



**CITY COUNCIL  
BUSINESS MEETING ACTION AGENDA  
KANNAPOLIS CITY HALL  
401 LAUREATE WAY, KANNAPOLIS, NC  
JULY 28, 2025  
6:00 PM**

**Please Turn off Cell Phones or Place on Silent Mode.**

**CALL TO ORDER AND WELCOME**

**MOMENT OF SILENT PRAYER AND PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions**

**RECOGNITIONS**

- A. **RESOLUTION:** Motion to approve Resolution Dedicating the Gem Theatre Balcony in Honor of Walter M. "Wally" Safrit II **APPROVED** (Mike Legg, City Manager, Darrell Hinnant, Mayor)
- B. **RESOLUTION** - Motion to approve Resolution Renaming "Walter M. Safrit Park" to "Safrit Park" **APPROVED** (Mike Legg, City Manager, Darrell Hinnant, Mayor)
- C. Ceremonial Swearing-In of New Police Officers (Terry Spry, Chief of Police, Chris Hill, Deputy Chief)

**PROCLAMATIONS**

- A. Parks & Recreation Month (Darrell Hinnant, Mayor)

**CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions**

- A. **AGREEMENT** - FY 26 Rowan-Cabarrus YMCA and City of Kannapolis Agreement **MOVED TO ITEM G OF BUSINESS AGENDA AND APPROVED** (Tina Cline, Assistant City Manager)
- B. **APPROVAL** - Establishment of criteria to utilize design-build method for construction of a fire training tower **APPROVED** (Tracy Winecoff, Fire Chief)
- C. **ORDINANCE** - Motion to approve an Ordinance amending Chapter 17: *Water and Sewers* of the City's Code of Ordinances **APPROVED** (Michael Rattler, Director of Transportation & Environmental Services)
- D. **ORDINANCE** - Motion to approve an Ordinance amending the budget to appropriate funds for workers' compensation settlement. **APPROVED** (Daniel Jenkins, Assistant Human Resources Director)

- E. **FEE SCHEDULE** - Establishing fees and charges for Fiscal Year 2025-2026  
**APPROVED** (Mike Legg, City Manager, Brian Roberts, Finance Director)
- F. **AGREEMENT** - 6-month extension of the federal advocacy services agreement with  
Strategics Consulting through December 31, 2025. **APPROVED** (Mike Legg, City  
Manager)
- G. **MINUTES** - July 14, 2025 Closed Session Minutes **APPROVED** (Pam Scaggs, City  
Clerk)

### **BUSINESS AGENDA**

- A. **PUBLIC HEARING AND ORDER** - Request to consider withdrawal from dedication  
a portion of the old Vance Street right-of-way between 304 and 310 Vance Street  
**APPROVED** (Richard Smith, Planning Director)
- B. **PUBLIC HEARING** - Voluntary Annexation (A-2025-07) of approximately 0.26 +/-  
acres of noncontiguous property located at 5911 Charleston Avenue **APPROVED**  
(Richard Smith, Planning Director)
- C. **PUBLIC HEARING AND ORDER** - Request to consider withdrawal from dedication  
a portion of right-of-way known as Charles Babbage Lane **APPROVED**  
  
(Richard Smith, Planning Director)
- D. **AGREEMENT** - Joint Venture Agreement with Downtown Kannapolis, Inc.  
**APPROVED** (Mike Legg, City Manager)
- E. **APPROVAL** - FY 2025-26 CDBG Nonprofit Funding Recommendations  
**APPROVED** (Sherry Gordon, Community Development Program Administrator)
- F. **APPOINTMENT** - Recommend appointment of ETJ member to the Board of  
Adjustment **APPROVED** (Richard Smith, Planning Director)

### **CITY MANAGER REPORT**

### **CITY COUNCIL COMMENTS**

### **SPEAKERS FROM THE FLOOR**

### **CLOSED SESSION**

- A. **MOTION** - To enter into closed session in accordance GS. 143-318.11 (a) (3) to  
consult with an attorney in order to preserve the attorney client privilege and G.S.  
143.318.11 (a) (4) for discussing matters relating to the location or expansion of  
industries or businesses in the area (Mayor Pro tem Berry)

### **MOTION TO ADJOURN**

**ADA Notice**

In accordance with Title II of the Americans with Disabilities Act (ADA), any person requiring an accommodation to participate in a function or program of the City of Kannapolis should contact Daniel Jenkins, Assistant Human Resources Director & ADA Coordinator by phone at 704-920-4312, email [adacoordinator@kannapolisnc.gov](mailto:adacoordinator@kannapolisnc.gov), or in person at Kannapolis City Hall as soon as possible, but not later than forty-eight (48) hours prior.

**CITY OF KANNAPOLIS  
CITY COUNCIL  
BUSINESS MEETING MINUTES  
July 28, 2025**

A business meeting of City Council of the City of Kannapolis, North Carolina was held on Monday, July 28, 2025, at 6:00 P.M., at Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

**CITY COUNCIL MEMBERS PRESENT:**

Council Members: Darrell Hinnant, Mayor  
Doug Wilson  
Jeanne Dixon  
Dianne Berry, Mayor Pro tem  
Tom Kincaid  
Darrell Jackson  
Ryan Dayvault

Council Members Absent: None

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

Assistant City Manager: Tina Cline

Assistant City Manager: Wilmer Melton

City Attorney: Andrew Kelly

City Clerk: Pam Scaggs

|                |                         |                     |
|----------------|-------------------------|---------------------|
| Staff Present: | Terry Spry              | Kirk Beard          |
|                | Richard Smith           | Carson Purvis       |
|                | Gary Mills              | Tracy Winecoff      |
|                | Irene Wong              | Sherry Gordon       |
|                | Chris Hill              | Alex Anderson       |
|                | Kristin Jones           | Michael Rattler     |
|                | Betsy Barnette          | Sam Monahan         |
|                | Annette Privette-Keller | Brian Roberts       |
|                | Gerald Faulkner         | Cameron Blackwelder |
|                | Gabriel Chandler        | Xavier Gonzalez     |
|                | Ethan Ratliff           | Hudson Skinner      |
|                | Eric Velazquez          |                     |

|                   |                |                |
|-------------------|----------------|----------------|
| Visitors Present: | Wally Safrit   | Lynne Safrit   |
|                   | Elizabeth Bull | Miller Safrit  |
|                   | Zach Erwin     | Tonda Childers |
|                   | Phil Goodman   | Jayne Williams |



|                  |                  |
|------------------|------------------|
| Joe Hatley       | Naomi Hatchell   |
| John Middleton   | Aaron Atkins     |
| Stacey Atkins    | Pam Smith        |
| Caleb Falls      | Tom Richardson   |
| Jamie Richardson | Sophia Wilkerson |
| Larie Paxton     | Marty Paxton     |
| Dalton Paxton    | Mary Paxton      |
| Boylen Hudson    | Lynda Ray        |
| Melvin Ray       | Josh Teague      |
| Alicia Awling    | Vivie Malcucci   |
| April Evans      | Donna Taylor     |
| Mark Spitzer     | Ron Flanders     |
| Roxanne Statei   | Donald Council   |
| Kyler Dapper     | Chris York       |
| Janet Smith      |                  |

## **CALL TO ORDER AND WELCOME**

Mayor Hinnant called the meeting to order and welcomed all in attendance. He led a moment of silent prayer, followed by the Pledge of Allegiance by Councilmember Dayvault.

## **ADOPTION OF AGENDA**

Mayor Hinnant called for a motion regarding the Agenda. Councilmember Jackson made the motion to approve, second by Councilmember Dixon and the motion was unanimously approved.

## **RECOGNITIONS**

### **Walter “Wally” M. Safrit, II**

Mayor Hinnant and Mike Legg presented former City Attorney, Wally Safrit, with the Order of the Long Leaf Pine, one of North Carolina’s highest civilian honors, in recognition of his decades of extraordinary service to the City of Kannapolis. This prestigious award acknowledges individuals who have made significant contributions to the state and their communities. Mayor Hinnant stated that Mr. Safrit’s legacy in Kannapolis is extensive and foundational, citing among his many achievements: that he helped write the City’s charter, facilitated the transfer of essential services such as the water and sewer systems from Cannon Mills to the newly incorporated City, and played a key role in establishing both the Kannapolis Police and Fire Departments. He mentored every mayor in the City's history and guided the structure and operation of City Council meetings from the outset.

During the economic challenges following the decline and eventual bankruptcy of Cannon Mills, Mr. Safrit was instrumental in navigating legal and strategic decisions for the City. He supported the transition when the mill was purchased by David Murdock, helped develop Kannapolis’s role in the North Carolina Research Campus, and was pivotal in implementing tax increment financing, a first for the state, to support its development. Mr. Safrit also played a central role in consolidating City departments into the Kannapolis City Hall and in legally structuring the purchase and revitalization of the Mill Village. His contributions over 41 years have helped transform Kannapolis from a mill town to a thriving city, all while providing steady leadership through periods of uncertainty and growth.

1 As part of the recognition for Mr. Safrit, City Council approved two resolutions honoring his decades  
2 of exceptional service to the City of Kannapolis and his family's lasting legacy in the community.  
3 The first Resolution (#2025-57 Dedicating Gem Theatre Balcony in Honor of Walter M. "Wally"  
4 Safrit II)(Copy included as Exhibit A), dedicates the balcony of the Gem Theatre in Mr. Safrit's honor.  
5 In addition to being a lifelong resident of Kannapolis with a deep connection to the Gem Theatre, he  
6 played a critical role in the preservation and acquisition of the Gem Theater building and business,  
7 helping to ensure that it remains a family-friendly, low-cost entertainment venue for the community.  
8 Motion to approve Resolution #2025-57 was made by Councilmember Wilson, second by  
9 Councilmember Dayvault and the motion was unanimously approved. Following the vote, Mr. Legg  
10 and Mayor Hinnant presented Mr. Safrit with a commemorative plaque dedicating the balcony of the  
11 Gem Theatre in his honor which will be permanently installed at the theatre.

12  
13 The second Resolution, (#2025-58 Renaming Walter M. Safrit Park)(Copy included as Exhibit B)  
14 renames Walter M. Safrit Park to "Safrit Park", to honor the contributions of the entire Safrit family.  
15 Originally named for Mr. Safrit's father, who served for many years with the YMCA, the new  
16 designation reflects the family's ongoing impact on Kannapolis. Motion to approve Resolution #2025-  
17 58 was made by Councilmember Jackson, second by Councilmember Kincaid and the motion was  
18 unanimously approved.

19  
20 Mayor Hinnant read a February 25, 1981 newspaper article provided by Mr. Safrit's son, Miller,  
21 recounting his grandfather's career and retirement from the YMCA.

#### 22 23 **Police Officers Ceremonial Oath of Office**

24 Deputy Police Chief Chris Hill introduced six of the City's newest police officers, each having  
25 recently completed nearly 900 hours of an updated and more rigorous Basic Law Enforcement  
26 Training (BLET) program. Chief Hill called forward Officers Cameron Blackwelder, Gabriel  
27 Chandler, Xavier Gonzalez, Ethan Ratliff, Hudson Skinner, and Eric Velazquez, who were  
28 administered the ceremonial Oath of Office by City Clerk Pam Scaggs.

#### 29 30 **PROCLAMATION**

31 Mayor Hinnant read a Proclamation recognizing the month of July as Parks and Recreation month.  
32 He presented the Proclamation to Director of Parks and Recreation, Gary Mills.

#### 33 34 **CONSENT AGENDA**

35 Councilmember Wilson requested that Consent Item A, *FY25 Rowan-Cabarrus YMCA and City of*  
36 *Kannapolis Agreement*, be moved to the Business Agenda as Item G. Mayor Hinnant called for a  
37 motion regarding the revised Consent Agenda. Councilmember Dixon made the motion to approve,  
38 second by Mayor Pro tem Berry and the motion was unanimously approved.

39  
40 FY25 Rowan-Cabarrus YMCA and City of Kannapolis Agreement (Tina Cline, Assistant City  
41 Manager) (Copy included as Exhibit C-Unanimously approved to be moved to the Business Agenda  
42 as Item G).

43  
44 Approval – Establishment of criteria to utilize the design-build method for construction of a fire  
45 training tower (Tracy Winecoff, Fire Chief) (Copy included as Exhibit D).

1 Ordinance amending Chapter 17: Water and Sewers of the City's Code of Ordinances (Michael  
2 Rattler, Director of Transportation & Environmental Services) (Copy included as Exhibit E).

3  
4 Ordinance amending the budget to appropriate funds for workers' compensation settlement (Daniel  
5 Jenkins, Assistant Human Resources Director) (Copy included as Exhibit F).

6  
7 Establishing fees and charges for Fiscal Year 2025-2026 (Mike Legg, City Manager) (Copy included  
8 as Exhibit G)

9  
10 6-month Extension of the Federal Advocacy Services Agreement with Strategics Consulting through  
11 December 31, 2025. (Mike Legg, City Manager) (Copy included as Exhibit H).

12  
13 Minutes: July 14, 2025 Closed Session Minutes (Pam Scaggs, City Clerk) (Copy included as Exhibit  
14 I)

## 15 16 BUSINESS AGENDA

### 17 **Public Hearing and Order – Request to consider withdrawal from dedication a portion of the** 18 **old Vance Street right-of-way between 304 and 310 Vance Street (Richard Smith, Planning** 19 **Director) (Copy included as Exhibit J).**

20 Richard Smith, Planning Director, presented a request to permanently close an unused portion of an old  
21 right-of-way (ROW) on Vance Street. Mr. Smith clarified that the closure pertains only to the former  
22 alignment of the street, which was abandoned with the intersection of Vance Street and Dale Earnhardt  
23 Boulevard was realigned and that the existing Vance Street ROW and roadway are not affected by the  
24 closure. He utilized a map to illustrate the specific area proposed for closure as well as a Metes and  
25 Bounds Survey to define the boundaries. Mr. Smith stated that staff is recommending approval of the  
26 closure and offered to answer questions.

27  
28 Mayor Pro tem Berry questioned the purpose of the closure. Mr. Smith responded that the future  
29 developer requested the closure to eliminate the unused ROW that crosses a proposed building site.

30  
31 Councilmember Dixon commented that she visited the site and confirmed that the proposed area  
32 appears to be used as some sort of alley and is not part of the road network.

33  
34 There being no additional questions or comments, Mayor Hinnant opened the Public Hearing which  
35 was then closed without comment.

36  
37 Councilmember Jackson made the motion to approve the Order closing the old ROW on Vance Street,  
38 second by Councilmember Wilson and the motion was unanimously approved.

### 39 40 **Public Hearing – Voluntary Annexation (A-2025-07) of approximately 0.26 +/- acres of** 41 **noncontiguous property located at 5911 Charleston Avenue (Richard Smith, Planning Director)** 42 **(Copy included as Exhibit K).**

43 Mr. Smith presented details for a voluntary annexation request involving approximately 0.26 +/- acres  
44 of noncontiguous property located at 5911 Charleston Avenue in the Fishertown area. He noted that  
45 nearby properties are already within City limits and that the annexation was initiated by the property  
46 owner.

1 With no further questions or comments, Mayor Hinnant opened the Public Hearing which was then  
2 closed without comment. A motion to approve the annexation was made by Councilmember  
3 Kincaid, second by Councilmember Dayvault and unanimously approved by Council.

4 **Public Hearing and Order – Request to consider withdrawal from dedication a portion of right-**  
5 **of-way known as Charles Babbage Lane (Richard Smith, Planning Director) (Copy included as**  
6 **Exhibit L).**

7 Mr. Smith provided details for a request from the property owner and future developer to close a  
8 portion of ROW located on Charles Babbage Lane. He explained that the proposed closure is intended  
9 to serve as a traffic calming measure and that the area will be incorporated into an amenity area  
10 featuring a dog park and pickle ball court. Mr. Smith provided a map and survey to illustrate the  
11 location of the ROW and made himself available for questions.

12  
13 There being no additional questions or comments, Mayor Hinnant opened the Public Hearing which  
14 was then closed without comment. Councilmember Kincaid made the motion to approve the requested  
15 ROW closure, second by Councilmember Dixon and the motion was unanimously approved. .

16  
17 **Agreement – Joint Venture Agreement with Downtown Kannapolis, Inc. (Mike Legg, City**  
18 **Manager) (Copy included as Exhibit M).**

19 Mr. Legg presented a proposed joint venture agreement between the City of Kannapolis and  
20 Downtown Kannapolis Inc. (DKI), a group of downtown businesses formed to support and promote  
21 the downtown area. As downtown revitalization continues through public and private investment, this  
22 partnership seeks to strengthen coordinated efforts around events, marketing, and overall promotion  
23 to help take downtown Kannapolis to the next level.

24  
25 The agreement outlines the respective roles of the City and DKI with the City contributing \$100,000  
26 (approved in the current budget) to support downtown events and marketing. Of this amount, the City  
27 will manage \$95,200 to cover marketing, staffing, and up to four major downtown events. The  
28 remaining \$4,800 will be provided as a matching grant to DKI for smaller promotional activities (e.g.,  
29 sidewalk sales). Any unused funds at year-end may be reappropriated for the following fiscal year.  
30 The City will also assign a part-time communications staff member to manage a downtown-wide  
31 website, calendar, newsletter, and social media (not for individual businesses) for the collective  
32 downtown area. Additionally, Parks and Recreation staff will coordinate major events and collaborate  
33 with DKI on event planning and budgeting. In turn, DKI will provide broad business representation,  
34 coordinate marketing with city staff, recruit volunteers, support major event partnerships, and develop  
35 business-focused promotions that do not require City resources.

36  
37 This is a one-year agreement, with the potential to renew annually or evolve into a multi-year  
38 agreement, depending on future Council direction. Mr. Legg noted that several capital improvement  
39 items related to downtown enhancements (previously discussed with the DKI Board) will be brought  
40 to Council in the near future for consideration. He directed Council to the agreement included in the  
41 agenda packet to illustrate the downtown area which generally encompasses the area within the  
42 original Municipal Service District (MSD). Mr. Legg concluded by offering to answer any questions  
43 from Council.

44  
45 In response to a question from Councilmember Dixon, Mr. Legg clarified that the part-time  
46 Communications and Parks & Recreation positions included in the joint venture agreement with DKI  
47 are new roles, not reassignments. These positions were already approved as part of the FY26 budget.

1 While the intent is to hire new part-time staff to support downtown events and marketing, existing  
2 staff may temporarily assist due to the late start in August. He noted that the first year will serve as a  
3 learning period for both the City and DKI, with expectations that the process will become more  
4 efficient in subsequent years.  
5

6 Councilmember Jackson expressed support for moving forward with the current joint venture  
7 agreement between the City and DKI, emphasizing the importance of maintaining consistency as the  
8 downtown approaches its busy third and fourth quarters. He acknowledged the City's significant  
9 investment in the initiative and noted that the plan, as presented, appears to address key needs from a  
10 retailer's perspective. Councilmember Jackson added that if a better approach emerges in the future,  
11 it should be considered, but for now, the program should remain intact.  
12

13 Councilmember Dayvault voiced his support for the joint venture agreement with DKI, noting he felt  
14 more confident in this version than previous iterations, particularly because the City retains control  
15 over the majority of the funding. He commended Mr. Falls and others for their efforts to revitalize  
16 the long-inactive organization and welcomed the City's decision to allocate \$4,800 as a seed fund for  
17 DKI-led promotional events. However, he raised a concern regarding a clause on page 5, Item C of  
18 the agreement, which requires DKI's endorsement for major downtown events before a special event  
19 permit can be submitted to the City. He viewed this as an unnecessary layer of bureaucracy that could  
20 deter businesses from hosting their own events. Since the City already serves as the special event  
21 permitting authority, he suggested removing this requirement to avoid creating barriers for local  
22 businesses. Despite this concern, he reiterated his overall support for the agreement.  
23

24 Councilmember Berry asked whether funding for DKI-supported events had already begun,  
25 referencing events that may have taken place earlier in the year. Mr. Legg clarified that the funding  
26 associated with the joint venture agreement officially begins in August and runs through the end of  
27 the fiscal year in June. A new funding cycle would then start on July 1st of the following year. He  
28 noted that due to the late start, the initial implementation would rely on this newly established funding  
29 timeline.  
30

31 Councilmember Wilson asked for an estimate of how many downtown businesses are currently DKI  
32 members. Mr. Legg responded that there are approximately 40 to 50 businesses in the area, with about  
33 25 currently participating in DKI—roughly 50% to 60%. He noted that many businesses appear to be  
34 waiting to see how the agreement plays out before committing. Councilmember Wilson also  
35 questioned whether the staffing responsibilities outlined in the agreement could be absorbed by  
36 existing personnel rather than adding new positions. Mr. Legg agreed this was a valid consideration  
37 and clarified that the new roles are part-time, allowing for flexibility. He emphasized that during the  
38 first year, an “all-hands-on-deck” approach would likely be necessary, with support from existing  
39 staff across departments. However, having designated point people for marketing and events  
40 coordination is key to ensuring organization and consistency.  
41

42 Councilmember Dayvault asked about the makeup of the DKI board and whether there had been  
43 progress in ensuring its structure fairly represented the geographic and business diversity of  
44 downtown Kannapolis. Mr. Legg responded that while the current bylaws remain broad, DKI is open  
45 to adjusting its structure adding that a committee has been formed to explore changes that would  
46 promote broader representation. He noted that since the City is funding the initiative, it retains  
47 leverage to encourage such adjustments over time if needed. Councilmember Dayvault revisited his

1 earlier concern about a clause in the agreement that would require DKI endorsement before a  
2 downtown business could apply for a major event permit. Mr. Legg clarified that this requirement  
3 was intended to prevent outside groups, unaffiliated with downtown, from organizing disruptive  
4 events without input from local stakeholders. However, he agreed that if this clause became a barrier  
5 to downtown businesses planning their own events, it could be revisited. Councilmember Dayvault  
6 clarified his point, suggesting the language should explicitly exclude downtown businesses from that  
7 requirement, allowing them to independently apply for events without an additional layer of approval.  
8

9 Councilmember Jackson emphasized that one of the most important aspects of the joint venture  
10 agreement is the creation of a dedicated coordinator to unify and streamline efforts across downtown.  
11 He noted the importance of aligning promotions and planning, such as with the baseball team and  
12 other events, so that everyone is working together toward a consistent message and shared goals.  
13

14 Councilmember Dixon encouraged both the City and DKI to make a focused effort to engage and  
15 market to downtown businesses that have not yet joined DKI. She emphasized the importance of  
16 ensuring those businesses understand the benefits of membership and are given the opportunity to  
17 participate.  
18

19 Mayor Pro tem Berry asked about the breakdown and management of the \$100,000 in funding,  
20 including the \$4,800 matching grant. Mr. Legg responded that roughly half of the total budget is  
21 allocated for staffing support, such as event coordination and marketing, while the other half supports  
22 actual event costs and marketing materials. KI will collaborate with City staff to develop detailed  
23 budgets for each event; however, all funds will be managed and disbursed by the City, which will  
24 directly handle vendor payments and related expenses. He emphasized that this first year will serve  
25 as a trial to determine if the funding levels and structure are appropriate moving forward.  
26 Councilmember Dayvault noted that, in practice, the City has already been leading the majority of  
27 downtown events, aside from a few large-scale ones hosted by outside groups like race organizers or  
28 sports teams. He emphasized that this new joint venture with DKI essentially formalizes and  
29 restructures efforts the City has long been managing, by shifting those responsibilities and associated  
30 costs into a more defined organizational partnership.  
31

32 Mayor Hinnant expressed strong support for the DKI agreement, noting that downtown business  
33 owners are ready to engage but are waiting on the City to act. He praised DKI's leadership for  
34 focusing its efforts and emphasized the need for the City to step aside and allow the organization to  
35 build momentum. He called for a motion to authorize the city manager to execute the agreement.  
36 Councilmember Dayvault agreed with Mayor Hinnant's sentiment that the City should step back and  
37 not hinder downtown businesses and emphasized the importance of allowing business owners to  
38 operate freely while the City provides support. He made the motion to authorize the City Manager to  
39 execute the Agreement, second by Councilmember Jackson and the motion was unanimously  
40 approved.  
41

42 City Attorney Andrew Kelly asked for clarification that Councilmember Dayvault made the motion  
43 to approve the Agreement as it is written or if he made the motion with the change he previously  
44 suggested to Page 5, Item C of the Agreement. Councilmember Dayvault responded that while he  
45 suggested the revision, the current Agreement is acceptable as-is, and any necessary changes could  
46 be addressed in the future. The motion to authorize the City Manager to execute the agreement was  
47 affirmed and passed unanimously.

**Approval – FY 2025-26 CDBG Non-profit Funding Recommendations. (Sherry Gordon, Community Development Program Administrator) (Copy included as Exhibit N).**

Sherry Gordon, Community Development Program Administrator, presented the FY25–26 Community Development Block Grant (CDBG) funding recommendations following review by the Community Improvement Commission (CIC). She explained that the City may allocate up to 15% of its \$380,894 CDBG grant for nonprofit public service activities benefiting low- and moderate-income residents. An additional \$60,000 in program income from the sale of Gateway Business Park parcels increased the available funding to approximately \$116,000 for distribution to organizations focused on homelessness, behavioral health, and early childhood education. The CIC reviewed 23 applications and recommended funding for 19 organizations:

1. \$30,000 - AYA House (Funds will be used to support transitional housing program for men and women reentering community and substance use prevention).
2. \$5,000 – Big Brothers Big Sisters (Funds will be used to support mentoring programs with focus on mental health strategies for upward mobility).
3. \$5,000 – Cabarrus Partnership for Children (Funds will be used for public safety services such as car seats, parental education, etc.).
4. \$5,000 – Cabarrus Health Alliance (Comprehensive dental services to Title I KCS).
5. \$5,000 – Classroom Central (Mobile free store program to provide school supplies to KCS teachers).
6. \$5,000 – Conflict Resolution (Funds to support Teen Court and truancy program).
7. \$5,000 – CCM (Funds to support individuals in crisis pay utility and prevent evictions).
8. \$5,000 – Dream Create Grow (Funds to support therapy service and equipment for local children and families).
9. \$5,000 – Elder Orphan Care (Funds to be used to support mobile pantry and household items for seniors).
10. \$2,500 – Faith Fellowship (Funds to feed homeless as well as provide transportation to doctor appointments, etc.).
11. \$5,000 – Families First (Funds for home based program for childcare needs).
12. \$2,500 – Main Street Market (Funds to support healthy food market and job opportunities for Getting Ahead Graduates).
13. \$5,000 – Midway Opportunity House (Funds for day shelter for homeless).
14. \$5,000 – Peek Next Gen (Funds for afterschool program with community service component).
15. \$5,000 – Present Age Ministries (Funds for human trafficking prevention program in schools).
16. \$5,000 – Prosperity Unlimited, Inc. (Funds for comprehensive housing counseling).
17. \$5,000 – PURE Excellence (Funds for professional development for childcare providers).
18. \$5,000 – Rowan Helping Ministries (Funds to assist with crisis program for Kannapolis Rowan County residents).
19. \$5,000 – Vision for Life (Funds to be used for mentoring program for youth along with parenting component).

Mayor Hinnant confirmed with Ms. Gordon that no additional public hearing was required for the CDBG funding decision, as a hearing had already been held on the broader allocation. Councilmembers asked clarifying questions about organization locations, eligibility, and late submissions. Notably, Habitat for Humanity withdrew its application, and the Tiny House was

ineligible due to focusing on infrastructure. One application was disqualified due to being submitted late and lacking 501(c)(3) status.

Councilmember Wilson made the motion to approve funding as recommended by the CIC, second by Councilmember Dixon and unanimously approved.

**Appointment – Recommendation appointment of ETJ member to the Board of Adjustment (Richard Smith, Planning Director) (Copy included as Exhibit O).**

Mr. Smith reported a vacancy for the ETJ position on the Board of Adjustment and requested that the Council recommend Angie McClain for appointment by the Rowan County Board of Commissioners.

A motion to recommend Angie McClain's appointment was made by Councilmember Kincaid, seconded by Mayor Pro tem Berry, and unanimously approved.

**FY26 Rowan Cabarrus (Unanimously approved to be moved from the Consent Agenda)**

Councilmember Wilson asked for clarification that the Agreement being presented is the same as the previous three to four years and if it has been endorsed by the YMCA. Mr. Legg confirmed that it remains unchanged and that the YMCA did endorse the Agreement. Councilmember Jackson asked if the dollar amount remains the same and Mr. Legg confirmed that it also remains unchanged.

Councilmember Dayvault made the motion to approve, second by Mr. Jackson, and unanimously approved.

**City Manager Report**

None.

**Council Comments**

Councilmember Dixon reported receiving a call from Kannapolis resident Janet Smith concerning a large, unhoused encampment in her neighborhood on Linda Street, as well as a recent fire near the site. She noted that Ms. Smith is present at the meeting and may wish to address the Council.

Councilmember Dayvault added that he has also received complaints about the same encampment. Additionally, he shared concerns from residents about a noticeable increase in the skunk population. He noted that while residents have contacted animal control, they were informed that skunk trapping is not provided, and professional exterminators charge approximately \$500 per animal. The issue has escalated to the point where the odor is frequently noticeable outdoors. Council discussed possible reasons for the increase in skunk activity.

**Speakers from the Floor**

Zach Irwin, a resident and downtown business employee, spoke in support of DKI and its partnership with the City [Joint Venture Agreement with DKI]. While he praised the collaboration, he expressed concern that the joint venture agreement lacks marketing support for businesses outside of DKI. He urged the Council to ensure equitable promotion for all city businesses to avoid favoritism and foster unity across the broader business community.

Aaron Atkins, addressed City Council regarding ongoing stormwater runoff issues causing erosion and flooding on his property and surrounding areas. He attributed the damage to inadequate surface



1 grading, poorly maintained ditches, and improperly installed drainage infrastructure. Despite  
2 contacting the stormwater department, no corrective action has been approved. Mr. Atkins  
3 emphasized the urgency of addressing the problem, particularly with nearby development planned,  
4 and has emailed photos to Council for review.  
5

6 Donna Taylor, a downtown business owner, expressed concern about ongoing homelessness-related  
7 issues on West Avenue, including loitering, safety risks, and instances of harassment. While she  
8 praised the efforts of the Police Department and Parks & Recreation staff, she noted the problem  
9 continues to affect her business and family's sense of safety. She urged Council to explore potential  
10 solutions or ordinances to address the issue.  
11

12 Janet Smith, addressed Council about the reappearance of a homeless encampment in the woods near  
13 her neighborhood. She referenced a similar issue in 2022, when tents were removed after enforcement  
14 by Kannapolis officers. Ms. Smith expressed concern about a recent fire and the presence of younger  
15 individuals at the site. She acknowledged Rowan County's efforts to offer shelter, though some  
16 declined due to requirements like breathalyzer tests. Given the number of older residents in the area,  
17 she requested the City's help in addressing the ongoing situation.  
18

19 **CLOSED SESSION**

20 Mayor Pro tem Berry made the motion to enter into closed session in accordance with G.S. 143-  
21 318.11 (a) (3) to consult with an attorney in order to preserve the attorney-client privilege and G.S.  
22 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or  
23 businesses in the area. Second by Councilmember Wilson and the motion was unanimously approved.  
24 7:41PM.  
25

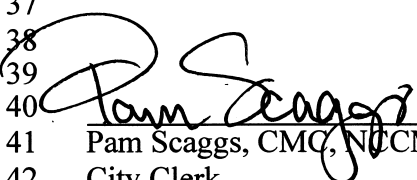
26 Council went into Closed Session at 7:41 P.M.  
27

28 **MOTION TO ADJOURN**

29 There being no further business, Councilmember Dayvault made motion to adjourn, second by  
30 Councilmember Kincaid, and the motion was unanimously approved.  
31

32 The meeting adjourned at 9:30 P.M. on Monday, July 28, 2025.  
33  
34  
35

36   
37 M. Darrell Hinnant, Mayor  
38 City of Kannapolis  
39

40   
41 Pam Scaggs, CMC, NCCMC  
42 City Clerk



## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

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**To:** Mayor and City Council

**From:** Mike Legg, City Manager, Darrell Hinnant, Mayor

**Subject:** **RESOLUTION:** Motion to approve Resolution Dedicating the Gem Theatre Balcony in Honor of Walter M. "Wally" Safrit II **APPROVED**

---

### **Recommended Action Requested by City Council**

Motion to approve Resolution Dedicating the Gem Theatre Balcony in Honor of Walter M. "Wally" Safrit II

### **Required Votes to Pass Required Action**

Presentation Only. No Action Required

### **Background**

Walter M. "Wally" Safrit II, served as the Kannapolis City Attorney for 41 years. Until earlier this year, Wally was the City's only attorney in its history and has been instrumental in much of the City's growth and development. Wally is retiring at the end of July and City Council and the City Manager will recognize and celebrate Wally's contributions to the City over the years.

### **Fiscal Implications**

None.

### **Alternate Courses of Action**

1. **Motion to approve Resolution Dedicating the Gem Theatre Balcony in Honor of Walter M. "Wally" Safrit II (Recommended).**
2. Table action to a future meeting.
3. Take no action

### **Attachments**

1. 2025-57 Resolution Dedicating Gem Theatre Balcony in Honor of Walter M. Wally Safrit II (003)

**RESOLUTION DEDICATING THE GEM THEATRE BALCONY IN HONOR OF  
WALTER M. "WALLY" SAFRIT II**

**WHEREAS**, Walter M. "Wally" Safrit II served the City of Kannapolis as its first and only City Attorney from 1985 until his retirement in 2025; and

**WHEREAS**, the Gem Theatre, first constructed in 1936, is an indisputable iconic building and business in the City of Kannapolis; and

**WHEREAS**, having grown up in Kannapolis, the Gem Theatre played a significant part of Wally Safrit's childhood and adolescence; and

**WHEREAS**, Wally Safrit's former law partner, J. Carlyle Rutledge was a longtime owner of the Gem Theatre business until his passing in 2008; and

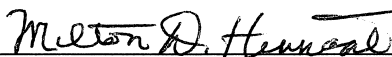
**WHEREAS**, Wally Safrit's wife Lynne Scott Safrit was a longtime executive for Castle & Cooke, the owner of the Gem Theatre building for more than 30 years; and

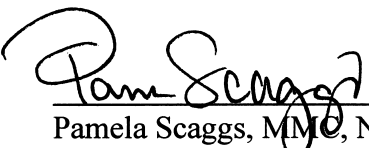
**WHEREAS**, throughout his professional life, Wally Safrit has expressed his affection for the history of the Gem Theatre and its social and cultural importance to the Kannapolis community; and

**WHEREAS**, between 2015 and 2022, in his role as the Kannapolis City Attorney, Wally Safrit played a critical role in the acquisition and preservation of the Gem Theatre building as part of the City's major downtown revitalization project as well as the acquisition of the Gem Theatre business by the City to preserve it as a family friendly, low-cost entertainment venue for the citizens of the Kannapolis community; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Kannapolis City Council hereby dedicates the iconic balcony at the Gem Theatre in honor of Walter M. "Wally" Safrit II and his numerous contributions to the preservation of the historic theatre and to his four decades of service to the greater Kannapolis community.

Adopted this 28<sup>th</sup> day of July 2025

  
Milton D. Hinnant, Mayor

  
Pamela Scaggs, MMC, NCCMC  
City Clerk



## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

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**To:** Mayor and City Council

**From:** Mike Legg, City Manager, Darrell Hinnant, Mayor

**Subject:** **RESOLUTION** - Motion to approve Resolution Renaming "Walter M. Safrit Park" to "Safrit Park" **APPROVED**

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### **Recommended Action Requested by City Council**

Motion to approve Resolution Renaming "Walter M. Safrit Park" to "Safrit Park".

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

Walter M. "Wally" Safrit II, served as the Kannapolis City Attorney for 41 years. Until earlier this year, Wally was the City's only attorney in its history and has been instrumental in much of the City's growth and development. Wally is retiring at the end of July and City Council and the City Manager will recognize and celebrate Wally's contributions to the City over the years.

### **Fiscal Implications**

None.

### **Alternate Courses of Action**

1. Motion to approve Resolution Renaming "Walter M. Safrit Park" to "Safrit Park" (Recommended).
2. Table action to a future meeting.
3. Take no action

### **Attachments**

1. 2025-58 Resoultion Renaming Walter M. Safrit Park

**RESOLUTION RENAMING “WALTER M. SAFRIT PARK” TO “SAFRIT PARK”**

**WHEREAS**, in 2001 the Kannapolis City Council approved the development of a new City park on the west-central side of Kannapolis to be named Irish Buffalo Creek Park; and

**WHEREAS**, in the summer of 2002, the Kannapolis City Council formally renamed the Irish Buffalo Creek Park to Walter M. Safrit Park; and

**WHEREAS**, Walter M. Safrit Park formally opened to the community on March 20, 2004; and

**WHEREAS**, the park’s namesake, Walter M. Safrit I, served the community over many years in various capacities at the Kannapolis YMCA, including several years as its director during which time he oversaw the YMCA becoming one of the foundational institutions in the Kannapolis community; and

**WHEREAS**, Walter M. Safrit I retired from the YMCA leaving it in a better place than when he arrived and after many happy years of retirement passed away at the age of 87 on June 14, 2003; and

**WHEREAS**, Walter M. Safrit’s son, Walter M. “Wally” Safrit II served the City of Kannapolis as its first and only City Attorney from 1986 until his retirement in 2025; and

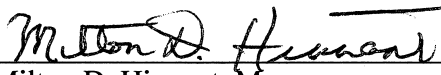
**WHEREAS**, as City Attorney Wally Safrit played an important role in the property acquisition and development of Walter M. Safrit Park; and

**WHEREAS**, Wally Safrit has helped guide the City of Kannapolis through some of the most consequential events of the past half century including the City’s acquisition of its initial water and sewer infrastructure, developing the City’s first industrial park, the construction of two professional baseball stadiums, navigating several alcoholic beverage votes, advising on the City’s role in the development of the North Carolina Research Campus, construction of the first and only City Hall, and traversing the complex revitalization of the City’s downtown; and

**WHEREAS**, Wally’s wife Lynne Scott Safrit, in her role as an executive with Castle & Cooke, was instrumental in the development of the North Carolina Research Campus which has been one of the most important influences on the rebirth and revitalization of the City of Kannapolis; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Kannapolis City Council hereby renames Walter M. Safrit Park to Safrit Park to honor the long standing service and contributions of the entire Safrit family, past and present, to the growth and prosperity of the City of Kannapolis over the past 75 years.

Adopted this 28<sup>th</sup> day of July 2025

  
Milton D. Hinnant, Mayor

  
Pamela Scaggs, MMC, NCCMC  
City Clerk



## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

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**To:** Mayor and City Council  
**From:** Terry Spry, Chief of Police, Chris Hill, Deputy Chief  
**Subject:** Ceremonial Swearing-In of New Police Officers

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### **Recommended Action Requested by City Council**

None

### **Required Votes to Pass Required Action**

Presentation Only. No Action Required

### **Background**

It is my pleasure as Police Chief to formally introduce six of our newest officers and to have them ceremonially sworn into office by City Clerk Pam Scaggs. These officers recently completed Basic Law Enforcement Training. This course includes 894 hours of training, covering a variety of law enforcement topics and a comprehensive State exam at the conclusion of the course. They are currently going through the Police Department's 21-week Field Training Program and, by all accounts, are doing very well.

Cameron Blackwelder  
Gabriel Chandler  
Xavier Gonzalez  
Ethan Ratliff  
Hudson Skinner  
Eric Velazquez

### **Fiscal Implications**

None

### **Alternate Courses of Action**

None

### **Attachments**

None



## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

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**To:** Mayor and City Council  
**From:** Tina Cline, Assistant City Manager  
**Subject:** **AGREEMENT - FY 26 Rowan-Cabarrus YMCA and City of Kannapolis Agreement  
MOVED TO ITEM G OF BUSINESS AGENDA AND APPROVED**

---

### **Recommended Action Requested by City Council**

Motion to authorize the City Manager to execute the FY 26 Rowan-Cabarrus YMCA and City of Kannapolis Agreement

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

For several years, the City of Kannapolis has partnered with the Rowan-Cabarrus YMCA to provide employees of the City of Kannapolis access to YMCA recreation, health, and wellness activities as an employment benefit for employees. Full-time and part-time employees and retirees are eligible and can add their family members at a reduced employer membership rate. There are currently 746 total employees and retirees eligible for this benefit (Full-time = 441 budgeted positions, Part-time = 194 active and Retirees = 111). About 275 employees are signed up as Y members.

### **Fiscal Implications**

The agreement is set at a flat fee of City participation (\$124,000 per year). While not included in the agreement, the City commitment equates to about \$450 per year, per employee (based on the current City participation of about 275 employees and retirees). This represents a 30% discount from the standard YMCA individual membership rate. As more employees and retirees join, the per-employee cost will be lowered. Hypothetically, if 100 percent of eligible employees and retirees were to sign up for Y membership, the per-person cost to the City would be about \$166 a year - a 75% discount from the Y's standard rate.

### **Alternate Courses of Action**

1. **Motion to authorize the City Manager to execute the FY 26 Rowan-Cabarrus YMCA and City of Kannapolis Agreement (Recommended)**
2. Take no action
3. Table to a future meeting

### **Attachments**

1. Agreement Between City and Rowan Cabarrus YMCA FY 2025-26

**AGREEMENT BETWEEN THE CITY OF KANNAPOLIS  
AND ROWAN-CABARRUS YOUNG MEN'S CHRISTIAN ASSOCIATION**

THIS AGREEMENT ("Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between the City of Kannapolis, a municipal corporation of the State of North Carolina ("City"), and the Rowan-Cabarrus YOUNG Men's Christian Association a North Carolina nonprofit corporation ("YMCA").

**RECITALS**

WHEREAS, in order to provide its employees and City of Kannapolis Local Government Employees Retirement System (LGERS) retired employees (retirees) an opportunity for health and wellness activities and programs the City desires to enter into an agreement with the YMCA to promote and provide memberships as an employment benefit for City employees and their families; and

WHEREAS, the City has recognized the experience and expertise of the YMCA in conducting programs for individuals and families at its branches in Rowan and Cabarrus Counties and in providing recreational, health and wellness programs for adults and youth; and

WHEREAS, the employees and retirees of the City will derive substantial benefits from the activities and programs to be provided and conducted by the YMCA for members and program participants through membership privileges, at other YMCA's in the Rowan-Cabarrus areas and nationally where City employees work or travel; and

WHEREAS, pursuant to the provisions of North Carolina General Statutes Section 160A-162(b) the City may provide fringe benefits for its employees and additional corporations.

NOW THEREFORE, in consideration of the covenants and provisions contained in this Agreement, the City and the YMCA hereby agree as follows:

1. City shall provide an employee and retiree benefit option ("Benefit") to all of its present and future full-time and regular part-time employees and City of Kannapolis LGERS retired employees during the City's fiscal year 2025-2026 beginning on or before July 1, 2025 and ending June 30, 2026 (the "Term") consisting of approximately 750 eligible employees and retirees.
  - (a) YMCA to provide all corporate membership benefits to City employees (i.e. fitness assessments, training consultation, group exercise classes, etc.) and retired employees.
2. YMCA shall accept membership for all eligible City employees and retirees at a single adult membership classification. Additional fees for household membership or other multi-party membership classifications will be paid by employees and retirees individually.
  - (a) City employees and retirees desiring to add a spouse, children or family to the membership may do so by paying the difference. (\$12 additional for spouse, \$12 for children, \$24 for family/month).



3. Twice annually (June and December) City will provide a list of active City employees and retired employees eligible for the Benefit. Applications for membership must be presented in person by the employee or retiree at the YMCA Branch located at 101 YMCA Drive, Kannapolis, North Carolina at which time they will be required to present their employee badge.
4. As consideration for the memberships provided in accordance with this Agreement, City shall make quarterly payments to YMCA of Thirty-one Thousand Dollars (\$31,000.00) beginning on or before August 1, 2025, with like sums on October 1, 2025, January 1, 2026, and April 1, 2026, for the membership opportunity offered to City employees and retired employees.
5. All memberships shall be applicable to and through Cannon YMCA Kannapolis although each employee exercising the membership option shall have privileges at all Rowan-Cabarrus YMCA facilities and all YMCA facilities nationally.
6. YMCA and City will work annually to provide a diverse menu of recreational services to City residents without competing programs.
  - (a) City shall support YMCA as the primary provider for after school programs and summer camps or periodic sports/specialty camps using Kannapolis City School facilities.
  - (b) YMCA shall support City as the primary provider for youth sports programs.
7. This Agreement may be renewed for an additional term or terms only by resolution of the Kannapolis City Council.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first set forth above.

CITY:

---

Michael B. Legg  
City Manager

YMCA:

---

Jamie Morgan  
President

This instrument has been pre-audited in the manner required by the "Local Government Budget and Fiscal Control Act".

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Finance Director



## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

---

**To:** Mayor and City Council  
**From:** Tracy Winecoff, Fire Chief  
**Subject:** **APPROVAL** - Establishment of criteria to utilize design-build method for construction of a fire training tower **APPROVED**

---

### **Recommended Action Requested by City Council**

Motion to approve the establishment of criteria to utilize the design build contracting method for construction of the new fire tower.

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

Staff is seeking approval to establish criteria for utilizing the Design-Build (D-B) contracting method for the construction of a new fire tower. This facility represents a critical investment in public safety and emergency response infrastructure. Traditional procurement methods, such as Design-Bid-Build (D-B-B), often lead to delays, cost overruns, and fragmented accountability, challenges that can compromise both timeline and quality.

In contrast, the D-B model engages a single entity, known as the design-builder, to manage both the design and construction phases. This integrated approach enhances coordination, streamlines project delivery, and allows for faster completion, cost control, and improved quality. By consolidating responsibility within one contract, D-B reduces risk and offers greater flexibility to address evolving project needs.

Criteria must address the following six factors:

1. The City's ability to "adequately and thoroughly" define the project requirements in the RFP;
2. Time constraints for project delivery;
3. The City's ability to ensure that a quality project can be delivered;
4. The availability of qualified staff or outside consultants experienced in design-build to manage and oversee the project;
5. Good faith efforts to comply with historically underutilized business participation requirements (G.S. 143-128.2 and 128.4) and to recruit and select small business entities; and
6. The criteria used by the City, including a cost-benefit analysis of using design-build in lieu of traditional construction bidding methods.

### **Fiscal Implications**

A future budget amendment will be necessary once the final project cost is determined.

### **Alternate Courses of Action**

- 1. Motion to approve the establishment of criteria to utilize the design-build (D-B) method for construction of a new fire tower (Recommended).**
2. Defer action to a future date.
3. Take no action.

### **Attachments**

1. Training Facility Design Build Approval



**Title of item:**

Establishment of Criteria for a Design-Build Delivery Method for Construction Contracts and Approval of Using the Design-Build Delivery Method for the Fire Department Training/Burn Structure.

**Explanation:**

**Abstract:** In accordance with recently passed Session Law 2013-401 (HB 857) regarding the addition of design-build delivery method for construction projects, the Fire Department is submitting, for approval, the criteria that the City must establish to utilize this method of delivery. Additionally, the Fire Department is requesting approval to utilize the design-build method of delivery for the design and construction of a Training/Burn Structure. Due to the need for the project to be complete by early spring 2026, this delivery method will provide the needed flexibility to complete the project on time and within budget without sacrificing quality.

**Explanation:** Part I: Establishment of Criteria. On August 23, 2013, the Governor signed into law Session Law 2013-40 I. House Bill 857, authorizing governmental entities to utilize the design-build delivery method for construction contracts. The first step in the process for utilizing the design-build delivery method is that a governmental entity is to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project. The criteria proposed is the following:

**Criteria for Determining Whether the Design-Build Delivery Method is Appropriate for a Project**

(Criteria 1) *The extent to which the City can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder.* The design-build delivery method may be used if it is determined that, for the project, the City has professional personnel that are both qualified and experienced to thoroughly define project requirements prior to the issuance of a request for qualifications for a design-builder. Consideration will be given to the qualifications and experience of the personnel in the Fire Department and the availability of professional personnel in the areas of purchasing, finance and legal to assist in the development of an RFQ.

(Criteria 2) *The time constraints for the delivery of the project.* The design-build delivery method may be used if a project has a firm date by which a facility must be operational and the normal delivery method is likely not to be timely (typically RFQ, study, design, bid and construct). The size and cost of a project will dictate complexity and schedule.

(Criteria 3) *The ability to ensure that a quality project can be delivered.* The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced personnel to ensure that the design-build firm will provide a quality project within the budget constraints established by Council. Consideration will be given to the qualifications and experience of the personnel in the Fire Department.

(Criteria 4) *The capability of the City to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.* The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced personnel that are knowledgeable of design-build projects or, in the alternative, experienced consultants local to Kannapolis are available to be retained to perform the construction management of a design-build contract.

(Criteria 5) *A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.* The design-build delivery method may be used if it is determined that, for the project, requirements will be imposed which ensure that contractors will comply with the M/WBE goals set by Council.

(Criteria 6) *The criteria utilized by the City, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified.* The criteria utilized by the City when considering a design-build delivery method for a project will be as follows:

- Is the project well defined and does it include qualitative and quantitative characteristics that make a design-build contract more appropriate than other methods of delivery?
- Is the project timeline overly constrained and will it be necessary to have the facility complete and operational within a short timeframe?
- Will it be necessary to have beneficial use of a portion of the facility while it is under construction?
- Given the scope of the project, is there a maximum budget that must be adhered to in order to allow negotiations and flexibility to make appropriate decisions on scope as the project progresses?
- Does the design-build delivery method meet the ultimate operational goals established for a given facility and the quality of product achieved as a result of a more fluid and flexible delivery method?

In general terms, if it is determined that the expected expense of a design-build project will be no more than ten (10%) greater than the expected expense of a traditional RFQ, study, design, bid and construct project, the design-build delivery method may be utilized.

Part 2: Applying the criteria to the Convention Center Renovation and Addition Project. The second step for the process in determining whether to use the design-build delivery method for a project is to apply the criteria to the project. In applying the criteria to the Fire Training/Burn Structure Project, it is recommended that the design-build delivery method be used for this project. This determination is based upon a review of the above criteria as it relates to this project as follows:



Criteria 1: Through the Fire Department, the City has professional personnel that are both qualified and experienced to thoroughly define project requirements prior to the issuance of a request for qualifications for a design-builder. Additionally, professional personnel are available in the areas of purchasing, finance and legal to assist in the development of an RFQ.

Criteria 2: The Fire Department Training/Burn Structure rebuilt since the old building was demolished in December. With the upcoming ISO inspection, progress should be made in the replacement building to retain the points credited for a training tower. This is a period of approximately 8-12-months. Typical procedure would be to procure a design consultant, complete design and then undertake construction. This process would take approximately 24-30 months. The Design-Build process provides the best option for the City to meet this timeframe.

Criteria 3: Within the Fire Department, the City has professional and experienced personnel to ensure that the design-build firm will provide a quality project within the budget constraints established by Council.

Criteria 4: Within the Fire Department, the City has professional and experienced personnel that are knowledgeable of design-build projects. Should it become necessary to contract the construction management of a design-build contract, there are experienced consultants local to Kannapolis that are available.

Criteria 5: The City complies with G.S. 143-128.2, G.S. 143-128.4. The City has an established and successful M/WBE program which requires contractors to comply with the M/WBE goals set by Council.

Criteria 6: As stated under Criteria #2, one of the benefits of the Design-Build process is that it may reduce the overall project schedule by 16 to 18 months. This has a direct benefit on the project budget. The design-build delivery method is not expected to involve any additional expenses than the expected expense of a traditional RFQ, study, design, bid, and construct project. The budget for the Training/Burn Structure is 1.5 million. By reducing the time frame by 16 months, we are eliminating the price escalation that would occur within that year. These benefits to both the project schedule and cost make the design-build option more appealing than the more conventional design-bid-build in this instance.

**Fiscal Note:** There is no fiscal impact to the establishment of this policy and approval of the utilization of design-build delivery method.

**Recommendation:** Approve the criteria for use of the design-build delivery method and authorize City staff to move forward with use of the design-build delivery method for the renovations and additions to the Greenville Convention Center.



## Kannapolis City Council

City Council Agenda Staff Report  
July 28, 2025

**To:** Mayor and City Council  
**From:** Michael Rattler, Director of Transportation & Environmental Services  
**Subject:** **ORDINANCE** - Motion to approve an Ordinance amending Chapter 17: *Water and Sewers* of the City's Code of Ordinances **APPROVED**

### **Recommended Action Requested by City Council**

Motion to approve an Ordinance amending Chapter 17 *Water and Sewers* of the City's Code of Ordinance to comply with NC SB166

### **Required Votes to Pass Required Action**

Requires 2/3's vote or 5 votes

### **Background**

North Carolina passed Senate Bill 166 which became effective on September 11, 2024. This provision promotes consistency, clarity, and fairness in utility provisioning policy across North Carolina jurisdictions. To align with the approved changes, staff is proposing the following amendments to Chapter 17: *Water and Sewers* of the City's Code of Ordinances. Additions are shown as underlined text and omissions as ~~strike through text~~.

### **Sec. 17-45. Irrigation.**

(d) Required maintenance

(3) Backflow prevention assemblies shall be tested once every three years on residential irrigation systems that do not apply or dispose chemical feeds ~~annually~~ by a certified backflow ~~technician~~ prevention assembly tester approved by the public water system or a plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes to ensure proper operation in accordance with the city's cross connection control ordinance.

### **Sec. 17-106. Installation**

Installation and testing of backflow prevention assembly:

(2) The installation or replacement of a backflow prevention assembly for domestic water use shall only be performed by a licensed plumber or utility contractor. The installation or repair of a backflow prevention assembly on a dedicated fire sprinkler service shall be performed by a licensed fire sprinkler contractor or utility contractor. All backflow prevention assemblies may be tested by a certified backflow ~~technician authorized by the City of Kannapolis~~ prevention assembly tester approved by the public water system or a plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes. Repairs to a backflow prevention assembly on a dedicated fire sprinkler system may only be performed by a fire sprinkler contractor.

### **Fiscal Implications**

None.

### **Alternate Courses of Action**

1. **Motion to approve an Ordinance amending Chapter 17 *Water and Sewers* to comply with SB166 (Recommended).**
2. Defer item to a future meeting.
3. Do not Approve Amendments.

#### **Attachments**

1. SB166
2. Sec. 17-45. - Irrigation Text Change for Compliance with SB166
3. Sec. 17-106. - Installation Text Change for Compliance with SB166
4. 2025-50 Ordinance amending City Code Chapter 17 Water and Sewers





## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

**To:** Mayor and City Council

**From:** Michael Rattler, Director of Transportation & Environmental Services

**Subject:** **ORDINANCE** - Motion to approve an Ordinance amending Chapter 17: *Water and Sewers* of the City's Code of Ordinances **APPROVED**

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### **Fiscal Implications**

None.

### **Alternate Courses of Action**

1. **Motion to approve an Ordinance amending Chapter 17 *Water and Sewers* to comply with SB166 (Recommended).**
2. Defer item to a future meeting.
3. Do not Approve Amendments.

**Attachments**

1. SB166
2. Sec. 17-45. - Irrigation Text Change for Compliance with SB166
3. Sec. 17-106. - Installation Text Change for Compliance with SB166
4. 2025-50 Ordinance amending City Code Chapter 17 Water and Sewers

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

SESSION LAW 2024-49  
SENATE BILL 166

AN ACT TO AMEND VARIOUS DEVELOPMENT REGULATIONS; TO AMEND VARIOUS NORTH CAROLINA STATE BUILDING CODES; TO AMEND VARIOUS CONSTRUCTION CONTRACTORS AND DESIGN PROFESSIONALS REGULATIONS; TO AMEND VARIOUS ENVIRONMENT AND ENVIRONMENTAL HEALTH REGULATIONS; AND TO REORGANIZE THE BUILDING CODE COUNCIL.

The General Assembly of North Carolina enacts:

**PART I. DEVELOPMENT REGULATIONS**

**PROHIBIT CERTAIN BACKFLOW PREVENTER REQUIREMENTS BY PUBLIC WATER SYSTEMS**

**SECTION 1.1.(a)** Article 10 of Chapter 130A of the General Statutes is amended by adding a new section to read:

**"§ 130A-330. Local authority to require backflow preventers; testing.**

(a) No public water system owned or operated by a local government unit, as that term is defined in G.S. 159G-20(13), shall require a customer to install a backflow preventer on an existing nonresidential or residential connection, including multifamily dwellings, not otherwise required by State or federal law except where the degree of hazard from the customer's connection is determined to be high by the Department.

(b) The limitation established in subsection (a) of this section shall not be construed to prohibit requirements for installation of backflow preventers pursuant to the North Carolina Plumbing Code or the North Carolina Fire Code due to retrofit or upfit/fit-up to the customer's plumbing, facility addition on the customer's property, or change in use of the property served by the connection. The single act of a retrofit or upfit/fit-up to the customer's plumbing limited to the service line between the home or building and the meter, and without a change in use or facility addition, does not necessitate a backflow preventer. An increase in the flow of water to the home or building, without a change in use or facility addition, does not necessitate a backflow preventer.

(c) A public water system owned or operated by a local government unit, and its employees, including the Cross Connection Control Operator in Responsible Charge, is immune from civil liability in tort from any loss, damage, or injury arising out of or relating to the backflow of water into potable water supply systems where a backflow preventer is not required by State or federal law, or where the degree of hazard from the customer's connection is not determined to be high by the Department.

(d) The Department shall determine whether the degree of hazard for a service connection is high when the installation of a backflow preventer is not otherwise required by State or federal law. The Department shall provide notice of such determinations on its website.

(e) Nothing in this section shall prohibit a public water system owned or operated by a local government unit from requiring the installation of a backflow preventer if the system pays all costs associated with the backflow preventer, including the device, installation, and appropriate landscaping.



(f) No public water system owned or operated by a local government unit shall require periodic testing more frequently than once every three years for backflow preventers on residential irrigation systems that do not apply or dispose chemical feeds.

(g) A public water system owned or operated by a local government, and its employees, including the Cross Connection Control Operator in Responsible Charge, is immune from civil liability in tort from any loss, damage, or injury resulting from compliance with the limitations on periodic testing provided in subsection (f) of this section.

(h) A public water system owned or operated by a local government unit may accept the results of backflow preventer testing conducted by a plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes or a certified backflow prevention assembly tester approved by the public water system.

(i) For purposes of this section, the following definitions apply:

(1) "Backflow preventer" means an assembly, device, or method that prohibits the backflow of water into potable water supply systems.

(2) "Certified backflow prevention assembly tester" means a person who holds a certificate of completion from a training program in the testing and repair of backflow preventers.

(3) "High hazard" means a cross-connection or potential cross-connection involving any substance that could, if introduced into the potable water supply, cause illness or death, spread disease, or have a high probability of causing such effects."

**SECTION 1.1.(b)** G.S. 150B-2 reads as rewritten:

**"§ 150B-2. Definitions.**

As used in this Chapter, the following definitions apply:

...

(8a) Rule. – Any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of an agency. The term includes the establishment of a fee and the amendment or repeal of a prior rule. The term does not include the following:

...

m. Determinations by the Department of Environmental Quality of high hazards pursuant to G.S. 130A-330.

...."

**SECTION 1.1.(c)** This section is effective when it becomes law and applies to requirements for installation or testing of backflow preventers made by a public water supply on or after that date.

**PROHIBIT DUPLICATIVE WATER SERVICE SHUT-OFF VALVE REQUIREMENTS IN CERTAIN RESIDENTIAL DWELLINGS**

**SECTION 1.2.(a)** Article 10 of Chapter 130A of the General Statutes is amended by adding a new section to read:

**"§ 130A-331. Prohibit duplicative water service shut-off valves.**

All persons and units of local government locating, constructing, altering, or operating, or intending to locate, construct, alter, or operate, a public water system, as defined in G.S. 130A-313, are prohibited from requiring the installation of a redundant inline water service shutoff or cutoff valve between a water service meter and a customer receiving water service within a dwelling subject to the North Carolina Residential Code. This section does not apply to (i) integrated valves attached or located within a water meter box for the purpose of water meter

installation, repair, or replacement or (ii) valves installed as an accessible main shutoff valve near the entrance of water service as required by the North Carolina Residential Code."

**SECTION 1.2.(b)** This section becomes effective January 1, 2025.

## **BUILDING PERMIT FEES FOR INSPECTION DEPARTMENT CLARIFICATION**

**SECTION 1.3.(a)** G.S. 160D-402 reads as rewritten:

### **"§ 160D-402. Administrative staff.**

(a) Authorization. – Local governments may appoint administrators, inspectors, enforcement officers, planners, technicians, and other staff to develop, administer, and enforce development regulations authorized by this Chapter.

(b) Duties. – Duties assigned to staff may include, but are not limited to, drafting and implementing plans and development regulations to be adopted pursuant to this Chapter; determining whether applications for development approvals are complete; receiving and processing applications for development approvals; providing notices of applications and hearings; making decisions and determinations regarding development regulation implementation; determining whether applications for development approvals meet applicable standards as established by law and local ordinance; conducting inspections; issuing or denying certificates of compliance or occupancy; enforcing development regulations, including issuing notices of violation, orders to correct violations, and recommending bringing judicial actions against actual or threatened violations; keeping adequate records; and any other actions that may be required in order adequately to enforce the laws and development regulations under their jurisdiction. A development regulation may require that designated staff members take an oath of office. The local government shall have the authority to enact ordinances, procedures, and fee schedules relating to the administration and the enforcement of this Chapter. The administrative and enforcement provisions related to building permits set forth in Article 11 of this Chapter shall be followed for those permits.

(c) Alternative Staff Arrangements. – A local government may enter into contracts with another city, county, or combination thereof under which the parties agree to create a joint staff for the enforcement of State and local laws specified in the agreement. The governing boards of the contracting parties may make any necessary appropriations for this purpose.

In lieu of joint staff, a governing board may designate staff from any other city or county to serve as a member of its staff with the approval of the governing board of the other city or county. A staff member, if designated from another city or county under this section, shall, while exercising the duties of the position, be considered an agent of the local government exercising those duties. The governing board of one local government may request the governing board of a second local government to direct one or more of the second local government's staff members to exercise their powers within part or all of the first local government's jurisdiction, and they shall thereupon be empowered to do so until the first local government officially withdraws its request in the manner provided in G.S. 160D-202.

A local government may contract with an individual, company, council of governments, regional planning agency, metropolitan planning organization, or rural planning agency to designate an individual who is not a city or county employee to work under the supervision of the local government to exercise the functions authorized by this section. The local government shall have the same potential liability, if any, for inspections conducted by an individual who is not an employee of the local government as it does for an individual who is an employee of the local government. The company or individual with whom the local government contracts shall have errors and omissions and other insurance coverage acceptable to the local government.

(d) Financial Support. – The local government may appropriate for the support of the staff any funds that it deems necessary. It shall have power to fix reasonable fees for support, administration, and implementation of programs authorized by this Chapter, ~~and all such Chapter.~~ All fees collected by a building inspection department for the administration and enforcement of

provisions set forth in Article 11 of this Chapter shall be used for to support the administration and operations of the building inspection department and for no other purposes. When an inspection, for which the permit holder has paid a fee to the local government, is performed by a marketplace pool Code-enforcement official upon request of the State Fire Marshal under G.S. 143-151.12(9)a., the local government shall promptly return to the permit holder the fee collected by the local government for such inspection. This subsection applies to the following types of inspection: plumbing, electrical systems, general building restrictions and regulations, heating and air-conditioning, and the general construction of buildings."

**SECTION 1.3.(b)** This section becomes effective July 1, 2024.

## **RESIDENTIAL PLAN REVIEW FEE REIMBURSEMENT**

**SECTION 1.4.(a)** G.S. 160D-1110(b) reads as rewritten:

"(b) A building permit shall be in writing and shall contain a provision that the work done shall comply with the North Carolina State Building Code and all other applicable State and local laws. Nothing in this section requires a local government to review and approve residential building plans submitted to the local government pursuant to the North Carolina Residential Code, so long as the local government may review and approve the residential building plans as it deems necessary. If a local government chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential Code, all initial reviews for the building permit shall be performed within 15 business days of submission of the plans. A local government that reviews residential building plans for the purpose of building permit issuance shall perform its initial review concurrently with processes for project development approvals required from other State, federal, and local agencies. If a local government does not perform its initial review within 20 business days of submission of the plans, the local government shall refund to the building permit applicant a portion of their total permit application fee. That portion shall equal ten percent (10%) of the total permit application fee, for each business day in which the local government does not perform its initial review, for a period not to exceed 10 business days. A local government shall not require residential building plans for one- and two-family dwellings to be sealed by a licensed engineer or licensed architect unless required by the North Carolina State Building Code. No building permits shall be issued unless the plans and specifications are identified by the name and address of their author. If the General Statutes require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no building permit shall be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General Statutes or of any ordinance or development or zoning regulation requires that work be done by a licensed specialty contractor of any kind, no building permit for the work shall be issued unless the work is to be performed by a licensed contractor."

**SECTION 1.4.(b)** This section becomes effective July 1, 2024, and applies to permit applications submitted on or after that date.

## **CLARIFY PUBLIC SAFETY ISSUES FOR WITHHOLDING BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY**

**SECTION 1.5.** G.S. 160D-1110(h) reads as rewritten:

"(h) No local government shall withhold a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land-use regulations under this Chapter unless otherwise authorized by law or unless the local government reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy. For the purposes of this subsection, a "public safety issue" shall not include improvement, installation, placement, repair, or replacement of any of the following:

- (1) Landscaping around dwellings subject to the North Carolina Residential Code within individual lots.
- (2) Landscaping within common areas within a subdivision development.
- (3) Street lighting fixtures within common areas of a subdivision development.

If a developer has not, at the time of issuance of a certificate of occupancy, completed all required site improvements as set forth in subdivisions (1) through (3) of this subsection, the developer shall submit to the local government a signed affidavit detailing the reasons why the required site improvements are not complete, the expected date of completion and compliance, and a statement promising to complete the required site improvements."

## **PROHIBIT UNRESTRICTED RIGHT OF ENTRY AS A CONDITION TO DEVELOPMENT APPROVALS**

**SECTION 1.6.(a)** G.S. 160D-403(e) reads as rewritten:

"(e) Inspections. – Administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and the terms of the approval. In exercising this power, staff may enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials, so long as the appropriate consent has been given for inspection of areas not open to the public or an appropriate inspection warrant has been secured. Administrative staff are prohibited from requiring unrestricted written consent from a permit applicant to enter any premises or areas not open to the public as a condition to accepting an application for, or the issuance of, development approvals."

**SECTION 1.6.(b)** Local governments and administrative staff are prohibited from acting upon unrestricted written consent from a permit applicant to enter any premises or areas not open to the public as a condition to accepting an application for, or the issuance of, development approvals, obtained prior to the effective date of this subsection (a) of this section. This subsection shall not be construed to invalidate a validly issued administrative warrant, administrative inspection warrant, administrative search warrant, or inspection warrant which has been secured by local government or administrative staff pursuant to G.S. 160D-403(e) or G.S. 15-27.2, or construed to prohibit periodic inspections authorized by G.S. 160D-1117 or G.S. 160D-1207.

## **PROHIBIT TECHNICAL CODE COMPLIANCE AFFIDAVITS**

**SECTION 1.7.** G.S. 160D-1104(c) reads as rewritten:

"(c) In performing the specific inspections required by the North Carolina State Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected fails to meet the requirements of the North Carolina State Building Code. An inspector is prohibited from requiring affidavits attesting that work is in compliance with the North Carolina Residential Code in lieu of conducting inspections required for work subject to the North Carolina Residential Code."

## **LOCAL GOVERNMENT CURB AND GUTTER DESIGN STANDARDS**

**SECTION 1.8.(a)** G.S. 160D-804 is amended by adding a new subsection to read:

"(k) Curb and Gutter Design Standards. – Notwithstanding G.S. 160A-307 and G.S. 160D-916, the regulation shall not limit, or prohibit the use of, curb and gutter design standards adopted by the North Carolina Department of Transportation for subdivision roads adjacent to, and serving, dwellings subject to the North Carolina Residential Code."

**SECTION 1.8.(b)** This section becomes effective January 1, 2025, and applies to permit applications submitted on or after that date.

## **MUNICIPAL PEDESTRIAN FACILITY REQUIREMENTS WITHIN ETJ FOR SUBDIVISION STREETS DESIGNATED AS PUBLIC**

**SECTION 1.9.(a)** G.S. 160D-804(c) is amended by adding a new subdivision to read:

"(5) A regulation adopted by a city shall not require a developer to design and construct pedestrian facilities, including sidewalks, within rights-of-way for new streets designated as public and to be submitted to the North Carolina Department of Transportation for review pursuant to G.S. 136-102.6, for small residential subdivisions located in areas subject to municipal planning and development regulation in an extraterritorial jurisdiction established pursuant to G.S. 160D-202, unless the city accepts long-term maintenance responsibilities by written agreement with the North Carolina Department of Transportation prior to construction of pedestrian facilities. For the purposes of this subdivision, "small residential subdivision" means a subdivision development that contains 20 individual lots or less."

**SECTION 1.9.(b)** A city that required a developer to design and construct pedestrian facilities on or after January 1, 2020, as described in G.S. 160D-804(c)(5) enacted by subsection (a) of this section, shall coordinate with the North Carolina Department of Transportation to accept long-term maintenance responsibilities by written agreement for those pedestrian facilities as required by G.S. 160D-804(c)(5). Nothing in this section shall be construed to affect any long-term maintenance agreements between a municipality and the North Carolina Department of Transportation for pedestrian facilities described in G.S. 160D-804(c)(5) in effect on the effective date of this section.

## **G.S. 160D-804 TECHNICAL CORRECTION**

**SECTION 1.10.** G.S. 160D-804(j) reads as rewritten:

"(j) Private Driveway Pavement Design Standards. – The regulation shall not require pavement design standards for new private driveway construction that are more stringent than the minimum pavement design standards adopted by the North Carolina Department of Transportation. Notwithstanding any regulation adopted by the local government, the local government must accept engineered pavement design standards that do not meet minimum standards required by the Department of Transportation if the proposed design standard is signed and sealed by a duly licensed professional engineer, under Chapter 89C of the General Statutes, and meets vehicular traffic and fire apparatus access requirements. This subsection applies to construction of new privately owned driveways, parking lots, and driving areas associated with parking lots within a new development or subdivision that the developer designates as private and that are intended to remain privately owned after construction. If driveways, parking lots, and driving areas associated with parking lots are constructed to pavement design standards that do not meet minimum standards required by a regulation adopted by the local government, as authorized by this subsection, the developer must include disclosures to prospective buyers as outlined in G.S. 136-102.6(f) prior to entering into any agreement or any conveyance with any prospective buyer. A local government is discharged and released from any liabilities, duties, and responsibilities imposed by this Article, or in common law, from any claim arising out of, or attributed to, the plan review or acceptance of signed and sealed pavement design standards submitted pursuant to this subsection. Nothing in this ~~section~~-subsection limits the authority of local governments or the Department of Transportation to regulate private roads, driveways, or street connections to a public system, or to regulate transportation and utilities, pursuant to subsection (c) of this section, or as otherwise authorized by law."

## **CLARIFY REQUIREMENTS FOR MODEL HOMES**



**SECTION 1.11.(a)** Chapter 160D of the General Statutes is amended by adding a new Article to read:

"Article 15.

"Miscellaneous Provisions.

**"§ 160D-1501. Model homes within subdivision developments.**

(a) Definition. – For the purposes of this section, a "model home" means a residential dwelling built within a subdivision development constructed in compliance with the North Carolina Residential Code which will be temporarily utilized to display the dwellings and products offered, within the same subdivision development, to prospective purchasers.

(b) Temporary Mixed Occupancy; Temporary Certificate of Occupancy Issuance. – A model home may include an area designated as a Business Group B occupancy, including for use as a sales office and conducting development-related business with prospective purchasers. Upon completing the construction of a model home, a local government may issue a temporary certificate of occupancy pursuant to G.S. 160D-1116 if the permit holder, in their request for the temporary certificate of occupancy, designates certain areas within the model home as a Business Group B occupancy.

(c) Accessibility Requirements. – An area designated as, or leading to, Business Group B occupancies within the model home must meet accessibility requirements as required by State and federal law. Any other areas shall only be utilized for display purposes for prospective buyers to view the developer's product and for no other purpose.

(d) Display Area Signage. – A permit holder receiving a temporary certificate of occupancy for a model home pursuant to subsection (b) of this section must conspicuously post and maintain signage at entrances to model home display areas specifying that the display area is only for prospective buyers to view the developer's product and for no other purpose.

(e) Utility Connections to Model Homes. – All persons and units of local government authorizing the connection of electrical, water, sewer, and any related utility services to a model home must connect services requested by a permit holder upon issuance of a temporary certificate of occupancy to a model home pursuant to subsection (b) of this section.

(f) Permit Holder to Disconnect Bathroom Facilities. – A permit holder receiving a temporary certificate of occupancy for a model home pursuant to this section shall shut off all water to bathroom facilities within a model home. Equitable bathroom facilities for accessibility shall be provided on the premises."

**SECTION 1.11.(b)** The section becomes effective January 1, 2025, and applies to applications for temporary certificates of occupancy submitted on or after that date.

**PERFORMANCE GUARANTEES FOR SUBDIVISIONS**

**SECTION 1.12.(a)** G.S. 160D-804.1 reads as rewritten:

**"§ 160D-804.1. Performance guarantees.**

To assure compliance with G.S. 160D-804 and other development regulation requirements, a subdivision regulation may provide for performance guarantees to assure successful completion of required improvements.

For purposes of this section, all of the following apply with respect to performance guarantees:

- (1) Type. – The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" means any of the following forms of guarantee:
  - a. Surety bond issued by any company authorized to do business in this State.
  - b. Letter of credit issued by any financial institution licensed to do business in this State.

- c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- (1a) Duration. – The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
- (1b) Extension. – A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.
- (1c) Inspection. – A local government shall conduct an inspection of the improvements subject to a performance guarantee within 30 days of a request received from a developer and advise the developer whether the improvements are completed to the required specifications. In the event a local government and developer disagree whether a required improvement is completed to the specifications of a local government, a developer may obtain a certification under seal from a licensed professional engineer that the required improvements have been completed to the specifications of the local government.
- (2) Release. – The performance guarantee shall be returned or released, as appropriate, ~~in a timely manner within 30 days~~ upon the acknowledgement by the local government that the improvements for which the performance guarantee is being required are ~~complete~~. complete or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the specification of the local government. The local government shall return letters of credit or escrowed funds within 30 days upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed to the specifications of the local government, or are accepted by the local government, if subject to its acceptance, upon request by the developer, the local government shall timely provide written acknowledgement that the required improvements have been completed.
- (3) Amount. – The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The local government may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five

percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

- (3a) Timing. – A local government, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.
- (4) Coverage. – The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion. No performance guarantee may be required for maintenance of any improvement once the improvement is completed to the specification of a local government or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the specification of the local government.
- (5) Legal responsibilities. – No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
  - a. The local government to whom the performance guarantee is provided.
  - b. The developer at whose request or for whose benefit the performance guarantee is given.
  - c. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.
- (6) Multiple guarantees. – The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (1) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.
- (7) Exclusion. – Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section."

**SECTION 1.12.(b)** This section becomes effective January 1, 2025, and applies to permit applications submitted on or after that date.

## **PART II. NORTH CAROLINA STATE BUILDING CODE**

### **LOCAL FIRE PREVENTION CODE UNIFORMITY WITHIN DWELLINGS SUBJECT TO THE NORTH CAROLINA RESIDENTIAL CODE**

**SECTION 2.1.** G.S. 143-138(e) reads as rewritten:

"(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any political subdivision of the State may adopt a fire prevention code and floodplain management regulations within its jurisdiction. Provided a political subdivision shall not adopt local fire prevention code provisions which apply to dwellings subject to the North Carolina Residential Code which are not prescriptively required by the North Carolina Residential Code. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; county jurisdiction shall include all other areas of the

county. No such code or regulations, other than floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses of buildings or structures located in flood hazard areas identified by local, State, and federal agencies, and include provisions governing substantial improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, protection of mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and other measures the political subdivision deems necessary considering the characteristics of its flood hazards and vulnerability. In the absence of approval by the Building Code Council, or in the event that approval is withdrawn, local fire prevention codes and regulations shall have no force and effect. Provided any local regulations approved by the local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and which are found to regulate only activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not matters in conflict with the State Building Code, may be approved. Local governments may enforce the fire prevention code of the State Building Code using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such civil remedies shall be as provided in G.S. 160D-1127.

A local government may not adopt any ordinance in conflict with the exemption provided by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the exemption provided by subsection (c1) of this section."

## **FIRE-RESISTANCE REQUIREMENTS FOR TOWNHOUSE END UNITS**

**SECTION 2.2.(a)** Definitions. – For purposes of this section, "Code" means the North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council.

**SECTION 2.2.(b)** Fire Resistance for Exterior Wall Rule. – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to this section, the Council and local governments enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to Section R302 and Table R302.1 within the North Carolina Residential Code.

**SECTION 2.2.(c)** Implementation. – Notwithstanding Section R302 and Table R302.1 within the North Carolina Residential Code, a fire separation distance between the exterior end wall of a townhouse building having a fire-resistance rating of 0 hours and the closest interior lot line may be less than 3 feet when any exterior elements of an adjacent townhouse or building are located at a distance equal to or greater than 6 feet. Any separation of an exterior end wall of a townhouse building less than 6 feet shall provide a minimum cumulative fire-resistance rating of 2 hours.

**SECTION 2.2.(d)** Additional Rulemaking Authority. – The Council shall adopt rules to amend Section R302 and Table R302.1 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 2.2.(e) Sunset.** – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

## **GROUND FAULT CIRCUIT-INTERRUPTER (GFCI) PROTECTION FOR SUMP PUMPS LOCATED IN CRAWLSPACES AND BASEMENTS**

**SECTION 2.3.(a) Definitions.** – For purposes of this section, "Code" means the North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council.

**SECTION 2.3.(b) GFCI Rule.** – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to this section, the Council and local governments enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to Section 210.8 of the North Carolina Electrical Code.

**SECTION 2.3.(c) Implementation.** – For single-phase 15- and 20- ampere receptacles supplied by a branch circuit dedicated to electric sump pumps to prevent flooding installed in locations specified in Sections 210.8(A)(4) and 210.8(A)(5) that are required to have ground-fault circuit interrupter protection for personnel, the ground-fault circuit interrupter protection reset for those receptacles must be installed at a readily accessible location within the dwelling unit, and with an indicator light, and clear descriptive labeling to indicate that the receptacles are de-energized due to ground-fault protection application rendering the sump pumps inoperable.

**SECTION 2.3.(d) Additional Rulemaking Authority.** – The Council shall adopt rules to amend Section 210.8 of the North Carolina Electrical Code 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 2.3.(e) Sunset.** – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

## **STAIRWAY ADJACENT GLAZING REQUIREMENTS**

**SECTION 2.4.(a) Definitions.** – For purposes of this section, "Code" means the North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council.

**SECTION 2.4.(b) Stairway Glazing Rule.** – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to 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 Section R308.4 within the North Carolina Residential Code.

**SECTION 2.4.(c) Implementation.** – Notwithstanding Section R308.4, glazing adjacent to a landing at the top of a stairway or ramp that is located more than 18 inches above the landing shall not be considered to be a hazardous location.

**SECTION 2.4.(d) Additional Rulemaking Authority.** – The Council shall adopt rules to amend Section R308.4 of the North Carolina Residential Code 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 2.4.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

## **ELECTRIC WATER HEATER ELEVATION REQUIREMENTS**

**SECTION 2.5.(a)** Definitions. – For purposes of this section, "Code" means the North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council.

**SECTION 2.5.(b)** Water Heater Rule. – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to 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 Section P2801.7 within the North Carolina Residential Code.

**SECTION 2.5.(c)** Implementation. – Notwithstanding Section P2801.7, elevation of the ignition source is not required for electric water heaters.

**SECTION 2.5.(d)** Additional Rulemaking Authority. – The Council shall adopt rules to amend Section P2801.7 of the North Carolina Residential Code 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 2.5.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

## **IMPLEMENTATION OF CODE CHANGES FOR USE OF CERTAIN INSULATION IN UNVENTED ATTIC AND ENCLOSED RAFTER ASSEMBLIES**

**SECTION 2.6.** Section 6 of S.L. 2023-108 reads as rewritten:

### **"AMEND INSULATION REQUIREMENTS FOR UNVENTED ATTIC AND ENCLOSED RAFTER ASSEMBLIES**

**"SECTION 6.(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 Conversation Code. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Building Code Council and the Residential Code Council as created in Section 1 of this act.

**"SECTION 6.(b)** R402 Rules Amendment. – The Council shall amend R402 Rules to include, as an optional alternative to residential ceiling insulation minimums, minimum insulation requirements for the use of air-impermeable insulation in areas with unvented attic and unvented enclosed rafter assemblies. Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to 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 Energy Conservation Code.

**"SECTION 6.(c)** Implementation. – ~~The Council shall amend R402 Rules to include, as an optional alternative to residential ceiling insulation minimums, minimum insulation requirements for the use of air-impermeable insulation in unvented attic and unvented enclosed rafter assemblies. In developing this amendment, the Council shall include in that optional alternative that where~~ Where R402 Rules require R-38 insulation in the ceiling, installing air-impermeable

insulation, as follows, to the underside or directly above the roof deck shall be deemed to satisfy the R-38 ~~requirements~~: requirement in areas with unvented attic or unvented enclosed rafter assemblies: (i) R-20 (equivalent U-factor 0.05) for climate zone 3; (ii) R-25 (equivalent U-factor 0.037) for climate zone 4; and (iii) R-25 (equivalent U-factor 0.037) for climate zone 5. These air-impermeable insulation alternative R-value minimums apply in residences with areas with unvented attic or unvented enclosed rafter assemblies and meeting the following criteria:

- (1) The unvented attic or unvented enclosed rafter assemblies are constructed under Section R806.5 of the North Carolina Residential Code.
- (2) The residence contains a mechanical ventilation system that operates on a positive, balanced, or hybrid pressure strategy.
- (3) For residences with air-impermeable insulation installed below the roof deck, exposed portions of the roof rafters are wrapped by a minimum of R-3 insulation unless directly covered by drywall or finished ceiling material. For residences with air-impermeable insulation installed above the roof deck, roof rafters do not require insulation wrapping if air-impermeable insulation installed above the roof deck is continuous.
- (4) The residence obtains an ACH50 blower door test result of less than 3.0.
- (5) The residence contains heating, cooling, and ventilation equipment and ductwork within thermal envelope.

**"SECTION 6.(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 6.(c)~~ SECTION 6.(e)** Sunset. – This section expires when permanent rules adopted as required by ~~subsection (b)~~ subsection (d) of this section become effective."

### **IMPLEMENTATION OF CODE REQUIREMENTS DURING INCORPORATION OF 3- AND 4- FAMILY DWELLINGS INTO THE RESIDENTIAL CODE**

**SECTION 2.7.** Section 9 of S.L. 2023-108 reads as rewritten:

#### **"AMEND THE RESIDENTIAL CODE TO INCLUDE THREE-AND FOUR-FAMILY DWELLINGS**

**"SECTION 9.(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. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council as created in Section 1 of this act. As used in this section, a "three- and four-family dwelling" means a single building constructed with three- or four-dwelling units within the building that is two or less stories above grade plane, located solely on an individual lot.

**"SECTION 9.(b)** The Council shall adopt rules to amend the North Carolina Residential Code to include ~~three-family (triplex) and four-family (quadplex)~~ three- and four-family dwellings within its scope by modifying, transitioning, and establishing minimum prescriptive requirements to address the design and construction of those dwellings and make conforming changes to the Code in accordance with this section. In amending rules pursuant to this ~~subsection~~, section, the Council shall not require greater than a 2-hour fire resistance rating for ~~triplex and quadplex~~ three- and four-family dwelling common wall, floor, and ceiling separation assemblies or require automatic fire sprinkler systems within the North Carolina Residential Code. Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to this section, the Council and local governments enforcing the Code shall follow the

provisions of this section and subsection (c) of this section as it relates to the construction of three- and four- family dwellings.

**"SECTION 9.(c) Implementation.** – Three- and four-family dwellings shall be constructed in conformance with the North Carolina Residential Code, and in cases where the North Carolina Residential Code does not address materials, design, or methods of construction unique to three- and four-family dwellings, reasonable materials, design, or methods of construction shall be utilized and approved when in compliance with the intent and provisions of this section, and with reasonable extension of the provisions of the North Carolina Residential Code. Three- and four-family dwellings shall: (i) be required to have a 2-hour fire resistance rating for three- and four-family dwelling common wall, floor, and ceiling separation assemblies; (ii) shall not be required to have automatic fire sprinkler systems installed; and (iii) shall have exits located on an exterior wall or through a common 2-hour fire resistant rated corridor.

**"SECTION 9.(d) Additional Rulemaking Authority.** – The Council shall adopt rules to amend the Code 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 9.(e) Residential Contractor Classification Temporary Expansion.** – Notwithstanding G.S. 87-10(b)(1a), 21 NCAC 12A .0202, and G.S. 87-13, a person in the State of North Carolina utilizing a residential contractor general contractor license classification may engage in all construction and demolition activity pertaining to the construction of three- and four-family dwellings, and the State Licensing Board for General Contractors shall not take disciplinary action against a licensee for the unauthorized practice of contracting solely on the basis of exceeding a residential contractor license classification pending the transition of the three- and four-family dwellings to the North Carolina Residential Code pursuant to this section.

**~~"SECTION 9.(e)~~ SECTION 9.(f) Sunset.** – This section expires when the permanent rules adopted as required by ~~subsection (b)~~ subsection (d) of this section become effective.

**~~"SECTION 9.(d)~~ SECTION 9.(g) This section is effective when it becomes law."**

## **GROUND FAULT CIRCUIT INTERRUPTER (GFCI) PROTECTION FOR RECREATIONAL VEHICLE SITE EQUIPMENT**

**SECTION 2.8.(a) Definitions.** – As used in this section, "Council" means the North Carolina Building Code Council, and "Code" means the current North Carolina Building Code collection, and amendments to the Code, as adopted by the Council.

**SECTION 2.8.(b) Recreational Vehicle Site Equipment GFCI Rule.** – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to this section, the Council and local governments enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to Section 551.71(F)(2) of the 2023 North Carolina Electrical Code.

**SECTION 2.8.(c) Implementation.** – Notwithstanding Section 551.71(F)(2) of the 2023 North Carolina Electrical Code or any provision of the Code or law to the contrary, for receptacles installed in recreational vehicle site equipment, ground-fault circuit-interrupter protection shall only be required for 125-volt, single-phase, 15- and 20-ampere receptacles.

**SECTION 2.8.(d) Additional Rulemaking Authority.** – The Council shall adopt a rule to amend Section 551.71(F)(2) of the 2023 North Carolina Electrical Code consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this subsection 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 2.8.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

#### **EXCLUDE ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) LOAD FROM FEEDER AND SERVICE LOAD CALCULATIONS FOR DWELLINGS SUBJECT TO THE NORTH CAROLINA RESIDENTIAL CODE**

**SECTION 2.9.(a)** Definitions. – As used in this section, "Council" means the North Carolina Building Code Council, and "Code" means the current North Carolina Building Code collection, and amendments to the Code, as adopted by the Council.

**SECTION 2.9.(b)** Electric Vehicle Supply Equipment Rule. – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to this section, the Council and local governments enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to Article 220, Branch-Circuit Feeder, and Service Local Calculations, and Section 220.57, Electric Vehicle Supply Equipment (EVSE) Load, of the 2023 North Carolina Electrical Code.

**SECTION 2.9.(c)** Implementation. – Notwithstanding Article 220, Branch-Circuit Feeder, and Service Local Calculations, and Section 220.57, Electric Vehicle Supply Equipment (EVSE) Load, of the 2023 North Carolina Electrical Code, electric vehicle supply equipment (EVSE) loads shall not be required for the purpose of calculating loads for electrical feeder or service to dwellings subject to the North Carolina Residential Code.

**SECTION 2.9.(d)** Additional Rulemaking Authority. – The Council shall adopt rules to amend Article 220, Branch-Circuit Feeder, and Service Local Calculations, and Section 220.57, Electric Vehicle Supply Equipment (EVSE) Load, of the 2023 North Carolina Electrical Code, consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this subsection 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 2.9.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

#### **AMEND EMERGENCY RESPONDER COMMUNICATION COVERAGE EXCEPTION**

**SECTION 2.10.(a)** Definitions. – As used in this section, "Council" means the North Carolina Building Code Council, and "Code" means the current North Carolina Building Code collection, and amendments to the Code, as adopted by the Council.

**SECTION 2.10.(b)** Emergency Responder Communication Coverage Rule. – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to this section, the Council and local governments enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to Exception 4. of Section 510.1, Emergency Responder Communication Coverage in New Buildings, of the North Carolina Fire Code.

**SECTION 2.10.(c)** Implementation. – Notwithstanding Exception 4. of Section 510.1, Emergency Responder Communication Coverage in New Buildings, of the North Carolina Fire Code, one-story buildings not exceeding 12,000 square feet with no below-ground areas are excepted from the requirements of Section 510.1.

**SECTION 2.10.(d)** Additional Rulemaking Authority. – The Council shall adopt rules to amend Exception 4. of Section 510.1, Emergency Responder Communication Coverage in New Buildings, of the North Carolina Fire Code, consistent with subsection (c) of this section.

Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this subsection 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 2.10.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

### **PART III. CONSTRUCTION CONTRACTORS AND DESIGN PROFESSIONALS**

#### **COURT AWARDS FOR CONTRACTOR VIOLATIONS**

**SECTION 3.1.(a)** G.S. 87-25.1 reads as rewritten:

**"§ 87-25.1. Board may seek injunctive relief.**

(a) Whenever it appears to the Board that any person, firm or corporation is violating any of the provisions of this Article or of the rules and regulations of the Board promulgated under this Article, the Board may apply to the superior court for a restraining order and injunction to restrain the ~~violation; and the violation.~~ The superior courts have jurisdiction to grant the requested relief, irrespective of whether or not criminal prosecution has been instituted or administrative sanctions imposed by reason of the violation. The court may award the Board its reasonable costs associated with the investigation and prosecution of the violation.

(b) When the Board prevails in actions brought under this section, the court shall award the Board its reasonable attorney's fee not to exceed five thousand dollars (\$5,000) plus the costs associated with obtaining the relief and the investigation and prosecution of the violation.

(c) Examination applicants who have failed to pay a court award pursuant to subsection (b) of this section shall not be allowed to take any examination offered by the Board until the award has been satisfied."

**SECTION 3.1.(b)** G.S. 87-48 reads as rewritten:

**"§ 87-48. Penalty for violation of Article; powers of Board to enjoin violation.**

(a) Any person, partnership, firm, or corporation that violates any of the provisions of this Article or that engages or offers to engage in the business of installing, maintaining, altering, or repairing within North Carolina any electric wiring, devices, appliances, or equipment without first having obtained a license under the provisions of this Article is guilty of a Class 2 misdemeanor.

(b) Whenever it shall appear to the State Board of Examiners of Electrical Contractors that any person, partnership, firm or corporation has violated, is violating, or threatens to violate any provisions of this Article, the Board may apply to the courts of the State for a restraining order and injunction to restrain such practices. If upon such application the court finds that any provision of this Article is being violated, or a violation thereof is threatened, the court shall issue an order restraining and enjoining such violations, and such relief may be granted regardless of whether criminal prosecution is instituted under the provisions of this Article. The venue for actions brought under this subsection shall be the superior court of any county in which such acts are alleged to have been committed or in the county where the defendants in such action reside.

(c) When the Board prevails in actions brought under this section, the court shall award the Board its reasonable attorney's fee not to exceed five thousand dollars (\$5,000) plus the costs associated with obtaining the relief and the investigation and prosecution of the violation.

(d) Examination applicants who have failed to pay a court award pursuant to subsection (c) of this section shall not be allowed to take any examination offered by the Board until the award has been satisfied."

**SECTION 3.1.(c)** This section is effective when it becomes law and applies to actions filed or commenced on or after that date.

## **AMEND ELECTRICAL CONTRACTOR LICENSURE REQUIREMENTS**

**SECTION 3.2.(a)** G.S. 87-43.3(a)(1) reads as rewritten:

"(1) Limited, under which a licensee shall be permitted to engage in a single electrical contracting project of a value, as established by the Board, not in excess of one hundred thousand dollars (\$100,000) and on which the equipment or installation in the contract is rated at not more than ~~600~~1,000 volts. The limited classification and any special restricted classifications shall require no more than 3,000 hours of experience, of which, no less than 2,000 hours shall consist of primary experience gained by direct installation of electrical wiring and equipment governed by the National Electric Code."

**SECTION 3.2.(b)** This section becomes effective January 1, 2025.

## **FUEL GAS CODE REFERENCE FOR ELECTRICAL CONTRACTOR EXEMPTION**

**SECTION 3.3.** G.S. 87-43.1(8) reads as rewritten:

"(8) To the bonding of corrugated stainless steel tubing (CSST) gas piping systems as required under Section 310.1.1 of the ~~2012 N.C.~~North Carolina Fuel Gas Code."

## **CREATE A BUILDING CODE PERMIT TECHNICIAN CERTIFICATION**

**SECTION 3.4.(a)** G.S. 143-151.12 reads as rewritten:

**"§ 143-151.12. Powers.**

In addition to powers conferred upon the Board elsewhere in this Article, the Board has the power to do the following:

...  
(3a) Certify persons as being qualified under the provisions of this Article to be North Carolina State Building Code Permit Technicians.

...."

**SECTION 3.4.(b)** Article 9C of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-151.22. North Carolina State Building Code Permit Technician; certification program; professional development requirements; renewal of certificates; fees; exam waivers.**

(a) State Building Code Permit Technician Certification Program. – The Board shall develop a North Carolina State Building Code Permit Technician certification program and North Carolina State Building Code Permit Technician Certificate. To obtain a certificate, a person must pass an examination, as prescribed by the Board, that is based on the North Carolina State Building Code, administrative procedures applicable to permit administration, and relevant topics in support of Code-enforcement officials and local inspection departments. The Board may issue a certificate to each person who successfully completes the examination. The certificate shall bear the signatures of the chairman and secretary of the Board.

(b) Professional Development Standards for Renewal. – The Board may establish professional development requirements for North Carolina State Building Code Permit Technicians as a condition of the renewal of their certificates. The purpose of these professional development requirements is to assist in maintaining professional competence. A certificate holder subject to this section shall present evidence to the Board at each certificate renewal after initial certification that during the 12 months before the certificate expiration date, the certificate holder has completed the required number of credit hours in courses approved by the Board. Annual continuing education hour requirements shall be determined by the Board. The Board may, for good cause shown, grant extensions of time to certificate holders to comply with these requirements.

(c) Renewal Application. – A North Carolina State Building Code Permit Technician Certificate must be renewed annually on or before the first day of July.

(d) Fee Authorization. – The Board shall establish a schedule of fees to be paid by each applicant for initial certification and renewal certification as a North Carolina State Building Code Permit Technician. A fee of not more than twenty dollars (\$20.00), as determined by the Board, must be paid by any applicant to the Board for the issuance of an initial certification. A fee of not more than ten dollars (\$10.00), as determined by the Board, must be paid by any applicant to the Board for the issuance of a renewal certification. The Board is authorized to charge an extra four dollar (\$4.00) late renewal fee for renewal applications made after the first day of July each year.

(e) Qualified Code-Enforcement Official Exam Waiver. – The Board shall, without requiring an examination, grant a certificate pursuant to this section to any person who, at the time of application, possesses a Building Inspector standard certificate issued by the Board and who is in good standing. The Board may assess a fee for a certificate issued pursuant to this subsection, to the extent authorized by subsection (d) of this section for an initial certification.

(f) Comity. – The Board may, without requiring an examination, grant a certificate pursuant to this section to any person who, at the time of application, is similarly certified as a permit technician in good standing by a similar board of another jurisdiction or certified as a permit technician in good standing by the International Code Council, where standards are acceptable to the Board. The certificate granted under this subsection shall expire after one year unless, within that time period, the holder completes a short course, as prescribed by the Board, based on the North Carolina State Building Code and administrative procedures described in subsection (a) of this section. The Board may assess a fee for a certificate issued pursuant to this subsection, to the extent authorized by subsection (d) of this section for an initial certification."

**SECTION 3.4.(c)** This section becomes effective July 1, 2024.

## **LOCAL GOVERNMENT REVIEW OF SEALS OF DESIGN**

**SECTION 3.5.** Article 1 of Chapter 160D of the General Statutes is amended by adding a new section to read:

### **"§ 160D-111. Local government review of affixed seals of design.**

Administrative staff, Code-enforcement officials, or other local government personnel charged with reviewing plans required by this Chapter shall not make administrative decisions on the scope of work covered by architect or engineer seals of designs affixed to work as required by Chapter 83A or Chapter 89C of the General Statutes, the North Carolina State Building Code, or as otherwise required by law. Nothing in this section should be construed to prevent a local government from reviewing plans, drawings, specifications, reports, or other work that requires a seal pursuant to Chapter 83A or Chapter 89C of the General Statutes, the North Carolina State Building Code, or other relevant laws, before an architect or engineer seal is affixed, to ensure compliance with applicable codes, ordinances, or other design standards or requirements."

## **PART IV. ENVIRONMENT AND ENVIRONMENTAL HEALTH**

### **CLARIFY SECTION 13(b) OF S.L. 2023-108, WHICH PROHIBITED LOCAL GOVERNMENTS FROM REQUIRING PAYMENTS FROM OWNERS OF STORMWATER CONTROL SYSTEMS FOR FUTURE MAINTENANCE OR REPLACEMENT COSTS OF A SYSTEM**

**SECTION 4.1.** Section 13(b) of S.L. 2023-108 reads as rewritten:

"**SECTION 13.(b)** If, prior to the effective date of G.S. 160D-925(d1), as enacted by subsection (a) of this section, a local government has required an owner of a privately owned and maintained stormwater control project to make payments to the local government for the purpose of ensuring assets are available for maintenance, repair, replacement, and reconstruction costs of

the owner's stormwater control project or other stormwater control projects within the local government's jurisdiction, ~~in accordance with G.S. 160D-925(d1), as enacted by subsection (a) of this section,~~ the local government ~~shall~~ shall, upon request of the owner of the stormwater control project, immediately refund the monies to the owner of the stormwater control project to make such funds accessible to the owner to cover necessary maintenance, repair, replacement, and reconstruction costs for the owner's stormwater control project. ~~project, in accordance with G.S. 160D-925(d1).~~ For stormwater control projects in residential communities, in the event maintenance, repair, replacement or reconstruction of a project is needed, such funds shall be exhausted before the local government may assess costs of the necessary work on individual homeowners within the community, or any applicable owners' association."

## **MODIFY RECORDATION REQUIREMENTS FOR OPERATION AND MAINTENANCE AGREEMENTS FOR STORMWATER CONTROL MEASURES**

**SECTION 4.2.(a)** Definitions. – For purposes of this section, "Stormwater Control Measure Rule" means 15A NCAC 02H .1050 (Minimum Design Criteria for All Stormwater Control Measures).

**SECTION 4.2.(b)** Stormwater Control Measure Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Stormwater Control Measure Rule as provided in subsection (c) of this section.

**SECTION 4.2.(c)** Implementation. – The Commission shall eliminate the requirement that an Operation and Management (O&M) Agreement be referenced on the final plat and recorded with the county Register of Deeds upon final plat approval. In lieu, the Commission shall require that an O&M Agreement be referenced upon any instrument of title recorded with the county Register of Deeds. For the purposes of this subsection, "instrument of title" means any recorded instrument that affects title or constitutes the chain of title to real property, including, but not limited to, all deeds, wills, estate documents evidencing transfer of title, plats, surveys, easements, rights-of-way, outstanding mortgages and deeds of trust, judicial orders or decrees, and documents evidencing intestate succession.

**SECTION 4.2.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Stormwater Control Measure Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.2.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

## **AMEND NCDEQ FAST TRACK SEWER CERTIFICATIONS**

**SECTION 4.3.(a)** G.S. 143-215.1(d) reads as rewritten:

"(d) Applications and Permits for Sewer Systems, Sewer System Extensions and Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities Not Discharging to the Surface Waters of the State. –

- (1) All applications for new permits and for renewals of existing permits for sewer systems, sewer system extensions and for disposal systems, and for land application of waste, or treatment works which do not discharge to the surface waters of the State, and all permits or renewals and decisions denying any application for permit or renewal shall be in writing. Where the Commission has provided a digital submission option, the submission shall constitute a

written submission. The Commission shall act on a permit application as quickly as possible. The Commission 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 Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit, including a renewal of a permit, within 90 days after the applicant submits all information required by the Commission, the application is considered to be approved. Permits and renewals issued in approving such facilities pursuant to this subsection shall be effective until the date specified therein or until rescinded unless modified or revoked by the Commission. Prior to acting on a permit application for the land application of bulk residuals resulting from the operation of a wastewater treatment facility, the Commission shall provide notice and an opportunity for comment from the governing board of the county in which the site of the land application of bulk residuals is proposed to be located. Local governmental units to whom pretreatment program authority has been delegated shall establish, maintain, and provide to the public, upon written request, a list of pretreatment applications received. If the Commission fails to act on an application for a permit or for a renewal of a permit as specified in this subdivision after the applicant submits all information required by the Commission, the application shall be deemed approved.

- a. Fast-track sewer extensions. – Where a professional engineer provides certification that the design meets or exceeds Minimum Design Criteria developed by the Department applicable to the project, the Commission shall perform a review of a new application for a sewer system extension permit within 45 days of receipt of a complete application. A complete application is defined as an application that includes all the required components described in the application form. The Commission shall perform an administrative review of a new application within 10 days of receipt to determine if all the required information is included in the application. If complete, the Commission shall issue a receipt letter or electronic response stating that the application is complete and that a 45-calendar day technical review period has started as of the original date the complete application was received. If required items or information is not included, the application shall be deemed incomplete, and the Commission 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 Commission shall then issue a receipt letter or electronic response specifying that it is complete and that the 45-calendar day review period has started as of the date of receipt of all required information. If additional information is required to complete the technical review, the Commission shall issue a request for additional information required to complete the review, and the review time shall pause until the additional information is received. If the requested additional information is not received within 30 days, the application shall be returned to the applicant. Upon receipt of the requested additional information, the review time shall restart at the same day it was paused by the additional information request. If approved, the Commission shall issue an approval letter or electronic

correspondence indicating approval of the application. After construction of the sewer system is completed, and within 14 days of receiving all necessary certifications from a professional engineer that the sewer system extension complies with all applicable rules and Minimum Design Criteria, the Commission shall issue a receipt of certification. Applications for alternative sewer systems as defined in sub-subdivision b. of this subdivision are not eligible for this fast-track review.

b. "Alternative sewer system" means any sewer system or collection system other than a gravity system or standard pump station and force main. These include pressure sewer systems, septic tank with effluent pump (STEP) sewer systems, vacuum sewer system, and small diameter variable grade gravity sewers.

- (2) An applicant for a permit to dispose of petroleum contaminated soil by land application shall give written notice that he intends to apply for such a permit to each city and county government having jurisdiction over any part of the land on which disposal is proposed to occur. The Commission shall not accept such a permit application unless it is accompanied by a copy of the notice and evidence that the notice was sent to each such government by certified mail, return receipt requested. The Commission may consider, in determining whether to issue the permit, the comments submitted by local governments."

**SECTION 4.3.(b)** The Commission shall adopt amendments to its relevant permitting rules to reflect the statutory changes made by subsection (a) of this section.

**SECTION 4.3.(c)** Subsections (a) and (b) of this section become effective July 1, 2024.

## **ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS BOARD CHANGES**

**SECTION 4.4.(a)** Article 5 of Chapter 90A of the General Statutes reads as rewritten:

"Article 5.

"Certification of On-Site Wastewater Contractors and Inspectors.

### **"§ 90A-70. Purpose.**

It is the purpose of this Article to protect the environment and public health, safety, and welfare by ensuring the integrity and competence of on-site wastewater ~~contractors~~ contractors, Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors; to require the examination of on-site wastewater ~~contractors~~ contractors, Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors and the certification of their competency to supervise or conduct the construction, installation, ~~repair,~~ repair, evaluation, or inspection of on-site wastewater systems; to establish minimum standards for ethical conduct, responsibility, training, experience, and continuing education for on-site wastewater system ~~contractors~~ contractors, Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors; and to provide appropriate enforcement procedures for rules adopted by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.

### **"§ 90A-71. Definitions.**

The following definitions apply in this Article:

- (1) "Authorized On-Site Wastewater Evaluator" is as defined in G.S. 130A-336.2(a).
- (2) "Board" means the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.

- ~~(2)~~(3) "Contractor" means a person who constructs, installs, or repairs, or offers to construct, install, or repair an on-site wastewater system in the State.
- ~~(3)~~(4) "Conventional wastewater system" ~~has the same meaning as is as defined in~~ G.S. 130A-343(a)(3).
- ~~(4)~~(5) "Department" means the Department of Health and Human Services.
- ~~(4a)~~(6) "Inspection" means an examination of an on-site wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes that satisfies all of the following criteria:
  - a. Is requested by a lending institution, realtor, prospective homebuyer, or other impacted party as a condition of sale, refinancing, or transfer of title.
  - b. Meets the minimum requirements established by the Board.
- ~~(5)~~(7) "Inspector" means a person who conducts an inspection in accordance with rules adopted by the Board.
- ~~(6)~~(8) "On-site wastewater system" means any wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes that does not discharge to a treatment facility or the surface waters of the State.
- ~~(7)~~(9) "Person" means all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities, or political subdivisions, governmental agencies, or private or public corporations organized and existing under the laws of this State or any other state or country.
- (10) "Private Compliance Inspector" means a person who is hired by the owner of a wastewater system, contractor, professional engineer, or Authorized On-Site Wastewater Evaluator to perform a compliance inspection of a new on-site wastewater system or for the repair of an existing on-site wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes. The owner or applicant for the wastewater system being constructed or repaired shall sign a Board-approved document accepting the Private Compliance Inspector.
- ~~(8)~~(11) "Wastewater treatment facility" means a mechanical or chemical treatment facility serving a site with multiple wastewater sources.

**"§ 90A-72. Certification required; applicability.**

(a) Certification Required. – No person shall construct, install, or repair or offer to construct, install, or repair an on-site wastewater system permitted under Article 11 of Chapter 130A of the General Statutes without being certified as a contractor at the required level of certification for the specified system. No person shall conduct an inspection or offer to conduct an inspection of an on-site wastewater system as permitted under Article 11 of Chapter 130A of the General Statutes without being certified in accordance with the provisions of this Article. No person shall conduct an evaluation or offer to conduct the services authorized in G.S. 130A-336.2(a) without being certified as an Authorized On-Site Wastewater Evaluator. No person shall conduct or offer to conduct a private compliance inspection of an on-site wastewater system for compliance with the designs of a Construction Authorization issued pursuant to G.S. 130A-335(a5) or a Notice of Intent to Construct issued pursuant to G.S. 130A-336.1 or G.S. 130A-336.2 unless certified as a Private Compliance Inspector or pursuant to G.S. 130A-337(a1). The Private Compliance Inspector shall obtain written consent from the professional engineer pursuant to G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator pursuant to G.S. 130A-336.2 prior to conducting the compliance inspection.

(b) Applicability. – This Article does not apply to the following:

- (1) A person who is employed by a certified contractor or inspector in connection with the construction, installation, repair, or inspection of an on-site



wastewater system performed under the direct and personal supervision of the certified contractor or inspector in charge.

- (2) A person who constructs, installs, or repairs an on-site wastewater system described as a single septic tank with a gravity-fed gravel trench dispersal media when located on land owned by that person and that is intended solely for use by that person and members of that person's immediate family who reside in the same dwelling.
- (3) A person licensed under Article 1 of Chapter 87 of the General Statutes who constructs or installs an on-site wastewater system ancillary to the building being constructed or who provides corrective services and labor for an on-site wastewater system ancillary to the building being constructed.
- (4) A person who is certified by the Water Pollution Control System Operators Certification Commission and contracted to provide necessary operation and maintenance on the permitted on-site wastewater system.
- (5) A person permitted under Article 21 of Chapter 143 of the General Statutes who is constructing a water pollution control facility necessary to comply with the terms and conditions of a National Pollutant Discharge Elimination System (NPDES) permit.
- (6) ~~A person licensed under Article 1 of Chapter 87 of the General Statutes as a licensed public utilities contractor who is installing or expanding a wastewater treatment facility, including a collection system, designed by a registered professional engineer.~~
- (7) A plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes, so long as the plumber is not performing plumbing work that includes the installation or repair of a septic tank or similar depository, such as a treatment or pretreatment tank or system, or lines, tanks, or appurtenances downstream from the point where the house or building sewer lines from the plumbing system meet the septic tank or similar depository. This subdivision shall not be construed to require a plumbing contractor to become certified as a contractor pursuant to this section to install or repair a grease trap, interceptor, or separator upstream from a septic tank or similar depository that complies with the requirements of the local health department.
- (8) A person employed by the Department, a local health department, or a local health district, when conducting a regulatory inspection of an on-site wastewater system for purposes of determining compliance.

...

**"§ 90A-75. Expenses and fees.**

(a) Expenses. – All salaries, compensation, and expenses incurred or allowed for the purposes of carrying out this Article shall be paid by the Board exclusively out of the funds received by the Board as authorized by this Article. No salary, expense, or other obligations of the Board may be charged against the General Fund of the State. Neither the Board nor any of its members or employees may incur any expense, debt, or financial obligation binding upon the State.

(b) Contributions. – The Board may accept grants, contributions, devises, and gifts that shall be kept in the same account as the funds deposited in accordance with this Article and other provisions of the law.

(c) Fees. – All fees shall be established in rules adopted by the Board. The Board shall establish fees sufficient to pay the costs of administering this Article, but in no event shall the Board charge a fee at an annual rate in excess of the following:

- |     |                                                                      |                                     |
|-----|----------------------------------------------------------------------|-------------------------------------|
| (1) | Application for <del>basic certification</del> <u>grade level II</u> | <del>\$150.00</del> <u>\$200.00</u> |
| (2) | Application for <del>each</del> <u>grade level IV</u>                | <del>\$50.00</del> <u>\$300.00</u>  |

- |     |                                                         |                                     |
|-----|---------------------------------------------------------|-------------------------------------|
| (3) | Certification renewal <u>for:</u>                       | <del>\$100.00</del>                 |
| a.  | <u>Contractor or point-of-sale inspector</u>            | <del>\$75.00</del>                  |
| b.  | <u>Authorized On-Site Wastewater Evaluator</u>          | <del>\$100.00</del>                 |
| c.  | <u>Private Compliance Inspector</u>                     | <del>\$100.00</del>                 |
| (4) | Reinstatement of revoked or suspended Certification     | \$500.00                            |
| (5) | Application for on-site wastewater system inspector     | \$200.00                            |
| (6) | Application for authorized on-site wastewater evaluator | <del>\$300.00</del> <u>\$300.00</u> |
| (7) | <u>Application for Private Compliance Inspector</u>     | <u>\$300.00.</u>                    |

(c1) Use of Fees. – All fees collected pursuant to this Article shall be held by the Board and used by the Board for the sole purpose of administering this Article.

(d) Audit. – The Board is subject to the oversight of the State Auditor under Article 5A of Chapter 147 of the General Statutes.

...

**"§ 90A-77. Certification requirements.**

(a) Certification. – The Board shall issue a certificate ~~of the appropriate grade level~~ to an applicant who satisfies all of the following conditions:

- (1) Is at least 18 years of age.
- (2) Submits a properly completed application with all required supporting documents for the certification being applied for to the Board.
- (3) ~~Completes the basic on-site wastewater education program approved by the Board for the specific grade level.~~ For grade level II contractor certification, applicant shall satisfy the following conditions:
  - a. Complete the basic on-site wastewater education approved by the Board for any level.
  - b. Complete any additional class hours required for grade level II.
- (3a) For grade level IV contractor certification, applicant shall satisfy the following conditions:
  - a. Hold current and satisfactory certification of grade level II for a minimum of two years prior to application for grade level IV.
  - b. Complete any additional class hours required for grade level IV.
- (3b) For inspector certification, applicant shall satisfy the following conditions:
  - a. Complete the point-of-sale inspector education approved by the Board.
  - b. Complete any additional class hours required for point-of-sale inspector certification.
  - c. Hold current and satisfactory certification of grade level IV contractor, or Authorized On-Site Wastewater Evaluator or subsurface operator certification for a minimum of two years.
  - d. In lieu of the experience requirements in this subdivision, an applicant may instead complete the approved education requirements for the grade IV contractor certification as required by the Board.
- (3c) For Authorized On-Site Wastewater Evaluator, applicant shall complete the Authorized On-Site Wastewater Evaluator education approved by the Board.
- (3d) For Private Compliance Inspector, applicant shall satisfy the following conditions:
  - a. Complete the Private Compliance Inspector education approved by the Board.

- b. Complete any additional class hours required by the Board for compliance inspector certification.
  - c. Have a minimum of 5 years of experience as a certified contractor, Authorized On-Site Wastewater Evaluator, subsurface operator, or a registered environmental health specialist with experience in on-site wastewater matters.
  - d. Not be employed by a local health department.
- (4) Repealed by Session Laws 2010-31, s. 13.2(l), effective July 1, 2010.
  - (5) Completes any additional training program designed by the Board specific to the grade level for which the applicant is applying.
  - (6) Pays the applicable fees set by the Board for the particular ~~application and grade level application.~~
  - (7) ~~For the specific grade level, as determined by the Board, passes~~ Passes a written or oral examination that tests the applicant's proficiency in all of the following areas:
    - a. Principles of public and environmental health associated with on-site wastewater systems.
    - b. Principles of construction and safety.
    - c. Technical and practical knowledge of on-site wastewater ~~systems typical to the specified grade level systems.~~
    - d. Laws and rules related to the installation, construction, repair, ~~or inspection point-of-sale inspection, evaluation, or private compliance inspection of the specified on-site wastewater system systems.~~

(b) Location of Examinations. – The Board shall provide a minimum of three examinations each year; one each in the eastern, central, and western regions of the State.

(b1) Any applicant for an exam shall submit the complete package to the Board no later than 15 business days prior to the exam date to be considered eligible for the exam.

(c) Approval of Certification Programs. – The Board may issue a certificate ~~at the appropriate grade level~~ to an applicant who has completed an approved training or continuing education program.

(d) No Degree Required. – An applicant shall not be required to hold or obtain an educational diploma or degree to obtain a certificate. An applicant that meets all the conditions for certification except for passage of the Board examination may take the examination on three successive occasions without having to file for a new application, pay an additional application fee, or repeat any applicable training program. If the applicant fails to pass the Board examination on three successive occasions, the applicant must reapply to the Board, pay an additional application fee, and repeat the training program.

(e) Certificate. – The certification shall show the full name of the certificate holder. The certificate shall provide a unique identification number and shall be signed by the Chair. Issuance of the certificate by the Board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a certified contractor ~~or inspector~~, at the grade level specified on the certificate, certificate, inspector, Authorized On-Site Wastewater Evaluator, or Private Compliance Inspector while the certificate remains in effect.

(f) Replacement Certificate. – A new certificate to replace one lost, destroyed, or mutilated shall be issued subject to rules adopted by the Board and with the payment of a fee set by the Board. The fee for a duplicate or replacement certificate shall not exceed twenty-five dollars (\$25.00).

#### **"§ 90A-78. Certification renewal.**

(a) Renewal. – All certifications shall expire ~~at intervals determined by the Board on December 31 of each year unless they are renewed. In no event may the interval determined by the Board be less than one year.~~ To renew a certification, a ~~contractor or inspector~~ contractor,

inspector, Authorized On-Site Wastewater Evaluator, or Private Compliance Inspector must meet all of the following conditions:

- (1) Submit an application for renewal on the form prescribed by the ~~Board~~ Board, which includes all supporting documents requested on the renewal form.
- (2) Meet the following continuing education requirements prescribed by the ~~Board~~ requirements:
  - a. Grade level II contractor: 3 hours per year.
  - b. Grade level IV contractor: 6 hours per year.
  - c. Point-of-sale inspector: 6 hours per year.
  - d. Authorized on-site wastewater evaluator: 12 hours per year.
  - e. Private compliance inspector: 12 hours per year.
  - f. For persons holding more than one certification issued by the Board, the higher annual hours continuing education requirement of all certificates held.
- (3) Pay the certification renewal fee.
- (4) Submit the renewal by November 15 annually.

(b) Late Fee. – A contractor or inspector with an expired certificate may renew the certification within 90 days of its expiration upon payment of a late fee set by the Board. The late fee shall not exceed twenty-five dollars (\$25.00). If a certification is not renewed within 90 days of its expiration, the certification shall not be renewed, and the holder must apply for a new certificate. Late fees shall be payable for any renewable fee paid after the due date.

(c) Renewal Process for Expired Certifications. – The renewal process for expired certificates for contractors, point-of-sale inspectors, Authorized On-Site Wastewater Evaluators, and Private Compliance Inspectors shall be as follows:

- (1) Within 90 days of its expiration, an expired certificate may be renewed upon payment of the certification renewal fee in G.S. 90A-75(c)(3) and the late fee established pursuant to subsection (b) of this section.
- (2) Between 91 days and 24 months of its expiration, an expired certificate may be renewed upon submittal of an application for recertification, the certification renewal fee in G.S. 90A-75(c)(3), total of continuing education required annually for certificate, and passing grade for exam required for certificate.
- (3) After 24 months of its expiration, no certificate may be renewed. The holder of a certificate expired for more than 24 months shall apply for a new certificate.

#### **"§ 90A-79. Continuing education.**

(a) Requirements. – The Board shall require continuing education as a condition of certification and renewal. The Board shall determine the number of hours, based on ~~grade levels applied for, certifications held,~~ up to a maximum of 12 hours per year, and the subject material for the specified grade level. The Board shall maintain records of continuing education coursework successfully completed by each certified contractor or inspector.

(b) Approval of Continuing Education Programs. – The Board may approve a continuing education program or course if the Board finds that the program or course provides useful educational information or experience that will enhance the construction, installation, ~~repair,~~ repair, evaluation, or inspection of on-site wastewater systems. Request for approval of continuing education programs or courses shall be submitted to the Board for review no later than two weeks prior to a regularly scheduled Board meeting and prior to the class being held. The Board shall not issue retroactive approvals for any continuing education program or course. Approvals shall be granted on an annual calendar year basis. The Board may develop and offer continuing education programs.

#### **"§ 90A-80. Investigation of complaints.**

(a) Misconduct. – A person may refer to the Board charges of fraud, deceit, negligence, incompetence, or misconduct against any certified contractor or inspector. The charges shall be in writing and sworn to by the complainant and submitted to the Board. These charges, unless dismissed without a hearing by the Board as unfounded or trivial, shall be heard and determined by the Board in accordance with the provisions of Chapter 150B of the General Statutes. An association that receives professional recognition of its own certification process by the Board shall be responsible for the conduct and competency of its members.

(b) Records. – The Board shall establish and maintain detailed records regarding complaints concerning each certified ~~contractor~~ contractor, Authorized On-Site Wastewater Evaluator, Private Compliance Inspector, or point-of-sale inspector. The records shall include those certified by recognized associations. The records shall also detail the ~~levels of~~ certification held by each ~~contractor~~ contractor, Authorized On-Site Wastewater Evaluator, Private Compliance Inspector, or point-of-sale inspector.

(c) Notification. – The Board shall provide local health departments with notification of changes in certifications, complaints, suspensions, or reinstatements under this Article. This requirement may be satisfied electronically via the Environmental Health Listserv maintained by the Department.

**"§ 90A-81. Remedies.**

(a) Denial, Suspension, and Revocation of Certification. – The Board may deny, suspend, or revoke a certificate under this Article for:

- (1) A violation of this Article or a rule of the Board.
- (2) The use of fraud or deceit in obtaining or renewing a certificate.
- (3) Any act of gross negligence, incompetence, or misconduct in the construction, installation, repair, or inspection of an on-site wastewater system.
- (4) Failure to satisfactorily complete continuing education requirements prescribed by the Board.

(b) Arbitration. – The Board may establish a voluntary arbitration procedure to resolve complaints concerning a certified contractor or inspector or any work performed by a certified contractor or inspector, or conflicts involving any certified contractor or inspector and the Division of Public Health of the Department or a local health department.

(c) Injunction. – The Board may in its own name seek an injunction to restrain any person, firm, partnership, or corporation from violating the provisions of this Article or rules adopted by the Board. The Board may bring an action for an injunction in the superior court of any county in which the violator resides or the violator's principal place of business is located. In any proceedings for an injunction, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation. Members of the Board shall not be personally or professionally liable for any act or omission pursuant to this subsection. The Board shall not be required to post a bond in connection with any action to obtain an injunction.

(d) Offenses. – A person who commits any one or more of the following offenses is guilty of a Class 2 misdemeanor:

- (1) Engages in or offers to engage in the construction, installation, ~~repair, repair,~~ evaluation, or inspection of an on-site wastewater system without the appropriate certificate for the grade level of on-site wastewater system certification.
- (2) Gives false or forged evidence of any kind in obtaining a certificate.
- (3) Falsely impersonates a certified ~~contractor~~ contractor, Authorized On-Site Wastewater Evaluator, Private Compliance Inspector, or point-of-sale inspector."

**SECTION 4.4.(b)** This section becomes effective January 1, 2025.

## **ALLOW PRIVATE COMPLIANCE INSPECTORS TO INSPECT CERTAIN ON-SITE WASTEWATER SYSTEMS**

**SECTION 4.5.(a)** G.S. 130A-337 is amended by adding two new subsections to read:

"(a2) Notwithstanding subsection (a) or (a1) of this section, an applicant may contract with a Private Compliance Inspector certified pursuant to Article 5 of Chapter 90A of the General Statutes to conduct any required verifications or inspections of an on-site wastewater system for compliance with the designs of a Construction Authorization issued pursuant to G.S. 130A-335(a5) or a Notice of Intent to Construct issued pursuant to G.S. 130A-336.1 or G.S. 130A-336.2 when all of the following criteria are met:

- (1) The Private Compliance Inspector is not the contractor of the on-site wastewater system being inspected or employed by the contractor of the on-site wastewater system being inspected.
- (2) The Private Compliance Inspector holds sufficient errors and omissions and general liability insurance for the project being inspected.
- (3) The Private Compliance Inspector obtains written approval from the professional engineer or Authorized On-Site Wastewater Evaluator prior to conducting the compliance inspection.
- (4) The Private Compliance Inspector documents the compliance inspection with the common form developed or approved by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. The compliance inspection document shall show any as-builts as approved at the site and conveyed to the owner or authorized agency.
- (5) The Private Compliance Inspector delivers the completed compliance inspection form to the owner of the on-site wastewater system being inspected, professional engineer, or Authorized On-Site Wastewater Evaluator, as applicable.

(a3) The Department, the Department's authorized agents, and the local health department shall be discharged and released from any liabilities, duties, and responsibilities imposed by statute or common law from any claim arising out of or attributed to an on-site wastewater system inspected pursuant to subsection (a2) of this section."

**SECTION 4.5.(b)** This section becomes effective January 1, 2025.

## **INCREASE FEES FOR LICENSED SOIL SCIENTISTS**

**SECTION 4.6.** G.S. 89F-25 reads as rewritten:

**"§ 89F-25. Fees.**

(a) The Board shall determine fees for the following services that shall not exceed the amounts specified in this section:

|                                                           |                             |
|-----------------------------------------------------------|-----------------------------|
| Application                                               | <del>\$ 50.00</del> \$80.00 |
| <u>Application for corporate certificate of licensure</u> | <u>\$100.00</u>             |
| <u>Renewal of corporate certificate of licensure</u>      | <u>\$100.00</u>             |
| License                                                   | <del>85.00</del> \$185.00   |
| Renewal                                                   | <del>85.00</del> \$180.00   |
| Restoration                                               | <del>110.00</del> \$125.00  |
| Replacement license                                       | <del>50.00</del> \$100.00   |
| Seal                                                      | <del>30.00</del> \$75.00.   |

(b) The Board may charge the applicant the actual cost of preparation, administration, and grading of examinations for soil scientists, in addition to its other fees."

## **REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS DEFENSE AND LIABILITY**

SECTION 4.7. G.S. 143-300.8 reads as rewritten:

**"§ 143-300.8. Defense of local ~~sanitarians~~ registered environmental health specialists, registered environmental health specialist interns, and registered environmental health associates.**

(a) The following definitions apply in this section:

- (1) Department. – The Department of Health and Human Services.
- (2) Local health department. – Defined in G.S. 130A-2(5).
- (3) Registered environmental health associate. – Defined in G.S. 90A-51(2d).
- (4) Registered environmental health specialist. – Defined in G.S. 90A-51(4).
- (5) Registered environmental health specialist intern. – Defined in G.S. 90A-51(5).

(b) All local health departments shall enter into an annual agreement with the Department to provide environmental health services in accordance with Chapter 130A of the General Statutes. The annual agreement shall include a requirement for quality assurance for all environmental health services.

(c) ~~Any local health department sanitarian~~ Except as provided in subsections (d) and (e) of this section, any registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate enforcing rules of the Commission for Public Health under the ~~supervision authority~~ of the Department of Health and Human Services pursuant to G.S. 130A-4 shall be defended by the Attorney General, subject to the provisions of G.S. 143-300.4, and shall be protected from liability in accordance with the provisions of this Article in any civil or criminal action or proceeding brought against the ~~sanitarian~~ in his registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate in their official or individual capacity, or both, on account of an act done or omission made in the scope and course of enforcing the rules of the Commission for Public Health. The Department of Health and Human Services shall pay half of any judgment against the ~~sanitarian~~, registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate, or any settlement made on his their behalf, subject to the provisions of G.S. 143-300.6. The local health department employing or contracting with the registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate at the time of the underlying act or omission giving rise to the judgment or settlement shall pay half of the judgment or settlement. The Department may agree, in its sole discretion, to an alternate arrangement with the local health department wherein the Department pays more than half of the judgment or settlement depending on the individual circumstances of the case.

(d) Any registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate employed by or contracted to work for a local health department that has not entered into an annual agreement or fails to abide by the annual agreement, as determined by the Department, as required by subsection (b) of this section shall not be defended by the Attorney General or have their judgement or settlement paid by the Department. The local health department shall be required to pay any judgement against the registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate or any settlement on their behalf for any act or omission made in the scope and course of enforcing the rules of the Commission for Public Health.

(e) A registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate shall not be defended by the Attorney General or protected from liability for any claim arising from an act or omission made in the scope and course of enforcing a local rule adopted pursuant to G.S. 130A-335(c).

(f) This section shall apply to actions in which the registered environmental health specialist, registered environmental health intern, or registered environmental health associate,

is named individually as a party, as well as contested cases brought in the Office of Administrative Hearings, pursuant to Chapter 150B of the General Statutes, arising from the alleged acts or omissions of an authorized agent of the Department, during which the Department determines that the best course of action is to resolve the matter with a settlement payment to the petitioner to conclude the contested case and avoid any future litigation."

## **WATER SUPPLY WELL SETBACK CHANGES**

**SECTION 4.8.(a)** Definitions. – For purposes of this section and its implementation, "Construction Standards Rule" means 15A NCAC 02C .0107 (Standards of Construction: Water Supply Wells).

**SECTION 4.8.(b)** Construction Standards Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Construction Standards Rule as provided in subsection (c) of this section.

**SECTION 4.8.(c)** Implementation. – The horizontal separation between a water supply well and potential sources of groundwater contamination that exist at the time the well is constructed shall be no less than 50 feet for any single-family dwelling with a septic tank and drainfield, including the drainfield repair area in saporlite system as described in the 15A NCAC 18E rules.

**SECTION 4.8.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Construction Standards Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.8.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

## **CLARIFY CHANGES TO ON-SITE WASTEWATER STATUTES**

**SECTION 4.9.(a)** If Senate Bill 508, 2023 Regular Session, becomes law, then G.S. 130A-336.1(l), as amended by Section 3.9(a) of that act, reads as rewritten:

"(l) Reporting Requirements. –

- (1) The owner of the wastewater system shall submit the following to the local health department prior to receiving a Certificate of Occupancy from the appropriate inspection department:
  - a. A copy of the professional engineer's report required pursuant to ~~G.S. 130A-336.1(k)(1)~~; G.S. 130A-336.1(k)(1), including a signed document from the licensed soil scientist or licensed geologist releasing their soils report to be used in obtaining a permit pursuant to this section.
  - b. A copy of the operations and management program.
  - c. Repealed by Session Laws 2023-90, s. 3, effective July 10, 2023.
  - d. A letter that documents the owner's acceptance of the system from the professional engineer.
  - e. A copy of the Authorization to Operate.
- (2) The owner of any wastewater system that is subject to subsection (d) of this section shall deliver to the Department copies of the engineer's report, as described G.S. 130A-336.1(k)(1).



- (3) ~~Within two business days of receiving the documentation required pursuant to subdivision (1) of this subsection, the local health department shall notify the appropriate inspections department. If the local health department fails to notify the inspections department within two business days, the owner of the wastewater system may submit the Authorization to Operate to the appropriate inspections department and receive a Certificate of Occupancy. The local health department shall date and stamp as received upon the delivery of the professional engineer's report described in G.S. 130A-336.1(k)(1) by the owner or the owner's legal representative. The local health department shall notify the appropriate inspections department of the acceptance of the professional engineer's report and a Certificate of Occupancy shall be issued."~~

**SECTION 4.9.(b)** If Senate Bill 508, 2023 Regular Session, becomes law, G.S. 130A-336.2, as amended by Section 3.9(b) of that act, reads as rewritten:

**"§ 130A-336.2. Alternative wastewater system approvals for nonengineered systems.**

...

(l) After reviewing the Authorized On-Site Wastewater Evaluator's report, the owner shall sign confirming acceptance and receipt of the report. The owner shall then submit the following to the local health department prior to receiving a Certificate of Occupancy from the appropriate inspection department:

- (1) A copy of the Authorized On-Site Wastewater Evaluator's report, including the Authorization to Operate.
- (2) A copy of the operations and management program established for the system by the Authorized On-Site Wastewater Evaluator.
- (3) Repealed.
- (4) A copy of the document confirming acceptance and receipt of the report by the owner.

(l1) ~~Within two business days of receiving the documentation required pursuant to subsection (l) of this section, the local health department shall notify the appropriate inspections department. If the local health department fails to notify the inspections department within two business days, the owner of the wastewater system may submit the Authorization to Operate to the appropriate inspections department and receive a Certificate of Occupancy. The local health department shall date and stamp as received upon delivery of the documentation required pursuant to subsection (l) of this section by the owner or the owner's legal representative. The local health department shall notify the appropriate inspections department of the acceptance of the documentation and a Certificate of Occupancy shall be issued.~~

...."

**SECTION 4.9.(c)** If Senate Bill 508, 2023 Regular Session, becomes law, then G.S. 130A-336.1(o), as amended by Section 3.9(c) of that act, reads as rewritten:

"(o) Change in System Ownership. – A wastewater system authorized pursuant to this section shall not be affected by change in ownership of the site for the wastewater system. A Notice of Intent to Construct shall not be transferrable to a new owner without the written consent of the professional engineer. A wastewater system's Authorization to Operate authorized pursuant to this section shall be transferred to a new owner."

**SECTION 4.9.(d)** If Senate Bill 508, 2023 Regular Session, becomes law, then G.S. 130A-336.2(o), as amended by Section 3.9(d) of that act, reads as rewritten:

"(o) Change in System Ownership. – A wastewater system authorized pursuant to this section shall not be affected by change of ownership of the site for the wastewater system. A Notice of Intent to Construct shall not be transferrable to a new owner without the written consent of the Authorized On-Site Wastewater Evaluator. A wastewater system's Authorization to Operate authorized pursuant to this section shall be transferred to a new owner."

**SECTION 4.9.(e)** This section is effective retroactively to July 10, 2023.

## **AMEND 18E ON-SITE WASTEWATER RULES**

**SECTION 4.10.(a)** Definitions. – For purposes of this section and its implementation, "Applicability Rule" means 15A NCAC 18E .0102 (Applicability).

**SECTION 4.10.(b)** Applicability Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Applicability Rule as provided in subsection (c) of this section.

**SECTION 4.10.(c)** Implementation. – The provisions of 15A NCAC 18E .0206 shall apply to any wastewater system for which an operation permit, authorization to operate, certificate of completion, or an equivalent approval has been issued prior to January 1, 2024. Wastewater systems permitted on or after July 1, 1977, shall comply with the setback requirements in 15A NCAC 18E. When a wastewater system that was installed on or after July 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing, any existing wastewater system components that are not crushed, broken, damaged, or otherwise rendered unusable or ineffective so that the component will not function as designed shall not be required to meet the requirements of 15A NCAC 18E. All components shall comply with the setback requirements in 15A NCAC 18E. When a wastewater system that was installed prior to July 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing, any existing wastewater system components that are not crushed, broken, damaged, or otherwise rendered unusable or ineffective so that the component will not function as designed shall not be required to meet the requirements of 15A NCAC 18E except as follows: setbacks to drinking water wells shall not be reduced; and setbacks to surface water bodies specified in 15A NCAC 18E .0601. shall not be reduced by more than 50 percent. Existing wastewater systems for which no permit can be found and with no evidence that the wastewater system was installed in violation of Article 11 of Chapter 130A of the General Statutes and the rules in effect at the time of installation shall be considered to have an operation permit or its equivalent in accordance with this Rule.

**SECTION 4.10.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Applicability Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.10.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.11.(a)** Definitions. – For purposes of this section and its implementation, "Definitions Rule" means 15A NCAC 18E .0105 (Definitions).

**SECTION 4.11.(b)** Definitions Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Definitions Rule as provided in subsection (c) of this section.

**SECTION 4.11.(c)** Implementation. – "Artificial drainage systems" shall include foundation drains with cuts greater than two feet. "Collection sewer" shall not include any appurtenances used to transport waste within a wastewater system. "Full kitchen" means a kitchen that contains either domestic or commercial equipment and is used for cooking or preparing foods onsite. "Normal water level" means the water level within a pond, lake, or other type of impoundment, natural or man-made, at the elevation of the outlet structure or spillway, such as the elevation of the permanent pool. "Warming kitchen" means a kitchen that contains

domestic equipment and is used for plating or dispensing food prepared or cooked at another local. The definition of "Stream" shall be deleted. "Intermittent stream" means a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the perched or seasonal high water table. The flow of an intermittent stream may be supplemented by stormwater runoff. "Perennial stream" means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the perched or seasonal high water table for most of the year. Groundwater is the primary source of water for a perennial stream, but perennial streams may also carry stormwater runoff.

**SECTION 4.11.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Definitions Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.11.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.12.(a)** Definitions. – For purposes of this section and its implementation, "Application Rule" means 15A NCAC 18E .0202 (Application).

**SECTION 4.12.(b)** Application Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Application Rule as provided in subsection (c) of this section.

**SECTION 4.12.(c)** Implementation. – Prior to the repair of a wastewater system, an application shall be submitted to the local health department.

**SECTION 4.12.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Application Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.12.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.13.(a)** Definitions. – For purposes of this section and its implementation, "Improvement Permit Rule" means 15A NCAC 18E .0203 (Improvement Permit).

**SECTION 4.13.(b)** Improvement Permit Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Improvement Permit Rule as provided in subsection (c) of this section.

**SECTION 4.13.(c)** Implementation. – An improvement permit shall be applicable to both initial and repair dispersal field areas identified and approved on the improvement permit.

**SECTION 4.13.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Improvement Permit Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.13.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.14.(a)** Definitions. – For purposes of this section and its implementation, "Construction Authorization Rule" means 15A NCAC 18E .0204 (Construction Authorization).

**SECTION 4.14.(b)** Construction Authorization Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Construction Authorization Rule as provided in subsection (c) of this section.

**SECTION 4.14.(c)** Implementation. – The construction authorization shall also specify the initial wastewater system type and layout, location of all initial wastewater system components, and design details and specifications for supply lines and force mains.

**SECTION 4.14.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Construction Authorization Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.14.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.15.(a)** Definitions. – For purposes of this section and its implementation, "Existing System Approvals for Reconnections and Property Additions Rule" means 15A NCAC 18E .0206 (Existing System Approvals for Reconnections and Property Additions).

**SECTION 4.15.(b)** Existing System Approvals for Reconnections and Property Additions Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Existing System Approvals for Reconnections and Property Additions Rule as provided in subsection (c) of this section.

**SECTION 4.15.(c)** Implementation. – The local health department, an Authorized On-Site Wastewater Evaluator, or a certified inspector may issue an existing system approval when there is no increase in design daily flow or wastewater strength for the following: 1) a reconnection for a new or improved facility, or 2) a site modification that requires a building permit, such as a swimming pool or storage shed. Existing system approvals as described in Paragraph (a) of this Rule shall be issued by an authorized agent, Authorized On-Site Wastewater Evaluator, or certified inspector upon determination of the following: 1) there is no current or past uncorrected malfunction of the system as described in 15A NCAC .1303(a)(2); 2) the design daily flow and wastewater strength for the proposed facility do not exceed that of the existing system; and 3) the proposed facility or site modification meets the setbacks in 15A NCAC .0600. The existing system approval expires one year after the date of issuance. When an approval cannot be issued in accordance with this Rule, a signed, written report shall be provided by the authorized agent, Authorized On-Site Wastewater Evaluator, or certified inspector, as applicable, to the applicant describing the reasons for the denial, citing the applicable rule. The local health department shall include notice of the right to appeal under G.S. 130A-24 and Chapter 150B of the General Statutes. Notwithstanding this Rule, the owner of a wastewater system may elect to utilize the Affidavit for Existing Wastewater System Approval offered pursuant to G.S. 160D-1110(h1) to obtain a wastewater system approval and any necessary permits.

**SECTION 4.15.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Existing System Approvals for Reconnections and Property Additions Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.15.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.16.(a)** Definitions. – For purposes of this section and its implementation, "Alternative Wastewater System Permitting Options Rule" means 15A NCAC 18E .0207 (Alternative Wastewater System Permitting Options).

**SECTION 4.16.(b)** Alternative Wastewater System Permitting Options Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Alternative Wastewater System Permitting Options Rule as provided in subsection (c) of this section.

**SECTION 4.16.(c)** Implementation. – An Engineer Option Permit may be used if the wastewater system design requires a professional engineer in accordance with 15A NCAC .0303(a). The Notice of Intent submitted pursuant to this Rule shall include the signed and sealed soils report of the licensed soil scientist or licensed geologist releasing the soils report to be used in the issuance of the Notice of Intent.

**SECTION 4.16.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Alternative Wastewater System Permitting Options Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.16.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.17.(a)** Definitions. – For purposes of this section and its implementation, "Owners Rule" means 15A NCAC 18E .0301 (Owners).

**SECTION 4.17.(b)** Owners Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Owners Rule as provided in subsection (c) of this section.

**SECTION 4.17.(c)** Implementation. – An easement or encroachment agreement shall be required for the permitting of any of the following installations: (1) any part of the wastewater system is located in a common area with other wastewater systems; (2) any part of the wastewater system is located in an area with multiple or third-party ownership or control; (3) any part of the wastewater system is proposed to be in an off-site area; or (4) any part of the wastewater system and the facility are located on different lots or tracts of land and cross a property line or right-of-way. Any necessary easements, rights-of-ways, or encroachment agreements shall specify in a deed by metes and bounds description the area or site required for the wastewater system and repair area, including force mains and supply lines.

**SECTION 4.17.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Owners Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.17.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.18.(a)** Definitions. – For purposes of this section and its implementation, "Local Health Department and Department Rule" means 15A NCAC 18E .0302 (Local Health Department and Department).

**SECTION 4.18.(b)** Local Health Department and Department Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Local Health Department and Department Rule as provided in subsection (c) of this section.

**SECTION 4.18.(c)** Implementation. – When a local health department issues a notice of violation to an owner of a wastewater system pursuant to this rule, the local health department may pursue legal remedies no sooner than 30 days after the date of the notice of violation, unless the notice of violation specifies a shorter time frame. The local health department shall issue a notice of violation to the owner when an individual advanced pretreatment system at a single site is out of compliance in accordance with 15A NCAC 18E .1302(f). The authorized agent shall issue a written notice of non-compliance to the owner when the wastewater system is non-compliant with Article 11 of Chapter 130A of the General Statutes, the Rules of this Subchapter, or conditions in the operation permit or authorization to operate. The local health department shall submit a monthly activity report to the Department every month on a form provided by the Department. The monthly activity report collects information on the numbers and types of permits issued by the local health department. The local health department shall adhere to Article 11 of Chapter 130A of the General Statutes, the Rules of this Subchapter, and all written guidance and interpretations from the Department.

**SECTION 4.18.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Local Health Department and Department Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.18.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.19.(a)** Definitions. – For purposes of this section and its implementation, "Licensed or Certified Professionals Rule" means 15A NCAC 18E .0303 (Licensed or Certified Professionals).

**SECTION 4.19.(b)** Licensed or Certified Professionals Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Licensed or Certified Professionals Rule as provided in subsection (c) of this section.

**SECTION 4.19.(c)** Implementation. – A local health department shall not require a North Carolina Professional Engineer to design either of the following: (i) pressure dispersal systems or pressure dosed gravity systems with a design daily flow greater than 600 gallons per day serving a single design unit or (ii) two or more septic tanks or advanced pretreatment units, each serving a separate design unit and served by a common dosing tank. Prior to the issuance of an Improvement Permit or Construction Authorization, a signed and sealed consent from the

licensed soil scientist or licensed geologist required by this Rule shall be attached to the plans and specifications submitted to the local health department.

**SECTION 4.19.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Licensed or Certified Professionals Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.19.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.20.(a)** Definitions. – For purposes of this section and its implementation, "Design Daily Flow Rule" means 15A NCAC 18E .0401 (Design Daily Flow).

**SECTION 4.20.(b)** Design Daily Flow Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Design Daily Flow Rule as provided in subsection (c) of this section.

**SECTION 4.20.(c)** Implementation. – In calculating design daily flow, the designer is not required to use the maximum building occupancy assigned by the local fire marshal. The design daily flow for a recreational park trailer or park model trailer 400 square feet or less in a recreational vehicle park is 120 gallons per space. The design daily flow for a food establishment with multiuse articles is 25 gallons per seat open 6 hours per day or less, or 40 gallons per seat when open 6 to 16 hours per day and shall not be based on square footage of floor space. The design daily flow for a food establishment with single service articles is 20 gallons per seat open 6 hours per day or less, or 30 gallons per seat when open 6 to 16 hours per day and shall not be based on square footage of floor space. The design daily flow for rest homes, assisted living homes, group homes, and nursing homes shall increase by 60 gallons per day per resident employee, regardless of the presence of laundry facilities. The design daily flow for drug rehabilitation, mental health, and other care institutions shall be 12 gallons per day per employee working an 8-hour shift or less or 60 gallons per day per resident employee, increasing by 2 gallons per employee per hour when an employee works more than an 8-hour shift. The design daily flow for fitness center, spas, karate, dance, and exercise shall be 5 gallons per person, increasing by 10 gallons per person if the facility includes showers. The design daily flow for day schools with a gymnasium only shall be 9 gallons per day per student. Day care facilities shall be reclassified as "family child care home or child care centers."

**SECTION 4.20.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Design Daily Flow Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.20.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.21.(a)** Definitions. – For purposes of this section and its implementation, "Available Space Rule" means 15A NCAC 18E .0508 (Available Space).

**SECTION 4.21.(b)** Available Space Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection

(d) of this section, the Commission shall implement the Available Space Rule as provided in subsection (c) of this section.

**SECTION 4.21.(c)** Implementation. – The repair area requirement of Paragraph (a) of this Rule shall not apply to a lot or tract of land if that lot or tract is described in a recorded deed or a recorded plat on or before January 1, 1983. The Department of Health and Human Services shall specify the information required for a wastewater system to be approved with a two-year field demonstration. Wastewater systems that do not have a repair area in accordance with this Paragraph shall only be used to treat DSE, and shall meet a TN effluent standard of 20 mg/l or less. Evidence of TN standards shall be provided by applicable NSF/ANSI testing or approval as a TS-II wastewater system under these Rules and included in the IP, CA, or Notice of Intent.

**SECTION 4.21.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Available Space Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.21.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.22.(a)** Definitions. – For purposes of this section and its implementation, "Location of Wastewater Systems Rule" means 15A NCAC 18E .0601 (Location of Wastewater Systems).

**SECTION 4.22.(b)** Location of Wastewater Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Location of Wastewater Systems Rule as provided in subsection (c) of this section.

**SECTION 4.22.(c)** Implementation. – The minimum setback for a private drinking water well or upslope spring serving a single-family dwelling unit from a wastewater system permitted or installed in saprolite shall be 50 feet. Building foundation and any structural supports requiring a footing or other load bearing construction in the North Carolina Building Code shall have a horizontal setback of five feet. Appurtenant structures, stairs, or landing structures designed specifically to be set directly on the ground and do not require footings; sidewalks; pavers; lighting fixtures; or signage shall have a horizontal setback of 1 foot. Top of slope of embankment or cuts of 2 feet or more vertical height with a slope less than or equal to thirty-three percent (33%) are not required to have a horizontal setback. There shall be no setback to a stormwater collection system. There shall be no horizontal setbacks from underground utilities. Collection sewers, force mains, and supply lines shall be located the minimum setbacks to site features shown in Table IX of this Rule, unless a different minimum setback is specified in Table XII of this Rule. If a supply line or force main is installed under areas subject to vehicular traffic or areas subject to soil disturbance or compaction, one of the following pipe materials shall be used: ductile iron pipe; a minimum of Schedule 40 Polyvinyl Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe sleeved in ductile iron pipe; a minimum of Schedule 40 Polyvinyl Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe sleeved in Department of Transportation traffic rated culvert pipe; a minimum of Schedule 40 Polyvinyl Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe with 30 inches of compacted material provided over the crown of the pipe; or other pipe materials may be proposed when designed, inspected, and certified by a Professional Engineer and approved by the local health department. When a reduced setback to a collection sewer, force main, or supply line is utilized, the piping requirements for the reduced setback shall be extended to comply with the unreduced



setback. Table XII in this Rule shall be renamed Minimum setbacks from collection sewers, force mains, and supply lines to site features. Force main or supply line shall be added with collection sewer in 15A NCAC 18E .0601(l), (m), (n), (o), (p), and Table XII. Wastewater systems may be located closer than 100 feet but never less than 50 feet from water supply wells or an upslope spring for repairs, space limitations, and other site-planning considerations when one of the following conditions is met: 1) the well was constructed prior to July 1, 1993, in accordance with 15A NCAC 18A .1720; or 2) a variance for a reduced well setback has been issued in accordance with one of the following: a) 15A NCAC 02C .0118 for a shared water supply well or for a transient non-community public water supply well; or b) 15A NCAC 18C .0203(b) for a non-transient non-community public water system.

**SECTION 4.22.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Location of Wastewater Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.22.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.23.(a)** Definitions. – For purposes of this section and its implementation, "Collection Sewers Rule" means 15A NCAC 18E .0701 (Collection Sewers).

**SECTION 4.23.(b)** Collection Sewers Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Collection Sewers Rule as provided in subsection (c) of this section.

**SECTION 4.23.(c)** Implementation. – Collection sewers for wastewater systems with a design daily flow greater than 3,000 gallons per day shall be designed and constructed in accordance with the criteria established in this Rule.

**SECTION 4.23.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Collection Sewers Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.23.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.24.(a)** Definitions. – For purposes of this section and its implementation, "Raw Sewage Lift Stations Rule" means 15A NCAC 18E .0702 (Raw Sewage Lift Stations).

**SECTION 4.24.(b)** Raw Sewage Lift Stations Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Raw Sewage Lift Stations Rule as provided in subsection (c) of this section.

**SECTION 4.24.(c)** Implementation. – Raw sewage lift stations for wastewater systems with a design daily flow greater than 3,000 gallons per day shall meet all setbacks for wastewater systems in accordance with Table IX of Rule 15A NCAC 18E .0601. Raw sewage lift stations for wastewater systems with a design daily flow greater than 3,000 gallons per day shall be designed and constructed in accordance with the criteria established in this Rule.

**SECTION 4.24.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Raw Sewage Lift Stations Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.24.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.25.(a)** Definitions. – For purposes of this section and its implementation, "Pipe Materials Rule" means 15A NCAC 18E .0703 (Pipe Materials).

**SECTION 4.25.(b)** Pipe Materials Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Pipe Materials Rule as provided in subsection (c) of this section.

**SECTION 4.25.(c)** Implementation. – The gravity pipe between a septic tank, gravity distribution device, and the dispersal field shall have a minimum fall of 1/8-inch per foot if the installation requirements of Paragraph (b) of this Rule are met.

**SECTION 4.25.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Pipe Materials Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.25.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.26.(a)** Definitions. – For purposes of this section and its implementation, "Septic Tank Capacity Requirements Rule" means 15A NCAC 18E .0801 (Septic Tank Capacity Requirements).

**SECTION 4.26.(b)** Septic Tank Capacity Requirements Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Septic Tank Capacity Requirements Rule as provided in subsection (c) of this section.

**SECTION 4.26.(c)** Implementation. – The minimum septic tank capacity serving two or more dwelling units shall be sized in accordance with Table XV of this Rule. This Rule shall not include any requirements that conflict with the 2018 North Carolina Plumbing Code.

**SECTION 4.26.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Septic Tank Capacity Requirements Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.26.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.27.(a)** Definitions. – For purposes of this section and its implementation, "Tank Leak Testing and Installation Requirements Rule" means 15A NCAC 18E .0805 (Tank Leak Testing and Installation Requirements).

**SECTION 4.27.(b)** Tank Leak Testing and Installation Requirements Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank Leak Testing and Installation Requirements Rule as provided in subsection (c) of this section.

**SECTION 4.27.(c)** Implementation. – Tanks shall be leak tested when required in the approved plans and specifications for a wastewater system designed by a professional engineer or an Authorized On-Site Wastewater Evaluator, or when the tank is constructed in place at the jobsite by a person not approved by the Department as a tank manufacturer using bricks, blocks, or poured in place in concrete. The local health department shall be required to document the observation of the leak testing. The septic tank outlet pipe shall be inserted through the outlet pipe penetration boot, creating a watertight joint, and extending beyond the septic tank outlet by any amount, with no minimum extension required. The septic tank outlet pipe and pump tank outlet pipe shall be placed on undisturbed soil, compacted soil, or bedded in accordance with 15A NCAC 18E .0703(b) to prevent differential settling of the pipe.

**SECTION 4.27.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Tank Leak Testing and Installation Requirements Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.27.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.28.(a)** Definitions. – For purposes of this section and its implementation, "General Design and Installation Criteria for Subsurface Dispersal Systems Rule" means 15A NCAC 18E .0901 (General Design and Installation Criteria for Subsurface Dispersal Systems).

**SECTION 4.28.(b)** General Design and Installation Criteria for Subsurface Dispersal Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the General Design and Installation Criteria for Subsurface Dispersal Systems Rule as provided in subsection (c) of this section.

**SECTION 4.28.(c)** Implementation. – The minimum required infiltrative surface area and trench length shall be calculated when high strength effluent is proposed to be discharged to a dispersal field with no advanced pretreatment as required in 15A NCAC .0402(b)(1) or has not been reclassified as domestic strength effluent in accordance with 15A NCAC .0402(c), a licensed professional, if required by Chapters 89C, 89E, or 89F, shall calculate the adjusted long term acceptance rate in accordance with 15A NCAC .0402(b)(2). Wastewater system installation for serial and sequential distribution shall be approved by the authorized agent when the step-down or drop box in an individual trench is constructed to allow full utilization of the upstream trench prior to overflowing to the next downslope trench in accordance with the following criteria: 1) step-downs shall be constructed of a minimum of two feet of undisturbed soil, bedding material, or concrete and the effluent shall be conveyed over the step-down through Schedule 40 Polyvinyl Chloride or other pipe approved in accordance with 15A NCAC .0703(f). Nonperforated corrugated polyethylene tubing may be used on sites with slopes greater than 25%. The installer shall demonstrate that the step-downs perform as designed. The authorized agent shall approve the step-downs when the installation and elevations have been verified in

accordance with the construction authorization; or drop boxes shall be separated from the trench by a minimum of two feet of undisturbed soil and constructed to allow for full utilization of the upstream trench prior to overflowing to the next lower drop box. The installer shall demonstrate that the drop boxes perform as designed. The authorized agent shall approve the drop boxes when the installation and elevations have been verified in accordance with the construction authorization.

**SECTION 4.28.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the General Design and Installation Criteria for Subsurface Dispersal Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.28.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.29.(a)** Definitions. – For purposes of this section and its implementation, "Conventional Wastewater Systems Rule" means 15A NCAC 18E .0902 (Conventional Wastewater Systems).

**SECTION 4.29.(b)** Conventional Wastewater Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Conventional Wastewater Systems Rule as provided in subsection (c) of this section.

**SECTION 4.29.(c)** Implementation. – Aggregate used in trenches shall be clean, washed gravel or crushed stone and graded or sized in accordance with size numbers 4, 467M, 5, 6, 57, or 67 of ASTM D448.

**SECTION 4.29.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Conventional Wastewater Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.29.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.30.(a)** Definitions. – For purposes of this section and its implementation, "Large Diameter Pipe Systems Rule" means 15A NCAC 18E .0904 (Large Diameter Pipe Systems).

**SECTION 4.30.(b)** Large Diameter Pipe Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Large Diameter Pipe Systems Rule as provided in subsection (c) of this section.

**SECTION 4.30.(c)** Implementation. – Large diameter pipe systems shall not be used with food service establishments or other facilities where the fats, oils, and grease exceed the limit of domestic strength effluent when measured as it enters the dispersal product. Backfill shall not be limited to Soil Groups I, II, or III.

**SECTION 4.30.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Large Diameter Pipe Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.30.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.31.(a)** Definitions. – For purposes of this section and its implementation, "Prefabricated Permeable Block Panel Systems Rule" means 15A NCAC 18E .0905 (Prefabricated Permeable Block Panel Systems).

**SECTION 4.31.(b)** Prefabricated Permeable Block Panel Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Prefabricated Permeable Block Panel Systems Rule as provided in subsection (c) of this section.

**SECTION 4.31.(c)** Implementation. – Prefabricated permeable block panel systems shall not be used with food service establishments or other facilities where the fats, oil, and grease exceed the limit of domestic strength effluent when measured as it enters the dispersal product.

**SECTION 4.31.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Prefabricated Permeable Block Panel Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.31.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.32.(a)** Definitions. – For purposes of this section and its implementation, "Sand Lined Trench Systems Rule" means 15A NCAC 18E .0906 (Sand Lined Trench Systems).

**SECTION 4.32.(b)** Sand Lined Trench Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Sand Lined Trench Systems Rule as provided in subsection (c) of this section.

**SECTION 4.32.(c)** Implementation. – There shall be no depth requirement for the naturally occurring receiving permeable horizon for any soil or site, nor shall advanced pretreatment be required if the receiving permeable horizon is greater than 60 inches below the naturally occurring soil surface.

**SECTION 4.32.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Sand Lined Trench Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.32.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.33.(a)** Definitions. – For purposes of this section and its implementation, "Low Pressure Pipe Systems Rule" means 15A NCAC 18E .0907 (Low Pressure Pipe Systems).

**SECTION 4.33.(b)** Low Pressure Pipe Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Low Pressure Pipe Systems Rule as provided in subsection (c) of this section.

**SECTION 4.33.(c)** Implementation. – The minimum required dispersal field area and trench length shall be calculated when high strength effluent is proposed to be discharge to a low pressure pipe field with no advanced pretreatment as required in 15A NCAC 18E .0402(b)(1) or has not been reclassified as domestic strength effluent in accordance with 15A NCAC .0402(c), a licensed professional, if required by Chapters 89C, 89E, or 89F of the General Statutes, shall calculate the long term acceptance rate in accordance with 15A NCAC 18E .0402(b)(2).

**SECTION 4.33.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Low Pressure Pipe Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.33.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.34.(a)** Definitions. – For purposes of this section and its implementation, "Drip Dispersal Systems Rule" means 15A NCAC 18E .0908 (Drip Dispersal Systems).

**SECTION 4.34.(b)** Drip Dispersal Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Drip Dispersal Systems Rule as provided in subsection (c) of this section.

**SECTION 4.34.(c)** Implementation. – Drip dispersal systems receiving domestic strength effluent shall meet the soil and site criteria identified in 15A NCAC .0908(c).

**SECTION 4.34.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Drip Dispersal Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.34.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.35.(a)** Definitions. – For purposes of this section and its implementation, "Fill Systems Rule" means 15A NCAC 18E .0909 (Fill Systems).

**SECTION 4.35.(b)** Fill Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Fill Systems Rule as provided in subsection (c) of this section.

**SECTION 4.35.(c)** Implementation. – New fill systems shall only be installed on sites with uniform slopes less than 15 percent.

**SECTION 4.35.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Fill Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.35.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.36.(a)** Definitions. – For purposes of this section and its implementation, "Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule" means 15A NCAC 18E .1202 (Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day).

**SECTION 4.36.(b)** Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule as provided in subsection (c) of this section.

**SECTION 4.36.(c)** Implementation. – Sandy clay loam saprolite may be used with advanced pretreatment meeting NSF/ANSI 40, Treatment Standard I, or Treatment Standard II effluent standards.

**SECTION 4.36.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.36.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.37.(a)** Definitions. – For purposes of this section and its implementation, "Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule" means 15A NCAC 18E .1203 (Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day).

**SECTION 4.37.(b)** Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule as provided in subsection (c) of this section.

**SECTION 4.37.(c)** Implementation. – Sandy clay loam saprolite may be used with advanced pretreatment meeting NSF/ANSI 40, Treatment Standard I, or Treatment Standard II effluent standards, or with advanced pretreatment with a design daily flow greater than 3,000 gallons per day.

**SECTION 4.37.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Siting and Sizing Criteria for Advanced Pretreatment Systems with a

Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.37.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.38.(a)** Definitions. – For purposes of this section and its implementation, "Advanced Pretreatment Sand Lined Trench Systems Rule" means 15A NCAC 18E .1205 (Advanced Pretreatment Sand Lined Trench Systems).

**SECTION 4.38.(b)** Advanced Pretreatment Sand Lined Trench Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Advanced Pretreatment Sand Lined Trench Systems Rule as provided in subsection (c) of this section.

**SECTION 4.38.(c)** Implementation. – Trench length for trench dispersal products approved with a specific dispersal field reduction in area or trench length when receiving domestic strength effluent in accordance with this Subchapter or a provisional Innovative or Accepted approval shall be calculated in accordance with this Subchapter or the provisional Innovative or Accepted approval.

**SECTION 4.38.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Advanced Pretreatment Sand Lined Trench Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.38.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.39.(a)** Definitions. – For purposes of this section and its implementation, "Operation and Maintenance of Wastewater Systems Rule" means 15A NCAC 18E .1301 (Operation and Maintenance of Wastewater Systems).

**SECTION 4.39.(b)** Operation and Maintenance of Wastewater Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Operation and Maintenance of Wastewater Systems Rule as provided in subsection (c) of this section.

**SECTION 4.39.(c)** Implementation. – System Classification Type IIa shall be described as a conventional system with 750 linear feet of trench or less. System Classification Type IIIa shall be deleted.

**SECTION 4.39.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Operation and Maintenance of Wastewater Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.39.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.40.(a)** Definitions. – For purposes of this section and its implementation, "Local Health Department Responsibilities for Wastewater System Operation and Maintenance Rule" means 15A NCAC 18E .1305 (Local Health Department Responsibilities for Wastewater System Operation and Maintenance).

**SECTION 4.40.(b)** Local Health Department Responsibilities for Wastewater System Operation and Maintenance Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Local Health Department Responsibilities for Wastewater System Operation and Maintenance Rule as provided in subsection (c) of this section.

**SECTION 4.40.(c)** Implementation. – The authorized agent shall issue a written notice of non-compliance to the owner when the wastewater system is not malfunctioning in accordance with 15A NCAC 18E .1303(a)(2), but non-compliant with the Rules of this Subchapter in the operation permit or the authorization to operate.

**SECTION 4.40.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Local Health Department Responsibilities for Wastewater System Operation and Maintenance Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.40.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.41.(a)** Definitions. – For purposes of this section and its implementation, "System Malfunction and Repair Rule" means 15A NCAC 18E .1306 (System Malfunction and Repair).

**SECTION 4.41.(b)** System Malfunction and Repair Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the System Malfunction and Repair Rule as provided in subsection (c) of this section.

**SECTION 4.41.(c)** Implementation. – This Rule identifies the responsibilities of the local health department and the owner when a system is malfunctioning, totally or partially destroyed, or otherwise determined to require repair. Best professional judgment may be used when the improvement permit, construction authorization, notice of intent to construct, or authorization to operate indicates the repair area and system type. The authorized agent, Authorized On-Site Wastewater Evaluator, or Professional Engineer may use their best professional judgment to repair facilities with either a malfunctioning wastewater system installed prior to July 1, 1977 or a wastewater disposal method installed prior to July 1, 1977, if the method has been in continual use and acts as the sole source of wastewater disposal.

**SECTION 4.41.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the System Malfunction and Repair Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.41.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.42.(a)** Definitions. – For purposes of this section and its implementation, "Plans for Prefabricated Tanks Rule" means 15A NCAC 18E .1401 (Plans for Prefabricated Tanks).

**SECTION 4.42.(b)** Plans for Prefabricated Tanks Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Plans for Prefabricated Tanks Rule as provided in subsection (c) of this section.

**SECTION 4.42.(c)** Implementation. – No documentation of proof of design for a tank shall be required prior to approval of the tank by the Department.

**SECTION 4.42.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Plans for Prefabricated Tanks Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.42.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.43.(a)** Definitions. – For purposes of this section and its implementation, "Tank Design and Construction Rule" means 15A NCAC 18E .1402 (Tank Design and Construction).

**SECTION 4.43.(b)** Tank Design and Construction Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank Design and Construction Rule as provided in subsection (c) of this section.

**SECTION 4.43.(c)** Implementation. – The location of the tank shall not be required to be visible at finished grade when the top of the septic tank or access riser is below the finished grade.

**SECTION 4.43.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Tank Design and Construction Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.43.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.44.(a)** Definitions. – For purposes of this section and its implementation, "Tank Material Requirements Rule" means 15A NCAC 18E .1403 (Tank Material Requirements).

**SECTION 4.44.(b)** Tank Material Requirements Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank Material Requirements Rule as provided in subsection (c) of this section.

**SECTION 4.44.(c)** Implementation. – Reinforced precast concrete tanks shall achieve a minimum 28-day compressive strength of 4,000 pounds per square inch. The concrete shall meet a compressive strength of 3,500 pounds per square inch prior to removal of the tank

from the place of manufacture. The delivery of the tank to the jobsite is considered the certification by the tank manufacturer of these conditions. Authorized agents, professional engineers, or Authorized On-Site Wastewater Evaluators shall follow the requirements of this Rule on any subsequent testing to verify this certification. Readings from a rebound hammer shall not be used to reject a tank at the jobsite. The local health department, professional engineer, or authorized on-site wastewater evaluator shall report test readings taken in accordance with this Rule to the On-Site Water Protection Branch and shall be used to schedule a future random inventory verification by the Department. Rebound hammers shall be used in accordance with the following when checking the strength of a precast concrete tank: 1) the surface of the concrete tank tested should be smooth, dry, and free of honeycombing; 2) the concrete to be tested must be at least four inches thick, readings should be taken around the edges of the tank, tests should not be on trowelled surfaces, and the test locations should be at least one inch from the edge of the tank or the location of another test point. The procedure for testing a tank with a rebound hammer shall be as follows: 1) take a total of 12 readings from around the tank; 2) the rebound hammer shall be directly perpendicular to the surface of the tank; 3) the readings should be from different sides of the concrete tank; 4) take readings from at least two different edges on each tank side, if possible; 5) eliminate the highest and lowest readings taken; 6) average the remaining 10 readings and use that average to determine the concrete compressive strength from the conversion chart on the rebound hammer; and 7) adjust the concrete compressive strength by  $\pm 25\%$  to account for the rebound hammer's  $\pm 25\%$  error in the reading. The rebound hammer should be calibrated annually.

**SECTION 4.44.(d)** Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Tank Material Requirements Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.44.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.45.(a)** Definitions. – For purposes of this section and its implementation, "Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots Rule" means 15A NCAC 18E .1404 (Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots).

**SECTION 4.45.(b)** Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots Rule as provided in subsection (c) of this section.

**SECTION 4.45.(c)** Implementation. – Subsections (a), (b), (c), (d), and (g) of this Rule shall apply to risers, effluent filters, or pipe penetration boots made from plastic or fiberglass. Concrete risers and riser lids shall be able to withstand a minimum uniform live loading of 300 pounds per square foot or a minimum 1,500-pound load applied in a 10 inch by 10 inch area centered on the lid, in addition to all loads to which a riser is normally subjected, such as dead weight of the material and soil cover and active soil pressure on riser walls. Concrete risers shall meet the following requirements: septic tank risers shall have a secondary lid, concrete plug, or other safety device that shall be provided inside the riser for security and to prevent accidental entry; and pump tank risers shall have a secondary safety mechanism that shall be provided with the riser. The secondary safety mechanism shall be a secondary lid, concrete plug, or other safety device to be provided inside the pump tank riser.

**SECTION 4.45.(d) Additional Rulemaking Authority.** – The Commission shall adopt a rule to amend the Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.45.(e) Sunset.** – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.46.(a) Definitions.** – For purposes of this section and its implementation, "Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule" means 15A NCAC 18E .1405 (Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal).

**SECTION 4.46.(b) Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule.** – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule as provided in subsection (c) of this section.

**SECTION 4.46.(c) Implementation.** – This Rule shall only apply to risers, effluent filters, or pipe penetration boots made from plastic or fiberglass.

**SECTION 4.46.(d) Additional Rulemaking Authority.** – The Commission shall adopt a rule to amend the Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.46.(e) Sunset.** – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**SECTION 4.47.(a) Definitions.** – For purposes of this section and its implementation, "Local Health Department Responsibilities Rule" means 15A NCAC 18E .1713 (Local Health Department Responsibilities).

**SECTION 4.47.(b) Local Health Department Responsibilities Rule.** – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Local Health Department Responsibilities Rule as provided in subsection (c) of this section.

**SECTION 4.47.(c) Implementation.** – The local health department shall not be required to include in its monthly activity reports to the Department the number of new system operations permits for Provisional, Innovative, or Accepted systems, the number of construction authorizations issued for Provisional systems, including system type, for repairs of Provisional, Innovative, Accepted systems, including system type being repaired, or repairs of Accepted systems, including system type being repaired, or repair system type.

**SECTION 4.47.(d) Additional Rulemaking Authority.** – The Commission shall adopt a rule to amend the Local Health Department Responsibilities Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.47.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

**CLARIFY THE APPLICABILITY OF STATUTORY BUILT-UPON AREA REQUIREMENTS FOR STATE AND LOCAL GOVERNMENT STORMWATER PROGRAMS AND SPECIFY THAT CERTAIN ARTIFICIAL TURF IS NOT BUILT-UPON AREA**

**SECTION 4.48.(a)** G.S. 143-214.7(b2) reads as rewritten:

~~"(b2) For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection. For State stormwater programs and local stormwater programs approved pursuant to subsection (d) of this section, all of the following shall apply:~~

- ~~(1) The volume, velocity, and discharge rates of water associated with the one-year, 24-hour storm and the difference in stormwater runoff from the predevelopment and postdevelopment conditions for the one-year, 24-hour storm shall be calculated using any acceptable engineering hydrologic and hydraulic methods.~~
- ~~(2) Development may occur within the area that would otherwise be required to be placed within a vegetative buffer required by the Commission pursuant to G.S. 143-214.1 and this section provided the stormwater runoff from the entire impervious area of the development is collected, treated, and discharged so that it passes through a segment of the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements. For the purpose of this subdivision, the entire impervious area of the development shall not include any portion of a project that is within a North Carolina Department of Transportation or municipal right-of-way.~~
- ~~(3) The requirements that apply to development activities within one-half mile of and draining to Class SA waters or within one-half mile of Class SA waters and draining to unnamed freshwater tributaries shall not apply to development activities and associated stormwater discharges that do not occur within one-half mile of and draining to Class SA waters or are not within one-half mile of Class SA waters and draining to unnamed freshwater tributaries."~~

**SECTION 4.48.(b)** Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-214.7D. Limitations on built-upon area requirements.**

**(a) As used in this section, the term "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil.**

(b) For the purposes of implementing State or local government stormwater programs, none of the following surfaces shall be considered "built-upon area" or an impervious or partially impervious surface:

- (1) A slatted deck.
- (2) The water area of a swimming pool.
- (3) A surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric.
- (4) A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).
- (5) Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.
- (6) Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.

(c) The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in subsection (b) of this section.

(d) Except as specifically required by federal law, a local government may not enact, implement, or enforce a local government ordinance, comprehensive plan, or stormwater program that establishes a definition of "built-upon area" or impervious surface that does not comply with subsection (b) of this section. This limitation shall apply regardless of any authority granted by G.S. 143-214.5, G.S. 143-214.7, or Chapters 153A, 160A, or 160D of the General Statutes.

(e) The Commission may adopt rules to implement this section."

**SECTION 4.48.(c)** Each unit of local government that operates a stormwater program shall update its program to be consistent with G.S. 143-214.7D, as enacted by subsection (b) of this section.

**SECTION 4.48.(d)** This section is effective when it becomes law.

## **PROHIBIT PUBLIC WATER AND SEWER SYSTEMS FROM IMPOSING UNAUTHORIZED CONDITIONS AND IMPLEMENTING PREFERENCE SYSTEMS FOR ALLOCATING SERVICE TO RESIDENTIAL DEVELOPMENT**

**SECTION 4.49.(a)** Chapter 162A of the General Statutes is amended by adding a new Article to read:

"Article 11.

"Miscellaneous.

### **"§ 162A-900. Limitations on allocating service for residential development.**

(a) For purposes of this section, "residential development" means new development of single-family or multifamily housing.

(b) A local government unit, as defined in G.S. 162A-201, shall not require an applicant for water or sewer service for residential development to agree to any condition not otherwise authorized by law, or to accept any offer by the applicant to consent to any condition not otherwise authorized by law. These conditions include, without limitation, any of the following:

- (1) Payment of taxes, impact fees or other fees, or contributions to any fund.
- (2) Adherence to any restrictions related to land development or land use, including those within the scope of G.S. 160D-702(c).
- (3) Adherence to any restrictions related to building design elements within the scope of G.S. 160D-702(b).

(c) A local government unit, as defined in G.S. 162A-201, shall not implement a scoring or preference system to allocate water or sewer service among applicants for water or sewer service for residential development that does any of the following:

- (1) Includes consideration of building design elements, as defined in G.S. 160D-702(b).
- (2) Sets a minimum square footage of any structures subject to regulation under the North Carolina Residential Code.
- (3) Requires a parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.
- (4) Requires additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code."

**SECTION 4.49.(b)** This section is effective when it becomes law.

**ESTABLISH A TIME LIMIT FOR REVIEW OF APPLICATIONS SUBMITTED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR WATER DISTRIBUTION SYSTEMS TO CONSTRUCT OR ALTER A PUBLIC WATER SYSTEM**

**SECTION 4.50.(a)** G.S. 130A-328 is amended by adding a new subsection to read:

"(c1) The Department shall perform a review of an application for a water distribution system authorization subject to the following requirements:

- (1) The Department shall review the application within 45 days of receipt of a complete application when a professional engineer provides certification that the design meets or exceeds the Minimum Design Criteria developed by the Department applicable to the project. For purposes of this section, a complete application is defined as an application that includes all of the required components described in the application form.
- (2) The Department shall perform an administrative review of a new application within 10 days of receipt to determine if all required information is included in the application. If the application is complete, the Department shall issue a receipt letter or electronic response stating that the application is complete and that a 45-calendar day technical review period has started as of the date on which the Department received the complete application. If required items or information are not included in the application, the application is incomplete, and the Department shall issue an application receipt letter or electronic response identifying the information required to complete the application before the technical review begins. When the Department receives the required information, the Department shall issue a receipt letter or electronic response specifying that the application is complete and that the 45-calendar day review period has started as of the date on which the Department received the remaining required information.
- (3) If additional information is required to complete the technical review, the Department shall issue a request for additional information required to complete the review, and the 45-calendar day technical review period shall pause until the additional information is received. If the Department does not receive the requested additional information from the applicant within 30 calendar days, the Department shall return the application to the applicant.
- (4) If the Department receives the additional information from the applicant within 30 days, the technical review period review time shall restart, and the Department shall complete its review within the number of days that remained

in the technical review period on the date the technical review period was paused by the request for additional information.

- (5) Should the Department not complete its review of the application within the 45-day technical review period, the application shall be considered deemed approved."

**SECTION 4.50.(b)** This section becomes effective December 1, 2024, and applies to applications submitted on or after that date.

## **CLARIFY SCOPE OF PUBLIC SWIMMING POOL LAWS TO EXEMPT PRIVATE POOLS OFFERED FOR USE THROUGH A SHARING ECONOMY PLATFORM**

**SECTION 4.51.(a)** G.S. 130A-280 reads as rewritten:

### **"§ 130A-280. Scope.**

This Article provides for the regulation of public swimming pools in the State as they may affect the public health and safety. As used in this Article, the term "public swimming pool" means any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas, spas operating for display at temporary events, and artificial swimming lagoons. As used in this Article, an "artificial swimming lagoon" means any body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant that results in a disinfectant residual in the swimming zone that is protective of the public health. This Article does not apply to ~~a~~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.
- (2) A private pool serving a single family dwelling meeting the minimum requirements of this subdivision which is offered to, and used by, individuals on a temporary basis utilizing a sharing economy platform. For the purposes of this subdivision, a sharing economy platform means an online platform used to facilitate peer-to-peer transactions to acquire, provide, or share access to goods and services. For the purposes of this subdivision, a pool must meet all of the following minimum requirements:
  - a. Pools must have proper fencing and barriers to prevent unsupervised access, especially by children. The fence should be at least 4 feet high with a self-latching gate.
  - b. Pools must have clear and conspicuous signage posted around the pool area specifying pool rules, depth markers, and any potential hazards.
  - c. Pools must be equipped with basic lifesaving equipment, including life rings and reaching poles.
  - d. Pool decks and surrounding areas must have non-slip surfaces.
  - e. Pools must have properly fitted covers for all submerged suction outlets.
  - f. Pools must be well-maintained with proper chemical balance and cleanliness to ensure safe and healthy swimming conditions.
- (3) ~~This Article also does not apply to therapeutic~~ 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 4.51.(b)** This section becomes effective July 1, 2025.



## PART V. REORGANIZE BUILDING CODE COUNCIL

SECTION 5.1.(a) G.S. 143-136 reads as rewritten:

### "§ 143-136. Building Code Council created; membership, committees.

(a) ~~Creation; Membership; Terms.~~Creation. – There is hereby created a Building Code Council, which shall be composed of ~~17~~13 members appointed ~~by the Governor, consisting of the following:~~as follows:

- ~~(1) Two licensed architects.~~
- ~~(2) One licensed general contractor.~~
- ~~(3) One licensed general contractor specializing in residential construction.~~
- ~~(4) One licensed general contractor specializing in coastal residential construction.~~
- ~~(5) One licensed engineer practicing structural engineering.~~
- ~~(6) One licensed engineer practicing mechanical engineering.~~
- ~~(7) One licensed engineer practicing electrical engineering.~~
- ~~(8) One licensed plumbing and heating contractor.~~
- ~~(9) One municipal or county building inspector.~~
- ~~(10) One licensed liquid petroleum gas dealer/contractor involved in the design of natural and liquid petroleum gas systems who has expertise and experience in natural and liquid petroleum gas piping, venting and appliances.~~
- ~~(11) One representative of the public who is not a member of the building construction industry.~~
- ~~(12) One licensed electrical contractor.~~
- ~~(13) One licensed engineer on the engineering staff of a State agency charged with approval of plans of State-owned buildings.~~
- ~~(14) One municipal elected official or city manager.~~
- ~~(15) One county commissioner or county manager.~~
- ~~(16) One active member of the North Carolina fire service with expertise in fire safety, as recommended by the North Carolina State Firefighters' Association.~~
- (1) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives who shall hold an unlimited general contractor license under Chapter 87 of the General Statutes and specializes in multifamily construction.
- (2) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold a license as a professional engineer under Chapter 89C of the General Statutes and specializes in structural engineering.
- (3) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives who shall hold an unlimited general contractor license under Chapter 87 of the General Statutes and specializes in commercial construction.
- (4) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold a license as a professional engineer under Chapter 89C of the General Statutes and specializes in electrical engineering.
- (5) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives who shall hold a license as an attorney-at-law under Chapter 84 of the General Statutes and specializes in construction law.
- (6) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold an unlimited electrical contractor license under Chapter 87 of the General Statutes.

- (7) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution who shall hold a general contractor license under Chapter 87 of the General Statutes and specializes in the construction of buildings greater than 75 feet in height.
- (8) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution who shall hold a license as a professional engineer under Chapter 89C of the General Statutes and specializes in mechanical engineering.
- (9) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution who shall hold an unlimited plumbing and heating contractor license under Chapter 87 of the General Statutes and specializes in plumbing contracting.
- (10) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution who shall hold an unlimited plumbing and heating contractor license under Chapter 87 of the General Statutes and specializes in mechanical contracting.
- (11) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution who shall be a Level III Code-enforcement official employed by a municipality or county.
- (12) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution who shall be a North Carolina certified Level III Fire Code Official.
- (13) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution as a representative of the fuel-gas industry.

(a1) ~~In selecting the municipal and county members, preference should be given to members who qualify as either a licensed architect, licensed engineer, or licensed general contractor.~~ Terms; Removal; Vacancies; Chair. – Of the members initially appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, one shall serve for a term of two years, one shall serve for a term of four years, and one shall serve for a term of six years. Of the members initially appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one shall serve for a term of two years, one shall serve for a term of four years, and one shall serve for a term of six years. Of the members initially appointed by the Governor, three shall serve for terms of two years each, ~~three-two~~ shall serve for terms of four years each, and ~~three-two~~ shall serve for terms of six years each. Thereafter, all appointments shall be for terms of six years. The Governor may remove appointive members at any time. Neither the architect nor any Each appointing authority may remove any member of the Council appointed by that appointing authority from office for misfeasance, malfeasance, or nonfeasance. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. Vacancies in appointments made by the Governor shall be filled by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution. The Governor shall designate one member of the Council as chair. ~~None~~ of the above named engineers shall be engaged in the manufacture, promotion or sale of any building material, and any member who shall, during ~~his-their~~ term, cease to meet the qualifications for original appointment (through ceasing to be a practicing member of the profession indicated or otherwise) shall thereby forfeit ~~his-their~~ membership on the Council. In making new appointments or filling vacancies, the Governor shall ensure that minorities and women are represented on the Council.

~~The Governor may make appointments to fill the unexpired portions of any terms vacated by reason of death, resignation, or removal from office. In making such appointment, he shall preserve the composition of the Council required above.~~

(a2) Process for Appointments by the Governor. – The Governor shall transmit to the presiding officers of the Senate and the House of Representatives, within four weeks of the convening of the session of the General Assembly in the year for which the terms in question are initially appointed or are to expire, the names of the persons to be appointed by the Governor and submitted to the General Assembly for confirmation by joint resolution. If an appointment is required pursuant to this subsection when the General Assembly is not in session, the member may be appointed and serve on an interim basis pending confirmation by the General Assembly. For the purpose of this subsection, the General Assembly is not in session only (i) prior to convening of the regular session, (ii) during any adjournment of the regular session for more than 10 days, or (iii) after sine die adjournment of the regular session.

(b) Compensation. – Members of the Building Code Council other than any who are employees of the State shall receive seven dollars (\$7.00) per day, including necessary time spent in traveling to and from their place of residence within the State to any place of meeting or while traveling on official business of the Council. In addition, all members shall receive mileage and subsistence according to State practice while going to and from any place of meeting, or when on official business of the Council.

(c) Repealed by Session Laws 2023-108, s. 1(b), effective January 1, 2025.

~~(d) Building Code Committee Created; Duties. – Within the Building Code Council, there is hereby created a Building Code Committee for all structures except those subject to the North Carolina Residential Building Code. The committee shall be composed of the following nine members of the Building Code Council:~~

- ~~(1) One of the licensed architects appointed by the chairman of the Building Code Council.~~
- ~~(2) The licensed engineer practicing mechanical engineering.~~
- ~~(3) The licensed engineer practicing electrical engineering.~~
- ~~(4) The licensed engineer practicing structural engineering.~~
- ~~(5) The municipal elected official.~~
- ~~(6) The fire service representative.~~
- ~~(7) The municipal or county building inspector.~~
- ~~(8) The State agency engineer.~~
- ~~(9) The licensed general contractor.~~

~~The chairman of the Building Code Council shall call the first meeting of the Committee, at which meeting the Committee shall elect a chairman from among the members of the Committee as the first order of business. Thereafter, the Committee~~The Building Code Council shall meet upon the call of the chairman to review and consider any proposal for revision or amendment to the North Carolina State Building Code, including provisions applicable to the North Carolina Energy Conservation Code, the North Carolina Electrical Code, the North Carolina Fuel Gas Code, the North Carolina Plumbing Code, the North Carolina Mechanical Code, the North Carolina Existing Building Code, Code volumes, as specified in G.S. 143-138(a), and any other code applicable to commercial or multi-family construction, and no revision or amendment to any of these codes applicable to commercial or multi-family construction may be considered by the Building Code Council unless recommended by this committee. This committee construction.  
The Council shall also oversee the process by which the Council conducts its revision of the codes as specified in G.S. 143-138(a) and applicable to commercial or multi-family construction pursuant to G.S. 143-138(d). This committeeThe Council shall also consider any appeal or interpretation arising under G.S. 143-141 pertaining to codesCode volumes, as set forth in G.S. 143-138(a), and codes applicable to commercial or multi-family construction and make a recommendation to the Building Code Council for disposition of the appeal or issue an

interpretation. ~~In considering the recommendations of the committee related to revisions and amendments of the Building Code, nothing in this subsection shall prevent the Building Code Council from accepting, rejecting, or amending the recommendation, provided that any amendment to the recommendation must be germane."~~

**SECTION 5.1.(b)** In order to establish overlapping terms, initial appointments pursuant to G.S. 143-136(a), as amended by subsection (a) of this section, shall be made effective January 1, 2025, or as soon as feasible thereafter, and expire as follows:

- (1) The initial appointments made by the Governor:
  - a. Pursuant to G.S. 143-136(a)(7) shall expire January 1, 2027.
  - b. Pursuant to G.S. 143-136(a)(8) shall expire January 1, 2027.
  - c. Pursuant to G.S. 143-136(a)(9) shall expire January 1, 2027.
  - d. Pursuant to G.S. 143-136(a)(10) shall expire January 1, 2029.
  - e. Pursuant to G.S. 143-136(a)(11) shall expire January 1, 2029.
  - f. Pursuant to G.S. 143-136(a)(12) shall expire January 1, 2031.
  - g. Pursuant to G.S. 143-136(a)(13) shall expire January 1, 2031.
- (2) The initial appointments made by the General Assembly upon recommendation of the Speaker of the House of Representatives:
  - a. Pursuant to G.S. 143-136(a)(1) shall expire January 1, 2027.
  - b. Pursuant to G.S. 143-136(a)(3) shall expire January 1, 2029.
  - c. Pursuant to G.S. 143-136(a)(5) shall expire January 1, 2031.
- (3) The initial appointments made by the General Assembly upon recommendation of the President Pro Tempore of the Senate:
  - a. Pursuant to G.S. 143-136(a)(2) shall expire January 1, 2027.
  - b. Pursuant to G.S. 143-136(a)(4) shall expire January 1, 2029.
  - c. Pursuant to G.S. 143-136(a)(6) shall expire January 1, 2031.

**SECTION 5.1.(c)** G.S. 143-137 reads as rewritten:

**"§ 143-137. Organization of Building Code Council; rules; meetings; staff; fiscal affairs.**

(a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the Building Code Council shall meet on call of the State Fire Marshal. ~~The Council shall elect from its appointive members a chairman and such other officers as it may choose, for such terms as it may designate in its rules. The Council shall adopt such rules not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The chairman-chair may establish and appoint members to such committees as the work of the Council may require. In addition, the chairman-shall chair may establish and appoint ad hoc code revision committees to consider and prepare revisions and amendments to the Code volumes.—volumes, as specified in G.S. 143-138(a).~~ Each ad hoc committee shall consist of members of the Council, licensed contractors, and design professionals most affected by the Code volume for which the ad hoc committee is responsible, and members of the public. ~~The subcommittees~~ Ad hoc committees shall meet upon the call of their respective chairs and shall report their recommendations to the Council.

(b) Meetings. – The Council shall meet regularly, at least once every six months, at places and dates to be determined by the Council. Special meetings may be called by the ~~chairman-chair~~ on his own initiative and must be called by ~~him~~ the chair at the request of two or more members of the Council. All members shall be notified by the ~~chairman-chair~~ in writing of the time and place of regular and special meetings at least seven days in advance of such meeting. ~~Seven members shall constitute a quorum.~~ All meetings shall be open to the public.

(c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall serve as a staff for the ~~Council. Such staff shall~~ Council, and have the ~~duties of~~ following duties:

- (1) Keeping an accurate and complete record of all meetings, hearings, correspondence, laboratory studies, and technical work performed by or for

the Council, and making these records available for public inspection at all reasonable ~~times;~~times.

(2) Handling correspondence for the Council.

(d) Fiscal Affairs of the Council. – All funds for the operations of the Council and its staff shall be appropriated to the Department of Insurance for the use of the Council. All such funds shall be held in a separate or special account on the books of the Department of Insurance, with a separate financial designation or code number to be assigned by the Department of Insurance or its agent. Expenditures for staff salaries and operating expenses shall be made in the same manner as the expenditure of any other Department of Insurance funds. The Office of the State Fire Marshal may hire such additional personnel as may be necessary to handle the work of the Building Code Council, within the limits of funds appropriated to the Department of Insurance for the Council and with the approval of the Council.

(e) Quorum; Voting; No Proxy Vote. – Nine members shall constitute a quorum for the transaction of business and an affirmative vote of nine members present shall be necessary to approve any action of the Building Code Council, including any amendment or revision to Code volumes, as specified in G.S. 143-138(a). No member may vote by proxy."

**SECTION 5.1.(d)** This section becomes effective January 1, 2025.

## **MISCELLANEOUS CHANGES TO IMPLEMENT BUILDING CODE COUNCIL AND RESIDENTIAL CODE COUNCIL REORGANIZATION**

**SECTION 5.2.(a)** G.S. 143-136.1 reads as rewritten:

**"§ 143-136.1. Residential Code Council created; membership.**

(a) Creation; Membership. – There is hereby created a Residential Code Council, which consists of 13 members appointed as follows:

- (1) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives who shall hold an unlimited general contractor license under Chapter 87 of the General Statutes and specializes in residential construction.
- (2) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold an unlimited or intermediate general contractor license under Chapter 87 of the General Statutes and specializes in residential construction.
- (3) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives who shall hold a plumbing contractor license under Chapter 87 of the General Statutes and specializes in residential construction.
- (4) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold a heating contractor license under Chapter 87 of the General Statutes and specializes in residential construction.
- (5) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives who shall hold an unlimited, intermediate, or limited general contractor license under Chapter 87 of the General Statutes and specializes in coastal construction.
- (6) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold an unlimited, intermediate, or limited general contractor license under Chapter 87 of the General Statutes and specializes in residential construction.
- (7) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall hold an electrical contractor license under Chapter 87 of the General Statutes.

- (8) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a licensed professional engineer under Chapter 89C of the General Statutes and specializes in residential construction.
- (9) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a Level I or Level II Code-enforcement official employed by a municipality or county.
- (10) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a member of the public-at-large.
- (11) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a representative of the natural gas industry.
- (12) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a fire service representative.
- (13) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall hold a general contractor license under Chapter 87 of the General Statutes and specializes in residential foundations or concrete placement.

(b) Terms; Removal; Vacancies; Chair. – Of the members initially appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, one shall serve for a term of two years, one shall serve for a term of four years, and one shall serve for a term of six years. Of the members initially appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one shall serve for a term of two years, one shall serve for a term of four years, and one shall serve for a term of six years. Of the members initially appointed by the Governor, two shall serve for a term of two years, two shall serve for a term of four years, and three shall serve for a term of six years. Thereafter, all appointments shall be for terms of six years. Each appointing authority may remove any member of the Council appointed by that appointing authority from office for misfeasance, malfeasance, or nonfeasance. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. Vacancies in appointments made by the Governor shall be filled by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution. The Governor shall designate one member of the Council as chair.

(b1) Process for Appointments by the Governor. – The Governor shall transmit to the presiding officers of the Senate and the House of Representatives, within four weeks of the convening of the session of the General Assembly in the year for which the terms in question are initially appointed or are to expire, the names of the persons to be appointed by the Governor and submitted to the General Assembly for confirmation by joint resolution. If an appointment is required pursuant to this subsection when the General Assembly is not in session, the member may be appointed and serve on an interim basis pending confirmation by the General Assembly. For the purpose of this subsection, the General Assembly is not in session only (i) prior to convening of the regular session, (ii) during any adjournment of the regular session for more than 10 days, or (iii) after sine die adjournment of the regular session.

(c) Compensation. – Members of the Residential Code Council, other than any who are employees of the State, shall receive seven dollars (\$7.00) per day, including necessary time spent in traveling to and from their place of residence within the State to any place of meeting or while traveling on official business of the Council. In addition, all members shall receive mileage

and subsistence according to State practice while going to and from any place of meeting, or when on official business of the Council.

(d) Duties. – The Residential Code Council shall review and consider any proposal for revision or amendment to the North Carolina Residential Code, ~~including applicable provisions from the North Carolina Energy Conservation Code, North Carolina Electrical Code, North Carolina Fuel Gas Code, North Carolina Plumbing Code, North Carolina Mechanical Code, North Carolina Existing Building Code, and any other code applicable to residential construction.~~ This construction as set forth in G.S. 143-138(a). The Council shall oversee revision of the North Carolina Residential Code and codes applicable to dwellings subject to the North Carolina Residential Code pursuant to G.S. 143-138(d). The Council shall also consider any appeal or interpretation arising under G.S. 143-141 pertaining to ~~the North Carolina Residential Code volumes, as specified in G.S. 143-138(a),~~ and make disposition of the appeal or issue an interpretation."

**SECTION 5.2.(b)** G.S. 143-137.1 reads as rewritten:

**"§ 143-137.1. Organization of Residential Code Council; rules; meetings; staff; fiscal affairs; quorum.**

(a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the Residential Code Council shall meet on call of the State Fire Marshal. The Council shall adopt rules it may deem necessary for the proper discharge of its duties. The chair may establish and appoint members to any committees the work of the Council may require. In addition, the chair may establish and appoint ~~an ad hoc code revision committee~~ committees to consider and prepare revisions and amendments to the North Carolina Residential Code. ~~The~~ Each ad hoc committee shall consist of members of the Council, licensed contractors, and design professionals most affected by the North Carolina Residential Code, and members of the public. Committees shall meet upon the call of their respective chairs and shall report their recommendations to the Council.

(b) Meetings. – The Residential Code Council shall meet regularly, at least once every six months, at places and dates to be determined by the Council. Special meetings may be called by the chair and must be called by the chair at the request of two or more members of the Council. All members shall be notified by the chair in writing of the time and place of regular and special meetings at least seven days in advance of such meeting. All meetings shall be open to the public.

(c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall serve as ~~a staff for the Residential Code Council. This staff shall~~ Council, and have the following duties:

- (1) Keeping an accurate and complete record of all meetings, hearings, correspondence, laboratory studies, and technical work performed by or for the Council, and making these records available for public inspection at all reasonable times.
- (2) Handling correspondence for the Council.

(d) Fiscal Affairs of the Council. – All funds for the operations of the Residential Code Council and its staff shall be appropriated to the Department of Insurance for the use of the Council. These funds shall be held in a separate or special account on the books of the Department of Insurance, with a separate financial designation or code number to be assigned by the Department of Insurance or its agent. Expenditures for staff salaries and operating expenses shall be made in the same manner as the expenditure of any other Department of Insurance funds. The Department of Insurance may hire any additional personnel necessary to handle the work of the Council, within the limits of funds appropriated for the Council and with the approval of the Council.

(e) Quorum; Voting; No Proxy Vote. – Nine members shall constitute a quorum for the transaction of business and an affirmative vote of nine members present shall be necessary to approve any action of the Council, including any amendment or revision to ~~the North Carolina~~

~~Residential Code.~~ Code volumes, as specified in G.S. 143-138(a). No member may vote by proxy."

**SECTION 5.2.(c)** G.S. 143-138 reads as rewritten:

**"§ 143-138. North Carolina State Building Code.**

(a) Preparation and Adoption. – The Building Code Council and Residential Code Council may prepare and adopt, in accordance with the provisions of this Article, a North Carolina State Building Code. The Building Code Council shall oversee codes applicable to commercial or multi-family construction and contained in Code volumes, as specified in subdivisions (1) through (9) of this subsection, that apply to commercial and multi-family construction. The Residential Code Council shall oversee codes applicable to residential construction and contained in Code volumes, as specified in subdivisions (1) through (10) of this subsection, that apply to residential construction. Before the adoption of any volume of the Code, or any part of the Code, the responsible Council shall hold at least one public hearing. A notice of the public hearing shall be published in the North Carolina Register at least 15 days before the date of the hearing. Notwithstanding G.S. 150B-2(8a)h., any volume, or any part, of the North Carolina State Building Code as adopted by the Building Code Council or Residential Code Council is a rule within the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with the procedural requirements of Article 2A of Chapter 150B of the General Statutes. For the purposes of this Article, "North Carolina State Building Code" or "Code" shall collectively refer to all Code volumes, as revised or amended, prepared and adopted by the Building Code Council or Residential Code Council pursuant to this ~~Article, including Article.~~ The North Carolina State Building Code shall consist of the following Code volumes:

- (1) North Carolina Administrative Code and Policies.
- (2) North Carolina Building Code.
- (3) North Carolina Electrical Code.
- (4) North Carolina Energy Conservation Code.
- (5) North Carolina Existing Building Code.
- (6) North Carolina Fire Code.
- (7) North Carolina Fuel Gas Code.
- (8) North Carolina Mechanical Code.
- (9) North Carolina Plumbing Code.
- (10) North Carolina Residential Code.

...

(d) Amendments of the Code. – The Building Code Council and Residential Code Council may periodically revise and amend those parts of the North Carolina State Building Code for which those Councils are responsible, either on their own motion or upon application from any citizen, State agency, or political subdivision of the State. In addition to the periodic revisions or amendments made by the responsible Council, the Residential Code Council shall perform a comprehensive review and revise or amend the North Carolina Residential Code, ~~including provisions applicable to dwellings covered by the North Carolina Residential Code, from the North Carolina Energy Conservation Code, North Carolina Electrical Code, North Carolina Fuel Gas Code, North Carolina Plumbing Code, and North Carolina Mechanical Code~~ only every six years, to become effective the first day of January of the following year, with at least six months between adoption and effective date. The first six-year revision by the Residential Council under this subsection shall be adopted to become effective January 1, 2031, and every six years thereafter. After its appointment pursuant to G.S. 143-136.1, the Residential Code Council shall review the North Carolina Energy Conservation Code, the North Carolina Fuel Gas Code, and the North Carolina Mechanical Code as applicable to residential construction and may amend ~~the those codes and any~~ relevant chapters of the North Carolina Residential Code, affected by that review, by January 1, 2026. Following the adoption of amendments to the North Carolina Residential Code affected by that review, the North Carolina Residential Code shall also be



subject to the first six-year revision under this subsection. In adopting any amendment, the Building Code Council and Residential Code Council shall comply with the same procedural requirements and the same standards for adoption of the Code. The Building Code Council and Residential Code Council, through the Office of the State Fire Marshal, shall publish in the North Carolina Register all appeal decisions made by the responsible Code Council and all formal opinions at least semiannually. The Building Code Council and Residential Code Council, through the Office of the State Fire Marshal, shall also publish at least semiannually in the North Carolina Register a statement providing the accurate website address and information on how to find additional commentary and interpretation of the Code.

...."

**SECTION 5.2.(d)** In performing its review of the North Carolina State Building Code to amend relevant chapters of the North Carolina Residential Code after its appointment pursuant to G.S. 143-136.1, as required by G.S. 143-138(d), the Residential Code Council shall include relevant provisions from the North Carolina Administrative Code and Policies volume, as appropriate and modified by the Residential Code Council, in its amendment to the Residential Code.

**SECTION 5.2.(e)** G.S. 143-139 reads as rewritten:

**"§ 143-139. Enforcement of Building Code.**

...

(b1) Remedies. – In case any building or structure is maintained, erected, constructed, or reconstructed or its purpose altered, so that it becomes in violation of this Article or of the North Carolina State Building Code, either the local enforcement officer or the State Fire Marshal or other State official with responsibility under this section may, in addition to other remedies, institute any appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection, construction, or reconstruction or alteration of purpose, or overcrowding, (ii) restrain, correct, or abate the violation, or (iii) prevent the occupancy or use of the building, structure, or land until the violation is corrected. In addition to the civil remedies set out in G.S. 160A-175 and G.S. 153A-123, a county, city, or other political subdivision authorized to enforce the North Carolina State Building Code within its jurisdiction may, for the purposes stated in (i) through (iii) of this subsection, levy a civil penalty for violation of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State Building Code, which penalty may be recovered in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for the violation. If the State Fire Marshal or other State official institutes an action or proceeding under this section, a county, city, or other political subdivision may not institute a civil action under this section based upon the same violation. Appeals from the imposition of any remedy set forth herein, including the imposition of a civil penalty by a county, city, or other political subdivision, shall be as provided in G.S. 160D-1127.

...."

**SECTION 5.2.(f)** G.S. 143-140 reads as rewritten:

**"§ 143-140. Hearings before enforcement agencies as to questions under the North Carolina State Building Code.**

(a) Any person desiring to raise any question under this Article or under the North Carolina State Building Code shall be entitled to a technical interpretation from the appropriate enforcement agency, as designated in ~~the preceding section, G.S. 143-139.~~ Upon request in writing by any such person, the enforcement agency through an appropriate official shall within a reasonable time provide a written interpretation, setting forth the facts found, the decision reached, and the reasons therefor. In the event of dissatisfaction with such decision, the person affected shall have the options of:

- (1) Appealing to the ~~Building Code Council or the Residential Code Council,~~ responsible Code Council for the subject matter or code provision in question.

(2) Appealing directly to the Superior Court, as provided in G.S. 143-141.

(b) If an interpretation under this section or under G.S. 143-141(b) changes after a building permit is issued, the permit applicant may choose which version of the interpretation will apply to the permit, unless such a choice would cause harm to life or property."

**SECTION 5.2.(g)** G.S. 87-10 reads as rewritten:

**"§ 87-10. Application for license; examination; certificate; renewal.**

...

(b) An applicant shall identify an individual who has successfully passed an examination approved by the Board who, for purposes of this section, shall be known as the "qualifier" or the "qualifying party" of the applicant. If the qualifier or the qualifying party seeks to take an examination, the examination shall establish (i) the ability of the applicant to make a practical application of the applicant's knowledge of the profession of contracting; (ii) the qualifications of the applicant in reading plans and specifications, knowledge of relevant matters contained in the North Carolina State Building Code, knowledge of estimating costs, construction, ethics, and other similar matters pertaining to the contracting business; (iii) the knowledge of the applicant as to the responsibilities of a contractor to the public and of the requirements of the laws of the State of North Carolina relating to contractors, construction, and liens; and (iv) the applicant's knowledge of requirements of the Sedimentation Pollution Control Act of 1973, Article 4 of Chapter 113A of the General Statutes, and the rules adopted pursuant to that Article. If the qualifier or qualifying party passes the examination, upon review of the application and all relevant information, the Board shall issue a license to the applicant to engage in general contracting in the State of North Carolina, which may be limited as follows:

- (1) Building contractor, which shall include private, public, commercial, industrial and residential buildings of all types.
- (1a) Residential contractor, which shall include any general contractor constructing only residences which are required to conform to the ~~residential building code~~ North Carolina Residential Code adopted by the ~~Building Residential~~ Code Council pursuant to G.S. 143-138.
- (2) Highway contractor.
- (3) Public utilities contractors, which shall include those whose operations are the performance of construction work on the following subclassifications of facilities:
  - a. Water and sewer mains, water service lines, and house and building sewer lines as defined in the North Carolina State Building Code, and water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations, and pumping stations.
  - b. Water and wastewater treatment facilities and appurtenances thereto.
  - c. Electrical power transmission facilities, and primary and secondary distribution facilities ahead of the point of delivery of electric service to the customer.
  - d. Public communication distribution facilities.
  - e. Natural gas and other petroleum products distribution facilities; provided the General Contractors Licensing Board may issue license to a public utilities contractor limited to any of the above subclassifications for which the general contractor qualifies.
- (4) Specialty contractor, which shall include those whose operations as such are the performance of construction work requiring special skill and involving the use of specialized building trades or crafts, but which shall not include any operations now or hereafter under the jurisdiction, for the issuance of license, by any board or commission pursuant to the laws of the State of North Carolina.

...."

**SECTION 5.2.(h)** G.S. 130A-248 reads as rewritten:

**"§ 130A-248. Regulation of food and lodging establishments.**

...

(g) All hotels, motels, tourist homes, and other establishments that provide lodging for pay shall comply with the requirements of G.S. 143-138(b2)(2). Upon notification of a violation of G.S. 143-138(b2)(2) by the code official responsible for enforcing the ~~NC State Building Code~~ North Carolina Fire Code (Fire Prevention) in accordance with G.S. 143-138(b2)(4), the local health department is authorized to suspend a permit issued pursuant to this section in accordance with G.S. 130A-23."

**SECTION 5.2.(i)** G.S. 143-151.8 reads as rewritten:

**"§ 143-151.8. Definitions.**

- (a) The following definitions apply in this Article:
- (1) Board. – The North Carolina Code Officials Qualification Board.
  - (2) Code. – Consists of all of the following:
    - a. The North Carolina State Building Code adopted by the Building Code Council and Residential Code Council under G.S. 143-138.
    - b. Local building rules approved by the Building Code ~~Council~~ Council and Residential Code Council.
    - c. Any resolution adopted by a federally recognized Indian Tribe in which the Tribe adopts the North Carolina State Building Code and related local building rules.
    - d. The standards adopted by the State Fire Marshal under G.S. 143-143.15(a).
  - (3) Code enforcement. – The examination and approval of plans and specifications, the inspection of the manner of construction, workmanship, and materials for construction of buildings and structures and their components, or the enforcement of fire code regulations by any of the following, to assure compliance with the North Carolina State Building Code and related local building rules:
    - a. An employee of the State or local government, except an employee of the State Department of Labor engaged in the administration and enforcement of sections of the Code that pertain to boilers and elevators.
    - b. An employee of a federally recognized Indian Tribe employed to perform inspections on tribal lands.
    - c. An individual contracting with the State, a local government, or a federally recognized Indian Tribe to perform inspections on tribal lands.
    - d. An individual who is employed by a company contracting with a county or a city to conduct inspections.
    - e. A person who is contracting with a local government to perform third-party plan review under G.S. 160D-1110.1(d).
    - f. A person who is contracting with a permit applicant to perform third-party plan review under G.S. 160D-1110.1(e).
  - (4) Local inspection department. – The agency or agencies of local government, or any government agency of a federally recognized Indian Tribe, with authority to make inspections of buildings and to enforce the Code and other laws, ordinances, and rules enacted by the State, a local government, or a federally recognized Indian Tribe.

(5) Qualified Code-enforcement official. – A person qualified under this Article to engage in the practice of Code enforcement.

(b) For purposes of this Article, the population of a city or county is determined according to the most current federal census, unless otherwise specified.

(c) For purposes of this Article, "willful misconduct, gross negligence, or gross incompetence" in addition to the meaning of those terms under other provisions of the General Statutes or at common law, includes any of the following:

- (1) Enforcing a Code requirement in areas or circumstances not specified in the requirement.
- (2) Refusing to accept an alternative design or construction method that has been appealed under G.S. 143-140.1 and found by the Office of the State Fire Marshal to comply with the Code under the conditions or circumstances set forth in the Office of the State Fire Marshal's decision for that appeal.
- (3) Refusing to allow an alternative construction method currently included in the Building Code under the conditions or circumstances set forth in the Code for that alternative method.
- (4) Enforcing a requirement that is more stringent than or otherwise exceeds the Code requirement.
- (5) Refusing to implement or adhere to an interpretation of the North Carolina State Building Code issued by the Building Code ~~Council~~ Council, Residential Code Council, or the Office of the State Fire Marshal.
- (6) Habitually failing to provide requested inspections in a timely manner.
- (7) Enforcing a Code official's preference in the method or manner of installation of heating ventilation and air-conditioning units, appliances, or equipment if it is not required by the State Building Code and is in contradiction of a manufacturer's installation instructions or specifications."

**SECTION 5.2.(j)** G.S. 143-151.13 reads as rewritten:

**"§ 143-151.13. Required standards and certificates for Code-enforcement officials.**

...  
(f) The Board shall issue a standard certificate to any person who is currently licensed to practice as a(n):

- (1) Architect, registered pursuant to Chapter 83A;
- (2) General contractor, licensed pursuant to Article 1 of Chapter 87;
- (3) Plumbing or heating contractor, licensed pursuant to Article 2 of Chapter 87;
- (4) Electrical contractor, licensed pursuant to Article 4 of Chapter 87; or,
- (5) Professional engineer, registered pursuant to Chapter 89C;

provided the person successfully completes a short course, as prescribed by the Board, relating to the North Carolina State Building Code regulations and Code-enforcement administration. The standard certificate shall authorize the person to practice as a qualified Code-enforcement official in a particular type of position at the level determined by the Board, based on the type of license or registration held in any profession specified above.

...."

**SECTION 5.2.(k)** G.S. 143-151.14 reads as rewritten:

**"§ 143-151.14. Comity.**

...  
(c) The certificates granted under subsections (a) and (b) of this section shall expire after three years unless within that time period the holder completes a short course, as prescribed by the Board, relating to the North Carolina State Building Code regulations and Code-enforcement administration.

...."

**SECTION 5.2.(l)** G.S. 143-151.17 reads as rewritten:

**"§ 143-151.17. Grounds for disciplinary actions; investigation; administrative procedures.**

(a) The Board has the power to suspend, revoke, demote to a lower level, or refuse to grant a certificate issued under this Article to any person to whom any of the following applies:

- (1) Has been convicted of a felony against this State or the United States, or convicted of a felony in another state that would also be a felony if it had been committed in this State.
- (2) Has obtained certification through fraud, deceit, or perjury.
- (3) Has knowingly aided or abetted any person practicing contrary to the provisions of this Article or the North Carolina State Building Code or any building codes adopted by a federally recognized Indian Tribe.
- (4) Has defrauded the public or attempted to do so.
- (5) Has affixed his or her signature to a report of inspection or other instrument of service if no inspection has been made by him or her or under his or her immediate and responsible direction.
- (6) Has been guilty of willful misconduct, gross negligence, or gross incompetence.

...."

**SECTION 5.2.(m)** G.S. 153A-123 reads as rewritten:

**"§ 153A-123. Enforcement of ordinances.**

...

(c1) An ordinance may provide for the recovery of a civil penalty by the county for violation of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State Building Code as authorized under G.S. 143-139.

...."

**SECTION 5.2.(n)** G.S. 160A-175 reads as rewritten:

**"§ 160A-175. Enforcement of ordinances.**

...

(c1) An ordinance may provide for the recovery of a civil penalty by the city for violation of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State Building Code as authorized under G.S. 143-139.

...."

**SECTION 5.2.(o)** G.S. 58-6-25 reads as rewritten:

**"§ 58-6-25. Insurance regulatory charge.**

...

(d) Use of Proceeds. – The Insurance Regulatory Fund is created as an interest-bearing special fund to which the proceeds of the charge levied in this section and all fees collected under Articles 69 through 71 of this Chapter and under Articles 9 and 9C of Chapter 143 of the General Statutes shall be credited. Moneys in the Fund may be spent only pursuant to appropriation by the General Assembly, and the Fund is subject to the provisions of the State Budget Act. All money credited to the Fund shall be used to reimburse the General Fund for the following:

...

- (7) Money appropriated to the Department of Insurance to pay its expenses incurred in connection with providing staff support for State boards and commissions, including the North Carolina Manufactured Housing Board, State Fire and Rescue Commission, North Carolina Building Code Council, North Carolina Residential Code Council, North Carolina Code Officials Qualification Board, Public Officers and Employees Liability Insurance Commission, North Carolina Home Inspector Licensure Board, and the Volunteer Safety Workers' Compensation Board.

...."

**SECTION 5.2.(p)** G.S. 58-78A-1 reads as rewritten:

**"§ 58-78A-1. Office of the State Fire Marshal.**

...

- (b) The Office of the State Fire Marshal shall be responsible for all of the following:
- (1) State Fire and Rescue Commission, Article 78 of this Chapter.
  - (2) Investigation of Fires and Inspection of Premises, Article 79 of this Chapter.
  - (3) State Volunteer Fire Department, Article 80 of this Chapter.
  - (4) Pyrotechnics Training and Permitting, Article 82A of this Chapter.
  - (5) Management of Aqueous Film-Forming Foams, Article 82B of this Chapter.
  - (6) Local Firefighters' Relief Funds, Article 84 of this Chapter.
  - (7) Statewide Firefighters' Relief Fund, Article 85 of this Chapter.
  - (8) State Fire Protection Grant Fund, Article 85A of this Chapter.
  - (9) North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, Article 86 of this Chapter.
  - (10) Volunteer Safety Workers Assistance, Article 87 of this Chapter.
  - (11) Rescue Squad Workers' Relief Fund, Article 88 of this Chapter.
  - (12) Building Code Council and ~~Building Code~~, Residential Code Council, Article 9 of Chapter 143 of the General Statutes.
  - (13) North Carolina Manufactured Housing Board-Manufactured Home Warranties, [Article 9A of Chapter 143 of the General Statutes].
  - (14) Uniform Standards Code for Manufactured Homes, Article 9B of this Chapter [Article 9B of Chapter 143 of the General Statutes].
  - (15) North Carolina Code Officials Qualification Board, Article 9C of this Chapter [Article 9C of Chapter 143 of the General Statutes].
  - (16) North Carolina Home Inspector Licensure Board, Article 9F of this Chapter [Article 9F of Chapter 143 of the General Statutes].
  - (17) Engineering and Building Codes Division in the Department of Insurance.
  - (18) Risk Management Division in the Department of Insurance.
  - (19) Community Risk Reduction Division in the Department of Insurance.

...."

**SECTION 5.2.(q)** G.S. 58-78A-16 reads as rewritten:

**"§ 58-78A-16. State Fire Marshal to inspect State property.**

(a) The State Fire Marshal shall, as often as is required in the ~~fire code~~ North Carolina Fire Code adopted by the North Carolina Building Code Council or more often if the State Fire Marshal considers it necessary, visit, inspect, and thoroughly examine every State property to analyze and determine its protection from fire, including the property's occupants or contents. The State Fire Marshal shall notify in writing the agency or official in charge of the property of any defect noted by the State Fire Marshal or any improvement considered by the State Fire Marshal to be necessary, and a copy of that notice shall be forwarded by the State Fire Marshal to the Department of Administration.

(b) No agency or person authorized or directed by law to select a plan or erect a building comprising 20,000 square feet or more for the use of any county, city, or school district shall receive and approve of the plan until it is submitted to and approved by the State Fire Marshal as to the safety of the proposed building from fire, including the property's occupants or contents.

(c) Repealed by Session Laws 2009-474, s. 1, effective October 1, 2009."

**SECTION 5.2.(r)** G.S. 150B-21.5 reads as rewritten:

**"§ 150B-21.5. Circumstances when notice and rule-making hearing not required; circumstances when submission to the Commission not required.**

(a) Amendment. – An agency is not required to publish a notice of text in the North Carolina Register, hold a public hearing, or submit the amended rule to the Commission for review when it proposes to amend a rule to do one of the following:

- (1) Reletter or renumber the rule or subparts of the rule.

- (2) Substitute one name for another when an organization or position is renamed.
- (3) Correct a citation in the rule to another rule or law when the citation has become inaccurate since the rule was adopted because of the repeal or renumbering of the cited rule or law.
- (4) Change information that is readily available to the public, such as an address, email address, a telephone number, or a Web site.
- (5) Correct a typographical error.
- (6) Repealed by Session Laws 2019-140, s. 1(a), effective July 19, 2019.

(a1) Response to Commission. – An agency is not required to publish a notice of text in the North Carolina Register or hold a public hearing when it proposes to change the rule in response to a request or an objection by the Commission, unless the Commission determines that the change is substantial.

(b) Repeal. – An agency is not required to publish a notice of text in the North Carolina Register or hold a public hearing when it proposes to repeal a rule as a result of any of the following:

- (1) The law under which the rule was adopted is repealed.
- (2) The law under which the rule was adopted or the rule itself is declared unconstitutional.
- (3) The rule is declared to be in excess of the agency's statutory authority.

(c) Repealed by Session Laws 2023-134, s. 21.2(e), effective October 3, 2023 and applicable to rules adopted on or after that date.

(d) North Carolina State Building Code. – The Building Code Council ~~is or Residential Code Council, as applicable, is not~~ required to publish a notice of text in the North Carolina Register when it proposes to adopt a rule that concerns the North Carolina State Building Code. The Building Code Council ~~is or Residential Code Council, as applicable, is~~ required to publish a notice in the North Carolina Register when it proposes to adopt a rule that concerns the North Carolina State Building Code. The notice must include all of the following:

- (1) A statement of the subject matter of the proposed rule making.
- (2) A short explanation of the reason for the proposed action.
- (3) A citation to the law that gives the agency the authority to adopt a rule on the subject matter of the proposed rule making.
- (4) The person to whom questions or written comments may be submitted on the subject matter of the proposed rule making.

The Building Code Council ~~is or Residential Code Council, as applicable, is~~ required to submit to the Commission for review a rule for which notice of text is not required under this subsection. In adopting a rule, the responsible Council shall comply with the procedural requirements of G.S. 150B-21.3.

(e) An agency that adopts or amends a rule pursuant to subsection (a) of this section shall notify the Codifier of Rules of its actions. When notified of an agency action taken pursuant to subsection (a) of this section, the Codifier of Rules shall make the appropriate change to the North Carolina Administrative Code."

**SECTION 5.2.(s)** G.S. 150B-21.21 reads as rewritten:

**"§ 150B-21.21. Publication of rules of North Carolina State Bar, Building Code Council, Residential Code Council, and exempt agencies.**

(a) State Bar. – The North Carolina State Bar must submit a rule adopted or approved by it and entered in the minutes of the North Carolina Supreme Court to the Codifier of Rules for inclusion in the North Carolina Administrative Code. The State Bar must submit a rule within 30 days after it is entered in the minutes of the Supreme Court. The Codifier of Rules must compile, make available for public inspection, and publish a rule included in the North Carolina Administrative Code under this subsection in the same manner as other rules in the Code.

(a1) Building Code Council and Residential Code Council. – The Building Code Council and Residential Code Council, as applicable, shall publish the North Carolina State Building Code as provided in G.S. 143-138(g). The Codifier of Rules is not required to publish the North Carolina State Building Code in the North Carolina Administrative Code.

(b) Exempt Agencies. – Notwithstanding any other provision of law, an agency that is exempted from this Article by G.S. 150B-1 or any other statute must submit a temporary or permanent rule adopted by it to the Codifier of Rules for inclusion in the North Carolina Administrative Code. These exempt agencies must submit a rule to the Codifier of Rules within 30 days after adopting the rule.

(c) Publication. – A rule submitted to the Codifier of Rules under this section must be in the physical form specified by the Codifier of Rules. The Codifier of Rules must compile, make available for public inspection, and publish a rule submitted under this section in the same manner as other rules in the North Carolina Administrative Code."

**SECTION 5.2.(t)** G.S. 150B-38 reads as rewritten:

**"§ 150B-38. Scope; hearing required; notice; venue.**

(a) The provisions of this Article shall apply to:

- (1) Occupational licensing agencies.
- (2) The State Banking Commission, the Commissioner of Banks, and the Credit Union Division of the Department of Commerce.
- (3) The Department of Insurance and the Commissioner of Insurance.
- (4) The State Chief Information Officer in the administration of the provisions of Article 15 of Chapter 143B of the General Statutes.
- (5) The North Carolina State Building Code Council, Council and Residential Code Council, Article 9 of Chapter 143 of the General Statutes.
- (5a) The Office of the State Fire Marshal and the State Fire Marshal.
- (6) Repealed by Session Laws 2018-146, s. 4.4(b), effective December 27, 2018.

(b) Prior to any agency action in a contested case, the agency shall give the parties in the case an opportunity for a hearing without undue delay and notice not less than 15 days before the hearing. Notice to the parties shall include all of the following:

- (1) A statement of the date, hour, place, and nature of the hearing.
- (2) A reference to the particular sections of the statutes and rules involved.
- (3) A short and plain statement of the facts alleged.

(c) Notice shall be given by one of the methods for service of process under G.S. 1A-1, Rule 4(j) or Rule 4(j3). If given by registered or certified mail, by signature confirmation as provided by the United States Postal Service, or by designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, notice shall be deemed to have been given on the delivery date appearing on the return receipt, copy of proof of delivery provided by the United States Postal Service, or delivery receipt. If notice cannot be given by one of the methods for service of process under G.S. 1A-1, Rule 4(j) or Rule 4(j3), then notice shall be given in the manner provided in G.S. 1A-1, Rule 4(j1).

(d) A party that has been served with a notice of hearing may file a written response with the agency. If a written response is filed, a copy of the response shall be mailed to all other parties not less than 10 days before the date set for the hearing.

(e) All hearings conducted under this Article shall be open to the public. A hearing conducted by the agency shall be held in the county where the agency maintains its principal office. A hearing conducted for the agency by an administrative law judge requested under G.S. 150B-40 shall be held in a county in this State where any person whose property or rights are the subject matter of the hearing resides. If a different venue would promote the ends of justice or better serve the convenience of witnesses, the agency or the administrative law judge may designate another county. A person whose property or rights are the subject matter of the hearing waives an objection to venue by proceeding in the hearing.



(f) Any person may petition to become a party by filing with the agency or hearing officer a motion to intervene in the manner provided by G.S. 1A-1, Rule 24. In addition, any person interested in a contested case under this Article may intervene and participate to the extent deemed appropriate by the agency hearing officer.

(g) When contested cases involving a common question of law or fact or multiple proceedings involving the same or related parties are pending before an agency, the agency may order a joint hearing of any matters at issue in the cases, order the cases consolidated, or make other orders to reduce costs or delay in the proceedings.

(h) Every agency shall adopt rules governing the conduct of hearings that are consistent with the provisions of this Article.

(i) Repealed by Session Laws 2021-88, s. 16(c), effective July 22, 2021."

**SECTION 5.2.(u)** This section becomes effective January 1, 2025.

## **PART VI. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

### **SEVERABILITY CLAUSE**

**SECTION 6.1.** If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

### **EFFECTIVE DATE**

**SECTION 6.2.** Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28<sup>th</sup> day of June, 2024.

s/ Phil Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

VETO Roy Cooper  
Governor

Became law notwithstanding the objections of the Governor at 3:03 p.m. this 11<sup>th</sup> day of September, 2024.

s/ Mr. James White  
House Principal Clerk

# Chapter 17 - WATER AND SEWERS

## ARTICLE IV.- Cross Connection Control

### Sec. 17-45. - Irrigation.

*(d) Required maintenance*

(3) Backflow prevention assemblies shall be tested once every three years on residential irrigation systems that do not apply or dispose chemical feeds ~~annually~~ by a certified backflow ~~technician~~ prevention assembly tester approved by the public water system or a plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes to ensure proper operation in accordance with the city's cross connection control ordinance.

# Chapter 17 - WATER AND SEWERS

## ARTICLE IV. – Cross Connection Control

### Sec. 17-106. - Installation

Installation and testing of backflow prevention assembly:

(2) The installation or replacement of a backflow prevention assembly for domestic water use shall only be performed by a licensed plumber or utility contractor. The installation or repair of a backflow prevention assembly on a dedicated fire sprinkler service shall be performed by a licensed fire sprinkler contractor or utility contractor. All backflow prevention assemblies may be tested by a certified backflow ~~technician authorized by the City of Kannapolis.~~ prevention assembly tester approved by the public water system or a plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes. Repairs to a backflow prevention assembly on a dedicated fire sprinkler system may only be performed by a fire sprinkler contractor.

**ORDINANCE TO AMEND TEXT OF THE  
CITY OF KANNAPOLIS CODE OF ORDINANCE**

**BE IT ORDAINED** by City Council of the City of Kannapolis, North Carolina meeting in open session this 28th day of July 2025, that the following amendments to *Chapter 17: Water and Sewers* of the City Code of Ordinances, is hereby amended to read as follows:

**Sec. 17-14. – Irrigation.**

*(d) Required maintenance*

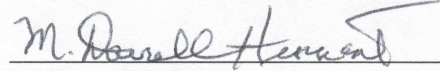
(3) Backflow prevention assemblies shall be tested once every three years on residential irrigation systems that do not apply or dispose chemical feeds ~~annually~~ by a certified backflow ~~technician~~ prevention assembly tester approved by the public water system or a plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes to ensure proper operation in accordance with the city's cross connection control ordinance.

**Sec. 17-106. – Installation.**

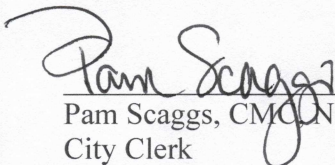
Installation and testing of backflow prevention assembly:

(2) The installation or replacement of a backflow prevention assembly for domestic water use shall only be performed by a licensed plumber or utility contractor. The installation or repair of a backflow prevention assembly on a dedicated fire sprinkler service shall be performed by a licensed fire sprinkler contractor or utility contractor. All backflow prevention assemblies may be tested by a certified backflow ~~technician authorized by the City of Kannapolis~~ prevention assembly tester approved by the public water system or a plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes. Repairs to a backflow prevention assembly on a dedicated fire sprinkler system may only be performed by a fire sprinkler contractor.

Adopted this 28th day of July 2025.

  
M. Darrell Hinnant, Mayor  
City of Kannapolis

**ATTEST:**

  
Pam Scaggs, CMC/NCCMC  
City Clerk





## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

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**To:** Mayor and City Council

**From:** Daniel Jenkins, Assistant Human Resources Director

**Subject:** **ORDINANCE** - Motion to approve an Ordinance amending the budget to appropriate funds for workers' compensation settlement. **APPROVED**

---

### **Recommended Action Requested by City Council**

Adopt the Ordinance amending the budget for a workers' compensation settlement as discussed in City Council Closed Session Meeting on July 14, 2025.

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

A budget Ordinance is necessary to provide funding for settling a workers' compensation claim as discussed in City Council Closed Session Meeting on July 14, 2025 (Recommended).

### **Fiscal Implications**

None.

### **Alternate Courses of Action**

1. **Motion to Adopt the Ordinance amending the budget for a workers' compensation settlement as discussed in City Council Closed Session Meeting on July 14, 2025 (Recommended).**
2. Defer to a future meeting.
3. Take no action.

### **Attachments**

1. 2025-51 Ordinance Amending Budget #26-01 for workers compensation settlement

**ORDINANCE AMENDING BUDGET FOR THE  
CITY OF KANNAPOLIS, NORTH CAROLINA  
FOR THE FISCAL YEAR BEGINNING JULY 1, 2025, AND ENDING JUNE 30, 2026  
Amendment # 26-01**

**BE IT ORDAINED** by the City Council of the City of Kannapolis, North Carolina meeting in open session this 28<sup>th</sup> day of July 2025, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2025, and ending June 30, 2026, is hereby adopted:

**Description:** This budget amendment appropriates funding for workers compensation settlement for \$75,000.

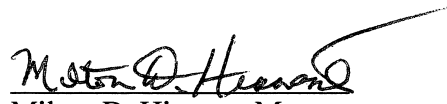
**SECTION I – GENERAL FUND**

|              |                                                                                   |          |
|--------------|-----------------------------------------------------------------------------------|----------|
| Revenue:     | Increase: Fund Balance Appropriated<br>Revenue: 19900-39900                       | \$75,000 |
| Expenditure: | Increase: Transfer to Other Funds: Insurance and Risk<br>Expenditure: 19000-57700 | \$75,000 |

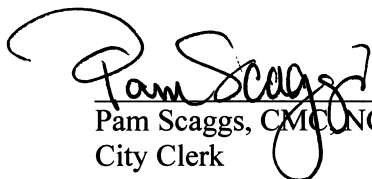
**SECTION II – INSURANCE AND RISK FUND**

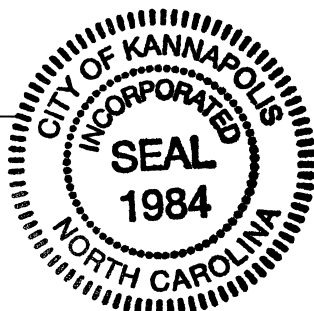
|              |                                                                      |          |
|--------------|----------------------------------------------------------------------|----------|
| Revenue:     | Increase: Transfer from General Fund<br>Revenue: 99000-39200         | \$75,000 |
| Expenditure: | Increase: Workers Comp. Insurance Claims<br>Expenditure: 90100-51641 | \$75,000 |

This ordinance is approved and adopted on this 28<sup>th</sup> day of July 2025.

  
Milton D. Hinnant, Mayor

**ATTEST:**

  
Pam Scaggs, CMC NCCMC  
City Clerk







## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

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**To:** Mayor and City Council  
**From:** Mike Legg, City Manager, Brian Roberts, Finance Director  
**Subject:** **FEE SCHEDULE** - Establishing fees and charges for Fiscal Year 2025-2026  
**APPROVED**

---

### **Recommended Action Requested by City Council**

Motion to adopt the Revised Fiscal Year 2025-2026 Fee Schedule

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

As part of the annual budget process, City Council approves a user fee schedule for the upcoming fiscal year. This fee schedule implements the fees and charges for various City services necessary to implement the Budget Ordinance. At the June 23rd meeting, Council adopted the FY26 Fee Schedule. This proposed revised fee schedule implements additional fee changes for the Engineering and Planning departments.

Note: A discussion about rental fees of City facilities is anticipated to be held at a future meeting; this topic warrants a broader discussion before consideration of any specific fee changes.

### **Fiscal Implications**

Most of the fees remained unchanged for the upcoming fiscal year. A brief summary of the proposed fee increases is explained below:

The proposed Engineering fee updates are:

1. Implementation of Site Development Inspection Fees for: Roadway, Storm Drain, Water, Sewer, Greenways/MUP, and SCM Closeout inspections.
2. Implementation of Site Development Plan Review Fees for Water and Sewer permit applications and Review fees for Utility, Roadway and Storm, and Grading and Erosion.

The proposed Planning fee updates are: KDO Text Amendment remains \$400.00 but adds the applicable legal ad and mailed notification fees. Publication fees for maps are reduced by \$5.00 for each size and small maps would be free.

### **Alternate Courses of Action**

1. Motion to adopt the Revised Fiscal Year 2025-2026 Fee Schedule (Recommended).
2. Table action to a future meeting.
3. Take no action.

## **Attachments**

1. Proposed Fee Schedule FY26 July 28th





# Proposed Fiscal Year 2026 Fee Schedule

Revised: July 28, 2025

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# Admin

**Table 1.1 Public Records**

| Public Records                  | Fees         |
|---------------------------------|--------------|
| Copies of Documents (per sheet) | \$0.10 cents |
| Copies of Ordinances (each)     | \$10.00      |
| Thumb Drive with Data           | \$5.00       |

**Table 1.2 Legal Notices**

| Legal Notices                        | Fees                                       |
|--------------------------------------|--------------------------------------------|
| Legal advertisement & Newspaper Ads. | \$300 or actual cost, Whichever is greater |
| Returned Check Fee                   | \$25.00                                    |

**Table 1.3 Human Resources**

| Employee Notice                | Fees                                                |
|--------------------------------|-----------------------------------------------------|
| Wage Garnishment Notice (each) | \$14.35                                             |
| Employee ID Badge Replacement  | \$10.00 for first loss<br>\$20.00 for repeat losses |

**Table 1.4 Police**

| Police Permits & Service            | Fees     |
|-------------------------------------|----------|
| Fingerprinting    In-Town Residents | \$15.00  |
| Out-of-Town Residents               | \$25.00  |
| Sound Permits                       | \$25.00  |
| Pawn Brokers Permits                | \$275.00 |

**Table 1.5 Transportation**

| Types               | Fees               |
|---------------------|--------------------|
| Vehicle License Fee | \$30.00 (annually) |
| Street Clouser      | \$300.00           |

**Table 1.6 Filing Fees For Elected City Office**

| Elected Office                           | Fee     |
|------------------------------------------|---------|
| Mayor of the City of Kannapolis          | \$60.00 |
| Council Member of the City of Kannapolis | \$30.00 |

## Downtown Parking

**Table 2.1 Parking Deck**

| Types                                              | 1 <sup>st</sup> Vehicle | 2 <sup>nd</sup> Vehicle | 3 <sup>rd</sup> Vehicle |
|----------------------------------------------------|-------------------------|-------------------------|-------------------------|
| Guaranteed Parking Permit (Vida Deck)              | Vida Issued             | \$30.00 (Monthly)       | \$60.00 (Monthly)       |
| Non-Guaranteed Parking Permits (Surface Lots Only) | Vida Issued             | \$15.00 (Monthly)       | \$30.00 (Monthly)       |
| Lost Permits Replacement                           | \$5.00 (Each)           | \$5.00 (Each)           | \$5.00 (Each)           |

**Table 2.2 Hourly & Daily Parking Fees**

| Types               | Time Allotted               | Fee             |
|---------------------|-----------------------------|-----------------|
| Grace Period        | 30 minutes                  | No Charge       |
| Non-Peak Rate       | Everyday 1:00 am to 4:00 pm | \$1.00 (Hourly) |
| Peak Rate           | \$5.00 (Each)               | \$3.00 (Each)   |
| Daily Rate          | Starts after 5 hours        | \$25.00         |
| Multi-Day Rate      | For resident guest          | \$10.00 (Day)   |
| “Pass Back” Penalty |                             | \$100.00        |

## Electric Vehicle (EV) Parking

- **Fee for power** - \$0.10/kWh (per kilowatt-hour).
- **Fee for parking** - grace period of 30 minutes after the vehicle has been fully charged. There is a charge of \$2 for the first hour, after the time expires, a max charge of \$10.
- **Transaction Fees** - are transferred to the drive at \$0.50 + 5% of the total transaction. (This is a fee paid by the driver, not one that the City won't have to recover).

# Engineering

- For infill lots the Engineering Department provides services for driveways, storm drainage pipe, grading/drainage, sidewalk, & water & sewer connections. There is no fee for the initial inspection.
  - *\$50.00 re-inspection fee*

**Table 3.1 Site Development Inspection Fees**

| Type of Inspection       | Fee                 |
|--------------------------|---------------------|
| Roadway Inspection       | \$1.00/ Linear Foot |
| Storm Drain Inspection   | \$1.00/ Linear Foot |
| Water Inspection         | \$1.00/ Linear Foot |
| Sewer Inspection         | \$1.00/ Linear Foot |
| Greenways/MUP Inspection | \$1.00/ Linear Foot |
| SCM Closeout Inspection  | \$300.00/per SCM    |

**Table 3.2 Site Development Plan Review Fees**

| Type of Plan Review                   | Fee                     |
|---------------------------------------|-------------------------|
| Water Permit Application              | \$50.00                 |
| Sewer Permit Application              | \$50.00                 |
| Plan Review Fee – Utility             | \$500.00 + \$25.00/Acre |
| Plan Review Fee – Roadway and Storm   | \$500.00 + \$25.00/Acre |
| Plan Review Fee – Grading and Erosion | \$500.00 + \$25.00/Acre |

# Planning & Zoning

**Table 4.1 Zoning & Land Use Applications**

| Application Type                                                         | Base Fee                                                      |
|--------------------------------------------------------------------------|---------------------------------------------------------------|
| KDO Text Amendment                                                       | \$400.00*plus applicable Legal Ad & Mailed notification fees  |
| Zoning Map Amendment                                                     | \$500.00 *plus applicable Legal Ad & Mailed notification fees |
| Conditional Zoning Map Amendment                                         | \$600.00 *plus applicable Legal Ad & Mailed notification fees |
| Special Use Permit                                                       | \$600.00 *plus applicable Legal Ad & Mailed notification fees |
| Variance, Appeal, Special Intensity Allocation, Nonconformity Adjustment | \$300.00 *plus applicable Legal Ad & Mailed notification fees |
| Mailed Notification                                                      | \$50.00 Per notification batch                                |

**Table 4.2 Residential**

| Application Type                | Base Fee                                     |
|---------------------------------|----------------------------------------------|
| Single-Family (1F)              | \$25.00                                      |
| Two-Family (2F)                 | \$25.00                                      |
| Multi-family (5 units or less)  | \$250.00                                     |
| Multi-family(more than 5 units) | \$300.00 or \$0.04/SF (Whichever is greater) |

**Table 4.3 Structures & Accessory Uses**

| Application Type                                   | Base Fee |
|----------------------------------------------------|----------|
| Accessory Structure (Residential -Non-Residential) | \$25.00  |
| Driveway Permit                                    | \$25.00  |
| Temporary Construction Trailer                     | \$50.00  |
| Temporary Use                                      | \$50.00  |
| Signs                                              | \$40.00  |

**Table 4.4 Use & Occupancy**

| Application Type                                                | Base Fee |
|-----------------------------------------------------------------|----------|
| Non-Residential                                                 | \$30.00  |
| Home Occupation                                                 | \$50.00  |
| Change of Use Permits                                           | \$30.00  |
| Certification Letter *Zoning, Watershed, Floodplain, Demo, etc. | \$25.00  |

**Table 4.5 Grading and Site Work Fees**

| Application Type                                              | Base Fee                                           |
|---------------------------------------------------------------|----------------------------------------------------|
| Grading Permit (without Site Plan)                            | \$50.00 <i>Plus \$25.00 per additional acre</i>    |
| Temporary Construction Trailer Permit                         | \$50.00                                            |
| Site Plan Review (Multi-Family Residential & Non-Residential) | \$200.00 <i>*plus \$100.00 per additional acre</i> |

**Table 4.6 Structures & Accessory Uses**

| Application Type                                   | Base Fee |
|----------------------------------------------------|----------|
| Accessory Structure (Residential -Non-Residential) | \$25.00  |
| Driveway Permit                                    | \$25.00  |
| Temporary Construction Trailer                     | \$50.00  |
| Temporary Use                                      | \$50.00  |
| Signs                                              | \$50.00  |

**Table 4.7 Plat Reviews Fees**

| Type of Review                            | Base Fee                                 |
|-------------------------------------------|------------------------------------------|
| Exempt Plat                               | No Charge                                |
| Minor Subdivision Plat Review             | \$50.00                                  |
| Minor Subdivision Plat Revision           | \$40.00                                  |
| Preliminary Major Subdivision Plat Review | \$400.00 ( <i>plus \$30.00 per lot</i> ) |
| Preliminary Major Subdivision Revision    | \$50.00 ( <i>Minor Amendment</i> )       |
| Final Subdivision Plat Review             | \$200.00                                 |
| Final Subdivision Plat Revision           | \$40.00                                  |

**Table 4.8 Publication Fees**

| Publication Item                 | Fees    |
|----------------------------------|---------|
| Land Use Plan                    | \$25.00 |
| Kannapolis Development Ordinance | \$50.00 |
| Map – Extra Large (36’’ x 48’')  | \$15.00 |
| Map – Large (24’’ x 36’')        | \$10.00 |
| Map – Medium (18’’ x 24’')       | \$5.00  |
| Map – Small (8.5’’ x 11’')       | Free    |

\*\* All fees established are due and payable at the time of product delivery or upon initial submittal of any item or items to be reviewed, processed or approved.

\*\* There will be a \$25.00 returned check fee for any check received by the City.

\*\*\*Double Permit Fee- \*\*\*A doubled permit fee will be charged for projects that begin work without first obtaining appropriate permits from the Planning Department. The fee amount to be doubled will be that of the particular permit that should have been issued.

# Fire

**Table 5.1 Required Certificate of Compliance**

| Certificate Type                             | Fees      |
|----------------------------------------------|-----------|
| Certificate of Compliance (1–1,000 SF)       | \$20.00   |
| Certificate of Compliance (1,001–20,000 SF)  | \$50.00   |
| Certificate of Compliance (20,001–50,000 SF) | \$100.00  |
| Certificate of Compliance (50,001–70,000 SF) | \$200.00  |
| Additional per 20,000 SF over 70,000 SF      | + \$50.00 |
| Certificate of Compliance Re-inspections     | \$50.00   |

**Table 5.2 Plan Review & Inspection Fees**

| Types of Review                                                                         | Fees               |
|-----------------------------------------------------------------------------------------|--------------------|
| Plan Review – Construction                                                              | \$50.00 + .025 /sf |
| Plan Review – Up-Fit                                                                    | \$50.00 + .025 /sf |
| Plan Review – Site Plan                                                                 | \$50.00            |
| Re-review Fee (* <i>applied on third submittal &amp; each re-submittal thereafter</i> ) | \$50.00            |
| Hydrant Flow Test (per hydrant)                                                         | \$150.00           |
| Temporary Power Inspection                                                              | \$50.00            |
| Load Merchandise Inspection                                                             | \$50.00            |

**NOTE: Specification on Load Merchandise Inspections**

1. For a multi-tenant building, fees are per tenant.
2. For multiple buildings owned by the same owner(s), fees are per building as defined by the NC Building Code, Vol. 1.
3. Individuals or companies that have not secured permits or Certificates of Compliance prior to beginning work or occupying the structure shall be charged double the listed amount.
4. Re-inspections of the sprinkler system, fire alarm system, or building for Certificate of Compliance will result in an additional fee per inspection.

**Table 5.3 Required Construction Permits**

| Types of Permits                                       | Permit Fee | Test Fee   |
|--------------------------------------------------------|------------|------------|
| Automatic Fire Extinguishing Systems (Ansul/Sprinkler) | \$150.00   | \$150.00** |
| Compressed Gases                                       | \$150.00   | \$150.00   |
| Fire Alarm & Detection Systems                         | \$150.00   | \$150.00** |
| Fire Pumps                                             | \$150.00   | \$150.00   |



|                                 |          |          |
|---------------------------------|----------|----------|
| Flammable & Combustible liquids | \$150.00 | \$150.00 |
| Hazardous Materials             | \$150.00 | \$150.00 |
| Industrial Ovens                | \$150.00 | \$150.00 |
| Spraying or Dipping Operations  | \$150.00 | \$150.00 |
| Standpipe Systems               | \$150.00 | \$150.00 |

**NOTE:** Any system installation prior to plan review and/or a permit being issues will incur a double fee.

Any structure over 70,000 SF x .002 + \$150 \*\*

(DOES NOT INCLUDE HOOD SYSTEM/ANSUL)

**Table 5.4 Required Operation Permits**

| Types of Permits                                 | Fees                         |
|--------------------------------------------------|------------------------------|
| Amusement Building                               | \$150.00                     |
| Carnivals & Fairs                                | \$300.00                     |
| Covered Mall Building                            | \$150.00                     |
| Exhibits & Trade Buildings                       | \$2,500/yr or \$300/90-days  |
| Explosives (blasting)                            | \$100/1-day or \$300/90-days |
| Liquids Use, Dispensing, Storage, Transportation | \$150.00                     |
| UGST/AGST Install, Alter, Remove, Abandon        | \$250.00                     |
| Change in Liquid in Tanks                        | \$150.00                     |
| Liquid Dispensing – AGST/UGST to Vehicles        | \$150.00                     |
| Liquid Dispensing – Tankers to Vehicles          | \$150.00                     |
| Pyrotechnic Special Effects Material (Fireworks) | \$300.00/day & site          |
| Spraying or Dipping                              | \$150.00                     |
| Tents & Canopies                                 | \$50.00/tent                 |

**Table 5.5 Required Other Charges/Fee**

| Types of Charges                                                                      | Fees                                         |
|---------------------------------------------------------------------------------------|----------------------------------------------|
| Environmental Site Assessment Research                                                | \$25.00 per hour ( <i>one hour minimum</i> ) |
| Fire Flow request/Special Request (fee per hydrant)                                   | \$150.00/hydrant                             |
| Stand-by firefighters <i>*when required by fire official or requested by occupant</i> | \$20.00/hr per firefighter                   |
| After Hours Inspection – Special Requested                                            | \$35.00/hr ( <i>minimum of 2 hours</i> )     |
| After Hours Plan Review – Special Request                                             | \$150.00/submittal                           |
| Other inspection by request                                                           | \$100.00                                     |
| Knox/Lock Box Maintenance (Found with incorrect key)                                  | \$100.00                                     |
| Re-Inspection (Third visit or additional inspection)                                  | \$50.00                                      |
| State License Inspection Fee (ABC, State Bar, etc.)                                   | \$100.00                                     |
| Daycare & Nursing Home License Inspection Fee                                         | \$75.00                                      |
| Group Home License Inspection Fee (annually)                                          | \$75.00                                      |
| Foster License Inspection Fee (annually)                                              | \$20.00 ( <i>second visit \$50.00</i> )      |

|                                            |                                           |
|--------------------------------------------|-------------------------------------------|
| Fire Incident Report Copy(s)               | \$1.00 ( <i>per report</i> )              |
| Fire Extinguisher Recharge use for class   | Current Market Rate per Ext.              |
| Fire Extinguisher Program (Training Class) | \$ 50.00/On-site (Fire Station/City Hall) |
| Fire Extinguisher Program (Training Class) | \$75.00/Off-site at Requested Business    |

**Table 5.6 Annual Fire Inspection Program**

| Fire Inspection Programs   | Fees     |
|----------------------------|----------|
| First Inspection (initial) | \$0.00   |
| Second Visit Re-inspection | \$0.00   |
| Third Visit Re-inspection  | \$50.00  |
| Fourth Visit Re-inspection | \$100.00 |

Additional Re-inspections will increase at \$50 per inspection until violations are corrected.

**Table 5.7 Hazardous Materials Fees**

| Solids (lbs)    | Liquids (gals) | Gases (SCF)     | Fee      |
|-----------------|----------------|-----------------|----------|
| < 501           | < 56           | < 201           | \$50.00  |
| 501 – 5,000     | 56 – 550       | 201 - 2000      | \$150.00 |
| 5,001 – 25,000  | 551 – 2,750    | 2,001 – 10,000  | \$200.00 |
| 25,001 – 50,000 | 2751 – 5500    | 10,001 – 20,000 | \$250.00 |
| 50,001 – 75,000 | 5501 – 10,000  | 20,001 – 40,000 | \$300.00 |
| >75,000         | > 10,000       | >40,000         | \$300.00 |

pound *\*\* (plus .01/per gallon//scf in excess of listed amount)*

**NOTE:** Excluding LPG/Medical gases

**Table 5.8 LPG/Medical gases**

| Specific Hazardous Materials                         | Fees          |
|------------------------------------------------------|---------------|
| LPG (Excludes LPG used ONLY for heating and cooking) | \$150.00/tank |
| Medical Gasses                                       | 150.00/tank   |
| Radioactive Material any amount                      | \$125.00      |

**Table 5.9 Stand-by Personnel/Equipment**

| Equipment                 | Fee (work hrs.)  | Fee (Overtime) |
|---------------------------|------------------|----------------|
| Ladder/Hazmat             | \$125.00/\$95.00 |                |
| Engine/Tanker             | \$95.00          |                |
| Crash Truck/ Heavy Rescue | \$95.00          |                |

|                                                                                      |                 |          |
|--------------------------------------------------------------------------------------|-----------------|----------|
| Rescue Units                                                                         | \$95.00         |          |
| Mobile Command Unit/Bus                                                              | \$30.00         |          |
| USAR                                                                                 | \$28.00         |          |
| Light Vehicles (Cars/Pick-ups)                                                       | \$17.00/\$27.00 |          |
| Trailers                                                                             | \$10.25         |          |
| Mules/ATV                                                                            | \$8.00          |          |
| Assistant Chief/Division Chief                                                       | \$35.87         | \$53.81  |
| Battalion Chief                                                                      | \$23.39         | \$35.08  |
| Fire Captain                                                                         | \$21.21         | \$31.82` |
| Engineer                                                                             | \$17.45         | \$26.18  |
| Firefighter                                                                          | \$15.07         | \$22.61  |
| Risk Reduction Personnel <i>Based on Stand-by per quarter hour, minimum 2 hours.</i> | \$25.49         | \$38.24  |

**Table 5.10 Hazmat Supplies**

|                                                  |           |
|--------------------------------------------------|-----------|
| Level “A” (enclosed, splash, & vapor protection) | Rate      |
| Large-XLarge                                     | \$1775.00 |
| 2XLarge                                          | \$1975.00 |

|                                    |           |
|------------------------------------|-----------|
| Level “A” Suits (Flash protection) | Rate      |
| Large – XLarge                     | \$2495.00 |
| XXLarge                            | \$2695.00 |

|                                   |          |
|-----------------------------------|----------|
| Level B Suits (Splash protection) | Rate     |
| S- XLarge                         | \$170.50 |
| 2XL to 4XL                        | \$207.00 |

**Table 5.11 Hazardous Materials Spill Response Equipment**

|                                                                           |              |
|---------------------------------------------------------------------------|--------------|
| Equipment                                                                 | Rate         |
| Tyvek Disposable Coveralls                                                | \$17.00      |
| Butyl Gloves                                                              | \$76.25 pair |
| Silver Shield Gloves                                                      | \$10.95 pair |
| Nitrile Gloves                                                            | \$5.30 pair  |
| Rain fair Latex Nuke Boots (yellow over boots)                            | \$6.00 pair  |
| Chem-Tape (for sealing gaps in suits at sleeve, ankle, hood & storm flap) | \$42.00      |
| Pipettes                                                                  | \$1.00 each  |
| Boom 8 x 10                                                               | \$72.64      |
| Boom 3 x 10                                                               | \$10.77      |
| Boom 3 x 4                                                                | \$6.40       |
| Absorbent                                                                 | \$15.00/bag  |

|                                                        |                |
|--------------------------------------------------------|----------------|
| Absorbent pads 17"x19" (Universal, oil only & Haz-Mat) | \$0.75 each    |
| Absorbent Pillows 16"                                  | \$5.07 each    |
| Absorbent Padding Roll (Universal) 30"x150'            | \$105.00 roll  |
| Pail of Acid Neutralizer 40 lb.                        | \$132.95       |
| Pail of Base Neutralizer 40 lb.                        | \$360.00       |
| Soda Ash 50lb. bag                                     | \$45.25        |
| 55-gallon drums                                        | \$99.00        |
| Overpack Drum                                          | \$189.00       |
| 20-gallon containment Pool                             | \$82.00        |
| 66-gallon containment Pool                             | \$120.00       |
| 100-gallon containment Pool                            | \$193.95       |
| 150-gallon containment Pool                            | \$206.95       |
| Drain seal/inlet guard                                 | \$78.40        |
| 3'x2' Magnet Drain Cover                               | \$95.60        |
| 2'x2' Magnet Drain Cover                               | \$63.80        |
| Large Wooden Cone Plug                                 | \$10.00        |
| Small Wooden Cone Plug                                 | \$5.00         |
| Plug N Dike                                            | \$28.00        |
| Flow Stop Football                                     | 8\$8.00        |
| Flow Stop Golfball                                     | \$46.00        |
| Foam Class B (Thunderstorm)                            | \$37.00/gallon |
| Foam Class A                                           | \$12.75/gallon |

**Table 5.12 Drager CMS Chips**

| Equipment                          | Rate     |
|------------------------------------|----------|
| Acetic Acid 2 -50 ppm              | \$77.95  |
| Acetone 40-600 ppm                 | \$81.25  |
| Ammonia 2-50 ppm                   | \$55.31  |
| Ammonia 10-150 ppm                 | \$55.31  |
| Benzene 10-250 ppm                 | \$147.91 |
| Benzene 0.2-10 ppm                 | \$144.65 |
| Carbon Dioxide 200-3000ppm         | \$55.52  |
| Carbon Dioxide 1000-25000ppm       | \$55.52  |
| Carbon Monoxide 5-150ppm           | \$53.70  |
| Chlorine 0.2-10 ppm                | \$55.31  |
| Formaldehyde 0.2-5 ppm             | \$75.85  |
| Hydrochloric Acid 1-25 ppm         | \$70.17  |
| Hydrogen Peroxide .2-2 ppm         | \$79.49  |
| Hydrogen Sulfide 2-50 ppm          | \$55.31  |
| Methanol 20-500 ppm                | \$89.20  |
| Nitrogen Dioxide .5-25 ppm         | \$55.24  |
| Nitrous Fumes (NO + NO2) 0.5-15ppm | \$53.70  |

|                                      |         |
|--------------------------------------|---------|
| Perchloroethylene 5-500 ppm          | \$64.74 |
| Petroleum Hydrocarbons 100 – 3000ppm | \$78.53 |
| Petroleum Hydrocarbons 20-500ppm     | \$79.42 |
| Phosgene .05-2.0ppm                  | \$89.20 |
| Phosphine 1-25 ppm                   | \$66.91 |
| Sulfur Dioxide 0.4-10 ppm            | \$55.24 |
| Trichloroethylene 5 – 100 ppm        | \$64.00 |
| Vinyl Chloride 0.3-10 ppm            | \$70.87 |

**Table 5.13 Hazmat Supplies**

| Drager & GasTec Detector Tubes              | Rate           |
|---------------------------------------------|----------------|
| Acetaldehyde 100-1000ppm                    | \$66.71        |
| Acetic Acid 5-80ppm                         | \$62.81        |
| Ammonia 5-700ppm                            | \$55.75        |
| Carbon Dioxide 0.5-20% Vol                  | \$88.30        |
| Chlorine 0.3 – 5ppm                         | \$66.03        |
| Chlorine 50-500ppm                          | \$63.97        |
| Chlorobenzene 5-200ppm                      | \$63.97        |
| Clan Lab Simultaneous Test Set              | \$75.92        |
| Cyanogen Chloride .25-5ppm                  | \$85.03        |
| Haz-Mat Simultaneous Test Set 1 (inorganic) | \$127.16       |
| Haz-Mat Simultaneous Test Set 2 (inorganic) | \$127.16       |
| Haz-Mat Simultaneous Test Set 3 (organic)   | \$127.16       |
| Hydrocyanic Acid 2-150ppm                   | \$58.26        |
| Hydrogen Cyanide 0.36-120 ppm               | \$78.51        |
| Hydrogen Fluoride .5-90ppm                  | \$67.44        |
| Nitrogen Dioxide 0.1-30ppm                  | \$80.12        |
| Nitrogen Dioxide 0.5-125 ppm                | \$52.97        |
| Organic Arsenic Qualitative                 | \$80.26        |
| Organic Basic Nitrogen Comp 1mg/ m3         | \$85.73        |
| Phenol 0.4-187 ppm                          | \$80.97        |
| Phosphoric Acids Esters Up to .05ppm        | \$104.94       |
| Thioether 1mg/ m3                           | \$86.08        |
| Vinyl Chloride 0.25-54 ppm                  | \$80.26        |
| Decon Pools/Burms                           | \$360.00 ea    |
| Chemical Classifiers Strips                 | \$10.00 ea     |
| PH Papers                                   | \$10.00 roll   |
| Chemical Agent Detection Paper/Tape         | \$50.00 ea     |
| 35-gallon trash can                         | \$30.00        |
| Drum Sampler Tube                           | \$7.00 ea      |
| Decon Solution                              | \$88.00/gallon |
| Tarp                                        | \$57.00 ea     |
| Mercury Spill Kit                           | \$24.00 ea     |

|                             |         |
|-----------------------------|---------|
| 1 lb of 8p nails            | \$3.47  |
| 1 lb of 16p nails           | \$4.20  |
| 1 lb of 3" deck screws      | \$9.94  |
| 4' x 8' 7/16" OSB Sheathing | \$7.25  |
| 4" x 6" x 12' Lumber        | \$22.00 |
| 4" x 4" x 16' Lumber        | \$21.00 |
| 2" x 4" x 16' Lumber        | \$7.00  |

## Water & Sewer Fees

### WATER RATES

**Table 6.1 Individual Water Service: (less than 2 inch) (Note 1)**

| Size                                                             | Inside City | Outside City |
|------------------------------------------------------------------|-------------|--------------|
| - Tier 1 per 1,000 gallons (0-7,000 gals)                        | \$7.31      | \$8.46       |
| - Tier 2 per 1,000 gallons (over 7,000 gals)                     | \$7.60      | \$8.81       |
| - Irrigation per 1,000 gallons                                   | \$7.60      | \$8.81       |
| * Base monthly charge (Note 2)                                   | \$8.30      | \$9.96       |
| * Monthly rate for unmetered service – residential only (Note 3) | \$47.60     | \$55.65      |

**Table 6.2 Private Water Systems (more than one user)**

| Size                                                                                                                      | Inside City | Outside City |
|---------------------------------------------------------------------------------------------------------------------------|-------------|--------------|
| - Tier 1 per 1,000 gallons (0-7,000 gals)                                                                                 | \$7.31      | \$8.46       |
| - Tier 2 per 1,000 gallons (over 7,000 gals)                                                                              | \$7.60      | \$8.81       |
| - Irrigation per 1,000 gallons                                                                                            | \$7.60      | \$8.81       |
| * Base monthly charge per user as determined by number of dwelling units or commercial spaces on site, occupied or vacant | \$8.30      | \$9.96       |

**Table 6.3 Commercial Water Service**

| Size                                         | Inside City | Outside City |
|----------------------------------------------|-------------|--------------|
| - Tier 1 per 1,000 gallons (0-7,000 gals)    | \$7.31      | \$8.46       |
| - Tier 2 per 1,000 gallons (over 7,000 gals) | \$7.31      | \$8.46       |
| - Irrigation per 1,000 gallons               | \$7.60      | \$8.81       |
| *Base monthly charge                         | \$8.30      | \$9.96       |

Fire Line Service: (incremental charge based on size of line)

| Size                                               | Inside City | Outside City |
|----------------------------------------------------|-------------|--------------|
| Monthly service rate (4 inch or less) *no increase | \$47.60     | \$55.65      |
| Monthly service rate (6 inch) \$16.00 increase     | \$63.60     | \$71.65      |
| Monthly service rate (8 inch) \$24.00 increase     | \$71.60     | \$79.65      |

|                                                 |          |          |
|-------------------------------------------------|----------|----------|
| Monthly service rate (10 inch) \$42.00 increase | \$89.60  | \$97.65  |
| Monthly service rate (12 inch) \$73.00 increase | \$120.60 | \$128.65 |

## Sewer Rates

**Table 6.4 Individual Sewer Service**

| Size                                                    | Inside City | Outside City |
|---------------------------------------------------------|-------------|--------------|
| * per 1,000 gallons water used                          | \$7.45      | \$7.45       |
| * base monthly charge                                   | \$7.20      | \$8.64       |
| * monthly rate for unmetered service – residential only | \$46.90     | \$46.90      |

**Table 6.5 Private Sewer Systems (more than one user)**

| Size                                                                                                                               | Inside City | Outside City |
|------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|
| * per 1,000 gallons based on master meter                                                                                          | \$ 7.45     | \$7.45       |
| * base monthly charge per user as determined by number of dwelling units or commercial spaces on site, occupied or vacant (Note 2) | \$7.20      | \$8.64       |

(Note 1) Water rates for customers with 2-inch meters or larger should pay inside City rates.

(Note 2) All City customers will pay the base charge in addition to the per 1,000-gallon charge. Master metered customers will pay the base charge times the number of units served in addition to the per 1,000-gallon charge. Residential water customers using metered service for irrigation purposes only, shall not (during periods when level II or higher water restrictions are in effect) be billed a minimum bill for zero (-0-) usage.

(Note 3) Unmetered service is based upon an average of 7,000 gallons usage within a given month.

## Water Tap & Connection Fees

**Table 6.6 Individual Water Tap Fees**

| Size                                              | Inside City                | Outside City               |
|---------------------------------------------------|----------------------------|----------------------------|
| 3/4" service (installation by City)               | \$3,250.00                 | \$3,250.00                 |
| 1" service (installation by City)                 | \$3,450.00                 | \$3,450.00                 |
| 1-1/2" service (installation by City)             | \$3,750.00                 | \$3,750.00                 |
| 2" service (installation by City)                 | \$4,050.00                 | \$4,050.00                 |
| Larger than 2" (installation by customer or City) | All Cost Borne By Customer | All Cost Borne By Customer |

Individual Water connection fees: These fees were derived from meter factors as developed in the American Water Works Association Standards Manual. (See Note A)

**Table 6.7 Water Meter Size**

| Size             | Inside City   | Outside City  |
|------------------|---------------|---------------|
| * 3/4" service   | \$ 1,350.00   | \$ 1,350.00   |
| * 1" service     | \$ 3,000.00   | \$ 3,000.00   |
| * 1-1/2" service | \$ 6,000.00   | \$ 6,000.00   |
| * 2" service     | \$ 9,600.00   | \$ 9,600.00   |
| * 3" service     | \$ 18,000.00  | \$ 18,000.00  |
| * 4" service     | \$ 30,000.00  | \$ 30,000.00  |
| * 6" service     | \$ 60,000.00  | \$ 60,000.00  |
| * 8" service     | \$ 96,000.00  | \$ 96,000.00  |
| * 10" service    | \$ 138,000.00 | \$ 138,000.00 |

(Note A)

- (1) Tap fee & connection fee shall be per lot or per unit to be served. Commercial Customers shall be all cost borne by customer & the tap fee is waived.
- (2) Master metered developments shall pay a connection fee for each lot or individual unit served or fee for meter size whichever is greater
- (3) Connection fee due from residential developers shall be paid before issuance of the zoning clearance permit. (Tap fees are waived where developer has installed water systems in accordance with City Ordinance.)
- (4) Connection fee is due from commercial & industrial developers before zoning permits can be issued by the City.
- (5) Connection fee for residential customers where a tap fee is also due shall be paid before tap is installed by the City.
- (6) Residential & commercial developers who have preliminary plats approved by the City before December 18, 2000 shall be exempt from paying the connection fee.
- (7) Commercial & industrial developers who are not required to obtain plat approval shall be exempt from paying the connection fee if zoning permits have been issued by the City prior to December 18, 2000. (Manufactured home parks & multi-family apartment complexes are included as commercial developers).
- (8) All applicable fees must be paid before receiving City water service.
- (9) All new or modified services in NCDOT owned rights-of-way shall be at cost, All Cost Borne By Customer.

## SEWER TAP & CONNECTION FEES

**Table 6.8 Individual Sewer Service Tap Fees**

| Size                                                                              | Inside City | Outside City |
|-----------------------------------------------------------------------------------|-------------|--------------|
| * 4" service (installation by the City)<br>(includes any size pumped by customer) | \$4,250.00  | \$4,250      |



|                                                                                               |                            |                            |
|-----------------------------------------------------------------------------------------------|----------------------------|----------------------------|
| * 6" or larger or where utility encasement may be required (installation by customer or City) | All Cost Borne By Customer | All Cost Borne By Customer |
|-----------------------------------------------------------------------------------------------|----------------------------|----------------------------|

**Table 6.9 Tap on a New Sewer Line to Existing**

| Size                                       | Inside City                | Outside City               |
|--------------------------------------------|----------------------------|----------------------------|
| * All sizes (installation by the customer) | All Cost Borne By Customer | All Cost Borne By Customer |

Individual Sewer Connection Fees: These fees were derived from meter factors as developed in the American Water Works Association Standards Manual. (See Note B)

**Table 6.10 Water Meter Size**

| Size             | Inside City | Outside City |
|------------------|-------------|--------------|
| * 3/4" service   | \$1,000.00  | \$1,000.00   |
| * 1" service     | \$1,625.00  | \$1,625.00   |
| * 1-1/2" service | \$3,250.00  | \$3,250.00   |
| * 2" service     | \$5,200.00  | \$5,200.00   |
| * 3" service     | \$9,750.00  | \$9,750.00   |
| * 4" service     | \$16,250.00 | \$16,250.00  |
| * 6" service     | \$32,500.00 | \$32,500.00  |
| * 8" service     | \$52,000.00 | \$52,000.00  |
| * 10" service    | \$74,000.00 | \$74,750.00  |

(Note B)

(1) Tap fee and connection fee shall be per lot or per unit to be served. Commercial Customers shall be all cost borne by customer and the tap fee is waived.

(2) Master metered developments shall pay a connection fee for each lot or individual unit served or fee for meter size whichever is greater.

(3) Connection fee due from residential developers shall be paid before issuance of the zoning clearance permit. (Tap fees are waived where developer has installed sewer systems in accordance with City Ordinance.)

(4) Connection fee is due from commercial and industrial developers at the time of application for service.

(5) Connection fee for residential customers where a tap fee is also due shall be paid before tap is installed by the City.

(6) Residential and commercial developers who have preliminary plats approved by the City before December 18, 2000, shall be exempt from paying the connection fee.

(7) Commercial and industrial developers who are not required to obtain plat approval shall be exempt from paying the connection fee if zoning permits have been issued by the City prior to December 18, 2000. (Manufactured home parks and multi-family apartment complexes are included as commercial developers).

- (8) All applicable fees must be paid before receiving City sewer service.
- (9) All new or modified services in NCDOT owned rights-of-way shall be at cost, All Cost Borne By Customer
- (10) No new sewer only tap shall be sold or installed. Connection to City water is required for sewer service.

### **WATER & SEWER SYSTEM ADMINISTRATIVE FEES**

**Table 6.11**

| Administrative Services                            | Fees     |
|----------------------------------------------------|----------|
| Non-payment administrative service disconnect fee  | \$ 30.00 |
| Returned Check Fee                                 | \$ 25.00 |
| Re-connection Fee (after normal business hours)    | \$100.00 |
| Physical notification of non-payment bill          | \$ 0.00  |
| Unauthorized / illegal connection or re-connection | \$300.00 |
| Locking Devices cut or damaged                     | \$300.00 |
| Meter Yokes damaged                                | \$300.00 |
| Tampering, altering, removing, or replacing meter  | \$400.00 |
| Water meter bypass                                 | \$300.00 |
| Re-read / No Error                                 | \$ 50.00 |
| Meter Test Fee ( <i>1 inch or less</i> )           | \$100.00 |

### **WATER & SEWER SYSTEM ADMINISTRATIVE FEES**

**Table 6.12**

| Administrative Services                                                     | Fees     |
|-----------------------------------------------------------------------------|----------|
| Repeat trip fee (starting with trip #3)                                     | \$ 50.00 |
| Inspection Fee for New or Modified Service (if not installed by City Staff) | \$ 50.00 |

### **MUNICIPAL WATER & SEWER RATES**

**Table 6.13**

| Municipalities                                        | Fees         |
|-------------------------------------------------------|--------------|
| City of Concord ( <i>Water &amp; Sewer Services</i> ) | Per Contract |
| City of Landis ( <i>Water &amp; Sewer Service</i> )   | Per Contract |

### **WATER & SEWER SERVICE RELOCATION & DAMAGE**

Any relocation of service and/or apparatus, adjustment of grade or elevation, and/or damage to City equipment or infrastructure shall be performed at cost (All Cost Borne By Customer). This will include the cost of labor, equipment, & materials.

# Environmental

**Table 7.1 Residential Environmental Fees (per occupied dwelling)**

| Administrative Services     | Fees    |
|-----------------------------|---------|
| Recycling/ Solid Waste      | \$23.10 |
| Additional Trash Bin Fee    | \$4.00  |
| Additional Recycle Cart     | \$7.12  |
| Garbage Ordinance Violation | \$50.00 |

**Table 7.2 Commercial Environmental Fees (per occupied dwelling)**

| Administrative Services | Fees    |
|-------------------------|---------|
| Garbage/Recycle         | \$23.10 |
| 96 Gallon Recycle X2    | \$10.25 |
| 96 Gallon MSW X2        | \$7.12  |

**Table 7.2 Commercial Environment Fees**

| Commercial<br>(City Bulk Pick Up) | <u>1X per Wk</u> | <u>2X per Wk</u> | <u>3X Per Wk</u> | <u>4X per Wk</u> | <u>5X per W</u>  |
|-----------------------------------|------------------|------------------|------------------|------------------|------------------|
| 4 Yd                              | \$120.00         | \$239.00         | \$358.00         | \$454.00         | \$596.00         |
| 6 Yd                              | \$151.00         | \$289.00         | \$431.00         | \$575.00         | \$719.00         |
| 8 Yd                              | \$184.00         | \$368.00         | \$525.00         | \$735.00         | \$875.00         |
| Commercial<br>(Business)          | <u>1X per Wk</u> | <u>2X per Wk</u> | <u>3X per Wk</u> | <u>4X per Wk</u> | <u>5X per Wk</u> |
| 4 Yd                              | \$140.00         | \$280.00         | \$420.00         | \$560.00         | \$700.00         |
| 6 Yd                              | \$175.00         | \$250.00         | \$525.00         | \$700.00         | \$875.00         |
| 8 Yd                              | \$190.00         | \$380.00         | \$551.00         | \$735.00         | \$1,837.00       |
| Container Size<br>(Recycle)       | <u>1X per Wk</u> | <u>2X per Wk</u> |                  |                  |                  |
| 4 Yd                              | \$147.00         | \$294.00         |                  |                  |                  |
| 6 Yd                              | \$175.00         |                  |                  |                  |                  |
| 8 Yd                              | \$200.00         |                  |                  |                  |                  |

# Stormwater

**Table 8.1 Stormwater Rate Tier Schedule**

| Impervious Area Size ( <i>per Equivalent Residential Unit</i> ) | Fee    |
|-----------------------------------------------------------------|--------|
| Tier 1 – < 1,200 square feet                                    | \$5.75 |
| Tier 2 – 1,200 – 3,250 square feet                              | \$7.25 |
| Tier 3 - > 3,250 square feet                                    | \$8.75 |
| Commercial – Per 3,250 square feet                              | \$7.25 |

# Parks

**Table 9.1 Village Park Shelter**

| Shelter Type                 | ½ Day Rental Fee | Full Day Rental Fee |
|------------------------------|------------------|---------------------|
| Shelter A                    |                  |                     |
| Resident                     | \$25.00          | \$40.00             |
| Non-Residential              | \$32.00          | \$55.00             |
| Shelter B                    |                  |                     |
| Resident                     | \$45.00          | \$80.00             |
| Non-Residential              | \$55.00          | \$100.00            |
| Shelter C                    |                  |                     |
| Resident                     | \$25.00          | \$40.00             |
| Non-Residential              | \$32.00          | \$55.00             |
| Shelter C- Saturday – 2 Hour |                  |                     |
| Resident                     | \$15.00          |                     |
| Non-Residential              | \$20.00          |                     |
| Shelter D                    |                  |                     |
| Resident                     | \$35.00          | \$60.00             |
| Non-Residential              | \$45.00          | \$80.00             |
| Shelter E                    |                  |                     |
| Resident                     | \$25.00          | \$40.00             |
| Non-Residential              | \$32.00          | \$55.00             |
| Rental of all 4 Shelter      |                  |                     |
| Resident                     | \$110.00         | \$144.00            |
| Non-Residential              | \$200.00         | \$270.00            |

## Descriptions of Shelter Areas:

### **Village Park Shelter A – use by reservation only**

Shelters A & C hold approximately 36 people & have 6 picnic tables. These shelters offer power receptacles

& grills. They are located close to the splash pad, carousel, train & playground. Cost for a resident to reserve Shelter A is \$25 for a half day (9 – 2:30pm or 3 – 8:30pm). Cost for a full day (9 – 8:30pm) is \$40. Half day reservations may be made on-line; to make a full-day reservation, please call our office at 704-920-4343.

**Village Park Shelter B – use by reservation only**

Shelter B holds approximately 96 people & has 16 picnic tables. Shelter B offers power receptacles & a grill. This shelter is close to the splash pad, carousel, train & playground. Cost for a resident to reserve Shelter B is \$45 for a half day (9 – 2:30pm or 3 – 8:30pm). Cost for a full day (9 – 8:30pm) is \$80. Half day reservations may be made on-line; to make a full-day reservation, please call our office at 704-920-4343.

**Village Park Shelter C – use by reservation only**

Shelters A & C hold approximately 36 people & have 6 picnic tables. These shelters offer power receptacles & grills. They are located close to the splash pad, carousel, train & playground. Cost for a resident to reserve Shelter C is \$25 for a half day (9 – 2:30pm or 3 – 8:30pm). Cost for a full day (9 – 8:30pm) is \$40.

BIRTHDAY PARTY TIME BLOCKS: On Saturdays, Shelter C may be reserved in 2-hour time blocks. (9:30 – 11:30, 12:00 – 2:00, 2:30 – 4:30, 5:00 – 7:00). Cost for residents to reserve a 2-hour time block is \$15.00. Two Hour time blocks & half day reservations may be made on-line; to make a full-day reservation, please call our office at 704-920-4343.

**Village Park Shelter D – use by reservation only**

Shelter D holds approximately 60 people & has 10 picnic tables. Shelter D offers power receptacles & a grill. This shelter is close to the splash pad, carousel, train & playground. Cost for a resident to reserve Shelter D is \$35 for a half day (9 – 2:30pm or 3 – 8:30pm). Cost for a full day (9 – 8:30pm) is \$60. Half day reservations may be made on-line; to make a full-day reservation, please call our office at 704-920-4343.

**Village Park Shelter E – use by reservation only**

Shelter E holds approximately 24 people & has 4 picnic tables. Shelter E offers power receptacles & a grill. This shelter is located adjacent to the playground & close to the splash pad, carousel & train. Cost for a resident to reserve Shelter E is \$25 for a half day (9 – 2:30pm or 3 – 8:30pm). Cost for a full day (9 – 8:30pm) is \$40. Half day reservations may be made on-line; to make a full-day reservation, please call our office at 704-920-4343.

**Table 9.2 Bakers Creek Park Shelter**

| Shelter Type                              | ½ Day Rental Fee | Full Day Rental Fee |
|-------------------------------------------|------------------|---------------------|
| Shelter 1,2 & 3                           |                  |                     |
| Resident                                  | \$40.00          | \$65.00             |
| Non-Residential                           | \$47.00          | \$72.00             |
| Shelter 4                                 |                  |                     |
| Resident                                  | \$25.00          | \$45.00             |
| Non-Residential                           | \$32.00          | \$52.00             |
| Shelter (930 West 8 <sup>th</sup> Street) | \$50.00          |                     |

**Table 9.3 Individual Picnic Sites**

| Shelter Type                              | ½ Day Rental Fee | Full Day Rental Fee |
|-------------------------------------------|------------------|---------------------|
| Site A (3 Tables, 1 grill, seats 20 – 24) | \$15.00          | \$30.00             |
| Site B (2 Tables, 1 grill, seats 12-15)   | \$10.00          | \$20.00             |
| Site C (2 Tables, 1 grill, seats 12-15)   | \$10.00          | \$20.00             |
| Site D (1 Tables, 1 grill, seats 8-10)    | \$5.00           | \$10.00             |

### **Descriptions of Shelter Areas:**

#### **Bakers Creek Park Large Picnic Shelters – use by reservation only**

Shelters 1 & 2 hold up to 90 people & Shelter 3 holds up to 125 people. These large picnic shelters offer water, lights, receptacles, grills & horseshoe pits.

#### **Bakers Creek Small Shelter Picnic Site (Shelter #4) – use by reservation only**

This one covered picnic site is available that holds up to 30 people. Four large picnic tables & a grill are included. No power, water or horseshoe pits are available. Located adjacent to playground.

#### **Mountain Street Park (Bakers Creek Park Expansion) Shelter – use by reservation only**

The Expansion Park, located at the corner of **930 West 8th St. & Mountain St.**, offers four picnic tables, a grill, playground, two sand volleyball courts, horseshoe pits & restrooms. Limited parking is available. Good for small groups under 30 people. For use only daily, no half-day rentals.

### **OTHER FEES**

- Excessive Cleaning (see policy): \$30/hr.
- Police Officer: If required, rate will be provided during application submission

### **HOURS**

- Business Hours: 8:00AM – 5:00PM (Mon – Fri)
- After Business Hours: Nights & Weekends
- Holidays: Any designated City holiday

### **Table 9.4 Village Park Amphitheater**

| Rental                      | Fee                         |
|-----------------------------|-----------------------------|
| Resident for-profit:        | \$550                       |
| Resident non-profit :       | \$350                       |
| Non-Resident for-profit :   | \$1,050                     |
| Non-Resident non-profit     | \$800                       |
| Staffing (2 staff required) | \$30/per hour (3hr minimum) |
| Parking                     | \$15/per hour per person    |

|                             |       |
|-----------------------------|-------|
| Refundable Security Deposit | \$500 |
|-----------------------------|-------|

| Add-Ons           | Fee                 |
|-------------------|---------------------|
| Use of Green Room | \$200.00 /Flat Rate |
| Setup             | \$200.00            |
| Clean-Up          | \$300.00            |

*\*Each additional hour after 5 hours is \$50/hour*

*\*Must be reserved through the special event process*

### **Table 9.5 Village Park Amenities**

| Amenity    | Fee                                                                    |
|------------|------------------------------------------------------------------------|
| Splash Pad | \$1.50 /per person per day<br>Children 1 year of age & under are free  |
| Train      | \$1.50 /per person per ride<br>Children 1 year of age & under are free |
| Carousel   | \$1.50 /per person per ride<br>Children 1 year of age & under are free |

\*10% off for the purchase of 10 tickets or more for the train/carousel; or 10% off the purchase of 10 wristbands or more for the splashpad

**Table 9.6 Special Admission**

| Type      | Cost   |
|-----------|--------|
| Fast Pass | \$5.00 |

**Table 9.7 Facility Rentals and Special Use**

| Facility                                                                                                                                              | Fee                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Carousel/Train Photo Shoots<br><i>*Only permitted during non-operational hours for both</i><br><i>*No earlier than 8 am &amp; not later than 9 pm</i> | \$30.00/ hour (1-hour minimum)         |
| Gym Rentals ( <i>KMS city schools</i> )<br>Residential<br>Non-Residential                                                                             | \$30.00 /per hour<br>\$40.00/ per hour |

**Table 9.8 Programs & Activities**

| Program                                           | Fee                                            |
|---------------------------------------------------|------------------------------------------------|
| Youth Athletics<br>Residential<br>Non-Residential | \$45.00 Residential<br>\$65.00 Non-Residential |
| Senior Trips                                      | Variable (Based on destination and activity)   |

**Table 9.9 Cemetery Fees**

| Transfers                                                        | Fee               |
|------------------------------------------------------------------|-------------------|
| Transfer of burial rights within a family                        | \$25.00           |
| Transfer of burial rights outside of immediate family members    | \$200.00/per plot |
| Transfer of vacant plots to the City                             | No Charge         |
| Burial Fee (must be paid prior to burial)                        | \$150.00/per plot |
| Security deposit to ensure marker (must be paid prior to burial) | \$280.00          |

**Table 9.10 Gem Theater**

| Product / Service                                                                                                   | Fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Movie Tickets                                                                                                       | Before 6pm: \$4.00 ( <i>all tickets</i> )<br>After 6pm: Children & Seniors: \$4.00, Adults: \$5.00                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Photo Shoots inside theatre                                                                                         | \$30/hr. (1 hour minimum)<br><i>*Only permitted during non-operational hours</i><br><i>*No earlier than 8 am and not later than 6 pm (M-F only)</i>                                                                                                                                                                                                                                                                                                                                                                     |
| Special Event Room:                                                                                                 | Business Hours: \$40.00 per hour<br>Evenings & Weekends: \$50.00 per hour<br>Refundable Security Deposit: \$250-\$500                                                                                                                                                                                                                                                                                                                                                                                                   |
| Special Events for whole theater: <i>Example: Graduation ceremony/private non-movie event (prior to show times)</i> | \$1,000 minimum<br><i>includes 5 hours; each additional hour \$200.00</i>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Special Events for whole theater: <i>Example: Private event during a normal show time</i>                           | \$3,000 minimum<br><i>includes 5 hours; each additional hour \$200.00</i>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Theater for special movie showings (outside normal hours):                                                          | \$240 <i>minimum (\$4.00 per person afterwards) + applicable licensing fees</i>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| School Groups for special movie showing:                                                                            | \$200 <i>minimum (\$2.00 per person afterwards) + applicable licensing fees</i><br><br>Group Rate Concessions:<br>\$1.50 small drink<br>\$1.50 small popcorn                                                                                                                                                                                                                                                                                                                                                            |
| Special Message on the Marquee                                                                                      | \$50.00 ( <i>3 hours for one side</i> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Birthday Party Packages                                                                                             | \$200.00 includes: <ul style="list-style-type: none"> <li>• Admission, small popcorn, &amp; medium drinks for 15 guests for the current movie showing at one of the already scheduled movie times.</li> <li>• One hour of use of the party room either before or after the movie.</li> <li>• Use of our fountain drink machine in the party room during that time.</li> <li>• Each additional guest is \$7.75 after the first fifteen. Parents/Chaperones ratio must be 1:10 for anyone under the age of 18.</li> </ul> |
| Bulk Ticket Pricing: ( <i>valid during any showtime</i> )                                                           | \$3.50 per child/senior ticket (25 tickets or more)<br>\$4.50 per adult ticket (25 tickets or more)                                                                                                                                                                                                                                                                                                                                                                                                                     |



**Table 9.11 Gem Theater Static Slide Advertising**

| Advertising                            | Fee        |
|----------------------------------------|------------|
| <b>Static Slide</b> (13-week contract) | \$650.00   |
| <b>Static Slide</b> (26-week contract) | \$1,134.00 |
| <b>Static Slide</b> (52-week contract) | \$2,040.00 |

**Table 9.12 Gem Theater Video Advertising**

| Advertising                     | Fee                                                                      |
|---------------------------------|--------------------------------------------------------------------------|
| <b>Video</b> (13-week contract) | <b>15 second video:</b> \$912.00<br><b>30 second video:</b> \$1,824.00   |
| <b>Video</b> (26-week contract) | <b>15 second video:</b> \$1,723.00<br><b>30 second video:</b> \$3,468.00 |
| <b>Video</b> (52-week contract) | <b>15 second video:</b> \$3,285.00<br><b>30 second video:</b> \$6,570.00 |

**SWANEE THEATER RENTAL**

**Table 9.13 Swanee Theater Standard Rental**

| Application Type                     | Base Fee                                                        |
|--------------------------------------|-----------------------------------------------------------------|
| Standard Rental Rate                 | \$500.00/ Hour ( <i>all inclusive; tables, chairs, linens</i> ) |
| Prime Time Rate ( Friday & Saturday) | \$800.00/Hour ( <i>Minimum of 8 hours</i> )                     |

**Table 9.14 Additional Staffing**

| Application Type | Base Fee                                                                                                                                                                                                      |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sound Staff      | \$50.00/Hour ( <i>Required</i> )                                                                                                                                                                              |
| Bartending Staff | \$20.00/Hour ( <i>Required if bar service is requested</i> )<br><br><i>*Gratuity/ 20% of alcohol service (Required if open bar or drink tickets are being used) This fee goes directly to the bartenders.</i> |
| Event Staff      | \$15.00/Hour ( <i>Required if changes to room setup occur during the event</i> )                                                                                                                              |

**Table 9.15 Swanee Theater Rental**

| Application Type                | Base Fee                                                                                                                     |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Upstairs Meeting Room           | \$200.00/flat rate                                                                                                           |
| Green Room                      | \$200.00/flat rate                                                                                                           |
| Kitchen                         | \$100.00/flat rate                                                                                                           |
| Use of Outside Catering Company | \$100.00/flat rate ( <i>other than preferred catering list; must provide health department &amp; insurance information</i> ) |
| Marquee price                   | \$50.00 for 3 hours                                                                                                          |

\*\*\* Deposits/minimum required hours: \$250.00 for professional events; \$500.00 for social events; \$150 alcohol fee (Flat Rate); 4 hours min for social, 2 hours min for business events except Friday & Saturdays.

**Table 9.16**

| Application Type                                                                | Kannapolis Based Organization (Resident) | Non-Kannapolis Based Organization (Non-Resident) |
|---------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------|
| Softball field without lights                                                   | \$10.00 per hour per field               | \$15.00 per hour per field                       |
| Softball field with lights                                                      | \$20.00 per hour per field               | \$30.00 per hour per field                       |
| *There will also be \$15.00 per field/per time that fields are lined & dragged. |                                          |                                                  |
| Soccer field without lights                                                     | \$15.00 per hour per field               | \$20.00 per hour per field                       |
| Soccer field with lights                                                        | \$26.00 per hour per field               | \$35.00 per hour per field                       |

**Table 9.17**

| Fields available for reservations                                      |                              |                          |                              |
|------------------------------------------------------------------------|------------------------------|--------------------------|------------------------------|
| Fields                                                                 | Fence distance<br>Field size | Base distance<br>options | Pitching<br>distance options |
| Bakers Creek Park softball field (1 available)                         | 285 ft                       | 65'                      | 50'                          |
| Safrit Park softball fields (2 available)<br>1415 Bethpage Road        | 300 ft                       | 60', 65', or 90'         | 46' or 54'                   |
| Safrit Park soccer field (1 available)<br>1415 Bethpage Road           | 225 x 360                    | N/A                      | N/A                          |
| Kannapolis Middle School (baseball field)<br>1445 Oakwood Avenue       | 305 ft                       | 90'                      | mound                        |
| Kannapolis Middle School (softball field)<br>1445 Oakwood Avenue       | 225 ft                       | 65'                      |                              |
| Kannapolis Middle School (football & soccer field) 1445 Oakwood Avenue |                              |                          |                              |

**Rainout Hotline & Program Information number: 704-920-4344**

In cases of inclement weather, the Kannapolis Parks & Recreation Department reserves the right to close any athletic field for safety or maintenance concerns. The hotline will be updated at 4:00 p.m. on each questionable day. Please call the number above to see if your games are being played or not.

**Table 9.18**

| Rate                   | Lining                            | Turf        | Additional Fees               | Lights                | Deposit  |
|------------------------|-----------------------------------|-------------|-------------------------------|-----------------------|----------|
| \$150.00/day per field | one free lining then \$15.00/prep | \$12.00/bag | \$75.00 gate, 100% concession | \$15.00/hr. per field | \$100.00 |

**Tournament Cancellations:**

A tournament that is cancelled after 5:00 PM on Wednesday (non-weather related) will be charged \$100 for the first cancellation, \$100 for a second cancellation & \$100 for a third cancellation. Aside from the \$100 cancellation fee, all remaining tournaments will be removed if the user has canceled a tournament for a third time.

A tournament that is cancelled after 5:00 PM on Wednesday (weather-related) will be credited with the rental fee for a future date. Please note all weather-related cancellation will be subject to approval.

If the tournament is cancelled by the Parks & Recreation department due to weather after it has begun, the following format will be used to determine the amount of credit for future field rentals:

Less than ½ of the tournament has been played, 100% of remaining tournament fees will be credited

More than ½ of the tournament has been played, 50 % of remaining tournament fees will be credited

| Application Type                                | Kannapolis Based Organization (Resident)Base Fee | Non-Kannapolis Based Organization (Non-Resident) |
|-------------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| Tennis court                                    | \$3.00 per hour per court                        | \$5.00 per hour per court                        |
| Tennis court lights                             | \$4.00 per hour                                  | \$4.00 per hour                                  |
| *Light fee covers all lights at tennis complex. |                                                  |                                                  |

**Special Event Fees**

*Police:* The Special Events Committee, in consultation with the Kannapolis Police Department, shall determine the number of police officers required to appropriately manage street closures & for internal security, as well as the time when such services shall commence & end. Applicants will be invoiced before the event at the rate of \$50.00 per hour per police officer assigned to the event. These fees are due one (1) week before the event.

*Fire & EMS:* The Special Events Committee, in consultation with the Kannapolis Fire Department, will determine the number of Emergency Medical Personnel required as well as the time when such services shall commence & end. Applicants will be invoiced before the event at the rate of \$35.00 per hour per firefighter/EMS assigned to the event. These fees are due one (1) week before the event.

*Street Closure Equipment:* The Special Events Committee, in consultation with the Kannapolis Public Works Department, shall determine the need for traffic control equipment to appropriately manage street closures. Applicants will be notified of the recommended controls. The applicant

may rent the equipment at the rate of \$175.00 per event. These fees are due one (1) week before the event.

*Greenway Event Usage:* For events held on a Kannapolis Parks & Recreation maintained Greenway usage must be pre-approved by the Special Events Committee.

*Insurance:* If an event requires a street or sidewalk closure then Comprehensive General Public Liability Insurance is required: \$1,000,000 per person per occurrence with a \$2,000,000 aggregate naming the City of Kannapolis as additionally insured. \*\*Certificate should be specifically worded: “The City of Kannapolis, its officers, employees, & agents are additionally insured”. If alcohol is being served at the event, Liquor Liability is required to be included in the Certificate of Insurance. Proof of insurance is required at least 30 days before the event.

*Current Special Events Permit Fee Schedule:* Fees for special events & neighborhood block parties will utilize the below fee schedule.

Permit fees are non-refundable & are subject to change.

|                            |       |
|----------------------------|-------|
| Parade, Walk, or Run:      | \$125 |
| Festival/Exhibition Shows: |       |
| Non-Profit without Sales   | \$100 |
| For- Profit Organizations  | \$200 |

Neighborhood Block Parties: \$50

*Fees are not applicable if the event is contained to private property & requires no City resources.*

**Table 9.19**

| Horseshoe Property                                   | Special Event Fees |
|------------------------------------------------------|--------------------|
| Refundable Security Deposit                          | \$500.00           |
| Resident for-profit                                  | \$500.00 per day   |
| Resident non-profit                                  | \$350.00 per day   |
| Non-Resident for-profit                              | \$1,050.00 per day |
| Non-Resident non-profit                              | \$800.00 per day   |
| *Must be reserved through the special event process. |                    |

# Event Space Rentals

- A \$250.00 security deposit is required for all meetings
- A \$500.00 security deposit for all parties, receptions, & banquets
- Events serving alcohol will be assessed a venue service charge of \$150.00

**Table 10.1**

| Event Space                          | Professional Events | Social Events      | Security Fee<br><i>Refundable</i> | Other Conditions              |
|--------------------------------------|---------------------|--------------------|-----------------------------------|-------------------------------|
| Kitchen*                             | \$100.00 flat rate  |                    |                                   |                               |
| Council Conference                   | \$ 50.00/hour       | \$ 60.00/hour      | \$ 250.00 - \$ 500.00             |                               |
| The Gallery*                         | \$100.00 flat rate  |                    |                                   |                               |
| Outside Terrace **                   | \$100.00flat rate   |                    |                                   |                               |
| Train Station – Event Room           | \$ 75.00/hour       | \$ 100.00/hour     | \$ 250.00 - \$ 500.00             | Alcohol Deposit if applicable |
| Village Park Event Room              | \$ 75.00/hour       | \$ 100.00/hour     | \$ 250.00 - \$ 500.00             | Alcohol Deposit if applicable |
| Village Park Patio                   | \$ 50.00 /per day   | \$100.00 / per day | \$ 250.00 - \$ 500.00             |                               |
| Public Works Training Room           | \$ 45.00            | n/a                | \$ 250.00 - \$ 500.00             |                               |
| Gem Theatre Event Room               | \$ 40.00 /hour      | \$ 50.00/hour      | \$250.00 - \$ 500.00              | Alcohol Deposit if applicable |
| Veterans Park Gazebo                 | \$ 50.00/hour       | \$ 75.00/hour      | \$ 250.00 - \$ 500.00             | Alcohol Deposit if applicable |
| Dale Earnhardt Plaza                 | \$ 20.00/hour       | \$ 25.00/hour      | \$ 250.00 - \$ 500.00             |                               |
| West Avenue Reading Room***          | \$ 20.00/hour       | \$ 25.00/hour      | \$ 100.00                         |                               |
| West Avenue Reading Room Terrace     | \$ 20.00/hour       | \$ 25.00/hour      | \$ 100.00                         |                               |
| West Avenue Event Lawn               | \$ 25.00/hour       | \$ 30/hour         | \$ 100.00                         |                               |
| West Avenue Platform 1 "L-shaped"*** | \$ 25.00/hour       | \$ 30.00/hour      | \$ 100.00                         |                               |
| West Avenue Platform 2 "3 Decks"     | \$ 30.00/hour       | \$ 35.00/hour      | \$ 100.00                         |                               |
| West Avenue Pergola                  | \$ 20.00/hour       | \$ 25.00/hour      | \$ 100.00                         |                               |
| West Avenue Pump House Patio         | \$ 25.00/hour       | \$ 30.00/hour      | \$ 100.00                         |                               |

|                           |               |               |           |  |
|---------------------------|---------------|---------------|-----------|--|
| West Avenue Putting Green | \$ 20.00/hour | \$ 25.00/hour | \$ 100.00 |  |
|---------------------------|---------------|---------------|-----------|--|

*\* Kitchen & Gallery areas cannot be rented unless space in the Laureate Center is rented.*

*\* A venue service charge of \$150.00 will be assessed for all groups serving alcohol.*

*\*\* Outside terrace / Patio Areas cannot be rented unless inside space is rented.*

*\*\*\* West Avenue Platform 1 cannot be rented unless West Avenue Event Lawn is rented.*

*\*\*\* West Avenue Reading Room cannot be rented unless West Avenue Reading Room Terrace is rented.*

- *Professional Event Rental Minimum – 2 hours*
- *Social Event Rental Minimum – 4 hours*

• **Professional Events** are considered gatherings where business professionals carry out business related activities. This includes but is not limited to conferences, training, meetings, religious services, networking, political party gatherings, & corporate dinners.

• **Social Events** are considered an occasion that involves social interactions & behaviors. This includes but is not limited to galas, weddings, birthdays, class reunions, & fundraising or celebratory banquets.

**Table 10.2**

| Organization Type                  | Potential Discount                                |
|------------------------------------|---------------------------------------------------|
| Extended Time Rental               | 15%                                               |
| City Partner                       | 100%                                              |
| Employee Hosted                    | 50%                                               |
| Extended Stay                      | 15%                                               |
| Government-Affiliated Organization | 100%                                              |
| High Tourism Impact                | 50%                                               |
| Kannapolis City Schools            | 100%                                              |
| Low Tourism Impact                 | 33%                                               |
| NCRC Partner                       | 100%                                              |
| Non-Profit Donation                | 50%                                               |
| Dance Floor                        | \$450                                             |
| Stage                              | \$50 per 3'x6' section; (\$450 for complete unit) |

*\* For more information on discount qualifications, please refer to the City of Kannapolis Facilities Use Policy or contact the Parks and Recreation Depart*

**Table 10.3 Laureate Center Rental Of Section Charges**

| Rates are Per Hour               | Professional Events                           | Social Events                                 | Security Fee          | Other Conditions                        |
|----------------------------------|-----------------------------------------------|-----------------------------------------------|-----------------------|-----------------------------------------|
| Laureate Center – One Section    | \$ 100.00/hour<br>*\$50.00 Flat Rate per Day  | \$125.00/hour<br>*\$100.00 Flat Rate per Day  | \$ 250.00 - \$ 500.00 | Alcohol Deposit if applicable           |
| Laureate Center – Two Sections   | \$ 200.00/hour<br>*\$50.00 Flat Rate per Day  | \$ 250.00/hour<br>*\$100.00 Flat Rate per Day | \$ 250.00 - \$ 500.00 | Event Liability Insurance if applicable |
| Laureate Center – Three Sections | \$ 300d.00/hour<br>*\$50.00 Flat Rate per Day | \$ 350.00/hour<br>*\$100.00 Flat Rate per Day | \$ 250.00 - \$ 500.00 | Event Liability Insurance if applicable |

**Table 10.4 Potential Charges**

| Charges            | Fee                            |
|--------------------|--------------------------------|
| Damages/Claim Fee  | \$0.00 (Per expenses incurred) |
| NSF                | \$25.00 (Per returned Item)    |
| Excessive Cleaning | \$30.00 Per Hour               |

## Private Use Zones

**Table 11.1**

| Private Use Zone ID | Hourly Rate | After Hours Hourly Rate | Annual License Fee |
|---------------------|-------------|-------------------------|--------------------|
| 1A                  | \$10.00     | \$15.00                 | \$181              |
| 1B                  | \$5.00      | \$10.00                 | \$77               |
| 1C                  | \$10.00     | \$15.00                 | \$189              |
| 1D                  | \$5.00      | \$10.00                 | \$77               |
| 1E                  | \$10.00     | \$15.00                 | \$210              |
| 1F                  | \$5.00      | \$10.00                 | \$32               |
| 1G                  | \$10.00     | \$15.00                 | \$308              |
| 2A                  | \$5.00      | \$10.00                 | \$66               |
| 2B                  | \$5.00      | \$10.00                 | \$65               |
| 2C                  | \$5.00      | \$10.00                 | \$86               |
| 2D                  | \$5.00      | \$10.00                 | \$24               |
| 2E                  | \$10.00     | \$15.00                 | \$204              |
| 3A                  | \$5.00      | \$10.00                 | \$12               |
| 3B                  | \$5.00      | \$10.00                 | \$24               |

| Private Use Zone ID        | Hourly Rate | After Hours Hourly Rate | Annual License Fee |
|----------------------------|-------------|-------------------------|--------------------|
| 3C                         | \$5.00      | \$10.00                 | \$63               |
| 3D                         | \$10.00     | \$15.00                 | \$140              |
| 3E                         | \$5.00      | \$10.00                 | \$68               |
| 3F                         | \$5.00      | \$10.00                 | \$88               |
| 3G                         | \$10.00     | \$15.00                 | \$175              |
| 3H                         | \$5.00      | \$10.00                 | \$59               |
| 3I                         | \$5.00      | \$10.00                 | \$63               |
| 3J                         | \$5.00      | \$10.00                 | \$63               |
| 3K                         | \$5.00      | \$10.00                 | \$99               |
| 6B                         | \$5.00      | \$10.00                 | \$30               |
| 6C                         | \$5.00      | \$10.00                 | \$88               |
| 7A                         | \$20.00     | \$25.00                 | \$425              |
| 7B                         | \$5.00      | \$10.00                 | \$61               |
| 7C                         | \$5.00      | \$10.00                 | \$11               |
| 7D                         | \$10.00     | \$15.00                 | \$263              |
| 7E                         | \$5.00      | \$10.00                 | \$88               |
| 8A                         | NA          | NA                      | \$1,013            |
| Reserved Parking Space (1) | \$5.00      | NA                      | \$162              |
| Reading Room               | \$20.00     | \$25.00                 | NA                 |
| Event Lawn                 | \$25.00     | \$30.00                 | NA                 |
| Platform 1                 | \$25.00     | \$30.00                 | NA                 |
| Platform 2                 | \$30.00     | \$35.00                 | NA                 |
| Pergola                    | \$20.00     | \$25.00                 | NA                 |
| Pump House Patio           | \$25.00     | \$30.00                 | NA                 |
| Reading Room Terrace       | \$20.00     | \$25.00                 | NA                 |
| Putting Green              | \$20.00     | \$25.00                 | NA                 |

*NOTES:*

1. Annual License Fees (except reserved parking) are based on \$0.25 per square foot of space. The actual square footage calculation will be included as part of the license issuance.
2. All hourly rentals require a 50% reservation deposit & refundable security deposit of \$100.
3. Hourly Rates are Monday Through Friday 7:00 AM to 6:00 PM. All other times will be subject to the After Hours Rate.

\*See Private Use Zone Ordinance for map of Zone ID designations





## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

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**To:** Mayor and City Council  
**From:** Mike Legg, City Manager  
**Subject:** **AGREEMENT** - 6-month extension of the federal advocacy services agreement with Strategics Consulting through December 31, 2025. **APPROVED**

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### **Recommended Action Requested by City Council**

Motion to authorize the City Manager to execute an extension of the federal advocacy services agreement with Strategics Consulting through December 31, 2025.

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

The City entered into an agreement with Strategics Consulting in April 2022 for Federal advocacy services. Since that time, Strategics has assisted the City in securing \$2,468,000 in earmarks and grants from the Federal government. An additional \$850,000 was secured but was eliminated with all earmarks nationwide by an act of Congress. \$7,400,000 in requests is currently pending.

This amount of funding through earmarks is by far the most the City has secured in its history. It is beyond question that Strategics has been instrumental in the success of these funding efforts.

The specifics of these funding successes are described in the attached letter from Strategics.

Because there are a lot of unknowns related to the Federal government, it is recommended that the City extend its agreement with Strategics for six months through December 31, 2025. This topic will be revisited in December regarding a further extension.

The existing agreement is attached. The extension will include the same terms as the original agreement.

### **Fiscal Implications**

The monthly fee will not change (\$7,500). Adequate funding is included in the approved FY 2025 Budget.

### **Alternate Courses of Action**

1. **Authorize the City Manager to execute an extension of the federal advocacy services agreement with Strategics Consulting through December 2025 (Recommended)**
2. Table the action to a future meeting.
3. Take no action.

### **Attachments**

1. Strategics Consulting Agreement April 2022 executed
2. Kannapolis Renewal Request Letter\_Strategics July 2025\_

STATE OF NORTH CAROLINA  
CITY OF KANNAPOLIS

SERVICES CONTRACT  
(Professional)

This Contract (the "Contract") is made and entered into as of the 14th day of April 2022, by the City of Kannapolis ("City") and Strategies Consulting ("Contractor").

**Sec. 1. Contractor Authority.** The Contractor is a firm licensed to do business in the State of North Carolina.

**Sec. 2. Services and Scope to be Performed.** The Contractor shall perform the services ("Scope of Services") set forth in Exhibit "A" attached hereto and incorporated herein (the "Project"). Contractor's performance of services in accordance with Exhibit "A" shall be contingent upon City's performance of its responsibilities identified in Exhibit "A". In this Contract, "services" means the services that the Contractor is required to perform pursuant to this Contract and all of the Contractor's duties to the City that arise out of this Contract. Any amendments, corrections, or change orders by either party must be made in writing signed in the same manner as the original. Contractor must perform all services required of it under this Agreement with that degree of skill, care and diligence normally shown by a consultant performing services of a scope and purpose and magnitude comparable with the nature of the services to be provided under this Agreement.

**Sec. 3. Complete Work without Extra Cost.** Unless otherwise provided, the Contractor shall obtain and provide, without additional cost to the City, all labor, materials, equipment, transportation, facilities, services, permits, and licenses necessary related to the Project.

**Sec. 4. Compensation.** The City shall pay the Contractor for the services in Exhibit "A". Any additional services needed beyond regularly scheduled services may require additional charges. The City shall not be obligated to pay the Contractor any payments, fees, expenses, or compensation other than those authorized by this section or authorized by a duly approved amendment or change order.

**Sec. 5. Term.** This Contract shall begin upon execution of contract by all parties (the "Commencement Date") and end upon completion in accordance with the Project Schedule in Exhibit "A", (the "Term"), unless extended by mutual agreement of the parties hereto.

**Sec. 6. Contractor's Billings to City.** Payments will be made in accordance with either this Section or in Exhibit "A". Contractor shall submit an invoice to the City of Kannapolis' Finance Department on a monthly basis for the percent of work completed on each phase of work listed in Exhibit "A." Upon receipt of the pay request the City will verify the amounts and if correct, will authorize payment. Final payment shall be made to the Contractor within thirty (30) days after submittal by Contractor. Should a discrepancy arise, the City shall notify the Contractor within sixty (60) days after invoice submittal.

**Sec. 7. Insurance.**

**A. Insurance Coverage**

Contractor shall obtain insurance to satisfy the requirements hereunder. The policies shall be with companies authorized to do business in North Carolina and rated "A" or above by A.M. Best Company. Contractor shall satisfy the following requirements and provide the following coverages:

**(a) General Requirements.**

1. Contractor shall name the City as an additional insured under the automobile, commercial and umbrella liability policies required by this section.
2. Contractor's insurance shall be primary of any self-funding and/or insurance otherwise carried by the City for all loss or damages arising from Contractor's operations under this Agreement. Contractor shall and does waive all rights of subrogation against the City.

3. City shall be exempt from, and in no way liable for any sums of money that may represent a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of Contractor.
4. Prior to execution of this Contract by City, Contractor shall provide the certificates of insurance and endorsements documenting that the insurance requirements-set forth in this paragraph have been met, and that the City be given thirty (30) days' written notice of any intent to amend coverage or make material changes to or terminate any policy by either the insured or the insurer. Contractor shall further provide such certificates of insurance to the City at any time requested by the City after the execution of this Agreement, and shall provide such certificates within five (5) days after the City's request. The City's failure to review a certificate of insurance sent by or on behalf of Contractor shall not relieve Contractor of its obligation to meet the insurance requirements set forth in this Agreement.
5. Should any or all of the required insurance coverage be self-funded/self-insured, Contractor shall furnish to the City a copy of the Certificate of Self-Insurance or other documentation from the North Carolina Department of Insurance.

(b) Types of Insurance.

1. Automobile Liability. Bodily injury and property damage liability covering all owned, non-owned and hired automobiles for limits of not less than \$1,000,000 bodily injury each person, each accident and \$1,000,000 property damage, or \$1,000,000 combines single limit-bodily injury and property damage.
  2. Commercial General Liability. Bodily injury and property damage liability as shall protect Contractor from claims of bodily injury or property damage which arise from operation of this Agreement, whether such operations are performed by Contractor or anyone directly or indirectly employed by either. The amounts of such insurance shall not be less than \$1,000,000 bodily injury each occurrence/aggregate and \$1,000,000 property damage each occurrence/aggregate, or \$1,000,000 bodily injury and property damage combined single limits each occurrence/aggregate. This insurance shall include coverage for products, operations, personal injury liability and contractual liability, assumed under the indemnity provision of this Agreement.
  3. Workers' Compensation Insurance. Contractor shall meet the statutory requirements of the State of North Carolina, \$100,000 per accident limit, \$500,000 disease per policy limit, \$100,000 disease each employee limit.
  4. Umbrella. Umbrella liability coverage of no less than \$2,000,000.
  5. Professional errors and omissions ("E & O") liability insurance with policy limits of not less than One Million Dollars (\$1,000,000), combined single limits per occurrence and aggregate.
- (c) Certificates of all required insurance and endorsements shall be furnished to the City and shall contain the provision that the City will be given thirty (30) days advance written notice of any intent to amend or terminate by either the insurance or the insuring company.
- (d) Failure to maintain the insurance coverage required in this paragraph is a material default subject to termination of this Agreement.

B. Notice of Cancellation

Contractor shall notify the City, in writing, as required in Sec. 9, immediately upon learning of cancellation or reduction of the insurance afforded by its policy.

**Sec. 8. Attachments.** The following attachments (whether or not executed) are made a part of this Contract and incorporated herein by reference. In the event an interpretation conflict exists between the principal contract terms and the terms of any attachment, the terms, conditions and provisions of the principal contract shall prevail: Exhibit "A".

**Sec. 9. Notice.** All notices that may be proper or necessary to be served or made hereunder shall be in writing and will be deemed delivered when: (a) Actually received with verifiable evidence thereof; (b) Upon receipt by sender of a certified mail, return receipt signed by an employee or agent of the Party; (c) Upon proof of delivery by a nationwide provider of next-day delivery services and addressed to the respective other Party at the address set forth in this Agreement or such other address as the Party may have designated by notice or Agreement amendment to the other Party. Consequences to be borne due to failure to receive a notice due to improper notification by the intended receiving Party of a new address will be borne by the intended receiving Party. A change of address, or person to receive notice may be made by either party by notice given to the other party. Any notice or other communication under this Contract shall be deemed given at the time of actual delivery, if it is personally delivered.

The addressee of the Parties to this Agreement are as follows:

To the City:

City Manager  
City of Kannapolis  
401 Laureate Way  
Kannapolis, North Carolina 28081  
Telephone: 704-920-4300

To the Contractor:

Strategics Consulting  
4315 Woodbourne Dr.  
Clemmons, NC 27012  
Leslie Mozingo  
Telephone: 202-255-5760

**Sec. 10. Indemnification.** The Contractor shall defend, indemnify, and save harmless the City, its agents, officers, and employees, from and against all charges that arise in any manner from, in connection with, or out of this Contract as a result of the negligent acts or omissions of the Contractor or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable except for damage or injury caused solely by the negligence of the City its agents, officers, or employees. In performing its duties under this section, the Contractor shall at its sole expense defend the City, its agents, officers, and employees with legal counsel. As used in this subsection – "Charges" means claims, judgments, costs, damages, losses, demands, liabilities, duties, obligations, fines, penalties, royalties, settlements, expenses, interest, reasonable attorney's fees, and amounts for alleged violations of sedimentation pollution, erosion control, pollution, or other environmental laws, regulations, ordinances, rules, or orders. This section shall remain in force despite termination of this Contract (whether by expiration of the term or otherwise) and termination of the services of the Contractor.

**Sec. 11. Non-appropriation Clause.** If this Contract is for multiple years or is automatically renewed for additional years, Contractor acknowledges that the City is a governmental entity, and the contract validity is based upon the availability of public funding under the authority of its statutory mandate. In the event that public funds are unavailable and not appropriated for the performance of City's obligations under this contract, then this contract shall automatically expire without penalty to the City, thirty (30) days after written notice to Contractor advising of the unavailability and non-appropriation of public funds. It is expressly agreed that the City shall not activate this non-appropriation provision for its convenience or to circumvent.

**Sec. 12. Termination For Cause.** If the Contractor shall fail to fulfill in a timely, professional and proper manner all obligations under this contract, or should the Contractor violate any of the covenants, agreements, or stipulations of this contract, the City shall have the right to terminate this contract immediately by giving written notice to the Contractor of such termination and specifying the effective date thereof at least twenty-one (21) days before the effective date of such termination. In a like manner, if the City shall fail to fulfill in a timely, professional and proper manner all obligations under this contract, or should the City violate any of the covenants, agreements, or stipulations of this contract, the Contractor shall have the right to terminate this contract immediately by giving written notice to the City of such termination and specifying the effective date thereof at least twenty-one (21) days before the effective date of such termination. In such event, Contractor shall be entitled to receive just and equitable compensation for any work satisfactorily completed pursuant to this contract. However, the City shall not be obligated to pay any remaining charges for work satisfactorily completed where there exists a right in favor of the City for refund, reimbursement or offset in connection with any obligations arising from the Contractor to the City.

**Sec. 13. Miscellaneous.**

- (a) Choice of Law and Forum. This Contract shall be deemed made in Cabarrus County, North Carolina. This Contract shall be governed by and construed in accordance with the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Contract shall be the appropriate division of the North Carolina General Court of Justice, in Cabarrus County. Such actions shall neither be commenced in nor removed to federal court. This section shall not apply to subsequent actions to enforce a judgment entered in actions heard pursuant to this section.
- (b) Waiver. No action or failure to act by the City shall constitute a waiver of any of its rights or remedies that arise out this Contract, nor shall such action or failure to act constitute approval of or acquiescence in a breach thereunder, except as may be specifically agreed in writing.
- (c) Performance of Government Functions. Nothing contained in this Contract shall be deemed or construed so as to in any way estop, limit, or impair the City from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.
- (d) Severability. If any provision of this Contract shall be unenforceable, the remainder of this Contract shall be enforceable to the extent permitted by law.
- (e) Assignment, Successors and Assigns. Without the City's written consent, the Contractor shall not assign (which includes to delegate) any of its rights (including the right to payment) or duties that arise out this Contract. Unless the City otherwise agrees in writing, the Contractor and all assigns shall be subject to all of the City's defenses and shall be liable for all of the Contractor's duties that arise out of this Contract and all of the City's claims that arise out of this Contract. Without granting the Contractor the right to assign, it is agreed that the duties of the Contractor that arise out of this Contract shall be binding upon it and its heirs, personal representatives, successors, and assigns.
- (f) Compliance with Law. In performing all of the Work, the Contractor shall comply with all applicable law.
- (g) City Policy. THE CITY OPPOSES DISCRIMINATION ON THE BASIS OF RACE AND SEX AND URGES ALL OF ITS CONTRACTORS TO PROVIDE A FAIR OPPORTUNITY FOR MINORITIES AND WOMEN TO PARTICIPATE IN THEIR WORK FORCE AND AS SUBCONTRACTORS AND VENDORS UNDER CITY CONTRACTS.
- (h) EEO Provisions. During the performance of this Contract the Contractor agrees as follows:

The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. The Contractor shall take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. The Contractor shall post in conspicuous places available to employees and applicants for employment, notices setting forth these EEO provisions. The Contractor, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, shall state all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.
- (i) No Third Party Right Created, Independent Contractor. This Contract is intended for the benefit of the City and the Contractor and not any other person. This Contract is not intended to and does not constitute, create, give, rise to, or otherwise recognize a joint venture, partnership, corporation or other formal business association or organization of any kind between Contractor and the City. The rights and the obligations of the parties are only those set forth in this Contract. Contractor must perform under this Contract as an independent contractor and not as a representative, employee, agent, or partner of the City.

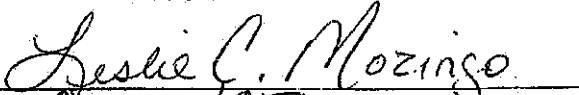
- (j) Principles of Interpretation. In this Contract, unless the context requires otherwise the singular includes the plural and the plural the singular. The pronouns "it" and "its" include the masculine and feminine. Reference to statutes or regulations include all statutory or regulatory provisions consolidating, amending, or replacing the statute or regulation. References to contracts and agreements shall be deemed to include all amendments to them. The word "person" includes natural persons, firms, companies associations, partnerships, trusts, corporations, governmental agencies and units, and any other legal entities. TIME IS OF THE ESSENCE AS TO ALL PROVISIONS OF THIS CONTRACT.
- (k) Modifications, Entire Agreement. A modification of this Contract is not valid unless signed by both parties and otherwise in accordance with requirements of law. Further, a modification is not enforceable against the City unless the City Manager or other duly authorized official signs it for the City. This Contract contains the entire agreement between the parties pertaining to the subject matter of this Contract. With respect to that subject matter, there are no promises, agreements, conditions, inducements, warranties, or understandings, written or oral, expressed or implied, between the parties, other than as set forth or referenced in this Contract.
- (l) Dispute Resolution. All disputes arising between Contractor and City pursuant to performance of this Contract shall be resolved or attempted to be resolved before proceeding with litigation through the City's "Rules Implementing Mediated Settlement Conferences".
- (m) Confidentiality. Employees of Contractor in the course of their duties may have access to financial, accounting, statistical, and personnel data of private individuals and employees of City. Contractor covenants that all data, documents, discussion, or other information developed or received by Contractor or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Contractor without written authorization by City. City shall grant such authorization if disclosure is required by law. Contractor's covenant under this section shall survive the termination of this Agreement.
- (n) Ownership of Documents. Drawings, illustrations, and other documents prepared by Contractor in connection with this Contract shall be property of the City. However, Contractor shall have the right to utilize such documents in the course of its marketing, professional presentations, and for other business purposes.
- (o) Use of Work. Contractor assigns to City the right to: (1) reproduce the work prepared under this Contract; (2) distribute copies to the public; and (3) display the work publicly. Contractor shall have the right to use materials produced in the course of this Contract for marketing purposes and professional presentations, articles, speeches and other business purposes.
- (p) W-9 Form. Contractor shall provide a completed W-9 form to the City upon execution of this Contract.
- (q) E-Verify. For agreements that include construction or services, employers and their subcontractors with 25 or more employees in North Carolina as defined in Article 2 of Chapter 64 of the NC General Statutes must comply with E-Verify requirements to contract with the City. E-Verify is a Federal program operated by the US Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law. By executing this Contract, Contractor certifies that Contractor complies with the requirements of the E-Verify program.
- (r) Contracts funded with federal grant funds must be procured in a manner that conforms with all applicable Federal laws, policies, and standards.

IN WITNESS WHEREOF, the City of Kannapolis and the Contractor have caused this Contract to be executed under seal by their respective duly authorized agents or officers.

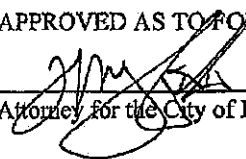
CITY OF KANNAPOLIS:

By:   
Michael B. Legg, City Manager

CONTRACTOR:

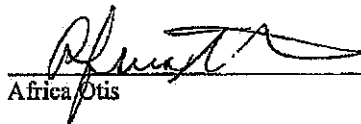
By:   
Title: Owner / CEO

APPROVED AS TO FORM:

  
Attorney for the City of Kannapolis

**APPROVAL BY CITY FINANCE OFFICER**

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

 4/18/22  
Africa Otis





April 7, 2022

Mr. Mike Legg  
City Manager  
401 Laureate Way  
Kannapolis NC 28081

## EXHIBIT A

Dear Mr. Legg:

I appreciate the opportunity to provide this proposal to the City of Kannapolis for federal advocacy services.

For 30 years, I have specialized in helping localities navigate the federal process for securing funds, influencing policy, and understanding the ever-changing political landscape. In fact, all team members at Strategics have 20-40 years' experience in the federal arena. The firm's Washington, DC office is conveniently located on Capitol Hill at the Hall of States, which is the same building as the Governor's Washington Office and the North Carolina office is just a short drive from Kannapolis. This allows me to directly provide the personal attention Kannapolis deserves, as well as regular access to federal government decision makers. Additionally, my team at Strategics has a unique combination of federal government expertise, special knowledge of North Carolina politics at all levels, and key relationships with the North Carolina Congressional Delegation. My resume and those of my team are available at [www.strategics.consulting](http://www.strategics.consulting).

At Strategics, we firmly believe in developing and implementing innovative federal strategies, leaving no stone unturned in the search for federal dollars to support local priorities. As a result, we have helped clients secure hundreds of millions of dollars in federal appropriations, authorizations, and competitive grants. No matter what the political environment in Washington, we know how to navigate through it and deliver results.

We do not allow political propaganda to get in the way of reporting the facts to clients so that they can make well-informed advocacy decisions. We are committed to always telling clients what they need to know, not what we think they want to hear, even if not in our best interest to do so. Additionally, we do not take on projects where we do not honestly believe we can make a difference.

In addition to reviewing grants and providing expert advice, we will work with the City to develop briefing materials and advise the City on the best timing and method for communicating with congressional offices and federal agencies. We will schedule meetings in Washington, DC and locally, prepare talking points, brief elected officials and management on the most effective strategy for those meetings, and attend those meetings with the City. Additionally, we will regularly notify the City of competitive grant opportunities that best meet the City's priorities, report on congressional actions that affect local governments, and keep the City informed on federal issues of interest.

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[www.strategics.consulting](http://www.strategics.consulting)

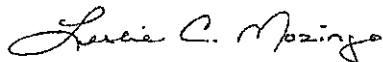
444 N. Capitol St., Suite 840, Washington, DC 20001  
4315 Woodbourne Dr., Clemmons, NC 27012

Overall, my personal commitment is to provide the City of Kannapolis with the ability to:

- ✓ Work in partnership with experts to develop federal advocacy strategies and materials;
- ✓ Have experienced and knowledgeable professionals identify potential threats and opportunities;
- ✓ Ensure that your message is appropriately communicated and timely;
- ✓ Know which decision makers to contact and build important relationships on Capitol Hill, with federal agencies and in the White House;
- ✓ Learn essential skills for effective visits with federal elected representatives and high-ranking officials;
- ✓ Understand the difference between reality and politics and manage expectations;
- ✓ Achieve measurable results; and
- ✓ Save valuable time and resources.

Thank you for your consideration of this proposal for federal advocacy services. I look forward to your reply.

Sincerely,



Leslie C. Mozingo  
Owner/CEO  
[leslie@strategics.consulting](mailto:leslie@strategics.consulting)  
202.255.5760 Cell



---

## LETTER OF AGREEMENT

### SCOPE OF SERVICES

Services provided by Strategics Consulting, LLC will include, but not be limited to, the following:

- Meet with the City's management and elected officials as recommended to develop a full understanding of the projects identified as priority.
- Develop a Federal Action Plan that identifies priorities for funding, legislation, regulations and any other federal issues.
- Schedule biweekly calls with the City to review actions taken, discuss ongoing strategy and answer questions.
- Identify and directly communicate with the City on specific federal competitive grant opportunities that fit priority projects, advise on applications to improve success rates and garner congressional support.
- Recommend key federal contacts needed to advance the City's priorities.
- Identify the method (meetings, phone calls, emails, etc.) and timing for communications with the City's Members of Congress and their staff, and the federal agencies, as well as develop briefing materials and talking points to ensure the right message is delivered.
- Provide federal advocacy advice both proactively and in reaction to all requests from City Manager and/or his designee.
- Arrange for meetings and phone calls with federal officials, develop the strategy to be taken, prepare participating City officials, participate in meetings and calls, and provide follow-up needed. (Meetings may occur in DC or NC.)
- Be a resource to elected officials, management and staff on all matters related to the federal government.

Strategics does not write the grant applications, but can recommend a pool of grant writers from which to choose. Strategics also does not guarantee that grant applications will be successful. The team, however, has spent decades in the federal competitive grant arena and will ensure that the City has every tool available to make applications as competitive as possible, as well as work diligently to improve success rates in the federal competitive grants process without limiting the number of grants pursued.

### TERMS

\$7,500/month (\$90,000 annually) billed in equal monthly installments one month in advance, Net 30, beginning April 18, 2022 and ending June 30, 2023. The agreement may continue under the same terms through December 31, 2024, in order to complete the 118<sup>th</sup> Congress. Either party may terminate the agreement with 60 days' notice. No charge for expenses unless agreed upon in advance.

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[www.strategics.consulting](http://www.strategics.consulting)

444 N. Capitol St., Suite 840, Washington, DC 20001  
4315 Woodbourne Dr., Clemmons, NC 27012

**ACKNOWLEDGED AND AGREED TO BY:**

---

Leslie C. Mozingo, CEO  
Strategics Consulting, LLC

---

Date

---

Mike Legg, City Manager  
City of Kannapolis, NC

---

Date

July 9, 2025

Mr. Mike Legg  
City Manager  
City of Kannapolis  
401 Laureate Way  
Kannapolis, NC 28081

Dear Mr. Legg:

Thank you for the opportunity to provide federal advocacy and government relations services to the City of Kannapolis. Strategics Consulting is proud of the accomplishments resulting from our collaboration, and we are confident we can build on this foundation to achieve additional success.

Pursuant to the terms of the contract entered into between Strategics Consulting and the City of Kannapolis on April 18, 2022, I am writing to respectfully request that the City exercise its option for a third amendment to the services agreement to renew the contract for an additional six-month term. This extension will begin on July 1, 2025, and run until December 31, 2025. During this term, Strategics will position the City for potential funding opportunities related to the reauthorization of the federal surface transportation bill and other federal competitive grants, which are expected to be released soon.

Since Strategics began its work for Kannapolis in 2022, the City has received more than \$2.4 million in federal grants and appropriations and currently has \$7.4 million in pending FY26 appropriations. These amounts include only awards where Strategics played a pivotal role in advocacy and review. They do not include formula or block grant funding received by the City. Additionally, the FY25 House Appropriations bill allocated \$850,000 for the City, which was not funded when Congress passed a year-long continuing resolution in March 2025 that left out all community projects. A summary of Strategics' federal funding impact is attached.

Strategics has successfully cultivated stronger relationships between Kannapolis, congressional offices, and federal agencies, particularly amidst changing election maps and districts. The City's annual Washington, DC advocacy trip, for example, is consistently lauded by federal elected officials for its efficiency and effectiveness. These relationships are even more important now that vital federal funding and programs face closer scrutiny and potential cuts. At the direction of City leadership, we look forward to coordinating an advocacy trip to Capitol Hill and federal agencies this coming fall in lieu of the usual March trip during the National League of Cities conference.

On behalf of the team at Strategics, I appreciate our continued partnership and the opportunity to work together during this extended term. Thank you in advance for your time and consideration of this request.

Respectfully,



Leslie C. Mazingo  
Owner and CEO

**Attachment 1**

**SUMMARY OF STRATEGICS FUNDING IMPACT SINCE PARTNERING WITH KANNAPOLIS  
2022-2025**

| <u>Amount</u> | <u>Funding Source</u>                                                                                                        |
|---------------|------------------------------------------------------------------------------------------------------------------------------|
| \$160,000     | FY22 USDOT SS4A Planning Grant                                                                                               |
| \$1,000,000   | FY24 EPA Brownfields Multipurpose Grant                                                                                      |
| \$345,000     | FY23 CPF Appropriation (Sen. Tillis - Kannapolis FD Project)                                                                 |
| \$963,000     | FY24 CPF Appropriation (Rep. Adams - Public Safety Comms. Tower)                                                             |
| \$850,000     | FY25 CPF Appropriation (Rep. Adams - Midlake Rd Sidewalk Project; <i>Not funded due to year-long continuing resolution</i> ) |
| \$5,900,000   | FY26 CPF Appropriation (Rep. McDowell - Midway District Revitalization Project; <i>Pending</i> )                             |
| \$1,500,000   | FY26 CPF Appropriation (Rep. McDowell - Rogers Lake Rd/Oakwood Ave Intersection Project; <i>Pending</i> )                    |

Secured Funding Awards: **\$2,468,000**

Pending Funding Awards: **\$7,400,000**

**TOTAL: \$9,868,000**

Secured, But Not Awarded: **\$850,000**



## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

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**To:** Mayor and City Council  
**From:** Pam Scaggs, City Clerk  
**Subject:** **MINUTES** - July 14, 2025 Closed Session Minutes **APPROVED**

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### Recommended Action Requested by City Council

### Required Votes to Pass Required Action

### Background

### Fiscal Implications

### Alternate Courses of Action

### Attachments

None



## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

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**To:** Mayor and City Council

**From:** Richard Smith, Planning Director

**Subject:** **PUBLIC HEARING AND ORDER** - Request to consider withdrawal from dedication a portion of the old Vance Street right-of-way between 304 and 310 Vance Street  
**APPROVED**

---

### **Recommended Action Requested by City Council**

1. Conduct a Public Hearing to consider withdrawal from dedication a portion of an old North Carolina Department of Transportation (NCDOT) Right-of-Way (ROW) for Vance Street from 304 to 310 Vance Street.
2. Motion to approve the Order to close said portion of Vance Street.

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

At the June 9, 2025 meeting of City Council, a Resolution of Intent was approved to withdraw from dedication a portion Vance Street (304 - 310 Vance Street). There is an old NCDOT Right of Way (ROW) located in this area (please see attached map). This ROW existed as part of the previous portion of Vance Street that existed prior to the relocation of this street's intersection with Dale Earnhardt Boulevard. We have received acknowledgment from NCDOT that this is a State ROW area. We also received acknowledgment that NCDOT has no record of abandonment of the old ROW area. It appears that NCDOT did cede roads to the City after the portion at issue was already not in use. This action removes this unopened, unused ROW.

The existing public drainage easement in this area will remain intact.

### **Fiscal Implications**

None.

### **Alternate Courses of Action**

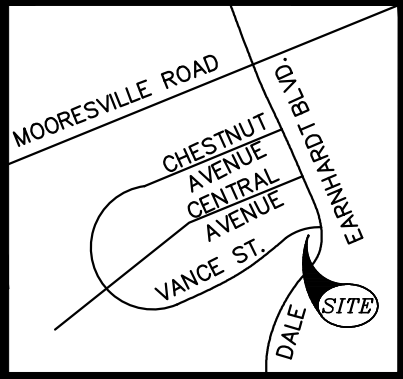
1. **Motion to approve an Order to Close, thereby withdrawing from dedication, a portion of ROW known as the old Vance Street right-of-way between 304 and 310 Vance Street (Recommended).**
2. Table action to a future meeting.
3. Take no action.

### **Attachments**

1. Survey
2. Map of Vance St ROW Closure 2025-05-29



3. 2025-44 Resolution of Intent to Close Portion of ROW Vance St
4. Public Notice Ad Vance
5. Posted Public Notice
6. Order to Close Vance St



VICINITY MAP (NTS)

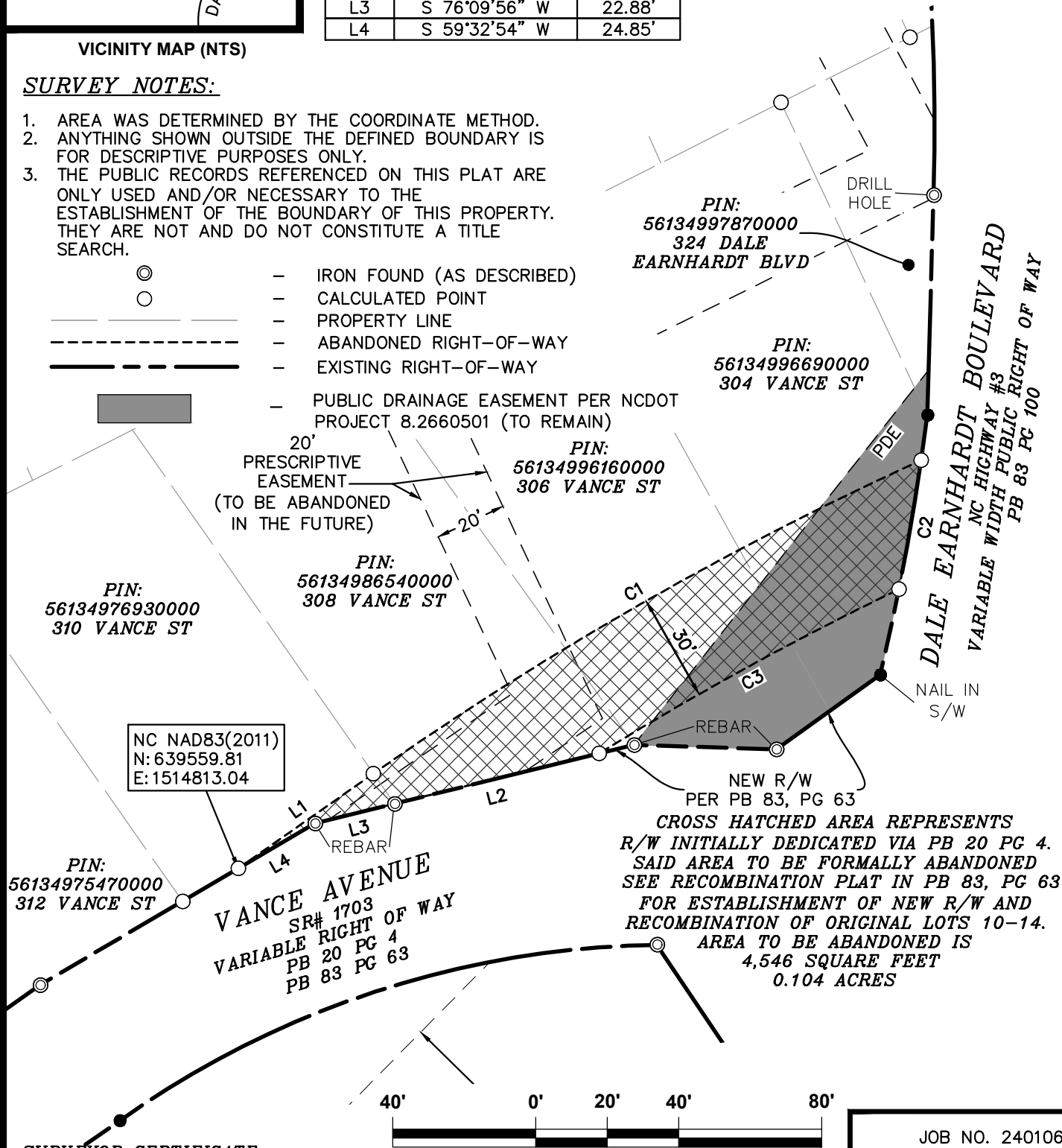
| CURVE TABLE |         |         |         |               |
|-------------|---------|---------|---------|---------------|
| CURVE       | RADIUS  | LENGTH  | CHORD   | CHORD BEARING |
| C1          | 962.81' | 176.81' | 176.56' | N 60°14'14" E |
| C2          | 678.70' | 36.61'  | 36.60'  | S 09°49'22" W |
| C3          | 932.81' | 95.63'  | 95.58'  | S 61°17'36" W |

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | N 54°58'34" E | 46.12'   |
| L2         | S 76°12'19" W | 59.02'   |
| L3         | S 76°09'56" W | 22.88'   |
| L4         | S 59°32'54" W | 24.85'   |

SURVEY NOTES:

1. AREA WAS DETERMINED BY THE COORDINATE METHOD.
2. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY IS FOR DESCRIPTIVE PURPOSES ONLY.
3. THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.

- IRON FOUND (AS DESCRIBED)
- CALCULATED POINT
- PROPERTY LINE
- - - ABANDONED RIGHT-OF-WAY
- - - EXISTING RIGHT-OF-WAY
- PUBLIC DRAINAGE EASEMENT PER NCDOT PROJECT 8.2660501 (TO REMAIN)



SURVEYOR CERTIFICATE:

I CHRISTOPHER G. DELLA MEA CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION PLAT BOOK 20, PAGE 4; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM REFERENCES NOTED; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600).

THIS 16TH DAY OF MAY, 2025.

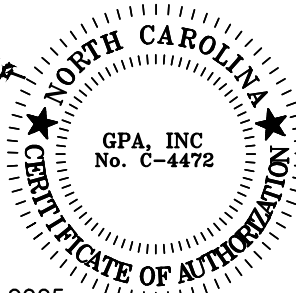
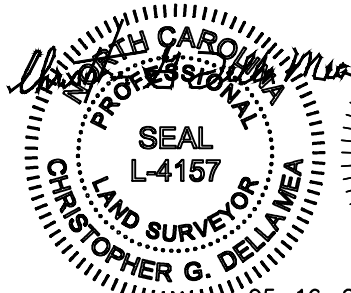
*Christopher G. Della Mea*

05-16-2025

CHRISTOPHER G. DELLA MEA, PLS L- 4157

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS

PREPARED FOR:  
THE CITY OF KANNAPOLIS  
VANCE STREET  
CITY OF KANNAPOLIS  
TOWNSHIP NO. 4  
CABARRUS COUNTY,  
NORTH CAROLINA  
MAY 16, 2025  
SCALE: 1" = 40'



05-16-2025

JOB NO. 240106  
ABANDONMENT EXHIBIT



GPA INC.  
SERVING SOUTH CAROLINA  
AND NORTH CAROLINA

CHARLESTON SC CORP OFC  
281 TREELAND DR. STE B  
LADSON SC 29456  
OFFICE (843) 285-2424

CHARLOTTE NC BRANCH  
605 PHILLIP DAVIS DR. STE 3  
CHARLOTTE NC 28217  
OFFICE (704) 335-8600

"Integrity Without Boundaries"  
www.gpaland.com

N.C. GRID  
GPA  
NAD83(2011)



# ROW Closure

 ROW to close

0 37.5 75 150 Feet



**A RESOLUTION STATING THE INTENT OF THE  
CITY OF KANNAPOLIS TO CONSIDER CLOSING  
A PORTION OF VANCE STREET AS DESCRIBED HEREIN  
AND FIXING THE DATE OF PUBLIC HEARING ON THE  
QUESTION OF SUCH CLOSING**

**BE IT RESOLVED** by City Council of the City of Kannapolis:

**Section 1.** That it is the intent of City Council of the City of Kannapolis to consider closing a portion of the following described Public Street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina.

LYING AND BEING IN THE CITY OF KANNAPOLIS, CABARRUS COUNTY, NORTH CAROLINA AND BEING A PORTION OF A 30' WIDE RIGHT-OF-WAY FOR VANCE STREET, AS SHOWN AND DEDICATED ON A PLAT RECORDED IN PLAT BOOK 20, PAGE 4, SAID PORTION TO BE ABANDONED BEING MORE PARTICULARLY DESCRIBED TO WIT:

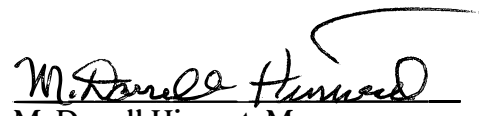
BEGINNING AT A COMPUTED POINT ON THE EXISTING NORTHERN MARGIN OF VANCE STREET, SAID POINT HAVING THE FOLLOWING NAD 83 (2011) GRID COORDINATES: N=639,559.81, E=1,514,813.04 AND RUNNING THENCE ALONG THE ORIGINAL NORTHERN RIGHT-OF-WAY OF VANCE STREET THE FOLLOWING TWO (2) CALLS: 1) N 54°58'34" E, A DISTANCE OF 46.12' TO A COMPUTED POINT; 2) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 176.81', HAVING A RADIUS OF 962.81', BEING SUBTENDED BY A CHORD BEARING OF N 60°14'14" E, WITH A CHORD LENGTH OF 176.56', TO A POINT ON THE WESTERN RIGHT-OF-WAY OF DALE EARNHARDT BOULEVARD (A VARIABLE WIDTH RIGHT-OF-WAY), THENCE ALONG THE WESTERN RIGHT-OF-WAY OF DALE EARNHARDT BOULEVARD WITH A COMPOUND CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 36.61', HAVING A RADIUS OF 678.70', AND BEING SUBTENDED BY A CHORD BEARING OF S 09°49'22" W, WITH A CHORD LENGTH OF 36.60' TO A COMPUTED POINT; THENCE LEAVING THE WESTERN RIGHT-OF-WAY OF DALE EARNHARDT BOULEVARD AND RUNNING WITH THE SOUTHERN MARGIN OF THE 30' RIGHT-OF-WAY OF VANCE STREET TO BE ABANDONED ALONG A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 95.63', HAVING A RADIUS OF 932.81', AND BEING SUBTENDED BY A CHORD BEARING OF S 61°17'36" W, WITH A CHORD LENGTH OF 95.58' TO A COMPUTED POINT AT THE OLD RIGHT-OF-WAY INTERSECTING THE PRESENT RIGHT-OF-WAY OF VANCE STREET; THENCE WITH THE EXISTING RIGHT-OF-WAY OF VANCE STREET (PB 83, PG 63) THE FOLLOWING THREE (3) CALLS: 1) S 76°12'19" W, A DISTANCE OF 59.02' TO AN EXISTING REBAR; 2) S 76°09'56" W, A DISTANCE OF 22.88' TO AN EXISTING REBAR; 3) S 59°32'54" W, A DISTANCE OF 24.85' TO THE POINT AND PLACE OF BEGINNING AND COMPRISING AN AREA OF 4,546 SQUARE FEET AND/OR 0.104 ACRES, TO BE ABANDONED.

**Section 2.** That a public hearing on the question of closing the above-described right-of-way will be held at 401 Laureate Way, Kannapolis, North Carolina, at 6:00 P.M. on the 28th day of July 2025, at which time plans for such closing will be explained and all persons will be given an opportunity to be heard.

**Section 3.** That notice of said closing and public hearing shall be given by publication, mailing and posting as required by law.

Adopted this 9th day of June 2025

  
Pam Scaggs, CMC, NCCMC  
City Clerk

  
M. Darrell Hinnant, Mayor  
City of Kannapolis



# Order Confirmation

Order# 0000893146

PO Box 27283  
Richmond, VA 23261-7283

**Client:** CITY OF KANNAPOLIS  
**Phone:** 7049204300

**Pavor :** CITY OF KANNAPOLIS  
**Phone:** 7049204300

**Account:** 3143368  
**Address:** PAM SCAGGS  
KANNAPOLIS NC 28081

**Account:** 3143368  
**Address:** PAM SCAGGS  
KANNAPOLIS NC 28081

**Sales Rep**      **Accnt Rep**      **Ordered By**  
crpboana      crpboana      Pam

**Fax:** 7049337463  
**EMail:** pscaggs@kannapolisnc.gov

**Total Amount**      \$1,597.04  
**Payment Amount**      \$1,597.04

|                      |                     |                           |                      |                          |                          |
|----------------------|---------------------|---------------------------|----------------------|--------------------------|--------------------------|
| <b>Amount Due</b>    | <b>\$0.00</b>       | <b><u>Tear Sheets</u></b> | <b><u>Proofs</u></b> | <b><u>Affidavits</u></b> | <b><u>PO Number:</u></b> |
| <b>Tax Amount:</b>   | 0.00                | 0                         | 0                    | 1                        |                          |
| <b>Payment Meth:</b> | Credit - Debit Card |                           |                      |                          |                          |

|                         |                       |                       |                     |
|-------------------------|-----------------------|-----------------------|---------------------|
| <b><u>Ad Number</u></b> | <b><u>Ad Type</u></b> | <b><u>Ad Size</u></b> | <b><u>Color</u></b> |
| 0000893146-01           | CLS Legal             | 2 X 92 li             | \$0.00              |

**Production Method**  
AdBooker (liner)

**Production Notes**

|                                |                         |                        |                         |
|--------------------------------|-------------------------|------------------------|-------------------------|
| <b><u>Product and Zone</u></b> | <b><u>Placement</u></b> | <b><u>Position</u></b> | <b><u># Inserts</u></b> |
| CON Independent Trib           | C-Legal Ads             | Legal Notices          | 4                       |

**Run Schedule Invoice Text:** NOTICE OF PUBLIC HEARING 401 Laureate Way,

**Run Dates** 7/ 3/2025, 7/10/2025, 7/17/2025, 7/24/2025

|                                |                         |                        |                         |
|--------------------------------|-------------------------|------------------------|-------------------------|
| <b><u>Product and Zone</u></b> | <b><u>Placement</u></b> | <b><u>Position</u></b> | <b><u># Inserts</u></b> |
| NCC Online                     | C-Legal Ads             | Legal Notices          | 7                       |

**Run Schedule Invoice Text:** NOTICE OF PUBLIC HEARING 401 Laureate Way,

**Run Dates** 7/ 3/2025, 7/ 4/2025, 7/ 5/2025, 7/ 6/2025, 7/ 7/2025, 7/ 8/2025, 7/ 9/2025

**TagLine:** NOTICEOFPUBLICHEARING401LAUREATEWAYKANNAPOLISNCCITYCOUNCILMEETINGMONDAYJULY28  
2025ARESOLUTIONSTATINGTHEINTENTOFTHECITYOFKANNAPO

**Ad Content Proof**

Note: Ad size does not reflect actual ad





# Order Confirmation

Order# 0000893146

PO Box 27283

Richmond, VA 23261-7283



NOTICE OF PUBLIC HEARING  
401 Laureate Way, Kannapolis, NC

City Council Meeting  
Monday, July 28, 2025

A RESOLUTION STATING THE INTENT OF THE CITY OF KANNAPOLIS TO CONSIDER CLOSING A PORTION OF AN OLD RIGHT-OF-WAY FOR VANCE STREET AS DESCRIBED HEREIN AND FIXING THE DATE OF PUBLIC HEARING ON THE QUESTION OF SUCH CLOSING

BE IT RESOLVED by City Council of the City of Kannapolis:

Section 1. That it is the intent of City Council of the City of Kannapolis to consider closing a portion of the following described public street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina.

#### LEGAL DESCRIPTION

LYING AND BEING IN THE CITY OF KANNAPOLIS, CABARRUS COUNTY, NORTH CAROLINA AND BEING A PORTION OF A 30' WIDE OLD RIGHT-OF-WAY FOR VANCE STREET, AS SHOWN AND DEDICATED ON A PLAT RECORDED IN PLAT BOOK 20, PAGE 4, SAID PORTION TO BE ABANDONED BEING MORE PARTICULARLY DESCRIBED TO WIT:

BEGINNING AT A COMPUTED POINT ON THE EXISTING NORTHERN MARGIN OF VANCE STREET, SAID POINT HAVING THE FOLLOWING NAD 83 (2011) GRID COORDINATES: N=639,559.81, E=1,514,813.04 AND RUNNING THENCE ALONG THE ORIGINAL NORTHERN RIGHT-OF-WAY OF VANCE STREET THE FOLLOWING TWO (2) CALLS: 1) N 54°58'34" E, A DISTANCE OF 46.12' TO A COMPUTED POINT; 2) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 176.81', HAVING A RADIUS OF 962.81', BEING SUBTENDED BY A CHORD BEARING OF N 60°14'14" E, WITH A CHORD LENGTH OF 176.56' TO A POINT ON THE WESTERN RIGHT-OF-WAY OF DALE EARNHARDT BOULEVARD (A VARIABLE WIDTH RIGHT-OF-WAY), THENCE ALONG THE WESTERN RIGHT-OF-WAY OF DALE EARNHARDT BOULEVARD WITH A COMPOUND CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 36.61', HAVING A RADIUS OF 678.70', AND BEING SUBTENDED BY A CHORD BEARING OF S 09°49'22" W, WITH A CHORD LENGTH OF 36.60' TO A COMPUTED POINT; THENCE LEAVING THE WESTERN RIGHT-OF-WAY OF DALE EARNHARDT BOULEVARD AND RUNNING WITH THE SOUTHERN MARGIN OF THE 30' RIGHT-OF-WAY OF VANCE STREET TO BE ABANDONED ALONG A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 95.63', HAVING A RADIUS OF 932.81', AND BEING SUBTENDED BY A CHORD BEARING OF S 61°17'36" W, WITH A CHORD LENGTH OF 95.58' TO A COMPUTED POINT AT THE OLD RIGHT-OF-WAY INTERSECTING THE PRESENT RIGHT-OF-WAY OF VANCE STREET; THENCE WITH THE EXISTING RIGHT-OF-WAY OF VANCE STREET (PB 83, PG 63) THE FOLLOWING THREE (3) CALLS: 1) S 76°12'19" W, A DISTANCE OF 59.02' TO AN EXISTING REBAR; 2) S 76°09'56" W, A DISTANCE OF 22.88' TO AN EXISTING REBAR; 3) S 59°32'54" W, A DISTANCE OF 24.85' TO THE POINT AND PLACE OF BEGINNING AND COMPRISING AN AREA OF 4,546 SQUARE FEET AND/OR 0.104 ACRES, TO BE ABANDONED.

Section 2. That a public hearing on the question of such closing the above described right-of-way will be held at 401 Laureate Way, Kannapolis, North Carolina, at 6:00 o'clock p.m., on the 28th day of July 2025 at which time plans for such closing will be explained and all persons will be given an opportunity to be heard.

Section 3. That notice of said closing and public hearing shall be given by publication, mailing and posting as required by law.

Adopted this 9th day of June 2025

Milton D. Hinnant  
Mayor

In accordance with Title II of the Americans with Disabilities Act (AD), any person requiring an accommodation to participate in a function or program of the City of Kannapolis, should contact Daniel Jenkins, Assistant Human Resource Director & ADA Coordinator, by phone at 704-920-4312, email [adacoordinator@kannapolisnc.gov](mailto:adacoordinator@kannapolisnc.gov), or in person at Kannapolis City Hall as soon as possible but not later than 48 hours before the scheduled event.

Publish: July 3, 10, 17, 24, 2024.





## PROPOSED STREET CLOSING

### NOTICE OF PUBLIC HEARING

WHEREAS, the City of Kannapolis is considering the proposed street closing of the intersection of [illegible] and [illegible] streets, and

WHEREAS, the City of Kannapolis is holding a public hearing on the proposed street closing, and

WHEREAS, the City of Kannapolis is inviting the public to attend the public hearing and express their views on the proposed street closing, and

WHEREAS, the City of Kannapolis is inviting the public to attend the public hearing and express their views on the proposed street closing, and

Walter Goodwin  
City Engineer

**Walt Walt**  
LAWNCARE &  
PRESSURE WASHING  
GUTTERS & LEAF REMOVAL  
**Walter Goodwin**  
704-932-9858  
walters@walmart.com

**WALT WALT**  
LAWNCARE & PRESSURE WASHING  
Walter Goodwin  
Phone: (704) 932-9858  
Call: (704) 229-1234  
walmart.com



**CITY COUNCIL  
CITY OF KANNAPOLIS  
ORDER TO CLOSE**

**WHEREAS**, pursuant to North Carolina General Statute 160A-299, City Council of the City of Kannapolis has proposed to permanently close a portion of Vance Street between 304 and 310 Vance Street described as a Public Street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina which is more particularly described as:

**LEGAL DESCRIPTION**

LYING AND BEING IN THE CITY OF KANNAPOLIS, CABARRUS COUNTY, NORTH CAROLINA AND BEING A PORTION OF A 30' WIDE RIGHT-OF-WAY FOR VANCE STREET, AS SHOWN AND DEDICATED ON A PLAT RECORDED IN PLAT BOOK 20, PAGE 4, SAID PORTION TO BE ABANDONED BEING MORE PARTICULARLY DESCRIBED TO WIT:

BEGINNING AT A COMPUTED POINT ON THE EXISTING NORTHERN MARGIN OF VANCE STREET, SAID POINT HAVING THE FOLLOWING NAD 83 (2011) GRID COORDINATES: N=639,559.81, E=1,514,813.04 AND RUNNING THENCE ALONG THE ORIGINAL NORTHERN RIGHT-OF-WAY OF VANCE STREET THE FOLLOWING TWO (2) CALLS: 1) N 54°58'34" E, A DISTANCE OF 46.12' TO A COMPUTED POINT; 2) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 176.81', HAVING A RADIUS OF 962.81', BEING SUBTENDED BY A CHORD BEARING OF N 60°14'14" E, WITH A CHORD LENGTH OF 176.56', TO A POINT ON THE WESTERN RIGHT-OF-WAY OF DALE EARNHARDT BOULEVARD (A VARIABLE WIDTH RIGHT-OF-WAY), THENCE ALONG THE WESTERN RIGHT-OF-WAY OF DALE EARNHARDT BOULEVARD WITH A COMPOUND CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 36.61', HAVING A RADIUS OF 678.70', AND BEING SUBTENDED BY A CHORD BEARING OF S 09°49'22" W, WITH A CHORD LENGTH OF 36.60' TO A COMPUTED POINT; THENCE LEAVING THE WESTERN RIGHT-OF-WAY OF DALE EARNHARDT BOULEVARD AND RUNNING WITH THE SOUTHERN MARGIN OF THE 30' RIGHT-OF-WAY OF VANCE STREET TO BE ABANDONED ALONG A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 95.63', HAVING A RADIUS OF 932.81', AND BEING SUBTENDED BY A CHORD BEARING OF S 61°17'36" W, WITH A CHORD LENGTH OF 95.58' TO A COMPUTED POINT AT THE OLD RIGHT-OF-WAY INTERSECTING THE PRESENT RIGHT-OF-WAY OF VANCE STREET; THENCE WITH THE EXISTING RIGHT-OF-WAY OF VANCE STREET (PB 83, PG 63) THE FOLLOWING THREE (3) CALLS: 1) S 76°12'19" W, A DISTANCE OF 59.02' TO AN EXISTING REBAR; 2) S 76°09'56" W, A DISTANCE OF 22.88' TO AN EXISTING REBAR; 3) S 59°32'54" W, A DISTANCE OF 24.85' TO THE POINT AND PLACE OF BEGINNING AND COMPRISING AN AREA OF 4,546 SQUARE FEET AND/OR 0.104 ACRES, TO BE ABANDONED.

**WHEREAS**, a Public Hearing on the question of such closing was held on July 28, 2025, at which time the plans for such closing were explained and all persons given an opportunity to be heard; and

**WHEREAS**, notice of said closing was given in accordance with the requirements of law; and

**WHEREAS**, it has been found to the satisfaction of City Council after the Public Hearing that closing of the street or public roadway is not contrary to the public interest and that no individual owning property in the vicinity of the street or public roadway or in the subdivision in which it is located would be deprived of reasonable means of ingress or egress to their property.

**NOW, THEREFORE, IT IS HEREBY ORDERED** by the City Council of the City of Kannapolis as follows:

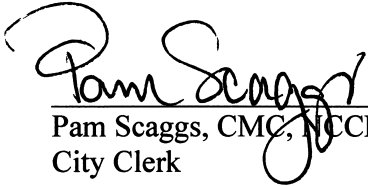


1. That the portion of Vance Street located between 304 and 310 Vance Street, as described above, is hereby closed effective immediately.
2. That the City of Kannapolis reserves any and all rights, title and interest in and to any utility improvements or easements within any portion of the above-described street closed pursuant to this Order.
3. That a certified copy of this Order be filed in the office of the Register of Deeds for Cabarrus County, North Carolina.

Adopted this 28th day of July 2025.

  
M. Darrell Hinnant, Mayor  
City of Kannapolis

**ATTEST:**

  
Pam Scaggs, CMC, NCCMC  
City Clerk





## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

---

**To:** Mayor and City Council  
**From:** Richard Smith, Planning Director  
**Subject:** **PUBLIC HEARING** - Voluntary Annexation (A-2025-07) of approximately 0.26 +/- acres of noncontiguous property located at 5911 Charleston Avenue **APPROVED**

---

### **Recommended Action Requested by City Council**

1. Hold a Public Hearing for Annexation Case A-2025-07 to consider the voluntary annexation of approximately 0.26 +/- acres of noncontiguous property located at 5911 Charleston Avenue, further identified as Cabarrus County Parcel Identification Number 56035917630000; and
2. Motion to adopt an Ordinance extending the Corporate Limits of the City of Kannapolis.

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

The applicant, Conon Investments, LLC, has submitted an application for voluntary noncontiguous annexation of approximately 0.26 +/- acres located at 5911 Charleston Avenue. The property is further identified as Cabarrus County Parcel Identification Number 56035917630000.

### **Fiscal Implications**

None.

### **Alternate Courses of Action**

1. **Motion to adopt an Ordinance extending the Corporate Limits of the City of Kannapolis to approximately 0.26 +/- acres of property located at 5911 Charleston Avenue, further identified as Cabarrus County Parcel Identification Number 56035917630000 (Recommended).**
2. Table actions to a future meeting.
3. Take no action.

### **Attachments**

1. Annexation Application
2. Vicinity A-2025-07
3. Vicinity Color A-2025-07
4. Black and White A-2025-07
5. Public Notice Ad CC July 28 2025 A-08
6. 2025-52 Ordinance Extending Corporate Limits A-2025-07 for 5911 Charleston Avenue



Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350

## Petition for Non-Contiguous Annexation

So that we may efficiently review your request in a timely manner, it is important that all required documents are submitted with your application. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

### ANNEXATION REQUEST

Approval authority – City Council.

Property Address: 5911 Charleston Ave Kannapolis NC 28081

Applicant: Conon INVESTMENTS, LLC

Address: 677 Shellback Dr City: Concord State: NC Zip: 28025

Contact number: 704-491-7989 Email: ian@ianleonardch.com

### SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting – send an email to [planreviewappointment@kannapolisnc.gov](mailto:planreviewappointment@kannapolisnc.gov)
- ☒ Annexation Checklist and Application – Complete with all required property owner signatures
- ☐ Stamped, signed black and white 18 x 24" survey of subject property prepared by a registered engineer or surveyor (not preliminary)
- ☐ Metes and Bounds description of subject property

### PROCESS INFORMATION

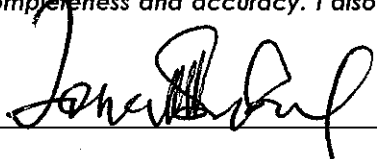
Annexation involves two (2) separate City Council meetings:

**First meeting:** The City Clerk will certify the sufficiency of the annexation and City Council will set a date for the public meeting.

**Second meeting:** City Council will review the petition and either approve or decline the annexation request:

1. Newspaper notification at least ten (10) days prior to the second Council meeting
2. Notification to the County or municipality from which the subject property is being annexed
3. Public Hearing
4. State recordation of the Resolution to Extend the Corporate City Limits, the signed/stamped 18X24" survey (can not be stamped as preliminary) and the Metes and Bounds Description.

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature:  Date: 5/7/25



Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350

## PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

DATE: 5-7-2025

To the City Council of the City of Kannapolis, North Carolina:

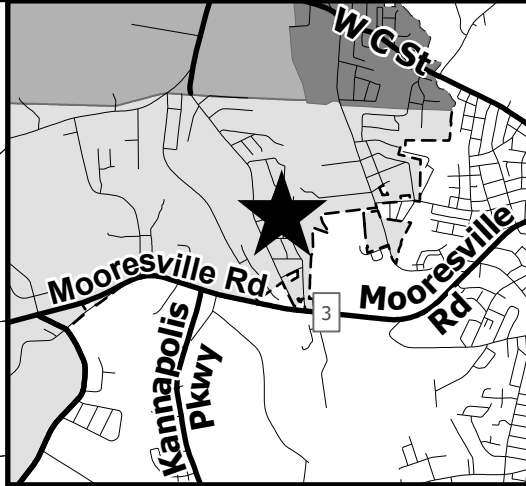
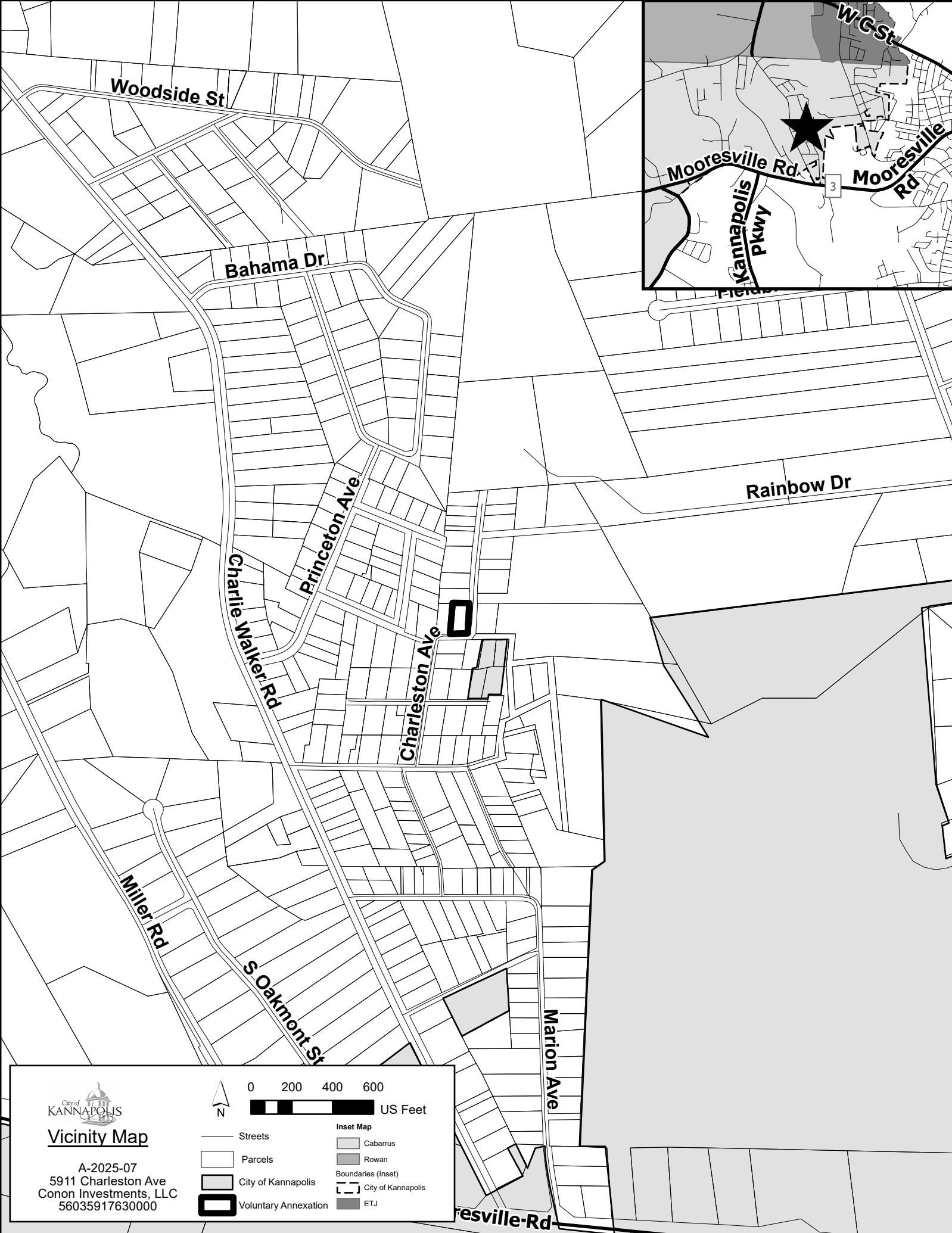
1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.
2. The area to be annexed, located at 5911 Charleston Ave, further identified as \_\_\_\_\_ County Parcel Identification Number 5603691760000, is non-contiguous to the primary limits of the City of Kannapolis, is approximately .26 acres, and the boundaries of such territory are as follows:

### See Attached Signed, Stamped Survey Map and Metes and Bounds Description

3. This petition is signed by all property owners of the area to be annexed.
4. ☒ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water ☒ sewer ☒ and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.
5. Please check ONE box below:  
☐ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160D-108 or G.S. 160D-108.1 and provide proof of such rights by attachment hereto.  
☒ The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

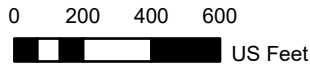
| <u>Name</u> (print or type) | <u>Address</u>           | <u>Signature*</u>    |
|-----------------------------|--------------------------|----------------------|
| 1. <u>Jonathan Ejim</u>     | <u>677 Shellbark dr.</u> | <u>Jonathan Ejim</u> |
| 2. _____                    | <u>Concord NC 28025</u>  | _____                |
| 3. _____                    | _____                    | _____                |
| 4. _____                    | _____                    | _____                |

\*Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.



### Vicinity Map

A-2025-07  
5911 Charleston Ave  
Conon Investments, LLC  
56035917630000



- Streets
- Parcels
- City of Kannapolis
- Voluntary Annexation

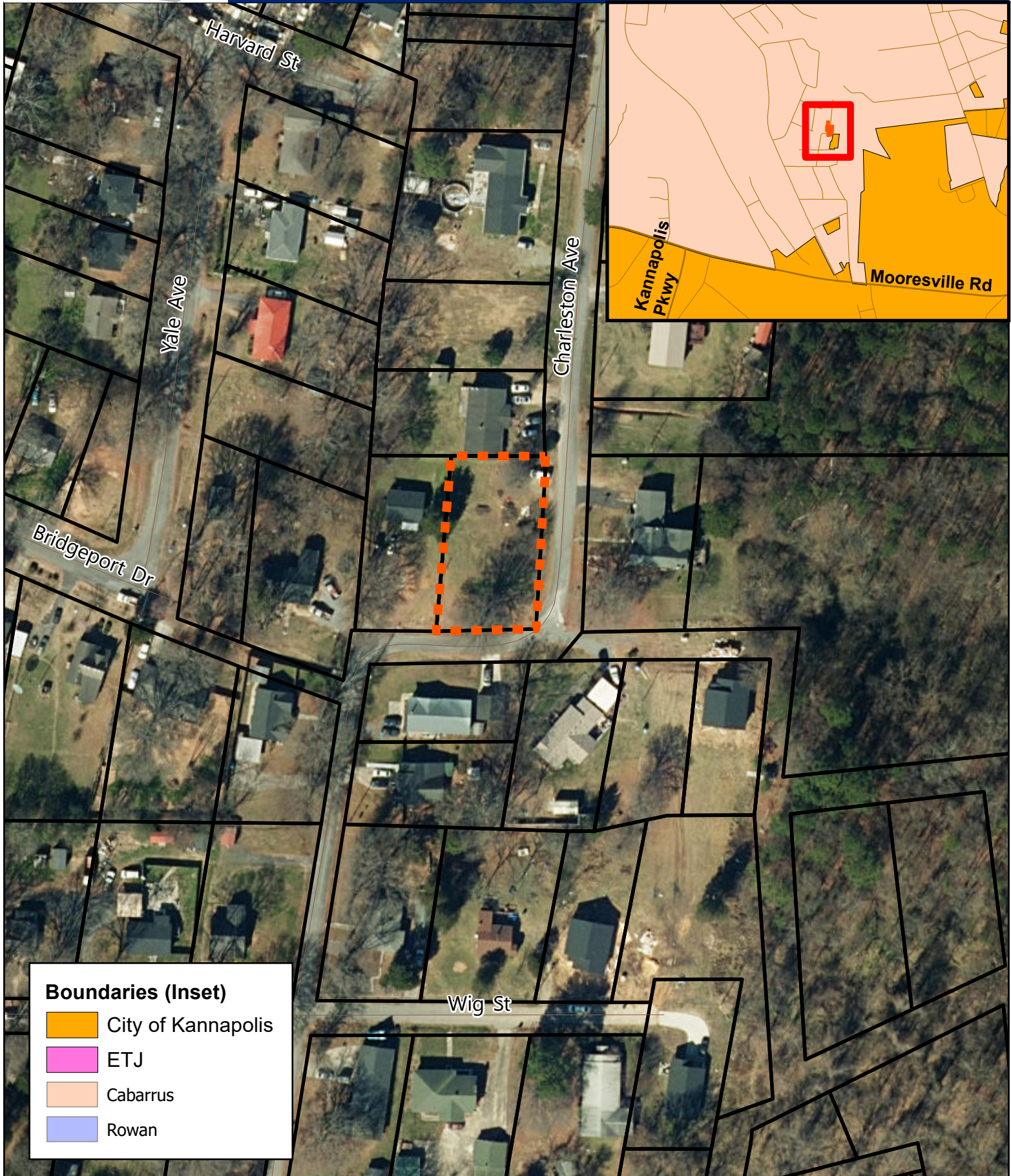
#### Inset Map

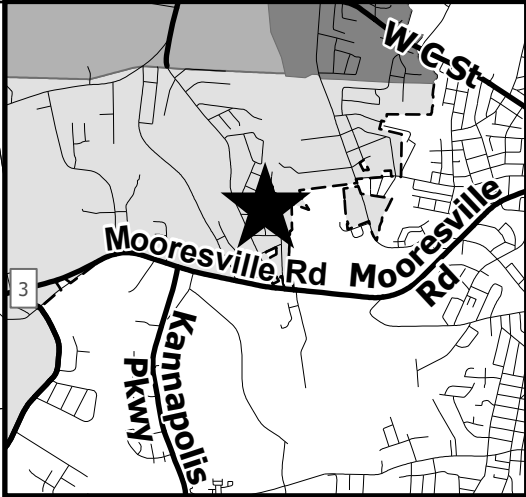
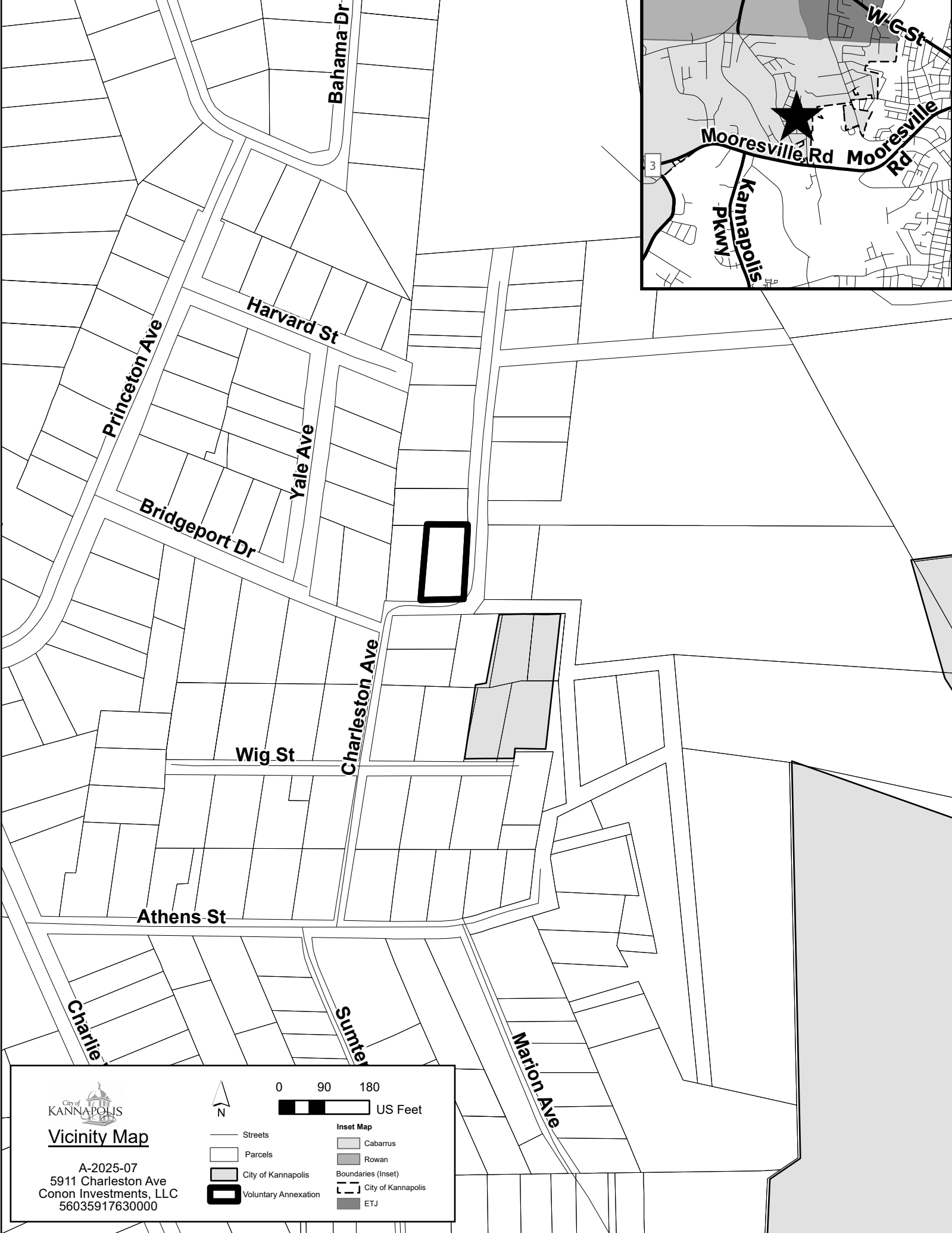
- Cabarrus
- Rowan
- Boundaries (Inset)
- City of Kannapolis
- ETJ



# Vicinity Map

5911 Charleston Ave  
Conon Investments, LLC  
56035917630000







**Vicinity Map**

A-2025-07  
5911 Charleston Ave  
Conon Investments, LLC  
56035917630000



N



0 90 180 US Feet

Streets

Parcels

City of Kannapolis

Voluntary Annexation

**Inset Map**

Cabarrus

Rowan

Boundaries (Inset)

City of Kannapolis

ETJ





# Order Confirmation

Order# 0000893148

PO Box 27283  
Richmond, VA 23261-7283

**Client:** CITY OF KANNAPOLIS  
**Phone:** 7049204300

**Pavor :** CITY OF KANNAPOLIS  
**Phone:** 7049204300

**Account:** 3143368  
**Address:** PAM SCAGGS  
KANNAPOLIS NC 28081

**Account:** 3143368  
**Address:** PAM SCAGGS  
KANNAPOLIS NC 28081

**Sales Rep**      **Accnt Rep**      **Ordered By**  
crpboana      crpboana      Pam

**Fax:** 7049337463  
**Email:** pscaggs@kannapolisnc.gov

**Total Amount**      \$343.04

**Payment Amount**      \$343.04

**Amount Due**      \$0.00

**Tax Amount:**      0.00

**Payment Meth:**      Credit - Debit Card

**Invoice Text:**      Public Notice

**Tear Sheets**      **Proofs**      **Affidavits**      **PO Number:**

0

0

1

| <u>Ad Number</u> | <u>Ad Type</u> | <u>Ad Size</u> | <u>Color</u> |
|------------------|----------------|----------------|--------------|
| 0000893148-01    | CLS Legal      | 2 X 35 li      | \$0.00       |

**Production Method**

AdBooker (liner)

**Production Notes**

| <u>Product and Zone</u> | <u>Placement</u> | <u>Position</u> | <u># Inserts</u> |
|-------------------------|------------------|-----------------|------------------|
| CON Independent Trib    | C-Legal Ads      | Legal Notices   | 2                |

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING 401 Laureate Way,

**Run Dates**      7/17/2025, 7/24/2025

| <u>Product and Zone</u> | <u>Placement</u> | <u>Position</u> | <u># Inserts</u> |
|-------------------------|------------------|-----------------|------------------|
| NCC Online              | C-Legal Ads      | Legal Notices   | 7                |

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING 401 Laureate Way,

**Run Dates**      7/17/2025, 7/18/2025, 7/19/2025, 7/20/2025, 7/21/2025, 7/22/2025, 7/23/2025

**TagLine:** NOTICEOFPUBLICHEARING401LAUREATEWAYKANNAPOLISNCCITYCOUNCILMEETINGMONDAYJULY28  
2025AT600PMVOLUNTARYANNEXATIONA202508PUBLICHEAR



**NOTICE OF PUBLIC HEARING**  
401 Laureate Way, Kannapolis, NC

**City Council Meeting**  
Monday July 28, 2025 at 6:00 pm

**Voluntary Annexation A-2025-08** - Public Hearing to consider the voluntary noncontiguous annexation of approximately 0.26 +/- acres of property located at 5911 Charleston Avenue. and further identified as Cabarrus County Parcel Identification Number 56035917630000.

In accordance with Title II of the Americans with Disabilities Act (AD), any person requiring an accommodation to participate in a function or program of the City of Kannapolis, should contact Daniel Jenkins, Assistant Human Resource Director & ADA Coordinator, by phone at 704-920-4312, email [adacoordinator@kannapolisnc.gov](mailto:adacoordinator@kannapolisnc.gov), or in person at Kannapolis City Hall as soon as possible but not later than 48 hours before the scheduled event.

**Publish: July 17, 24, 2025.**



**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF  
KANNAPOLIS, NORTH CAROLINA**

**Annexation 2025-07 – 5911 Charleston Avenue**

**WHEREAS**, pursuant to Chapter 160A-58 *et seq*, City Council has stated its intent to annex property as described below; and

**WHEREAS**, City Council has by resolution set and held a public hearing on the question of this annexation at Kannapolis City Hall, located at 401 Laureate Way at 6:00 PM on the 28th day of July 2025, after due notice by the Independent Tribune newspaper on the 17th and 24th days of July 2025; and

**WHEREAS**, City Council finds that the public health, safety and welfare of the City of Kannapolis, North Carolina and of the area proposed for annexation will be best served by annexing the area described.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Kannapolis, North Carolina that:

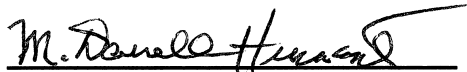
**Section 1.** By virtue of the authority granted pursuant to N.C.G.S. Chapter 160A-58 *et seq*, the following described territory is hereby annexed and made part of the City of Kannapolis, North Carolina as of the 28th day of July 2025, and being more particularly described as Cabarrus County Parcel Identification Number 56035917630000.

**SEE EXHIBIT A – METES AND BOUNDS DESCRIPTON and SURVEY**

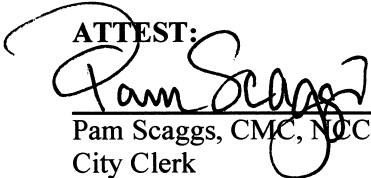
**Section 2.** Upon and after the 28th day of July 2025, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Kannapolis, North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Kannapolis, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.3.

**Section 3.** The Mayor of the City of Kannapolis, North Carolina shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Board of Elections, as required by G.S. 163-288.1.

**Adopted this 28th day of July 2025:**

  
M. Darrell Hinnant, Mayor  
City of Kannapolis

**ATTEST:**

  
Pam Scaggs, CMC, NCCMC  
City Clerk

**APPROVED AS TO FORM:**

  
W. Andrew Kelly, City Attorney

## **METES AND BOUNDS DESCRIPTION**

### **A 0.26 ACRES TRACT OF LAND:**

CONON INVESTMENTS, LLC

5911 Charleston Avenue, Kannapolis, NC 28081

Deed Book 17394, Page 36 (PIN: 5603-59-1763; Real ID: 04-005-0048.00)

Lying and being in the No. 4 Township, Cabarrus County, North Carolina, and being a portion of the "Bertie Lee Thompson" lot (Map Book 9, Page 47) and being the same tract of land described in Deed Book 17394, Page 36 as recorded in the Cabarrus County Register of Deeds; and being more particularly described as follows:

### **0.26 Acres Tract of Land**

Beginning at a new IRON SET along the west side Public Right of Way of Charleston Avenue (variable width) at the north easterly corner of Deed Book 17394, Page 36 (PIN: 5603-59-1763; Real ID: 04-005-0048.00) said new IRON SET being further described as having NC (NAD 83/2011) Grid Coordinates of N: 639,810.37, E: 1,505,217.09 and being the POINT OF BEGINNING (POB) of the 0.26 Acres Tract being described herein; thence leaving the POINT OF BEGINNING (POB) and running along the west side of said Public Right of Way of Charleston Avenue

1. South 06°49'20" West 150.00 feet to a new IRON SET in the pavement of Charleston Avenue, said IRON SET being further described as being the south easterly corner of the 0.26 Acres Tract being described herein; thence continuing along the Public Right of Way of Charleston Avenue
2. North 87°54'37" West 75.00 feet to a new IRON SET at a common corner of the property of Dennis G. Brawley and wife, Pamela A. Brawley (now or formerly) Deed Book 6951 Page 72 (PIN:5603-59-0793; Real ID: 04-005-0047.00) said IRON SET being further described as being situated near the existing northerly edge of pavement of Charleston Avenue, being the south easterly corner to Lot 18 of Jack Parks land (unrecorded plat) and also being situated South 87°54'37" East 75.00 feet from an existing PIPE FOUND at the south westerly corner of said Lot 18; thence running along the common line of said Lot 18 (PIN:5603-59-0793; Real ID: 04-005-0047.00) and the 0.26 Acres Tract being described herein (PIN: 5603-59-1763; Real ID: 04-005-0048.00)
3. North 06°49'23" East 150.00 feet to a new IRON SET at the northerly common corner of said Lot 18 (PIN:5603-59-0793; Real ID: 04-005-0047.00) and the 0.26 Acres Tract being described herein (PIN: 5603-59-1763; Real ID: 04-005-0048.00) said IRON SET being further described as being situated in the southerly lot line of LOT 1 of HUBERT BOST PROPERTY (Map Book 9 Page 47) and also being situated South 05°12'59" West 3.55 feet from an existing IRON FOUND within said LOT 1; thence running along the southerly lot line of said LOT 1
4. South 86°54'37" East 75.00 feet to the Point of Beginning and containing 11,212 square feet or 0.26 acres of land, more or less.

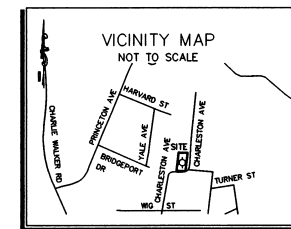
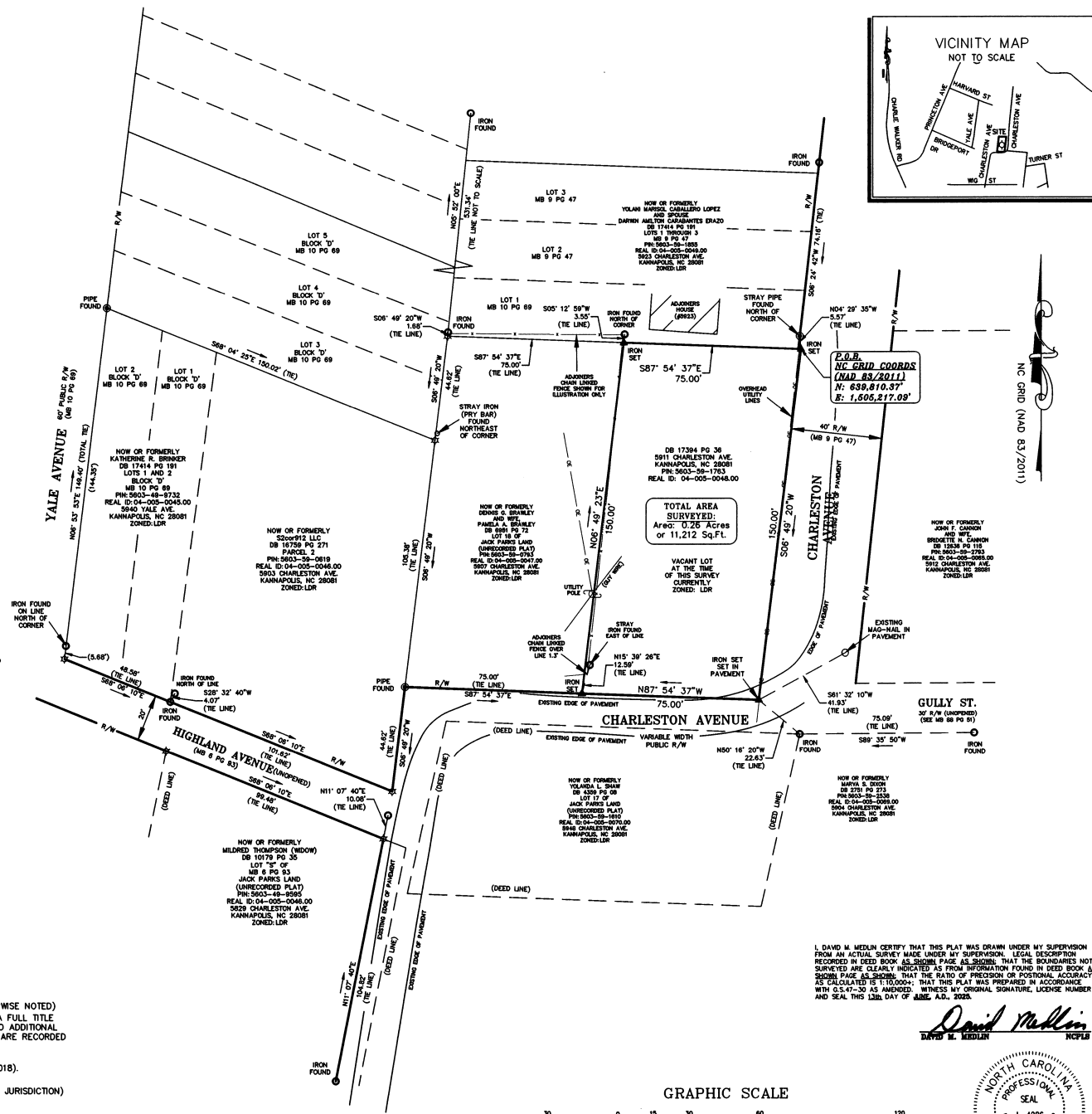
| MINIMUM ZONING REQUIREMENTS (LDR) |        |
|-----------------------------------|--------|
| MIN. FRONT SETBACK:               | 50 ft. |
| SIDE YARD:                        | 20 ft. |
| REAR YARD:                        | 30 ft. |

## LEGEND:

- R/W : RIGHT OF WAY
- EXISTING PROPERTY LINES
- LINES NOT SURVEYED (OR AS NOTED)
- EXISTING RIGHT OF WAY LINE
- EXISTING OVERHEAD UTILITY LINES
- EXISTING IRON FOUND
- EXISTING PIPE FOUND
- ☆ COMPUTED POINT (NO POINT SET)
- ▲ NEW CORNER SET (AS SHOWN)

## NOTES:

- BOUNDARY SURVEY MADE USING:  
DEED BOOK: PAGE:  
17394 36
- MAP BOOK: PAGE:  
9 47  
10 69  
6
- AND OTHERS AS SHOWN AND RECORDED WITHIN THE CABARRUS COUNTY REGISTER OF DEEDS OFFICE.
- TAX PARCEL : 5603-59-1763; REAL ID: 04-005-0048.00
- IRON PINS ESTABLISHED AT ALL CORNERS (UNLESS OTHERWISE NOTED)
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A FULL TITLE SEARCH. THE PROPERTIES SURVEYED MAY BE SUBJECT TO ADDITIONAL EASEMENTS AND RIGHTS OF WAY, NOT SHOWN, BUT THAT ARE RECORDED IN THE CABARRUS COUNTY REGISTER OF DEEDS OFFICE.
- SUBJECT PROPERTY LIES WITHIN FEMA AREA "X" (FEMA MAP # 3710560300K - EFFECTIVE DATE 11/16/2018).
- AREA BY COORDINATE GEOMETRY METHOD
- SUBJECT PROPERTY IS ZONED: LDR (CITY OF KANNAPOLIS JURISDICTION)

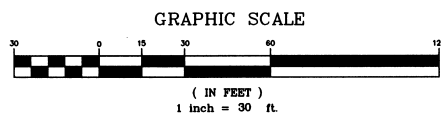


N.C. GRID (NAD 83/2011)

TOTAL AREA SURVEYED:  
Area: 0.26 Acres  
or 11,212 Sq.Ft.

I, DAVID M. MEDLIN CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. LEGAL DESCRIPTION RECORDED IN DEED BOOK AS SHOWN, PAGE AS SHOWN, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS FROM INFORMATION FOUND IN DEED BOOK AS SHOWN, PAGE AS SHOWN, THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1 TO 10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 13th DAY OF JUNE, A.D., 2025.

David M. Medlin  
DAVID M. MEDLIN  
NCEP



MEDLIN  
SURVEYING CO.

2915 STALLINGS RD.  
HARRISBURG, NC 28075  
Cell: 704-201-4332  
EMAIL: MEDLINSURVEY@YAHOO.COM

Revisions:

Scale: 1"=30'

Date: 06/13/2025

Drawn By: DMM

Checked By: DMM

Surveyed By: DMM

5911 CHARLESTON AVE.

ANNEXATION PLAT:

PHYSICAL SURVEY OF THE PROPERTY OWNED BY:

CONEN INVESTMENTS, LLC

5911 CHARLESTON AVE. KANNAPOLIS, NC 28081

No. 4 TOWNSHIP OF CABARRUS COUNTY



## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

---

**To:** Mayor and City Council  
**From:** Richard Smith, Planning Director  
**Subject:** **PUBLIC HEARING AND ORDER** - Request to consider withdrawal from dedication a portion of right-of-way known as Charles Babbage Lane **APPROVED**

---

### **Recommended Action Requested by City Council**

1. Conduct a Public Hearing to consider withdrawal from dedication a portion of an existing Right-of-Way (ROW) known as Charles Babbage Lane
2. Motion to approve the Order to close said portion of Charles Babbage Lane

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

At the June 23, 2025 meeting of City Council, a Resolution of Intent was approved to withdraw from dedication a portion Charles Babbage Lane. The applicant, Cambridge Properties, Inc. submitted the request to accommodate the design of their proposed Millstone townhome project that will abut Charles Babbage Lane. This area of Charles Babbage Lane, when constructed and extended by the developer, will include a slight curve in the design that will serve as a traffic-calming measure for this public street. This proposed curve warrants the release of this right-of-way area since it will not be needed in the overall street extension design.

### **Fiscal Implications**

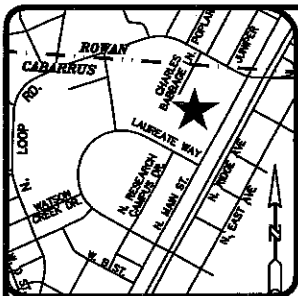
None

### **Alternate Courses of Action**

1. **Motion to approve an Order to Close, thereby withdrawing from dedication, a portion of ROW known as Charles Babbage Lane (Recommended).**
2. Table action to a future meeting.
3. Take no action.

### **Attachments**

1. Charles Babbage RW Abandonment Survey
2. Public Notice Ad Charles Babbage
3. Map of Charles Babbage Ln ROW Closure
4. 2025-48 Resolution of Intent to Consider closing portion of Charles Babbage Lane
5. Order to Close Charles Babbage Ln



VICINITY MAP  
NOT TO SCALE

- EXISTING MONUMENTATION (AS DESCRIBED)  
○ SET MONUMENTATION (#5 REBAR)  
⊗ NO POINT SET (NPS)

LEGEND

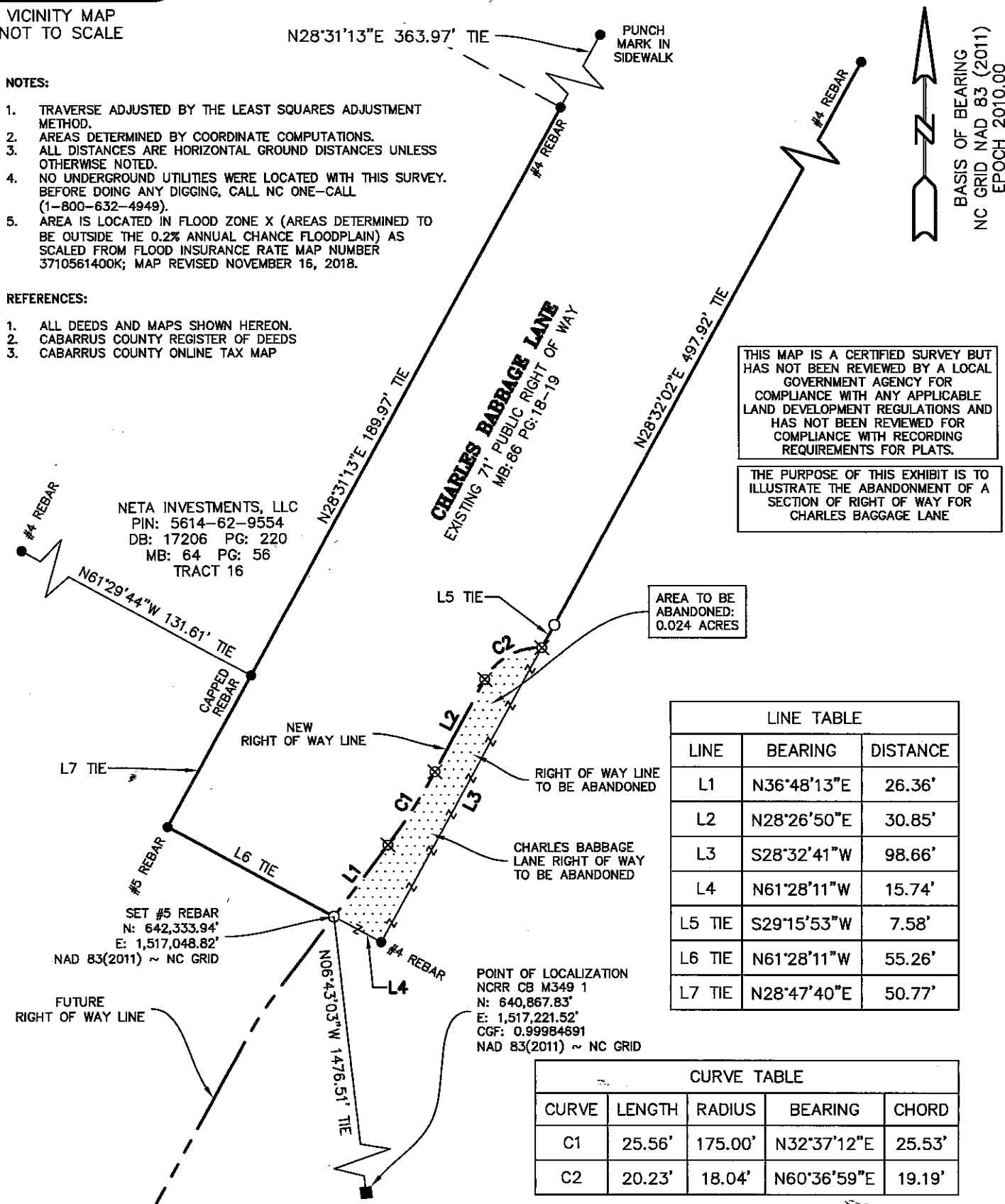
- BOUNDARY LINE (AS SURVEYED)  
- - - BOUNDARY LINE (BY DEED OR PLAT)  
- - - RIGHT-OF-WAY LINE  
- Z - Z - Z LINE TO BE ABANDONED  
— TIE LINE

NOTES:

1. TRAVERSE ADJUSTED BY THE LEAST SQUARES ADJUSTMENT METHOD.
2. AREAS DETERMINED BY COORDINATE COMPUTATIONS.
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
4. NO UNDERGROUND UTILITIES WERE LOCATED WITH THIS SURVEY. BEFORE DOING ANY DIGGING, CALL NC ONE-CALL (1-800-632-4949).
5. AREA IS LOCATED IN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 3710561400K; MAP REVISED NOVEMBER 16, 2018.

REFERENCES:

1. ALL DEEDS AND MAPS SHOWN HEREON.
2. CABARRUS COUNTY REGISTER OF DEEDS
3. CABARRUS COUNTY ONLINE TAX MAP



| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE       | BEARING     | DISTANCE |
| L1         | N36°48'13"E | 26.36'   |
| L2         | N28°26'50"E | 30.85'   |
| L3         | S28°32'41"W | 98.66'   |
| L4         | N61°28'11"W | 15.74'   |
| L5 TIE     | S29°15'53"W | 7.58'    |
| L6 TIE     | N61°28'11"W | 55.26'   |
| L7 TIE     | N28°47'40"E | 50.77'   |

| CURVE TABLE |        |         |             |        |
|-------------|--------|---------|-------------|--------|
| CURVE       | LENGTH | RADIUS  | BEARING     | CHORD  |
| C1          | 25.56' | 175.00' | N32°37'12"E | 25.53' |
| C2          | 20.23' | 18.04'  | N60°36'59"E | 19.19' |

PLAT CERTIFICATION

I, NICHOLAS J. BARNES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN REFERENCES AS SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN HEREON; THAT THE MAP SCALE PRECISION AS CALCULATED IS 1:10,000+; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600); AND THAT:  
☒ D. THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.  
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS SIXTH DAY OF JUNE, 2025 A.D.

*Nicholas J. Barnes*  
PROFESSIONAL LAND SURVEYOR LICENSE NO. L-5336

RIGHT OF WAY ABANDONMENT SURVEY

OF: **CHARLES BAGGAGE LANE**  
NUMBER 4 TOWNSHIP, CABARRUS CO., NC  
ADDRESS: CHARLES BAGGAGE LANE, KANNAPOLIS, NC  
LOT —, BLOCK —  
PLAT RECORDED IN MB. 86, PG. 18-19, DEED RECORDED IN DB. —, PG. —  
FOR CLIENT: **CAMBRIDGE PROPERTIES, INC.**  
SCALE: 1 IN. = 40 FT. DATE: JUNE 6th, 20 25

**CESI**  
CIVIL - GEOTECHNICAL - SURVEYING  
N.C. FIRM LICENSE NO. C-0263  
45 SPRING STREET SW CONCORD (704) 786-5404  
CONCORD, NC 28025 FAX (704) 786-7454  
ACAD FILE: 240747-001.DWG



# Order Confirmation

Order# 0000893147

PO Box 27283  
Richmond, VA 23261-7283

**Client:** CITY OF KANNAPOLIS  
**Phone:** 7049204300

**Pavor :** CITY OF KANNAPOLIS  
**Phone:** 7049204300

**Account:** 3143368  
**Address:** PAM SCAGGS  
KANNAPOLIS NC 28081

**Account:** 3143368  
**Address:** PAM SCAGGS  
KANNAPOLIS NC 28081

**Sales Rep**      **Accnt Rep**      **Ordered By**  
crpboana      crpboana      Pam

**Fax:** 7049337463  
**EMail:** pscaggs@kannapolisnc.gov

**Total Amount**      \$1,610.16

**Payment Amount**      \$1,610.16

**Amount Due**      \$0.00

**Tax Amount:**      0.00

**Payment Meth:**      Credit - Debit Card

**Invoice Text:**      Charles Babbage

**Tear Sheets**      **Proofs**      **Affidavits**      **PO Number:**

0

0

1

| <u>Ad Number</u> | <u>Ad Type</u> | <u>Ad Size</u> | <u>Color</u> |
|------------------|----------------|----------------|--------------|
| 0000893147-01    | CLS Legal      | 2 X 96 li      | \$0.00       |

**Production Method**

AdBooker (liner)

**Production Notes**

| <u>Product and Zone</u> | <u>Placement</u> | <u>Position</u> | <u># Inserts</u> |
|-------------------------|------------------|-----------------|------------------|
| CON Independent Trib    | C-Legal Ads      | Legal Notices   | 4                |

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING 401 Laureate Way,

**Run Dates**      7/ 3/2025, 7/10/2025, 7/17/2025, 7/24/2025

| <u>Product and Zone</u> | <u>Placement</u> | <u>Position</u> | <u># Inserts</u> |
|-------------------------|------------------|-----------------|------------------|
| NCC Online              | C-Legal Ads      | Legal Notices   | 7                |

**Run Schedule Invoice Text:**      NOTICE OF PUBLIC HEARING 401 Laureate Way,

**Run Dates**      7/ 3/2025, 7/ 4/2025, 7/ 5/2025, 7/ 6/2025, 7/ 7/2025, 7/ 8/2025, 7/ 9/2025

**TagLine:** NOTICEOFPUBLICHEARING401LAUREATEWAYKANNAPOLISNCCITYCOUNCILMEETINGMONDAYJULY28  
2025ARESOLUTIONSTATINGTHEINTENTOFTHECITYOFKANNAPO

**Ad Content Proof**

Note: Ad size does not reflect actual ad



# Order Confirmation

Order# 0000893147

PO Box 27283

Richmond, VA 23261-7283



## NOTICE OF PUBLIC HEARING 401 Laureate Way, Kannapolis, NC

City Council Meeting  
Monday, July 28, 2025

A RESOLUTION STATING THE INTENT OF THE CITY OF KANNAPOLIS TO CONSIDER CLOSING A PORTION OF CHARLES BAGGAGE LANE AS DESCRIBED HEREIN AND FIXING THE DATE OF PUBLIC HEARING ON THE QUESTION OF SUCH CLOSING

BE IT RESOLVED by City Council of the City of Kannapolis:

**Section 1.** That it is the intent of City Council of the City of Kannapolis to consider closing a portion of the following described public street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina.

### LEGAL DESCRIPTION

LYING AND BEING WITHIN THE NUMBER 4 TOWNSHIP, CITY OF KANNAPOLIS, CABARRUS COUNTY, NORTH CAROLINA AND LOCATED AT THE SOUTHEASTERN CORNER OF CHARLES BAGGAGE LANE (AS PER MAP BOOK: 86, PAGE: 18 & 19), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM NCGS MONUMENT NCRR CB M349 1 (HAVING A NORTH CAROLINA GRID NAD 83 (2011) OF N: 640,867.83', E: 1,517,221.52', COMBINED GRID FACTOR OF 0.99984691) THENCE N 06°43'03"W 1476.51' (GRID DISTANCE OF 1476.28') TO ASET #5 REBAR, SAID #5 REBAR IS LOCATED ON THE SOUTHERN SIDE OF THE CHARLES BAGGAGE LANE RIGHT OF WAY AND IS THE **TRUE POINT AND PLACE OF BEGINNING**:

THENCE FROM THE **TRUE POINT AND PLACE OF BEGINNING** FOLLOWING THE PERIMETER OF A PORTION OF CHARLES BAGGAGE LANE'S RIGHT OF WAY TO BE ABANDONED, VIA THE SIX (6) FOLLOWING COURSES AND DISTANCES:

1. LEAVING THE AFOREMENTIONED EXISTING RIGHT OF WAY LINE, N 36°48'13" E 26.36' TO A COMPUTED POINT WITHIN RIGHT OF WAY;
2. THENCE A CIRCULAR CURVE TO THE LEFT HAVING AN ARC LENGTH OF 25.56', A RADIUS OF 175.00', AND A CHORD BEARING AND DISTANCE OF N 32°37'12" E 25.53' TO A COMPUTED POINT;
3. N 28°26'50" E 30.85' TO A COMPUTED POINT;
4. THENCE A CIRCULAR CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 20.23', A RADIUS OF 18.04', AND A CHORD BEARING AND DISTANCE OF N 60°36'59" E 19.19' TO A COMPUTED POINT ON THE EXISTING SOUTHEASTERLY RIGHT OF WAY LINE;
5. THENCE WITH THE EXISTING RIGHT OF WAY AND ALONG THE LINE TO BE ABANDONED, S 28°32'41" W 98.56' TO AN EXISTING #4 REBAR, SAID REBAR BEING THE SOUTHEASTERN CORNER OF THE EXISTING RIGHT OF WAY;
6. N 61°28'11" W, 15.74' TO ASET#5 REBAR, SAID REBAR BEING THE TRUE POINT AND PLACE OF BEGINNING.

CONTAINING 0.024+/-ACRES AS PER SURVEY TITLED "RIGHT OF WAY ABANDONMENT SURVEY OF CHARLES BAGGAGE LANE" BY NICHOLAS J. BARNES, PLS OF CESI, DATED JUNE 6th, 2025, CESI JOB# 240747.001

Section 2. That a public hearing on the question of such closing the above described right-of-way will be held at 401 Laureate Way, Kannapolis, North Carolina, at 6:00 o'clock p.m., on the 28th day of July, 2025 at which time plans for such closing will be explained and all persons will be given an opportunity to be heard.

Section 3. That notice of said closing and public hearing shall be given by publication, mailing and posting as required by law.

Adopted this 23rd day of June 2025

**Milton D. Hinnant**  
Mayor

In accordance with Title II of the Americans with Disabilities Act (AD), any person requiring an accommodation to participate in a function or program of the City of Kannapolis, should contact Daniel Jenkins, Assistant Human Resource Director & ADA Coordinator, by phone at 704-920-4312, email [adacoordinator@kannapolisnc.gov](mailto:adacoordinator@kannapolisnc.gov), or in person at Kannapolis City Hall as soon as possible but not later than 48 hours before the scheduled event.

**Publish: July 3, 10, 17, 24, 2025.**



# Charles Babbage Ln ROW Closure

 ROW to close

0 12.5 25 50 Feet



Charles Babbage Ln

**A RESOLUTION STATING THE INTENT OF THE  
CITY OF KANNAPOLIS TO CONSIDER CLOSING  
A PORTION OF CHARLES BABBAGE LANE AS DESCRIBED HEREIN  
AND FIXING THE DATE OF PUBLIC HEARING ON THE  
QUESTION OF SUCH CLOSING**

**BE IT RESOLVED** by City Council of the City of Kannapolis:

**Section 1.** That it is the intent of City Council of the City of Kannapolis to consider closing a portion of the following described Public Street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina.

LYING AND BEING WITHIN THE NUMBER 4 TOWNSHIP, CITY OF KANNAPOLIS, CABARRUS COUNTY, NORTH CAROLINA AND LOCATED AT THE SOUTHEASTERN CORNER OF CHARLES BAGGAGE LANE (AS PER MAP BOOK: 86, PAGE: 18 & 19), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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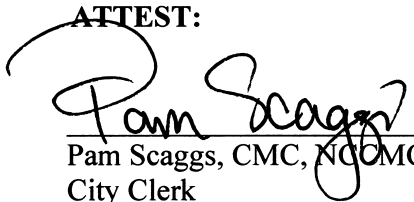
CONTAINING 0.024 +/- ACRES AS PER SURVEY TITLED "RIGHT OF WAY ABANDONMENT SURVEY OF CHARLES BAGGAGE LANE" BY NICHOLAS J. BARNES, PLS OF CESI, DATED JUNE 6<sup>th</sup>, 2025. CESI JOB# 240747.001.

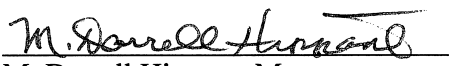
**Section 2.** That a public hearing on the question of closing the above-described right-of-way will be held at 401 Laureate Way, Kannapolis, North Carolina, at 6:00 P.M. on the 28th day of July 2025, at which time plans for such closing will be explained and all persons will be given an opportunity to be heard.

**Section 3.** That notice of said closing and public hearing shall be given by publication, mailing and posting as required by law.

**Adopted this 23rd day of June 2025**

**ATTEST:**

  
Pam Scaggs, CMC, NC CMC  
City Clerk

  
M. Darrell Hinnant, Mayor  
City of Kannapolis

**CITY COUNCIL  
CITY OF KANNAPOLIS  
ORDER TO CLOSE**

**WHEREAS**, pursuant to North Carolina General Statute 160A-299, City Council of the City of Kannapolis has proposed to permanently close a portion of Charles Babbage Lane described as a Public Street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina which is more particularly described as:

**LEGAL DESCRIPTION**

LYING AND BEING WITHIN THE NUMBER 4 TOWNSHIP, CITY OF KANNAPOLIS, CABARRUS COUNTY, NORTH CAROLINA AND LOCATED AT THE SOUTHEASTERN CORNER OF CHARLES BAGGAGE LANE (AS PER MAP BOOK: 86, PAGE: 18 & 19), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM NCGS MONUMENT NCRR CB M349 1 (HAVING A NORTH CAROLINA GRID NAD 83 (2011) OF N: 640,867.83', E: 1,517,221.52', COMBINED GRID FACTOR OF 0.99984691) THENCE N 06°43'03" W 1476.51' (GRID DISTANCE OF 1476.28') TO A SET #5 REBAR, SAID #5 REBAR IS LOCATED ON THE SOUTHERN SIDE OF THE CHARLES BAGGAGE LANE RIGHT OF WAY AND IS THE **TRUE POINT AND PLACE OF BEGINNING**:

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5. THENCE WITH THE EXISTING RIGHT OF WAY AND ALONG THE LINE TO BE ABANDONED, S 28°32'41" W 98.66' TO AN EXISTING #4 REBAR, SAID REBAR BEING THE SOUTHEASTERN CORNER OF THE EXISTING RIGHT OF WAY;
6. N 61°28'11" W, 15.74' TO A SET #5 REBAR, SAID REBAR BEING THE **TRUE POINT AND PLACE OF BEGINNING**.

CONTAINING 0.024 +/- ACRES AS PER SURVEY TITLED "RIGHT OF WAY ABANDONMENT SURVEY OF CHARLES BAGGAGE LANE" BY NICHOLAS J. BARNES, PLS OF CESI, DATED JUNE 6<sup>th</sup>, 2025. CESI JOB# 240747.001.

**WHEREAS**, a Public Hearing on the question of such closing was held on July 28, 2025, at which time the plans for such closing were explained and all persons given an opportunity to be heard; and

**WHEREAS**, notice of said closing was given in accordance with the requirements of law; and

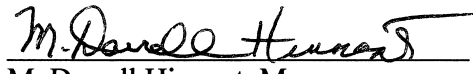
**WHEREAS**, it has been found to the satisfaction of City Council after the Public Hearing that closing of the street or public roadway is not contrary to the public interest and that no

individual owning property in the vicinity of the street or public roadway or in the subdivision in which it is located would be deprived of reasonable means of ingress or egress to their property.

**NOW, THEREFORE, IT IS HEREBY ORDERED** by the City Council of the City of Kannapolis as follows:

1. That the portion of Charles Babbage Lane, as described above, is hereby closed effective immediately.
2. That the City of Kannapolis reserves any and all rights, title and interest in and to any utility improvements or easements within any portion of the above-described street closed pursuant to this Order.
3. That a certified copy of this Order be filed in the office of the Register of Deeds for Cabarrus County, North Carolina.

Adopted this 28th day of July 2025.

  
M. Darrell Hinnant, Mayor  
City of Kannapolis

**ATTEST:**

  
Pam Scaggs, CMC, NCCMC  
City Clerk





## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

---

**To:** Mayor and City Council  
**From:** Mike Legg, City Manager  
**Subject:** **AGREEMENT** - Joint Venture Agreement with Downtown Kannapolis, Inc. **APPROVED**

---

### **Recommended Action Requested by City Council**

MOTION - Authorize the City Manager to execute the Joint Venture Agreement with Downtown Kannapolis, Inc. with minor modifications as deemed necessary.

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

Downtown Kannapolis, Inc. (DKI) is a group of downtown businesses that formed to work together to promote downtown. They are interested in working with the City on events and marketing for downtown. After several meetings with and feedback from DKI, staff has developed a Joint Venture Agreement to outline the working arrangement with DKI with the goals being:

- Bring more people to downtown Kannapolis to support downtown businesses collectively through coordinated events, promotions, and marketing.
- Ensure that marketing and events are of consistent quality, coordinated across all downtown entities, well-organized, jointly promoted, and reflect positively on downtown Kannapolis and the greater community.
- Provide professional staff support to coordinate events and marketing.

The City's role in the agreement is to:

- Provide funding for downtown events and marketing.
- Assign part-time Communications staff to maintain a website, newsletter, event calendar, and social media for downtown as a whole.
- Assign part-time Parks & Recreation staff to plan and coordinate major events.
- Approve the annual work plan and budget for downtown.
- Work with the DKI board to achieve the goals of the agreement.

DKI's role in the agreement is to:

- Engage a broad representation of downtown businesses.
- Work with City staff on the annual work plan and budget.
- Coordinate joint marketing of downtown events among businesses.
- Recruit volunteers for major events.
- Coordinate the business outreach for major events.

- Develop business promotions and programming that do not require City resources.

The term of the agreement is for the 2025-26 fiscal year, but the intent would be to continue the agreement into future years if both parties agree that it is beneficial to do so.

### **Fiscal Implications**

The approved FY 26 Budget included \$100,000 in operational funding to support this agreement.

This budget is further described at the end of the Joint Venture Agreement. Under the terms of the agreement, the City will directly control and manage \$95,200 of this budget. This would cover downtown marketing; entertainment, supplies, and staffing for up to four major events; and part-time staffing for Communications and Parks & Recreation departments. The remaining \$4,800 will be a matching grant to DKI for smaller promotional events and activities. If there is any excess funding from the downtown budget at the end of the fiscal year, the funds could be reappropriated to be included in the next fiscal year.

The agreement also provides for DKI input into a capital budget for downtown that is approved separately by City Council. It is anticipated that this capital budget will be presented to City Council in August.

### **Alternate Courses of Action**

1. **Motion to authorize the City Manager to execute the Joint Venture Agreement with Downtown Kannapolis, Inc. with minor modifications as deemed necessary (Recommended).**
2. Table the action to a future meeting.
3. Take no action.

### **Attachments**

1. Joint Venture Agreement(City-DKI) 2025 7-23-25

**STATE OF NORTH CAROLINA**

**JOINT VENTURE AGREEMENT**

**CITY OF KANNAPOLIS**

THIS JOINT VENTURE AGREEMENT (the “Agreement” or the “Joint Venture”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2025 by and between the City of Kannapolis, a North Carolina municipal corporation (hereinafter “City” or “the City”) and Downtown Kannapolis, Inc., a North Carolina non-profit corporation (hereinafter “DKI”). These entities are referred to herein as the Party or Parties.

**WITNESSETH:**

WHEREAS, City is continuing a revitalization plan for its downtown area in which it has invested over \$115 million since 2015; and

WHEREAS, Empowering downtown business owners in operational decision making is important to facilitate long term prosperity of downtown; and

WHEREAS, City acknowledges that DKI is a community based organization of businesses who work together to help the Kannapolis downtown area thrive; and

WHEREAS, the Parties desire to establish this Joint Venture to collaborate for the continued improvement and revitalization of the Kannapolis downtown area; and

WHEREAS, the services and programs offered by this Joint Venture will constitute a public purpose offered to benefit the businesses, citizens, visitors, property owners, and residents of the greater Kannapolis community.

NOW THEREFORE, for and in consideration of the premises contained herein by the Parties, they agree as follows:

**Section 1. Joint Venture Description.**

A. Goals and Purposes. The goals and purposes of this Joint Venture are as follows:

- Bring more people to downtown Kannapolis to support downtown businesses collectively through coordinated events, promotions, and marketing.
- Ensure that marketing and events are of consistent quality, coordinated across all downtown entities, well-organized, jointly promoted, and reflect positively on the downtown area of Kannapolis and the greater community.
- Provide professional staff support to coordinate events and marketing.

B. Geographic Scope. This Joint Venture is intended to benefit businesses located within the downtown area, as defined by the Municipal Service District and shown on the map in Exhibit A.

## **Section 2. DKI Board of Directors.**

- A. DKI will maintain an active Board of Directors in accordance with its organizational bylaws. The Board of Directors will be established and maintained in a way that adequately represents the interests of the City and the majority of downtown business owners. The Board makeup will continually include appropriate geographic representation as well as a diverse mix of different business types.

## **Section 3. Duties and Services Provided by City.**

- A. City Duties and Services. City is responsible for the following duties and services:

- Provide funding for downtown marketing, events and capital improvements from City's budget as described in Section 6.
- Assign part-time staffing (under the direction of the City's Communications Director or assigned employees) to assist with marketing and communications. The City will assist with development and maintenance of the website, newsletter, event calendar and social media for downtown. Marketing will be for all of downtown, not for DKI as an organization and not for specific businesses. As is available, City will bring in resources from partners such as the Cabarrus Convention and Visitors Bureau and the Rowan Tourism Development Authority.
- Assign part-time staffing (under the direction of the City's Parks and Recreation Director or assigned employees) to assist with Major Event coordination. City staff will provide guidance on planning of the event and coordination during the event. This includes managing vendors and entertainment, developing an event map, procuring supplies, and logistical scheduling.
- Provide vetting process for all event volunteers to include application processing, waiver of liability, and criminal background checks in coordination with DKI. Volunteers are not employees of City.
- Collaborate with the DKI Board to develop objectives and guidelines for Major Events and other promotional events and activities. to determine which events meet this set of criteria. Those that do not meet the criteria need to be improved or will not be supported by City. Examples of guidelines include: benefit to broad Kannapolis audience, benefit to and inclusive of broad range of Downtown Kannapolis businesses.
- Collaborate with the DKI Board to develop objectives and guidelines related to marketing and communication activities.
- Approve DKI's annual work plan and budget (in accordance with Section 6 of this agreement).
- City will maintain a membership in DKI. The funding included with this agreement will represent the City's full payment of DKI membership dues.



#### **Section 4. Duties and Services Provided By DKI.**

A. DKI Duties and Services. DKI is responsible for the following duties and services:

- Collaborate with the City to develop and approve objectives and guidelines to evaluate downtown events, to determine which events meet this set of criteria. Those that do not meet the criteria need to be improved or will not be supported by City. Examples of guidelines include: benefit to broad Kannapolis audience, benefit to and inclusive of broad range of Downtown Kannapolis businesses.
- Work towards the engagement of, involvement of, and input from all downtown businesses, regardless of DKI membership.
- Develop an annual work plan and budget, including marketing, promotions, and events calendar.
- Provide ongoing content in a timely manner to City staff regarding businesses, events, and promotions, sufficient enough to properly maintain an events calendar, website, social media and other marketing outreach.
- Develop collective business promotions and programming. Examples include holiday specials and programs that do not require road closures or other City resources and can be executed with DKI volunteers. The City's Private Use Ordinance will apply to programs or promotions that involve the use of public spaces, and DKI must reserve public spaces per the Private Use Ordinance. However, fees for DKI's use of these spaces will be waived. All businesses must notify DKI Board about their intent to do a program or promotion that extend outside of individual business spaces. Use of these spaces by individual businesses must adhere to the Private Use Ordinance and all fees will apply.
- Maintain liability insurance for DKI Board and volunteers as provided in Section 8.
- Provide City with an annual financial, membership and activity report by March 31, 2026.
- Grant the City full membership in DKI. The funding included with this agreement will represent the City's full payment of DKI membership dues.
- Assign a primary liaison from the DKI Board to work with assigned City staff.

#### **Section 5. Event Planning and Execution.**

A. Major Events. Major Events are defined as festivals and other activities requiring resources and support from the City, including, but not limited to, road closures, police and fire department presence and trash pick-up. DKI will produce and coordinate up to four major events per year, with support from the City.

DKI will be responsible for the following Major Event-related tasks:

- Apply for Special Events Permit from the City. DKI shall not schedule or promote any event until it has been approved by the City Special Events Committee. City will waive the

Special Events Permit fee for up to four Major Events per year. If necessary, a City-assigned staff person may assist with the completion of the permit application, but the DKI Board must sign off on the application.

- If any downtown businesses implement separate promotions or events on the same day as a Major Event, DKI, with the support of City staff, will provide coordinated marketing materials to the business to encourage joint marketing. DKI will make best efforts to work with businesses to coordinate all business activities and events on the same day under one theme.
- Recruit and work with City staff to manage volunteers for each Major Event. Volunteer responsibilities include vendor check-in, trash collection throughout the event, and restricting vehicle traffic in enclosed areas. Events that cannot sustain an adequate volunteer base may be cut from future funding support.
- Designate a day-of-event contact person for each Major Event. This person must be a member of DKI designated by the DKI Board.
- As needed, for expenses that are anticipated to exceed the budgeted amount, develop a sponsorship package and recruitment plan for Major Events. Solicit sponsorships.

City will be responsible for the following Major Event-related tasks:

- Execute the promotion plan and develop marketing collateral for each Major Event.
  - Recruit vendors and entertainment for each Major Event.
  - Major Event planning and day-of event coordination and management, including procurement of supplies and logistical needs, securing permits, and financial accounting.
  - Designate a day-of-event point of contact person for each Major Event.
  - Collect revenues, pay invoices for each Major Event. All Major Event revenues and expenses included in the budget attached to this agreement will be under the control of the City. However, Major Event expenses that exceed the budgeted amount will be the responsibility of DKI and can be offset by sponsorships solicited by DKI.
  - Conduct post-Major Event evaluation/follow up with sponsors, vendors, volunteers, downtown businesses, and attendees.
  - Provide a post-Major Event financial report on revenues and expenses.
- B. Minor Events and Promotions. DKI will plan and execute minor events, programming, and promotions, based on the approved annual work plan and estimated to be twelve (12) times per year. These activities do not need the support of City staff beyond marketing. DKI is responsible for recruiting any vendors or entertainment and handling day-of coordination and management. DKI will be responsible for expenses and keep any revenues associated with these activities.

- C. Other Entities Producing Events. Entities other than the City and DKI (including individual downtown businesses) may be allowed to produce and market other downtown events. If such events are determined to be “Major Events” described in Section 5.A, the event must have prior DKI Board endorsement before submitting an application for a Special Event Permit to the City. These Major Events produced by other entities must comply with the Private Use Zone Ordinance and must apply for a Special Event Permit and pay all fees, if applicable. DKI and City will make efforts to inform each other about events that are facilitated by outside groups or individual businesses. With the assistance of DKI, the City will be responsible for enforcing this provision of this agreement.

## **Section 6. Budget and Expenses.**

- A. Annual Operating Budget. Execution of this agreement incorporates and approves the FY 2025-26 annual operating budget jointly developed by City and DKI and included in this agreement as Exhibit B. Should there be any budgeted funds remaining for Major Events at the end of the fiscal year after all revenues are collected and expenses are paid, City will appropriate those surplus funds to the Joint Venture budget for the next fiscal year upon City Council approval.
- B. Matching Grants. The FY 2025-26 Budget include a matching grant to DKI in the amount of \$4,800 for certain activities such as downtown promotions or other minor events. This grant will be provided to DKI in a lump sum upon execution of this agreement by both parties. DKI will provide to City an accounting of revenues and expenditures (including evidence of one-to-one matching funds) for these activities twice per year. Any excess funds will be retained by DKI for use in future years for any activity described in this agreement or future agreements between City and DKI.
- C. Capital Budget. City and DKI will jointly develop an annual capital budget for the fiscal year for needed one-time expenditures intended to enhance the downtown experience. The annual capital budget must be approved by City Council in separate action prior to implementation. The Capital Budget is not included as part of this agreement. Implementation will be the responsibility of City with input as necessary from DKI.
- D. Funding Restrictions. No City funds may be used for DKI operational expenses such as member meetings, business social events, professional development, promotional items not specifically authorized in this agreement, accounting or legal fees, the purchase, sale, or distribution of alcohol, or any activities that are excluded from coverage under City or DKI commercial general liability insurance policies.

## **Section 7. Term of Agreement.**

- A. Term of Agreement. The Term of this Agreement shall commence on August 1, 2025 and expire at midnight June 30, 2026.
- B. Termination of Agreement. Either party may terminate this Agreement by giving the other party a sixty-day (60 day) written notice of its intent to terminate this Agreement in accordance with Section 10 herein below. The Joint Venture will terminate upon termination of this Agreement.

## **Section 8. Miscellaneous Terms and Conditions.**

- A. Intellectual Property. All intellectual property funded, developed and maintained by City will be owned and controlled by City. Examples include a downtown website, social media platforms, and logos. DKI may choose to maintain its own website, logos and social media platforms primarily for internal purposes such as membership engagement. However DKI will refrain from engaging in externally focused activities that conflict or confuse the marketing and branding activities described in this agreement.
- B. Insurance and Liability. DKI will maintain liability insurance for its events at all times with the City included as additional insured with minimum limits as follows:
  - 1. Commercial General Liability insurance with limits not less than \$1,000,000 per occurrence / \$2,000,000 general aggregate. Coverage shall be afforded for personal and advertising injury with limits not less than \$1,000,000. Coverage shall be afforded for damage to premises not less than \$250,000. DKI shall include City as additional insured and shall provide certificate of insurance and applicable endorsements to City to satisfy the requirements of this section. DKI's insurance shall be primary of any self-funding or insurance purchased by City. DKI shall and does waive all rights of subrogation against City. City shall in no way be responsible for any sum of money that represents a deductible or any other self-funded part of DKI's insurance.
  - 2. Workers' Compensation meeting the statutory requirements of the State of North Carolina unless DKI is exempt pursuant to § 97-13.
  - 3. Employer's Liability with limits not less than \$500,000 Bodily Injury per Occurrence / \$500,000 Bodily Injury by Disease per Occurrence / \$500,000 Total Policy Limit unless § 97-13 exemption applies.

- C. Notices. All notices and other communications required or permitted by this contract shall be in writing and shall be given either by personal delivery, e-mail, or certified United States mail, return receipt requested, addressed as follows:

To the City:

City Manager  
City of Kannapolis  
401 Laureate Way  
Kannapolis, North Carolina 28081

To the DKI:

Chair, Board of Directors  
Downtown Kannapolis, Inc.  
P.O. Box 85  
Kannapolis, North Carolina 28081

- D. Severability. In the event that any provision herein shall be deemed invalid or unenforceable, the other provisions hereof shall remain in full force and effect, and binding upon the parties hereto.
- E. Survival. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between the City and the DKI shall survive the completion of the services and the termination of this Agreement.
- F. Governing Law. This Agreement shall be governed in all respects by the laws of the State of North Carolina. All suits at law or in equity for any breach of the agreement or for default in payment shall be instituted and maintained in any court of competent jurisdiction in Kannapolis, North Carolina.
- G. Assignment. No assignment of this Agreement or any of the rights, benefits and/or duties under this Agreement is permitted except by the written Agreement approved by both Parties.
- H. Entire Agreement. This Agreement represents the entire understanding and agreement between the parties hereto relating to the services and supersedes any and all prior agreements whether written or oral that may exist between the Parties regarding it.
- I. Amendments, Modifications. No subsequent amendment or modification to this Agreement or any waiver of any provisions hereof shall be effective unless in writing and signed by both Parties.
- J. No Partnership. This Agreement shall be considered a joint venture business agreement in all respects and in no event shall the Agreement be construed to create a partnership or any other fiduciary relationship between the Parties.
- K. Non-Exclusivity. No exclusivity is created by virtue of this Agreement and neither party shall be obligated to make offers to the other party related to any business.
- L. Non-Appropriation. DKI acknowledges that the City is a governmental entity, and the Agreement validity is based upon the availability of public funding under the authority of its statutory mandate. In the event that public funds are unavailable and not appropriated for the performance of City's obligations under this Agreement, then this Agreement shall automatically expire without penalty to the City, thirty (30) days after written notice to DKI advising of the unavailability and non-appropriation of public funds. It is expressly agreed that the City shall not activate this non-appropriation provision for its convenience or to circumvent.

M. Iran Divestment Certification. Iran Divestment Act Certification. By executing this Contract, Contactor certifies that Contractor is not listed on the Iran Final Divestment List (“List”) created by the State Treasurer pursuant to N.C.G.S. 147-86.55 et seq, the Iran Divestment Act (“Act”). In compliance with the Act’s requirement, Contractor shall not utilize in the performance of this Agreement any subcontractor that is identified on the List. The List can be found on the State Treasurer’s website at the address [www.nctreasurer.com/Iran](http://www.nctreasurer.com/Iran) and should be updated at least every 180 days.

[THE REMAINING PORTION OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date and year first above written.

CITY:

City of Kannapolis

By: \_\_\_\_\_  
Michael B. Legg, City Manager

DKI:

Downtown Kannapolis, Inc.

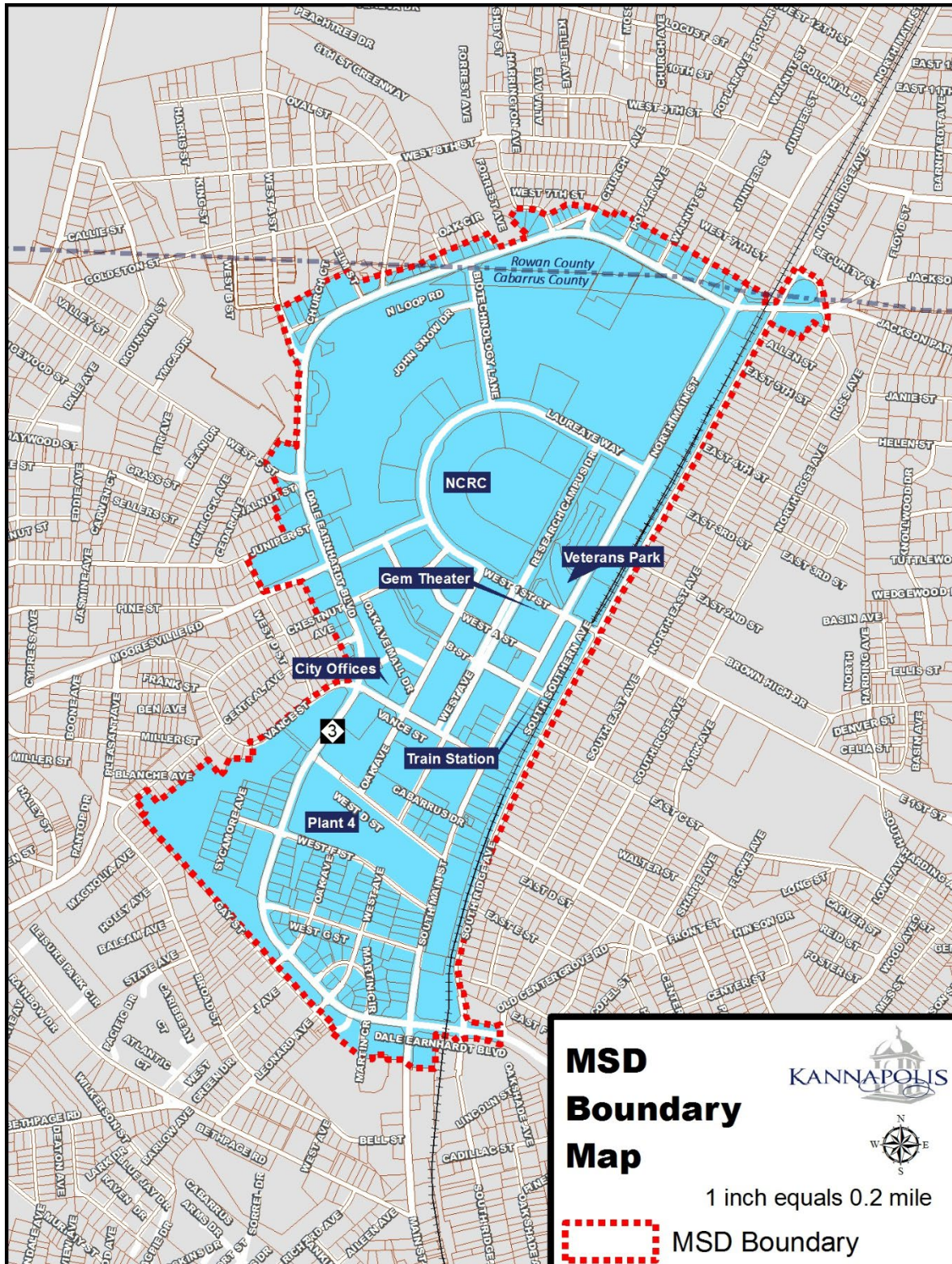
By: \_\_\_\_\_  
Caleb Falls, Chair, Board of Directors

This instrument has been pre-audited in the manner required by the "Local Government Budget and Fiscal Control Act."

\_\_\_\_\_  
Brian Roberts, Finance Director



## EXHIBIT A: Municipal Service District Map





| <b>EXHIBIT B.<br/>Downtown Kannapolis FY 2025-26 Operating Budget</b> |                                                         |                  |                |                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------|---------------------------------------------------------|------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                       |                                                         |                  |                |                                                                                                                                                                                                                                                                                        |
|                                                                       | <b>Item</b>                                             | <b>City</b>      | <b>DKI</b>     | <b>Notes</b>                                                                                                                                                                                                                                                                           |
|                                                                       |                                                         |                  |                |                                                                                                                                                                                                                                                                                        |
| 1                                                                     | Marketing and Branding                                  | \$15,000         | \$0            | Branding, marketing, social media, logo saturation. Focus is on Downtown Kannapolis as a place (not DKI as an organization) as the brand. May include swag, promotional items, etc.                                                                                                    |
| 2                                                                     | Major Event Entertainment (4 x \$800)                   | \$3,200          | \$0            | Bounce houses, street performers, etc.                                                                                                                                                                                                                                                 |
| 3                                                                     | Programming and Promotional Event Expenses (12 x \$800) | \$4,800          | \$4,800        | 50% direct matching grant to DKI for smaller events and promotions benefitting all of Downtown (games, giveaways, decorations, etc.)                                                                                                                                                   |
| 4                                                                     | Major Event Supplies (4 x \$5,000)                      | \$20,000         | \$0            | Games, decorations, wristbands, inflatables, etc.                                                                                                                                                                                                                                      |
| 5                                                                     | Staffing (2 Part-Time positions)                        | \$53,000         | \$0            | City positions. 1 part-time position in Parks & Rec. and 1 part-time position in Communications. Additionally, an existing full-time Parks & Rec. position will be dedicating 1/2 time to downtown - this position already included in the Parks budget (not included in this budget). |
| 6                                                                     | Major Event Staffing (Event Day Part-Time = 4 x \$1000) | \$4,000          | \$0            | Part-time salaries for event day logistics (set-up, trash collection, street closures, take-down, clean-up, etc.)                                                                                                                                                                      |
|                                                                       |                                                         |                  |                |                                                                                                                                                                                                                                                                                        |
|                                                                       | <b>Totals</b>                                           | <b>\$100,000</b> | <b>\$4,800</b> |                                                                                                                                                                                                                                                                                        |



## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

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**To:** Mayor and City Council  
**From:** Sherry Gordon, Community Development Program Administrator  
**Subject:** **APPROVAL** - FY 2025-26 CDBG Nonprofit Funding Recommendations **APPROVED**

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### **Recommended Action Requested by City Council**

Motion to approve the Community Improvement Commission's funding recommendations for area nonprofit organizations to receive CDBG Public Service funds.

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

As a HUD Entitlement City, up to 15% of the annual grant allocation can be appropriated for nonprofit public service activities that benefit low and moderate-income citizens. The City expects to receive \$380,894 in CDBG funding for FY 26. City Council approved allocating \$56,000 in public service grants along with \$60,000 in CDBG program income for a total of \$116,000. (Staff recommends setting aside \$1,000 in discretionary funds). A total of 23 applications were received.

The Community Improvement Commission recommends funding 19 of these organizations based, in part, on the use of funds and priority needs identified in the CHA community needs survey, which include: Housing, Behavioral Health and Early Childhood Education (see attached).

### **Fiscal Implications**

The City's FY 2025-26 CDBG budget includes \$56,000 for nonprofit service contracts in addition to \$60,000 in CDBG program income.

### **Alternate Courses of Action**

1. **Motion to approve the Community Improvement Commission's funding recommendations for area nonprofit organizations to receive CDBG Public Service funds (Recommended).**
2. Adjust the amounts to fund nonprofit organizations.
3. Table to a future meeting.
4. Take no action. The City is not required to fund any nonprofit organizations with CDBG funds.

### **Attachments**

1. 2025 All applications

**CDBG Nonprofit Funding Recommendations**  
**FY 2025-2026**

**Background:** As a HUD Entitlement Kannapolis can budget up to 15% of its annual grant allocation for Public Service activities that are made available to low and moderate income residents of Kannapolis and are carried out by non-profit agencies. We will receive \$380,894 in CDBG funds. This year, the amount made available for public services is \$56,000 plus \$60,000 in program income for a total of \$116,000. (Recommend set aside \$1,000 discretionary funds). Requests for proposals were advertised and we received 23 applications. The following agencies applied for funding:

| Agency                                   | Requests | Recommendation | Activity Description                                                                                                                                                                         |
|------------------------------------------|----------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AYA House                                | \$5,000  | \$30,000       | Existing home and office maintenance for transitional housing program. (Goal is to serve 75 residents)                                                                                       |
| Big Brothers Big Sisters                 | \$5,000  | \$5,000        | Support match development & youth activities with an intentional focus to give children mental health strategies for upward mobility. (Goal is to serve 125 students)                        |
| Cabarrus County Partnership for Children | \$5,000  | \$5,000        | Public Safety Services such as car seats, cribs/mattresses, pack and play, parental education. (Goal is to serve 50 residents)                                                               |
| Cabarrus Health Alliance                 | \$5,000  | \$5,000        | Funds to be used to provide comprehensive dental health services to Title I Kannapolis City Schools who are uninsured. (Goal is to serve 20 students)                                        |
| Classroom Central                        | \$7,000  | \$5,000        | Funds will be used to supplement the Free Store, program to provide school supplies to KCS teachers. (Goal is to serve 2925 students)                                                        |
| Conflict Resolution                      | \$5,000  | \$5,000        | Funds will help cover salaries, equipment and overhead expenses for Teen Court and Truancy program. (Goal is to serve 100 students)                                                          |
| Cooperative Christian Ministry           | \$5,000  | \$5,000        | Funds will be used to support staff salaries to assist individuals and families in crisis, with a goal of avoiding utility shutoffs, evictions. (Goal is to serve 222 households)            |
| Dream Create Grow Foundation             | \$15,000 | \$5,000        | Funding scholarship program for therapy services and equipment for local children and families. (Goal is to serve 10 households)                                                             |
| Elder Orphan Care                        | \$5,000  | \$5,000        | Funds will be used for Staff Salaries, mileage compensation, volunteer training for helping adults over 60 with mobile pantry and household products. (Goal is to serve 25 households)       |
| Faith Fellowship Church                  | \$15,000 | \$2,500        | Funds will be used for food, gas and other expenses help the homeless. Provides transportation to job opportunities, doctor's appts and other needs. (Goal is to serve 250 residents)        |
| Families First                           | \$5,000  | \$5,000        | Funds will be used for Home-based program for childcare needs funding for educational books/toys, strengthen under-resourced home based child care networks. (Goal is to serve 30 residents) |
| Habitat for Humanity Cabarrus County     | \$15,000 | WITHDRAWN      | Setting up HUD CMS software, staffing, development and training, counseling/workshop materials for Homeownership Center                                                                      |
| Main St. Market                          | \$2,500  | \$2,500        | Funds to be used for Market Payroll- program provides healthy foods to all in community, supports local farmers, and employs Getting Ahead Graduates. (Goal is to serve 467 clients)         |

|                                                                            |          |                       |                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------|----------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Midway Opportunity House                                                   | \$5,000  | \$5,000               | Funds to be used for staff salaries for day shelter program for homeless. (Goal is to serve 155 clients)                                                                                                                                                           |
| Peek Into a New Horizon:<br>Peek Next Gen                                  | \$15,000 | \$5,000               | Funds used to support afterschool operational budget enriching the lives of youth. (Goal is to serve 25 residents)                                                                                                                                                 |
| Present Age Ministries                                                     | \$5,000  | \$5,000               | Funds to be used to staff further human trafficking prevention programming in schools. (Goal is to serve 12 households)                                                                                                                                            |
| Prosperity Unlimited, Inc                                                  | \$5,000  | \$5,000               | Funds to be used for direct Administrative Support to assist housing counseling activities and administrative tasks. (Goal is to serve 43 residents)                                                                                                               |
| PURE Excellence                                                            | \$10,000 | \$5,000               | Funds to be used for Professional Development for childcare providers, Materials and Supplies for training sessions and classrooms, and supplemental pay for staff to encourage participation. (Goal to serve not provided)                                        |
| Rowan Helping Ministries                                                   | \$5,000  | \$5,000               | Funds to be used for Crisis Network helps low income assistance for utility disconnections, evictions, first month's rent, etc. (Goal is to serve 10 households)                                                                                                   |
| Tiny House Big Movement                                                    | \$23,400 | 0<br>Not eligible use | Funds to be used for development for Gene Court Project- marking services and grant writing to help with land acquisition infrastructure development and initial construction cost. Program provides sustainable housing solutions (Goal is to serve 35 residents) |
| Vision for Life                                                            | \$10,000 | \$5,000               | Funds to be used Mentoring and Tutoring Program for KCS students. (Goal is to serve 25 students)                                                                                                                                                                   |
| Walking in the Harvest                                                     | \$5,000  | 0                     | Funds used for essential equipment, infrastructure and training for families to make informed decisions about food. (Goal is to serve 3,000)                                                                                                                       |
| <b>*Young, Talented and Free Athletics Application received at 5:06 pm</b> | \$15,000 | 0                     | Funds to be used for Transportation assistance for kids to attend sports games and tournaments, practices, study sessions and group activities. (Goal is to serve 132 clients)                                                                                     |
| <b>**City</b>                                                              | \$1,000  | \$1,000               | To assist an agency not able to submit application to meet a need                                                                                                                                                                                                  |

**NOTE: \*Submitted application after 5 pm**

**\*\*City discretionary funds**

**Evaluation:** We received 23 applications for a total of \$192,900 with (0) agencies submitting applications for both grants. 1 application was received after the 5pm deadline on 3/31.

**Recommendation:** The Commission recommends funding 19 eligible agencies for FY2025-26 as listed in the chart above.



## Kannapolis City Council

City Council Agenda Staff Report

July 28, 2025

---

**To:** Mayor and City Council  
**From:** Richard Smith, Planning Director  
**Subject:** **APPOINTMENT** - Recommend appointment of ETJ member to the Board of Adjustment **APPROVED**

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### **Recommended Action Requested by City Council**

Recommend the appointment of Angie McClain by Rowan County Board of Commissioners to the Board of Adjustment to serve as the ETJ representative.

### **Required Votes to Pass Required Action**

Majority Present at Meeting

### **Background**

The Board of Adjustment has been without an ETJ representative since August 20, 2024. We recently received an application of interest from a resident in the ETJ for this position.

### **Fiscal Implications**

None.

### **Alternate Courses of Action**

1. **Motion to recommend the appointment of Angie McClain by the Rowan County BOC to serve as the ETJ representative to the Board of Adjustment (Recommended).**
2. Recommend to the RCBOC the appointment of another candidate to serve as the ETJ representative to the Board of Adjustment.
3. Defer action to a future meeting.
4. Take no action.

### **Attachments**

1. AMcClain ETJ Applicant

**Date Applied:** 6/23/2025 6:57 PM

**Name:** Angie McClain

**Address:** 2040 Rollingwood Dr  
Kannapolis, North Carolina 28081-8843

**Daytime Phone:** Home- (704) 6521786 Work/Cell- (704) 6521786

**Email:** [angiemccclain04@gmail.com](mailto:angiemccclain04@gmail.com)

**County of Residence:** Rowan

**Current Employer:** Cabarrus County Schools

**Occupation/Professional Background:** Teacher Support Coordinator

**Educational Background:** Bachelors Degree in Elementary Education

**Civic Background: Community & Civic Involvement:** Church Volunteer, Elementary Education Residency Licensure Advisory Board for CPCC, RCCC Education Programs Advisory Committee (Fall 2025), 22-23 Teacher Liaison for Cabarrus County School Board

**Other Boards, Commissions, or Committees on which you are currently serving:** Elementary Education Residency Licensure Advisory Board for CPCC, RCCC Education Programs Advisory Committee (Fall 2025)

**List three people who are not related to you:** Dr. Michael Williams , Bryron O'Daniel , Christy Caputo

**Boards/Commissions applied for:**

#### **PLANNING & ZONING COMMISSION (Choice - 1)**

**Please explain why you want to be a member of this commission.** I would love to contribute to the city that I have called home for the past twenty-four years. Serving on this commission is an impactful way to give back to our thriving city. As a resident who cares deeply about our community's development and long-term sustainability, I want to bring my time, skills, and perspective to help shape decisions that will positively impact our city's future. I would be honored to play a role in ensuring that these developments reflect the values, needs, and aspirations of our residents.

**Briefly explain what you believe are the three most important issues facing our community at this time and how you believe this commission can play a role in addressing each issue.** Managed Growth and Development Kannapolis is experiencing significant growth, and it's critical to balance new development with preserving the character of our community. This commission can help ensure that development aligns with our long-term vision by reviewing plans and gathering community input that benefits both new and long-term residents. Infrastructure and Public Services As city continues to grows, demands on infrastructure—roads, public transportation, utilities, and public safety—increase. The commission can advocate for forward-thinking planning and prioritize infrastructure projects that serve current needs while anticipating future challenges. Community Engagement Ensuring that all voices are heard is essential to equitable decision-making. This commission can play a key role by creating transparent processes, encouraging public participation, and fostering a sense of ownership and connection among residents.

**What is your vision for the City of Kannapolis and what do you consider this commission's role to be in accomplishing that vision?** My vision for Kannapolis is a thriving, inclusive, and forward-thinking city that honors its history while embracing innovation and sustainable growth. I envision a community where residents feel connected, safe, and proud to call Kannapolis home! This commission plays a vital role in achieving that vision by serving as a bridge between city leadership and the community. Its responsibilities, whether related to planning, development, preservation, or public program directly shape the city's character and quality of life.

#### **BOARD OF ADJUSTMENT (Choice - 6)**

**Please explain why you want to be a member of this commission.**

**Briefly explain what you believe are the three most important issues facing our community at this time and how you believe this commission can play a role in addressing each issue.**

**What is your vision for the City of Kannapolis and what do you consider this commission's role to be in accomplishing that vision?**

#### **PARKS AND RECREATION COMMISSION (Choice - 5)**

**Please explain why you want to be a member of this commission.**

**Why do you believe parks and recreation is important to the City of Kannapolis?**

**What are three parks and recreation priorities you believe the City should address?**

#### **COMMUNITY DEVELOPMENT COMMISSION (Choice - 5)**

**Please explain why you want to be a member of this commission.**

**This Commission will primarily deal with two areas: 1) allocation of HUD funding to projects and organizations that support low-to-moderate income households, and 2) review and recommendation of code enforcement cases to demolish or remove dilapidated structures. What experience or perspective do you bring to serve the Commission in these roles?**

**What do you consider to be three major neighborhood or housing issues for our City?**

#### **ABC BOARD (Choice - )**

**Other Questions:****Boards/Commissions applied for ratings:**

Planning & Zoning - 1

Board of Adjustment - 6

Parks & Recreation Commission - 5

Personnel Advisory Board -

Community Improvement Commission - 5

ABC Board -

ETJ Seat - Board of Adjustment

**Do you reside within the City limits of Kannapolis? - No**

**Are you within the City's Extraterritorial Jurisdiction? (ETJ - Rowan Only) - Yes**

**References:**

1. Dr. Michael Williams , Chief Human Resources , 4401 Old Airport Road, Concord NC 28025, (704) 2606450
2. Bryron O'Daniel , Retired- Music Director- Parkwood Baptist, 4600 Fieldbrook Drive, Kannapolis, NC 28081 , (980) 5210657
3. Christy Caputo , Teacher Leadership Specialist , 4401 Old Airport Road, Concord, NC 28025 , (704) 2605740