

**CITY OF NEW BERN  
BOARD OF ALDERMEN MEETING  
MARCH 12, 2019 – 6:00 P.M.  
CITY HALL COURTROOM  
300 POLLOCK STREET**

1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Bengel. Pledge of Allegiance.
2. Roll Call.
3. Request and Petition of Citizens.

Consent Agenda

4. Consider Adopting a Resolution Calling for a Public Hearing to Amend the Fiscal Year 2018 CDBG Allocation of Funds.
5. Consider Adopting a Resolution to Close Streets for United Worship Center's Annual Community Day and Church Grand Opening.
6. Consider Adopting a Resolution to Close Streets for A Memorial Day Parade.
7. Consider Approving a Proclamation for Folds of Honors 10<sup>th</sup> Anniversary.
8. Consider Approving a Proclamation for Arbor Day.
9. Approve Minutes.

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10. Presentation by Craven County Schools on Education Vision.
11. Conduct a Public Hearing on the Rezoning of 4526 US Highway 17 South; and
  - a) Consider Adopting a Statement of Zoning Consistency; and
  - b) Consider Adopting an Ordinance Rezoning 4526 US Highway 17 South.
12. Consider Accepting a Petition to Annex Property at 4250 US Highway 70 East and Adopt a Resolution to Call for a Public Hearing on the Annexation.
13. Consider Adopting a Resolution Approving a General Warranty Deed from Habitat for Humanity of Craven County NC and the City of New Bern for 813 West Street.
14. Consider Adopting a Resolution Approving the 2019 Local Government Agencies General Records Retention and Disposition Schedule.
15. Consider Adopting a Resolution Declaring a 2008 Sewer Cleaner Truck as Surplus Property and Authorizing Sale by Electronic Auction.

16. Consider Adopting a Resolution to Authorize the Submission of a Rural Housing Recovery Infrastructure Grant Application.
17. Consider Adopting a Resolution to Authorize the Submission of a Highway Safety Grant Application.
18. Consider Adopting a Resolution Authorizing the City Manager to Sign a Landowner Consent Form for the Installation of Natural Gas Lines at 203 First Street.
19. Discuss Accepting Bid on Tax Parcel ID 8-013-020 Located in the Redevelopment Commission's Boundary.
20. Appointment(s).
21. Attorney's Report.
22. City Manager's Report.
23. New Business.
24. Closed Session.
25. Adjourn.



# NEW BERN

CITY OF NEW BERN

300 Pollock Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 636-4000

## Aldermen

Sabrina Bengel  
Jameesha Harris  
Robert V. Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager

**Memo to:** Mayor and Board of Aldermen  
**From:** Mark A. Stephens, City Manager  
**Date:** March 8, 2019  
**Re:** March 12, 2019 Agenda Explanations



3/7/19

1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Bengel. Pledge of Allegiance.
2. Roll Call.
3. Request and Petition of Citizens.

This section of the Agenda is titled Requests and Petitions of Citizens. This is an opportunity for public comment, and we thank you for coming to the Board of Aldermen meeting tonight to share your views. We value all citizen input.

Speaker comments are limited to a maximum of 4 minutes during the public comment period. At the conclusion of 4 minutes, each speaker shall leave the podium. Comments will be directed to the full board, not to an individual board member or staff member. Although the board is interested in hearing your comments, speakers should not expect any comments, action or deliberation from the board on any issue raised during the public comment period.

In the board's discretion, it may refer issues to the appropriate city officials or staff for further investigation. If an organized group is present to speak on a common issue, please designate one person to present the group's comment, which shall be limited to a maximum of 4 minutes.

## Consent Agenda

**4. Consider Adopting a Resolution Calling for a Public Hearing to Amend the Fiscal Year 2018 CDBG Allocation of Funds.**

Staff proposes to amend the FY2018 CDBG fund allocations. The amendment will authorize reallocation of funds for the construction of up to four rental, affordable housing units. A public hearing will need to be held on March 26, 2019 to receive input on the proposed amendment. A memo from Bradleigh Sceviour, Land and Community Development Administrator, is attached.

**5. Consider Adopting a Resolution to Close Streets for United Worship Center's Annual Community Day and Church Grand Opening.**

(Ward 1) Walter Linsey with United Worship Center has requested the 800 block of West Street and 900 block of Main Street be closed from 10 a.m. to 5 p.m. on April 6, 2019 for the church's annual community day and grand opening. A memo from Foster Hughes, Director of Parks and Recreation, is attached.

**6. Consider Adopting a Resolution to Close Streets for A Memorial Day Parade.**

(Ward 1) On behalf of Vision Forward, Victor Taylor has requested specific streets be closed to vehicular traffic on May 25, 2019 from 10 a.m. to 2 p.m. for a Memorial Day Parade. Those streets are the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1300 blocks of Broad Street, 400-800 blocks of George Street, and the 700 block of Cedar Street. A rain date of June 1, 2019 is also requested. A memo from Foster Hughes is attached.

**7. Consider Approving a Proclamation for Folds of Honors 10<sup>th</sup> Anniversary.**

Folds of Honor, a charity organization that honors military sacrifices by awarding educational scholarships to spouses and dependents, has requested a proclamation observing its 10<sup>th</sup> anniversary. The organization will hold its annual golf tournament on June 1, 2019 at the Emerald Golf Club.

**8. Consider Approving a Proclamation for Arbor Day.**

Parks and Recreation is requesting a proclamation for Arbor Day, which is observed on March 22, 2019. A memo from Foster Hughes is attached.

**9. Approve Minutes.**

Minutes from the February 26, 2019 regular meeting are provided for review and approval.

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**10. Presentation by Craven County Schools on Education Vision.**

Dr. Meghan Doyle, Superintendent of Craven County Schools, will present the vision for Craven County Schools and a brief overview of the 2108-2023 Strategic Plan. Dr. Doyle will describe the process by which the Craven County Board of Education convened a 62-member community stakeholder committee of Craven County citizens to create a vision for public education, which was the foundation for the writing of their new strategic plan.

**11. Conduct a Public Hearing on the Rezoning of 4526 US Highway 17 South; and**  
**a) Consider Adopting a Statement of Zoning Consistency; and**  
**b) Consider Adopting an Ordinance Rezoning 4526 US Highway 17 South.**

John Thomas of Thomas Engineering has requested 2.40+/- acres located at 4526 US Highway 17 South be rezoned from R-20 Residential District to C-3 Commercial District. The property is further identified as Tax Parcel 8-206-079, which is located in the City's extraterritorial jurisdiction. A public hearing was noticed and advertised as required. After conducting the hearing, the Board is asked to consider adopting a statement of zoning consistency and an ordinance rezoning the property. A memo from Morgan Potts, City Planner, is attached. Mrs. Potts will share a brief PowerPoint detailing the request and depicting the parcel of land.

**12. Consider Accepting a Petition to Annex Property at 4250 US Highway 70 East and Adopt a Resolution to Call for a Public Hearing on the Annexation.**

Brice's Creek Bible Church, Inc. is the owner of property located at 4250 US Highway 70 East (Tax ID 7-037-019) consisting of approximately 32.17 acres. The church has submitted a request to be annexed by the City. If the petition is accepted, the Board is asked to call for a public hearing on March 26, 2019 to receive comments on the annexation. A memo from Mrs. Potts is attached.

**13. Consider Adopting a Resolution Approving a General Warranty Deed from Habitat for Humanity of Craven County NC and the City of New Bern for 813 West Street.**

(Ward 1) At its March 8, 2016 meeting, the Board of Aldermen approved a Deed and a Transfer and Reversion Agreement with Habitat for Humanity for the property located at 813 West Street. A home has since been constructed on the property, and Habitat is now ready to convey the property to Daae Khetphilbum and wife, Chen Paw. To facilitate this conveyance, the City's signature is needed on a general warranty deed to evidence that Habitat has complied with the terms and conditions of the Transfer and Reversion Agreement and that the reversion provisions of the Agreement are no longer applicable.

**14. Consider Adopting a Resolution Approving the 2019 Local Government Agencies General Records Retention and Disposition Schedule.**

In accordance with Chapters 121 and 132 of the NC General Statutes, the NC Department of Cultural Resources issues schedules establishing the minimum amount of time records must be retained by local governments. Once issued, the City approves and adopts the schedules, thus agreeing to comply with the retention periods established. The latest schedule was issued on March 1, 2019, and requires the City's adoption. A memo to this regard from Brenda Blanco, City Clerk, is attached.

**15. Consider Adopting a Resolution Declaring a 2008 Sewer Cleaner Truck as Surplus Property and Authorizing Sale by Electronic Auction.**

In 2008, the City purchased a new sewer jet-vac truck. After almost 11 years of use, the vehicle was pulled from service in 2018 and replaced with a new unit. Staff is requesting the old truck be declared as surplus property and sold through an electronic auction. A brief memo from J.R. Sabatelli, Director of Finance, is attached.

**16. Consider Adopting a Resolution to Authorize the Submission of a Rural Housing Recovery Infrastructure Grant Application.**

(Ward 4) The NC Department of Commerce Division of Rural and Economic Development offers a Rural Housing Recovery Infrastructure Grant to help address critical housing shortages by supporting developments impacted by recent hurricanes. The grant is for \$350,000 and requires no matching funds. Staff desires to apply for the grant to offset costs associated with the Tate Commons tax-credit project located at 1025 Karen Drive. A memo from Jeff Ruggieri, Director of Development Services, is attached.

**17. Consider Adopting a Resolution to Authorize the Submission of a Highway Safety Grant Application.**

The Police Department is seeking approval to apply for a grant through the 2018 Governor's Highway Safety Program. If awarded, the funding of \$17,500 will be utilized to procure a motorcycle to replace the department's existing 2013 Harley Davidson motorcycle. The grant requires a 30% match and a trade-in value of \$9,500 for the existing motorcycle. The matching funds of \$7,500 are earmarked in the department's current-year budget. A memo from Police Chief Toussaint Summers is attached.

**18. Consider Adopting a Resolution Authorizing the City Manager to Sign a Landowner Consent Form for the Installation of Natural Gas Lines at 203 First Street.**

(Ward 2) Natural gas service is desired at the Workforce Development / VOLT Center. To have this service installed, it is requested the Board authorize the City Manager to execute a Land Owner Consent Agreement with Piedmont Natural Gas, allowing them to install gas lines and meters on the property. A memo from Mr. Ruggieri is attached.

**19. Discuss Accepting Bid on Tax Parcel ID 8-013-020 Located in the Redevelopment Commission's Boundary.**

At the January 9, 2018 Board meeting, a desire was voiced to hold off on the sale of any city-owned property until a Redevelopment Commission could be viewed. On July 10, 2018, the Board confirmed its desire to leave frozen all city-owned properties that fall within the Redevelopment Commission's boundary. The Board voted unanimously to accept bids only on properties outside of the Commission's boundary and to establish a minimum bid policy.

Alderman Best has since been contacted by a constituent who has indicated a desire to bid on property located at 1507-1509 Washington Street (Tax Parcel ID 8-013-020). According to Mr. Ruggieri, this property falls within the boundary of the Redevelopment Commission. The constituent, who lived in the North Hills Drive area and sustained flooding during the hurricane, desires to locate a home on the Washington Street property, which is adjacent to her mother's property.

**20. Appointment(s).**

- (a) Raymond Layton's second term on the Planning and Zoning Board has expired, and he is ineligible for reappointment. Alderman Kinsey is requested to make a new appointment to fill this vacancy. The new appointee shall serve a three-year term.
- (b) Carol Williams' second term on the Planning and Zoning Board has expired, and she is ineligible for reappointment. Alderwoman Harris is requested to make a new appointment to fill this vacancy. The new appointee shall serve a three-year term.
- (c) Rose Williams' appointment on the New Bern Appearance Commission expired February 8, 2019. She is eligible for reappointment, or a new appointment can be made to allow others an opportunity to serve. Mayor Outlaw is asked to make an appointment to serve a three-year term. The ordinance provides appointees shall be residents of the City's planning and zoning jurisdiction and shall, when possible, have had special training or experience in a design field such as architecture, landscape design, horticulture, city planning, or a closely-related field.

- (d) Mattie Tatum's appointment on the New Bern Appearance Commission will expire February 22, 2019. She is eligible for reappointment, or a new appointment can be made to allow others an opportunity to serve. Alderman Bengel is asked to make an appointment to serve a three-year term. The ordinance provides appointees shall be residents of the City's planning and zoning jurisdiction and shall, when possible, have had special training or experience in a design field such as architecture, landscape design, horticulture, city planning, or a closely-related field.
- (e) Jeff Ruggieri, Director of Development Services, has resigned from the Craven 100 Alliance Board of Directors. The Board of Aldermen is requested to make an appointment to fill this vacancy. Of note, Alderman Jeffrey Odham and Mark Stephens, City Manager, also represent the City on this Board.

**21. Attorney's Report.**

**22. City Manager's Report.**

**23. New Business.**

**24. Closed Session.**

**25. Adjourn.**

## **AGENDA ITEM COVER SHEET**

**Agenda Item Title:**

To consider holding a Public Hearing to consider amending the City's fiscal year 2018 CDBG allocation of funds

**Date of Meeting** March 12, 2019

**Ward # if applicable** N/A

**Department** Development Services

**Person Submitting Item:** Bradleigh Sceviour

**Call for Public Hearing**  Yes  No

**Date of Public Hearing** 3/26/2019

**Explanation of Item:**

The Board of Aldermen is requested to adopt a resolution to hold a public hearing on March 26th, 2019, to consider amending the City of New Bern's fiscal year 2018 CDBG allocation of funds.

**Actions Needed by Board:**

To adopt a resolution to hold a public hearing on March 26th, 2019 for the purpose of considering amendment to the city's fiscal year 2018 CDBG allocation of funds.

**Is item time sensitive?**  Yes  No

**Will there be advocates/opponents at the meeting?**  Yes  No

**Backup Attached:**

Staff memo, resolution

**Cost of Agenda Item:** 0

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :**  Yes  No

**Additional notes:**

City Council must approve amendments to CDBG funding allocation.



## **MEMORANDUM**

**TO:** Mayor Outlaw and Board of Aldermen

**FROM:** Bradleigh Sceviour  
Land and Community Development Administrator

**DATE:** March 6<sup>th</sup>, 2019

**SUBJECT:** Consideration of a request by the City of New Bern to authorize advertising to amend the city's fiscal year 2018 CDBG allocation.

### **Background**

City staff have proposed to authorize advertising to amend the fiscal year 2018 CDBG fund allocations.

The purpose of these amendments is to authorize reallocation of funds for the construction of up to four (4) units of affordable housing for rent.

### **Recommendation**

To adopt a resolution for a public hearing to be held on March 26<sup>th</sup>, 2019 at 6:00 p.m., to authorize advertising to amend the City's fiscal year 2018 CDBG Program for the reallocation of funds for the construction of up to four (4) units of affordable housing for rent.

Please contact me at 639-7582 should you have questions or need additional information.

**RESOLUTION BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN**

WHEREAS, the City of New Bern desires to call for a public hearing to receive comments on authorizing advertising to amend the City's Fiscal Year 2018 CDBG Program for the reallocation of funds for the construction of up to four (4) units of affordable housing for rent.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on March 26, 2019 in the City Hall Courtroom at 6 p.m., or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard on authorizing advertising to amend the City's Fiscal Year 2018 CDBG Program for the reallocation of funds for the construction of up to four (4) units of affordable housing for rent.

ADOPTED THIS 12<sup>TH</sup> DAY OF MARCH, 2018.

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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK

# AGENDA ITEM COVER SHEET

**Agenda Item Title:**

Consider Adopting Resolution to close to vehicular traffic the 800 block of West Street and the 900 block of Main Street from 10:00 a.m. until 5:00 p.m. on Saturday, April 6, 2019 for United Worship Center annual Community Day and the Church Grand Opening.

**Date of Meeting**

**Ward # if applicable** Ward 1

**If multiple, list:**

**Department** Parks & Recreation

**Person Submitting Item:**

**Call for Public Hearing** No

**Date of Public Hearing**

**Explanation of Item:**

Walter Linsey, Elder, has requested to close the 800 block of West Street and the 900 block of Main Street for United Worship Center annual Community Day and Church Grand opening on Saturday, April 6, 2019 from 10:00 a.m. until 5:00 p.m.

**Actions Needed by Board:**

Adopt the Resolution.

**Is item time sensitive?** No

**Will there be advocates/opponents at the meeting?** Select...

**Backup Attached:**

Resolution  
Memos  
Event applications  
Map

**Cost of Agenda Item:**

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :** Select...

**Additional notes:**



**Aldermen**

Sabrina Bengel  
Jameesha Harris  
Bobby Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

Foster Hughes, CPRE  
Director of Parks & Recreation

Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager



Memo To: Mayor and Board of Aldermen

From: Foster Hughes, CPRE Director of Parks and Recreation 

Re: Adopt the Resolution to close to vehicle traffic the 800 block of West Street and the 900 block of Main Street on April 6, 2019 from 10:00 a.m. until 5:00 p.m. for United Worship Center annual Community Day and the Church Grand Opening.

**Background Information:**

Walter Linsey, Elder has requested to close to vehicle traffic the 800 block of West Street and the 900 block of Main Street on April 6, 2019 from 10:00 a.m. until 5:00 p.m. for United Worship Center annual Community Day and the Church Grand Opening.

**Recommendation:**

The Parks and Recreation Department recommends approval and requests the Board adopt a Resolution approving the request.

If you have any questions concerning this matter, please call.

1307 Country Club Rd  
New Bern, NC 28562  
Office 252 639-2901  
Fax 252 636-4138

## RESOLUTION

THAT WHEREAS, United Worship Center has scheduled its annual Community Day along with the Church Grand Opening and has requested the 800 block of West Street and 900 block of Main Street be closed to vehicular traffic from 10:00 a.m. until 5:00 p.m. on Saturday, April 6, 2019; and

WHEREAS, the Director of Parks and Recreation of the City of New Bern recommends the streets be closed as requested.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:**

That the 800 block of West Street and 900 block of Main Street be closed to vehicular traffic from 10:00 a.m. until 5:00 p.m. on Saturday, April 6, 2019, for United Worship Center's Community Day and Church Grand Opening.

ADOPTED THIS 12<sup>TH</sup> DAY OF MARCH 2019.

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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK



April 6, 2019

The purpose of this form is to obtain information before the application or permit process is requested. All requests are to be returned to Parks & Recreation Administration; requests include, but not limited to parks, open spaces, ball fields, streets, festivals, parades, road races and rallies.

Set.

If requesting the use of a recreation center, complete and return to the facility of choice (contact facility at bottom of page); approval of application is at the discretion of the Center Supervisor.

Please note: When requesting the use of City facilities for event purposes, allow for a minimum of 60 days prior to the requested event date for consideration; for permits, allow for a minimum of 30 days prior to the requested permit date for consideration. Completing a pre-event or permit questionnaire does not guarantee approval.

Name: United Methodist Center Today's Date: Feb
Address: 607 Main St City: New Bern
State: NC Zip: 28562 Telephone: 623-6808 Cell: 252-509-1849
E-mail address: Unitedmbc7aembargo@mail.com / w.lindsey@ecrr.com
Facility Requested (check one): Stanley White Rec. Center West New Bern Rec. Center

George St. Park Spray Ground New Bern Aquatics Center Athletic Field City Park
Other (example: Open Space/Ball Field/Street): Street closure

street closing

Date of Event: Apr 6, 2019 Hours: From: 10:00 AM To: 5:00 PM

Purpose of Event: Church Grand Opening / Annual Community Day

Is this an ongoing event? Yes No (if yes, please explain, include dates & times)

Are you requesting closure and/or use of State-owned streets/bridges in the City limits of New Bern? Y\* N

\*If yes, a 90-day notice is required by DOT regulation to gain permission to use/close State roads/bridges. A Special Event Form must be completed and returned to NCDOT. If you require this form, please let our office know and we will supply one for you. Once the NCDOT Special Events Form is complete, attached the following: a map of the route; along with a certificate of insurance naming the City of New Bern and NCDOT as an additional insured.

Is event for fundraising purposes? Yes No (If yes, please provide non-profit or not-for-profit organization name and tax I.D.)

Number) Organization Name: ID #:

Projected Attendance: 350 Will you be charging admission? Yes No (If yes, state how much \$)

Note: Security may be required at the organizers expense, given the attendance and projected nature of the event.

April 6, 2019

Recreation Center: please check the area(s) you are requesting

Meeting Room Kitchen Multi-purpose Room Game Room Fitness Room Gymnasium

Park Name: Please check the area(s) you are requesting.

Shelter Open Space Stage Gazebo Other:

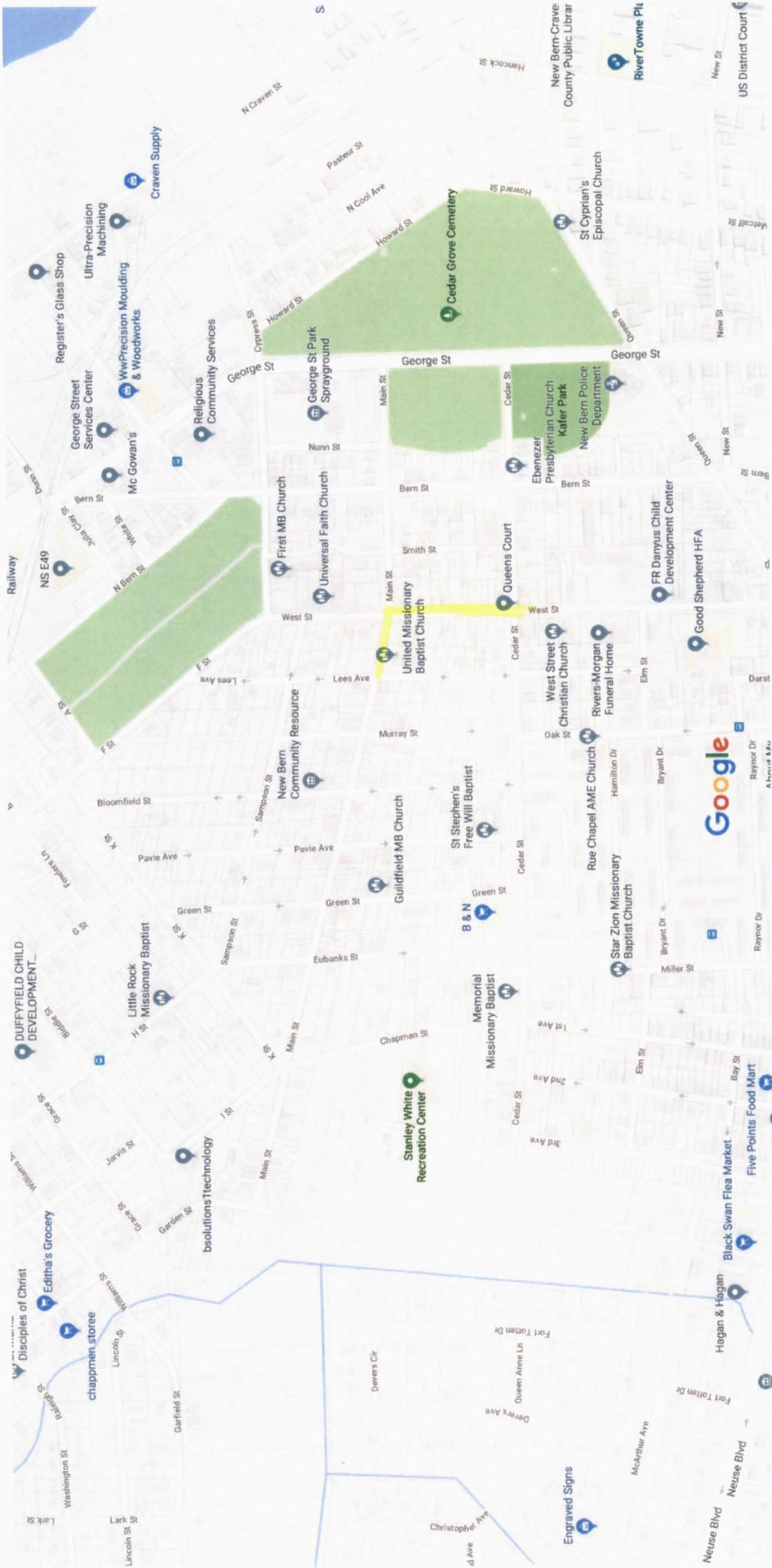
Electricity? Yes No (Check one) Water? Yes No (Check one)

Walter Lindsey Signature

Elder Title (if applicable)

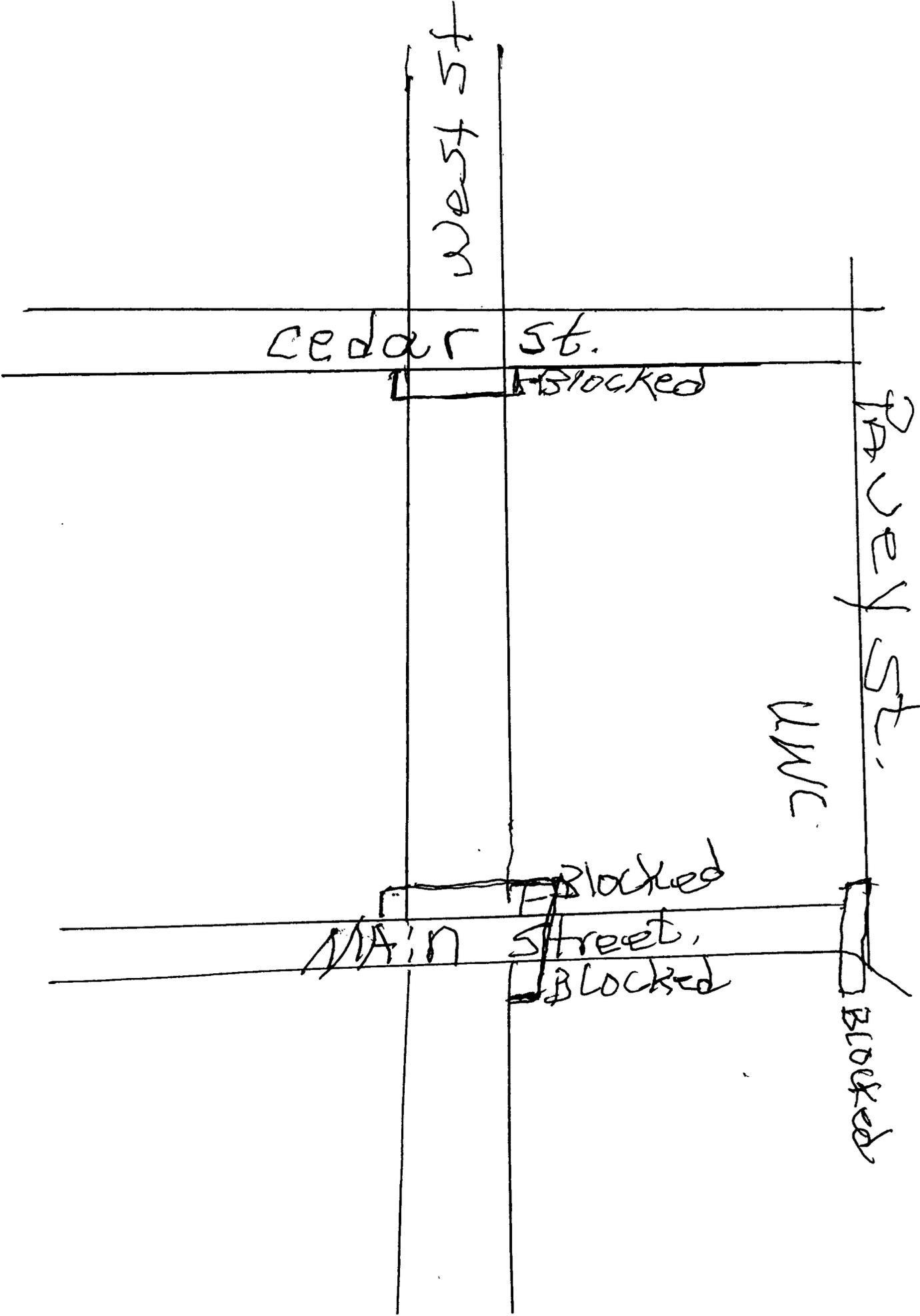
Feb 14, 2019 (Date)

Elder



Map data ©2019 Google

200 ft



# AGENDA ITEM COVER SHEET

**Agenda Item Title:**

Consider Adopting Resolution to close specific streets to vehicle traffic from 10:00 a.m.-2:00 p.m. Saturday, May 25, 2019 with a rain date of June 1, 2019 for Vision Forward's Memorial Day Parade: 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1300 blocks of Broad Street, 400-800 blocks of George Street, and the 700 block of Cedar Street.

**Date of Meeting**

**Ward # if applicable** Ward 1

**If multiple, list:**

**Department** Parks & Recreation

**Person Submitting Item:**

**Call for Public Hearing** No

**Date of Public Hearing**

**Explanation of Item:**

Victor Taylor, Chairman has requested to close specific streets to vehicle traffic for Vision Forward's Memorial Day Parade, from 10:00 a.m. until 2:00 p.m. on Saturday, May 25, 2019 with a rain date of June 1, 2019.

**Actions Needed by Board:**

Adopt the Resolution.

**Is item time sensitive?** No

**Will there be advocates/opponents at the meeting?** Select...

**Backup Attached:**

Resolution  
Memos  
Pre-Event Questionnaire  
Parade, Picket, Demonstration application  
Map

**Cost of Agenda Item:**

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director : Select...**

**Additional notes:**



**Aldermen**

Sabrina Bengel  
Jameesha Harris  
Bobby Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

Foster Hughes, CPRE  
Director of Parks & Recreation



Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager

**Memo To:** Mayor and Board of Aldermen

**From:** Foster Hughes, CPRE, Director of Parks & Recreation

*FH*

**Re:** Adopt the Resolution to close the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1300 blocks of Broad Street, 400-800 blocks of George Street, and the 700 block of Cedar Street to vehicle traffic for Vision Forward's Memorial Day Parade, from 10:00 a.m. until 2:00 p.m. on Saturday, May 25, 2019 with a rain date of June 1, 2019.

**Background Information:**

Victor Taylor, Chairman has requested to close the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1300 blocks of Broad Street, 400-800 blocks of George Street, and the 700 block of Cedar Street to vehicle traffic for Vision Forward's Memorial Day Parade, from 10:00 a.m. until 2:00 p.m. on Saturday, May 25, 2019 with a rain date of June 1, 2019.

**Recommendation:**

The Parks and Recreation Director recommends approval and request the Board adopt a Resolution approving the request.

1307 Country Club Rd  
New Bern, NC 28562  
Office 252 639-2901  
Fax 252 636-4138

## RESOLUTION

THAT WHEREAS, Vision Forward is planning a Memorial Day Parade and has requested that specific streets be closed to vehicular traffic from 10:00 a.m. until 2:00 p.m. on Saturday, May 25, 2019, with a rain date of June 1, 2019. Those streets are the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1300 blocks of Broad Street, 400-800 blocks of George Street; and the 700 block of Cedar Street; and

WHEREAS, the Director of Parks and Recreation of the City of New Bern recommends the streets be closed as requested.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:**

That the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1300 blocks of Broad Street, 400-800 blocks of George Street, and the 700 block of Cedar Street be closed to vehicular traffic from 10:00 a.m. until 2:00 p.m. on May 25, 2019, with a rain date of June 1, 2019 for Vision Forward's Memorial Day Parade.

ADOPTED THIS 12<sup>TH</sup> DAY OF MARCH 2019.

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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK





CITY OF NEW BERN APPLICATION FOR PERMIT  
PARADE, PICKET, OR DEMONSTRATION



Application is hereby made for a permit to parade, picket, or demonstrate, as provided in the Ordinance of the City of New Bern entitled "An Ordinance Regulating Parades, Picket Lines, and Group Demonstrations in the City of New Bern", and other applicable sections of law.

Name of Event: Memorial Day Parade Person in charge: Victor J Taylor

1. The purpose for which the application is to parade, picket, or demonstrate, and the reason for such activity is as follows:

\_\_\_\_\_  
\_\_\_\_\_

2. The time requested for such activity is as follows:

From: 10AM To: 2pm on the 25 day of MAY, 2019. <sup>RAIN DATE</sup> 1 JUN 19

3. The place of such activity shall be at Trent Blvd, Ft Totten, 1st Street  
Broad Street, Cedar to Bern St, George to Cypress St

NOTE: A map should be attached if available.

4. Are you requesting a State road or bridge to be closed \_\_\_Y\*  N

\*(If yes, a 90-day notice is required by DOT regulation to gain permission to close State roads or bridges)

5. Projected attendance at such activity is \_\_\_\_\_; projected not to exceed \_\_\_\_\_.

6. Minors (under 18 years of age) involved? Yes/  No (circle one)....how many? \_\_\_\_\_.

7. The principle objective of the activity(describe in detail):

a. Recognize our Armed Forces  
b. \_\_\_\_\_

8. If the activity includes the use of floats, vehicles, placards, loudspeakers, or mechanical devices of any type, please explain in full detail their use, purpose, and number:

a. Show Case, Churches, Businesses, Organizations  
b. \_\_\_\_\_

9. Check points: \_\_\_\_\_  
\_\_\_\_\_

10. Additional comments(if applicable):  
\_\_\_\_\_  
\_\_\_\_\_

11. This application is hereby made by the undersigned, as a representative of the group involved in the activity described, as is filed or petitioned, for issuance of a permit from the Director of Parks and Recreation, under the applicable ordinances as established by the City of New Bern.

This 4 day of March, 2019  
(Date) (Month) (Year)

Name: Victor J. Taylor

Organization: Vision Forward

Address: 2817 Walter Drive  
New Bern, NC 28562

Telephone #: (252) 617-2537

Please return to:

New Bern Parks & Recreation  
1307 Country Club Road  
New Bern, NC 28562  
252-639-2901



New Bern Parks & Recreation, Pre-Event or Permit Questionnaire

Sat



The purpose of this form is to obtain information before the application or permit process is requested. All requests are to be returned to Parks & Recreation Administration; requests include, but not limited to parks, open spaces, ball fields, streets, festivals, parades, road races and rallies.

If requesting the use of a recreation center, complete and return to the facility of choice (contact facility at bottom of page); approval of application is at the discretion of the Center Supervisor.

Please note: When requesting the use of City facilities for event purposes, allow for a minimum of 60 days prior to the requested event date for consideration: for permits, allow for a minimum of 30 days prior to the requested permit date for consideration. Completing a pre-event or permit questionnaire does not guarantee approval.

Name: Victor J. Taylor Today's Date: 5 Dec 18

Address: 2817 Walter Drive City: New Bern

State: NC Zip: 28562 Telephone: 252 672 2537 Cell:

E-mail address: VSTaylor12@yahoo.com

Facility Requested (check one): Stanley White Rec. Center West New Bern Rec. Center

George St. Park Spray Ground New Bern Aquatics Center Athletic Field City Park

Other (example: Open Space/Ball Field/Street):

Date of Event: 25 MAY 19 Hours: From: 10 AM To: 2 pm

Purpose of Event: RECOGNIZE ARMED FORCES

Is this an ongoing event? Yes No (if yes, please explain, include dates & times:

Are you requesting closure and/or use of State-owned streets/bridges in the City limits of New Bern? Yes No

\*If yes, a 90-day notice is required by DOT regulation to gain permission to use/close State roads/bridges. A Special Event Form must be completed and returned to NCDOT. If you require this form, please let our office know and we will supply one for you. Once the NCDOT Special Events Form is complete, attached the following: a map of the route; along with a certificate of insurance naming the City of New Bern and NCDOT as an additional insured.

Is event for fundraising purposes? Yes No (if yes, please provide non-profit or not-for-profit organization name and tax I.D.

Number) Organization Name: ID #:

Projected Attendance: Will you be charging admission? Yes No (if yes, state how much \$

Note: Security may be required at the organizers expense, given the attendance and projected nature of the event.

Recreation Center: please check the area(s) you are requesting

Meeting Room Kitchen Multi-purpose Room Game Room Fitness Room Gymnasium

Park Name: Please check the area(s) you are requesting.

Shelter Open Space Stage Gazebo Other:

Electricity? Yes No (Check one) Water? Yes No (Check one)

Signature

Title (if applicable)

(Date)

9. Check points: \_\_\_\_\_  
\_\_\_\_\_

10. Additional comments(if applicable):

\_\_\_\_\_  
\_\_\_\_\_

11. This application is hereby made by the undersigned, as a representative of the group involved in the activity described, as is filed or petitioned, for issuance of a permit from the Director of Parks and Recreation, under the applicable ordinances as established by the City of New Bern.

This 09 day of March in 2019  
(Date) (Month) (Year)

Name: Victor J. Taylor

Organization: Vision Forward

Address: 2817 Walter Drive  
New Bern NC 28562

Telephone #: 252 617-2537

Please return to:

New Bern Parks & Recreation  
1307 Country Club Road  
New Bern, NC 28562  
252-639-2901

## **AGENDA ITEM COVER SHEET**

**Agenda Item Title:**

Consider Approving a Proclamation for Folds of Honor Week

**Date of Meeting** 03/12/19

**Ward # if applicable** N/A

**Department** City Clerk



**Person Submitting Item:** Brenda Blanco

**Call for Public Hearing**  Yes  No

**Date of Public Hearing**

**Explanation of Item:**

Folds of Honor, a charity organization that honors military sacrifices by awarding educational scholarships to spouses and dependents, is celebrating its 10th anniversary.

**Actions Needed by Board:**

Consider approving proclamation.

**Is item time sensitive?**  Yes  No

**Will there be advocates/opponents at the meeting?**  Yes  No

**Backup Attached:**

Proclamation

**Cost of Agenda Item:** \$0

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :**  Yes  No

**Additional notes:**



## MAYOR'S OFFICE PROCLAMATION

- WHEREAS,** America has been blessed with an abundance of men and women (including many present and former citizens of New Bern) who proudly and bravely serve their country, sacrificing a great deal for the cherished causes of freedom and democracy; and
- WHEREAS,** those sacrifices have resulted in currently more than 1 million disabled and fallen service members, and nearly 2 million dependents of these military heroes adversely affected by war; and
- WHEREAS,** Folds of Honor is a charity whose mission, since its inception in 2007, is to honor those military sacrifices and educate their legacy by awarding nearly 20,000 educational scholarships for affected spouses and dependents; and
- WHEREAS,** locally, the New Bern community has supported this worthy cause with an annual charity event at the Emerald Golf Club, raising a total of more than \$200,000 for Folds of Honor in the last nine years; and
- WHEREAS,** the New Bern community continues to support Folds of Honor, culminating this year with both a sponsor event on May 31, 2019 and the Emerald Golf Club's 10<sup>th</sup> Annual Patriot Golf Day Tournament on June 1, 2019; and
- WHEREAS,** we owe our military personnel a debt of gratitude that can never be fully repaid, and we wish to recognize and celebrate their immeasurable contributions, draw inspiration from their examples, and renew our commitment to showing them the fullest support of a grateful New Bern; and
- WHEREAS,** the City of New Bern salutes and commends the sponsors, organizers, and participants of this worthy event, and extends best wishes for a successful and rewarding observance.

**NOW THEREFORE,** I, Dana E. Outlaw, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen, do hereby proclaim the week of May 27 through June 2, 2019 as

### FOLDS OF HONOR WEEK

and encourage all of our citizens to consider taking part in this expression of gratitude to our fallen and disabled heroes, as a donor or as a participant in the Emerald Golf Club's Patriot Golf Day 2019 festivities.

**IN WITNESS WHEREOF,** I have hereunto set my hand and affixed the Seal of the City of New Bern this 12<sup>th</sup> day of March in the Year of Our Lord Two Thousand and Nineteen.

\_\_\_\_\_  
DANA E. OUTLAW, MAYOR



# AGENDA ITEM COVER SHEET

**Agenda Item Title:**

Consider Approving a Proclamation for Arbor Day

**Date of Meeting**

**Ward # if applicable** Ward 1

**If multiple, list:**

**Department** Parks & Recreation

**Person Submitting Item:**

**Call for Public Hearing** No

**Date of Public Hearing**

**Explanation of Item:**

Parks and Recreation is requesting a Proclamation for Arbor Day, which falls on Friday, March 22, 2019. In 1967, the State Legislature ratified a bill in support of recognizing a particular day each year as Arbor Day. The first Friday following March 15th has been designated as Arbor Day in North Carolina.

**Actions Needed by Board:**

Consider approving the Arbor Day Proclamation.

**Is item time sensitive?** Yes

**Will there be advocates/opponents at the meeting?** No

**Backup Attached:**

Proclamation

**Cost of Agenda Item:**

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director : Select...**

**Additional notes:**



PARKS & RECREATION

*Family, fitness and fun come together here.*

**Aldermen**

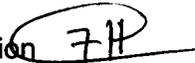
Sabrina Bengel  
Jameesha Harris  
Bobby Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

Foster Hughes, CPRE  
Director of Parks & Recreation

Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager



Memo To: Mayor and Board of Aldermen  
From: Foster Hughes, CPRE, Director Parks and Recreation   
Re: Consider approving a Proclamation for Arbor Day 2019

**Background Information:**

Parks and Recreation is requesting a Proclamation for Arbor Day, which falls on Friday, March 22, 2019. In 1967, the State Legislature ratified a bill in support of recognizing a particular day each year as Arbor Day. The first Friday following March 22<sup>ND</sup> has been designated as Arbor Day in North Carolina.

We will have a celebration on Arbor Day at Union Point Park, at 11:00am.

**Recommendation:**

Consider approving the Arbor Day Proclamation.

If you have any questions concerning this matter, please let me know.

1307 Country Club Rd  
New Bern, NC 28562  
Office 252 639-2901  
Fax 252 636-4138



## MAYOR'S OFFICE PROCLAMATION

**WHEREAS, Arbor Day** is a national celebration of community tree growing, planting and care dating back to 1872; and

**WHEREAS,** recognition of this important historical tradition and the practical as well as aesthetic value of trees is a year-long effort in New Bern; and

**WHEREAS, Arbor Day** serves to acknowledge the good work of City employees, resident volunteers, local garden clubs, corporate participants and the many service groups involved in the preservation and expansion of our urban forest; and

**WHEREAS, Arbor Day** reminds us all of the basic need for trees, such as they help clean the air, protect wildlife, save heating and cooling costs, conserve energy production, block pollution of rivers and streams, reduce soil erosion and provide a sense of comfort, shelter and spiritual well-being; and

**WHEREAS,** trees in our City increase property values, enhance the economic vitality of business areas and comprise a visual record of New Bern's past as well as a plan for the future appearance of its streetscapes and landscapes,

**NOW THEREFORE,** I, Dana E. Outlaw, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen do hereby proclaim March 22, 2019 as

### "ARBOR DAY"

in the City of New Bern and urge all citizens to celebrate its meaning by planting, replacing or protecting their trees and woodlands and by learning more about the proper selection, care and maintenance of trees to make them last longer for the benefit of this and future generations.

**IN WITNESS WHEREOF,** I have hereunto set my hand and affixed the Seal of the City of New Bern this the 12<sup>th</sup> day of March in the Year of Our Lord Two Thousand and nineteen.



DANA E. OUTLAW, MAYOR

## **AGENDA ITEM COVER SHEET**

**Agenda Item Title:**

To consider adopting a resolution to rezone Craven County Parcel ID #8-206-079 from R-20 Residential District to C-3 Commercial District.

**Date of Meeting** 03/12/2019

**Ward # if applicable** N/A

**Department** Development Services

**Person Submitting Item:** Morgan Potts

**Call for Public Hearing**  Yes  No

**Date of Public Hearing** 3/12/2019

**Explanation of Item:**

State statute and local ordinance requires the governing body to hold a public hearing to rezone Craven County Parcel ID #8-206-079, also known as 4526 US Highway 17 South. The parcel consists of 2.40 +/- acres, and is located in the City's Extraterritorial Jurisdiction. The applicant has proposed to rezone the property R-20 Residential District to C-3 Commercial District.

**Actions Needed by Board:**

To hold a public hearing and consider approval or denial of the requested zoning map amendment, adopt a resolution and statement of consistency or inconsistency.

**Is item time sensitive?**  Yes  No

**Will there be advocates/opponents at the meeting?**  Yes  No

**Backup Attached:**

Memo, Analysis, Consistency & Inconsistency Statements, Site Map, Planning & Zoning Board Minutes Excerpt, Application & Resolution.

**Cost of Agenda Item:** 0

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :**  Yes  No

**Additional notes:**

The parcel is located in the City's Extraterritorial Jurisdiction. The Planning & Zoning Board unanimously (9-0) recommended approval of the proposed rezoning.



# NEW BERN

NORTH CAROLINA

Development Services  
303 First Street, P.O. Box 1129  
New Bern, NC 28563  
(252)639-7581

## MEMORANDUM

**TO:** Mayor Outlaw  
City of New Bern Board of Aldermen

**FROM:** Morgan J. Potts, AICP  
City Planner

**DATE:** March 1, 2019

**SUBJECT:** Request to Rezone 4526 US Highway 17 South

The Board of Aldermen is requested, at its March 12, 2019 regular meeting, to hold a public hearing to consider a rezoning request from John Thomas Engineering/Moffett Enterprises, LLC. The applicant has requested consideration of their application to rezone 2.40 +/- acres from R-20 Residential District to C-3 Commercial District, located at 4526 US Highway 17 South. The property is further identified as Craven County Parcel Identification Numbers 8-206-079.

The C-3 commercial district is established as a district for offices, personal services, and the retailing of durable and convenience goods. The applicant has proposed to utilize the parcel for an office building. The proposed use is compatible with surrounding land uses and the character of the area.

The Planning & Zoning Board reviewed this request at its February 5, 2019 meeting and voted unanimously (9-0) to recommend approval of the rezoning. Staff finds the requested initial zoning consistent with the Land Use Plan, Transportation Plan and nearby land uses, and recommends approval of the request.

## **Craven County Parcel ID's #8-206 -079**

### **STATEMENT OF ZONING CONSISTENCY WITH ADOPTED PLANS**

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID's 8-206-079 to C-3 Commercial District reasonable and in the public interest, and consistent with the City Land Use Plans and nearby land uses. In that:

1. The C-3 Commercial District is deemed to be compatible with the "Urban Transitional" designation indicated in the Future Land Use Map found in the 2010 CAMA Regional Land Use Plan.
2. The proposed C-3 District is deemed to be compatible with adjacent zoning classifications.
3. The proposed R-8 Residential District is deemed to be compatible with existing uses.

## **Craven County Parcel ID's #8-206 -079**

### **STATEMENT OF ZONING INCONSISTENCY WITH ADOPTED PLANS**

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID's #8-206 -079 to C-3 Commercial District is not reasonable and is not in the public interest, and finds it to be inconsistent with the Regional Land Use Plan and nearby land uses in that the proposed C-3 Commercial District is incompatible with the uses permitted on nearby properties, and other properties in the vicinity. And that:

1. The proposed C-3 Commercial District would be incompatible with adjacent use and the Future Land Use Map found in the 2010 CAMA Regional Land Use Plan.

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF NEW BERN SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY MOFFETT ENTERPRISES, L.L.C. CONSISTING OF APPROXIMATELY 2.38 ACRES LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 17 SOUTH, FROM THE ZONING CLASSIFICATION OF R-20 RESIDENTIAL DISTRICT TO C-3 COMMERCIAL DISTRICT**

THAT WHEREAS, Moffett Enterprises, L.L.C. owns approximately 2.38 acres, more or less, located on the north side of U.S. Highway 17 South in the City of New Bern's extraterritorial jurisdiction, and an application has been made to change the zoning classification of the subject property from R-20 Residential District to C-3 Commercial District; and

WHEREAS, the Planning and Zoning Board unanimously recommended that said request be approved; and

WHEREAS, the Board of Aldermen of the City of New Bern conducted a duly advertised public hearing with respect to the proposed amendment on March 12, 2019, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said change, as the requested C-3 Commercial District classification is consistent with the City's Land Use Plan and nearby land uses.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:**

**Section 1.** That the zoning map of the City of New Bern be and the same is hereby amended by changing the zoning classification of the land owned by Moffett Enterprises, L.L.C. consisting of 2.38 acres, more or less, located on the north side of U.S. Highway 17 South in the City of New Bern's extraterritorial jurisdiction, from R-20 Residential District to C-3 Commercial District as more specifically shown on the plat entitled "REZONING CASE: 4526 US 17 Hwy. S (Moffett) – 2.38 Acres: PID: 8-206-079" prepared by the Development Services Department of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference.

**Section 2.** That the Board deems it in the public interest to rezone the subject property as the requested C-3 Commercial District classification is consistent with the City's Land Use Plan and nearby land uses.

**Section 3.** That this ordinance shall be in full force and effect from and after its adoption and publication as required by law.

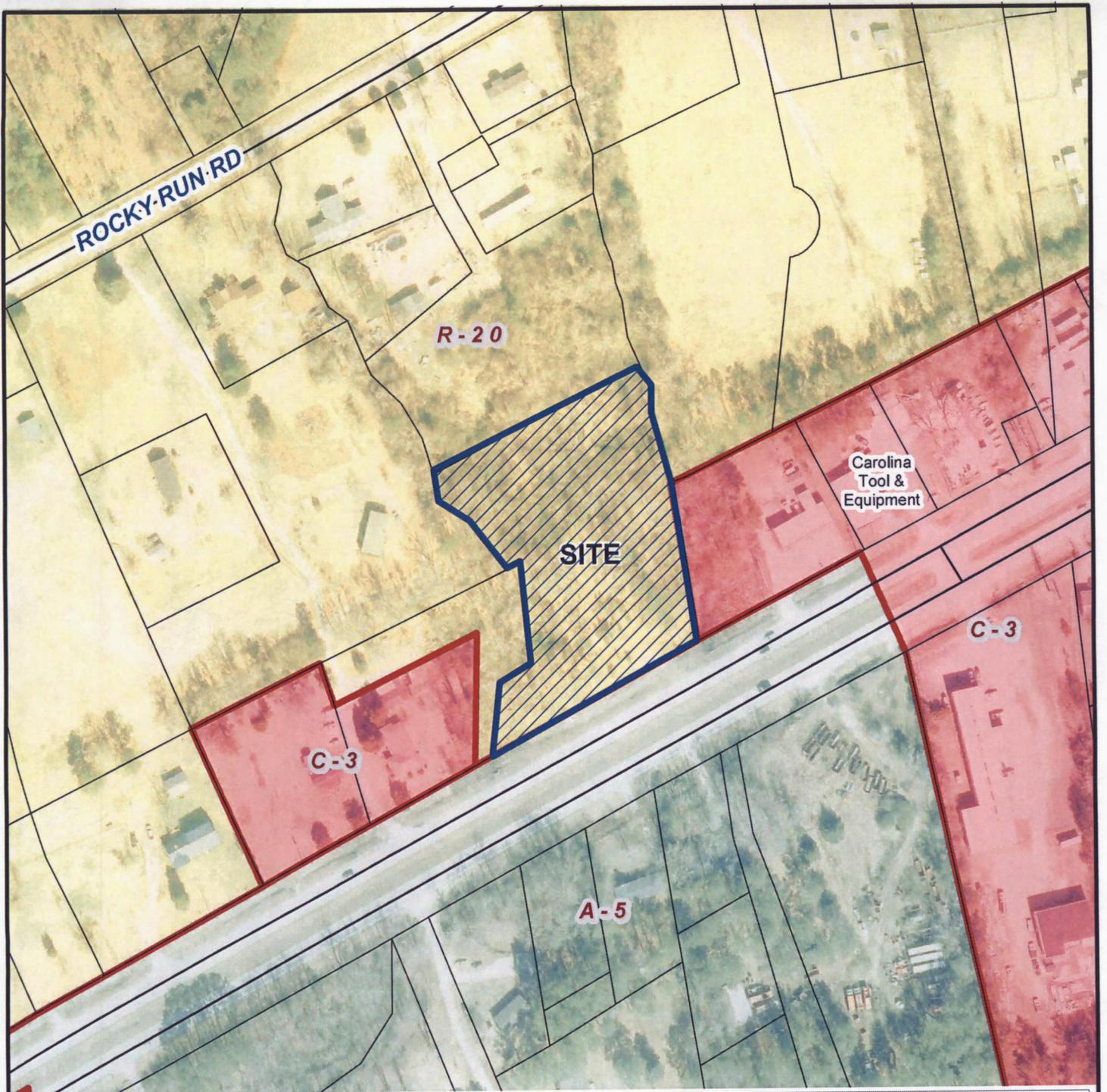
ADOPTED THIS 12<sup>th</sup> DAY OF MARCH, 2019.

---

DANA E. OUTLAW, MAYOR

---

BRENDA E. BLANCO, CITY CLERK



**REZONING CASE: 4526 US 17 HWY. S (Moffett) - 2.38 Acres: PID: 8-206-079**

**LOCATION: North side fo US 17 Highway S. (ETJ Area) between Rocky Run Rd.**



Existing Zone: R-20  
Proposed Zone: C-3



Zoning Boundaries

Imagery Early 2016

**N CITY of NEW BERN**  
**Development**  
**Services**



Scale: 1 = 200 ft





**City of New Bern**  
**4526 US Highway 17 South (Parcel ID #8-206-079.)**  
**Rezoning Request Analysis**

Date: March 1, 2019

Applicant: Thomas Engineering/Moffett Enterprises, LLC

Requested Change:

Existing: R-20 Residential District (20,000 sq. ft. lots)

Proposed: C-3 Commercial District (5,000 sq. ft. lots)

Location:

The property is located at 4526 US Highway 17 South and is further identified as Craven County Parcel ID #8-206-079.

Size:

The property covers an area of approximately 2.4+/- acres.

Reason for Change:

The purpose of the proposed re-zoning request is to permit the construction of a professional office building.

History/Background:

The parcel is vacant/woodland.

Present Land Use:

Vacant. The property is vacant/woodland.

Surrounding Land Uses and Zoning:

North: R-20 Residential District

South: A-5 Agricultural

East: C-3 Commercial District

West: C-3 Commercial District/R-20 Residential (Property is split zoned)

City Provided Utilities and Services:

City water is available and electric is provided by Duke Energy, however a septic permit will be required.

Comprehensive Plan:

2010 CAMA Regional Land Use Plan

The area is classified as "Limited Transition". The Limited Transition area has some services, but provides for lower density development. The limited transition provides for controlled development with services, but may not be on lands suitable for higher intensity urban development. Incompatible land uses within this land class are industrial and agricultural land uses. Much of this area is predominately low density residential development.

1993 Thoroughfare Plan/Traffic:

According to the 1993 Thoroughfare Plan, U.S. Highway 17 is classified as a Freeway.

Environment:

According to the Regional Land Use Plan, the subject property has medium suitability for development. There are no known environmental hazards.

Staff Comments:

The proposal to rezone the subject property to C-3 Commercial is consistent with the character of the adjacent land uses, zoning classifications, and the "Limited Transition" classification. Staff has found the proposed rezoning to be in the public interest and is consistent with the CAMA Land use Plan and Transportation Plan. Staff recommends approval of the requested rezoning.

Morgan Potts, AICP  
City Planner

**RECEIVED**

**APPLICATION TO AMEND  
LAND USE ORDINANCE**

Fee: \$375.00



**NEW BERN**  
NORTH CAROLINA  
*Everything comes together here*

**Morgan Potts**  
(252) 639-7583  
pottsm@newbern-nc.org  
Fax: (252) 636-2146

1. NAME: Moffett Enterprises, LLC
- ADDRESS: P. O. Box 12780, New Bern, NC 28561
- CELL: 252-514-5380 HOME/WORK: 800-633-9715
- EMAIL: lmoffett@bluearbor.com FAX: 252-638-5087

2. **ZONING CHANGE REQUESTED**

- A. Amendment to zoning classification, from R-20 to C-3
- B. Amendment to Land Use Ordinance text \_\_\_\_\_

Give section of City's Land Use Ordinance to be amended and attach explanation to application.

3. **LOCATION OF PROPERTY** Located between 4520 & 4600 US Highway 17 South
- Note: If there is no street address, list other means such as landmarks, community or neighborhood names, subdivision name, lot number highway number.

4. If rezoning request, provide Metes and Bounds description of property: See attached Exhibit A

Use separate sheet if necessary and attaché to application. In lieu of the above, a surveyor's map (plat) containing the Metes, Bounds and Distance of property is acceptable.

5. If request involves property owned by persons other than the applicant, list names and addresses (use separate sheet if necessary and attach to application).

<u>NAME</u>	<u>ADDRESS</u>

6. If property owners listed in Item 5 have given consent to this request, attach copy(s) of their approval to this application.
7. Give concise statement of reasons why the proposed amendment would be in the public interest if change is granted.

This tract is located on US 17 South and the requested rezoning is to allow for uses permitted in the C-3 zoning classification. The Applicant intends to construct an office to operate a staffing agency. Most of the zoning along this corridor has been rezoned to C-3 to allow for commercial type that would generally front a highway. Rezoning this tract to C-3 would be in harmony with other tracts rezoned similarly.

Lucine Whitford Moffett  
Lucine Moffett  
 Signature of Applicant

11/9/18  
 Date

**Applications to be considered must be submitted 21 days before the Planning & Zoning Board meeting, which is held on the first Tuesday of each month.**

I, Lucine Whitford Moffett, Managing Member, Moffett Enterprises, LLC, being the Owner of the property described herein, do hereby authorize John G. Thomas, PE, and Thomas Engineering, PA as agents for the purpose of this application.

Lucine Whitford Moffett  
 Signature: Lucine Whitford Moffett

11/9/18  
 Date

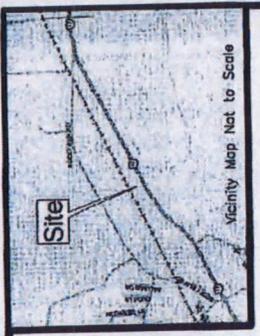
Exhibit "A"  
Tract One  
Legal Description  
Craven County, North Carolina

Beginning at a Point, said point being located the following courses and distances from NCGS "DAYS" as shown on that certain plat entitled "Boundary Survey for RE-Combination Moffett Enterprises, LLC. as recorded in Plat Cabinet I Slide 130B in the Craven County Register of Deeds; South 67 degrees 31 minutes 59 seconds West for a distance of 1694.73 feet to an existing iron pipe, Thence South 67 degrees 16 minutes 21 seconds West for a distance of 240.62 feet to the Point of Beginning;

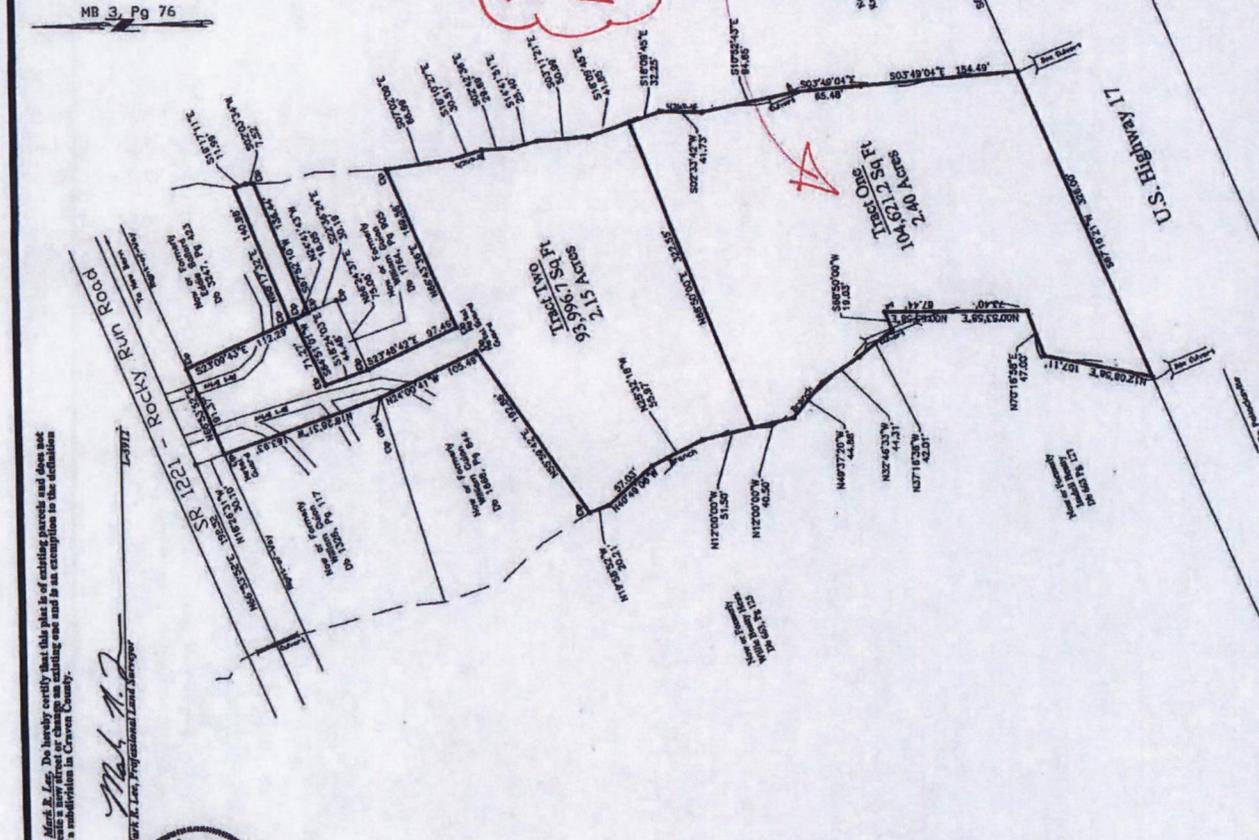
Thence, from said Point of Beginning, South 67 degrees 16 minutes 21 seconds West for a distance of 326.00 feet to a point;  
Thence, North 12 degrees 08 minutes 58 seconds East for a distance of 107.11 feet to a point;  
Thence, North 70 degrees 16 minutes 58 seconds East for a distance of 47.00 feet to a point;  
Thence, North 00 degrees 53 minutes 58 seconds East for a distance of 140.84 feet to a point;  
Thence, South 68 degrees 50 minutes 00 seconds West for a distance of 19.03 feet to a point;  
Thence, North 37 degrees 16 minutes 38 seconds West for a distance of 42.01 feet to a point;  
Thence, North 32 degrees 46 minutes 33 seconds West for a distance of 44.31 feet to a point;  
Thence, North 49 degrees 37 minutes 20 seconds West for a distance of 44.88 feet to a point;  
Thence, North 12 degrees 00 minutes 00 seconds West for a distance of 40.50 feet to a point;  
Thence, North 68 degrees 50 minutes 00 seconds East for a distance of 322.55 feet to a point;  
Thence, South 18 degrees 09 minutes 45 seconds East for a distance of 32.25 feet to a point;  
Thence, South 02 degrees 33 minutes 42 seconds West for a distance of 41.73 feet to a point;  
Thence, South 10 degrees 52 minutes 43 seconds East for a distance of 94.65 feet to a point;  
Thence, South 03 degrees 49 minutes 04 seconds East for a distance of 219.97 feet to the Point of Beginning;

Containing 2.40 acres more or less.

End of Legal Description



Rezone Tract One  
R-20 to C-3



**Mark R. Lee**  
Professional Land Surveyor  
NORTH CAROLINA  
SEAL  
L-3912

That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing one.  
Witness my original signature, license number, and seal this 26th day of November, 2018.

State of North Carolina  
County of Craven  
I, **Mark R. Lee**, Surveyor, certify that this instrument is correct, this instrument was presented for registration and recording in Plat Cabinet Side \_\_\_\_\_, This \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Register of Deeds  
Date \_\_\_\_\_

Certificate of Ownership  
I (we) hereby certify that I am (we are) the owner(s) of the property shown and described herein, which is shown on the plat of the City of New Bern, that the survey, plat and subdivision shown herein is exempt from the City of New Bern requirements per Land Use Ordinance Appendix A, Article II, Section 15-15(13) and that I (we) offer this plat with my (our) free consent.

Owner: Moffett Enterprises, LLC (By: **Shawn M. Mapped**, Managing Member)  
Certificate of Exemption  
Exempt pursuant to City of New Bern requirements per Land Use Ordinance Appendix A, Article II, Section 15-15(13)

REGISTER OF DEEDS  
STATE OF NORTH CAROLINA  
COUNTY OF CRAVEN  
Filed for Registration at 10:19 AM on 11/28/18  
This is a copy of \_\_\_\_\_ of \_\_\_\_\_, 2018.  
Plat Cabinet \_\_\_\_\_ Side 130B  
Shawn B. Richard  
Register of Deeds/Clerk/Recorder

Reference  
DB 3525 Pg 1550  
DB 3525 Pg 1170

Notes  
Surveyor has made no independent search or investigation for Right-of-way or Easements of record for streets, highway, public utilities, encumbrances, restrictive covenants, or other ownership, title or any other matter that may be dictated by a full and accurate title search.

**Mark R. Lee**  
Professional Land Surveyor  
239 Lee Court #29  
Craven, NC 28523  
mrlee3912@gmail.com

Boundary Survey For RE-Combination  
**Moffett Enterprises, LLC**  
4526 S. US 17 Hwy  
New Bern, NC 28563  
Township #8, Craven County, North Carolina

Legend  
SIP - Set Iron Pipe  
E.A.S. - Existing A.S.  
E.P. - Existing Iron Pipe  
E.S. - Existing Stake  
E.P.N. - Existing P.K. Nail

Scale: 1" = 80'  
0 80 160 240

Date: November 26, 2018





# NEW BERN

NORTH CAROLINA

Development Services  
303 First Street, P.O. Box 1129  
New Bern, NC 28560  
(252)639-7581

March 1, 2019

## NOTICE TO ADJACENT PROPERTY OWNERS AND APPLICANT

The Board of Aldermen of the City of New Bern will meet at 6:00 PM on Tuesday, March 12, 2019 at the City Hall Courtroom, located at 300 Pollock Street, for a public hearing on a request to rezone 2.40 +/- acres from R-20 Rural Residential District to C-3 Commercial District, located at 4526 US Highway 17 South. The property is further identified as Craven County Parcel Identification Numbers 8-206-079. The public is invited to attend and comment. **According to the Craven County Tax Records, you are the owner of property located within 100 feet of the subject area.**

A copy of the rezoning application is available for public review during normal business hours in the Development Services office, located at 303 First Street. For further information contact the City of New Bern Development Services Department at (252) 639-7583.

Morgan J. Potts, AICP  
City Planner

***Individuals with disabilities requiring special assistance should call (252)639-7501 no later than 3:00 p.m. the date of the meeting.***



**NEW BERN**

**NORTH CAROLINA**

**Development Services  
303 First Street, P.O. Box 1129  
New Bern, NC 28560  
(252)639-7581**

December 20, 2018

**NOTICE TO ADJACENT PROPERTY OWNERS AND APPLICANT**

The Planning & Zoning Board of the City of New Bern will meet at 5:30 PM on Tuesday, January 8, 2019 at the Development Services Conference Room, 303 First Street, New Bern, NC 28560, for a public hearing on a request to rezone 2.40 +/- acres from R-20 Residential District to C-3 Commercial District, located at 4526 US Highway 17 South. The property is further identified as Craven County Parcel Identification Numbers 8-206-079. The public is invited to attend and comment. **According to the Craven County Tax Records, you are the owner of property located within 100 feet of the subject area.**

A copy of the rezoning application is available for public review during normal business hours in the Development Services office, located at 303 First Street. For further information contact the City of New Bern Development Services Department at (252) 639-7583.

Morgan J. Potts, AICP  
City Planner

***Individuals with disabilities requiring special assistance should call (252)639-7501 no later than 3:00 p.m. the date of the meeting.***

Page : 1 of 1 03/01/2019 08:35:19  
Order Number : 15500043  
PO Number :  
Customer : 89029 City of New Bern - Legals  
Contact : ACCOUNTS PAYABLE  
Address1 : PO Box 1129  
Address2 :  
City St Zip : New Bern NC 28563  
Phone : (252) 639-2717  
Fax : (252) 636-4108  
Printed By : Gwen Landry  
Entered By : Gwen Landry  
Keywords : Request to Rezone  
Notes :  
Zones :

Ad Number : 16976771  
Ad Key :  
Salesperson : GL - Gwen Landry  
Publication : New Bern Sun Journal  
Section : Classifieds  
Sub Section : Classifieds  
Category : 015 Legal Notices  
Dates Run : 03/02/2019-03/09/2019  
Days : 2  
Size : 2 x 1.22, 11 lines  
Words : 90  
Ad Rate : L1  
Ad Price : 135.84  
Amount Paid : 0.00  
Amount Due : 135.84

**PUBLIC NOTICE**

The Board of Aldermen of the City of New Bern will meet at 6:00 PM on Tuesday, March 12, 2019, in the City Hall Courtroom, located at 300 Pollock Street, New Bern, NC 28560, for a public hearing on a request to rezone 2.4 +/- acres from R-20 Rural Residential District to C-3 Commercial District, located at 4526 US Highway 17 South. The property is further identified as Craven County Parcel Identification Number 8-206 -079. The public is invited to attend and comment.

March 2, 9, 2019 (adv)

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**Minutes of the  
New Bern Planning & Zoning Board  
February, 5 2018 – 5:30 P.M.  
New Bern City Hall - 300 Pollock Street**

1 **The regular meeting of the New Bern Planning & Zoning Board was held in the City**  
2 **Hall Courtroom, 300 Pollock Street, on February, 5 2019 at 5:30 p.m.**

3  
4 **Members Present:** Raymond Layton, Chair  
5 Sonny Aluzzo, Vice Chair  
6 Willie Newkirk Sr.  
7 Don Black  
8 Jeffrey Midgett  
9 Marshall Ballard  
10 Jerry Walker  
11 Pat Dougherty  
12 Haron Beatty (arrived approximately 5:31 P.M.)  
13

14  
15 **Members Excused (E)/ Absent (A):**  
16

17 **Staff Present:** Morgan Potts, AICP, City Planner  
18

19 **Others Present:** Jennifer Campbell, Recording Secretary  
20  
21

22 Chair Raymond Layton called the meeting to order at 5:30 P.M.  
23

24 **Roll Call**

25  
26 Staff Member Morgan Potts delivered the roll call of all members and quorum declared.  
27

28 **Approval of Minutes:**  
29

30 There were no minutes to approve.  
31

32 **Old Business:**  
33

- 34 **A. Consideration of a request to rezone 2.4 +/- acres from R-20 Residential District**  
35 **to C-3 Commercial District by Moffett Enterprises LLC/John Thomas**  
36 **Engineering, located at 4526 US Highway 17 South. The property is further**  
37 **identified in Craven County Parcel Identification Numbers 8-206-079. (Extra**  
38 **Territorial Jurisdiction)**  
39  
40

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41

42 **Staff Comments:**

43 Staff Potts reviewed the information regarding this matter from the previous meeting. She  
44 stated that the Board requested staff investigate the assertion that Rocky Run residents were  
45 promised upon annexation and initial zoning that no commercial uses would be permitted  
46 in the area. Staff researched the matter and found no evidence of the assertion, per the  
47 attached minutes from the Board of Aldermen meeting, dated May 25, 1999. Staff has also  
48 attached a petition from the Rocky Run Community requesting annexation and zoning, which  
49 is attached. In addition, "contractual zoning" is not a legal practice in the State of North  
50 Carolina. All public notice requirements have been fulfilled. City staff advises the Planning &  
51 Zoning Board to recommend approval of the rezoning request to the Board of Aldermen.

52

53 Chair Layton questioned if Board Member Heron Beatty desired to request recusal during  
54 deliberation on this topic. **Subsequently Board Member Don Black made a motion to**  
55 **recuse Mr. Heron Beatty from the proceeding deliberations.** Vice- Chair Sonny Aluzzo  
56 seconded the motion. The motion passed unanimously.

57

58 **Board Discussion:**

59

60 Mr. Black began by thanking the planning department for finding the information regarding  
61 this old business item. He stated that he went to several different sites including the library,  
62 the Sun Journal, and the University of North Carolina at Chapel Hill to see if there was any  
63 information from the Newspapers. He stated that he was unable to find any from that time  
64 period from both in 1994 and 1999. He went on to state that what the board does know is  
65 the area that is being rezoned from residential to commercial was originally a railroad track  
66 right- of- way. He stated that this meant that the property was not historically a residential  
67 area. He went on to stipulate that the board was also aware that the City of New Bern didn't  
68 encroach on the Rocky Run area and that the development was fronted on Highway 17 and  
69 he believes that the City has acted in good faith. Mr. Black said that the Board should consider  
70 the heritage of this land and the families that have lived on this land for generations, and  
71 presses that board to be considerate when the old established families of New Bern raise  
72 their concerns, and the board should take them into consideration. He also stated that  
73 consideration should be taken in regards to the importance of Highway 17 to New Bern. Mr.  
74 Black concluded by thanking the Board for giving additional time for him to review the  
75 matter.

76

77 Board Member Marshall Ballard followed this discussion, by stating that he believes that a  
78 meeting should be rescheduled for the residents of Rocky Run on Highway 17 to bring them  
79 up - to - date with what is going on. Chair Layton asked Staff Potts if the adjacent property  
80 owners within the legally required distances were notified. Staff Potts confirmed that they  
81 were notified; the notification was posted and disseminated. She also state that since the  
82 board continued the discussion, the notification automatically rolls over to the next public  
83 meeting. Chair Layton responded to Mr. Ballard that he understood Mr. Ballards' request, but  
84 in regards to legality, everything that is legally required to be done as far as notifying the  
85 community has been done. Chair Layton went on to state that this request is a rezoning

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86 request, so the use of the property while there is a large range of uses that are acceptable or  
87 allowed by right within the request of zoning, the actual use is not part of the application.  
88 Chair Layton followed by stating that the board allows staff to state if this plan fits within the  
89 Land Use Plan, staff tell the board that it does fit within the Land Use Plan, so He feels that  
90 there is no grounds for scheduling a public meeting and no requirement for it, and staff tells  
91 the board that all legal requirements have been satisfied.

92  
93 Mr. Ballard responded with the desire to explain why he believes there should be an update  
94 for the community. Mr. Ballard stated that the purpose he proposed the meeting is in regard  
95 to the plot of land the owner has purchased. He stated that on this plot of land there are two  
96 large holes and he believes that the community needs to know the plans in terms of safety  
97 and children in regard to these holes. Chair Layton commented that the Planning and Zoning  
98 Board has to rely on the process of approval of the rezoning. He stated that once the site plan  
99 has been approved by the Board of Alderman, the site plan then goes in front of all the  
100 departments of the City of New Bern and they will make suggestions and recommendations  
101 for that site plan. Chair Layton suggested that if any residents are concerned, then their  
102 concerns should be directed to Development Services.

103  
104 Mr. Ballard responded that he hoped they would have a meeting with residents who are  
105 affected by the changes, so the residents would know the plan for safety. Chair Layton replied  
106 that is not something that the Planning and Zoning Board can require, but it can be requested  
107 by the residents, the developer, or owner of the property. He followed by stating that a  
108 meeting is not something this board can require or place as a stipulation that we can include  
109 in the rezoning application. Staff Potts stated that the owner would be placing a fence around  
110 the retention pond area on the property if this was a cause of some of the concern. Chair  
111 Layton reiterated that this stipulation is not part of this Board's purview but a part of the  
112 departmental site plan review, which is required before a building permit can be purchased.  
113 This is where all the departments review.

114  
115 Board Member Jeffrey Midgett asked if the site plan was available at this time. Staff Potts  
116 stated that the site plan was not available at this time and that the board is looking at the  
117 rezoning request. Chair Layton followed this by stating that the site plan would not come  
118 back before this board, but it will go to departmental review. He suggested these particular  
119 safety questions can be directed to Development Services or the Inspections Department.  
120 Mr. Ballard asked if there would be time for representatives from Rocky Run to present.  
121 Chair Layton said there would be time for public discussion.

122  
123 Staff Potts stated that there were two items of note and that the only thing the board could  
124 do to hold their feet to the fire was what was listed in the ordinance, and second is only the  
125 Planning and Zoning Board recommendation goes to the Board of Alderman and the Board  
126 of Alderman have the final say in rezoning. Chair Layton responded by stating that the reason  
127 it did not go to the Board of Alderman after the last meeting was because this Board tabled  
128 it, to allow staff to acquire additional information. Chair Layton stated that he hoped that the  
129 board would render some sort of recommendation for the Board of Alderman tonight.

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131 **Applicant Comment:**

132 John Thomas with Thomas Construction represented the applicant and his offices are located  
 133 at 1316 B Commerce Dr. New Bern, NC 28560. He began by stating that the owner and  
 134 company upon doing review and research couldn't find anything that does not agree with  
 135 the request and would like to move forward with the rezoning. He identified the property in  
 136 question and that there was a question about an adjacent gap. He stated that He believes that  
 137 this gap is a mapping error. Mr. Thomas believed that c-3 on neighboring property comes to  
 138 our property line. He also wanted to point out that this property is a very cut up, difficult  
 139 piece of property. He stated that on the western side of the property are some wetlands and  
 140 on the east side, there is a blue line stream, more heavily buffered with wetlands and Mr.  
 141 Thomas' company are required to stay 50 feet away. The company's plan is to stay in the  
 142 middle of the property.



143  
144

145 Mr. Ballard asked Mr. Thomas how large the office building would be. Mr. Thomas replied  
 146 that the plan is still in the works, but the building is proposed to be between 8,000 and  
 147 10,000 square feet.

148

149 Mr. Black asked if it would be a multi-storied building. Mr. Thomas replied that it would be a  
 150 single - story building. Mr. Black followed with a question regarding how many parking  
 151 spaces would be on the property. Mr. Thomas replied that there would be the amount of  
 152 spaces that the city code requires.

153

154 Mr. Ballard requested detail about what the plans are for the two large holes previously  
 155 discussed by the board. Mr. Thomas stated that two holes are on the left and right side of the  
 156 property are within the natural wetlands and they do not tend to go into that area; it will  
 157 remain wooded. He also stated that there are some smaller holes from the original railroad  
 158 tracks and Thomas Construction intends to go in to do re-grading of this area.

159  
 160 Mr. Midgett asked if within the areas that are allowed, would the construction company be  
 161 doing any fill or elevation to the property. Mr. Thomas stated that the front middle of the  
 162 property is quite elevated and doesn't anticipate filling or elevating this area, with the  
 163 possibility of cutting the elevation back a bit. He also stated that they would need to control  
 164 storm water, so they will be installing some sort of storm water mitigation structure on the  
 165 property to slow the water down. He also stipulated that the square footage of parking and  
 166 the building will place them in a plan where they would need to treat the storm water as  
 167 well. Mr. Midgett responded with a follow-up question as to the location of the water  
 168 retention pond. Mr. Thomas stated that the pond would be in the back of the property. The  
 169 front of the property would be the building and the wrap around parking lot. Mr. Midgett  
 170 also asked if the grading of the land would be toward the rear of the property or the front of  
 171 the property. Mr. Thomas stated that the drainage for the facility would be directly toward  
 172 the back where the storm water pond will be located. He continued by stating that the  
 173 overflow from the storm water pond would most likely flow to the drainage on the east side  
 174 where the stream is and is the deepest part of the property.

175  
 176 **Public Comment:**

177 Constance Simmons of 4420 Highway 17 South, New Bern, NC 28562, requested to speak in  
 178 opposition of the proposed plan. Her question was in regards to the public notice for a public  
 179 hearing on January 8, 2019. She stated that on that date she was at City Hall for two hours  
 180 before becoming aware that the meeting location was changed to First Street. Her main  
 181 question is how are residents notified that the hearing is being held tonight. She stated that  
 182 she found out only because she had called the planning office. Staff Potts replied, stating that  
 183 the original notice was made for the January meeting that we held at 303 First Street. This  
 184 item was continued, so it automatically rolls over to the very next meeting. Mrs. Simmons  
 185 replied by asking how are residents to know it was continued when the notice still has the  
 186 January date on it. Staff Potts requested the reason why the residents were not at the January  
 187 date. Mrs. Simmons replied that she was present the night of the January meeting and stayed  
 188 at City Hall for two hours before realizing it was at a different location. Mrs. Simmons wanted  
 189 to know how are residents to know that the meeting had rolled over to the next meeting if  
 190 the signs are not updated. Staff Potts replied that when an agenda item has been continued  
 191 it will legally and automatically roll over to the next meeting and the city is not legally  
 192 obligated to continually update the notice each time the item is continued.

193  
 194 Vice-Chair Aluzzo asked for clarification in regards to the original notice and if the notice  
 195 stipulated the location would be at City Hall. Staff Potts clarified that the meeting in question  
 196 was held on January 8, 2019 at 303 First Street. Chair Layton asked if the agenda was posted  
 197 on the door of City Hall as normal procedure. Staff Potts confirmed that it was posted on the  
 198 door as well as the door of Development Services, and also on the city website. Staff Potts  
 199 stated that the statues say that once the first notice is published, that is the legal requirement  
 200 once it is continued. She stated that if it were be continued tonight, it would be continued till  
 201 March, however the sign and notice would not change, because the city has met the legal  
 202 requirements.

203

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204 Chair Layton asked for clarification as to meeting notices. He asked that once the Planning  
205 and Zoning board makes their recommendation to the Board of Alderman, does the notices  
206 and sign stay the same. Staff Potts stated that the because it is a different board, a new notice  
207 will go in the newspaper, and a new sign will be posted that states the meeting, date, time,  
208 and location of the new meeting. Staff Potts concluded by stating that the aforementioned  
209 policy is what the general statutes required and the city met the minimum requirements.

210  
211 Mr. Black asked Mrs. Simmons if she would like to share anything further. Mrs. Simmons  
212 stated that her concern was that she has a business between her residence and another  
213 residence and if another business were being constructed, she would want to know.

214  
215 Haron Beatty of 407 Rocky Run Rd, New Bern, NC 28562 stated that he was not present to  
216 speak in opposition of the proposed change. His desire was to know how to retain a  
217 residential community when commercialism spreads into the community. He also requested  
218 who the community members can speak to find out how to place safeguards within the  
219 community, in regards to the spread of commercialism. He stated that hesitation stems from  
220 his history of work with city programs and seeing how commercialism can negatively impact  
221 the community and the community can lose their history. Some of the details he requested  
222 was information regarding any matters that the community can bring before the Board of  
223 Alderman so the community can set parameters with how commercialism spreads back  
224 north into the community and east into New Bern. Mr. Beatty reiterated what Mr. Black  
225 stated that this community is worthy of looking at the history of the residents and the Rocky  
226 Run community.

227  
228 Mr. Beatty stated that he respected Mrs. Simmons question, but was unhappy with the  
229 response and tone of the board. He concluded by addressing Mrs. Simmons and stating that  
230 as a community they have to look out for themselves and let everyone know they are not a  
231 vicious community, that they love people, and they desire for the community to grow. He  
232 also commented that the response to Mrs. Simmons question could have been handled more  
233 humbly and the tone could have been different.

234  
235 Chair Layton asked for any further comments. There were no other comments of opposition  
236 so Chair Layton closed public comment.

237  
238 Mr. Black asked out of curiosity if Highway 17 was a commercial corridor in New Bern. Staff  
239 Potts stated that there is an overlay. Chair Layton stated that from a zoning and land  
240 development point of view that it is not uncommon for commercial zoning to abut residential  
241 zoning, and as a part of extra territorial jurisdiction and the agreements that were set forth,  
242 Highway 17 and the corridor overlay allows for the commercial land uses that abut the  
243 residential uses in that area. He continued by stating that staff has stipulated that the  
244 agreements are concurrent with land use law.

245  
246 Mr. Black asked if the commercial overlay encroached at all on the Rocky Run Rd. Chair  
247 Layton stated that it was a good question, but was unable to answer.

248

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249 Chair Layton requested a motion to close the public hearing. **Board Member Don Black**  
250 **moved to close the public hearing.** Vice-Chair Sonny Aluzzo seconded the motion. The  
251 motion passed unanimously.

252  
253 **Board Discussion:**

254  
255 A question was asked in regards to the current zoning and if it was R-20, which is residential.  
256 This question was confirmed. It was stated that east and west of the property is C-3  
257 (commercial), while north of the property is R-20 (residential). Mr. Black stated that  
258 historically this property was not residential, but railroad. Mr. Midgett asked where precisely  
259 did the railroad track run. It was stated that the railroad was roughly 200 feet from the  
260 highway line. A question was asked as to whether the homes located around the property  
261 were there when the railroad was still in use. The Board did not have an answer to this  
262 question. It was stated that the typical right-of -way of a railroad is 50 feet either side of the  
263 tracks.

264  
265 Chair Layton entertained a motion of this topic. **Mr. Black introduced a motion to approve**  
266 **the zoning as a recommendation to the Board of Alderman. Board Member Pat**  
267 **Dougherty seconded the motion. The motion passed unanimously (8-0).**

268  
269 **New Business:**

270  
271 **A. Informational Session, “New Bern Redevelopment Commission”, by Jeff**  
272 **Ruggieri, AICP, Executive Director of the New Bern Redevelopment**  
273 **Commission.**

274  
275 Staff Potts stated that the informational meeting has been pulled from the meeting’s agenda  
276 and will come before the board at the March meeting.

277  
278 **B. Approval of Proposed Redevelopment Area Boundary, by Jeffrey Ruggieri, AICP,**  
279 **Executive Director of the New Bern Redevelopment Commission.**

280  
281 Staff Potts stated that the approval of the Redevelopment Area Boundary has been pulled  
282 from the meeting agenda and will come before the board at the March meeting.

283  
284 At this time Chair Layton entertained a motion to have Haron Beatty rejoin the board. **Mr.**  
285 **Black made a motion to have Haron Beatty rejoin the board. Vice- Chair Aluzzo**  
286 **seconded the motion. The motion passed unanimously.**

287  
288 **C. Consideration of Major Subdivision General Plan Approval, submitted by**  
289 **Weyerhaeuser NR Company/McKim & Creed Inc., is a proposed 250 +/- acre, a**  
290 **2 - lot major subdivision located to the north of Downey Drive and south of NC**  
291 **Highway 43 North. The property is further identified as a portion of Craven**  
292 **County Parcel ID’s 8-209-13001. (Extra Territorial Jurisdiction)**

293

294 Chair Layton requested recusal during the deliberation of this agenda item due to conflict of  
295 interest. **Mr. Black made a motion to recuse Chair Raymond Layton during this part of**  
296 **the meeting. Vice - Chair Aluzzo seconded the motion. The motion passed**  
297 **unanimously.**

298  
299 **Staff Comments:**

300 Staff Potts stated that on December 28, 2018, the City’s Departmental Subdivision Review  
301 Committee reviewed the proposed general plan for Craven 30 West Lot 4 and determined  
302 the plan substantially meets the requirements for approval. Staff recommends the Planning  
303 and Zoning Board approve the proposed general plan as presented.

304  
305 **Board Discussion:**

306 There was no board discussion.

307  
308 **Public Comments:**

309 There was no public comment

310  
311 At this time Vice- Chair Aluzzo closed the public comment.

312  
313 **Board Discussion:**

314 There was no further board discussion.

315  
316 At this time Vice-Chair Aluzzo entertained a motion to accept or reject consideration. **Board**  
317 **Member Jerry Walker made a motion to consider the Major Subdivision General Plan**  
318 **Approval, submitted by Weyerhaeuser NR Company/McKim & Creed Inc. proposed**  
319 **250 +/- acre, 2 lot major subdivision located to the north of Downey Drive as further**  
320 **described in Part C of the regular meeting agenda and approve the general plans. Mr.**  
321 **Dougherty and Mr. Midgett seconded the motion. Motion passed unanimously (8-0)**

322  
323 At this time **Mr. Black made a motion to have Chair Layton rejoin the board. Vice- Chair**  
324 **Aluzzo seconded the motion. The motion passed unanimously.**

325  
326 **D. Consideration of Major Subdivision General Plan Approval, submitted by**  
327 **Robert Chiles Engineering, is a proposed 12.44 +/- acre, 3-lot major subdivision**  
328 **located to the west and east of Newman Road and to the south of Wellons**  
329 **Boulevard. The property is further identified as Craven County Parcel ID’s 8-**  
330 **212-8010, 8-212-076, and 8-212-8009. (Ward 6)**

331  
332 **Staff Comments:**

333 Staff Potts stated that on December 14, 2018, the City’s Departmental Subdivision Review  
334 Committee reviewed the proposed general plan for Robert Chiles Engineering/Wellons Road  
335 and determined the plan substantially meets the requirements for approval. Staff  
336 recommends the Planning and Zoning Board approve the proposed general plan as  
337 presented.

338

339 **Board Discussion:**  
340 There was no board discussion

341  
342 **Public Comment:**  
343 Chair Layton opened the floor for public comment to support or oppose this agenda item.

344  
345 There was no public comment. Chair Layton closed the floor to public comment.

346  
347 **Board Discussion:**  
348  
349 There was no further board discussion.

350  
351 At this time Chair Layton entertained a motion on this topic. **Mr. Black made a motion to**  
352 **approve the subdivision plan as proposed, which is the 12.44 +/- acres submitted by**  
353 **Robert Chiles Engineering. It is a 3-lot major subdivision located to the west and east**  
354 **of Newman Road and to the south of Wellons Boulevard and the properties are further**  
355 **identified as Craven County Parcel ID's 8-212-8010, 8-212-076, and 8-212-8009, all**  
356 **within Ward 6.** Vice- Chair Aluzzo seconded the motion. The motion passed unanimously.

357  
358  
359  
360 **E. Thomas Engineering/Stars & Stripes 4F, LLC, is requesting final subdivision**  
361 **plan approval for "Tyler, Home on the Lake" (formally known as "Lake Tyler")**  
362 **Phases 7, 8, 11 &12; a proposed 105-lot residential Planned Unit Development**  
363 **(PUD). This section of the multi-phase development is located on a combined**  
364 **15.32 +/- acres in the R-10A Residential District. The site is located to the**  
365 **northwest of Washington Post Road and to the south of Gracie Farms Road.**  
366 **(Ward 5)**

367  
368 **Staff Comments:**  
369 Staff Potts stated that staff has reviewed the proposed final subdivision plan and finds  
370 that all technical and legal requirements for final subdivision plan has been approved.  
371 Therefore, final subdivision plan approval of Tyler, Home on the Lake is  
372 recommended as presented.

373  
374 **Board Discussion:**  
375 Chair Layton stated that this item before the board tonight is the final plan approval,  
376 so the Planning and Zoning board is the final decision. He continued by stating that if  
377 the board should elect to approve the final subdivision plan, this would authorize the  
378 developer and owner to begin selling lots.

379  
380 Chair Layton requested that Staff Potts give explanation to the performance bond that  
381 the board members received. Staff Potts stated that the board members were given a  
382 copy of the performance bond for their information. The company has satisfied all

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383 necessary requirements for the performance bond, legal counsel has reviewed and  
384 staff is content with it.

385

**Board Discussion:**

386 There was no board discussion.

388

389 At this time Chair Layton entertained a motion for this particular item. **Mr. Black made a**  
390 **motion to approve plan as described of "Tyler, Home on the Lake" (formally known as**  
391 **"Lake Tyler") that includes a 105-lot residential Planned Unit Development (PUD),**  
392 **that is approximately 15.32 +/- acres and the site is located Northwest of Washington**  
393 **Post Road and south of Gracie Farms Road. Mr. Beatty seconded the motion. The**  
394 **motion passed unanimously.**

395

396

**Adjourn**

398

399 **Mr. Black made a motion to adjourn.** Mr. Walker seconded the motion. The motion passed  
400 unanimously. The meeting was adjourned at 6:20 p.m.

401

402

403

404 Date Approved \_\_\_\_\_

\_\_\_\_\_  
Raymond Layton, Chair

405

406

407

408 Attest \_\_\_\_\_

409 Jennifer Campbell, Recording Secretary

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## City of New Bern

4526 US Highway 17 South Rezoning  
Request

## 4526 US Highway 17 South Rezoning Request

**Applicant/Property Owner:** Moffett Enterprises, LLC/Thomas Engineering

**Tax ID:** 8-206-079

**Requested Change:** R-20 Residential to C-3 Commercial

**Size:** 2.4 +/- acres

**Description of Property:** vacant, woodland

**Adjacent Land Uses:** North: Vacant/Woodland (R-20)  
South: Single Family Residential (A-5)  
East: Commercial (C-3)  
West: Single Family Residential (R-20/C-3)

## 4526 US Highway 17 South Rezoning Request

**Reason for Request:** To allow for the construction of a professional office building

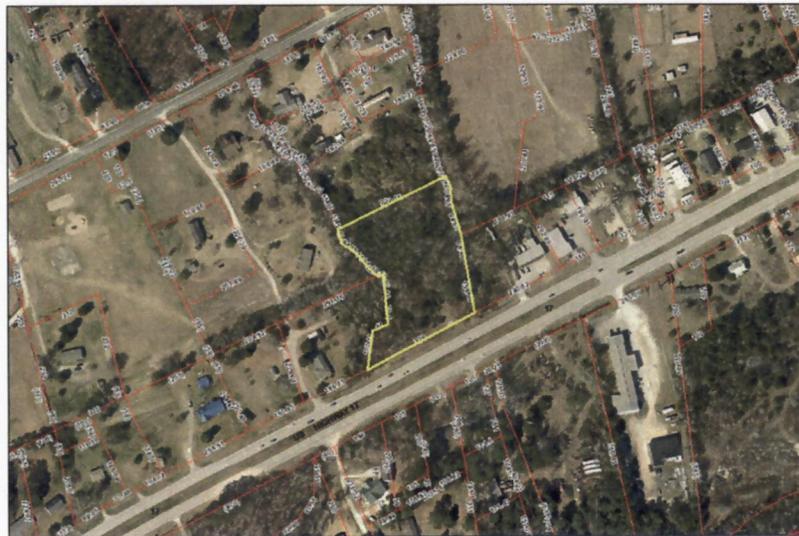
**City Provided Services:** All City water is available. Electric service provided by Duke Power. Septic permit required.

**2011 Regional Land Use Plan:** Consistent with the "Limited Transition" designation.

**Environment:** No areas of concern. Wetlands are not present on the parcel.

NEW BERN  
NORTH CAROLINA

## 4526 US Highway 17 South Rezoning Request



Craven County GIS 4526 US 17 South

Craven County does not warrant the information on this map and should be used ONLY for its intended purpose. Printed on March 4, 2010 at 10:28:21 AM



NEW BERN

4526 US Highway 17 South Rezoning Request  
West View



NEW BERN  
NORTH CAROLINA

4526 US Highway 17 South Rezoning Request  
East View

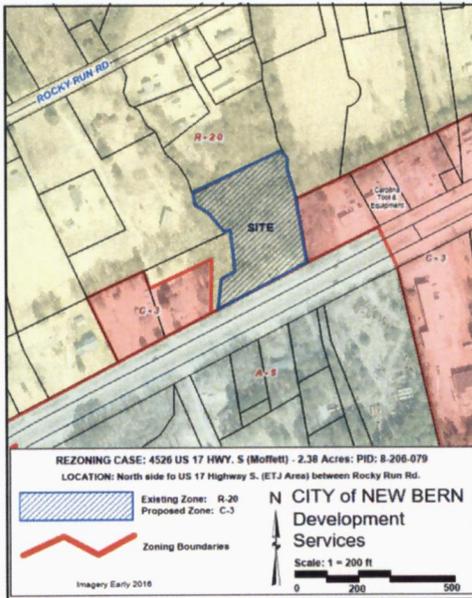


NEW BERN  
NORTH CAROLINA

# 4526 US Highway 17 South Rezoning Request South View



NEW BERN  
NORTH CAROLINA



NEW BERN  
NORTH CAROLINA

## Staff Conclusions

- Proposed rezoning is consistent with City Plans.
- There is no expected adverse impact to the surrounding area.
- At its February 5, 2019 meeting, Planning and Zoning Board unanimously recommended approval of rezoning this parcel to C-3 Commercial.
- Staff recommends approval of this rezoning request to C-3 Commercial.

**AGENDA ITEM COVER SHEET**

**Agenda item title:**

Petition to annex noncontiguous property located at 4250 U.S. Highway 70 East and resolution to call for public hearing on annexation

**Date of Meeting/Work Session** March 12, 2019 **Ward # if applicable** \_\_\_\_\_

**Department** Development Services **Person submitting item** Scott Davis

**Call for Public Hearing** Yes **Date of Public Hearing** March 26, 2019

**Explanation of the item:**

Petition of Brice's Creek Bible Church, Inc. for annexation of noncontiguous property located at 4250 U.S. Highway 70 East and resolution to be adopted calling for a public hearing to consider the annexation

**Actions needed by Board:**

Adopt resolution calling for a public hearing to be held on March 26, 2019.

**Is item time sensitive?** Yes

**Will there be advocates/opponents at the meeting?** \_\_\_\_\_

**Backup attached:**

Petition to Annex  
Certificate of Sufficiency  
Resolution

**Cost of Agenda Item** -0-

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?** \_\_\_\_\_

**Additional notes:**



**NEW BERN**  
NORTH CAROLINA  
Development Services  
303 First Street, P.O. Box 1129  
New Bern, NC 28563  
(252)639-7581

## **MEMORANDUM**

**TO:** Mayor Outlaw and Board of Aldermen

**FROM:** Morgan Potts, AICP  
City Planner

**DATE:** March 1, 2019

**SUBJECT:** Call for a Public Hearing Regarding Annexation Petition for 4250 U.S. Highway 70 East

The Board of Aldermen is requested to consider holding a call for a public hearing at their March 26, 2019 meeting, to hear public comment and consider a request for the annexation of a property owned by Brice's Creek Bible Church, Inc., located at 4250 U.S. Highway 70 East in Number Seven (7) Township, which is further identified as Craven County Tax Parcel Identification Number 7-037-019. The property has approximately 700 linear feet of road frontage on U.S. Highway 70 East, and is located to the north of Neuse Road, and to the west of Old Cherry Point Road. City Utilities and Services will be provided upon annexation.

Please contact me at 639-7583 should you have any questions or need additional information.

**RESOLUTION**

THAT WHEREAS, the Board of Aldermen of the City of New Bern has received a petition from Brice’s Creek Bible Church, Inc., bearing date October 24, 2018, seeking annexation to the City of New Bern of a parcel of land consisting of 32.17 acres, more or less, which said parcel is located at 4250 U.S. Highway 70 East in Number Seven (7) Township, Craven County, more particularly identified on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Board of Aldermen has caused the City Clerk to investigate the sufficiency of said petition and to certify the results of her investigation; and

WHEREAS, the Board of Aldermen has received the certification of the City Clerk attesting to the sufficiency of the petition; and

WHEREAS, the Board of Aldermen desires to conduct a public hearing on March 26, 2019, in the City Hall Courtroom at 6:00 p.m. on the question of annexing to the City of New Bern the above-described parcel of land owned by Brice’s Creek Bible Church, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

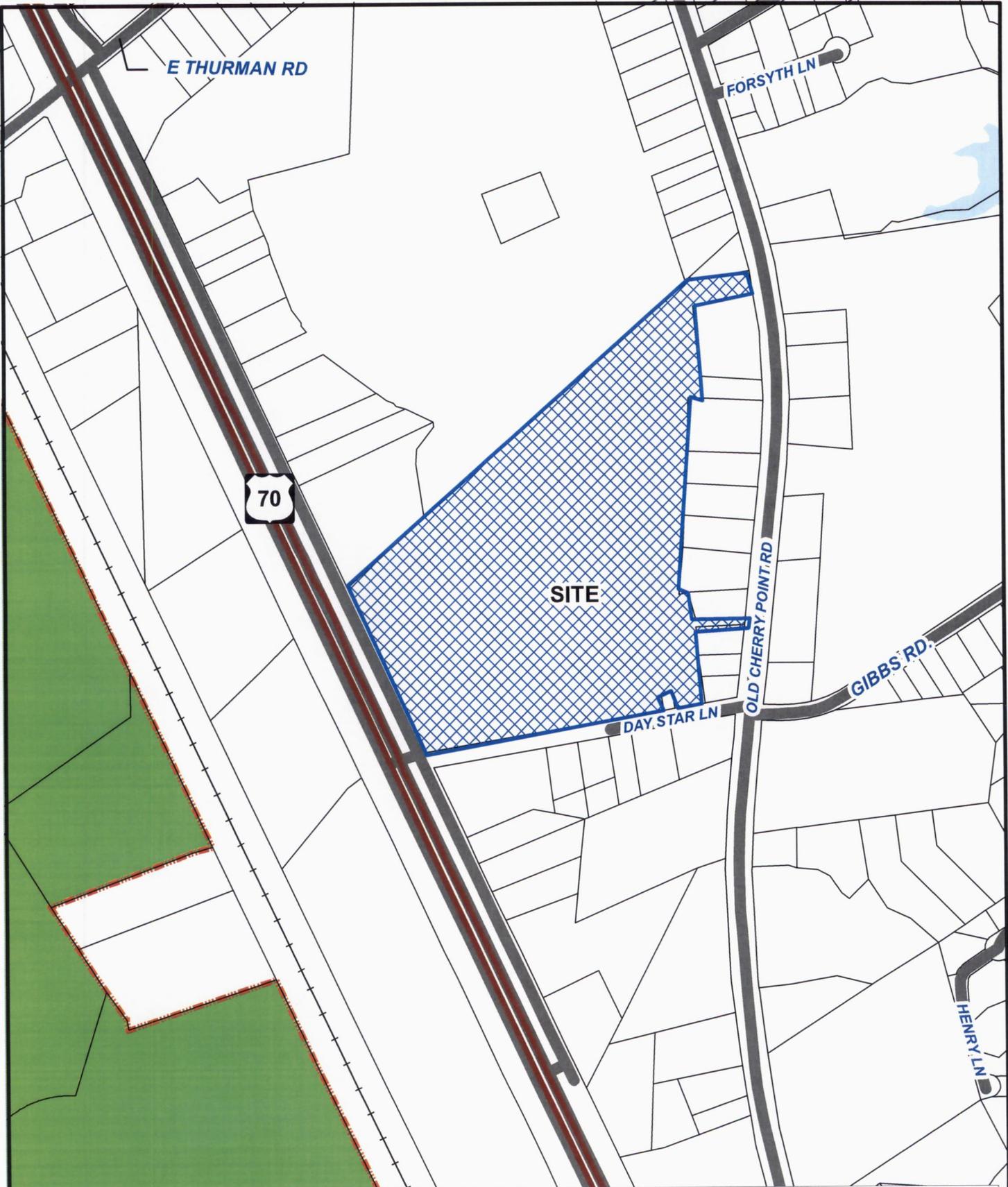
Section 1. That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on March 26, 2019, in the City Hall Courtroom at 6:00 p.m., or as soon thereafter as the matter may be reached, on the question of annexing to the City of New Bern the parcel of land owned by Brice’s Creek Bible Church, Inc., which said parcel is located at 4250 U.S. Highway 70 East in Number Seven (7) Township, Craven County, North Carolina, the boundaries of which are shown on Exhibit A attached hereto and incorporated herein by reference.

Section 2. That a notice of public hearing shall be published once in the *Sun-Journal* at least ten (10) days prior to March 26, 2019.

ADOPTED THIS 12<sup>th</sup> DAY OF MARCH, 2019.

\_\_\_\_\_  
DANA E. OUTLAW, MAYOR

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK



**Proposed Annexation: 4250 US Hwy 70 E - 32.17 Acres. Tax ID 7-037-019.**



Existing New Bern Limits

Proposed Annexation Area

N



Scale: 1 = 500 ft



**CERTIFICATE OF SUFFICIENCY**

I, BRENDA E. BLANCO, City Clerk of the City of New Bern, North Carolina, do hereby certify that I have investigated the sufficiency of the Petition of Brice's Creek Bible Church, Inc., requesting annexation by the City of New Bern of a parcel of land located at 4250 U.S. Highway 70 East in Number Seven (7) Township, Craven County, which said Petition is dated October 24, 2018, and I do hereby certify that said Petition is in order in all respects.

THIS 12<sup>th</sup> DAY OF MARCH, 2019.

---

BRENDA E. BLANCO, CITY CLERK

**PETITION TO ANNEX**

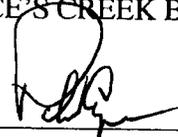
TO: BOARD OF ALDERMEN OF THE CITY OF NEW BERN

1. Brice's Creek Bible Church, Inc., the undersigned owner of real property, respectfully requests that the area described in Paragraph 2 below be annexed to the City of New Bern.

2. The area to be annexed is located less than three (3) miles from the primary corporate limits of the City of New Bern and meets all of the standards set forth in § 160A-58.1(b) of the North Carolina General Statutes. The boundaries of such territory are more particularly described on Exhibit A attached hereto and incorporated herein by reference.

OWNER:

BRICE'S CREEK BIBLE CHURCH, INC.

By:  252-658-2034

Title: Elder Chairman

Date: 10/24/18

Mailing Address: Post Office Box 3081

New Bern, NC 28564

EXHIBIT A

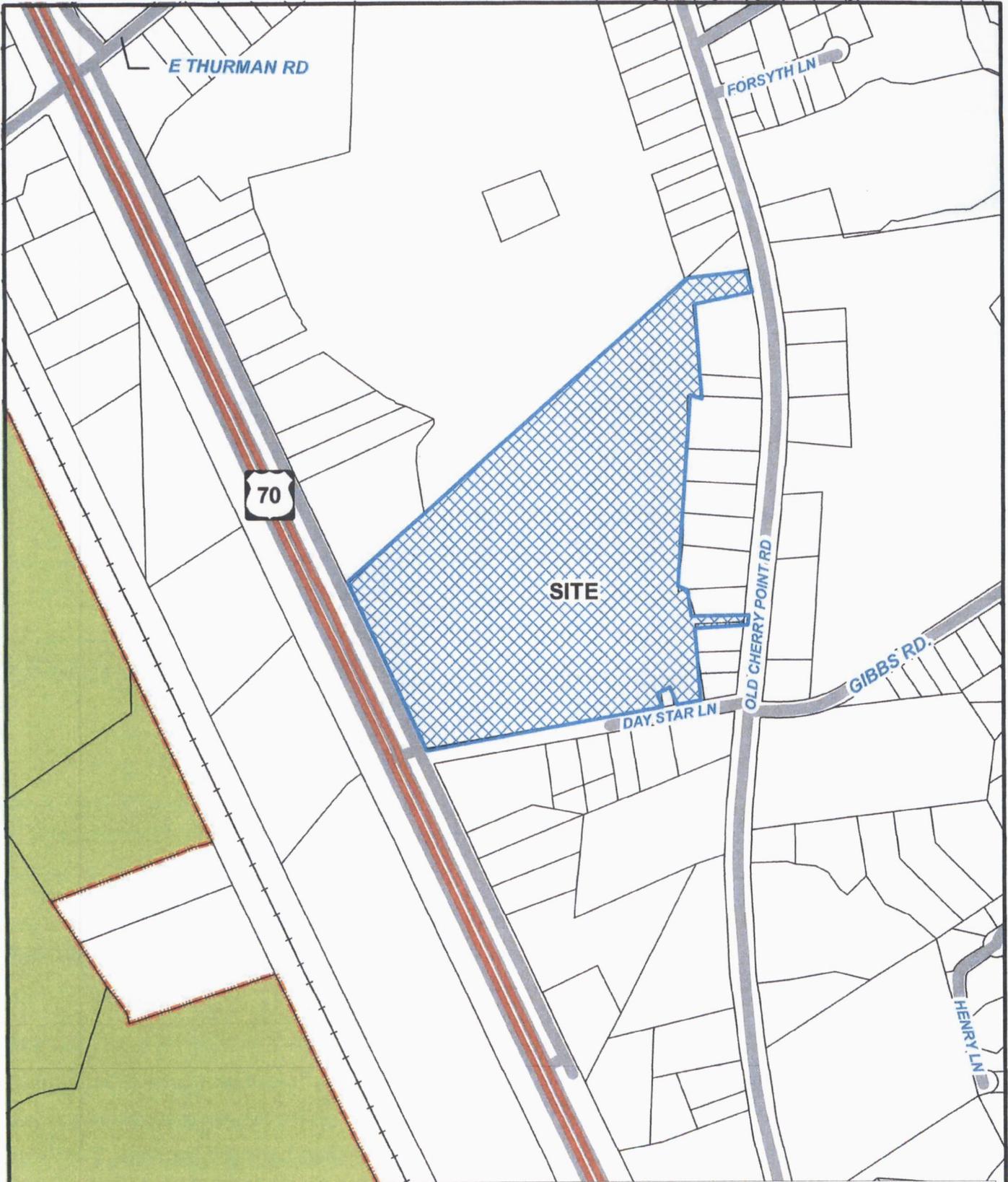
**TRACT ONE:**

All that certain tract or parcel of land lying and being in Number Seven (7) Township, Craven County, North Carolina and being more particularly described as follows:

Beginning at a point in the northern right-of-way line of Neuse Road, a 60-foot right-of-way, which is shown and delineated on the map of Harvey L. Cox Subdivision recorded in Map Book 6, Page 100, said point of beginning being located the following courses and distances from North Carolina Geodetic Survey Monument "MCGHIN" which monument has grid coordinates (NAD83) of N = 472924.38 feet and E = 2597258.48 feet: South 67° 17' 39" East 269.39 feet to a point in the eastern right-of-way line of U.S. Highway 70 East of New Bern; thence South 25° 13' 29" East along and with the eastern right-of-way line of U.S. Highway 70, 672.47 feet to a point in the northern right-of-way line of Neuse Road; thence North 81° 05' 24" East along and with the northern right-of-way line of Neuse Road 388.97 feet to the POINT OF BEGINNING; thence from said point of beginning so located, North 25° 13' 39" West 506.78 feet to a point; thence North 48° 28' 06" East 1,116.18 feet to a point marked by an axle; thence South 02° 32' 17" West 144.99 feet to a point; thence South 02° 47' 56" West 360.66 feet to a point; thence South 05° 39' 29" West 176.06 feet to a point; thence North 77° 22' 13" East 36.66 feet to a point; thence South 15° 13' 19" East 107.30 feet to a point; thence North 88° 13' 06" East 207.60 feet to the western right-of-way line of Old Cherry Point Road (NCSR 1113); thence South 07° 02' 36" West along and with the western right-of-way line of Old Cherry Point Road 28.02 feet to a point; thence South 88° 51' 25" West 200.69 feet to a point marked by an axle; thence South 04° 50' 09" East 108.76 feet to a point marked by an angle iron; thence South 07° 39' 57" East 184.29 feet to a point in the northern right-of-way line of Neuse Road; thence South 81° 05' 37" West along and with the northern right-of-way line of Neuse Road 116.74 feet to a point; thence North 08° 55' 39" West 60.03 feet to a point; thence South 81° 04' 21" West 43.00 feet to a point; thence South 08° 55' 39" East 60.00 feet to a point in the northern right-of-way line of Neuse Road; thence South 81° 05' 29" West along the northern right-of-way line of Neuse Road 527.69 feet to the point of beginning, according to a map or plat entitled, "Boundary Survey for Lighthouse, LLC or Tabernacle Baptist Church" recorded in Plat Cabinet C, Slide 121-H, in the office of the Register of Deeds of Craven County, which map is incorporated by reference herein for a more perfect description of the lands described hereinabove.

**TRACT TWO:**

BEGINNING at a point in the Eastern right of way line of US Highway 70 East (a 260 right of way) which is located South 67° 17' 39" East 269.36 feet from NCCS Monument "MCGHIN" said point of beginning having grid coordinates (NAD 83) North equals 472820.27 feet and East equals 2597507.00 feet. Thence from this point of beginning so located North 48° 28' 25" East 1716.67 feet to an iron pipe, thence North 47° 36' 40" East 25.48 feet to an iron pipe, thence South 18° 46' 50" East 16.85 feet to an iron pipe, thence North 79° 59' 04" East 238.23 feet to an iron pipe in the western right of way line of NCSR 1113 (Old Cherry Point Road). Thence along and with the Western right of way line of Old Cherry Point Road South 10° 13' 34" East 91.91 feet to an iron pipe. Thence South 79° 57' 40" West 250.09 feet along the Campbell Northern line to an iron pipe running thence South 04° 48' 23" East 344.47 feet to an iron pipe, thence North 87° 28' 24" West 49.99 feet to an iron pipe, thence South 02° 49' 04" West 55.22 feet to an axle, thence South 48° 28' 06" West 1116.18 feet to a point, thence South 25° 13' 39" East 506.78 feet to a point in the Northern line of Neuse Road is the same as shown on a plat of the Harvey L. Cox Subdivision recorded in Map Book 6, Page 100 in the Craven County Registry, thence along and with the Northern right of way line of said Neuse Road South 81° 05' 24" West 388.97 feet to an iron pipe in the Eastern right of way line of US Highway 70; thence along and with said right of way line North 25° 13' 29" West 672.47 feet to the point and place of beginning.



**Proposed Annexation: 4250 US Hwy 70 E - 32.17 Acres. Tax ID 7-037-019.**



Existing New Bern Limits  
Proposed Annexation Area



**Scale: 1 = 500 ft**



**AGENDA ITEM COVER SHEET**

**Agenda item title:**

Resolution to approve a General Warranty Deed between Habitat for Humanity of Craven County NC, Daae Khetphibum and wife, Chen Paw, and the City involving property at 813 West Street

**Date of Meeting/Work Session** March 12, 2019 **Ward # if applicable** 1

**Department** Development Services **Person submitting item** Scott Davis

**Call for Public Hearing** \_\_\_\_\_ **Date of Public Hearing** \_\_\_\_\_

**Explanation of the item:**

To approve the City's execution of a general warranty deed for the conveyance of property at 813 West Street by Habitat to Daae Khetphibum and wife, Chen Paw, to evidence that Habitat has complied with the terms and conditions of a Transfer and Reversion Agreement between the City and Habitat involving this property which was conveyed by the City to Habitat for development as low income housing, and that the reverter provisions of the Agreement no longer apply

**Actions needed by Board:**

Adopt resolution

**Is item time sensitive?** Yes

**Will there be advocates/opponents at the meeting?** \_\_\_\_\_

**Backup attached:**

Resolution  
Memo  
Deed

**Cost of Agenda Item** N/A

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?** \_\_\_\_\_

**Additional notes:**

**MEMORANDUM**

TO: Mayor and Members of the Board  
City Manager

FROM: Michael Scott Davis, City Attorney

RE: Property at 813 West Street conveyed by the City to Habitat for Humanity of  
Craven County NC

DATE: February 28, 2019

In March of 2016, the City conveyed numerous properties, including property at 813 West Street (Craven County parcel identification number 8-007-361) to Habitat for Humanity of Craven County NC to be developed as affordable housing for persons of low and moderate income. This property is subject to the terms and conditions of a Transfer and Reversion Agreement. The property has now been developed as low income housing, and Habitat has requested that the City execute the deed to the buyer for the sole purpose of releasing any rights retained by the City by virtue of the Transfer and Reversion Agreement.

**RESOLUTION**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the General Warranty Deed by and between Habitat for Humanity of Craven County NC, Daae Khetphibum and wife, Chen Paw, and the City of New Bern, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the same for and on behalf of the City.

ADOPTED THIS 12<sup>th</sup> DAY OF MARCH, 2019.

---

DANA E. OUTLAW, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

Prepared by:  
John W. King, Jr.,  
Attorney at Law  
Stubbs Perdue, P.A.  
310 Craven Street  
P.O. Box 1654  
New Bern, NC 28563

*The property herein conveyed DOES NOT include the primary residence of a Grantor.*

Parcel No. 8-007 -361  
Revenue Stamps \$222.00

NORTH CAROLINA

CRAVEN COUNTY

#### **GENERAL WARRANTY DEED**

THIS GENERAL WARRANTY DEED, dated the \_\_\_ day of March, 2019, is made by and between **Habitat for Humanity of Craven County**, ("Habitat") a North Carolina nonprofit corporation, a North Carolina a corporation, whose address is 930 Pollock Street, New Bern, North Carolina 28560, (herein called the "Grantor"); **Daae Khetphibum and wife, Chen Paw**, whose address is 813 West Street, NC 28562, (herein called the "Grantee").and **The City of New Bern**, a North Carolina municipal corporation, whose address is P.O. Box 1129, New Bern, NC 28563, party of the third part (herein called the "City"), which joins in the execution of this deed for the sole purpose set out herein below.

The terms "Grantor" and "Grantee" as used herein shall mean and include the parties indicated, whether one or more, and their heirs, legal representatives, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by the context.

WITNESSETH:

WHEREAS, City conveyed to Habitat the hereinafter described real property by Deed recorded in Book 3430, Page 830 of the Craven County Registry:, and,

WHEREAS, the conveyance by the City to Habitat was to enable Habitat to develop the subject property as affordable housing for persons of low and moderate income in the City of New Bern, as addressed in the Transfer and Reversion Agreement dated March 8, 2016, and recorded in Book 3420, Page 820 of the Craven County Registry.

NOW THEREFORE, Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, real property in the City of New Bern, Township 8, Craven County, the following described real property; to wit:

All that certain tract or parcel of land lying and being situate in the City of New Bern, Number Eight (8) Township, Craven County, North Carolina, and more particularly described as follows:

All that certain tract or parcel of land lying and being situate in the City of New Bern, in state and county, and in that portion of said City known and designated as "PAVIETOWN" as properly recorded in the public records in the Office of the Register of Deeds for the said Craven County, Book 106, Page 385, being the number 137 on said plot or plan, and to which reference is hereby made for a more perfect description. Said lot number 137 fronts on West Street.

This conveyance is made **subject** to the restrictive and protective covenants which are attached hereto as **Exhibit A**.

The property hereinabove described was acquired by Grantor by deed recorded in Book 3430 Page 830, Craven County Registry.

TO HAVE AND TO HOLD the aforesaid real property and all privileges and appurtenances thereunto belonging to Grantee in fee simple.

And Habitat for Humanity of Craven County covenants with Grantee that Grantor is seized of the premises in fee and has the right to convey the same in fee simple, that the title is free and clear of all liens and encumbrances except as herein otherwise described, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

The City of New Bern joins in the execution of this deed for the sole purpose of releasing any rights which it retained in the property being conveyed by this instrument by virtue of the Transfer and Reversion Agreement dated March 8, 2016, recorded in Book 3430 at Page 820 of the Craven County Registry.

IN WITNESS WHEREOF, Grantor and City have caused this instrument to be properly executed in such form as to be binding after proper authority having been given this the day and year first above written.

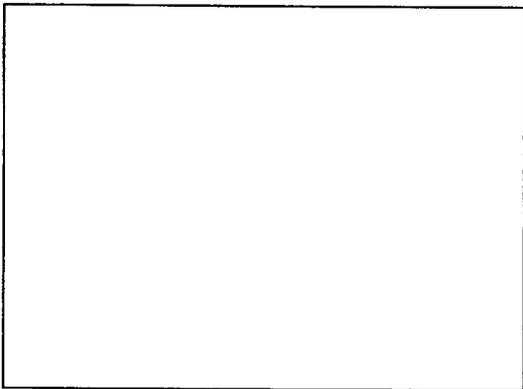
Habitat for Humanity of Craven County, a North Carolina nonprofit corporation

By: \_\_\_\_\_ (SEAL)  
Tiffany Dove, Vice-President

NORTH CAROLINA  
CRAVEN COUNTY

I, a Notary Public of \_\_\_\_\_ County, North Carolina, certify that on this date before me personally appeared Tiffany Dove, Vice-President of Habitat for Humanity of Craven County, a North Carolina nonprofit corporation, personally known to me or who produced satisfactory evidence of identification and voluntarily signed the foregoing or attached instrument for the purposes therein stated and in the capacity indicated.

Witness my hand and official stamp or seal this the \_\_\_ day of February, 2019.



\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

City of New Bern  
*A North Carolina Municipal Corporation*

By: \_\_\_\_\_  
Dana E. Outlaw, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Blanco, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF CRAVEN

I, \_\_\_\_\_, a Notary Public for said county and state, do hereby certify that on this day before me personally appeared DANA E. OUTLAW, with whom I am personally acquainted, who, being by me duly sworn, says that he is the Mayor and that BRENDA BLANCO is the City Clerk for the City of New Bern, the municipal corporation described in and which executed the foregoing instrument; that he knows the common seal of said municipal corporation; that the seal affixed to the foregoing instrument is said common seal; that the name of the municipal corporation was subscribed thereto by the said Mayor; that the said common seal was affixed, all by order of the Board of Aldermen of said municipal corporation; and that the said instrument is the act and deed of said municipal corporation.

WITNESS my hand and official stamp or seal, this the \_\_\_\_ day of March, 2019.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

## EXHIBIT A

(Deed: Daae Khetphibum and wife, Chen Paw)

### RESTRICTIVE AND PROTECTIVE COVENANTS AGREEMENT

**This Restrictive and Protective Covenants Agreement**, entered into this the \_\_\_\_ day of March, 2019, by and between **Habitat for Humanity of Craven County NC**, a North Carolina non-profit corporation (hereinafter called "Habitat"), and Daae Khetphibum and wife, Chen Paw, (hereinafter called "Buyer").

#### WITNESSETH:

WHEREAS, Habitat is the Craven County affiliate of Habitat for Humanity, an Ecumenical Christian Housing Ministry whose objective is to eliminate poverty housing from the world and to make decent shelter a matter of conscience; and,

WHEREAS, in accordance with its stated goal of providing affordable housing, Habitat agrees to build low cost homes for individuals or families, for no profit to Habitat and with no interest expense to the homeowner; and,

WHEREAS, because of the unique opportunity the Habitat program affords the homeowner, in order to protect the goals of Habitat it is necessary that certain restrictions be placed on the real property in this deed; and,

WHEREAS, Habitat has selected Buyer for whom Habitat has constructed a house; and,

WHEREAS, as a condition to the closing of this house Buyer has agreed to execute this Restrictive and Protective Covenants Agreement simultaneously with the delivery by Habitat of this deed and Buyer's receipt of said Deed in order to protect the interest of Habitat in the house and land.

NOW, THEREFORE, for valuable consideration, including without limitation the substantially below-market price and financing terms offered to Buyer, the receipt and disclosures of which are hereby acknowledged, Habitat and Buyer hereby agree as follows:

1. DESCRIPTION OF PROPERTY. The property which is the subject of this Restrictive and Protective Covenants Agreement is described in the Deed executed simultaneously with this Agreement and appended hereto and is hereinafter called "Property."

2. PROMISSORY NOTE: DEED OF TRUST. Buyer has executed a Promissory Note in favor of Habitat and Buyer has promised to execute a Deed of Trust on the Property. Reference is hereby made to that Offer to Purchase and Contract entered into by and between Habitat and Buyer for documentation of the underlying promises herein cited. For so long as the Habitat Note is outstanding and unpaid, Buyer agrees to comply with the terms of the Habitat Note and the Habitat Deed of Trust. Buyer also agrees to execute a second Promissory Note and second Deed of Trust as

further security for Habitat; a corresponding acknowledgment regarding this liquidated damages provision is documented in said offer to Purchase and Contract.

3. **RESTRICTION ON RENTAL USE AS PRINCIPAL RESIDENCE.** For so long as Buyer is indebted to Habitat for the Property, Buyer shall not lease or rent the property/or any part thereof to one or more third parties; and, so long as Buyer is indebted to Habitat, Buyer shall utilize the Property as Buyer’s principal residence. A breach of this condition shall be a default under the terms of the Deed of Trust given to secure the loans to Habitat, which default would allow Habitat to foreclose without any other default being evident.

4. **FENCE RESTRICTION.** No fence shall be erected on the Property that does not comply with the City of New Bern zoning ordinances or historic overlay district restrictions, and no fence shall be erected that is chain link or wire mesh. No fence shall exceed four (4) feet in height and any fence that is allowed must be slatted such that there are visible gaps between pickets to be “see through”.

5. **RIGHT OF FIRST REFUSAL.** So long as Buyer is indebted to Habitat, upon the receipt by Buyer of a bona fide offer to purchase the property, Buyer shall promptly deliver to Habitat a copy of said Notice and a letter indicating that Buyer desires to sell the Property for that price. Habitat shall have a period of thirty (30) days in which to notify Buyer that Habitat is exercising its right of first refusal in electing to purchase the Property. In the event that Habitat elects to purchase the Property, Habitat shall have the right to purchase the Property in accordance with the following price schedule:

(a) If the contract from the third party is received within one (1) year of the date of recording of the Habitat Deed of Trust, (hereinafter called the "Acquisition Date"). Habitat shall be entitled to purchase the Property at the then outstanding amount of the Habitat Note.

(b) If the third party offer is received more than one (1) year after the Acquisition Date, Habitat shall be entitled to purchase the Property for the then outstanding amount of the Habitat Note plus the following described percentage of the difference between the outstanding amount of the Habitat Note and the third party offering price:

<b><u>Year</u></b>	<b><u>Percentage</u></b>
First anniversary to Second anniversary	6.6%
For each subsequent year through the 14th anniversary add per year	6.6%
Fourteenth anniversary to Final Anniversary	93.4%

For each subsequent year:  
through the final  
anniversary - subtract per  
year

6.6%

After final anniversary

0%

(c) The prepayment of the Habitat Note, in whole or in part, shall not affect the right of Habitat to share proceeds as described above.

7. DEFAULT. The occurrence of any default or breach under this agreement shall constitute a default under the Habitat Note and the Habitat Deed of Trust, and shall entitle Habitat to accelerate the Habitat Note and foreclose upon the Property and pursue all other legal remedies provided under the Habitat Deed of Trust or otherwise available at law.

8. SUCCESSORS AND ASSIGNS. This agreement shall be binding upon, and inure to the benefit of, the parties hereto, and any subsequent owner of the property described herein.

9. AMENDMENTS. These restrictive and protective covenants may not be modified or amended without the prior or written consent of Habitat.

10. ENFORCEMENT. Enforcement of these restrictive and protective covenants shall be by any proceedings at law or at equity against any person or persons violating or attempting to violate any covenants or restriction contained herein, either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants; and failure by Habitat to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

11. SEVERABILITY. Invalidation of any one of these covenants or restrictions by judgment or court order shall not affect any of the provisions hereof, which shall remain in full force and effect.

12. TERMINATION. These restrictive and protective covenants shall terminate on the final anniversary hereof, said final anniversary being the date on which the debt is repaid in full.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed in such form as to be binding as of the day and year first above written.

**Habitat For Humanity of Craven County NC**

**By:** \_\_\_\_\_

\_\_\_\_\_  
*Typed or Printed Name and Title*

\_\_\_\_\_  
Daae Khetphibum (SEAL)

\_\_\_\_\_  
Chen Paw (SEAL)

NORTH CAROLINA  
CRAVEN COUNTY

I, a Notary Public for \_\_\_\_\_, County, North Carolina, do hereby certify that on this day before me personally appeared Daae Khetphibum and wife, Chen Paw each personally known to me or who produced satisfactory evidence of identification and voluntarily signed the foregoing or attached instrument for the purposes therein expressed *and in the capacity indicated*.

WITNESS my hand and official stamp or seal, this the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

NORTH CAROLINA  
CRAVEN COUNTY

I, a Notary Public for \_\_\_\_\_, County, North Carolina, do hereby certify that on this day before me personally appeared \_\_\_\_\_  
**President of Habitat for Humanity of Craven County NC**, each personally known to me or who produced satisfactory evidence of identification and voluntarily signed the foregoing or attached instrument for the purposes therein expressed *and in the capacity indicated*.

WITNESS my hand and official stamp or seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

## **AGENDA ITEM COVER SHEET**

**Agenda Item Title:**

Consider Adopting a Resolution Approving & Adopting 2019 Local Government Agencies Records Retention & Disposition Schedule

**Date of Meeting** 3/12/19

**Ward # if applicable** N/A

**Department** City Clerk



**Person Submitting Item:** Brenda Blanco

**Call for Public Hearing**  Yes  No

**Date of Public Hearing**

**Explanation of Item:**

Chapters 121 and 132 of the NC General Statutes address public records management and destruction. The State Archive Office regularly updates the record retention policy for local governments to follow. The latest schedule was issued on March 1, 2019 and needs to be adopted by the City.

**Actions Needed by Board:**

Consider adopting the proposed resolution

**Is item time sensitive?**  Yes  No

**Will there be advocates/opponents at the meeting?**  Yes  No

**Backup Attached:**

Memo, resolution, retention and disposition schedule

**Cost of Agenda Item:** \$0

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :**  Yes  No

**Additional notes:**



# NEW BERN

CITY OF NEW BERN

300 Pollock Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 636-4000

## Aldermen

Sabrina Bengel  
Jameesha Harris  
Robert V. Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager

## Memorandum

TO: Mayor and Board of Aldermen  
FROM: Brenda Blanco, City Clerk *PdB*  
DATE: March 1, 2019  
SUBJECT: Records Retention and Disposition Schedule

In accordance with Chapters 121 and 132 of the NC General Statutes, the NC Department of Cultural Resources issues schedules establishing the minimum amount of time records must be retained by local governments. Once issued, the City approves and adopts the schedules and agrees to comply with the retention periods established. The latest schedule was issued on March 1, 2019 and requires the City's adoption.

/beb

**RESOLUTION APPROVING 2019 LOCAL GOVERNMENT AGENCIES  
GENERAL RECORDS RETENTION AND DISPOSITION SCHEDULE**

WHEREAS, The North Carolina Department of Natural and Cultural Resources, Division of Archives and Records, Government Records Section,, hereinafter referred to as the NC Department of Cultural Resources ("NCDNCR"), is responsible for assisting local governments in records management, including the destruction of obsolete records and the protection of essential records as provided by Chapters 121 and 132 of the General Statutes of North Carolina.

WHEREAS, the NCDNCR issued the latest Municipal Records Retention and Disposition Schedule for Local Government Agencies on March 1, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

1. That the Records Retention and Disposition Schedule for Local Government Agencies issued by the NCDNCR and dated March 1, 2019 is hereby approved and adopted as a guide for the City of New Bern in managing and protecting records and destroying obsolete records as provided by Chapters 121 and 132 of the NC General Statutes.

2. That the Mayor and City Clerk are hereby authorized to execute said schedule, a copy of which is attached hereto and incorporated herein by reference.

This the 12<sup>th</sup> day of March, 2019.

\_\_\_\_\_  
DANA E. OUTLAW, MAYOR

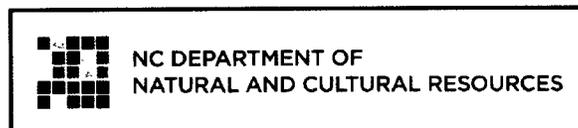
\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK

# RECORDS RETENTION AND DISPOSITION SCHEDULE

## GENERAL RECORDS SCHEDULE FOR LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources  
Division of Archives and Records  
Government Records Section

March 1, 2019

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**2019 Local Government Agencies  
General Records Retention and Disposition Schedule**

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.**

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "reference value ends." All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "destroy when reference value ends."

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

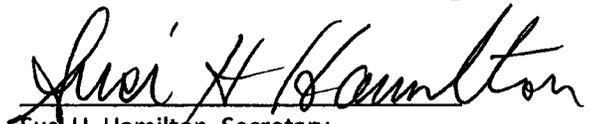
**APPROVAL RECOMMENDED**

~~County~~  
Municipal/~~County~~ Clerk ~~XXXXXX~~  
Title: City Clerk

  
Sarah E. Koonts, Director  
Division of Archives and Records

**APPROVED**

Head of Governing Body  
Title: Mayor

  
Susi H. Hamilton, Secretary  
Department of Natural and Cultural  
Resources

Municipality/~~County~~: New Bern

## EXECUTIVE SUMMARY

- ✓ According to G.S. § 121-5(b) and G.S. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Richard Pearce-Moses, *A Glossary of Archival and Records Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by G.S. § 121-5 and G.S. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina provides microfilming services for the minutes of major decision-making boards and commissions. Once those records are filmed, we will store the silver halide negative (original) in our security vault. There is a nominal fee for filming and duplicating film. Contact the Records Management Analyst in charge of microfilm coordination for the most current information.

## MANAGING PUBLIC RECORDS IN NORTH CAROLINA

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### ***Q. What is this “records retention and disposition schedule”?***

- A.** This document is a tool for the employees of local government agencies across North Carolina to use when managing the records in their offices. It lists records commonly found in agency offices and gives an assessment of their value by indicating how long those records should be retained. This schedule is also an agreement between your agency and the State Archives of North Carolina.

This schedule serves as the inventory and schedule that the State Archives of North Carolina is directed by G.S. § 121-5(c) and G.S. § 132-8 to provide. It supersedes all previous editions, including all amendments.

---

### ***Q. How do I get this schedule approved?***

- A.** This schedule must be approved by your governing body for use in your agency. That approval should be made in a regular meeting and recorded as an action in the minutes. It may be done as part of the consent agenda, by resolution, or other action.
- 

### ***Q. Am I required to have all the records listed on this schedule?***

- A.** No, this is not a list of records you must have in your office.
- 

### ***Q. What is “reference value”?***

- A.** Items containing “reference value” in the disposition instructions are generally records that hold limited value, which is typically restricted to those documenting routine operations within the office. A minimum retention period should be established by the office for any items containing the phrase “destroy in office when reference value ends” in the disposition instructions.
- 

### ***Q. Do the standards correspond to the organizational structure of my agency?***

- A.** Records series are grouped into standards to make it easier for users to locate records and their disposition instructions. You may find that the groupings reflect the organizational structure of your agency, or you may find that records are located in various standards depending on the content of the record. The intent of the schedule’s organization is to provide an easy reference guide for the records created in your agency.
- 

### ***Q. What if I cannot find some of my records on this schedule?***

- A.** Sometimes the records are listed in a different standard than how you organize them in your office. Be sure to check the Index and utilize the search function on the PDF version of the schedule to facilitate the location of records series. If you still cannot locate your records on the schedule, contact a Records Management Analyst. We will work with you to amend this records schedule so that you may destroy records appropriately.
- 

### ***Q. What are public records?***

- A.** The *General Statutes of North Carolina*, Chapter 132, provides this definition of public records:

“Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

---

**Q. Is any person allowed to see my records?**

**A.** Yes, except as restricted by specific provisions in state or federal law. G.S. § 132-6 instructs:

“Every custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. ... No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.”

---

**Q. What about my confidential records?**

**A.** Not all government records are open to public inspection. Exceptions to the access requirements in G.S. § 132-6 and the definition of public records in G.S. § 132-1 are found throughout the General Statutes. You must be able to cite a specific provision in the General Statutes or federal law when you restrict or deny access to a particular record.

---

**Q. Am I required to make available to the public copies of drafts that have not been approved?**

**A.** Yes, even if a report, permit, or other record has not been finalized, it is still a public record subject to request. Any record that is not confidential by law must be provided when a request is received, whether it is “finished” or not.

---

**Q. What do I do with permanent records?**

**A.** Permanent records should be maintained in the office that created the records, forever.

The Department of Natural and Cultural Resources (DNCR) is charged by the General Assembly with the administration of a records management program (N.C.G.S. §121-4 (2) and §132-8.1) and the maintenance of “a program for the selection and preservation of public records considered **essential** to the operation of government and to the **protection of the rights and interests of persons**” (§132-8.2).

Permanent records with these characteristics require preservation duplicates that are human-readable (paper or microfilm). Some examples of these characteristics include:

- Affect multiple people, without regard to relation
- Have significance over a long span of time
- Document governance
- Document citizenship

Examples of records with these characteristics:

- Minutes of governing bodies at the state and local levels are the basic evidence of our system of governance, and are routinely provided for the public to read.
- Records, such as deeds and tax scrolls, about land document changes in ownership and condition. Counties maintain offices expressly for the purpose of making those records available to the public. Other records in local and state governments document potential public health hazards, such as hazardous materials spills.
- Adoptions, marriages, and divorces document changes in familial relationships and document citizenship. Though adoptions are confidential (not available for public inspection), they document citizenship and changes in inheritance and familial succession.
- Court records, such as wills, estates, and capital cases, affect people within and across family groups, are made available for public inspection, and often involve transactions related to the examples above.

See the Human-Readable Preservation Duplicates policy issued by the North Carolina Department of Natural and Cultural Resources (<https://archives.ncdcr.gov/documents/human-readable-preservation-duplicates>) and check with a records analyst to determine whether your permanent records require a preservation duplicate.

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**Q. *What is historical value?***

- A.** Historical records document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the government or its citizens. Call a Records Management Analyst for further assistance in assessing historical value.

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**Q. *What if I do not have any records?***

- A.** Nearly every position in government generates, receives, or uses records. Computer files of any kind, including drafts and e-mail, are public records. Even if your records are not the official or final version, your records are public records. Not all records have high historical, legal, or fiscal value, but they all must be destroyed in accordance with the provisions of the appropriate records schedule.

---

**Q. *May I store our unused records in the basement, attic, shed, etc.?***

- A.** Public records are public property. Though we encourage agencies to find places to store records that do not take up too much valuable office space, the selected space should be dry, secure, and free from pests and mold. Your office must ensure that records stored away from your main office area are well protected from natural and man-made problems while remaining readily available to your staff and the public.

---

**Q. *Our old records are stored in the attic, basement, or off-site building, etc. Are we required to provide public access to these records?***

- A.** Yes, as long as the records are not confidential by law. You should also be aware that confidentiality can expire.

---

**Q. *Aren't all our old records at the State Archives of North Carolina?***

- A.** Probably not. The State Archives of North Carolina collects only very specific types of records from local government offices. Contact a Records Management Analyst for more information about which records are held or can be transferred to the State Archives of North Carolina for permanent preservation.

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**Q. *I found some really old records. What should I do with them?***

- A.** Call a Records Management Analyst. We will help you examine the records and assess their historical value.

---

**Q. *Can I give my old records to the historical society or public library?***

- A.** Before you offer any record to a historical society, public library, or any other entity, you must contact a Records Management Analyst. Permanent records must be kept either in your offices or at the State Archives of North Carolina.

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**Q. *Whom can I call with questions?***

- A.** If you are located west of Statesville, call our Western Office in Asheville at (828) 296-7230 extension 224. If you are east of Statesville, all the way to the coast, call our Raleigh office at (919) 814-6900.

## AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION

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**Q. Why is there an asterisk in the disposition instructions of so many items on this schedule?**

**A. No record involved in a pending or ongoing audit, legal, or other official action may be destroyed before that audit or action is resolved.**

A legal hold or litigation hold means that records that are the subject of the legal hold or litigation hold must be preserved and thus must not be destroyed until officially released from the hold. A legal hold or litigation hold is placed when either an official discovery order is served on the agency requesting the production of the records in question (for a litigation, regulatory investigation, audit, open records request, etc.) or litigation is pending and the agency is thus on notice to preserve all potentially relevant records. You must also ensure that for a claim or litigation that appears to be reasonably foreseeable or anticipated but not yet initiated, any records (in paper or electronic formats) relevant to such a claim or litigation are preserved and not destroyed until released by your General Counsel. The records in question must not be destroyed until the completion of the action and the resolution of all issues that arise from it regardless of the retention period set forth in this schedule.

We have used an asterisk (\*) in the disposition instructions to mark records series that are commonly audited, litigated, or may be subject to other official actions. However, any record has this potential. Records custodians are responsible for being aware of potential actions, and for preventing the destruction of any record that is, or may be reasonably expected to become, involved in an audit, legal, or other official action.

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See **AUDITS: PERFORMANCE**, page 2, item 8, and **AUDITS: FINANCIAL**, page 19, item 6.) Should a dispute arise over an audit, the records that were audited should be retained until that dispute is resolved.

The attorney representing the agency should inform records custodians when legal matters are concluded and records will no longer be needed. Following the conclusion of any legal action, the records may be destroyed if they have met the retention period in the schedule. Otherwise, they should be kept for the remaining time period.

## TRANSITORY RECORDS

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”<sup>1</sup>

According to North Carolina General Statutes § 121 and § 132, every document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact, or other documentary material, regardless of physical form or characteristics, made or received in connection with the transaction of public business by any state, county, municipal agency, or other political subdivision of government is considered a public record and may not be disposed of, erased, or destroyed without specific approval from the Department of Natural and Cultural Resources.

The Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called “transitory records.” The following questions and answers discuss types of transitory records commonly created in state government. They may be disposed of according to the guidance below. However, all public employees should be familiar with the General Schedule for State Agency Records, their office’s Program Records Retention and Disposition Schedule, and any other applicable guidelines for their office. If any of these documents require a different retention period for these records, follow the longer of the two retention periods. When in doubt about whether a record is transitory, or whether it has special significance or importance, retain the record in question and seek guidance from the analyst assigned to your agency.

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### ***Q. What do I do with routing slips, fax cover sheets, “while you were out” slips, memory aids, etc.?***

- A.** Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed.

Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails) have minimal value once the official action these records are supporting has been completed and documented. Unless they are listed on the General Schedule for State Agency Records or your office’s Program Records Retention and Disposition Schedule, these records may be destroyed or otherwise disposed of once the action has been resolved.

---

### ***Q. What about research materials, drafts, and other working papers used to create a final, official record?***

- A.** Drafts and working papers are materials, including notes and calculations, gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of General Statute § 132, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents which may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and

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<sup>1</sup> *A Glossary of Archival and Records Terminology*, Richard Pearce-Moses (2005)

- Drafts and working papers for presentations, workshops, and other explanations of agency policy that are already formally documented.

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***Q. What if I have forms designed and used solely to create, update, or modify records in an electronic medium?***

- A.** If these records are not required for audit or legal purposes, they may be destroyed in office after completion of data entry and after all verification and quality control procedures. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g. a signature or notary's seal), they should be retained according to the disposition instructions for the records series encompassing the forms' function.

See also the State Archives of North Carolina's guidance on digital signatures found at:  
<https://archives.ncdcr.gov/documents/digital-signature-policy-guidelines>

## LEGEND FOR RECORDS SCHEDULE

This records retention and disposition schedule applies to records in all media, unless otherwise specified.



– symbol designating that one or more records in this series may be confidential or may include confidential information.

**Item #** – an identifying number assigned to each records series for ease of reference.

**Series** – “a group of similar records that are . . . related as the result of being created, received, or used in the same activity.” (From Richard Pearce-Moses, *A Glossary of Archival and Records Terminology*). Series in this schedule are based on common functions in government offices.

**Records Series Title** – a short identification of the records in a series, based on their common function.

**Series Description** – a longer description of the records in a series, often including the types of records that can frequently be found in that series. This information is included underneath the Records Series Title.

**Disposition Instructions** – instructions dictating the length of time a series must be retained and how the office should dispose of those records after that time.

**Citation** – a listing of references to statutes, laws, and codes related to the records series. Citations can include:

- Authority: governing the creation of records
- Confidentiality: limiting access to public records
- Retention: setting a retention period

Throughout this schedule, items that cross-reference other items within this schedule are indicated with bold, uppercase letters. If you hover your cursor over one of these items, you will see the hand tool that will enable you to click on the item to follow the link to that location.

**AUDITS: PERFORMANCE**

Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.

See also **AUDITS: FINANCIAL**, page 20, item 6.

Sample records series title and description with cross-reference included

***No destruction of records may take place if litigation or audits are pending or reasonably anticipated. See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page vi.***

**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

Official records pertaining to the authority, operating philosophy, methods, primary functions, and routine office administration of local agencies.

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			CITATION
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	
1.	<b>ABSTRACTS OF MUNICIPAL ELECTIONS</b> Copies of abstracts prepared by the County Board of Elections and forwarded to the municipal clerk.	Destroy in office when reference value ends. † Agency Policy: Destroy in office after _____ <i>Retention Note: Official record maintained permanently by the County Board of Elections.</i>	Authority: G.S. § 163-300
2.	<b>ACCREDITATION RECORDS</b> Records documenting accreditations and certifications received by the agency. Includes applications, final reports, and other related records.	Destroy in office 5 years after superseded or obsolete.	Authority: 10A NCAC 48B
3.	<b>ADMINISTRATIVE DIRECTIVES, REGULATIONS, AND RULES</b>	a) Retain in office official copy permanently. b) Destroy in office remaining records after 3 years.	
4.	<b>AGENDA AND MEETING PACKETS</b> Includes agendas and copies of supporting documentation submitted and discussed during meetings of public bodies. Also includes documentation of outside meetings attended by agency personnel.  See also <b>MINUTES OF PUBLIC BODIES</b> , page 11, item 42.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends. †  Agency Policy: Destroy in office after _____	

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.	<p><b>APPLICATIONS FOR APPOINTMENT</b> Applications and related records received from individuals applying for appointments to serve on public boards, commissions, councils, and committees.</p>	<p>a) Destroy in office records concerning appointed individuals 1 year after expiration of term. b) Destroy in office remaining records when reference value ends. † Agency Policy: Destroy in office after Destroy in office after 2 years.</p>	<p>Authority: G.S. § 143-157.1</p>
6.	<p><b>APPOINTMENT REPORTS</b> Includes annual appointment reports filed with the NC Department of the Secretary of State.</p>	<p>Destroy in office after approval of official written minutes. <i>NOTE: If these serve as the official minutes, as allowed by G.S. § 143-318.10(e), their retention should be permanent. These disposition instructions apply to recordings produced solely for the purpose of generating official written minutes.</i></p>	
7.	<p><b>AUDIO AND VIDEO RECORDINGS OF MEETINGS</b> See also <b>MINUTES OF PUBLIC BODIES</b>, page 11, item 42.</p>	<p>a) Retain in office permanently reports related to internal compliance or operational audits, hazardous material, or those that document a significant change in agency practices. b) Destroy in office remaining audit reports after 10 years. c) Destroy in office documentation of corrective measures 2 years after their implementation. d) Destroy in office working papers and remaining records when superseded or obsolete.</p>	
8.	<p><b>AUDITS: PERFORMANCE</b> Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records. See also <b>AUDITS: FINANCIAL</b>, page 19, item 6.</p>		

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	<p><b>BLUEPRINTS AND SPECIFICATIONS</b> Blueprints and specifications of agency owned buildings and facilities. Includes as-built plans and related records concerning approved changes.</p>	<p>a) Transfer as-built drawings to new owner when agency relinquishes ownership of building or facility. b) Retain in office as-built drawings for life of structure and then destroy. c) Destroy in office blueprints, floorplans, and other preliminary design and construction documents when superseded or obsolete.</p>	Confidentiality: G.S. § 132-1.7
10.	<p><b>BONDS</b> Records documenting written guarantees from a third party, including bid bonds, payment bonds, performance bonds, and surety bonds. See also <b>BIDS FOR PURCHASE</b>, page 20, item 10, and <b>PROJECTS</b>, page 14, item 53.</p>	Destroy in office 5 years after expiration or cancellation.	
11.	<p><b>BULLETINS</b> Internal information sharing materials that circulate information within the agency. Also includes memoranda and newsletters.</p>	Destroy in office when superseded or obsolete.	
12.	<p><b>BUSINESS CERTIFICATION RECORDS</b> Applications and supporting documentation submitted by businesses to be certified as a Small Business Enterprise (SBE) or other classification.</p>	<p>a) Destroy in office all documentation 3 years after most recent recertification. b) If certification was never issued, destroy in office all documentation when reference value ends. † Agency Policy: Destroy in office after _____</p>	
13.	<b>BUSINESS DEVELOPMENT SUBJECT FILE</b>	Destroy in office after 3 years.	
14.	<b>CALENDARS OF EVENTS AND APPOINTMENTS</b>	Destroy in office when superseded or obsolete.	

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.	<p><b>CENSUS PROJECT RECORDS</b> Records created to assist the U.S. Census Bureau with the decennial census.</p>	<p>Destroy in office when reference value ends. † Agency Policy: Destroy in office after _____</p>	
16.	<p><b>CHARTER RECORDS</b> Charter and charter proceedings related to adoption, amendment and/or repeal.</p>	<p>Retain in office permanently.</p>	
17.	<p><b>CITIZEN COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS</b> Records concerning objections, dissatisfaction, or disagreements with actions or positions taken or not taken by the agency. Includes comments and petitions submitted by citizens requesting action as well as routine requests for service. Also includes requests for reasonable accommodation under Title II of the Americans with Disabilities Act, including survey of agency buildings to determine accessibility to the physically handicapped, federal regulations, proposals for implementing the act, correspondence (including e-mail), resolutions, and solutions to access problems.</p>	<p>a) Transfer records as applicable to <b>LITIGATION CASE RECORDS</b>, page 47, item 16. b) Destroy in office comments, informal complaints, petitions, and requests 1 year after resolution.* c) Destroy in office accommodation requests and complaints 2 years after resolution.*</p>	<p>Authority: 42 USC 12132</p>
18.	<p>See also <b>CIVIL RIGHTS RECORDS</b>, page 44, item 4. <b>CITIZEN REBATE PROGRAM RECORDS</b></p>	<p>Applications, receipts, and related records concerning rebate programs sponsored by the agency. These records document programs and incentivized actions that citizens may opt into.</p>	<p>a) Destroy in office financial records 3 years after approval.* b) Destroy in office applications 1 year after approval. c) Destroy in office denied applications when reference value ends. † Agency Policy: Destroy in office after _____</p>

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.	<b>CITIZEN SURVEYS</b> Surveys and related records addressing agency services, policies, and other concerns.	Destroy in office when reference value ends. † Agency Policy: Destroy in office after _____	
20.	<b>COLLECTED DATA</b> Information and statistics compiled and analyzed for research purposes or to support the functions of the agency.	Destroy in office when superseded or obsolete.	If data contains confidential information, abide by relevant restrictions.
21.	<b>COMPREHENSIVE PLAN</b> Long-range plan outlining policies, guidelines, and plans for future development of the agency. Includes official copy of comprehensive plan and all background surveys, studies, reports, and draft versions of plans. Also includes strategic plans and business plans, as well as goals and objectives.	<ul style="list-style-type: none"> <li>a) Retain in office comprehensive plans and strategic plans permanently.</li> <li>b) Destroy in office background surveys, studies, reports, and drafts 5 years after adoption of plan.</li> <li>c) Destroy in office business plans 2 years after execution of plan.</li> <li>d) Destroy in office goals and mission statements when superseded or obsolete.</li> </ul>	
22.	<b>CORRESPONDENCE AND MEMORANDA</b> Administrative and management correspondence/memoranda (including e-mail) written or received by the office concerning agency authority, operating philosophy, purpose, methods, and any other function.  For information on handling e-mail and text or instant messages, see <b>ELECTRONIC RECORDS</b> , page 77.	<ul style="list-style-type: none"> <li>a) Transfer correspondence (including e-mail) with historical value to <b>HISTORY RECORDS</b>, page 8, item 32, after 3 years.</li> <li>b) Destroy routine administrative correspondence and memoranda after 1 year.</li> <li>c) Destroy in office remaining records after 3 years.</li> </ul> <p><i>Retention Note: The correspondence (including e-mail) of the most senior administrator has historical value and should be retained permanently.</i></p>	

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† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



<b>STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
23.	<b>CUSTOMER CALL CENTER RECORDINGS</b> Recordings of calls to customer service centers made for quality assurance and training purposes.	Destroy in office after 30 days.	
24.	<b>EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS</b> Records concerning the maintenance, repair, routine testing, and inspection of agency owned equipment and vehicles. Also includes warranties.  See also <b>GRANTS</b> , page 8, item 31, and <b>SYSTEM MAINTENANCE RECORDS: HARDWARE REPAIR OR SERVICE</b> , page 40, item 15.	<ul style="list-style-type: none"> <li>a) Destroy in office records documenting routine inspections, janitorial cleaning, and routine maintenance of equipment and vehicles after 1 year.*</li> <li>b) Destroy in office records documenting all other maintenance and repairs after 3 years.*</li> <li>c) Destroy in office warranties 1 year after expiration.</li> </ul>	
25.	<b>EQUIPMENT AND VEHICLE REFERENCE RECORDS</b> Includes operation, specification, and technical manuals. Also includes brochures, bulletins, and related documentation.	Destroy in office when superseded or obsolete.	
26.	<b>EQUIPMENT, FACILITY, AND VEHICLE USAGE RECORDS</b> Records documenting the assignment, request, and usage of agency assets. Also includes mileage and checkout logs, fuel consumption reports, reservation requests, authorizations, utility usage logs, and similar records.	<ul style="list-style-type: none"> <li>a) Destroy in office after 3 years if records are used for allocating costs or determining payment under rental or lease agreements.*</li> <li>b) Destroy in office remaining records after 1 year.</li> </ul>	

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**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
27.	<p><b>FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS</b> Records documenting maintenance, repair, and inspection of agency-owned facilities.  See also <b>CONTRACTS, LEASES, AND AGREEMENTS</b>, page 45, item 7.</p>	<p>a) Destroy in office records documenting routine inspections, janitorial cleaning, environmental monitoring, and routine maintenance of facilities after 1 year.  b) Destroy in office records documenting system repair and improvement (including plumbing, electrical, fire, and other systems) after 3 years.</p>	
28.	<p><b>FORMS AND TEMPLATES</b> Blank forms, templates, and letterhead used to create agency records.</p>	<p>Destroy in office when superseded or obsolete.</p>	
29.	<p><b>GOVERNING AND ADVISORY BODY MEMBER FILES</b> Records concerning members of public boards, commissions, councils, and committees. Includes codes of conduct, ethics statements, agreements, notices of resignation, and other related records. Also includes biographical information and waivers.  See also <b>APPLICATIONS FOR APPOINTMENT</b>, page 2, item 5, and <b>OATHS OF OFFICE</b>, page 47, item 17.</p>	<p>a) Retain in office records with historical value permanently.  b) Destroy in office 1 year after superseded or obsolete waivers from board members choosing not to receive stipend/per diem payments.  c) Destroy in office remaining records 1 year after service ends.</p>	
30.	<p><b>GRANT PROPOSALS</b> Proposals submitted for grants, including applications, correspondence (including e-mail), and other related records.</p>	<p>a) Transfer records concerning approved grants to <b>GRANTS</b>, page 8, item 31.  b) Destroy in office rejected or withdrawn grant proposals when reference value ends.†  Agency Policy: Destroy in office after _____</p>	

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**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
31.	<p><b>GRANTS</b> Records concerning approved federal, state, and private grants. File includes applications, reports, records of equipment purchased with grant funds, and all relevant programmatic records. Also includes documentation about grants issued by the agency along with research records generated as part of a grant project.</p> <p>See also <b>GRANTS: FINANCIAL</b>, page 24, item 27.</p>	<p>a) Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions.</p> <p>b) Destroy in office records of state and private grants 5 years after final financial report is filed. *</p> <p>c) Destroy in office records of other federal grants 3 years after final financial report is filed.</p> <p>d) Destroy in office records not relating to a specific grant after 1 year.</p> <p><i>Retention Note: According to 2 CFR 200.333(c), records for real property and equipment acquired with Federal funds must be retained for 3 years after disposition of the property/equipment.</i></p>	<p>Retention: 09 NCAC 03M .0703 2 CFR 200.333</p>
32.	<p><b>HISTORY RECORDS (AGENCY AND EMPLOYEES)</b> Records concerning the history of the agency and its employees. Includes published and unpublished histories, biographical data, photographs, newspaper clippings, and other related records.</p>	<p>a) Retain in office records with historical value permanently.</p> <p>b) Destroy in office remaining records when reference value ends. †</p> <p>Agency Policy: Destroy in office after _____</p>	
33.	<p><b>IMPROPER CONDUCT INVESTIGATIONS</b> Records concerning investigations triggered by questions about ethics or conduct within an agency, such as whistleblower reports or allegations of fraud. Includes complaints, reports, investigations, and other related records. Also includes records from an ombuds office.</p>	<p>Destroy in office 3 years after resolution.</p>	

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**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
34.	<b>INDICES</b> Listings of where specific information can be found.	Destroy in office when superseded or obsolete.	
35.	<b>INTERAGENCY PROGRAMS</b> Records of programs involving more than one government agency. Includes resource materials, program information, and other related records.	Destroy in office when reference value ends. † Agency Policy: Destroy in office after _____	
36.	<b>INVENTORIES</b> Inventories describing the type of property (including equipment and facilities other and fixed assets), its location, and related information. Also includes inventory control and usage records, such as requisitions/draw tickets, mileage logs, request forms, and other related records.	a) Destroy in office lists of properties, facilities, fixed assets, supplies, and surplus property when superseded or obsolete. b) Destroy in office inventory control and usage records after 3 years.	
37.	<b>LEGISLATION AND REGULATORY RECORDS</b> Notices and copies of proposed or adopted state or federal legislation or regulations affecting the agency.	Destroy in office when reference value ends. † Agency Policy: Destroy in office after _____	
38.	<b>LOGISTICS MATERIALS</b> Records concerning scheduled plans of agency personnel. Includes routine notices, task lists, and arrangements.	Destroy in office after 1 year.	
39.	<b>MAIL: UNDELIVERABLE/RETURNED</b> Outgoing agency mail returned by the post office for any reason, including insufficient postage, incorrect address, forwarding order expired, etc. Also includes outgoing e-mail returned for any reason.	Destroy in office after 30 days.	

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STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
40.	<p><b>MAILING AND DISTRIBUTION RECORDS</b> Includes mailing and meeting notification lists, e-mail distribution lists, Sunshine Lists, and related documentation of transactions with the U.S. Postal Service, state courier, or private carriers.</p>	<p>a) Destroy in office Sunshine Lists when superseded or obsolete. b) Destroy in office remaining records when reference value ends. † Agency Policy: Destroy in office after _____ Destroy in office when superseded or obsolete.</p>	<p>Confidentiality: G.S. § 132-1.12 G.S. § 132-1.13</p>
41.	<p><b>MEMBERSHIP RECORDS</b> Records concerning associations, organizations, groups, etc., with which the agency is involved. Includes records concerning memberships or registrations on behalf of the agency or agency personnel.</p>	<p>Destroy in office when superseded or obsolete.</p>	

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**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
42.	<p><b>MINUTES OF PUBLIC BODIES</b> Includes minutes of the governing board and all subsidiary and advisory boards. Subsidiary boards are defined as boards that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, or administrative functions. Also includes minutes of subcommittees of the governing board and its subsidiary and advisory boards.</p> <p>See the <b>MICROFILM</b> section on page 81 for instructions on microfilming.</p> <p>See also <b>AGENDA AND MEETING PACKETS</b>, page 1, item 4, and <b>AUDIO AND VIDEO RECORDINGS OF MEETINGS</b>, page 2, item 7. If there are other boards in the operational standard(s) or if the Workforce Development standard is included, add references to those boards here.</p>	<p>a) Retain in office permanently official minutes of the governing board and its subsidiary boards as well as all attachments necessary to understand the body's actions.</p> <p>b) The official minutes of advisory boards may be destroyed only upon approval by the State Archives of North Carolina. The State Archives reserves the right to designate the minutes of any advisory board as permanent.</p> <p>c) Destroy in office minutes of committees or subcommittees when reference value ends, if the minutes or actions and decisions of the committee are entered as part of the minutes of the parent board. If minutes or actions and decisions of the committee or subcommittee in question are not entered as part of the minutes of the parent board, the State Archives reserves the right to designate the minutes as permanent. †</p> <p>Agency Policy: Destroy in office after _____</p>	<p>Authority: G.S. § 143-318.10</p>
43.	<p><b>MINUTES (STAFF MEETINGS)</b> Minutes of staff meetings, including all referenced and attached documentation.</p>	<p>a) Retain in office records with historical value permanently.</p> <p>b) Destroy in office remaining records after 1 year.</p>	
44.	<p><b>MISCELLANEOUS (NON-BUILDING) APPLICATIONS, LICENSES, AND PERMITS</b> Includes, but not limited to, applications and permits regarding burning, special events, and landscape establishment.</p>	<p>a) Destroy in office 1 year after expiration of license/permit.</p> <p>b) Destroy in office applications for which a license/permit was never issued when reference value ends. †</p> <p>Agency Policy: Destroy in office after _____</p>	<p>Authority: G.S. § 66-77</p>

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<b>STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS</b>			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
45.	<p><b>NOTICES OF PUBLIC MEETINGS</b> Includes notices and regular meeting schedules.</p> <p>See also <b>AFFIDAVITS OF PUBLICATION</b>, page 43, item 1, and <b>PUBLICITY RECORDS</b>, page 68, item 12.</p>	<p>Destroy in office after 1 year.</p>	
46.	<p><b>OFFICE SECURITY RECORDS</b> Records concerning the security of agency offices, facilities, vehicles, equipment, and personnel. Includes visitors' register; security, employee, or contractor access to facilities or resources; and surveillance system reports and recordings.</p>	<p>a) If the recording becomes evidence in a personnel investigation or lawsuit, transfer to <b>DISCIPLINARY ACTIONS</b>, page 53, item 12, or <b>LITIGATION CASE RECORDS</b>, page 47, item 16.</p> <p>b) Destroy in office recordings not required to support known investigations or litigation after 30 days.</p> <p>c) Destroy in office remaining records after 1 year.</p>	<p>Confidentiality: G.S. § 132-1.7</p>
47.	<p><b>ORDINANCES</b> Includes code of ordinances.</p> <p>See the <b>MICROFILM</b> section on page 81 for instructions on microfilming.</p>	<p>a) Retain in office official copy permanently.</p> <p>b) Destroy in office ordinance development records when ordinance is no longer in effect.</p> <p>c) Destroy in office additional copies (including tabled or failed ordinances) when reference value ends. †</p> <p>Agency Policy: Destroy in office after _____</p>	
48.	<p><b>PEST CONTROL</b> Records concerning pest abatement or eradication programs overseen by the agency.</p>	<p>Destroy in office after 3 years.*</p>	

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**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
49.	<p><b>POLICIES AND PROCEDURES</b> Records documenting the formulation, planning, and adoption of policies, procedures, and functions of the agency and its departments. File also includes organizational charts, reorganization studies, and similar records describing the arrangement and administrative structure of the agency.</p> <p>See also <b>CIVIL RIGHTS RECORDS</b>, page 44, item 4, <b>POLICIES AND PROCEDURES (PERSONNEL)</b>, page 61, item 31, and <b>ELECTRONIC RECORDS POLICIES AND PROCEDURES</b>, page 38, item 7.</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.</p>	
50.	<p><b>POLL LIST/REGISTRATION LIST/ROSTER/AUTHORIZATION TO VOTE (ATV)</b> Lists documenting registered electors and votes cast prior to County Board of Elections taking over municipal elections. Includes electronic or paper ATV related records such as ATV books, forms, unused stickers, lists, registers, indexes, or similar records used to verify persons are registered voters at each polling location.</p>	<p>Contact State Archives of North Carolina prior to destroying old poll books and voter registration books.</p>	<p>Authority: G.S. § 163 Art. 15A G.S. § 163-166.7 08 NCAC 10B .0103 52 USC Chap. 205</p>
51.	<p><b>PRICE QUOTATIONS</b></p>	<p>Destroy in office when reference value ends.† Agency Policy: Destroy in office after _____.</p>	
52.	<p><b>PROCLAMATIONS AND ORDERS</b> Proclamations and orders issued by the governing board.</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.† Agency Policy: Destroy in office after _____.</p>	

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STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
53.	<p><b>PROJECTS</b></p> <p>Includes project correspondence (including e-mail), feasibility studies, final reports, specifications, assessments, notices to proceed, cost estimates, change orders, statements of work, and similar documentation.</p> <p>See also <b>PROJECT DOCUMENTATION</b>, page 39, item 11.</p>	<p>a) Retain in office records with historical value permanently.</p> <p>b) Destroy in office remaining records 3 years after completion of project.</p>	
54.	<p><b>PROPERTY MANAGEMENT RECORDS</b></p> <p>Includes appraisals of the financial valuation of agency-owned property as well as surveys, plats, and maps.</p>	<p>Destroy in office when superseded or obsolete.</p>	
55.	<p><b>RATE AND FEE SCHEDULES</b></p> <p>Records relating to rates, fees, and regulations concerning agency services.</p>	<p>Destroy in office when superseded or obsolete.</p>	
56.	<p><b>RECORDS MANAGEMENT</b></p> <p>Includes correspondence (including e-mail) with state and/or federal agencies with regards to records retention. Also includes records disposition documentation, file plans, and copies of records retention and disposition schedules.</p>	<p>a) Retain in office documentation concerning the final disposition of records permanently.</p> <p>b) Destroy in office remaining records when superseded or obsolete.</p>	

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**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
57.	<p><b>REFERENCE (READING) FILE</b> Subject files containing informational copies of records organized by areas of interest. Also includes materials that have no regulatory authority for the recipient and are received from outside the agency or from other units within the agency as well as reference copies of documents where another individual or agency is responsible for maintaining the record copy.</p>	<p>Destroy in office when reference value ends. † Agency Policy: Destroy in office after _____</p>	
58.	<p><b>REPORTS AND STUDIES</b> Records concerning the performance of a department, program, or project, as well as those created for planning purposes. Includes all annual, sub-annual, or irregularly prepared research studies, reports, and studies generated by an agency or prepared by consultants hired by the agency. Also includes reports required to be submitted to the agency.  See also <b>CIVIL RIGHTS RECORDS</b>, page 44, item 4, and <b>COMPREHENSIVE PLAN</b>, page 5, item 21.</p>	<p>a) Retain in office permanently 1 copy of all annual and biennial reports written by the agency. b) Retain in office permanently reports and studies prepared by request of an agency's governing body or a court. c) Destroy in office after 3 years reports prepared monthly, bimonthly, or semi-annually. d) Destroy in office after 1 year activity reports concerning workload measurements, time studies, number of jobs completed, etc., prepared on a daily or other periodic basis. e) Destroy in office when superseded or obsolete reports required to be submitted to the agency. f) Destroy in office remaining reports and studies when reference value ends. † Agency Policy: Destroy in office after _____</p> <p><i>Retention Note: Reports and studies listed elsewhere in this schedule should be retained the specified period of time.</i></p>	

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**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
59.	<p><b>REQUESTS FOR INFORMATION</b> Requests received and responses issued by the agency.</p> <p>See also <b>PUBLIC RECORDS REQUESTS</b>, page 68, item 11.</p>	<p>Destroy in office after 1 year after resolution.</p>	
60.	<p><b>REQUESTS FOR PROPOSALS (RFP)</b> Proposals submitted by vendors in response to requests from agency.</p> <p>See also <b>BIDS FOR PURCHASE</b>, page 20, item 10, and <b>PRICE QUOTATIONS</b>, page 13, item 51.</p>	<p>Destroy in office when reference value ends. † Agency Policy: Destroy in office after _____</p>	
61.	<p><b>RESOLUTIONS</b> File consists of resolutions indicating date, issues or policy involved, and appropriate signatures.</p> <p>See the <b>MICROFILM</b> section on page 81 for instructions on microfilming.</p>	<p>a) Retain in office permanently one copy of final resolution. b) Retain in office permanently resolution development records with historical value. c) Destroy in office additional copies of resolutions (including those tabled or failed) along with all remaining development records when reference value ends. † Agency Policy: Destroy in office after _____</p>	
62.	<p><b>SURPLUS PROPERTY</b> Inventories and reports of agency property to be surplus.</p>	<p>Destroy in office 3 years after disposition of property.*</p>	
63.	<p><b>TRACKING MATERIALS</b> Records intended to verify the receipt of information, such as certified mail receipts.</p>	<p>Destroy in office when reference value ends. † Agency Policy: Destroy in office after _____</p>	

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**STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
64.	<p><b>TRAVEL REQUESTS</b> Requests and authorizations for travel. Includes forms and itineraries.</p> <p>See also <b>TRAVEL REIMBURSEMENTS</b>, page 28, item 45, and <b>PRICE QUOTATIONS</b>, page 13, item 51.</p>	<p>Destroy in office after 1 year.*</p>	
65.	<p><b>VEHICLE REGISTRATION CARDS</b> North Carolina registration cards for vehicles in the agency fleet.</p> <p>See also <b>VEHICLE TITLES</b>, page 48, item 22.</p>	<p>Destroy in office when superseded.</p>	
66.	<p><b>WORK ORDERS</b> Includes date and location of work, cost of materials used and labor, type of work performed, and other related records regarding the repairs of equipment, facilities, and vehicles.</p>	<p>a) Destroy in office 1 year after work is completed.* b) If this is the only record documenting completed work, follow disposition instructions for <b>FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS</b>, page 7, item 27, or <b>EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS</b>, page 6, item 24.</p>	

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**STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS**

Records created and accumulated concerning the managerial control, budgeting, disbursement, collection, and accounting of the agency.

*Note: Per 26 CFR 1.148-5(d)(6)(iii)(E), all records necessary to support the tax-exempt status of an agency debt issue must be retained for the life of the debt plus 3 years.*

<b>STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
1.	<b>ACCOUNTS PAYABLE</b> Records concerning the status of accounts in which the agency owes money to firms or individuals. Includes invoices, reimbursements, receipts or bills of sale, check registers, and subsidiary registers. Also includes stop payment notices.	Destroy in office 3 years after payment.*	
2.	<b>ACCOUNTS RECEIVABLE</b> Records concerning receivables owed and collected. Includes billing statements, records of payment received, remittances, subsidiary registers, overpayment or refund records, deposits, fines and fees assessed, and collection of past due accounts.	Destroy in office 3 years after collection.*	
3.	<b>ACCOUNTS UNCOLLECTABLE</b> Records of accounts deemed uncollectable, including returned checks, write-off authorizations, and other related records.	Destroy in office 3 years after account is determined to be uncollectable.*	

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**STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	<p><b>ANNUAL BUDGET</b> Annual budget and budget message submitted to governing board for approval.  See also <b>BUDGET REPORTS</b>, page 21, item 16.</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records after 3 years. <i>Retention Note: Annual budgets should be entered into the minutes of the governing board.</i></p>	<p>Authority: G.S. § 159-11</p>
5.	<p><b>ARBITRAGE RECORDS</b> Records concerning arbitrage rebate calculations and funds rebated.</p>	<p>Destroy in office 3 years after final redemption date of the bonds and after all related debts and obligations have been satisfied.*</p>	<p>Authority: 26 CFR 1.148-3</p>
6.	<p><b>AUDITS: FINANCIAL</b> Records concerning internal and external audits. Includes reports, working papers, and related records.  See also <b>AUDITS: PERFORMANCE</b>, page 2, item 8.</p>	<p>a) Retain in office reports permanently final reports related to internal compliance or operational audits or those that document a significant change in agency practices or have significant administrative value. b) Destroy in office after 10 years final reports related to internal accounting systems and controls and those with limited administrative value. c) Destroy in office working papers and remaining records when superseded of obsolete.*</p>	<p>Authority: G.S. § 159-34</p>
7.	<p><b>AUTHORIZATION FORMS</b> Authorization to purchase materials.</p>	<p>Destroy in office after 3 years.*</p>	
8.	<p><b>BANK STATEMENTS AND RECONCILIATIONS</b> Includes bank statements, canceled checks, deposit slips, and reconciliation reports.</p>	<p>Destroy in office after 3 years.*</p>	

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<b>STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
9.	<p><b>BIDS FOR DISPOSAL OF PROPERTY</b> Records concerning the disposal of surplus property. Includes information about various disposition procedures used, such as sealed bids and public auction.</p> <p>See also <b>ACCOUNTS RECEIVABLE</b>, page 18, item 2.</p>	<p>Destroy in office all records after the disposition of property has been recorded in governing board's minutes.*</p>	<p>Authority: G.S. § 153A-176</p>
10.	<p><b>BIDS FOR PURCHASE</b> Records documenting quotes to supply products and services. Includes advertisements, tabulations, awards letters, records of bids, good faith effort documentation, and related records concerning accepted and rejected bids.</p>	<p>a) Transfer records to <b>CONTRACTS, LEASES, AND AGREEMENTS</b>, page 45, item 7 when bid is approved.</p> <p>b) Destroy in office bid records not awarded or opened after 1 year.*</p>	<p>Authority: G.S. § 143 Article 8</p>
11.	<p><b>BOND CLOSING RECORDS</b> Includes applications, agreements, tax records, contracts, official statements, legal opinions, rating letters, public hearing bonds, title insurance, deeds of trust, and other related records concerning bonds issued by the agency. Also includes records concerning expenditure and/or investment of bond proceeds.</p>	<p>Destroy in office 3 years after entire issuance has been satisfied.*</p>	<p>Authority: G.S. § 159 Article 7</p>
12.	<p><b>BOND REGISTER</b> Records of all bonds, notes, and coupons issued by the agency detailing the purpose of issuance, the date of issue, serial numbers (if any), denomination, maturity date, and total principal amount.</p>	<p>Retain in office permanently.</p>	<p>Authority: G.S. § 159-130</p>
13.	<p><b>BONDS, NOTES, AND COUPONS</b></p>	<p>Destroy in office 1 year from date of payment.</p>	<p>Authority: G.S. § 159-139</p>

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STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
ITEM #	RECORDS SERIES TITLE	CITATION
		<b>DISPOSITION INSTRUCTIONS</b>
14.	<b>BUDGET ADMINISTRATION RECORDS</b> Records of budget administration. Includes research, correspondence, and other related records.	Destroy in office after 2 years.*
15.	<b>BUDGET EXECUTION RECORDS</b> Records of authorizations to move funds between budget codes.	Destroy in office when released from audits.
16.	<b>BUDGET REPORTS</b> Includes daily detail reports and monthly budget reports. Also includes contract budget and expenditure reports and summaries of tax allocations. See also <b>ANNUAL BUDGET</b> , page 19, item 4.	a) Destroy in office daily detail reports after 1 year.* b) Destroy in office remaining reports after 3 years.*
17.	<b>BUDGET REQUESTS AND WORKING PAPERS</b> Includes budget requests, cost estimates, expenditures, program requests, salary and wage lists, correspondence (including e-mail), and related records.	Destroy in office after 3 years.*  Authority: G.S. § 159-10
18.	<b>BUDGET RESOLUTIONS AND ORDINANCES</b> Includes project ordinances, budget resolutions, and amendments. See also <b>MINUTES OF PUBLIC BODIES</b> , page 11, item 42.	a) Retain official copies in the minutes of the governing board. b) Destroy in office remaining copies when reference value ends.† Agency Policy: Destroy in office after _____  Authority: G.S. § 159-8 G.S. § 159-13 G.S. § 159-13.2 G.S. § 159-15

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**STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.	<b>COST ALLOCATION PLANS</b> Accounting report that calculates and spreads agency-wide indirect costs to departments and funds that receive a service from other departments.	Destroy in office after 3 years.*	
20.	 <b>CREDIT/DEBIT/PROCUREMENT CARD RECORDS</b> Records of assignment of agency credit cards and purchasing cards along with authorization logs.	Destroy in office when superseded or obsolete.*	Confidentiality: G.S. § 132-1.2(2)
21.	 <b>DONATIONS AND SOLICITATIONS</b> Records concerning requests made to agency by outside organizations. Includes applications and other related records.  See also <b>FUND DRIVE AND EVENT RECORDS</b> , page 67, item 6.	a) Destroy in office records supporting approved donations 1 year after payment. b) Destroy in office rejected applications after 30 days.	
22.	 <b>ELECTRONIC FUNDS TRANSFERS (EFT)</b> Includes forms authorizing electronic transfer of monies via wire transfer or automated clearing house (ACH) as well as ACH bank reports.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. § 14-113.20
23.	 <b>ESCHEATS AND UNCLAIMED PROPERTY</b> Records containing information required to be included in holder reports submitted to the State Treasurer's office.  For more information, see the State Treasurer's memo, "Annual Reporting of Unclaimed Property."	a) Destroy in office after 10 years if report was filed prior to July 16, 2012.* b) Destroy in office after 5 years if report was filed on or after July 16, 2012.*	Authority: G.S. § 116B-60  Retention: G.S. § 116B-73

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**STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
24.	FINANCIAL JOURNALS AND LEDGERS	a) Destroy in office year-end summaries of receipts and disbursements after 3 years.* b) Destroy in office daily, monthly, or quarterly transaction detail journals and ledgers after 1 year.*	
25.	FINANCIAL REPORTS	a) Destroy in office annual financial reports or other reports generated to inform decision-making after 3 years.* b) Destroy monthly or quarterly reports generated for operational purposes after 1 year. c) Destroy logs and distribution reports generated to track transactions when released from audits.	
26.	GOVERNMENT EMPLOYEES RETIREMENT SYSTEM Reports produced by the North Carolina Department of State Treasurer regarding the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGEERS).	Destroy in office when reference value ends. † Agency Policy: Destroy in office after _____	

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**STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
27.	<p><b>GRANTS: FINANCIAL</b> Records concerning approved federal, state, and private grants received or issued by the agency. Includes all relevant accounting, purchasing, payroll, and other financial records.  See also <b>GRANTS</b>, page 8, item 31.</p>	<p>a) Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions.  b) Destroy in office records of state and private grants 5 years after final financial report is filed.*  c) Destroy in office records of other federal grants 3 years after final financial report is filed.  d) Destroy in office records not relating to a specific grant or to grants not funded after 1 year.  <i>Retention Note: According to 2 CFR 200.333(c), records for real property and equipment acquired with Federal funds must be retained for 3 years after disposition of the property/equipment.</i></p>	<p>Retention: 09 NCAC 03M .0703 2 CFR 200.333</p>
28.	<p><b>INVESTMENTS</b> Includes fund information, portfolio listings and reports, balance sheets, exchange or consent instructions, broker confirmations, notices, and other documentation related to agency investments. Also includes transaction schedules for projecting revenue on investments as well as performance investment reports issued by broker or investment firm.</p>	<p>a) Destroy in office transaction schedules after 2 years.*  b) Destroy in office performance investment reports when reference value ends.  c) Destroy in office all remaining records after 3 years.*</p>	<p>Authority: G.S. § 159-30</p>

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**STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
29.	<b>LOAN RECORDS</b> Records concerning loans received by the agency. Includes documentation of intent to proceed, loan agreements, promissory notes, letters of credit, statements, notices of principal and interest due, and other related records.	Destroy in office 5 years after satisfaction or cancellation of loan.*	
30.	<b>LOCAL GOVERNMENT COMMISSION FINANCIAL STATEMENTS</b>	Destroy in office after 3 years.*	Authority: G.S. § 159-33
31.	<b>LONGEVITY PAY</b>	Destroy in office after 3 years.*	
32.	<b>PAYMENT CARD DATA</b> Records created in association with payment card transactions entered by third parties for the purchase of goods or services from the agency.	Destroy in office after processed.*	Confidentiality: G.S. § 132-1.2(2) G.S. § 132-1.10(b)(5)
33.	<b>PAYROLL AND EARNINGS RECORDS</b> Records containing information such as the name, Social Security number, number of hours worked, compensation rate, deductions, and total wages paid each employee per payroll period. Also includes individual and group employee earnings records and payroll registers showing earnings and deductions for each pay period.  See also <b>TIME SHEETS, CARDS, AND ATTENDANCE RECORDS</b> , page 28, item 44.	a) Destroy in office 30 years from date of separation records necessary for retirement or similar benefits verification. b) Destroy in office remaining records after 3 years.*	Authority: 29 CFR 516.30(a)  Confidentiality: G.S. § 132-1.10 G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1  Retention: 29 CFR 516.5(a) 29 CFR 1627.3(a)

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**STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
34.	<p><b>PAYROLL DEDUCTION RECORDS</b> Records used to start, modify, or stop all voluntary or required deductions from payroll. Includes tax withholding (NC-4, W-4), savings plans, insurance, association dues, orders of garnishment, etc. Used as proof the employee approved of the deduction(s).</p>	<p>a) Destroy in office tax withholding forms 4 years after termination of deduction.* b) Destroy in office authorizations for deductions for retirement contributions, bank payments, savings plans, insurance, and dues 2 years after termination of deduction. c) Destroy in office remaining records 3 years after termination of deduction.*</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p> <p>Retention: IRS Publication 15 29 CFR 516.6(c)(1)</p>
35.	<p><b>POWELL BILL RECORDS</b> Records include certified statements, expenditures reports, information sheets, financial statements submitted to the North Carolina Department of Transportation, and all other related records.</p>	<p>Destroy in office after 3 years.</p>	
36.	<p><b>PURCHASE ORDERS</b> Records, forms, packing slips, and attached documents concerning purchased supplies, equipment, and services.  See also <b>GRANTS: FINANCIAL</b>, page 24, item 27.</p>	<p>Destroy in office after 3 years.* <i>Retention Note: Packing slips may be destroyed upon verification of items received if they are not the only record of the purchase of the item.</i></p>	
37.	<p><b>QUALIFIED PRODUCTS LISTS (QPL)</b> Records identifying products approved for purchase by the agency.</p>	<p>Destroy in office 3 years after superseded or obsolete.*</p>	

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**STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
38.	<p><b>REQUISITIONS</b> Requests for payment or to acquire goods or services.</p> <p>See also <b>INVENTORIES</b>, page 9, item 36.</p>	<p>Destroy in office after 1 year.*</p>	
39.	<p><b>SCHOLARSHIP RECORDS</b> Records concerning scholarships awarded by the agency. Includes applications, award letters, conditions and stipulations, agreements and contracts, disbursement statements, progress reports, and other related records.</p>	<p>a) Destroy in office after 3 years records documenting the awarding of scholarships.</p> <p>b) Destroy in office 1 year after notification of applicant records concerning applications that are denied by the agency or awards that are declined by the recipient.</p>	
40.	<p><b>SHIFT PREMIUM PAY</b> Authorizations and other related records concerning employees receiving shift premium pay.</p>	<p>Destroy in office after 3 years.*</p>	
41.	<p><b>STATEMENTS OF BACK PAY</b> Forms used to determine the gross pay an employee would have earned during a specified period for back pay in a grievance decision, settlement agreement, or other order.</p>	<p>Destroy in office 3 years after payment.*</p>	

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<b>STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
42.	<p><b>TAX FORMS</b> Tax information returns generated by the agency (e.g., 1098, 1099, W-2, W-3) to be reported to the Internal Revenue Service and furnished to the other party to the transaction.</p>	<p>Destroy in office 4 years after submitted to taxpayer and/or IRS.*</p>	<p>Confidentiality: G.S. § 132-1.10 G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p> <p>Retention: IRS Publication 15</p>
43.	<p><b>TAX RETURNS</b> Tax returns filed by the agency.</p>	<p>Destroy in office 6 years after filed.*</p>	<p>Retention: 29 CFR 516.6(a)(1)</p>
44.	<p><b>TIME SHEETS, CARDS, AND ATTENDANCE RECORDS</b> Records documenting the work hours and attendance of employees.  See also <b>PAYROLL AND EARNINGS RECORDS</b>, page 25, item 33.</p>	<p>Destroy in office after 2 years.*</p>	
45.	<p><b>TRAVEL REIMBURSEMENTS</b> Includes requests and authorizations for reimbursement for travel and related expenses.  See also <b>GRANTS: FINANCIAL</b>, page 24, item 27, and <b>TRAVEL REQUESTS</b>, page 17, item 64.</p>	<p>Destroy in office after 3 years.*</p>	

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STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
46.	<p>VENDORS</p> <p>Files maintained on specific vendors authorized or debarred from doing business with the agency. Includes name and address, correspondence (including e-mail), and other related records.</p>	<p>Destroy in office when superseded or obsolete.</p>	

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**STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS**

Official records received and created by agency geographic information system programs. See G.S. § 132-10 for information about providing public access to GIS databases.

<b>STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
1.	<p><b>GEOGRAPHIC INFORMATION SYSTEM (GIS) CORE DATA</b> Geo-referenced data and metadata to facilitate the management, manipulation, analysis, modeling, representation, and spatial analysis of complex problems regarding planning and management of resources.</p>	<p>Retain in office parcel, boundary, zoning, and orthoimagery layers (with accompanying data sets) permanently.  <i>Retention Note: Other datasets should be kept according to standards and procedures set by the North Carolina Geographic Information Coordinating Council (<a href="http://www.ncgicc.com/">http://www.ncgicc.com/</a>). See also <b>GEOSPATIAL RECORDS</b>, page 79.</i></p>	
2.	<p><b>GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA DOCUMENTATION (METADATA)</b> Records created during development or modification of an automated system which are necessary to access, retrieve, manipulate, and interpret data in that system; and records that explain the meaning, purpose, structure, local relationships, and origin of the data elements. Includes data element dictionaries, file layout, codebooks and tables, and definition files.</p>	<p>Destroy in office when the system is discontinued or when system data has been transferred to a new operating environment (platform).</p>	
3.	<p><b>GEOGRAPHIC INFORMATION SYSTEM (GIS) INTERNAL STANDARDS AND PROCEDURES</b> Includes requirements that are intended to make hardware, software, and data compatible and that cover data capture, accuracy, sources, base categories, output, and data element dictionaries.</p>	<p>Retain in office permanently.</p>	

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**STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	<b>GEOGRAPHIC INFORMATION SYSTEM (GIS) MONITORING RECORDS</b> Includes system security, quality assurance, transaction tracking, and other related activity monitoring records.	Destroy in office after 1 year.	
5.	<b>GEOGRAPHIC INFORMATION SYSTEM (GIS) OPERATIONAL RECORDS</b> Includes user guides, system flowcharts, job or workflow records, system specifications, and similar documentation.	Destroy in office when the system is discontinued or when system data has been transferred to a new operating environment (platform).	
6.	<b>GEOGRAPHIC INFORMATION SYSTEM (GIS) PROJECT RECORDS</b>	a) Retain in office GIS datasets and accompanying documentation (metadata) with historical and/or legal value permanently. b) Destroy in office remaining items when reference value ends. † Agency Policy: Destroy in office after _____	

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STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.	<p><b>LAYERS: ADDRESS POINTS</b></p> <p>See also <b>GEOSPATIAL RECORDS</b>, page 79.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p>	
8.	<p><b>LAYERS: CORPORATE LIMITS</b></p> <p>See also <b>GEOSPATIAL RECORDS</b>, page 79.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p>	

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**STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	<p><b>LAYERS: EXTRATERRITORIAL JURISDICTIONS</b></p> <p>See also <b>GEOSPATIAL RECORDS</b>, page 79.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p>	
10.	<p><b>LAYERS: ORTHOIMAGERY</b></p> <p>See also <b>GEOSPATIAL RECORDS</b>, page 79.</p>	<p>Create a snapshot of dataset when created. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p>	

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STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.	<p><b>LAYERS: STREET CENTERLINE</b></p> <p>See also <b>GEOSPATIAL RECORDS</b>, page 79.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p>	
12.	<p><b>MAPPING PROJECT RECORDS</b></p> <p>Includes contract maps and all deliverable products for aerial photography, orthophotography, cartographic, cadastral, and digital mapping projects.</p> <p>See also <b>GEOSPATIAL RECORDS</b>, page 79.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p>	

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STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.	<p><b>MAPS: PARCEL</b> Maps, including cadastral maps, and surveys of boundaries and measurements of each parcel, and information about encroachments, right-of-ways, and structures.</p> <p>See also <b>GEOSPATIAL RECORDS</b>, page 79, and <b>PROPERTY MANAGEMENT RECORDS</b>, page 14, item 54.</p>	<p>Paper: Destroy in office upon State Archives approval.</p> <p>GIS dataset: Create a snapshot of dataset quarterly. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p>	
14.	<p><b>MAPS: PARKS</b> Includes park boundaries, facilities, landscaping, topography, and other pertinent information. Also includes maps and drawings stored and generated by Geographic Information System (GIS) and computer-aided design (CAD) systems.</p> <p>See also <b>GEOSPATIAL RECORDS</b>, page 79.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p> <p><i>Or:</i> If retained in office permanently, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the <u>North Carolina Geographic Information Coordinating Council</u>.</p>	

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STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.	<b>MAPS: ALL OTHER</b> Includes field maps, soil, topographic, sales, subdivision plats, right-of-way, sectional, highway, etc.	a) Retain in office maps, including GIS datasets and accompanying documentation (metadata), with historical and/or legal value permanently.  b) Destroy in office remaining items when reference value ends.†  Agency Policy: Destroy in office after _____	

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**STANDARD 4: INFORMATION TECHNOLOGY (IT) RECORDS**

Information technology encompasses all activities undertaken by agency to design, develop, and operate electronic information systems. This section covers records for which Information Technology personnel are responsible, including administrative records and those used to process data and monitor and control operations.

*Note: Administration, use, and retention of records concerning computer and information security should comply with applicable provisions of G.S. § 132-6.1 on the confidentiality of records regarding "hardware or software security, passwords, or security standards, procedures, configurations, software, and codes." (G.S. § 132-6.1 (c))*

**STANDARD 4: INFORMATION TECHNOLOGY RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	<b>AUDITS: IT SYSTEMS</b> Records documenting user actions affecting the contents of monitored systems. Also includes fixity checks and other periodic tests of data validity.	a) Destroy in office after 1 year fixity check documentation. b) Destroy in office remaining records after disposition of record.*	Confidentiality: G.S. § 132-6.1(c)
2.	<b>COMPUTER AND NETWORK USAGE RECORDS</b> Records documenting usage of electronic devices and networks. Includes login files, system usage files, individual program usage files, and records of use of the Internet by employees.	Destroy in office after 1 year.	
3.	<b>DATA DOCUMENTATION RECORDS</b> Records concerning data in automated systems. Includes data element dictionary, file layout, code book or table, entity relationships tables, and other records related to the structure, management, and organization of data.	Destroy in office 3 years after system is discontinued and/or replaced.	

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**STANDARD 4: INFORMATION TECHNOLOGY RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	<p><b>DATA MIGRATION RECORDS</b> Technical records documenting data migrations.</p> <p><i>Note: The data itself is subject to the disposition instructions indicated for its relevant records series; these are merely records about migrating said data.</i></p>	Destroy in office 1 year after completion of data migration.	
5.	<p><b>DATA WAREHOUSES</b> Federated data gathered by the agency from other sources for the purposes of comparison and distribution.</p>	Destroy in office when superseded or obsolete.	Maintain confidentiality consistent with any restrictions placed on the data provider.
6.	<p><b>DIGITIZATION AND SCANNING RECORDS</b> Records concerning data entry and imaging operations. Includes quality control records.</p> <p>See <b>Request for Disposal of Original Records Duplicated by Electronic Means</b>, page 87.</p>	Destroy in office 10 days after digitization. <i>Note: The digital surrogate becomes the record copy and must be retained according to the disposition instructions for that record type.</i>	
7.	<p><b>ELECTRONIC RECORDS POLICIES AND PROCEDURES</b> Includes procedural manuals as well as an Electronic Records and Imaging Policy and a Security Backup Policy.</p>	Destroy in office 3 years after superseded or obsolete.	Confidentiality: G.S. § 132-1.7(b) G.S. § 132-6.1(c)
8.	<p><b>INFORMATION TECHNOLOGY ASSISTANCE RECORDS</b> Records documenting troubleshooting and problem-solving assistance provided by agency information systems personnel to users of the systems. Includes help desk assistance requests, resolution records, and related documentation.</p>	Destroy in office 1 year after work is completed.	

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STANDARD 4: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	<b>NETWORK AND SYSTEM SECURITY RECORDS</b> Records documenting the security of network and system. Includes records concerning firewalls, anti-virus programs, and intruder scanning logs.	<ul style="list-style-type: none"> <li>a) Destroy in office finalized cyber incident reports 5 years after resolution.</li> <li>b) Destroy in office after 2 years records documenting incidents involving unauthorized attempted entry or probes on data processing systems, IT systems, telecommunications networks, and electronic security systems.</li> <li>c) Destroy in office after 1 year records concerning firewalls, anti-virus programs, and other related records.</li> </ul>	Confidentiality: G.S. § 132-6.1(c)
10.	<b>NETWORK DIAGRAMS</b> Records documenting the logical and physical relationships of network components for purposes of organization, deployment, troubleshooting, monitoring of access, and management of day-to-day operations.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. § 132-6.1(c)
11.	<b>PROJECT DOCUMENTATION</b> Records created to design, develop, control, or monitor a specific project or group of IT projects. Includes statements of work, assessments, maintenance agreements, and testing records.  See also <b>PROJECTS</b> , page 14, item 53.	<ul style="list-style-type: none"> <li>a) Retain in office permanently records with historical value.</li> <li>b) Destroy in office remaining records 3 years after completion of project.</li> </ul>	

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**STANDARD 4: INFORMATION TECHNOLOGY RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.	<p><b>SOFTWARE LICENSE AND COPYRIGHT PROVISIONS RECORDS</b> Records documenting compliance with agency software license and copyright provisions. Includes software licenses, correspondence (including e-mail), and related documentation.</p>	<p>Destroy in office 1 year after software is superseded or obsolete.</p>	
13.	<p><b>SYSTEM ACCESS RECORDS</b> Records documenting access requests and authorizations, system access logs, and other related records.</p>	<p>Destroy in office 1 year after superseded or obsolete.</p>	
14.	<p><b>SYSTEM DOCUMENTATION RECORDS</b> Records documenting operating systems, application programs, structure and form of datasets, system structure, and system-to-system communication. Includes system overviews, dataset inventories, server name, IP address, purpose of the system, vendor-supplied documentation, installed software, and current source code.</p>	<p>Destroy in office 3 years after superseded or obsolete.</p>	<p>Confidentiality: G.S. § 132-1.1(g) G.S. § 132-6.1(c)</p>
15.	<p><b>SYSTEM MAINTENANCE RECORDS: HARDWARE REPAIR OR SERVICE</b> Records documenting inspections, maintenance, and repairs of agency computer systems that are owned or leased. Includes computer equipment inventories and service records.  See also <b>EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS</b>, page 6, item 24.</p>	<p>a) Destroy in office records documenting routine inspections and maintenance of equipment after 1 year.  b) Destroy records documenting all other equipment maintenance and repairs upon the final disposition of the equipment.</p>	

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STANDARD 4: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.	<p><b>SYSTEM MAINTENANCE RECORDS: RECORDS BACKUPS</b></p> <p>Records documenting regular or essential system backups. Includes backup tape inventories, relevant correspondence (including e-mail), and related documentation.</p> <p>See Also: <u>Security Backup Files as Public Records in North Carolina: Guidelines for the Recycling, Destruction, Erasure, and Re-use of Security Backup Files</u>, available on the State Archives of North Carolina website.</p>	<p>Destroy in office in accordance with your office's established, regular backup plan and procedures. †</p> <p>Agency Policy: Destroy in office after _____</p>	
17.	<p><b>TECHNICAL PROGRAM DOCUMENTATION</b></p> <p>Records concerning program code, program flowcharts, program maintenance logs, systems change notices, and other related records that document modifications to computer programs.</p>	<p>Destroy in office 1 year after superseded or obsolete.</p>	
18.	<p><b>VOICE OVER INTERNET PROTOCOL (VoIP) RECORDS</b></p> <p>Records concerning line registrations, calls logs, and voicemail records.</p>	<p>a) Destroy in office records concerning line registration when superseded or obsolete.</p> <p>b) Destroy in office call logs after 1 year.</p> <p>c) Destroy in office voicemail records after 30 days.</p>	

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**STANDARD 4: INFORMATION TECHNOLOGY RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.	<p><b>WEB MANAGEMENT AND OPERATIONS RECORDS:</b></p> <p><b>STRUCTURE</b></p> <p>Site maps that show the directory structure into which content pages are organized, and commercial, off-the-shelf software configuration or content management system files used to operate the site and establish its look and feel. Includes server environment configuration specifications.</p> <p>See also <b>WEBSITE (ELECTRONIC)</b>, page 69, item 15.</p>	<p>Destroy in office when superseded or obsolete.</p>	

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**STANDARD 5: LEGAL RECORDS**

Official documentation created or accumulated to substantiate the rights, obligations, or interests of the agency or their individual employees or clients. Please note the confidentiality that G.S. § 132-1.1(a) confers to communications by legal counsel expires three years after receipt of such communication.

<b>STANDARD 5: LEGAL RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
1.	<p><b>AFFIDAVITS OF PUBLICATION</b> Proof of publication provided by newspapers regarding publication of ordinances, public hearings, bid solicitations, payment of bills, public sales, etc.</p> <p>See also <b>NOTICES OF PUBLIC MEETINGS</b>, page 12, item 45.</p>	<p>a) Retain in office permanently if record provides sole evidence of publication.</p> <p>b) Destroy in office remaining records after 3 years. *</p>	<p>Authority: G.S. § 1-600</p>
2.	<p><b>AUTHENTICATIONS</b> Certificates of authentication issued by the agency.</p>	<p>Retain in office permanently.</p>	
3.	<p><b>CIVIL RIGHTS CASE RECORDS</b> Records concerning discrimination complaints by employees or former employees and requests for reasonable accommodation. Includes equal opportunity (EO) complaints.</p> <p>See also <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 60, item 29.</p>	<p>Destroy in office 1 year after final disposition of the charge or the action.*</p> <p><i>Retention Note: 29 CFR 1602.14 defines final disposition of the charge or the action as "the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation is terminated."</i></p>	<p>Retention: 29 CFR 1602.14 29 CFR 1602.31</p>

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**STANDARD 5: LEGAL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	<p><b>CIVIL RIGHTS RECORDS</b> Records concerning documentation of personnel policies and procedures to comply with the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Equal Pay Act, the Genetic Information Nondiscrimination Act (GINA), Section 504 of the 1973 Rehabilitation Act, and the 1964 Civil Rights Act. Includes reports required by the Equal Employment Opportunity (EEO) Commission and affirmative action plans.</p> <p>See also <b>CITIZEN COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS</b>, page 4, item 17, <b>CIVIL RIGHTS CASE RECORDS</b>, page 43, item 3, and <b>POLICIES AND PROCEDURES (PERSONNEL)</b>, page 61, item 31.</p>	Destroy in office 3 years after superseded or obsolete.	<p>Authority: 29 CFR 1602.1 29 CFR 1602.7 29 CFR 1608.4</p> <p>Retention: 29 CFR 1602.30 29 CFR 1602.32</p>
5.	<p><b>CONDEMNATION RECORDS</b> Settled and pending condemnation cases.</p> <p>See also <b>ACCOUNTS PAYABLE</b>, page 18, item 1 for disposition of financial records.</p>	Retain in office permanently.	
6.	<p><b>CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT DISCLOSURE STATEMENTS</b> Completed by the elected agency officials as well as designated staff members in order to disclose an official's status or ownership interests.</p>	Destroy in office 1 year after completion of term or separation.	

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STANDARD 5: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.	<p><b>CONTRACTS, LEASES, AND AGREEMENTS</b> Contracts and agreements for construction, equipment, property, supplies, special programs, and projects. Includes franchise agreements, hold harmless agreements, good faith effort documentation, contractor compliance monitoring, leases, and memoranda of understanding.</p> <p>See also <b>SOFTWARE LICENSE AND COPYRIGHT PROVISIONS RECORDS</b>, page 40, item 12.</p>	<p>a) Retain in office contracts and agreements with historical value permanently.</p> <p>b) Destroy in office sealed contract records 10 years after expiration of contract.*</p> <p>c) Destroy in office capital improvement contracts and business associate agreements 6 years after completion, termination, or expiration.*</p> <p>d) Destroy in office records documenting restrictions and compliance with license and copyright provisions for products and services purchased by the agency 1 year after superseded or obsolete.*</p> <p>e) Destroy in office all other contracts and agreements 3 years after completion, termination, or expiration.*</p>	<p>Retention: G.S. § 1-47(2) G.S. § 1-50(a)(5) 45 CFR 164.316 G.S. § 1-52</p>
8.	<p><b>DECLARATORY RULINGS</b> Records concerning declaratory rulings issued by the agency to interpret statutes or rules as applied to a specified set of facts.</p>	Retain in office permanently.	
9.	<p><b>DELEGATION OF AUTHORITY RECORDS</b> Records documenting delegations of power to authorize agency business. Includes signature authorities and powers of attorney.</p>	Destroy in office 1 year after superseded or obsolete.	
10.	<p><b>EASEMENTS AND RIGHT-OF-WAY AGREEMENTS</b> Granted to the agency.</p> <p>See also <b>ACCOUNTS PAYABLE</b>, page 18, item 1 for disposition of financial records.</p>	Destroy in office 10 years after expiration of agreement.	

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**STANDARD 5: LEGAL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.	<p><b>ENCROACHMENTS</b> Records concerning agreements granted by or to the agency. Also includes maps or drawings detailing construction plans attached to agreements.</p>	<p>a) Retain in office permanently records concerning agreements granted by outside entities to the agency. b) Destroy in office when superseded or obsolete records concerning agreements granted to utilities, businesses, and private citizens to encroach upon agency property.</p>	
12.	<p><b>LAND OWNERSHIP RECORDS</b> Includes deeds and titles.</p>	<p>Destroy in office 1 year after agency relinquishes ownership of land.*</p>	
13.	<p><b>LEGAL CORRESPONDENCE</b> Correspondence (including e-mail) and related records concerning legal matters not related to specific legal cases or official opinions.</p>	<p>Destroy in office after 5 years. For information on handling e-mail, see <b>ELECTRONIC RECORDS</b>, page 77.</p>	<p>Confidentiality: G.S. § 132-1.1(a)</p>
14.	<p><b>LEGAL OPINIONS</b> Formal legal opinions written by counsel in response to requests concerning the governance and administration of the agency.</p>	<p>Retain in office permanently.</p>	
15.	<p><b>LEGAL REVIEW RECORDS</b> Includes legal reviews of by-laws and charges to boards and commissions, conflicts of interest, and all other agency matters as requested.  See also <b>LEGAL OPINIONS</b>, page 46, item 14.</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records after expiration of relevant statute of limitations.</p>	<p>Confidentiality: G.S. § 132-1.1(a)</p>

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**STANDARD 5: LEGAL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.	<p><b>LITIGATION CASE RECORDS</b> Civil suits to which the agency is a party. Includes affidavits, agreements, appeals, bills, briefs, citations, commitments, complaints, discharges, motions, notices, pleas, releases, statements, testimony, verdicts, waivers, warrants, and writs.</p>	<p>a) Retain in office cases having precedential or historical value permanently. b) Destroy in office adjudicated cases 6 years after final disposition. c) Destroy in office non-adjudicated cases (out-of-court claims) 6 years after final disposition or expiration of relevant statute of limitations.</p>	<p>Confidentiality: G.S. § 132-1.1(a) G.S. § 132-1.9</p>
17.	<p><b>OATHS OF OFFICE</b> See also <b>GOVERNING AND ADVISORY BODY MEMBER FILES</b>, page 7, item 29.</p>	<p>Transfer official copy of oath of office to the Clerk to the Board. <i>Retention Note: The Clerk to the Board should present a copy of the oaths of elected officials to the Clerk of Superior Court for recording. The Clerk to the Board maintains the original oaths.</i></p>	<p>Authority: G.S. § 153A-26  Retention: G.S. § 7A-103(2)</p>
18.	<p><b>PERMISSIONS</b> Records conferring legal permission. Includes copyright permission requests and requests for permission to publish intellectual property or holdings of the agency. Also includes copyrights, patents, and trademarks held by the agency.</p>	<p>a) Retain in office permanently records conferring perpetual legal permission as well as records documenting copyrights, patents, and trademarks held by the agency. b) Destroy in office 3 years after expiration records concerning one-time copyright permissions granted by the agency.</p>	
19.	<p><b>PRE-TRIAL RELEASE PROGRAM RECORDS</b> Records documenting supervision for defendants who do not pose a risk to the community as they await trial.</p>	<p>Destroy in office 3 years after trial.</p>	

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**STANDARD 5: LEGAL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.	<p><b>REASONABLE ACCOMMODATIONS</b> Records concerning agency efforts to provide reasonable accommodations to the general public under Title II of the Americans with Disabilities Act, Housing and Urban Development Act, 1973 Rehabilitation Act, and Title VII of the Civil Rights Act of 1964. Includes constituent requests, survey of agency buildings to determine accessibility to the physically handicapped, proposals for implementation, and resolutions.</p> <p>See also <b>CITIZEN COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS</b>, page 4, item 17, and <b>CIVIL RIGHTS CASE RECORDS</b>, page 43, item 3.</p>	Destroy in office after 2 years.*	Authority: 42 USC 12132
21.	<p><b>RELEASE FORMS</b> Records documenting consent and waiving the individual's right to hold the agency responsible for injuries or damages occurring while voluntarily participating in events or activities.</p>	Destroy in office 5 years after termination of release/waiver.	
22.	<p><b>VEHICLE TITLES</b> Titles of agency owned vehicles.</p>	Dispose of in accordance with Division of Motor Vehicles procedures for title transfer upon disposition of vehicle.	Authority: G.S. § 20-72

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**STANDARD 6: PERSONNEL RECORDS**

Official records and materials created and accumulated incidental to the employment, qualifications, training, and pay status of agency employees. Comply with applicable provisions of G.S. § 115C Article 21A (LEAs), G.S. § 122C-158 (area authorities), G.S. § 130A-45.9 (public health authorities), G.S. § 153A-98 (county), G.S. § 160A-168 (municipal), G.S. § 161E-257.2 (public hospitals), and G.S. § 162A-6.1 (water and sewer authorities) regarding confidentiality of personnel records.

<b>STANDARD 6: PERSONNEL RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
1.	<b>ABOLISHED POSITIONS</b>	Destroy in office after 1 year.	
2.	<b>ADMINISTRATIVE INVESTIGATIONS</b> Records concerning the investigation of conduct problems among agency personnel.  See also <b>DISCIPLINARY ACTIONS</b> , page 53, item 12.	<p>a) Destroy in office after 3 years records concerning complaints against agency personnel that are resolved without an internal investigation.</p> <p>b) Destroy in office after 5 years records concerning complaints lodged against agency personnel that are exonerated. Destroy in office 5 years after final disposition or expiration of relevant statute of limitations complaints lodged against agency personnel that are settled out-of-court.</p> <p>c) Transfer investigation reports, disciplinary actions, and other related internal affairs case records to <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 60, item 29.</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p>

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.	<p><b>APPLICATIONS FOR EMPLOYMENT</b> Records submitted by job applicants for vacant positions or by current employees for promotion, transfer, or training opportunities. Includes applications, transcripts, resumes, letters of reference, and other related records.</p>	<p>a) Transfer applications, resumes, transcripts, and similar records as applicable to <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 60, item 29.</p> <p>b) Destroy in office after 2 years unsolicited application materials from individuals hired.</p> <p>c) Destroy in office records concerning individuals not hired 2 years after date of receipt, if no charge of discrimination has been filed. If charge has been filed, destroy in office 1 year after resolution of charge.*</p> <p>d) Destroy in office 2 years after receipt unsolicited applications/resumes and those received after posted closing dates.</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p> <p>Retention: 29 CFR 1602.31</p>
4.	<p><b>APPRENTICESHIP PROGRAM RECORDS</b> Records concerning registered apprenticeship programs. Includes applications and selection materials as well as aggregated data. Also includes apprenticeship affirmative action plans.</p>	<p>Destroy in office 5 years after the making of the record or the personnel action involved, whichever occurs later.</p>	<p>Authority: 29 CFR 30.4(a) 29 CFR 1602.20</p> <p>Retention: 29 CFR 30.12(d) 29 CFR 1602.21</p>

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.	<p><b>APTITUDE AND SKILLS TESTING RECORDS</b> Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. Includes civil service examinations.</p> <p>See also <b>EMPLOYMENT SELECTION RECORDS</b>, page 55, item 17.</p>	<p>Destroy in office after 2 years.</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p> <p>Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)(iv)</p>
6.	<p><b>ASBESTOS TRAINING</b> Records concerning training programs about the proper management of asbestos.</p> <p>See also <b>BLOODBORNE PATHOGEN TRAINING</b>, page 52, item 8, and <b>HAZARDOUS MATERIALS TRAINING RECORDS</b>, page 57, item 21.</p>	<p>a) Destroy in office employee-specific records 1 year after separation.</p> <p>b) Destroy in office remaining records when superseded or obsolete.</p>	<p>Retention: 29 CFR 1910.1001(m)(4)</p>
7.	<p><b>BENEFITS RECORDS</b> Records concerning life, health, accident, and disability insurance plans as well as seniority and merit systems. Includes records concerning systems in which employees can select fringe benefits from a cafeteria plan, including flexible spending plans. File also includes notifications, election and claim forms, rejection letters, and other records related to COBRA (Consolidated Omnibus Budget Reconciliation Act).</p>	<p>a) Destroy in office approved claims forms after 2 years.*</p> <p>b) Destroy in office rejected requests 6 months after decision.</p> <p>c) Destroy in office notifications to employees or dependents informing them of their rights to continue insurance coverage after termination or during disability or family leave 3 years after employee returns or eligibility expires.</p> <p>d) Destroy in office remaining records 1 year after plan is terminated.</p>	<p>Retention: 29 CFR 1627.3(b)(2)</p>

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.	<p><b>BLOODBORNE PATHOGEN TRAINING</b> Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors.</p> <p>See also <b>ASBESTOS TRAINING</b>, page 51, item 6, and <b>HAZARDOUS MATERIALS TRAINING RECORDS</b>, page 57, item 21.</p>	<p>Destroy in office after 3 years.</p>	<p>Retention: 29 CFR 1910.1030(h)(2)(ii)</p>
9.	<p><b>CERTIFICATION AND QUALIFICATION RECORDS</b> Records concerning certification or qualification as required for employment, continued employment, or promotion.</p> <p>See also <b>APPLICATIONS FOR EMPLOYMENT</b>, page 50, item 3.</p>	<p>a) Destroy in office certificates 5 years after date of separation.</p> <p>b) Destroy in office instructional materials, assessments, and other related records when superseded or obsolete.</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p> <p>Retention: 29 CFR 1602.31</p>
10.	<p><b>DIRECTORIES, ROSTERS, OR INDICES</b> Includes records listing employees, their job titles, work locations, phone numbers, e-mail addresses, and similar information.</p>	<p>Destroy in office when superseded or obsolete.</p>	

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<b>STANDARD 6: PERSONNEL RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
11.	<b>DISABILITY SALARY CONTINUATION CLAIMS</b> Forms used by disabled employees to apply for salary continuation benefits. Also include short-term disability claims forms and other related records.	<ul style="list-style-type: none"> <li>a) Transfer original forms to Local Government Employees' Retirement System (LIGERS) or Teachers' and State Employees' Retirement System (TSERS) for action when received.</li> <li>b) Destroy in office remaining records after 3 years.</li> </ul>	<p>Authority: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p> <p>Retention: 29 CFR 1602.31</p> <p>Subject to the public information provision delineated in the above authorities.</p>
12.	<b>DISCIPLINARY ACTIONS</b> Correspondence (including e-mail) and other records concerning disciplinary actions taken against employees by personnel or supervisory staff, including records documenting terminations. Includes records created by civil service boards when considering, or reconsidering on appeal, an adverse action against an employee.	<ul style="list-style-type: none"> <li>a) Transfer records as applicable to <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 60, item 29.</li> <li>b) Destroy in office all remaining records 2 years after resolution of all actions.</li> </ul>	
13.	<b>DUAL EMPLOYMENT</b> Records concerning employees' requests and authorizations to accept employment with another local government agency.	<ul style="list-style-type: none"> <li>a) Destroy in office approved requests and related records 1 year after employee terminates additional employment.</li> <li>b) Destroy in office denied requests and related records after 6 months.</li> </ul>	

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
14.	<p><b>EDUCATIONAL LEAVE AND REIMBURSEMENT</b> Includes records requesting educational leave and tuition assistance, reimbursements, and other related records.  See also <b>LEAVE RECORDS</b>, page 57, item 24.</p>	<p>a) Transfer records documenting approved leave requests to <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 60, item 29.  b) Destroy in office records concerning denied requests 6 months after denial.* Destroy in office records concerning approved tuition reimbursements 3 years after reimbursement.*</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p>
15.	<p><b>ELIGIBILITY RECORDS</b> Includes the I-9 forms, employment authorization documents filed with the U.S. Department of Labor, petitions filed by the agency, E-Verify documentation, and Selective Service Registration compliance forms.</p>	<p>a) I-9 forms have mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later.  b) Destroy in office after 5 years employment authorization documents filed with the U.S. Department of Labor.  c) Destroy in office immigrant or nonimmigrant petitions filed by the agency 3 years after employee separation.  d) Destroy in office remaining records 1 year after employee separation.</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p> <p>Retention: 8 USC 1324a(b)(3)</p>
16.	<p><b>EMPLOYEE ASSISTANCE PROGRAMS</b> Records documenting assistance and counseling opportunities. Includes requests for information, referrals, forms, releases, correspondence, and other related records.</p>	<p>Destroy in office after 3 years.</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p>

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
17. 	<p><b>EMPLOYMENT SELECTION RECORDS</b> Records concerning the selection of applicants for vacant positions or of current employees for promotion, transfer, or training opportunities. Includes interview documentation, rosters, eligibility lists, test ranking sheets, justification statements, background and criminal history checks, and similar records.</p> <p>See also <b>APPLICATIONS FOR EMPLOYMENT</b>, page 50, item 3, and <b>APTITUDE AND SKILLS TESTING RECORDS</b>, page 51, item 5.</p>	<p>a) Destroy in office background and criminal history checks after 5 years.</p> <p>b) Destroy in office remaining records 2 years after hiring decision.*</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p> <p>Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)</p>
18. 	<p><b>EXIT INTERVIEW RECORDS</b> Includes feedback from employees planning to separate from the agency.</p>	<p>Destroy in office after 1 year.</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p>

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.	<p><b>FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS</b> Records concerning leave taken, premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over FMLA, and other related records.</p> <p>See also <b>LEAVE RECORDS</b>, page 57, item 24.</p>	<p>Destroy in office 3 years after leave ends.*</p>	<p>Authority: 29 CFR 825.110</p> <p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p> <p>Retention: 29 CFR 825.500(b)</p>
20.	<p><b>GRIEVANCES</b> Includes initial complaint by employee, investigation, action, summary, and disposition.</p> <p>See also <b>DISCIPLINARY ACTIONS</b>, page 53, item 12, and <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 60, item 29.</p>	<p>Destroy in office after 2 years.*</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p>

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.	<p><b>HAZARDOUS MATERIALS TRAINING RECORDS</b> Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors.</p> <p>See also <b>ASBESTOS TRAINING</b>, page 51, item 6, and <b>BLOODBORNE PATHOGEN TRAINING</b>, page 52, item 8.</p>	<p>Destroy in office after 5 years.</p>	<p>Authority: 29 CFR 1910.120(p)(8)(iii) 10A NCAC 15</p>
22.	<p><b>INTERNSHIP PROGRAM</b> Records concerning interns and students who work for the agency.</p>	<p>Destroy in office after 2 years.</p>	
23.	<p><b>LAW ENFORCEMENT TRAINING</b> Records concerning internal training for law enforcement personnel.</p>	<p>Retain in office permanently.</p>	
24.	<p><b>LEAVE RECORDS</b> Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, etc. Also includes records documenting leave without pay.</p> <p>See also <b>EDUCATIONAL LEAVE AND REIMBURSEMENT</b>, page 54, item 14, <b>FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS</b>, page 56, item 19, and <b>MILITARY LEAVE</b>, page 58, item 26.</p>	<p>a) Destroy in office denied requests after 6 months. b) Destroy in office approved requests 3 years after return of employee or termination of employment.*</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p>

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STANDARD 6: PERSONNEL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
25.	<p><b>MEDICAL RECORDS</b></p> <p>Records concerning asbestos, toxic substances, and bloodborne pathogen exposure; medical examinations required by state or federal law; and records of injury or illness. (Does not include worker's compensation or health insurance claim records.)</p>	<p>a) Destroy in office exposure records 30 years after date of exposure.*</p> <p>b) Destroy in office records pertaining to first-aid job-related illness and injury after 5 years.</p> <p>c) Provide medical records to employees who have worked for less than 1 year at time of separation.</p> <p>d) Destroy in office after 1 year records concerning physical examinations or health certificates.</p> <p>e) Destroy in office remaining records 30 years after employee separation.</p> <p><i>Retention Note: Records must be maintained separately from an employee's personnel jacket. If part of a worker's compensation claim, follow disposition for WORKERS' COMPENSATION PROGRAM CLAIMS, page 65, item 50.</i></p>	<p>Authority: 29 CFR 1910.1020(e)</p> <p>Confidentiality: 29 CFR 1630.14(c)(1) 29 CFR 1910.1030(h)(1)(iii)</p> <p>Retention: 29 CFR 1627.3(b)(1)(v) 29 CFR 1910.1020(d) 42 USC 12112(d)(3)</p>
26.	<p><b>MILITARY LEAVE</b></p> <p>Records concerning military leave, as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA).</p> <p>See also <b>LEAVE RECORDS</b>, page 57, item 24.</p>	<p>Destroy in office 3 years after leave ends or employee separates from agency.*</p>	<p>Authority: 5 CFR 1208</p>

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
27. 	<p><b>PERFORMANCE REVIEWS</b> Information used to establish employees' goals and primary tasks. Records used to evaluate each employee's work performance.</p> <p>See also <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 60, item 29.</p>	<p>Destroy in office after 3 years.</p>	<p>Confidentiality (applies only to performance evaluations): G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p>
28.	<p><b>PERSONNEL ACTION NOTICES</b> Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, and position or job title.</p>	<p>Transfer records to <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 60, item 29.</p>	<p>Subject to the public information provision delineated in relevant General Statutes.</p>

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
29.	<p><b>PERSONNEL RECORDS (OFFICIAL COPY)</b> Official copy of personnel file maintained on each permanent and temporary agency employee. Includes basic employee information and records and forms relating to the selection or non-selection, promotion, transfer, leave, salary, suspension, and termination of employment.</p> <p>Note: For agencies responsible for maintaining personnel files for criminal justice officers, please consult 12 NCAC 09C .0307 for the mandatory records of certification that must be housed in the personnel file.</p> <p>See also <b>MEDICAL RECORDS</b>, page 58, item 25.</p>	<p>a) Destroy in office after 30 years from date of separation information needed to document: date and amount of each increase or decrease in salary with that agency; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that agency; date and general description of the reasons for each promotion with that agency; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the agency; and, if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the agency setting forth the specific acts or omissions that are the basis of the dismissal.</p> <p>b) Destroy in office information necessary to verify benefits 30 years after date of separation.</p> <p>c) Destroy in office remaining records when individual retention periods are reached as noted in individual items in the Records Retention and Disposition Schedule.</p>	<p>Authority/ Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p>
30.	<p><b>PERSONNEL RECORDS (SUPERVISOR COPY)</b> Personnel jacket that is often maintained by supervisors.</p>	<p>a) Transfer records as applicable to <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 60, item 29.</p> <p>b) Destroy in office remaining records when reference value ends. † Agency Policy: Destroy in office after _____</p>	<p>Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1</p>

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<b>STANDARD 6: PERSONNEL RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
31.	<b>POLICIES AND PROCEDURES (PERSONNEL)</b>	<ul style="list-style-type: none"> <li>a) Retain in office internal agency personnel policies and procedures permanently.</li> <li>b) Destroy in office remaining records when superseded or obsolete.</li> </ul>	
32.	<b>POLYGRAPH RECORDS</b> Includes statements informing employee of the time, place, and reasons for the test; copy of notice sent to examiner identifying employee to be tested; and copies of opinions, reports, or similar records generated by the examiner and provided to the agency.	Destroy in office 3 years from the date the test was given, or from the date the test was requested if no examination was given.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1  Retention: 29 CFR 801.30
33.	<b>POSITION CLASSIFICATION, CONTROL, AND HISTORY</b> Records concerning personnel actions and position control, status of each established permanent, temporary full-time, or part-time position, and other related topics. Also includes listings providing classification, titles, and position numbers.	<ul style="list-style-type: none"> <li>a) Retain in office records with historical value permanently.</li> <li>b) Destroy in office remaining records when superseded or obsolete.</li> </ul>	
34.	See also <b>POSITION DESCRIPTIONS</b> , page 61, item 34.  <b>POSITION DESCRIPTIONS</b> Includes information on job title, grade, duties, agency assigned, and responsibilities.	Destroy in office 2 years after superseded.	Retention: 29 CFR 1620.32

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
35.	<b>POSITION EVALUATIONS</b> Forms used to evaluate the primary purpose of a position.	Destroy in office after 1 year.	
36.	<b>RECRUITMENT RECORDS</b> Includes ads and notices of overtime, promotion, and training. Also includes employment listings.	Destroy in office 1 year from date of record.	Retention: 29 CFR 1627.3(b)
37.	<b>RETIREMENT RECORDS</b> Includes plans and related records outlining the terms of employee pension and other deferred compensation plans.	<ul style="list-style-type: none"> <li>a) Destroy in office records documenting deferred compensation 3 years after payment.*</li> <li>b) Destroy in office descriptive information about retirements plans 1 year after plan is terminated.</li> <li>c) Destroy in office records concerning employer-sponsored retirement plans 7 years after payment.*</li> <li>d) Transfer Local Governmental Employees' Retirement System (LTERS) forms to Department of State Treasurer.</li> <li>e) Transfer applicable records to <b>PERSONNEL RECORDS (OFFICIAL COPY)</b>, page 60, item 29.</li> </ul>	Retention: 29 CFR 1627.3(b)(2)
38.	<b>SEASONAL AND CONTRACT WORKER RECORDS</b> Records concerning seasonal or contractual employees who are not provided with or eligible for benefits.	Destroy in office 5 years after date of separation.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1

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**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
39.	<b>SECONDARY EMPLOYMENT</b> Records concerning employees' requests and authorizations to accept employment with a private entity.	a) Destroy in office approved requests and related records 1 year after employee terminates outside employment. b) Destroy in office denied requests and related records after 6 months.	
40.	<b>SERVICE AWARDS AND COMMENDATIONS</b> Includes award and selection committee reports, nominations, selection criteria, and similar administrative records relating to employee recognition or incentive programs.  See also <b>PERSONNEL RECORDS (OFFICIAL COPY)</b> , page 60, item 29.	Destroy in office 2 years from date of record creation or the personnel action involved.	
41.	<b>SUGGESTIONS AND SURVEYS</b> Recommendations and feedback submitted by agency employees.	Destroy in office after 1 year.	
42.	<b>TRAINING AND EDUCATIONAL RECORDS</b> Includes employee-specific records (certificates, transcripts, test scores, etc.) relating to the training, testing, or continuing education of employees.  See also <b>CONFERENCES AND WORKSHOPS</b> , page 67, item 4, and <b>EDUCATIONAL LEAVE AND REIMBURSEMENT</b> , page 54, item 14. Other required trainings are handled in <b>ASBESTOS TRAINING</b> , page 51, item 6, <b>BLOODBORNE PATHOGEN TRAINING</b> , page 52, item 8, and <b>HAZARDOUS MATERIALS TRAINING RECORDS</b> , page 57, item 21.	a) Transfer records as applicable to <b>PERSONNEL RECORDS (OFFICIAL COPY)</b> , page 60, item 29, if such training and testing is required for the position held or could affect career advancement. b) Destroy in office remaining records after 1 year.	Retention: 29 CFR 1627.3(b)(1)(iv)

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
43.	<b>UNEMPLOYMENT COMPENSATION CLAIMS</b> Claim forms and other related records concerning unemployment compensation cases.	Destroy in office after 3 years.*	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1
44.	<b>UNEMPLOYMENT COMPENSATION REPORTS</b> Quarterly reports showing month-to-date wages, month-to-date compensation, year-to-date wages, and year-to-date compensation for each employee. May be filed with NC Division of Employment Security.	Destroy in office after 3 years.*	
45.	<b>UNEMPLOYMENT INSURANCE</b> Forms submitted to the Department of Commerce to report wage records of terminated employees.	Transfer to the N.C. Department of Commerce, Division of Employment Security.	
46.	<b>VERIFICATION OF EMPLOYMENT RECORDS</b> Inquiries and responses concerning verification of an employee's prior or current employment with the agency.	Destroy in office after 1 year.	
47.	<b>VOLUNTEER RECORDS</b> Records concerning individuals who volunteer to assist with various agency activities.	Destroy in office 2 years after completion of assignment.	
48.	<b>WORK SCHEDULES AND ASSIGNMENTS</b> Records concerning work, duty, shift, crew, or case schedules, rosters, or assignments.	Destroy in office after 1 year.	

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

**STANDARD 6: PERSONNEL RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
49.	<p><b>WORKERS' COMPENSATION PROGRAM ADMINISTRATION</b> Includes program policies, guidelines, and related administrative documentation.</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.</p>	
50.	<p><b>WORKERS' COMPENSATION PROGRAM CLAIMS</b> Records concerning workers' compensation claims filed by employees' supervisors concerning accidental injuries or illnesses suffered on the job. Includes Employer's Report of Injury to Employee (Form 19), accident investigation reports, medical reports, claim cost reports, reference copies of medical invoices, and other related records. <i>Note: All official copies of claims records should be transferred to the North Carolina Industrial Commission in compliance with G.S. § 97-92(a).</i></p>	<p>Destroy in office agency's working file for workers' compensation claims by its employees 5 years after employee returns to work or separates from agency.</p>	<p>Confidentiality: G.S. § 8-53 G.S. § 97-92(b)</p>

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page vi.  
 † See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

**STANDARD 7: PUBLIC RELATIONS RECORDS**

Official records and materials created and accumulated by internal public relations programs operated by the agency.

<b>STANDARD 7: PUBLIC RELATIONS RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
1.	<b>AGENCY PUBLICATIONS</b> Publications created at agency expense. Also includes correspondence and other related records regarding the design and creation of agency publications.	a) Retain in office records with historical value permanently. b) Destroy publications management records after 5 years. c) Destroy in office remaining records when reference value ends. † Agency Policy: Destroy in office after _____	
2.	<b>AUDIO-VISUAL RECORDINGS</b> Recordings (including digital) and films produced by the agency. This does not include recordings of public meetings or security videos.  See also <b>AUDIO AND VIDEO RECORDINGS OF MEETINGS</b> , page 2, item 7, and <b>OFFICE SECURITY RECORDS</b> , page 12, item 46.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends. † Agency Policy: Destroy in office after _____	
3.	<b>COMMUNITY AWARDS</b> Records concerning awards by the agency recognizing community contributions.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends. † Agency Policy: Destroy in office after _____	

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

**STANDARD 7: PUBLIC RELATIONS RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	<p><b>CONFERENCES AND WORKSHOPS</b> Records concerning conferences and workshops conducted by agency employees. Includes slides, charts, transparencies, handouts, and other related records used in presentations.</p> <p>See also <b>TRAINING AND EDUCATIONAL RECORDS</b>, page 63, item 42.</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.</p>	
5.	<p><b>EDUCATIONAL MATERIALS</b> Materials produced for usage by teachers or tour groups. Includes lesson plans, activities, and other related records.</p>	<p>Destroy in office when superseded or obsolete.</p>	
6.	<p><b>FUND DRIVE AND EVENT RECORDS</b> Records documenting the promotion and organization of fund drives and other special events in which the agency participated. Includes records concerning solicitations requesting and donations providing money or in-kind donations for agency programs. Also includes invitations, registration materials, agendas, handouts, presentations, and programs.</p> <p>See also <b>DONATIONS AND SOLICITATIONS</b>, page 22, item 21.</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.</p>	
7.	<p><b>INVITATIONS</b> Invitations sent and received concerning agency and external functions.</p>	<p>Destroy in office after event occurs.</p>	

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 † See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

**STANDARD 7: PUBLIC RELATIONS RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.	<b>MEDIA FILE</b> Reference copies of newspaper, magazine, and other media clippings concerning the agency, agency officials, and other topics of interest.	Destroy in office when reference value ends. † Agency Policy: Destroy in office after _____	
9.	<b>POPULAR ANNUAL FINANCE REPORT</b> Comprehensive annual financial report (CAFR)	a) Retain records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
10.	<b>PUBLIC HEARINGS</b> Includes agendas, minutes, notices, speaker sign-up sheets, and similar documentation.	a) Retain in office minutes permanently. b) Destroy in office remaining records after 1 year.	
11.	<b>PUBLIC RECORDS REQUESTS</b> Formal requests submitted by persons seeking access to agency records along with documentation of agency response.	Destroy in office 2 years after resolution.*  <i>Note: These disposition instructions apply only to the request, internal agency records related to searching for and preparing responsive records, and communication to response; the documents that are responsive to public records requests should be handled according to their respective disposition instructions. However, if the agency also retains separate copies of the documents that are responsive to public records requests, they may also be destroyed 2 years after completion of the request.</i>	
12.	<b>PUBLICITY RECORDS</b> Records concerning overall public relations of agency. Includes advertisements, announcements, correspondence (including e-mail), photographic materials, news and press releases, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.*	

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† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

**STANDARD 7: PUBLIC RELATIONS RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.	<b>SOCIAL MEDIA</b>	See <b>APPENDIX</b> (page 78) for guidance in handling social media.	
14.	<b>SPEECHES</b> Speeches made by agency officials.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends. † Agency Policy: Destroy in office after _____	
15.	<b>WEBSITE (ELECTRONIC)</b> Records created and maintained in paper and electronic formats concerning the creation and maintenance of the agency's presence on the World Wide Web. Includes correspondence (including e-mail), procedures, instructions, website designs, HTML/XHTML, or other web-based file formats, and other related records.	a) Capture website annually or whenever a major revision in design and/or content has taken place, whichever occurs first. Retain captured content in office permanently. Can be maintained as website snapshots or via Web crawler. b) Destroy in office remaining records when superseded or obsolete.	
See also <b>WEB MANAGEMENT AND OPERATIONS RECORDS: STRUCTURE</b> , page 42, item 19.			

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**STANDARD 8: RISK MANAGEMENT RECORDS**

Official records created and accumulated to manage risks in the agency.

<b>STANDARD 8: RISK MANAGEMENT RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
1.	<p><b>ACCIDENT/INCIDENT REPORTS (CUSTOMER AND EMPLOYEE)</b></p> <p>See also <b>WORKERS' COMPENSATION PROGRAM CLAIMS</b>, page 65, item 50.</p>	<p>a) Transfer records resulting in workers' compensation to <b>WORKERS' COMPENSATION PROGRAM CLAIMS</b>, page 65, item 50.</p> <p>b) Destroy in office remaining employee claims 3 years after settlement or denial of claim.*</p> <p>c) Destroy in office adult non-employee reports 3 years after settlement or denial of claim.*</p> <p>d) Destroy in office reports that do not result in claims or official action after 3 years.</p> <p>e) Destroy in office reports of minors after minor has reached age of 21.</p>	
2.	<b>ASBESTOS MANAGEMENT PLAN</b>	<p>a) Destroy in office 1 year after building is demolished.</p> <p>b) If building is sold, transfer records to new owner.</p>	<p>Retention: 29 CFR 1910.1001(j)(3)(ii)</p> <p>Authority: G.S. § 166A-19.22</p>
3.	<b>DECLARATIONS AND TERMINATIONS OF STATES OF EMERGENCY</b>	Retain in office permanently.	

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**STANDARD 8: RISK MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	<p><b>DISASTER AND EMERGENCY MANAGEMENT PLANS</b> Records concerning preparedness, evacuations, and operations in the event of a disaster (natural, accidental, or malicious). Includes background surveys, studies, reports, and records concerning the process of notifying personnel in the event of an emergency. Also includes Continuity of Operations Plans (COOP) and Business Continuity Plans (BCP).</p>	<p>Destroy in office when superseded or obsolete.</p>	<p>Confidentiality: G.S. § 132-1.7</p>
5.	<p><b>DISASTER RECOVERY</b> Administrative records documenting recovery efforts.</p>	<p>a) Retain in office permanently records documenting major agency disaster recovery efforts b) Destroy in office after 3 years records concerning minor or routine agency recovery operations that are managed with minimal disruption to normal operations.</p>	
6.	<p><b>EMERGENCY DRILLS AND EQUIPMENT RECORDS</b> Includes test records for fire suppression, defibrillator, respirator fit, and other emergency equipment. Also includes records concerning agency emergency and fire drills.</p>	<p>Destroy in office when superseded or obsolete.</p>	
7.	<p><b>EMPLOYEE SECURITY RECORDS</b> Records concerning the issuance of keys, identification cards, parking assignments, passes, etc., to employees.</p>	<p>Destroy in office when superseded or obsolete.</p>	
8.	<p><b>FIRE, HEALTH, AND SAFETY RECORDS</b> Records concerning agency safety measures. Includes reports, logs, and other related records documenting inspections of agency facilities.</p>	<p>Destroy in office when superseded or obsolete.</p>	

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 † See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



**STANDARD 8: RISK MANAGEMENT RECORDS**

ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	FUEL OIL STORAGE TANK RECORDS	Destroy in office closure records 3 years after completion of permanent closure.	Authority: 40 CFR 280.34  Retention: 40 CFR 280.74
10.	HAZARDOUS MATERIALS MANAGEMENT Records related to hazardous materials and hazard mitigation plans.	<ul style="list-style-type: none"> <li>a) Destroy in office after 30 years records related to hazardous materials, including biowaste.</li> <li>b) Destroy in office after 5 years records concerning the receipt, maintenance, and disposal of radioactive materials.</li> <li>c) Destroy in office 3 years after superseded or obsolete records concerning hazard mitigation plans.</li> </ul>	
11.	INSURANCE POLICIES Records concerning automobile, theft, fire, and all other insurance policies purchased by agency. Also includes insurance audits, claims reports, surveys, endorsements, certificates of insurance, and waivers.	<ul style="list-style-type: none"> <li>a) Destroy in office records concerning automobile and other liability insurance policies 10 years after superseded or obsolete.*</li> <li>b) Destroy in office certificates of insurance after 1 year.</li> <li>c) Destroy in office self-insurer certifications 6 years from date of termination of policy or settlement of all claims.</li> <li>d) Destroy in office remaining records after 1 year after superseded or obsolete.</li> </ul>	
12.	LOSS CONTROL INSPECTION REPORTS Self-inspections to identify potential liabilities or hazards that may exist in agency owned buildings or property.	Destroy in office when superseded or obsolete.	

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<b>STANDARD 8: RISK MANAGEMENT RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
13.	<b>LOST, STOLEN, OR DAMAGED PROPERTY REPORTS</b> Includes citizen reports of property lost or stolen at agency. Also includes reports and employee narratives of vandalism to agency property.	Destroy in office after 2 years.*	
14.	<b>OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)</b> Records concerning injury or illness, extent and outcomes, summary totals for calendar year, and OSHA forms. Includes ergonomic assessments for employees.	Destroy in office after 5 years.	Retention: 29 CFR 1904.33 29 CFR 1904.44
15.	<b>SAFETY DATA SHEETS</b> Forms supplied to agencies from manufacturers and distributors of hazardous materials for materials held by the agency.	Destroy in office 30 years after materials have been disposed of according to manufacturer's instructions. <i>Retention Note: A data sheet for a mixture may be discarded if the new data sheet includes the same hazardous chemicals as the original formulation. If the formulation is different, both data sheets must be retained for 30 years. Data sheets may also be discarded if some other record identifying the substances used, where they were used, and when they were used is retained the required 30-year period.</i>	Retention: 29 CFR 1910.1020(d)(1)(ii)(B)

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page vi.

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**STANDARD 9: WORKFORCE DEVELOPMENT RECORDS**

Official records created and accumulated by the agency to manage workforce development programs. Relevant legislation includes the Comprehensive Employment and Training Act, the Job Training and Partnership Act, the Workforce Investment Act, the Workforce Innovation and Opportunity Act.

<b>STANDARD 9: WORKFORCE DEVELOPMENT RECORDS</b>			
<b>ITEM #</b>	<b>RECORDS SERIES TITLE</b>	<b>DISPOSITION INSTRUCTIONS</b>	<b>CITATION</b>
1.	<b>AUDIT/AUDIT RESOLUTIONS</b> Records concerning reports from financial and compliance audits conducted on WIA programs in accordance with OMB Circular A-133. Includes audit reports and correspondence concerning audits and audit resolutions for the local area. Also includes federal and state audits.	Destroy in office after 3 years.	Authority: OMB Circular A-133 29 CFR 97.26
2.	<b>LOCAL AREA JOB TRAINING PLAN RECORDS</b> Records concerning the local board's bid process for contracting workforce development programs.	Destroy in office when superseded or obsolete.	Authority: 20 CFR 652.8
3.	<b>PARTICIPANT RECORDS</b> Records concerning applicants, registrants, eligible applicants/registrants, participants, trainees, and employees who submit requests for services of the Dislocated Workers Program and Workforce Investment Act programs. Includes applications, client history, Employment Development Plans, program referral, monitoring notes, pay authorizations, release forms, and WIA follow-up questionnaires.	Destroy in office 3 years after close of audit/final year expenditure.*	Authority: 20 CFR 652.8

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

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## DESTRUCTION OF PUBLIC RECORDS

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### ***Q. When can I destroy records?***

- A.** Each records series listed on this schedule has specific disposition instructions that indicate how long the series must be kept in your office. In some cases, the disposition instructions are “Retain in office permanently,” which means that those records must be kept in your offices forever.
- 

### ***Q. How do I destroy records?***

- A.** After your agency has approved this records retention and disposition schedule, records should be destroyed in one of the following ways:
- 1) burned, unless prohibited by local ordinance;
  - 2) shredded, or torn so as to destroy the record content of the documents or material concerned;
  - 3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned;
  - 4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

The provision that electronic records are to be destroyed means that the data, metadata, and physical media are to be overwritten, deleted, and unlinked so that the data and metadata may not be practicably reconstructed.

The data, metadata, and physical media containing confidential records of any format are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

— N.C. Administrative Code, Title 7, Chapter 4, Subchapter M, Section .0510

Without your agency’s approval of this records schedule, no records may legally be destroyed.

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### ***Q. How can I destroy records if they are not listed on this schedule?***

- A.** Contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do have historical value, we will discuss the possibility of transferring the records to the State Archives of North Carolina to be preserved permanently.

If the records do not have historical value, we will ask you to complete a Request for Disposal of Unscheduled Records (page 86) if the records are no longer being created. If the records are an active records series, an analyst will help you develop an amendment to this schedule so that you can destroy the records appropriately from this point forward.

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### ***Q. Am I required to tell anyone about the destructions?***

- A.** We recommend that you report on your records retention activities to your governing board on an annual basis. This report does not need to be detailed, but it is important that significant destructions be entered into the minutes of the Board. See a sample destructions log that follows (and is available online at the State Archives of North Carolina website, <https://archives.ncdcr.gov/government/forms-government>).



## ELECTRONIC RECORDS: E-MAIL, BORN-DIGITAL RECORDS, AND DIGITAL IMAGING

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### ***Q. When can I delete my e-mail?***

- A.** E-mail is a public record as defined by G.S. § 121-5 and G.S. § 132. Electronic mail is as much a record as any paper record and must be treated in the same manner. **It is the content of each message that is important.** If a particular message would have been filed as a paper memo, it should still be filed (either in your e-mail program or in your regular directory structure), and it should be retained the same length of time as its paper counterparts. **It is inappropriate to destroy e-mail simply because storage limits have been reached.** Some examples of e-mail messages that are public records and therefore covered by this policy include:

- Policies or directives;
- Final drafts of reports and recommendations;
- Correspondence and memoranda related to official business;
- Work schedules and assignments;
- Meeting agendas or minutes
- Any document or message that initiates, facilitates, authorizes, or completes a business transaction; and
- Messages that create a precedent, such as issuing instructions and advice.

*From the Department of Cultural Resources E-Mail Policy (Revised July 2009),  
available at the State Archives of North Carolina website*

Other publications (available online at the [State Archives of North Carolina website](#)) that will be particularly helpful in managing your e-mail include tutorials on managing e-mail as a public record and on using Microsoft Exchange.

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### ***Q. May I print my e-mail to file it?***

- A.** We do not recommend printing e-mail for preservation purposes. Important metadata are lost when e-mail is printed.
- 

### ***Q. I use my personal e-mail account for work. No one can see my personal e-mail, right?***

- A.** The best practice is to avoid using personal resources, including private e-mail accounts, for public business. G.S. § 132-1 states that records “made or received pursuant to law or ordinance *in connection with the transaction of public business* by any agency of North Carolina government or its subdivisions” are public records (emphasis added). The fact that public records reside in a personal e-mail account is irrelevant.
- 

### ***Q. We have an imaging system. Are we required to keep the paper?***

- A.** You may scan any record, but you will need to receive approval from the Government Records Section in order to destroy paper originals that have been digitized. Your agency must develop an electronic records policy and then submit a Request for Disposal of Original Records Duplicated by Electronic Means. You can find these templates in the Digital Imaging section of the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines#digital-imaging>). Contact a Records Management Analyst for further instructions on how to develop a compliant electronic records policy.

**Permanent records** must have a security preservation copy as defined by State Archives of North Carolina’s **Human-Readable Preservation Duplicate Policy** (G.S. § 132-8.2):

Preservation duplicates shall be durable, accurate, complete and clear, and such duplicates made by a photographic, photo static, microfilm, micro card, miniature photographic, or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. ... Such preservation duplicates shall be preserved in the place and manner of safekeeping prescribed by the Department of Natural and Cultural Resources.

**The preservation duplicate of permanent records must be either on paper or microfilm.**

**Non-permanent records** may be retained in any format. You will need to take precautions with electronic records that you must keep more than about 5 years. Computer systems do not have long life cycles. Each time you change computer systems, you must convert all records to the new system so that you can assure their preservation and provide access.

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***Q. Computer storage is cheap. Can I just keep my computer records permanently?***

- A.** The best practice is to destroy all records that have met their retention requirements, regardless of format.

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***Q. What are the guidelines regarding the creation and handling of electronic public records?***

- A.** There are numerous documents available on the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines>). Topics covered include shared storage, cloud computing, e-discovery, trustworthy digital public records, digital signatures, e-mail, social media, text messages, websites, digital imaging, metadata, file formats, database indexing, and security backups.

Note that e-mail, text messages, and social media should be handled according to their content. Therefore, this schedule does not include a records series that instructs you on how to handle one of these born-digital records by format; instead of focusing on how the information is disseminated, consider what content is contained in the e-mail, text message, or social media post. For instance, an e-mail requesting leave that is sent to a supervisor should be kept for 1 year (see **LEAVE RECORDS**, page 57, item 24).

## GEOSPATIAL RECORDS

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### ***Q. Why should geographic information system (GIS) datasets be retained and preserved?***

- A.** Geospatial records are public records and need to be retained and preserved based on their legal, fiscal, evidential and/or historical value according to an established retention schedule. Local agencies involved in GIS operations should work with the State Archives of North Carolina in order to appraise, inventory, and preserve their geospatial records according to established best practices and standards to insure both their short- and long-term accessibility.

Due to the complexity and transitory nature of these records, geospatial records retention and long-term preservation is a community-wide challenge. GIS files have become essential to the function of many local agencies and will continue to frequently be utilized in agency decision-making processes in the near and far future. Accessibility of GIS records over time has legal, fiscal, practical, and historical implications. The availability of GIS records can help safeguard the local government's legal and fiscal accountability and aid agencies in conducting retrospective and prospective studies. These studies are only possible when essential data from the past are still available.

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### ***Q. What GIS datasets should be preserved by local governments?***

- A.** The following types of geospatial records have been designated as having archival value:
- Parcel data
  - Street centerline data
  - Corporate limits data
  - Extraterritorial jurisdiction data
  - Zoning data, address points
  - Orthophotography (imagery)
  - Utilities
  - Emergency/E-911 themes
- 

### ***Q. How often should we capture the datasets retained for their legal, fiscal, evidential or historical value?***

- A.** Consult the retention schedule for frequency of capture. The frequency of capture is based on the significance of the record as well as its alterability.
- 

### ***Q. What data formats, compression formats, and media should be used to preserve the data?***

- A.** Archiving practices should be consistent with North Carolina Geographic Information Coordinating Council (GICC) approved standards and recommendations. (Examples: Content Standards for Metadata; Data Sharing Recommendations). Consult the GICC website at <http://www.ncgicc.com/>

You should also comply with guidelines and standards issued by the State Archives of North Carolina, which are available on its website.

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**Q. *Who should be responsible for creation and long-term storage of archived data?***

- A.** The creating agency, NCOneMap, and the State Archives of North Carolina may all have responsibility for archiving data. If you choose to upload your data to NCOneMap, consult with your county's GIS department to determine whether data will be uploaded by your agency or by the whole county. If you choose not to upload your data to NCOneMap, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.

## MICROFILM

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### ***Q. Why do you still use microfilm?***

**A.** Microfilm is a legally acceptable replacement for original records, as outlined in G.S. § 8-45.1 and § 153A-436. Microfilm can be read with nothing more sophisticated than a magnifying glass, and there is no software to keep current. Usually, deterioration in the film itself can be detected by visual inspection. The State Archives of North Carolina provides a publication, *Micrographics: Technical and Legal Procedures*, on our website. It explains the four groups of national standards for the production of archival quality microfilm:

- manufacture of raw film
- filming methods
- processing (developing) film
- storage methods

That publication also provides sample forms, targets, and procedures that you or your vendor can use in producing film of your records.

---

### ***Q. What film services do you provide?***

**A.** The Department of Natural and Cultural Resources provides microfilming services for minutes of major decision-making boards and commissions. We will also film records of adoptions for Social Services agencies. Once those records are filmed, we will store the silver negative (original) in our security vault. Contact the Records Management Analyst in charge of microfilm coordination for the most current information.

---

### ***Q. How do I get my minutes filmed?***

**A.** We have two processes to film minutes. First, you can send photocopies of your approved minutes to us in the mail. Simply include a copy of the **Certification of the Preparation of Minutes for Microfilming** form (available online at the [State Archives of North Carolina website](#)) with each shipment. For more detailed instructions, contact a Records Management Analyst.

Alternately, you can bring us your original books. We will film them and return them to you. This process is most useful when you have more minutes to film than you are willing to photocopy. It is important to remember that a representative of your office or ours must transport the original books in person so that the custody of the records is maintained. You should not mail or ship your original minutes. Call a Records Management Analyst to make arrangements for an appointment for your books to be filmed. We will make every effort to expedite the filming so that your books will be returned to you as quickly as possible.

---

### ***Q. What if I need my books while they are being filmed?***

**A.** Call the Raleigh Office at (919) 814-6900, and ask for the Records Management Analyst in charge of microfilm coordination.

---

### ***Q. Can I send you my minutes electronically?***

**A.** We are working on standards and procedures for an electronic transfer system for minutes. Please contact the Records Management Analyst in charge of microfilm coordination for more information.

---

### ***Q. I have some old minutes that are not signed. Can they still be filmed?***

**A.** If the only copy you have available is unsigned, and you use it as the official copy, we will film it.

---

***Q. What if my books are destroyed after they have been filmed?***

- A.** Call a Records Management Analyst who will help you make arrangements to purchase copies of the microfilm from our office. You can then send those reels to a vendor who can either make new printed books or scan the film to create a digital copy.

## DISASTER ASSISTANCE

---

### ***Q. What should I do in case of fire or flood?***

- A.** Secure the area, and keep everyone out until fire or other safety professionals allow entry. Then, call our Raleigh office at (919) 814-6903 for the Head of the Government Records Section or (919) 814-6849 for the Head of the Collections Management Branch. If you're in the western part of the state, call our Asheville Office at (828) 296-7230 extension 224. On nights and weekends, call your local emergency management office.

***DO NOT ATTEMPT TO MOVE OR CLEAN ANY RECORDS.***

Damaged records are extremely fragile and require careful handling. Our staff are trained in preliminary recovery techniques, documenting damage to your records, and authorizing destruction of damaged records. Professional vendors can handle larger disasters.

---

### ***Q. What help do you give in case of an emergency?***

- A.** We will do everything we can to visit you at the earliest opportunity in order to provide hands-on assistance. We can assist you in appraising the records that have been damaged so that precious resources (and especially time) are not spent on records with lesser value. We can provide lists of professional recovery vendors that you can contact to preserve your essential and permanent records.
- 

### ***Q. What can I do to prepare for an emergency?***

- A.** We provide training on disaster preparation that includes a discussion of the roles of proper inventories, staff training, and advance contracts with recovery vendors. If you would like to have this workshop presented, call a Records Management Analyst.
- 

### ***Q. What are essential records?***

- A.** Essential records are records that are necessary for continuity of operations in the event of a disaster. There are two common categories of records that are considered essential:
- **Emergency operating records** – including emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records.
  - **Legal and financial rights records** – these protect the legal and financial rights of the Government and of the individuals directly affected by its activities. Examples include accounts receivable records, Social Security records, payroll records, retirement records, and insurance records. These records were formerly defined as “rights-and-interests” records.

Essential records should be stored in safe, secure locations as well as duplicated and stored off-site, if possible.

## STAFF TRAINING

---

***Q. What types of workshops or training do you offer?***

**A.** We have a group of prepared workshops that we can offer at any time at various locations throughout the state. Contact a Records Management Analyst if you are interested in having one of the workshops presented to your agency. We will work with you directly to develop training suited to your specific needs. Our basic workshops are:

- Managing public records in North Carolina
- Scanning/digital imaging
- Disaster preparedness and recovery
- Confidentiality
- Organizing paper and digital files
- E-mail
- Digital communications

---

***Q. Will you design a workshop especially for our office?***

**A.** Yes, we will. Let a Records Management Analyst know what type of training you need.

---

***Q. Are workshops offered only in Raleigh?***

**A.** No, we will come to your offices to present the workshops you need. We have no minimum audience requirement. We will also do presentations for professional associations, regional consortiums, and the public.

---

***Q. Is there a fee for workshops?***

**A.** Not at this time.

---

***Q. Are the workshops available in an online format?***

**A.** Not at this time. However, there are several online tutorials available on the State Archives of North Carolina website, including managing public records, electronic records, and scanning.



### Request for Change in Local Government Records Schedule

Use this form to request a change in the records retention and disposition schedule governing the records of your agency. Submit the signed original and keep a copy for your file. A proposed amendment will be prepared and submitted to the appropriate state and local officials for their approval and signature. Copies of the signed amendment will be sent to you for insertion in your copy of the schedule.



Requestor name

Location and Agency [e.g., County/Municipality + Department of Social Services]

Phone and email

Mailing Address



Specify title and edition of records retention schedule being used: \_\_\_\_\_

- Add a new item
- Delete an existing item      Standard Number \_\_\_\_\_ Page \_\_\_\_\_ Item Number \_\_\_\_\_
- Change a retention period      Standard Number \_\_\_\_\_ Page \_\_\_\_\_ Item Number \_\_\_\_\_

Title of Records Series in Schedule or Proposed Title:

Inclusive Dates of Records:

Proposed Retention Period:

Description of Records:

Justification for Change:

Requested by:

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Approved by:

Signature \_\_\_\_\_ Requestor's Supervisor \_\_\_\_\_ Date \_\_\_\_\_



### Request for Disposal of Unscheduled Records

Requestor name

Location and Agency [e.g., County/Municipality + Department of Social Services]

Phone and email

Mailing Address

In accordance with the provisions of G.S. § 121 and § 132, approval is requested for the destruction of records listed below. These records have no further use or value for official administrative, fiscal, historical, or legal purposes.

RECORDS TITLE AND DESCRIPTION	INCLUSIVE DATES	QUANTITY	RELEVANT STATUTORY REGULATIONS	PROPOSED RETENTION PERIOD

Requested by:

Signature Title Date

Approved by:

Signature Requestor's Supervisor Date

Concurred by:

Signature Assistant Records Administrator State Archives of North Carolina Date





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## **AGENDA ITEM COVER SHEET**

**Agenda Item Title:**

Authorizing Sale of Personal Property by Electronic Auction

**Date of Meeting** 03/12/2019

**Ward # if applicable** N/A

**Department** Finance

**Person Submitting Item:** JR Sabatelli, CPA, Director of Finance

**Call for Public Hearing**  Yes  No

**Date of Public Hearing**

**Explanation of Item:**

Requesting property, a 2008 Sewer Cleaner Truck, VIN 1HTWGAZT08J577676, be sold at electronic auction as surplus property.

**Actions Needed by Board:**

The Board of Aldermen, authorized by G.S. 160A-270(b) to sell personal property by electronic auction, will adopt a resolution authorizing the appropriate official to dispose of the property at electronic auction.

**Is item time sensitive?**  Yes  No

**Will there be advocates/opponents at the meeting?**  Yes  No

**Backup Attached:**

Resolution  
Memo Requesting Disposal

**Cost of Agenda Item:**

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :**  Yes  No

**Additional notes:**



# NEW BERN

NORTH CAROLINA

*Office of the Director of Finance*

TO: City Manager, Honorable Mayor and Members of the Board of Aldermen  
FROM: JR Sabatelli, CPA, Director of Finance  
DATE: March 12, 2019  
RE: Disposal of Surplus Property-Jet Vac Sewer Equipment Co/International

---

## **Background**

Attached is a resolution requesting the authorization of the sale of a Jet Vac Sewer Equipment Co/International, VIN 1HTWGAZT08J577676, City's Asset number VO911, located at the City Garage.

Asset:	VO911
Description:	2008 Sewer Cleaner Truck
Placed in Service:	02/26/2008
Location:	Sewer Department (9404)
Manufacturer:	Jet Vac Sewer Equipment Co/International
VIN:	1HTWGAZT08J577676
Acquisition Cost:	\$240,830
Accum Deprec:	\$175,270
Current Value:	\$ 65,560
Useful Life (Months):	180
Remaining Useful Life:	49

\*\*Includes calculation for FY19 depreciation

## **Requested Action**

Pursuant of resolution, declaring item as surplus and authorizing sale of personal property by electronic auction.

**RESOLUTION  
AUTHORIZING SALE OF PERSONAL PROPERTY BY ELECTRONIC AUCTION**

WHEREAS, the City of New Bern, from time to time, has personal property which is no longer needed or required; and

WHEREAS, G.S. 160A-270(b) allows the Board of Aldermen to sell personal property by electronic auction upon adoption of a resolution authorizing the appropriate official to dispose of the property at electronic auction; and

WHEREAS, the City Manager has recommended a 2008 Sewer Cleaner Truck, VIN 1HTWGAZT08J577676, be sold at electronic auction as surplus property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the City Manager or his designee is authorized to sell by electronic auction surplus property described as a 2008 Sewer Cleaner Truck bearing VIN 1HTWGAZT08J577676; and

That the City Manager or his designee is directed to publish at least once, but not less than ten days before the date of the auction, a copy of this resolution or a notice summarizing its content as required by North Carolina General Statute 160A-270(b).

ADOPTED this 12<sup>th</sup> day of March, 2019.

\_\_\_\_\_  
DANA E. OUTLAW, MAYOR

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK

# AGENDA ITEM COVER SHEET

**Agenda Item Title:**

Adopt a resolution authorizing the Mayor to execute a Rural Housing Recovery Infrastructure Grant application

**Date of Meeting**

**Ward # if applicable** Ward 4

**If multiple, list:**

**Department** Develop. Services

**Person Submitting Item:**

**Call for Public Hearing** No

**Date of Public Hearing**

**Explanation of Item:**

The City of New Bern desires to apply for the North Carolina Department of Commerce Rural Housing Recovery Infrastructure Grant in the amount of \$350,000 to help address critical housing shortages by supporting housing developments in communities impacted by recent hurricanes. The grant funds will be used to offset costs associated with the construction of public utilities in connection with the Tate Commons tax credit project located at 1025 Karen Drive.

**Actions Needed by Board:**

Adopt a resolution authorizing the Mayor to execute a Rural Housing Recovery Infrastructure Grant application

**Is item time sensitive?** Y / N

**Will there be advocates/opponents at the meeting?** Select...

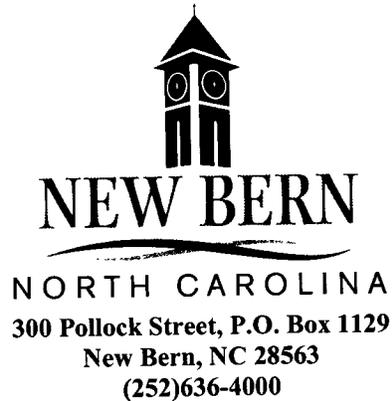
**Backup Attached:**

memo, grant application, budget for proposed infrastructure improvements, Preliminary engineering report prepared by Avolis Engineering

**Cost of Agenda Item:**

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :** Select...

**Additional notes:**



## **MEMORANDUM**

**TO:** Mayor Dana Outlaw, City of New Bern Board of Aldermen

**FROM:** Jeff Ruggieri, Director Development Services

**DATE:** 2/28/19

**SUBJECT:** Resolution authorizing the Mayor to execute a Rural Housing Recovery Infrastructure Grant application

---

Staff is requesting the Board of Aldermen authorize the Mayor to execute a Rural Housing Recovery Infrastructure Grant application.

The Rural Housing Recovery Infrastructure Grant is offered through the North Carolina Department of Commerce Division of Rural and Economic Development to help communities address critical housing shortages by supporting housing developments in communities impacted by recent hurricanes.

The grant amount of \$350,000 requires no matching funds and will be used to offset public infrastructure development costs associated with the Tate Commons tax credit project located at 1025 Karen Drive.

Public utility infrastructure costs were compiled from a preliminary engineering report prepared by Avolis Engineering, P.A. and are included in the grant application.

Tate Commons is a 68 unit multifamily development comprised of 12 one bedroom, 32 two bedroom, and 24 3 bedroom units.

## **RESOLUTION**

WHEREAS, the City of New Bern desires to apply for the North Carolina Department of Commerce Rural Housing Recovery Infrastructure Grant in the amount of \$350,000 to help address critical housing shortages by supporting housing developments in communities impacted by recent hurricanes; and

WHAEREAS, the Rural Housing Recovery Fund will provide grants to local governments for the planning, design, materials and labor necessary in the construction of public infrastructure including water, sewer, roads, sidewalks, drainage, lighting, parking, broadband, and other infrastructure that supports broader affordable housing; and

WHEREAS, Tate Commons, a 68-unit multifamily project received North Carolina Housing Finance Agency 9% tax credits in 2017; and

WHEREAS, the City of New Bern desires to utilize funding from the North Carolina Department of Commerce Rural Housing Recovery Infrastructure Grant to install public utilities in connection with the construction of the Tate Commons project.

### **NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:**

1. That the Mayor is hereby authorized to execute a Rural Housing Recovery Infrastructure Grant application requesting \$350,000 in funds to be used for the construction of public utilities in connection with the Tate Commons project; and

2. It is hereby acknowledged that the grant requires a 0% match from the City of New Bern.

ADOPTED THIS 12<sup>TH</sup> DAY OF MARCH 2019.

---

DANA E. OUTLAW, MAYOR

---

BRENDA E. BLANCO, CITY CLERK



**Objective:**

The North Carolina Department of Commerce, through the Rural Economic Development Division, will partner with the North Carolina Housing Finance Agency (NCHFA) to help address critical housing shortages by providing grants for public infrastructure to support housing developments in communities impacted by recent hurricanes.

**Eligible Expenditures:**

The Rural Housing Recovery Fund will provide grants to local governments for the planning, design, materials and labor necessary in the construction of public infrastructure including water, sewer, roads, sidewalks, drainage, lighting, parking, broadband, and other infrastructure that support broader affordable housing development. All infrastructure must be publicly owned and operated by the local government.

**Requirements:**

- The applicant (county or municipality) must partner with a project that received a 9% new construction low-income housing tax credit project from the North Carolina Housing Finance Agency for the 2016, 2017, or 2018 cycle.
- Funding will support public infrastructure projects associated with the construction of new residential units.
- Local governments should have a comprehensive project design that will be executed by the government in partnership with developers participating in the 9% new construction low-income housing tax credit program.
- Local governments should have methods to ensure that the homes developed remain affordable for the period required by NCHFA.
- Proposed buildings must be outside of the 100-year flood plain.

**Potential Funding Amounts:**

A maximum of \$350,000 is available per project. Awards will be determined based upon the documented recovery housing need, the total cost of the infrastructure project, and the number of affordable units proposed.

**Eligible Applicants:**

Local governments in counties with documented damages and impacts from recent hurricanes. The county where the project is located must be identified as Tier 1 or 2 under the 2019 North Carolina Development Tier Designations and must have a 9% new construction low-income housing tax credit project from the North Carolina Housing Finance Agency for the 2016, 2017, or 2018 cycle.



Application # \_\_\_\_\_  
(For internal use only)

**Applicant Information**

**Local Government**

Name: City of New Bern County: Craven Tier #: 2

Mailing Address: 300 Pollock St. City: New Bern State: NC Zip: 28560

Primary Telephone: (252) 636 4000 Federal Tax ID #: 56-6000235

Website: XXXXXXXXXXXXXXXXXX www.newbernnc.gov

Chief Elected Official Name: Dana E. Outlaw Title: Mayor

Telephone: (252) 636 4000 639-2702 Email: outlawd@newbernnc.gov

Manager/Administrator Name: Mark A. Stephens Title: City Manager

Telephone: (252) 639 2700 Email: stephensm@newbernnc.gov

**Local Government Project Manager (If different than above):**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone(s): \_\_\_\_\_ Email: \_\_\_\_\_

**Project Information**

Project Title: Tate Commons Grant Amount Requested (\$): \$350,000

Number of Housing Units to be Created as a Result of the Public Infrastructure: 68

**Project Narrative**

1 Provide a detailed description of the infrastructure improvements that will support the proposed housing development.

The Infrastructure improvement that will support the development of Tate Commons include:

1. Waste Water Systems
2. Stormwater - Retention
3. Stormwater - Rain Leader & Collection
4. Public Water Systems
5. Unsuitable Soils
6. Emergency Vehicle Access

2 Provide a detailed description of the housing project and the impact it will have on housing availability and affordability within the community.

The proposed Tate Commons is a new construction multifamily development located in the town of New Bern (Craven County). The development will consist of 68 multifamily units, comprised of 12 1-Bedroom units, 32 2-Bedroom and 24 3-Bedroom units. There will be community amenities/leasing office located on the ground floor facing the entrance of the development which will include a multipurpose space, laundry, fitness and computer rooms. The management office will also be situated in this prominent location. Tate Commons will have the appropriate number of handicapped accessible units as well as units specifically equipped for sight/hearing impaired. There will also be a playground and a covered picnic area with tables and grills.

The property is located off of Neuse Boulevard, a main artery of New Bern. The access however will be from Karen Drive thus providing an easy and safe ingress/egress for our residents. All the amenities, such as shopping, restaurants, other services and public offices are in the vicinity, mainly along Neuse Boulevard. Elementary, Middle and High Schools are all located nearby.

With approximately 30% brick on the exterior facades, pitched roofs and decorative trim, the 4-story building with an elevator will convey an image of quality and regional character.

Rural Housing Recovery Infrastructure  
Application Form

Property Owner Information

Property Owner Legal Name: Tate Commons Limited Partnership

Property Owner Representative Name (First and Last): Jeffrey J. Woda  
(Authorized to sign loan documents for Building Reuse)

Property Owner Rep. Mailing Address: 500 S. Front Street, 10<sup>th</sup> Floor City: Columbus State: OH Zip: 43215

Property Owner Rep. Phone: (614) 396-3202 Email: jwoda@wodagroup.com

Property Information

Property Development Name: Tate Commons Year NCHFA Tax Credits awarded: 2017

Property Address: 1025 Karen Drive City: New Bern State: NC Zip: 28562

Property Developer Information  
(If different than Property Owner)

Property Developer Legal Name: Woda Cooper Development, Inc.

Property Developer Representative Name: Denis Blackburne

Mailing Address: 500 S. Front Street, 10th Floor City: Columbus State: OH Zip: 43215

Representative Phone: (912) 224 2169 Representative Email: dblackburne@wodagroup.com

Local Government Certifications

The attached statements and exhibits are hereby made part of this application, and the undersigned representative of the applicant certifies that the information in this application and the attached statements and exhibits are true, correct, and complete to the best of the signatory's knowledge and belief. The signatory further certifies:

- 1 as Authorized Representative, the signatory has been authorized to file this application by formal action of the governing body;
- 2 that the governing body or agrees that if a grant is awarded, the applicant will provide proper and timely submittal of all documentation requested by the Grantor Agency;
- 3 that the applicant has substantially complied with or will comply with all federal, state, and local laws, rules, regulations, and ordinances as applicable to this project;
4. That the proposed housing development is outside the 100-Year flood plain.

Signature of Local Government Chief Elected Official

Dana E. Outlaw

Mayor

Typed Name

Typed Title

March 12, 2019

Date

**Tate Commons, New Bern - Budget for the proposed infrastructure improvement:**

1. **Waste Water System**  
Sanitary Sewer extension through adjacent parcel **\$59,000**
  
2. **Stormwater Collection and Treatment System**
  - a. Storm water system including storm water retention & retention pond designed to control stormwater quantity and quality, utilizing natural processes to remove pollutants **\$68,000**
  
  - b. Rain leader and collection system - to comply with the NCHFA requirement of all roof water is required to exit the gutter/downspout system a minimum of 6' away from the foundation, a complete underground rain leader and piped system is designed to integrate with the storm system that ultimately discharges to the offsite canal **\$50,000**
  
3. **Water Systems**  
Water line extensions – improving access to fire hydrants **\$51,000**
  
4. **Undercut and Replacement of Unsuitable Soils**  
Suitable soil import - The geotechnical report shows that there are poor soils to a depth of at least 2' in some locations and wet Coastal Plain clays. The site is designed to have utilities, building pads or pavement in locations that will require the export of unsuitable soils and import of suitable soils in these areas **\$112,000**
  
5. **Emergency Vehicle Access**  
Connectivity provided to neighbor's parking eliminating a dead end and providing required access to both properties for Emergency Services **\$10,000**

**Summary:**

Waste Water Systems	\$	59,000
Storm Water Systems		
Retention	\$	68,000
Rain Leader & Collection	\$	50,000
Public Water Systems	\$	51,000
Unsuitable Soils	\$	112,000
Emergency Vehicle Access	\$	10,000
Total	\$	350,000

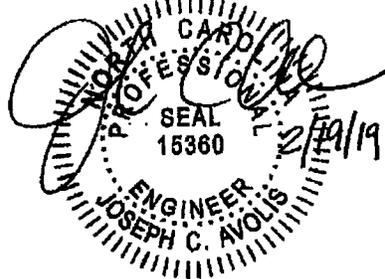


**AVOLIS ENGINEERING, P.A.**

P.O. Box 15564 · New Bern, NC 28561 · 252.633.0068 · Corp. C-0706

**Preliminary Engineering Report (PER)  
Tate Commons Apartment Complex  
1025 Karen Drive  
New Bern, NC  
February 19, 2019**

Prepared by:  
Joseph C. Avolis, PE, PLS  
Avolis Engineering, PA  
PO Box 15564  
New Bern, NC 28561  
(252) 633-0068



*~ 30th Anniversary ~*

### **Public Wastewater System Improvements**

The 68-unit Tate Commons apartment complex is within the City of New Bern and will be relying on the City's public owned treatment works for wastewater treatment. The existing gravity sewer collection infrastructure is located xx feet from the site. Due to the shallow depth of the nearest gravity collection manhole, the routing of any gravity collection piping will be required to take the most direct route to the site which is across private property.

The Tate Commons developer has been able to negotiate a utility easement agreement with the owner of the adjoining property to be able to cross with a gravity collection main. The alternative would have been the construction of a more costly wastewater pump station with a force main constructed along the existing roadways in the area to the same manhole. The gravity collection main will be crossing an asphalt surfaced commercial business parking lot in order to access the Tate Commons Apartments site.

The wastewater collection system will include standard public sewer main material eight inches in diameter and manholes at all bends.

The work efforts to design, permit and construct the wastewater improvements are as follows:

1. Engineering Design
2. Survey and plat preparation for offsite utility easement.
3. State permitting.
4. Sawcut, demolish and repave existing asphalt parking lot for wastewater main construction.
5. Construct built-over manhole at existing wastewater main at Neuse Boulevard.
6. Coordinate gas main vertical relocation adjacent to Neuse Boulevard.
7. Construct 451 linear feet of 8-inch ductile iron pipe gravity sewer main.
8. Construct three gravity sewer manholes.
9. Pressure test system.
10. Prepare as-built drawings and final certification.

The estimated costs associated with these improvements are outlined on the attached engineering cost estimate and total \$59,081

### **Public Water System Improvements**

The apartment complex will be connecting to the City of New Bern's public water supply system for domestic water and fire protection. An adequately sized water main exists under the Karen Drive pavement at the main entrance to the site. Accessing the City water main will require cutting the roadway and patching back the asphalt.

The water main system will include 8-inch diameter mains, valving, fire hydrants, a domestic connection, a fire connection and backflow prevention devices.

The work efforts to design, permit and construct the water system improvements are as follows:

1. Engineering design.
2. State permitting.
3. Sawcut pavement, tap existing main and repair pavement.
4. Construct 619 linear feet of 8-inch water main.
5. Install three fire hydrants.
6. Install all valves.
7. Construct four-inch diameter building water service.
8. Construct four-inch backflow prevention device.
9. Construct six-inch fire sprinkler service.
10. Construct six-inch backflow prevention device.
11. Meter fees associated with 68 connections (master meter against City ordinance).
12. Chlorinate and test system.
13. Prepare project as-built drawings.

The costs associated with these improvements are outlined on the attached engineering cost estimate and total \$84,735.

The water and sewer capital recovery fees for the City of New Bern have a \$50,000 cap amount which will apply since the water capital recovery fees alone would be \$48,000. In addition to the \$50,000 capital recovery fee, the meter fees per apartment unit are \$196 for a metering total of \$13,328.

The total estimated development costs for the water and sewer systems combined are \$207,144, including the capital reserve fees and meter costs.

### **Stormwater Collection and Treatment System**

The development of the apartment complex requires that all of the stormwater runoff be treated prior to discharge to the downstream drainage areas. This treatment requirement is mandated by the State of North Carolina Coastal Stormwater Rules, the Neuse River Basin nutrient reduction rules and the City of New Bern Stormwater Ordinance pertaining to nutrient reduction and runoff rate control. In order to treat the stormwater runoff, a stormwater detention pond designed and permitted to State specifications must be constructed. A stormwater collection system, including roof drainage leaders, must be constructed in order to collect the runoff from all of the impervious areas on the site.

The work efforts to design, permit and construct the water system improvements are as follows:

1. Design and permit the stormwater treatment system.
2. Install the stormwater collection piping including roof leaders and drop inlets.
3. Construct the wet detention pond including the outlet structure.
4. Provide required wetland planting around pond perimeter.

The total estimated costs associated with the stormwater collection and treatment system are outlined on the attached engineering estimate and total \$178,297.

#### **Undercut and Replacement of Unsuitable Soils**

The geotechnical soils report for the project has identified poor soil conditions associated with clay and silt that will not be suitable for the support of the building or pavement systems without modifications. The preferred improvement method will be to strip two feet of unsuitable materials and replace them with two feet of imported select fill compacted in place. The estimated quantity for undercut and replacement is 6,300 cubic yards.

The total estimated costs associated with the undercut of unsuitable soils and the equal replacement and compaction with select fill material are outlined on the attached estimate and total \$183,263.

#### **Emergency Vehicle Secondary Access**

The City of New Bern is requiring that emergency vehicles have a secondary access into the site. This access route was agreed to by the adjoining property owner whose site will also have to be crossed. The work involved to create this secondary access consists of the following:

1. Rough and fine grade the access drive.
2. Place 8 inches of ABC stone base material for the paving.
3. Pave the area with two inches of asphalt pavement surface course.

The total estimated costs associated with this additional access point are outlined on the attached engineering estimate and total \$14,030.

The total of all of the above development costs is \$582,734.

Qty	Craft @	Hours	Unit	Material	Labor	Equipment	Total
Wastewater System Improvements Tate Commons Apartment Complex 1025 Karen Drive New Bern, NC February 19, 2019							
1. Engineering Design							
Per Unit:	--@.0000		EA	0.00	8,000.00	0.00	8,000.00
1.00	--@.0000		EA	0.00	8,000.00	0.00	8,000.00
2. Survey and plat prep for offsite easement							
Per Unit:	--@.0000		EA	0.00	3,500.00	0.00	3,500.00
1.00	--@.0000		EA	0.00	3,500.00	0.00	3,500.00
3. State permitting (labor and fee)							
Per Unit:	--@.0000		EA	505.00	400.00	0.00	905.00
1.00	--@.0000		EA	505.00	400.00	0.00	905.00
4. Sawcut asphalt parking lot							
Per Unit:	--@.0000		LF	0.00	1.25	0.25	1.50
360.00	--@.0000		LF	0.00	450.00	90.00	540.00
5. Demolish asphalt and base							
Per Unit:	--@.0000		SY	0.00	3.00	3.00	6.00
200.00	--@.0000		SY	0.00	600.00	600.00	1,200.00
6. Repave parking area, 6" base, 2-inch asphalt							
Per Unit:	--@.0000		SY	18.00	8.00	8.00	34.00
200.00	--@.0000		SY	3,600.00	1,600.00	1,600.00	6,800.00
7. 8-inch ductile iron pipe sewer main							
Per Unit:	--@.0000		LF	10.00	6.00	6.00	22.00
451.00	--@.0000		LF	4,510.00	2,706.00	2,706.00	9,922.00
8. Gas line vertical relocation							
Per Unit:	--@.0000		EA	500.00	2,500.00	1,000.00	4,000.00
1.00	--@.0000		EA	500.00	2,500.00	1,000.00	4,000.00
9. Built-over manhole on existing main							
Per Unit:	--@.0000		EA	900.00	600.00	500.00	2,000.00
1.00	--@.0000		EA	900.00	600.00	500.00	2,000.00
10. Standard manholes							
Per Unit:	--@.0000		EA	900.00	450.00	450.00	1,800.00
3.00	--@.0000		EA	2,700.00	1,350.00	1,350.00	5,400.00
11. Pressure test system							
Per Unit:	--@.0000		EA	0.00	400.00	250.00	650.00
1.00	--@.0000		EA	0.00	400.00	250.00	650.00

Qty	Craft @	Hours	Unit	Material	Labor	Equipment	Total	
12. Prepare as-built drawings and final certification								
Per Unit:	--@.0000		EA	0.00	750.00	0.00	750.00	
1.00	--@.0000		EA	0.00	750.00	0.00	750.00	
<hr/>								
Total Manhours, Material, Labor, and Equipment:				0.0	12,715.00	22,856.00	8,096.00	43,667.00
Subtotal:							43,667.00	
23.00% Overhead:							10,043.41	
10.00% Profit:							5,371.04	
Estimate Total:							59,081.45	

Qty	Craft @	Hours	Unit	Material	Labor	Equipment	Total
Water System Improvements							
Tate Commons Apartment Complex							
1025 Karen Drive							
New Bern, NC							
February 19, 2019							
1.	Engineering Design						
Per Unit:	--@.0000		EA	0.00	6,000.00	0.00	6,000.00
1.00	--@.0000		EA	0.00	6,000.00	0.00	6,000.00
2.	State permitting (labor and fee)						
Per Unit:	--@.0000		EA	150.00	400.00	0.00	550.00
1.00	--@.0000		EA	150.00	400.00	0.00	550.00
3.	Sawcut asphalt roadway to make existing main connection						
Per Unit:	--@.0000		LF	0.00	1.25	0.25	1.50
50.00	--@.0000		LF	0.00	62.50	12.50	75.00
4.	Demolish asphalt and base						
Per Unit:	--@.0000		SY	0.00	3.00	3.00	6.00
17.00	--@.0000		SY	0.00	51.00	51.00	102.00
5.	Repave parking area, 6" base, 2-inch asphalt						
Per Unit:	--@.0000		SY	18.00	8.00	8.00	34.00
17.00	--@.0000		SY	306.00	136.00	136.00	578.00
7.	8-inch PVC water main						
Per Unit:	--@.0000		LF	9.00	4.00	4.00	17.00
619.00	--@.0000		LF	5,571.00	2,476.00	2,476.00	10,523.00
8.	6-inch PVC water main						
Per Unit:	--@.0000		LF	7.00	3.50	3.50	14.00
125.00	--@.0000		LF	875.00	437.50	437.50	1,750.00
9.	Fire hydrants						
Per Unit:	--@.0000		EA	950.00	350.00	200.00	1,500.00
3.00	--@.0000		EA	2,850.00	1,050.00	600.00	4,500.00
10.	Water valves						
Per Unit:	--@.0000		EA	300.00	125.00	125.00	550.00
8.00	--@.0000		EA	2,400.00	1,000.00	1,000.00	4,400.00
11.	Post indicator valve for sprinkler system						
Per Unit:	--@.0000		EA	1,250.00	400.00	300.00	1,950.00
1.00	--@.0000		EA	1,250.00	400.00	300.00	1,950.00
12.	6" backflow preventer for fire sprinkler main						
Per Unit:	--@.0000		EA	13,000.00	4,000.00	1,500.00	18,500.00
1.00	--@.0000		EA	13,000.00	4,000.00	1,500.00	18,500.00
13.	4" backflow preventer for domestic main						
Per Unit:	--@.0000		EA	8,000.00	3,200.00	1,200.00	12,400.00
1.00	--@.0000		EA	8,000.00	3,200.00	1,200.00	12,400.00
14.	Pressure test system						
Per Unit:	--@.0000		EA	0.00	400.00	250.00	650.00
1.00	--@.0000		EA	0.00	400.00	250.00	650.00
15.	Prepare as-built drawings and final certification						
Per Unit:	--@.0000		EA	0.00	650.00	0.00	650.00

Qty	Craft @	Hours	Unit	Material	Labor	Equipment	Total
1.00	--@	.0000	EA	0.00	650.00	0.00	650.00

---

Total Manhours, Material, Labor, and Equipment:							
		0.0		34,402.00	20,263.00	7,963.00	62,628.00
					Subtotal:		62,628.00
					23.00% Overhead:		14,404.44
					10.00% Profit:		7,703.24
					Estimate Total:		84,735.68

Qty	Craft @	Hours	Unit	Material	Labor	Equipment	Total
Stormwater Collection & Treatment Improvements Tate Commons Apartment Complex 1025 Karen Drive New Bern, NC February 19, 2019							
<b>1. Engineering Design</b>							
Per Unit:	--@.0000		EA	0.00	10,000.00	0.00	10,000.00
1.00	--@.0000		EA	0.00	10,000.00	0.00	10,000.00
<b>2. State and City Permitting (labor and fee)</b>							
Per Unit:	--@.0000		EA	725.00	2,500.00	0.00	3,225.00
1.00	--@.0000		EA	725.00	2,500.00	0.00	3,225.00
<b>3. Nitrogen Buydown Fees For Nitrogen Export in Excess of 6.0 LBS/Ac/Yr</b>							
Per Unit:	--@.0000		EA	5,000.00	0.00	0.00	5,000.00
1.00	--@.0000		EA	5,000.00	0.00	0.00	5,000.00
<b>4. 12" HDPE Piping</b>							
Per Unit:	--@.0000		LF	12.00	6.00	6.00	24.00
276.00	--@.0000		LF	3,312.00	1,656.00	1,656.00	6,624.00
<b>5. 15" HDPE Piping</b>							
Per Unit:	--@.0000		LF	15.00	7.50	7.50	30.00
281.00	--@.0000		LF	4,215.00	2,107.50	2,107.50	8,430.00
<b>6. 18" HDPE Piping</b>							
Per Unit:	--@.0000		LF	18.00	9.00	9.00	36.00
300.00	--@.0000		LF	5,400.00	2,700.00	2,700.00	10,800.00
<b>7. 30" RCP Discharge to Pond</b>							
Per Unit:	--@.0000		LF	40.00	20.00	20.00	80.00
50.00	--@.0000		LF	2,000.00	1,000.00	1,000.00	4,000.00
<b>8. 6" PVC Roof Drains</b>							
Per Unit:	--@.0000		LF	8.00	4.00	4.00	16.00
251.00	--@.0000		LF	2,008.00	1,004.00	1,004.00	4,016.00
<b>9. 8" PVC Roof Drains</b>							
Per Unit:	--@.0000		LF	10.00	5.00	5.00	20.00
162.00	--@.0000		LF	1,620.00	810.00	810.00	3,240.00
<b>10. 10" PVC Roof Drains</b>							
Per Unit:	--@.0000		LF	12.00	6.00	6.00	24.00
456.00	--@.0000		LF	5,472.00	2,736.00	2,736.00	10,944.00
<b>11. Connections to Building Gutters</b>							

Qty	Craft @	Hours	Unit	Material	Labor	Equipment	Total
Per Unit:	--@.0000		EA	50.00	75.00	25.00	150.00
20.00	--@.0000		EA	1,000.00	1,500.00	500.00	3,000.00
12. Drop Inlets							
Per Unit:	--@.0000		EA	750.00	500.00	500.00	1,750.00
10.00	--@.0000		EA	7,500.00	5,000.00	5,000.00	17,500.00
13. Stormwater Detention Pond with Outlet Structure							
Per Unit:	--@.0000		EA	5,000.00	20,000.00	20,000.00	45,000.00
1.00	--@.0000		EA	5,000.00	20,000.00	20,000.00	45,000.00

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Total Manhours, Material, Labor, and Equipment:							
	0.0			43,252.00	51,013.50	37,513.50	131,779.00
							Subtotal: 131,779.00
							23.00% Overhead: 30,309.17
							10.00% Profit: 16,208.82
							Estimate Total: 178,296.99

Qty	Craft @	Hours	Unit	Material	Labor	Equipment	Total	
Undercut and Replacement of Unsuitable Soils Tate Commons Apartment Complex 1025 Karen Drive New Bern, NC February 19, 2019								
1. Undercut unsuitable soils below building and parking, 2' average depth								
Per Unit:	--@.0000		CY	0.00	3.25	3.25	6.50	
6300.00	--@.0000		CY	0.00	20,475.00	20,475.00	40,950.00	
2. Import select fill for building and parking								
Per Unit:	--@.0000		CY	8.00	4.00	3.00	15.00	
6300.00	--@.0000		CY	50,400.00	25,200.00	18,900.00	94,500.00	
<hr/>								
Total Manhours, Material, Labor, and Equipment:				0.0	50,400.00	45,675.00	39,375.00	135,450.00
Subtotal:							135,450.00	
23.00% Overhead:							31,153.50	
10.00% Profit:							16,660.35	
Estimate Total:							183,263.85	

Qty	Craft @	Hours	Unit	Material	Labor	Equipment	Total	
Emergency Vehicle Secondary Access Tate Commons Apartment Complex 1025 Karen Drive New Bern, NC February 19, 2019								
1. Rough and fine grade for area to be paved for emergency access								
Per Unit:	--@.0000		SY	0.00	0.50	0.50	1.00	
305.00	--@.0000		SY	0.00	152.50	152.50	305.00	
2. 8" ABC								
Per Unit:	--@.0000		SY	10.00	3.00	3.00	16.00	
305.00	--@.0000		SY	3,050.00	915.00	915.00	4,880.00	
3. 2" Asphalt, SF-9.5B								
Per Unit:	--@.0000		SY	10.00	3.50	3.50	17.00	
305.00	--@.0000		SY	3,050.00	1,067.50	1,067.50	5,185.00	
<hr/>								
Total Manhours, Material, Labor, and Equipment:				0.0	6,100.00	2,135.00	2,135.00	10,370.00
Subtotal:							10,370.00	
23.00% Overhead:							2,385.10	
10.00% Profit:							1,275.51	
Estimate Total:							14,030.61	



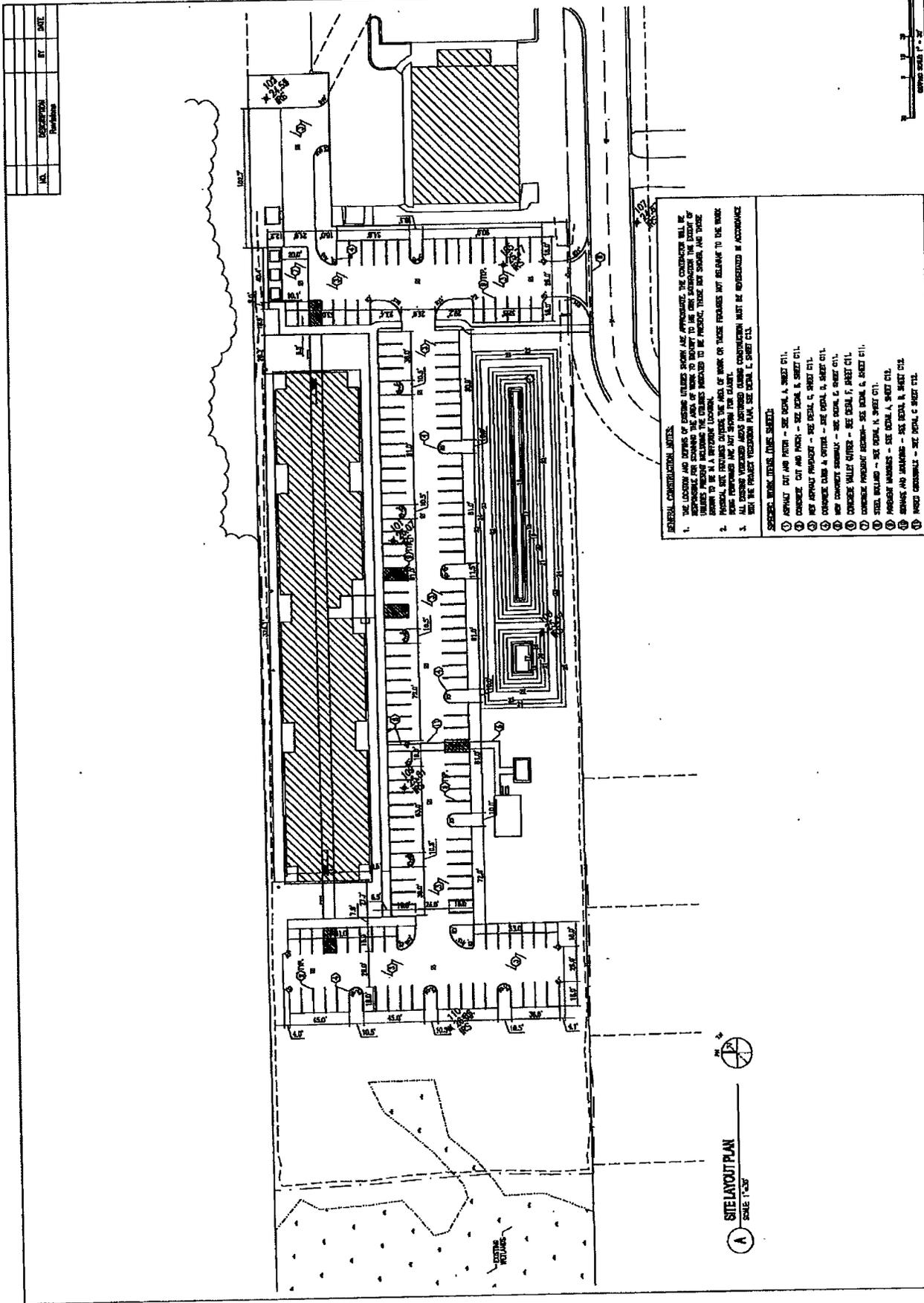




PROJECT NO. 18048  
SCALE AS NOTED  
DRAWN BY: JAC  
CHECKED BY: JAC  
DATE: 2/14/08



NO.	DESCRIPTION	DATE



**GENERAL CONSTRUCTION NOTES:**

1. THE LOCATION AND DEPTH OF EXISTING UTILITIES SHOWN ARE APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR EXAMINING THE AREA OF WORK TO BE UNDERTAKEN TO DETERMINE THE LOCATION AND DEPTH OF ALL UTILITIES. UTILITIES NOT SHOWN SHALL BE AS SHOWN OR AS INDICATED BY THE FIELD ENGINEER. THESE ARE SHOWN AND THESE SHALL BE IN A REASONABLE LOCATION.
2. PHYSICAL SITE FEATURES OUTSIDE THE AREA OF WORK OF THESE UTILITIES MAY RELATE TO THE WORK AREA. CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE LOCATION AND DEPTH OF THESE UTILITIES. THESE UTILITIES SHALL BE AS SHOWN OR AS INDICATED BY THE FIELD ENGINEER. THESE ARE SHOWN AND THESE SHALL BE IN A REASONABLE LOCATION.
3. ALL EXISTING UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT CONSTRUCTION. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND UTILITIES COMPANIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND UTILITIES COMPANIES.

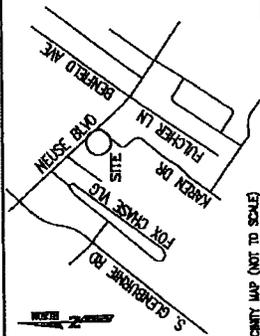
**SYMBOLS: WORK ITEMS: (SEE SHEET 1, SHEET 2)**

- ① ASPHALT CUT AND PATCH - SEE DETAIL A, SHEET 011.
- ② ASPHALT PATCH - SEE DETAIL A, SHEET 011.
- ③ ASPHALT PATCHOUT - SEE DETAIL C, SHEET 011.
- ④ ASPHALT PATCHOUT - SEE DETAIL C, SHEET 011.
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A SITE LAYOUT PLAN  
SCALE: 1/8"

TATE COMMONS - 1025 KAREN DRIVE - NEW BERN, NC



VICINITY MAP (NOT TO SCALE)

**ZONING AND SETBACKS**  
 CITY OF NEW BERN  
 ZONED C-3  
 20' FRONT YARD (SETBACKS NOT SHOWN ON MAP)  
 10' SIDE YARD  
 10' REAR YARD

THERE ARE NOT ANY REMAINDR BUFFER AREAS ON THE PROPERTY.  
 SEE UTILITY COMPANIES FOR EASEMENT WIDTHS.  
 UTILITIES ARE UNDERGROUND, UNLESS NOTED OTHERWISE ON THE PLAN.

PROPERTY IS LOCATED IN ZONE X, PER FEMA DFFRL PANEL 3720257000A (EFFECTIVE DATE JULY 2, 2004) AND IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

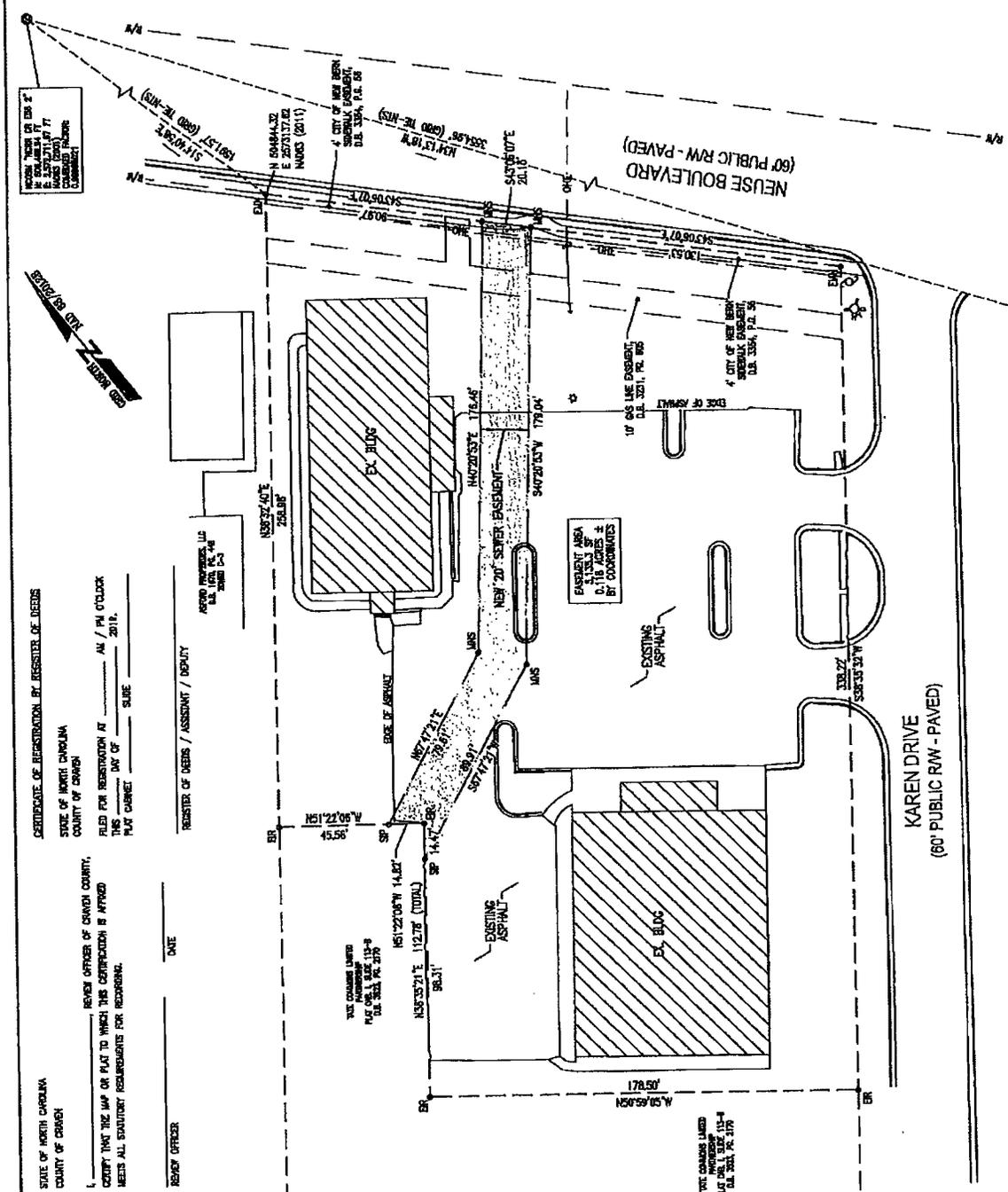
THE SURVEY IS OF AN EXISTING FRAME OF HOUSES OF 140.00 AND 100.00 FEET SQUARE. A NEW DRIVE IS SHOWN AT EXISTING STREET.

- LEGEND**
- 1" = 1" ROAD RIGHT-OF-WAY
  - 2" = 2" SIDE WALK
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THE SURVEY IS OF AN EXISTING FRAME OF HOUSES OF 140.00 AND 100.00 FEET SQUARE. A NEW DRIVE IS SHOWN AT EXISTING STREET.

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CERTIFICATE OF RESTRICTION BY REGISTER OF DEEDS  
 STATE OF NORTH CAROLINA  
 COUNTY OF CHANDLER  
 FILED FOR RESTRICTION AT \_\_\_\_\_ AM / PM O'CLOCK  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011.  
 PLAT NUMBER \_\_\_\_\_

REGISTER OF DEEDS / ASSISTANT / DEPUTY  
 APPROVED AND AUTHORIZED TO SIGN  
 DATE \_\_\_\_\_

STATE OF NORTH CAROLINA  
 COUNTY OF CHANDLER  
 I, \_\_\_\_\_ REGISTER OF DEEDS OF CHANDLER COUNTY,  
 CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED  
 MEETS ALL STATUTORY REQUIREMENTS FOR RECORDATION.

DATE \_\_\_\_\_

SEWER EASEMENT SURVEY FOR  
**TATE COMMONS LIMITED PARTNERSHIP**  
 OWNER: MILLER & BRABBLE PROPERTIES LLC  
 SITE ADDRESS: 2801 MELBIE BLVD., NEW BERN, NC  
 TOWNSHIP 3, CRAVEN COUNTY  
 TAX PARCELS ID: 1-24-025  
 COVERING DEEDS: D.B. 2754, P.G. 1853; D.B. 2754, P.G. 1853;  
 D.B. 285, P.G. 212; D.B. 200, P.G. X; D.B. 200, P.G. 200  
 PLAT REFERENCE: PLAT CABINET 1, SLIDE 103-8  
 DATE: FEBRUARY 13, 2010 SCALE: 1"=30'

AVOLIS ENGINEERING, P.A.  
 FIRM LICENSE NO. C-4708  
 P.O. BOX 15584  
 NEW BERN, NC 28561  
 (252) 633-0088  
 avolisengineering@earthlink.net

PROJECT NO. 1004



## AGENDA ITEM COVER SHEET

**Agenda Item Title:**

Apply for 2018 Governor's Highway Safety Program (GHSP) Grant to Procure One Motorcycle.

**Date of Meeting** March 12, 2019

**Ward # if applicable** N/A

**Department** Police



**Person Submitting Item:** Toussaint Summers, Jr.



**Call for Public Hearing**  Yes  No

**Date of Public Hearing**

**Explanation of Item:**

Apply for grant funding from FY 2018 Governor's Highway Safety Program (GHSP) to procure one (1) motorcycle. The department will be replacing an existing 2013 Harley Davidson motorcycle. Grant funding is in the amount of \$17,500.00; however, requires a 30% match, plus the trade-in value of \$9,500.00 for the 2013 motorcycle. The matching funds will be \$7,500.00 and is earmarked in the current fiscal year budget.

**Actions Needed by Board:**

Approve the proposed as indicated above.

**Is item time sensitive?**  Yes  No

**Will there be advocates/opponents at the meeting?**  Yes  No

**Backup Attached:**

Memo to Mayor and Board of Aldermen, Grant Application, GHSP Resolution with Agreement of Conditions, Trade-in Quote, City of New Bern Resolution

**Cost of Agenda Item:** \$7,500.00

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :**  Yes  No

**Additional notes:**



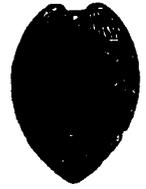
Founded 1797

# NEW BERN

## NEW BERN POLICE DEPARTMENT

P.O. Box 1129, New Bern, NC 28563-1129  
(252) 672-4100

*Police and Community come together here.*



**Toussaint E. Summers, Jr.**  
Chief of Police

**TO:** Mayor Outlaw and the Board of Aldermen

**FROM:** Toussaint E. Summers, Jr., Chief of Police

**SUBJECT:** 2018 GHSP Grant

**DATE:** February 27, 2019

The New Bern Police Department respectfully requests approval to apply for grant funding from FY 2018 Governor's Highway Safety Program (GHSP) to procure one (1) motorcycle. The department will be replacing an existing 2013 Harley Davidson motorcycle. If approved, this will enhance traffic enforcement efforts within the City.

The GHSP Grant funding is in the amount of \$17,500.00; however, requires a 30% match, plus the trade-in value of \$9,500.00 for the 2013 motorcycle. The matching funds will be \$7,500.00 and is earmarked in the current fiscal year budget.

It is recommended that the Board of Aldermen approve the request to submit the application for the 2018 GHSP Grant.

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A Nationally Accredited Agency

## RESOLUTION

WHEREAS, the City of New Bern desires to apply for grant funding from the FY2018 Governor's Highway Safety Program ("GHSP") to procure one motorcycle. The grant is for the amount of \$17,500.00 and will require a City match of 30% and a trade-in value of \$9,500.00 for the City's 2013 motorcycle. The 30% match is earmarked in the department's current fiscal year budget.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

The Board authorizes the submission of an application for grant funding from the 2018 GHSP in the amount of \$17,500.00, with 30% matching funds and a required trade-in value of \$9,500.00, for the purpose of procuring one new motorcycle.

ADOPTED THIS THE 12<sup>TH</sup> DAY OF MARCH, 2019.

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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK

# North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the New Bern Police Department (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that City of New Bern (The Governing Body of the Agency)

(herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE City of New Bern (Governing Body) IN OPEN

MEETING ASSEMBLED IN THE CITY OF New Bern, NORTH CAROLINA,

THIS 12<sup>th</sup> DAY OF March, 20 19, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Mark Stephens, City Manager (Name and Title of Representative) is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 17,500.00 (Federal Dollar Request) to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 7,500.00 (Local Cash Appropriation) as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by \_\_\_\_\_ (Chairperson/Mayor)

ATTESTED BY \_\_\_\_\_ (Clerk)

SEAL

DATE March 12, 2019

**North Carolina Governor's Highway Safety Program  
Agreement of Conditions**

This Agreement is made by and between the North Carolina Department of Transportation, hereinafter referred to as the "Department", to include the Governor's Highway Safety Program, hereinafter referred to as "GHSP"; and the applicant agency, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". During the performance of this contract, and by signing this contract, the Agency agrees as follows:

**A. Federal Provisions**

1. **Equal Opportunity/Nondiscrimination.** The Agency will agree to comply with all Federal statutes and implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicaps, and age. These include but are not limited to:
  - (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252);
  - (b) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601)
  - (c) Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686);
  - (d) Non-Discrimination in Federally-assisted programs of the United States Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (49 CFR Part 21), hereinafter referred to as "USDOT", as amended;
  - (e) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, and 49 CFR Part 27; and
  - (f) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.);
  - (g) The Civil Rights Restoration Act of 1987, (Pub. L. 100-209);
  - (h) Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) and 49 CFR parts 37 and 38;
  - (i) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;
  - (j) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
2. **Drug Free Workplace.** The Agency agrees to comply with the provisions cited in the Drug-Free Workplace Act of 1988 (41 U.S.C. 8103).
3. **Federal Grant Requirements and Contracts.** The Agency shall comply with the following statutes and implementing regulations as applicable:
  - (a) Highway Safety Act of 1966 (23 U.S.C. Chapter 4 -), as amended;
  - (b) Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94;
  - (c) Uniform Procedures for State Highway Safety Grant Programs (23 CFR part 1300);
  - (d) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 1201);
  - (e) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and all other relevant Federal regulations covering the Highway Safety Program;
  - (f) NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 ([www.nhtsa.gov](http://www.nhtsa.gov)) and additions or amendments thereto.
4. **Political Activity (Hatch Act)** The Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
5. **Lobbying.**
  - (a) **Certification Regarding Federal Lobbying.** The undersigned certifies, to the best of his or her knowledge and belief, that:
    - (i) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (ii) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (iii) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure

- (b) **Restriction on State Lobbying.** None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### 6. Audits.

- (a) **Audit Required.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR, Subpart F, §200.500. Guidance on determining Federal awards expended is provided in 2 CFR, Subpart F, §200.502.
- (b) **Single Audit.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single audit conducted in accordance with 2 CFR, Subpart F, §200.501, except when they elect to have a program-specific audit conducted in accordance with 2 CFR, Subpart F, §200.501, paragraph (c).
- (c) **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to North Carolina General Statute 143C-6.22 and 09 NCAC Subchapter 03M.

#### 7. Instructions for Lower Tier Certification.

- (a) By signing and submitting this proposal, the prospective lower tier participant (the Agency) is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
- (b) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- (c) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (d) The terms covered transaction, civil judgement, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR Part 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- (e) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred,

suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

- (f) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
  - (g) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
  - (h) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
  - (i) Except for transactions authorized under paragraph 7(e) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies including suspension or debarment.
  - (j) **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions.**
    - (i) The prospective lower tier participant (the Agency) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency.
    - (ii) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.
8. **Buy America Act.** The Agency and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.
9. **Prohibition On Using Grant Funds To Check For Helmet Usage.** The Agency and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.
10. **Conditions for State, Local and Indian Tribal Governments.** State, local and Indian tribal government Agencies shall adhere to the standards established by 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments and additions or amendments thereto, for principles for determining costs applicable to grants and contracts with state, local and Indian tribal governments.
11. **Conditions for Institutions of Higher Education.** If the Agency is an institution of higher education, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR 220 Cost Principles for Educational Institutions for determining costs applicable to grants and contracts with educational institutions.

12. **Conditions for Non-Profit Organizations.** If the Agency is a non-profit organization, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR Part 230 Cost Principles for Non-Profit Organizations for determining costs applicable to grants and contracts with non-profit organizations.
13. **Conditions for Hospitals.** If the Agency is a hospital, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

## B. General Provisions

1. **Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supercede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require a written addendum to this contract on a form provided by the Department.
2. **Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written concurrence of the Department. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. Subcontracting does not relieve the Agency of any of the duties and responsibilities of this agreement. The subcontractor must comply with standards contained in this agreement and provide information that is needed by the Agency to comply with these standards. The Agency must submit any proposed contracts for subcontracted services to the Governor's Highway Safety Program for final approval no less than 30 days prior to acceptance.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Agency of the Agency's obligations under this contract. Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 2 CFR Part 200 and North Carolina General Statute 143-128.4. Historically underutilized business defined; statewide uniform certification as it pertains to Historically Underutilized Businesses.
4. **Incorporation of Provisions in Subcontracts.** The Agency shall include the provisions of section A-1 through A-13 of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the regulations, or directives issued pursuant thereto. The Agency shall take such action with respect to any subcontract or procurement as the Department, the State of North Carolina, hereinafter referred to as the "State", the National Highway Traffic Safety Administration, hereinafter referred to as "NHTSA", or the Federal Highway Administration, hereinafter referred to as "FHWA", may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Agency may request the Department or the State to enter into such litigation to protect the interests of the Department or the State. In addition, the Agency may request the NHTSA or FHWA to enter into such litigation to protect the interests of the United States.
5. **Outsourcing.** All work shall be performed in the United States of America. No work will be allowed to be outsourced outside the United States of America.
6. **Property and Equipment.**
  - (a) **Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
  - (b) **Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
  - (c) **Title Interest.** The Department and NHTSA retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the Department, at its discretion, may take either of the following actions:
    - (i) Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or

- (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the Department or to another Agency, as directed by the Department.
- (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Department.
7. **Educational or Other Materials.** If allowed, any educational or other materials developed using funds from this contract must be reviewed and approved by the GHSP prior to their production or purchase. The cost of these materials is generally limited to a maximum of \$5.00 per item. The purchase of promotional items and memorabilia are not an allowable cost.
8. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the GHSP prior to their release.
9. **Reimbursement.**
- (a) **General.** Payments are made on a reimbursement basis. There is no schedule of advance payments. Only actual allowable costs are eligible for reimbursement. Claims for reimbursement must be made a minimum of quarterly and no more than once a month via the Grants Management System. Claims for reimbursement not made within the three month threshold are subject to denial. The itemized invoice shall be supported by documentation of costs as prescribed by the Department. Reimbursements will not be processed if other required reports are incomplete or have not been submitted. Failure to submit complete reports by the required deadline may result in denial of reimbursement.
- (b) **Approval.** The Governor's Highway Safety Program and the Department's Fiscal Section shall approve the itemized invoice prior to payment.
- (c) **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the Agency. The Agency agrees that in the event the Department determines that, due to Federal or State regulations that grant funds must be refunded, the Agency will reimburse the Department a sum of money equal to the amount of Federal and State participation in the rejected costs.
- (d) **Final Claims for Reimbursement.** Final claims for reimbursement must be received by the GHSP within 30 days following the close of the approved contract period. Project funds not claimed by this date are subject to reversion.
- (e) **Expending Funds Under This Contract.** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract ending date.
10. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of reimbursement from the Department shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project.
11. **Program Income.** The Agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 2 CFR 200.307. Program income earned during the contract period shall be retained by the Agency and deducted from the federal funds committed to the project by the GHSP unless approved in advance by the Federal awarding agency as an addition to the project. Program income must be accounted for separately and the records made available for audit purposes.
12. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body. Any exception to this provision must have the expressed written approval of GHSP.
13. **Reports Required.**
- (a) **Quarterly Progress Reports.** Unless otherwise directed, the Agency must submit Quarterly Progress Reports to the GHSP, on forms provided by the Department, which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status by quarter and shall be submitted to GHSP no later than fifteen (15) days after the end of each quarter. If the Agency fails to submit a Quarterly Progress Report or submits an incomplete Quarterly Progress Report, the Agency will be subject to having claims for reimbursement withheld. Once a Quarterly Progress Report that substantiates adequate progress is received, cost reimbursement requests may be processed or denied at the discretion of GHSP.
- (b) **Final Accomplishments Report.** A Final Accomplishments Report must be submitted to the GHSP within fifteen (15) days of completion of the project, on forms provided by the Department, unless otherwise directed. If the Agency fails to submit a Final Accomplishments Report or submits an

incomplete Final Accomplishments Report, the Agency will be subject to having claims for reimbursement withheld. Once a Final Accomplishments Report that substantiates adequate progress is received, claims for reimbursement may be processed or denied at the discretion of GHSP.

- (c) **Audit Reports.** Audit reports required in Section A-6 above shall be provided to the Department within thirty (30) days of completion of the audit.

**14. Out-of-State Travel.**

- (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Governor's Highway Safety Program.
- (b) **Requests.** Requests for approval must be submitted to the GHSP, on forms provided by the Department, no less than thirty (30) days prior to the intended departure date of travel.
- (c) **Agency Travel Policy Required.** For Agencies other than state agencies, out-of-state travel requests must include a copy of the Agency's travel policy, to include allowances for lodging, meals, and other travel-related expenses. For state agencies, maximum allowable subsistence is limited to the prevailing per diem rates as established by the North Carolina General Assembly.
- (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.

**15. Conditions for Law Enforcement.** In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:

- (a) **Certifications Required.**
- (i) **In-car Camera or Video System.** For any in-car camera or video system purchased under this contract, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST). A copy of this certificate must be filed with GHSP prior to reimbursement of in-car camera or video systems.
- (ii) **Radar.** For any radar equipment purchased under this contract, it is required that the operator of that equipment has successfully completed Radar Certification Training. A copy of this certificate must be filed with GHSP prior to reimbursement of radar equipment.
- (iii) **Alcohol Screening Devices.** For any preliminary alcohol screening devices purchased under this contract, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training offered by the Forensic Test for Alcohol Branch.
- (b) **Report Required - Monthly Enforcement Data Report.** In addition to the reports mentioned above, law enforcement agencies engaging in enforcement activities must submit a Monthly Enforcement Data Report on the form provided by the Department no later than fifteen (15) days after the end of each month. If the Agency fails to submit a Monthly Enforcement Data Report or submits an incomplete Monthly Enforcement Data Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Monthly Enforcement Data Report that substantiates adequate progress is received, cost reimbursement requests will be processed. The agency head must sign the form. However, the agency head may assign a designee to sign the form by providing written signature authority to the GHSP.

**16. Conditions for Local Governmental Agencies.**

- (a) **Resolution Required.** If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required on a form provided by the Department.
- (b) **Resolution Content.** The resolution must contain a commitment from the governing body to provide the local funds as indicated in this contract. Additionally, the resolution is required even if the funding is one hundred percent from federal sources, as it serves as recognition by the governing body of federal funding for purposes of Section A-6 above.

**17. Seat Belt Policy and Use.** Agency must adopt and enforce a seat belt use policy required for all seating positions unless exempted by state law.

**18. Text Messaging Policy.** Agency must adopt and enforce a policy banning text messaging while driving unless exempted by state law.

**19. Prohibited Interests.** No member, officer, or employee of the Agency during his or her tenure, and for at least one (1) year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.

**20. Continued Federal and State Funding.**

- (a) **Federal Funding.** The Agency agrees and understands that continuation of this project with Federal funds is contingent upon Federal funds being appropriated by the United States Congress specifically for that purpose. The Agency further agrees and understands that in the event funds originally

appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the Agency may be proportionately reduced.

- (b) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose. The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.
- 21. Performance.** All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any agency, whose performance is deemed unsatisfactory by the GHSP, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Department to reduce or deny future funding.
- 22. Resolution of Disputes.** Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the Department, or otherwise arising between the parties to this contract, shall be referred to the Secretary of the North Carolina Department of Transportation and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the North Carolina Department of Transportation, with the concurrence of the Federal funding agency, and shall be final and conclusive for all parties.
- 23. Department Held Harmless.**
- (a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- (b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- 24. Records Access and Retention.** The Agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department, the State, NHTSA, or FHWA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the Department or until all audit exceptions have been resolved, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Agency shall so certify to the Department, State, NHTSA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information. Pursuant to N.C.G.S. §147-64.7, the Department, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the Agency insofar as they relate to transactions with any department, board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.
- 25. Sanctions for Non-Compliance.** The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the Department may take any or all of the following actions:
- (a) Cancel, terminate, or suspend this contract in whole or in part;
- (b) Withhold reimbursement to the Agency until satisfactory compliance has been attained by the Agency;
- (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
- (d) Refer the case to the United States Department of Justice for appropriate legal proceedings.
- 26. Cancellation, Termination, or Suspension of Contract.**
- (a) **By the Department.** For noncompliance with any of the said rules, regulations, orders or conditions, due to management deficiencies or criminal activity this contract may be immediately canceled, terminated, or suspended in whole or in part by the Department. For noncompliance not indicative of management deficiencies or criminal activity the Department shall give sixty (60) days written notice

*(Signature)*

- to take corrective action. If the Agency has not taken the appropriate corrective action after sixty (60) days the Department may cancel, terminate, or suspend this contract in whole or in part.
- (b) **By mutual consent.** The Agency or the Department may terminate this contract by providing sixty (60) days advanced written notice to the other party.
  - (c) **Unexpended funds.** Any unexpended funds remaining after cancelation or termination will revert to the Department.
27. **Completion Date.** Unless otherwise authorized in writing by the Department, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Project Contract by September 30 of the Federal fiscal year for which it was approved.
28. **E-Verify requirements.** If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes.
29. **Certification of Eligibility Under the Iran Divestment Act.** Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each Agency, prior to contracting with the State certify, and the undersigned Agency Authorizing Official on behalf of the Agency does hereby certify, to the following:
- (a) that the Agency is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
  - (b) that the Agency shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
  - (c) that the undersigned Agency Authorizing Official is authorized by the Agency to make this Certification.
30. **Agency Fiscal Year.** The end date for the Agency's fiscal year is June 30<sup>th</sup>.
31. **Signature.** By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

AGENCY PROJECT DIRECTOR		
NAME	TITLE	ADDRESS
Donald McInnis	Sergeant	601 George St New Bern, NC 28560
SIGNATURE	DATE	TELEPHONE NUMBER
<i>Sgt Donald McInnis</i>	02-20-2019	252-672-4274
AGENCY AUTHORIZING OFFICIAL		
NAME	TITLE	ADDRESS
Dana E. Outlaw	Mayor	300 Pollock St. New Bern NC 28560
SIGNATURE	DATE	TELEPHONE NUMBER
	03/12/2019	252-639-2702
AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS		
NAME	TITLE	ADDRESS
Joseph R. Sabatelli	Director of Finance	300 Pollock Street New Bern, NC 28560
SIGNATURE	DATE	TELEPHONE NUMBER
	03/12/2019	252-639-2710

# North Carolina Governor's Highway Safety Program Traffic Safety Project Contract – Form GHSP-01 SECTION A – GENERAL INFORMATION

1. Agency: CITY OF NEW BERN POLICE DEPT	4. Contact Person for Agency: Donald McInnis
2. Agency Address: PO Box 1129 NEW BERN, NC 28563-1129	5. Telephone Number: * +1 (252) 672-4274
	6. Cell Phone: +1 (252) 288-1164
3. Physical Location of Agency * 601 George St New Bern NC 28560	7. Email of Contact Person * mcinnisd@newbernnc.gov
8. Federal Tax ID Number / Type of Agency  Federal Tax ID Number: *56-6000235 DUNS No : * 075547208 County: *CRAVEN COUNTY  Type of Agency <input type="radio"/> State <input type="radio"/> Non-Profit <input type="radio"/> County <input type="radio"/> Higher Education <input checked="" type="radio"/> Municipality <input type="radio"/> Hospital	9. Project Year *  <input checked="" type="radio"/> New <input type="radio"/> Continuation Year: <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4+
	10. Allocation of Funding *  Federal % 70.00                      Local % 30.00

11. Project Title: \* 2019 Traffic Enforcement and Education Vehicle

12. Budget	Total Project Amount	Source of Funds	
		Federal Amount	State/Local Amount
Personnel Costs			
Contractual Services			
Commodities Costs			
Other Direct Costs	\$25,000.00	\$17,500.00	\$7,500.00
Indirect Costs			
<b>Total Project Costs</b>	<b>\$25,000.00</b>	<b>\$17,500.00</b>	<b>\$7,500.00</b>

13. Specify How Non-Federal Share Will Be Provided: \*  
Funds will be matched by the city's general funds

Project Number: _____	CFDA#: 20. Work Type: _____
-----------------------	--------------------------------

## SECTION B – DESCRIPTION OF PROJECT

**Statement of Problem** ( Provide detailed information of the highway safety problems in your area to be addressed through this project. Include countywide crash data for the last three years and any other relevant information to validate the statements. For more detailed information see "How to write an effective traffic safety project" located at: <https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>)

This is a project to fund a patrol vehicle for use in traffic enforcement and education. The City of NEW BERN rests in Craven County and includes a section of (US Highway(s), 17 and 70, NC routes. 43 and 55.). According to (NCDOT AADT Mapping Application) 113,000 vehicles travel this/these road(s) daily. Being a primary route for motorist through Craven County, the highway sees a large volume of traffic particularly during the typical rush hour periods. With the heavy traffic volume and the large number of commercial and educational properties in the area, there are a significant number of traffic crashes, predominantly rear end slow stop, angle, and backing up collisions that occur due to motorist speeding as well as being inattentive. The NEW BERN POLICE DEPARTMENT wishes to reduce the number of collisions that result from speeding and inattentiveness, by using the new patrol vehicle to increase the number of speeding citations issued and elevating the public's awareness of their speed and surroundings. Additionally, increased enforcement of seat belt usage will result in a reduction in personal injury collisions. The patrol vehicle will be used for traffic enforcement at least 50 % of the time. From 2012 to 2016

Craven County ranked 31 in the state for traffic crash fatalities, ranked 38 in alcohol related fatalities, and was 42 in unrestrained fatalities. During those five previous years, NEW BERN POLICE DEPARTMENT has had an average of 1,046 traffic crashes per year, resulting in 1,437 reported injuries and 8 fatalities.

To be completed by law enforcement agencies seeking first year grant:

Provide the agency's number of sworn officers	91
Does the agency currently have a dedicated traffic or DWI unit?	Yes <input checked="" type="radio"/> No <input type="radio"/>
If a dedicated traffic or DWI unit exists, how many officers are assigned to the unit?	5

For applicants requesting enforcement grants, please provide the following county fatality rankings  
Information can be located at

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>

Overall Fatality Ranking:	31
Alcohol Fatality Ranking:	38
Unrestrained Fatality Ranking:	42
Speed Related Fatalities:	31
Other Applicable Rankings: (Specify)	

As part of this project all law enforcement agencies must enter traffic enforcement citations data of their agency for the past three years.

Year 2015	Occupant Protection Citations	1,568	DWI Citations	63	Speed Citations	397
Year 2016	Occupant Protection Citations	1,149	DWI Citations	61	Speed Citations	244
Year 2017	Occupant Protection Citations	1,511	DWI Citations	104	Speed Citations	126

**Goals and Objectives** (Provide at least one SMART (Specific, Measurable, Attainable, Realistic and Timely) goals and objectives. For more detailed information see "How to write an effective traffic safety project" located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>)

Goal #1: Goal 1: To reduce the number of unrestrained crashes serious injury crashes in Craven County from the 2012-2016 average of 3.60 to 3 in 2018-2019.

Objectives: Objectives: To increase the number of seat belt citations by 5 % from the 2015-2017 average of 255 to 268 citations during the reporting year of 2018-2019.  
Conduct/participate in 1 day-time seat belt initiative each month in addition to the required enforcement project.  
Conduct/participate in 1 night-time seat belt initiative each month in addition to the required enforcement project.  
Participate and report in all GHSP and national highway safety campaigns focused on occupant restraint use (including, but not limited to the Click It or Ticket campaigns in May and November, Child Passenger Safety Week in September, etc.). Full campaign participation is accomplished through increased high visibility enforcement.

Goal #2: Goal 2: In Craven County, reduce the total number of persons seriously injured (type A) in speed-related crashes by 5 percent from the 2012-2016 calendar year average of 20.60 serious injuries to 19 serious injuries during the fiscal year October 1, 2018 to September 30, 2019.

Objectives: Objectives: Increase the number of speeding citations by 5 percent from the 2015-2017 calendar year average of 1,573 to 1,651 during the fiscal year October 1, 2018 to September 30, 2019.  
Participate and report in all GHSP and national highway safety campaigns focused on speeding (including, but not limited to the Speed a little, Lose a lot campaign during March/April). Full campaign participation is accomplished through increased high visibility enforcement.

Goal #3: Goal 3: In Craven County, reduce the number of alcohol related crashes from the 2012-2016 calendar year average of 93.80 to 89 alcohol related crashes during the fiscal year October 1, 2018 to September 30, 2019.

Objectives: Objectives: Increase the number of DWI arrest from the 2015 to 2017 average of 76 to 80 arrests in calendar year 2018-2019  
Participate and report in all GHSP and national highway safety campaigns focused on impaired driving (including, but not limited to Booze It & Lose It: St. Patrick's Day, Operation Firecracker, Labor Day, Halloween, and Holiday campaigns, etc.).

Below are the 5-year goals of the NC Governor's Highway Safety Program (GHSP). To be eligible for funding, your traffic safety project should match one or more of the GHSP goals. Check all that apply.

- Reduce NC's traffic-related fatalities by 25% from the 2008-2012 average of 1,317 to 988 by 2020.
- Reduce NC's alcohol-related fatalities by 35% from the 2008-2012 average of 386 to 251 by 2020.
- Reduce NC's unrestrained fatalities by 30% from the 2008-2012 average of 407 to 285 by 2020.
- Reduce NC's speed-related fatalities by 25% from the 2008-2012 average of 479 to 359 by 2020.
- Reduce NC's young driver-involved fatal crashes by 30% from the 2008-2012 average of 196 to 137 by 2020.
- Reduce NC's motorcycle fatalities by 25% from the 2008-2012 average of 177 to 133 by 2020.
- Increase NC's seat belt usage rate 4.4 percentage points to 95% by 2020.

**SECTION C – BUDGET DETAIL**

**Personnel Costs**

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Total Salaries Cost:

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Total Fringe Benefits Cost:

Total Personnel Costs:

**Contractual Services**

1		
2		
3		
4		
5		
6		
7		

8		
9		
10		
11		

Total Contractual Services:

**Commodities Costs**

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Total Commodities Cost:

**Other Direct Costs**

1	Other / 2019 Harley-Davidson FLHTP	1	\$25,000.00	\$25,000.00
2				
3				
4				
5				
6				
7				
8				

Total Equipment Cost \$25,000.00

1		
2		
3		
4		
5		
6		
7		
8		

Total Other Items and Equipment Direct Cost:

1	In-State Travel	
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2	Out-of-State Travel	
		Total Travel Cost:
		Total Other Direct Costs: \$25,000.00
<b>Indirect Costs</b>		
1		
2		
3		
4		
		Total Indirect Costs

**SECTION D – SCHEDULE OF TASKS BY QUARTERS**

List the schedule of tasks by quarters, referring specifically to the objectives in Section B. Tasks should be a bulleted list of activities to be performed in each quarter.

**Conditions for Enforcement Projects Only**

*By checking this box, the above agency agrees to the terms below as additional activities to be performed as part of this project.*

- A minimum of one (1) nighttime and one (1) daytime seat belt initiative per month;
- A minimum of one (1) impaired driving checkpoint per month;
- A minimum of 50% of seat belt initiatives must be conducted at night between the hours of 7:00 p.m. and 7:00 a.m.;
- Participation in all "Click It or Ticket" and "Booze It & Lose It" campaigns;
- Participation in any event or campaign as required by the GHSP;
- Attempt to utilize one of the Forensic Tests for Alcohol Branch's Mobile Breath Alcohol Testing (BATMobiles) units during at least one of the impaired driving checkpoints.

First Quarter (October, November, December)

- 1) Prepare application for GHSP traffic enforcement/education vehicle grant.

Second Quarter (January, February, March)

- 1) Conduct 3 Daytime Seat Belt Initiatives
- 2) Conduct 3 Nighttime Seat Belt Initiatives
- 3) Conduct 3 DWI Checkpoints
- 4) Participate/Report St. Patrick's Day Booze It & Lose It
- 5) Complete month enforcement data report by the 15th of each month
- 6) Order vehicle, equipment, and installation
- 7) Conduct at least one educational event quarterly.

Third Quarter (April, May, June)

- 1) Conduct 3 Daytime Seat Belt Initiatives
- 2) Conduct 3 Nighttime Seat Belt Initiatives
- 3) Conduct 3 DWI Checkpoints/ Attempt to Utilize BAT Mobile
- 4) Participate/Report Speed a Little, Lose a Lot
- 5) Participate/Report Click It or Ticket
- 6) Complete month enforcement data report by the the 15th of each month
- 7) Conduct at least one educational event quarterly.

Fourth Quarter (July, August, September)

- 1) Conduct 3 Daytime Seat Belt Initiatives
- 2) Conduct 3 Nighttime Seat Belt Initiatives
- 3) Conduct 3 DWI Checkpoints
- 4) Participate/Report Operation Firecracker Booze It & Looze It
- 5) Participate/Report Labor Day Booze It & Looze It
- 6) Conduct at least one educational event quarterly.
- 7) Submit final accomplishments report and fourth quarter report by October 15, 2018.

**Check**

**Save**

**Note:**

1. Submitting grant application is not a guarantee of grant being approved.
2. Once form has been submitted, it cannot be changed unless it has a status of "Return".



# AGENDA ITEM COVER SHEET

**Agenda Item Title:**

Authorize City Manager to Sign Owner Consent for Installation of Natural Gas Lines at 203 First Street (VOLT Center)

**Date of Meeting**

**Ward # if applicable** Ward 2

**If multiple, list:**

**Department** Develop. Services

**Person Submitting Item:**

**Call for Public Hearing** No

**Date of Public Hearing**

**Explanation of Item:**

Staff is requesting the Board of Aldermen authorize the City Manager to execute a Land Owner Consent Agreement with Piedmont Natural Gas to install gas lines across the VOLT Center site.

The agreement will allow Piedmont Gas to service the entire VOLT Center campus with 3 new meters as outlined in the attached exhibit. The installation will be provided at no cost to the city and will not interfere with the site contractor's anticipated paving schedule.

**Actions Needed by Board:**

Authorize City Manager to Sign Owner Consent for Installation of Natural Gas Lines at 203 First Street (VOLT Center)

**Is item time sensitive?** Y / N

**Will there be advocates/opponents at the meeting?** Select...

**Backup Attached:**

Memo, map of gas line and meter locations, Owner Consent Form

**Cost of Agenda Item:**

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :** Select...

**Additional notes:**



# NEW BERN

NORTH CAROLINA  
300 Pollock Street, P.O. Box 1129  
New Bern, NC 28563  
(252)636-4000

## MEMORANDUM

**TO:** Mayor Dana Outlaw, City of New Bern Board of Aldermen

**FROM:** Jeff Ruggieri, Director Development Services

**DATE:** 2/28/19

**SUBJECT:** Land Owner Consent for Installation of natural gas lines at 203 First Street  
(VOLT Center)

---

Staff is requesting the Board of Aldermen authorize the City Manager to execute a Land Owner Consent Agreement with Piedmont Natural Gas to install gas lines across the the VOLT site.

The agreement will allow Piedmont Gas to service the entire VOLT Center campus with 3 new meters as outlined in the attached exhibit. The installation will be provided at no cost to the city and will not interfere with the site contractor's anticipated paving schedule.

## RESOLUTION

WHEREAS, the City of New Bern desires to have natural gas service at the Workforce Development / VOLT Center located at 203 First Street. To facilitate this, Piedmont Natural Gas has requested the execution of a Landowner Consent form allowing an easement and rights-of-way for gas service lines and metering facilities necessary to provide the service.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:**

THAT the City Manager is hereby authorized to execute the attached Landowner Consent form authorizing Piedmont Natural Gas to install gas lines and meters on the property located at 203 First Street.

ADOPTED THIS 12<sup>TH</sup> DAY OF MARCH 2019.

---

DANA E. OUTLAW, MAYOR

---

BRENDA E. BLANCO, CITY CLERK



**LANDOWNER CONSENT**

The undersigned is the owner ("Owner") of the property at 203 First St., New Bern, NC and is duly authorized to provide this consent. By this consent, Owner grants all such easements and rights-of-way to Piedmont Natural Gas Company, Inc. ("Piedmont") and its contractors, agents or designees as are necessary for (i) such gas service lines and metering facilities as may be necessary for the provision of the natural gas service contemplated by the Service Agreement between Piedmont and City of New Bern ("Customer"), and (ii) access to the property for the installation and future maintenance of such gas service lines and metering facilities. The undersigned also gives Piedmont the right to extend service lines across this property to adjacent property owners. The undersigned has not previously granted any right-of-way or other interests that would interfere with or impede the rights granted to Piedmont hereunder.

Privately owned underground structures such as, without limitation, septic tanks, sewer lines, drains, drain fields, water lines, fuel lines, sprinkler systems, etc. cannot normally be located by Piedmont or its agents prior to excavation. The location of these facilities must be indicated by Customer and/or Owner both on a sketch and in the area of the installation. Piedmont is not responsible for any damage to such facilities whose location is not adequately or accurately indicated.

City of New Bern  
Print Name of Owner

By: \_\_\_\_\_  
Signature **Mark A. Stephens**

Title: City Manager

Date of Signature: March 12, 2019

Sworn to and subscribed before me  
this 12th day of March, ~~2018~~ 2019

\_\_\_\_\_(L.S.)  
Notary Public, State of ~~South Carolina~~ North Carolina

My Commission Expires: 3/9/2023



st St  
+

-

Existin Gas Main

First St

Walt Bellamy D

Country Club Rd

117NE  
28E

Meter

Meter

205

Service Route

Meter

132

235NE  
12N

1323

1325

Existin Gas Main

128

116

118

106

120

114

112

2nd St

Rhem St

Rhem St

Ave

## **AGENDA ITEM COVER SHEET**

**Agenda Item Title:**

Discuss Accepting Bid on Tax Parcel ID 8-013-020 Located in the Redevelopment Commission's Boundary

**Date of Meeting** 03/12/19

**Ward # if applicable** Ward 5

**Department** City Clerk

**Person Submitting Item:** Brenda Blanco

**Call for Public Hearing**  Yes  No

**Date of Public Hearing**

**Explanation of Item:**

In January 2018, a desire was voiced to hold off on the sale of any city-owned property until a Redevelopment Commission could be viewed. On July 10, 2018, the Board confirmed its desire to leave frozen all city-owned properties that fall within the Redevelopment Commission's boundary. The Board voted unanimously to accept bids only on properties outside of that boundary and to establish a minimum bid policy.

Alderman Best has since been contacted by a constituent who has indicated a desire to bid on property located at 1507-1509 Washington Street (Tax Parcel ID 8-013-020). According to Mr. Ruggieri, this property falls within the boundary of the Redevelopment Commission. The constituent, who lived in the North Hills Drive area and sustained flooding during the hurricane, desires to locate a home on the Washington Street property, which is adjacent to her mother's home.

**Actions Needed by Board:**

Discuss whether to unfreeze this parcel and allow a bid to be submitted.

**Is item time sensitive?**  Yes  No

**Will there be advocates/opponents at the meeting?**  Yes  No

**Backup Attached:**

None

**Cost of Agenda Item:**

**If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :**  Yes  No

**Additional notes:**



# NEW BERN

NORTH CAROLINA

Development Services  
303 First Street, P.O. Box 1129  
New Bern, NC 28563  
(252)639-7581

TO: Alderman Kinsey  
FROM: Morgan Potts, AICP  
DATE: February 7, 2019  
SUBJECT: Planning and Zoning Board Appointment

Dear Alderman Kinsey:

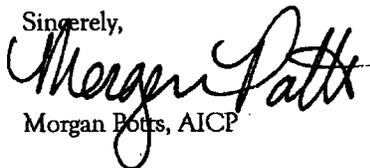
Raymond Layton's second term on Planning and Zoning Board has ended and is not eligible for reappointment at this time due to term limits. You are requested to nominate an appointee whose term will conclude June 30, 2020. Mr. Layton may continue to serve until an appointment has been made.

The duties of the Planning and Zoning Board are to conduct studies and make recommendations to the Board of Aldermen on matters concerning plans, goals and objectives relating to the growth, development and redevelopment of the City and the surrounding extra-territorial planning area. In addition, the Board makes recommendations on proposed conditional use permits, zoning and rezoning requests, subdivision plan approvals, and changes to the Land Use Ordinance.

The Land Use Ordinance requires that all Planning and Zoning Board members have demonstrated special interest, experience or education in banking, economics, environmental and land use policy, housing or other industry. Members must be able and willing to commit the necessary time and energy to carry out the responsibilities required for the office and must regularly attend meetings lasting 1-3 hours each month.

To appoint a person of your choosing, please provide the contact information to the City Clerk for inclusion on the Board's next meeting agenda. If you have anyone in mind or have any other questions or need information, please contact me at 639-7583.

Sincerely,

  
Morgan Potts, AICP

*Everything comes together here.*



**NEW BERN**  
NORTH CAROLINA  
Development Services  
303 First Street, P.O. Box 1129  
New Bern, NC 28563  
(252)639-7581

TO: Alderwoman Harris  
FROM: Morgan Potts, AICP  
DATE: February 7, 2019  
SUBJECT: Planning and Zoning Board Appointment

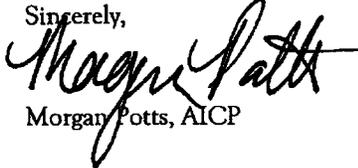
Dear Alderwoman Harris:

Carol Williams' second term on Planning and Zoning Board has ended and is not eligible for reappointment at this time due to term limits. You are requested to nominate an appointee whose term will conclude June 30, 2021. Ms. Williams may continue to serve until an appointment has been made.

The duties of the Planning and Zoning Board are to conduct studies and make recommendations to the Board of Aldermen on matters concerning plans, goals and objectives relating to the growth, development and redevelopment of the City and the surrounding extra-territorial planning area. In addition, the Board makes recommendations on proposed conditional use permits, zoning and rezoning requests, subdivision plan approvals, and changes to the Land Use Ordinance.

The Land Use Ordinance requires that all Planning and Zoning Board members have demonstrated special interest, experience or education in banking, economics, environmental and land use policy, housing or other industry. Members must be able and willing to commit the necessary time and energy to carry out the responsibilities required for the office and must regularly attend meetings lasting 1-3 hours each month.

To appoint a person of your choosing, please provide the contact information to the City Clerk for inclusion on the Board's next meeting agenda. If you have anyone in mind or have any other questions or need information, please contact me at 639-7583.

Sincerely,  
  
Morgan Potts, AICP



# NEW BERN

CITY OF NEW BERN

300 Pollock Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 636-4000

## Aldermen

Sabrina Bengel  
Jameesha Harris  
Robert V. Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager

## Memorandum

TO: Mayor Dana Outlaw

FROM: Brenda Blanco, City Clerk FEB

DATE: February 8, 2019

SUBJECT: Appointment to New Bern Appearance Commission

Rose Williams' appointment on the Appearance Commission expires today. She is eligible for reappointment, or a new appointment can be made to allow others an opportunity to serve. The appointee will serve a three-year term.

Appointees shall be residents of the City's planning and zoning jurisdiction and shall, when possible, have had special training or experience in a design field such as architecture, landscape design, horticulture, city planning, or a closely-related field. Members of the Appearance Commission serve a three-year term.

This commission is overseen by the Parks and Recreation Department. Please feel free to reach out to Foster Hughes, Director of Parks and Recreation, regarding any questions about the Commission.

/beb



# NEW BERN

CITY OF NEW BERN

300 Pollock Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 636-4000

## Aldermen

Sabrina Bengel  
Jameesha Harris  
Robert V. Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager

## Memorandum

TO: Alderman Sabrina Bengel

FROM: Brenda Blanco, City Clerk *BB*

DATE: February 8, 2019

SUBJECT: Appointment to New Bern Appearance Commission

Mattie Tatum's appointment on the Appearance Commission will expire February 22, 2019. She is eligible for reappointment, or a new appointment can be made to allow others an opportunity to serve. The appointee will serve a three-year term.

Appointees shall be residents of the City's planning and zoning jurisdiction and shall, when possible, have had special training or experience in a design field such as architecture, landscape design, horticulture, city planning, or a closely-related field. Members of the Appearance Commission serve a three-year term.

This commission is overseen by the Parks and Recreation Department. Please feel free to reach out to Foster Hughes, Director of Parks and Recreation, regarding any questions about the Commission.

/beb

## Brenda Blanco

---

**From:** Mark Stephens  
**Sent:** Wednesday, March 6, 2019 10:49 AM  
**To:** Governing Board  
**Cc:** Brenda Blanco  
**Subject:** Fwd: Resignation from C1A Board of Directors

FYI....We will need to appoint another member to the C1A board.

Thanks,

Mark

Mark A. Stephens, PE  
City Manager  
City of New Bern  
300 Pollock Street  
PO Box 1129  
New Bern, NC 28560

(O) 252-639-2700  
(M) 252-514-5008  
[stephensm@newbern-nc.org](mailto:stephensm@newbern-nc.org)

Sent from my iPhone

Begin forwarded message:

**From:** Jeffrey Ruggieri <[ruggierij@newbernnnc.gov](mailto:ruggierij@newbernnnc.gov)>  
**Date:** March 4, 2019 at 4:32:41 PM EST  
**To:** "[economicdev@cravencountync.gov](mailto:economicdev@cravencountync.gov)" <[economicdev@cravencountync.gov](mailto:economicdev@cravencountync.gov)>  
**Cc:** Abigail Wilson <[awilson@cravencountync.gov](mailto:awilson@cravencountync.gov)>, Mark Stephens <[stephensm@newbernnnc.gov](mailto:stephensm@newbernnnc.gov)>  
**Subject:** Resignation from C1A Board of Directors

Mr. Wood,

Please accept my resignation from the Craven 100 Alliance Board of Directors. Additional responsibilities brought on from the aftermath and recovery from Hurricane Florence and the administration of a new Redevelopment Commission for the City of New Bern has made it extremely difficult to attend C1A meetings on a consistent basis. The New Bern Board of Aldermen will appoint a new City representative to take my place in the coming weeks.

Thank You,

Jeffrey C Ruggieri AICP, CZO  
City of New Bern  
Director of Development Services  
303 First Street  
New Bern NC 28560  
Ph: 252.639.7587  
Fx: 252.636.2146