 13.20.030 of this code shall equal five hundred dollars plus the cost to restore the excavation per existing pavement restoration specifications of the department of transportation and multimodal infrastructure (NDOT). The cost shall be based on the average cost of similar work performed by metropolitan government in the previous year and shall be updated annually by the director of NDOT on August 1 of each year.

~~2. The annual per square foot fee for sidewalk cafe dining facilities described in Subsection C of Section 13.32.165 of this code shall be based on downtown commercial real estate rates.~~

3. The annual fee for streatory facilities described in Subsection D of Section 13.32.166 of this code shall be a) the lost revenue for metered parking spaces occupied by the streatory plus b) a rate lower than the average metered parking space for the time and number of non-metered parking spaces occupied by a streatory, as determined by the director of NDOT.

3. The fee for excavation permits shall be fifty-five dollars each, except within the right-of-way permit high impact area, where the fee shall be one hundred dollars for each permit (up to fifty linear feet).

4. Except as hereinafter provided, the fee for a sidewalk & right of way obstruction permit shall be fifty-five dollars per day per location. The fee to place a trailer or dumpster in the public right-of-way shall be set by the director of NDOT, as derived from the actual internal operating costs of administering related services, as determined by the department.

5. In addition to any other fees required by this chapter, permits requiring the temporary closure of the metropolitan government's rights-of-way shall be subject to fees set by the director of NDOT, as derived from the actual internal operating costs of administering related services, as determined by the department based upon the scale and duration of the closure.

SPONSORED BY:

Courtney Johnston
Member of Council

AMENDMENT NO. 4
TO
ORDINANCE NO. BL2025-1063

Madam President,

I move to amend Ordinance No. BL2025-1063 as follows:

I. By amending Section 4 by amending Subsection 2.62.080.B as follows:

B. Fees shall increase on August 1, 2028, and on August 1 of succeeding years by the greater of (a) a percentage equal to the percentage change of the CPI Urban Index (CPI-U) over the prior fiscal year and (b) three percent. If, however, the change in CPI-U is negative, there shall be no change for that fiscal year. Any increase in fees after September 29, 2026, including the prescribed automatic annual adjustment, shall require approval by resolution of the metropolitan council, adopted by a majority of the membership to which the council is entitled, prior to implementation.

II. By amending Section 4 by amending Subsection 2.62.080.E as follows:

E. The department of transportation and multimodal infrastructure (NDOT) shall publish a report regarding performance improvements based on clearly defined Key Performance Indicators (KPIs), including but not limited to permitting turnaround times, customer service responsiveness, public-safety outcomes, additional employees hired, and infrastructure maintenance metrics, related to its incremental fee increases to the metropolitan council within two months subsequent to the three period end dates specified in Section A. NDOT's annual report to the metropolitan council shall include comparative data for each key performance indicator covering at least the two prior fiscal years to demonstrate performance trends and service improvements associated with fee adjustments. The director of NDOT shall present the findings of such report in person to the metropolitan council upon invitation. Within thirty days of the passage of this ordinance, NDOT shall provide to the metropolitan council, a written report outlining its current KPIs, including associated costs and fees, to establish the baseline metrics against which future KPI performance, costs, and fee recovery adjustments will be measured.

III. By amending Section 6 by amending Subsection 13.02.020.B as follows:

B. Fees, besides those set in Subsection C below, shall increase on August 1, 2028, and on August 1 of succeeding years by the greater of (a) a percentage equal to the percentage change of the CPI Urban Index (CPI-U) over the prior fiscal year and (b) three percent. If, however, the change in CPI-U is negative, there shall be no change for that fiscal year. Any increase in fees after September 29, 2026, including the prescribed automatic annual adjustment, shall require approval by resolution of the metropolitan council, adopted by a majority of the membership to which the council is entitled, prior to implementation.

IV. By amending Section 6 by amending Subsection 13.02.020.F as follows:

F. NDOT shall publish a report regarding performance improvements based on clearly defined Key Performance Indicators (KPIs), including but not limited to permitting turnaround times, customer service responsiveness, public-safety outcomes, additional employees

hired, and infrastructure maintenance metrics, related to its incremental fee increases to the metropolitan council within two months subsequent to the three period end dates specified in Section A. NDOT's annual report to the metropolitan council shall include comparative data for each key performance indicator covering at least the two prior fiscal years to demonstrate performance trends and service improvements associated with fee adjustments. The director of NDOT shall present the findings of such report in person to the metropolitan council upon invitation. Within thirty days of the passage of this ordinance, NDOT shall provide to the metropolitan council, a written report outlining its current KPIs, including associated costs and fees, to establish the baseline metrics against which future KPI performance, costs, and fee recovery adjustments will be measured.

SPONSORED BY:

Olivia Hill
Member of Council