AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, November 16, 2026 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Pastor Ollie Dongell, Brevard Wesleyan Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. November 2, 2026 Regular Meeting

G. Certificates / Awards / Recognition

H. Public Comments

I. Special Presentation(s)

J. Public Hearing(s)

1. Proposed Amendment to the Official Zoning Map of the City of Brevard - 84 Georgia Hill St., PIN 8586-21-7170-000
2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapter 5 - Glazing and Fenestration

K. Consent and Information

1. Tax Settlement Report - October 2026
2. Fund 82 Project Amendment
3. FY 2026-2027 Budget Amendment Allocating Fund 82 Balance
4. Housing Committee Meeting Minutes - September 15, 2026
5. Public Works and Utilities Committee Meeting Minutes - October 7, 2026

L. Unfinished Business

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

M. New Business

1. Architectural Firm Selection for Co-Ed Cinema Renovation

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

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Agenda Posted, Website, Sunshine List (November 12, 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
November 2, 2026 – 5:30 PM

The Brevard City Council met in regular session on Monday, November 2, 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/Finance Director Dean Luebbe, Assistant City Manager David Todd, Assistant to the City Manager Shawnee Cummings, Communications Coordinator Becky McCann, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Police Chief Christy Wentzell, Fire Chief Chase Owen, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans, and Community Center Director Tyree Griffin

Press – David Bradley, *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 – Norm Bossert of the Brevard Jewish Community 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. Wise moved, seconded by Mr. Baker to approve the agenda as presented. The motion carried unanimously.

F. Approval of Minutes

F-1. October 19, 2026 Regular Meeting – Mr. Baker moved, seconded by Mr. Wise to approve the minutes of the October 19, 2026 Regular Meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Proclamation No. 2026-30 National Family Caregivers Month – Mayor Copelof read the proclamation aloud and presented it to members of the Brevard Livability Task Force.

PROCLAMATION N0. 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.

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

G-2. Oath of Office – Police Officer Lance LeDoux – Lance LeDoux was sworn in as a Law Enforcement Officer by City Clerk Denise Hodsdon. Officer LeDoux was accompanied by his wife and daughter.

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.

Oath Administered By: s/ Lance Robert LeDoux
s/ Denise Hodsdon, City Clerk
November 2, 2026

H. Public Comments

Lisa Rodke of Whitmire St. said I am absolutely 100% against the Clemson Plaza being usurped by the Ecusta Trail terminus. I am speaking for myself and have not spoken to anyone about my objections. When I read the front-page article in the October 19th edition of the *Transylvania Times* about the Ecusta Trail and the artist rendition of the terminus in Clemson Plaza, my first reaction was how dare they desecrate the gorgeous mural of Loretta Aiken a/k/a Moms Mabley. How dare they whitewash the only visual symbol on Main St. of Brevard's vibrant Black history? On second thought, I realized they probably did not make these recommendations with malicious intent, but out of ignorance. However, ignorance is no excuse. The best anecdote to ignorance is education. Until the fiasco of the giant sign on the Clemson Plaza, I, myself, was totally ignorant of what the Clemson Plaza was all about. The *Transylvania Times* educated me with the history of the Clemson Theater, the first movie theater in Transylvania County. This artist rendering would be perfect for the England/Main St. parking lot. It does not interfere at all with the Fire Department and emergency vehicles, and all of the bike riders would be on the correct side of the street for all of the restaurants until Broad St.—all the restaurants are on that side of the

street. Also, there's a blank wall just waiting to be painted on, and the blank wall will be facing people riding up Main St. It's perfect, but not Clemson Plaza.

Morris Young of Faith St. said I am one of a few individuals who used to live on Pinnacle Mountain during the late 50's and early 60's. We used to live in a house that Mr. Howard Irving and his wife Maggie lived in. When Miss Maggie died, we moved into the house to be of assistance to Mr. Howard Irving during this time. My father, Eddie Young, Jr. was the brick mason teacher at 9th Avenue High School. When a school student driver was out, my father would drive the bus and always was able to turn the bus around on Pinnacle Mountain Rd. My uncle, Vernon Smith, who owns property there, and the taxes have been paid, he is married to Mr. Howard and Maggie's daughter, Sarah. They have property and they always pay their taxes. Why is it that the City would take advantage of the Black American community by having a 50-foot right-of-way that zigzags back and forth, encroach each homeowner's property, that would in the future and at the present time would stop and would not allow homeowners to cross this path to build their homes or to reach their homes, because the former road that leads to their home now has Bracken Mountain Trail zigzagging over and through their property. Would it have not been a better solution to go straight up the original road, past Ms. Barbara Baker, and start the Bracken Trail road past there. Easier, but yet it was not done. I come to a sad opinion that for some reason I have seen and heard in other communities, states and cities in these United States, another erosion by man has wiped away another Black community and has taken place. Especially in my hometown, my beloved city of Brevard, North Carolina. Why did they not seek out former residents to give them information about where the road was? What were they afraid of? It leaves me no choice but to think perhaps, and to form an opinion, that this was done deliberately, and it did not have to be.

Jimmy Veal of Pinnacle Rd. said I believe this is my tenth appearance. At my second appearance I shared with you that it was my unwavering opinion that the trail blocks access to these properties up there, one of which is owned by Roy Ray Robinson, great-great-grandson of Jake and Sarah Mackey. Barbara Garrett owns a piece of property up there—she's the granddaughter of Ella and Isaac Bailey. Also, Emma Dorsey and Connie Williams have interest in a piece of property that is still up there. The easement overlays their property; access to their property is blocked. I gave you guys certified notarized letters from each Connie and Emma talking about the driveway that was up there and they used to drive cars up there and the road was the access that some people claim never existed. Mr. Young mentioned his dad drove the school bus, and Connie Williams in the letter that I gave to you said the school bus drove up there and turned around at the flat spot at the end of the road, except when it's snowing and they had to walk down the hill to get to it. When you're paying taxes on property, that presumes that there's access, and you don't have access and your property was blocked without anybody telling you, there's something amiss. I also gave you guys a packet of information that showed which pieces and parts of the trail infrastructure block access—the parking lots, the handicap parking place, coincidentally or incidentally or with intent, was put right in the middle of the roadbed. The boulders, holly trees and native bushes right in the middle of the roadbed. Three of the trail signs are right in the middle of the roadbed. The last nail in the coffin is the two picnic tables that are out in the middle of nowhere that I have never seen anybody sit at are right in the middle of the roadbed. So, I've twice asked you guys, I'm going to ask one more time, please can we have a special meeting to talk about it, or can we be on the agenda at a regular meeting? To be obligated to spend three minutes without any dialogue or questions is not helping us get to the bottom of this problem. I again reiterate that request. In my second meeting I said it would be nice to try to solve it before lawyers got involved and I'm sure you're aware that the lawsuit was filed and I'm pretty sure that we're looking for a date in January so that you guys can try to have the suit dismissed. And I mentioned that if you want to get to the bottom of it, get to the truth, let's have a discussion.

Doug Powell of Oakdale Rd. said that, with the traditional celebration of Thanksgiving in America only three weeks away, he wanted to share rarely taught Pilgrim history. He said the Pilgrims fled religious persecution but needed London

investors to finance their voyage. To protect their investment, the investors required property to be held in common for seven years, with shared labor and profits from corn, grains, fish and furs. Because everything was held in common, this is generally accepted as one of the first modern communes in America. Most Americans think socialism or communism is a new idea here on this continent. But Carl Marx himself said in the Communist Manifesto that "the theory of the communists may be summed in the single sentence abolition of the private property." And decades later Vladimir Lenin alerted the world the goal of socialism is communism. The American experiment in communal living by the Pilgrims led to what was called the Starving Times. Able-bodied men resented being forced to produce more and benefit less, and many began producing less crops and goods or faking illness in order not to work. Women resented having to cook and care for other families other than their own. Remember, these were decent and honest men and women, and yet the failure of this communistic living led to a desperate reexamination of the involuntary sharing of private property and the fruits of their labor. It was said that this community of property was "found to breed much confusion and discontent." What happened next? Their first governor William Bradford decided to allow each man to plant corn for his own household, so every family was assigned a parcel of land according to the proportion of their number. Almost immediately every individual family member became harder working and more industrious. Even the women and children went into their own field to plant corn knowing that they would directly benefit. This led to abundance rather than lack, and out of these many blessings and gratitude led to immense voluntary charity. As Americans living in Brevard, we have much to be grateful for. We still have the ability and right to voluntarily work more and share with others the blessings and fruits of our liberty and freedom. As we celebrate another Thanksgiving in America, let us remind ourselves of the Pilgrims' failed experiment in socialism here and everywhere it has been tried. And, why on the contrary, our current republic is the most benevolent and generous nation in the history of the world.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Request for Modification to the City of Brevard Extraterritorial Jurisdiction (ETJ) – Aaron Bland explained that this is 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. The request is to remove the parcel from the ETJ and the City's zoning jurisdiction. The property currently has one mobile home on it but historically had two. One home has been removed, and any nonconformity grandfathered status has expired. In order to replace the second home, the lot would have to be subdivided, but because Grey Havens Drive is a private street and the subject lot is more than 150 feet from the public Cemetery Road, the requirement for frontage on a public street cannot be met. Variances are not allowed for subdivision requirements per the ordinance and state law. The option that the property homeowner has pursued is this request to remove them from the City's planning zoning jurisdiction. The requirement that only one principal structure per lot would therefore not apply. The parcel 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.

At 6:03 p.m. Mr. Baker moved, seconded by Ms. Holder to open the public hearing. The motion carried unanimously.

Public Participation:

James King said I am here with Mr. Rogers, the homeowner. I'm his proposed builder if we can remove ourselves from the ETJ. In essence all we're asking for is the chance to have Mr. Rogers have his property back the way it was, where he had two homes on it. We are on the border of the ETJ. It doesn't seem as though we're going to be nonconforming in any kind of crazy ways, and there are some inconsistencies with

the water going to folks outside of the ETJ. All we're asking is for his ability to get his land back the way it was.

Jeff Rogers said this particular piece of land is the first one that I've ever owned. I've owned it for 30-plus years. I did not know, I did not realize that I had a timeframe of when I started destruction of taking the home down to put it back. I was unaware of that. That's the reason for the meeting. We're just asking to go back like it was but update the unit. The property borderline is what we're asking to possibly be modified if it's possible.

At 6:05 p.m. Mr. Baker moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

During questions/comments by Council Mr. Baker had some questions about what the options are. He said I certainly want to be able to help the property owner—we need more housing in the city, and I don't want to do anything to prevent that from happening. He noted that this is the first time he has seen a request to be removed from the ETJ and asked whether staff has a record of the City ever doing that in the past. Mr. Bland said he has not seen it happen in the 15 years he has been at the City. Mr. Baker asked if asking the Board of Adjustment for a variance is a pathway to building things that may not otherwise be allowable in the UDO. Mr. Bland explained that there are two issues they are running up against: first, there is a provision that you can only have one primary structure per lot. That is in the section of the ordinance that can be varied through the variance process. The second is the subdivision on a public street that is explicitly not allowed to be varied. The option of dividing it into two lots and putting one primary on each lot can't be varied by the Board of Adjustment. The only other option would be that one primary per lot—you could vary the number one to the number two primary structures per lot. The issue with that in this case is that one of the things you have to prove for a variance is that the hardship is not self-created. Because the owner who would be seeking a variance is the same owner who removed the home, that would be difficult to prove. A variance would be a bit of a high bar given the details of this circumstance. Mr. Bland said he didn't want to speak for the owner, but given the options, just simple removal from the ETJ meant that they didn't have to worry about any of that. So, that was more of a long-term attractive option. A variance is for one specific thing and if they were to run up against something else, they would have to go back and do it all over again. If they could get out of the ETJ, they wouldn't have to worry about that in perpetuity.

Mr. Baker then asked about the city water service in that area. Mr. Bland said there are several properties on the road that have water service and a few of them are beyond this parcel and outside the ETJ. Mr. Baker said I am not that concerned with this particular property, but because it seems to be a new action for the City, it has the potential to be Pandora's box, and I know the state legislature has their eye on ETJ legislation in general. I want to make sure that if we do this when it comes back for official action that it does not lead to some other consequences that we can't necessarily foresee right now. That would be a request for the next meeting; for Staff to think through any potential negative consequences down the road, or some alternatives such as the Board of Adjustment option or any other option.

Ms. Holder said she would like to see what the alternatives might be as well.

Mr. Wise asked if there was any history understanding why the ETJ was extended out here. He said it is such an odd division, especially at this property, and if maybe those properties that have water now outside the ETJ were at some point in the ETJ. I am assuming that if the Rogers family want to use water, even outside the ETJ, they can still pay for that service. I am also assuming that they can get the two buildings on the property under the county provisions. I would want to make sure they were square on that before we make a decision on this.

Mr. Daniel and Mr. Lytle both said they shared Mr. Baker's concerns.

J-2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapter 16 – Vesting Period – Emily Brewer explained that North Carolina Session Law 2026-59, adopted August 11, 2026, amended North Carolina General Statutes related to vested rights for 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 to comply with State law. The Planning Board considered the proposed amendment at its October 27th meeting and recommended in favor of its adoption.

At 6:15 p.m. Ms. Holder moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:15 p.m. Mr. Baker moved, seconded by Ms. Holder to close the public hearing. The motion carried unanimously.

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. Mr. Wise moved, seconded by Mr. Baker to approve the consent agenda. The motion carried unanimously.

K-1. Property Tax Releases – September 2026

RESOLUTION 2026-58
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.

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

K-2. Proclamation No. 2026-31 Veterans Day

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.

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

K-3. Traffic Schedule Update – No Left Turns, Probart/Caldwell Intersection

ORDINANCE NO. 2026-46
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.

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

K-4. Ordinance Declaring Road Closure for Special Event – Light Up the Night and Holiday Parade

ORDINANCE NO. 2026-47
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.

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

K-5. Rosenwald Community Advisory Board Meeting Minutes – August 20, 2026

K-6. Finance and Human Resources Committee Meeting Minutes – September 28, 2026

K-7. Public Safety Committee Meeting Minutes – September 28, 2026

L. Unfinished Business – None.

M. New Business

M-1. Quarterly Report for Construction Contracts – Shawnee Cummings recalled that on May 4, 2026 Council approved revisions to the Purchasing Policy which increased the formal bidding requirement for construction and repair contracts to $499,999.99. Under the revised policy contracts between $30,000 and $499,999.99 require informal bids but allows management discretion when Staff are unable to obtain 3 informal bids, provided that there is substantiating documentation. In exchange for giving Staff more leeway for special circumstances, the policy includes a requirement that Staff provide quarterly reports to Council for construction and repair contracts between $30,000 and $499,999.99 to ensure adequate oversight. This is the first quarterly report to Council and going forward the report will be included on the Consent Agenda on a quarterly basis.

Mr. Hooper added that the Purchasing Policy also gives the manager the authority to approve time sensitive scope changes to projects and corresponding change orders that would cause them to exceed the budget if he notifies Council in a timely manner. Over the last week or so, but especially today, as the work commenced, we have learned of some additional cost related to the smokestack demolition. These will require change orders, which will cause this to exceed the budget. They are related to the extra requirement levied upon the City by the State regulators in the approved environmental management plan (EMP); things that were not known when Staff briefed Council back in the summer and were not known until after the contracts were bid and approved. They include additional testing on the failed bricks, additional testing on the vault that will soon be removed, and the disposal of the bricks since the final EMP said we couldn't use them as beneficial fill as we originally intended to. Mr. Hooper said he has approved the cost of the extra testing and plans to approve the special disposal

strategy, which will depend on the results of the testing. We project that there will be between $75,000 and $100,000 addition to the cost of this project. He will bring back a recommended funding strategy and the necessary budget amendments at the next meeting. He said having seen how easily the stack came down today, I am more convinced than ever that this was the right thing to do from a safety perspective.

N. Remarks/Future Agenda Considerations.

Mr. Baker said I want to put an exclamation mark on what Wilson said about being glad we went ahead and took the smokestack down. When I watched the video of the first nudge that the crane made at the very top and a huge chunk came off, it made me thankful we had done that. I know the additional cost is not something anybody is happy about, but I am thankful we don't have that safety issue lingering out there. To respond to some of the public comment today, nobody is touching the Moms Mabley mural and that has never been considered at any level. That rendering was strictly for the England St. location and was never in consideration for Clemson Plaza. While Clemson Plaza is on the list of locations for some additional parking, that in no way would take away from the existing mural or some of the other amenities that are already there. I will also say that we are very early in that process, so we don't know the extent to what that bike parking might look like and there are a lot of other considerations. I am very proud of that mural, and no one has ever considered moving that mural or taking it down. He also reminded everyone to vote tomorrow and expressed appreciation for everyone that works on elections.

Ms. Holder said I ditto what he said as far as voting is concerned. I polled the congregation yesterday and asked how many have voted. 98% raised their hand and I was very proud of that. I spoke with Wilson earlier today about a request that I made to find out…some comments have been made about all of this money going into Rosenwald, and even the community center was brought into that conversation. As I said to him earlier today, I never saw it as a Rosenwald community center; I always see it as a community center for everybody. The history is the previous one that was there was in poor condition, but that community center was built because the African American residents were not allowed to go to another community center. As I understand that history, it means even more to have this community center for the city of Brevard. We don't have a Rosenwald, North Carolina, we have Brevard. I hope that people will understand. I think we do as a community because everyone uses it and it's not money that was spent in Rosenwald, it's a community center that was built for Brevard. I just wanted to make that clear. I asked him to give us some numbers because some of the complaints have been that all this money has been spent in Rosenwald. Well, let's do some comparisons about other communities, because if more is spent in Rosenwald it's not fair, and if it's not then we need to know what the facts are and dispel the image of what is going on in Rosenwald. We were able to get those numbers for Rosenwald, but I would like to see it for other communities as well so that we can make sure that we're being fair and doing what needs to be done in all of our communities in all of Brevard.

Mr. Wise also encouraged everyone to vote. He said I am excited about your 98%; in the county it is about 40% of people who have voted early. I just want to mention that next week on the 11th is Veterans Day and I like to remind people that Veterans Day is a way to celebrate veterans. It's also completely appropriate to remember veterans who aren't with us. If you know a veteran, tell them thanks.

Mr. Lytle also encouraged everyone to vote. He said we are presented with a lot of evidence to be cynical, and no one is immune to feeling like that, but at the end of the day we all have to do everything we can to make our city, our county, our state, and our country better. There's nothing that will harm you by voting, but you do stand something to gain.

Mr. Hooper said I called Councilwoman Holder today and confessed that I misunderstood her request from last meeting that I committed to. What I understood the request to be was to bring back the figures on Rosenwald investment broken out by

year, but she reiterated today that what she really wanted was investment information on other neighborhoods. That's a much more time-consuming process. We're willing and capable of doing it, but I would I like to have the Council's full permission before we invest the hours needed to pull that information. He said I want to thank everyone who stands for election. It takes a lot of guts to do that, so I just want to say as a voter and a resident of Brevard, I appreciate the bravery to get into the arena like that.

Regarding Mr. Hooper's request for guidance from Council on whether to put time into trying to figure out the investment in different neighborhoods, Mayor Copelof said I'm not sure how we define the neighborhoods, and how we define what investment is particular to a neighborhood. She said I think it is a very nebulous concept right now and that might be why Staff is having trouble trying to figure out how to go back and quantify it. She asked for thoughts from Council to provide guidance to Staff. Following discussion, there was consensus for Staff to provide a list of capital projects over the last ten years and where they are located to determine where the City has been investing, and to have that information in time for the Strategic Planning Session in February.

Mayor Copelof encouraged everyone to attend the Veterans Day Ceremony on November 11th at 11:00 am in front of the Courthouse. She thanked the American Legion for organizing it. She said we will also be turning the lights green on City Hall from November 4th to 11th in honor of Veterans Day. She mentioned upcoming events—the Caregivers Seminar in the Library's Rogow Room on November 12th, and a Patients' Rights seminar on November 7th at MCJCCC. She noted that yes, the smokestack is gone and that it has been there since 1917 and has been a symbol of the early industrial age of our town. She said we had no choice—for safety reasons the smokestack had to come down, but we are looking for ideas on how to memorialize that area and honor its history. She hoped that everybody votes tomorrow.

O. Closed Sessions – None.

P. Adjourn – There being no further business, at 6:52 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 16, 2026

STAFF REPORT
City Council, Monday, November 16, 2026

Title:	Proposed Amendment to the Official Zoning Map of the City of Brevard - 84 Georgia Hill St., PIN 8586-21-7170-000
Speaker:	Emily Brewer, AICP, Senior Planner
Prepared by:	Emily Brewer, Senior Planner
Approved by:	Paul Ray, Planning Director, Wilson Hooper, City Manager

Background
The Planning Department has received an application from Samantha Eubanks for a zoning map amendment (rezoning) at her property at 84 Georgia Hill Street (PIN 8586-21-7170-000). The property is zoned Neighborhood Mixed-Use (NMX) and the request is to rezone the property to General Residential-8 (GR8) in order to build a single-family home. The 0.78 acre-lot is adjacent to GR-8 and Institutional Campus (IC) to the west and NMX on all other sides.

Planning Board considered this request at their October 27, 2026, meeting and recommended **denial** (3-2). The Board discussed the matter at length considering the residential character of Georgia Hill Street, but ultimately the majority recommended denial citing the inconsistency with the Comprehensive Land Use Plan and the Future Land Use Map.

Discussion
The Neighborhood Mixed-Use (the current zoning district) is described by the Unified Development Ordinance as follows:

> *Neighborhood Mixed-Use (NMX). The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.*

Alteratively, the requested zoning district, GR, is described by the UDO as follows:

> *General Residential (GR). The General Residential District is intended for the city's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with this pattern.*

The requested rezoning changes the allowable uses from a mixed-use zoning district to one that is predominately low-density residential. Single-family homes are not allowed in NMX but are allowed in GR. All other residential land uses — including duplexes, townhomes, and multifamily developments — are allowed in NMX. NMX includes a broad range of

neighborhood-serving commercial, such as restaurants, retail, and medical offices. Alternatively, commercial use is very limited in GR with some professional services being allowed only with a special use permit. The full list of uses is included in the attachments.

The requested rezoning also changes the dimensional standards. Select dimensional standards are outlined below.

Requirement	**NMX**	**GR-8**
Maximum dwelling unit density	25/acre	8/acre
Maximum ground floor area for principal structures	30,000 SF	8,000 SF
Minimum setbacks for principal structures (front/side/rear)	0/0*/10	15/6/25
Minimum setbacks for accessory structures < 120 square feet (side/rear)	0/0	3/3
Minimum setbacks for accessory structures ≥ 120 square feet (side/rear)	3/3	6/10
Maximum height by right	40 feet	40 feet
Minimum lot width	20 feet	30 feet

**If adjacent to GR, side yard setback is increased to 10 feet.*

Policy Analysis

The proposed rezoning is **not consistent** with the Future Land Use Map and other elements of the *Building Brevard 2030* Comprehensive Land Use Plan.

Future Land Use Map

The property is identified in the FLUM as part of the "Activity Center - Minor" character area. This character area "provides a setting for services and activities that are supportive of surrounding residential neighborhoods." Activity Centers - Minor are typically centered around a community anchor or a small commercial district. This character area is centered around the Silversteen Park and Mary C. Jenkins Community Center and reflects the desire for denser housing and a potential mix of uses in the Rosenwald neighborhood. The CLUP identifies Neighborhood Mixed-Use (the current zoning district) and Residential Mixed-Use as applicable districts for this character area. Changing the zoning district is any other district is **inconsistent** and constitutes a change in the Future Land Use Map.

Comprehensive Plan Actions

The CLUP explicitly calls for a mix of uses in Activity Center (Land Use and Housing Action #6). It goes on further to say "allowing different land uses such as commercial and residential in close proximity to each other can help make a city or neighborhood more walkable and lead to reduced numbers of car trips." As a predominately residential zoning district with very few commercial land uses permitted, this rezoning is **inconsistent** with the actions of the CLUP.

In accordance with state law, the Planning Board also forwards a statement of consistency and reasonableness for Council's consideration.

Action
No action is requested at this time; information is for public hearing purposes only. At the next regular meeting, Staff requests that Council take one of the following actions:

1. Granting the proposal, as requested by the applicant
2. Granting the proposal with a change as proposed by City Council
3. Deny the proposal
4. Table the matter for further consideration and/or public hearings.

Attachments:
1. Submittal Materials
2. Current Zoning
3. Future Land Use Map
4. Land Use Matrix
5. Consistency and Reasonableness Statement
6. Draft Enacting Ordinance

City of Brevard
828-885-5630

95 West Main Street
Brevard, NC 28712

Record Report for Map Amendment - Base District Rezoning #REZ-26-0004

Record Overview

Record Number: REZ-26-0004

Record Type: Map Amendment - Base District Rezoning

Record Status: In Progress

Record Submitted At: Thursday October 1, 2026

Record Address: 84 Georgia Hill Street

Record Owner: Emily Brewer

Record Applicant: Samantha Eubanks

Form Submission

Applicant:
Samantha Eubanks
[redacted]

Property Owner (if different):

Property Address: 84 Georgia Hill Street

Parcel Identification Number (PIN): 8586-21-7170-000

Current Zoning District(s): Neighborhood Mixed Use (NMX)

Current Overlay District(s): None

Requested Zoning District(s): General Residential - 8 (GR8)

Existing Zoning of Adjacent Properties: Neighborhood Mixed Use (NMX)

Explanation (if necessary):
Hello, my property is currently zoned as a multi-family lot and I'd like to switch to a single-family dwelling zoning. I intend to build a single-family home on the lot.

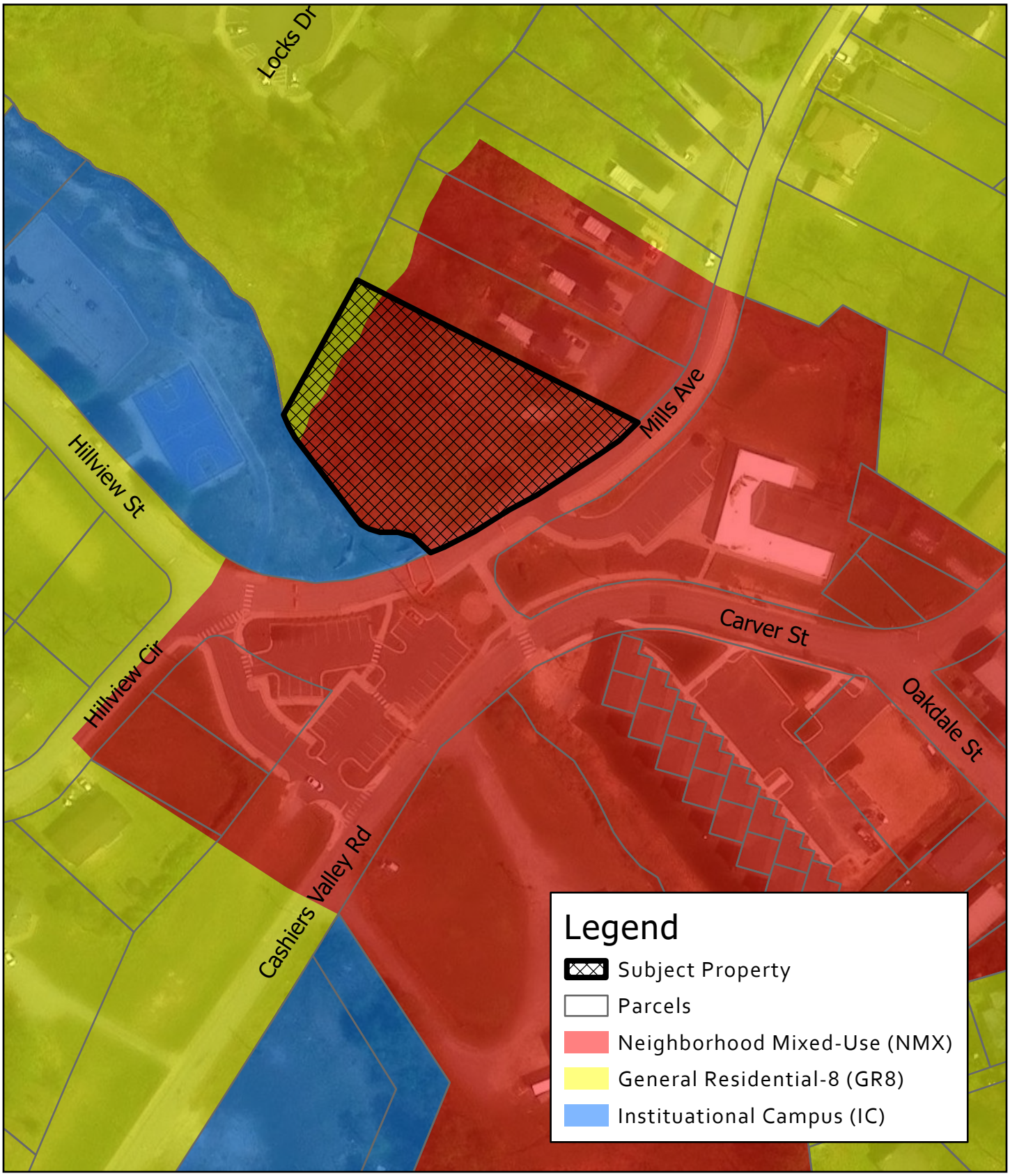
I Acknowledge: Yes

Signature:



Signed in GovWell: Thursday October 1, 2026, 4:14pm

REZ-26-0004 84 Georgia Hill Street - Current Zoning



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This map was prepared by the City of Brevard Planning Department, November 2026.

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.

REZ-26-0004 84 Georgia Hill Street - Future Land Use Map

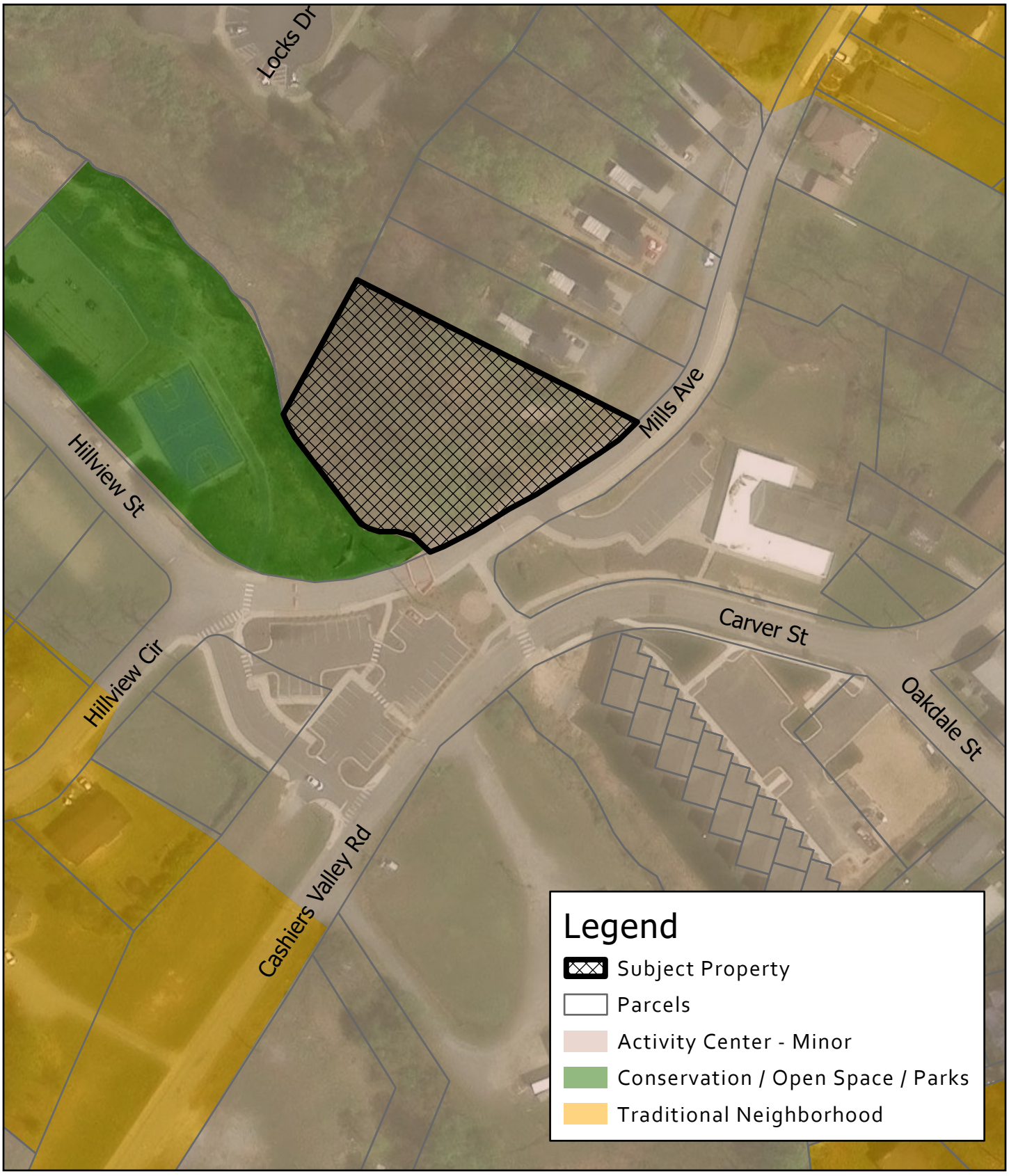

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TABLE 2.2-A: LAND USE MATRIX									
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS						
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Residential										
Household Living	**3.5.1**	Dwelling—Single-Family	P	P	—	—	—	—	P	—
		Dwelling—Duplex	P	P	P	P	—	—	P	—
		Dwelling—Multifamily 3—4 units/bldg.	P	P	P	P	P	P	P	—
		Dwelling—Multifamily more than 4 units/bldg.	—	P	P	P	P	P	P	—
		Dwelling—Townhome	P	P	P	P	P	P	P	—
		Manufactured Home	MHD	MHD	MHD	MHD	MHD	MHD	MHD	—
		Live-Work Units	PS	PS	PS	PS	PS	—	PS	—
		Mixed-Use Residential Unit	—	—	PS	PS	PS	PS	PS	—
Group Living	**3.5.2**	Family Care Home	P	P	P	P	P	P	P	—
		Housing Services for the Elderly	SUP	P	P	P	P	P	P	—
		Rooming or Boarding House	P	P	P	—	P	P	P	—
Social Services	**3.5.3**	Group Care Facility	P	P	P	—	P	P	P	—
		Shelter	SUP	P	P	—	P	P	P	—
Lodging										
Overnight Accommodations	**3.6.1**	All overnight accommodations, except as listed below	—	—	—	P	P	P	P	—
		Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	—
		Short-Term Rental (STR)	—	PS	PS	PS	PS	PS	PS	—
Camping	**3.6.2**	Campground/Recreational Vehicle Park	SUP	SUP	SUP	SUP	—	—	SUP	—
		Rental Cottage/Cabins	PS	PS	PS	PS	—	—	—	—
		Seasonal Camp	PS	—	—	PS	—	—	PS	—
Commercial										
Eating and Drinking Establishments	**3.7.1**	All restaurants and other eating and drinking establishments except as listed below	—	—	P	P	P	P	P	—
		Bar/Night Club	—	—	PS	PS	P	P	—	—
Personal Services	**3.7.2**	All personal services, except as listed below	—	P	P	P	P	P	P	—

TABLE 2.2-A: LAND USE MATRIX									
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS						
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Day Care Center	PS	PS	PS	PS	PS	PS	PS	PS
Professional Services	3.7.3	All professional services, except as listed below	SUP	P	P	P	P	P	P	P
		Adult Establishment	—	—	—	—	—	—	—	SUP
		Banks, Credit Unions, Financial Services, and ATMs	—	—	P	P	P	P	P	P
		Funeral Homes and Services	—	—	P	—	P	P	P	—
		Human Crematories and Crematoriums	—	—	PS	—	PS	PS	PS	PS
		Indoor Animal Services	—	—	P	P	P	P	P	P
		Kennels and Outdoor Animal Services	—	—	SUP	—	—	PS	—	PS
		Landscaping and Contractor Services	SUP	SUP	SUP	—	—	—	—	P
		Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS
		Vehicle Services—Minor Maintenance/Repair	—	—	SUP	—	SUP	PS	PS	PS
Retail	3.7.4	All retail and sales establishments except as listed below	—	—	P	P	P	P	P	—
		Alcoholic Beverage Sales Store	—	—	SUP	P	P	P	—	—
		Auto/Mechanical Parts Sales	—	—	—	P	P	P	—	P
		Flea market	—	SUP	SUP	SUP	SUP	SUP	—	—
		Gas Station	—	—	SUP	PS	SUP	PS	—	PS
		Gunsmiths and Weapon Sales	—	—	SUP	SUP	PS	PS	—	PS
Civic/Institutional										
Educational	3.8.1	All educational uses except as listed below	SUP	P	P	P	P	P	P	—
		Colleges/Universities	—	—	SUP	SUP	P	P	P	—
		Schools—Vocational/Technical	—	SUP	P	P	P	P	P	P

TABLE 2.2-A: LAND USE MATRIX									
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS						
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Government	**3.8.2**	All government uses, except as listed below	—	P	P	P	P	P	P	P
		Correctional Facilities	—	—	SUP	—	SUP	P	P	P
		Public Safety Station	SUP	SUP	P	P	P	P	P	P
Medical	**3.8.3**	All medical offices and facilities except as listed below	—	P	P	P	P	P	P	—
		Hospital	—	—	—	—	—	P	P	—
Places of Worship	**3.8.4**	All religious institutions or places of worship	SUP	P	P	—	P	P	P	—
		Cemeteries	PS	PS	PS	—	PS	PS	PS	—
Entertainment/Recreation										
Indoor Recreation	**3.9.1**	All indoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P
		Cultural or Community Facility	SUP	P	P	P	P	P	P	—
		Indoor Amusements	—	—	SUP	P	P	P	SUP	P
		Indoor Firing Range	—	—	—	SUP	—	SUP	SUP	SUP
		Live Performance Theater	—	SUP	SUP	P	P	P	P	—
		Movie Theater	—	—	—	P	P	P	—	—
		Special Event Venue	SUP	SUP	PS	PS	PS	PS	PS	—
		Studios, Galleries and Workshops - High Impact	—	—	SUP	SUP	SUP	P	P	P
		Studios, Galleries and Workshops - Low Impact	—	P	P	P	P	P	P	—
Outdoor Recreation	**3.9.2**	All outdoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P
		Non-Residential Swimming Pool or Pond	—	SUP	SUP	SUP	PS	PS	PS	—
		Outdoor Amusements	—	—	SUP	P	SUP	P	—	P
		Outdoor Firing Range	—	—	—	—	—	—	—	SUP
		Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P
Agriculture										
Agriculture	**3.10.1**	All agricultural uses	PS	—	—	—	—	PS	PS	PS

TABLE 2.2-A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Manufacturing/Wholesale/Storage										
Light Industrial and Manufacturing	3.11.1	All light industrial and manufacturing activities, except as listed below	—	—	—	—	—	SUP	—	P
		Brewery, Distillery, Winery, Cidery - High Impact	—	—	—	SUP	—	P	—	P
		Brewery, Distillery, Winery, Cidery - Low Impact	—	—	SUP	PS	PS	PS	—	PS
		Laboratory	—	—	—	—	—	P	P	P
		Laundry, Dry Cleaning Plant	—	—	—	—	—	SUP	P	P
		Manufacturing Research and Development	—	—	—	P	—	P	P	P
		Media Production	—	—	P	P	P	P	P	P
Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	—	SUP
		Data centers	—	—	—	—	—	—	—	CZD
		Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	SUP	P	—	P
Storage and Disposal	3.11.3	All storage and disposal uses, except as listed below	—	—	—	—	—	SUP	—	P
		Chemical Storage Facility	—	—	—	—	—	—	—	P
		Solid Waste Disposal Facilities	—	—	—	—	—	—	—	PS
		Junkyard / Salvage Yard	—	—	—	—	—	—	—	SUP
Wholesaling and Distribution	3.11.4	All wholesaling and distribution activities, except as listed below	—	—	—	—	—	P	—	P
		Equipment Rental	—	—	—	—	—	P	—	P
		Indoor Vehicle/Heavy Equipment Sales	—	—	PS	—	PS	PS	—	PS
		Outdoor Vehicle/Heavy Equipment Sales	—	—	—	—	—	PS	—	PS
Extractive Industries	3.11.5	All extractive industries, except as listed below	—	—	—	—	—	—	—	P

TABLE 2.2-A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Extractive industries involving blasting	—	—	—	—	—	—	—	SUP
Infrastructure										
Utilities	**3.12.1**	Utilities—Class 1	P	P	P	P	P	P	P	P
		Utilities—Class 2	P	P	P	P	P	P	P	P
		Utilities—Class 3	—	—	—	—	—	—	—	CZD
Telecommunications	**3.12.2**	All wireless telecommunication facilities, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Wireless Telecommunication Facility—Tower	—	—	—	—	—	SUP	—	PS
Transportation	**3.12.3**	Aviation Facilities	—	—	—	—	—	—	—	SUP
		Parking Lot	SUP	PS	PS	PS	PS	PS	PS	PS
		Passenger Vehicle Terminals	—	—	P	P	P	P	—	P
Accessory										
Residential Accessory	**3.13.1**	All residential accessory uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Day Care Home	PS	PS	PS	PS	PS	PS	PS	—
		Dwelling—Accessory Unit (ADU)	PS	PS	PS	PS	PS	PS	PS	—
		Home Occupation	PS	PS	PS	PS	PS	PS	PS	—
		Keeping Bees	PS	PS	PS	PS	PS	PS	PS	PS
		Keeping Domestic Fowl (Chickens)	PS	PS	PS	PS	PS	PS	PS	PS
		Swimming Pool or Pond	PS	PS	PS	PS	PS	PS	PS	—
Non-Residential Accessory	**3.13.2**	All non-residential accessory uses, except as listed below	—	PS	PS	PS	PS	PS	PS	PS
		Accessory Retail	—	—	PS	PS	PS	PS	PS	PS
		Drive-Thrus	—	—	SUP	SUP	—	PS	—	—
		Mobile Food Vendor Site	—	SUP	PS	PS	PS	PS	PS	PS
		Recycling - Small Collection	—	—	—	—	—	SUP	SUP	P
		Rooftop Amenity Space	—	—	SUP	PS	PS	PS	PS	PS

TABLE 2.2-A: LAND USE MATRIX									
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS						
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Taproom / Tasting Room	—	—	SUP	P	P	P	—	P
Temporary										
Temporary	**3.14.1**	All temporary uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Agricultural / Produce Stand	PS	PS	PS	PS	PS	PS	PS	PS
		Construction Office	PS	PS	PS	PS	PS	PS	PS	PS
		Dwelling—Temporary	PS	PS	PS	PS	PS	PS	PS	PS
		Mobile Classroom	PS	PS	PS	PS	PS	PS	PS	PS
		Mobile Vendor	PS	PS	PS	PS	PS	PS	PS	PS
		One-Day Event	PS	PS	PS	PS	PS	PS	PS	PS
		Outdoor Event	PS	PS	PS	PS	PS	PS	PS	PS
		Outdoor Seasonal Sale	PS	PS	PS	PS	PS	PS	PS	PS
		Outdoor Storage Container	PS	PS	PS	PS	PS	PS	PS	PS

(a) This column refers to the section of this ordinance that contains the use definition and additional standards.

STATEMENT OF CONSISTENCY AND REASONABLENESS WITH ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-26-0004

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 regarding the proposal to rezone 84 Georgia Hill Street to the **General Residential - 8** zoning district to City Council with a finding that the proposed zoning map amendment is **inconsistent** with the following elements of the City's adopted plans and policies:

Comprehensive Land Use Plan

- **LUH- 6:** Encourage rezonings to allow for a mix of uses in Activity Centers.

Future Land Use Map

- This property is located in the *Activity Center-Minor* character area in the Future Land Use Map, for which GR8 is **not** an applicable zoning district.

NCGS 160D-605 requires the Governing Board to approve a statement analyzing the reasonableness of a proposed rezoning. The statement of reasonableness and the statement of consistency may be approved as a single statement.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **reasonable** due to the following factors:

- The size and location of the proposed rezoning and the surrounding zoning.
- The site adjacency to General Residential-8 zoning district.

ORDINANCE NO. 2026-____

AN ORDINANCE AMENDING THE CITY OF BREVARD OFFICIAL ZONING MAP TO REZONE 84 GEORGIA HILL STREET

WHEREAS, the City has received a request from Samantha Eubanks that the Official Zoning Map of the City of Brevard be amended by rezoning the parcel of land located at 84 Georgia Hill Street, identified by PIN 8586-21-7170-000, and hereafter referred to as the "Subject Property," from the Neighborhood Mixed Use (NMX) district to the General Residential – 8 (GR8) district; and,

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on October 27, 2026, and recommended denial; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is inconsistent with the following elements of the Building Brevard 2030 Comprehensive Land Use Plan:

Comprehensive Land Use Plan

- *LUH- 6: Encourage rezonings to allow for a mix of uses in Activity Centers.*

Future Land Use Map

- *This property is located in the Activity Center-Minor character area in the Future Land Use Map, for which GR8 is not an applicable zoning district.*

and,

WHEREAS, in accordance with North Carolina General Statute 160D-605, the Brevard City Council finds that this proposed zoning map amendment is reasonable due to the following factors:

- The size and location of the proposed rezoning and the surrounding zoning.
- The site adjacency to General Residential-8 zoning district.

and,

WHEREAS, a public hearing was conducted on November 16, 2026, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendment, it is the desire of the City Council of the City of Brevard Official Zoning Map 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 zoning classification of the parcels identified by the Parcel Identification Number 8586-21-7170-000 is hereby rezoned to General Residential – 8 (GR8), as depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference.

SECTION 2. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map, Comprehensive Land Use Plan, and Future Land Use Map if needed, consistent with this Ordinance.

SECTION 3. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 4. 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 05. 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 7th day of December 2026.

_____
Maureen Copelof
Mayor

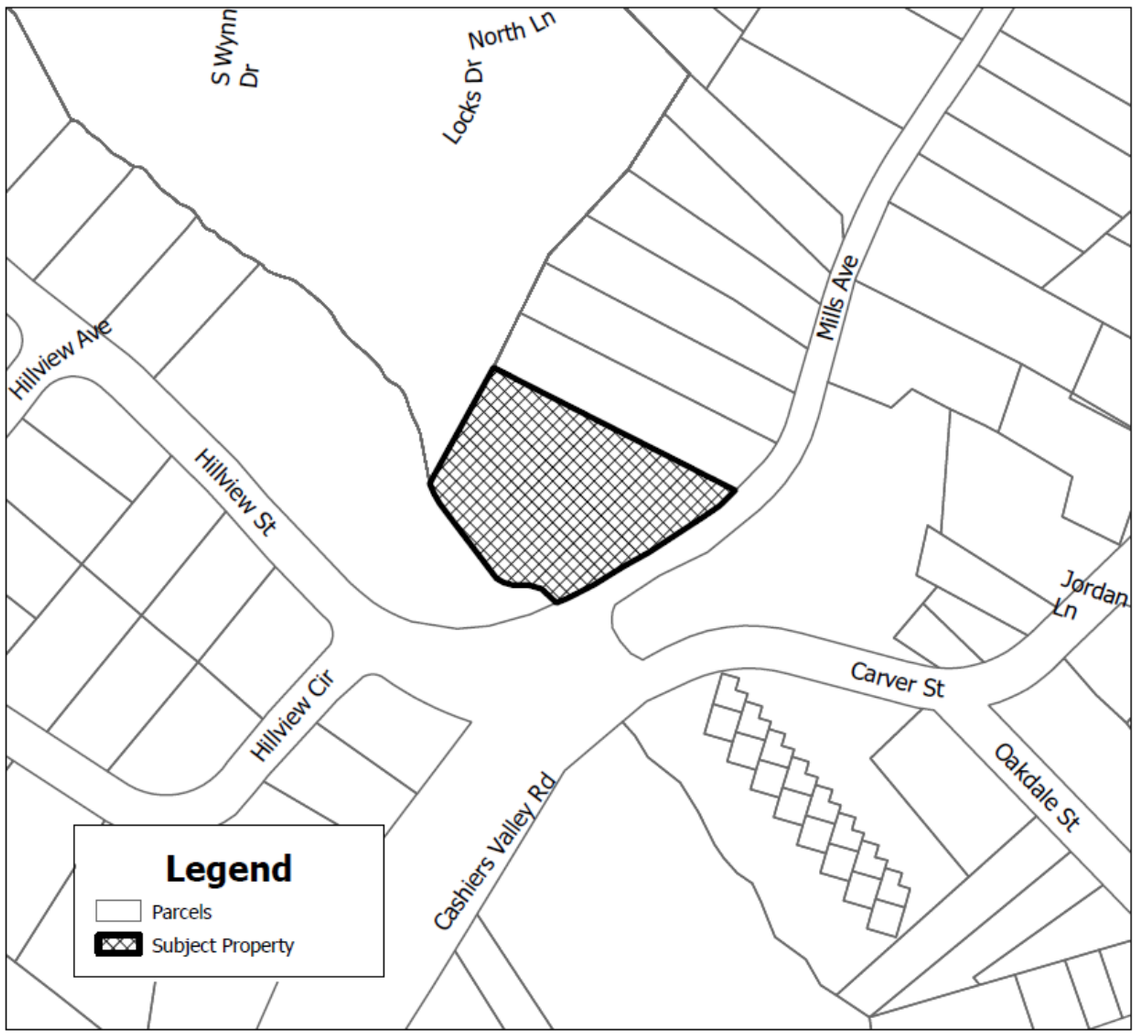
ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney

EXHIBIT A


S Wynn Dr
North Ln
Locks Dr
Mills Ave
Hillview Ave
Hillview St
Hillview Cir
Jordan Ln
Carver St
Oakdale St
Cashiers Valley Rd
Legend
Parcels
Subject Property

STAFF REPORT
City Council, Monday, November 16, 2026

Title:	Proposed Amendments to City of Brevard Unified Development Ordinance Chapter 5 - Glazing and Fenestration
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, enacted NCGS Section 160D-702.1 - *Glazing and Transparency Limitations.* This new section limits how much glazing, transparency or fenestration that a local government can require on ground floor of mixed-use development.

Transparency and fenestration are important architectural design principles to promote human-scaled design and pedestrian-oriented development. The City's recent changes to development architectural standards identified transparency and fenestration as an important strategy, particularly for storefront buildings.

This state law now states that transparency requirements must be limited to 35%. For certain commercial or mixed-use "non-storefront uses," that limit is set at 20%. The proposed amendment incorporates those limitations into our regulations and instead *encourages* shopfronts to have higher ground floor transparency.

Planning Board considered this request at their October 27, 2026, meeting and recommended approval. In accordance with State law, the Board also submits a statement of consistency regarding these amendments for Council's consideration.

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

Action
No action is requested at this time; information is for public hearing purposes only. At the next regular meeting, Staff requests that Council take one of the following actions:

1. Adopt the amendments as presented
2. Adopt the amendments with a change as proposed by City Council
3. Deny the amendments
4. Table the matter for further consideration and/or public hearings.

Attachments:

1. Proposed Amendments
2. Consistency Statement
3. Session Law 2026-59 (see Section 9a)

UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 5. ARCHITECTURAL STANDARDS

5.6. General design requirements.

5.6.4. Fenestration and transparency.

A. ***Windows***:

1. Windows shall express each individual floor of the building; windows shall not span multiple floors.
2. The top of all windows on the same floor of a building shall be aligned horizontally.
3. The centerlines of all windows on multi-floor buildings shall be aligned vertically.
4. For tailored Window regulations based on architectural style, refer to Section 5.8.

B. ***Transparency in General:*** Each building story shall feature a façade transparency of 20% min to ~~33~~35% max.

1. Façade transparency shall be calculated for the area between finished floors and shall be the total percentage of door and window area along that portion of the façade. Upper floor transparency shall be measured to the finished ceiling.

C. ***Commercial Non-Shopfront Transparency:*** ~~Applicants shall provide a diagram to demonstrate compliance with these provisions.~~In accordance with NCGS 160D-702.1, commercial or mixed-use buildings used primarily for non-shopfront purposes shall have a minimum transparency requirement of 20% of the ground floor area façade.

1. For the purposes of this provision, the following are considered non-storefront uses:
    i. Religious assembly or sanctuary space;
    ii. Medical or dental examination, treatment, or healthcare services;
    iii. Educational instruction or counseling;
    iv. Civic or nonprofit services;
    v. Funeral services
    vi. Lodge or meeting hall use;
    vii. Storage or back-of-house operations;
    viii. Other institutional, assembly, or services uses not primarily operated as walk-in retail, restaurant, bar, entertainment, or commercial storefront uses.

~~C.~~**D.** ***Shopfront Transparency:***

1. Fenestration standards do not apply to Shopfront Frontages, which are regulated under the design standards in Section 5.10.2.

E. ~~For tailored Window regulations based on architectural style, refer to Section 5.8.~~Applicants shall provide a diagram to demonstrate compliance with these provisions.

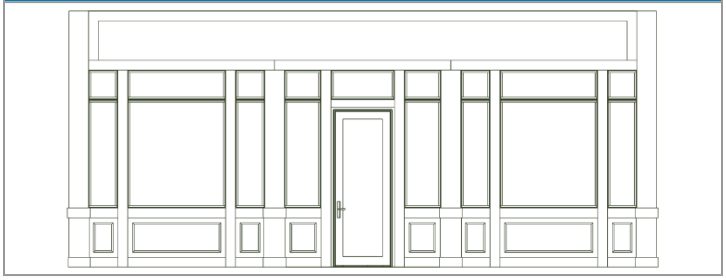
(Ord. No. 2025-14, § 1(Exh. A), 4-7-25)

5.10. Building frontages.

5.10.2. Shopfront.

A. Shopfronts should have large glass windows that both create advantageous display spaces and allow natural light to filter deeper into the building. Inset entrances prevent doors from swinging into the pedestrian right-of-way. Shopfronts often include a bulkhead, cornice, and piers or pilaster. They may also include awnings or canopies to provide protection from the weather.

FIGURE 5.10.2-A: SHOPFRONT ILLUSTRATION



B. *Dimensions.*

1. The maximum distance between fenestration is 2 feet.
2. The ground floor transparency shall be a minimum of 35%. Shopfronts are encouraged to have ground floor transparency between 70-90% on the primary street and ~~30~~35-90% on the side street.
3. The shopfront door shall be recessed a maximum of 5 feet.
4. Multiple entrances shall be a maximum of 40 feet apart along the primary street.

C. *Components.*

1. Each shopfront frontage shall have an entrance. The door may have a transparency between 40-90%.
2. Display windows shall use clear glass or clear low-e glass.
3. Fascia is permitted.
4. Sills are required with a height between 1.5 inches and 3 inches.

D. *Design*. The shopfront must use materials that complement the Architectural Style of the building.

(Ord. No. 2025-14, § 1(Exh. A), 4-7-25)

CHAPTER 19. DEFINITIONS

19.3. Definitions.

Fenestration: Openings on a building façade, such as Windows and Doors. Fenestration expresses each floor of the building.

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

STAFF REPORT
City Council, Monday, November 16, 2026

Title: Tax Settlement Report - October 2026

Speaker:
Prepared by: Tina Tanner, Tax Collector/Water/Finance
Approved by: Dean Luebbe, Assistant City Manager/Finance Director

Attachments:
1. Tax Settlement Report October 2026

CITY of BREVARD

The mission of the City of Brevard is to promote a high quality of life, support economic prosperity, and cultivate community while honoring its heritage and culture.

TAX SETTLEMENT REPORT

FOR MONTH ENDED

OCTOBER 31, 2026

Tina Tanner

Certified Tax Collector

CITY OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING OCTOBER 31, 2026

UPDATED: 11.5.2026

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2026		$ 4,770,064.36	$ 449,303.76	$ 207,581.79		
2025-2014	$ 14,221.11	$ 15,457.22	$ 4,738.94	$ 32,240.60		
2013- PRIOR	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ 14,221.11	$ 4,785,521.58	$ 454,042.70	$ 239,822.39	$ -	$ -

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2026							$ 5,426,949.91
2025-2014							$ 66,657.87
2013-PRIOR	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ -	$ -	$ -	$ -	$ -	$ -	**$ 5,493,607.78**

HEART OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING OCTOBER 31, 2026

UPDATED: 11.5.2026

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2026		$ 69,406.45	$ 4,085.42	$ 16,720.10		
2025-2014	$ 42.13	$ -	$ 629.32	$ 13,036.11		
2013-PRIOR	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ 42.13	$ 69,406.45	$ 4,714.74	$ 29,756.21	$ -	$ -

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2026							$ 90,211.97
2025-2014							$ 13,707.56
2013-PRIOR	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ -	$ -	$ -	$ -	$ -	$ -	**$ 103,919.53**

STAFF REPORT
City Council, Monday, November 16, 2026

Title:	Fund 82 Project Amendment
Speaker:	Dean Luebbe
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background and Discussion
At the October 19, 2026 City Council meeting the City Manager presented a list of options to City Council regarding the balance of $88,869 remaining in Fund 82. After discussion, City Council approved the transfer of $47,500 to the General Fund and $41,369 to the Water and Sewer Fund for various projects. These projects are discussed more specifically in the next item. This action is the required bookkeeping action to remove the dollars from Fund 82.

Recommendation
Staff requests Council approve the project amendment as submitted.

Attachments:
1. CPO Amendment - $88,900 transfer from Fund 82
2. Excerpt from 10-19-2026 Council Minutes re Fund 82

ORDINANCE NO. 2026-XX

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE NO. 2025-37 ROSENWALD CAPITAL PROJECT FUND

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1: The budgeted expenditures listed under the ordinance 2025-37 will be adjusted by $88,900. In June of 2025, staff transferred $100,000 into this fund because of expected cost increases on a streambank restoration project. These increases did not materialize. At the October 19, 2026 City Council meeting, staff was directed to transfer the remaining balance in the Rosenwald Capital Project Fund as highlighted below.

This amendment will record transfers of $47,500 to the General Fund and $41,400 to the Water and Sewer Utility Fund.

Section 2: The General Fund transfer will be used for: speed humps on Carolina Avenue ($14,000), supplementary paving on Carver Street ($8,500), and the removal of a telephone pole on Carver Street ($25,000)

The Water and Sewer Fund transfer of $41,369 will fund sewer extension on Cashiers Valley Road in support of affordable housing in the Rosenwald neighborhood

Section 3: The following amounts are appropriated for the project:

Account Number	Account Name	Budget Amount
82-4100-2920	Silversteen Park	$1,083,000
82-4100-2920	**Silversteen Park**	**($88,900)**
82-4100-6200	Transfer to Fund 74 – Sports Complex	$11,000
82-4100-6105	**Transfer to General Fund**	**$47,500**
82-4100-6300	**Transfer to Water and Sewer Fund**	**$41,400**
	TOTAL PROJECT APPROPRIATION	**$1,094,000**

Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
82-3300-0000	Donations – Silversteen Playground	$27,000
82-3300-0150	Donations – Bethel A	$10,200
82-3250-0000	Transfer from General Fund	$539,800
82-3300-0250	NCDEQ Grant	$167,000
82-3250-0200	Transfer from 31/ARPA	$200,000
82-3990-0000	Fund Balance Approp	150,000
	TOTAL PROJECT REVENUE	**$1,094,000**

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 16th day of November 2026.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney

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.

STAFF REPORT
City Council, Monday, November 16, 2026

Title:	FY 2026-2027 Budget Amendment Allocating Fund 82 Balance
Speaker:	Dean Luebbe
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background
This budget amendment is directly related to the project amendment listed previously. The funds transferred from Fund 82 are being sent to the General Fund ($47,500) and the Water and Sewer Fund ($41,369). The General Fund monies will be used for speed humps on Carolina Avenue, supplemental paving on Carver Street, and the removal of utility poles on Carver Street. The Water and Sewer monies will be used to fund sewer extension on Cashiers Valley Road in support of affordable housing. The attached budget amendment sends the money to the most relevant and specific budgetary line item for each designated use.

Recommendation
Staff requests Council approve budget amendment 27-02 as submitted.

Attachments:
1. Budget Amendment - transfer in from Fund 82, $88,900

ORDINANCE NO. 2026-XX
AN ORDINANCE AMENDING THE FY2026-2027 BUDGET.
BUDGET AMENDMENT NUMBER 27-02

SUBJECT: Budget Amendment to increase General Fund expenditures and revenues by $47,500, and increase the Water and Sewer Fund revenues and expenditures by $41,500.

AGENDA INFORMATION

Agenda Location	**Consent**
Department:	**Finance**
Contact:	**Dean Luebbe, Assistant City Manager and Finance Director**

BRIEF SUMMARY: On October 19,2026, City Council approved the transfer of $88,900 from the Rosenwald Revitalization Fund (fund 82) to the General Fund ($47,500) and the Water and Sewer Fund ($41,400).

The General Fund transfer will fund speed humps on Carolina Avenue, supplemental Carver Street paving, and the removal of a telephone pole on Carver Street.

The Water and Sewer Fund transfer will partially fund sewer extensions on Cashiers Valley Road related to an affordable housing project.

MOTION FOR CONSIDERATION: To approve Budget Amendment 27-02, as submitted, increasing the budget in expenditure account:

10-5600-3300	Supplies	$14,000
10-5800-4500	Contracted Services	$8,500
10-5600-4500	Contracted Services	$25,000
30-8140-3300	Supplies	$41,400
TOTAL		**$88,900**

And increasing the budget in the revenue account:

10-3750-0200	Transfer from Fund 82	$47,500
30-3750-0200	Transfer from Fund 82	$41,400
TOTAL		**$88,900**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 16th day of November 2026.

_____
Maureen Copelof
Mayor

ATTEST:

_____

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

_____

Mack McKeller
City Attorney

MINUTES
City Council Housing Committee

Tuesday, September 15, 2026 – 3:45 PM
City Hall Council Chambers

Members Present:	Pamela Holder, Chair, City Council Member Aaron Baker, Vice Chair, City Council Member Victor Foster, Citizen Member Mayor Maureen Copelof, Ex-Officio
Staff Present:	Wilson Hooper, City Manager Dean Luebbe, Assistant City Manager/Finance Director Emily Brewer, Senior Planner Shawnee Cummings, Assistant to the City Manager
Guests:	Lauren Wolf
Media:	Vivian Bikulege; Jonathan Rich

A. Welcome and Call to Order

Committee Chair Pamela Holder welcomed everyone and called the meeting to order at 3:45pm.

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 Mr. Baker to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes – August 11, 2026 Minutes

Mr. Baker moved, seconded by Mr. Foster to approve the minutes of the August 11, 2026 meeting as presented. The motion carried unanimously.

E. Azaela Avenue Update

Mr. Hooper said there are 2 elements of this project that are being worked on simultaneously. The first is working with the County to find an engineer who can design the project using the County's $561,000 Dogwood grant. So far, they have not found an engineer who can do it within that budget, but Staff are going to meet with the County

and another potential engineer tomorrow to answer technical questions that will inform that engineer's proposal. So far, the bids have been too high and there is one that was close, but it does not account for the cost of easements. Easement costs will vary from property to property, but Mr. Hooper's working number is around $75,000-$80,000. Other bids included easements but were very expensive. Mr. Hooper said we are hoping for a bid that is affordable and includes the cost of the easements.

The second element is recovery of the $3.5 million of State funding that was repurposed. At the urging of our State Representative, Anna Ferguson, Staff are applying for replacement funding through the State Revolving Fund (SRF) program. Ms. Brewer is working on the application and it is due at the end of the month. Mr. Hooper added that it is a little more complicated than the last one, but we are going to submit it and hope that it goes through like Representative Ferguson said it will. He added that SRF is the same program we applied for years ago when we were pursuing the Azaela improvements ourselves and we were awarded funding in the form of low interest loans, which we could not afford. Mr. Hooper said we were suspicious when Representative Ferguson told us to apply through the SRF program, but ultimately it is just the vehicle we are using to get grant funding from the State. Mayor Copelof said that during Representative Ferguson's visit on Friday, they will discuss the application in depth and convey to her that the City will not be able to accept low interest loans.

Mr. Hooper said the silver lining of not getting awarded LIHTC this year is that it gives us more time to work out these challenges. He added that we intend to submit this project again when applying for LIHTC next year. Ms. Holder asked when the LIHTC application is due. Ms. Brewer said preliminary applications for LIHTC are due in January and ideally, we would find out what our plan is for the sewer extension in advance of making the decision to apply in January.

F. Woda Cooper Update

Ms. Brewer said Woda Cooper, an affordable housing developer, was conditionally awarded 4% LIHTC for the Cascade Ridge development. The project will be on Morris Rd. between the Biltmore Baptist Church and the new courthouse. A project utilizing 4% LIHTC requires a bond issued by the City as a passthrough entity, or a "conduit bond." Ms. Brewer reminded the Committee that in March, the Council approved the resolution to begin that bond process. Since being awarded LIHTC about a month ago, Woda Cooper has been updating their site plan and working with NCHFA to get their funding in order. Woda Cooper will likely get the official letter to proceed early next year and then they will work on final construction documents. Once Woda Cooper gets the full award, the City will need to engage bond counsel to help get the bonds issued and the proceeds from the bonds pay for the bond counsel's fee. Ms. Brewer said they are hoping to have their project ready by early summer, and then construction will follow for the 80+ units. Mr. Baker asked how the conduit bonds affect the City's ability to borrow in other ways. Ms. Brewer said it does not affect the City's ability to borrow and the only risk is reputational due to the City's name being associated with the bonds.

G. Update on Brevard Davidson River Presbyterian Church Property

Mr. Hooper said Council agreed to the 3-year lease extension and last week, the Church's governing body also agreed to the extension. The lease extension, which merely extends the dates and does not change the material terms, is being drafted and once complete, the City and the Church will both sign. In the meantime, DFI has reached out to Greenway and asked them to submit some initial information on their proposal that DFI will use to see if it passes the "smell test." If it passes the smell test, DFI will conduct a more in-depth, third-party review, which the City will have to pay for. The third-party review will be used to identify whether the project is feasible on that site.

During the initial "smell test," Mr. Hooper said he and Mayor Copelof are cultivating other leads in case the Greenway project does not pan out. Mayor Copelof said Alan Winchester, who organized the building of 3 houses for public school teachers in Rosman, has expressed that he would also like to bring a proposal to the City for development on the Church property. She added that Mr. Winchester found the majority of the funding for the Rosman project, so he has a record of coming through.

Mr. Hooper said he mentioned no change to the material terms of the lease because any alternative project must meet the requirements outlined in the lease, which are a minimum of 24 units, the units must be available for rent, and all of the units must be made available to people making less than 80% of AMI.

Mr. Hooper said we will likely know the results of DFI's initial assessment of Greenway in October or early November. Mr. Baker asked if the results will be presented at a Council meeting. Mr. Hooper said it will likely come to this Committee first.

H. Update on Grant for Potential Property Tax Assistance Program

Mayor Copelof said the Collaboration and Innovation Grant is offered by Dogwood Health Trust and the Housing Coalition submitted an application for $500,000. The Housing Coalition includes The Haven, Housing Assistance Corporation, the City of Brevard, Pisgah Legal Services, The Cove, and Sharing House. The Haven is the hub that submitted the grant and will be responsible for grant administration, if awarded.

Mayor Copelof said that after meeting with Dogwood, they said they received 198 applications, of which 40 moved forward to the next round. The next round included a meeting between Dogwood and a representative from each collaborative partner organization to answer detailed questions about the application. Mayor Copelof said the meeting went really well and the Dogwood representative said they would be making award decisions in October. Dogwood intends to fund about 30 of the 40 applications.

If awarded, the City's portion of the grant would be $60,000, which would fund the property tax assistance program with $30,000 for 2 years. This Committee recommended the property tax assistance program to Council for approval but it has not been taken to Council yet due to the lack of funding. Mayor Copelof explained to

Dogwood that we would be able to take it to Council within 2 weeks but have not done so to avoid raising expectations in case no funding is obtained. She added that the categories under the grant are direct services (The Haven, The Cove, Sharing House) and flexible prevention and stabilization (City of Brevard, HAC, Pisgah Legal Services, Sharing House). Mayor Copelof said she is excited that the City is a part of the application and that we developed the program enough to move it forward. Mayor Copelof said if awarded, 100% of the funding will go towards applicants who apply for the program and the City's in-kind donation is the staff time needed to run the program.

Mayor Copelof said Dogwood expressed that they are not looking for new collaborations that are forming to obtain the grant, but they are looking for existing groups that collaborate and know how to work together. The Housing Coalition was able to show significant work they have done, especially their work to help address the housing crisis after Hurricane Helene. She added that if they get the grant, the Housing Coalition could be a model for how to build a community collaborative group that can go out and obtain this type of funding. Mayor Copelof thanked The Haven for stepping up as the hub, as the City was not able to, and without their leadership, the coalition would not have been able to apply. Mr. Baker also noted that Ms. Brewer really had the program mapped out and funding organizations want to see that level of detail.

I. Manufactured Home Discussion

Ms. Brewer gave a presentation (Attachment A) on manufactured homes as a critical source of affordable housing and said it has not been looked at comprehensively since the UDO was established in 2006. It is being brought up to see if this is something the Committee is interested in exploring and to get some direction from the Committee.

Ms. Brewer explained that manufactured homes are factory-built houses constructed at a separate facility and regulated by a uniform federal construction code created specifically for manufactured homes. The code was adopted in 1976, and if you hear the term "mobile home" it refers to homes of a similar nature that pre-date the code and were built prior to 1976. She added that since 1976, manufactured homes have been held to a much more rigorous standard. On the other hand, site built and modular homes are both regulated by the North Carolina Building Code.

A rectangular "section," of which 1 section is called a single wide and 2 sections are called a double wide, is placed on top of permanent steel frame that holds the unit up. The unit is then placed on a permanent or semi-permanent foundation. Ordinance requirements often include screening panels to cover the foundation.

Ms. Brewer explained that manufactured homes are lower cost and often a more attainable housing option for low and middle-income households. It can also be an important tool in infill development for long, skinny lots.

North Carolina law allows some regulation of manufactured homes. Municipalities cannot ban manufactured homes across the entire jurisdiction, but they can either allow

it by right in certain zoning districts or the City's ordinance can have a manufactured home overlay district that allows people to have manufactured homes within that district. State law requires that it must be a defined area and cannot consist of individual or scattered lots. Ms. Brewer suggested looking at our manufactured home overlay district because it leans more towards scattered lots. Local governments can adopt appearance and dimensional criteria for manufactured homes, which is very different from houses built under the NC Building Code, where local governments are not allowed to have any architectural standards. For example, duplexes, triplexes, quadplexes, and townhomes with party walls are all built under the NC Building Code and the City cannot regulate the color, style, materials, or siding. The City's zoning regulations are limited to building height, setbacks, floodplain, and historic structure requirements. For manufactured homes, Cities can regulate building orientation, skirting requirements, roof pitch, siding, and landscaping under appearance standards.

The City's ordinance allows the continued placement of manufactured homes by right in areas where manufactured housing is a historical housing form. Manufactured homes are allowed by right in the manufactured home overlay district as individual homes and as a manufactured home park. The City requires that manufactured homes have a seal certifying that it meets HUD standards, that it be at least 8' x 32', that it have a permanent foundation without a hitch or wheels, and that it have skirting installed to cover the foundation within 30 days. As part of the Group Development Regulations adopted by the City, Staff included the manufactured home park requirements in the regulations so now it looks similar to building a cluster home development, eliminating any unnecessary burdens on a manufactured home park that you would not have for a tiny home community or cluster home development. She added that they removed the barriers that were in the regulations for manufactured home parks but did not take a comprehensive look at where they are allowed in our zoning ordinance.

Ms. Holder had questions about the City's ability to regulate modular homes and permit manufactured homes. Ms. Brewer explained that homes built under NC Building Code that meet the code cannot be regulated, but manufactured homes can be. Ms. Holder stated that manufactured homes look like a good opportunity for the dweller.

Mr. Foster said modular homes are built sturdier and to a standard where manufactured homes are not. He added that the materials are built differently, so you are basically allowing people to have a shell that looks like a home. Ms. Brewer said that is not entirely true, as manufactured homes still meet construction, safety, and energy efficiency standards, but they are regulated federally instead of at the State level. She agreed manufactured homes are built differently but are regulated to the same degree.

Ms. Holder said she is thinking about Hurricane Helene and how they would have survived with a house built that way. She asked if manufactured homes have to meet flood standards and hurricane standards, to which Ms. Brewer confirmed.

Mr. Baker noted that some of the areas in the northeastern section of the map are areas that experienced the most damage during Hurricane Helene and Tropical Storm Fred.

He asked even though the federal code regulates the building type, are people more vulnerable in a manufactured home. Ms. Brewer said that is something she will need to research, but it is her understanding that manufactured homes are built to a standard because of the rigorous process and the fact that manufactured homes in different environments all meet the same standard, including in areas prone to flooding. Manufactured homes would also still have meet the City's flood standards, so it could not be placed in a floodway and the manufactured home would have to be elevated in certain areas. Mr. Hooper said he is pretty confident that there are 2 things that mitigate their flooding. The first is that a semi-permanent or permanent foundation does not mean that they are just cinder blocks lying on the ground and it will be required to sit on a pad, go down to a certain depth, etc. The second is that the chassis is mechanically attached to the piers and not just sitting on top of them where it could be washed away with the flood waters. He added that those things give it some degree of resiliency and the first structures to be elevated after Helene were the manufactured homes on Ducks Drive because they were able to be elevated much easier than a traditional home.

Mr. Baker asked if we have data on how many manufactured homes have been added to the City within a certain time period. Ms. Brewer said we do not have great data on manufactured homes that predate the UDO and were set up outside of the overlay district, but it would be easy to see how many manufactured home parks there are.

Mr. Foster asked if we have data to show the differences between modular homes and manufactured homes and what separates them in terms of build, because there are a lot of things that are not standard in a manufactured home. He has worked on some manufactured homes before and it is a carpenter's nightmare because nothing is standardized. As for homeowners, they lose out on some of the advantages of modular homes, like being able to pick up standard materials at Lowe's. He added that modular homes are similar to, and sometimes even built better, than site-built homes, which is not the case for manufactured homes. That is where he wants to see more data.

Mr. Baker said it is not fair to judge manufactured homes based on the practices of some manufactured home parks, but there is a long history of terrible landlord practices and not meeting minimum housing standards. He knows we already regulate those things, but he thinks it should be a part of the conversation. Mr. Baker asked if there are other ways we can help protect tenants or people who are in manufactured home parks, as he knows there are issues with the park owning the land, tenants just owning the building, and landlords raising the rent substantially. Ms. Brewer said we are limited, as it gets into rent control territory and we do not have that authority. She thinks the biggest thing is to make sure we are not putting unnecessary burdens on this type of housing.

Mr. Foster said he wants to vet the idea because he wants to make sure that if they support it, they feel confident that everything is going to be okay for the homeowner.

Ms. Holder asked if tiny homes are manufactured or site built. Ms. Brewer said they can be manufactured, site-built, or modular, as North Carolina does not have a minimum home size, so any home built anywhere could be built to be tiny.

Ms. Holder said she likes the idea, as it provides opportunities to people that cannot otherwise own a home. Ms. Brewer said they also lends themselves to the ground lease model, where a homeowner may own the home itself and lease the land that it sits on, even if it is not in a traditional manufactured home park. By leasing the land, it removes a substantial part of purchase price from the equation when buying a home.

The Committee agreed to have Ms. Brewer gather more information and to further discuss the matter.

Mr. Hooper said whenever he goes to affordable housing symposiums and meetings, he gets the sense from people in the affordable housing business that a town is not really serious about affordable housing unless they entertain alternatively built housing models. Ms. Brewer added that more and more of the available grant applications are specifically around manufactured homes and rehabilitation of manufactured homes.

J. Public Comment

Lauren Wolf, who lives on E. Main St., thanked the Committee for the update on the Church property. She said she has lived here for 2 years, so she has been getting up to date and doing a lot of research to try and understand the different assessments that have been done on affordable housing. In the past few weeks, she has heard a lot of people talk about similar things to the Committee. With regard to the Church property, she said DFI's initial assessment of the Church property states that there is a possible stream to consider. She wanted to bring that up because last time she talked about her concerns related to stormwater and a stream to consider is a big deal on a federal, state, and local level. She added that many people in the neighborhood talked to her about there being springs throughout the property that stretches all the way to Broad St. There are 2 well-known springs, where groundwater is coming up and flowing, especially after rain. She believes the City knows about them, as a culvert was installed to help contain the water that comes from the spring. The company that did the geotechnical report does stream delineation assessments but did not do one for the Church property. An assessment will tell you if they are intermittent streams, and if so, there are laws about how far things must be from them. The 2 springs are right where the Church property comes from Appletree St. She brought this to the Committee because stream delineation assessments are not that expensive and it might be worth doing ahead of paying to assess Greenway. Her understanding is that sometimes these assessments fall on a developer, but they often do not do them until later. The geotechnical report mentioned that if in the process of construction, water begins pooling and it cannot be pumped out, to contact them. She added that these potential streams are where the water table is at its lowest and water flows down people's yards from Franklin St., where a lot of people have drainage pipes. In winter, you can see 2 large outfall pipes coming out from behind where the church parking lot ends. When it rains hard, she said those are heavily flowing down on the property and the property is already handling a lot of stormwater. She does not know where the water is coming from, but many people in the neighborhood are concerned about how much water the property is already managing. She emphasized that these are important considerations.

K. Next Meeting Date – Tuesday, October 13, 2026 at 3:45pm

The next meeting was scheduled for Tuesday, October 13, 2026 at 3:45pm.

L. Adjourn

There being no further business, the meeting adjourned at 4:47 pm.

Minutes Approved: November 10 ~~October 13~~, 2026

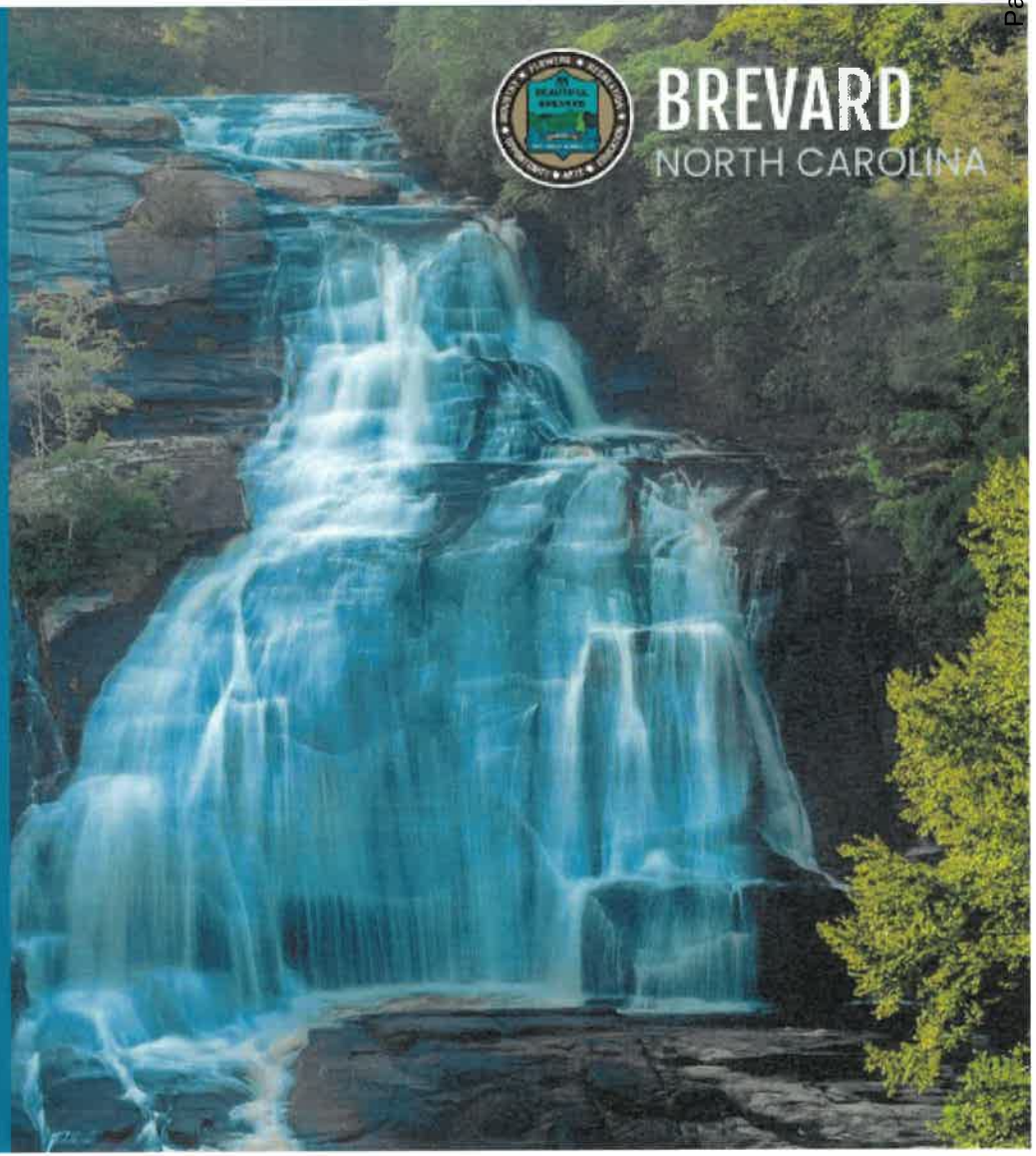
Pamela Holder, Chair, ~~Council Member~~
Aaron Baker, Vice Chair, Council Member

Shawnee Cummings
Assistant to the City Manager

Manufactured Home Discussion

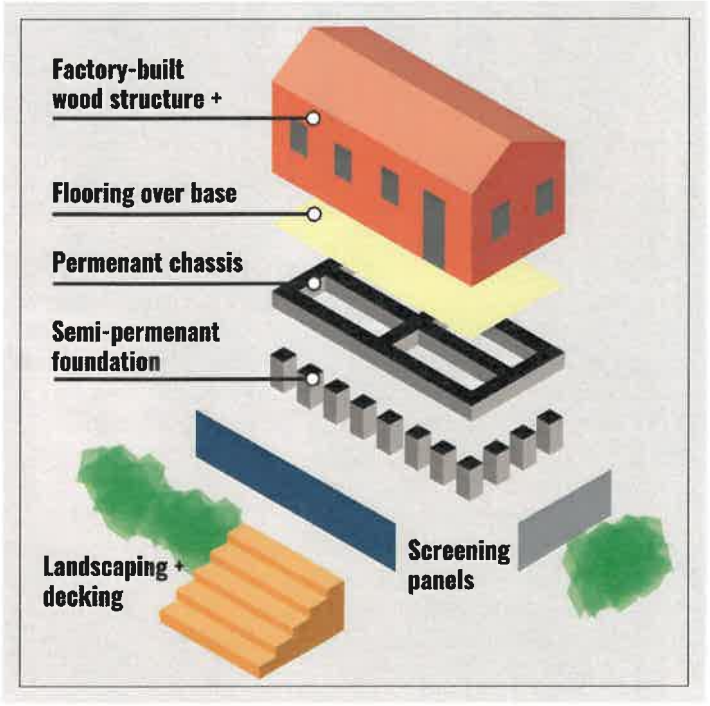
Housing Committee

September 15, 2026



What is Manufactured Housing?

- A **manufactured home** is a type of factory-built house constructed entirely in a climate-controlled facility under a strict national building code set by HUD
- Must comply with the uniform federal code, instead of following NC building code like traditional site-built homes or modular homes
- "Mobile homes" – manufactured home units built before 1976 (when new construction and safety standards were adopted)
- Key features:
  - Rectangular sections (one section is "single-wide", two sections is "double-wide")
  - Permanent chassis – non-removable steel frame



Source: New Hampshire Housing Toolbox

Manufactured Housing & Affordability

- A lower-cost path to homeownership
- Smaller and more attainable housing options
- An alternative to traditional site-built construction
- Housing opportunities for lower- and moderate-income households
- Potential opportunities for infill and underutilized residential land

Should we reconsider how manufactured housing can be used in Brevard as a component of the broader affordable housing strategy?

What does NC law allow us to regulate?

NCGS 160D-910

- A local government **cannot ban manufactured homes** across an entire jurisdiction or reject them based on age
- A local government can adopt "**appearance and dimensional criteria"** for manufactured homes
  - *Different than structures built under NC Residential Building Code (single-family to quadplex)!*
  - Purpose must be to protect property values, to preserve the character and integrity of the community or individual neighborhoods, and to promote the health, safety, and welfare of residents.
- A local government can designate a **manufactured home overlay district**
  - Cannot be an individual lot or scattered lots but **must be a defined area**

Appearance Standards

- **Structures under NC Residential Code**
  - Single family, duplex, triplex, quadplex, townhomes with partiwalls
  - NO aesthetic or architectural standards allowed (building color, style, materials, etc.)
  - Limited to building height, setbacks, floodplain regulations, and historic structure requirements
- **Manufactured Homes**
  - Not regulated by the NC Building Code and CAN have "appearance and dimensional standards"
  - Examples: placement on an individual lot vs. a manufactured home park, building orientation, skirting requirements, roof pitch, siding, landscaping



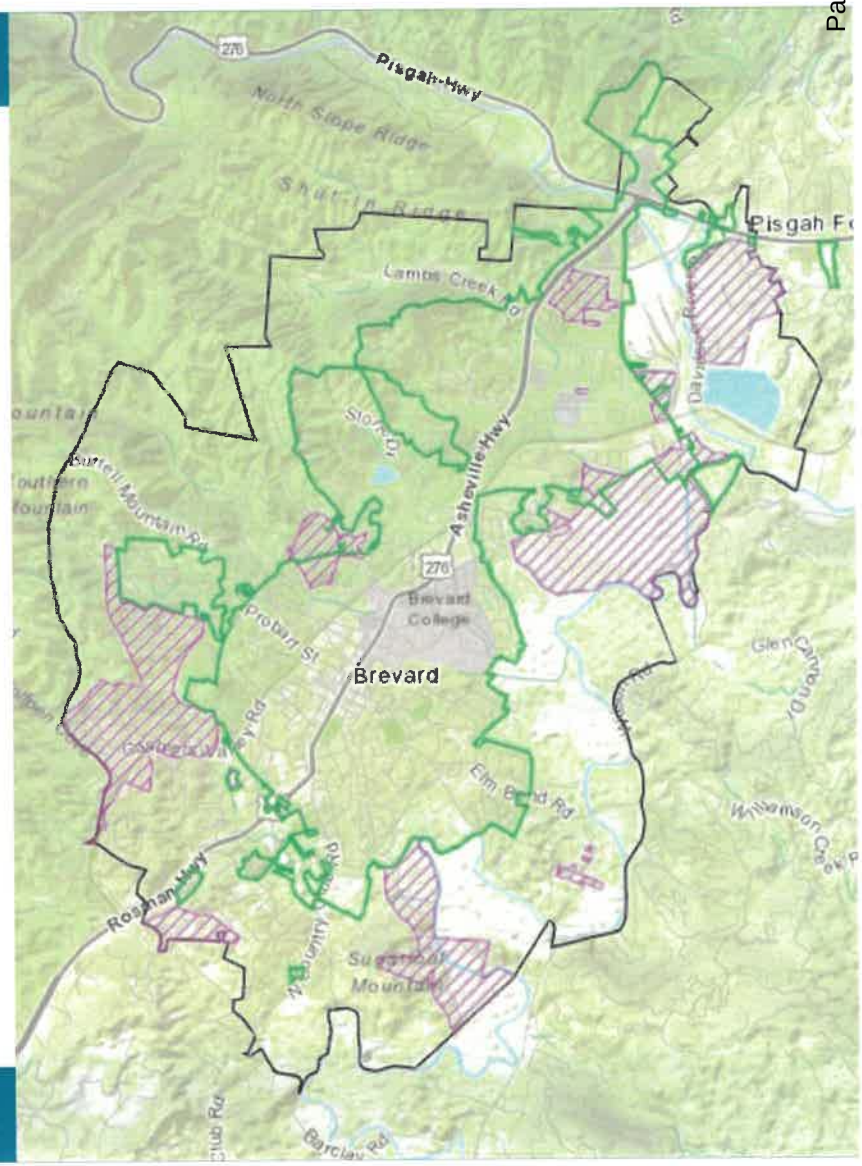
Shipping container accessory dwelling unit in Wilmington
(~$135,000 cost for 320 square feet)



Manufactured home for sale in Asheville
($139,900 listing price for 1,056 square feet)

What is in our ordinance?

- Manufactured Home Overlay District (MHD)
  - *"The purpose of the MHD is to allow for the continued placement of manufactured homes by right in areas where manufactured housing is a historical housing form."*
  - Adopted as part of the UDO in 2006
  - Allowed by right in individual homes or manufactured home park
- Manufactured homes must:
  - Have a seal certifying it meets HUD standards
  - Be at least 8 feet by 32 feet
  - Be on a permanent foundation
  - Not have a permanent hitch or wheels
  - Skirting required within 30 days of setup
  - Residential use only
- Group development standards now include manufactured home parks



Key Questions

- Should manufactured homes be treated as a legitimate form of single-family housing rather than as a separate housing category?
- Should manufactured homes generally be allowed wherever detached single-family homes are allowed?
- Should we have a manufactured home overlay district or allow them by-right?
- Where should manufactured home parks be allowed? Is it different?
- Should manufactured homes have the same dimensional standards as other single-family homes?
- Which appearance standards are actually necessary?
- Are any existing requirements unnecessarily increasing the cost of manufactured housing?

Direction from the Committee

Manufactured housing can be an important component of Brevard's affordable housing strategy. ***Is this something you want us to explore further?***

What, if anything, should we look at?

- Expand locations where manufacture homes are permitted (maybe by-right instead of with the overlay district?)
- Appearance standards (similar to a single-family house or different?)

MINUTES
City Council Public Works & Utilities Committee

Wednesday, October 7, 2026 – 3:30 p.m.
City Council Chambers

Members Present:	Lauren Wise, Chair, Council Member Gary Daniel, Vice Chair, Council Member (arrived at 3:37pm) Owen Carson, Citizen Member (Remote) Mayor Maureen Copelof, Ex-Officio
Staff Present:	Wilson Hooper, City Manager (arrived at 3:40pm) David Todd, Assistant City Manager Dennis Richardson, Water Treatment Plant Supervisor Aaron Winans, Wastewater Treatment Plant Supervisor Shawnee Cummings, Assistant to the City Manager
Guests:	Brie Saur (McAdams), Max Grogan (McAdams), Mary Beth Hall (McAdams)
Media:	None

A. Welcome and Call to Order

Committee Chair Lauren Wise called the meeting to order at 3:32 p.m.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings certified that a quorum was present.

C. Approval of Agenda

Mr. Carson moved, seconded by Mr. Wise to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes – September 2, 2026 Meeting

Mr. Carson moved, seconded by Mr. Wise to approve the minutes of the September 2, 2026 meeting as presented. The motion carried unanimously.

E. Project Updates – Mr. Todd presented the following updates:

1. Public Works Update

Mr. Todd compiled a list of updates on work performed by Public Works employees in the past 30 days, outside of their normal scope of work and day-to-day responsibilities. Notable items are highlighted in yellow.

Water

Performed pump station and extinguisher inspections, piled dirt and brush at Public Works lower yard to prepare for mulching, performed hydrant flow test at 373 Morris Road, flushed chlorine out of new 6-inch water line at Brevard Academy and took samples to Water Treatment Plant, checked and/or repaired 4 water line leaks, and relocated 1 water meter.

Sewer

Checked and performed weekly inspections of wastewater lift stations, verified pump run times, inspected wet wells, pulled and cleaned out pumps, recorded data (hours, condition of wet wells, total gallons, etc.) and mowed/weedeated. Performed locates, 320 as of 9/30/26 for the year. Completed 1 residential tap and 1 commercial tap. Assisted the County with a sewer blockage. Inspected manholes for new housing development. Replaced 8' section of 8" PVC sewer main at Caldwell and Probart, pipe had collapsed and caused a sinkhole. Seeded and strawed where taps were made and sewer service lines were replaced. Cleaned 830 feet of sewer line (as of 9/30/26). Required Footage for 2026: 31,680 feet; cleaned to Date: 47,077 feet, exceeding requirement by 15,397. Completed video Inspections of 892 feet (as of 9/30/26). Attended meetings regarding sewer system for new housing development, sewer line to be bored under road at Caldwell and Silversteen, and the new Gallimore Road Lift Station. Zach and John completed continuing education and attended collections and distribution school. The Sewer Department assisted Streets/Sanitation and the Water Department, as well as cut/cleared downed trees on Main Street, cleared out the parking lot behind City Hall, and prepped for fence installation at PHF.

Streets & Sanitation

Completed 5 sidewalks and curb repairs, patched 10 potholes, collected 13 loads of loose brush, completed 6 special waste collections, cleaned 30 storm drains, erected 7 banners, delivered 8 recycling carts, assisted the Water Department and collected:
15,144 tons of trash
50 tons of recycling
17 tons of cardboard

Garage

Completed 284 fleet maintenance work orders as of 9/30/26.

Building & Grounds

This time of year, results in extensive mowing for Buildings and Grounds B&G), specifically on the sports fields, 36 acres of parks and properties and bike paths. In addition to mowing the B&G crew both nail and light dragged all 6 fields once a week, completed daily trash check and removal, and lifted batting cage net for little league to pour concrete. The B&G crew maintained mowers and sharpened blades and cleaned and washed work trucks, trimmed bushes at St. Timothy's, completed weekly weed removal at Clemson Plaza, the bump outs and in the roundabouts, watered downtown planters, and completed removal of a downed tree on Cherry Street impacting a residents property, and removal of downed trees at the Tannery Skatepark.

In addition to grounds work the B&G crew performed monthly safety inspections, assisted Heart of Brevard with set up and running of the art festival, completed work orders (set up for meetings, etc.), painted the track system for the ceiling tile, started building a fence in the back parking lot, installed humidifiers and drain lines, helped remove bushes and trees in the back parking lot and replaced downspouts and cleaned gutters. They installed caps on signposts at Hap Simpson, repaired air conditioning unit and installed additional handicap parking signs at the Police Department, winterized Franklin Park pool, installed new signs cleaned the City Public Restrooms and Buildings, maintained and relocated dog waste stations, and completed other miscellaneous work orders.

Mr. Todd also provided a brief update on the building envelope work at City Hall, which aims to help reduce water intrusion into the building during rain events.

Mr. Wise asked about the status of a few trees in Franklin Park that need to be removed. Mr. Todd stated that they are on the list to address, but they have not gotten to them yet.

2. Stormwater Master Plan

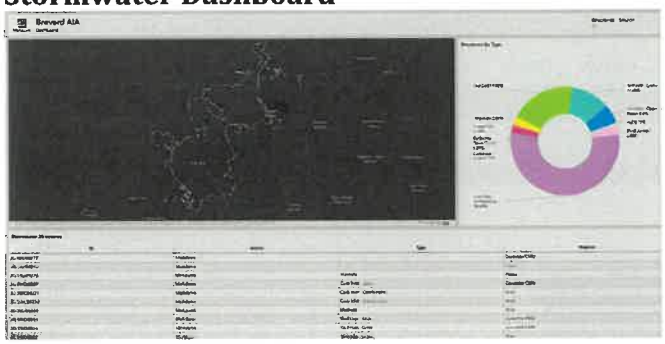
McAdams is contracted for the Citywide Stormwater Master Plan and recently completed Phase 1 in June, which focused on Existing Conditions Analysis. This effort is supported by desktop analysis, geodatabase development and management, analysis of existing stormwater systems, preliminary CIP prioritization planning, and UDO updates.

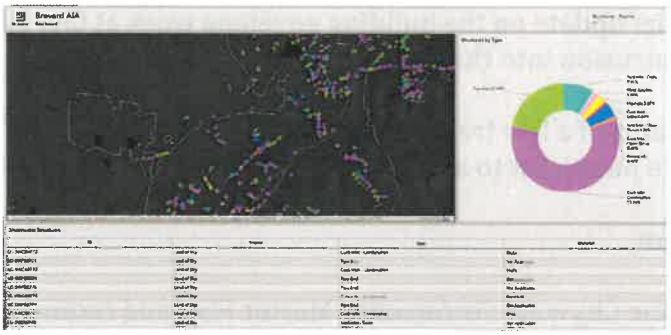
A draft report was submitted to the City at the end of June to complete Phase 1. This included existing conditions hydraulic modeling results, CIP prioritization, the UDO updates, CCTV reports, and a GIS geodatabase compiling stormwater inventory from Land of Sky and McAdams' data collection. The City reviewed the report and a revised deliverable addressing the City comments has been submitted.

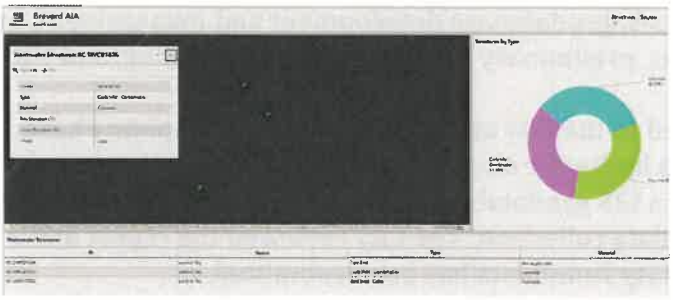
Below is the schedule:

1. Completed Asset Geodatabase and Dashboard
2. ERU Analysis is underway
    a. McAdams and the City met August 5th to review changes from the initial meeting and provide feedback.
    b. City to review and respond to McAdams in September with any feedback regarding the tool used to create the ERU.
3. Phase 2 completed in fiscal year 2027 (July 2026 – June 2027)
    a. Schematic Design and Identification of Funding
    b. Preliminary project identification for hotspot areas is underway
    c. Environmental services provided by Equinox to begin in October

Stormwater Dashboard







ERU Dashboard

City of Brevard Stormwater Utility Projected Revenue Dashboard

This dashboard is for planning use only and may not accurately represent revenues or operating expenses for future years MCADAMS

Enter monthly fee per ERU here:	$4.00	Enter annual increase in stormwater fee here:	0.0%
Enter 2028 operating expenses here:	$209,000	Enter annual inflation rate for expenses here:	3.5%



	2028	2029	2030	2031	2032
Operating Expenses	$ 209,000	$ 216,315	$ 223,886	$ 231,722	$ 239,832
Revenue from SW Utility	$ 438,936	$ 438,936	$ 438,936	$ 438,936	$ 438,936

Property Breakdown

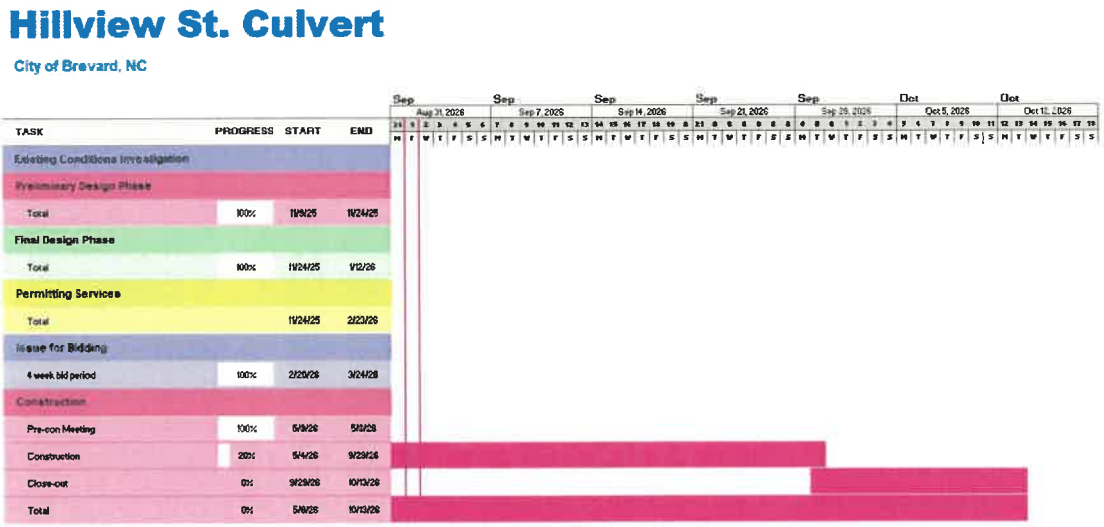
Total properties:	**4,260**
Commercial/Non-SF Properties:	629
Single Family (SF) Properties:	3,091
SF properties with BUA measured:	*322*
SF properties with BUA not measured:	*2,764*
SF properties classified as "oversized":	*5*
Vacant Properties:	540
ERU (average BUA on a SF parcel), sq. ft.:	**3,408**
Total ERUs:	**9,056**

Oversized SF properties have a dwelling unit size > 6,000 sq ft and BUA > 5,000 sq ft, they are charged per ERU

Vacant properties are those with no BUA

3. Hillview Street Culvert Update

- The 4" gas main at the southern end of the culvert has been removed and tops have been placed. Interior creek bed fill has been placed and exterior backfill has been placed, compacted, and tested.
- The gas main located at the north end has been determined to be a 2" main. The Contractor has been made aware that they need to coordinate that relocation also. This was reiterated to the contractor as recently as 10/6/26.
- The 6" water main in Phase 1 has been successfully lowered.
- The 14" watermain remains an obstacle to placement of the fifth culvert section. One inserta-valve has been installed and a second is on order and expected to be delivered late this week or early next week. Once the second valve is inserted into the main, both valves can be closed and the main can be lowered, which will allow further installation of the culvert. The main lowering is expected to require one week.
- Materials continue to be stockpiled onsite and, in the field, located southwest of the intersection of Hillview Street and Cashiers Valley Road (i.e., South of the Silversteen Park and Mary C. Jenkins Community Center parking area).
- The delay in obtaining the two inserta-valves will further extend the completion date. An update to the below schedule will be provided at the time that the second inserta-valve is received.



Mayor Copelof requested that Staff find additional ways to communicate with affected homeowners regarding progress on this project, whether it be mailers, going door to door, or providing fliers at local churches. She added that many people do not get their information from the channels we post on, such as our website, social media, etc.

4. Water Treatment Plant Renovation Update

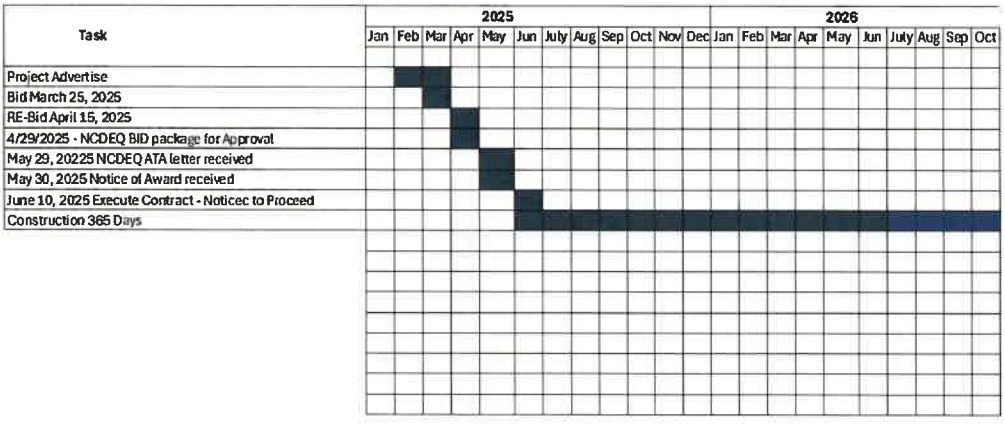
Work to date:

1. Overflow pipe from the new Clearwell to existing Clearwell: core into existing tank completed, pipe work completed. Final supports are completed. See photos attached
2. New generator start up occurred September 14th, with Staff training set for September 15th. The Generator passed the Load Bank Test
3. Electrical hoist for settling tank (transfer) pump is installed, and operational.
4. New Sludge transfer pump installed and operational.
5. Continued working on the pump room electrical (on-going) as we anticipate an October arrival of the new pumps and motors.

Upcoming work: Work over the next couple of months

Delivery of New Pumps – Last update is sometime in October

City of Brevard - Water Treatment Plant Improvements :
NCDEQ SRP-D-ARP-0222
Brown PA - 20042



There was additional discussion regarding a recent event in which the WTP lost power and had issues running their pumps on a generator. Mayor Copelof asked if Staff have a written communication plan regarding water conservation efforts and at what point are elected officials notified. Mr. Hooper said the plan is in a few peoples' heads, but it is not written down anywhere and that elected officials would be notified several hours before the public is notified. Mayor Copelof requested a written communication plan from Staff regarding water conservation events.

5. Sewer Lift Station Rehabilitation Project

Gallimore Road Site

- TP Howard (TPH) has been installing electrical equipment at the site and is awaiting delivery of the PLC.

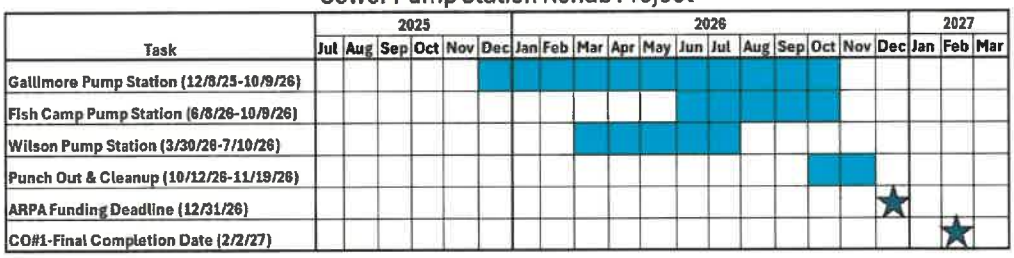
- An additional barrel section was installed on Manholes 4 and 5 near the creek, raising them by 3 feet.
- Mandrel testing is complete; however, vacuum testing still needs to be performed.

Wilson Road Site
- Generator startup and training were completed on site on 9/29.

Fish Camp Site
- TPH is awaiting the metal platform before continuing electrical work on site.

General
- Shop drawings and submittals are nearing completion, and all major equipment has been approved.

Sewer Pump Station Rehab Project



6. Wastewater Treatment Plant Update

Based on discussions with Staff, it was determined that pursuing 401/404 permitting was the best approach to the Phase 1 design. KCI is continuing to prepare the 401/404 permit applications and will be submitting the necessary documentation within the next couple of weeks along with the other outstanding permit/funding applications.

KCI and their subconsultants have also coordinated with Duke Energy on the sizing of the new transformer, which will be sized to accommodate the new Phase 1 loads and the additional loading need for the potential upgrades to the RBCs and solids handling facilities. The load letter required by Duke Energy will be provided to the City this week.

This week the City received the Funding Offer documents from DWI for the Helene funding. Once the necessary documents are completed, submitted and approved by DWI the City can start receiving reimbursements, up to 15% of the funding amount prior to construction, and the funds can be applied to the Construction of Phase 1. KCI will assist the City as needed to complete this documentation.

KCI will continue to work with the City staff on pursuing Phase 2 funding and the RBC evaluation.

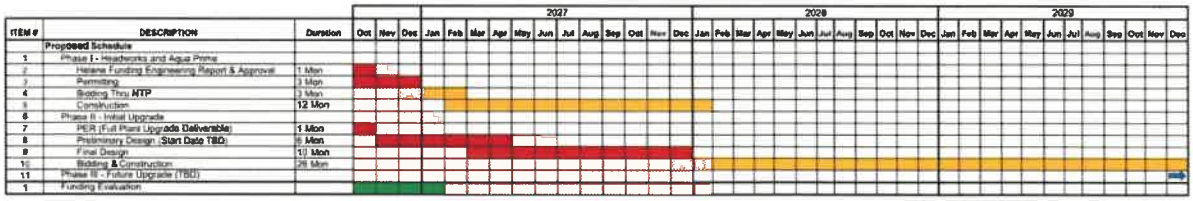
BREVARD WWTP PER/PHASE 1 & 2 UPGRADE DESIGN - ESTIMATED PROJECT SCHEDULE

KCI TECHNOLOGIES

ITEM #	DESCRIPTION	Duration	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
			2027																
	Proposed Schedule																		
1	Phase I - Headworks and Aqua Prime																		
2	Helene Funding Engineering Report & Approval	1 Mon																	
3	Permitting	3 Mon																	
4	Bidding Thru NTP	3 Mon																	
5	Construction	12 Mon																	
6	Phase II - Initial Upgrade																		
7	PER (Full Plant Upgrade Deliverable)	1 Mon																	
8	Preliminary Design (Start Date TBD)	6 Mon																	
9	Final Design	10 Mon																	
10	Bidding & Construction	26 Mon																	
11	Phase III - Future Upgrade (TBD)																		
1	Funding Evaluation																		

BREVARD WWTP PER/PHASE 1 & 2 UPGRADE DESIGN - ESTIMATED PROJECT SCHEDULE

KCI TECHNOLOGIES



7. Tannery Smokestack

The Environmental Management Plan (EMP) for the Smokestack removal has been reviewed and approved by DEQ.

D.H. Griffin has been awarded the contract to remove both the underground vault and smokestack. The contract was revised to include saving 10 pallets of bricks for use on a future project. D.H. Griffin has ordered the needed geotextile materials. D.H. Griffin has been notified of the approved EMP, they are reviewing the revised plan and will hopefully mobilize within the next couple of weeks.

Our engineer has resubmitted the Vault EMP package and is waiting to hear back from DEQ. We anticipate the vault EMP will be approved in the next week. However, vault demolition will be less impactful on the trail construction compared to the smokestack removal.

Demolition, once started, is estimated to take about a month to complete for the smokestack and a couple of weeks for the vault.

F. FOG Program Outreach

Mr. Todd provided a brief update, noting that the most recent water bills sent out contained a one-pager on the FOG program and in the next water bill, something will be sent out to food service establishments (FSEs). He said it may not be the survey that was previously discussed but it will be something very similar.

Mr. Winans was able to find a software, used by MSD, that helps manage the FOG program. The software tracks compliance of FSEs, indicates the number of grease traps

and date of last inspection, identifies outstanding items that require action on the part of FSEs, records fines issued to establishments, and has a customer-facing platform for FSEs and grease haulers. Mr. Todd added that the software was relatively inexpensive, and they have been given the green light to purchase it. He added that it will help them get more information than they would from the survey, and they will be going to FSEs one-by-one to request information needed for FSEs in the system. Mr. Winans said the software will alleviate a lot of the foundational work that would have been done in spreadsheets. He added that FSEs will be able to access part of the system and log when they have their grease traps inspected. Grease haulers will also have access to a part of the software and will be able to note when an outstanding item was not completed. The haulers are already familiar with the software because MSD uses it and they will be able to upload relevant documents so that no one has to chase down paperwork. The software provider said they have found surveys to be ineffective because it is hard to get truthful answers. Mr. Winans added that it will be more effective to send the FOG Coordinator out to FSEs to inform them of what the City will be looking for and to conduct initial inspections as he adds the FSEs' information into the software. He will provide a list of FSEs to the software provider, who will enter all of the establishments, addresses, etc. in the system so that Staff will not have to enter it manually.

Mayor Copelof asked if we have gotten any pushback from restaurants. Mr. Winans said there were inquiries from Smokey Sunrise and The Yard, but no pushback at this time.

Mayor Copelof said many of our restaurants are Spanish-speaking and communicating this information to them will be very important. Mr. Winans said most of the outreach and notices are in both English and Spanish. When FSEs exhibit noncompliance, their employees may be required to complete an online FOG training and take an assessment to ensure employees understood the training, and the trainings and test are bilingual.

Mr. Daniel asked if The Yard actually does any food prep. Mr. Winans said the ice cream and coffee are high BOD because of the milk, so depending on what goes down the drain, it could apply to them. Similarly, it applies to Kilwins due to their ice cream.

G. Review of McAdams Stormwater Master Plan Phase 1 Draft

Mr. Todd stated that when we started the Stormwater Master Plan, we identified 10 hotspot areas to focus on. One of the results that came out of this work is that not all of the hotspots necessarily fall under stormwater infrastructure. He added that a few have a flooding problem, as opposed to a stormwater problem, which has some overlap but requires different remedies, as they are not addressed with stormwater infrastructure. Mr. Grogan said he is excited to present the Phase 1 results (Attachment A) and thanked Mr. Todd, Mr. Ray, and Mr. Shook, among others, for their guidance during the process.

During Phase 1, McAdams conducted CCTV work, conducted engineering analyses, documented existing conditions, created a geodatabase that compiled McAdams' data and Land of Sky's data, and developed a dashboard to house all the data. In addition, they helped draft updates to the UDO and used their data to create a prioritization

network matrix. Mr. Grogan stated that they developed a draft Phase 1 Report and will continue to build on that during Phase 2, which will consist of preliminary planning, funding identification, and alternative options for solutions. Lastly, they also included an analysis of two culverts related to the Ecusta Trail.

Mr. Grogan provided a map of the 10 hotspot areas included in this project (Attachment B) and stated that they focused on areas with known flooding issues and deficiencies with stormwater capture. Ms. Saur saw much of the infrastructure in person, visited the hotspots, and noted flooded areas during rain events before working with S&ME to conduct CCTV efforts. They examined about 4,000 linear feet of CCTV and found much of the infrastructure to be in poor to fair condition. Each pipe was inspected and their respective conditions were logged in inspection reports that note the severity and type of deficiencies using NASSCO scoring. Mr. Grogan said the scoring and logged conditions will inform their recommendation on what actions to take in each specific area.

Mr. Wise asked if poor to fair condition is typical for a City of our age. Mr. Grogan said yes, the pipes are reaching the end of their shelf life, both for reinforced concrete pipes (RCP) that last about 50 years and corrugated metal pipes (CMP) that last about 20-30 years. Much of what was installed in the 1970s and 1980s is showing significant defects.

The field data collected for pipes includes the longitude and latitude coordinates of the pipes, the dimensions, any clogging, pipe material, depth to pipe invert, and any additional notes. Similarly, field data was collected on structures, including inlets, manholes, etc., and it includes the coordinates, number of pipe connections, type of structure, any clogging, structure material, structure depth, and any additional notes. All of the data is accessible on the dashboard. Mr. Grogan noted that the dashboard does not document every stormwater pipe and structure in the City. He further recommended the City continue to update and refine the database over time.

Two culverts related to future Ecusta Trail crossings were examined to evaluate their condition and determine whether they should be replaced now or later. The City paid for the culvert inspections, one within City limits and one outside, and it was determined that the culverts should be replaced now, given that there will already be active construction. Replacement culverts will be funded through the Ecusta Trail project.

Mr. Grogan briefly covered the UDO updates and changes were made to improve equitability, consistency with State rules, achievability, and flexibility in stormwater control measures. Additional changes were made to improve clarity for the development community, which will hopefully result in better submittals to Staff, and help detect problems with stormwater control measures to address them sooner. Mr. Todd said the updates were brought to Council and approved, so the updates are in place now.

Mr. Hooper stated that Mr. Grogan gave the caveat that the inventory does not cover every single stormwater pipe and structure in the City and the other caveat is that the inventory is a mix of public and private pipes. He added that private pipes are further divided up by private pipes the City has maintenance agreements for and private pipes

that the City does not have maintenance agreements and easements for. Part of the long-term stormwater improvements will involve Staff selectively identifying private pipes to take ownership and responsibility of. He stated that everyone who owns a private pipe thinks it should be a City pipe, which is not feasible and why Staff needs to be selective.

For the prioritization matrix (Attachment A), Mr. Grogan said they incorporated weighting mechanisms to identify the likelihood of failure and the consequence of failure for each of the hotspot areas. The criteria used to determine the likelihood of failure and consequence of failure are detailed in Attachment B. Mr. Todd said with the exception of hotspots that fall into flood resiliency projects, the priority ranking provided by the matrix will be what guides our next phase of work. Mr. Grogan said the Cherry St. neighborhood and Ducks Drive neighborhood fall into the flood resilience category, as they are in FEMA flood zones and it is difficult to make a flood zone not flood.

Ms. Saur covered the existing conditions modeling and results (Attachment A), which used either 2D PCSWMM, 1D PCSWMM, or 2D HEC-RAS. Modeling shows the flooding extents and incorporated homeowner accounts about where flooding occurrences.

Grove + Dogwood St. (2D PCSWMM): Ms. Saur explained that Public Works changed the alignment of one of the pipes near Betsy Smith's house about a year ago and the flooding was very close to the home's foundation. They are now able to look at the pipe sizes to determine if they are sufficient to handle the amount of stormwater or if they need to be upsized. She added that they are modeling a 10-year storm and with a 10-year storm, they want to keep the stormwater underground within the pipes and catch basins as much as possible. With a 10-year storm, they are still seeing substantial flooding on the model and therefore, it is a good place for a hotspot to be identified.

Oakwood Dr. (2D PCSWMM): Ms. Saur stated that this area consists of driveway culverts and open channel that feeds into Lamb Creek. The front yards in this area are currently flooding and the water is flowing over top of the driveways, creating a safety issue when residents cannot get in and out of their homes during flood events.

Duckworth Ave. (1D PCSWMM): Each pipe in this area was analyzed to identify the biggest storm that each could handle. Red is a 2 year storm, which is a small, but high intensity storm, and pipes highlighted in red are completely full during a 2-year storm event. Red pipes indicate a 2-year level of service and the goal is for all the pipes to have a 10-year level of service. Most of the pipes are red, meaning that this area is running under a high pressurized system in lower storm events. In this neighborhood, there are reports of flooding in backyards and pipes traveling through private property that are undersized. There is about 25 acres of drainage area traveling through the neighborhood, which is significant for the size of pipes, and it is catching the drainage from much of Downtown's impervious areas. Mr. Todd added that pipes do go through private properties but in many cases, there is no clear legal indication of ownership. In some cases, the lines on private property may be carrying public stormwater and in other cases, they may be ditches that someone decided to put a pipe in. If there is not an easement or something that

declares the pipe to be the City's, it will create difficult legal challenges in dealing with those issues. Mr. Todd is still going through the paperwork in those cases to try and identify ownership of the pipes, but it is challenging because if we use City funds to start fixing private pipes, there is no indication of where to stop. Ms. Saur said it is up to each municipality on how they choose to deal with pipes on private property that could be carrying public stormwater and causing a flooding issue, and they see municipalities who want to fix those issues, keep pipes in the public right-of-way for maintenance, and eliminate any liability issues with homeowners, while other municipalities want to avoid anything on private property.

Mayor Copelof asked if we have identified where we have private-public property issues. She added that we have been addressing the issues here and there as they arise. Mr. Hooper said he does not think we are there yet because that was not considered in the scope of this project. Mayor Copelof asked if we know where those issues are in the 10 hotspot areas. Mr. Hooper said it is property-by-property, as we may have easements for some properties and not for others, and Staff has not done all the research yet. He added that we know where pipes go under private property but we do not know if ownership is clear. Mr. Todd said Staff worked on the pipe on Betsy Smith's property in the past, so they felt they had some implied ownership. Mr. Hooper added that ownership over Ms. Smith's pipe has since been formalized.

Oakdale St. (1D PCSWMM): The portion of Oakdale St. between Caldwell St. and Broad St. is considered to be a "sag" because both Caldwell and Broad are higher up and there is frequent flooding in that section of Oakdale. Similar to Duckworth Ave., most of the pipes in this area are red, indicating they are full during a 2-year storm.

Varsity + Gaston St. (1D PCSWMM): The flooding in this area comes down Gaston St. to the intersection with Varsity St. The majority of the pipes are red and the pipes are 36", which is a fairly large size system, but the system is getting anywhere from 23-33 acres of drainage and much of that is coming from downtown's impervious surfaces. There is a house at the corner, where there is a catch basin at the bottom that is not in the best shape. From there, the pipe goes under their house and discharges in the backyard to the creek. Mr. Todd added that there are two parallel pipes carrying stormwater and then another coming from the Universalist Church parking lot, which has sink holes.

44 Maple St. (1D PCSWMM): Ms. Saur said this case is what Mr. Todd was alluding to, in that a pipe goes directly under a house and shed. While the pipe is sized appropriately and the lot does not necessarily experience flooding, this is more of an infrastructure issue and there will need to be a decision about how to address the pipe, foundation issues, etc. A camera was used to look at the pipe under the house and about 75 ft. in, the camera was directly under the house. The pipe seems to be in good condition and the pipe may have been placed in a ditch so that the land could be built upon. Mr. Daniel asked if it is privately owned. Mr. Todd said he is still trying to find out. Mr. Hooper said it likely is because we have not found anything.

Silversteen Dr. Culvert (2D HEC-RAS): The purple, light blue, and dark blue indicate flooding extents for 10-year, 25-year, and 100-year storms, respectively. The model shows the road flooding in a 10-year storm and the goal is to design the road to only experience flooding during a 25-year or 50-year storm. Silversteen Dr. has required repaving due to the flooding, so this is an opportunity to upsize the culvert to reduce flooding and impacts to the road. The area, Norton Creek, is in a FEMA floodplain and has almost 1.5 square miles of drainage flowing to it, which is significant. The pipe starts as a 60", converts to a 66" and then converts to a 72" pipe, which is uncommon and can cause structural issues. Mr. Todd said while Hillview Culvert will now be sized for a 100-year storm, this culvert is still very undersized. There is stream bank restoration work taking place upstream of the culvert and stream bank stabilization work taking place downstream of the culvert.

Batson Rd. Culvert (2D HEC-RAS): Similar to the Silversteen Dr. Culvert, the model shows flooding over the road in a 10-year storm and this road has also required repaving due to frequent flooding. Ms. Saur said by right-sizing the culvert, the goal is to reduce the frequency of flooding on the road. The current culvert is 36" and transitions from a concrete pipe to a plastic pipe. There is also a bend in the pipe, therefore, this culvert has both structural issues and blind junction areas.

Cherry St. and Ducks Drive neighborhoods (2D HEC-RAS): Ms. Saur said these areas do not have a lot of stormwater infrastructure associated with them. Ducks Drive does not have any driveway culverts, and Cherry St. has some privately owned driveway culverts. Other than 2 large culverts crossing under Cherry St. and Old Hendersonville Hwy, there is no other stormwater infrastructure. Ms. Saur showed a FEMA floodplain map and explained that in current times, if you were trying to build a house here, you would not. The homes are likely old and pre-date the floodplain maps. There are even some houses in the floodway, which is not allowed anymore. Due to the flooding coming from the French Broad River and Lamb Creek, there is no amount of stormwater pipes that could be placed in the ground to fix the issue. Floodplains are meant to flood during storms, so it will be difficult to find a solution for this area. Mr. Todd added that Ducks Drive is a trailer park and all of those trailers were raised to be out of the floodplain. For Cherry St., some of the homes have been raised and some of the homes are still disputing that. Some homeowners have requested a buyout but none have been awarded at this time.

Mr. Todd said that in discussing the flood resiliency aspect with Aaron Bland, the Assistant Planning Director, there are 4 flood prone areas in the City. In addition to the 2 listed here, there are Davidson River Rd. and Cemetery Rd. Of those areas, Cherry St. is in the City limits, but the other 3 are within the extraterritorial jurisdiction (ETJ). He added that Jane Margaret with Land of Sky (LoS) has been helping look for grants for Phase 2 of this project and there is more availability of grants to deal with homes in a flood-prone area than there is for stormwater infrastructure, which is much harder to find. Mr. Todd recommended removing Cherry St. and Ducks Drive from Phase 2 efforts to seek funding and putting them in a separate category that would be addressed in the same way we address floodplain

issues. Flood resiliency grants could be sought out for these areas rather than stormwater infrastructure improvements, as they will require a different effort, and we could focus on the 8 hotspots that have true stormwater infrastructure issues. He added that upsizing the culverts in the area will not fix the issues so he does not know if it is a wise use of money to continue pursuing the areas in the floodplain.

Mr. Hooper asked why there are two columns each for both the likelihood of failure and consequence of failure (Attachment B). Mr. Grogan said the scoring was weighted and there was a second column to standardize the scores out of 10.

Mr. Hooper asked about the GIS map and whether that is something the City can update. Ms. Saur said the dashboard is housed under McAdams' GIS license but they sent staff all of the raw data and the geodatabase, so staff can house the geodatabase and all of the shape files on the City's software and update it as needed. Mr. Hooper asked how long McAdams is willing to keep it on their software. Ms. Saur said that is something being discussed internally with their GIS group, as they have a few dashboards, so they are still seeing what that looks like. Mr. Todd said even if staff are capable of accessing and updating the data in the field, he is worried about someone making a mistake when updating the data or accidentally deleting something. He added that with the Water and Sewer AIA work that Alvin created in GIS, they came to an agreement that he would compile all updates and Alvin would update all 3 GIS maps quarterly. Mr. Carson noted that there are ways to control and regulate access in GIS, and recommended training our employees on how to update the data digitally in the future so that the data entry does not have to be outsourced.

The Committee thanked McAdams for their work and for presenting the results.

Committee Comments

Mayor Copelof asked if we ever answered the Deertrack residents on their stormwater culvert issue. Mr. Hooper said he does not think so, but he is confident now in the answer we are going to give. He added that similar to the earlier discussed case, the City had some implied responsibility and they were checking with public works employees to see if we had performed work there in the past and not recorded it. Wesley and other public works employees do not have any recollection of any work being performed there, so they believe the CMP was put there by the HOA without being accepted by the City and therefore, it is their responsibility. Mr. Carson asked about the context. Mr. Hooper explained that at the entrance to the neighborhood near Resada Dr., there is a small sink hole in the yard that has not washed all the mud away, but it could pose a small hazard to someone walking down the road because there are no sidewalks. The residents asked the City to fix it and after examining the plat, there was infrastructure dedicated to the City, but that pipe was not included because it was a ditch at the time. Mr. Hooper said he has to inform them that their HOA is responsible for it, but if they find any additional information as to City ownership, he will change his mind. He has not yet seen any documentation indicating that the City is legally responsible.

Mr. Winans said last Wednesday he traveled to Noonday Wastewater Treatment Plant and 30 years ago, they took 48 RBCs out of service. He went with a department head from MSD and they inspected the RBCs that have been out of service. They found that all the RBCs were in amazing condition, in clear water, and had all the component parts. Mr. Winans said he has handed it off to the director at MSD because they would be interested in purchasing a lot more than we would. Initial discussions were all or nothing, but negotiations are now ongoing. He wanted everyone to be aware of that and Mr. Todd added that this may reduce the need for the electric driven RBC upgrades. He added that we were at risk because we could not find spares, but if we find enough spares, we may be able to move forward without electric driven RBCs. All of the Noonday RBCs are high density RBCs, but Mr. Winans thinks he can make that work. Mr. Todd said it is a really good option, but they are going to get more information before recommending a path forward.

H. Public Comment

No members of the public spoke during the Public Comment period.

I. Set Next Meeting – Wednesday, November 4, 2026 at 3:30pm

The next regular meeting of the committee will be on November 4, 2026 at 3:30pm.

J. Adjourn

There being no further business, the meeting was adjourned at 5:34 p.m.

Minutes Approved: November 4, 2026

Lauren Wise, Chair, Council Member
Gary Daniel, Vice Chair, Council Member

Shawnee A. Cummings
Shawnee Cummings
Assistant to the City Manager



Phase 1 Results – Stormwater MP

City of Brevard

Team Introduction

McAdams Team



Max Grogan
PE

McAdams |
Senior Project Manager



Mary Beth Hall
EIT

McAdams |
Designer I



Brie Saur
PE

McAdams |
Assistant Project Manager

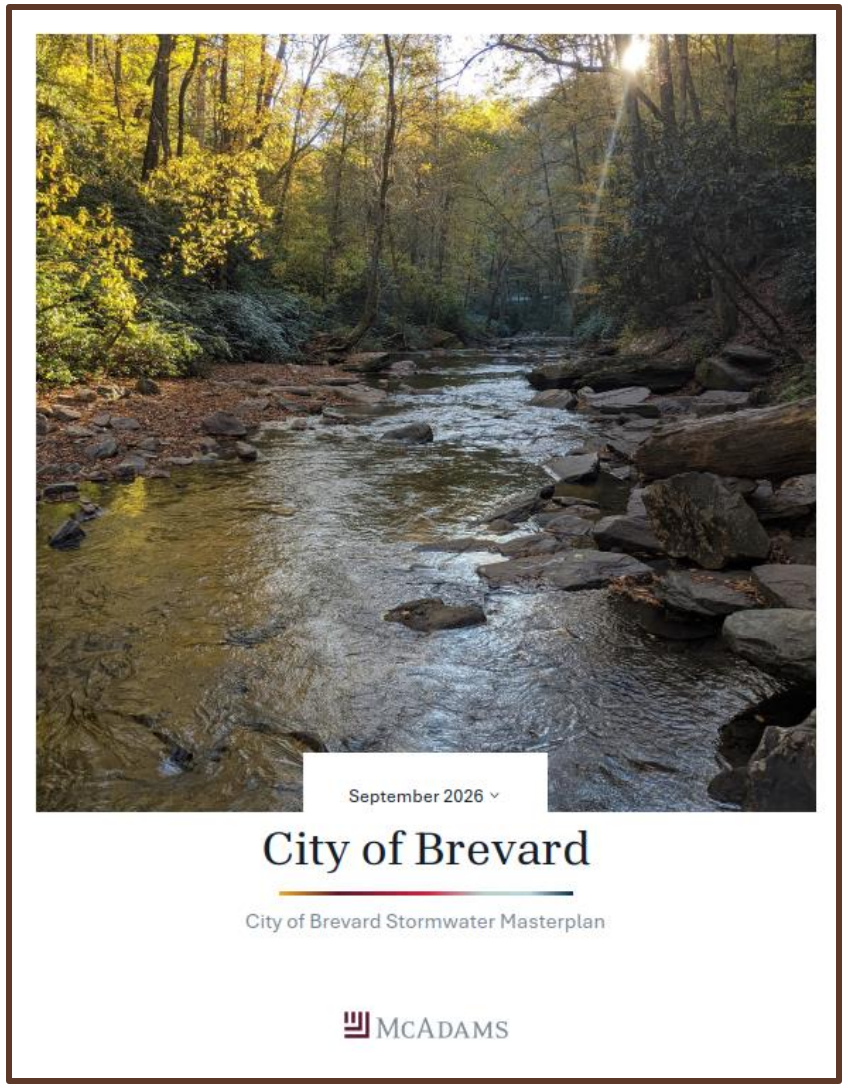
Support Team

- **Annette Lucas PE**
  McAdams | Program Management
- **Allison Anolik**
  McAdams | Funding Advisory Services
- **Matt McCurdy**
  S&ME | CCTV Services
- **Owen Carson**
  Equinox | Environmental Assessment + GSI Support

Stormwater Master Plan Implementation

Phase 1 (Identification of Projects)
(FY26: July 2025 – June 2026)

- Preliminary Design Phase
  - Project Management + Administration
  - Pipe Cleaning / CCTV + Traffic Control
  - Field Data Collection
- Existing Conditions Analysis
  - Geodatabase Management + Dashboard Creation
  - Analysis of Existing Stormwater Systems
- Engineering Concept + Design Plans
  - CIP Prioritization Development + Implementation
  - Stormwater Assessment Report
- Policy + Program Recommendations
  - UDO Update
- Ecusta Trail – Culvert Analysis

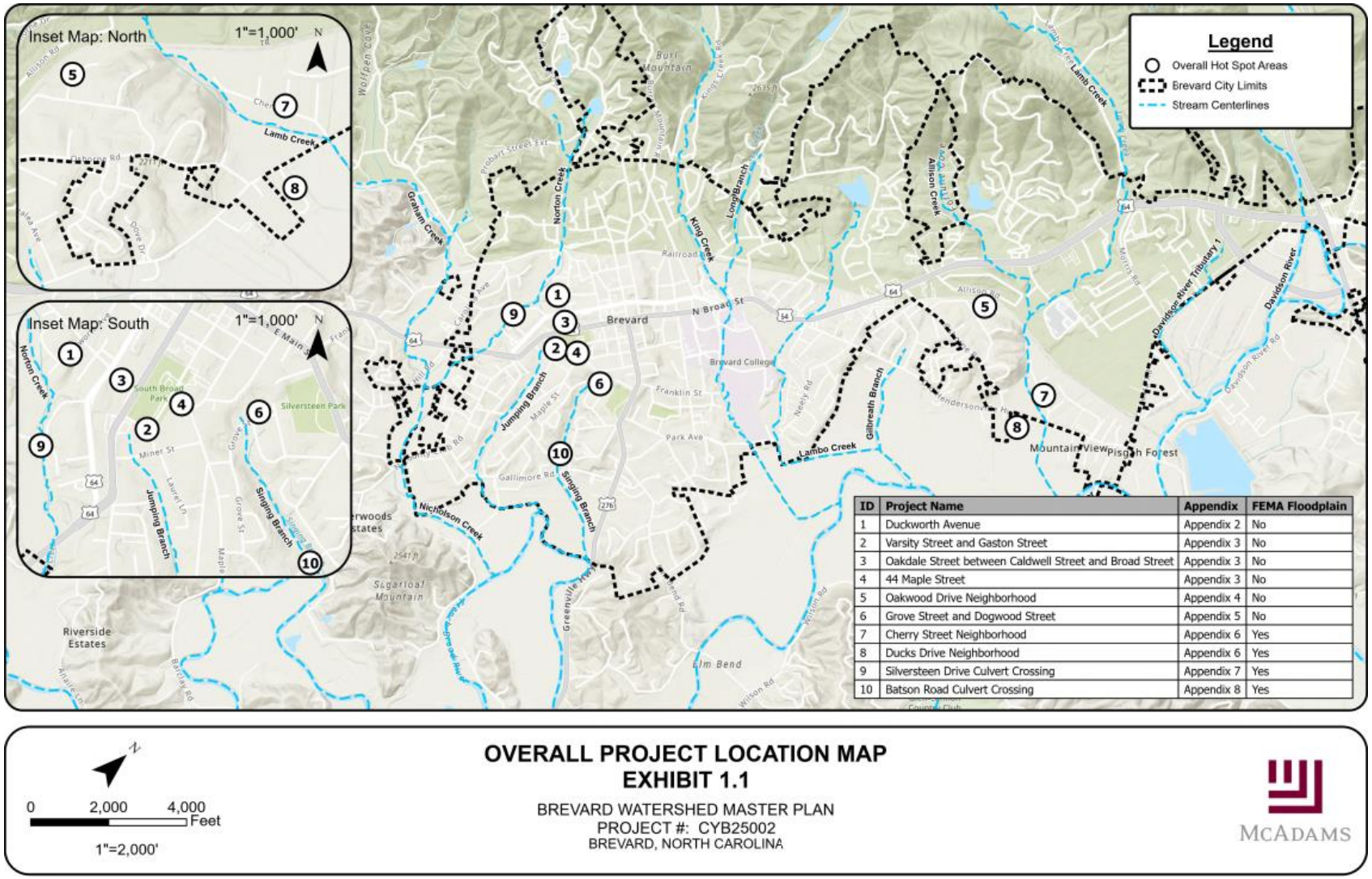


Scoped Area

Hotspot Areas (10 Total)

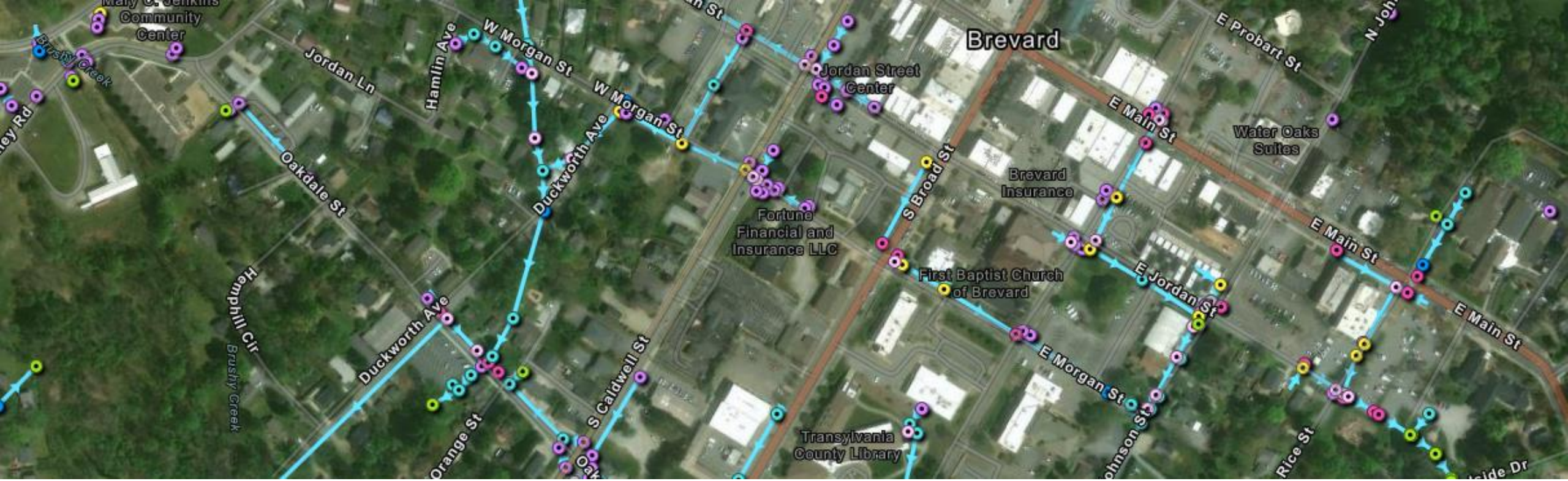
FIELD DATA COLLECTION

1. Duckworth Avenue
2. Varsity Street and Gaston Street
3. Oakdale Street between Caldwell Street and Broad Street
4. 44 Maple Street
5. Oakwood Drive Neighborhood
6. Grove Street and Dogwood Street
7. Cherry Street Neighborhood
8. Ducks Drive Neighborhood
9. Silversteen Drive Culvert Crossing
10. Batson Road Culvert Crossing



ID	Project Name	Appendix	FEMA Floodplain
1	Duckworth Avenue	Appendix 2	No
2	Varsity Street and Gaston Street	Appendix 3	No
3	Oakdale Street between Caldwell Street and Broad Street	Appendix 3	No
4	44 Maple Street	Appendix 3	No
5	Oakwood Drive Neighborhood	Appendix 4	No
6	Grove Street and Dogwood Street	Appendix 5	No
7	Cherry Street Neighborhood	Appendix 6	Yes
8	Ducks Drive Neighborhood	Appendix 6	Yes
9	Silversteen Drive Culvert Crossing	Appendix 7	Yes
10	Batson Road Culvert Crossing	Appendix 8	Yes

OVERALL PROJECT LOCATION MAP
EXHIBIT 1.1
BREVARD WATERSHED MASTER PLAN
PROJECT #: CYB25002
BREVARD, NORTH CAROLINA

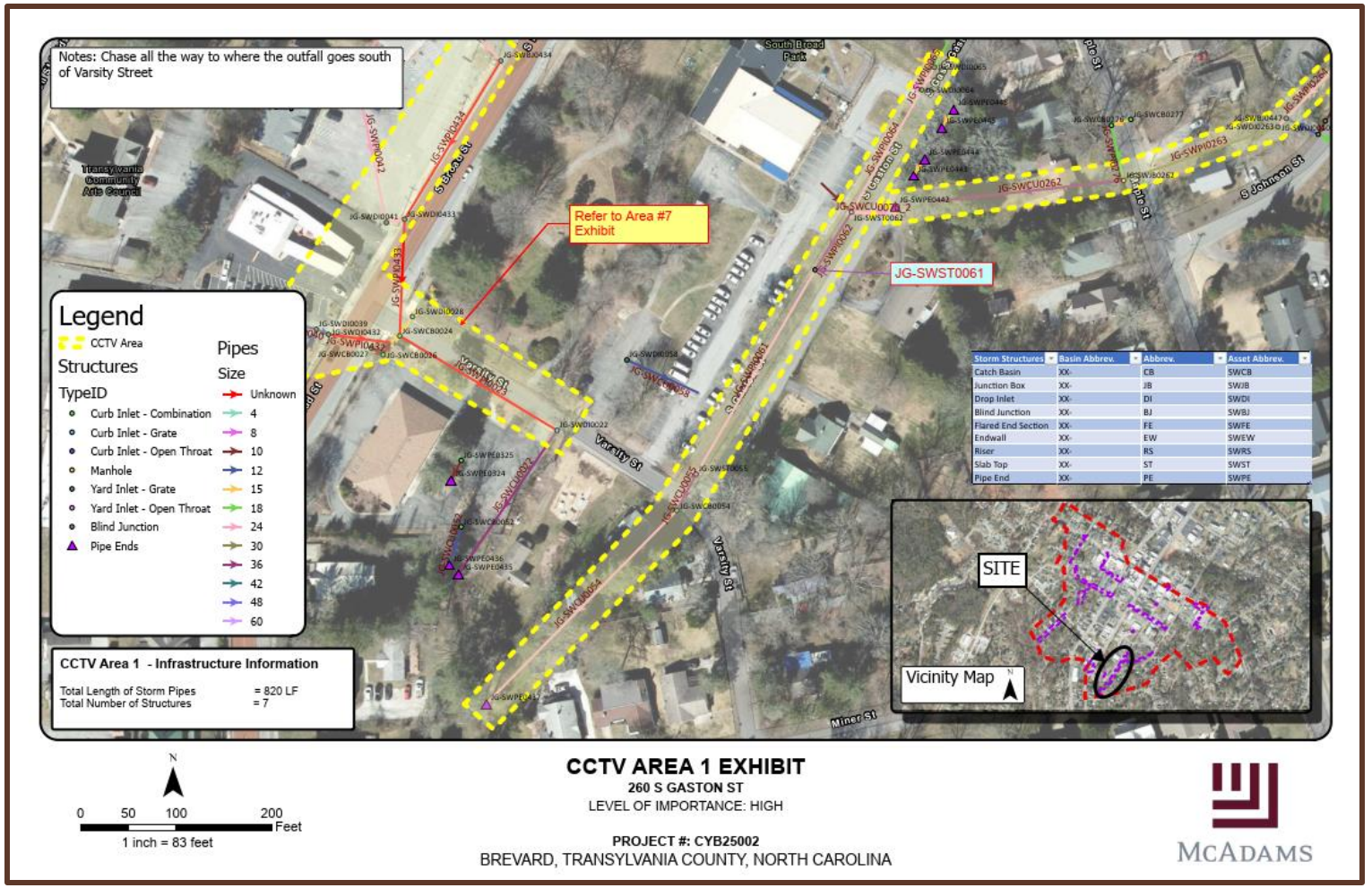


Field Data Collection

CCTV Results

S&ME Report

- CCTV Overview
  - 3,741 linear feet of CCTV
  - Majority RCP or CMP
  - Majority 12-inch to 36-inch diameter
- CCTV Conclusions + Recommendations
  - Majority poor to fair condition
  - Pipe deformities present
  - Soil and roots protruding
- Deliverables
  - CCTV Overview Narrative
  - Pipe CCTV Summary Table
  - Inspection Reports
  - NASSCO Scoring
  - Video + photo



WinCan

Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
3/31/2026			Tony Prelozny	U-916-07005448	JG-SWCB0054_JG-SWPE043
Year laid:	Pre-cleaning: No Pre-Cleaning	Direction: Downstream	Pipe Joint Length:	Total Length: 11.4 '	Length Surveyed: 11.4 '

City:	Brevard	Drainage Area:		Upstream MH:	JG-SWCB0054
Street:	Varsity St.	Media Label:		Up Rim to Invert:	0.0
Location Code:		Flow Control:		Downstream MH:	JG-SWPE0437
Location Details:		Sheet Number:		Down Rim to Invert:	0.0
Pipe shape:	Circular	Sewer Use:	Stormwater Pipe	Total gallons used:	0.0
Pipe size:	24 "	Sewer Category:	SEC	Joints passed:	0
Pipe material:	Reinforced Concrete Pipe	Purpose:		Joints failed:	0
Lining Method:		Owner:			
Additional Info:	JG-SWCB0054 TO JG-SWPE0437				

1:86	Distance	Code	Observation	Grade	
JG-SWCB0054					
	0.0	MGO	Miscellaneous General Observation / START INSPECTION		
	0.0	AMH	Manhole / JG-SWCB0054		
	0.0	MWL	Water Level, 5% of the vertical dimension / WATER/SILT		MWL - 0.00
	0.0	CL	Crack Longitudinal at 12 o'clock / CRACKING	S2	
	5.6	B	Broken from 11 o'clock to 12 o'clock / BROKE/CHIPPED AREA AT JOINT	S4	CL - 0.00
	11.1	CM	Crack Multiple from 9 o'clock to 3 o'clock / VARIOUS CRACKS	S3	
	11.3	BVV	Broken Void Visible from 4 o'clock to 7 o'clock / BROKE OUT AREA W/VOID	S5	CL - 0.00
	11.3	OBI	Obstruction Intruding Through Wall, 10% of cross sectional area from 3 o'clock to 9 o'clock / PVC PIPE, POSSIBLY SEWER LINE INSTALLED	M5	
	11.3	MGO	Miscellaneous General Observation / UNABLE TO CONTINIUE INSPECTION DUE TO VOID AND PVC		
	11.3	MGO	Miscellaneous General Observation / USING ZOOM, SHOWS RCP STOPS, BECOMES CMP		



JG-SWCB0054_JG-SWPE0437_260331_133913Obstruction Intruding Through Wall, 10% of cross sectional area from 3 o'clock to 9 o'clock.jpg, 00:08:41, 11.32ft
Obstruction Intruding Through Wall, 10% of cross sectional area from 3 o'clock to 9 o'clock / PVC PIPE, POSSIBLY SEWER LINE INSTALLED



Pipe CCTV Summary Table

Brevard Stormwater Master Plan-Pipe CCTV Services
S&ME Project No. 25410037

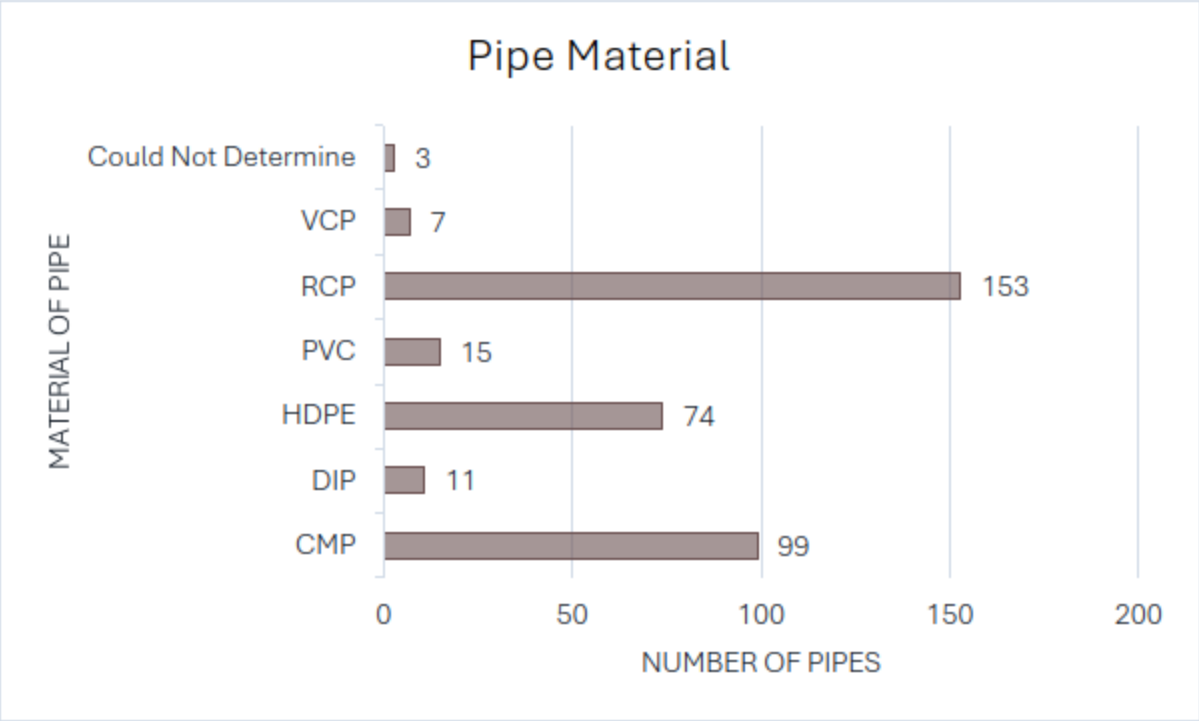
Pipe Segment	Area	Pipe Dimensions (in)	Pipe Material	Pipe Length Explored (ft)	Summary of Comments Pipe shape is circular and joint offset is medium unless noted
JG-SWCB0026_JG-SWCB0024	1	10x18	Corrugated Metal	11.3	oval; joint offset; good condition; leaves; water level 5% of vertical dimension
JG-SWCB0026_JG-SWCB0027		10x18	Corrugated Metal	11.1	oval; joint offset; fair condition; leaves/debris; water level 5% of vertical dimension
JG-SWCB0054_JG-SWPE0437		24	Reinforced Concrete	11.4	multiple cracks; broken/chipped areas; broken void; obstruction intruding through wall (PVC pipe); poor condition; inspection ended at 11 ft due to void and PVC pipe; silt; water level 5% of vertical dimension; pipe transitions to corrugated metal beyond 11.4 ft
JG-SWCB0054_JG-SWST0055		24	Corrugated Metal	37.5	joint offset; extreme debris (rocks/bricks); water level 20% to 35% of vertical dimension; fair condition
JG-SWDI0022_JG-SWCB0024		36	Corrugated Metal	122.1	deformed flexible elliptical; sagging; joint offset; water level 30 to 60% vertical water level; poor condition; rocks/dirt/silt; inspection ended at 122 ft due to water
JG-SWDI0022_JG-SWPE0435		36	Corrugated Metal	28.2	joint offset; separation and sealant/soil visible; poor condition; water level 10% of vertical dimension; pipe shows signs of shape change/oval
JG-SWDI0028_JG-SWCB0024		15	Corrugated Metal	14.1	joint offset; blind junction at 14 ft (end of pipe); fair condition
JG SWDI0065 TO JG SWDI0064		24	Reinforced Concrete	18.1	joint offset; broke out area to connect additional pipe; water level 10 to 20% of vertical dimension; poor condition
JG SWPE0325 TO JG SWPE0324		12	Reinforced Concrete	1.1	water level 40% of vertical dimension; rocks/dirt/silt/leaves; could not test due to extreme debris
JG-SWPE0435_JG-SWDI0022		36	Corrugated Metal	145.5	Circular to slight oval; joint offset and separation; stopped at 145 ft due to damage; water level 20 to 35% vertical dimension; rocks/dirt
JG-SWPEO436_JG-SWCB0052		36	Reinforced Concrete	78.8	joint offset; visible broken void; reinforcement wire exposed; obstruction built into structure (apparent RCP); roots on each side; stopped at 78 ft – extreme silt/dirt; water level 30 to 40% vertical dimension
JG-SWST0062_JG-SWDI0064		24	Corrugated Metal	145	joint offset; crack circumferential; signs of separation; reinforcement wire exposed; fair/poor condition; rocks/dirt; water level 15 to 35% vertical dimension
JG-SWST0062_JG-SWST0055		36	Reinforced Concrete	307.6	longitudinal cracking; joint offset; broken areas w reinforcement wires and soil exposed; gauge from install; fair/poor condition; water level 5 to 10% vertical dimension

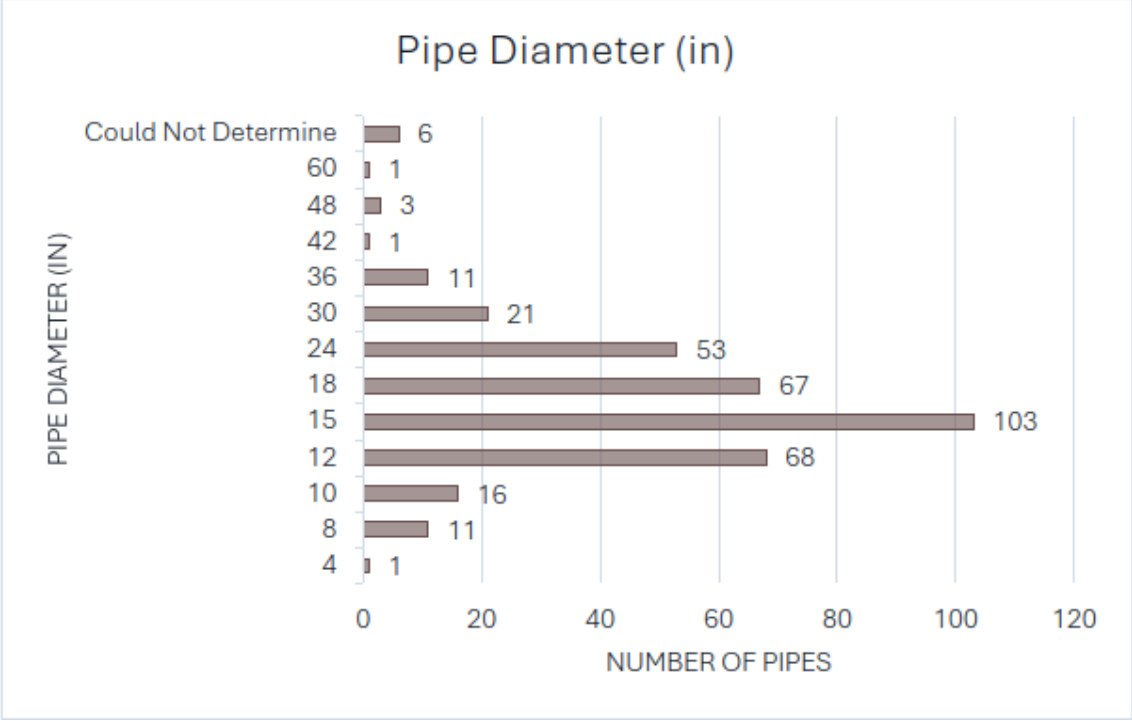
Field Data

Overview

PIPE DATA COLLECTED

- Longitude and Latitude Coordinates
- Pipe Dimension
- Clogging
- Material
- Depth to Pipe Invert
- Miscellaneous Notes



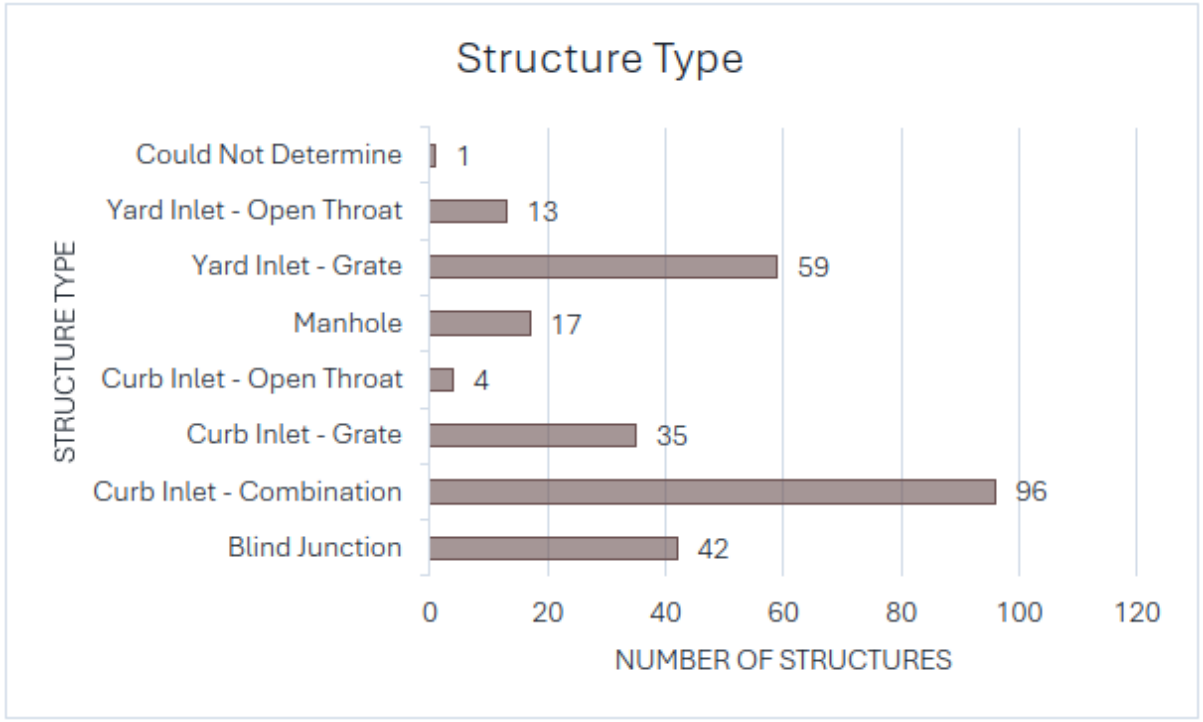


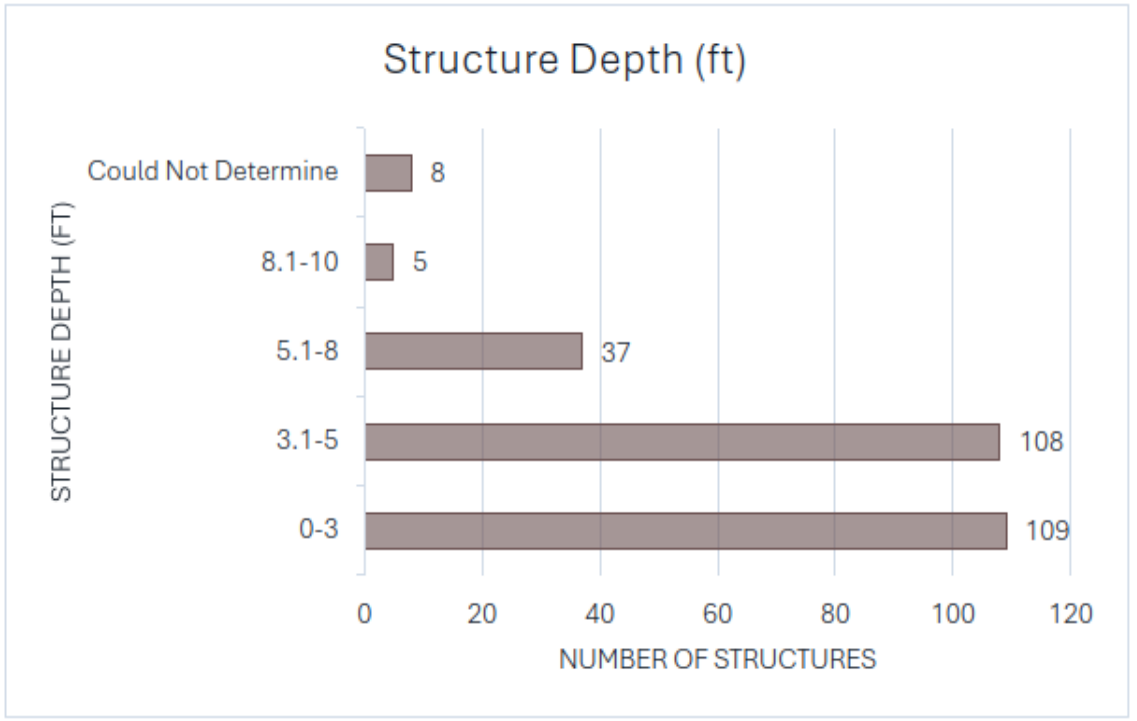
Field Data

Overview

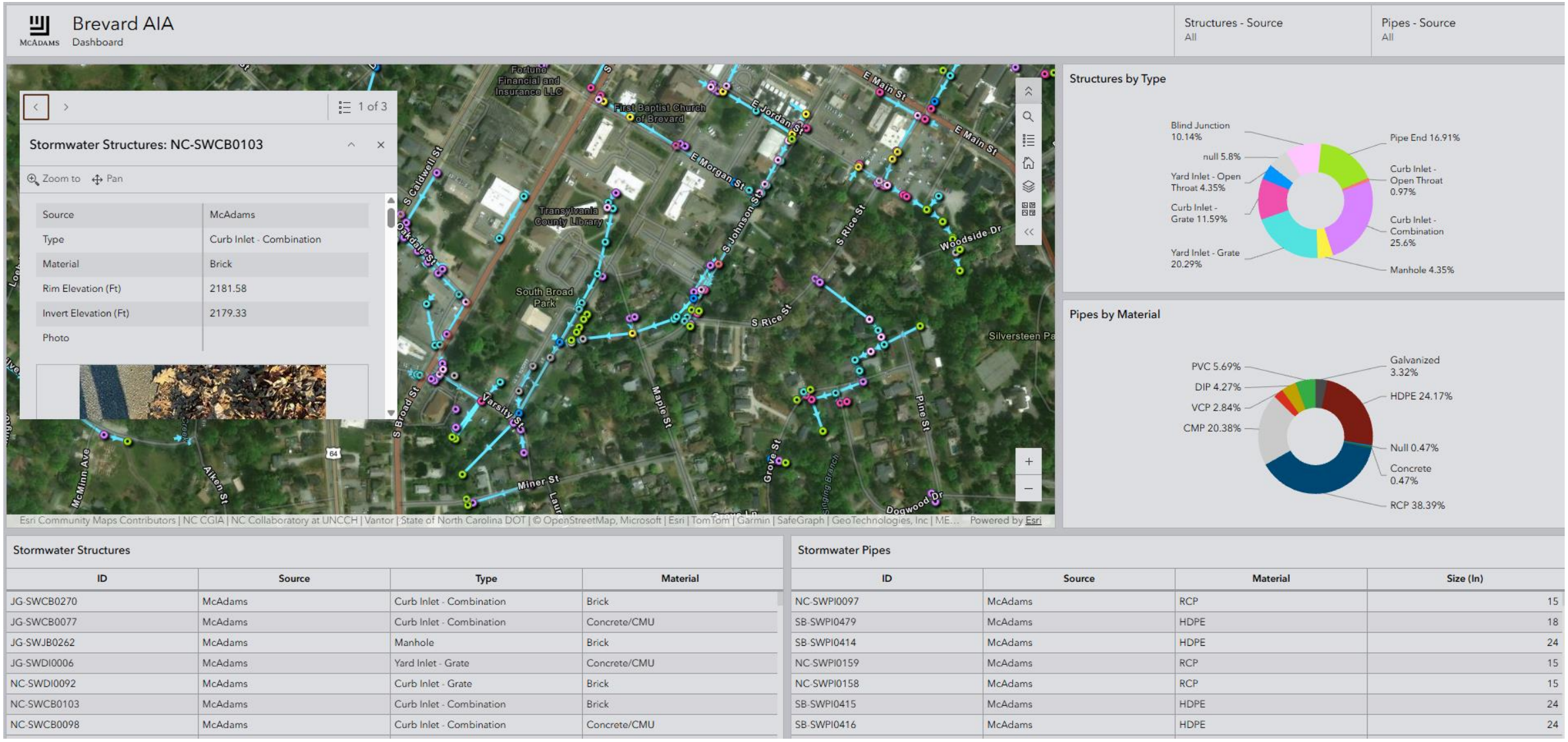
STRUCTURE DATA COLLECTED

- Longitude and Latitude Coordinates
- Number of Pipe Connections
- Type of Structure
- Clogging
- Material
- Structure Depth
- Miscellaneous Notes





Field Data - Dashboard

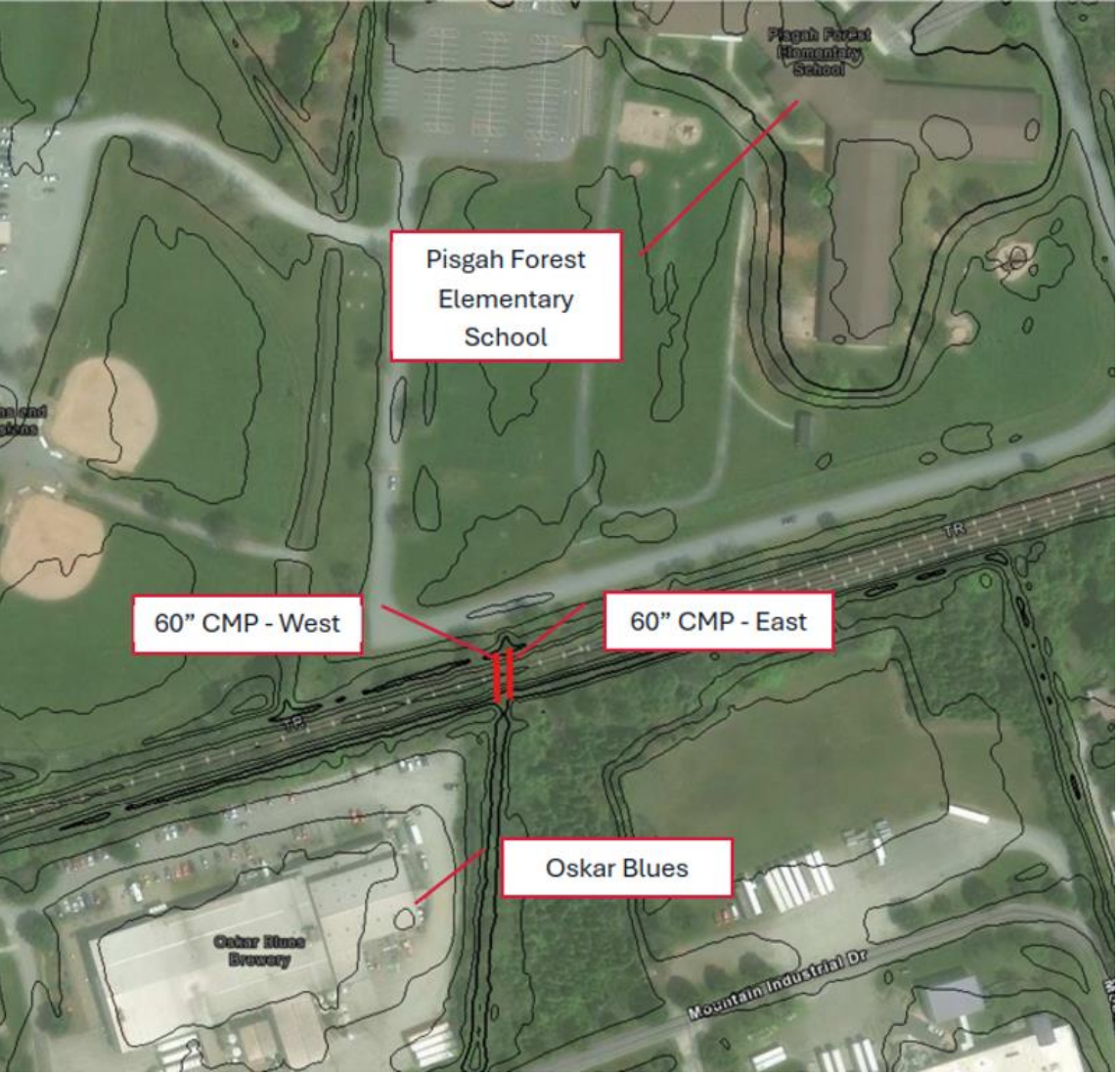


Stormwater Structures

ID	Source	Type	Material
JG-SWCB0270	McAdams	Curb Inlet - Combination	Brick
JG-SWCB0077	McAdams	Curb Inlet - Combination	Concrete/CMU
JG-SWJB0262	McAdams	Manhole	Brick
JG-SWDI0006	McAdams	Yard Inlet - Grate	Concrete/CMU
NC-SWDI0092	McAdams	Curb Inlet - Grate	Brick
NC-SWCB0103	McAdams	Curb Inlet - Combination	Brick
NC-SWCB0098	McAdams	Curb Inlet - Combination	Concrete/CMU

Stormwater Pipes

ID	Source	Material	Size (In)
NC-SWPI0097	McAdams	RCP	15
SB-SWPI0479	McAdams	HDPE	18
SB-SWPI0414	McAdams	HDPE	24
NC-SWPI0159	McAdams	RCP	15
NC-SWPI0158	McAdams	RCP	15
SB-SWPI0415	McAdams	HDPE	24
SB-SWPI0416	McAdams	HDPE	24



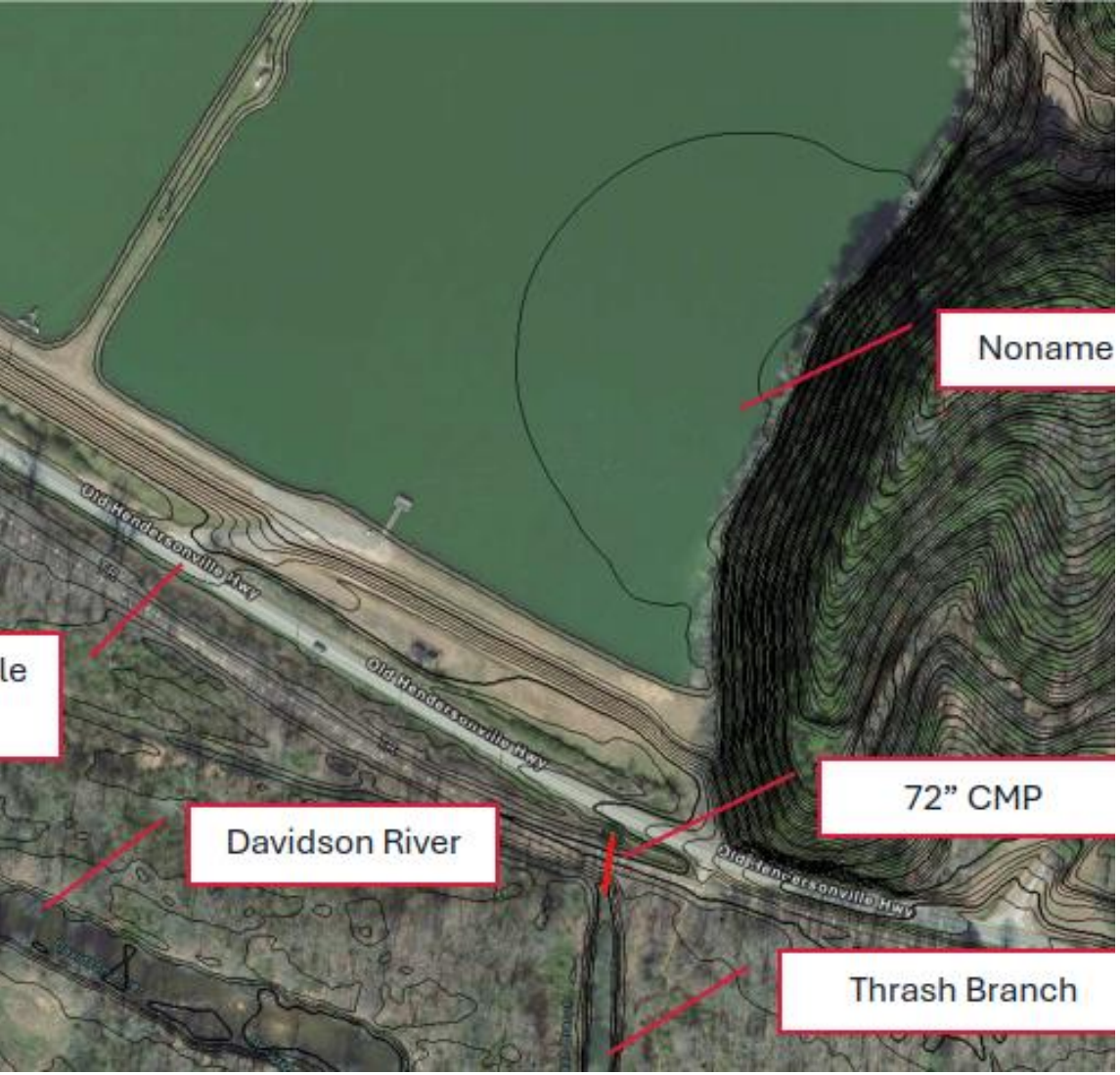






SITE 1 – DUAL 60-INCH CMP

Ecusta Trail – Culvert Analysis









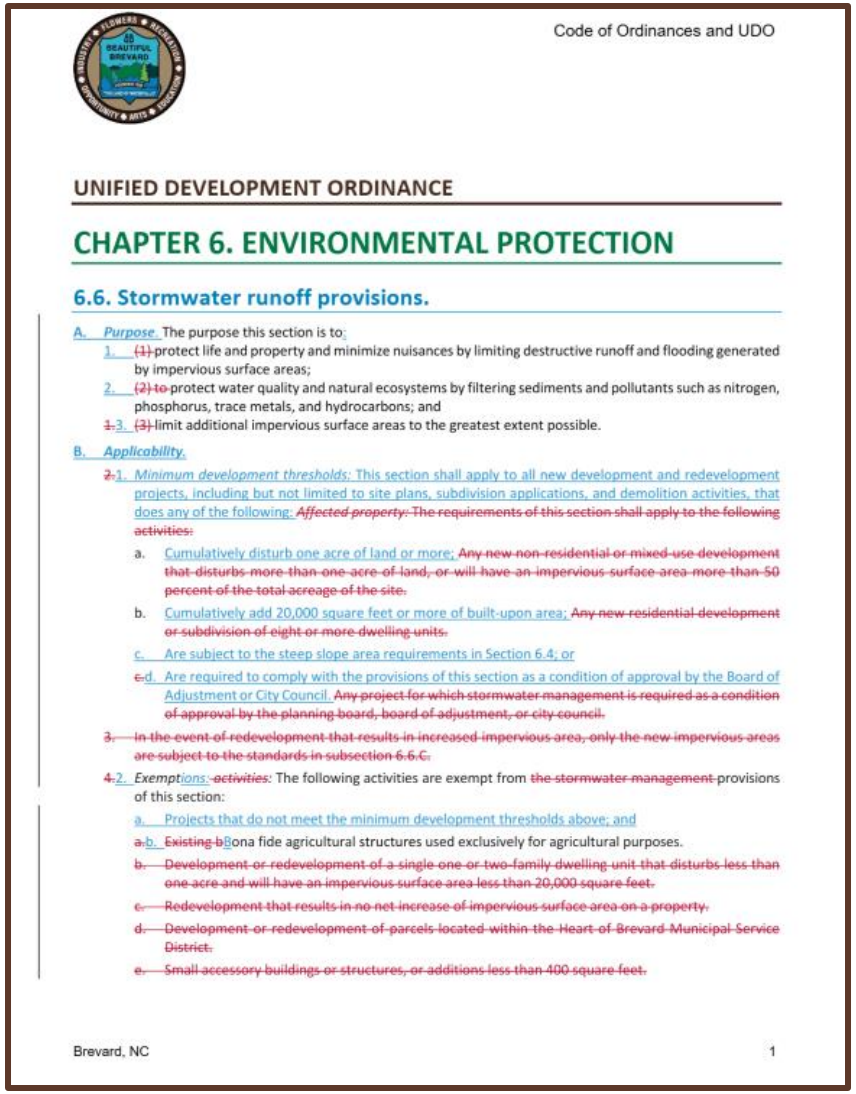
SITE 2 – 72-INCH CMP

Ecusta Trail – Culvert Analysis

Overview of UDO Updates

Summary of Changes, Part 1

- Applicability
  - Before: based on the size of the development with smaller developments considered exempt
  - After: based on the amount of built-upon area
  - Benefit: more equitable
- Design Standards
  - Before: 85% Total Suspended Sediment removal
  - After: use primary Stormwater Control Measure (SCM)
  - Benefit: consistent with state rules and more achievable
- Low Impact Development (LID)
  - Before: LID required but not defined
  - After: LID defined based on the type of SCM and incentivized by reducing the size of the storm that must be captured and treated
  - Benefit: LID is defined and encouraged but there is flexibility to choose other approaches



Code of Ordinances and UDO

UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 6. ENVIRONMENTAL PROTECTION

6.6. Stormwater runoff provisions.

A. *Purpose.* The purpose this section is to:
1. ~~(1)~~ protect life and property and minimize nuisances by limiting destructive runoff and flooding generated by impervious surface areas;
2. ~~(2) to~~ protect water quality and natural ecosystems by filtering sediments and pollutants such as nitrogen, phosphorus, trace metals, and hydrocarbons; and
~~1.~~3. ~~(3)~~ limit additional impervious surface areas to the greatest extent possible.

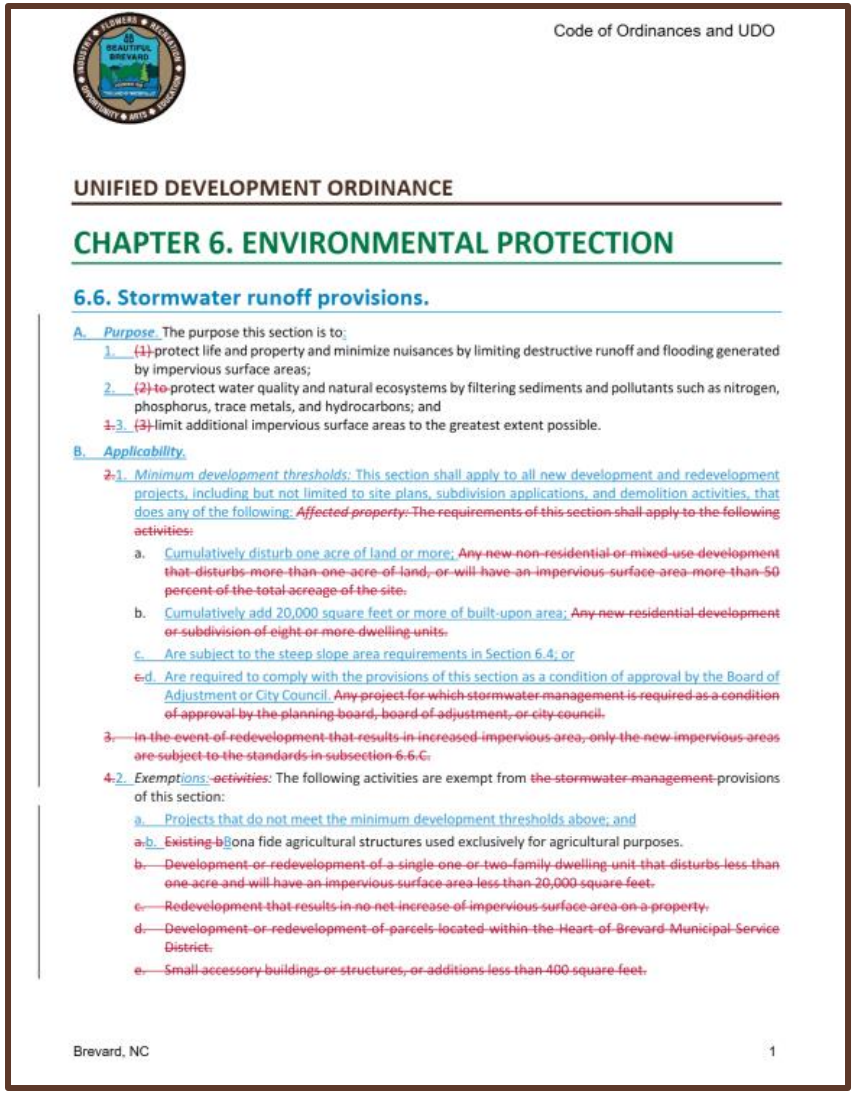
B. *Applicability.*
~~2.~~1. *Minimum development thresholds:* This section shall apply to all new development and redevelopment projects, including but not limited to site plans, subdivision applications, and demolition activities, that does any of the following: ~~*Affected property:* The requirements of this section shall apply to the following activities:~~
a. Cumulatively disturb one acre of land or more; ~~Any new non-residential or mixed-use development that disturbs more than one acre of land, or will have an impervious surface area more than 50 percent of the total acreage of the site.~~
b. Cumulatively add 20,000 square feet or more of built-upon area; ~~Any new residential development or subdivision of eight or more dwelling units.~~
c. Are subject to the steep slope area requirements in Section 6.4; or
~~c~~d. Are required to comply with the provisions of this section as a condition of approval by the Board of Adjustment or City Council. ~~Any project for which stormwater management is required as a condition of approval by the planning board, board of adjustment, or city council.~~
~~3. In the event of redevelopment that results in increased impervious area, only the new impervious areas are subject to the standards in subsection 6.6.C.~~
~~4~~2. *Exemptions ~~activities~~:* The following activities are exempt from ~~the stormwater management~~ provisions of this section:
a. Projects that do not meet the minimum development thresholds above; and
~~a.~~b. ~~Existing b~~Bona fide agricultural structures used exclusively for agricultural purposes.
~~b. Development or redevelopment of a single one or two-family dwelling unit that disturbs less than one acre and will have an impervious surface area less than 20,000 square feet.~~
~~c. Redevelopment that results in no net increase of impervious surface area on a property.~~
~~d. Development or redevelopment of parcels located within the Heart of Brevard Municipal Service District.~~
~~e. Small accessory buildings or structures, or additions less than 400 square feet.~~

Brevard, NC 1

Overview of UDO Updates

Summary of Changes, Part 2

- Stormwater Management Plan
  - Before: not many details provided about the process
  - After: detailed process for applying for and obtaining stormwater plan approval
  - Benefit: more clarity for development community and hopefully better quality submittals for staff
- Operation and Maintenance of SCMs
  - Before: not many details provided
  - After: SCMs must be inspected once every two years and details about the contents of O&M agreements and inspection reports
  - Benefit: requirements are more clear and hopefully problems with SCMs will be caught and addressed sooner



Code of Ordinances and UDO

UNIFIED DEVELOPMENT ORDINANCE

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b. Cumulatively add 20,000 square feet or more of built-upon area; ~~Any new residential development or subdivision of eight or more dwelling units.~~
c. Are subject to the steep slope area requirements in Section 6.4; or
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~~b. Development or redevelopment of a single one or two-family dwelling unit that disturbs less than one acre and will have an impervious surface area less than 20,000 square feet.~~
~~c. Redevelopment that results in no net increase of impervious surface area on a property.~~
~~d. Development or redevelopment of parcels located within the Heart of Brevard Municipal Service District.~~
~~e. Small accessory buildings or structures, or additions less than 400 square feet.~~

Brevard, NC 1





Prioritization Results

Prioritization Results

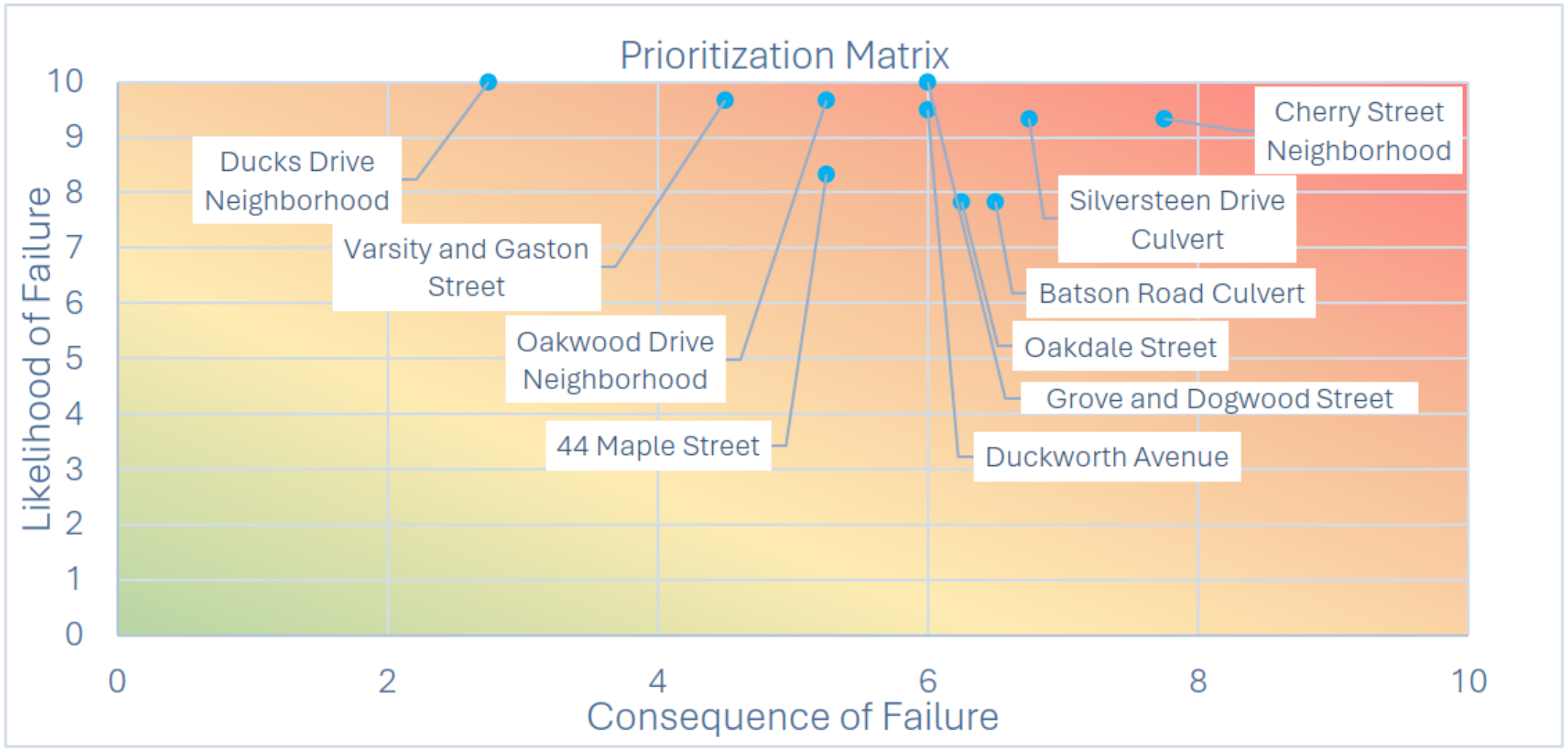


Figure 1: Prioritization Matrix – PWS Results

Prioritization Results

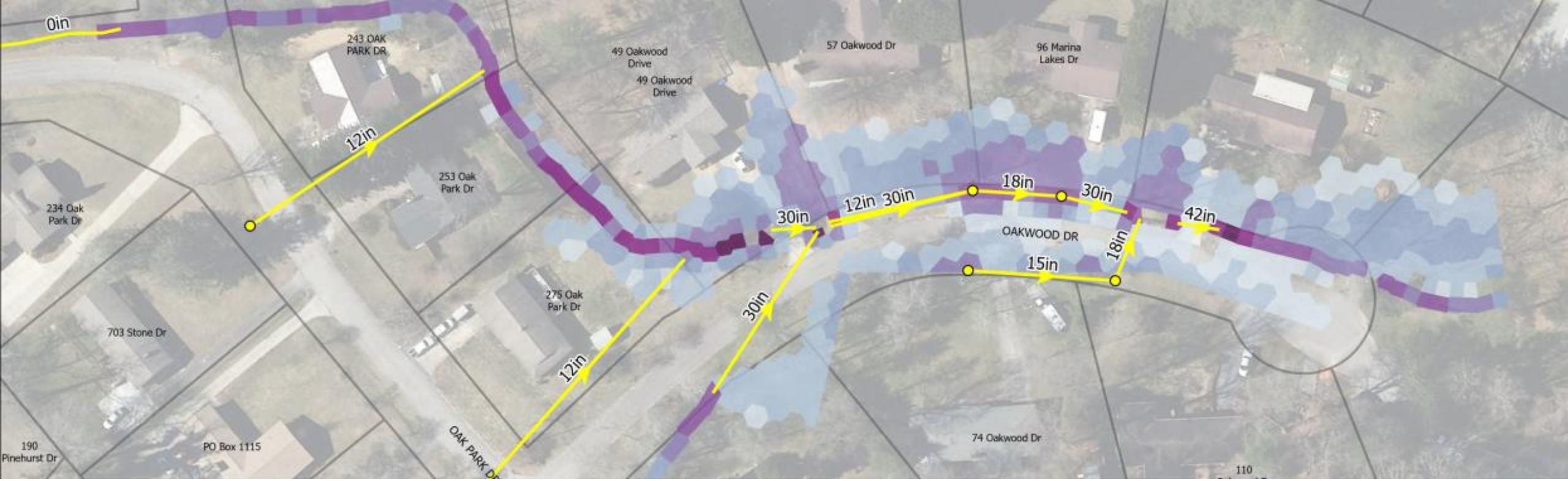
Hot Spot Area	Consequence of Failure	Consequence of Failure / 10	Likelihood of Failure	Likelihood of Failure / 10
Cherry Street Neighborhood	3.1	7.8	5.6	9.3
Grove and Dogwood Street	2.4	6.0	6	10.0
Silversteen Drive Culvert	2.7	6.8	5.6	9.3
Duckworth Avenue	2.4	6.0	5.7	9.5
Oakwood Drive Neighborhood	2.1	5.3	5.8	9.7
Varsity and Gaston Street	1.8	4.5	5.8	9.7
Batson Road Culvert	2.6	6.5	4.7	7.8
Oakdale Street	2.5	6.3	4.7	7.8
44 Maple Street	2.1	5.3	5	8.3
Ducks Drive Neighborhood	1.1	2.8	6	10.0

Hot Spot Area	Total Score	Product Weighted Score	Priority Ranking
Cherry Street Neighborhood	8.7	72.33	1
Grove and Dogwood Street	8.4	60.00	2
Silversteen Drive Culvert	8.3	63.00	3
Duckworth Avenue	8.1	57.00	4
Oakwood Drive Neighborhood	7.9	50.75	5
Varsity and Gaston Street	7.6	43.50	6
Batson Road Culvert	7.3	50.92	7
Oakdale Street	7.2	48.96	8
44 Maple Street	7.1	43.75	9
Ducks Drive Neighborhood	7.1	27.50	10

Prioritization Results

Table 1: Prioritization scoring overview

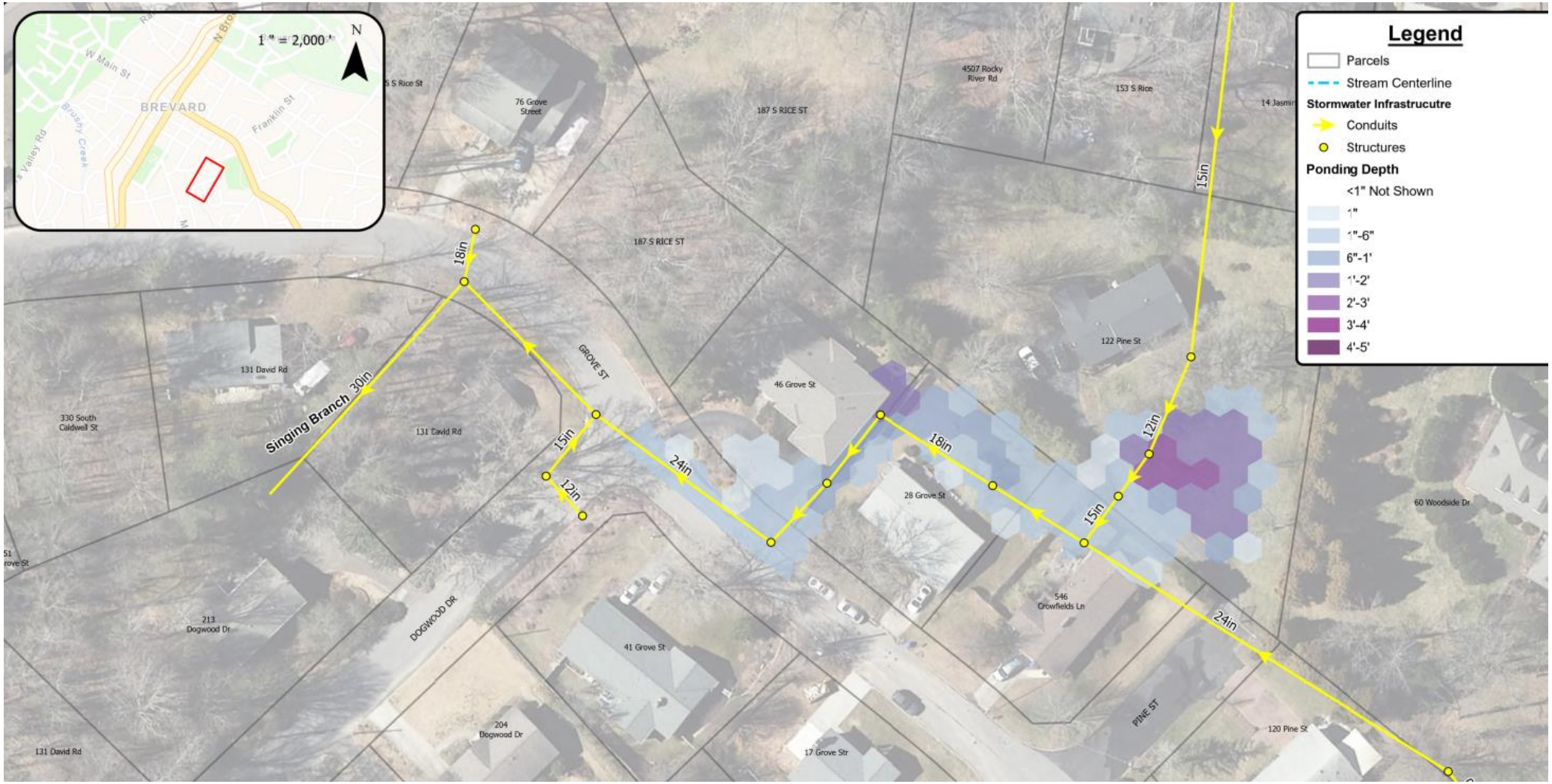
Hot Spot Area	Total Score	Priority Ranking
Cherry Street Neighborhood	8.7	1
Grove and Dogwood Street	8.4	2
Silversteen Drive Culvert	8.3	3
Duckworth Avenue	8.1	4
Oakwood Drive Neighborhood	7.9	5
Varsity and Gaston Street	7.6	6
Batson Road Culvert	7.3	7
Oakdale Street	7.2	8
44 Maple Street	7.1	9
Ducks Drive Neighborhood	7.1	10



Existing Conditions Results

Existing Conditions Results

Grove + Dogwood Street (*10-Year*)



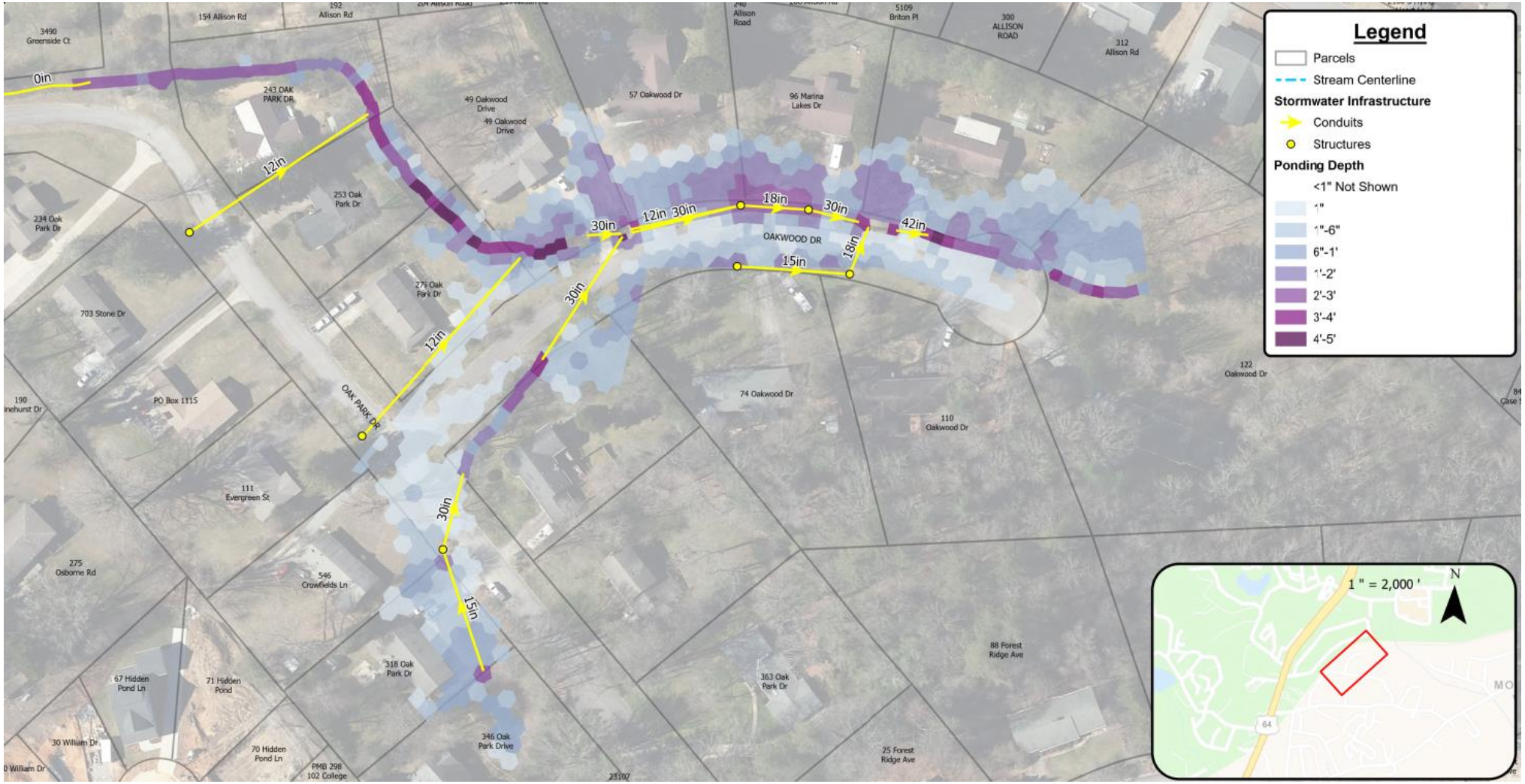
Existing Conditions Results

Area ID	Likelihood of Failure			
	Hydraulic Level of Service	Material	Maintenance Access / Constructability	LoF Score
Duckworth Avenue	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(7) Vegetation (large diameter trees > 4", shrubs, etc.)	5.7
Varsity and Gaston Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Oakdale Street	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7
44 Maple Street	(8) Meets Retrofit	(8) Brick	(10) Permanent Structures (Buildings, sheds, etc.)	5.0
Oakwood Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Grove and Dogwood Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Cherry Street Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Ducks Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Silversteen Drive Culvert	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Batson Road Culvert	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7

Area ID	Consequence of Failure					
	Proximity to Roads and Roadway Type*	Proximity to Structures*	Diameter / Pipe Size	Public Responsibility / Safety	Depth to Asset	CoF Score
Duckworth Avenue	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Varsity and Gaston Street	(5) Residential / Local	(6) Utility Infrastructure	(4) 2.00' (24")	(10) City Right-of-Way	(1) 0'-5'	1.8
Oakdale Street	(8) Collector / 2 Lane Thoroughfare	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(6) 5'-10'	2.5
44 Maple Street	(0) Private	(8) Dwelling	(6) 3.00' (36")	(5) Private Property not within Easement (City benefit)	(6) 5'-10'	2.1
Oakwood Drive Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(7) 3.50' (42")	(10) City Right-of-Way	(1) 0'-5'	2.1
Grove and Dogwood Street	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Cherry Street Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(10) Greater than 6.00' / Box Culvert	(10) City Right-of-Way	(8) 10'-12'	3.1
Ducks Drive Neighborhood	(0) Private	(8) Dwelling	(1) 1.00' (12")	(5) Private Property not within Easement (City benefit)	(1) 0'-5'	1.1
Silversteen Drive Culvert	(5) Residential / Local	(6) Utility Infrastructure	(8) 5.00 (60")	(10) City Right-of-Way	(6) 5'-10'	2.7
Batson Road Culvert	(5) Residential / Local	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(8) 10'-12'	2.6

Existing Conditions Results

Oakwood Drive Neighborhood (*10-Year*)



Existing Conditions Results

Area ID	Likelihood of Failure			
	Hydraulic Level of Service	Material	Maintenance Access / Constructability	LoF Score
Duckworth Avenue	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(7) Vegetation (large diameter trees > 4", shrubs, etc.)	5.7
Varsity and Gaston Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Oakdale Street	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7
44 Maple Street	(8) Meets Retrofit	(8) Brick	(10) Permanent Structures (Buildings, sheds, etc.)	5.0
Oakwood Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Grove and Dogwood Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Cherry Street Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Ducks Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Silversteen Drive Culvert	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Batson Road Culvert	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7

Area ID	Consequence of Failure					
	Proximity to Roads and Roadway Type*	Proximity to Structures*	Diameter / Pipe Size	Public Responsibility / Safety	Depth to Asset	CoF Score
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Oakdale Street	(8) Collector / 2 Lane Thoroughfare	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(6) 5'-10'	2.5
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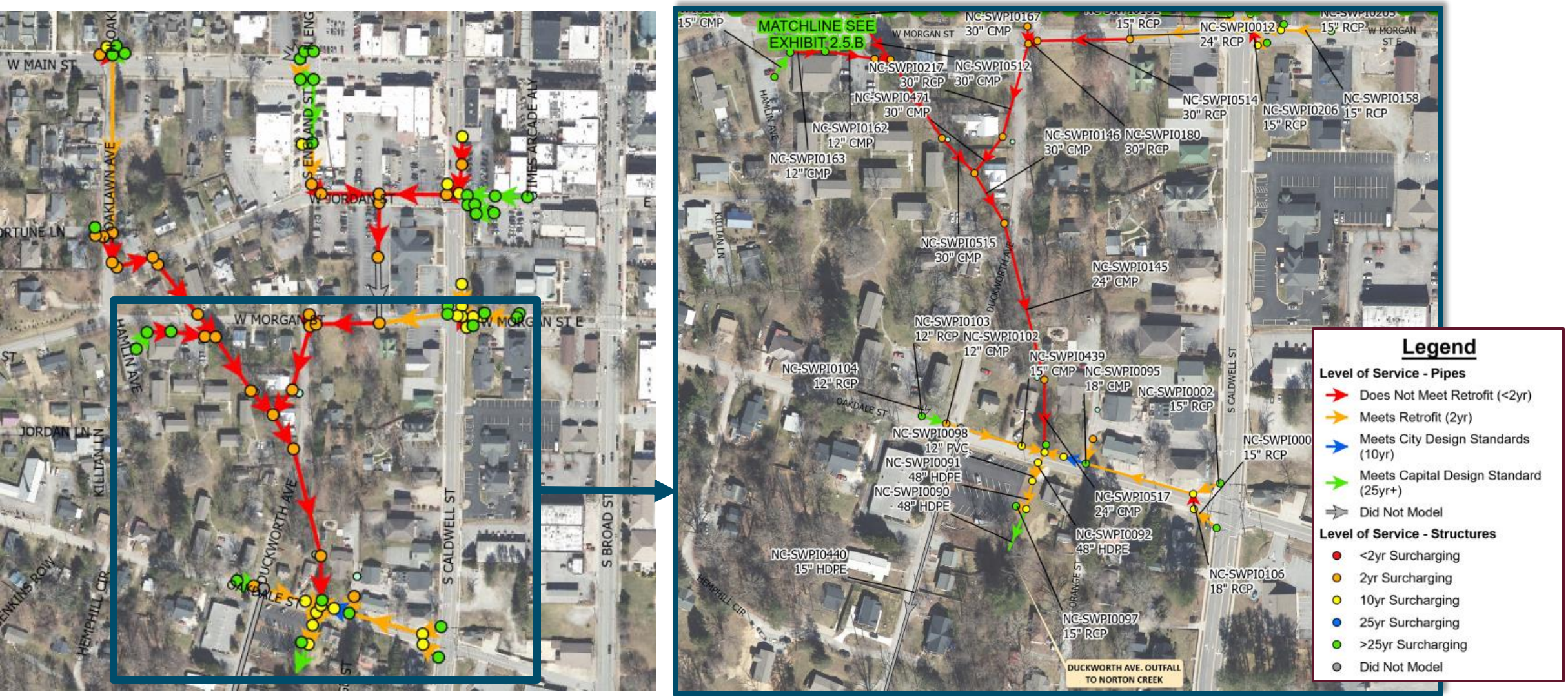
Grove and Dogwood Street	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Cherry Street Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(10) Greater than 6.00' / Box Culvert	(10) City Right-of-Way	(8) 10'-12'	3.1
Ducks Drive Neighborhood	(0) Private	(8) Dwelling	(1) 1.00' (12")	(5) Private Property not within Easement (City benefit)	(1) 0'-5'	1.1
Silversteen Drive Culvert	(5) Residential / Local	(6) Utility Infrastructure	(8) 5.00 (60")	(10) City Right-of-Way	(6) 5'-10'	2.7
Batson Road Culvert	(5) Residential / Local	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(8) 10'-12'	2.6

Existing Conditions Results

Duckworth Avenue



Existing Conditions Results

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	Hydraulic Level of Service	Material	Maintenance Access / Constructability	LoF Score
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Varsity and Gaston Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Oakdale Street	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7
44 Maple Street	(8) Meets Retrofit	(8) Brick	(10) Permanent Structures (Buildings, sheds, etc.)	5.0
Oakwood Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Grove and Dogwood Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Cherry Street Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Ducks Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Silversteen Drive Culvert	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
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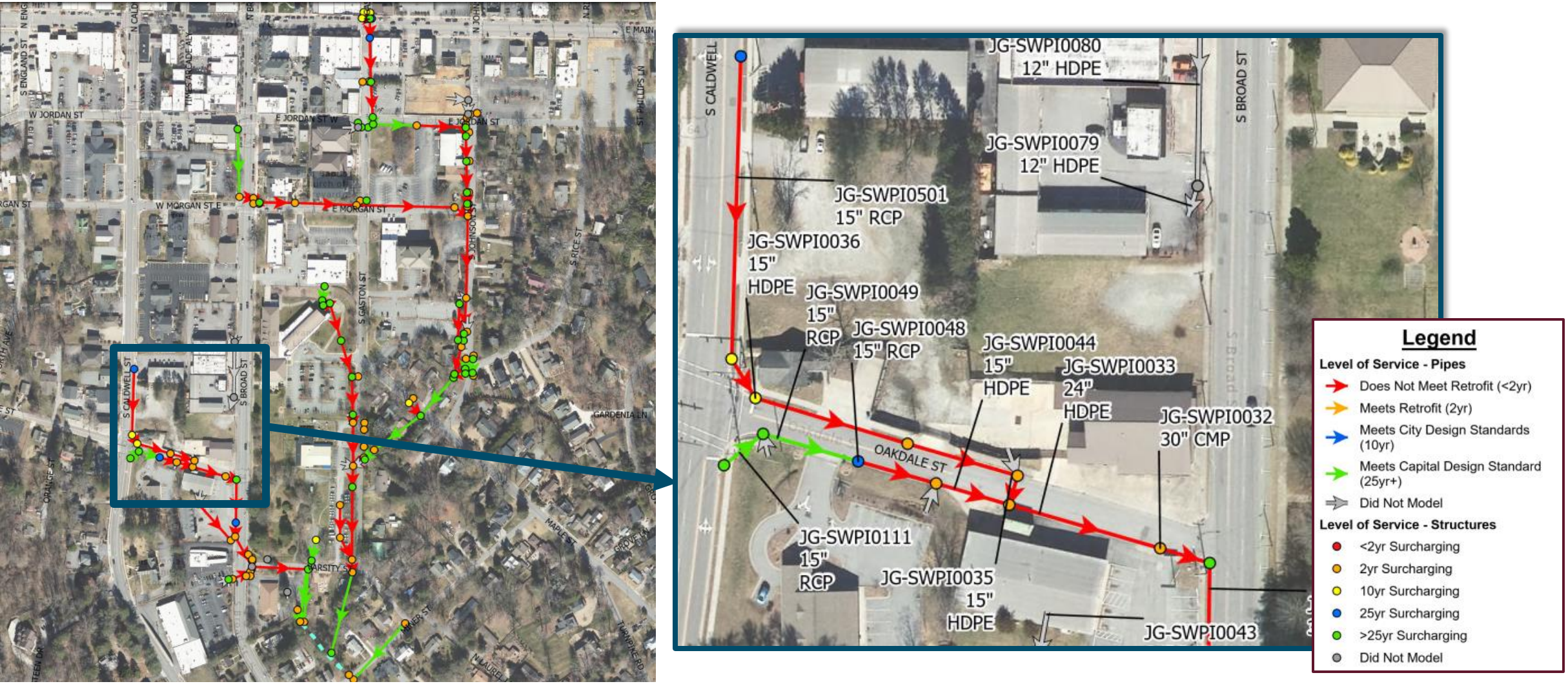
Area ID	Consequence of Failure					
	Proximity to Roads and Roadway Type*	Proximity to Structures*	Diameter / Pipe Size	Public Responsibility / Safety	Depth to Asset	CoF Score
Duckworth Avenue	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Varsity and Gaston Street	(5) Residential / Local	(6) Utility Infrastructure	(4) 2.00' (24")	(10) City Right-of-Way	(1) 0'-5'	1.8
Oakdale Street	(8) Collector / 2 Lane Thoroughfare	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(6) 5'-10'	2.5
44 Maple Street	(0) Private	(8) Dwelling	(6) 3.00' (36")	(5) Private Property not within Easement (City benefit)	(6) 5'-10'	2.1
Oakwood Drive Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(7) 3.50' (42")	(10) City Right-of-Way	(1) 0'-5'	2.1
Grove and Dogwood Street	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Cherry Street Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(10) Greater than 6.00' / Box Culvert	(10) City Right-of-Way	(8) 10'-12'	3.1
Ducks Drive Neighborhood	(0) Private	(8) Dwelling	(1) 1.00' (12")	(5) Private Property not within Easement (City benefit)	(1) 0'-5'	1.1
Silversteen Drive Culvert	(5) Residential / Local	(6) Utility Infrastructure	(8) 5.00 (60")	(10) City Right-of-Way	(6) 5'-10'	2.7
Batson Road Culvert	(5) Residential / Local	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(8) 10'-12'	2.6

Existing Conditions Results

Oakdale Street



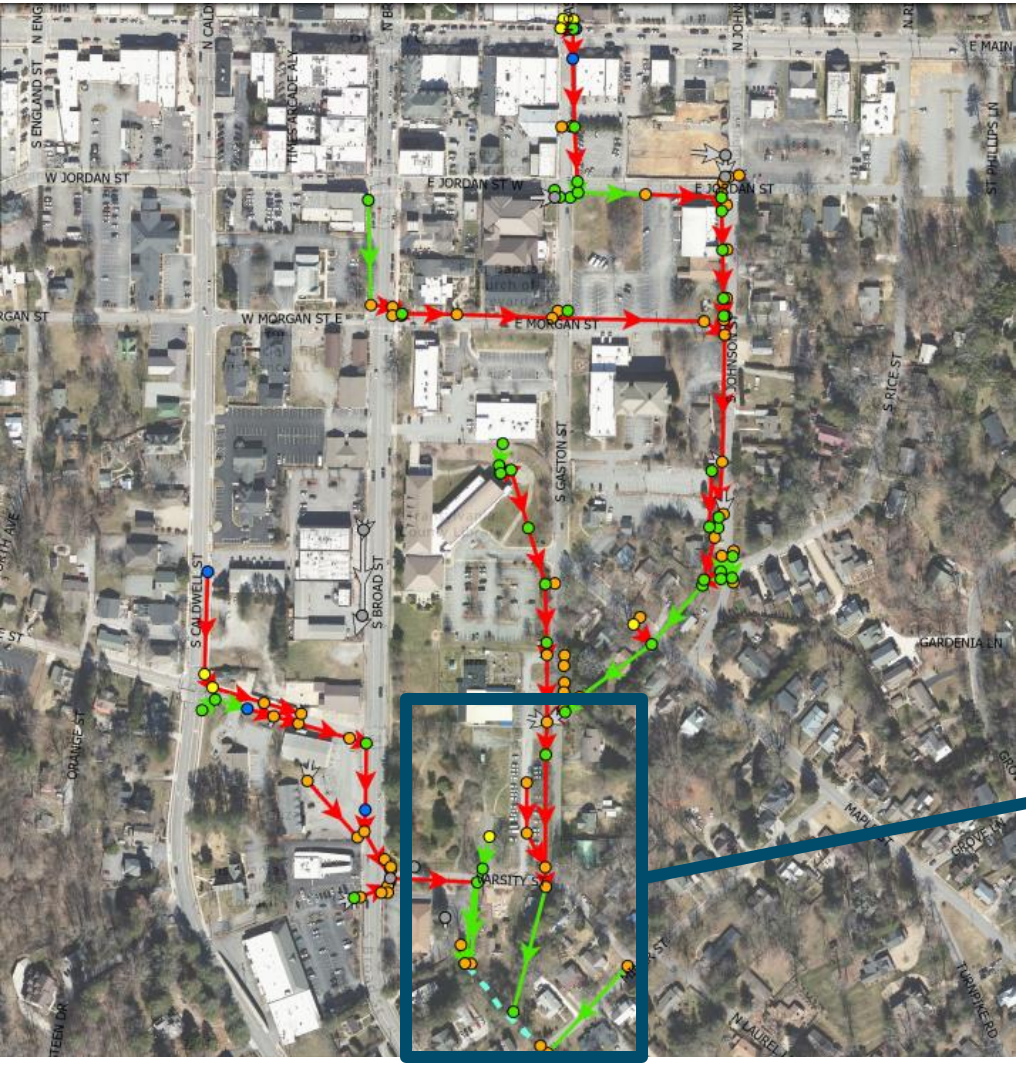
Existing Conditions Results

Area ID	Likelihood of Failure			
	Hydraulic Level of Service	Material	Maintenance Access / Constructability	LoF Score
Duckworth Avenue	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(7) Vegetation (large diameter trees > 4", shrubs, etc.)	5.7
Varsity and Gaston Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Oakdale Street	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7
44 Maple Street	(8) Meets Retrofit	(8) Brick	(10) Permanent Structures (Buildings, sheds, etc.)	5.0
Oakwood Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Grove and Dogwood Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Cherry Street Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Ducks Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Silversteen Drive Culvert	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Batson Road Culvert	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7

Area ID	Consequence of Failure					
	Proximity to Roads and Roadway Type*	Proximity to Structures*	Diameter / Pipe Size	Public Responsibility / Safety	Depth to Asset	CoF Score
Duckworth Avenue	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Varsity and Gaston Street	(5) Residential / Local	(6) Utility Infrastructure	(4) 2.00' (24")	(10) City Right-of-Way	(1) 0'-5'	1.8
Oakdale Street	(8) Collector / 2 Lane Thoroughfare	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(6) 5'-10'	2.5
44 Maple Street	(0) Private	(8) Dwelling	(6) 3.00' (36")	(5) Private Property not within Easement (City benefit)	(6) 5'-10'	2.1
Oakwood Drive Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(7) 3.50' (42")	(10) City Right-of-Way	(1) 0'-5'	2.1
Grove and Dogwood Street	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Cherry Street Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(10) Greater than 6.00' / Box Culvert	(10) City Right-of-Way	(8) 10'-12'	3.1
Ducks Drive Neighborhood	(0) Private	(8) Dwelling	(1) 1.00' (12")	(5) Private Property not within Easement (City benefit)	(1) 0'-5'	1.1
Silversteen Drive Culvert	(5) Residential / Local	(6) Utility Infrastructure	(8) 5.00 (60")	(10) City Right-of-Way	(6) 5'-10'	2.7
Batson Road Culvert	(5) Residential / Local	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(8) 10'-12'	2.6

Existing Conditions Results

Varsity + Gaston Street





Legend

Level of Service - Pipes

- Does Not Meet Retrofit (<2yr)
- Meets Retrofit (2yr)
- Meets City Design Standards (10yr)
- Meets Capital Design Standard (25yr+)
- Did Not Model

Level of Service - Structures

- <2yr Surcharging
- 2yr Surcharging
- 10yr Surcharging
- 25yr Surcharging
- >25yr Surcharging
- Did Not Model

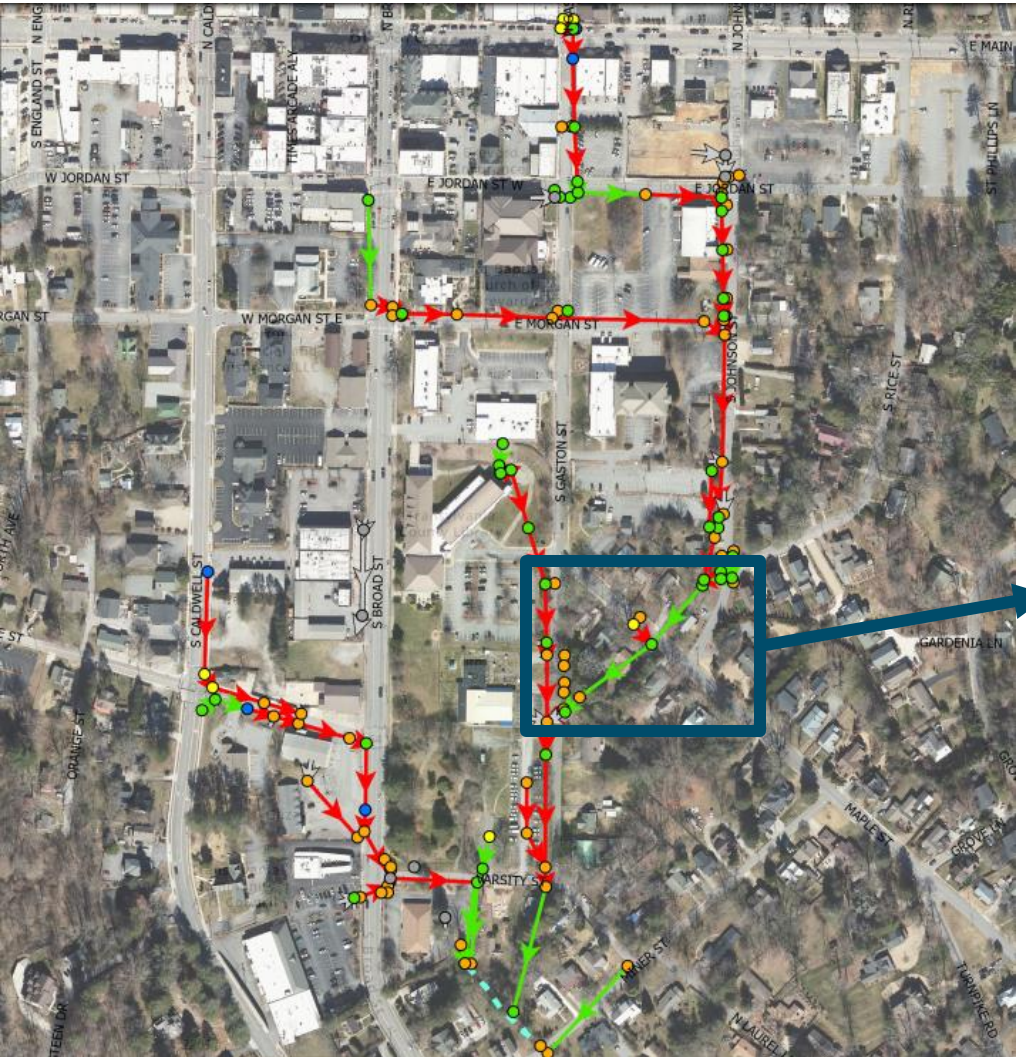
Existing Conditions Results

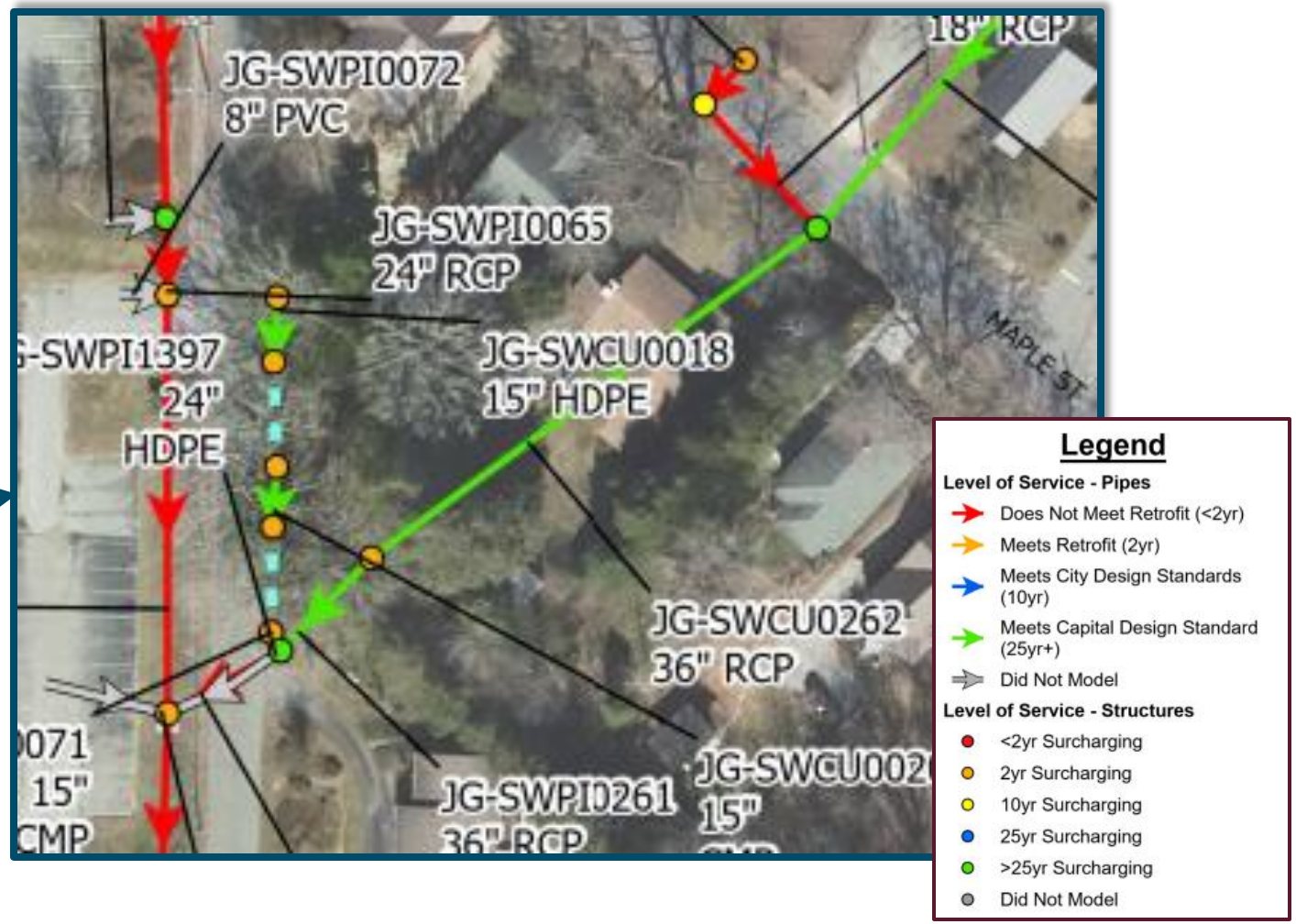
Area ID	Likelihood of Failure			
	Hydraulic Level of Service	Material	Maintenance Access / Constructability	LoF Score
Duckworth Avenue	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(7) Vegetation (large diameter trees > 4", shrubs, etc.)	5.7
Varsity and Gaston Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Oakdale Street	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7
44 Maple Street	(8) Meets Retrofit	(8) Brick	(10) Permanent Structures (Buildings, sheds, etc.)	5.0
Oakwood Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Grove and Dogwood Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Cherry Street Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Ducks Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Silversteen Drive Culvert	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Batson Road Culvert	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7

Area ID	Consequence of Failure					
	Proximity to Roads and Roadway Type*	Proximity to Structures*	Diameter / Pipe Size	Public Responsibility / Safety	Depth to Asset	CoF Score
Duckworth Avenue	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Varsity and Gaston Street	(5) Residential / Local	(6) Utility Infrastructure	(4) 2.00' (24")	(10) City Right-of-Way	(1) 0'-5'	1.8
Oakdale Street	(8) Collector / 2 Lane Thoroughfare	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(6) 5'-10'	2.5
44 Maple Street	(0) Private	(8) Dwelling	(6) 3.00' (36")	(5) Private Property not within Easement (City benefit)	(6) 5'-10'	2.1
Oakwood Drive Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(7) 3.50' (42")	(10) City Right-of-Way	(1) 0'-5'	2.1
Grove and Dogwood Street	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Cherry Street Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(10) Greater than 6.00' / Box Culvert	(10) City Right-of-Way	(8) 10'-12'	3.1
Ducks Drive Neighborhood	(0) Private	(8) Dwelling	(1) 1.00' (12")	(5) Private Property not within Easement (City benefit)	(1) 0'-5'	1.1
Silversteen Drive Culvert	(5) Residential / Local	(6) Utility Infrastructure	(8) 5.00 (60")	(10) City Right-of-Way	(6) 5'-10'	2.7
Batson Road Culvert	(5) Residential / Local	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(8) 10'-12'	2.6

Existing Conditions Results

44 Maple Street













PIPE CONDITION

44 Maple Street

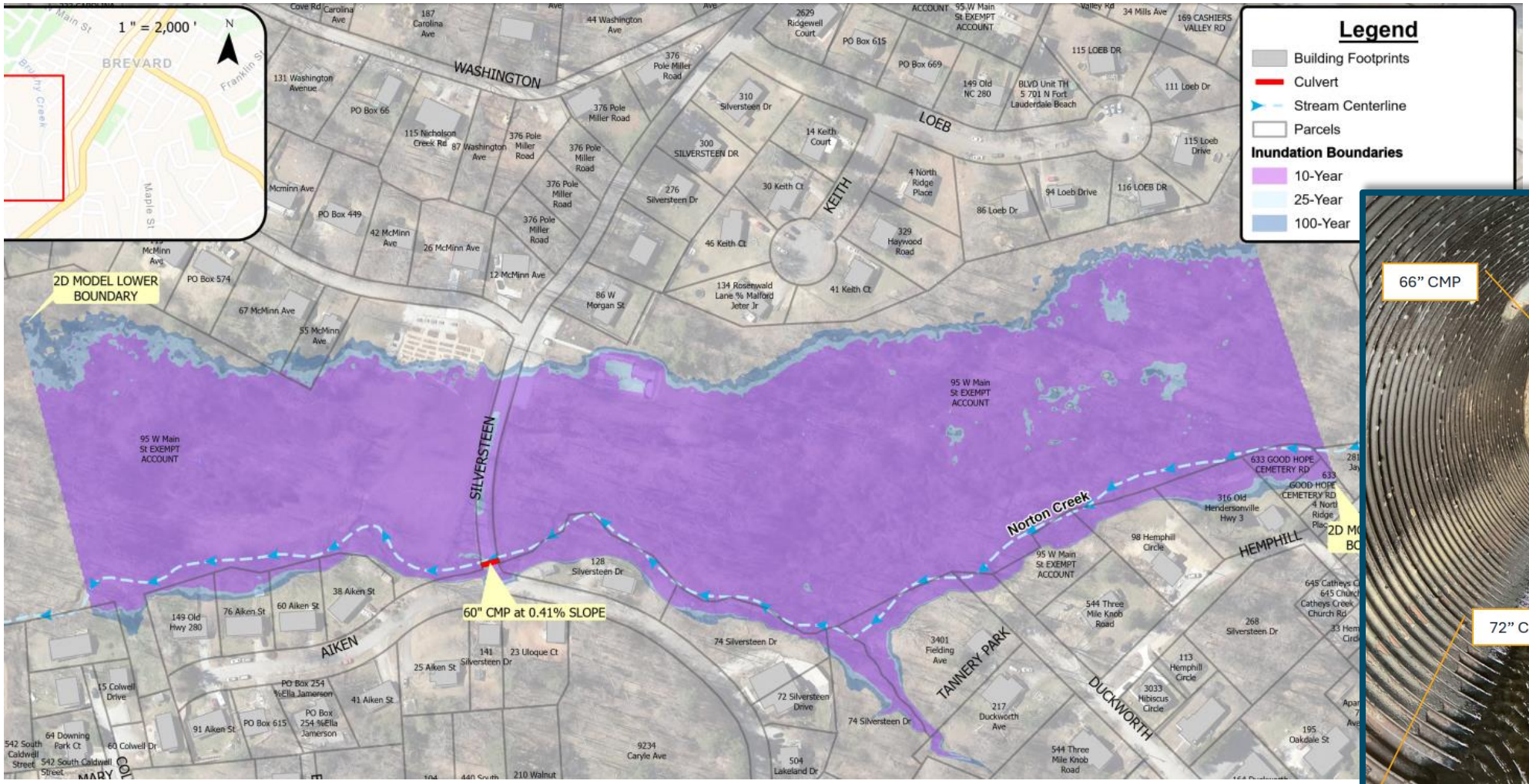
Existing Conditions Results

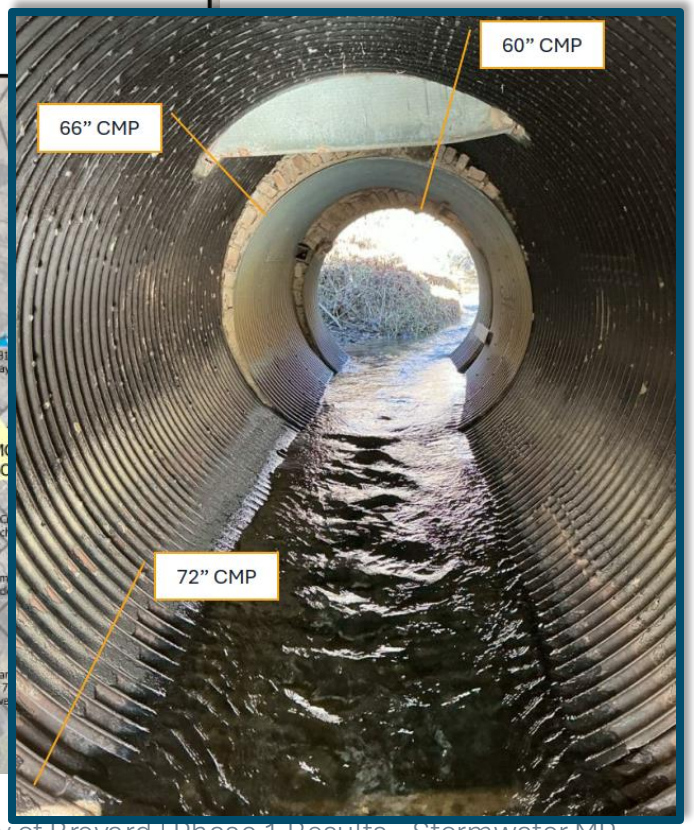
Area ID	Likelihood of Failure			
	Hydraulic Level of Service	Material	Maintenance Access / Constructability	LoF Score
Duckworth Avenue	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(7) Vegetation (large diameter trees > 4", shrubs, etc.)	5.7
Varsity and Gaston Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Oakdale Street	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7
44 Maple Street	(8) Meets Retrofit	(8) Brick	(10) Permanent Structures (Buildings, sheds, etc.)	5.0
Oakwood Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Grove and Dogwood Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Cherry Street Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Ducks Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Silversteen Drive Culvert	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Batson Road Culvert	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7

Area ID	Consequence of Failure					
	Proximity to Roads and Roadway Type*	Proximity to Structures*	Diameter / Pipe Size	Public Responsibility / Safety	Depth to Asset	CoF Score
Duckworth Avenue	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Varsity and Gaston Street	(5) Residential / Local	(6) Utility Infrastructure	(4) 2.00' (24")	(10) City Right-of-Way	(1) 0'-5'	1.8
Oakdale Street	(8) Collector / 2 Lane Thoroughfare	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(6) 5'-10'	2.5
44 Maple Street	(0) Private	(8) Dwelling	(6) 3.00' (36")	(5) Private Property not within Easement (City benefit)	(6) 5'-10'	2.1
Oakwood Drive Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(7) 3.50' (42")	(10) City Right-of-Way	(1) 0'-5'	2.1
Grove and Dogwood Street	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Cherry Street Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(10) Greater than 6.00' / Box Culvert	(10) City Right-of-Way	(8) 10'-12'	3.1
Ducks Drive Neighborhood	(0) Private	(8) Dwelling	(1) 1.00' (12")	(5) Private Property not within Easement (City benefit)	(1) 0'-5'	1.1
Silversteen Drive Culvert	(5) Residential / Local	(6) Utility Infrastructure	(8) 5.00 (60")	(10) City Right-of-Way	(6) 5'-10'	2.7
Batson Road Culvert	(5) Residential / Local	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(8) 10'-12'	2.6

Existing Conditions Results

Silversteen Drive Culvert





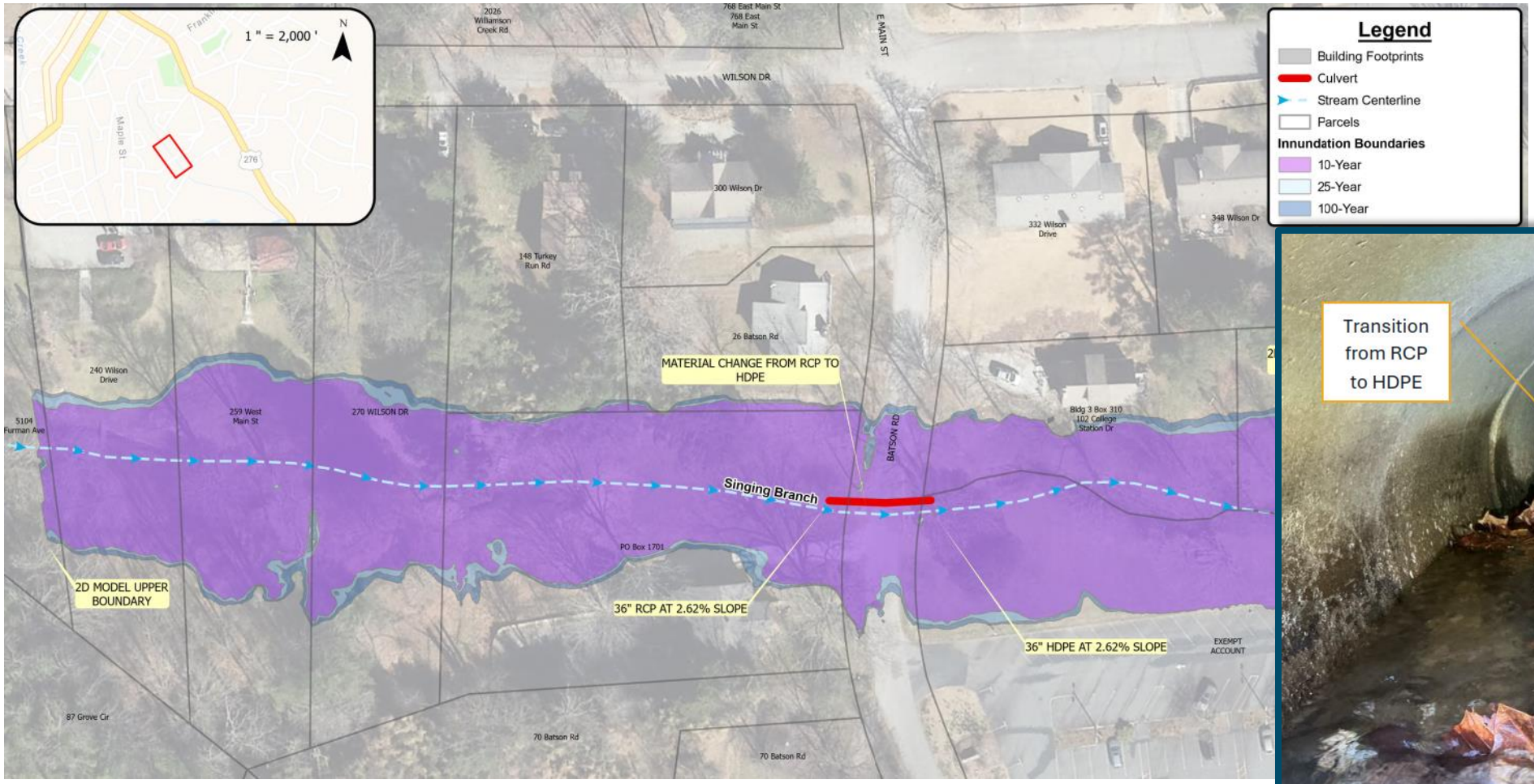
Existing Conditions Results

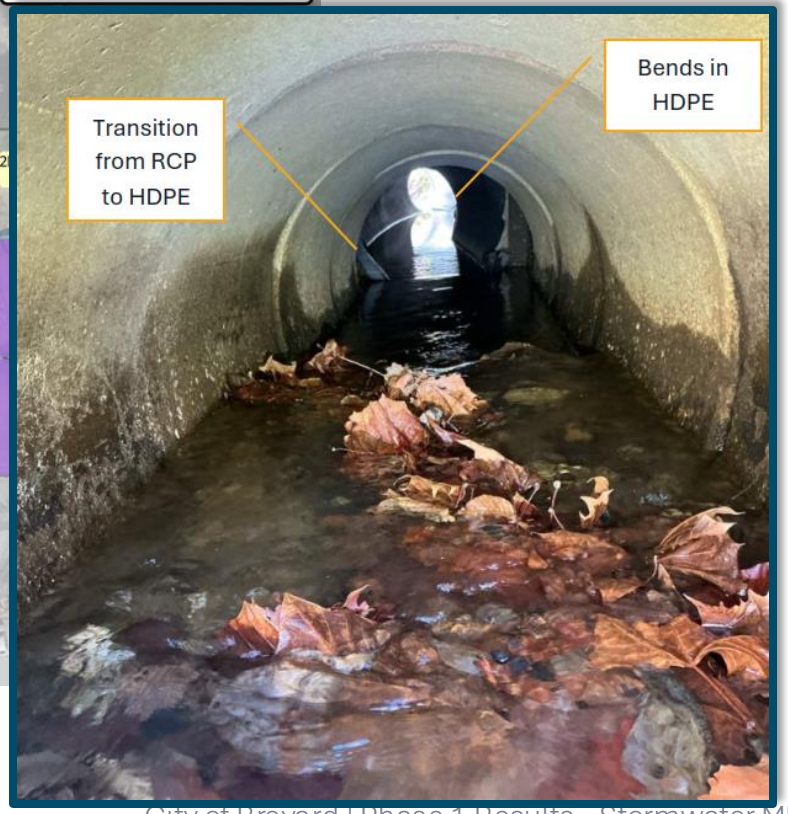
Area ID	Likelihood of Failure						LoF Score
	Hydraulic Level of Service		Material		Maintenance Access / Constructability		
Duckworth Avenue	(10)	Does Not Meet Retrofit	(10)	Metal (CMP)	(7)	Vegetation (large diameter trees > 4", shrubs, etc.)	5.7
Varsity and Gaston Street	(10)	Does Not Meet Retrofit	(10)	Metal (CMP)	(8)	Slab Top Inlets (without access)	5.8
Oakdale Street	(10)	Does Not Meet Retrofit	(1)	HDPE	(6)	Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7
44 Maple Street	(8)	Meets Retrofit	(8)	Brick	(10)	Permanent Structures (Buildings, sheds, etc.)	5.0
Oakwood Drive Neighborhood	(10)	Does Not Meet Retrofit	(10)	Metal (CMP)	(8)	Slab Top Inlets (without access)	5.8
Grove and Dogwood Street	(10)	Does Not Meet Retrofit	(10)	Metal (CMP)	(10)	Permanent Structures (Buildings, sheds, etc.)	6.0
Cherry Street Neighborhood	(10)	Does Not Meet Retrofit	(10)	Metal (CMP)	(6)	Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Ducks Drive Neighborhood	(10)	Does Not Meet Retrofit	(10)	Metal (CMP)	(10)	Permanent Structures (Buildings, sheds, etc.)	6.0
Silversteen Drive Culvert	(10)	Does Not Meet Retrofit	(10)	Metal (CMP)	(6)	Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Batson Road Culvert	(10)	Does Not Meet Retrofit	(1)	HDPE	(6)	Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7

Area ID	Consequence of Failure										CoF Score
	Proximity to Roads and Roadway Type*		Proximity to Structures*		Diameter / Pipe Size		Public Responsibility / Safety		Depth to Asset		
Duckworth Avenue	(5)	Residential / Local	(8)	Dwelling	(4)	2.00' (24")	(10)	City Right-of-Way	(6)	5'-10'	2.4
Varsity and Gaston Street	(5)	Residential / Local	(6)	Utility Infrastructure	(4)	2.00' (24")	(10)	City Right-of-Way	(1)	0'-5'	1.8
Oakdale Street	(8)	Collector / 2 Lane Thoroughfare	(6)	Utility Infrastructure	(5)	2.50' (30")	(10)	City Right-of-Way	(6)	5'-10'	2.5
44 Maple Street	(0)	Private	(8)	Dwelling	(6)	3.00' (36")	(5)	Private Property not within Easement (City benefit)	(6)	5'-10'	2.1
Oakwood Drive Neighborhood	(5)	Residential / Local	(6)	Utility Infrastructure	(7)	3.50' (42")	(10)	City Right-of-Way	(1)	0'-5'	2.1
Grove and Dogwood Street	(5)	Residential / Local	(8)	Dwelling	(4)	2.00' (24")	(10)	City Right-of-Way	(6)	5'-10'	2.4
Cherry Street Neighborhood	(5)	Residential / Local	(6)	Utility Infrastructure	(10)	Greater than 6.00' / Box Culvert	(10)	City Right-of-Way	(8)	10'-12'	3.1
Ducks Drive Neighborhood	(0)	Private	(8)	Dwelling	(1)	1.00' (12")	(5)	Private Property not within Easement (City benefit)	(1)	0'-5'	1.1
Silversteen Drive Culvert	(5)	Residential / Local	(6)	Utility Infrastructure	(8)	5.00 (60")	(10)	City Right-of-Way	(6)	5'-10'	2.7
Batson Road Culvert	(5)	Residential / Local	(6)	Utility Infrastructure	(5)	2.50' (30")	(10)	City Right-of-Way	(8)	10'-12'	2.6

Existing Conditions Results

Batson Road Culvert





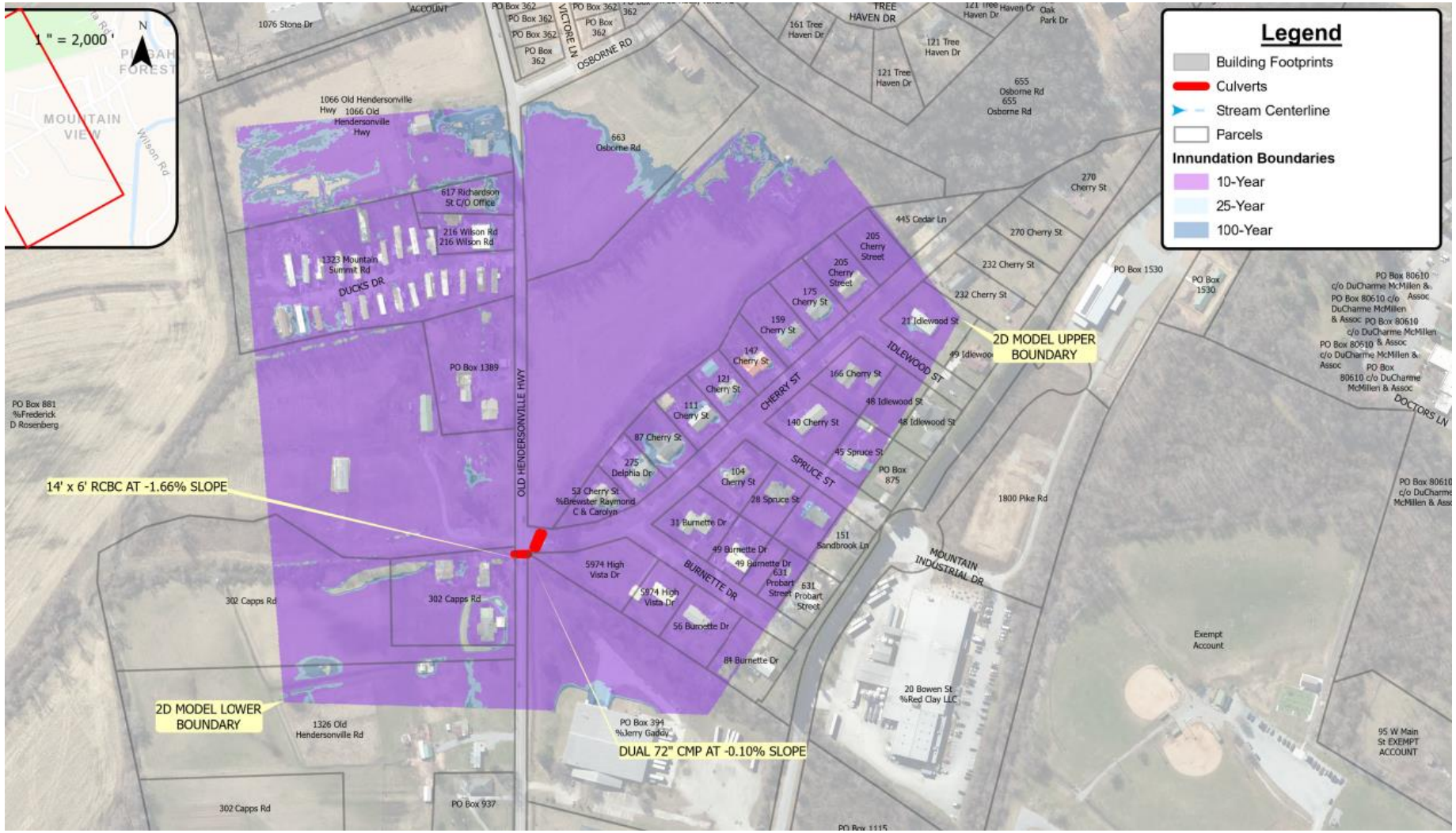
Existing Conditions Results

Area ID	Likelihood of Failure			
	Hydraulic Level of Service	Material	Maintenance Access / Constructability	LoF Score
Duckworth Avenue	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(7) Vegetation (large diameter trees > 4", shrubs, etc.)	5.7
Varsity and Gaston Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Oakdale Street	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7
44 Maple Street	(8) Meets Retrofit	(8) Brick	(10) Permanent Structures (Buildings, sheds, etc.)	5.0
Oakwood Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Grove and Dogwood Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Cherry Street Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Ducks Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Silversteen Drive Culvert	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Batson Road Culvert	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7

Area ID	Consequence of Failure					
	Proximity to Roads and Roadway Type*	Proximity to Structures*	Diameter / Pipe Size	Public Responsibility / Safety	Depth to Asset	CoF Score
Duckworth Avenue	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Varsity and Gaston Street	(5) Residential / Local	(6) Utility Infrastructure	(4) 2.00' (24")	(10) City Right-of-Way	(1) 0'-5'	1.8
Oakdale Street	(8) Collector / 2 Lane Thoroughfare	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(6) 5'-10'	2.5
44 Maple Street	(0) Private	(8) Dwelling	(6) 3.00' (36")	(5) Private Property not within Easement (City benefit)	(6) 5'-10'	2.1
Oakwood Drive Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(7) 3.50' (42")	(10) City Right-of-Way	(1) 0'-5'	2.1
Grove and Dogwood Street	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Cherry Street Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(10) Greater than 6.00' / Box Culvert	(10) City Right-of-Way	(8) 10'-12'	3.1
Ducks Drive Neighborhood	(0) Private	(8) Dwelling	(1) 1.00' (12")	(5) Private Property not within Easement (City benefit)	(1) 0'-5'	1.1
Silversteen Drive Culvert	(5) Residential / Local	(6) Utility Infrastructure	(8) 5.00 (60")	(10) City Right-of-Way	(6) 5'-10'	2.7
Batson Road Culvert	(5) Residential / Local	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(8) 10'-12'	2.6

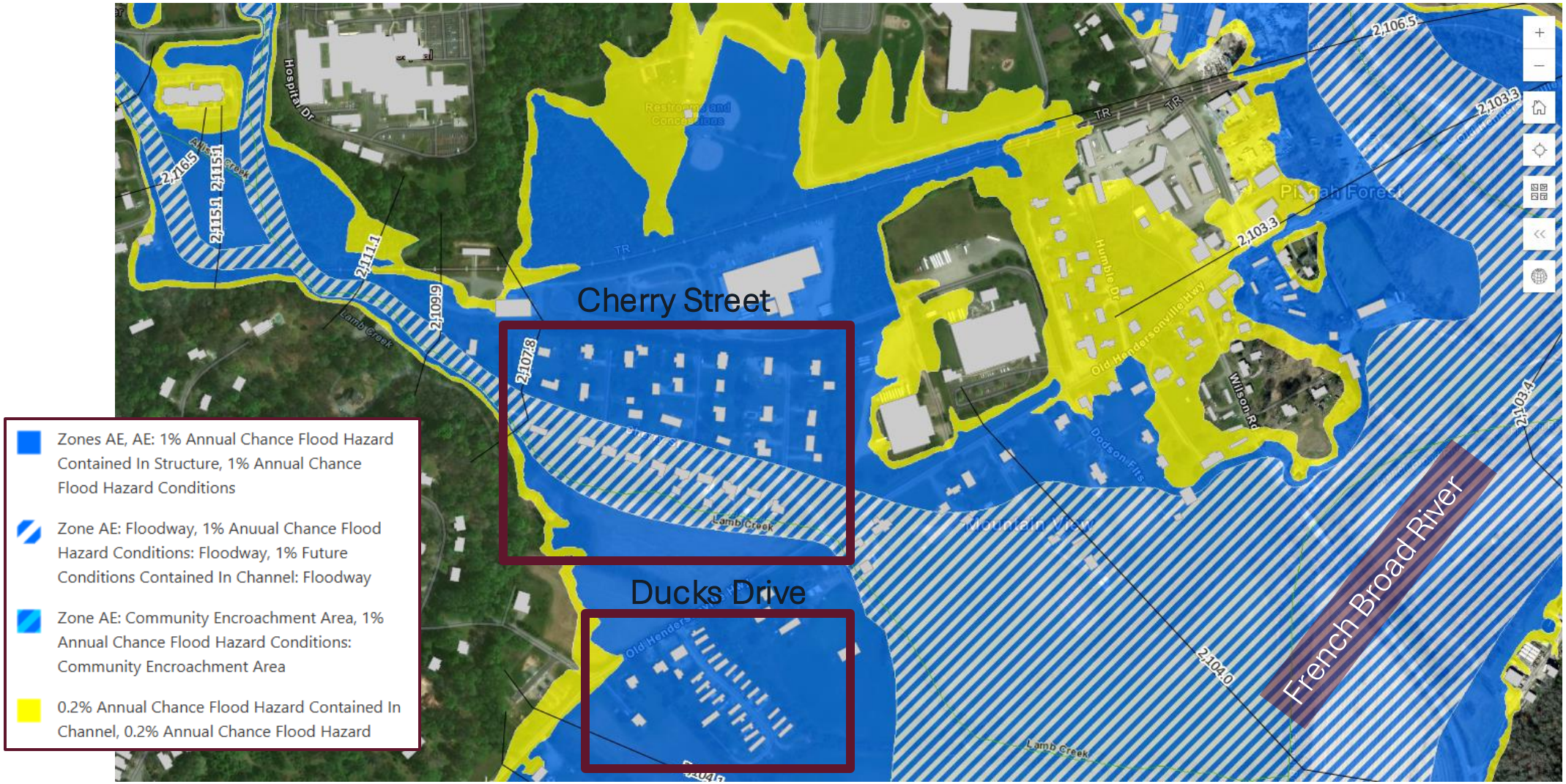
Existing Conditions Results

Cherry Street and Ducks Drive Neighborhoods



Existing Conditions Results

Cherry Street and Ducks Drive Neighborhoods – FEMA Floodplain



Existing Conditions Results

Area ID	Likelihood of Failure			
	Hydraulic Level of Service	Material	Maintenance Access / Constructability	LoF Score
Duckworth Avenue	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(7) Vegetation (large diameter trees > 4", shrubs, etc.)	5.7
Varsity and Gaston Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Oakdale Street	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7
44 Maple Street	(8) Meets Retrofit	(8) Brick	(10) Permanent Structures (Buildings, sheds, etc.)	5.0
Oakwood Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Grove and Dogwood Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Cherry Street Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Ducks Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Silversteen Drive Culvert	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Batson Road Culvert	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7

Area ID	Consequence of Failure					
	Proximity to Roads and Roadway Type*	Proximity to Structures*	Diameter / Pipe Size	Public Responsibility / Safety	Depth to Asset	CoF Score
Duckworth Avenue	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Varsity and Gaston Street	(5) Residential / Local	(6) Utility Infrastructure	(4) 2.00' (24")	(10) City Right-of-Way	(1) 0'-5'	1.8
Oakdale Street	(8) Collector / 2 Lane Thoroughfare	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(6) 5'-10'	2.5
44 Maple Street	(0) Private	(8) Dwelling	(6) 3.00' (36")	(5) Private Property not within Easement (City benefit)	(6) 5'-10'	2.1
Oakwood Drive Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(7) 3.50' (42")	(10) City Right-of-Way	(1) 0'-5'	2.1
Grove and Dogwood Street	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Cherry Street Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(10) Greater than 6.00' / Box Culvert	(10) City Right-of-Way	(8) 10'-12'	3.1
Ducks Drive Neighborhood	(0) Private	(8) Dwelling	(1) 1.00' (12")	(5) Private Property not within Easement (City benefit)	(1) 0'-5'	1.1
Silversteen Drive Culvert	(5) Residential / Local	(6) Utility Infrastructure	(8) 5.00 (60")	(10) City Right-of-Way	(6) 5'-10'	2.7
Batson Road Culvert	(5) Residential / Local	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(8) 10'-12'	2.6





Flood Resiliency vs Stormwater Infrastructure

Prioritization Results

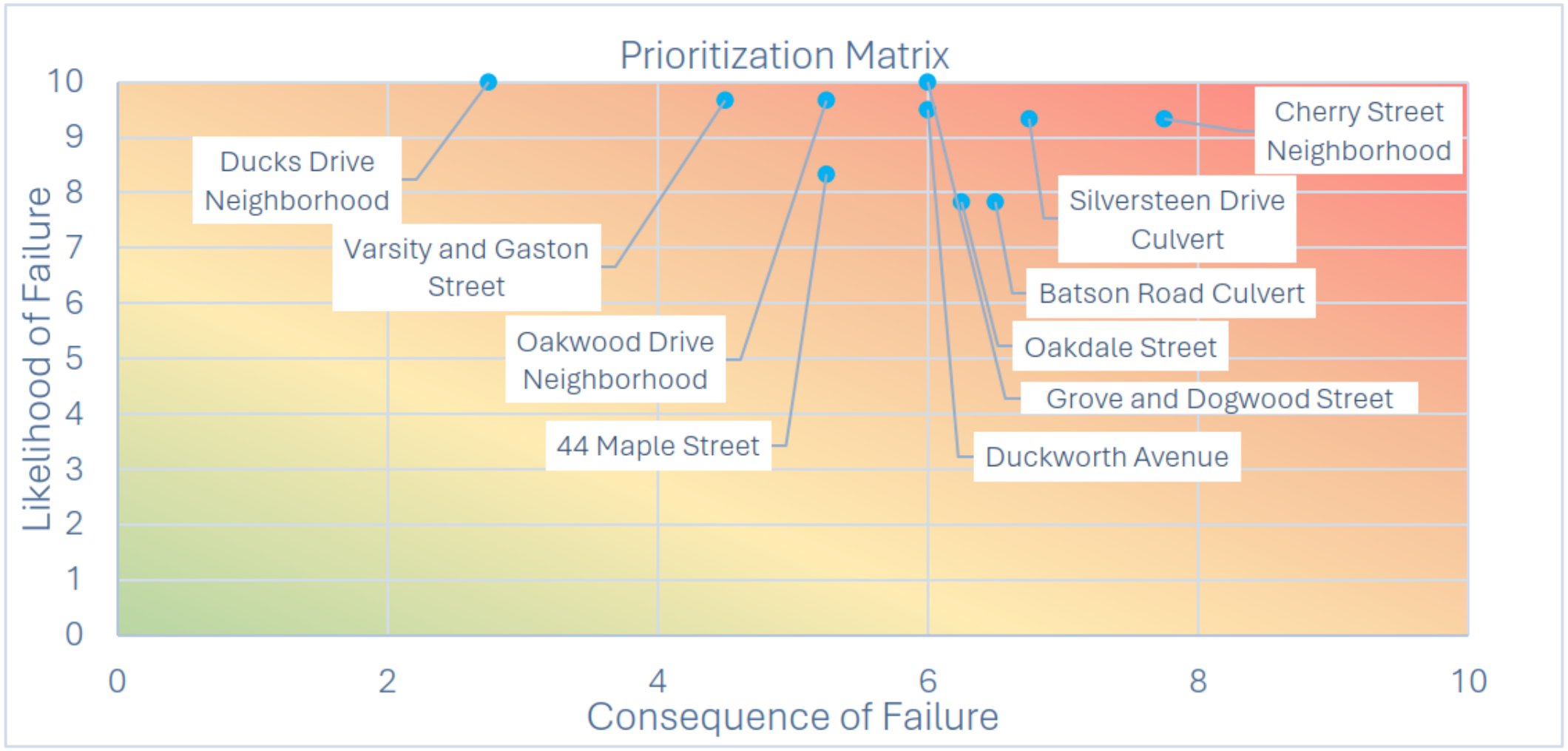


Figure 1: Prioritization Matrix – PWS Results

Prioritization Results

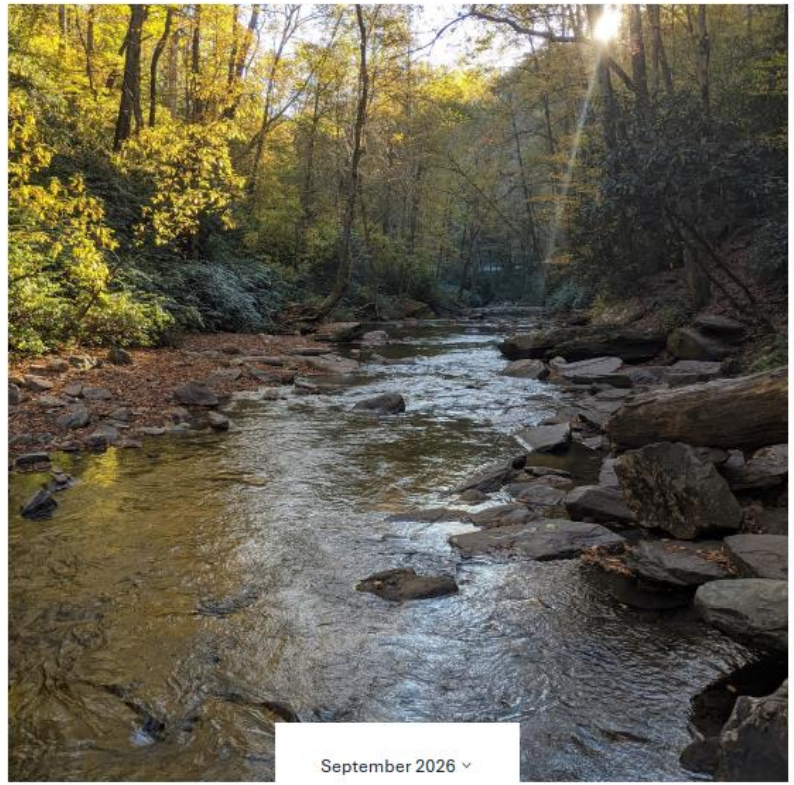
Table 1: Prioritization scoring overview

Hot Spot Area	Total Score	Priority Ranking
Cherry Street Neighborhood	8.7	1
Grove and Dogwood Street	8.4	2
Silversteen Drive Culvert	8.3	3
Duckworth Avenue	8.1	4
Oakwood Drive Neighborhood	7.9	5
Varsity and Gaston Street	7.6	6
Batson Road Culvert	7.3	7
Oakdale Street	7.2	8
44 Maple Street	7.1	9
Ducks Drive Neighborhood	7.1	10

Stormwater Master Plan – Phase 2

Phase 2 (Schematic Design and Funding)
(FY 27: July 2026 – June 2027)

- Preliminary Design Phase
  - Project Management + Administration
- Existing Conditions Analysis
  - Environmental Regulations - Equinox
- Engineering Concept + Design Plans
  - Preliminary Plans + Alternatives
  - Stormwater Infrastructure O&M
- Policy + Program Recommendations
  - Identification of Funding Opportunities
  - Stormwater ERU Analysis



McAdams

Thank you









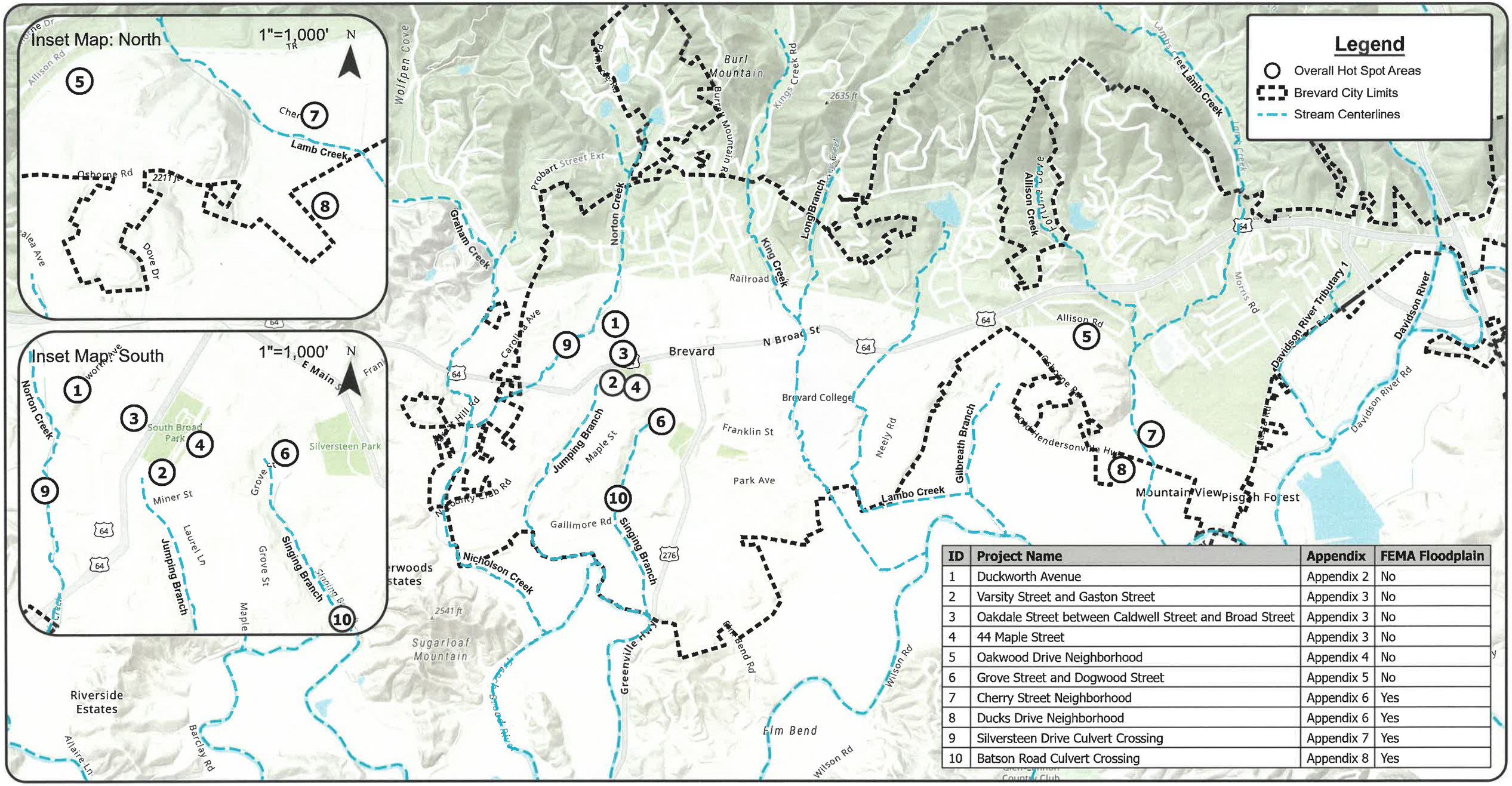












ID	Project Name	Appendix	FEMA Floodplain
1	Duckworth Avenue	Appendix 2	No
2	Varsity Street and Gaston Street	Appendix 3	No
3	Oakdale Street between Caldwell Street and Broad Street	Appendix 3	No
4	44 Maple Street	Appendix 3	No
5	Oakwood Drive Neighborhood	Appendix 4	No
6	Grove Street and Dogwood Street	Appendix 5	No
7	Cherry Street Neighborhood	Appendix 6	Yes
8	Ducks Drive Neighborhood	Appendix 6	Yes
9	Silversteen Drive Culvert Crossing	Appendix 7	Yes
10	Batson Road Culvert Crossing	Appendix 8	Yes

N

0 2,000 4,000 Feet

1"=2,000'

OVERALL PROJECT LOCATION MAP
EXHIBIT 1.1

BREVARD WATERSHED MASTER PLAN
PROJECT #: CYB25002
BREVARD, NORTH CAROLINA

McAdams

EXISTING INFRASTRUCTURE PRIORITIZATION SCORING
APPENDIX 1.3.A

Hot Spot Area	Consequence of Failure	Consequence of Failure / 10	Likelihood of Failure	Likelihood of Failure / 10	Total Score	Product Weighted Score	Priority Ranking
Cherry Street Neighborhood	3.1	7.8	5.6	9.3	8.7	72.33	1
Grove and Dogwood Street	2.4	6.0	6	10.0	8.4	60.00	2
Silversteen Drive Culvert	2.7	6.8	5.6	9.3	8.3	63.00	3
Duckworth Avenue	2.4	6.0	5.7	9.5	8.1	57.00	4
Oakwood Drive Neighborhood	2.1	5.3	5.8	9.7	7.9	50.75	5
Varsity and Gaston Street	1.8	4.5	5.8	9.7	7.6	43.50	6
Batson Road Culvert	2.6	6.5	4.7	7.8	7.3	50.92	7
Oakdale Street	2.5	6.3	4.7	7.8	7.2	48.96	8
44 Maple Street	2.1	5.3	5	8.3	7.1	43.75	9
Ducks Drive Neighborhood	1.1	2.8	6	10.0	7.1	27.50	10

	Likelihood of Failure			
Area ID	Hydraulic Level of Service	Material	Maintenance Access / Constructability	LoF Score
Duckworth Avenue	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(7) Vegetation (large diameter trees > 4", shrubs, etc.)	5.7
Varsity and Gaston Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Oakdale Street	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7
44 Maple Street	(8) Meets Retrofit	(8) Brick	(10) Permanent Structures (Buildings, sheds, etc.)	5.0
Oakwood Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(8) Slab Top Inlets (without access)	5.8
Grove and Dogwood Street	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Cherry Street Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Ducks Drive Neighborhood	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(10) Permanent Structures (Buildings, sheds, etc.)	6.0
Silversteen Drive Culvert	(10) Does Not Meet Retrofit	(10) Metal (CMP)	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	5.6
Batson Road Culvert	(10) Does Not Meet Retrofit	(1) HDPE	(6) Adjacent to Above Ground Utility Infrastructure / Power Poles	4.7

	Consequence of Failure					
Area ID	Proximity to Roads and Roadway Type*	Proximity to Structures*	Diameter / Pipe Size	Public Responsibility / Safety	Depth to Asset	CoF Score
Duckworth Avenue	(5) Residential / Local	(8) Dwelling	(4) 2.00' (24")	(10) City Right-of-Way	(6) 5'-10'	2.4
Varsity and Gaston Street	(5) Residential / Local	(6) Utility Infrastructure	(4) 2.00' (24")	(10) City Right-of-Way	(1) 0'-5'	1.8
Oakdale Street	(8) Collector / 2 Lane Thoroughfare	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(6) 5'-10'	2.5
44 Maple Street	(0) Private	(8) Dwelling	(6) 3.00' (36")	(5) Private Property not within Easement (City benefit)	(6) 5'-10'	2.1
Oakwood Drive Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(7) 3.50' (42")	(10) City Right-of-Way	(1) 0'-5'	2.1
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Cherry Street Neighborhood	(5) Residential / Local	(6) Utility Infrastructure	(10) Greater than 6.00' / Box Culvert	(10) City Right-of-Way	(8) 10'-12'	3.1
Ducks Drive Neighborhood	(0) Private	(8) Dwelling	(1) 1.00' (12")	(5) Private Property not within Easement (City benefit)	(1) 0'-5'	1.1
Silversteen Drive Culvert	(5) Residential / Local	(6) Utility Infrastructure	(8) 5.00 (60")	(10) City Right-of-Way	(6) 5'-10'	2.7
Batson Road Culvert	(5) Residential / Local	(6) Utility Infrastructure	(5) 2.50' (30")	(10) City Right-of-Way	(8) 10'-12'	2.6

LIKELIHOOD OF FAILURE				
	Parameter	Weight %	Description	Score
LOF	Hydraulic Level of Service	40%	Does Not Meet Retrofit	10
			Meets Retrofit	8
			Meets City Design Standards (CDS)	3
			Meets Capital Design Standard	1

McAdams Comments

Hydraulic Level of Service is reflective of the hydraulic capacity of the analyzed system. The application of actual storm/rainfall data or more in-depth hydrologic and hydraulic analysis will determine whether an asset is meeting City Design Standards, a reduced level of service, or a lower/failing level of service.

Closed Conduits:
Retrofit = Capacity for 2-year storm intensities
City Design Standard = Capacity for 10-year storm intensities
Capital Design Standard = Capacity for 25-year storm intensities
Culvert Crossings:
Retrofit = Capacity for 10-year storm intensities
City Design Standard = Capacity for 25-year storm intensities
Capital Design Standard = Capacity for 100-year storm intensities

LIKELIHOOD OF FAILURE				
	Parameter	Weight %	Description	Score
LOF	Material	10%	Metal (CMP)	10
			Brick	8
			VCP	8
			Stone	8
			Steel (DIP)	6
			Other	5
			HDPE	1
			Concrete	1
			Did not Inspect	0

McAdams Comments

Material parameter is intended to supplement the physical integrity parameter by accounting for the design life of multiple asset materials, most notably the shorter lifespan and reduced resiliency of metal and clay pipes. It is assumed if the material for an asset is stone, the installation date exceeds the expected life of the asset.

LIKELIHOOD OF FAILURE				
	Parameter	Weight %	Description	Score
LOF	Maintenance Access / Constructability	10%	Permanent Structures (Buildings, sheds, etc.)	10
			Blind Junction	10
			Slab Top Inlets (without access)	8
			Vegetation (large diameter trees > 4", shrubs, etc.)	7
			Public Tap-Ins	6
			Adjacent to Above Ground Utility Infrastructure / Power Poles	6
			Fencing (all types)	5
			No Access Ladder	5
			Ingress / Egress Vegetation < 4"	4
			N/A	0

McAdams Comments

Maintenance Access / Constructability is intended to reflect the general access to an asset during construction activity or routine inspection. Regular maintenance of stormwater assets increases their lifespan and minimizes the need for replacement or repairs. If replacement or repairs are required, this parameter reflects specific difficulties in removal and replacement of existing stormwater infrastructure. Effective access supports asset preservation and ease in constructability.

CONSEQUENCE OF FAILURE				
	Parameter	Weight %	Description	Score
COF	*Proximity to roads and roadway type	5%	3 & 6 Lane Thoroughfare	10
			4-Lane Thoroughfare	10
			Emergency Route	10
			Collector / 2 Lane Thoroughfare	8
			Residential / Local	5
			Private	0

McAdams Comments

Proximity to roads and roadway type can be indicative of population density, economic activity, average daily traffic, and heavy truck traffic. In general, the consequences of asset failure under a thoroughfare tend to be greater than under a local road. Consideration of the location of flood impacts since flooding does not necessarily occur at the location of the asset (an undersized pipe on private property may back up water and contribute to street flooding.)

Note that the higher value of "Proximity to Roads and Roadway Type" and "Proximity of Structures" totals 10% and the highest score is taken for prioritization.

CONSEQUENCE OF FAILURE				
	Parameter	Weight %	Description	Score
COF	*Proximity to structures	5%	Critical Facility	10
			FFE Principal Structure	8
			Dwelling	8
			Utility Infrastructure	6
			Right-of-Way	5
			Sidewalk	4
			Driveway / Private Garage	4
			Attached Garage	3
			Detached Garage	3
			Crawl Space	3
			HVAC	3
			Open Space / Lawn	0
			Non-City Owned	0

McAdams Comments

Proximity to structures can be indicative of whether vertical structures (typically homes) are prone to flooding or physical damage due to the sink holes and other subsurface voids near a structure's foundation. Is asset under or within the zone of influence of a city-maintained road. Consideration of the location of flood impacts since flooding does not necessarily occur at the location of the asset (an undersized pipe on private property may back up water and contribute to structure flooding.)

Note that the higher value of "Proximity to Roads and Roadway Type" and "Proximity of Structures" totals 10% and the highest score is taken for prioritization.

CONSEQUENCE OF FAILURE				
	Parameter	Weight %	Description	Score
COF	Diameter / Pipe Size	10%	Greater than 6.00' / Box Culvert	10
			6.00' (72")	9
			5.50' (66")	9
			5.00 (60")	8
			4.50' (54")	8
			4.00' (48")	7
			3.50' (42")	7
			3.00' (36")	6
			2.50' (30")	5
			2.00' (24")	4
			1.50' (18")	4
			1.25' (15")	3
			1.00' (12")	1
			Less than 1.00' (12")	1

McAdams Comments

Diameter/Pipe Size: Pipes are categorized based on diameter (largest dimension for non-circular pipes) with larger pipe sizes receiving greater Consequence of Failure consideration. Drainage structures are scored based on the largest incoming or outgoing pipe asset.

CONSEQUENCE OF FAILURE				
	Parameter	Weight %	Description	Score
COF	Public Responsibility / Safety	10%	City Right-of-Way	10
			Private Property within Easement	10
			Private Property not within Easement (City benefit)	5
			NCDOT Right-of-Way	3
			Private Property not within Easement (no benefit)	0

McAdams Comments

Public responsibility reflects whether an asset is within the City right-of-way, within a City storm drainage easement, or on private property; and whether the asset maintenance is beneficial to the overall City drainage system. Furthermore, these categories are indicative of potential City liabilities and the magnitude of residents that could potentially be at risk.

CONSEQUENCE OF FAILURE				
	Parameter	Weight %	Description	Score
COF	Depth to Asset	10%	> 12'	10
			10'-12'	8
			5'-10'	6
			0'-5'	1
			Did not inspect	0

McAdams Comments

Depth to Asset: Pipes are categorized based on the maximum depth of upstream and downstream drainage structures/ end treatments with deeper pipes receiving greater Consequence of Failure consideration.

STAFF REPORT
City Council, Monday, November 16, 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.

Council held a public hearing on this matter at their October 19, 2026 meeting.

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. The subject parcel was connected in August of this year, and 125 Grey Havens (outside the ETJ) was connected in September.

The record indicates that Council approved utility extension to the property in 1994 at the request of Transylvania County after wells in the area were contaminated by flooding from Tropical Storm Beryl. The 1994 record refers to the area in question as falling "within a designated planning area as identified by the City's comprehensive water plan." The utilities were physically extended later in the 1990s. Later records indicate that the area where the property sits was folded into the ETJ in March 2010 (Ordinance No. 1-10; Plat File 14/Slide 11).

At the public hearing, Council requested Staff investigate other options besides being removed from the ETJ available to the applicant to facilitate replacing the second home on the site. The only option is requesting a variance from Section 2.3.A of the UDO which states "No development shall contain more than **one** principal building per lot." Variances cannot be granted for the subdivision requirements discussed above.

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.

The City does not have a policy that governs removal of properties from the ETJ. At the request of Council, staff offers a draft policy (attached) for consideration.

Action
Council's action options are:

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
4. ETJ Removal Policy (draft)
5. Enacting Ordinance


ROBIN CREST DR
SONG BIRD LN
CEMETERY RD
CEMETERY RD
CEMETERY RD
DAVIDSON RIVER CEMETARY RD
JESSIE MACKEY RD
JESSIE MACKEY RD
(1 of 3)
8597-82-4493-000
OWNER_NAME Rogers Jeff
ADDRESS_1
ADDRESS_2
ADDRESS_3 142 Deavor Rd
CITY Pisgah Forest
STATE NC
ZIP_CODE 28768
DEED_BK 00445
PAGE 0133
SALE_PRICE 0.000000
SALE_DATE 199903
COUNTY_ID T401F01008 02
FIREDIST FR02
Zoom to
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.
100 200ft
82.6908 35.2667 Degrees
NC CGIA

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

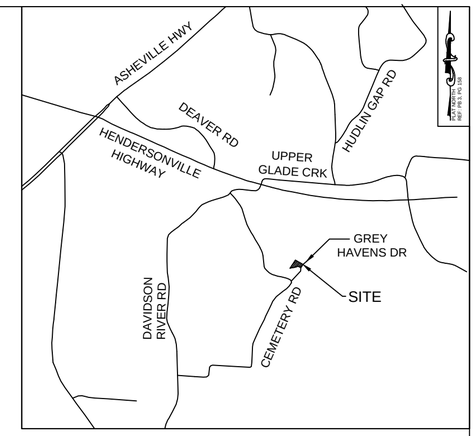
SITE DATA:

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

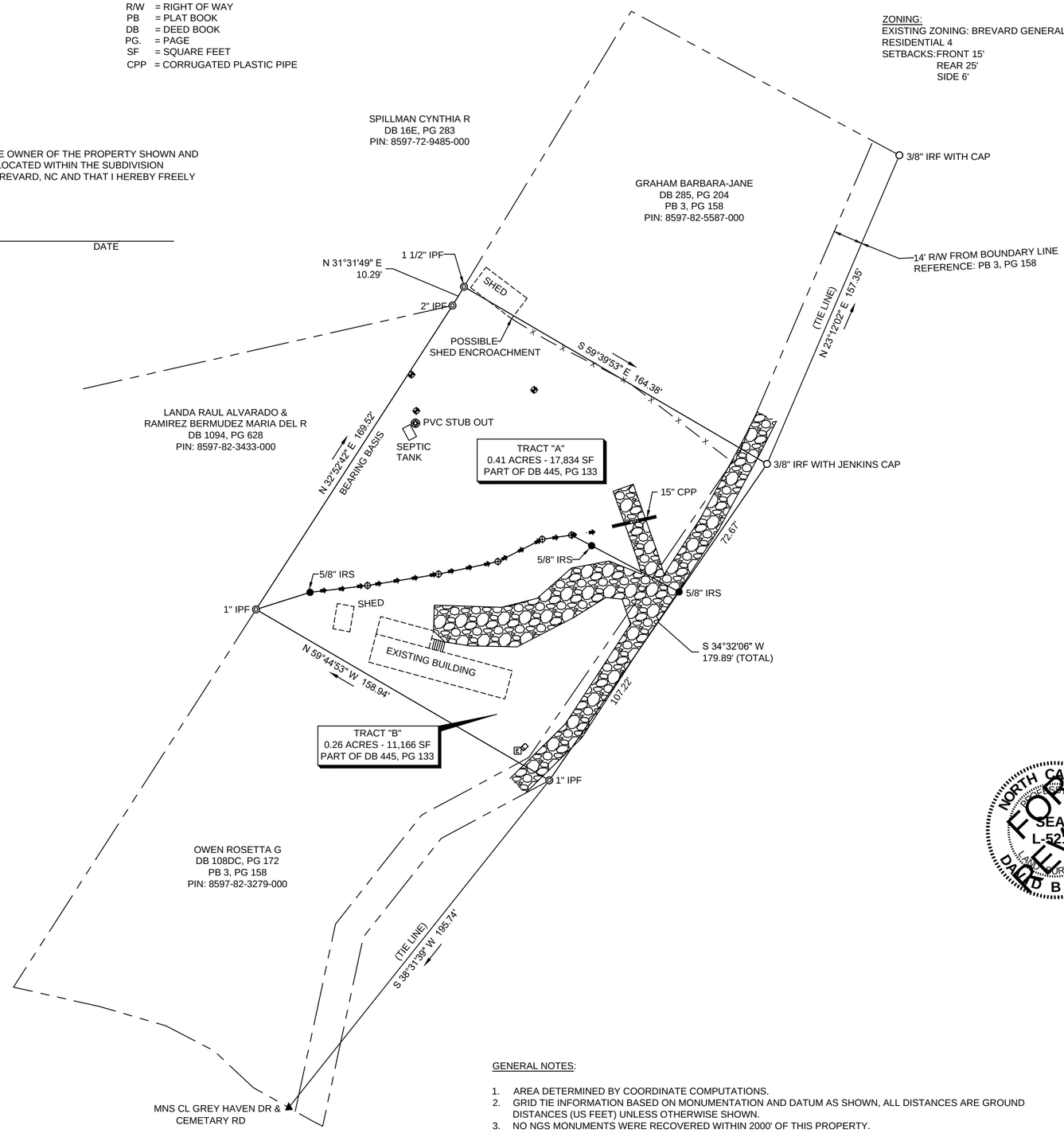


VICINITY MAP
1" = 2000'

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: Jeff Rogers 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]

CITY OF BREVARD

EXTRATERRITORIAL JURDISDICTION REMOVAL

Adopted Date:

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DRAFT

General Policy

I. Policy Statement

It is the policy of the City of Brevard to judiciously consider requests to remove property from the City's extraterritorial jurisdiction (ETJ). Requests for removal shall be submitted to staff and evaluated according to these guidelines; removal requests shall only be granted by City Council.

II. Definitions

a. **Extraterritorial Jurisdiction** refers to the area outside the corporate limits over which the City of Brevard's Unified Development applies, more specifically described in Appendix D of the Brevard Code of Ordinances. This power is derived via NCGS 160A-360.
b. **Major development corridor** refers to Hwy 276, Hwy 64, and Wilson Rd.

III. Eligibility

Eligible properties include:

a. Properties adjacent to the ETJ's boundary as of July 1, 2026. A property is not eligible if its removal creates a "donut hole" in the ETJ.
b. Properties zoned residential.
c. Properties not along a major development corridor.

Other considerations:

d. Properties with City utilities are typically not eligible for removal.
    i. Exceptions will be granted for properties granted access to City utilities at the request of Transylvania County Public Health Department.
        1. Properties who receive this exception must agree not to redevelop the property to a higher intensity use
e. Applicants are encouraged to obtain the written consent of neighboring property owners, as the presence of the ETJ gives them protections from unregulated development.

IV. Procedure

a. Property owners shall apply with the City of Brevard Planning Department for removal.
b. Applicants shall be subject to the same application requires as properties wishing to annex into the City, which includes:
    i. Plat
    ii. $500 "ETJ Modification" fee

c. The Planning Administrator shall research the property and, within 10 business days, determine its eligibility according to these guidelines.
d. The Planning Administrator will notify ineligible properties and the application shall be considered closed. Properties ineligible for removal shall have their modification fee refunded.
e. Eligible properties will be scheduled for a public hearing at the soonest eligible City Council meeting where public notification requirements can be met.
f. It is the City Council's typical practice to make decisions on Public Hearing items at its next regular meeting.

DRAFT

ORDINANCE NO. 2026-XX

AN ORDINANCE TO MODIFY THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BREVARD, NORTH CAROLINA

WHEREAS, the Brevard City Council has been petitioned under N.C.G.S. 160D-202, to modify the boundary of its extraterritorial jurisdiction, as described herein, and,

WHEREAS, the City Council held a public hearing on this petition on October 19, 2026; and,

WHEREAS, the City Council, after hearing all persons wishing to comment on the proposed boundary modification, desires to enact the modification as requested and described herein; and

WHEREAS, N.C.G.S. 160D-202(h) provides that when a city relinquishes its extraterritorial jurisdiction the city development regulations and powers of enforcement shall remain in effect until (i) the county has adopted such development regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner.

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

Section 1. By virtue of the authority granted by N.C.G.S. 160D-202, all of that property, 55 Grey Havens Drive owned by Jeff Rogers, as shown and being that property described in the deed recorded in Document Book 445, Pages 133-135 in the Transylvania County Register of Deeds which is attached hereto and incorporated by reference, and further identified by PIN 8597-82-4493-000, is hereby relinquished from the City of Brevard extraterritorial jurisdiction.

Section 2. Upon and after Monday, January 11, 2027, the above-described property shall no longer be subject to the zoning ordinances and regulations of the City of Brevard.

Adopted and approved this the 16th 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 16, 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. On November 2nd, City Council held a public hearing on the matter.

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
Staff requests 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 16, 2026

Title:	Architectural Firm Selection for Co-Ed Cinema Renovation
Speaker:	Stephanie Holland, Planner
Prepared by:	David Todd, Assistant City Manager, Stephanie Holland, Planner
Approved by:	Wilson Hooper, City Manager

Background
The City of Brevard's historical Co-Ed Cinema was originally constructed in 1939. This cinema is located in the heart of downtown Brevard and sits adjacent to the site of Brevard's first theater, the Clemson Theater. The Clemson Theater closed in 1956 and was demolished in the late 90s. Prior to demolition the bright red ticket booth was salvaged from the Clemson Theater and relocated to the Co-Ed Cinema. The classic marquee and bright red ticket booth of the Co-Ed are now iconic features of downtown Brevard.

In January 2026, an arctic blast moving through Brevard resulted in a waterline located in an abandoned apartment in the upper floors, now attic, of the Co-Ed Theater freezing and breaking. Upon thawing, the waterline break resulted in substantial damage to the theater, requiring closure and a massive remediation and abatement effort.

Following this abatement and remediation work, it has become necessary to renovate portions of the building and, where necessary, bring the building up to current N.C. Building Codes.

In addition to the remediation work, an architectural and engineering assessment/report of the facility was conducted. This assessment revealed deficiencies throughout the building both related and not related to the water damage.

Given the extent of damage, and the general age and condition of the building, the City is seeking the services of a qualified architectural firm to assist with the following tasks:

- Determine the required level of renovation to reopen the theater.
- Determine costs associated with renovating or reconstructing the theater at Level 1(Renovation), Level 2(Alteration), and Level 3(Reconstruction).
- Develop a full set of construction drawings for all needed disciplines.

Discussion
In keeping with North Carolina's General Statute G.S. 143-64.31 also known as the "Mini Brooks Law", an RFQ for this project was advertised for 30 days and 8 firms submitted. A Committee consisting of David Todd, Assistant City Manager; Stephanie Holland, Planner; and Chase Owen, Fire Chief, reviewed the submittals and worked to shortlist the firms.

The eight firms that submitted qualification packages are as follows:

- AB Group of Charlottle, NC
- Form and Function Architecture of Asheville, NC
- Fuller Architecture of Mocksville, NC
- Invision of Asheville, NC
- LaBella of Asheville, NC
- May Collaborative of Brevard, NC
- McMIllan Padzan Smith of Asheville, NC
- Sizemore Group of Asheville, NC

After reviewing the proposals, the Committee decided to interview four of the firms.

- AB Group of Charlottle, NC
- Form and Function Architecture of Asheville, NC
- LaBella of Asheville, NC
- McMIllan Padzan Smith of Asheville, NC

Based on several elements such as qualifications, past experience performing similar work, prior experience with the City of Brevard, whether the design or engineering firm represents a local business entity, and other relevant factors. The firms were determined as qualified and then ranked in priority order. Based on the interviews and qualification packages, the recommended firms in priority order are Labella of Asheville, NC, Form and Function Architecture of Asheville, NC, and A. B. Group of Charlottle, NC.

Fiscal Impact
At this time, staff are not sure of the fiscal impact of this project. Staff will not know the actual cost to develop the design until it has negotiated a fee and scope of work with the designer. Once a fee is known, staff will return to Council with a recommended funding strategy.

Action
The Interview Committee requests City Council's approval of the recommended firms and delegation from Council for city staff to begin negotiations per North Carolina's General Statute G.S. 143-64.31. City Staff will negotiate a contract for desired services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best-qualified firm.

Attachments:
1. Resolution Approving Designer Selection for the Co-Ed Cinema Renovation

RESOLUTION NO. 2026-XX

A RESOLUTION APPROVING DESIGNER SELECTION FOR THE CO-ED CINEMA RENOVATION AS PER NORTH CAROLINA GENERAL STATUE G.S. 143-64.31

WHEREAS, the City Council of Brevard, NC has determined that it is in the best interests of the City to determine renovation needs and associated costs for the Co-Ed Cinema; and

WHEREAS, G.S. 143-64.31 (referred to as the "Mini Brooks Act") and the FLAP Grant require the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee; and,

WHEREAS, the City Staff has issued Request for Qualifications ("RFQs") to obtain the services of qualified designers and engineering firms for the project; and

WHEREAS, the City established a Committee consisting of David Todd, Assistant City Manager; Stephanie Holland, Planner; and Chase Owen, Fire Chief ("The Committee") that has carefully evaluated each response to the RFQ utilizing a number of criteria as specified by the North Carolina State Construction Office rules and guidelines including such elements as qualifications, prior experience with the City of Brevard, whether the design or engineering firm represents a local business entity, and other relevant factors; and

WHEREAS, The Committee has selected and interviewed three qualified designers or architectural firms and recommends them in priority order: LaBella Associates of Asheville, NC, Form and Function Architecture of Asheville, NC, and A.B. Group of Charlottle NC. ("Recommended Designers"); and

WHEREAS, the City Council is charged by the State of North Carolina with the authority and responsibility to approve the selection of designers and engineers for projects in the City of Brevard, NC; and

WHEREAS, The Committee recommends approval by City Council of the Recommended Designers for the Co-Ed Cinema Renovation Project.

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

Section 1. City Council hereby approves the Recommended Designers.

Section 2. The City Manager, or his designee, is authorized to select one of the Recommended Designers in priority order, and to execute a design agreement dependent on successful negotiations, for the Co-Ed Cinema Renovation Project.

Adopted and approved this 16th day of November 2026.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC, NCCMC
City Clerk