AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, November 2, 2026 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Norman Bossert, Brevard Jewish Community

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. October 19, 2026 Regular Meeting

G. Certificates / Awards / Recognition

1. Proclamation No. 2026-30 National Family Caregivers Month
2. Oath of Office - Police Officer Lance LeDoux

H. Public Comments

I. Special Presentation(s)

J. Public Hearing(s)

1. Request for Modification to the City of Brevard Extraterritorial Jurisdiction (ETJ)
2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapter 16 - Vesting Period

K. Consent and Information

1. Property Tax Releases - September 2026
2. Proclamation No. 2026-31 Veterans Day
3. Traffic Schedule Update - No Left Turns, Probart/Caldwell Intersection

4. Ordinance Declaring Road Closure for Special Event - Light up the Night and Holiday Parade
5. Rosenwald Community Advisory Board Meeting Minutes - August 20, 2026 Meeting
6. Finance and Human Resources Committee Meeting Minutes - September 28, 2026 Meeting
7. Public Safety Committee Meeting Minutes - September 28, 2026 Meeting

L. Unfinished Business

M. New Business

1. Quarterly Report for Construction Contracts

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

_____
Agenda Posted, Website, Sunshine List (October 29, 2026)
D. Hodsdon, City Clerk

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by "Agenda Packets" tab. Agenda packet materials are posted on Thursday afternoon prior to Council's Monday meeting.
The meeting will be livestreamed on the City of Brevard YouTube channel.

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
October 19, 2026 – 5:30 PM

The Brevard City Council met in regular session on Monday, October 19, 2026, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

Present – Mayor Maureen Copelof, Mayor Pro Tem Aaron Baker, and Council Members Gary Daniel, Pamela Holder, Lauren Wise and Dean Lytle

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager David Todd, Assistant to the City Manager Shawnee Cummings, Communications Coordinator Becky McCann, Human Resources Director Kelley Craig, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Police Chief Christy Wentzell, Fire Chief Chase Owen, Public Works Director Wesley Shook, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans, and Public Works Department Staff Members

Guests and Presenters – Joe Smith and Family, Sara VanLear of UNC School of Government Development Finance Initiative (via Zoom)

Press – Vivian Bikulege, *Transylvania Times* and Jonathan Rich, *Brevard Beagle*

A. Welcome and Call to Order – Mayor Copelof called the meeting to order and welcomed those present.

B. Invocation – Rev. Rob Field of the Center for Spiritual Wisdom offered an invocation.

C. Pledge of Allegiance – Mayor Copelof led the pledge of allegiance.

D. Certification of Quorum – City Clerk Denise Hodsdon certified that a quorum was present.

E. Approval of Agenda – Mr. Baker requested to add an item regarding Fitch Irick Lease Amendment as Item L-1 and to renumber the remaining items under Unfinished Business. Mr. Baker also noted that Council needed to hold the Closed Session that had been labeled as tentative on the agenda. Mr. Wise moved, seconded by Mr. Daniel to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. October 5, 2026 Regular Meeting – Mr. Baker moved, seconded by Ms. Holder to approve the minutes of the October 5, 2026 Regular Meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Proclamation No. 2026-28 Declaring Joe Smith Day and Presentation of the Key to the City to Joe Smith – Mayor Copelof read the proclamation aloud and presented it together with a Key to the City to Joe Smith, who was accompanied by several family members.

PROCLAMATION N0. 2026-28
DECLARING OCTOBER 23, 2026 AS "JOE SMITH DAY"
AND BESTOWING JOE SMITH A KEY TO THE CITY

WHEREAS, the City of Brevard recognizes individuals whose lives reflect a steadfast commitment to service, hard work, faith, family, creativity, and dedication to their community; and

WHEREAS, Joe Smith, born in Transylvania County in 1933, has devoted his life to serving his family, his community, and the people of Brevard and Transylvania County; and

WHEREAS, Joe proudly served two years in the United States Army and later devoted many years to his career at Ecusta Paper Mill; and

WHEREAS, Joe served with distinction in the Brevard Fire Department from 1966 until his retirement in 1992, completing approximately 26 years of service and rising through the ranks to retire as Deputy Fire Chief. His leadership, dedication, and commitment helped establish a foundation upon which generations of Brevard firefighters have continued to build; and

WHEREAS, Joe exemplified the highest ideals of the fire service, taking great pride in his profession and demonstrating a deep commitment not only to the citizens he served, but also to the firefighters who served alongside and under his leadership; and

WHEREAS, Joe's commitment to public service continued after his retirement. He has been a loyal and faithful member of the Transylvania County Sheriff's Office VIP — Volunteers in Partnership — program for over 20 years; and

WHEREAS, Joe also volunteered with the City of Brevard Public Works Department, sharing his time and craftsmanship on numerous community projects, including shelters at the Dog Park and information boards at City facilities such as the Depot and Community Garden; and

WHEREAS, Joe's remarkable creativity and craftsmanship are reflected in his woodworking, carpentry, sewing, painting, stained glass, model building, and many other creations, which he has generously shared with others as expressions of friendship and care; and

WHEREAS, faith and family have remained central to Joe's life. He met his wife, Murle in Brevard, and they married in 1958, beginning a lifetime together filled with family, memories, and shared experiences. Joe has also been a faithful member of Temple Baptist Church for 67 years; and

WHEREAS, Joe Smith's decades of service have become an important part of the history and character of the Brevard Fire Department and the broader Brevard community. His approximately 26 years of fire service, leadership as Deputy Fire Chief, and continued commitment to serving others represent a lasting legacy of public service; and

WHEREAS, throughout his life, Joe Smith has exemplified service, dedication, faith, family, creativity, generosity, leadership, and love for his community, leaving a lasting impact on the people of Brevard and Transylvania County.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Maureen Copelof and the Brevard City Council hereby recognize and honor Joe Smith and proclaim Friday, October 23, 2026, as **"JOE SMITH DAY"** in the City of Brevard and commend its observance to all its residents.

AND FURTHERMORE, as a symbol of our city's highest esteem, admiration, and affection, I am proud to present Joe Smith with the **KEY TO THE CITY**, in recognition of his extraordinary commitment to public service and for the countless ways he has shared his time, talents, skills, and generosity with our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Brevard to be affixed on this 19th day of October, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk s/ Maureen Copelof, Mayor

H. Public Comments

Randy Lytle said I stand here before you tonight as Co-Chair of the Rosenwald Community Advisory Board, a committee appointed by the Council to represent interests and concerns of the Rosenwald Community. Tonight, I respectfully ask for the approval of our unanimous recommendation for allocating the $74,969.00 available in Fund 82. After carefully considering the proposed projects, the board unanimously agreed to prioritize three: Project 3 Silversteen Park Pavilion $41,469; Project 5 Carver St. paving $8500; and Project 6 Comporium Utility Pole Relocation $25,000. We also recommend that funding for the Cashiers Valley Rd. sewer extension be pursued

through the City's approximately $2.5M Utilities Fund. These recommendations reflect both immediate community needs and long-term priorities. However, I want to place particular emphasis on the Silversteen Park Pavilion. For years the Rosenwald Community has waited for this project to become a reality. More importantly, the City of Brevard has already made a formal commitment to its completion. A private donor has also stepped forward contributing $43,700 toward the pavilion's design. That contribution represents more than financial support. It demonstrates that others believe in this project and are willing to invest in its success. Now we are asking the City to build upon that commitment. The pavilion represents the final phase of the Rosenwald project. It will connect to the existing trail system, provide accessible restroom facilities, and create a gathering place for residents and visitors. For the children of Rise and Shine and many families throughout Transylvania County who use Silversteen Park daily, these improvements are especially important. With the estimated construction of $500,000 we recognize our proposed allocation of $41,469 would not complete the project, but it sends a powerful message to potential funding partners. The City of Brevard is financially invested in fulfilling its commitment. When seeking grants, foundation support, and additional private contributions, having funds already committed can strengthen our position and demonstrate that this project is a serious priority. Our remaining recommendations address immediate needs along Carver St. through paving improvements and relocation of utility poles that obstruct the sidewalk. Members of City Council, the Rosenwald Advisory Board was created to give this community a voice in decisions that affect its future. We have listened to that community, we have evaluated the priorities, and we have reached a unanimous decision. Tonight, we ask you to honor both the voice of the community and the commitment the City has already made.

Rodney Locks of S. Rice St. said I attended the Rosenwald committee meeting to discuss what should be done with the remaining $74,000 in the Rosenwald Fund 82. As you recall, there was something like $98,000 initially in the fund. The City created a menu of options of things that the City thought needed to be done. Some of these funds have already been committed, and some the options have already been funded from other sources. The remaining funds were discussed at the meeting I attended. Bathrooms in public parks are considered infrastructure support facilities and categorized as public facilities, civic infrastructure, or parks and rec infrastructure, and are eligible for state or federal funding if they meet certain program requirements. $25,000 was proposed to be taken from the sewer fund, which had $2.5M to cover the HAC sewer extension. You have the recommendation from the committee. Councilpersons Pamela Holder and Gary Daniel are on the committee. It was obvious to most of us that $74,000 was just seed money for whatever projects were recommended. I hope you will approve the recommendations and authorize staff to find the monies to complete the projects you approve. If the recommendations do not meet with Council's approval, I would hope Council identifies what they would approve to use the $74,000 for. I would also suggest that when you do your town hall meetings throughout the precincts you create similar menus of options and include them in the budget process so that a similar thing does not happen again.

Ella Jones of McMinn Ave. said the thing that I want to bring to your remembrance has already been spoken about, which is Items 3, the Silversteen Park Pavilion. This has been on the docket for some time, and I would be in hopes that we would do something to make sure that this comes to fruition. A lot of prayers and commitment has been given to this project. Also, the Carver St. supplementary paving from Jordan Lane to Oakdale St. - $8,500, and the Carver St. removal of Comporium utility poles from the sidewalks and relocate the utilities to the Duke power poles on the other side of Carver St. - $25,000. I'd also like to add that we petitioned the board several times about speed bumpers in the Hillview area, which has not come to be, and I'm asking and pleading with you all if you would consider that as well as the Silversteen St., which has been known as "Deadman's Curve". And, if nothing is done about that street I'm sure that that topic will become a reality. Because the street is sinking, it needs help. But my main thing for standing here is those 3 items that were mentioned before – Items 3 Silversteen Park Pavilion, Carver St. supplementary paving, and the Carver St. removal of those utility poles. There are some people on that street

who are in need of assistance and the poles are probably hindering that, so making those movements would also help with that. Also, the speed bumpers, we have children in that area that play every day, and people that come from other areas that play in that area. If nothing is done, I'm sure that we're going to have a safety hazard sooner or later. Please, I'm begging you, please.

Altha Mills Gordon of Hillview Circle said before I raise this issue before you once again, I want to think back as far as when my parents and the homes who are in this circle, they came before the city requesting speed bumps for the area. So, now my generation, we're the homeowners and the problem has not been solved. I've asked several times; I've done 3 petitions coming before you with this issue. The concern is the children who play at the playground. Not only that, adults walk in the area on the trails. There are speeders that come through our community, and it is dangerous for the residents that live over there and people who come into the park area to use the playground and the basketball court. I'm asking again; I'm requesting that speed bumps are placed near the playground and up on the upper road. It's very difficult for the residents to even back out into the street or pull out into the street because we can't; the speeders are there. It is very dangerous for the whole community. I'm asking once again—will you please give this your attention?

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed Amendment to the City of Brevard Code of Ordinances to Add Chapter 2-297 – Municipal Infrastructure Reimbursement Agreements – Mr. Hooper explained that reimbursement agreements are a tool that local governments can use to piggyback onto private develop for the provision of public infrastructure. It gives the City the ability to work with private developers to have them build public infrastructure on its behalf and at the City's expense. To legally participate in such agreements, NCGS 160A-499 requires a.) that the improvement in question be included in the city's capital improvement plan and b.) that the City Council codify, by updating the Code of Ordinances, its authorization to use the tool. The code language should also "set forth procedures and terms under which such agreements may be approved." The proposed language establishes Brevard's legal authority to enter into such agreements. It does not enumerate any conditions or limits on the agreement's terms other than what is required by statute. Other details will be negotiated on a case-by-case basis and be subject to the approval of Council.

At 6:04 p.m. Mr. Baker moved, seconded by Mr. Wise to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:04 p.m. Mr. Baker moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

Mr. Wise moved, seconded by Mr. Baker to approve the Code of Ordinance amendment as presented. The motion carried unanimously.

ORDINANCE NO. 2026-45
AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES CHAPTER 2 TO ADD NEW SECTION 2-297 - MUNICIPAL INFRASTRUCTURE REIMBURSEMENT AGREEMENTS

WHEREAS, NCGS §160A-499 permits municipalities to partner with private developers for the construction of public infrastructure under certain circumstances; and

WHEREAS, to legally participate in such agreements, NCGS §160A-499 requires that the improvement in question be included in the City's capital improvement plan, and that procedures and terms under which such agreements may be approved must be codified in the City's Code of Ordinances; and

WHEREAS, a public hearing was conducted on October 19, 2026, by Brevard City Council, and after review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Section 2-297 – Municipal Infrastructure Reimbursement Agreements be added to the Brevard City Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. Chapter 2 of the City of Brevard Code of Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 03. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved on the 19th day of October, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk s/ Maureen Copelof, Mayor
Approved as to Form: s/ Mack McKeller, City Attorney

K. Consent and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Copelof read aloud the items listed and asked for a motion to approve the consent agenda. Ms. Holder moved, seconded by Mr. Lytle to approve the consent agenda. The motion carried unanimously.

K-1. Tax Settlement Report – September 2026

K-2. Proclamation No. 2026-29 Ordering the Flags Be Flown at Half-Staff on City Buildings in Honor of Former Mayor Jimmy Harris

PROCLAMATION NO. 2026-29
A PROCLAMATION ORDERING THAT THE UNITED STATES AND NORTH CAROLINA FLAGS BE FLOWN AT HALF-STAFF ON ALL CITY OF BREVARD GOVERNMENT BUILDINGS IN HONOR OF FORMER BREVARD MAYOR JIMMY HARRIS

WHEREAS, Jimmy Harris was elected as Brevard's youngest Mayor for the City of Brevard on November 2, 1999 and served for 22 years until December 2021, the longest in the City's history.

WHEREAS, Jimmy Harris spent a lifetime supporting this community constantly dedicating his time, effort, and commitment to the betterment of the City of Brevard.

NOW, THEREFORE, as a mark of respect for the memory of former Brevard Mayor Jimmy Harris, I hereby order, pursuant to the North Carolina State Government Flag Guide, that the United States and North Carolina flags shall be flown at half-staff on all City of Brevard government buildings from Saturday, October 10, 2026 through sunset Friday, October 16, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 10th day of October, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk s/ Maureen Copelof, Mayor

K-3. Public Works and Utilities Committee Meeting Minutes – September 2, 2026

K-4. Downtown Master Plan Implementation and Downtown Advisory Committee Meeting Minutes – September 9, 2026

K-5. Parks, Trails and Recreation Committee Meeting Minutes – August 24, 2026

L. Unfinished Business

L-1. Fitch Irick Lease Amendment – Mr. Hooper and Sara VanLear of the UNC School of Government Development Finance Initiative explained that this is a request

for Council to authorize Staff to approve an amendment of the City's agreement with Fitch Irick to give them more flexibility on the funding sources that they pursue for LMI housing on the City's Azalea Ave. site. The agreement authorized Fitch Irick to apply for funding through the 2026 Low-Income Housing Tax Credit program (LIHTC) with an option to secure a 99-year ground lease if awarded funds. The project – Azalea Place – was not awarded funds during this year's LIHTC competition. The agreement expires on December 31, 2026. However, there are a number of other funding possibilities that are available for 2027. Amendments to the option agreement are necessary in order to pursue any other funding sources. Fitch Irick is requesting the following amendments to the Option Agreement:

1. Extend the option period and Fitch Irick's site control through December 31, 2027.
2. Remove references to the LIHTC program and the requirement that they be awarded LIHTC before executing the option.

Mr. Daniel moved, seconded by Mr. Baker to approve the resolution authorizing Staff to amend the terms of the option agreement with Fitch Irick as presented. The motion carried unanimously.

RESOLUTION NO. 2026-55
A RESOLUTION AUTHORIZING CITY STAFF TO AMEND THE TERMS OF THE OPTION AGREEMENT WITH FITCH IRICK FOR PROPERTIES ON AZALEA AVENUE AND OLD HENDERSONVILLE HIGHWAY

WHEREAS, the City of Brevard is committed to expanding housing opportunities for all residents and is pursuing affordable housing initiatives in response; and

WHEREAS, the City contracted the Development Finance Initiative (DFI) to identify sites for a potential multi-family affordable housing project and identified 2.98 acres of land on Azalea Ave; and

WHEREAS, the City acquired the property to facilitate the development of a multi-family affordable housing project on the site and to leverage this development potential to secure funding to extend sewer to the entire Azalea / Rhododendron neighborhood; and

WHEREAS, the City of Brevard executed an option agreement to ground lease the property in January 2026 that gives Fitch Irick Corporation control of the property for up to one year for due diligence, which may be extended for an additional 98 years provided terms of the agreement are met; and

WHEREAS, Fitch Irick Corporation is a qualified development partner with deep experience in developing and operating housing projects funded by various public and private sources, including Low-Income Housing Tax Credits; and

WHEREAS, Fitch Irick must have legal control over the property to conduct due diligence activities, including but not limited to submitting applications for funding; and

WHEREAS, City Council heard a presentation on the amendments at its October 19, 2026, meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

Section 01. The following agreement provisions outlined herein are hereby endorsed:

- ***Extension***. Extend the option period and Fitch Irick's site control through December 31, 2027.
- ***Financing Flexibility***. Remove references to the low-income housing tax credit program and any requirement that Fitch Irick receive a low-income housing tax credit award before exercising the option. Fitch Irick may pursue financing from public, private, or other available sources.
- ***Ground Lease***. Revise the required commencement date for the ground lease as needed to align with the extended option period.

Section 02. All other terms of the agreement, including the property's exclusive use as affordable rental housing, shall remain unchanged.

Section 03. The City Manager is hereby authorized to execute the amendment with minor modifications, as necessary.

Adopted and approved this the 19th day of October, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk s/ Maureen Copelof, Mayor

L-2. Menu of Options for Surplus Fund 82 (Rosenwald) Dollars – Mr. Hooper informed Council that since this was last discussed on September 8th, there have been some developments: 1) at the last meeting, Council dedicated up to $14,000 for traffic calming for Carolina Avenue, taking the remaining Fund 82 balance to approximately $75,000; 2) award of a grant for the property tax relief program eliminates the need to tap Fund 82 for this program; 3) Staff negotiated a compromise solution with Duke and Comporium to improve the accessibility of the Carver St. sidewalk at a cost of $25,000; 4) Staff refined the numbers of the paving-related options after receiving bids that came in less than expected; and 5) the Rosenwald Advisory Board voted on their preferences and has referred them to Council for consideration. With that new information, the menu of options is revised as follows:

FUND 82 - Menu of Options			
Available balance as of 10/13/26			
$74,969			
#	Project Name	Amount	Description
1	~~Carolina Ave. traffic calming~~	~~$14,000~~	These funds will install up four speed humps between Shipman Rd. and Silversteen Dr. on Carolina Ave.; and up to one speed hump each on Washington, McMinn, and Silversteen, for a total of seven speed humps. Approved by Council 10/5/26 and purchased on 10/9/2026.
2	~~Tax rebate program~~	~~$30,000~~	Staff estimates this funding would be sufficient for 40-50 rebates. Program guidelines endorsed by HR/F Comm. at August meeting. The City was awarded funds for this purpose from Dogwood Foundation on 10/12/26
3	Siversteen Park Pavillion seed money	up to $74,969	Estimated project cost between $400k-$460k. The project could be implemented in two phases but the construction sequencing would require the bathrooms to be constructed first, and if done seperately this would result in an overall higher project cost due to multiple mobilizations, rework and potential escalation.
4	HAC/Cashiers Valley Rd. sewer extension	$25,000-$74,969	This funding would support the creation of 26 affordable homes in the Rosenwald neighborhood. A minimum of $25,000 for this project from Fund 82 preserves funding in other areas to address critical needs.
5	Carver St. supplementary paving	$8,500	These funds would pave the section of Carver St. not already scheduled for repaving with Powell Bill dollars, from Jordan Ln to Oakdale St. If Option No. 7 is not selcted, 3 of 4 sections of Caver St. will be paved early next year with current Powell Bill funding. If Option No. 7 is selected, all of Carver St. paving will be postponed until Option No. 7 is implemented.
6	Carver Street - Remove Comporium's utility poles from the sidewalk and relocate the utilites to the Duke Power poles on the other side of Carver street.	$25,000	Comporium has agreed to remove their poles from the Carve St. sidewalk if City funds relocation of the utilites to the exisiting Duke poles.

7	Carver St. sidewalk and street enhancements design/engineering	$60,000	These funds would be used to create engineered drawings for accesibility enhancements to the Carver. St. sidewalk, traffic calming on Carver St. itself, and safety improvemetns to the Oakdale/Carver intersection. This plan includes a wider, accessible sidewalk (except for grade), a potential planting strip between the road and sidewalk, a narrower street to aide in traffic calming, a contiguous sidewalk from Oaklawn to the Mary C Jenkins CC, and a greatly improved intersection at Oakdale St./Caver St. This work will require temporary and permnament easements from all of the residents on Caver St. between Oaklawn Ave.and Oakdale St.. This project would also repave all of Carver Street from Oaklawn Ave. to Cashiers Valley Rd.

New or Revised Option

David Todd reviewed the specifics of the new/revised options—pole removal and the Carver St. supplementary paving.

During discussion, Ms. Holder encouraged Council to follow the recommendation of the Rosenwald Community Advisory Board (RCAB), and to use $8500 for supplemental paving for Carver St., $25,000 for removing the utility poles from the Carver St. sidewalk, and the remainder as seed money for the Silversteen Park Pavilion. Ms. Holder noted that the vote of the RCAB was unanimous, including the representative from Council who was there. She noted that the pavilion/bathroom project was approved 6 years ago and that porta johns or walking to the MCJCCC restrooms should be a short-term alternative. She added that leaving the balance as seed money for the pavilion would show potential donors that the City has a vested interest in the project. She also advocated that the Cashiers Valley Rd. sewer extension be funded through the Water/Sewer fund balance.

Mr. Wise recalled how these funds ended up in the Rosenwald Fund, and that during a special budget meeting, Council unanimously agreed to use it for infrastructure projects. He noted that the $2.5M Water/Sewer fund balance is unallocated funds, not a surplus of money. He cautioned that the City maintains miles of sewer and water lines and that there are $50M to $80M of needs to keep that repaired and to update the Wastewater Treatment Plant. He said when we agreed to use the Fund 82 money for infrastructure, my understanding was some of the things that are critical on this list—housing, sidewalks and roads. Those are major items on this list that would be targeted specifically in the Rosenwald Community that beget real housing in that community and get some of the sidewalks and roads up to speed. My concern is we have so many needs right now that taking money and holding it in a reserve when we have so many other people who use all of our facilities as a city, I think is against the spirit of what Council agreed to during a special budget session.

Mr. Baker said Council agreed to keep this money in the Rosenwald Fund because we recognized there was a need for updated infrastructure and I remember it was the will of the Council to do real tangible good with the money—a new sidewalk, fixing the poles in the middle of sidewalks that prevent ADA access, repaving streets—and the reason we wanted those tangible things was because we wanted the community to see how that money was being put to use. He agreed that the Silversteen Park Pavilion does need to get completed at some point, but there are also a number of serious safety and maintenance issues at other parks that need to be addressed. He said we need to put this money toward projects that people can see and the water/sewer infrastructure for a housing initiative seems like a great use of infrastructure money.

Mr. Daniel explained that when he voted at the RCAB meeting, he made the comment that his vote was not in favor of the motion, but to allow the motion to send

this to Council. He said at the budget workshop I think it was clear that when we were talking about this money, it was for infrastructure and it is my understanding that did not include seed money for Silversteen Park. It's more for actual paving streets, things that need to be done in that neighborhood, which need to be done in several other neighborhoods. As far as seed money is concerned, I asked the City Manager for the amount of money that has been spent on the playground, on Mary C. Jenkins Community Center, and in the neighborhood in general. I would say that $7.5M is pretty good seed money, which is the amount that has been spent in Rosenwald in the last five years. I think our greatest need is housing and I'm more in favor of supporting the HAC Cashiers Valley Rd. sewer extension.

Mr. Lytle said we can make decisions based on a principle, but I think the better thing to do is base it on sound operational judgment and what the community is asking for. Having grown up in Rosenwald, I can tell you that it is not just a playground, it's a gathering place and event location. He said the way the Cashiers Valley Rd. sewer extension has been characterized bothers me, because I think the community and constituents have been given a false choice. Just because we may not allocate $25,000 to that project doesn't mean that we're voting not to do the project, and it also doesn't mean the project can't get done. There are water/sewer budgets that can pay for this project. $25,000 to $45,000 toward the pavilion will equal what would be the closing out of the overall phases of the project—let's finish it and move on. Because of the investment that has been made, the City has made that area an area for the entire community, and not just the Rosenwald Community. If we're going to use that as a gathering spot, people need to have a place where they can eat, have some shelter, and use the restroom.

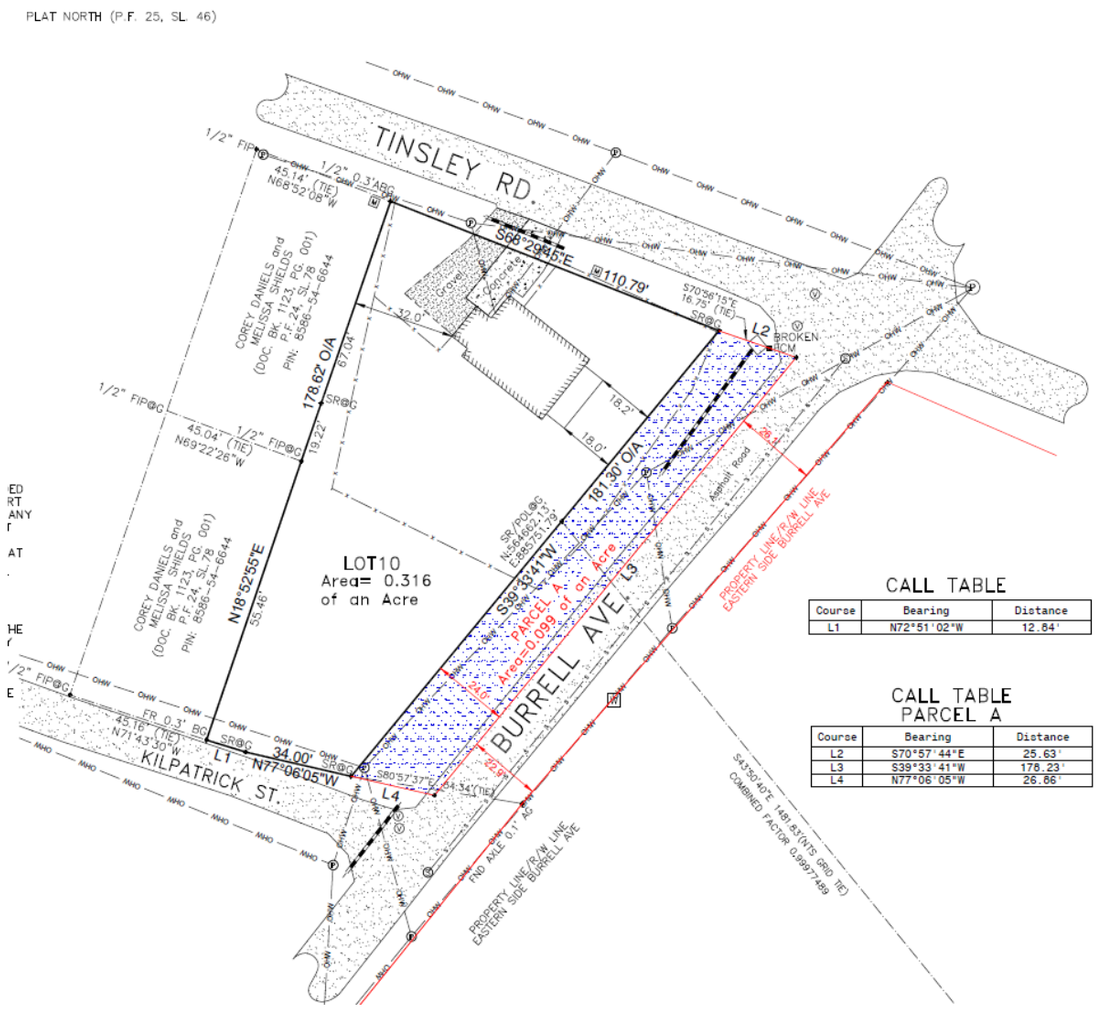
Following additional questions and comments, Mr. Baker moved, seconded by Mr. Wise to approve Option 5 and Option 6, the Carver St. supplementary paving and removing of utility poles and fixing the sidewalk on Carver St. The motion carried unanimously.

Mr. Daniel moved, seconded by Mr. Wise that the remainder of funds go to Option 4. Vote was 3 ayes (Baker, Daniel and Wise); 2 nays (Holder and Lytle). The motion carried.

~~ At 7:05 p.m. Mayor Copelof called for a 5-minute break. ~~
~~ The meeting was reconvened at 7:13 p.m. ~~

M. New Business

M-2. Request to Negotiate Conveyance of Unused Portion of City Utilities / Road Right-of-Way on Burrell Ave. – Aaron Bland explained that the City has received a request to consider relinquishing a portion of the street right-of-way for Burrell Ave., along the property of 930 Tinsley Rd., owned by Harley Raines. In 1973, previous owners of this parcel of land gave a 24-foot wide strip for the right-of-way of Burrell Avenue. The owners have requested that the City consider giving up a portion that has gone unused (the area in blue below) back to the 930 Tinsley Rd. property. There is a 6-inch water line that runs along the eastern edge.



Mr. Baker moved, seconded by Mr. Wise to direct Staff to begin the research and negotiations needed to negotiate relinquishment and conveyance of the property. The motion carried unanimously.

M-3. Resolution Authorizing Application for IMD Feasibility Study Grant Program – Aaron Bland explained that the Integrated Mobility Division (IMD) of the North Carolina Department of Transportation (NCDOT) has been allocated money for another round of the Paved Trails and Sidewalks Feasibility Studies Program. This funds feasibility studies for potential greenway or sidewalk connections. Feasibility studies bridge the gap between conceptual planning and programming of projects. They build upon higher-level planning efforts and take a comprehensive approach to identify possible route alternatives of multimodal corridors. The purpose of this type of study is to evaluate technical feasibility of a project from a design, permitting, and construct-ability perspective. Staff recommends applying for this grant for one of our more complex future greenway phases identified in the *Brevard Pedestrian and Bicycle Plan*:

1. A greenway along Asheville Highway, from Pisgah Highway to the existing Ecusta Trail crossing at Osborne Road, including rerouting the existing section from Osborne to McDonald's to improve user safety.
2. A greenway along Greenville Highway, from Gallimore Road to Hap Simpson Park.
3. A greenway along Greenville Highway, from Brevard Elementary School to Franklin Street.

Following questions and comments, Mr. Baker moved, seconded by Mr. Wise to ask staff to apply for Option 1. Vote was 4 ayes; 1 nay (Lytle). The motion carried.

RESOLUTION NO. 2026-56
A RESOLUTION AUTHORIZING STAFF TO APPLY TO
THE IMD FEASIBILITY STUDIES GRANT PROGRAM

WHEREAS, the IMD Feasibility Studies Grant Program has received funding for another round of applications, in order to develop feasibility studies for sidewalk and shared-use path projects in North Carolina; and

WHEREAS, it is the desire of City Council to apply to this program seeking funding for a feasibility study for a greenway adjacent to Asheville Highway, from Pisgah Highway to the existing Ecusta Trail crossing at Osborne Road, including rerouting the existing section from Osborne to McDonald's to improve user safety; and

WHEREAS, a greenway along Asheville Highway would provide additional connections to residential, employment, and recreation destinations; and

WHEREAS, a greenway along Asheville Highway is identified as a priority greenway in the 2022 Brevard Pedestrian and Bicycle Plan.

NOW THEREFORE, BE IT RESOLVED that the Brevard City Council supports the application to the IMD Feasibility Studies Grant Program for a study of a greenway along Asheville Highway and authorizes City Staff to submit all the required application documents and materials.

Adopted and approved this the 19th day of October 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk s/ Maureen Copelof, Mayor

M-4. Approve Low-Income Homeowner Assistance Program and Accept Dogwood Health Trust Funds – Emily Brewer explained that the Housing Committee has discussed a potential property tax assistance program multiple times in recent years, but there has never been funding for such a project. In August 2026, the Committee endorsed the terms of a potential program in the hopes that establishing these guidelines in advance will allow staff to be nimble in applying for additional funds. Soon thereafter, the Brevard/Transylvania Housing Coalition responded to Dogwood Health Trust's Collaboration and Innovation request for proposals. The Coalition, where the City representatives serve as a core partner, submitted a large proposal for $500,000 to collaboratively address the City's affordable housing crisis through home repair, preservation, eviction diversion, rental assistance, property tax assistance, and seasonal emergency shelters. The partners include: The Haven of Transylvania County (the "Hub" applicant), the City of Brevard, Housing Assistance Corporation, Pisgah Legal Services, The Cove, and Sharing House. As part of this larger effort, $60,000 was requested to establish the Low-Income Property Tax Assistance Program. This program description endorsed by the Housing Committee was used as the foundation for the City's portion of the proposal. All grant dollars received for this program will be distributed to low-income homeowners over two years; all administration costs will be borne by the City with the support of the Coalition partners. Ms. Brewer reviewed the purpose, terms, and implementation process of the Low-Income Homeowner Assistance Program.

Mr. Baker moved, seconded by Ms. Holder to adopt the resolution endorsing the property tax assistance program and accepting the grant award. The motion carried unanimously.

RESOLUTION NO. 2026-57
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING AND ENDORSING THE LOW-INCOME HOMEOWNER ASSISTANCE PROGRAM

WHEREAS, Transylvania County conducted a county-wide property reappraisal, which resulted in an increase of property value assessments by 54% across the county; and

WHEREAS, the City of Brevard recognizes the financial challenges that property taxes may present for low-income homeowners, particularly those on fixed incomes or experiencing increasing housing costs; and

WHEREAS, the City supports efforts to promote housing stability and help eligible homeowners remain in their homes and communities; and

WHEREAS, the City is a member of the Brevard/Transylvania Housing Coalition, comprised of non-profit housing suppliers, support service providers, government agencies, and civic leaders committed to providing access to safe, affordable housing for all Transylvanians; and

WHEREAS, grant funding was made available through Dogwood Health Trust to support cross-sector collaborations in housing initiatives; and

WHEREAS, the Haven of Transylvania County, on behalf of the Coalition, submitted a proposal to collaboratively address the area's housing crisis through home repair, preservation, eviction diversion, property tax assistance, rental assistance, and seasonal emergency shelters; and

WHEREAS, the proposal included $60,000 for the City of Brevard to implement a Low-Income Homeowner Assistance Program; and

WHEREAS, the program is intended to provide financial assistance to eligible low-income homeowners to help offset increased property tax obligations resulting from the property reappraisal, subject to the eligibility criteria, funding limitations, and other terms established by the program; and

WHEREAS, the City Council finds that participation in the program is consistent with the City's commitment to supporting housing stability and addressing the financial burdens faced by eligible homeowners; and

WHEREAS, the City Council desires to accept the available grant funding and endorse the program terms necessary to implement and administer the assistance program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

Section 01. The City Manager is hereby authorized to accept the $60,000 in grant funding for the implementation of the Low-Income Homeowner Assistance Program.

Section 02. The City Council endorses the program terms and eligibility requirements for the Low-Income Homeowner Assistance Program attached hereto (Exhibit A) and authorizes City Staff to take the necessary administrative actions necessary to implement and administer the program.

Section 03. The City Manager is hereby authorized to accept the PRO Housing grant funding if awarded.

Adopted and approved this the 19th day of October 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk s/ Maureen Copelof, Mayor

N. Remarks/Future Agenda Considerations.

Mr. Lytle said going back to the discussions about Fund 82, I would like to make sure I see tonight as a positive. What I heard is that although there was disagreement with where the spend the funds tonight, there is agreement that the funds need to be spent. I'm vying to do the hard work to try to do what we can to raise funds for the pavilion. At such time that we have some momentum, I would like to come back to Council to approve matching funds should we get to that point. All these things are important, and we have to find creative ways to make them work. I want to challenge both Staff and the Parks, Trails & Recreation Committee to come with a very comprehensive plan for our parks and recs—what gets measured gets managed. I think we owe it to ourselves based on the discussions we've had about Fund 82 and what we know is there is a great need in that area to understand exactly what is needed, how much it cost, so that Council can make a clear priority list to make sure everything that is important to constituents is on that list.

Mr. Wise said some of us were able to attend Jimmy Harris' memorial service yesterday and it was probably not surprising, but it was amazing to see how many people came out. It was also wonderful to be reminded how much he loved Brevard.

Ms. Holder said the Harris family remains in our thoughts and prayers. She said I had asked for additional options for funding the Cashiers Valley Rd. sewer extension

and we really didn't get that information prior to tonight. I would like to, if we can, get information in advance so that we are dealing with all of the facts and questions are answered prior to the time for a vote. The disproportionate number of taxes that were raised were mostly found in the Rosenwald Community and I'm glad to see these funds available for anyone to apply for. I'm baffled that we still live in a society like this. When I heard the report when the young lady came to Council and gave the numbers about how disproportionate the tax valuations were, it was shocking and disappointing. Gary said that $7.5M has been spent in Rosenwald and I would like to see what has been spent in other precincts in order to do comparisons—are we being fair; is more being spent in Rosenwald than somewhere else?

Mr. Baker expressed appreciation for the property tax assistance grant and noted that we are approaching the 4-year mark when the revaluations will happen again. He said I want to reiterate to Staff that I know that we've done what we can with that program but as Councilwoman Holder said, the tax valuation process in the state is completely broken. We've got one amendment on the ballot in a couple of weeks having to do with property tax rates, but I haven't heard anything out of Raleigh about tax revaluations, which was the much bigger problem here, and I suspect in a lot of places. I wholeheartedly agree with Councilman Lytle that a priority plan for parks and rec is much needed, and we've got a backlog of maintenance issues and problems at our parks. Our Parks and Rec Master Plan was done in conjunction with the County, but it's now over ten years old—too old to apply to some of the grants we want to go after. It's going to be tough to spend money on a master plan when we've got crumbling parks. I'll challenge Staff to be as creative as we can with the needs that we have. He mentioned that the Public Safety Committee will be looking at the speed data on Hillview Circle.

Mr. Hooper said the tax valuation question has been a frustrating pursuit. Everyone I have called either can't or doesn't seem to want to get to the core of the matter, but I made a connection last week and I will call to see if they can help us delve into the details of the statement of values and figure out if there are some tweaks we can propose the County make to that document before the next revaluation that might make the assessment a little fairer.

Mayor Copelof said I too am so pleased and proud that we got the grant funding for the low-income property tax assistance program. That tells me that persistence pays off and I have to thank Staff for being persistent in applying for the grant again this year. This is a local solution that is solving a problem for our community and hopefully it can be an example for other communities. When you build enough pressure with enough communities doing it themselves, then maybe we can get change at the state level. One of the reasons that the coalition got the grant is because Dogwood recognized the fact that we have worked together so well in partnership and collaboration over the last three years. We are going to show that persistence in finding new ways to fund the Silversteen Park pavilion. I look forward to working with elected officials and community members who have dedicated themselves to looking for funding to complete that project. I want to say we will miss Jimmy. I worked with Jimmy as an elected official for four years. I learned a lot from Jimmy. We didn't always agree on everything, but we always respected one another, and we both had our hearts in the right place in wanting to do the best for this community. It was an amazing service for him yesterday and it showed how well-loved he was.

O. Closed Sessions

O-1. Economic Development: NCGS 143-318.11(a)(4) – At 7:59 p.m. Ms. Holder moved, seconded by Mr. Baker to go into closed session to discuss an economic development matter, and to clear Council Chambers. The motion carried unanimously. City Manager Wilson Hooper and City Clerk Denise Hodsdon were authorized to remain for the closed session with Council and the City Attorney.

Council Returned to Regular Session – at 8:30 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 8:30 p.m. Mr. Baker moved, seconded by Ms. Holder, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: November 2, 2026

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-30
NATIONAL FAMILY CAREGIVERS MONTH

WHEREAS, this November in Brevard, we recognize the 2.1 million family caregivers across our state who are helping their older parents, spouses and other loved ones live independently in their homes and in their communities – where they want to be; and

WHEREAS, Brevard's family caregivers are among millions of Americans recognized this November during National Family Caregivers Month. Family caregivers are the backbone of North Carolina's long-term care system. This extraordinary contribution not only sustains families but also saves our state's taxpayers billions; and

WHEREAS, family caregivers are stressed and overwhelmed by balancing the physical, emotional, financial and often time-consuming demands required to care for their older loved ones. They do it all, help their older loved ones with essential tasks, including medications and medical care, meals, bathing and dressing, chores, finances, grocery shopping, transportation and more; and

WHEREAS, most pay for expensive care out of their own pockets--all while facing soaring prices for everyday essentials like groceries, housing, utilities and health care. Too often, family caregivers stop saving, take on more debt, use up personal short-term savings, leave bills unpaid or pay them late, and borrow money from family and friends to deal with the financial challenges. And for the family caregivers who are also juggling jobs, many must reduce work hours or leave the workforce entirely due to caregiving responsibilities; and

WHEREAS, family caregivers deserve our gratitude, but they also need commonsense solutions that save them money, time, and provide support.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard hereby proclaim November 2026 as **National Family Caregivers Month** in Brevard. Chances are if you are not a family caregiver right now, you have been, you may be at some point, or you know someone who is, or you will someday need a family caregiver yourself to help you live independently at home. Family caregivers need support, including financial relief. I encourage all citizens to reach out to the family caregivers in their lives, thank them for the incredibly important work they do, and support them if you can.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 2nd day of November, 2026.

Maureen Copelof
Maureen Copelof
Mayor

ATTEST:
Denise Hodsdon
Denise Hodsdon, CMC, NCCMC
City Clerk

CITY OF BREVARD, NC · FLOWERS · RECREATION · EDUCATION · ARTS · OPPORTUNITY · INDUSTRY · BB BEAUTIFUL BREVARD · CORPORATE SEAL

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Lance Robert LeDoux, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a Law Enforcement Officer for the City of Brevard, so help me God.

_____
Lance Robert LeDoux

Oath Administered By:

_____
Denise Hodsdon
City Clerk

November 2, 2026
Date

STAFF REPORT
City Council, Monday, November 2, 2026

Title:	Request for Modification to the City of Brevard Extraterritorial Jurisdiction (ETJ)
Speaker:	Aaron Bland, Asst Planning Director
Prepared by:	Aaron Bland, Asst Planning Director
Approved by:	Wilson Hooper, City Manager

Background
The City has received a request to modify the boundaries of the extraterritorial jurisdiction (ETJ) to remove one parcel of land owned by Jeff Rogers, located at 55 Grey Havens Drive, Pisgah Forest, further identified by Property Identification Number 8597-82-4493-000. Said property contains 0.63 acres, more or less.

Discussion
The subject parcel currently has one mobile home on it but historically had two. The property owner cannot replace the second mobile home due to the nonconformities requirements of the Unified Development Ordinance; any grandfathering status has since expired. A new mobile home would require the lot to be subdivided, but because Grey Havens Drive is a private street and the subject lot is >150 feet from the public Cemetery Road, the requirement for frontage on a public street cannot be met.

The subject property is the last property within the ETJ; other parcels beyond the subject property that front on and are accessed by Grey Havens Drive are not in the ETJ. Several parcels on Grey Havens Drive, including the subject property and others outside the ETJ, have city water service.

Policy Analysis
The Grey Havens Drive area is identified in the Building Brevard Comprehensive Land Use Plan as the Conservation Design/Low Density character area.

Action
This report is for public hearing purposes only. At the next regular meeting, Staff will request Council to take one of the following actions:

1. Approve the ETJ modification
2. Approve the ETJ modification with conditions
3. Deny the ETJ modification
4. Table the request for further discussion/consideration

Attachments:

1. Site Map
2. Plat
3. Application Materials



- Fire Districts
- Voter Precincts
- Flood Hazard Areas
- Voluntary Ag District
- NC Surface Water Supply Watersheds
- Contour Lines
- Schools
- Pisgah Forest Open Use
- Pisgah Forest Mixed Use
- Manufactured Home Overlay
- Brevard Zoning Districts
- Brevard City Limits
- Sewer Lines
- Rosman Town Limits
- Roads
- Parcels
- Addresses
- 2019 Ortho
- 2015 Ortho

Activate Windows
Go to Settings to activate Windows.

LEGEND:

= PROPERTY LINE
= ADJOINING PROPERTY LINE
= TIE LINE
= RIGHT OF WAY
= OVERHEAD UTILITY LINES
= DITCH
= CHAIN LINK FENCE
= STORM PIPE
= GRAVEL

IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
CMF = CONCRETE MONUMENT FOUND
IRS = IRON REBAR SET
MNS = MAG NAIL SET
= POINT/CORNER NOT SET
= ORANGE PIN FLAG
= COMMUNICATIONS PEDESTAL
= TRANSFORMER
R/W = RIGHT OF WAY
PB = PLAT BOOK
DB = DEED BOOK
PG. = PAGE
SF = SQUARE FEET
CPP = CORRUGATED PLASTIC PIPE

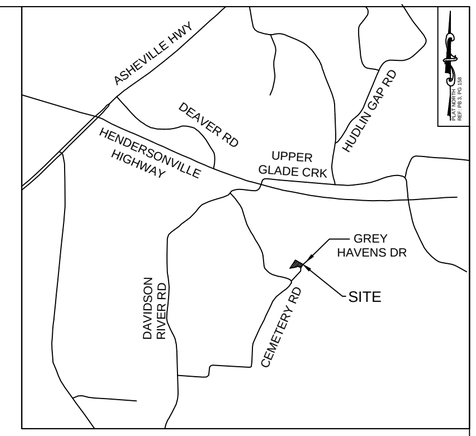
SITE DATA:

PROPERTY ADDRESS:
7 GREY HAVENS DRIVE
PISGAH FOREST, NC
PIN #: 8597-82-4493-000
DB 445 PG. 133
PB 3 PG. 158

TOTAL AREA: 0.67 ACRES TOTAL

ZONING:
EXISTING ZONING: BREVARD GENERAL RESIDENTIAL 4
SETBACKS: FRONT 15'
REAR 25'
SIDE 6'

PLAT NORTH
REF: PB 3, PG 158

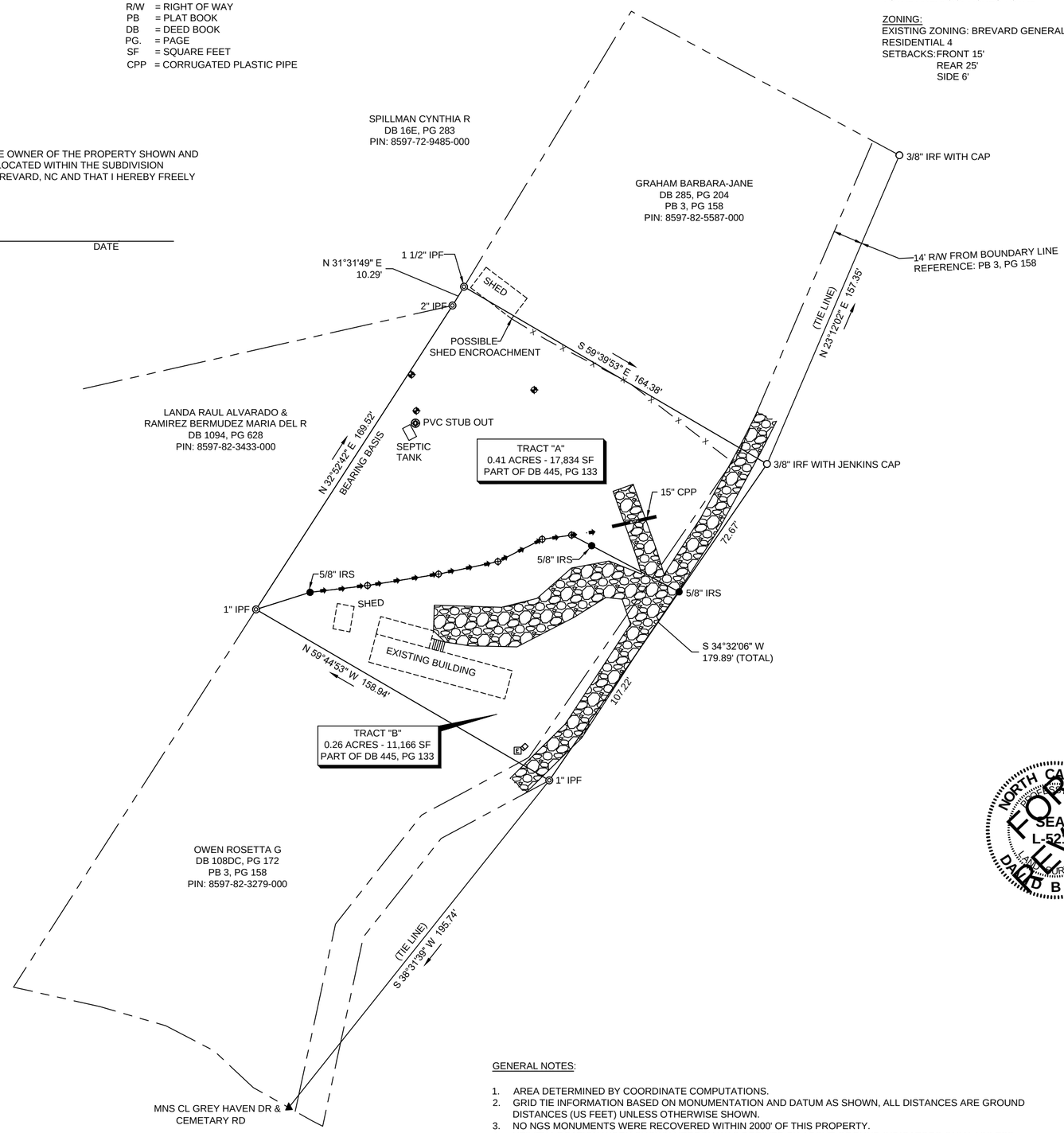


VICINITY MAP
1" = 2000'

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF THE CITY OF BREVARD, NC AND THAT I HEREBY FREELY ADOPT THIS PLAN

OWNER(S) DATE



SURVEYOR'S CERTIFICATION:

"I, DAVID B. IVEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 445 PAGE 133, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AS PAGE SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 ; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

G.S. 47-30 F(11)(A) THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 15TH DAY OF JUNE, 2026 A.D.

PROFESSIONAL LAND SURVEYOR

L-5210
LICENSE NUMBER

REVIEW OFFICER CERTIFICATION. STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA
I, _____, REVIEW OFFICER OF TRANSYLVANIA COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL THE STATUTORY REQUIREMENTS FOR RECORDING.
DATE:_____

REVIEW OFFICER: _____

CERTIFICATE OF MINOR SUBDIVISION PLAT APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC INFRASTRUCTURE OR ANY CHANGE IN EXISTING PUBLIC STREETS OR CHANGE IN EXISTING UTILITIES, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH THE SUBDIVISION PROVISIONS OF THE BREVARD UNIFIED DEVELOPMENT ORDINANCE. THE PLAT HAS BEEN FOUND TO COMPLY WITH THE ZONING REGULATIONS OF THE BREVARD UNIFIED DEVELOPMENT ORDINANCE, AND HAS BEEN APPROVED BY THE CITY OF BREVARD FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF TRANSYLVANIA COUNTY, PROVIDED THAT THIS PLAT IS RECORDED WITHIN THIRTY (30) DAYS OF THE DATE OF MY SIGNATURE BELOW.

REVIEW OFFICER DATE

NORTH CAROLINA PROFESSIONAL SEAL L-5210 LAND SURVEYOR DAVID B. IVEY

SUBDIVISION PLAT FOR: JEFF ROGERS

OWNER:
JEFF ROGERS

COMMUNITY OF PISGAH FOREST
(PROPERTY WITHIN BREVARD ETJ)
TOWNSHIP: BREVARD
SCALE: 1"=40'

TRANSYLVANIA COUNTY
NORTH CAROLINA
DATE: 06-15-2026

40 0 20 40 80 160

GENERAL NOTES:

1. AREA DETERMINED BY COORDINATE COMPUTATIONS.
2. GRID TIE INFORMATION BASED ON MONUMENTATION AND DATUM AS SHOWN, ALL DISTANCES ARE GROUND DISTANCES (US FEET) UNLESS OTHERWISE SHOWN.
3. NO NGS MONUMENTS WERE RECOVERED WITHIN 2000' OF THIS PROPERTY.
4. UTILITY LOCATION WORK SHOWN HEREON WAS DERIVED BY ABOVE GROUND INDICATORS ONLY, UNLESS OTHERWISE NOTED.
6. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS OR RIGHTS OF WAY RECORDED PRIOR TO THE DATE OF THIS MAP WHICH WERE NOT VISIBLE AT THE TIME OF INSPECTION.
8. THE CLASSIFICATION OF THIS SURVEY IS NORTH CAROLINA CLASS A.
9. HORIZONTAL DATUM: NAD83(2011).
10. THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X (ZONE X AREAS ARE DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AREA AS INDICATED ON THE FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 3700859700J, EFFECTIVE DATE OCTOBER 2, 2009.

FEI
Civil Engineers and Land Surveyors
Benchmark Center
7 Glenn Bridge Road, Suite H
Arden, NC 28704
www.feiconsulting.com
(828) 676-2011
License No. C-0950

PROJ. NO. 03075.018 | DRAWN BY: DBI

City of Brevard
828-885-5630

95 West Main Street
Brevard, NC 28712

Record Report for ETJ Modification #ETJ-26-0002

Record Overview

Record Number: ETJ-26-0002

Record Type: ETJ Modification

Record Status: In Progress

Record Submitted At: Monday August 3, 2026

Record Address: 57 Grey Havens DrPisgah Forest, NC 28768

Record Owner: Aaron Bland

Record Applicant: James King

Form Submission

Applicant / Property Owner:
Jeff Rogers
[redacted], (828) 577-6548

Property Address: 57 Grey Havens DrPisgah Forest, NC 28768

Parcel Identification Numbers (PIN): 8597-82-4493-000

Zoning District(s): General Residential - 4 (GR4)

Overlay District(s): None

Request: Remove property from ETJ

Do you declare vested rights? : No

Signature:



Signed in GovWell: Monday August 3, 2026, 1:09pm

Signature:



Signed in GovWell: Monday August 3, 2026, 1:09pm

Docusign Envelope ID: 2030AFD3-931B-8937-81E9-1E8775634816

The City of Brevard North Carolina

City of Brevard Planning Department
95 West Main Street
Brevard, North Carolina 28712
Phone (828) 885-5630
cityofbrevard.com

File# _____

CITY OF BREVARD

APPOINTMENT OF AGENT

I Jeff Rogers, owner of property located at (street address) 57 Grey Haven Dr Pisgah Forest NC 28768 and identified by the Transylvania County Tax Identification Number (PIN#): 8597-82-4493-000, located in Transylvania County, North Carolina, do hereby appoint James King to represent me in filing an application for ETJ Removal. I understand that this includes acting as my agent in all matters, formal and informal, and receiving all official correspondence as it relates to this request and any required hearing.

Property Owner Signature: Signed by: [signature] 6CE6BB15B76E4B3... Date: 9/17/2026

Mailing Address: 62 Fulcher Dr Pisgah Forest NC

Phone: 828-577-6548 Email: [redacted]

Agent Name: James King

Mailing Address: 6045 Asheville Hwy Hendersonville NC 28791

Phone: 828-684-4874 Email: [redacted]

STAFF REPORT
City Council, Monday, November 2, 2026

Title:	Proposed Amendments to City of Brevard Unified Development Ordinance Chapter 16 - Vesting Period
Speaker:	Emily Brewer, AICP, Senior Planner
Prepared by:	Emily Brewer, Senior Planner
Approved by:	Paul Ray, Planning Director, Wilson Hooper, City Manager

Background & Discussion
North Carolina Session Law 2026-59, adopted August 11, 2026, amended NCGS Section 160D-108.1: *Vested Rights - Site Specific Vesting Plans.* These amendments extend the statutorily required duration of site-specific vesting plans.

A site-specific vesting plan is a development plan submitted to a local government that describes the type and intensity of use for a specific property, establishing a statutory zoning vested right (an immunity from subsequent changes in local zoning ordinances) once it receives valid approval. Previously, NCGS required that site-specific vesting plans receive approval for a minimum of two years and a maximum of five years. Now, the minimum period is five years with a maximum of eight. This amendment incorporates those higher periods into our ordinance language.

On October 27th, Planning Board considered the proposed amendments and recommended in favor of its adoption. In accordance with State law, Planning Board also forwards a statement regarding the consistency of this proposal with regards to the City of Brevard's adopted plans and policies.

Policy Analysis
The Building Brevard 2030 Comprehensive Land Use Plan does not contemplate vesting periods. These proposed changes are needed to comply with amendments to State law.

Action
This information is for public hearing only; no action is requested at this time. At the next regular meeting, Staff will request that Council takes one of the following actions:

1. Adopt the amendments as presented;
2. Adopt the amendments as revised by Council;
3. Reject the amendments; or
4. Table the amendments for further consideration.

Attachments:
1. Vested Rights Text Amendment

2. Consistency Statement
3. Session Law 2026-59 (see Section 41a)
4. Draft Ordinance

UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 16. ADMINISTRATION

16.10. Vested rights—Site-specific vesting plans.

A. *General procedures:*

1. Pursuant to G.S. 160D-108 and notwithstanding any other provision or amendment, a landowner may apply for approval of a site-specific vesting plan as defined in the statute that shall entitle said landowner to develop property in accordance with the previously approved plan.
2. All requests for vested rights shall be accompanied by a copy of the approved development plan in accordance with the provisions of this chapter. A request to extend vested rights to a previously approved development plan shall be reviewed and approved by the city council after notice and public hearing pursuant to Section 16.7.D.

B. *Administrative review procedure:*

1. The applicant shall request a meeting with the administrator and submit an application and a master plan as defined in CHAPTER 17. Upon determination of completeness of the application, the administrator shall authorize the applicant to submit the master plan for formal review.
2. The administrator shall review and make comment on the master plan. If the master plan is denied, the reasons for denial shall be stated in writing and the applicant may resubmit the development for further review.
3. The administrator shall require evidence of approval of any other permit required by any other federal, state, or local agency (i.e., NCDOT permits, NCDENR permits, Army Corps of Engineers permits, etc.).
4. The administrator may require that the application be circulated to other relevant city, county, and state agencies, committees, and officials for comment(s) as to the proposed development's conformance to all applicable standards and requirements and whether approval is recommended. The applicable agencies, committees, and officials shall transmit any recommendations to the technical review committee (TRC).
5. When the administrator determines that the application is complete and complies with this ordinance, the administrator shall transmit submitted application materials along with any recommendations to the TRC.
6. The TRC shall review and make comment on the application. The TRC may require a Traffic Impact Study, and Environmental Impact Statement, and any other additional information as necessary to properly consider the application.
7. The TRC shall, within 30 days of receipt of all necessary application materials and additional information, take action to recommend approval, approval with conditions, or deny the application.

C. *Legislative procedure:* If a site-specific vesting plan is based on an underlying legislative or quasi-judicial approval, such as a special use permit or a conditional zoning district, the administrator shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than two years does not affect the duration of the site-specific vesting plan established under this section. If

the site-specific vesting plan is not based on such an approval, a legislative hearing with BPB recommendation and notice pursuant to Section 16.7.D shall be held.

D. *City council action:*

1. The city council shall determine whether or not to grant or establish a vested right after the review and consideration of the application by TRC and the BPB in accordance with the aforementioned procedures.
2. The city council may not require the landowner to waive his or her vested right as a condition of development approval.
3. The city council may approve the vested rights for a period greater than two years where it is found that due to:
   a. The sizing and phasing of the development; or,
   b. The level of investment; or,
   c. The need for the development; or,
   d. Economic cycles; or,
   e. Market conditions.
4. Building permits for all phases of the development cannot be secured within two years, provided the total period does not exceed five years from the date of plan approval of the site.

E. *Effect of approval of vesting:*

1. The effect of the city council approving a vested plan shall be to vest such site plan for a period of ~~two~~ five years to ~~five~~ eight years as approved by the city council from the date of approval.
2. A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approved site-specific vesting plan as provided for in this section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the previously granted or established vested right.
3. A vested right, once established shall preclude any ~~zoning action~~development regulation by the city which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property in accordance with the approved site-specific development plan except under the following conditions where such rights are terminated and revoked:
   a. The affected landowner provides written consent to the city of his or her desire to terminate the vested right; or,
   b. The city determines after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the plan; or,
   c. Compensation is made by the city to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or,
   d. The city determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the city council of the plan; or,
   e. ~~Upon the enactment of a~~ As required by state or federal law or regulations which precludes development as shown in plan. In such case the city may, after having advertised and conducted a

public hearing, modify the affected provisions upon a finding that this change in state or federal law has a fundamental effect on the plan.

4. Once a vested right is granted to a particular plan, nothing in this section shall preclude the city from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are consistent with the original approval.
5. ~~The establishment of a vested right on a piece of property for a site-specific development plan shall not preclude the city from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this ordinance.~~ The establishment of a vested right under this section precludes the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new development regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.
6. Upon issuance of a development permit, the granted statutory vesting is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to Section 16.13.

F. *Establishment of common law vesting plans:*

1. Previously approved site-specific vesting plans shall be reviewed for compliance and consistency and subsequently approved by the administrator or designee in accordance with the provisions of this chapter, providing the proposed preliminary plat for the major subdivision does not deviate from, and is subdivided in accordance with the previously approved site-specific plan.
2. Preliminary plats for major subdivisions with previously vested site-specific plans shall be reviewed for compliance and consistency and approved by the administrator or designee, providing the proposed preliminary plat for major subdivision does not deviate from, and is subdivided in accordance with the previously approved site-specific plan. Substantial financial investment must be determined and a good faith effort made to develop proportionate to the approved statutory vested plan.

G. *Revocation or expiration of a vested right:*

1. The vested right, resulting from the approval of a site-specific vesting plan, may be revoked by the city council if the city council determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of this ordinance. As prescribed under the provisions of G.S. 160D-308, the vested right shall otherwise expire at the end of the approval period established by the city council. A building permit issued by the Transylvania County Building Inspector pursuant to G.S. 160D-403 may not expire or be revoked because of the running of time on a piece of property while a plan has been approved and the vested right period has not otherwise expired.

H. *Establishment of multiphase development vesting plan:*

1. A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and UNIFIED DEVELOPMENT ORDINANCEs in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development.

COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS

NCGS 160D-604 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning text amendment is **neither consistent nor inconsistent** with the City's adopted plans and policies, including the *Building Brevard 2030* Comprehensive Land Use Plan.

SESSION LAW 2026-59
SENATE BILL 445

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

PART I. BUSINESS AND ADMINISTRATIVE REFORMS

DE NOVO REVIEW OF AGENCY RULES

SECTION 1.(a) G.S. 150B-34 reads as rewritten:

"**§ 150B-34. Final decision or order.**

(a) In each contested case the administrative law judge shall make a final decision or order that contains findings of fact and conclusions of law. The administrative law judge shall decide the case based upon the preponderance of the ~~evidence, giving due regard to~~ evidence. The administrative law judge may be informed by the demonstrated knowledge and expertise of the agency with respect to facts and inferences within the specialized knowledge of the ~~agency.~~agency but shall apply traditional de novo review to the interpretation of State rules and regulations.

(b) Repealed by Session Laws 1991, c. 35, s. 6.

(c) Repealed by Session Laws 2011-398, s. 18. For effective date and applicability, see editor's note.

(d) Except for the exemptions contained in G.S. 150B-1, the provisions of this section regarding the decision of the administrative law judge shall apply only to agencies subject to Article 3 of this Chapter, notwithstanding any other provisions to the contrary relating to recommended decisions by administrative law judges.

(e) An administrative law judge may grant judgment on the pleadings, pursuant to a motion made in accordance with G.S. 1A-1, Rule 12(c), or summary judgment, pursuant to a motion made in accordance with G.S. 1A-1, Rule 56, that disposes of all issues in the contested case. Notwithstanding subsection (a) of this section, a decision granting a motion for judgment on the pleadings or summary judgment need not include findings of fact or conclusions of law, except as determined by the administrative law judge to be required or allowed by G.S. 1A-1, Rule 12(c), or Rule 56."

SECTION 1.(b) G.S. 150B-51 reads as rewritten:

"**§ 150B-51. Scope and standard of review.**

(a), (a1) Repealed by Sessions Laws, 2011-398, s. 27. For effective date and applicability, see editor's note.

(b) The court reviewing a final decision may affirm the decision or remand the case for further proceedings. It may also reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the findings, inferences, conclusions, or decisions are:

(1) In violation of constitutional provisions;

(2) In excess of the statutory authority or jurisdiction of the agency or administrative law judge;

(3) Made upon unlawful procedure;
(4) Affected by other error of law;
(5) Unsupported by substantial evidence admissible under G.S. 150B-29(a), 150B-30, or 150B-31 in view of the entire record as submitted; or
(6) Arbitrary, capricious, or an abuse of discretion.

(c) In reviewing a final decision in a contested case, the court shall determine whether the petitioner is entitled to the relief sought in the petition based upon its review of the final decision and the official record. With regard to asserted errors pursuant to subdivisions (1) through (4) of subsection (b) of this section, the court shall conduct its review of the final decision using the de novo standard of review. With regard to asserted errors pursuant to subdivisions (5) and (6) of subsection (b) of this section, the court shall conduct its review of the final decision using the whole record standard of review. In conducting its review of the final decision, the court may be informed by the agency's interpretation of its own rules or regulations but shall apply traditional de novo review to the interpretation of State rules and regulations.

(d) In reviewing a final decision allowing judgment on the pleadings or summary judgment, the court may enter any order allowed by G.S. 1A-1, Rule 12(c) or Rule 56. If the order of the court does not fully adjudicate the case, the court shall remand the case to the administrative law judge for such further proceedings as are just."

SECTION 1.(c) This section is effective when it becomes law and applies to actions pending or filed on or after that date.

ORDINANCE EXEMPTION FOR CERTAIN NONCONFORMING ON-PREMISES SIGNS

SECTION 2. G.S. 160D-912.1 is amended by adding a new subsection to read:

"(e) This section shall not apply to an ordinance regulating on-premises advertising signs that was lawfully adopted by a local government, and (i) included an amortization period of 10 or more years during which a nonconforming sign was allowed to remain in place before it was required to be removed or brought into compliance with the current sign ordinance and (ii) the date of compliance under the amortization period expired on or prior to July 1, 2024."

REMOVE DEADLINE FOR EDUCATOR PREPARATION PROGRAM RULE ADOPTION

SECTION 3.(a) All of the following provisions are repealed:
(1) Section 7(b) of S.L. 2017-189.
(2) Section 7(f) of S.L. 2017-189.
(3) Section 4 of S.L. 2019-149.

SECTION 3.(b) By October 15, 2026, the State Board of Education, in consultation with the Department of Public Instruction, The University of North Carolina System Office, the Community Colleges System Office, and the North Carolina Independent Colleges and Universities, shall report to the Joint Legislative Education Oversight Committee on recommendations for an educator preparation program accountability model, including any necessary changes to State law that would be required to implement the accountability model.

FURTHER PROHIBIT PROPERTY RESTRICTIONS ON FLYING THE AMERICAN AND NORTH CAROLINA FLAGS

SECTION 4.(a) G.S. 47C-3-121 reads as rewritten:

"**§ 47C-3-121. American and State flags and political sign displays.**

Notwithstanding any provision in any declaration of covenants, no restriction on the use of land shall be construed to:

(1) Regulate or prohibit the display of the flag of the United States or North Carolina, of a size no greater than four feet by six feet, which is displayed in

accordance with or in a manner consistent with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended, governing the display and use of the flag of the United ~~States unless:~~States.

~~a. For restrictions registered prior to October 1, 2005, the restriction specifically uses the following terms:~~

~~1. Flag of the United States of America;~~

~~2. American flag;~~

~~3. United States flag; or~~

~~4. North Carolina flag.~~

~~b. For restrictions registered on or after October 1, 2005, the restriction shall be written on the first page of the instrument or conveyance in print that is in boldface type, capital letters, and no smaller than the largest print used elsewhere in the instrument or conveyance. The restriction shall be construed to regulate or prohibit the display of the United States or North Carolina flag only if the restriction specifically states: "**THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA OR STATE OF NORTH CAROLINA"**.~~

This subdivision shall apply to owners of property who display the flag of the United States or North Carolina on property owned exclusively by them and does not apply to common areas, easements, rights-of-way, or other areas owned by others.

…."

SECTION 4.(b) G.S. 47F-3-121 reads as rewritten:

"**§ 47F-3-121. American and State flags and political sign displays.**

Notwithstanding any provision in any declaration of covenants, no restriction on the use of land shall be construed to:

(1) Regulate or prohibit the display of the flag of the United States or North Carolina, of a size no greater than four feet by six feet, which is displayed in accordance with or in a manner consistent with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended, governing the display and use of the flag of the United ~~States unless:~~States.

~~a. For restrictions registered prior to October 1, 2005, the restriction specifically uses the following terms:~~

~~1. Flag of the United States of America;~~

~~2. American flag;~~

~~3. United States flag; or~~

~~4. North Carolina flag.~~

~~b. For restrictions registered on or after October 1, 2005, the restriction shall be written on the first page of the instrument or conveyance in print that is in boldface type, capital letters, and no smaller than the largest print used elsewhere in the instrument or conveyance. The restriction shall be construed to regulate or prohibit the display of the United States or North Carolina flag only if the restriction specifically states: "**THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA OR STATE OF NORTH CAROLINA"**.~~

This subdivision shall apply to owners of property who display the flag of the United States or North Carolina on property owned exclusively by them and does not apply to common areas, easements, rights-of-way, or other areas owned by others.

…."

SECTION 4.(c) This section is effective when it becomes law.

CONFORM DEFINITION OF "MANUFACTURED HOME" WITH FEDERAL DEFINITION

SECTION 5.(a) G.S. 25-9-102(53) reads as rewritten:

"(53) Manufactured home. – ~~A structure, transportable in one or more sections that satisfies all of the following requirements:~~

~~a. In the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet.~~

~~b. Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.~~

~~c. Includes plumbing, heating, air-conditioning, and electrical systems.~~

~~The term includes any structure that meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.~~As defined in 42 U.S.C. § 5402(6), as amended."

SECTION 5.(b) G.S. 143-143.9(6) reads as rewritten:

"(6) Manufactured home. – ~~A structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or is 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.~~As defined in 42 U.S.C. § 5402(6), as amended."

SECTION 5.(c) G.S. 143-145(7) reads as rewritten:

"(7) Manufactured home. – ~~A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.~~ For manufactured homes built on or after June 15, 1976, as defined in 42 U.S.C. § 5402(6), as amended. For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width."

SECTION 5.(d) G.S. 20-58.4A(e) reads as rewritten:

"(e) Notwithstanding any requirement in this Chapter that a lien on a motor vehicle shall be noted on the face of the certificate of title, if there are one or more liens or encumbrances on the motor vehicle or ~~mobile~~ manufactured home, the Division may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the Division and shall include the name and address of the person satisfying the lien."

SECTION 5.(e) G.S. 24-1.1E(a)(4) reads as rewritten:

"(4) A "high-cost home loan" means a loan other than a reverse mortgage transaction in which:

a. The principal amount of the loan (or, in the case of an open-end credit plan, the borrower's initial maximum credit limit) does not exceed the lesser of (i) the conforming loan size limit for a single-family dwelling as established from time to time by Fannie Mae, or (ii) three hundred thousand dollars ($300,000);

b. The borrower is a natural person;

c. The debt is incurred by the borrower primarily for personal, family, or household purposes;

d. The loan is secured by either (i) a security interest in a manufactured home (as defined in ~~G.S. 143-147(7))~~ G.S. 143-145(7)) which is or will be occupied by the borrower as the borrower's principal dwelling, or (ii) a mortgage or deed of trust on real estate upon which there is located or there is to be located a structure or structures designed principally for occupancy of from one to four families which is or will be occupied by the borrower as the borrower's principal dwelling; and

e. The terms of the loan exceed one or more of the thresholds as defined in subdivision (6) of this section."

SECTION 5.(f) G.S. 47-20.6 is amended by adding a new subsection to read:

"(e) For purposes of this section, the term "manufactured home" is as defined in 42 U.S.C. § 5402(6), as amended."

SECTION 5.(g) G.S. 41-56(d) reads as rewritten:

"(d) When spouses become co-owners of a mobile home, in the absence of a contrary intention appearing in the instrument of title, the spouses become tenants by the entirety with all the incidents of an estate by the entirety in real property, including the right of survivorship in the case of death of either spouse. For the purposes of this subsection, it is immaterial whether the property at any particular time is classified for any purpose as either real or personal. Nothing in this subsection is deemed to limit or prohibit any other type of ownership otherwise authorized by law. For the purposes of this subsection, the term "mobile home" means ~~a~~ any of the following:

(1) A portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

(2) ~~As used in this subsection, the term "mobile home" also means a~~ A double-wide mobile home consisting of two or more portable manufactured housing units that are designed for transportation on their own chassis and are connected on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

(3) A "manufactured home" as defined in 42 U.S.C. § 5402(6), as amended."

SECTION 5.(h) G.S. 47H-1(5) reads as rewritten:

"(5) Property. – Either (i) real estate located in this State, upon which there is located or there is to be located a structure or structures designed principally for occupancy of from one to four families that is or will be occupied by the

purchaser as the purchaser's principal dwelling, or (ii) a manufactured home, as that term is defined in ~~G.S. 143-149.9,~~ G.S. 143-143.9(6), that is located in this State and is or will be occupied by a purchaser as the purchaser's principal dwelling, if the purchase price is five thousand dollars ($5,000) or more."

SECTION 5.(i) G.S. 58-36-90(a)(6) reads as rewritten:

"(6) "Residential property" means real property with not more than four housing units located in this State, the contents thereof and valuable interest therein, and insurance coverage written in connection with the sale of that property. It also includes mobile homes, manufactured homes as defined in G.S. 143-143.9(6), modular homes, townhomes, condominiums, and insurance on contents of apartments and rental property used for residential purposes."

SECTION 5.(j) This section becomes effective October 1, 2026.

TEMPORARY EVENT EXEMPTION FOR ELECTRIC WORK

SECTION 6.(a) G.S. 87-43.1 is amended by adding a new subdivision to read:

"(12) To any person when that person is temporarily attaching listed single 3-prong (NEMA 5-15R or 5-20R) receptacles or power taps to existing temporary luminaires or lighting fixtures and plugging those luminaires or fixtures into existing permanent receptacles, only when all of the following apply:

a. The work is performed solely for a permitted international wholesale trade show in an exhibition hall, mercantile, or assembly occupancy space in this State.

b. A valid electrical permit is obtained from the local authority having jurisdiction prior to the work.

c. The work is inspected and approved by the local electrical inspector before the international wholesale trade show opens."

SECTION 6.(b) This section is effective when it becomes law and applies to permitted events occurring on or after that date.

EXEMPT CERTAIN INDIVIDUALS FROM BARBER AND COSMETIC ARTS LICENSING

SECTION 7.(a) G.S. 86B-32 reads as rewritten:

"**§ 86B-32. Persons exempt from the provisions of this Article.**

The following persons are exempt from the provisions of this Article while engaged in the proper discharge of their duties:

(1) Persons authorized under the laws of the State to practice medicine and surgery, and those working under their supervision.

(2) Commissioned medical or surgical officers of the United States Army or other components of the Armed Forces of the United States, and those working under their supervision.

(3) Registered nurses and licensed practical nurses and those working under their supervision.

(4) Licensed embalmers and funeral directors and those working under their supervision.

(5) Persons who are working in licensed cosmetic shops or beauty schools and are licensed by the State Board of Cosmetic Art Examiners pursuant to Chapter 88B of the General Statutes.

(6) Persons who are working in barbershops and are licensed by the State Board of Cosmetic Art Examiners pursuant to Chapter 88B of the General Statutes, provided that those persons shall comply with G.S. 86B-31.

(7) Inmates under the jurisdiction of the North Carolina Department of Adult Correction.

(8) Persons ~~who are employed by barbershops and~~ whose duties are expressly confined to the shampooing or blow drying of hair, provided that the person shall comply with G.S. 86B-31."

SECTION 7.(b) G.S. 88B-25 reads as rewritten:

"**§ 88B-25. Exemptions.**

The following persons are exempt from the provisions of this Chapter while engaged in the proper discharge of their professional duties:

(1) Undertakers and funeral establishments licensed under G.S. 90-210.25.

(2) Persons authorized to practice medicine or surgery under Chapter 90 of the General Statutes.

(3) Nurses licensed under Chapter 90 of the General Statutes.

(4) Commissioned medical or surgical officers of the United States Army, Air Force, Navy, Marine Corps, Space Force, or Coast Guard.

(5) A person ~~employed in a cosmetic art shop~~ whose duties are expressly confined to the shampooing or blow drying of hair, provided that the person shall comply with ~~rules adopted by the Board relating to sanitary management of cosmetic art shops.~~G.S. 86B-31."

CLARIFY EXEMPTION FOR STRETCHING SERVICES AT MASSAGE AND BODYWORK THERAPY ESTABLISHMENTS

SECTION 8.(a) G.S. 90-622 reads as rewritten:

"**§ 90-622. Definitions.**

The following definitions apply in this Article:

…

(1a) Active stretching. – The provision by a practitioner of resistance or guidance while a client engages the client's own muscles to move a part of the client's body through a range of motion.

(1b) Active-assisted stretching. – A combination of passive stretching and active stretching.

~~(1a)~~(1c) Board. – The North Carolina Board of Massage and Bodywork Therapy.

…

(4b) Passive stretching. – The movement by a practitioner of a part of a client's body through a range of motion without muscular effort by the client.

…

(7) Stretching services. – The provision to a client of passive stretching, active stretching, or active-assisted stretching. Stretching services do not include any of the following:

a. Effleurage, petrissage, or tapotement.

b. Deep tissue manipulation.

c. Myofascial release.

d. Any other system of activity applied to the soft tissues of the human body within the meaning of subdivision (3) of this section."

SECTION 8.(b) G.S. 90-624 is amended by adding a new subdivision to read:

"(9) The provision of stretching services by a person who provides only stretching services, as provided in G.S. 90-624.1."

SECTION 8.(c) Article 36 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-624.1. Stretching services.**

(a) Notwithstanding G.S. 90-622(3)a., a person who provides only stretching services is not required to be licensed under this Article with respect to the provision of those stretching services.

(b) A massage and bodywork therapy establishment may employ or contract with one or more persons to provide stretching services. This subsection applies regardless of whether a person provides stretching services as an employee of the establishment or as an independent contractor.

(c) The license of a massage and bodywork therapy establishment does not extend any authorization to practice massage and bodywork therapy to a person who provides only stretching services at the establishment, and the person is not authorized to practice massage and bodywork therapy pursuant to the establishment's license.

(d) Nothing in this section shall be construed to do any of the following:

(1) Authorize a person who is not licensed under this Article to practice massage and bodywork therapy.

(2) Alter, limit, or expand the definition of massage and bodywork therapy in G.S. 90-622(3) or the practice of massage and bodywork therapy under this Article.

(3) Alter or limit the ability of a person not licensed under this Article to provide stretching services outside of a licensed massage and bodywork therapy establishment.

(4) Affect, limit, or impair any civil remedy otherwise available to a client under any other provision of law."

SECTION 8.(d) G.S. 90-632.16 reads as rewritten:

"**§ 90-632.16. Unlicensed massage and bodywork therapy prohibited at massage and bodywork therapy establishments.**

A massage and bodywork therapy establishment shall not employ or contract with any person in this State to provide massage and bodywork therapy unless that person holds a current license to practice massage and bodywork therapy issued pursuant to this Article. This section does not prohibit a massage and bodywork therapy establishment from employing or contracting with a person to provide only stretching services as provided in G.S. 90-624.1, and for purposes of this section, a person who provides only stretching services is not a person employed or contracted to provide massage and bodywork therapy."

LIMIT LOCAL GLAZING AND TRANSPARENCY REQUIREMENTS

SECTION 9.(a) Article 7 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-702.1. Glazing and transparency limitations.**

(a) Definitions. – The following definitions apply in this section:

(1) Glazing requirement. – Any zoning regulation, development regulation, design standard, or permitting requirement for windows, doors, storefront glass, glass block, transparent or translucent panels, faux windows, or similar facade treatments intended to satisfy a transparency or facade-opening requirement.

(2) Ground-floor facade area. – The exterior wall area of a building measured from grade to 10 feet above grade, excluding loading docks, service bays, mechanical areas, emergency exits, vehicular doors, and other functional areas that are not reasonably treated as storefront facade.

(b) General Limitation. – No local government may adopt or enforce a glazing requirement that requires glazing, transparency, windows, doors, storefront glass, faux windows, or other transparent or translucent facade materials to exceed thirty-five percent (35%) of the ground-floor facade area of a commercial or mixed-use building.

(c) Limitation for Non-Storefront Uses. – For portions of a commercial or mixed-use building used primarily for non-storefront purposes, no local government may adopt or enforce a glazing requirement that requires glazing or transparency to exceed twenty percent (20%) of the ground-floor facade area. Non-storefront uses include all of the following:

(1) Religious assembly or sanctuary space.
(2) Medical or dental examination, treatment, or healthcare services.
(3) Educational instruction or counseling.
(4) Civic or nonprofit services.
(5) Funeral services.
(6) Lodge or meeting hall use.
(7) Storage or back-of-house operations.
(8) Other institutional, assembly, or service uses not primarily operated as walk-in retail, restaurant, bar, entertainment, or commercial storefront uses.

(d) Voluntary Glazing. – The limitations in subsections (b) and (c) of this section apply only to glazing or transparency required by a local government. Nothing in this section limits glazing voluntarily provided by an owner, developer, architect, or tenant, except that a local government may not condition the approval of a development permit, special use permit, conditional use permit, variance, or other development approval upon the voluntary provision of glazing in excess of the limits in this section.

(e) Exceptions. – This section does not apply to or affect any of the following:

(1) The North Carolina Building Code, including emergency egress, accessibility, or energy efficiency requirements.
(2) The North Carolina Fire Code.
(3) Floodplain or floodproofing requirements.
(4) Requirements imposed by State or federal law.
(5) Property located within a local historic district established under G.S. 160D-944 or an individually designated local historic landmark established under Article 9 of this Chapter.
(6) Property subject to review by a local historic preservation commission for a certificate of appropriateness.
(7) Property subject to a federal or State historic preservation review requirement, including a requirement related to the use of federal or State historic tax credits, grants, or funding.
(8) State or federal requirements for airport safety, military installation safety, or other public safety requirements."

SECTION 9.(b) This section becomes effective October 1, 2026, and any development regulation that is inconsistent with G.S. 160D-702.1, as enacted by this section, on or after that date is void and unenforceable to the extent of the inconsistency. This section does not affect the validity of a development approval issued, or an application for a development approval submitted, before the effective date of this section.

ATV RIDER RESTRICTION MODIFICATION

SECTION 10.(a) G.S. 20-171.15 reads as rewritten:

"**§ 20-171.15. Age or size restrictions.**

(a) It is unlawful for any parent or legal guardian of a person less than eight years of age to knowingly permit that person to operate an all-terrain vehicle.

(b) Repealed by Session Laws 2015-286, s. 3.13(a), effective October 22, 2015.

(c) ~~It~~ Except as provided in subsection (c1) of this section, it is unlawful for any parent or legal guardian of a person less than 16 years of age to knowingly permit that person to operate an all-terrain vehicle in violation of the Age Restriction Warning Label affixed by the

manufacturer as required by the applicable American National Standards Institute/Specialty Vehicle Institute of America (ANSI/SVIA) design standard.

(c1) Safety Course Rider-Fit Exception. – Subsection (c) of this section does not apply to a person less than 16 years of age operating an all-terrain vehicle if all of the following requirements are met:

(1) The person is at least 8 years of age.

(2) The person is participating in, or has successfully completed, an all-terrain vehicle safety course sponsored or approved by the All-Terrain Vehicle Safety Institute or another all-terrain vehicle safety course approved by the Commissioner of Insurance pursuant to G.S. 20-171.20.

(3) A course instructor certified or approved to teach a course described in subdivision (2) of this subsection determines in writing that, because of the person's height, weight, or physical size, the person cannot safely operate an all-terrain vehicle that complies with the Age Restriction Warning Label and that the all-terrain vehicle to be operated is appropriate for the person.

(4) The person satisfies all of the following rider-fit requirements with respect to the all-terrain vehicle being operated:

a. Brake reach. – With hands placed in the normal operating position and fingers straight out, the first joint from the tip of the middle finger extends beyond the brake lever and clutch.

b. Leg length. – While sitting and with their feet on the pegs, the rider's knee is bent at least 45 degrees.

c. Grip reach. – While sitting upright on the ATV with hands on the handlebars and not leaning forward, the rider's upper arm and the forearm form a distinct angle.

d. Handlebar control. – The rider must be able to turn the handlebars from lock to lock while maintaining grip on the handlebars and maintaining the throttle and brake control.

(5) The person operates the all-terrain vehicle under the direct supervision of the safety course instructor while participating in the course or, after successful completion of the course, under the continuous visual supervision of a person 18 years or older, pursuant to subsection (d) of this section.

(6) The person complies with all other requirements of this Part, including helmet and eye-protection requirements.

…."

SECTION 10.(b) G.S. 20-171.20 reads as rewritten:

"**§ 20-171.20. Safety training and certificate.**

Effective October 1, 2006, every all-terrain vehicle operator born on or after January 1, 1990, shall possess a safety certificate indicating successful completion of an all-terrain vehicle safety course sponsored or approved by the All-Terrain Vehicle Safety Institute or by another all-terrain vehicle safety course approved by the Commissioner of Insurance. The North Carolina Community College System is authorized to provide all-terrain vehicle safety training, approved by the Commissioner, to persons less than 18 years of age. An all-terrain vehicle safety certificate issued to a person less than 16 years of age may include a written rider-fit determination by the course instructor identifying the type or size of an all-terrain vehicle the instructor has determined is appropriate for the person pursuant to G.S. 20-171.15(c1)."

ALLOW PRIVATE SWIM LESSONS IN PRIVATE POOLS

SECTION 11.(a) G.S. 130A-280 reads as rewritten:

"**§ 130A-280. Scope and definitions.**

(a) This Part provides for the regulation of public swimming pools in the State as they may affect the public health and safety. This Part does not apply to any of the following:

(1) A private pool serving a single family dwelling and used only by the residents of the ~~dwelling and their guests,~~ dwelling, their guests, or a person providing swim instruction, regardless of whether their guests or the swim instructor gain use of the private pool through a sharing economy platform or pay a fee for its use. In all cases in which a fee is exchanged for access to a private pool serving a single family dwelling that is used only by the residents of the ~~dwelling and their guests,~~ dwelling, their guests, or a person providing swim instruction, the private pool shall be maintained in good and safe working order.

(2) Repealed by Session Laws 2025-94, s. 17, effective October 6, 2025.

(3) Therapeutic pools used in physical therapy programs operated by medical facilities licensed by the Department or operated by a licensed physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each individual use.

…."

SECTION 11.(b) G.S. 130A-39(b) reads as rewritten:

"(b) A local board of health may adopt a more stringent rule in an area regulated by the Commission for Public Health or the Environmental Management Commission where, in the opinion of the local board of health, a more stringent rule is required to protect the public health; otherwise, the rules of the Commission for Public Health or the rules of the Environmental Management Commission shall prevail over local board of health rules. However, a local board of health may not adopt a rule concerning a private pool serving a single family dwelling otherwise exempt from regulation pursuant to ~~G.S. 130A-280 or a~~ G.S. 130A-280, including rules concerning the recreational or instructional use of the exempt private pool. A local board of health may not adopt a rule concerning the grading, operating, and permitting of food and lodging facilities as listed in Part 6 of Article 8 of this Chapter and as defined in ~~G.S. 130A-247(1), and a~~ G.S. 130A-247(1). A local board of health may adopt rules concerning wastewater collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters only in accordance with G.S. 130A-335(c)."

EXTEND ANNUAL REPORTING REQUIREMENTS FOR BUSINESS ENTITIES OWNED BY DEPLOYED MEMBERS OF THE ARMED FORCES

SECTION 12.(a) G.S. 55-16-22(a) reads as rewritten:

"**§ 55-16-22. Annual report.**

(a) Requirement. – Except as provided in G.S. 55-16-22.3 and in subsections (a1) and (a2) of this section, each domestic corporation and each foreign corporation authorized to transact business in this State shall deliver an annual report directly to the Secretary of State in electronic form or in paper form as prescribed by the Secretary of State under this section."

SECTION 12.(b) Article 16 of Chapter 55 of the General Statutes is amended by adding a new section to read:

"**§ 55-16-22.3. Exemptions for corporations owned by deployed members of the Armed Forces.**

(a) Definitions. – As used in this section, the following terms have the following meanings:

(1) Armed Forces. – The United States Air Force, Army, Coast Guard, Marine Corps, Navy, or Space Force, or any reserve component of the foregoing.

(2) Deployed member. – A member of the Armed Forces who is removed from his or her county of residence pursuant to an official order for a deployment

period that ends on or after the ninetieth day preceding the due date of the annual report required by G.S. 55-16-22.

(b) Notwithstanding G.S. 55-16-22, an annual report is deemed timely filed if it is filed by a domestic or foreign corporation (i) in which more than fifty percent (50%) of the ownership interest is owned by one or more deployed members and (ii) within 90 days of the end of the deployment period. The following provisions apply:

(1) Prior to the start of the deployment, the corporation shall file electronically with the Secretary of State a sworn affidavit of deployment executed by the deployed member that includes the following information:
   a. The full name of the deployed member.
   b. The name of the corporation and the state under whose law it is incorporated.
   c. The percentage ownership interest in the corporation currently held by the deployed member.
   d. The expected start and end dates of the deployment.
   e. A statement either certifying that the information contained in the most recently filed annual report has not changed or setting forth the updated information required by G.S. 55-16-22(a3)(2) through (5).

(2) In the event the deployment is extended beyond the date stated in the affidavit of deployment, the corporation shall file electronically with the Secretary of State, within 180 days of the end date stated in the affidavit of deployment filed with the Secretary of State pursuant to subdivision (1) of this subsection, a sworn affidavit of extended deployment by an authorized representative of the corporation that includes the following information:
   a. The title or position in the corporation held by the affiant.
   b. The full name of the deployed member.
   c. The name of the corporation and the state under whose law it is incorporated.
   d. The percentage ownership interest in the corporation currently held by the deployed member.
   e. The expected end date of the extended deployment.
   f. A statement either certifying that the information contained in the most recently filed annual report has not changed or setting forth the updated information required by G.S. 55-16-22(a3)(2) through (5).

(3) The due date of the corporation's next annual report is the ninetieth day following the end date stated in the affidavit of deployment filed pursuant to subdivision (1) of this subsection; provided, however, that if the deployment is extended, the due date of the corporation's annual report is the ninetieth day following the end date stated in the affidavit of extended deployment filed pursuant to subdivision (2) of this subsection.

(4) The grounds for dissolution under G.S. 55-14-20 apply to corporations that are subject to this section only if the period of delinquency for the applicable ground is 180 days or more past the end date stated in the affidavit of deployment filed with the Secretary of State pursuant to subdivision (1) of this subsection.

(c) Any fees required by G.S. 55-1-22 for documents filed pursuant to subsection (b) of this section are waived."

SECTION 13.(a) G.S. 57D-2-24 reads as rewritten:

"**§ 57D-2-24. Annual report for Secretary of State.**

(a) Excluding professional limited liability companies governed by ~~G.S. 57D-2-02,~~ G.S. 57D-2-02 and except as provided in G.S. 57D-2-26, each LLC and each foreign LLC

authorized to transact business in this State must deliver to the Secretary of State for filing annual reports on a form prescribed by, and in the manner required by, the Secretary of State and as otherwise provided in subsection (b) of this section. Each annual report must specify the year for which the report applies and provide the information required by this subsection. The information must be current as of the date the limited liability company completes the report. If the information in the limited liability company's most recent annual report has not changed, the limited liability company may certify in its annual report that the information has not changed in lieu of restating the information.

The following information must be included in each annual report:

(1) The name of the limited liability company and, in the case of a foreign LLC, any different name that the foreign LLC is authorized under Article 3 of Chapter 55D of the General Statutes to use to transact business in this State, as provided in the foreign LLC's certificate of authority.

(2) In the case of a foreign LLC, the name of the jurisdiction under whose law the foreign LLC is organized.

(3) The street address, and the mailing address if different from the street address, of the limited liability company's registered office in the State, the county in which the registered office is located, the name of its registered agent at that office, and a statement of any change of the registered office or registered agent.

(4) The address and telephone number of its principal office.

(5) The names, titles, and business addresses of the limited liability company's principal company officials.

(6) A brief description of the nature of its business.

…."

SECTION 13.(b) Article 2 of Chapter 57D of the General Statutes is amended by adding a new section to read:

"**§ 57D-2-26. Exemptions for LLCs owned by deployed members of the Armed Forces.**

(a) Definitions. – As used in this section, the following terms have the following meanings:

(1) Armed Forces. – The United States Air Force, Army, Coast Guard, Marine Corps, Navy, or Space Force, or any reserve component of the foregoing.

(2) Deployed member. – A member of the Armed Forces who is removed from his or her county of residence pursuant to an official order for a deployment period that ends on or after the ninetieth day preceding the due date of the annual report required by G.S. 57D-2-24.

(b) Notwithstanding G.S. 57D-2-24, an annual report is deemed timely filed if it is filed by an LLC or foreign LLC (i) in which more than fifty percent (50%) of the ownership interest is owned by one or more deployed members and (ii) by April 15 of the year immediately following the end of the deployment period. The following provisions apply:

(1) Prior to the start of the deployment, the LLC or foreign LLC shall file electronically with the Secretary of State a sworn affidavit of deployment executed by the deployed member that includes the following information:

a. The full name of the deployed member.

b. The name of the LLC or foreign LLC and, for a foreign LLC, any different name under which the foreign LLC is authorized to transact business in this State and the name of the jurisdiction under whose law the foreign LLC is organized.

c. The percentage ownership interest in the LLC or foreign LLC currently held by the deployed member.

d. The expected start and end dates of the deployment.

e. A statement either certifying that the information contained in the most recently filed annual report has not changed or setting forth the updated information required by G.S. 57D-2-24.

(2) In the event the deployment is extended beyond the date stated in the affidavit of deployment, the LLC or foreign LLC shall file electronically with the Secretary of State, within 180 days of the end date stated in the affidavit of deployment filed with the Secretary of State pursuant to subdivision (1) of this subsection, a sworn affidavit of extended deployment by an authorized representative of the corporation that includes the following information:

a. The title or position in the LLC or foreign LLC held by the affiant.
b. The full name of the deployed member.
c. The name of the LLC or foreign LLC and, for a foreign LLC, any different name under which the foreign LLC is authorized to transact business in this State and the name of the jurisdiction under whose law the foreign LLC is organized.
d. The percentage ownership interest in the LLC or foreign LLC currently held by the deployed member.
e. The expected end date of the extended deployment.
f. A statement either certifying that the information contained in the most recently filed annual report has not changed or setting forth the updated information required by G.S. 57D-2-24.

(3) The due date of the LLC's or foreign LLC's next annual report is the ninetieth day following the end date stated in the affidavit of deployment filed pursuant to subdivision (1) of this subsection; provided, however, that if the deployment is extended, the due date of the LLC's or foreign LLC's annual report is the ninetieth day following the end date stated in the affidavit of extended deployment filed pursuant to subdivision (2) of this subsection.

(4) The grounds for dissolution under G.S. 57D-6-06 apply to LLCs and foreign LLCs that are subject to this section only if the period of delinquency for the applicable ground is 180 days or more past the end date stated in the affidavit of deployment filed with the Secretary of State pursuant to subdivision (1) of this subsection.

(c) Any fees required by G.S. 57D-1-22 for documents filed pursuant to subsection (b) of this section are waived."

SECTION 14.(a) G.S. 59-84.4 reads as rewritten:

"**§ 59-84.4. Annual report for Secretary of State.**

(a) ~~Each~~ Except as provided in G.S. 59-84.6, each registered limited liability partnership and each foreign limited liability partnership authorized to transact business in this State shall deliver to the Secretary of State for filing an annual report, in a form prescribed by the Secretary of State, that sets forth all of the following:

(1) The name of the registered limited liability partnership or foreign limited liability partnership and the state or country under whose law it is formed.
(2) The street address, and the mailing address if different from the street address, of the registered office, the county in which the registered office is located, and the name of its registered agent at that office in this State, and a statement of any change of the registered office or registered agent, or both.
(3) The street address and telephone number of its principal office.
(4) A brief description of the nature of its business.
(5) The fiscal year end of the partnership.

If the information contained in the most recently filed annual report has not changed, a certification to that effect may be made instead of setting forth the information required by

subdivisions (2) through (4) of this subsection. The Secretary of State shall make available the form required to file an annual report.

…."

SECTION 14.(b) Article 3B of Chapter 59 of the General Statutes is amended by adding a new section to read:

"**§ 59-84.6. Exemptions for limited liability partnerships owned by deployed members of the Armed Forces.**

(a) Definitions. – As used in this section, the following terms have the following meanings:

(1) Armed Forces. – The United States Air Force, Army, Coast Guard, Marine Corps, Navy, or Space Force, or any reserve component of the foregoing.

(2) Deployed member. – A member of the Armed Forces who is removed from his or her county of residence pursuant to an official order for a deployment period that ends on or after the ninetieth day preceding the due date of the annual report required by G.S. 59-84.4.

(b) Notwithstanding G.S. 59-84.4, an annual report is deemed timely filed if it is filed by a registered or foreign limited liability partnership (i) in which more than fifty percent (50%) of the ownership interest is owned by one or more deployed members and (ii) within 90 days of the end of the deployment period. The following provisions apply:

(1) Prior to the start of the deployment, the registered or foreign limited liability partnership shall file electronically with the Secretary of State a sworn affidavit of deployment executed by the deployed member that includes the following information:

a. The full name of the deployed member.

b. The name of the registered or foreign limited liability partnership and the state or country under whose law it is formed.

c. The percentage ownership interest in the registered or foreign limited liability partnership currently held by the deployed member.

d. The expected start and end dates of the deployment.

e. A statement either certifying that the information contained in the most recently filed annual report has not changed or setting forth the updated information required by G.S. 59-84.4(a)(2) through (5).

(2) In the event the deployment is extended beyond the date stated in the affidavit of deployment, the registered or foreign limited liability partnership shall file electronically with the Secretary of State, within 180 days of the end date stated in the affidavit of deployment filed with the Secretary of State pursuant to subdivision (1) of this subsection, a sworn affidavit of extended deployment by an authorized representative of the registered or foreign limited liability partnership that includes the following information:

a. The title or position in the registered or foreign limited liability partnership held by the affiant.

b. The full name of the deployed member.

c. The name of the registered or foreign limited liability partnership and the state or country under whose law it is formed.

d. The percentage ownership interest in the registered or foreign limited liability partnership currently held by the deployed member.

e. The expected end date of the extended deployment.

f. A statement either certifying that the information contained in the most recently filed annual report has not changed or setting forth the updated information required by G.S. 59-84.4(a)(2) through (5).

(3) The due date of the registered or foreign limited liability partnership's next annual report is the ninetieth business day following the end date stated in the affidavit of deployment filed pursuant to subdivision (1) of this subsection; provided, however, that if the deployment is extended, the due date of the registered or foreign limited liability partnership's annual report is the ninetieth day following the end date stated in the affidavit of extended deployment filed pursuant to subdivision (2) of this subsection.

(4) The grounds for revocation of registration under G.S. 59-84.4(f) apply to registered and foreign limited liability partnerships that are subject to this section only if the period of delinquency for the applicable ground is 180 days or more past the end date stated in the affidavit of deployment filed with the Secretary of State pursuant to subdivision (1) of this subsection.

(c) Any fees required by G.S. 59-35.2 for documents filed pursuant to subsection (b) of this section are waived."

SECTION 15. G.S. 132-1.2 reads as rewritten:

"**§ 132-1.2. Confidential information.**

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

…

(12) Reveals information contained in an affidavit of deployment or an affidavit of extended deployment filed with the Secretary of State pursuant to G.S. 55-16-22.3, 57D-2-26, or 59-84.6."

SECTION 16. The Secretary of State shall make available the form or forms needed for the affidavit of deployment and affidavit of extended deployment required by this act and shall take any other action necessary to allow business entities to begin filing pursuant to this act on October 1, 2026.

SECTION 17. Sections 12 through 16 of this act become effective October 1, 2026.

PRIVATE ROAD AND BRIDGE PROGRAM MODIFICATION

SECTION 17.5.(a) Section 5A.3(c) of S.L. 2026-41 reads as rewritten:

"**SECTION 5A.3.(c)** Private Bridge Design Standard. – ~~Within 60 days of the effective date of this act, the Department of Transportation (DOT)~~ NCEM shall develop a separate design category and standard for private bridges that allow (i) lower design loads for residential and agricultural use and (ii) simpler abutments and foundations that maintain residential code compliance, including, if appropriate, steel beam and timber deck bridges. NCEM may consult with the Department of Transportation in developing this category and standard. A standard developed under this subsection shall ~~maintain American Association of State Highway and Transportation Officials loading and safety criteria and also allow~~ be based on recognized structural design and safety principles, while allowing for engineering ~~flexibility~~ flexibility, alternative construction methods, alternative foundation systems, and site-specific ~~construction methods~~ designs appropriate for private residential ~~use.~~and agricultural bridge applications. In developing this category and standard, the following criteria must be considered and applied: (i) environmental permitting, (ii) engineering performed by a licensed professional engineer when required by the project, (iii) compliance with applicable county or municipal development ordinances, (iv) floodplain ordinances, (v) local subdivision or zoning ordinances, and (vi) applicable building or structural code requirements adopted by the local jurisdiction."

SECTION 17.5.(b) Section 5A.3 of S.L. 2026-41 is amended by adding a new section to read:

"**SECTION 5A.3.(c1)** Low-Cost Private Bridges. – For private bridge projects with an estimated construction cost of five hundred thousand dollars ($500,000) or less, NCEM shall allow qualified design-build delivery by a North Carolina licensed general contractor holding the

highway classification. The licensed general contractor may retain a licensed professional engineer to develop a site-specific bridge design utilizing sound engineering judgment, alternative construction methods, and alternative foundation systems. NCEM shall not require the use of prescriptive standard bridge plans where a project-specific design, prepared and sealed by the licensed professional engineer, demonstrates compliance with the applicable loading and safety criteria established under this subsection."

SECTION 17.5.(c) Section 5A.3(d) of S.L. 2026-41 reads as rewritten:

"**SECTION 5A.3.(d)** Contract Modifications. – NCEM shall identify current contracts entered into under the Program and seek to renegotiate the contracts with a new design standard developed under subsection (c) of this section for private bridges, where appropriate. For new contracts, NCEM shall establish expedited procurement tracks, as provided for under this section for private bridges, where appropriate. Further, NCEM shall shorten the availability window for these expedited projects. NCEM shall implement a standardized or pre-approved design using the design standard developed by ~~DOT~~ NCEM under subsection (c) of this section."

SECTION 17.5.(d) Section 2C.1(a) of S.L. 2025-2 reads as rewritten:

"**SECTION 2C.1.(a)** Private Road and Bridge Repair and Replacement Program. – The Private Road and Bridge Repair and Replacement Program (Program) is established within NCEM for the repair and replacement of private roads and bridges damaged or destroyed by Hurricane Helene. NCEM ~~shall~~ may consult with the Department of Transportation in administering the Program and shall develop criteria and an application process to select private roads and bridges eligible for repair or replacement consistent with this subsection. NCEM may use up to two percent (2%) for administrative costs for the Program. NCEM shall prioritize applications for the repair and replacement of private roads or bridges that provide the sole option for ingress and egress for (i) emergency services to a residential property that is occupied by the owner for more than six months of the calendar year, (ii) multiple residential homes, or (iii) recreation or commercial facilities. These funds may be used for program costs incurred for the engineering, design, and construction of private roads and bridges, funding to nonprofit organizations supporting bridge repairs, and may also be used to provide technical support and assistance for individuals and local governments to comply with no-rise certification requirements required by FEMA under the National Flood Insurance Program."

SECTION 17.5.(e) The Department of Public Safety, Division of Emergency Management shall develop the separate design category and standard required under Section 5A.3(c) of S.L. 2026-41, as amended by this section, within 60 days of the effective date of this act.

SECTION 17.5.(f) This section is retroactively effective July 1, 2026.

VOLUNTARY PORTABLE BENEFITS PLAN ACT

SECTION 17.6.(a) Chapter 66 of the General Statutes is amended by adding a new Article to read:

"Article 53.

"Voluntary Portable Benefits Plan Act.

"**§ 66-530. Title; definitions.**

(a) This Article is known and may be cited as the "Voluntary Portable Benefits Plan Act."

(b) The following definitions apply in this Article:

(1) Bank. – A banking corporation entitled to operate in this State under Chapter 53C of the General Statutes with deposits insured by the Federal Deposit Insurance Corporation.

(2) Commissioner. – The Commissioner of the North Carolina Department of Labor.

(3) Compensation. – Remuneration for services performed by an independent contractor.

(4) Contribution. – Funds deposited into a portable benefits account.
(5) Contributor. – A person or entity, other than the account owner and including a hiring party, who makes a contribution to a portable benefit account.
(6) Hiring party. – A person or entity, whether public or private, including an internet or application-based company, who hires or enters into a contract for the performance of work with an independent contractor.
(7) Independent contractor. – As defined in G.S. 96-1(b)(19).
(8) Portable benefit account or account. – An account owned by an independent contractor that is administered by a portable benefit account provider and used to fund the purchase of one or more portable benefit plans.
(9) Portable benefit account provider or account provider. – Any of the following that administer a portable benefit account:
a. A bank.
b. An investment management firm.
c. A technology provider or program manager that offers services through a bank or investment management firm.
d. Any other person who demonstrates to the satisfaction of the Commissioner that the manner in which the person administers portable benefit accounts is consistent with the requirements under G.S. 66-532.
(10) Portable benefit plan. – A plan that meets all of the following conditions:
a. It funds benefits permissible under G.S. 66-531(c).
b. It is chosen by an independent contractor and is assigned to a beneficiary other than a hiring party.
c. It is administered by a third-party portable benefit plan provider.
(11) Portable benefit plan provider. – A person or entity licensed or otherwise authorized to offer insurance or benefit plans in the State.

"**§ 66-531. Portable benefit accounts; contributions; ownership; applicability.**

(a) Voluntary Contributions; Written Agreement. – Any person or entity, including an internet or application-based entity, may make a contribution to a portable benefit account. The following provisions apply to a hiring party that makes a contribution to a portable benefit account owned by an independent contractor with whom the hiring party has entered into a contract for the performance or work:
(1) The independent contractor must affirmatively opt in through an express written agreement that is clear, unambiguous, and prominently displayed either in a work contract or a separate invoice. The agreement must indicate that the making of contributions by a hiring party and the receipt of contributions by an independent contractor are voluntary and must allow the independent contractor to opt out at any time.
(2) The hiring party shall not induce or require an independent contractor to maintain an account with a specific portable benefit account provider as a condition of receiving contributions.
(3) The hiring party shall treat contributions as compensation.

(b) Ownership and Portability. – A portable benefit account is at all times the sole property of the independent contractor who owns it. Funds in the account, including contributions and earnings, are not subject to claims of a contributor or the account's creditors arising from the hiring relationship and do not revert to the hiring party. A hiring party has no ownership, reversionary, or control interest in a portable benefit account. The account owner may, at any time and without penalty, beyond reasonable disclosed transfer costs, (i) cease contributions, (ii) change the portable benefit plans purchased through the account, and (iii) transfer the account balance to another qualified portable benefit account provider.

(c) Permitted Use of Funds. – Portable benefit account funds may be used only to purchase portable benefit plans for the benefits listed in this subsection, to pay reasonable and disclosed portable benefit account fees, or for distribution to the portable benefit account owner. The permissible benefits are:

(1) Health Savings Accounts.
(2) Flexible Spending Accounts.
(3) Health Reimbursement Arrangements.
(4) Transportation/parking accounts.
(5) Health insurance.
(6) Healthcare sharing contributions.
(7) Healthcare subscriptions.
(8) Income replacement insurance.
(9) Disability insurance.
(10) Life insurance.
(11) Traditional Individual Retirement Accounts.
(12) Traditional 401(k).
(13) Traditional savings accounts.

(d) Not Evidence of Employer-Employee Relationship. – Contributions by a hiring party to a portable benefit account are not treated as evidence that a worker is an employee of the hiring party under State unemployment insurance, worker's compensation, or labor laws. Nothing in this Article alters, expands, or contracts the test for independent contractor status under any other provision of law, and the existence of a portable benefit account or any contribution to it shall not be a factor in that determination.

(e) Inapplicability to State Unemployment Insurance. – Nothing in this Article affects entitlement to unemployment insurance benefits under Chapter 96 of the General Statutes.

"**§ 66-532. Portable benefit account providers.**

(a) Selection. – An independent contractor who opts in to receiving contributions from a hiring party shall select a portable benefit account provider to administer the funds.

(b) Limitations. – The following limitations apply with respect to portable benefit account providers:

(1) A hiring party, or an entity controlled by or under common control with a hiring party, shall not serve as the portable benefit account provider for an independent contractor it engages, except as a pass-through contributor of funds.
(2) A portable benefit account provider shall not condition the distribution of funds in a portable benefit account on continued work for any hiring party.

(c) Segregation of Funds. – A portable benefit account provider shall hold all account funds in trust for, or as custodian for, the benefit of the account owner, segregated from the provider's own assets and from the assets of a hiring party. Account provider funds shall not be commingled with portable benefit account funds.

(d) Fee Disclosure. – Before an independent contractor opens an account or any contributions under G.S. 66-531 are made, the account provider shall disclose, in writing and in clear and conspicuous terms, all fees, charges, and penalties associated with the account, and any material change shall be disclosed in writing at least 30 days before it takes effect.

(e) Financial Responsibility. – A portable benefit account provider, other than a bank, shall maintain a fidelity bond, errors and omissions coverage, or other financial assurance in an amount established by the Commissioner sufficient to protect account owners against loss from the account provider's negligence, fraud, or insolvency.

(f) Record Keeping; Audit. – A portable benefit account provider shall maintain accurate records of all contributions, earnings, fees, and distributions for each portable benefit account, shall furnish each account owner with a statement no less than quarterly, and shall make its

records available, upon request, to the Commissioner or the Secretary of Revenue, as applicable. The Commissioner may audit an account provider's compliance with this Article.

(g) Standard of Care. – A portable benefit account provider shall administer each account solely in the interest of the account owner and with the care, skill, and diligence that a prudent administrator uses.

(h) Commissioner Approval; Revocation; Rulemaking. – The Commissioner may approve a person under G.S. 66-530(b)(9)d. only upon a showing of compliance with this section and may suspend or revoke approval for noncompliance after notice and an opportunity to be heard. The Commissioner shall maintain and publish a list of approved portable benefit account providers. The Commissioner of Labor may adopt rules necessary to make a determination under G.S. 66-530(b)(9)d."

SECTION 17.6.(b) G.S. 105-153.5(b) is amended by adding a new subdivision to read:

"(18) The amount of a contribution made to a portable benefit account under G.S. 66-531 during the taxable year to the extent it is included in the taxpayer's adjusted gross income."

SECTION 17.6.(c) G.S. 105-153.5(c) reads as rewritten:

"(c) Additions. – In calculating North Carolina taxable income, a taxpayer must add to the taxpayer's adjusted gross income any of the following items that are not included in the taxpayer's adjusted gross income:

…

(8) The amount withdrawn from a portable benefit account to the extent this amount was withdrawn and not used to pay for a portable benefit plan as permitted under Article 53 of Chapter 66 of the General Statutes."

SECTION 17.6.(d) G.S. 105-163.3(b) reads as rewritten:

"(b) Exemptions. – The withholding requirement does not apply to the following:

…

(6) Compensation deposited into a portable benefit account on behalf of a payee in accordance with Article 53 of Chapter 66 of the General Statutes."

SECTION 17.6.(e) G.S. 105-251.2 is amended by adding a new subsection to read:

"(c1) Portable Benefit Account Provider. – A portable benefit account provider, as defined under G.S. 66-530, must give information to the Secretary when the Secretary requests the information. The Secretary may not request the information more than once per calendar year. The Secretary may request a portable benefit account provider to provide, on a return, report, or otherwise, a portable benefit account owner's name, tax identification number, records of contributions and distributions from any portable benefit account owned by an account owner, and other information that the Secretary deems necessary to determine compliance with this Chapter."

SECTION 17.6.(f) This section becomes effective January 1, 2027, and applies to taxable years beginning on or after that date.

PART II. JUSTICE AND PUBLIC SAFETY REFORMS

INCREASE CIVIL PENALTY FOR WATER THEFT

SECTION 18.(a) G.S. 14-151 reads as rewritten:

"**§ 14-151. Interfering with gas, electric, ~~and steam~~ steam, and water appliances or meters; penalties.**

(a) It is unlawful for any person to willfully, with intent to injure or defraud, commit any of the following acts:

…

(4) Make any connection or reconnection with the gas mains, water pipes, service pipes, or wires of any person, furnishing to consumers natural or artificial gas, water, or electricity, or turn on or off or in any manner interfere with any valve or stopcock or other appliance belonging to that person, and connected with the person's service or other pipes or wires, or enlarge the orifices of mixers, or use natural gas for heating purposes except through mixers, or electricity for any purpose without first procuring from the person a written permit to turn on or off the stopcock or valve, or to make the connection or reconnections, or to enlarge the orifice of mixers, or to use for heating purposes without mixers, or to interfere with the valves, stopcocks, wires, or other appliances of them, as the case may be. For the purposes of this subsection, "water pipes" means water pipes, fire hydrants, flushing assemblies, blow-offs, sampling stations, and all other appurtenances connected to a water distribution system, whether above or below ground.

…

(e) Whoever is found in a civil action to have violated any provision of this section is liable to the electric, gas, or water supplier in triple the amount of losses and damages sustained or five thousand dollars ($5,000), whichever is ~~greater.~~greater, except that whoever is found in a civil action to have violated subdivision (a)(4) of this section by the connection or reconnection with any water pipe is liable to the water supplier in triple the amount of losses and damages sustained or ten thousand dollars ($10,000), whichever is greater, and attorneys' fees.

…."

SECTION 18.(b) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

INCREASE FINES FOR INTENTIONAL OR RECKLESS LITTERING

SECTION 19.(a) G.S. 14-399 reads as rewritten:

"**§ 14-399. Littering.**

(a) No person, including any firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by the person within this State or in the waters of this State including any public highway, public park, lake, river, ocean, beach, campground, forestland, recreational area, trailer park, highway, road, street or alley except:

(1) When the property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and the person is authorized to use the property for this purpose; or

(2) Into a litter receptacle in a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters.

…

(c) Any person who violates subsection (a) of this section in an amount not exceeding 10 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a fine of not less than ~~five hundred dollars ($500.00)~~ one thousand dollars ($1,000) nor more than ~~one thousand dollars ($1,000)~~ three thousand dollars ($3,000) for the first offense. In addition, the court may require the violator to perform community service of not less than eight hours nor more than 24 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. Any second or subsequent violation of subsection (a) of this section in an amount not exceeding 10 pounds and not for commercial purposes within three years after the date of a prior violation is a Class 3

misdemeanor punishable by a fine of not less than ~~one thousand dollars ($1,000)~~ three thousand dollars ($3,000) nor more than ~~three thousand dollars ($3,000).~~ five thousand dollars ($5,000). In addition, the court may require the violator to perform community service of not less than 16 hours nor more than 50 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed.

…

(d) Any person who violates subsection (a) of this section in an amount exceeding 10 pounds but not exceeding 500 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a fine of not less than ~~one thousand dollars ($1,000)~~ five thousand dollars ($5,000) nor more than ~~three thousand dollars ($3,000).~~ ten thousand dollars ($10,000). In addition, the court shall require the violator to perform community service of not less than 50 hours nor more than 100 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other community service commensurate with the offense committed.

…

(e) Any person who violates subsection (a) of this section in an amount exceeding 500 pounds or in any quantity for commercial purposes, or who discards litter that is a hazardous waste as defined in G.S. 130A-290 is guilty of a Class I felony punishable by a fine of ~~five thousand dollars ($5,000).~~ not less than ten thousand dollars ($10,000) nor more than fifteen thousand dollars ($15,000). In addition, the court shall require the violator to perform community service of not less than 100 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other community service commensurate with the offense committed.

…."

SECTION 19.(b) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

PROHIBIT TELEPHONE SOLICITORS FROM MISREPRESENTING CALL ORIGINS

SECTION 20.(a) G.S. 75-100 is amended by adding a new subdivision to read:

"(10) A telephone number is the property of a telephone subscriber, subject to the terms and conditions of the subscriber's contract with a telephone carrier."

SECTION 20.(b) G.S. 75-101(10) reads as rewritten:

"(10) Telephone solicitor. – Any individual, business establishment, business, or other legal entity doing business in this State that, directly or through salespersons or agents, makes or attempts to make telephone solicitations or causes telephone solicitations to be ~~made.~~ made, and any agent of that individual, business establishment, business, or legal entity. "Telephone solicitor" also includes any party defined as a "telemarketer" under the Telemarketing Sales Rule."

SECTION 20.(c) G.S. 75-102 reads as rewritten:

"**§ 75-102. Restrictions on telephone solicitations.**

…

(i) No telephone solicitor shall cause misleading information to be transmitted to users of caller identification technologies or otherwise block or misrepresent the origin of the telephone ~~solicitation.~~ solicitation or use any other alteration to the origin of the telephone solicitation that displays in a way to give the perception that the call originated from any other origin except the actual origin of the telephone solicitation. No provider of telephone caller identification services shall be held liable for violations of this subsection committed by other individuals or entities. It is not a violation of this subsection for a telephone solicitor to utilize the name and number of

the entity the solicitation is being made on behalf of rather than the name and number of the telephone solicitor.

(j) A telephone solicitor ~~or its agent~~ that makes telephone solicitations on its behalf, provided that the telephone solicitor ensures compliance by its agent, shall keep a record for a period of 24 months from the date a telephone solicitation is made of the legal name, any fictitious name used, the resident address, the telephone number, and the job title of each individual who makes a telephone solicitation for that telephone solicitor. If an individual who makes telephone solicitations for a telephone solicitor uses a fictitious name, the fictitious name shall be traceable only to the specific individual.

…."

SECTION 20.(d) Article 4 of Chapter 75 of the General Statutes is amended by adding a new section to read:

"**§ 75-104.1. Telephone carriers.**

(a) A telephone carrier shall not knowingly and intentionally transmit, sell, or otherwise provide the numbers of telephone subscribers to any entity the telephone carrier knows (i) will use the number to violate provisions of this Article, (ii) has previously used telephone subscriber information to violate provisions of this Article, or (iii) has previously provided the information to another entity that has violated provisions of this Article.

(b) A telephone carrier shall not be held liable for a telemarketer's violation of G.S. 75-102(i)."

SECTION 20.(e) G.S. 75-105 reads as rewritten:

"**§ 75-105. Enforcement.**

…

(b) A telephone subscriber who has received a telephone solicitation from or on behalf of a telephone solicitor in violation of this Article may bring any of the following actions in civil court:

(1) An action to enjoin further violations of this Article by the telephone solicitor.

(2) An action to recover five hundred dollars ($500.00) for the first violation, one thousand dollars ($1,000) for the second violation, and five thousand dollars ($5,000) for the third and any other violation that occurs within two years of the first violation.

(3) An action to recover ten thousand dollars ($10,000) for each call placed in knowing violation of G.S. 75-102(i).

…."

SECTION 20.(f) This section becomes effective December 1, 2026, and applies to phone calls placed on or after that date.

THIRD-PARTY CRIMINAL HISTORY RECORD CHECK VENDORS FOR CERTAIN LOCAL GOVERNMENT CHECKS

SECTION 21. Notwithstanding G.S. 153A-94.2(b) and G.S. 160A-164.2(b), municipalities and counties may enter contracts with third-party vendors supplying criminal history record checks to conduct criminal history record checks required pursuant to those sections. All contracts entered pursuant to this section shall terminate on or before December 1, 2026, or when the State Bureau of Investigation request for proposal is awarded, whichever occurs later. Third-party vendors conducting criminal history record checks pursuant to this authority shall comply with any restrictions or requirements set by law governing fingerprints and other information collected by the Bureau for a criminal record check, as required by G.S. 143B-1209.09.

ADD APPROVED FIREARM SAFETY AND TRAINING COURSE

SECTION 23.(a) G.S. 14-415.12(a)(4) reads as rewritten:

"(4) The applicant has successfully completed an approved firearms safety and training course which involves the actual firing of handguns and instruction in the laws of this State governing the carrying of a concealed handgun and the use of deadly force. The North Carolina Criminal Justice Education and Training Standards Commission shall prepare and publish general guidelines for courses and qualifications of instructors which would satisfy the requirements of this subdivision. An approved course shall be any course which satisfies the requirements of this subdivision and is certified or sponsored by any of the following:

a. The North Carolina Criminal Justice Education and Training Standards Commission.

a1. The North Carolina Concealed Carry Association.

b. The National Rifle Association.

b1. The United States Concealed Carry Association.

b2. U.S. LawShield.

c. A law enforcement agency, college, private or public institution or organization, or firearms training school, taught by instructors certified by the North Carolina Criminal Justice Education and Training Standards Commission, the North Carolina Concealed Carry Association, the United States Concealed Carry Association, U.S. LawShield, or the National Rifle Association.

d. The North Carolina Private Protective Services Board and Secretary of Public Safety pursuant to G.S. 74C-13.

Every instructor of an approved course shall file a copy of the firearms course description, outline, and proof of certification annually, or upon modification of the course if more frequently, with the North Carolina Criminal Justice Education and Training Standards Commission."

SECTION 23.(b) This section becomes effective October 1, 2026, and applies to permit applications submitted on or after that date.

NO SCHOOLS NEAR GUN RANGES IN BRUNSWICK COUNTY

SECTION 24.(a) For the purpose of this section, the following definitions apply:

(1) "School building" means any building or structure suitable for use as a classroom, including laboratories, libraries, school eating facilities, gymnasiums, or any other facilities used for the instruction of students or the administration of educational programs.

(2) "Sport shooting range" means any area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

SECTION 24.(b) The location of any new school building must be at least 1 mile, measured in a straight line from property line to property line, from any existing sport shooting range.

SECTION 24.(c) This section is effective when it becomes law and applies only to school buildings constructed in Brunswick County on or after that date.

NUISANCE IMMUNITY FOR RURAL RECREATIONAL AND HERITAGE EVENTS

SECTION 25.(a) Chapter 99E of the General Statutes is amended by adding a new Article to read:

"Article 11.

"Rural Recreational and Heritage Event Nuisance Immunity.

"**§ 99E-95. Nuisance immunity for rural recreational and heritage events.**

(a) For purposes of this Article, the following definitions apply:

(1) Area of the facility. – The area within a 3-mile radius of the perimeter of the property or a contiguous group of properties where a facility is located.

(2) Facility. – A designated and established area that is regularly used to host or conduct one or more rural recreational and heritage events. A facility includes the track, course, arena, ring, field, stable, kennel, pen, staging, spectator, and parking areas, and any associated grounds, buildings, structures, or appurtenances used to conduct or support rural recreational and heritage events. A facility does not include real property to the extent it is used only for the personal or private use of the property by the property owner or the owner's family, guests, or invitees, where that use is not part of a rural recreational and heritage event that is conducted on a recurring basis or that is open to participants, spectators, or the members of a club, association, or other organization that owns, operates, or conducts rural recreational and heritage events at the facility.

(3) Rural recreational and heritage event. – Any of the following when conducted at a facility:

a. Motorized and off-road vehicle events, including motocross, dirt-bike events, all-terrain vehicle (ATV) and utility task vehicle (UTV) events, go-kart racing, drag racing, autocross and rallycross, monster truck events, truck pulls, tractor pulls, mud bogging, mud pulls, four-wheel-drive and other off-road events, demolition derbies, lawn mower racing, and similar motorized or off-road competitions or events.

b. Horse and farm animal events, including horse shows, rodeos, barrel racing, roping and team roping, horse pulls, mounted shooting, equestrian competitions, livestock shows, farm animal exhibitions, agricultural fair events, and similar animal-based competitions or exhibitions.

(b) A facility shall not be subject to any action brought by a surrounding property owner under any nuisance or taking cause of action arising from the conduct of a rural recreational and heritage event at the facility if both of the following conditions were met as of the date the surrounding property owner purchased real property located within the area of the facility or, if the surrounding property owner owned that real property before rural recreational and heritage events were first conducted at the facility, as of the date the surrounding property owner first constructed a building on that real property:

(1) The facility was lawfully established and in compliance with all laws, ordinances, and permitting requirements applicable to the facility at the time of its establishment.

(2) One or more rural recreational and heritage events have been conducted at the facility within the 24 months preceding the date on which the surrounding property owner purchased the real property or constructed the building."

SECTION 25.(b) This section is effective when it becomes law and applies to actions commenced on or after that date.

PART III. ENERGY, ENVIRONMENT, & NATURAL RESOURCES REFORMS

ALLOW LIQUEFIED PETROLEUM GAS REFILLS DURING EMERGENCIES

SECTION 26.(a) G.S. 119-54(a) reads as rewritten:

"(a) It is the purpose of this Article to provide for the adoption and promulgation of a code of safety, and such rules and regulations setting forth minimum general standards of safety for

the design, construction, location, installation, and operation of the equipment used in handling, storing, measuring, transporting, distributing, and utilizing liquefied petroleum gases and to provide for the administration and enforcement of the code and such rules and regulations thereby adopted. Words used in this Article shall be defined as follows:

(1) "Board" means the North Carolina Board of Agriculture.

(2) "Commissioner" means the Commissioner of Agriculture or his designated agent.

(3) "Dealer" means any person, firm, or corporation who is engaged in or desires to engage in:

a. The business of selling or otherwise dealing in liquefied petroleum gases which require handling, storing, measuring, transporting, or distributing liquefied petroleum gas; or

b. The business of installing, servicing, repairing, adjusting, connecting, or disconnecting containers, equipment, or appliances which use liquefied gas. A person who engages in any of the aforementioned activities only in connection with his or his employer's use of liquefied petroleum gas and not as a business shall not be deemed to be a "dealer" for the purposes of this Article.

(3a) "Emergency supplier" means a Class A dealer that provides liquefied petroleum gas to a consumer during a qualifying emergency, pursuant to G.S. 119-58(c).

(4) "Liquefied petroleum gas" means any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (normal butanes or isobutane), butylenes.

(5) "Qualifying emergency" means (i) a state of emergency as declared by the Governor, General Assembly, or the governing body of a municipality or county pursuant to Article 1A of Chapter 166A of the General Statutes, (ii) a state of emergency declared by the President of the United States, (iii) when severe weather or similar circumstances exist that may result in a person being placed in imminent danger of death or injury due to lack of heat caused by a lack of liquefied petroleum gas, or (iv) when a waiver from delivery limitations affecting the delivery of liquefied petroleum gas has been lawfully ordered."

SECTION 26.(b) G.S. 119-58 reads as rewritten:

"**§ 119-58. Unlawful acts.**

…

(b) Every supply tank or container with a total capacity greater than 5 gallons and with its regulating equipment connected in a service system, shall be identified while in service by the supplier with an attached tag, label, or other marking that includes the ~~name~~ name and contact information of the person supplying liquefied petroleum gas to the ~~system, and~~ system, and the name of the tank or container owner. Except as provided in subsection (c) of this section, it shall be unlawful for any person, other than the supplier or the owner of the system, to disconnect, interrupt or fill the system with liquefied petroleum gas without the consent of the supplier. If another registered supplier is requested by the consumer to connect service and is given permission by the consumer to do so, the new supplier shall notify the former supplier before disconnecting the former service and connecting the new service and shall cap or plug all disconnected equipment ~~outlets~~ outlets, perform a leak test, and leave the equipment in a condition consistent with this Article and the rules adopted pursuant to this Article.

(c) When a qualifying emergency is in effect, a person other than the supplier or the owner of the system may fill or refill a properly inspected system, as required by law, with liquefied petroleum gas, provided the following conditions are met:

(1) The consumer demonstrates that they have less than a twenty percent (20%) supply of liquefied petroleum gas remaining in the tank or container for use as the primary energy for heating or cooking.

(2) The consumer makes a good-faith effort to procure delivery of liquefied petroleum gas from the current supplier or owner.

(3) The current supplier or owner is unable to make a scheduled fill or refill within three business days of the good-faith procurement effort.

(4) The emergency supplier makes a good-faith effort to contact and obtain consent from the current supplier to conduct the emergency refill before attempting to do so.

(5) The emergency supplier attaches a nonpermanent tag to the tank or container that includes the name, address, and contact information of the emergency supplier, as well as the date of the emergency service. The tag shall not deface or otherwise obstruct any name, tag, label, or other marking on the tank or container.

(6) The emergency supplier provides no more than twenty percent (20%) of the capacity of the tank or container in liquefied petroleum gas as part of the emergency refill performed pursuant to this subsection.

(7) The emergency supplier makes a good-faith effort to notify the current supplier or owner promptly after the emergency service and, within five days after an emergency fill or refill has occurred, provides to the current supplier or owner written documentation of (i) the name and address of the customer and of the emergency supplier, (ii) the date of delivery, (iii) the approximate amount of liquefied petroleum gas that was delivered, (iv) whether or not a leak was detected by the emergency supplier, and (v) the services provided to address any leak detected, as needed."

SECTION 26.(c) G.S. 119-59 reads as rewritten:

"**§ 119-59. Sanctions for violations.**

(a) Criminal. – A dealer who violates a provision of this Article or a rule adopted under it is guilty of a Class 1 ~~misdemeanor.~~misdemeanor, except that any person that violates G.S. 119-58(b) is guilty of a Class A1 misdemeanor.

(b) Injunction. – The Commissioner or an agent of the Commissioner may apply to any superior court judge and the court may temporarily restrain or preliminarily or permanently enjoin any violation of this Article or a rule adopted under it.

(c) Civil Penalty. – The Commissioner may assess a civil penalty against any person who violates a provision of this Article or a rule adopted under it. The penalty may not exceed three hundred dollars ($300.00) for the first violation, five hundred dollars ($500.00) for a second violation, and one thousand dollars ($1,000) for a third or subsequent ~~violation.~~ violation. The Commission may assess a civil penalty against any person who violates G.S. 119-58(b) of up to one thousand dollars ($1,000) for the first violation, up to two thousand dollars ($2,000) for a second violation, and up to three thousand dollars ($3,000) for a third or subsequent violation. In determining the amount of a penalty, the Commissioner shall consider the degree and extent of harm or potential harm that has resulted or could have resulted from the violation. The clear proceeds of civil penalties assessed pursuant to this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(d) Registration. – The Commissioner may deny, suspend, or revoke the registration of a dealer who violates a provision of this Article or a rule adopted under it."

SECTION 26.(d) G.S. 119-60 reads as rewritten:

"**§ 119-60. Liquefied petroleum gas accidents; liability limitations.**

Any person who provides assistance upon request of any police agency, fire department, rescue or emergency squad, or any governmental agency in the event of an accident or other

emergency involving the use, handling, transportation, transmission or storage of liquefied petroleum gas, when the reasonably apparent circumstances require prompt decisions and actions, or any person acting as an emergency supplier pursuant to G.S. 119-58(c), shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance unless such acts or omissions amount to willful or wanton negligence or intentional wrongdoing. Nothing in this section shall be deemed or construed to relieve any person from liability for civil damages (a) where the accident or emergency referred to above involved his own facilities or equipment or (b) resulting from any act of commission or omission on his part in the course of providing care or assistance in the normal and ordinary course of conducting his own business or profession, nor shall this section be construed to relieve from liability for civil damages any other tortfeasor not referred to herein. When the assistance takes the form of rendering first aid or emergency health care treatment, questions of liability shall be governed by G.S. 90-21.14."

SECTION 26.(e) Notwithstanding G.S. 119-59, the Department of Agriculture and Consumer Services shall only issue warnings for the failure of a supplier, pursuant to G.S. 119-58(b), to either attach a tag, label, or other marking to a tank or container that includes the address and contact information of the person supplying liquefied petroleum gas to the system and that identifies whether the tank or container is owned by the supplier, or to conduct a leak test.

SECTION 26.(f) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date. Subsection (e) of this section expires December 1, 2027.

TIME LIMIT FOR DETERMINING NONCOMMERCIAL UNDERGROUND STORAGE TANK DISCHARGE RISK AND REQUIRING FURTHER REMEDIATION FOR CERTAIN LOW-RISK DISCHARGES

SECTION 27.(a) G.S. 143-215.94V is amended by adding a new subsection to read:

"(d1) For noncommercial tanks where the Commission has received the information required by subsection (c) of this section from an owner, operator, or landowner, the Commission shall, within five years of receipt of such information (i) determine the level of risk of the discharge, and cleanup or other measures to be required and (ii) notify the owner, operator, or landowner of that determination. For a discharge determined to be low-risk from a noncommercial tank, if the Commission fails to notify the owner, operator, or landowner in the required time frame, the Commission shall be prohibited from requiring cleanup, further cleanup, or further action, including filing of a Notice of Residual Petroleum pursuant to G.S. 143B-279.9 and G.S. 143B-279.11, unless the Commission later determines that the discharge or release poses an unacceptable level of risk or a potentially unacceptable level of risk to human health or the environment in which case the Commission shall produce written findings of fact sufficient to demonstrate an unacceptable level of risk, or a potentially unacceptable level of risk. Nothing in this section shall be construed to impair the Department's and Commission's continuing authority to require cleanup, further cleanup, or further action, including filing of a Notice of Residual Petroleum pursuant to G.S. 143B-279.9 and G.S. 143B-279.11, for noncommercial tanks with discharges determined to be intermediate or high-risk, notwithstanding any requirement of this subsection."

SECTION 27.(b) This section is effective when it becomes law and applies to discharges occurring before, on, or after that date as follows: (i) for discharges from noncommercial tanks occurring five or more years prior to the effective date of this section for which the Commission has not previously notified an owner, operator, or landowner of its determination as to the level of risk of the discharge, and actions required in response to the discharge, the Commission shall have one year from the effective date of this section to notify the owner, operator, or landowner accordingly; and (ii) for all other discharges occurring before the effective date of this section for which the Commission has not previously notified an owner,

operator, or landowner of its determination as to the level of risk of the discharge, and actions required in response to the discharge, the Commission shall have five years from the effective date of this section to notify the owner, operator, or landowner accordingly.

RESTORE FEES FOR COMMERCIAL UNDERGROUND STORAGE TANKS AND NO QUADRENNIAL ADJUSTMENTS

SECTION 28.(a) G.S. 143B-279.19(17) is repealed.

SECTION 28.(b) G.S. 143-215.94C reads as rewritten:

"**§ 143-215.94C. Commercial leaking petroleum underground storage tank cleanup fees.**

(a) For purposes of this subsection, each compartment of a commercial underground storage tank that is designed to independently contain a petroleum product is a separate petroleum commercial underground storage tank. The owner or operator of a commercial petroleum underground storage tank shall pay to the Secretary for deposit into the Commercial Fund an annual operating fee of ~~four hundred ninety-eight dollars ($498.00)~~ four hundred twenty dollars ($420.00) for each petroleum commercial underground storage tank.

…

(e) An owner or operator of a commercial underground storage tank who fails to pay an annual operating fee due under this section within 30 days of the date that the fee is due shall pay, in addition to the fee, a late penalty of ~~six dollars ($6.00)~~ five dollars ($5.00) per day per commercial underground storage tank, up to a maximum equal to the annual operating fee due. The Department may waive a late penalty in whole or in part if:

(1) The late penalty was incurred because of the late payment or nonpayment of an annual operating fee by a previous owner or operator.

(2) The late penalty was incurred because of a billing error for which the Department is responsible.

(3) Where the late penalty was incurred because the annual operating fee was not paid by the owner or operator due to inadvertence or accident.

(4) Where payment of the late penalty will prevent the owner or operator from complying with any substantive law, rule, or regulation applicable to underground storage tanks and intended to prevent or mitigate discharges or releases or to facilitate the early detection of discharges or releases.

…."

SECTION 28.(c) This section is effective October 1, 2026, and applies to any fees due on or after that date.

RECOGNITION OF COMBINED WASTEWATER CAPACITY

SECTION 29.(a) Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-215.1D. Recognition of combined treatment and disposal capacity; coordinated permitting for facilities served by both the Department and the Department of Health and Human Services disposal pathways.**

(a) Definitions. – The following definitions apply to this section:

(1) Combined permitted capacity. – The sum of the treatment and combined discharge and disposal capacity authorized for a single wastewater treatment facility under all permits, approvals, authorizations, or discharge capacity issued or authorized for that facility by the Department and by the Department of Health and Human Services, including capacity authorized under a permit issued under G.S. 143-215.1, or a Department of Health and Human Services permit, and any permit issued under rules adopted by the Environmental Management Commission or the Commission for Public Health.

(2) Combined wastewater treatment facility. – A treatment facility, the effluent from which is discharged, in whole or in part, through a Department permit and, in whole or in part, through a Department of Health and Human Services permit.

(3) Department of Health and Human Services permit. – Any permit, authorization, written confirmation under G.S. 130A-336.1(p2)(2), or process issued or authorized pursuant to Article 11 of Chapter 130A of the General Statutes by the Department of Health and Human Services.

(4) Department permit. – Any permit or authorization issued by the Department under this Article.

(b) Reciprocal Recognition of Permitted Capacity. – For all purposes under this Article and Article 11 of Chapter 130A of the General Statutes, the Department and the Department of Health and Human Services, and the Commission and the Commission for Public Health, shall each recognize and honor a Department permit and a Department of Health and Human Services permit for a combined wastewater treatment facility. Neither Department nor Commission shall disregard, exclude, or decline to credit capacity authorized under a permit issued by the other department, including a Department of Health and Human Services permit, when determining the total permitted treatment and disposal capacity of a wastewater treatment facility, including in any determination of available capacity, any allocation of capacity, any authorization of a sewer system extension, or any imposition or continuation of a sewer system moratorium under G.S. 143-215.1, including subsections (f4) and (f5) of that section. The Department shall recognize and credit capacity attributable to a wastewater dispersal system as described under G.S. 130A-336.1(p2) only upon issuance of written confirmation by the Department of Health and Human Services that the proposed design meets all applicable laws and rules pursuant to that subsection.

(c) Jointly Regulated Wastewater Treatment Facilities with Combined Capacity. – Upon the written request of the owner or operator of a combined wastewater treatment facility that is discharging under a Department of Health and Human Services permit or Department permit, or owner or operator of a wastewater treatment facility that seeks to discharge under a Department of Health and Human Services permit, a permit issued under G.S. 143-215.1, or both, the Department and the Department of Health and Human Services shall authorize a combined permitted capacity equal to the sum of the capacities approved under a Department of Health and Human Services permit or G.S. 143-215.1, less the combined permitted capacity attributable to shared treatment and conveyance components for both systems that may limit the combined system capacity to less than the total capacity authorized for the two systems. The Department shall issue its permit in accordance with applicable laws, and the Department of Health and Human Services shall issue a Department of Health and Human Services permit in accordance with Article 11 of Chapter 130A of the General Statutes and rules adopted thereunder. Permits and authorizations for jointly regulated wastewater treatment facilities shall be subject to all of the following:

(1) Division of regulatory authority. – Each permitting authority shall be responsible only for those portions of the permit that it is authorized by law to regulate. The Department and the Department of Health and Human Services, issuing or authorizing a permit under Article 11 of Chapter 130A of the General Statutes, including a Department of Health and Human Services permit, or G.S. 143-215.1, as applicable, shall have equal and independent regulatory authority within their respective jurisdictions. Neither permitting authority is subordinate to the other, neither has jurisdiction over the other, and neither may permit, regulate, inspect, or enforce in place of the other.

(2) Delineation of jurisdiction. – Each permit shall identify and reference the corresponding permit issued by the other permitting authority and shall clearly

delineate the conditions, components, processes, and portions of the permit that are subject to its jurisdiction and enforcement.

(3) No encroachment. – Neither permitting authority shall encroach upon, assert, or exercise the jurisdiction or enforcement authority of the other. The permitting, compliance, inspection, and enforcement authority of each permitting authority is limited to the portions of the facility and conditions of the permit subject to its jurisdiction.

(4) Severability of permits and conditions. – The conditions of each permit subject to this section are severable from the conditions of the permit issued by the other permitting authority. The enforcement, modification, suspension, revocation, or invalidation of one permit, or of any condition or provision of one permit, shall not affect, invalidate, impair, or render unenforceable the other permit or any condition or provision of the other permit, which shall remain in full force and effect according to its terms.

(5) Construction. – Nothing in this subsection shall be construed to authorize the issuance of a single permit in lieu of the permits otherwise required by law, nor shall it be construed to alter, limit, expand, or transfer the permitting, compliance, inspection, enforcement, or approval authority of the Department or the Department of Health and Human Services.

(d) Substantive Authority Preserved. – Each discharge or disposal shall remain subject to the substantive permitting authority, standards, and rules of the department and commission with jurisdiction over that discharge or disposal.

(e) Sewer System Extension Permits. – The Department shall issue permits, certificates of coverage, and authorizations for the extension of a sewer system to a combined wastewater treatment facility on the basis of the combined permitted capacity of that facility. In determining whether adequate treatment and disposal capacity exists to authorize a sewer system extension, the Department shall credit the full combined permitted capacity of the facility and shall not deny, limit, delay, or condition the permit, certificate of coverage, authorization, or deemed-permitted status on the basis that capacity authorized under a Department of Health and Human Services permit is excluded from, or not counted toward, the available capacity of the facility. This subsection applies to all sewer system extension permits, certificates of coverage, authorizations, and deemed-permitted determinations issued under this Article and under rules adopted by the Commission, including 15A NCAC 02T, and applies to any capacity allocation, capacity-use, or moratorium determination on which authorization of the extension depends.

(f) Standards Preserved. – Nothing in this section authorizes the Department, the Department of Health and Human Services, the Commission, or the Commission for Public Health to reduce, waive, or modify any treatment standard, effluent limitation, groundwater or surface water quality standard, design criterion, setback, or operational requirement otherwise applicable to either disposal pathway. Each discharge authorized under a permit issued pursuant to this section remains subject to the standards, rules, monitoring, and reporting requirements applicable to that discharge.

(g) Coordination. – The Department and the Department of Health and Human Services shall enter into a memorandum of agreement establishing procedures for the reciprocal recognition of capacity required by subsection (b) of this section and for the issuance of permits under subsection (c) of this section, including the allocation of application review responsibilities, fees, and ongoing compliance oversight.

(h) Rules. – The Commission and the Commission for Public Health may adopt temporary and permanent rules to implement this section. Rules adopted under this subsection shall be consistent with the reciprocal recognition required by subsection (b) of this section and shall not impose any requirement that would prevent or delay the crediting of capacity authorized under a permit issued by the other Department."

COMPLIANCE REVIEW REQUIRED FOR LARGE ON-SITE WASTEWATER SYSTEMS CONSTRUCTED PURSUANT TO ENGINEERED OPTION PERMIT

SECTION 29.(b) G.S. 130A-336.1 is amended by adding two new subsections to read:

"(p1) Recognition of Combined Capacity. – Capacity authorized by a permit issued under this section, and under a Department of Health and Human Services permit as described under G.S. 143-215.1D(a)(3), shall be recognized and credited as provided in G.S. 143-215.1D. The Department and the Commission for Public Health shall recognize and honor the treatment and discharge capacity authorized for a wastewater treatment facility under a permit issued by the Department of Environmental Quality as provided in G.S. 143-215.1D.

(p2) Large On-Site Wastewater Systems. – A subsurface wastewater dispersal system receiving effluent with a design daily flow greater than or equal to 25,000 gallons per day proposed to be constructed under this section is subject to all of the following:

(1) Department review. – Notwithstanding any other provision of this section, when a wastewater dispersal system receiving effluent is proposed with a design daily flow greater than or equal to 25,000 gallons per day, the Department shall conduct a compliance review of the proposed design to ensure compliance with all applicable laws and rules. The compliance review of the wastewater system may include all supporting engineering, modeling, operational, monitoring, soils, site, hydrogeologic, treatment, and disposal information, as determined by the Department. The Department may request any information or documentation necessary to complete its compliance review. If the submittal is incomplete or does not comply with the applicable laws and rules, the Department shall issue a letter specifically identifying all missing information or the laws and rules with which the submittal does not comply, including specific citations to the applicable laws or rules. The Department shall have 120 days to complete the compliance review, which period shall begin upon the Department's receipt of a completed application, and shall be tolled during periods in which the Department awaits additional information from an applicant necessary to complete the compliance review. If the Department fails to complete the review in the required time frame, the compliance review shall be deemed complete.

(2) Compliance review determination. – Upon completion of a compliance review pursuant to subdivision (1) of this subsection, if the Department finds that the proposed wastewater system complies with all applicable requirements, the Department shall issue written confirmation acknowledging that the proposed design meets all applicable laws and rules. A determination by the Department that a proposed wastewater system does not comply with applicable laws or rules constitutes a final agency decision subject to appeal under G.S. 130A-24 and Article 3 of Chapter 150B of the General Statutes. The provisions of subsection (f) of this section remain effective for systems reviewed by the Department pursuant to this subsection.

(3) Continuing oversight authority. – Recognition of capacity pursuant to subsection (p1) of this section shall not be construed to limit, waive, impair, or extinguish the authority of the Department under this Article, rules adopted pursuant to this Article, or a Department of Health and Human Services permit as described under G.S. 143-215.1D(a)(3). The Department shall retain authority to inspect, investigate, review, require corrective action, modify, suspend, revoke, rescind, invalidate, or otherwise enforce any permit,

approval, authorization, engineered option permit, or capacity determination as authorized by law.

(4) Previously issued permits and authorizations. – Any Department of Health and Human Services permit as described under G.S. 143-215.1D(a)(3) that is relied upon for purposes of establishing combined permitted capacity in accordance with Article 21 of Chapter 143 of the General Statutes shall remain subject to review by the Department of Health and Human Services. The Department may require submission of records, engineering analyses, operational data, monitoring results, maintenance records, and other information reasonably necessary to verify compliance and available capacity.

(5) Condition of capacity recognition. – Capacity authorized under this Article shall not be credited toward combined permitted capacity unless the Department determines that the permit or authorization remains valid and that the system is operating in substantial compliance with applicable permit conditions, operational requirements, and public health protections."

SECTION 29.(c) The memorandum of agreement between the Department of Environmental Quality and Department of Health and Human Services required under subsection (g) of G.S. 143-215.1D, as enacted by subsection (a) of this section, shall be executed no later than October 31, 2026.

SECTION 29.(d) This section is effective October 31, 2026.

GUARANTEED ENERGY SAVINGS CONTRACTS – REFORM AND RECODIFICATION

SECTION 30.(a) Article 3B of Chapter 143 of the General Statutes is amended by adding a new Part 3 to be entitled "Guaranteed Energy Savings Contracts."

SECTION 30.(b) The following provisions are recodified in Part 3 of Article 3B of Chapter 143 of the General Statutes, as created by subsection (a) of this section, as set forth in the table below:

Former Citation	Recodified Citation
G.S. 143-64.17B	G.S. 143-64.18B
G.S. 143-64.17D	G.S. 143-64.18D
G.S. 143-64.17E	G.S. 143-64.18E
G.S. 143-64.17F	G.S. 143-64.18F
G.S. 143-64.17G	G.S. 143-64.18J
G.S. 143-64.17H	G.S. 143-64.18K

SECTION 30.(c) Part 3 of Article 3B of Chapter 143 of the General Statutes, as created by subsection (a) of this section, as amended by subsection (b) of this section, reads as rewritten:

"Part 3. Guaranteed Energy Savings Contracts.

"**§ 143-64.18A. Solicitation of guaranteed energy savings contracts.**

(a) RFQ Issuance. – Before entering into a guaranteed energy savings contract, a governmental unit shall issue a request for qualifications. Notice of the request shall be published at least 15 days in advance of the closing date for receipt of qualifications on a State-maintained electronic procurement portal accessible to the public and, in the case of a local governmental unit, in at least one newspaper of general circulation in the geographic area for which the local governmental unit is responsible or on the unit's publicly accessible website.

(b) Minimum Content of RFQ. – The request for qualifications shall include, at a minimum, each of the following:

(1) The name and address of the governmental unit and a contact person.

(2) A general description of the facilities and scope of energy conservation measures being considered.

(3) The evaluation criteria and relative criteria weighting to be applied in the selection process.

(4) The closing date and time for receipt of qualifications.

(5) A statement reserving the right of the governmental unit to reject any or all responses.

(c) Criteria for Selection of Provider. – The governmental unit shall select the qualified provider that it determines to best meet the needs of the governmental unit by evaluating all of the following and following the procedures set forth in this section:

(1) Demonstrated competence of the qualified provider.

(2) The qualified provider's past performance on energy savings projects.

(3) For State governmental units, the inclusion of a provision in a guaranteed energy savings contract that requires the annual measurement and verification review to be conducted by an impartial third party whose compensation is included in the total cost of the proposed contract.

(4) Any other criteria stated in the request for qualifications.

(d) Initial Evaluation; Shortlist. – The governmental unit shall evaluate responses to the request for qualifications and develop a shortlist of the most highly qualified respondents based on the criteria set forth in subsection (c) of this section. If only one response is received from a qualified provider, the governmental unit may proceed with the evaluation and selection of that provider without resolicitation, provided that the governmental unit makes a written determination that resolicitation is unlikely to increase competition. The determination shall state the basis for that conclusion and shall be included in the public award file. For State governmental units, if only one response is received, the State Energy Office shall concur in the determination before the governmental unit may select the qualified provider.

(e) Ranking; Selection. – A qualified reviewer shall review the shortlisted respondents' qualifications and provide the governmental unit with a written evaluation addressing, at a minimum, any material concerns regarding the respondents' ability to perform. The governmental unit shall then rank the shortlisted respondents, select the highest-ranked qualified provider, and negotiate the terms of a guaranteed energy savings contract. If negotiations with the highest-ranked provider are unsuccessful, the governmental unit may proceed to the next-ranked provider.

(f) Investment Grade Audit. – Prior to entering into a guaranteed energy savings contract under this section, the qualified provider selected by the governmental unit shall conduct an investment grade audit that includes a life cycle cost analysis of each energy conservation measure in the final proposal.

(g) Qualified Reviewer; Final Evaluation. – Prior to a State governmental unit's award of a guaranteed energy savings contract under this section, the qualified reviewer shall review the qualified provider's final proposal and the terms of the negotiated contract and shall provide the governmental unit with a written evaluation addressing whether the negotiated scope is materially consistent with the qualifications and approach presented in the RFQ response, whether the savings methodology remains technically sound, and whether any changes introduced during the negotiation materially affect the projected savings or risk profile.

(h) State Energy Office Review. – The State Energy Office shall review the qualified provider's proposal, cost-benefit analysis, and other relevant documents prior to the governmental unit entering a guaranteed energy savings contract. For State governmental units, the State Energy Office shall complete its review within 10 business days of receiving the proposal. The State Energy Office shall advise the governmental unit on the suitability of the proposed guaranteed energy savings contract. However, if the State Energy Office identifies in the proposal any instances of noncompliance with the requirements of this Article, the State Energy Office shall notify the governmental unit of such noncompliance. A governmental unit may not enter

into the proposed guaranteed energy savings contract until the State Energy Office has determined the proposal to be in compliance with this Article.

(i) Governmental Unit Authority Preserved. – Nothing in this section shall limit the authority of the governmental unit as set forth in Article 3D of this Chapter.

"**§ 143-64.18B. Guaranteed energy savings contracts.**

(a) A governmental unit may enter into a guaranteed energy savings contract with a qualified provider if all of the following apply:

(1) The term of the contract does not exceed 20 years from the date of the installation and acceptance by the governmental unit of the energy conservation measures provided for under the contract.

(2) The governmental unit finds that the energy savings resulting from the performance of the contract will equal or exceed the total cost of the contract.

(3) The energy conservation measures to be installed under the contract are for an existing building or utility system, or utility consuming device or equipment when the utility cost is paid by the governmental unit.

(b) Before entering into a guaranteed energy savings contract, the governmental unit shall provide published notice of the time and place or of the meeting at which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose. The notice must be published at least 15 days before the date of the proposed award or meeting.

(c) A qualified provider entering into a guaranteed energy savings contract under this Part shall provide security to the governmental unit in the form acceptable to the Office of the State Treasurer and in an amount equal to one hundred percent (100%) of the guaranteed savings for the term of the guaranteed energy savings contract to assure the provider's faithful performance. Any bonds required by this subsection shall be subject to the provisions of Article 3 of Chapter 44A of the General Statutes. If the savings resulting from a guaranteed energy savings contract are not as great as projected under the contract and all required shortfall payments to the governmental unit have not been made, the governmental unit may terminate the contract without incurring any additional obligation to the qualified provider.

(d) As used in this section, "total cost" shall include, but not be limited to, costs of construction, costs of financing, and costs of maintenance and training during the term of the contract less the application of the utility company, State, or federal incentives, grants, ~~or rebates.~~ rebates, or capital funding. "Total cost" does not include any obligations on termination of the contract before its expiration, provided that those obligations are disclosed when the contract is executed.

(e) A guaranteed energy savings contract may not require the governmental unit to purchase a maintenance contract or other maintenance agreement from the qualified provider who installs energy conservation measures under the contract if the unit of government takes appropriate action to budget for its own forces or another provider to maintain new systems installed and existing systems affected by the guaranteed energy savings contract.

~~(f) In the case of a State governmental unit, a qualified provider shall, when feasible, after the acceptance of the proposal of the qualified provider by the State governmental unit, conduct an investment grade audit. During this investment grade audit, the qualified provider shall perform in accordance with Part 1 of this Article a life cycle cost analysis of each energy conservation measure in the final proposal. If the results of the audit are not within ten percent (10%) of both the guaranteed savings contained in the proposal and the total proposal amount, either the State governmental unit or the qualified provider may terminate the project without incurring any additional obligation to the other party. However, if the State governmental unit terminates the project after the audit is conducted and the results of the audit are within ten percent (10%) of both the guaranteed savings contained in the proposal and the total proposal amount, the State governmental unit shall reimburse the qualified provider the reasonable cost~~

~~incurred in conducting the audit, and the results of the audit shall become the property of the State governmental unit.~~

(g) A qualified provider shall provide an annual reconciliation statement based upon the results of the measurement and verification review. The statement shall disclose any shortfalls or surplus between guaranteed energy and operational savings specified in the guaranteed energy savings contract and actual, not stipulated, energy and operational savings incurred during a given guarantee year. Any guaranteed energy and operational savings shall be determined by using one of the measurement and verification methodologies listed in the United States Department of Energy's Measurement and Verification Guidelines for Energy Savings Performance Contracting, the International Performance Measurement and Verification Protocol (IPMVP) maintained by the Efficiency Valuation Organization, or Guideline 14-2002 of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers. If due to existing data limitations or the nonconformance of specific project characteristics, none of the three methodologies listed in this subsection is sufficient for measuring guaranteed savings, the qualified provider shall develop an alternate method that is compatible with one of the three methodologies and mutually agreeable to the governmental unit. The guarantee year shall consist of a 12-month term commencing from the time that the energy conservation measures become fully operational. A qualified provider shall pay the governmental unit or its assignee any shortfall in the guaranteed energy and operational savings after the total year savings have been determined. In the case of a governmental unit, a surplus in any one year shall not be carried forward or applied to a shortfall in any other year.

…."

GUARANTEED ENERGY SAVINGS CONTRACTS – CONFORMING CHANGES

SECTION 31.(a) The following statutes are amended by deleting the language "Part 2 of Article 3B" wherever it appears and substituting "Part 3 of Article 3B": G.S. 115C-47, 115D-20, 133-4.1, 143-129.4, and 143-135.37.

SECTION 31.(b) G.S. 160A-20 is amended by deleting the language "Part 2 of Article 3B" wherever it appears and substituting "Article 3B."

SECTION 31.(c) G.S. 143-64.12 is amended by deleting the language "Part 2 of this Article" wherever it appears and substituting "Part 3 of this Article."

SECTION 31.(d) The following statutes are amended by deleting the language "G.S. 143-64.17A" wherever it appears and substituting "G.S. 143-64.18A": G.S. 142-61 and G.S. 142-63.

SECTION 31.(e) G.S. 159-151 is amended by deleting the language "G.S. 143-64.17A(a1)" wherever it appears and substituting "G.S. 143-64.18A(a1)."

SECTION 31.(f) G.S. 143-64.17K is amended by deleting the language "G.S. 143-64.17A(c1)" wherever it appears and substituting "G.S. 143-64.18A(c1)."

SECTION 31.(g) G.S. 142-63 is amended by deleting the language "G.S. 143-64.17B" wherever it appears and substituting "G.S. 143-64.18B."

SECTION 31.(h) G.S. 143-64.17L is amended by deleting the language "G.S. 143-64.17B(d)" wherever it appears and substituting "G.S. 143-64.18B(d)."

SECTION 32.(a) G.S. 143-64.17 reads as rewritten:

"Part 2. Energy Saving Measures for Governmental Units.

"**§ 143-64.17. Definitions.**

As used in this ~~Part:~~Part and Part 3 of this Article:

…

~~(6) "Request for proposals" means a negotiated procurement initiated by a governmental unit by way of a published notice that includes the following:~~

~~a. The name and address of the governmental unit.~~

~~b. The name, address, title, and telephone number of a contact person in the governmental unit.~~

~~c. Notice indicating that the governmental unit is requesting qualified providers to propose energy conservation measures through a guaranteed energy savings contract.~~

~~d. The date, time, and place where proposals must be received.~~

~~e. The evaluation criteria for assessing the proposals.~~

~~f. A statement reserving the right of the governmental unit to reject any or all the proposals.~~

~~g. Any other stipulations and clarifications the governmental unit may require.~~

(7) "State governmental unit" means the State or a department, an agency, a board, or a commission of the State, including the Board of Governors of The University of North Carolina and its constituent institutions."

SECTION 32.(b) G.S. 143-64.17A is repealed.

SECTION 32.(c) The following statutes are amended by deleting the word "Part" wherever it appears and substituting the word "Article": G.S. 143-64.17I, 143-64.17J, 143-64.17K, and 143-64.17L.

SECTION 33. The Department of Environmental Quality shall adopt temporary rules to implement Sections 30 through 32 of this act and shall adopt permanent rules to replace the temporary rules. Temporary rules adopted in accordance with this section shall remain in effect until permanent rules that replace the temporary rules become effective.

MINING PERMIT MODIFICATIONS

SECTION 34.(a) G.S. 74-49 reads as rewritten:

"**§ 74-49. Definitions.**

Wherever used or referred to in this Article, unless a different meaning clearly appears from the context:

…

(7) "Mining" means any of the following: (i) the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; (ii) any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; or (iii) the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

"Mining" does not include:

…

<u>h. Activities undertaken at any time within the mine permit boundaries for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, as adopted by the Department of Agriculture and Consumer Services. This exemption shall not, however, apply to any undisturbed property.</u>

…."

SECTION 34.(b) G.S. 74-50 reads as rewritten:

"**§ 74-50. Permits – General.**

…

(b2) The notice shall inform the owners of record and chief administrative officers of the opportunity to submit written comments to the Department regarding the proposed new or modified mining operation that adds land to the permitted area and the opportunity to request a

public hearing regarding the proposed new or modified mining operation. Requests for public hearing shall be made within 30 days of issuance of the ~~notice.~~notice or receipt of the application by the Department, whichever is later.

…

(c) No permit shall become effective until the operator has deposited with the Department an acceptable performance bond or other security pursuant to G.S. 74-54.

(1) If at any time the bond or other security, or any part thereof, shall lapse for any reason ~~other than a release by the Department,~~ excluding cancellation of the bond by the surety, and the lapsed bond or security is not replaced by the operator within 30 days after notice of the lapse, the permit to which the lapsed bond or security pertains shall be automatically revoked.

(2) If the Department is noticed of pending cancellation of a bond by the surety pursuant to G.S. 74-54(a) and the bond is not replaced within 45 days of the Department's receipt of the notice, the permit to which the bond or security pertains shall be automatically revoked.

…

(e) Public comment periods and time frames for conducting public hearings as established by this Article shall not be extended nor altered by the Department. When the Department holds a public hearing pursuant to G.S. 74-51(c), the 60-day technical review period established in G.S. 74-51(b1) shall not conclude until either 30 days following the public hearing or the original 60-day technical review period, whichever is later."

SECTION 34.(c) G.S. 74-51 reads as rewritten:

"**§ 74-51. Permits – Application, granting, conditions.**

…

(b) Before deciding whether to grant a new permit, the Department shall circulate copies of a notice of application for review and comment as it deems advisable. The Department shall grant or deny the permit requested as expeditiously as ~~possible, but in no event later than 60 days after the application form and any relevant and material supplemental information reasonably required shall have been filed with the Department, or if a public hearing is held, within 30 days following the hearing and the filing of any relevant and material supplemental information reasonably required by the Department.~~ possible. Priority consideration shall be given to applicants who submit evidence that the mining proposed will be for the purpose of supplying materials to the Board of Transportation. In accordance with G.S. 143B-279.18, except to the extent required by federal or State law, the Department shall not refuse to accept an application for, nor refuse to issue, a new, modified, or transferred mining permit based solely on the failure of an applicant to obtain another permit, authorization, or certification required for the same project. For purposes of this section, failure to obtain a permit, authorization, or certification shall not include denial of the permit, authorization, or certification by the Department based on the standards for approval of the permit, authorization, or certification provided by law.

(b1) The Department shall act on a permit application as quickly as possible. The Department may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Department considers necessary to evaluate the application. If the Department fails to act on an application for a new, modified, or transferred mining permit as specified in this subsection after the applicant submits all information required by the Department, the application shall be deemed approved without modification. The following provisions apply:

(1) The Department shall perform an administrative review of an application and of a resubmittal of an application determined to be incomplete under subdivision (3) of this subsection within 10 working days of receipt to determine if the information is administratively complete. If complete, the Department shall issue a receipt letter or electronic response stating that the

application is complete and that a 60-calendar day technical review period has started as of the original date the application was received. If required items or information is not included, the application shall be deemed incomplete, and the Department shall issue an application receipt letter or electronic response identifying the information required to complete the application package before the technical review begins. When the required information is received, the Department shall then issue a receipt letter or electronic response specifying that it is complete and that the 60-calendar day technical review period has started as of the date of receipt of all required information. The Department shall develop an application package checklist identifying the items and information required for an application to be considered administratively complete.

(2) If, during the 60-calendar day technical review period, the Department determines that the application meets the standards for issuance of a new, modified, or transferred mining permit, it shall approve the application.

(3) If, during the 60-calendar day technical review period, the Department determines that additional information is required to continue processing the application, the Department and the applicant shall comply with the following:

a. The Department shall issue a letter or electronic response with a list of the additional information required to issue the permit.

b. The applicant shall have up to 180 calendar days from the date the letter or electronic response is sent to submit the additional information to the Department.

c. If the applicant is unable to provide the required information within the time frame specified in sub-subdivision b. of this subdivision, the applicant may request, with good cause, that a one-year extension be granted by the Department; if the one-year extension granted by the Department is insufficient, the applicant may then request another one-year extension granted by the Mining Commission.

d. If the applicant fails to provide the required information within 180 calendar days or within any extensions granted by the Department and Commission pursuant to sub-subdivision c. of this subdivision, the Department shall return the application to the applicant, the application is deemed denied, and the applicant must resubmit a complete application with a new application fee before the project may be reviewed.

e. Upon receipt of the required information from the applicant, the Department shall have 45 calendar days to complete the subsequent technical review and issue the permit, issue the permit with modifications, deny the permit, or issue a letter or electronic response with a list of additional information required to continue processing the application, and the review process will proceed in accordance with sub-subdivision b. or c. of this subdivision, as applicable.

f. After issuing a letter or electronic response requesting additional information under this subdivision, the Department shall not subsequently request additional information that was not previously identified as missing or required in that additional information letter or electronic response. The Department may, however, request additional information if required for the technical review based on any new information, changed circumstances, or changed designs

provided by the applicant in a response provided pursuant to sub-subdivision b. or c. of this subdivision, as applicable.

g. Where the Department identifies information that should have been requested, the Department may address this information by including conditions in or modifications to the permit upon issuance but shall not deny the permit because of the missing information. This prohibition on permit denial shall not apply where an application was deemed denied under sub-subdivision d. of this subdivision.

…

(d) The Department may deny the permit upon finding:

…

(7) That the applicant or any parent, subsidiary, or other affiliate of the applicant or parent has not been in substantial compliance with this Article, rules adopted under this Article, or other laws or rules of this State for the protection of the environment or has not corrected all violations that the applicant or any parent, subsidiary, or other affiliate of the applicant or parent may have committed under this Article or rules adopted under this Article and that resulted in:

a. Revocation of a permit,
b. Forfeiture of part or all of a bond or other security,
c. Conviction of a misdemeanor under G.S. 74-64,
d. Any other court order issued under G.S. 74-64, or
e. Final assessment of a civil penalty under G.S. 74-64, [or]
~~f. Failure to pay the application processing fee required under G.S. 74-54.1.~~

(8) That the applicant failed to pay the application processing fee required by G.S. 74-54.1 within 30 days of receipt of the application by the Department.

…

(h) Upon approval of an application, the Department shall set the amount of the performance bond or other security that is to be required pursuant to G.S. 74-54. The operator shall have 60 days after the Department mails a notice of the required bond to the operator in which to deposit the required bond or security with the ~~Department.~~ Department or the permit application will be automatically denied. The operating permit shall not be issued until receipt of this deposit.

…."

SECTION 34.(d) This section becomes effective October 1, 2026, and applies to permit applications filed on or after that date.

EXEMPT CERTAIN COMPOST FACILITIES FROM FINANCIAL ASSURANCE REQUIREMENTS

SECTION 35.(a) G.S. 130A-295.2 is amended by adding a new subsection to read:

"(k) An owner or operator of a permitted Small or Large Type 1 or Type 2 compost facility shall be exempt from financial assurance requirements under this section."

SECTION 35.(b) This section becomes effective December 1, 2026.

ALIGN STATUTORY REFERENCE WITH PRESIDENTIAL EXECUTIVE ORDER 14172

SECTION 36. G.S. 143-215.94BB(7) reads as rewritten:

"(7) "Offshore waters" shall include both the territorial sea extending seaward from the coastline of North Carolina or any other coastal state bordering the Atlantic Ocean, including the ~~Gulf of Mexico,~~ Gulf of America, and the

exclusive economic zone extending seaward from the territorial sea of each such state."

MOVE ARBOR WEEK FROM MARCH TO NOVEMBER

SECTION 37. G.S. 103-6 reads as rewritten:

"**§ 103-6. Arbor Week.**

The week in ~~March~~ November of each year containing ~~March~~ November 15 is hereby designated as Arbor Week in North Carolina."

ON-SITE WASTEWATER PRODUCTS FOR STORMWATER

SECTION 39. The Department of Environmental Quality shall approve for use as a new stormwater technology any prefabricated permeable block panel system approved for use in the State, as defined in G.S. 130A-343(a)(6a). In developing Minimum Design Criteria for this technology, the Department shall ensure that the MDC follows the manufacturer's installation and service requirements as closely as possible while still complying with federal requirements. When utilized in traffic-rated areas, a person licensed as a professional engineer pursuant to Chapter 89C of the General Statutes may use the approved prefabricated permeable block panel system upon a showing that the system meets H-20 structural loading requirements. For the purposes of this section, "traffic-rated areas" does not include Department of Transportation rated areas but does include driveways and private parking areas with impervious or pervious pavement areas.

H162 TECHNICAL CORRECTION

SECTION 40. Section 2 of S.L. 2026-39 is repealed.

PART IV. LAND USE AND HOUSING AFFORDABILITY REFORMS

SITE-SPECIFIC VESTING PLAN CHANGES

SECTION 41.(a) G.S. 160D-108.1 reads as rewritten:

"**§ 160D-108.1. Vested rights – site-specific vesting plans.**

…

(c) Approval and Amendment of Plans. – If a site-specific vesting plan is based on an approval required by a local development regulation, the local government shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than ~~two~~ five years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on ~~such an approval,~~ an approval required by a development regulation, a legislative hearing with notice as required by G.S. 160D-602 shall be held.

A local government may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect the public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. A local government shall not require a landowner to waive the landowner's vested rights as a condition of developmental approval. A site-specific vesting plan is deemed approved upon the effective date of the local government's decision approving the plan or another date determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if ~~such~~ the modifications are defined and authorized by local regulation.

…

(e) Duration and Termination of Vested Right. –

(1) A vested right for a site-specific vesting plan remains vested for a period of ~~two~~ five years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the local government.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a local government may provide for rights to be vested for a period exceeding ~~two~~ five years but not exceeding ~~five~~ eight years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the local government and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with subsection (a) of this section.

(3) Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.

(4) A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(f) Subsequent Changes Prohibited; Exceptions. –

(1) A vested right, once established as provided for in this section, precludes any ~~zoning action~~ development regulation by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan, except under one or more of the following conditions:

a. With the written consent of the affected landowner.

b. Upon findings, by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific vesting plan.

c. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as provided under G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.

d. Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the site-specific vesting plan or the phased development plan.

e. ~~Upon the enactment or promulgation of a~~ As required by State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a

fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

(2) The establishment of a vested right under this section ~~does not preclude~~ precludes the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new development regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.

(3) Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the authority of a local government to adopt and enforce development regulations governing ~~nonconforming situations or uses.~~nonconformities.

…."

SECTION 41.(b) This section is effective when it becomes law and applies to permit applications filed and appeals filed on or after that date.

TOLL DISCONTINUANCE PERIOD FOR VESTED RIGHTS DURING EMERGENCY DECLARATIONS

SECTION 42. G.S. 160D-108 reads as rewritten:

"**§ 160D-108. Permit choice and vested rights.**

…

(d) Duration of Vesting. – Upon issuance of a development permit, the statutory vesting granted by subsection (c) of this section for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this section or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive.

Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during ~~the~~ any of the following:

(1) The pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section.

(2) ~~The 24-month discontinuance period is also tolled during the~~ The pendency of any litigation involving the development project or property that is the subject of the vesting.

(3) The duration of any emergency declaration issued under G.S. 166A-19.20 or G.S. 166A-19.22 for which the defined emergency area includes the property, in whole or in part.

…."

RESIDENTIAL RIGHT OF USE IN COMMERCIAL ZONING DISTRICTS

SECTION 43. Article 7 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-703.1. Residential right of use in commercial districts.**

(a) Residential Right of Use in Commercial Districts. – A local government zoning regulation shall allow all of the following as a use by right on property undergoing redevelopment, except for properties that are on or adjacent to sites with known contamination that have not been remediated, in all areas zoned for nonagricultural commercial, business, or light industrial use:

(1) The siting of buildings and structures subject to the North Carolina Residential Code.

(2) The siting of multifamily housing structures with more than four residential dwelling units.

(3) Buildings and structures containing both residential dwelling units and nonresidential uses, provided that only the residential component of any such building or structure is a use by right, regardless of whether the nonresidential component requires a permit, special use authorization, or other approval.

(b) Limitation on Height Restrictions. – A zoning regulation under subsection (a) of this section shall not establish a maximum building height of less than 60 feet.

(c) Definitions. – For purposes of this section, "redevelopment" means the demolition and reconstruction of, or rehabilitation and improvement of, an existing structure or structures on a parcel, or the clearing and new construction on a parcel that contains or previously contained an impervious surface, building, or other structure associated with a prior use. Redevelopment does not include the construction of a new primary structure on a vacant parcel that has never been developed.

(d) Applicability. – This section applies only to cities with a population of 80,000 or greater that are located in counties with a population of 1,000,000 or greater according to the most recent federal decennial census."

ALLOW CONSTRUCTION AND SITING OF ACCESSORY DWELLING UNITS

SECTION 44.(a) Part 1 of Article 9 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-917. Accessory dwelling units.**

(a) A local government shall allow the development of at least one accessory dwelling unit which conforms to the North Carolina Residential Code, including applicable provisions from fire prevention codes, for each single-family detached dwelling in areas zoned for residential use that allow for development of single-family detached dwellings. An accessory dwelling unit may be built or sited concurrently or after the primary single-family detached dwelling has been constructed or sited. Nothing in this section shall prohibit a local government from permitting accessory dwelling units in any area not otherwise required under this section.

(b) In permitting accessory dwelling units under this section, a local government shall not do any of the following:

(1) Prohibit the use of the primary single-family detached dwelling and the accessory dwelling for long-term rentals by separate households.

(2) Require placement in a conditional zoning district.

(3) Establish minimum parking requirements or other parking restrictions, including imposition of additional parking requirements where an existing structure is converted for use as an accessory dwelling unit.

(4) Prohibit the connection of the accessory dwelling unit to existing utilities systems serving the primary single-family detached dwelling, provided the

utility service to that primary single-family detached dwelling has capacity to serve both dwellings.

(5) Charge any fees in excess of those charged for the permitting of a single-family detached dwelling similar in nature.

(6) Set a maximum accessory dwelling unit size of less than 800 square feet or greater than 1,000 square feet.

(c) A local government may do any of the following:

(1) Impose a setback minimum for accessory dwelling units of 10 feet or the setback minimum imposed generally upon lots in the same zoning classification, whichever is less.

(2) Require that accessory dwelling units be located to the side or rear of the primary single-family detached dwelling.

(3) Require that accessory dwelling units be smaller than the primary single-family detached dwelling.

(d) Except as otherwise provided in this section, a local government may regulate accessory dwelling units pursuant to this Chapter and nothing in this section shall be construed to impair the authority of a local government to adopt and enforce ordinances pursuant to Part 2 of this Article to comply with State and federal law, rules, and regulations, or permits consistent with the interpretations and directions of the State or federal agency issuing the permit.

(e) Nothing in this section shall apply to any of the following:

(1) The validity or enforceability of private covenants or other contractual agreements among property owners related to dwelling type restrictions.

(2) Properties located in a historic preservation district established pursuant to Part 4 of this Article.

(3) Properties designated as a National Historic Landmark by the United States Department of the Interior.

(4) An accessory dwelling unit that is not connected to water, well and septic, and sewer.

(f) After an accessory dwelling unit has been permitted for construction on a parcel, the parcel may not be further subdivided such that the accessory dwelling unit would be located on a different parcel than the primary single-family detached dwelling.

(g) For the purposes of this section, the term "accessory dwelling unit" means an attached or detached residential structure that is used in connection with, or that is an accessory to, a primary single-family detached dwelling located on the same parcel as the primary single-family detached dwelling and that has less total square footage than the primary single-family detached dwelling.

(h) This section applies only to cities with a population of 50,000 or greater, that are not in the coastal area, as that term is defined in G.S. 113A-103."

SECTION 44.(b) A local government that has enacted an ordinance that meets the requirements of this section and G.S. 160D-917, as enacted by this section, is not required to adopt a new ordinance.

SECTION 44.(c) Local governments shall adopt development regulations to implement the provisions in this section no later than July 1, 2027. If a local government fails to adopt development regulations as required by this section by July 1, 2027, accessory dwelling units shall be allowed in that local government without any limitations.

SECTION 44.(d) Subsection (a) of this section becomes effective January 15, 2027, and applies to applications for accessory dwelling unit permits on or after that date. The remainder of this section is effective when it becomes law.

IMPLEMENTATION OF CODE CHANGES FOR USE OF CERTAIN INSULATION IN WALLS

SECTION 45.(a) Definitions. – As used in this section, "Code" means the current North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council. For purposes of this section and its implementation, "R402 Rules" means provisions and tables within Section 402, Building Thermal Envelope, North Carolina – Residential Provisions, of the North Carolina Energy Conservation Code. As used in this section, "Council" means the Building Code Council and the Residential Code Council.

SECTION 45.(b) R402 Rules Amendment. – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to subsection (d) of this section, the Council and local governments enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to the R402 Rules within the North Carolina Energy Conservation Code.

SECTION 45.(c) Implementation. – Where Table R402.1.2, Insulation and Fenestration Requirements by Component, within the R402 Rules, require wood frame wall R-values, installing air-impermeable spray foam insulation as cavity insulation, which meets R-13 in climate zones 3 and 4, and R-15 insulation in climate zone 5, without installation of additional continuous insulation, shall be deemed to satisfy the R-value requirements for the wood frame wall in the appropriate climate zone, provided that the building envelope obtains an ACH50 blower door test result of less than or equal to 3.0.

SECTION 45.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend the R402 Rules to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 45.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

AMEND ENERGY RATING INDEX COMPLIANCE ALTERNATIVE

SECTION 46.(a) Definitions. – As used in this section, "Code" means the current North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council. For purposes of this section and its implementation, "R406 Rules" means provisions and tables within Section 406, Energy Rating Index Compliance Alternative, North Carolina – Residential Provisions, of the North Carolina Energy Conservation Code. As used in this section, "Council" means the Building Code Council and the Residential Code Council.

SECTION 46.(b) R406 Rules Amendment. – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to subsection (d) of this section, the Council and local governments enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to the R406 Rules within the North Carolina Energy Conservation Code.

SECTION 46.(c) Implementation. – There shall be no requirement that the building thermal envelope meets or exceeds the levels of efficiency and Solar Heat Gain Coefficients in Tables R406.2.1 and R406.2.2, which shall be deleted from the R406 Rules. The minimum standards associated with compliance shall be the ANSI RESNET ICC Standard 301-2022 "Standard for the Calculation and Labeling of the Energy Performance Index of Dwelling and Sleeping Units using an Energy Rating Index."

SECTION 46.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend the R406 Rules to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted

pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 46.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

PLUMBING LICENSE EXEMPTION FOR CERTAIN WATER AND SEWER LINE CONNECTIONS SERVING MOBILE HOMES

SECTION 47.(a) G.S. 87-21 is amended by adding a new subsection to read:

"(c3) Exemptions. – The provisions of this Article shall not apply to:

(1) A person who installs or connects a sanitary sewer line serving a manufactured home, as defined in G.S. 143-143.9(6), if all of the following conditions are met:

a. The sewer line is 3 or 4 inches in diameter and does not exceed 10 linear feet in length.

b. The sewer line connects the manufactured home to an existing septic tank, an existing building sewer, or another existing wastewater system connection point that has been approved by the local health department or other authority having jurisdiction.

c. The work does not include the design, installation, repair, relocation, expansion, replacement, or alteration of the septic tank, drainfield, distribution box, pump tank, or any other component of the wastewater system.

d. The work is performed using materials and installation methods that comply with the North Carolina State Building Code, the North Carolina Regulations for Manufactured Homes adopted by the State Fire Marshal, and Article 11 of Chapter 130A of the General Statutes and rules adopted under the authority of that Article.

e. The work remains subject to all required permits and inspections, and the sewer line is not covered, backfilled, or otherwise concealed until it has been inspected and approved by the authority having jurisdiction.

(2) A person who installs or connects a water line serving a manufactured home, as defined in G.S. 143-143.9(6), that does not exceed 100 linear feet between an existing water meter and point of connection at the manufactured home, if all of the following conditions are met:

a. The water line connects the manufactured home to an existing water line that has been approved by the local health department or other authority having jurisdiction.

b. The work does not include the design, installation, repair, relocation, expansion, replacement, or alteration of an existing water line.

c. The work is performed using materials and installation methods that comply with the North Carolina State Building Code, the North Carolina Regulations for Manufactured Homes adopted by the State Fire Marshal, and Article 10 of Chapter 130A of the General Statutes and rules adopted under the authority of that Article.

d. The work remains subject to all required permits and inspections, and the water line is not covered, backfilled, or otherwise concealed until it has been inspected and approved by the authority having jurisdiction."

SECTION 47.(b) This section is effective when it becomes law and applies to work occurring on or after that date.

AT-RISK BUILDING CHANGES

SECTION 48. G.S. 160D-1110.1 reads as rewritten:

"**§ 160D-1110.1. Commercial and multifamily building permits for applications with sealed plans; third-party plan review alternatives; at-risk building foundation permits; at-risk building structure permits.**

(a) Applicability. – This section applies to commercial and multifamily development project building permit applications that have plans and specifications that are complete and sealed for construction, as applicable, by a professional engineer licensed under Chapter 89C of the General Statutes or an architect licensed under Chapter 83A of the General Statutes.

…

(h) At-Risk Building Permit Options. – At-risk building permit options are available to an eligible building permit applicant that requested and attended a pre-submittal meeting in accordance with subsection (b) of this section to discuss a building project prior to permit application. An eligible permit applicant proceeding with an at-risk permit issued by a local government pursuant to this subsection assumes all risks of liability, and the local government is discharged and released from any liabilities, duties, and responsibilities attributable to the review, approval, or construction pursuant to that at-risk permit. In accordance with G.S. 160D-108(e), where multiple local development permits are required to complete a development project, a permit issued by a local government pursuant to this subsection is not an initial development permit for purposes of the vesting protections of G.S. 160D-108(e). The following at-risk building permit options are available:

(1) At-risk building foundation permit. – At the time of permit application, an eligible building permit applicant may request an at-risk building foundation permit authorizing a permit applicant to proceed with building foundation ~~construction.~~ construction and any associated trade permit necessary to support the authorized foundation construction. A local government must issue an at-risk building foundation permit and any associated trade permit necessary for the authorized scope of work if a local government determines a permit applicant has submitted all necessary plans and sufficient information, as discussed at a pre-submittal meeting pursuant to subsection (b) of this section, and received all approvals necessary, for building foundation construction and associated trade permit work, notwithstanding that other development approvals from the local government, or other State or federal agencies, for the project have not yet been obtained. For the purposes of this subdivision, a permit applicant must have received an approved erosion and sedimentation control plan in accordance with Article 4 of Chapter 113A of the General Statutes for land-disturbing activity at a building foundation construction site.

…."

PROMOTE FEE TRANSPARENCY AND PREDICTABILITY FOR APPLICANTS PRIOR TO LOCAL GOVERNMENT DEVELOPMENT PERMIT APPROVAL OR ISSUANCE

SECTION 49.(a) G.S. 160D-102 is amended by adding three new subdivisions to read:

"(16a) Fee estimate. – A statement projecting all fees that may reasonably be assessed in the fee statement for the applicant's project, including assumptions applied to the category or purpose of the fees to be charged.

(16b) Fee schedule. – A statement of all current fees that may be collected by a local government for the administration and enforcement of provisions set forth in

this Chapter and Article 8 of Chapter 162A of the General Statutes and impact fees, facility fees, and other fees authorized by local act, applicable to each project category and purpose, including the data and methodologies used to calculate the fee rates.

(16c) Fee statement. – An itemized statement of any fees applicable to the applicant's particular project pursuant to this Chapter."

SECTION 49.(b) Article 4 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-402.1. Development fee transparency.**

(a) Fee Schedule Publication. – Each local government shall prominently display on the local government's official website the local government's current fee schedules. The local government shall update the website to reflect any changes to fees, rates, or methodologies used to develop fees and rates within 30 days of the adoption of any ordinance amending the fees, rates, or methodologies. Each local government shall submit an annual report of its fee schedule, fee collections, and compliance with this section to the Local Government Commission.

(b) Local Government Commission Report. – The Local Government Commission shall publish and prominently display on the Commission's website a statewide report of local governments' current fee schedules.

(c) Required Disclosure. – Each local government shall provide to the applicant prior to a development approval the current fee schedule and a fee estimate. The local government shall deliver information required under this subsection to the applicant within 10 business days after submission of a completed application. If the project materially changes after the local government has delivered the fee estimate, the local government shall provide a revised estimate within 10 business days of receiving the updated project information. The local government shall not require payment of any fees specified in subsection (a) of this section before the local government provides the estimate.

(d) Final Fee Statement. – Each local government shall provide to the applicant, in writing, a final, binding fee statement of exact fees due when a development approval is issued on the application. The final fee amount may not exceed the most recent estimate provided under subsection (c) of this section, unless the local government adopts a new fee schedule by ordinance.

(e) Enforcement. – An applicant may commence a civil action in superior court of the county in which the applicant's project is located to compel the local government to comply with the requirements of this section. Nothing in this section shall limit any remedy otherwise available under Article 14 of this Chapter."

SECTION 49.(c) Nothing in this section shall be construed to limit or otherwise affect the power or authority of a local government to impose fees consistent with its statutory authority or constitutional requirements. This section shall not be construed to require the disclosure of confidential information under G.S. 132-1.2.

RESIDENTIAL CODE COUNCIL TEMPORARY RULEMAKING AUTHORITY

SECTION 50.(a) G.S. 150B-21.1(a) is amended by adding a new subdivision to read:

"(18) The need for the Residential Code Council to adopt rules amending the 2018 and 2024 North Carolina Residential Code, if the temporary rule is adopted on or after the date the Residential Code Council becomes fully constituted in accordance with the membership requirements of G.S. 143-136.1, as provided in Section 5.12(b)(2) of S.L. 2025-2."

SECTION 50.(b) This section is effective when it becomes law and expires two years after the date the Residential Code Council becomes fully constituted in accordance with the membership requirements of G.S. 143-136.1.

EXPAND ALTERNATE INSPECTION METHOD FOR COMPONENTS OR ELEMENTS TO INCLUDE HOME POWER INSTALLATIONS

SECTION 51.(a) G.S. 160D-1106 reads as rewritten:

"**§ 160D-1106. Alternate inspection method for ~~component or element.~~components, elements, or home power installations.**

(a) Notwithstanding the requirements of this Article, a local government shall accept and approve, without further responsibility to inspect, a design or other proposal for a ~~component or element~~ component, element, or home power installation in the construction of buildings from an architect licensed under Chapter 83A of the General Statutes or professional engineer licensed under Chapter 89C of the General Statutes provided all of the following apply:

(1) When required by the North Carolina State Building Code, the submission design or other proposal is completed under valid seal of the licensed architect or licensed professional engineer.

(2) Field inspection of the installation or completion of a ~~component or element of the~~ component, element, or home power installation within or connected to a building is performed by a licensed architect or licensed professional engineer or a person under the direct supervisory control of the licensed architect or licensed professional engineer.

(3) The licensed architect or licensed professional engineer under subdivision (2) of this subsection provides the local government with a signed written document certifying that the ~~component or element of the~~ component, element, or home power installation within or connected to a building inspected under subdivision (2) of this subsection is in compliance with the North Carolina State Building Code. The certification required under this subdivision shall be provided by electronic or physical delivery, ~~[and]~~ and its receipt shall be promptly acknowledged by the local government through reciprocal means. The certification shall be made on forms created by the ~~Building Code Council and Residential Code Council~~ responsible Code Council which shall include at least the following:

a. Permit number.
b. Date of field inspection.
c. Type of field inspection.
d. Contractor's name and license number.
e. Street address of the job location.
f. Name, address, and telephone number of the person responsible for the field inspection.
g. A description of the component, element, or home power installation covered by the certification.

(a1) In accepting certifications of inspections under subsection (a) of this section, a local government shall not require information other than that specified in this section.

(b) Upon the acceptance and approval receipt of a signed written document by the local government as required under subsection (a) of this section, notwithstanding the issuance of a certificate of occupancy, the local government, its inspection department, and the inspectors are discharged and released from any liabilities, duties, and responsibilities imposed by this Article with respect to or in common law from any claim arising out of or attributed to the ~~component or element~~ component, element, or home power installation in the construction of the building for which the signed written document was submitted.

(c) With the exception of the requirements contained in subsection (a) of this section, no further certification by a licensed architect or licensed professional engineer is required for any ~~component or element~~ component, element, or home power installation designed and sealed by

a licensed architect or licensed professional engineer for the manufacturer of the ~~component or element~~ component, element, or home power installation under the North Carolina State Building Code.

(d) As used in this section, the following definitions apply:

(1) Component. – Any assembly, subassembly, or combination of elements designed to be combined with other components to form part of a building or structure. Examples of a component include an excavated footing trench containing no concrete, a foundation, and a prepared underslab with slab-related materials without concrete. The term does not include a system.

(2) Element. – A combination of products designed to be combined with other elements to form all or part of a building component. The term does not include a system.

(3) Home power installation. – An electric generating or energy storage system, standby system, or associated equipment, connected at 600 volts or less, intended to provide electrical power to a building or structure subject to the North Carolina Residential Code that requires a building permit or other approval.

(4) Responsible Code Council. – Either the Building Code Council or Residential Code Council in accordance with Article 9 of Chapter 143 of the General Statutes."

SECTION 51.(b) G.S. 143-143.2 reads as rewritten:

"**§ 143-143.2. Electric wiring of houses, buildings, and structures.**

(a) The electric wiring of houses or buildings for lighting or for other purposes shall conform to the requirements of the North Carolina State Building Code and any other applicable State and local laws.

(b) In order to protect the property of citizens from the dangers incident to defective electric wiring of buildings, it shall be unlawful for any firm or corporation to allow any electric current for use in any newly erected building to be turned on without first having had an inspection made of the wiring by the appropriate official electrical inspector or inspection department and having received from that inspector or department a certificate approving the wiring of such building. It shall be unlawful for any person, firm, or corporation engaged in the business of selling electricity to furnish initially any electric current for use in any building, unless said building shall have first been inspected by the appropriate official electrical inspector or inspection department and a certificate given as required by this subsection.

(c) In the event that there is no legally appointed inspector or inspection department with jurisdiction over the property involved, subsections (a) and (b) of this section shall have no force or effect.

(c1) For the purposes of subsection (b) of this section, an inspection made of the wiring of a "home power installation," as defined in G.S. 160D-1106(d), may be conducted in accordance with G.S. 160D-1106.

(d) As used in this section, "building" includes any structure."

SECTION 51.(c) By July 1, 2027, the Residential Code Council shall develop a home power installation work certification as required by G.S. 160D-1106, as amended by subsection (a) of this section, and make it available on the Office of the State Fire Marshal's website.

SECTION 51.(d) The Residential Code Council may adopt or amend rules to implement provisions enacted by this section, to become effective July 1, 2027.

SECTION 51.(e) Subsections (a) and (b) of this section become effective July 1, 2027. The remainder of this section is effective when it becomes law.

AUTHORITY FOR LANDLORDS OF MOBILE HOME PARKS SITED PRIOR TO 1989 TO BILL TENANTS FOR MASTER-METERED WATER SERVICE

SECTION 52. G.S. 62-110(g) reads as rewritten:

"(g) In addition to the authority to issue a certificate of public convenience and necessity and establish rates otherwise granted in this Chapter, for the purpose of encouraging water conservation, the Commission may, consistent with the public interest, adopt procedures that allow (i) a lessor of any leased residential premises, as that term is defined under G.S. 42-59(3), to charge for the costs of providing water or sewer service to persons who occupy the leased premises, (ii) an owners' association, as that term is defined under G.S. 47F-1-103(3), to charge for the costs of providing water or sewer service to persons who occupy townhomes within a planned community, as that term is defined under G.S. 47F-1-103(23), and (iii) a unit owners' association, as that term is defined under G.S. 47C-1-103(3), to charge for the costs of providing water or sewer service to persons who occupy a condominium, as that term is defined under G.S. 47C-1-103(7). For purposes of this subsection, the term "townhome" means a single-family dwelling unit constructed in a group of three or more attached units. The following provisions shall apply:

…

(1a) If the leased premises are contiguous dwelling units built prior to 1989, or a mobile home located within a mobile home park sited prior to 1989, and the lessor determines that the measurement of the lessee's total water usage is impractical or not economical, the lessor may allocate the cost for water and sewer service to the lessee using equipment that measures the lessee's hot water usage. In that case, each lessee shall be billed a percentage of the lessor's water and sewer costs for water usage in the dwelling units based upon the hot water used in the lessee's dwelling unit. The percentage of total water usage allocated for each dwelling unit shall be equal to that dwelling unit's individually submetered hot water usage divided by all submetered hot water usage in all dwelling units. The following conditions apply to billing for water and sewer service under this subdivision:

~~a. A lessor shall not utilize a ratio utility billing system or other allocation billing system that does not rely on individually submetered hot water usage to determine the allocation of water and sewer costs.~~

b. The lessor shall not include in a lessee's bill the cost of water and sewer service used in common areas or water loss due to leaks in the lessor's water mains. A lessor shall not bill or attempt to collect for excess water usage resulting from a plumbing malfunction or other condition that is not known to the lessee or that has been reported to the lessor.

c. All equipment used to measure water usage shall comply with guidelines promulgated by the American Water Works Association.

d. The lessor shall maintain records for a minimum of 12 months that demonstrate how each lessee's allocated costs were calculated for water and sewer service. Upon advanced written notice to the lessor, a lessee may inspect the records during reasonable business hours.

e. Bills for water and sewer service sent by the lessor to the lessee shall contain all the following information:

1. The amount of water and sewer services allocated to the lessee during the billing period.
2. The method used to determine the amount of water and sewer services allocated to the lessee.
3. Beginning and ending dates for the billing period.

4. The past-due date, which shall not be less than 25 days after the bill is mailed.
5. A local or toll-free telephone number and address that the lessee can use to obtain more information about the bill.

…."

PART V. SEVERABILITY AND EFFECTIVE DATE

SECTION 53.(a) If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application and, to this end, the provisions of this act are severable.

SECTION 53.(b) Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 6th day of August, 2026.

s/ Rachel Hunt
President of the Senate

s/ Mike Schietzelt
Presiding Officer of the House of Representatives

s/ Josh Stein
Governor

Approved 8:03 a.m. this 11th day of August, 2026

ORDINANCE NO. 2026-____

AN ORDINANCE AMENDING CHAPTER 16 OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE REGARDING SITE-SPECIFIC VESTING PLANS

WHEREAS, Chapter 16 of the City of Brevard Unified Development Ordinance contains the administrative requirements in the City's zoning jurisdiction, including the provisions regarding site-specific vesting plans; and

WHEREAS, Session Law 2026-59 amended the site-specific vesting plan requirements in North Carolina General Statutes § 160D-108.1; and,

WHEREAS, the Brevard Planning Board considered these amendments to align Brevard's regulations with state law on October 27, 2026, and unanimously recommended in favor; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is neither consistent nor inconsistent with the City's adopted plans and policies; and,

WHEREAS, a public hearing was conducted on Monday, November 2, 2026, by the Brevard City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 1. Brevard City Code, Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved this the 2nd day of November 2026.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

EXHIBIT A

16.10. Vested rights—Site-specific vesting plans.

A. *General procedures:*

1. Pursuant to G.S. 160D-108 and notwithstanding any other provision or amendment, a landowner may apply for approval of a site-specific vesting plan as defined in the statute that shall entitle said landowner to develop property in accordance with the previously approved plan.
2. All requests for vested rights shall be accompanied by a copy of the approved development plan in accordance with the provisions of this chapter. A request to extend vested rights to a previously approved development plan shall be reviewed and approved by the city council after notice and public hearing pursuant to Section 16.7.D.

B. *Administrative review procedure:*

1. The applicant shall request a meeting with the administrator and submit an application and a master plan as defined in CHAPTER 17. Upon determination of completeness of the application, the administrator shall authorize the applicant to submit the master plan for formal review.
2. The administrator shall review and make comment on the master plan. If the master plan is denied, the reasons for denial shall be stated in writing and the applicant may resubmit the development for further review.
3. The administrator shall require evidence of approval of any other permit required by any other federal, state, or local agency (i.e., NCDOT permits, NCDENR permits, Army Corps of Engineers permits, etc.).
4. The administrator may require that the application be circulated to other relevant city, county, and state agencies, committees, and officials for comment(s) as to the proposed development's conformance to all applicable standards and requirements and whether approval is recommended. The applicable agencies, committees, and officials shall transmit any recommendations to the technical review committee (TRC).
5. When the administrator determines that the application is complete and complies with this ordinance, the administrator shall transmit submitted application materials along with any recommendations to the TRC.
6. The TRC shall review and make comment on the application. The TRC may require a Traffic Impact Study, and Environmental Impact Statement, and any other additional information as necessary to properly consider the application.
7. The TRC shall, within 30 days of receipt of all necessary application materials and additional information, take action to recommend approval, approval with conditions, or deny the application.

C. *Legislative procedure:* If a site-specific vesting plan is based on an underlying legislative or quasi-judicial approval, such as a special use permit or a conditional zoning district, the administrator shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than two years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on such an approval, a legislative hearing with BPB recommendation and notice pursuant to Section 16.7.D shall be held.

D. *City council action:*

1. The city council shall determine whether or not to grant or establish a vested right after the review and consideration of the application by TRC and the BPB in accordance with the aforementioned procedures.
2. The city council may not require the landowner to waive his or her vested right as a condition of development approval.
3. The city council may approve the vested rights for a period greater than two years where it is found that due to:
    a. The sizing and phasing of the development; or,
    b. The level of investment; or,
    c. The need for the development; or,
    d. Economic cycles; or,
    e. Market conditions.
4. Building permits for all phases of the development cannot be secured within two years, provided the total period does not exceed five years from the date of plan approval of the site.

E. *Effect of approval of vesting:*

1. The effect of the city council approving a vested plan shall be to vest such site plan for a period of five years to eight years as approved by the city council from the date of approval.
2. A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approved site-specific vesting plan as provided for in this section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the previously granted or established vested right.
3. A vested right, once established shall preclude any development regulation by the city which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property in accordance with the approved site-specific development plan except under the following conditions where such rights are terminated and revoked:
    a. The affected landowner provides written consent to the city of his or her desire to terminate the vested right; or,
    b. The city determines after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the plan; or,
    c. Compensation is made by the city to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or,
    d. The city determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the city council of the plan; or,
    e. As required by state or federal law or regulations which precludes development as shown in plan. In such case the city may, after having advertised and conducted a public hearing, modify the affected provisions upon a finding that this change in state or federal law has a fundamental effect on the plan.
4. Once a vested right is granted to a particular plan, nothing in this section shall preclude the city from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are consistent with the original approval.
5. The establishment of a vested right under this section precludes the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new development regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.
6. Upon issuance of a development permit, the granted statutory vesting is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to Section 16.13.

F. *Establishment of common law vesting plans:*

1. Previously approved site-specific vesting plans shall be reviewed for compliance and consistency and subsequently approved by the administrator or designee in accordance with the provisions of this chapter, providing the proposed preliminary plat for the major subdivision does not deviate from, and is subdivided in accordance with the previously approved site-specific plan.
2. Preliminary plats for major subdivisions with previously vested site-specific plans shall be reviewed for compliance and consistency and approved by the administrator or designee, providing the proposed preliminary plat for major subdivision does not deviate from, and is subdivided in accordance with the previously approved site-specific plan. Substantial financial investment must be determined and a good faith effort made to develop proportionate to the approved statutory vested plan.

G. *Revocation or expiration of a vested right:*

1. The vested right, resulting from the approval of a site-specific vesting plan, may be revoked by the city council if the city council determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of this ordinance. As prescribed under the provisions of G.S. 160D-308, the vested right shall otherwise expire at the

end of the approval period established by the city council. A building permit issued by the Transylvania County Building Inspector pursuant to G.S. 160D-403 may not expire or be revoked because of the running of time on a piece of property while a plan has been approved and the vested right period has not otherwise expired.

H. *Establishment of multiphase development vesting plan:*

1. A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and UNIFIED DEVELOPMENT ORDINANCEs in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development.

STAFF REPORT
City Council, Monday, November 2, 2026

Title: Property Tax Releases - September 2026

Speaker:
Prepared by: Tina Tanner, Tax Collector/Water/Finance
Approved by: Dean Luebbe, Assistant City Manager/Finance Director

Background:

The City of Brevard has been notified by the Transylvania County Tax Administration of the following releases from the tax scroll of the City of Brevard.

The governing body of the City of Brevard is required by General Statute to approve these releases and instruct the Tax Collector to remove these property values from the city tax records.

> General Statute 105-381
>
> (b} Action of Governing Body.-Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made.
>
> A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.

Release amount for September 2026: $52.44

Recommendation:
Approve the resolution to release values from the tax scroll.

Attachments:

1. Property Tax Releases- September 2026

RESOLUTION 2026-XX

A RESOLUTION APPROVING PROPERTY TAX RELEASES

WHEREAS, The City of Brevard has previously determined to collect property taxes for the City of Brevard and the Heart of Brevard, and it is necessary to release the below shown amount from the city tax records.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

The Tax Collector is hereby authorized to remove September 2026 property values from the tax scroll in the amount of:

TAX YEAR 2026: $ 52.44

Adopted and approved this 2nd day of November 2026.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

CITY OF BREVARD, NORTH CAROLINA

Proclamation

N0. 2026-31
COMMEMORATING VETERANS DAY
November 11, 2026

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, we owe a great debt to those who have served in defense of this nation, as throughout the generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

WHEREAS, for many, that sacrifice had ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principles of freedom and democracy.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, call upon our citizens to salute all Brevard and Transylvania County veterans who have served with honor and distinction, and to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this Country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and to show our veterans we appreciate their great sacrifice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 2nd day of November, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

CITY OF BREVARD, NC · INDUSTRY · FLOWERS · RECREATION · OPPORTUNITY · ARTS · EDUCATION · BEAUTIFUL BREVARD · CORPORATE SEAL

STAFF REPORT
City Council, Monday, November 2, 2026

Title:	Traffic Schedule Update - No Left Turns, Probart/Caldwell Intersection
Speaker:	David Todd, Assistant City Manager Chase Owen, Fire Chief
Prepared by:	Wilson Hooper, City Manager
Approved by:	Wilson Hooper, City Manager

Background
At its October 5, 2026 meeting, City Council approved a streamlined method for updating the City's Traffic Schedule. Rather than hold a public hearing, updates will now be sent to Council via its consent agenda after a referral from the Public Safety Committee. The Committee will be the body evaluating the merits of proposed updates.

This proposed change was reviewed and approved by the Public Safety Committee at its October 26, 2026 meeting.

Discussion
Measured by number of crashes, the intersection of Probart/Caldwell is one of the most dangerous in the city. The western leg, in particular, sees a disproportionate number of crashes, and most of those follow a similar pattern. During the week of October 19 alone, Brevard's public safety agencies responded to three crashes where a motorist attempting to turn left (north) onto Caldwell from West Probart was struck by a car traveling southbound on Caldwell. Because the left turn requires a car to cross two southbound lanes to reach the northbound lane, the potential for conflict is high. What's more, the crashes are not always speed-related. In some cases, accidents have occurred when southbound Caldwell traffic is slowing or stopped. The motorist in the outside lane will leave space for the vehicle on Probart St. to make the left turn without seeing traffic coming up from the left in the inside lane. The stopped vehicle in the outside lane creates a blind spot for the vehicle in the inside lane, who often can't see the vehicle turning from Probart until it's too late. The eastern leg of the intersection (adjacent to El Ranchero restaurant) has a similarly hazardous left (southbound) turn onto Caldwell, though with fewer recorded accidents because of less volume.

For these reasons, this intersection has been identified as a strong candidate for left turn restrictions at its western and eastern legs. Though these restrictions may pose a slight inconvenience to motorists wishing to make these turns, staff believe that the safety implications justify this tradeoff. The fact that the intersection exists squarely within the downtown grid means that motorists prevented from making a left turn will be able to reconnect with their desired direction of travel with just a few extra turns on nearby connector streets.

If the addition is approved, staff will first post signs notifying drivers of the new restriction. Staff wish to install delineators or other features that physically inhibit the left turn, but need to further analyze the intersection to make sure physical changes don't create new hazards.

Fiscal Impact
Nominal fiscal impact limited to the cost of signage and, perhaps, vertical delineators. All installation work will be performed in-house.

Action
Staff requests Council approve this proposed amendment to the traffic schedule adding "Probart St at its intersections with North Caldwell" to the "No Left Turn Intersections" section.

Attachments:
1. Proposed addition to Section 66-79.A, Schedule XV No Left Turn Intersections
2. Enacting Ordinance

Cross reference(s)—Abandoned, nuisance and junked motor vehicles, § 38-151 et seq.; vending carts in downtown area, § 46-31 et seq.; vehicles for hire, CHAPTER 78.

State law reference(s)—Motor vehicles, G.S. ch. 20; power of local authorities, G.S. 20-169; municipal traffic control generally, G.S. 160A-300 et seq.

ARTICLE I. IN GENERAL

66-5. Traffic schedules adopted.

Schedules prescribing speed limits, no parking zones, limited parking zones, one-way streets, stop intersections, yield intersections and other matters are hereby adopted by reference. Such schedules shall be maintained by the city clerk and be available for reference at any time and are made a part of this chapter as fully as though set forth in this section. A copy of these schedules shall also be available in the police department for reference by any person.

SCHEDULE XV. NO LEFT TURN INTERSECTIONS (Section 66-79.A)

North Broad Street (southbound) in front of the EMS building.

Old U.S. 64 (the northbound slip lane) between the EMS building and Owens Street.

Probart St. at its intersections with North Caldwell.

ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING
THE CITY OF BREVARD TRAFFIC SCHEDULE

WHEREAS, a public meeting was conducted on Monday, November 2, 2026, by Brevard City Council, and after review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Section 66-5 of the Brevard City Code of Ordinances be amended as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

Section 1. The City of Brevard Traffic Schedule and Code of Ordinances is hereby amended as described below:

Section 2. Add Probart Street at its intersections with North Caldwell to City of Brevard Traffic Schedule XV, Section 66-79.A No Left Turn Intersections.

Section 3. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Brevard Traffic Schedule to reflect the change as set forth herein.

Section 4. The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs to be installed and enforcement of the foregoing provisions to be implemented.

Section 5. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved on the 2nd day of November, 2026.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney

STAFF REPORT
City Council, Monday, November 2, 2026

Title:	Ordinance Declaring Road Closure for Special Event - Light up the Night and Holiday Parade
Speaker:	Emily Brewer, AICP, Senior Planner
Prepared by:	Emily Brewer, Senior Planner
Approved by:	Paul Ray, Planning Director, Wilson Hooper, City Manager

Background
The North Carolina Department of Transportation (NCDOT) requires local approval for special events that involve the closing or repurposing of state-owned highways and roads.

Discussion
The NCDOT guidelines state the local municipality must pass an ordinance for each street closure of City-sponsored events. The State will neither approve nor deny such requests for closures. They will, however, recommend alternative routes should they have a project scheduled for the same day as a special event.

The attached ordinance is for two concurring events on December 5, 2026: Heart of Brevard's Light Up the Night and the Chamber of Commerce Holiday Parade.

The City has been sponsoring and permitting special events for several years. The passing of an ordinance only applies to City-sponsored special events on state roads. Permits sponsored by individuals or non-profits are permitted differently and do not require an ordinance. Council has passed ordinances for City-sponsored festivals since 2015.

Action
Council's options are to adopt or reject the street closure ordinance.

Attachments:
1. Draft Ordinance

ORDINANCE NO. 2026-XX

AN ORDINANCE DECLARING MULTIPLE ROAD CLOSURES FOR SPECIAL EVENTS

WHEREAS, Brevard City Council acknowledges a tradition of providing for festivals and special events downtown for the pleasure and enjoyment of citizens and visitors alike; and,

WHEREAS, Brevard City Council acknowledges that festivals and special events provide an opportunity for family-oriented activities that celebrate our small-town charm; and,

WHEREAS, Brevard City Council acknowledges these events require NCDOT system roads to be closed for setup, activities, and cleanup; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Light Up the Night

Date:	Saturday, December 5, 2026
Time:	6:00 AM – 10:00 PM
Route Description:	Main Street (US 276) from Caldwell Street to Rice Street; Broad Street (US 64) from Probart Street to Oakdale Street

SECTION 2. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Holiday Parade

Date:	Saturday, December 5, 2026
Time:	2:00 PM – 5:00 PM
Route Description:	North Country Club Road (SR 1116) from Woodland Terrace to South Broad Street; Broad Street (US 64) from North Country Club Road to the Brevard College main entrance.

SECTION 3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 2nd day of November 2026.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney

MINUTES
Rosenwald Community Advisory Board

Thursday, August 20, 2026 – 6:00pm
Mary C. Jenkins Community Center

Members Present:	Pamela Holder, Co-Chair, Council Member Edith Darity, MCJCC Board Member Karen Darity, MCJCC Board Appointment Ella Jones, Citizen Member Victor Foster, MCJCC Board Appointment Morgan Monshaugen, Citizen Member
Members Absent:	Randy Lytle, Co-Chair, MCJCC Board Member Gary Daniel, Council Member Mayor Maureen Copelof, Ex-Officio
Staff Present:	Wilson Hooper, City Manager Tyree Griffin, Community Center Director Shawnee Cummings, Assistant to the City Manager
Media:	Jonathan Rich

A. Welcome & Call to Order

Board Co-Chair and Council Member Pamela Holder called the meeting to order at 6:00pm.

B. Certification of Quorum

Assistant to the City Manager, Shawnee Cummings, certified that a quorum was present.

C. Approval of Agenda

Mr. Foster moved, seconded by Ms. Jones to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes – May 21, 2026 Meeting Minutes and July 16, 2026 Session Notes

Mr. Foster moved, seconded by Ms. Karen Darity to approve the minutes of the May 21, 2026 meeting as presented. The motion carried unanimously.

It was also motioned and seconded to approve the session notes of the July 16, 2026 meeting as presented. The motion carried unanimously.

E. Feedback on Silversteen Picnic Shelter Lights

Mr. Hooper said he received the latest drawings from the Architect today and they are almost construction ready. Before design is complete, the architect needs some feedback on the lighting. On the surface, the details are related to lighting, but they affect the character and the purpose of the structure.

Mr. Hooper's asked how long, if at all, should the lights be on for normal use of the facility. For example, should the lights be on during regular park hours (6am-10pm), should there be dim passive lights that are always on, or bright lights like the inside of a room for security purposes. He said he would like to hear the group's thoughts.

Ms. Karen Darity said she thinks we need 3 categories: security lighting, event lighting, and passive lighting. Ms. Holder asked if passive lights will be on all the time. Mr. Hooper said he would recommend it and if so, they will double as security lights.

Mr. Foster recommended having both passive lighting and motion-activated lights to discourage people from hanging out there at night and to help provide security for neighboring homes. Mr. Monshaugen agreed but stated that we should make sure the lights are pointing down and not at neighboring homes. The Committee agreed. Ms. Holder asked if the lighting becomes too disturbing for the neighbors, can the passive lights be put on a timer. Mr. Hooper said yes, and if they are, it can be connected to a literal timer where the lights turn on at a certain time or they can be photovoltaic where they turn on after the lighting outside has dimmed. Mr. Griffin said the lights at MCJCCC are photovoltaic and Ms. Holder said we should have the same at the pavilion. Mr. Hooper said he will have them design that so it is available.

For events, Ms. Karen Darity asked if the lighting can be on a dimmer for different types of events. Mr. Hooper said yes, and asked if can lights are okay, as opposed to lights that illuminate the general area or spot lights. The Committee agreed.

Ms. Karen Darity recapped that there will be 3 types of lights:

- Dim passive lighting on the exterior/perimeter, including facing the neighbors but pointed downward, and with the option for a photovoltaic timer.
- Can lights for events that are on a dimmer and can be adjusted.
- Motion-activated security lighting.

Ms. Karen Darity asked if overhead fans were incorporated. Mr. Hooper said no, as they are a little risky and maintenance heavy, but the shelter will be open to allow for air flow. Ms. Holder asked if fans can be added later. Mr. Hooper said he believes so, as they are going to add electrical service to be able to power a food truck, equipment for live music, and presumably fans. He added that fans are not that heavy and he thinks the architect said the trusses could handle the weight, but he will check.

Mr. Hooper explained that the most visible change to the design is that the parking spaces at the bottom have been converted into a single, parallel handicapped space that cuts down on the drainage and grading challenges because the space does not jut

as far into the property. He added that the early projected cost for construction will be about $400,000, but it may change a little with the lighting preferences.

Ms. Karen Darity asked who did the architectural drawings. Mr. Hooper said Melanie Spreen and John Koury with May Collaborative, and they subcontracted the grading to High Country Engineering and the architectural work to Wheelhouse.

F. Bathroom Signage at Silversteen Park

Mr. Griffin said we have started communicating to the public via social media that the external bathrooms at MCJCCC are now open in the evenings and on the weekends. He shared the signs that will be installed at Silversteen Park and said the bathrooms will be open 8am-8pm during the summer and 8am-5pm in the winter. Mr. Griffin will open the bathrooms each morning and the Police Department will lock the bathrooms each night. The goal is to let the public know that the bathrooms are available, to bring some of the foot traffic to MCJCCC, and to encourage people to feel comfortable coming to the building. Ms. Holder asked if this is until we get a restroom at the park. Mr. Hooper confirmed. Mr. Foster said it would be in addition to restrooms at the park, as the MCJCCC bathrooms will stay open to the public.

Ms. Karen Darity asked if there could be a designated pet area, as she has noticed people allowing their pets to take care of business in the lawn behind the community center and they want to keep it clean for kids. She said we have bags at the top of the sidewalk and hopefully that encourages people to pick up. She suggested moving the bags down the sidewalk to discourage people from using the center's lawn. Ms. Holder said they had that issue at the church and had to talk to the pet owner. Mr. Griffin said he would ask Public Works about moving the bags.

Committee Comments

Mr. Hooper asked about the history of the Edna Glaze playground. Mr. Foster said Edna Glaze went missing and they never found her, so the City commemorated her by creating the Edna Glaze playground. It was discussed that the playground is the City's and Ms. Edith Darity said it should be kept up, as she has noticed that it has been neglected for several years. Mr. Hooper said he asked about the ownership because the City does not own the property and it is owned by WNCSource. Ms. Karen Darity said when WNCSource had the Rosenwald Block Grant to help restore the water and sewer, they were trying to purchase property from the Church to be able to establish a new playground. WNCSource was unable to purchase the property so they created the Edna Glaze playground on that site.

Ms. Karen Darity said the Edna Glaze playground is not really used because there have been needles found and the equipment is for little kids. Ms. Edith Darity said the equipment needs to be upgraded, the property needs to be inspected for bees, and the bushes need to be trimmed so people cannot hide in the park to do drugs. Mr. Hooper asked if drug use is still an issue there. Ms. Karen Darity said she is unsure now, but it used to be. Ms. Edith Darity said the park needs attention and it

deserves to be respected. Ms. Holder said Edna Glaze's daughter still lives a couple houses down from the park. Mr. Hooper thanked the Board for the information.

Mr. Hooper explained that the work on Hillview Culvert is delayed 4-6 weeks, as the location of some of the pipes was off by a few feet. One is a water pipe and the City is working with the contractor to relocate it. The other is a gas pipe that Enbridge will relocate, and they have started, but it will take a while. Mr. Hooper said he does not know if Enbridge's work will affect the community, but we will let everyone know when we find out. The water line relocation should not affect the community. The project is projected to be complete in late October or early November.

Mr. Foster noted a stormwater issue on Oakdale St. in the yellow house that is directly across from Bethel A Church and said there is so much water that goes right over the sidewalk and it is flooding the yard and the porch. He said he recalls hearing that the sidewalks on that street were not in consideration to be raised up because they were not causing any issues. Mr. Foster said there is a culvert across the street that picks the water up from the Bethel A Church side and sends it over to the house. Ms. Holder said she thought they had talked to the Mayor and fixed the issue. Mr. Foster said they just talked about it. Mr. Hooper noted the issue and there was additional discussion about how raising the curbs could help direct the water.

G. Public Comment

No members of the public spoke during public comment.

H. Set Date for Next Meeting

The next meeting was scheduled for Thursday, September 17, 2026 at 6:00pm at the Mary C. Jenkins Community Center.

I. Adjourn

There being no further business, the meeting was adjourned at 6:36 pm.

Minutes Approved: October 15, 2026

X _____
Pamela Holder, Co-Chair, City Council Member
Randy Lytle, Co-Chair, MCJCC Member

X Shawnee A. Cummings
Shawnee Cummings
Assistant to the City Manager

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, September 28, 2026 – 11:00am
City Hall Council Chambers

Members Present:	Dean Lytle, Chair, Council Member Pamela Holder, Vice-Chair, Council Member Susan Miller, Citizen Member Maureen Copelof, Mayor, Ex-Officio
Staff Present:	Dean Luebbe, Assistant City Manager/Finance Director Denise Hodsdon, City Clerk
Guests:	Harvey Sankey, Rodney Locks
Media:	David Bradley

A. Welcome & Call to Order

Committee Chair Dean Lytle welcomed everyone and called the meeting to order at 11:00am.

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

Mr. Lytle asked that Item G, "ABC Board Applications and Recommendation," be changed to Item E so that it can be addressed first. Ms. Miller moved, seconded by Mr. Lytle to approve the agenda as amended. The motion carried unanimously.

D. Approval of Minutes – August 24, 2026 Meeting

Ms. Holder moved, seconded by Ms. Miller to approve the minutes of the August 24, 2026 meeting as presented. The motion carried unanimously.

E. ABC Board Applications and Recommendation

Mr. Lytle and Ms. Holder interviewed an applicant, Tommy Kilgore, for the remaining ABC Board vacancy. Mr. Lytle said Mr. Kilgore previously worked for the ABC Store for several years, has experience as the store's Finance Officer, and has served on several boards, including the NAACP and Habitat for Humanity. Mr. Lytle said his past board

experience and answers to the interview questions demonstrated his understanding of the business itself and what it takes to increase revenues in a responsible way.

Ms. Miller recused herself from the vote, as she is a member of the ABC Board.

Mr. Lytle moved, seconded by Ms. Holder to refer the appointment of Tommy Kilgore to the ABC Board to the full Council. The motion carried unanimously.

F. Revisit Credit Card Processing Fee Discussion

Mr. Luebbe said he needs to correct a statement from last meeting, as he was under the impression that if you paid with a debit card, there was little to no fee. He stated that the fee for debit cards is actually about 1%, while credit card fees are about 2.5-2.75%. Mr. Luebbe said his intentions were to charge the 2.5% fee to largely cover the cost for credit cards and the 1% fee to cover the cost for debit cards, but the representative at the merchant service company said there can only be one fee for both. A blended 2.5% fee would not quite cover the fees for credit cards and would exceed the fees for debit cards. The City's credit card processing fees are around $5,000 per month, but in August, the City receives 70% of its tax payments and the fees were $17,912.

Mr. Luebbe worked with staff to run a report that identified the tax payments made by credit card in August. The spreadsheet lists 25 randomly selected payments and shows that the bulk of payments in the sample are for higher-value homes. He shared a spreadsheet containing all tax payments received this year and showed that over 58% of the payments were for properties over $500,000. Mr. Luebbe said he hopes this addresses Mr. Lytle's concerns about who is paying property taxes via credit card by showing what the distribution looks like. Mr. Luebbe added that he tried to do the same analysis with water and sewer payments, but there was not a pattern of people consistently paying with credit cards. He does not have as neat of a display for water and sewer payments because the staff member working on the analysis was processing a large amount of tax payments in September and was on vacation for the last week.

Mr. Luebbe said if the City were to put a credit card fee into effect, he believes it should be around 2.5-2.75% to break even and cover the cost of the bank fees. He added that it is hard to calculate because he needs to know what amount is being paid with debit cards and what amount is being paid with credit cards for a larger span of time. The rate would also be consistent with other local governments nearby. Mr. Lytle asked if the County charges a fee. Mr. Luebbe said yes, but he is not sure about the percentage.

Ms. Holder asked if Mr. Luebbe is suggesting a 2.75% fee even though the highest charge to us will be 2.5%. Mr. Luebbe said no, the fee would be between 2.5-2.75%. She said she thought he said between 2.0-2.5% for credit cards and 1% for debit cards. Mr. Luebbe said for debit cards, we are charged just over 1% and for credit cards, we are charged over 2.75%. He added that he does not have precise amounts at this point, but he is thinking 2.5-2.75% would be the rate charged by the City. Ms. Holder said she

would like the precise amount. Mr. Lytle asked if Mr. Luebbe is looking for a blended percent between credit and debit cards to make the City whole. Mr. Luebbe confirmed.

Mr. Luebbe said he will bring more precise numbers for a future meeting, but the statements are complex. To get the information, it must be collected by credit card company, each company has a different rate and Mr. Luebbe said he believes rates are different based on whether you pay at the window, online, or by phone. Mr. Lytle asked if we could just go by the overall rate. Mr. Luebbe said that is essentially what he is doing. Ms. Holder said she would like to know specifically what each credit card charges, not based on what percentage the taxpayer is paying. Mr. Luebbe said the merchant processing statement shows how much is taken in via credit card payments and what they are charging the City. If you ask how they get to the amount that they charge the City, there are 20 different line items for each credit card. Amounts will vary depending on how many Visa cards are used versus American Express cards.

Mayor Copelof asked how the County comes up with their percentage and suggested using the same system and matching what they do. Mr. Luebbe said his guess is they looked at the total payments over 6 months and took the average percentage. Ms. Miller asked if the County adjusts the fee annually. Mr. Luebbe said they have not adjusted it since he has been with the City and his understanding is that once the rate is set based on an average, it is left alone. Mayor Copelof said it is standard business practice. Mr. Luebbe said he will be happy to bring back firmer answers, but even those will shift slightly from month to month. Mr. Lytle asked when he brings back firmer numbers, will he bring back the amount that he wants to charge. Mr. Luebbe confirmed.

Mayor Copelof asked what is the goal in terms of getting this proposal to Council so that if approved, people are given advance notice about the fee so that they can make other arrangements. Mr. Luebbe said he would recommend implementation on July 1, 2027 so that when we get the rush of payments in next August, the fee will be in place.

Mr. Lytle asked operationally if it will take a long time to implement. Mr. Luebbe said there are two different ways of doing it, one is where the City collects all of the money, is still charged the merchant processing fees, and some of the money collected is used to pay the fees. The other way is where the City does not collect the fees and the fees stay with the merchant processing company, which is what Mr. Luebbe would prefer. With that option, he would get a reconciliation statement each month to see what the fees were and how much the City would have been charged.

Mr. Lytle said his concern is that the merchant processing company may know they are not charging the City directly and may increase the percentage charged to the customer. Mr. Luebbe said he understands that concern and the City would be dictating to the merchant processing company what that extra charge is, but it would be good for him to test that. He added that banks like to secretly increase fees in small increments, so he will have to keep an eye on it to make sure it does not change. Ms. Miller said some concerns could be assuaged if there is a written agreement with the company that states they cannot arbitrarily change the fees charged to customers unless approved by

City Council. Mr. Luebbe agreed and said he expects we will still pay a small amount of fees every month because he is not trying to get every dollar back.

Ms. Miller suggested conducting outreach by placing a notice on water bills to give customers plenty of warning. Mr. Luebbe agreed.

The Committee agreed to discuss the issue further at a future meeting.

G. Quarterly Reporting on P-Card Usage

Mr. Luebbe said he and Shawnee Cummings attended a training in August regarding finance issues. One issue that came up is that cities are supposed to report to their boards quarterly on P-Card purchases and he was not aware of that. He asked some colleagues at other local governments in the area and they were not aware of it either.

Mr. Luebbe said the P-Cards used by the City are from a bank in Arkansas and they are operating in a way that is antiquated. He added that the City tried out a new P-Card provider about 6-8 months ago, but he is unhappy with their clunky software. He has two demos this week with other providers. In our current system, an employee uses a credit card, gets a paper receipt, types up the reconciliation, gives the reconciliation to finance, the credit card payment is drafted from the City's bank account monthly, and the payment is allocated to different expense accounts. A modern system would have an employee use a credit card, take a picture of the receipt, and use the bank's app to upload the receipt picture and enter the account numbers. After submitting the expense, it would flow to the employee's supervisor for approval and if approved, it would then flow to Mr. Luebbe. Mr. Luebbe said on the back end, he would be able look at all the transactions and when an employee does not upload the receipt and enter the account numbers, either Mr. Luebbe or their supervisor would be notified. Mr. Lytle agreed that our system is antiquated and suggested Expensify.

Mr. Luebbe is presenting the report to the Committee and it will go to Council next week, but he hopes this process will look different in a couple months because the report required a lot of time to create. Most P-Card purchases are made from the City's large operating funds, which are General Fund, Water/Sewer Fund, and Fire Fund, and each department has a statement. In the 3 main funds, the City spends about $650,000 in operating expenses per month and about $25,000 of it is spent on P-Cards, making up 3-4% of purchases. Mr. Luebbe said he is more concerned about the 3% of purchases on P-Cards than he is about the other 97%, as he wants the proper controls in place. He and a staff member manually entered P-Card purchases into a spreadsheet so it could be summarized by vendor, category, etc. Data entry took 5 hours because currently, there is no easy way to electronically transfer the data into a summary format. The goal will be to report the information without taking a lot of staff time.

Mr. Luebbe said P-Cards should be in the name of the person, not in the department's name, so that will also change. Since he has been at the City, newly issued cards have been put in people's names.

Mr. Luebbe said his colleagues in Hendersonville were unaware of the reporting requirements but they have a dashboard that updates daily based on their general ledger and shows P-Card purchases. The City's current software cannot do that at this point, so the report will contain the summary, detail, and statements (Attachment A).

Mr. Lytle asked what time frame the report covers. Mr. Luebbe said July to September.

Mr. Lytle said his first reaction was that they do not want to do Mr. Luebbe's job and get into the weeds, so he would only want to see the detail 1 time. After that first time, he does not think Councilmembers should be looking at what individual employees are purchasing. He added that Mr. Luebbe could create dashboards in Excel or with ChatGPT to help summarize the data and show Council pertinent information.

Ms. Miller asked if you could code P-Card purchases with a different account number in the City's current accounting system and then extract them into a spreadsheet until a P-Card software is found. Mr. Luebbe said he had not thought of that, but the issue would be if a department purchases items from different line items in the budget, such as training, supplies, etc. That method would work well for P-Cards but not for the budget.

Mr. Lytle asked what the timeline is for the new system. Mr. Luebbe said he likes to test out a new system on a couple employees before implementing across the City to see if the proper controls are in place and the software flows well. With the last system he tried, he tested it with 3 employees and found that it did not flow nearly as well as what he was told. It could be 3-6 months before he comes back to the Committee to propose a new system and when he brings it to the Committee, he will show them how it works.

Ms. Miller said if you are making 3% of monthly purchases are on P-Cards, that does not add the administrative cost if you did not have a P-Card and what it would cost to process a purchase order and issue checks. She added that it is a good tool for the departments to operate efficiently, but manual data entry is not efficient for finance. Mr. Luebbe said from a risk factor, he wants to limit how much P-Cards are used and even though they are a small percent of purchases, P-Cards make up a lot of the bad stories about local governments. He recognizes that we need them to run efficiently and so his goal is to have proper usage, proper controls, and efficient reporting.

H. Public Comment

Rodney Locks said the last conversation is going to end up with the public asking how much of the spending is done locally. He added that it will open up Pandora's Box and now that you have the capability, that will be the question. For credit cards, if he is paying by cash, there is an assumption that there are no fees included in his payment, but there are fees included. The Committee said there are all kinds of fees based on service usage but not be a processing fee. Mr. Lytle asked if there is a list of local, recommended vendors. Mr. Luebbe said the purchasing policy says the City prefers to buy local but allows consideration of cost and other factors. He has not seen an analysis on that but he may be able to run a report based on vendor addresses. Mr. Lytle said it

is probably pretty limited to a certain number of items that are local. Mr. Luebbe said we try to keep repairs local, but he believes that many of our purchases are not local due to the need for specialized products. Mr. Lytle said maybe we need to open it up to local vendors who want to sell to us and then staff can compare costs. Mr. Luebbe said occasionally, vendors approach the City and we consider price, quality of product, and speed of delivery. If the products are competitive, we want to spend locally.

Harvey Sankey asked if it is possible to put the summary report in a year-to-date total by department so that departments can see how much they are spending monthly and year-to-date compared to their budget. Mr. Luebbe confirmed but noted that it will only show 3% of their purchases. Mr. Sankey said right now the City is getting fees for all credit card payments it receives and asked how much was budgeted for that this year. Mr. Luebbe said $80,000 split between the General Fund and the Water/Sewer Fund. Mr. Sankey said the City is trying to offset that if they can by charging a fee for credit card use. Mayor Copelof said we are just recouping the fee we are being charged. Mr. Sankey asked if that will save the taxpayers money. The Committee said it does for taxpayers that do not pay with a credit card and next year, the City would not budget the $80,000 and it could be used for something else.

Rodney Locks said if he pays his taxes by August 31st, he gets a discount. He asked if he pays by credit card, does he lose the discount. Mr. Luebbe said no, you still get the discount, as the processing fee and discount on taxes are two separate issues.

I. Set Date for Next Meeting - Monday, October 26, 2026, at 11am

The next regular meeting is scheduled for Monday, October 26, 2026, at 11am.

J. Adjourn

There being no further business, the meeting was adjourned at 12:05pm.

Minutes Approved:

October 26, 2026

X _____
Dean Lytle, Chair, Council Member or
Pamela Holder, Vice Chair, Council Member

X Shawnee A. Cummings
Shawnee Cummings
Assistant to the City Manager

City of Brevard
Quarterly Purchasing Card Summary

Department	Statement Closing Date		
	7/10/2026	8/10/2026	9/9/2026
Administration	2,734.72	1,445.14	1,177.53
Building Grounds	1,295.21	489.15	2,243.92
City Clerk	404.82	445.80	119.95
Finance	900.57	299.63	385.10
Fire Department	2,261.88	4,886.39	6,622.66
Planning	2,161.68	1,717.35	4,793.98
Police	7,179.30	5,470.63	2,966.90
Public Works	1,865.03	3,922.13	2,337.92
Mary C Jenkins	1,887.05	1,888.64	2,542.59
Water and Sewer Maint	3,879.88	2,882.83	2,115.97
Water Treatment	394.80	1,584.79	558.07
City Manager	430.56	24.55	-
TOTAL	**25,395.50**	**25,057.03**	**25,864.59**

POLICE DEPARTMENT
Account Number: XXXX XXXX XXXX 9830

Billing Questions:
800-854-7642

Send Billing Inquiries To:

SUMMARY OF ACCOUNT ACTIVITY

Previous Balance	$5,470.63
- Payments	$5,470.63
- Other Credits	$0.00
+ Purchases	$2,964.95
+ Cash Advances	$0.00
+ Fees Charged	**$1.95**
+ Interest Charged	**$0.00**
= New Balance	$2,966.90
Account Number	XXXX XXXX XXXX 9830
Credit Limit	$10,000.00
Available Credit	$7,033.00
Statement Closing Date	September 9, 2026
Days in Billing Cycle	30

PAYMENT INFORMATION

New Balance:	$2,966.90
Minimum Payment Due:	$148.00
Payment Due Date:	**October 4, 2026**

MESSAGES

Help us "Go Green" by reducing paper. Visit our website www.24-7cardaccess.com to sign up for electronic statements or to make a payment online.

TRANSACTIONS

An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
09/04	09/04	F148500L700CHGDDA	AUTOMATIC PAYMENT - THANK YOU	$5,470.63-
08/11	08/12	8230509KFEHNDT9A1	AMAZON MARK* 5H19T0JK2 SEATTLE WA	$30.41
08/12	08/12	8230509KGEHMW78VJ	AMAZON MARK* 5H2W02XM0 SEATTLE WA	$29.77
08/12	08/13	5543286KG5ZQEA4JF	AMAZON MKTPL*5H0MJ2XA2 SEATTLE WA	$120.15
08/12	08/13	8230509KGEHNY0QAL	AMAZON MARK* 5H3LI5GT2 SEATTLE WA	$18.24
08/12	08/13	8230509KHEHMQNNNB	AMAZON MARK* 5H13H2HC0 SEATTLE WA	$68.94
08/12	08/13	0230537KH00M9S2BL	PUBLIX #2105 MILLS RIVER NC	$219.86
08/14	08/16	5104323KJ1Z5V09BQ	PAYPAL *YARDSIGNPLU 4029357733 TX	$168.42
08/18	08/19	5543286KN61AQWF1K	LOWES #01990* BREVARD NC	$51.71
08/18	08/19	0514048KNLYPMVXJL	INGLES MARKETS #67 BREVARD NC	$79.89
08/20	08/20	8230509KREHMTR761	AMAZON MARK* 5A4LS6HY2 SEATTLE WA	$10.66

Transactions continued on next page

EVERYWHERE
PO BOX 2360
OMAHA, NE 68103-2360

Account Number: XXXX XXXX XXXX 9830
New Balance: $2,966.90
Minimum Payment Due: $148.00
Payment Due Date: October 4, 2026

Amount Enclosed: $

Make Check Payable to:

CARD SERVICES CENTER
PO BOX 740002
ATLANTA GA 30374-0002

POLICE DEPARTMENT
CITY OF BREVARD
95 W MAIN ST
BREVARD NC 28712-3648

TRANSACTIONS (continued) An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
08/20	08/20	8230509KREHMTTPR2	AMAZON RETA* 5A63R4HW2 SEATTLE WA	$22.78
08/21	08/23	8271116KTEHNLD3HJ	OPENAI *CHATGPT SUBSCR SAN FRANCISCO CA	$20.00
08/24	08/25	5545702KW57MGMEAW	GLOCK PROFESSIONAL INC SMYRNA GA	$300.00
08/24	08/25	5545702KW57MGMEBL	GLOCK PROFESSIONAL INC SMYRNA GA	$300.00
08/26	08/27	5546494KZ2MXNRFXP	NCJA BOOKSTORE SALEMBURG NC	$19.22
08/27	08/28	8230509KZEHNZZ0MJ	AMAZON RETA* 5Q8OX1CP1 SEATTLE WA	$13.60
08/27	08/28	0230537L000LTED3M	USPS PO 3609600712 BREVARD NC	$16.40
08/28	08/28	8230509L0EHMSR4AN	AMAZON RETA* 5Q8KJ8471 SEATTLE WA	$26.68
09/01	09/02	8230509L5EHM78H4V	SP RTS TACTICAL MIAMI BEACH FL	$699.99
09/01	09/03	5520739L5EV81YAWP	AXON SCOTTSDALE AZ	$447.50
09/02	09/03	8194922L6EHMXFJ4F	SP PATCHPANEL.CA-9647 PETERBOROUGH ON	$65.00
09/03	09/03	8230509L6EHMS7E6Q	AMAZON RETA* 5301A9TE1 SEATTLE WA	$25.61
09/03	09/04	8230509L7EHMEFEYF	AMAZON MARK* 533LC3P71 SEATTLE WA	$29.88
09/04	09/06	5543286L75VEVS882	AMAZON MKTPL*534AF3M71 SEATTLE WA	$180.24
09/03	09/03		FOREIGN CURRENCY FEE	$1.95

$2,966.90 WILL BE DEDUCTED FROM YOUR ACCOUNT AND CREDITED AS YOUR AUTOMATIC PAYMENT ON 10/04/26.

INTEREST CHARGE CALCULATION

Your Annual Percentage Rate (APR) is the annual interest rate on your account

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Days in Billing Cycle	Interest Charge
Purchases	20.24% (v)	$0.00	30	**$0.00**
Cash Advances	23.74% (v)	$0.00	30	**$0.00**

(v) - variable

PUBLIC SERVICES DEPT
Account Number: XXXX XXXX XXXX 4666

Billing Questions:
800-854-7642

Send Billing Inquiries To:

SUMMARY OF ACCOUNT ACTIVITY

Previous Balance	$3,922.13
- Payments	$3,922.13
- Other Credits	$0.00
+ Purchases	$2,337.92
+ Cash Advances	$0.00
+ Fees Charged	**$0.00**
+ Interest Charged	**$0.00**
= New Balance	$2,337.92
Account Number	XXXX XXXX XXXX 4666
Credit Limit	$10,000.00
Available Credit	$7,643.00
Statement Closing Date	September 9, 2026
Days in Billing Cycle	30

PAYMENT INFORMATION

New Balance:	$2,337.92
Minimum Payment Due:	$117.00
Payment Due Date:	**October 4, 2026**

MESSAGES

Help us "Go Green" by reducing paper. Visit our website www.24-7cardaccess.com to sign up for electronic statements or to make a payment online.

TRANSACTIONS

An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
09/04	09/04	F148500L700CHGDDA	AUTOMATIC PAYMENT - THANK YOU	$3,922.13-
08/10	08/11	5543286KE5YNHGG5Q	AMAZON MKTPL*5H1H49492 SEATTLE WA	$62.69
08/11	08/12	5546494KF2LAL5B3M	NCDMV DRIVER BREVARD35 BREVARD NC	$154.36
08/11	08/12	8230509KGEHMBDJ0D	AMAZON MARK* 5H59J1P71 SEATTLE WA	$67.42
08/11	08/12	8230509KGEHMDR82R	AMAZON RETA* 5H4RK4E52 SEATTLE WA	$5.31
08/14	08/16	8230509KJEHNJGSA1	AMAZON MARK* 5H5U39D72 SEATTLE WA	$912.70
08/15	08/16	8230509KKEHNPM0XX	AMAZON MARK* 5H7CO2YZ1 SEATTLE WA	$77.79
08/17	08/18	8230509KMEHNZW1N0	AMAZON MARK* 5A8AJ31S1 SEATTLE WA	$183.25
08/18	08/18	5543286KN61546J28	AMAZON MKTPL*5A07B8G81 SEATTLE WA	$202.80
08/18	08/18	8230509KNEHMRVNWX	AMAZON MARK* 5A3SE7P80 SEATTLE WA	$13.03
08/20	08/20	8230509KREHMX0S4J	AMAZON MARK* 5A23W52C0 SEATTLE WA	$114.94

Transactions continued on next page

EVERYWHERE
PO BOX 2360
OMAHA, NE 68103-2360

Account Number: XXXX XXXX XXXX 4666
New Balance: $2,337.92
Minimum Payment Due: $117.00
Payment Due Date: October 4, 2026

Amount Enclosed: $

Make Check Payable to:

CARD SERVICES CENTER
PO BOX 740002
ATLANTA GA 30374-0002

PUBLIC SERVICES DEPT
CITY OF BREVARD
95 W MAIN ST
BREVARD NC 28712-3648

TRANSACTIONS (continued) An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
08/20	08/21	8230509KREHP4K2XD	AMAZON MARK* 5A3WL36M2 SEATTLE WA	$80.37
08/21	08/21	8230509KTEHMR971Q	AMAZON RETA* 5A7M87RP0 SEATTLE WA	$7.78
08/21	08/23	0514048KTLYPNRA5D	SAV-MOR FOODS #867 BREVARD NC	$104.77
08/23	08/24	8230509KVEHNWA6NG	AMAZON MARK* 5O9QR4EK0 SEATTLE WA	$5.66
08/24	08/25	8230509KXEHMHQAB3	AMAZON MARK* 5O2M651P2 SEATTLE WA	$48.98
08/27	08/28	8230509L0EHMGH7SP	AMAZON MARK* 5Q8ZC5OI0 SEATTLE WA	$147.55
09/01	09/02	0514048L4LYPNFH90	SAV-MOR FOODS #867 BREVARD NC	$107.10
09/04	09/06	5265384L7LXGR2Q5J	AUTOAUTH SERVICE 8888302884 CA	$41.42

$2,337.92 WILL BE DEDUCTED FROM YOUR ACCOUNT AND CREDITED AS YOUR AUTOMATIC PAYMENT ON 10/04/26.

INTEREST CHARGE CALCULATION

Your Annual Percentage Rate (APR) is the annual interest rate on your account

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Days in Billing Cycle	Interest Charge
Purchases	20.24% (v)	$0.00	30	**$0.00**
Cash Advances	23.74% (v)	$0.00	30	**$0.00**

(v) - variable

UTILITIES DEPARTMENT
Account Number: XXXX XXXX XXXX 4137

Billing Questions:
800-854-7642

Send Billing Inquiries To:

SUMMARY OF ACCOUNT ACTIVITY

Previous Balance	$2,882.83
- Payments	$2,882.83
- Other Credits	$0.00
+ Purchases	$2,115.97
+ Cash Advances	$0.00
+ **Fees Charged**	**$0.00**
+ **Interest Charged**	**$0.00**
= New Balance	$2,115.97
Account Number	XXXX XXXX XXXX 4137
Credit Limit	$5,000.00
Available Credit	$2,884.00
Statement Closing Date	September 9, 2026
Days in Billing Cycle	30

PAYMENT INFORMATION

New Balance:	$2,115.97
Minimum Payment Due:	$106.00
Payment Due Date:	**October 4, 2026**

MESSAGES

Help us "Go Green" by reducing paper. Visit our website www.24-7cardaccess.com to sign up for electronic statements or to make a payment online.

TRANSACTIONS

An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
09/04	09/04	F148500L700CHGDDA	AUTOMATIC PAYMENT - THANK YOU	$2,882.83-
08/11	08/12	5543286KF5Z1PZS3A	LOWES #01990* BREVARD NC	$98.95
08/11	08/12	0230537KG00M36PE4	USPS PO 3661200768 PISGAH FOREST NC	$0.82
08/11	08/12	0230537KG00M36PKJ	TRACTOR SUPPLY CO #168 BREVARD NC	$341.59
08/12	08/13	5543286KG5ZQ6PP49	LOWES #01990* BREVARD NC	$100.12
08/17	08/18	5543286KM611ALDQ3	LOWES #01990* BREVARD NC	$253.28
08/18	08/19	0230537KP00LXDMZM	USPS PO 3659760766 PENROSE NC	$13.63
08/20	08/21	0543684KTBLK6RDQM	WAL-MART #1795 PISGAH FOREST NC	$18.77

Transactions continued on next page

EVERYWHERE
PO BOX 2360
OMAHA, NE 68103-2360

Account Number: XXXX XXXX XXXX 4137
New Balance: $2,115.97
Minimum Payment Due: $106.00
Payment Due Date: October 4, 2026

Amount Enclosed: $

Make Check Payable to:

CARD SERVICES CENTER
PO BOX 740002
ATLANTA GA 30374-0002

UTILITIES DEPARTMENT
CITY OF BREVARD
95 W MAIN ST
BREVARD NC 28712-3648

TRANSACTIONS (continued) An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
08/20	08/21	8514051KRS66L0X59	DRAINAGE SOLUTIONS, IN FRANKLIN IN	$739.89
08/24	08/25	5543286KW8SWS2RX6	LOWES #01990* BREVARD NC	$105.60
08/24	08/25	5543286KW8SY6TE7R	LOWES #01990* BREVARD NC	$75.15
08/25	08/26	5543286KX8V8VZ5DN	LOWES #01990* BREVARD NC	$292.13
09/04	09/06	5116094L80VV1J615	WAL-MART #1795 PISGAH FOREST NC	$76.04

$2,115.97 WILL BE DEDUCTED FROM YOUR ACCOUNT AND CREDITED AS YOUR AUTOMATIC PAYMENT ON 10/04/26.

INTEREST CHARGE CALCULATION

Your Annual Percentage Rate (APR) is the annual interest rate on your account

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Days in Billing Cycle	Interest Charge
Purchases	20.24% (v)	$0.00	30	**$0.00**
Cash Advances	23.74% (v)	$0.00	30	**$0.00**

(v) - variable

WATER TREATMENT PLANT
Account Number: XXXX XXXX XXXX 6752

Billing Questions:
800-854-7642

Send Billing Inquiries To:

SUMMARY OF ACCOUNT ACTIVITY

Previous Balance	$1,584.79
- Payments	$1,584.79
- Other Credits	$0.00
+ Purchases	$558.07
+ Cash Advances	$0.00
+ Fees Charged	**$0.00**
+ Interest Charged	**$0.00**
= New Balance	$558.07
Account Number	XXXX XXXX XXXX 6752
Credit Limit	$10,000.00
Available Credit	$9,441.00
Statement Closing Date	September 9, 2026
Days in Billing Cycle	30

PAYMENT INFORMATION

New Balance:	$558.07
Minimum Payment Due:	$28.00
Payment Due Date:	**October 4, 2026**

MESSAGES

Help us "Go Green" by reducing paper. Visit our website www.24-7cardaccess.com to sign up for electronic statements or to make a payment online.

TRANSACTIONS

An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
09/04	09/04	F148500L700CHGDDA	AUTOMATIC PAYMENT - THANK YOU	$1,584.79-
08/12	08/13	5550036KGRXJ7V4S5	WALMART.COM BENTONVILLE AR	$57.52
08/19	08/20	5543286KP61LN94J4	LOWES #01990* BREVARD NC	$5.21
08/21	08/23	5526352KST896GNEP	BASS PRO GREENVILLE451 GREENVILLE SC	$52.98
08/26	08/27	5550629KZTDPATDW5	MCNEELY'S STORE BREVAR BREVARD NC	$62.94
08/27	08/28	5270487L0EQJVQRXJ	CULVERS ARDEN ARDEN NC	$18.92
09/02	09/03	8211755L6EHM5VM99	NCWOA HIGH POINT NC	$360.50

$558.07 WILL BE DEDUCTED FROM YOUR ACCOUNT AND CREDITED AS YOUR AUTOMATIC PAYMENT ON 10/04/26.

EVERYWHERE
PO BOX 2360
OMAHA, NE 68103-2360

Account Number: XXXX XXXX XXXX 6752
New Balance: $558.07
Minimum Payment Due: $28.00
Payment Due Date: October 4, 2026

Amount Enclosed: $

Make Check Payable to:

CARD SERVICES CENTER
PO BOX 740002
ATLANTA GA 30374-0002

WATER TREATMENT PLANT
CITY OF BREVARD
95 W MAIN ST
BREVARD NC 28712-3648

INTEREST CHARGE CALCULATION

Your Annual Percentage Rate (APR) is the annual interest rate on your account

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Days in Billing Cycle	Interest Charge
Purchases	20.24% (v)	$0.00	30	$0.00
Cash Advances	23.74% (v)	$0.00	30	$0.00

(v) - variable

MINUTES
City Council Public Safety Committee

Monday, September 28, 2026 – 3:30pm
City Hall, Council Chambers

Members Present:	Aaron Baker, Chair, Council Member Dean Lytle, Vice Chair, Council Member Kevin Gallo, Citizen Member Mayor Maureen Copelof, Ex-Officio Member
Staff Present:	Wilson Hooper, City Manager David Todd, Assistant City Manager Christy Wentzell, Police Chief Alan Bonnano, Deputy Police Chief Chase Owen, Fire Chief Aaron Bland, Assistant Planning Director Denise Hodsdon, City Clerk
Guests:	Harvey Sankey, Doug Denton, Linda Gallo, Rodney Locks, Kellyn Haight, Madeline Magan
Media:	David Bradley, Jonathan Rich

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:30 pm.

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

Mr. Lytle moved, seconded by Mr. Gallo to approve the agenda. The motion carried unanimously.

D. Approval of Minutes – August 24, 2026 Meeting

Mr. Lytle moved, seconded by Mr. Gallo to approve the minutes from the August 24, 2026 meeting. The motion carried unanimously.

E. Traffic Calming Measures

Mr. Todd said the items that have changed are highlighted in yellow (Attachment A), with the exception of the Item 1. He was hoping the RRFBs on Probart St. would be installed before this meeting but not quite, so that will be completed very soon.

Line 6, Carolina Ave. – Mr. Todd said we have tentative approval, awaiting final approval, to move forward with the speed humps but Council was trying to resolve Fund 82 first. He said we need to know the number of speed humps, as there could be anywhere from 2 to 6. Carolina Ave. could have 2-4 speed humps and then up to 2 others on bypass streets. Mr. Lytle asked if it is possible to start with 2, test it, and then add more if necessary. Mr. Hooper said it is tough to do it that way because of the spacing between speed humps and any time you remove a speed hump, there is a risk of damaging it. Mr. Todd said he would not recommend it, as the configuration would leave a longer distance in the middle that allows drivers to speed up.

Mr. Baker said with regard to funding, he does not know what the plans are for future discussions on Fund 82, but he thinks we should move forward with getting official action from Council on this piece. He added that if there is agreement from Council on this part of Fund 82, then we should move it forward. Mr. Hooper agreed and said we originally planned to spend $14,000 on this, but staff have found that they could buy all 6 speed humps for $14,000. If less than 6 speed humps are purchased, it will cost less and leave more money for other Fund 82 projects. He added that if there is an appetite for it, they could ask Council for "up to" $14,000. Mr. Lytle asked why we do not know if it will be $8,800 or $14,000. Mr. Hooper said it will be less than $14,000, as that estimate was based on the unit price of speed humps that were used on Probart St., but Carolina Ave. is a narrower street, so the speed humps will be shorter and the price will be lower. There are some costs that are not yet known, like shipping, but the speed humps themselves would be about $8,000. Mr. Lytle said he would recommend presenting the numbers discussed last time or a firmer quote, rather than "up to $14,000." He added that he would limit the discussion to the Carolina Ave. speed humps until we are ready to discuss the rest.

Line 8, Park Ave., Park View, Elm Bend. – Mr. Todd said we were going to do some additional data collection while school was in session, but he does not know if we have done that yet. Chief Wentzell said they have not placed the black cats out there yet and they are currently in the Pisgah Dr. and Temple Church Rd. area. She said they will be deploying the black cats in the Park Ave. area this week. Mr. Todd said staff met with NCDOT the week of 9/21 and they will be getting the cost to install a RRFB on Park View to see if the City wants to pay for it. NCDOT indicated that this item was low on their priority list, unless we could identify a bona fide vulnerable user that lives nearby, such as a blind person. Mayor Copelof said there is subsidized housing located nearby, in Laurel Village, and she believes it is 55+ and handicapped housing. She added that we could contact the management company of that complex to see if they do have any vulnerable people that live there. She does not know NCDOT's definition of a vulnerable person but we might be able to get enough information from the management company to get NCDOT to raise the priority.

Line 9, Medical Park Dr., Pisgah Dr., Temple Church Rd. – Chief Wentzell said they have data collection from this intersection, as they deployed the speed trailer on Temple Church Rd., and they saw a low percentage of speeding violations. Most violations were on Sunday, corresponding with Church times, and 14% were enforceable violations. On 9/21, 421 cars passed the speed trailer and only 39 exceeded the 20-mph speed limit. Most vehicles are going between 21-25 mph and those who are speeding are within 5 mph of the speed limit. Daily average speeds were below posted speed limits.

Line 12, No turn on red where bike paths cross Deerlake Rd., Jackson Ct., Osborne Rd., Temporary until R5800 is complete. – During discussions with NCDOT last week, NCDOT promised to get this in front of decisionmakers in Raleigh. Mr. Hooper said NCDOT also stated that they would inquire about a pedestrian crossing signal there. Mr. Baker said that intersection is a disaster waiting to happen and he knows it was brought up to NCDOT, but we need to keep on it, as it is a really bad pedestrian crossing.

Line 14, Flashing yellow light and enhanced crosswalk from Brevard High School to dirt parking across Country Club Rd. – RRFBs have been installed by NCDOT and Chief Wentzell confirmed they are operational. She added that the police department is now staffing that crossing with a crossing guard in the afternoon because the high school added 200 additional paved parking spots by the soccer field. About 105 parking passes have already been issued. Mr. Todd said this item will be marked completed and moved to the completed section.

Mr. Lytle asked if we have looked into speed cameras for school zones. Chief Wentzell said she has talked with a representative from the company, but she has not scheduled a visit. She added that she has a little hesitation due to the response to ALPR cameras, as the speed cameras will similarly gather license plate data and then an administrative fine is sent in the mail. She thought we may want to discuss it at the Committee level. Mr. Lytle asked if it is the same type of technology. Chief Wentzell said no, but it will still identify the license plate tag, make, model, and color, and then it will run it through the DMV to get the registered owner information to send an administrative citation via mail. Mr. Baker asked if the cameras save the data like ALPR cameras, even for non-violators. Chief Wentzell said she is not sure and would need to follow-up. Mr. Lytle asked if it is the same companies that supply them. Chief Wentzell said no, they are supplied by a different company. Mr. Hooper added that Chief Wentzell will have to find out the cost, as speed cameras have a net liability to the City because most of the money collected from citations is required by law to go to the school system. Therefore, it is not possible to make that type of program self-sustaining and while that does not mean we should not do it, it will just be subsidized out of our budget. Chief Wentzell said the police department has been running traffic enforcement in the morning on Gallimore Rd. by the elementary school. Traffic enforcement is also being conducted at the high school and most of the violators pulled over in the morning are actually

students. BPD is primarily conducting enforcement in those two zones and working with school administrators and the School Resource Officer to discuss speed safety.

Line 26, Varying speed limits on Broad St. – Mr. Todd said during the meeting with NCDOT, they agreed to make the speed consistent at 25 mph before it drops to 20 mph in the core downtown area. Mr. Hooper said there are some bureaucratic hoops to jump through but we will start that process now. The Committee discussed the lack of consistency in speed limits on Caldwell and Broad and noted that the lack of posted speed limits makes it difficult to conduct enforcement efforts in that area.

Line 30, Add high visibility reflectors to the stop signs at Franklin and French Broad – Mr. Todd said this is a new item and it was raised during the NCDOT meeting last week. NCDOT agreed to consider the request and it sounded likely to happen. Mr. Hooper added that the City will pay for it at a nominal cost if NCDOT agrees to it.

Line 32 – Review intersection of Main St., Thomas St., North Ln., and James St. – Mr. Todd said Council approved switching the yield sign to a stop sign and staff started eliminating some of the vegetation. One of the property owners with overgrown vegetation was very cooperative and happy to have some vegetation removed. Another property owner was much less cooperative and the City has involved its code enforcement officer, who will be reaching out soon. Regardless of the sight line issue, Mr. Todd said they will get the stop sign and stop bar added.

Line 36, Straus Park Speed Study – Chief Wentzell stated that they have been conducting enforcement efforts as call volume allows. Mr. Todd said the Traffic Calming Work Team that meets monthly believes that Straus Park will probably qualify for some sort of treatment based on the volume of traffic and speed. Chief Wentzell added that over an 8-day data collection period on Straus Pkwy, there were 3,300 vehicles and 85% of vehicle speeds were enforceable violations. The posted speed limit is 20 mph, the average speed was 25 mph, the highest was 63 mph, and the lowest was 7 mph. Data was also collected for Camp Town Dr. and Pine Mountain Dr., which had a lower number of vehicles, but of the vehicles on those roads, still over 50% were traveling at a speed beyond the posted speed limit. BPD is scheduled to meet with the HOA for Straus Park at 10:30am on Wednesday.

Line 36, Pedestrian Crossings at Deerlake, Allison Rd., Pisgah Heights, and Jackson Ct. – This item is related to Line 12 and was discussed with NCDOT last week. NCDOT agreed to allow the City to repaint the crosswalk using thermoplastic paint, which may limit the color choices, and provided guidance on what decorative ideas could be used in the crosswalk. The City will need to hire a contractor to apply the thermoplastic paint, which will be a more significant cost than performing it in-house. Mayor Copelof added that we will be trying to differentiate the crossings with a different color that will jump out at drivers, pedestrians, and bicyclists. Mr. Hooper said he will need to look at NCDOT's rules again to see what they will allow, as he only thumbed through it, and he thinks color will still be governed by the MUTCD. Mayor Copelof added that we could tell NCDOT that it is only temporary until they

get R5800 done. Mr. Baker said since these are all bike trail crossings, green is pretty standard for most places. Mayor Copelof said NCDOT shot down green for some reason, but she just wants to make it as safe as possible, as they are dangerous spots. She added that drivers, pedestrians, and bicyclists are all worried about these intersections and it will not be entirely resolved until R5800 is done.

Mayor Copelof said she has some items to add. She has received multiple complaints about people racing down Hillview Ave. and out of the housing area onto Hillview Circle. It was brought up about a year ago and then it was brought up again last week, so she passed it along to Chief Wentzell. Chief Wentzell said they were not able to put the black cat up there due to the location of the poles, so they will be asking a property owner for permission to place the speed trailer on private property. The only other area to place the speed trailer is in the middle of the sidewalk, which will limit usage of the sidewalk and impact wheelchair accessibility. Chief Wentzell said her officers have not yet observed many violations in that area, but they are working with the constituent to identify when speeding occurs.

Mayor Copelof said another constituent brought up signage on Franklin St. and stated that we only have the speed limit posted on one end of the street, so people traveling down Franklin St. do not see the speed limit until they get to the end. The constituent requested that the City place another speed limit sign at the beginning of Franklin St., by the Brevard Inn. Additionally, the no parking on this side of the road signs need to be replaced, as they are so faded that you cannot read them.

Mr. Lytle said he has been contemplating bringing this up but he should not assume there is no remedy. He added that there have been complaints about people racing down the hill on Jordan Ln., which is an alley near Carver St. A speed bump may work but it is such a condensed area that he is not sure what can be done.

Mr. Gallo said he received a request from a constituent related to the bike path and line 21 on the spreadsheet and the constituent, Steven Zvengrowski, included a diagram (Attachment B). Mr. Zvengrowski is a Deerlake Resident and submitted a statement that said, "This is a follow-up to a meeting I attended a year ago - one of the Committee members mentioned to me after the meeting that there is a City easement at the corner of Cambridge Road in Deerlake Village that leads directly to the bicycle/pedestrian path. A blacktop path could be constructed at much less cost to the City compared to putting in a concrete sidewalk along Deerlake Road to connect to the Tidal Wave sidewalk. Something needs to be done as soon as possible as the current situation of having to walk on Deerlake Road presents a serious public safety issue with someone being hit by a vehicle, especially at the curve in the road where there is no sidewalk." Mayor Copelof said the sidewalk topic just came up at the Deerlake Town Hall meeting last week and there were approximately 50 people in attendance, including the HOA. The HOA asked Mayor Copelof to get a new cost estimate if they were to fund the sidewalk because the last cost estimate was the cost of constructing the sidewalk in-house and it is outdated. Many of the residents were talking about getting funding together for a sidewalk.

Mr. Gallo added that Mr. Zvengrowski's question is related to adding a blacktop path on the dashed line at the bottom of the map, as opposed to the City's proposed sidewalk, which is the dashed line at the top. Mayor Copelof said that option was not brought up at the Town Hall meeting. Chief Owen said the proposed path is not as open as the map makes it seem, as the houses and driveways close it off. Mr. Baker agreed and said it looks like there is more space than there is and he thinks the homeowners on Cambridge Rd. would not be happy about creating a path there. Mr. Bland added that the strip of land does not belong to the City and it is owned by the HOA. Mr. Baker asked if we have a sewer easement. Mr. Hooper said we do have a sewer easement and he would discourage paving because we would not want to cap our own sewer lines that we are going to need to maintain. Mr. Bland added that he will need to discuss with Mr. Ray, but this idea was pursued before and not received well. Mr. Todd said if you use that section for the trail, it eliminates some of the dangerous crossings discussed earlier and it has been floated as one of the potential temporary detours when the first section of boardwalk is being rebuilt.

Mr. Baker said the next steps are to get an updated cost estimate to the Deerlake residents. Mayor Copelof recommended Mr. Zvengrowski check with the HOA president, as that is who is obtaining the cost estimate.

F. Streamlining Updates to the Traffic Schedule

Mr. Hooper said when staff recently requested to change the yield sign to a stop sign on Thomas St., a simple change took 6-8 weeks because of the procedural requirements we follow to update our Traffic Schedule. The Traffic Schedule is a chapter of the Code of Ordinances that lists every 4-way stop, every 3-way stop, all no parking zones, etc. Until now, Staff's procedure was to bring proposed changes to the Committee for discussion and then subject them to a public hearing before being approved by Council. Staff was under the impression that a public hearing was required, but Ms. Hodsdon did some research and found out that the City was doing it because a previous Council requested that to be the practice. The City is not legally required to hold a public hearing on changes to the Traffic Schedule, but changes to the Traffic Schedule are legally required to be approved by Council.

Mr. Hooper said his inquiry for the Committee is whether they would be interested in streamlining that process by having the substance of proposed changes to the Traffic Schedule reviewed by the Committee, making a referral to the full Council, and the referral being a consent item on the agenda, rather than a public hearing. That process will allow Staff to get through the process quicker and it would not prolong and belabor simple changes to the Traffic Schedule with procedural steps.

Mr. Lytle said if that were the case and there was a sensitive change to the traffic schedule, could the Committee recommend that a public hearing be held or that it be a regular item on the agenda and not on consent. Mr. Hooper said yes, you could pick any path you want, but accepting his recommendation would still free Staff from the duplicate notice requirements, which is what prolongs the process the

most. Mr. Baker said it seems reasonable to him and even if this Committee approves it and Staff determines whether to put it on the agenda under consent or as a regular item, Council can always pull it off of consent and put it on the agenda. Mr. Gallo agreed that it seems reasonable to him.

Mr. Hooper said the process would still be transparent and all of the information would still be published in the agenda documents. The only differences are that it would not be advertised in the newspaper and would not have a waiting period. Ms. Hodsdon added that it is costly to advertise and advertising was just customary.

Mr. Baker motioned, seconded by Mr. Gallo to refer the streamlined changes to the Traffic Schedule process to the full Council per the City Manager's recommendation. The motion carried unanimously.

G. Discussion About Parking in the Lumberyard Area

Mr. Baker stated that he asked for this item to be on the agenda after receiving the results of the Parking Study. The majority of the study focused on Downtown, but part of it looked at the Lumberyard area. Some of the bigger issues were identified in the Lumberyard area and he wanted to discuss it but was not sure which Committee it would fall under. Given that there is a lot of traffic in the Lumberyard area, it seemed like it should be talked about here and he wanted to discuss signage and lining of the streets. Some streets have lined parking spots that stop part of the way down the street and others do not have lined parking spots.

Mr. Hooper said the City's third-party traffic engineer has this item on her list to do, although it is not at the top of the list, and she will give Staff a new re-lining plan for the Whitmire and Railroad intersection, a plan to align the crosswalk from the multi-use path to King St., and some pedestrian improvements in between. He does not know when that will be brought back to the Committee, but it is being worked on.

Mayor Copelof said a recommendation that has been discussed for a long time but not implemented is signage indicating that there is public parking at the Jimmy Harris Depot because unless you live in Brevard, you have no idea that there is a parking lot a block away from the Lumberyard area. Mr. Todd said he believes those signs have been installed on King St., but Mayor Copelof said she has not seen them. Mr. Lytle asked if the signs are decorative. Mr. Todd said no, the cost was higher so Staff went with regular signs. Mr. Todd added that he knows we had the signs made and he went out there with Staff to look at the locations, but he will double check to see if they are installed. Mayor Copelof said it is an easy fix to tell people that there is a parking lot close by that is empty. Mr. Baker said if we have the signs, we should make sure we are using them, but he does not think that signs are going to suddenly cause the Depot parking lot to be half full because we know people are going to try to get as close as possible to where they want to be.

Mr. Baker asked about the type of paint used for on-street parking because he knows we do not use thermoplastic, but the paint being used wears out very quickly. He does not know if there is something in between. Mr. Todd said he will look into it but there should be some high-grade traffic paint we can use.

Mr. Gallo asked if the signage we have is the nationwide standard directional parking sign or if it is a small sign that says parking with an arrow. Mr. Todd said he thinks it is a small sign that says parking with an arrow. The Committee agreed that something is better than nothing, but that it can be improved. Mr. Lytle asked if the signs are expensive. Mr. Hooper said the decorative signs are expensive and Mr. Bland said if you want it to look like the signs on England St., then yes. Mr. Lytle asked if the signs are decorative because he thinks he read at some point that basic signage is better because people recognize it and decorative signs are actually less noticeable. He added that basic signage may also be cheaper.

Mr. Hooper said on a weekend during parking study data collection, they found parking in the Lumberyard area occupied at 105%, indicating people are inventing parking spots. He asked for those familiar with the Lumberyard area, where those people are going. Mr. Baker said he has seen it on French Broad, where individuals will park right up to the stop sign at Railroad Ave. He added that there are a bunch of weird curb cuts on King St. and French Broad St. and it is unclear whether they are real curb cuts or old ones that are no longer used. Mr. Bland said there is a Jeep that parks on the sidewalk on the side of the street that does not allow parking so the parking study may have counted that. Mr. Baker said that is another reason why parking lines would help in that area because if you are just looking at the curb to determine whether you can park there, it is hard to tell. One example is a spot near Underground Salvage, where there is a curb cut that leads to a wall of the building. Mr. Hooper said he will ask the traffic engineer about lined spaces for that area.

Mr. Gallo noted that if you allow parking all the way down Whitmire and French Broad, except for where there are driveways, it will be difficult for cars coming from either direction to pass through. Mr. Bland said it is already allowed on Whitmire and French Broad, but it is not formalized with lines. With more organization of parking, a few spots may be lost due to people no longer crowding in to certain sections. Mr. Gallo said that may help create areas where a car can pull over to let another car pass. Mayor Copelof added that it will make it safer because when cars park all the way up to the stop sign, you cannot see. Chief Wentzell added that it will help with enforcement, as there have been parking citations appealed in that area because of people are parked too close to the stop sign, but there were no lines. Mr. Baker suggested using the painted spots on King St. and Railroad Ave. as a good test for how long the paint lasts, as those were done somewhat recently.

H. Public Comment

Madeline Magan said she came to check on Item #31, which is the crosswalk at King St. With the parking study being brought up, she added that she thinks the lines are

maintained a little better on King St. because it has been freshly paved and the lines are probably coming off the old street beds faster. On King St., she said there are a good number of people that speed into the curve when heading toward Caldwell St. and she believes that if there were lined parking spots on both sides of the street, it may help slow people down. She said they have had some issues with neighbors because people end up blocking driveways due to the historic curb cuts in that area. Lining parking spots would be helpful so it is not left up to someone's judgment about where to park. She would be very excited to have public parking signs and to her knowledge, they are not up yet.

Kellyn Haight said she missed the Carolina Ave. discussion, but she is just looking for an update. Mr. Hooper said Staff are going to ask Council at the meeting on Monday to allocate up to $14,000 for the Carolina Ave. traffic calming project, which will be enough for Carolina Ave. and likely enough for 1 speed hump on Washington and 1 speed hump on McMinn to help deter people from using those streets as bypasses. He cannot say how long it will take for those items to be delivered and installed once they are ordered, but as soon as Council approval is obtained, Staff will place the order. Ms. Haight asked to clarify if the money is available but it just needs to be voted on. Mr. Hooper confirmed. Ms. Haight added that the late-night speeding is atrocious and yesterday, there was a high-speed chase. She said they cannot wait for the speed humps and she appreciates the progress being made.

Doug Denton said the City Manager informed him that the public seating was removed from Clemson Plaza due to public safety issues. He asked if there is a timeline for that public seating to be returned. Mr. Hooper said he thought they were back out there now. Mr. Denton said he does not know, but last he looked, no.

Harvey Sankey asked why there will not be public hearings for changes to the traffic schedule. Mr. Baker said it is to make the process quicker because the last minor change took 6-8 weeks. Mr. Sankey said we could publicize when we are having a Committee meeting on a traffic schedule issue to let the public know they can come to the meeting. Mayor Copelof said they can also use the public comment portion of the City Council meeting before a vote is taken. Mr. Sankey asked about control of the traffic lights at Green Acre Ave., Fisher Rd., and McLean Rd., which are all across from Ingles. He added that it is backed up during this time of day and some of the cars stop right in the middle of the road, which blocks the traffic coming out of Ingles. He asked who controls the timing of the lights. Mr. Baker said NCDOT. Mr. Sankey asked who would contact them. Mr. Hooper said Staff brings that up to NCDOT frequently. Mr. Bland added that you cannot just change one light, as they are all synced together and changing one would cause them to have to reprogram the whole US-64 corridor. Also, the City has to pay for NCDOT's time if they were to reprogram all of the lights. Chief Wentzell said they also see it with the school traffic coming off of Fisher Rd. in the morning and they receive a lot of complaints about it.

I. Set Date for Next Meeting – Monday, October 26, 2026 at 3:30pm

The next meeting was scheduled for Monday, October 26, 2026, at 3:30 pm.

J. Adjourn

There being no further business, the meeting was adjourned at 4:45 pm.

Minutes Approved: October 26, 2026

X _____
Aaron Baker, Chair, Council Member or
Dean Lytle, Vice Chair, Council Member

X _____
Shawnee Cummings
Assistant to the City Manager

Traffic Calming and Safety Project Status 9/28/2026

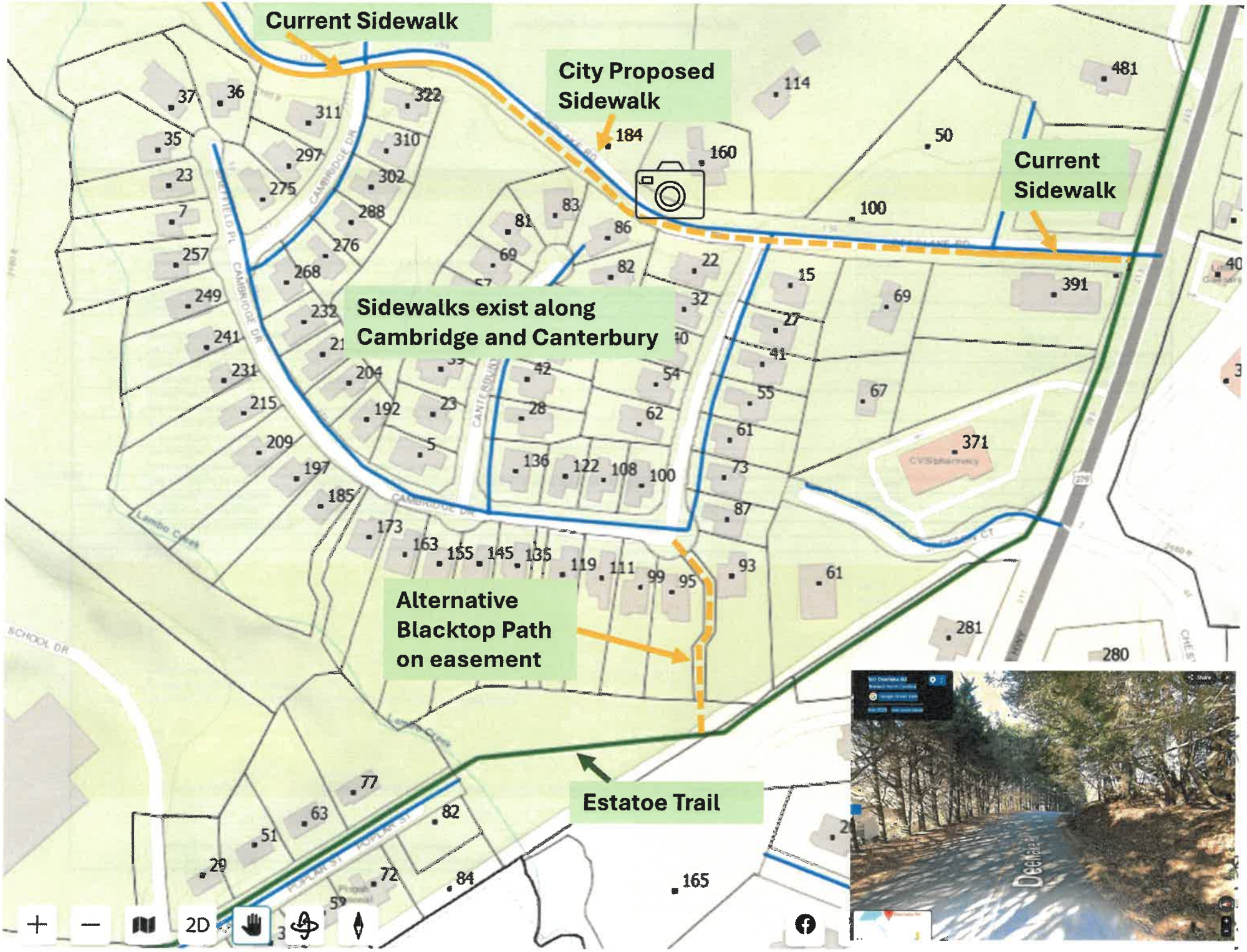
IDENTIFIER	PROJECT	DESCRIPTION	STATUS	NOTE
1	W. Probart/Railroad intersection improvements	Move stop sign/stop bar slightly east to provide more space for traffic collection; increase SB curb radius to ease turning movements onto WB Probart, add double sided RRFBs.	Only remaining work is instalaltion of RRBCs complicated by size of the new base and the sidewalk width	Hope to complete by the end of September, may be end of October.
2	E. Probart crossing at Broad St.	Enhanced signage to warn motorists of pedestrians	Installed pedestrian and traffic warning signs, painted the crosswalk. Waiting on McAdams review one way travel on Probart, Broad to courthouse parking. Traffic data has been requested from Police. Stripes have been repainted after NCDOT repaving. Also waiting on the new traffic circulation study to be completed.	
3	Estatoe boardwalk repair Section 1, behind McDonalds	Repair/replace/reconfigure boardwalk sections of Estatoe Trail.	FLAP Grant has been awarded to the City, but we have not yet determined the full amount of the award. The designer for the project has been selected, WSP. We are presently unsure when grant funding will be available, as such we will not enter into a design agreement until we are sure of the funding amount and timeline	PTR comm. has agreed that this should be staff focus for the year to come
4	Estatoe boardwalk repair Section 2, behind Aldi	Repair/replace/reconfigure boardwalk sections of Estatoe Trail.	FLAP Grant has been awarded to the City, but we have not yet determined the full amount of the award. The designer for the project has been selected, WSP. We are presently unsure when grant funding will be available, as such we will not enter into a design agreement until we are sure of the funding amount and timeline	PTR comm. has agreed that this should be staff focus for the year to come
5	Estatoe temporary trail	Gravel path along old railbed	Pender curb cuts are complete. Pender crosswalk to be painted by end of June. Fisher Lane curb cuts to begin next week. Working in conjunction with NCDOT to add thermoplastic crosswalk. Hope to have work compelted by the end of August.	
6	Carolina Ave. traffic calming	Possible traffic calming measures on Carolina Ave. north of intersection with Shipman	Speed bump quotes are on hand, need to identify a funding source. Recent speed study has been completed, average speed has declined since the last speed study.	Waiting on Council Approval, a funding source, and determination of the number of speed bumps

7	Four-way stop near Silversteen Park	Add stop sign at Mills Ave. to create four-way stop near Silversteen Park	Final layout received from our Traffic Consultant. Signs have been ordered. We will implement this work after the Hillview Street culvert is repalced.	Need to advertise traffic change and install "New Traffic Pattern" signs
8	Park Ave, Park View, Elm Bend. traffic calming	Constituent request for consideration	Data collection complete and data review is is process. Plans are to continue data collection while school is in session as previous collection occurred during the summer. In our meeting with NCDOT on the week of 10/9/2026 they agreed they were going to get us the unit cost of a pair of RRFB for Park View to see if we wanted to pay for their installation ourselves. They intimated that that wasn't on their priority list, thought they said it might be added if we could verify a bona fide vulnerable user (like a blind person) lives nearby.	
9	Park Ave, Pisgah Drive/Temple Church Road area	Constituent request for consideration	The city will be collecting additional traffic data in the months to come	
10	Pisgah Church Dr. traffic calming	Constituent request for consideration	Data collection scheduled	
11	Fisher Rd. traffic calming	Constituent request for consideration	Discussed with NCDOT 12/18/25. NCDOT indicates they are flexible in regards to trail crossing and willing to consider ownership swap.	State rd., traffic control measures must be approved by NCDOT
12	No Turn On Red where Bike Paths are crossed, Deer Lake Road, Jackson Court, Osbourne, temporary until R5800 is complete.	Constituent request for consideration	Discussed again with NCDOT, week of 9/21/2026. NCDOT promised to get this in front of the decision makers in Raleigh.	
13	Add traffic calming to Oakdale, near 228	Constituent request for consideration	Under discussion	Add to data collection schedule
14	Flashing Yellow light and enhanced crosswalk, Highschool to dirt parkng a across Country Club Road. Consider addition of speed bumps or rumble strips	High School has requested rumble strips	New RRFBs have been installed by NCDOT at this crosswalks, but may not yet be operational but will be in the immediate furture if they are not already.	
15	Can Morgan Street be made a bike boulevard	Constituent request for consideration	Under discussion in Downtown Master Plan	
16	Can the Bike Ped Plan be reviewed for safety concerns and address those on a higher priority	Constituent request for consideration	Under discussion	

17	Can we review the number of light changes per crosswalk crossing at 276/Elm/Park View at school crossing	Constituent request for consideration	This was discussed briefly with NCDOT at last quarterly meeting on 12/18/25 but we do not have are solution yet. Do new lights at Gallimore change traffic light timing. When will the Gallimore lights be activated.	
18	Ecusta Road signage warning of upcoming trail crossings	Constituent request for consideration - Need to verify if this has been done	To be addressed by a coming STIP Project, have asked NCDOT if signs can be added, awaiting their approval	
19	Secondary egress from Cherry St area	Constituent request for consideration	Public Safety agreed to review one emergecny exit route versus four as originally proposed. Update proposal received from our designer on 11/24/25. This project is on hold pending identifaction of needed budget.	
20	Trail crossing signs and better marking by Pisgah Heights	Constituent request for consideration	Repaint faded crosswalk add signs, waiting on NCDOT. Staff will schedule this work.	
21	Deerlake Road sidewalk extension	Constituent request for consideration	Cost estimated by Public Works to be $20k for materials, work could be done in house as time allows, double cost if contracted. Wilson to discuss with home owners association.	
22	Better trail marking/ safety improvements by Deerlake Rd/AVL Highway, pernament per R5800.	Constituent request for consideration	Discussed with NCDOT on 12/18/25 but no resolution yet. DOT is considering this along with the new roundabout work	
23	Deer Lake Crossing Signal Light	Constituent request for consideration	Reviewed with NCDOT on 12/18/25, they promised to give this consideration but no promises were made.	
24	Excessive speed on West Main, 200 block due to traffic on Probart rerouting around speed bumps. What traffidc control measures can be put in place?	Constituent request for consideration	Just recently completed additional data collection. Review in process.	
25	Lack of crosswalk on Broad Street near library	Constituent request for consideration	Will discuss with NCDOT	

26	Varying speed limits on Broad, one small section speeds up. Can they be made the same?	Constituent request for consideration	During our meeting with NCDOT the week of 9/21/2026. They agreed to work with us to get the signs changed on Broad and Caldwell to a consistent 25 MPH speed limit throughout, only switching to 20 MPH for the core downtown area. There was some bureaucratic hoops we have to jump through but we'll start jumping now.	
27	Silversteen between Caldwell and Aiken	Constituent request for consideration	Will discuss with NCDOT	
28	Review intersection of Carver Street and Oakdale Street and Cashiers Valley Road below MJCCC	Constituent request for consideration	Alternatives under discussion with TCWT	
29	102 East French Broad - Excessive Speed	Constituent request for consideration	Police Department to conduct data collection	
30	Add high visibility reflectors to stop signs at Franklin and French Broad	Constituent and staff request for consideration	Discussed with NCDTO week of 9/21/2026 and they have agreed to consider this request.	
31	Cross walk needed at or near intersections of Whitmire, King St, French Broad Ave and Railroad	Constituent request for consideration	Site visit has been completed but further discussion and a drawing is needed from the City's Traffic Engineer.	
32	Review Intersection of Main Street, Thomas St, North Ln, and James St.	Constituent request for consideration	Have desing in hand and Council Approval. New Traffic Patern, Stop Sign ahead and Stop sign to be installed this week in addition to newly painted Stop Bar. Worked with homeowner west of Thomas and have removed vegitation blocking view. Reached out to homeowner east of Thomas and met resistance to removing the vegitation/shrubs blocking the siteline. Code Enforcement Officier will be reaching out to the homeowner in the immediate future.	
33	Cross walk needed at or near intersection of Carver and Oakdale	Constituent request for consideration	Has been reviewed by the City's Traffic Engineer, detail drawings/sketches to follow. Cross walks and stops signs/stop bars to be added	
34	Review intersection of East Main Street, Wilson Road and Greenville Highway	Constituent request for consideration	Has been discussed with the City's Traffic Engineer and NCDOT, detail drawings/sketches to follow.	

35	Habitat Housing Project at corner of Probart and Railroad	Why is entrance off of Probart versus Railroad. Discussion around oil company easement needed to have drive on Railroad, was this pursued? Kevin Gall request.	Planning and Zoning has indicated that this approach was not pursed due to both terrain issues and causing the drive to cross the trail.	
36	Straus Park Speed Study	Constituent request Excess speed noted in Straus Park, speed study requested. Specific roads noted were Straus Parkway and Camptown Road	Police will begin an enforcement effort in the area. TheTraffic Calming Work Team believes Straus Park will probably qualify for some sort of treatment based on speed and volume.	
37	Pedestrian Crossings Deer Lake, Allison Road/Pisgah Heights, and Jackson Court crossings	Constituent and astaff request for consideration	During our meeting with NCDOT on 9/21/2026, NCDOT provided conditions under which pedestrian crossings can be done in a decorative fashion, but this still needs staff review. NCDOT has also agreed that Brevard can repaint these crossing ourselves if we use thermoplastic paint.	
	RESOLVED OR COMPLETED ITEMS			
1	Jailhouse Hill Line Painting	Constituent request for consideration	Completed	NCDOT
2	Line Painting in front of Ingles	Constituent request for consideration	Completed	NCDOT
3	Railroad Avenue parking	Public hearing 8/4 for code changes prohibiting on-street parking along Railroad	Complete	
4	Crosswalk Indicators not working, French Broad/Caldwell	Constituent request for consideration	Complete	
5	Crosswalk Indicators not working, French Broad/Broad	Constituent request for consideration	Complete	
6	Crosswalk Indicators not working, Main/Caldwell	Constituent request for consideration	Complete	NCDOT
7	Reflective Tape on Benches at Jordan Street Bump Out	Constituent request for consideration	Complete	Will be reviewed again later if deemed problematic
8	Bicycle Accident Barclay Road due to ignored Road Closure Barricades	Constituent request for consideration	Complete	NCDOT - Estimated Completion by 10/1/25
9	Jake Brake Signs	Constituent request for consideration	Complete	
10	Railroad/McClean path crossing improvement	Replace one-sided RFBs with two-sided; create ADA accessible "landing pads" on both sides of crosswalk	Complete	
11	Excessive speed on Maple. What traffic control measures can be put in place?	Constituent request for consideration	Complete	Traffic data was collected. Based on the traffic data it was decided that no new measures were needed at this time.
12	Oaklawn/Main St. four-way stop	Add stop signs/stop bars on Main St. to create four-way stop	Complete	
13	Oaklawn/Carver four-way stop	Add stop sign at EB Carver to create four-way stop	Complete	


Current Sidewalk
City Proposed Sidewalk
Current Sidewalk
Sidewalks exist along Cambridge and Canterbury
Alternative Blacktop Path on easement
Estatoe Trail
CAMBRIDGE DR
CANTERBURY
POPLAR ST
SCHOOL DR
2D

STAFF REPORT
City Council, Monday, November 2, 2026

Title: Quarterly Report for Construction Contracts

Speaker:
Prepared by: Shawnee Cummings, Assistant to the City Manager
Approved by: Wilson Hooper, City Manager

Background/Discussion
The City of Brevard Purchasing Policy ("Policy"), prior to April 2026, stated that Staff were required to formally bid construction and repair contracts over $250,000, which was stricter than both State policies and policies of other municipalities. The Policy also required 3 informal bids for construction and repair contracts between $30,000 and $249,999.99 and did not allow for management discretion. The Policy was impacting efficiency and requiring substantial amounts of Staff time to obtain 3 informal bids, as there were scenarios where Staff were unable to obtain 3 informal bids due to a limited number of contractors in the area or the scope of work being too small for contractors to submit formal bids.

At the April 27, 2026 Finance, Human Resources, and Citizen Appointment Committee meeting, the Committee agreed to allow Staff more flexibility with regard to the Purchasing Policy's 3 bid requirement for construction and repair contracts and increased the formal bid threshold to $499,999.99. The Committee chose to maintain the 3 bid requirement, but to allow for management discretion when Staff are unable to obtain 3 informal bids, provided that there is substantiating documentation. While the Committee agreed to give Staff more leeway for special circumstances, they included a requirement in the revised Policy that requires Staff to provide quarterly reports to Council for construction and repair contracts between $30,000 and $499,999.99 to ensure adequate oversight. The revised Purchasing Policy was approved by City Council on May 4, 2026.

Attached is a copy of the Quarterly Report for construction and repair contracts between $30,000 and $499,999.99. While the report was only supposed to cover one quarter, there were some additional contracts included, spanning from June 2026 through September 2026. The attached report was presented to the Finance, Human Resources, and Citizen Appointment Committee at their October 26, 2026 meeting.

This evening, staff will present the report as required by the Policy and answer any questions about the project discussed within.

Action
No action requested. For information and discussion only.

Attachments:
1. Quarterly Report on Construction Contracts

Construction and Repair $30,000-$499,999.99 Quarterly Reporting

Project	Date	Bid Solicitor	Bids Req.	Bids Received	Bidders	Bids Awarded	Contract Amount	Reason, if any	Notes
Bracken Expansion	2/3/2026	City/Pisgah Area SORBA	3	3	Long Cane Trails; Elevated Trail Designs; Trail Dynamics	Long Cane Trails	$ 39,852.00	Lowest bidder	
Tannery Smokestack Demo and Vault Removal	6/5/2026	City	4	3	DH Griffin; CCI; NEO; 4th bidder declined to bid	DH Griffin	$ 288,750.00	Lowest combined bidder	Council selected lowest combined bidder at 6/1 Council Meeting; 4th bidder declined to bid; plus change order of $8,000
City Hall Building Envelope	7/14/2026	Terracon (designer selected based on qualifications)	3	3	High Rock Waterproofing; Stone Restoration; Southeast Building Restoration Group	High Rock Waterproofing	$ 102,702.78	Lowest bidder	
WTP Security Cameras	8/18/2026	City	1	1	Security Camera Warehouse (SCW)	Security Camera Warehouse (SCW)	$ 37,908.00	Sole Source Justification and piggybacking on County's Sole Source Justification	plus change order of $2,046
Paving Contracts (Powell Bill)	9/14/2026	City	6	4	JLS Company LLC; C&T Paving; Tarheel Paving; Appalachian Paving (declined to bid); French Broad Paving (no response); Lonesome Mountain	Lonesome Mountain	$ 420,430.50	Lowest Bidder	One bidder declined to bid and one bidder did not respond