## CITY OF NEW BERN BOARD OF ALDERMEN MEETING OCTOBER 12, 2021 – 6:00 P.M. CITY HALL COURTROOM 300 POLLOCK STREET

- Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Kinsey. Pledge of Allegiance.
- Roll Call.
- Request and Petition of Citizens.

### Consent Agenda

- Consider Adopting a Resolution Closing Specific Streets for the Tryon Palace Candlelight Celebration.
- Consider Adopting a Resolution to Close Specific Streets for the Sudan Shriners Annual Parade.
- Approve Minutes.

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- Presentation by Promise Place.
- 8. Presentation on Environmental Protection Agency's Brownfields Grant Program and Consider Adopting a Resolution Authorizing Submission of a Grant Application.
- Presentation of Guidelines for Elected and Appointed Boards, Commissions, and Committees Using Personal or Official Social Media Platforms.
- 10. Conduct a Public Hearing on the Rezoning of 356 Rocky Run Road; and
  - a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and
  - b) Consider Adopting an Ordinance to Rezone 356 Rocky Run Road from R-20 Rural Residential to A-5F Agricultural Forestry District.
- Update on VW-DC Fast Program Grant and Discussion of Electric Vehicle Charging Rates.
- 12. Appointment(s).
- 13. Attorney's Report.
- 14. City Manager's Report.
- New Business.
- Closed Session.
- Adjourn.

#### Aldermen

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



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

Memo to: Mayor and Board of Aldermen

From: Foster Hughes, City Manager

Date: October 7, 2021

Re: October 12, 2021 Agenda Explanations

- Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Kinsey. Pledge of Allegiance.
- 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

## Consider Adopting a Resolution Closing Specific Streets for the Tryon Palace Candlelight Celebration.

(Ward 1) Susan Briley, Operations Manager at Tryon Palace, has requested the 600 block of Pollock Street and 300 block of George Street be closed on December 11<sup>th</sup> and 18<sup>th</sup> from 2 p.m. until 11 p.m. for Tryon Palace's Candlelight Christmas Celebration. To accommodate a fireworks display both evenings, she has also requested a temporary block of South Front Street at the location of Palace Point Commons. A memo from Kari Warren, Interim Director of Parks & Recreation, is attached along with a map of the proposed closures.

## Consider Adopting a Resolution to Close Specific Streets for the Sudan Shriners Annual Parade.

(Ward 1) On behalf of the Sudan Shriners, Sharon Evans has requested the 400-800 blocks of George Street, 400-600 blocks of Broad Street, and the 200-300 blocks of Middle Street be closed to vehicular traffic on January 22, 2022 from 10 a.m. until 2 p.m. for the Shriners' Annual Winter Ceremonial Parade. It was also requested that the south side lane of Broad Street be closed to parking from 12 a.m. until the conclusion of the parade. A memo from Ms. Warren is attached.

## 6. Approve Minutes.

Draft minutes from the September 28, 2021 meeting are provided for review and approval.

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## Presentation by Promise Place.

Promise Place is the primary resource for victims of sexual assault and crime in Craven, Jones, and Pamlico County. Jenifer Gonzalez, who joined Promise Place in May of this year as its Executive Director, will share current information about the nonprofit.

## Presentation on Environmental Protection Agency's Brownfields Grant Program and Consider Adopting a Resolution Authorizing Submission of a Brownfields Grant Application.

A representative from Draper Aden Associates will share a PowerPoint presentation to review the Environmental Protection Agency's ("EPA") Brownsfield grant program. The program is designed to redevelop abandoned and potentially hazardous sites into new uses that will spark economic growth. After the presentation, the Board is asked to consider adopting a resolution authorizing staff to submit a grant application seeking \$500,000 in Brownfields funds. Grant funds can be used to inventory, characterize, assess, and conduct activities such as

cleanup planning and community involvement. The grant does not require a monetary match. A memo from Amanda Ohlensehlen, Community and Economic Development Manager, is attached.

 Presentation of Guidelines for Elected and Appointed Boards, Commissions, and Committees Using Personal or Official Social Media Platforms.

As the City continues to participate in social media, it is important to establish guidelines for elected or appointed officials who use personal or official media platforms. Government-related communication through social media platforms is considered a public record and must be kept for a specified period of time in compliance with the public records law. The proposed guidelines will discuss this and other guidance.

- 10. Conduct a Public Hearing on the Rezoning of 356 Rocky Run Road; and
  - Consider Adopting a Statement of Zoning Consistency or Inconsistency;
     and
  - b) Consider Adopting an Ordinance to Rezone 356 Rocky Run Road from R-20 Rural Residential to A-5F Agricultural Forestry District.

(ETJ) Michael Raines has requested to rezone two parcels that total approximately 77.72 acres. The parcels are in the ETJ area located at 356 Rocky Run Road and are further identified as Tax Parcel IDs 8-210-031 and 8-210-029. The current zoning is R-20 rural residential, and zoning as A-5F agricultural forestry district is sought. The Planning and Zoning Board unanimously approved the request at its September 7, 2021, meeting. After conducting a public hearing, the Board is asked to adopt a statement of zoning consistency or inconsistency, followed by consideration of an ordinance to rezone the property if it is deemed consistent with the City's land use plans and nearby land uses. A memo from Jeff Ruggieri, Director of Development Services, is attached.

## Update on VW-DC Fast Program Grant and Discussion of Electric Vehicle Charging Rates.

Charlie Bauschard, Director of Public Utilities, will provide an update on the City's grant award to purchase and install two electric vehicle ("EV") DC FAST charging stations. The stations are in the Red Bear parking lot at the south end of Craven Street and will soon be available for public use. At a future meeting, an ordinance will be presented to establish the rates and policies with respect to use of the charging stations.

## 12. Appointment(s).

Lindsay Best has moved outside of the city limits of New Bern. Therefore, she is ineligible to continue serving on the Community Development Advisory Committee. Alderman Odham is asked to make a new appointment to finish out her term, which will expire on June 30, 2024.

- 13. Attorney's Report.
- 14. City Manager's Report.
- 15. New Business.
- 16. Closed Session.
- 17. Adjourn.

## AGENDA ITEM COVER SHEET

Agenda Item Title	Ag	enda	Item	Title
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Consider Adopting a Resolution to close streets for Tryon Palace Candlelight Christmas Celebration.

Date of Meeting: 10/12/2021  Department: Parks & Recreation  Call for Public Hearing: □Yes⊠No		Ward # if applicable: Ward 1
		Person Submitting Item: Kari Warren, Interim Director of Parks & Recreation
		Date of Public Hearing:
Explanation of Item:		as requested to close the 600 block of Pollock
	Street and the 300 block of George Street to vehicle traffic for Tryon Palace Candlelight Christmas Celebration to be held 2: p.m. until 11:00 p.m., and a blockage of South Front Street a Palace Point Commons behind Tryon Palace South Lawn be closed to vehicle and pedestrian traffic from 2:00 p.m. until 11:00 p.m. for fireworks on Saturday, December 11th, and 18 2021.	
Actions Needed by Board:	Adopt the Resolution	
Backup Attached:	Resolution – Memo – Application – Map	
Is item time sensitive?	⊠Yes □No	
Will there be advocates	opponents at t	he meeting? □Yes ☒ No
Cost of Agenda Item:		
If this requires an expe and certified by the Fin		een budgeted and are funds available

**Additional Notes:** 

#### Aldermen

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



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Dana E. Outlaw Mayor Foster Hughes City Manager Brenda E. Blanco City Clerk

Memo To: Mayor and Board of Aldermen

From: Kari Warren, CPRP YW

Interim Director of Parks & Recreation

Re: Street Closures for Tryon Palace Candlelight Christmas Celebration.

#### **Background Information:**

Tryon Palace has requested to close the 600 block of Pollock Street and the 300 block of George Street to vehicle traffic for their Candlelight Christmas Celebration to be held 2:00 p.m. until 11:00 p.m., and a blockage of South Front Street at Palace Point Commons behind Tryon Palace South Lawn be closed to vehicle and pedestrian traffic from 2:00 p.m. until 11:00 p.m. for fireworks on Saturday, December 11<sup>th</sup>, and 18<sup>th</sup>, 2021.

#### Recommendation:

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

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

#### RESOLUTION

THAT WHEREAS, Tryon Palace has scheduled their annual Candlelight Christmas Celebration and has requested specific streets be closed to vehicular traffic from 2:00 p.m. until 11:00 p.m. on both Saturday, December 11<sup>th</sup>, 2021, and Saturday, December 18, 2021. The streets to be closed are the 600 block of Pollock Street and the 300 block of George Street; and

WHEREAS, a blockage of South Front Street at Palace Point Commons and the portion of South Front Street behind Tryon Palace's south lawn is also requested to be closed to vehicular and pedestrian traffic from 2:00 p.m. until 11:00 p.m. for fireworks on Saturday, December 11, 2021 and Saturday, December 18, 2021 as part of the Palace's Annual Candlelight Christmas Celebration.

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

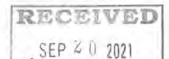
## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the 600 block of Pollock Street and the 300 block of George Street be closed from 2:00 p.m. until 11:00 p.m. on Saturday, December 11, 2021, and Saturday, December 18, 2021, for Tryon Palace's Annual Candlelight Christmas Celebration; and

FURTHER, a blockage of South Front Street at Palace Point Commons and the portion of South Front Street behind Tryon Palace's south lawn shall be closed to vehicular and pedestrian traffic from 2:00 p.m. until 11:00 p.m. on the aforesaid dates for a fireworks display.

ADOPTED THIS 12TH OF OCTOBER 2021.

	DANA E. OUTLAW, MAYOR	
BRENDA BLANCO, CITY CLERK	_	



### CITY OF NEW BERN

## APPLICATION FOR PUBLIC ASSEMBLY, PARADE & SPECIAL EVENTS IN CITY PARKS

This application is hereby made for a permit to hold a Public Assembly and/or Parade as described in the City of New Bern

Code of Ordinances (Sec. 66-85; 66-86; and 66-87) – Public Assemblies and Parades. This application along with

attachments must be presented at least 60 days prior to the event date.

Festival — A concert, fair, festival, exhibit, athletic event, promotion, community event, block party, or similar event.

<u>Parade</u> – A march, ceremony, pageant, procession or other similar activities consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street.

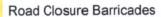
<u>Public Assembly</u> – A festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; or a festival in any city-controlled park.

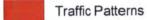
Name of Event/Activity: Candle	elight				
Organization Name: Tryon Pala	ace				
Responsible Contact: Susan Briley					
Address: 529 S. Front St.					
City: New Bern	State: NC Zip code: 28562				
Phone: 252-639-3584  Email: susan.briley@ncdcr.gov	Alternate Phone: 252-670-1101				
Type of Event:	□Demonstration ■Festival □Parade				
Date of Event: Dec. 11 and 18, 202					
Event Set up time: 2:00 pm Event Start Time: 4:00 pm	Event Tear Down Completed Time: 11:00 pm Event End Time: 10:30 pm				
Palace grounds and 300 block of Georg	nd/or route of the proposed event? (Attach additional information if needed) ge St and 600 block of Pollock St.  Lawn of the Palace. So the horseshoe on Palace Point Commons also needs to be closed				
to traffic. See attached aerial map.	awn of the Palace. So the horseshoe of Palace Point Commons also fleeds to be closed				
Note: A detailed map of the proposed rou	ute as well as a specific list of streets is required. The specific location of the Public Assembly ation marked. Festivals/Events require detailed aerial map with complete layout.				
Our annual holiday events to fundraise	ent? Please be detailed in your description - (Attach additional information if needed) and promote the Palace. Includes holiday tours of the Palace and performances on the				
street as well as fireworks on the South					
The majority of guests will be inside our					
Estimated attendance: 1625 *Note: If more than 1,000 in attendance at the following link: http://www.newberequired.Information must be submitted	; Attendance not to exceed: 1625  ; is expected 1) Proof of Crowd Manager Training Certification is required. Training is available ernnc.gov/departments/fire department/crowd manager training.php 2) Public Safety Plan is with application. For additional info, please contact the Fire Marshall at 252-639-2931.  Provide additional info as needed (Note: Tents 700 sq. ft. or bigger must be inspected by Fire Marshall.				
The majority of guests will be inside our  Estimated attendance: 1625  *Note: If more than 1,000 in attendance at the following link: http://www.newbe required. Information must be submitted Tents # 3 Sizes 40x80,20x40,20x2  How will you handle trash general	; Attendance not to exceed: 1625  is expected 1) Proof of Crowd Manager Training Certification is required. Training is available ernnc.gov/departments/fire department/crowd manager training.php 2) Public Safety Plan is a with application. For additional info, please contact the Fire Marshall at 252-639-2931.  Provide additional info as needed (Note: Tents 700 sq. ft. or bigger must be inspected by Fire Marshall. erated from the event?				
The majority of guests will be inside our  Estimated attendance: 1625  *Note: If more than 1,000 in attendance at the following link: http://www.newbe required. Information must be submitted Tents # 3 Sizes 40.80,20.40,20.22  How will you handle trash gene We are requesting # 0 trash cans	; Attendance not to exceed: 1625  is expected 1) Proof of Crowd Manager Training Certification is required. Training is available ernnc.gov/departments/fire department/crowd manager training.php 2) Public Safety Plan is a with application. For additional info, please contact the Fire Marshall at 252-639-2931.  Provide additional info as needed (Note: Tents 700 sq. ft. or bigger must be inspected by Fire Marshall. erated from the event?				

onsideration. Street closures require barricades 'What Street(s) are you requesting to c	lose? Be specific: We provide ou	ur own barricades.
George Street - between Broad & Pollock, Polloc		
the Palace from the intersection of S. Front & Mo	etcalf to the intersection of Eden and W	/alt Bellamy Dr.
Are you requesting any State Road o	or Bridge closures?   Yes	* No
If yes, a 90 day notice and application is require please call NCDOT Office at 252-439-2816. The S	d by the NCDOT for in order to conside State Road/Bridge Closure permit must	er state roads or bridges. For additional information be attached to this application. chanical devices of any type, please provide a
detailed explanation of their use, purpose a		citation devices of any cype, predict provides
Will Inflatables or other Play feature	es be part of this event?	Yes No (Additional insurance may be required
Will Food Vendors or Commercial/N	Non-Profit vendors be part of	f this event? ■Yes □No
(If you answered YES, Additional Fees apply. A de		A con
The following items are required and must		
☐ A detailed map – including the location, i		
☐ Petition of Signatures – of business/resid		
The following items are required within two		
		erii, Ne as Auditoriai insuled .
<ul> <li>□ List of all food/commercial/non-profit ve</li> <li>□ Payment in full of applicable fees and ch</li> </ul>		
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that this application must be submitted with full	oup/organization to request the permit details and attachments. I understand	for the activities prescribed herein. I understand I that additional fees and charges may be incurred.
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## **Road Closures:**

Security Personnel will assist in directing traffic







## Tryon Palace Annual Candlelight Holiday Cheer Temporary Road Closure Petition of Signatures

Tryon Palace 529 S. Front St. New Bern, NC 28562

Street(s) to be closed: 300 block of Pollock St. and 600 block of George St.

Street Closure Start Time: 2:00 PM

Street Closure End Time:

10:30 PM

Dates of Street Closure: Dec. 11, and Dec. 18, 2021

We, the undersigned, being residents/owners/authorized business officials of properties abutting the section of roads requested for temporary closure during the Tryon Palace Candlelight Holiday Cheer event, do hereby consent to the temporary road closure.

NAME	ADDRESS	SIGNATURE	PHONE
William (Bill) Wilson	605 Pollock st Now Bon	While Flesh	571-345.5201
	310 beary st.	Famila Weber	252-633-1635
Kyle Garl	310 beary st.	Emp	252-631-1410
CARD DUPTER	312Georgest	Call	252-636-1600
SHAY MINEAL-POWIN	701 BROAD ST	Son DO Port	(8\$3)666-4508
Jim Coxlond	607 Pollock St.	Alm	917-239-5018
Righel Hall	613 Broad St	Me	764-604-787
) effrag heek.	313 BROAT ST.	3 Chuh	252 631 1114
Nancy Mansfeld	315 George St		252-635-1374

# Certificate of Completion

## CROWD MANAGER TRAINING

**CROWD MANAGER TRAINING - MANAGEMENT** 

COURSE: STAFF

COURSE COMPLETED BY: ORLANDO VENTERS

NC DEPARTMENT OF CULTURE AND NATURAL

COMPANY NAME: RESOURCES (TRYON PALACE)

DATE OF COURSE COMPLETION: JULY 25, 2019

EXPIRATION DATE: 07/2022

**NOTE:** Crowd Manager Training is worth one hour of Pyrotechnic Operator or Proximate Audience Operator CE.



# Certificate of Completion

# CROWD MANAGER TRAINING

COURSE: CROWD MANAGER TRAINING -SUPPORT STAFF

COURSE COMPLETED BY: SUSAN BRILEY

COMPANY NAME: TRYON PALACE

DATE OF COURSE COMPLETION: JULY 24, 2019

EXPIRATION DATE: 07/2022

**NOTE:** Crowd Manager Training is worth one hour of Pyrotechnic Operator or Proximate Audience Operator CE.



Food Vendors at Tryon Palace Holiday Cheer Events on Dec. 12 and 19, 2020

## Two Food Trucks only:

- 1. Jasmine Tasty Thai
- 2. Sea & Soul

\$45 each for each night. \$90 per night, \$180 total owed.

## AGENDA ITEM COVER SHEET

## **Agenda Item Title:**

Consider Adopting a Resolution to close streets for Sudan Shriners Winter Ceremonial Parade.

Date of Meeting: 10/12/2021  Department: Parks & Recreation  Call for Public Hearing: □Yes⊠No		Ward # if applicable: Ward 1
		Person Submitting Item: Kari Warren, Interim Director of Parks & Recreation
		Date of Public Hearing: N/A
of George Stre 200-300 block Sudan Shrine 10:00 a.m. un bound lane) o		rs has requested to close the 400-800 blocks eet, 400-600 blocks of Broad Street, and the s of Middle Street to vehicular traffic for rs Annual Winter Ceremonial Parade from il 2:00 p.m., along with the south side (east Broad Street closed to parking from 12:00 conclusion of the parade on January 22,
Actions Needed by Board:	Adopt the Resolution	
Backup Attached:	Resolution – N	Memo – Application - Map
Is item time sensitive?	A	he meeting? \( \sum \) Ves \( \sum \) No.
win there be advocates	opponents at t	he meeting?   Yes   No
Cost of Agenda Item: N	//A	
If this requires an expe and certified by the Fin		een budgeted and are funds available  ☐ Yes ☒ No

Additional Notes: N/A

#### Aldermen

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



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Dana E. Outlaw Mayor Foster Hughes City Manager Brenda E. Blanco City Clerk

Memo To: Mayor and Board of Aldermen

From: Kari Warren, CPRP \\wideta

Interim Director of Parks & Recreation

Re: Street Closures for Sudan Shriners Winter Ceremonial Parade.

## **Background Information:**

Sudan Shriners has requested to close the 400-800 blocks of George Street, 400-600 blocks of Broad Street, and the 200-300 blocks of Middle Street to vehicle traffic for Sudan Shriners Annual Winter Ceremonial Parade from 10:00 a.m. until 2:00 p.m., along with the south side (east bound lane) of Broad Street closed to parking from 12:00 a.m. until the conclusion of the parade on January 22, 2022.

#### Recommendation:

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

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

#### RESOLUTION

THAT WHEREAS, Sudan Shriners has scheduled their Annual Winter Ceremonial Parade and has requested that specific streets be closed to vehicular traffic from 10:00 a.m. to 2:00 p.m. on Saturday, January 22, 2022, for line-up of the parade. Those streets are the 400-800 blocks of George Street, 400-600 blocks of Broad Street, and 200-300 blocks of Middle Street. Additionally, it is requested that the south side (eastbound lane) of Broad Street be closed to parking from 12:00 a.m. until the conclusion of the parade; and

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

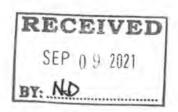
## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That 400-800 blocks of George Street, 400-600 blocks of Broad Street, and 200-300 blocks of Middle Street shall be closed to vehicular traffic from 10:00 a.m. until 2:00 p.m., on January 22, 2022, for the Sudan Shriners Annual Winter Ceremonial Parade, and the south side (eastbound lane) of Broad Street shall be closed to parking from 12:00 a.m. until the parade concludes

ADOPTED THIS 12th DAY OF OCTOBER 2021.

	DANA E. OUTLAW, MAYOR	_
BRENDA E. BLANCO, CITY CLERK		

Sat. Jan 22, 2022



## CITY OF NEW BERN

## APPLICATION FOR PUBLIC ASSEMBLY, PARADE & SPECIAL EVENTS IN CITY PARKS

This application is hereby made for a permit to hold a Public Assembly and/or Parade as described in the City of New Bern Code of Ordinances (Sec. 66-85; 66-86; and 66-87) – Public Assemblies and Parades. This application along with attachments must be presented at least 60 days prior to the event date.

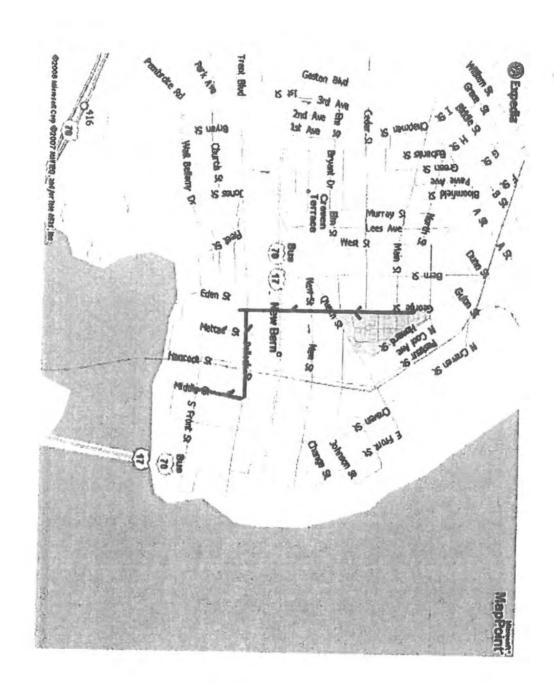
Festival - A concert, fair, festival, exhibit, athletic event, promotion, community event, block party, or similar event.

<u>Parade</u> – A march, ceremony, pageant, procession or other similar activities consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street.

<u>Public Assembly</u> – A festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; or a festival in any city-controlled park.

Name of Event/Activity: Shrin	
Organization Name: Sudan St	
Responsible Contact: Sharon	A. Evans
Address: P. O. Box 12829	
City: New Bern	State: NC Zip code; 28561
Phone: 252-637-5197	Alternate Phone:
Email: sevans@sudanshriners.c	com
Type of Event:	Demonstration
Date of Event: January 22, 2022	Proposed Rain Date: —
Event Set up time: 10:00	Event Tear Down Completed Time: 2:00
Event Start Time: 11:00	Event End Time: 12:00
What is the specific location and	I/or route of the proposed event? (Attach additional information if product
What is the specific location and The route will follow along George St	I/or route of the proposed event? (Attach additional information if needed) to Broad Street, onto Middle St., and disband on S. Front St., near BB&T and the
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	ry screet closures require approval of	ing to close? Re specific.		Yes* □ No relived at least 60 days in advance for 48 business hours prior to the event.
plea If th	e you requesting any State les, a 90 day notice and application is se call NCDOT Office at 252-439-2810 is event includes the use of floats siled explanation of their use, pur	required by the NCDOT for in orde  5. The State Road/Bridge Closure p  5. Vehicles, placards loud coach	Yes* r to consider state ermit must be att ers, or mechanic	No e roads or bridges. For additional information, tached to this application. cal devices of any type, please provide a
The f	on answered YES, Additional Fees applicational Fees applicational Fees applicational Fees application of Signatures — of business, allowing items are required with relificate of Insurance — Listing the tof all food/commercial/non-proyment in full of applicable fees and	y. A detailed list of all vendors is remust be attached at the time of tion, route with beginning and elected – if roads and in two (2) business days of the city of New Bern, PO Box 1129 fit vendors.	f Application: Inding point and c closed. Event or event I, New Bern, NC	shall be cancelled: as "Additional Insured".
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## **AGENDA ITEM COVER SHEET**



# **Agenda Item Title:** Presentation by Promise Place

Date of Meeting: 10/12/2021		Ward # if applicable:	
English of Lealing		Person Submitting Item: Brenda Blanco, City Clerk  Date of Public Hearing:	
		Actions Needed by Board:	Informational only
Backup Attached:	None		
Is item time sensitive? Will there be advocates		he meeting? □Yes ⊠ No	
Cost of Agenda Item: S If this requires an expe and certified by the Fir	enditure, has it l	been budgeted and are funds available	

**Additional Notes:** 

## **AGENDA ITEM COVER SHEET**



**Agenda Item Title:** 

Date of Meeting: 10/12/2		Ward # if applicable: N/A	
Department: Developmen	nt Services	Person Submitting Item: Amanda Ohlensehlen, Community and Economic Development Manager	
Call for Public Hearing	: □Yes⊠No	Date of Public Hearing: N/A	
Explanation of Item:		om Draper Aden Associates on the EPA	
		ant Program and Consider Adopting a horizing Application Submission.	
Actions Needed by Adopt Resolutions Board:		ion	
Backup Attached:	Memo, Resolution, PowerPoint Presentation, Informat document		
Is item time sensitive?			
		the meeting?   Yes   No	

If this requires an expenditure, has it be budgeted and are funds available

and certified by the Finance Director?  $\square$  Yes  $\square$  No

**Additional Notes:** 

Cost of Agenda Item:



## **MEMORANDUM**

TO: Mayor Dana Outlaw, City of New Bern Board of Aldermen

FROM: Amanda Ohlensehlen, Community and Economic Development Manager

DATE: October 1, 2021

SUBJECT: Presentation on EPA Brownfields Grant Program and Consider Adopting a

Resolution Authorizing Application Submission.

The Mayor and Board of Aldermen are asked to consider adoption of a resolution authorizing Development Services to apply for the US Environmental Protection Agency Brownfields Assessment Grant in the amount of \$500,000.00, no match is required from the City of New Bern. This Grant provides funding to inventory, characterize, assess, and conduct cleanup planning and community involvement related activities for brownfield sites within the City of New Bern. The Brownfields Redevelopment takes abandoned, potentially hazardous sites and turns them into something new to spark economic growth.

Please contact Amanda Ohlensehlen at 639-7580 should you have questions or need additional information.

#### RESOLUTION

WHEREAS, the City of New Bern Development Services Department requests authorization to submit an application for the US Environmental Protection Agency Brownfields Assessment Grant in the amount of \$500,000 for the purpose of completing a community-wide assessment of blighted/underutilized potential hazardous sites within the city limits of New Bern (and its extra territorial jurisdiction [ETJ]); and

WHERAS, the grant requires no match or monetary investment by the municipality.

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

That the request to the EPA for this grant application is hereby approved.

ADOPTED THIS 12th DAY OF OCTOBER 2021.

	DANA E. OUTLAW, MAYOR	_
BRENDA E. BLANCO, CITY CLERK		



Using Brownfields Grant Funds to Improve Commercial and Industrial Properties



1

# Today's Agenda

#### Introductions

Brownfields 101 Overview Definition EPA Brownfields Program NC State Brownfields Program Types of Funding How can funds be used Case Study



# Why are we here?

## EPA Community-wide Brownfields Assessment Grant

This Grant provides funding to inventory, characterize, assess, and conduct cleanup planning and community involvement related activities for brownfield sites within the City of New Bern.





3

What is a *Brownfield?* 



4

# Brownfields 101 & Perceptions

Real property with possibilities for:

- Expansion
- Redevelopment
- Reuse





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# Brownfields 101 & Perceptions

...and *potential* or *perceived* presence of

- Hazardous substances
- Pollutants
- Contaminants
- Petroleum products





# Brownfields 101 & Perceptions



How do you deal with Brownfields?

- Identify
- Inventory
- Prioritize
- Assess
- Plan
- Reuse/Redevelop



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# **EPA Brownfields Assessment Grants**

How much money is available?

- \$500,000 Total
- · With NO Match Requirement!



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## **EPA Brownfields Assessment Grants**

## What are the benefits?

- · Promote ecological responsibility
- · Transform unused and underutilized properties
- · Revitalize challenged local economies
- · Foster reuse of existing infrastructure
- Create training and job opportunities
- · Restore environmental justice and quality of life
- · Leverage additional resources for revitalization

9

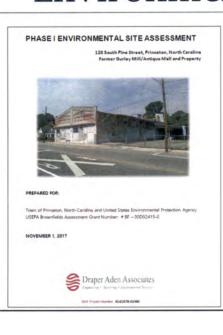
## Potential Brownfield Sites



510 Roundtree Street

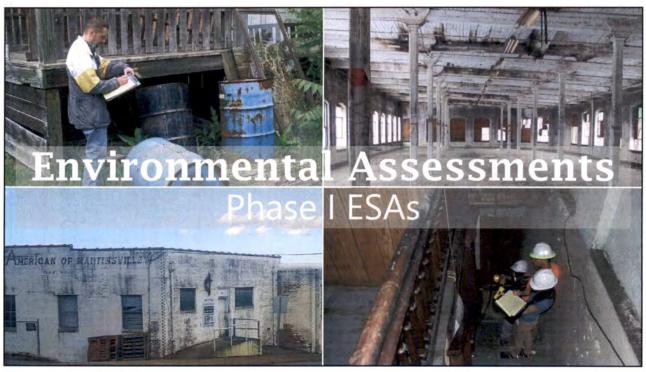
901 Eubanks Street

# **Environmental Assessments**



- Phase I ESA
- Phase II ESA
- Asbestos
- Lead Based Paint
- Mold
- Structural
- Geophysical
- · Habitat/Species
- Historic Resources
- Other

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# Redevelopment Planning

- Community Visioning
- Area Master Plans
- Site Concept Plans
- Cost Estimating
- Remediation Planning
- Marketing Studies
- Feasibility Analyses
- Economic Impact Studies
- Other



Conceptual Streetscape Plan Princeton, NC

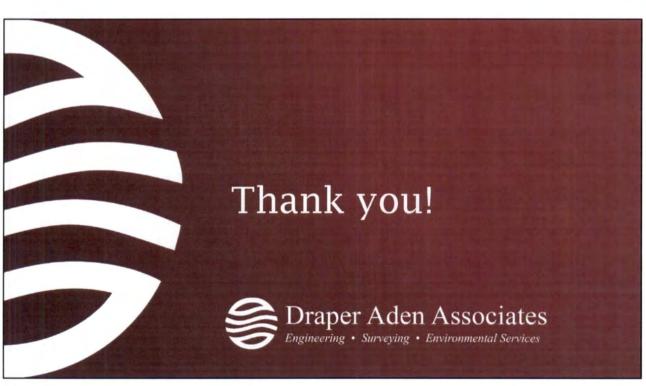


925 Broad Street

## **Questions and discussion**



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With land at an ever-increasing shortage and the need to be environmentally-conscious on the rise, brownfields redevelopment has become more and more important in the Mid-Atlantic region. With brownfields projects, the opportunity exists to take an abandoned, potentially hazardous site and turn it into something new to spark economic growth – whether it be an industrial park, apartments, restaurants, or a community green space. Brownfields redevelopment projects not only re-imagine existing spaces, they promote ecological responsibility, revitalize challenged local economies, and create training and job opportunities.

At Draper Aden Associates, this cradle-to-grave philosophy drives our highly qualified and experienced grant writers, environmental professionals, engineers, landscape architects, and planners. Our team works hand-in-hand with localities to revitalize their communities, one site at a time, through assessments, remediation, and redevelopment. As a full-service engineering, environmental, and surveying firm with an experienced multi-disciplined staff, we provide the services and solutions necessary to help you realize your development initiatives.

# Assessment Grants Available for Brownfields Redevelopment

- EPA Community-wide Assessment Grants (\$500K)
- EPA Site-Specific Clean-Up Grants/Loans (Variable)
- State Brownfields Assessment Grant & Remediation Grants/Redevelopment Tax Incentives
- · Other Redevelopment Grants & Loans

## How DAA Can Help

#### Community Involvement

- Task Force Development
- · Vision of Community Engagement
- Master Planning

#### **Grant Assistance**

- Coordinated Grant Development
- Funding Agency Coordination & Administrative Assistance

#### **Brownfields Assessment**

- · Corridor & Area Studies
- Site Inventories
- Prioritization/Ranking Factors
  - Economic
  - Social
  - Connectivity
  - · Utilities
  - · Integration with Master Plan
  - Environmental Justice
- · Site Selection
- Phase I, II, and III Environmental Assessments
- · Environmental Remediation
  - Studies/Cost Benefit Analysis
  - Design
  - Implementation
- Redevelopment
  - Planning
  - Design
  - Engineering of Implementation



## **AGENDA ITEM COVER SHEET**



## **Agenda Item Title:**

Presentation of Guidelines for Elected and Appointed Boards, Commissions, and Committees Using Personal or Official Social Media Platforms

Date of Meeting: 10/12/2021  Department: City Attorney  Call for Public Hearing: □Yes⊠No		Ward # if applicable:	
		Person Submitting Item: Scott Davis and Jaimee Moseley  Date of Public Hearing:	
			Explanation of Item:
Actions Needed by Board:	available to answer any questions.  None		
Backup Attached:			
Is item time sensitive?	□Yes ⊠No		
Will there be advocates	s/opponents at t	he meeting?   Yes   No	
Cost of Agenda Item:			
If this requires an expe and certified by the Fir		been budgeted and are funds available  Yes  No	

**Additional Notes:** 

### MEMORANDUM

TO: Mayor and Members of the Board

City Manager

FROM: Michael Scott Davis, City Attorney

RE: Presentation of Guidelines for Elected and Appointed Boards, Commissions

and Committees Using Personal or Official Social Media Platforms

DATE: October 4, 2021

As the City continues to participate in social media, it is important that we establish guidelines for participation whether elected or appointed officials are using personal or official social media platforms. Jaimee Moseley and I have been working with the City's Public Information Officer to create guidelines for elected officials and appointed members of city boards and commissions, based on UNC School of Government best practices and other legal and municipal insights. Additional guidelines for city employees and an updated policy for website administrators are forthcoming.

# CITY OF NEW BERN GUIDELINES FOR ELECTED AND APPOINTED BOARDS, COMMISSIONS AND COMMITTEES USING PERSONAL OR OFFICIAL SOCIAL MEDIA PLATFORMS

While elected officials and appointed board, committee and commission members may maintain and use personal web pages and websites, blogs, and social networking sites, their status as elected/appointed officials requires that the content of any postings on those sites not be in violation of federal and state laws, or City ordinances, policies, directives, rules or regulations.

The City's image as a professional organization is critical to maintaining the respect of its constituents. Although the City recognizes that elected/appointed officials may choose to express themselves by posting personal information upon social media platforms or by making comments on sites hosted by other persons, groups or organizations, this right of expression should not interfere with the operation of the City. That is, although the City acknowledges its officials have the First Amendment right to free speech, the right is not absolute when involving matters of official City business, issues or concerns.

If an elected/appointed official mentions or discusses any City business from either a personal or official account, officials should assume that City-related communications will be considered a public records subject to the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 et seq., as well as applicable portions of the record retention schedule at <a href="https://archives.ncdcr.gov/government/local-government-agencies/municipal-schedule">https://archives.ncdcr.gov/government/local-government-agencies/municipal-schedule</a>.

# Professional and Personal Conduct Standards

- All officials are expected and required to conduct themselves in a manner consistent with the Code of Ethics.
- 2. It is anticipated that from time to time, officials will have access to information that is considered privileged or confidential under North Carolina General Statutes. Such information is typically considered an exception to the public records law and may have specific penalties for inappropriate disclosure. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets. Officials must not reveal any confidential or privileged information about the City, its constituents, its employees, or its contractors. Officials must be particularly careful to protect against inadvertent disclosure of confidential or privileged information.
- Unless the official has been designated to serve as a spokesperson, officials should never represent themselves as a spokesperson for the Board of Aldermen, a City board or committee, the City administration, or any City department.
- Officials are expressly prohibited from using personal or official social media to engage in any activity or conduct that violates federal, state, or local law. Elected officials are also

- prohibited from using official social media accounts to circumvent election or campaign requirements.
- 5. Officials are prohibited from deleting posts and related comments regarding any City-related matters from personal or official social media platforms as such action violates the North Carolina Public Records Laws, N.C. Gen. Stat. § 132-1 et seq. In the event an official inadvertently posts erroneous information or desires to update a previous post, the official should add a disclaimer to the original post and/or publish a new post with a disclaimer and the revised content.
- 6. Officials may delete comments or content published on City-related posts on either their personal or official social media accounts that contain offensive comments that target or disparage any ethnic, racial, or religious group, advocate illegal activity, promote particular services, products, or political organizations, infringe on copyrights or trademarks, or use personally identifiable medical information. Content deleted pursuant to this subsection must be archived as required by the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 et seq.
- 7. Officials should be mindful that posting content regarding City-related matters could inadvertently result in the violation of the Open Meetings Law if enough other officials engage on the post, resulting in a quorum. If this occurs, the online conversation should immediately cease with no further posts by the officials, and the City Clerk should be notified accordingly.
- Officials who open the interactive features of their social media accounts to the public at large are prohibited from using the platform's blocking function to censor selected users.

#### Additional Best Practices for Elected/Appointed Officials

The following best practices and guidelines are strongly recommended to ensure that the personal and official use of social media by elected/appointed officials is done so in a responsible manner.

- Public officials are strongly encouraged to separate personal social media content from content discussing City-related matters. City related matters are subjects within the City's authority or jurisdiction, regardless of whether such content is posted on a personal or official page. In the event City-related matters are discussed on a personal social media account, such content must be archived consistent with the applicable statutes.
- Officials should exercise caution with respect to comments they post, particularly those concerning the City and the business of the City.
- 3. Officials are strongly encouraged to consider the potential impact of social media statements prior to posting. The City strives to be professional in its operations and processes. Posts that express favoritism and/or bias for or against any individual or group of individuals (e.g., based upon race, gender, national origin, etc.), reflect poorly on the official, as well as the City and its residents. Further, comments suggesting such treatment can expose the City to liability and legal costs.

- 4. Officials should be mindful that members of the public who may appear before the Board of Aldermen as well as boards, commissions or committees come from all walks of life. Public comments, in any forum—including on personal and official social media accounts—that contain racial slurs, profane language or acronyms for profane language, or express bigotry toward any legally protected group may be considered conduct unbecoming.
- Officials should consider whether liking, sharing, retweeting or commenting on any social
  media posts could be perceived as an endorsement of or about the City, its employees,
  constituents, other public officials, suppliers, vendors or contractors.
- 6. Officials should refrain from using social media accounts to communicate with City employees about City-related matters as this creates a public record on employees' personal accounts that must be retained per North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 et. seq. If elected/appointed officials want the City's official pages to respond to a social media inquiry, the following responses are suggested:
  - Twitter: "Tagging @CityofNewBern on your inquiry so the Administration may respond to you directly."
  - Facebook: "Tagging @cityofnb on your inquiry so the Administration may respond to you directly.
  - c. Instagram: "Tagging @cityofnewbern on your inquiry so the Administration may respond to you directly."
  - d. Other platforms: "Please contact the City of New Bern directly so the Administration may respond to you. You may submit your inquiry to (252) 636-4000 or <u>info@newbernnc.gov</u>.
- Elected/appointed officials should be familiar with the North Carolina Department of Cultural Resources Division of Archives and Records Digital Records Policies and Guidelines (<a href="https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines">https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines</a>) and Local Government Retention Schedules (<a href="http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules">http://archives.ncdcr.gov/For-Government/Retention-Schedules</a>).
- Officials should contact the City Attorney's Office if they have any questions concerning
  these social media guidelines and their application to the use of social media.

# N.C. Department of Cultural Resources

# Archival Process for Data and Image Preservation: The Management and Preservation of Digital Media



April 1, 2008

Best Practices for the Long-Term Retention of Electronic or Digital Records

This Best Practices document serves to provide guidance to both the creators of electronic records and the custodians of trusted digital repositories, including information technology support staff, who wish to maintain the information electronically over time.

# I. The Management and Preservation of Digital Media: An Overview

Digital records have taken over many of the functions that paper records once served. Like their older counterparts, digital records contain evidence of government responsibilities, citizen rights, public and private economic activities and financial transactions/obligations, scientific projects, and historical events and trends. The volume, complexity, and pace of the advances in digital media themselves, however, require the careful and consistent management of digital records if accountability and the preservation of digital records are to be assured. The integrity and accessibility of digital records also rest upon planning, documentation, and committed custodianship throughout their life cycle to an even greater degree than with paper records. Digital information is especially vulnerable to changes in software and hardware. Digital storage media, especially access technologies, are also subject to deterioration. Like every other medium or recording technology, digital technology is open to error, misuse, or fraud. In brief, to be available today, tomorrow, and into the next century, digital records must have both proper management and long-term (and in some cases, permanent) preservation. For digital records that are deemed permanent or archival, their durability needs to approach that of microfilm.

To help assure the security and preservation of records with enduring historical, evidential, or legal value, especially in the event of a human-made or natural disaster, microfilm is preferable because it is not dependent upon complex technology. Properly processed and housed microfilm lasts for hundreds of years and can be read with a magnifying lens and light. Microfilm is also an acceptable medium as evidence according to G.S. § 8-45.1 (a). It should also be noted that G.S. § 8-45.1 (b) and G.S. § 153A-436 (f) specifically prohibit the use of "computer-readable storage media" for "preservation duplicates . . . or for the preservation of permanently valuable records . . . except to the extent expressly approved by the Department of Cultural Resources . . . . " (See the texts for G.S. § 8-45.1 (a) and (b) and G.S. § 153A-436 in "Best Practices---Legal Admissibility Standards" below.)

Many public agencies and corporate organizations remain ignorant or not fully aware of the complexities of dealing with digital records. Often organizations devote greater effort to creating or receiving digital data than to its long-term maintenance and management. Managing digital records and information adequately, maintaining their authenticity, and assuring their legal acceptability all require an infrastructure containing certain detailed elements. These include policies and procedures; planning; trained staff (including assignment of specific responsibilities for data management to specific staff members, such as digital data archivists or managers, trained for their roles); and physical systems and facilities, including a digital repository.

While there is as yet no viable long-term strategy to ensure that digital information will be readable in the future, one methodology likely to prove valuable in helping assure future accessibility and legal admissibility of digital records is to gain control of and preserve information about digital objects and to manage this information in a formal, electronic record-keeping system for collections of digital objects. Currently the Department of Defense standard, DOD 5015.2-STD provides specific requirements for software applications that manage digital records. Other similar standards remain in early development. Other choices for digital record-keeping systems include digital repositories and digital asset management. Consideration needs to be given as well to the use of open source software and open architectures.

The creation and management of a digital repository---whether on an institutional scale or as a local digital storage server, component, or similar device---require attention (detailed further below) to six broad areas or functions. These functions are also a critical tool for ensuring the future legal admissibility of an electronic record:

- Ingest, or acceptance of the data or information and its preparation for inclusion in the repository;
- Storage, or long-term storage and maintenance of the data with appropriate procedures for preservation and error-checking;
- Data management, or maintenance of databases of descriptive metadata, appropriately updated and preserved;
- Preservation planning, including updating policies and procedures and monitoring the external environment, including the development of new technologies;
- Access, or management of the means by which users find, ask for, and receive data;
- Daily administration, including interaction with users, problem-solving, negotiation with data donors, and overseeing performance of the system.

(These functions are based on the Reference Model for Open Archival Information Systems [OAIS]. For specifications concerning this model, please consult the Electronic Records Archivist, Government Records Branch.)

State and local government offices accept and produce many different types of digital documents. In some instances, offices scan paper and create an image which then becomes the record. In others, offices accept electronic documents as part of their workflow and this document becomes the record. Additionally, state and local entities also create and manage large data files and databases such as geospatial information. This document is intended to address information both created and accepted by entities as a part of their business practice.

Before acceptance, data should be inspected and verified for operational use as the source intended, and for authenticity, integrity, and freedom from computer viruses. Restrictions or other conditions involving confidentiality or privacy, as well as proper retention and disposition provisions, need to be established. Data integrity must also be established through message digests or signatures, assuring that the data itself, its documentation, and all other descriptive and packaging information agree with that provided by the source. Digital validation should follow establishment of the data's integrity. The identity and integrity of the data must be periodically and systematically verified through such mechanisms as the Secure Hash Standard

(SHS) and Secure Hash Algorithms (SHA), the designated standard of the National Institute of Standards and Technology (NIST). Long-term preservation and use of digital data also depend upon the preservation of metadata and data documentation.

Organizations must also assemble methodologies, systems of hardware and software, and physical facilities to record, access, document, and protect digital data. Digital media themselves must be regularly tested and sampled for deterioration and continued accessibility. Provision must also be made for conversion or migration to new formats, storage media, and technologies. A digital risk management plan may include regularly scheduled migration of archival digital objects to new media. Care must be taken that hardware and software are maintained that can migrate archival data to new media. Documentation must be created and maintained that records information about all data formats, each type of media, required environmental conditions, processes for maintaining archival characteristics, and efforts to reduce risk. The digital data archivist or manager or a team of specialists should also assess data formats as digital technology advances and plan for formats that will become obsolete. Digital data will not be readable, useable, or legally acceptable, in the future without active management in this as in every other function listed above.

With regard to data format, documents need to be associated with useable data to assure sustainability and access. The capability of formatting the data contained in the document, or carried with the document, is important. Extensible Markup Language (XML) is a widely used and often preferred method for providing access to the data contained in the document. Along with industry standard definitions for the data, XML can provide both a standardized common dictionary and a common data structure for records custodians.

When considering XML, it is important to remember that agencies often do not create the documents submitted to them for recording, but rather accept and index documents submitted by others. Therefore, it is essential they adopt compatible standards in order to reuse what already exists. For example, the Property Records Industry Association (PRIA) has XML standards for county recorders. Standardization in the area of data formats will continue to be an issue requiring the closest attention by all stakeholders as well as interested members of the private sector.

Detailed written policies are needed for both active and long-term data management; records retention and disposition; appraisal and preservation; and disaster preparedness and recovery. Policies and procedures should address issues of confidentiality and privacy. They must be reviewed periodically and audited regarding enforcement and compliance.

Finally, physical maintenance of digital records requires stable, secure, environmentally controlled storage and operational facilities within a larger framework. This framework should include offsite facilities for storing duplicate copies of digital media as well as vital records including microfilm copies of vital records kept in paper format, and system backup copies that will be available after a natural or human-made disaster.

#### Best Practices for Archiving Electronic Records:

- Maintain at least 3 to 4 copies of the record. One copy should be designated as the
  preservation master; one copy should be designated as the access record; and one
  record should be designated as back-up. Having four copies allows margin should one
  copy fail. At least one of the duplicate copies should be stored off-site to ensure the
  information is preserved should an unforeseen disaster occur.
- Provide bit-level preservation storage of the record. If the preservation strategy includes migration of data, keep original bits for future solutions. Bit-level preservation includes maintaining the environmental controls to ensure optimal survival.
- Work from a copy of the material when migrating or making changes. Information may be lost during migration. If you work with the original copy, the information may be permanently lost.
- Metadata, secure hashing algorithms (SHA), and checksums as well as the data must be maintained and bundled together in order to preserve the integrity and admissibility of the data.

#### Best Practices—Policies and Procedures:

- Create and update policies and procedures defining proper development, maintenance, and use of the system. They should be available in electronic and hard copy print formats. These policies and procedures should include the metadata file required to interpret the records as well as technical components and characteristics necessary for reading, processing, accessing, using, and processing of records.
- Hold periodic training, regular retraining, and support programs that insure staff understands the policies and procedures.
- Update documentation about all permanent or archival electronic records sufficient to specify all technical characteristics necessary for reading and processing the records; identify all defined inputs and outputs from the system; define the contents of the files and records; determine restrictions on access and use; and understand the purposes and functions of the system.
- Describe update cycles or conditions and rules for adding information to the system, changing information in the system, or deleting information.
- Establish a security back-up routine based on best practices (e.g. daily, weekly, and monthly or as frequently as needed) to protect the information assets. Back-up materials should be stored off-site in case data restoration is needed.
- Establish secure off-site storage for all system password and operating procedure manuals (e.g. a bank safety deposit box.)
- Offices should have a robust disaster preparedness plan in place which addresses all
  copies of the data as well as identified off-site storage sites. Entities should identify
  critical series that would be needed to open the office should a disaster strike.
  Additionally, the disaster plan could have a mixed strategy of both warm and hot site
  recovery. Hot site recovery sites mirror all information at a remote site that can be
  activated in less than twenty-four hours if needed.

#### Best Practices—Integrity of Data:

- Metadata must be collected about the record and maintained with the record, either embedded in it, or stored separately. Descriptive metadata is used for the indexing, discovery, and identification of a digital resource. At a minimum, descriptive metadata should include creator, date, collector, and description. Land and property transactions should include the grantor/grantee names, title-file, date-file time, book and page, and description. Administrative metadata is information that is needed for the management of the digital object, which includes information regarding ownership, transfer information, access and display, and rights management. Preservation metadata that need to be collected includes the file format, record type, e.g. tax map or correspondence, the operating system, software configurations, the rights/security, and versioning information. For more information see <a href="http://www.ncecho.org/">http://www.ncecho.org/</a> and consult the metadata initiatives section.
- Security measures—Digital Fingerprinting
  - Information can be lost during transmission, migration, or when media breaks down or is corrupted. To ensure that the data does not and has not changed, you should perform a digital fingerprint procedure [e.g. digital certificates, Cyclical Redundancy Checksums or CRCs, and cryptographic hashing algorithms such as a Secure Hashing Algorithm (SHA)]. However, keep in mind that a CRC verifies the transmission of the document but not the document itself. A SHA verifies both the transmission and the information in the document itself. A digital fingerprint is unique to each document and verifies the integrity (unaltered state) of the document. When auditing the information or storage media, reproducing the digital fingerprint can determine if data has been lost. If you employ digital fingerprinting, retain the method by which it was applied so it can be recreated and compared to the original fingerprint.
  - Integrity of the record: If you elect to employ/allow digital fingerprints, you should have a migration strategy in place and a method to verify the fingerprint in the future so that it is preservable and upwardly migratable. As part of your migration strategy, a digital fingerprint should be created at the beginning and at the end of the migration to ensure that the numbers produced from the algorithm are the same. If the two "fingerprints" match, then no error occurred during the transmission or migration.
- Security measures—Authority Rights. If special authority is needed to access the information, indicate who has that authority and the data type (e.g. document or photograph).
- For admissibility of records, the content, context, and structure should be preserved.

#### Best Practices—System Parameters:

- Document the system that produced the record including the system hardware and software versions used to create the record. Policies and procedures for all aspects of system operation and maintenance, including procurement, data entry, quality control, indexing, corrections, expungement, redaction, back-ups, security, and migration, are all security mechanisms that serve as safeguards to protect against tampering and unauthorized access and printing.
- The following items should be maintained for archival entries:

- 1. All system equipment specifications.
- 2. Contact information for manufacturers and vendors.
- A description of all hardware and software upgrades to the system, including date of maintenance and version of software along with setting change, date, time, and name of operation.
- 4. Technical and user operation manuals.
- All policies and procedures related to access to and security of the records.
- Any changes made to the system or the process should be documented.
- The system should be capable of providing audit trails and system security. Effective
  audit trails can automatically detect who had access to the system, whether staff
  followed existing procedures, or whether fraud or unauthorized acts occurred or are
  suspected.
- A migration strategy should be established and implemented for regular recopying, reformatting, and other necessary maintenance to ensure the retention and usability of electronic records throughout their authorized life cycle. Migration needs to maintain the content of the records and any associated metadata required to interpret the records including record format or layout, contextual elements, and the data's relationship to other data.
- Document the controls that monitor the accuracy and authenticity of data, the reliability
  of hardware and software, and the integrity and security of the system.
- Use open-source software.
- Use preferred file formats for text documents such as rich text format (rtf), .pdf/a, PDF.
- Use preferred file formats for photographic and image documents such as TIFF Group 4 lossless compression, JPEG2000, SQL database.
- Copy immediately onto new media any permanent or archival electronic records stored on media with 10 or more permanent errors per volume.
- Copy all permanent or archival electronic records onto new media before the media is 5
  years old. While manufacturer specifications might promise a longer lifetime of media,
  independent tests show media degradation as early as five years. Additionally, new
  software technologies usually come to market within five years. Without the software to
  read the data, it becomes unreadable.

#### Best Practices-Media Preservation and Storage:

- Select appropriate storage media and environment.
- Store media in environmentally controlled conditions. Humidity should not exceed 50% and should not fall below 30%. Room temperature should be stable at 65 to 75 degrees Fahrenheit. Adhere to the media manufacturer's recommendations for specific environmental conditions in which the media should be stored.
- Never operate drive systems in environments with high levels of airborne particles.
- If using optical media, periodically clean optical media to remove dust and other particulates. In addition, periodically clean drivers that read the media to ensure their operation.
- To protect disks from warping, they should not be subject to pressure and should be stored in an upright position when not in the disk drive.
- For magnetic computer media tapes that contain permanent or archival electronic records, tapes should be rewound under constant tension at least every 2 years.
   Annually test a 3 percent statistical sample of all volumes, or 10 volumes of each type of

magnetic media, whichever is larger, to identify any loss of data and to discover and correct the causes of data loss;

- Labels for media should include the following identifiers:
  - Creator, date created, division or agency where created, name of agency, unit, and division that is responsible for the records on the disk; hardware, operating system, and software required to access the index or information on the disk; encoding standard and version; model of security or restricted access; sequential number or other specific identifier that identifies the disk in the series of disks used by the system; identification of the disk as master or back-up storage copy; retention dates of the information on the media; data classification as to whether stored off-site, confidentiality of the data, who can access it, who can read the data, and are there different models of confidentiality (e.g. are parts of the record public records while parts of it are confidential?)
- If the disk or other format is too small to include all of the information on the label, then
  establish a coding system that can be linked back to an index that holds all of the vital
  information. Documentation relating to the coding system and index must be maintained
  for as long as it relates to any labeled storage medium.

Electronic document images should be true copies of the documents from which they were made. A true copy is defined as being one that accurately reproduces an original document.

#### Best Practices—Eye to the Future:

 Practitioners of a trusted digital repository should take measures to keep abreast of and adapt to changing industry standards and technologies to ensure the survivability of the system.

#### Best Practices—Legal Admissibility Standards:

- The Uniform Photographic Copies of Business and Public Records as Evidence Act, (UPA) [US 1128-0020-00], permits the substitution of photographic copies for original documents for judicial or administrative purposes, provided that the copies are produced in the regular course of business and that no laws or regulations require retention of the original documents. Where these conditions are satisfied, the Uniform Photographic Copies of Business and Public Records as Evidence Act permits, but does not mandate, the destruction of original documents. In the case of North Carolina, however, specific exemptions are made, as follows:
- G.S. § 8-45.1. Photographic reproductions admissible; destruction of originals.
  - (a) If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation, X-ray or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such

reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

- (b) The provisions of subsection (a) of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Non-erasable, computer readable storage media shall not be used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department. (1951, ch. 262, s. 1; 1977, ch. 569; 1999-131, s. 1; 1999-456, s. 47(a).)
- G.S. § 153A-436. Photographic reproduction of county records.
  - (a) A county may provide for the reproduction, by photocopy, photograph, microphotograph, or any other method of reproduction that gives legible and permanent copies, of instruments, documents, and other papers filed with the register of deeds and of any other county records. The county shall keep each reproduction of an instrument, document, paper, or other record in a fire-resistant file, vault, or similar container. If a duplicate reproduction is made to provide a security copy, the county shall keep the duplicate in a fire-resistant file, vault, or similar container separate from that housing the principal reproduction.

If a county has provided for reproducing records, any custodian of public records of the county may cause to be reproduced any of the records under, or coming under, his custody.

- (b) If a county has provided for reproducing some or all county records, the custodian of any instrument, document, paper, or other record may permit it to be removed from its regular repository for up to 24 hours in order to be reproduced. An instrument, document, paper, or other record may be removed from the county in order to be reproduced. The board of commissioners may permit an instrument, document, paper, or other record to be removed for longer than 24 hours if a longer period is necessary to complete the process of reproduction.
- (c) The original of any instrument, document, or other paper received by the register of deeds and reproduced pursuant to this Article shall be filed, maintained, and disposed of in accordance with G.S. 161-17 and G.S. 121-5. The original of any other county record that is reproduced pursuant to this Article may be kept by the county or disposed of pursuant to G.S. 121-5.
- (d) If an instrument, document, or other paper received by the register of deeds is reproduced pursuant to this Article, the recording of the reproduction is a sufficient recording for all purposes.
- (e) A reproduction, made pursuant to this Article, of an instrument, document, paper, or other record is as admissible in evidence in any judicial or administrative proceeding as the original itself, whether the original is extant or not. An enlargement or other facsimile of the reproduction is also admissible in evidence if the original reproduction is extant and available for inspection under the direction of the court or administrative agency.
- (f) The provisions of this section shall apply to records stored on any form of permanent, computer-readable media, such as a CD-ROM, if the medium is not subject to erasure or alteration. Non-erasable, computer-readable storage media shall not be

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used for preservation duplicates, as defined in G.S. 132-8.2, or for the preservation of permanently valuable records as provided in G.S. 121-5(d), except to the extent expressly approved by the Department of Cultural Resources pursuant to standards and conditions established by the Department. (1945, c. 286, ss. 1-7; c. 944; 1951, c. 19, ss. 1-6; 1953, c. 675, ss. 23, 24; 1957, c. 330, s. 3; 1973, c. 822, s. 1; 1999-131, s. 4; 1999-456, s. 47(d).)

 Rule 1003 of the Uniform Rules of Evidence and Federal Rules of Evidence provides for admission of duplicate records in evidence unless serious questions are raised about the authenticity of original records from which the copies were made or, in specific circumstances, admitting a copy in lieu of an original is judged unfair. Rule 1003 does not require that duplicate records be produced in the regular course of business. It does not authorize or prohibit destruction of original records.

(This document was modified from an original submitted to the Electronic Recording Council of the Office of the Secretary of State and was adopted by the Council on June 20, 2006 as part of the North Carolina Electronic Recording Standards, approved by the Secretary of State on April 18, 2007.)

North Carolina State Archives April 1, 2008

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#### ADDENDUM A

#### Glossary of Terms

- Authentication: The act of tying an action or result to the person claiming to have performed the action. Authentication generally requires a password or encryption key to perform, and the process will "fail" if the password or key is incorrect.
- Digital signature: A complex string of electronic data that is embedded in an electronic document for the purposes of verifying document integrity and signer identity. A mainstay of the Public Key Infrastructure (PKI), digital signatures are the most effective method for ensuring non-repudiation for digital documents.
- Digitized signature: A representation, e.g. a scanned version, of a person's handwritten signature, existing as a computerized image file. Digitized signatures are just one of several types of electronic signatures, and have no relation to digital signatures.
- Document type definition (DTD): A document created using the Standard Generalized Markup Language (SGML) that defines a unique markup language (such as XHTML or XML). A DTD includes a list of tags, attributes, and rules of usage.
- Electronic signature: Any of several methods that links a person to a document or action
  using electronic data. According to electronic signature laws in the U.S. (including the
  federal Electronic Signatures in Global and National Commerce Act, E-SIGN, and the
  Uniform Electronic Transactions Act, UETA), any embedded electronic element can
  serve as a signature if a person embeds it with the intent to sign.
- Encrypt: To apply an encryption key to a message in order to make it unreadable in an effort to prevent unintended use of the information.
- Extensible Markup Language (XML): A computer language used to create markup languages. XML allows developers to specify a document type definition (DTD) or schema in order to devise new markup languages for general or specific uses.
- Hash function: A mathematical algorithm that takes an electronic document and creates a document fingerprint. The document fingerprint is much smaller than the original document, and does not allow the reconstitution of the original document from the fingerprint. A slightly different document, processed through the same hash function, would produce a very different document fingerprint. A hash function helps to secure data by providing a way to ensure that data are not compromised.
- Metadata: "Metadata is commonly defined as 'data about data.' Metadata is frequently used to locate or manage information resources by abstracting or classifying those resources or by capturing information not inherent in the resource. Typically metadata is organized into distinct categories and relies on conventions to establish the values for each category. For example, administrative metadata may include the date and source of acquisition, disposal date, and disposal method. Descriptive metadata may include information about the content and form of the materials. Preservation metadata may record activities to protect or extend the life of the resource, such as reformatting. Structural metadata may indicate the interrelationships between discrete information

- resources, such as page numbers." (Source: Richard Pearce-Moses: A Glossary of Archival & Records Terminology Society of American Archivists, 2005)
- Proprietary: Indicates that software or other employed technology is owned or controlled exclusively by the vendor. These solutions are not transferable to other systems and must be used only on the vendor's systems.
- Signature authentication: The process by which a digital signature is used to confirm a signer's identity and a document's validity.
- Signed digital document: An electronic document that includes an embedded digital signature. The digital signature contains an encrypted document fingerprint that allows anyone receiving the document to verify its validity using the process of signature authentication.
- Tagged information file format (TIFF): An image file format commonly used for photos, scanned documents, or other graphics. TIFF images are graphics that are made up of individual dots or pixels. Files in the TIFF format are distinguished by a .tif filename extension.
- •XML: Short for Extensible Markup Language (XML) is a general-purpose markup language. It is classified as an extensible language because it allows its users to define their own tags. Its primary purpose is to facilitate the sharing of structured data across different information systems, particularly via the Internet. It is used both to encode documents and serialize data. XML can be used to store any kind of structured information, and to enclose or encapsulate it in order to pass the information between different computing systems which would otherwise be unable to communicate.

# North Carolina Department of Cultural Resources State Library of North Carolina State Archives of North Carolina





Best Practices for Digital Permanence

Version 1.0

July 2013

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#### 1 Introduction

Today, many public records are either born digital or have been digitized. Regardless of format, these records need to be retained based on the record's retention and disposition schedule. Some of these records will have enduring or historical value; therefore, their retention schedule will require that the document be preserved for longer periods of time. Electronic records have a life cycle that includes the creation, management, and use of the digital object. Preserving a digital record throughout this life cycle presents unique challenges for records creators and users. This document discusses the threats to digital materials and strategies for digital records preservation and access.

This paper will cover the following:

- · Relevant North Carolina Statutes
- Discussion on the permanence of electronic records
- Threats to digital records
- · Types of digital media
- · How-to preserve a digital record through its life cycle

#### 1.1 North Carolina Statutes

Some public records are required to be retained "permanently." State statutes direct public employees to indefinitely retain records with enduring and historical value. In the North Carolina, those statutes include:

- NCGS § 132, Public Records Act tasks state employees with maintaining public records, which are the property of North Carolina citizens. Public records are defined as: "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." This law includes all records created in the course of public business regardless of format; therefore, electronic records must be maintained under the conditions of this law. Statute 132 can be found here: http://www.ncga.state.nc.us/gascripts/statutes/StatutesTOC.pl?Chapter=0132
- NCGS § 121, Archives and History Act instructs the Department of Cultural Resources to help public officials manage their public records, including providing assistance on preserving electronic records such as email, databases, and website. The Department of Cultural Resources will work with the agencies to create retention and disposition schedules that regulate the destruction of public records. Public records with enduring value will be transferred to the State Archives. Statute 121 can be found here: http://www.ncleg.net/gascripts/statutes/StatutesTOC.pl?Chapter=0121
- NCGS § 147-33.89, Business continuity planning tasks state agencies to "develop and continually review and update as necessary a business and disaster recovery plan with respect to information technology."<sup>2</sup> This means that state agencies must assess the types of disaster that could affect their technical

<sup>2</sup> G.S. §147.33-89(a). Business continuity planning.

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G.S. §132-1. Public Records Act.

infrastructure and then take the appropriate measures to mitigate the risk to data loss during those disasters. Creating a disaster recovery plan is an important component to long-term digital preservation.

If your agency makes a commitment to keep records permanently, you must properly manage and maintain those records in their original form. North Carolina requires state agencies to create human-readable preservation duplicates of analog records that have permanent value as identified in the records and disposition schedules. As described in §132-8.2, "preservation duplicates shall be durable, accurate, complete and clear..." Read more about the public records requiring human-readable preservation duplicated here: http://www.records.ncdcr.gov/guides/Humreadabledupspolicy050217.pdf

Similarly, if an electronic record is listed as having permanent value in your department's retention and disposition schedule, it is your responsibility to retain access to that record over time. Preservation of an electronic record includes ensuring authenticity of the original record and retaining the prescribed metadata. To read more about metadata as public record, click here: http://www.records.ncdcr.gov/guides/Metadata\_Guidelines\_%2020101108.pdf

#### 1.2 What do we mean by Permanent?

The practical application of retaining electronic records can be more complicated than the law suggest. Records management professionals have determined the practical implications of permanent retention of paper records but the digital age has ushered in a range of new dependencies and considerations. Digital materials' longevity is dependent on a host of elements within a records manager's control such as logical file naming conventions and choosing stable file formats. But there are also elements outside of our control that need to be managed such as storage media, hardware, operating systems, and software applications. Unfortunately, many public and private organizations are playing "catch-up" as a large amount of data has already been lost to the various threats. Section 2 Threats to Permanence of Digital Materials discusses these threats in more depth. However, it is important to note that rediscovering and recreating digital information is expensive. The Blue Ribbon Task Force on Sustainable Digital Preservation and Access highlighted the economic advantage of a preservation plan over having to recreate lost digital items. The report notes that the "benefits of preservation may be most compellingly expressed in terms of negative benefits-the costs incurred if data are not preserved. These costs may reflect the time and effort needed to recreate the information or, if it cannot be recreated, the kinds of uses that would then not be possible."4 The big take-away is that maintaining digital permanence is an ever-evolving task. Once a commitment is made to preserving digital materials, it is important to stay apprised to changing technology and standards in order to ensure the longevity of record use; otherwise, it is easy to succumb to data loss.

#### 1.3 Definitions

Born-digital records: Information created in electronic format. Examples include documents created in Microsoft Word, databases, and online content such as websites.

Checksums: An error-detection mechanism in which a transmitted digital message is accompanied by a numerical value based on the number of set bits in the message. Once that message makes it to its destination, the same formula is applied to the message to checks to

<sup>3</sup> G.S. §132-8.2. Public Records Act.

<sup>&</sup>lt;sup>4</sup> "Sustainable Economics for a Digital Planet: Ensuring Long-Term Access to Digital Information." The Blue Ribbon Task Force on Sustainable Digital Preservation and Access, Feb. 2010. Web.

make sure the accompanying numerical value is the same. If not, the receiver can assume that the message has been altered.

Digital object: It is a single unit of digital content, such as a document, a photograph, or an audio file that is accessible through electronic format. A digital object is made up of multiple components including code that comprises word or images, and metadata that helps describes the object.5

Digitized records: Records that have been converted from an analog copy to a digital form, through scanning or other forms of digital reproduction.6

Electronic (or digital) record: An electronic record is a record that can be stored, transmitted or processed by a computer; an electronic record is maintained in a coded format and can only be accessed by using a computer that converts the codes into human-readable text, images, or sounds.7

Migration: The process of moving data from one information system or storage medium to another to ensure continued access to the information as the system or medium becomes obsolete or degrades over time.8

Metadata: Metadata is structured information that describes, explains, and/or locates an electronic file. Metadata provides answers to questions like "what is it," "where did it come from," and "who created it"?9

Preservation plan: Addresses an institution's overall preservation goals for electronic records and provides a framework that defines the methods that will be used to reach those goals. 10

Records Series: A group of similar records that are related by being created, received, or used in the same activity. 11 Retention and Disposition schedules divide records into series for the purpose of determining the length of retention.

Retention and Disposition Schedule: A document that identifies and describes an organization's records, usually at the series level, and provides instructions for the disposition of records throughout their life cycle. 12

Trustworthiness: The quality of being dependable and reliable. For electronic records, trustworthiness often implies that the system is dependable and produces consistent results based on well-established procedures. 13

Millar, L. (2010). Archives: principles and practice. New York: Neal-Schuman Publishers, 208.

<sup>&</sup>lt;sup>5</sup> Millar, L. (2010). Archives: principles and practice. New York: Neal-Schuman Publishers. 208,

Migration, A Glossary of Archival and Records Terminology, http://www2.archivists.org/glossary/terms/m/migration. Accessed April

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<sup>&</sup>lt;sup>13</sup> Trustworthiness, A Glossary of Archival and Records Terminology, www2.archivists.org/glossary/terms/, accessed March 2013.

#### 2 Threats to Permanence of Digital Materials

Electronic records face challenges that have not been issues for the preservation of paper records. These new threats will require that records' creators and managers vigilantly address these issues in order to ensure the long-term preservation of and access to electronic records. Digital materials cannot wait until they are transferred to the State Archives before the preservation process begins. Instead, records' creators have to take an active role in beginning the preservation process. Part of beginning this process is to be aware of some of the issues that plague electronic records and taking measures to evade those problems. The following section lists some of the problematic issues related to digital materials.

#### 2.1 Application Obsolescence

Traditionally preservation meant keeping items unchanged and in their original format. Due to the constant evolution of hardware and software, digital information is becoming increasingly vulnerable to obsolescence. Obsolescence occurs when old technology is replaced by a newer version and materials created on the outdated technology are no longer accessible on the new technology. In today's competitive market, hardware and software companies come and go at a rapid rate. As such, much of the hardware and software used today may not be available in the near future, and digital public records may be unreadable by new systems. File formats and applications must also be compatible with replacement systems. If digital records are not converted to formats that are congruent to new systems, there is risk of loss by obsolescence.

When possible, use open-standard software or save files you want to keep in open-standard file formats. An open-standard or sustainable format is one that increases the likelihood of a record being accessible in the future. To assist you, the Department of Cultural Resources has published *File Formats Guildelines for Management and Long-Term Retention of Electronic Records*. Recommended formats include TIFF for photographic image files, PDF/A-1-a and XML for text files, and AVI for video files. View the document here: www.digitalpreservation.ncdcr.gov

Additionally, to prevent records from becoming incompatible with modern systems and applications, records' users can employ migration techniques. When new hardware is purchased, immediately transfer data from the old hardware. Also, if new software is used, move digital records into the new programs and applications so that the records do not remain in the superseded structures. Migrating large amounts of records can be difficult; however, the staff from the Digital Services Section of the State Archives and the Digital Information Management Program of the State Library are available to provide assistance. Click here for more information: http://www.archives.ncdcr.gov/

Migrating digital records is important to retain content, but it is also beneficial to maintain the original version in its native format. By maintaining the integrity of the source data, one lessens the chance of losing the data altogether and increases the chances that migration will produce a successful copy. Researchers have argued that it is easier to recover data from its original source than from its copies, especially after several migrations.

#### 2.2 Corruption

Paper materials decay over time, but professional preservation techniques reverse some of the corrosion and slow future processes of degradation. Digital records do not decompose

like paper and other analog records, but they do face a unique set of preservation issues. Digital materials are made up of 'bits' – a series of digits that stand for the material's information or content. These strings of digits are read by a device such as a computer and displayed or communicated for the human eye. However if one of these bits is corrupted, the entire record becomes corrupted. One alteration in bits can result in the record's effective death.

Corruption also relates to the vulnerability of digital materials. Ensuring trustworthiness in digital records requires consideration of network access, encryption settings, and system protections. It is recommended that technology professionals and public employees run regular virus scans and employ appropriate password protections to shield permanent records from potentially harmful access. Even a seemingly small alteration such as changing the last access date of a record can alter its reliability and usefulness as a permanent record. Minimizing substantive modifications of the records after production or migration is also recommended to maintain integrity.

#### 2.3 Completeness

Another important consideration for the preservation of digital materials is the retention of accompanying metadata or other contextual information. Metadata is structured information that describes, explains, and/or locates an electronic file. Examples include the file name, creation date, and modification history. Metadata can help fill in the gaps so that records are more comprehensible and relevant to the user. When preserving electronic files, it is recommended that metadata be kept in a manifest or spreadsheet so that future users understand where a file is located and its purpose. For more information on metadata see Metadata in North Carolina: Best Practices Guidelines for Its Retention and Disposition. http://digitalpreservation.ncdcr.gov/policies.html

#### 2.4 Findability

There is a proliferation of digital materials in the workplace. Proper management of electronic records has never been more important. Digital files can become essentially lost and useless if one cannot locate them or if multiple copies are on different drives outside of the architecture developed by IT professionals. Active management practices of digital files ensure that they can be found for use in your office or in the case of a public records request. Employees need to be able to differentiate between the many digital records in order to carry out a productive preservation plan for permanent records. One of the simplest steps public employees can take to improve the management of their digital records is to employ conscientious file-naming customs. Consistent file-naming helps employees organize and locate records. Please refer to the following best practices document for tips regarding file-naming: http://digitalpreservation.ncdcr.gov/policies.html

Also, view these short informational videos on file-naming: http://digitalpreservation.ncdcr.gov/tutorials.html

#### 2.5 Mutability of Electronic Records

Electronic records can easily be changed and updated. However, this convenience also presents challenges for record-keepers. An electronic record can be edited with little indication of if and when those changes were made. To create an authentic record, it is important that the electronic record be preserved in a stable manner so that changes are not made either purposely or accidently. Again, practicing descriptive and consistent file-naming is important to indicating major changes to a record. For each new version, the file can be saved with the

version number in the file name. Additionally, descriptive file naming provides context to the content of the electronic records. This context will give clear indication when major changes to the record have been made.

#### 3 Strategies for Digital Preservation

#### 3.1 Types of Digital Media

Electronic records are saved on three main types of media—magnetic, optical, and solid state.

**Magnetic:** Digital information is encoded as microscopic magnetized needles on the surface of the magnetic medium being used. <sup>14</sup> Two commonly used magnetic mediums are (1) disks and (2) tape.

- (1) Magnetic disks are the most common type of permanent data storage. Disks include a computer's internal hard drive, which saves your computer programs and documents; and external hard drives that connect to your computer through a port and provide additional storage options. The advantage to magnetic disk storage is that it relatively inexpensive and it allows for fast access to data. The disadvantage to magnetic disks is that it can be affected by environmental factors including magnetic fields and dust. Over time, hard disks can fail, which can lead to data loss.
- (2) Magnetic tape can be reel-to-reel or cartridge format. It is used primarily for data storage of large amounts of information because it is relatively inexpensive. It is slightly more cumbersome since it provides sequential access, meaning you have to go through all preceding data before finding the information you may need. Sequential access differs from random access which allows the user to access the data at an arbitrary period of time. Magnetic tape has a life span of about 15 to 30 years.<sup>15</sup>

Optical: Optical drives use focused lasers to create microscopic holes on the surface of the medium. These holes represent coded data. The lasers are used to both write and read data. CDs, DVDs, and Blue-Ray disks are all examples of optical disks. Advantages to optical disks are that they are portable, fairly inexpensive, and durable. Some disks, such as CD-R and DVD-R, do not allow data to be overwritten. Disadvantages to optical disks include the limited amount of storage space and they can be expensive compared to other types of media. From a preservation standpoint, optical disks present several challenges. First, they require other drives to read and write on the disks, and therefore, there can be compatibility issues, especially at the rate technology changes. Second, the life expectancy of a CD/DVD is about 5 years, which does not make it a solution for long-term preservation of digital materials.

For recommendations related to physical protection of DVDs and CDs, please refer to the following document: www.ncdcr.gov/archives

<sup>16</sup> White, R. (2008). How computers work (9th ed.). Indianapolis, IN: Que Pub.

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<sup>&</sup>lt;sup>14</sup> Electronic Records Management Guidelines: Digital Media, Minnesota Archives, March 2012, http://www.mnhs.org/preserve/records/electronicrecords/erdigital.html

<sup>2012.</sup>http://www.mnhs.org/preserve/records/electronicrecords/erdigital.html <sup>15</sup> lbid.

Solid State Storage Device (SSD): Solid state media uses flash memory for data storage. <sup>17</sup> Flash memory can be erased and reprogrammed; however, there are limitations on the number of times this can occur before the device will begin to fail. Examples of SSDs include flash memory cards, USB flash drives, and solid state hard drives. These devices connect to a computer through a card reader or USB port to exchange the saved data. Advantages to SSDs are that they are durable, they have a longer life expectancy than most optical drives, and they retrieve data quickly. One disadvantage of SSDs is that they are expensive; however, with technological advances, SSD are getting cheaper and have increased their data storage capacity. From a preservation standpoint, one of the disadvantages of SSDs is that they are vulnerable to magnetic fields and electric or static charges leading to potential data loss. Additionally, media devices that are portable are more likely to come into contact with other environmental factors that will increase risks for data loss. Therefore, they are not recommended for long-term preservation.

#### Steps to maintaining digital media

Studies have shown that under optimal conditions the life expectancy of magnetic media ranges from 10 to 20 years and up to 30 years for optical media; however, be cautious of vendors that claim longer life expectancy rates than industry standards. Additionally, wear and tear of these materials can lower their life expectancy. Recognizing the type of data storage you are using helps in the long-term planning of your electronic records. You may be required to migrate your data from one device to another to ensure that your records remain usable and authentic. Additionally your office can take the following precautions:

- Use high quality storage media and batch test newly purchased storage devices to ensure they are not defective.
- · Prohibit eating and drinking in areas where storage devices are being held.
- Store these devices in a cool, dry place and keep the area free from dust and other environmental contaminants.

For additional information on types of digital storage media, see the GeoMAPP Storage Primer located here: http://www.geomapp.com/docs/GeoMAPP Storage Primer final 20111231.pdf

#### 3.2 Cloud Computing and Storage

The National Institute of Standards and Technology (NIST) defines cloud computing as a "model for enabling convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction." Cloud computing allows you to retrieve, use, and store records regardless of computing device or location. The service provider maintains the equipment used to create and store the data. Cloud computing can be used as another source to store a copy of your data. However, there are several challenges to using cloud storage including managing all additional copies and syncing them so that the copy saved in cloud matches the copy stored locally. As long as you have a local copy, you can use cloud storage as part of your data management strategy. Section 3.3 discusses in more detail the benefits and challenges of saving multiple

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<sup>&</sup>lt;sup>17</sup> Electronic Records Management Guidelines: Digital Media. Minnesota Archives. March 2012.http://www.mnhs.org/preserve/records/electronicrecords/erdigital.html

<sup>&</sup>lt;sup>18</sup> Electronic Records Management Guidelines: Digital Media. Minnesota Archives. March

<sup>2012. &</sup>lt;a href="http://www.mnhs.org/preserve/records/electronicrecords/erdigital.html">http://www.mnhs.org/preserve/records/electronicrecords/erdigital.html</a>

<sup>&</sup>lt;sup>19</sup> Peter Mell and Timothy Grance, The NIST Definition of Cloud Computing (Draft), NIST, January 2011. http://csrc.nist.gov/publications/drafts/800-145/Draft-SP-800-145\_cloud-definition.pdf

copies. Additionally, cloud vendors do not guarantee data integrity; therefore, it is recommended that there are checksums in place prior to moving files out of the cloud.<sup>20</sup>

Different cloud vendors will provide varying degrees of long-term preservation functionality. It is important to consider what you need from a cloud service in order to have it fit into your preservation plan before choosing a vendor. Some providers will have more robust options for managing and storing metadata, searching content, and verifying checksums. Once a vendor is chosen, the contract should be written in a way that is consistent with your preservation plan. Additionally, this contract should include clear expectations if data is to be moved from one provider to another. Some cloud vendors make it difficult and costly to move data from one cloud to another.<sup>21</sup>

Currently, State agencies must adhere to Session Laws of North Carolina, SL 2011-39. §11(c), which mandates that "State agencies developing and implementing information technology projects/applications shall use the State infrastructure to host their projects." However, an exception to this requirement may be granted if approved by either the State Chief Information Officer on the basis of technology requirements or by the Office of State Budget and Management based on cost savings. If your office decides to maintain records in the cloud, it is important to review the possible implications to your records management strategy. For more information, review the Department of Cultural Resources' "Best Practices for Cloud Computing Records Management Considerations Guide:" www.ncdcr.gov/archives

#### 3.3 Preservation of a Digital Record through its Life Cycle

Much like a paper record, digital records have a life cycle. The life cycle of a digital record includes its creation, management, and use and re-use. It is important to take an active role in preserving the document at each stage of the record's life cycle.

#### Creation:

Preservation of an electronic record begins with its creation. Therefore, the record creator is integral to the long-term longevity of the data she produces. The creator should add relevant metadata; save the record in a recommended file format; and give the record a descriptive file name.<sup>23</sup>

As noted in other places in this document, there are many resources available to assist creators in taking steps to preserve their electronic records.

- Metadata as a Public Record in North Carolina: Best Practices Guidelines for Its Retention and Disposition: http://digitalpreservation.ncdcr.gov/policies.html
- File Format Guidelines for Management and Long-Term Retention of Electronic Records http://digitalpreservation.ncdcr.gov/policies.html
- Best Practices for File-Naming: http://digitalpreservation.ncdcr.gov/policies.html

North Carolina Department of Cultural Resources. Digital Preservation Best Practices and Guidelines: I create Files. Digital Preservation Education for NC State Government Employees. http://digitalpreservation.ncdcr.gov/

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Report on Digital Preservation and Cloud Services (Public). Minnesota Historical Society and Instrumental, Inc March 3013. <a href="http://www.mnhs.org/preserve/records/docs\_pdfs/Instrumental\_MHSReportFinal\_Public\_v2.pdf">http://www.mnhs.org/preserve/records/docs\_pdfs/Instrumental\_MHSReportFinal\_Public\_v2.pdf</a>
Ibid.

<sup>22</sup> Session Laws of North Carolina 2011-391 (HB 22).

#### Management:

Electronic record creators may become managers of those records or another employee may become responsible for maintaining records created by others in her office. Effective electronic records management includes understanding the scope of the materials you have to manage; running regular virus checks to ensure the digital records are saved in a safe environment; storing more than one copy in multiple locations; and ensuring that the file formats are still readable on current technology. <sup>24</sup> If an electronic document is about to become obsolete, it is the responsibility of the manager to employ a preservation strategy to migrate or emulate the record.

#### LOCKSS

As part of an electronic records management strategy, it is recommended that more than one copy of the record be stored in multiple locations. This model is known as "Lots of Copies, Keep Stuff Safe (LOCKSS)." Preserving electronic records in a distributed manner helps reduce potential technical threats faced by digital materials and ensures longevity. However, when employing LOCKSS, it is important to have a workflow in place to keep track of the various copies especially if they are stored on multiple drives or in cloud storage.

#### Use and Re-Use:

Users can assist records managers in preserving digital materials by providing feedback if there is trouble finding or accessing an electronic record. The symbiotic relationship between the user and record manager will help ensure that digital materials are cared for in a manner that promotes a long life span of the record.

For more information about digital preservation during a record's life cycle, visit the Digital Preservation Education for NC State Government Employee webpage on Digital Preservation Best Practice and Guidelines, located here: http://digitalpreservation.ncdcr.gov/

Additionally, you can print the "State employee checklist for digital preservation" one-sheet to assist with the daily management of electronic records. http://digitalpreservation.ncdcr.gov/checklist\_dig\_pres.pdf

#### 3.4 Electronic Records as Public Records

Public records need to be regularly backed up, especially those records with permanent retention. Files can be backed up at a remote location or on a network drive. If digital records are copied onto an external format such as a CD or microform, multiple copies should be made and stored in different locations. Having multiple copies reduces the risk of losing the primary content of the records. For most permanent records, preservation duplicates are required and must be stored in an off-site location. These preservation duplicates must be in a human-readable format – paper hard copy or microfilm. The State Archives stores preservation duplicates for North Carolina agencies and local governments. For more information on human-readable preservation duplicates, please see: www.ncdcr.gov/archives

#### 3.5 Disaster Preparedness

Another essential piece to the planning process is disaster preparedness and response. Since agencies' permanent records are considered essential, disaster protections should be

25 Stanford University. Lots of copies, keep stuff safe. <a href="http://www.lockss.org/">http://www.lockss.org/</a>

<sup>24</sup> Ibid

among the first established. Consult an IT professional to ensure that all electronic records are being backed-up regularly. Additionally, each agency should have policies in place to outline specifications for data backups including how often backup files are made and the length those backup files are kept. However, IT backups are designed to aid in a recovery situation, not ensure preservation or permanence. Disaster preparedness is just one of the initial steps to long-term preservation of electronic records.

#### 4 Conclusion

The key to compliant and responsible record-keeping is planning. Digital preservation is based on risk and access management—guaranteeing future usability of and accessibility to digital content. This process warrants attention to the issues discussed in this document, among others. Agencies' unique concerns should be worked through in the preservation planning process according to priority.

#### 5 Additional Resources

North Carolina Guidelines for Managing Trustworthy Public Records Produced, Version 2.0 http://www.ncdcr.gov/Portals/26/PDF/guidelines/guidelines\_for\_digital\_public\_records.pdf

North Carolina Department of Cultural Resources "Digital Preservation" webpage http://digitalpreservation.ncdcr.gov/index.html

North Carolina Department of Cultural Resources "Best Practices for Management and Preservation of Digital Media" document www.ncdcr.gov/archives

Library of Congress "Digital Preservation" webpage http://www.digitalpreservation.gov/index.html

OCLC Digital Archive Preservation Policy and Supporting Documentation http://www.oclc.org/support/documentation/digitalarchive/preservationpolicy.pdf

Electronic Records Management Initiative (ERM) http://www.archives.gov/records-mgmt/initiatives/erm-overview.html

GeoMapp Storage Primer: http://www.geomapp.com/docs/GeoMAPP Storage Primer final 20111231.pdf

#### Code of Ethics

#### for the

#### Board of Aldermen

of

#### The City of New Bern, North Carolina

#### PREAMBLE

THAT WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty"; and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, Esse quam videri, "To be rather than to seem"; and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards and councils to adopt a code of ethics; and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of the City of New Bren, and with obeying the law.

NOW, THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of New Bern, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Board of Aldermen of the City of New Bern do hereby adopt the following to guide the Board of Aldermen in its lawful decision-making:

#### GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Board members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Board members must always remain aware that at various times they play different roles:

- As advocates, who strive to advance the legitimate needs of their citizens.
- As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions.
- As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Board members must be aware of their obligation to conform their behavior to standards
  of ethical conduct that warrant the trust of the constituents. Each official must find
  within his or her own conscience the touchstone by which to determine what conduct is
  appropriate.

#### CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Board of Aldermen, and to help to determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Board members should obey all laws applicable to their official actions as members of the Board. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because of disagreeing with that board member on a question of policy (and not because of the board member's behavior) is unfair, irresponsible, and itself unethical.

Board members should endeavor to keep up to date, through the board's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the board may receive concerning specific situations that arise.

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values.
- Behaving consistently and with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they
  are doing.
- Using their best independent judgment to pursue the common good as they see it, presenting their opinion to all in a reasonable, forthright, consistent manner.

- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.
- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
  - Treating other board members and the public with respect and honoring the opinions of others even while the board members disagree with those opinions.
  - Not reaching conclusions on issues until all sides have been heard.
  - Showing respect for their offices and not behaving in ways that reflect poorly on those
    offices.
  - Recognizing that they are a part of a larger group and acting accordingly.
- Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that the board must take official action as a body.
- · Avoiding conflicts of interest.

Section 3. Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section 4. Board members should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the government unit. They should prohibit unjustified delay in fulfilling public record requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purpose for which they are called.

MAYOR

ADOPTED THIS 14th DAY OF DECEMBER, 2010.

Vieronia E. Ma

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# RESOLUTION

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

That the amended Rules of Procedure of the Board of Aldermen of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference, be and the same are 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 9th DAY OF JANUARY, 2018.

DANA E. OUTLAW, Mayor

#### Board of Aldermen

of the

City of New Bern

#### Rules of Procedure

#### I. Applicability

These rules apply to all meetings of the Board of Aldermen of the City of New Bern at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

#### II. Regular, Special and Emergency Meetings

#### Rule 1. Regular Meetings

The board of aldermen shall adopt a schedule of its regular monthly meetings prior to the commencement of each calendar year. Regular meetings of the board of aldermen shall be held at city hall, located at 300 Pollock Street, New Bern, North Carolina, and shall begin at 6:00 p.m. A current copy of the board's regular meeting schedule shall be filed with the city clerk, and available on the city's official website.

#### Rule 2. Special, Emergency, and Recessed Meetings

(a) Special Meetings. The mayor, or two members of the board of aldermen may at any time call a special meeting of the board. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) given to each board member; (2) posted on the board's principal bulletin board or, if none, at the door of the board's usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk.

A special meeting may also be called or scheduled by vote of the board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the board's principal bulletin board or, if none, at the door of the board's usual meeting room and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present; and (2) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

(b) Emergency Meetings. The mayor, or two members of the board of aldermen may at any time call an emergency meeting of the board by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each board member and to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request with the city clerk, and whose request includes the newspaper's, wire service's, or station's telephone number. Notice to the news media shall be given at the expense of the party notified.

Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the board. Only business connected with the emergency may be considered at an emergency meeting.

- (c) Recessed Meetings. A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular, special, or emergency meeting.
- (d) Cancellations. Any regular, special, or recessed meeting of the board of aldermen shall be cancelled upon a declaration of a state of emergency by the Craven County Department of Emergency Services. In the event of such a cancellation, the city shall notify the local media of the cancellation, and to the extent possible, cause a notice of the cancellation to be posted at the door of the board's usual meeting room.

#### III. Organization of the Board

#### Rule 3. Organizational Meeting

The board shall hold an organizational meeting at its regular meeting place at 6:00 p.m. on the second Tuesday in December following a regular municipal election, and quadrennially thereafter. Initially, the previous board shall convene, at which time it shall approve any prior minutes and may consider any unfinished business it desires to complete. It shall then adjourn *sine die*. Immediately following, the newly elected board shall convene and take and subscribe the oath of office as the first order of business. As the second order of business, the board shall elect a mayor pro tem, using one of the nomination and voting procedures set out in Rule 25. The mayor pro tem shall act as mayor whenever the mayor shall be absent from the city or be prevented by sickness or other cause from attending to the duties of his office, and he shall possess all the rights and powers of the mayor during the continuance of such vacancy, absence or disability. The mayor shall preside at meetings of the board of aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by the City Charter, and the ordinances of the city. The mayor shall have the right to vote on any question before the board of aldermen.

#### IV. Agenda

#### Rule 4. Agenda

- (a) Agenda. The city manager shall cause to be prepared an agenda and agenda package for each meeting. A request to have an item of business placed on the agenda may be raised by any board member as 'new business' on the agenda, and upon receiving a majority vote, shall be placed on a future agenda as directed. An agenda package shall include, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce, and shall contain a copy of all proposed resolutions and ordinances as may appear on the agenda. Each board member shall receive a copy of the proposed agenda and agenda package no later than three (3) days prior to each regular meeting in either digital or hard copy form, as requested by each board member. The proposed agenda and agenda package shall also be available for public inspection and appear on the city's official website no later than three (3) days prior to each regular meeting, or as soon as possible if three (3) days is not practical. Nothing in this section shall preclude the city manager from modifying the proposed agenda and agenda package at any time prior to a board meeting as the city's business dictates.
- (b) Adoption of the Agenda. As its first order of business at each meeting, the board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The board may by majority vote add items to or subtract items from the proposed agenda, except that the board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

The board may designate certain agenda items "for discussion and possible action." Such designation means that the board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

(c) Open Meetings Requirements. The board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. However, the board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

#### Rule 5. Petition of Citizens.

The board shall provide at least one period for public comment per month at its first regular monthly meeting of the board. In compliance with N.C.G.S. §160A-81.1, the board establishes the following policy for monthly public comments at the first regular meeting of the board of

aldermen each month. The clerk shall provide sign-up forms at the entry to the city hall meeting room prior to each meeting for persons who desire to address the board. Forms shall be available until the commencement of the board meeting. The purpose of the time for informal public comments is to allow for public input to the board on issues germane to the city. It is not intended to compel board members or staff to answer questions in an impromptu manner.

Each speaker will speak from the podium, and begin their remarks by giving their name, stating whether or not they are residents of the city, and stating the topic about which they intend to speak. Comments will be directed to the full board, not to an individual board member, staff members, or the audience. 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. Speakers may not yield any of his or her time to another speaker.

Speakers must be courteous in their language and presentation. Personal attacks will not be tolerated. Speakers may leave written comments and/or supporting documents, if any, with the clerk to the board.

If at the beginning of the public comment period, the mayor determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of city business or cause undue inconvenience to citizens in attendance for other items on the agenda, the mayor may require the designation of spokesman, or the selection of delegates, for groups of persons supporting or opposing the same positions, whose time shall be limited to a maximum of 4 minutes. The mayor may also move the period for public comment to some time later in the meeting.

Notwithstanding the mayor's prerogatives under this Rule 5, any decision of the mayor may be appealed and overruled by a majority of the Board.

### Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- 1. Discussion and revision of the proposed agenda; adoption of an agenda
- Public hearings
- Administrative reports
- 4. Approval of minutes
- Appointments
- Attorney's report
- 7. City manager's report
- 8. New Business
- 9. Closed session, if any

By general consent of the board, items may be considered out of order.

#### V. Conduct of Debate

### Rule 7. Presiding Officer

The mayor shall preside at board meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. In order to address the board, a member must be recognized by the mayor.

If the mayor is absent, the mayor pro tem shall preside. If both the mayor and mayor pro tem are absent, another member designated by majority vote of the board shall preside. The mayor pro tem, or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the presiding officer becomes actively involved in debate on a particular matter, he or she may designate another board member to preside over the debate. The presiding officer shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;

To entertain and answer questions of parliamentary law or procedure;

To call a brief recess at any time;

To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

### Rule 8. Action by the Board

- (a) The board shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 25.
  Any member, including the mayor, may make a motion
- (b) Attendance via Simultaneous and/or Electronic Communication. In order to participate in a meeting via simultaneous and/or electronic communication, the following criteria

### must be met:

- The official meeting was properly noticed under G.S. 143-318.12 and under any other requirement for notice applicable to the board.
- The member or members participating from a remote location by simultaneous communication can fully participate in the deliberations.
- The member or members of the board participating from a remote location by simultaneous communication can be heard by the other members of the board and any other individual in attendance at the official meeting.
- The vote of the member or members of the board participating from a remote location by simultaneous communication is not by electronic mail or facsimile.
- 5. If the Mayor is participating from a remote location by simultaneous communication, the mayor pro temp or some other member of the board who is physically present shall preside at the official meeting. The Mayor or presiding officer of the board participating from a remote location by simultaneous communication shall retain the same voting rights he or she has when presiding.
- The official meeting, or part of an official meeting with a member or members of the board participating from a remote location by simultaneous communication is not allowed in any quasi-judicial proceeding.
- 7. No written ballots may be taken at the official meeting with a member or members of the board participating from a remote location by simultaneous communication.
- 8. If the official meeting involves a member of the board participating from a remote location by simultaneous communication by which the member or members cannot be physically seen by the public body, that member must comply with all of the following:
- (i) The participation of the member or members must be announced when the meeting is commenced or at the beginning of participation.
- (ii) The member identifies himself or herself prior to participating in the deliberations during the official meeting.
  - (iii) The member identifies himself or herself prior to voting.
- The member or members participating from a remote location by simultaneous communication shall have been provided with any documents to be considered during the official meeting.

### Rule 9. Second Required

A motion requires a second before the board may proceed with discussion or action on the motion.

#### Rule 10. One Motion at a Time

A member may make only one motion at a time.

#### Rule 11. Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

### Rule 12. Adoption by Majority Vote

- (a) A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.
- (b) A roll call vote shall be required for the following actions:
  - Adoption of an ordinance;
  - Adoption of a written resolution; and
  - 3. Upon the request of the mayor, or at least two (2) other members of the board

### Rule 13. Voting by Written Ballot

The board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the city clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

#### Rule 14. Debate

The mayor shall state the motion and then open the floor to debate. The mayor shall preside over the debate according to the following general principles:

- The maker of the motion is entitled to speak first;
- A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- To the extent possible, the debate shall alternate between proponents and opponents of the measure.

### Rule 15. Ratification of Actions

To the extent permitted by law, the board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

#### Rule 16. Procedural Motions

- (a) Certain Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.
- (b) Order of Priority of Motions. In order of priority (if applicable), the procedural motions are:
- Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.
- Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 2(c).
- Motion 3. To Take a Brief Recess. This motion allows the board to pause briefly in its proceedings rather than to recess to a time and place certain.
- Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.
- Motion 5. To Suspend the Rules. The board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the board rather than of a quorum present.
- Motion 6. To Go into Closed Session. The board may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a):
- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning

of Chapter 132 of the General Statutes;

- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award;
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded;
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session;
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract;
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting;
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct;
  - (8) To formulate plans by a local board of education relating to emergency response to

incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team; or

(9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the board expects to receive advice during the closed session, if in fact such advice is to be received.

Motion 7. To Leave Closed Session. This motion is made to return from a closed session to an open meeting.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 9. To Defer Consideration (also, To Table). The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 16(b), Motion 14], or else move to suspend the rules [Rule 16(b), Motion 5].

Motion 10. Motion for the Previous Question. The motion is not in order until there have been at least twenty (20) minutes of debate and every member has had an opportunity to speak once.

Motion 11. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules [Rule 16(b), Motion 5].

Motion 12. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty (60) days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.

Motion 13. To Amend.

- (a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.
- (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.
- (c) Any amendment to a proposed ordinance or resolution shall be reduced to writing before the vote on the amendment.
- Motion 14. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.
- Motion 15. To Reconsider. The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the "nos" prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.
- Motion 16. To Rescind or Repeal. The board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.
- Motion 17. To Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to a majority of the entire membership of the board, rather than of a quorum. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the board, whichever occurs first.

### Rule 17. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

#### Rule 18. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

### Rule 19. Duty to Vote

Every member must vote unless excused by the remaining members of the board. A member who wishes to be excused from voting shall so inform the presiding official, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the board or by law, or the member's official conduct, as defined by the board. In all other cases, a failure to vote by a member who is physically present in the board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

#### Rule 20. Conflicts of Interest

- (a) Implicit in the operations and conduct of city government is the constant expectation that the board recognize that in all their transactions and at all times they are subject to the duty of undivided loyalty to the city. The nature of their obligations is such that it demands positive action on their part to affirmatively protect and promote the interest of the city committed to their care, and at all times to avoid situations where their self-interests, actual or apparent, may be of such nature or extent as to conflict with performance of that primary responsibility.
- (b) The scope of human activity is so broad that it is unadvisable to attempt to enumerate here all possible areas in which a conflict of interest might arise. Consequently, the following is an illustrative list only, and is not intended to proscribe all aspects of the conduct of the board in their capacity as city elected officials:
- No member of the board should use their positions or the knowledge gained therein in such manner that a conflict between the city's interests and their personal interests arise. Both the fact and the appearance of the conflicting interests are to be avoided.
- Members of the board should refrain from transmitting any knowledge of city considerations or decisions or any other information which might be prejudicial to the interest of the city to any person other than in connection with the discharge of their responsibility.
- If any applicable statutes or laws exist, strict compliance with the provisions of such statutes or laws is expected, whether local, state or federal.
- 4. Whenever a board member has a personal interest, whether individually or through another party that has or may have business dealings with the city, he or she shall disclose that interest to the city manager for proper consideration and action.
- Whenever a board member has an opportunity to engage in a transaction in which the city would otherwise wish to engage in, he or she shall disclose that interest to the city manager chair for proper consideration and action.

- If a board member is in a position where access to the city's confidential
  information may materially influence his or her decisions in another party engaged in business
  with the city, he or she shall decline that information.
- 7. If a board member is in a position where access to the city's confidential information may materially influence his or her personal financial or investment decisions, he or she shall decline that information.
  - Board members shall at all times fully comply with the board's code of ethics.
- (c) Members of the board shall comply with all laws and requirements governing conflicts of interest, self-benefiting, gifts and favors, and misuse of confidential information, as required by N.C.G.S. §§14-234, 14-234.1, and 133-32.
- (d) If at any time an elected official finds that they are in doubt as to the proper application of the city's policy on conflicts of interest with respect to any particular situation, or they find that they might have a financial interest or outside relationship which might involve a conflict of interest, they should immediately make all the facts known to the city manager for proper consideration and action.

### Rule 21. Closed Sessions

The board may hold closed sessions as provided by law. The board shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The board shall terminate the closed session by a majority vote, using Motion 7 of Rule 16(b).

Only those actions authorized by statute may be taken in closed session. A motion to adjourn shall not be in order during a closed session.

### Rule 22. Quorum

- (a) A majority of the actual membership of the board, excluding vacant seats shall constitute a quorum. A majority is more than half. The mayor shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.
- (b) A member or members of the board participating from a remote location by simultaneous communication shall be counted as present for quorum purposes, and all votes of members of the board made during an official meeting with simultaneous communication shall be counted as if the member were physically present in the place of the official meeting, provided all of criteria outlined in this Rule 22, and Rule 20 above, are met.

### Rule 23. Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a resolution that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The resolution shall be adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to board meetings shall also apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, the presiding official or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall entertain a motion to end the hearing.

### Rule 24. Minutes

Full and accurate minutes of the board proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the board, the entire board shall be polled by name on any vote.

Members' and other persons' comments may be included in the minutes if the board approves.

General accounts of closed sessions are sealed upon approval by the board. Such sealed general accounts shall be withheld from public inspection until the city attorney makes a determination that public inspection of such general accounts would frustrate the purpose of the closed session, at which point they shall be unsealed by the city clerk.

### Rule 25. Appointments

- (a) The board may consider and make appointments to other bodies, including its own committees, if any, only in open session. The board may not consider or fill a vacancy among its own membership except in open session. Appointments will be made according to the North Carolina General Statutes, when applicable.
- (b) The board shall at all times comply with the North Carolina Constitutional and statutory prohibitions on dual-office holding.
- (c) If an appointee has unexcused absences which constitute more than 25% of the Board meetings in any calendar year which he or she is required to attend pursuant to his or her appointment, he or she may be asked to resign by majority vote of the board, commission or committee. Excused absences are defined as absences caused by events beyond one's control. If the individual refuses to resign when asked he or she may be dismissed by action of the Board of Aldermen subject to state or local law. A calendar year is to be defined as a 12-month period beginning on the date of appointment.
- (d) Appointees must uphold city policies pertaining to the board, commission, or committee on which he or she serves.
- (e) The city shall cause the following appointment information to be published on the city's official website for each board, commission or committee where the city has an official appointment:
  - The name.
  - A brief summary of its function.
  - The total number of members and terms of office.
  - The requirements for office and duties of each appointed position.
  - The current members, including names and terms served.
  - The regular meeting day, time, and location, if available.
  - The method by which each appointment is made.
- (f) The board shall use the following procedure to make appointments to various other boards and committees:
- 1. Notification of available appointments. A list of available positions stating terms of office, requirement for office, and duties of positions shall be available for public inspection in the

office of the city clerk, and published on the city's official website at the beginning of each calendar year.

#### Selection Process.

- (i) Individuals interested in applying for appointment shall submit a written application on a form provided by the city to the city clerk and available on the city's official website.
- (ii) The city clerk shall provide the board with written notification that vacancies exist on the various boards, commissions and committees appointed by the board or its members. This notification along with applications of interested citizens shall be provided to the board at a regular meeting.
- (iii) Nominations for vacancies may be made at the same meeting at which the vacancy is considered; provided, however, that upon a motion and second, nominations may be delayed until a subsequent meeting upon a simple majority vote. Once the floor is opened for nominations, the member or members shall put forth nominations with no second required, and debate such nominations where necessary. When the debate has ended, and if only one nomination is made, the appointment shall be approved by a voice vote of a majority of the board. If more than one nomination is made, the city clerk shall call the roll of the members and each member shall cast a vote. The nominee who receives the highest votes shall be the nominee appointed.
- Applications. All applications for appointments shall remain active and on file with the city clerk for a period of one (1) year.

#### Rule 26. Committees and Boards

- (a) Establishment and Appointment. The board may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry on the board's work. Any specific provisions of law relating to particular committees and boards shall be followed.
- (b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among the city's professional staff.

#### Rule 27. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the board provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

### Rule 28. Reference to Robert's Rules of Order

The board shall refer to the current edition of Robert's Rules of Order Newly Revised to answer procedural questions not resolved in these rules so long as RONR does not conflict with North Carolina law or with the spirit of these rules.

### **AGENDA ITEM COVER SHEET**



### **Agenda Item Title:**

Conduct a Public Hearing and Consider Adopting an Ordinance to Rezone 356 Rocky Run Road from R-20 Rural Residential to A-5F Agricultural Forestry District.

Date of Meeting: 10/12/2021		ward # if applicable: E11	
Department: Development Services		Person Submitting Item: Jeff Ruggieri, Director of Development Services	
Call for Public Hearing: ⊠Yes□No		Date of Public Hearing: 10/12/2021	
Explanation of Item:	rezone two pare	Michael Raines has requested consideration to cels, totaling 77.72 +/- acres, from R-20 Rural	
Actions Needed by Board:	Residential District to A-5F Agriculture Forestry District.  Conduct Public Hearing and Adopt an Ordinance		
Backup Attached:	Memo, Ordinance, Consistency and Inconsistency Statements, Map		
Is item time sensitive?	□Ves ⊠No		
		he meeting? □Yes □ No	

If this requires an expenditure, has it been budgeted and are funds available

and certified by the Finance Director? □Yes ☒ No

**Additional Notes:** 

Cost of Agenda Item: N/A



MEMORANDUM

TO: Mayor Dana Outlaw, City of New Bern Board of Aldermen

FROM: Jeff Ruggieri, Director Development Services

DATE: October 1, 2021

SUBJECT: Conduct a Public Hearing and Consider Adopting an Ordinance to Rezone

356 Rocky Run Road from R-20 Rural Residential to A-5F Agricultural

Forestry District.

Michael Raines has requested consideration to rezone two parcels, totaling 77.72 +/-acres, from R-20 Rural Residential district to A-5F Agriculture Forestry district. The parcels are located at 356 Rocky Run Rd. and are further identified as Craven County Parcel ID #s 8-210-031 and 8-210-029. (ETJ)

The Planning and Zoning Board unanimously approved this application at their September 7, 2021, meeting and recommend approval of the request.

Please contact Jeff Ruggieri at 639-7587 should you have questions or need additional information.

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF NEW BERN SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY MICHAEL RAINES CONSISTING OF APPROXIMATELY 77.72 +/- ACRES LOCATED AT 356 ROCKY RUN ROAD, FROM THE ZONING CLASSIFICATION OF R-20 RURAL RESIDENTIAL DISTRICT TO A-5F AGRICULTURAL FORESTRY DISTRICT

THAT WHEREAS, Michael Raines owns approximately 77.72 acres, more or less, located at 356 Rocky Run Road, within the extraterritorial jurisdiction of the City of New Bern, being the parcels identified by Craven County parcel identification numbers 8-210-029 and 8-210-031, and an application has been made to change the zoning classification of the subject property from R-20 Rural Residential District to A-5F Agricultural Forestry District as more specifically shown on the attached plat entitled, "REZONING CASE: 356 Rocky Run Road- Approx. 77.72 Acres +-; PIDs: 8-210-029 & 031" prepared by the Development Services Department of the City of New Bern; and

WHEREAS, the Planning and Zoning Board unanimously recommended 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 October 12, 2021, 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 A-5F Agricultural Forestry District classification is consistent with the City Land Use Plans 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 real property owned by Michael Raines consisting of approximately 77.72 acres, more or less, located at 356 Rocky Run Road, within the extraterritorial jurisdiction of the City of New Bern, being the parcels identified by Craven County parcel identification numbers 8-210-029 and 8-210-031, from R-20 Rural Residential District to A-5F Agricultural Forestry District, as more specifically shown on the plat entitled "REZONING CASE: 356 Rocky Run Road- Approx. 77.72 Acres +-: PIDs: 8-210-029 & 031" prepared by the Development Services Department of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference.

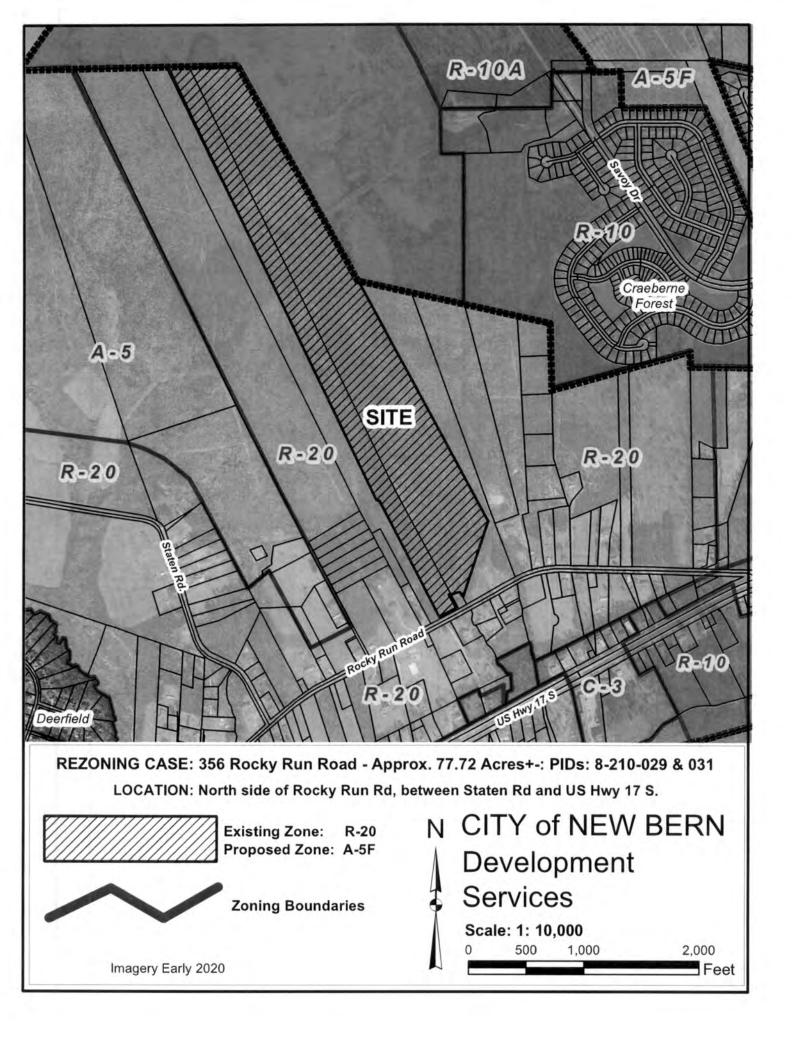
Section 2. That the Board deems it in the public interest to rezone the subject property as the requested A-5F Agricultural Forestry District classification is consistent with the City Land Use Plans and nearby land uses.

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 12th DAY OF OCTOBER, 2021.

DANA E. OUTLAW, MAYOR	
DANA L. GOTLAW, MATOR	

BRENDA E. BLANCO, CITY CLERK



### Craven County Parcel ID #'s 8-210-031, and 8-210-029

### 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 8-210-031 and 8-210-029 to A-5F Agriculture Forestry District is reasonable and in the public interest, and consistent with the City Land Use Plans and nearby land uses. In that:

- The A-5F Agriculture Forestry District is deemed to be compatible with the "Urban Transition" designation indicated in the Future Land Use Map found in the 2010 CAMA Regional Land Use Plan.
- The proposed A-5F Agriculture Forestry District is deemed to be compatible with adjacent zoning classifications.
- The proposed A-5F Agriculture Forestry District is deemed to be compatible with existing uses.

This certifies the above statement of zoning consistency was adopted by the Board of Aldermen on October 12, 2021.

Brenda E. Blanco, City Clerk

# Craven County Parcel ID #'s 8-210-031, and 8-210-036 STATEMENT OF ZONING INCONSISTENCY WITH ADOPTED PLANS

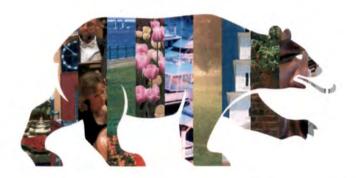
The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID #'s 8-210-031, and 8-210-029 to A-5F Agriculture Forestry District is not reasonable and is not in the public interest and finds it to be inconsistent with the Regional Land Use Plan and nearby land uses in the proposed A-5F Agriculture Forestry District is incompatible with the uses permitted on nearby properties, and other properties in the vicinity. And that:

The proposed A-5F Agriculture Forestry District would be incompatible with adjacent use and the Future Land Use Map found in the 2010 CAMA Regional Land Use Plan.

This certifies the above statement of zoning inconsistency was adopted by the Board of Aldermen on October 12, 2021.

Brenda E. Blanco, City Clerk





356 Rocky Run Road: Rezoning Request

October 12, 2021

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## Rezoning Request

Applicant: Michael Raines

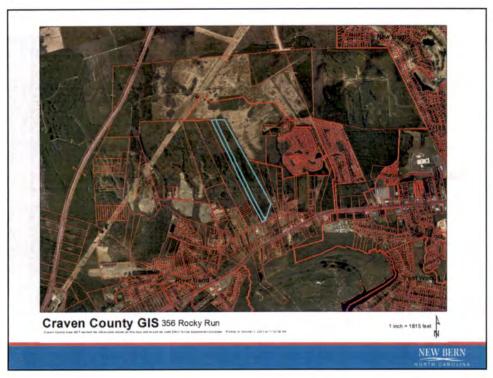
Location: 356 Rocky Run Road (ETJ)

Existing Zoning: R-20 Rural Residential District

 Proposed Zoning: A-5F Agriculture Forestry District

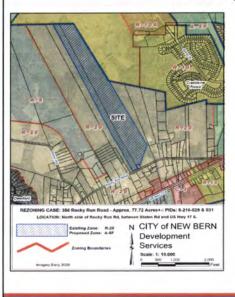
• Size: 77.72 +/- acres

Present Land Use: Undeveloped



3

### **Existing Zoning**

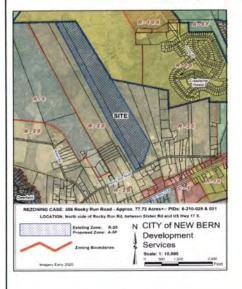


R-20: The R-20 Rural Residential district is designed to accommodate lowdensity single-family dwellings with 20,000 square feet minimum lots.

NEW BERN

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### **Proposed Zoning**



forestry district is designed to promote forestry operations, low-density residential uses, recreational uses, and certain agricultural uses. Landfill, quarry, livestock, and similar uses that may negatively impact nearby residential uses with excessive noise, odor, or traffic are prohibited.

NEW BERN

5

### General Survey of Allowed Uses in A-5F

- · Single Family Detached Residential
- Duplex (Mobile Homes Not Permitted)
- Horseback Riding Stables
- Veterinarian (in fully enclosed building)
- Agricultural Uses, Excluding Livestock
- Forestry Operations
- Open Air markets
- Commercial Greenhouse operations

### Adjacent Zoning

- North: Residential (R-10 Residential District)
- · South: Residential (R-20 Residential District)
- East: Residential (R-20 Residential District)
- West: Residential (R-20 Residential District)

NEW BERN

7

### 2010 CAMA Regional Land Use Plan

- The area is classified as "Urban Transition", which provides for future intensive urban development of lands on the periphery of existing developed areas.
- Medium to Least Development Suitability Rating
- Property is located outside the 100 and 500 year flood zones

### Utilities

· Site is not served by City of New Bern Utilities

NEW BERN

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# Planning and Zoning Board Recommendation

The request was heard at the 09/07/2021 meeting of the Planning and Zoning Board and was approved unanimously.

### AGENDA ITEM COVER SHEET



# Agenda Item Title: VW-DC Fast Program Grant Update

Date of Meeting: October 12, 2020		Ward # if applicable: N/A		
Department: Public Utilities		Person Submitting Item: Charles Bauschard		
Emplemental of Etolici		Date of Public Hearing: N/A or and Alderman on grant to purchase and install charging stations.		
				Actions Needed by Board:
Backup Attached:	Memo and PowerPoint presentation			
Is item time sensitive?	MVos □No			
		he meeting? □Yes ⊠ No		
		1		
Cost of Agenda Item: N				
If this requires an expe and certified by the Fir		been budgeted and are funds available ☐Yes ☐ No		



210 Kale Road, P.O. Box 1129
New Bern, NC 28563-1129

TO: Mayor Dana Outlaw, City of New Bern Board of Aldermen

FROM: Charles D. Bauschard, Director of Public Utilities

COPIES: Foster Hughes, City Manager; File

SUBJECT: VW-DC Fast Program Grant Update

DATE: October 1, 2021

The City was recently awarded a grant to purchase and install two (2) Electric Vehicle (EV) DC FAST charging stations. Installation is nearing completion and the charging stations will soon be available for public use in the Red Bear parking lot.

DC Fast charging is an emerging technology and in limited use throughout the nation. This type of charging technology is much different than more commonly adopted home charging and requires a much greater power source. The rate of public adoption for this type of service is currently speculative. As a result, offering public or private DC Fast charging should be considered largely experimental.

Items that Board of Alderman may want to consider as electric vehicle technology emerges:

- 1. The impact of EV charging on the bulk electric system.
- 2. The role of public utilities in support of EV's; private and public charging.
- The impact of EV charging on local system capacity and rate setting.
- Development of experimental rates for private charging.
- 5. Development of experimental rates for public charging.
- Development of restricted use ordinance / enforcement within public charging stations.
- 7. Consider further interest in additional EV charging grants.

No action is required. The Director of Public Utilities will continue to monitor the impact of EV charging on the local distribution system, prepare rates and/or policy for your future consideration.

I would be happy to discuss this in more detail and answer any questions.

## Electric Vehicle Charging

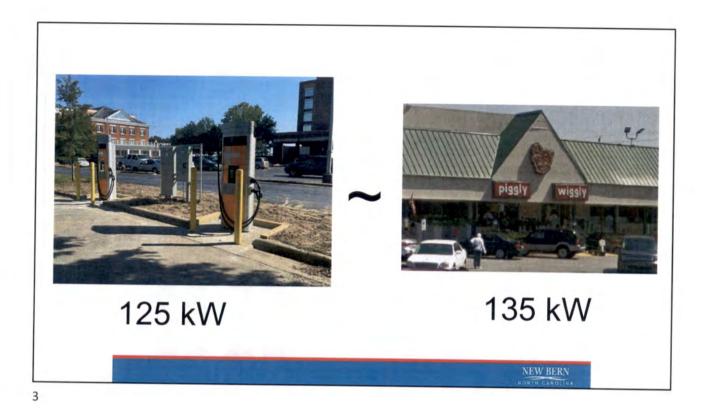
- General Overview
- Impact on Electric Utilities
- What Do We Know
- Electric Vehicle Charging 101
- ❖ DEQ/VW DC Fast Program Grant
- ❖ What Don't We Know
- Next Steps
- ❖ Discussion / Questions

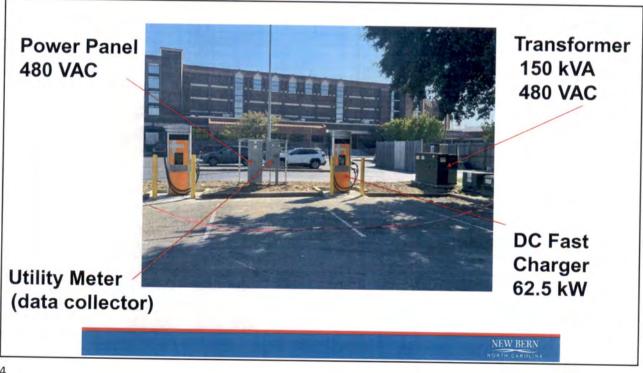
NEW BERN

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Level 1	-0	
Level I	Level 2	DC FAST
120	240	480
16	32	104
1.9	7	50
0.63	2	17
26	97	694
3-5 mile / hr	10-20 mile / h	r 80% / 30 min
\$200	\$1,000	\$36,000
Null	\$1,200	\$20,000
Null	Null	\$35,000
•	16 1.9 0.63 26 3-5 mile / hr \$200 Null	16 32 1.9 7 0.63 2 26 97 3-5 mile / hr 10-20 mile / hr \$200 \$1,000 Null \$1,200

2





### DC FAST PROGRAM GRANT (budget)

\$128,716 - DEQ/VW Grant

\$ 32,826 – In-kind contribution

\$161,542 - Total

### Includes:

DC Fast Chargers; 2 each
Equipment Installation
Infrastructure
Marketing/Customer Service/Cashiering
Telemetry/Maintenance/Warranty



NEW BERN

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## Electric Vehicle Charging

- General Overview
- Impact on Electric Utilities
- What Do We Know
- Electric Vehicle Charging 101
- DEQ/VW DC Fast Program Grant
- What Don't We Know
- Next Steps
- Discussion / Questions

### Aldermen

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



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Dana E. Outlaw Mayor Foster Hughes City Manager Brenda E. Blanco City Clerk

### Memorandum

TO:

Alderman Jeffrey Odham

FROM:

Brenda Blanco, City Clerk

DATE:

October 1, 2021

SUBJECT:

Appointment to Community Development Advisory Committee

Lindsay Best has moved outside of the city limits of New Bern. Therefore, she is ineligible to continue serving on the Community Development Advisory Committee. You are asked to make a new appointment to finish out her term, which will expire on June 30, 2024.

/beb