



Pender County

Agenda

Board of County Commissioners Meeting
Monday, August 21, 2023 @ 4:00 PM
Pender County Public Assembly Room
805 S. Walker Street, Burgaw, NC

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1.	CALL TO ORDER		
2.	INVOCATION		
3.	PLEDGE OF ALLEGIANCE		
4.	ADOPTION OF AGENDA		
5.	PUBLIC HEARING		
6.	PUBLIC INFORMATION		
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6.3.	Information Technology Services (ITS) Department Update and Approval of a Purchase Order and Renewal to Software House International (SHI) for the Two-Factor Authentication (2FA) / Multi-Factor Authentication (MFA) system in the amount of \$35,891.65. Information Technology Services (ITS) Department Update and Approval of a Purchase Order and Renewal to Software House International (SHI) for the Two-Factor Authentication (2FA) / Multi-Factor Authentication (MFA) system. - Pdf	Harvey	9 - 11
7.	PUBLIC COMMENT FOR AGENDA ITEMS		
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8.4.	Budget Ordinance Amendment - movement of collected Room Occupancy Tax from revenue to promotions in the #44 account BOA Room Occupancy Tax Collections from Revenue to Promotion #44 account - Pdf	T. Proctor	29 - 31

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10.	DISCUSSION		

11.	APPOINTMENTS		
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12.	MAPLE HILL WATER AND SEWER DISTRICT		
13.	ROCKY POINT WATER AND SEWER DISTRICT		
14.	SCOTTS HILL WATER AND SEWER DISTRICT		
15.	MOORES CREEK WATER AND SEWER DISTRICT		
16.	CENTRAL PENDER WATER AND SEWER DISTRICT		
17.	PENDER COUNTY BOARD OF HEALTH		
18.	SOCIAL SERVICES BOARD		
19.	PUBLIC COMMENT		
20.	ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS		
21.	CLOSED SESSION (IF APPLICABLE).		
22.	7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS		
22.1.	REZONE 2023-50: Request to rezone one parcel totaling approximately 6 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district in the Rocky Point Township REZONE 2023-50 - Pdf	Davis	349 - 375
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23.	ADJOURNMENT		



**Pender County
ESGR's Patriot Award Presentation by
Jason Thompson**

TO: Board of County Commissioner
FROM: Tommy Batson
DATE: August 21, 2023
SUBJECT: ESGR's Patriot Award Presentation by Jason Thompson

SUMMARY:
ESGR's Patriot Award Presentation by Jason Thompson



Pender County Updates from Veteran's Services

TO: Board of County Commissioners
FROM: Michelle Leach
DATE: August 21, 2023
SUBJECT: Updates from Veteran's Services

SUMMARY:

Quarterly report on upcoming events for Veteran's Services.

ACTION REQUESTED:

No action requested.



Pender County Request for Board Action

TO: Board of County Commissioners

FROM: Erik Harvey

DATE: August 21, 2023

SUBJECT: Information Technology Services (ITS) Department Update and Approval of a Purchase Order and Renewal to Software House International (SHI) for the Two-Factor Authentication (2FA) / Multi-Factor Authentication (MFA) system in the amount of \$35,891.65.

SUMMARY:

Information Technology Service (ITS) Department's Major Initiatives Update:

1. IT Administration:

- A. IT Department Key Initiative Plan.
- B. IT Assessment.

2. Enterprise Applications:

- A. Pender County Website Disruption.
- B. Pender County Website Refresh Project.
 - o On hold per County Manager's Office - Pending hiring of a Communications Director.
- C. Tax Bills - Tyler Technologies iasWorld - Enterprise Assessment & Tax System.
- D. Veterans Services - Tyler Veteran Benefits System implementation.
- E. Central Square - Public Safety FieldOps & Mobile CAD.
- F. IT Service Management System - ManageEngine
- G. Health & Human Services - Dentrax

3. Geographic Information Systems:

- A. Tax Mapping - Continuity and Training.
- B. ESRI ArcGIS Desktop Mapping System Upgrades.

4. Infrastructure & Operations:

- A. Software Defined Wide Area Network (SD-WAN).
 - o Board of Elections.
 - o DSS - Child Support Services.
 - o Miller's Pond Park.
 - o Sheriff's Office.
 - o Utilities.

- B. Geodiversified Secondary Data Center.
- C. 2022 Domain Upgrade.
- D. Server Operating System Upgrades.
- E. Core Infrastructure Upgrade - Access Points, Firewalls, Switches, UPSs, VxRail.
- F. Cybersecurity.

4. Technical Support Services:

- A. Computer Replacement Plan.
- B. Customer Satisfaction Survey.
- C. Windows 11 Operating System Deployment.
- D. Desktop Applications and Operating Systems Patch Management.

Resolution for Approval:

Purchase Order and Renewal to Software House International (SHI) for the Two-Factor Authentication (2FA) / Multi-Factor Authentication (MFA) system in the amount of \$35,891.65.

Pender County's Two-Factor Authentication (2FA) / Multi-Factor Authentication (MFA) system will contribute to protecting County data at every access attempt, from any device, and from any location. It verifies user trust, establishes device trust, and provides secure access to County applications, computers, networks, and systems.

Dept	Cost Center	Totals
BOCC	410-404500	\$315.30
BOE	430-404500	\$315.30
CMO	420-404500	\$578.05
COOP	605-404500	\$420.40
EM	525-404500	\$367.85
FFS	500-404500	\$998.45
HLT	900-404500	\$200.00
	900050-404500	\$595.00
	900051-404500	\$600.00
	900052-404500	\$200.00
	900053-404500	\$596.55
	900055-404500	\$50.00
	900056-404500	\$252.55
	900057-404500	\$50.00
	900058-404500	\$350.00
	900059-404500	\$50.00
	900060-404500	\$150.00
	900061-404500	\$300.00
	900062-404500	\$150.00
	900065-404500	\$227.55
	900072-404500	\$50.00

	900076-404500	\$500.00
	900077-404500	\$40.00
HSE	730-404500	\$157.65
HR	425-404500	\$420.40
INSP	650-404500	\$735.70
ITS	445-404500	\$4,309.10
LIB	630-404500	\$1,313.75
PCD	653-404500	\$525.50
PRK	665-404500	\$525.50
PRK-Grounds	670-404500	\$52.55
PRK - HSSR	667-404500	\$52.55
PSW		\$52.55
FIN	440-404500	\$525.50
ROD	480-404500	\$420.40
DSS	100-404500	\$6,778.95
TXA	450-404500	\$1,103.55
TOU	670-404500	\$157.65
UTL	69-404500	\$2,102.00
VET	607-404500	\$105.10
SO	510-404500	\$9,196.25
		\$35,891.65

ACTION REQUESTED:

To Approve a Purchase Order and Renewal to Software House International (SHI) for the Two-Factor Authentication (2FA) / Multi-Factor Authentication (MFA) system in the amount of \$35,891.65.



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: James Proctor
DATE: August 21, 2023
SUBJECT: Approval to carryover Purchase Order #567 from FY23 to Charles Underwood, Inc. for \$26,928.00 to purchase rehab of Del Lift Station.

SUMMARY:

Pender County Utilities is requesting to carryover PO #567 from FY23 for rehab of Del Labs lift station. Scheduling conflicts with supplies inventory prevented the work from being completed on time, which is now scheduled for October 2023.

ACTION REQUESTED:

Approval to carryover Purchase Order (PO #567) from FY23 to Charles Underwood, Inc for \$26,928.00 to purchase rehab of Del Lift Station.

ATTACHMENTS:

PO#567



Purchase Order

Fiscal Year 2023

Page: 1 of: 1

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PENDER CO HOUSING
PO BOX 1149
BURGAU, NC 28425

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # **567**

Delivery must be made within doors of specified destination.

V
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R

Charles R. Underwood, Inc.
2000 Boone Trail Rd
Sanford, NC 27330
Fax: 919-708-7232

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PCU-RP/T W&S
805 E. FREEMONT ST
BURGAU, NC 28425

Vendor Phone Number		Vendor Fax Number		Requisition Number		Delivery Reference		
919-775-2463		919-708-7232		671				
Date Ordered	Vendor Number	Date Required	Freight Method/Terms			Department/Location		
06/28/2023	19537					HOUSING SECTION 8		
Item#	Description/PartNo				QTY	UOM	Unit Price	Extended Price
	Repair Del Labs pumps Station							
1	Repair Del Labs pumps Station. Vac out station, replace 4" flange discharge piping and elbows, remove pump bases and install new bases anchored in floor, remove existing check valve in vault and relocate, install new 4: flanged tee, spool, gate valve, and required hardware in stainless steel parts. 073 - 407400				1.0	EACH	\$26,928.00	\$26,928.00
	Repair Del Labs pumps Station. Vac out station, replace 4" flange discharge piping and elbows, remove pump bases and install new bases anchored in floor, remove existing check valve in vault and relocate, install new 4: flanged tee, spool, gate valve, and required hardware in stainless steel parts. Two quotes and Contacted Tencarva and received no quote due to schedule being full. ***** GL SUMMARY ***** 073 - 407400							\$26,928.00

As part of this Purchase Order, please see agreed upon Terms & Conditions available at: <http://www.pendercountync.gov/vendortermsandconditions/>
Please note these Terms & Conditions are subject to revision and updates will be made available at the same. Contact Pender County Purchasing with any questions at (910) 259-1281.

This Disbursement Has Been Approved As Required
by the Local Government and Fiscal Control Act.

By: Margaret C. Bare By: David Z. Gonsou By: Joseph B. Nutter
Authorized Signature Authorized Signature Authorized Signature

PO Total	\$26,928.00
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**Pender County
Approve PO for mixers for the Topsail
Tank and Maple Hill Tank in the amount
of \$59,970.00**

TO:	Board of County Commissioners
FROM:	James Proctor
DATE:	August 21, 2023
SUBJECT:	Approve PO for mixers for the Topsail Tank and Maple Hill Tank in the amount of \$59,970.00

SUMMARY:

This a request to purchase two mixers for the Maple Hill and Topsail above ground tanks. This project was approved in the FY24 budget under 072-407400 Capital Outlay. These mixers will be purchased and installed by the Tank Service Provider (Utility Service Group) and will include installation, permitting and reporting to NC Public Water Supply. The reason for the mixer install is due to the tanks becoming stratified and not well mixed. The increase in mixing will increase water quality and help reduce Total Trihalomethane's(TTHM's) in the water. Pender County has had water quality violations in the past year with THM's and mixers will help oxidize the TTHM's, and lower the concentration in the water that is served to our customer's

ACTION REQUESTED:

Purchase order for \$59,970.00 in account 072-407400 to Utility Service Group for the two tank mixers

ATTACHMENTS:

Emailed quote, Data sheets on mini SCADA system and the two different models of mixers

From: Scotty Wilkins <scotty.wilkins@usgwater.com>
Sent: Thursday, July 20, 2023 2:56 PM
To: James R. Proctor <jproctor@pendercountync.gov>
Cc: Katryne J. Leubner <kleubner@pendercountync.gov>
Subject: [External]MIXERS

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

James- Please see the revised SOW and Cost for your 3 tanks. Please let me know if you have any questions. Thanks Scotty

1. Topsail Tank PWM150 w/Mini Scada-\$32,882.00
2. Maple Hill Tank PWM100 w/Mini Scada- \$27,088.00



MINI SCADA MONITOR OPION

MINI SCADA SPECIFICATIONS	MSM32-115V (115V)	MSM32-230V (230V)
Power Supply Requirement	115 VAC, 50/60 Hz, GFCI-protected, 20 amp circuit	230 VAC, 50/60 Hz, GFCI-protected, 15 amp circuit
Enclosure Rating	Type 3R (IP65) safety disconnect switch	
Enclosure Dimensions	10" (25cm) x 8" (20 cm) x 4" (10 cm)	
Enclosure Weight	11 lbs. (5 Kg)	
Enclosure Material	Powder-Coated Carbon Steel	
SCADA Interface	Output contacts are DPDT relays rated for 12 amps to 15 Amp. UL Recognized (E191059), CE, IEC Std 947-4-1 and 947-5-1, CSA 224610	
Product Description	The mini SCADA monitor utilizes a IP65, 3 pole safety disconnect switch along with a current sensing relay, and a green RUN LED to indicate the operational status of the device it is monitoring. The relay is factory set. During normal operating conditions, the Mixer RUN light (Green) is illumined. This indicates that not only voltage is available but there is also current (amperage). In the event of a fault or if power is turned off, the RUN light will go out. The unit is equipment with a DPDT relay that allows the customer to connect to a set of Normally Open or Normally Closed contact.	



PWM100/PWM150/ POWERVENT MINI SCADA MONITOR - 120V or 230V

The PAX Mini SCADA Monitor utilizes a IP65, 3 pole safety disconnect switch along with a current sensing relay, and a 120VAC green RUN light to indicate the operational status of the device it is monitoring. The relay is factory-set. During normal operating conditions, the Mixer RUN light (Green) is illuminated. This indicates that not only is voltage available but that there is also current (Amperage). In the event of a fault or if power is turn off the RUN light will go out. The unit is equipment with a DPDT relay that allows the customer to connect to a set of Normally Open or Normally Closed contact.



PAX Mini SCADA Monitor

Indicator Light, 120VAC
Door Interlocking Disconnect Switch
Rated for 600VAC, 32 Amp

Standards and Ratings:

- UL Listed under file #E224737
- Meets UL508 for switches
- Meets NEC wire bending space requirements

Mini SCADA Interface:

- The PAX SCADA system can connect to existing systems through hard-wire connections.

PAX Mini SCADA Monitor Product Specifications	
Power Supply Requirement	Refer to the product-specific PAX Water O&M Manual
Safety Disconnect Switch	IP65 Enclosure
Height	10" (25 cm)
Width	8" (20 cm)
Depth	4" (10 cm)
Weight	11 lbs. (5 kg)
Enclosure Material	Powered-coated carbon steel IP65 Enclosure

SCADA Specifications	
Output 1 (dry contact)	Output contacts are DPDT relay rated for 12 Amps to 15 Amps. UL Recognized (E191059), CE, IEC Std 947-4-1 and 947-5-1, CSA 244610

ANY TANK. ANY SIZE.™

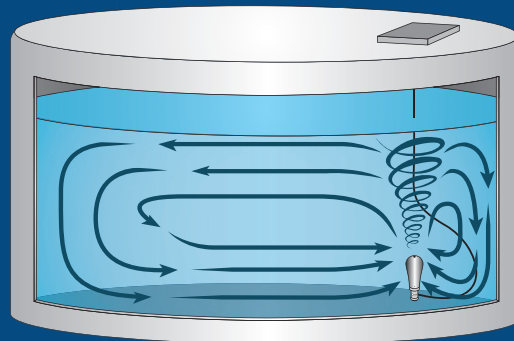


PAX Water Mixer (PWM100) Product Specifications



Active Vortex Mixer for Small Water Tanks

- Most powerful mixer in its class
- Easy install, self-righting design
- Prevents ice formation
- Eliminates thermal stratification
- Improves disinfectant residual levels
- Lowers DBPs and nitrifying bacteria
- 3-year warranty



PAX Water Mixer vigorously circulates the entire tank volume.

Find out how a PAX Water Mixer can help you.
Call our Water Quality Specialists today at **1-866-729-6493**
or visit www.paxwater.com

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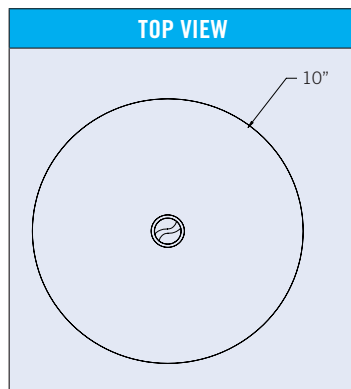
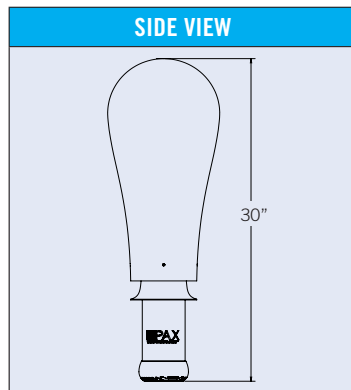


ANY TANK. ANY SIZE.™



PAX Water Mixer (PWM100) Product Specifications

The PAX Water Mixer (PWM100) is an active vortex mixer for small water storage tanks. Patented PAX technology provides the most powerful small tank mixing to thoroughly circulate the entire tank volume. The mixer installs easily and self-rights at the bottom of a tank, even on a sloped floor.



MIXER SPECIFICATIONS	
Power Supply Requirement	120 VAC, 60 Hz, GFCI-protected, 20 amp circuit
Customer Supplied Power Switch	3R fused, safety disconnect switch
Motor Type	115 VAC, 60 Hz, water-filled, water-lubricated
Nominal Power Draw	1.15 kVA (670 watts)
Footprint Diameter	10" (25.4 cm)
Height	30" (76.2 cm)
Weight	40 lbs (18.1 kg)
Material: Housing	316 stainless steel
Material: Motor Seals	Chlorine/chloramine-resistant NBR rubber
Material: Foot	Chlorine/chloramine-resistant EPDM rubber
Wiring	NSF 61 & UL-listed submersible pump cable 14 AWG (2.1 mm ²) XLPE



Certified to
NSF/ANSI 61-G

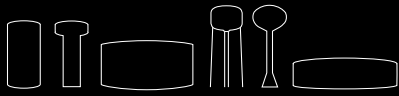
Find out how a PAX Water Mixer can help you.
Call our Water Quality Specialists today at **1-866-729-6493**
or visit **www.paxwater.com**

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ANY TANK. ANY SIZE.™

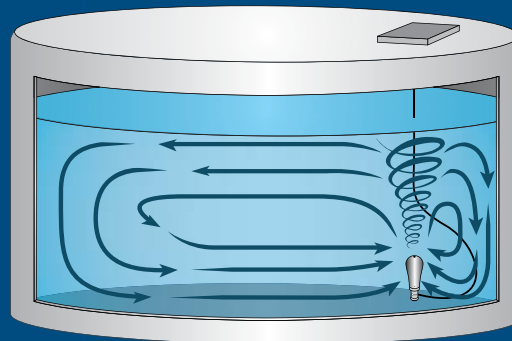


PAX Water Mixer (PWM150) Product Specifications



Active Vortex Mixer for Water Tanks

- Powerful vortex flow pattern
- Easy install, self-righting design
- Prevents ice formation
- Eliminates thermal stratification
- Improves disinfectant residual levels
- Lowers DBPs and nitrifying bacteria
- 3-year warranty



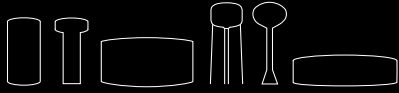
PAX Water Mixer vigorously circulates the entire tank volume.

Find out how a PAX Water Mixer can help you.
Call our Water Quality Specialists today at **1-866-729-6493**
or visit www.paxwater.com

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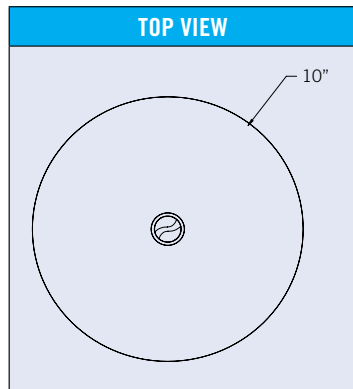
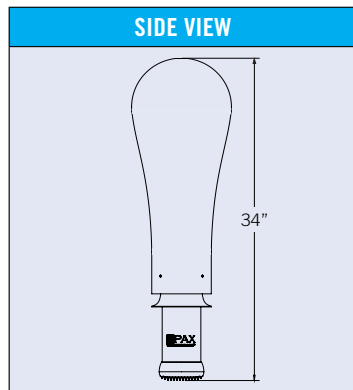


ANY TANK. ANY SIZE.™



PAX Water Mixer (PWM150) Product Specifications

The PAX Water Mixer (PWM150) is an active vortex mixer for water storage tanks. Patented PAX technology provides powerful tank mixing to thoroughly circulate the entire tank volume. The mixer installs easily and self-rights at the bottom of a tank, even on a sloped floor.



MIXER SPECIFICATIONS	
Power Supply Requirement	120 VAC, 60 Hz, GFCI-protected, 20 amp circuit
Customer Supplied Power Switch	3R fused, safety disconnect switch
Motor Type	115 VAC, 60 Hz, water-filled, water-lubricated
Nominal Power Draw	1.15 kVA (670 watts)
Footprint Diameter	10" (25 cm)
Height	34" (85 cm)
Weight	42 lbs (19 kg)
Material: Housing	316 stainless steel
Material: Motor Seals	Chlorine/chloramine-resistant NBR rubber
Material: Foot	Chlorine/chloramine-resistant EPDM rubber
Wiring	NSF 61 & UL-listed submersible pump cable 14 AWG (2.1 mm ²) XLPE



Certified to
NSF/ANSI 61-G

Find out how a PAX Water Mixer can help you.
Call our Water Quality Specialists today at **1-866-729-6493**
or visit **www.paxwater.com**

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Pender County Request for Board Action

TO: Board of County Commissioners
FROM: James Proctor
DATE: August 21, 2023
SUBJECT: Approval to carryover purchase order from to FY24 on F350 Crane Truck

SUMMARY:

To carryover the purchase orders approved in FY2022, FY2023 to FY2024 for F350 Crane Truck

- Piedmont Truck Center for f350 crane truck for \$ 80,305.90
- The reason for this carryover is supply chain issues in delivering in a timely manner. The trucks were ordered in October of 2021, and we are expecting delivery in September 2023.

ACTION REQUESTED:

Approve the carry-over of PO#277 FY 22 to FY 2024, due to supply chain issues

ATTACHMENTS:

Quote from Piedmont, Copy of Original PO

PENDER COUNTY



PURCHASE ORDER
00000277-00 FY 2022 H

BILL TO
PCU - RP/T W&S
PO 995

BURGAW, NC 28425

VENDOR
Piedmont Truck Center, Inc.
SHIP TO
PCU-RP/T W&S
605 E. FREEMONT ST
H

412 South Regional Road

BURGAW, NC 28425

Greensboro, NC 27409

Requisition
339

DATE ORDERED	VENDOR NUMBER	DATE REQUIRED	DATE	FREIGHT METHOD/TERMS	DEPARTMENT/LOCATION
10/04/21	035437	09/21/21			ROCKY POINT TOPSAIL W&S

POST-IT NOTES

This requisition is to obtain the funds needed to purchase a 2022 Ford F-350 truck equipped with crane. The Board of commissioners approved the purchase of this vehicle on August 16, 2021. This vehicle replaces our existing crane truck which is to be relocated to the water and wastewater treatment plants.

VENDOR NOTES

Piedmont Truck Center was selected out of four other vendors who responded to our request for quotes. PIC turned in the lowest quote for this purpose. Please see attachments.

LN	DESCRIPTION	QTY	UOM	UNIT PRICE	NET PRICE
001	2022 Ford F-350 truck equipped with 4000 lbs. crane.	1.00		80305.900	80,305.90

PENDER COUNTY



PO TOTAL 80,305.90

** END OF REPORT - Generated by James Proctor **

2021-2022 STATE OF NORTH CAROLINA TERM CONTRACT 070A-Vehicles (Passenger, Truck, Van, SUV, Law Enforcement)
OPTIONS LIST-CATEGORY G - F350 Cab and Chassis-DRW
BID NO. 202100002

STANDARD ITEMS

STANDARD ITEMS: 14,000lb GVWR, Exterior Color: Oxford White, XL Trim Package, 6.2L V8 gasoline engine, 10-speed automatic transmission, 3.73 regular rear axle, LT245 17" BSW All season tires, Power Equipment Group, Air conditioning, AM/FM/MP3 radio with SYNC Bluetooth, Tilt steering wheel, (2) keys, 40/20/40 Vinyl seats-Gray, Vinyl flooring

CAB CHASSIS CONFIGURATION			BASE BID PRICE
2022 Ford F350 Supercab 4x4 Dual rear wheel-60"CA	X3H-640A		\$33,451.00

	OPTION	MSRP	STATE PRICING 6% Discount
POWERTRAIN			
Limited Slip w/4.30 Axle Ratio	X4L	\$360.00	\$338.40

WHEELS/TIRES			
Spare Tire, Wheel & Jack	512	\$350.00	\$329.00

OTHER OPTIONS			
Utility Lighting System - Includes LED side-mirror spotlights - required with Power Equipment Group (90L)	63A	\$160.00	\$150.40
Heavy-Service Front Suspension Package - Includes heavy-service front springs (1 up upgrade above the spring computer selected as a consequence of options chosen) Recommended only on vehicles which will permanently utilize aftermarket equipment such as heavy-duty winches, brush guards or other apparatus which loads the front axle to the specified Gross Axle Weight Rating (GAWR). Note 1: Vehicle ride height will increase with the addition of this package. Note 2: May result in deterioration of ride quality when vehicle is not equipped with front end utility attachment	67H	\$125.00	\$117.50
Upfitter Interface Module	18A	\$295.00	\$277.30
Platform Running Boards-SUPERCAB & CREW CAB ONLY	18B	\$445.00	\$418.30
110V/400W Outlet - Includes 1 in-dash mounted outlet	43C	\$175.00	\$164.50
Exterior Backup Alarm	76C	\$140.00	\$131.60
Steering Wheel-Mounted Cruise Control	525	\$235.00	\$220.90

SAFETY LIGHTING			
(4) corner LED lights, (2) front grille mounted & (2) rear mounted, wired to factory upfitter switches in cab *Amber*	4CLED		\$975.00
23" Whelen MC23MA Mini LED light bar, Acari 3rd brake light mount, wired to upfitter switch in cab	LBMINI		\$1,540.00

2021-2022 STATE OF NORTH CAROLINA TERM CONTRACT 070A-Vehicles (Passenger, Truck, Van, SUV, Law Enforcement)

OPTIONS LIST-CATEGORY G -F350 Cab and Chassis-DRW

BID NO. 202100002

UPFIT OPTIONS			
Adkins Model 109-94-CB 9' Heavy Duty crane body, 8" heavy duty drop down tailgate, 12" workbench bumper with (2) recessed access steps, (2) grab handles at rear of compartments, rubber fenderettes around wheel wells, mud flaps, (4) tie down D-rings in cargo area, Cab guard with perforated cut-outs, Rod type Master Locking system (handles at rear of body), 2" receiver hitch with safety chain hooks, 7 way RV style trailer plug, Spray in bedliner for cargo area, compartment tops & bumper, LiftMoore 4000X-20 electric crane, remote pendant control 25', Manual In/Out & Manual crank Up/Down outriggers, Boom support	ADK9CB		\$42,192.00

Total for chassis & options
quote#PENX3HG9CB-72621

Date: 7.26.2021

\$80,305.90

Pender County - Water & Sewer

James Proctor

910.259.1327bp jproctor@pendercountync.gov

ADDITIONAL OPTIONS - not included in above pricing (for consideration)

	ADD
Liftmoore 5000X-20 in lieu of 4000lb crane	\$3,615.00
Hydraulic In/Out and Up/Down outriggers in lieu of manual operation	\$5,481.00



**Pender County
Budget Ordinance Amendment -
movement of collected Room
Occupancy Tax from revenue to
promotions in the #44 account**

TO: Board of County Commissioners
FROM: Tammy Proctor
DATE: August 21, 2023
SUBJECT: Budget Ordinance Amendment - movement of collected Room
Occupancy Tax from revenue to promotions in the #44 account

SUMMARY:

Pender County Tourism requests the movement of collected room occupancy space from the #44 revenue account to a #44 promotions account to pay for advertising campaigns, promotional items, and visitor information.

ACTION REQUESTED:

Move \$40,000 from the revenue account to the promotions account.

Pender County Budget Ordinance Amendment

Page 2 of 3

Fiscal YearFY 2023-2024

Department670 - TOURISM OFFICE

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	44-399000	Fund Balance Appropriated	40000
2			
3			
4			
5			
6			
7			
8			
9			
10			

Proposed Amendment:

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	44-407000	Promotions	40000
2			
3			
4			
5			
6			
7			
8			
9			
10			

Total Revenues40000

Total Expenditures40000

Budget Amendment Balances when Zero.0

Prepared By:Stephanie Key

Emailtproctor@pendercountync.gov

Pender County Budget Ordinance Amendment

Page 3 of 3

Fiscal Year

FY 2023-2024

Department

670 - TOURISM OFFICE

Proposed Amendment:

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	44-399000	Fund Balance Appropriated	40000
2			
3			
4			
5			
6			
7			
8			
9			
10			

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	44-407000	Promotions	40000
2			
3			
4			
5			
6			
7			
8			
9			
10			

Total Revenues
40000

Total Expenditures
40000

Budget Amendment Balances when Zero.
0

Prepared By:
Stephanie Key

Email
tproctor@pendercountync.gov



Pender County Request for Board action

TO: Board of County Commissioners
FROM: Alan Cutler
DATE: August 21, 2023
SUBJECT: Approval of Budget Amendment for State Seizure Budget for Fiscal Year 2023-2024.

SUMMARY:

Pender County Sheriff's Office is requesting approval of Budget Amendment for State Seizure account for Fiscal Year 2023-2024. The budget will be as follows:

14-403300 \$8,000
14-404500 \$8,000
14-405500 \$1,500
14-407100 \$10,000
14-407403 \$20,000

ACTION REQUESTED:

Approval of Budget Amendment for State Seizure Budget for Fiscal Year 2023-2024.



**Pender County
Request to regrade the Fire Marshal
position from a Grade 11 Step 0 to a
Grade 13 Step 0**

TO: Board of County Commissioners
FROM: Tommy Batson
DATE: August 21, 2023
SUBJECT: Request to regrade the Fire Marshal position from a Grade 11 Step 0 to a Grade 13 Step 0

SUMMARY:

The Pender County Emergency Management/Fire Marshal Office is requesting to regrade the Fire Marshal position from a Grade 11 Step 0 to a Grade 13 Step 0. This will adjust the one position that oversees the two current Deputy Fire Marshals and additional one in spring of 2024. Lapsed salary will be used to offset the difference in the grade change. We will hold off in the hiring of the additional Deputy Fire by a few months in early 2024. No additional county funds will be needed.

ACTION REQUESTED:

Requesting to regrade the Fire Marshal position from a Grade 11 Step 0 to a Grade 13 Step 0



Pender County
Mobile Home 2019-2022 Tax Bill Release
Request due to clerical error/property
not being in Pender County during these
years

TO: Board of County Commissioners

FROM: Melissa Radke

DATE: August 21, 2023

SUBJECT: Mobile Home 2019-2022 Tax Bill Release Request due to clerical error/property not being in Pender County during these years

SUMMARY:

While completing the listing process for 2023, staff ran across this mobile home that was deactivated prior to the data conversion to Tyler Software but somehow was reactivated and never caught at the data conversion in 2019. There was a note in the system dated 10/31/2017 that the mobile home had been removed. That note was converted over into the Tyler software on 4/10/2019, the same time this account was listed as active. Due to this, there has been a tax bill generated each of these years, 2019, 2020, 2021, and 2022 until it was found by staff recently during this years listing cycle for tax year 2023. We have since deactivated this account for the 2023 tax year and request the Board authorize a release of the tax bill for the 2019, 2020, 2021 and 2022 tax years. The value requesting to be released is only 3,760. Resulting in a tax release request of \$85.24 (2019), \$75.93 (2020), \$40.92 (2021), and \$62.16 (2022), however since solid waste fees are billed on accounts as a tax, this adds over \$200 each year resulting in the need for the request to the board for a release request since it is now over \$100 for each year.

The total release request is : \$1,320.25 to include 2019-2022 taxes, fees, interest, and solid waste fees.

This would fall under the category of clerical error, as well as illegal tax, as it was an internal error made by tax office or data conversion staff back in 2019 and the mobile home was no longer located on this property to be taxed as of January 1, 2019.

ACTION REQUESTED:

I would request the Board approve the release of the entire tax bill for tax years 2019,2020,2021 and 2022 due to the internal error made by tax office or conversion staff in listing this property that was no longer on the property as of Jan. 1, 2019.

PENDER COUNTY



Personal Property Tax Statement

Property 5560
Location: 36 VERZAAL LANE

Owner:
SUTHERLAND, CORY
36 VERZAAL LANE
ROCKY POINT NC 28457

Status:

Taxable Valuation: 3,900
Interest Due Next Month: 229.87

Interest Date: 07/26/2023

Year	Type	Bill			
2022	PP-R	4369			
Inst	Charge	Billed	Principal Due	Interest Due	Total Due
1	SW FULL	220.00	220.00	14.30	234.30
	PENDER CO	25.16	25.16	1.64	26.80
	LONG CREEK	4.29	4.29	0.28	4.57
	EMS	3.61	3.61	0.23	3.84
	SW FULL	22.00	22.00	1.43	23.43
	PENDER CO	2.52	2.52	0.16	2.68
	LONG CREEK	0.43	0.43	0.03	0.46
	EMS	0.36	0.36	0.02	0.38
		278.37	278.37	18.09	296.46
Year Totals		278.37	278.37	18.09	296.46

TAX - 62.14
SW Fee - 23.43

TAX - 62.14
SW Fee - 234.30

Year	Type	Bill			
2021	PP-R	4985			
Inst	Charge	Billed	Principal Due	Interest Due	Total Due
1	SW FULL	220.00	220.00	34.10	254.10
	PENDER CO	26.96	26.96	4.18	31.14
	LONG CREEK	4.60	4.60	0.71	5.31
	EMS	3.87	3.87	0.60	4.47
		255.43	255.43	39.59	295.02
Year Totals		255.43	255.43	39.59	295.02

TAX - 40.9
Sw Fee - 25

TAX - 40.92
SW Fee - 254.10

Year	Type	Bill			
2020	PP-R	4965			
Inst	Charge	Billed	Principal Due	Interest Due	Total Due
1	SW FULL	220.00	220.00	53.90	273.90
	PENDER CO	26.96	26.96	6.61	33.57
	LONG CREEK	4.60	4.60	1.13	5.73
	EMS	3.87	3.87	0.95	4.82
	SW FULL	22.00	22.00	5.39	27.39
	PENDER CO	2.70	2.70	0.66	3.36
	LONG CREEK	0.46	0.46	0.11	0.57
	EMS	0.39	0.39	0.10	0.49
		280.98	280.98	68.85	349.83
Year Totals		280.98	280.98	68.85	349.83

Tax - 75.93
SW fee - 273

TAX - 75.93
SW Fee - 273.90

PENDER COUNTY



Personal Property Tax Statement

Year	Type	Bill				
2019	PP-R	5296				
Inst	Charge	Billed	Principal Due	Interest Due	Total Due	
1	SW FULL	220.00	220.00	73.70	293.70	
	PENDER CO	28.96	28.96	9.70	38.66	
	LONG CREEK	4.94	4.94	1.65	6.59	
	EMS	4.15	4.15	1.39	5.54	
	SW FULL	22.00	22.00	7.37	29.37	
	PENDER CO	2.90	2.90	0.97	3.87	
	LONG CREEK	0.49	0.49	0.16	0.65	
	EMS	0.42	0.42	0.14	0.56	
		283.86	283.86	95.08	378.94	
Year Totals		283.86	283.86	95.08	378.94	
Grand Totals		1,098.64	1,098.64	221.61	1,320.25	

Tax - 85.24
SW fee - 293.70

** End of Report - Generated by Leslie J. Kiger **

7/26/23, 9:00 AM

Personal Property - Pender County - Production

iasWorld Maintain

Account: P909806

SUTHERLAND, CORY

36 VERZAAL LANE

2023

Personal Property

Tax Year: 2023 Jan 07 11:11 AM

0.0/0

Tree View Data

Property

Assets

Asset #245679

Alternate Address

-PPAD/MN-

Owner

SUTHERLAND, CORY

Totals

Assessment

PP 3750

Note 2

Note 3

Office Notes

Work List

Add Record

Copy From

Simple Copy

Adv Copy

Deactivate

Reassign

Abandon

Save

Validate

Commit

Print

Run Reports

Docs & Photos

Quick Links

Listing Account

Owner Info

Assets

Totals

Asmt

Alt Addr

Field Notes

Office Notes

Work List

ALTERNATE ADDRESS

Id

245679

Cat

PP

MH

MH19941480

Year

1994

Make

OAKWOOD

Model

Calc

A

Acqd

2019

Cost

3,633

Sched

Sch%

100

Value

3,760

Who

PPAD00 EGY

When

12/20/2022 05:40 AM

S#

5

Record

Status

Current

Filing Year: 2023 *

Asset ID #: 245679 *

Year Acquired: 2019 *

PP Type Description: MOBILE HOME

Asset Description: 1994 OAKWOOD 14 80

Servo/VINID/Hull Key: 05079

Make: OAKWOOD

Model:

Year Mfg: 1994

Asset Number:

Width: 14

Length: 80

Title #:

MH Park (CNAME):

SITUS Address:

SITUS City/State/Zip:

Lot #:

MH Permit #:

Type Code: MH19941480
Category: PP
Class: MH
Calculation Type: A: APPRAISED (TEC)
Source:

7/26/23, 9:00 AM

Personal Property - Pender County - Production

lasWorld Maintain

Account: P909806

SUTHERLAND, CORY

36 VERZAAL LANE

2023

Personal Property

Search | Select Transaction | New Window

Year: 2023 | All 071 | Print

0 of 0

Tree View Data

Asset Record Copy From Simple Copy Adv Copy Deactivate Reassign Abandon Save Validate Commit Print Run Reports Docs & Photos Quick Links

Who When Status

Property

Assets

Asset #245679

Alternate Address

-PPADMN-

Owner

SUTHERLAND, CORY

Totals

Totals

Assessment

PP-3750

Field Notes

Note: 2

Note: 3

Office Notes

Work List

Listing Account Owner Info Assets Totals Asmt All Addr Field Notes Office Notes Work List

ADD INSERT MODIFY DELETE

Code Comment

2 AN-APPRAISER NOTE 10/31/2017 TALKED TO LAND OWNER, MH IS GONE

3 AN-APPRAISER NOTE JR

Who When Status

IASWORLD 04/7/2019 06:22 PM

IASWORLD 04/10/2019 06:22 PM

Who When Status

IASWORLD 04/7/2019 06:22 PM

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**Pender County
Resolution to Designate Review Officers
for maps/plats for recording with
Register of Deeds office- Statutory
Requirement NC G.S. 47-30.2(a)**

TO: Board of County Commissioners

FROM: Melissa Radke

DATE: August 21, 2023

SUBJECT: Resolution to Designate Review Officers for maps/plats for recording
with Register of Deeds office- Statutory Requirement NC G.S. 47-
30.2(a)

SUMMARY:

NC General Statute 47-30.2(a) requires that the Board of County Commissioners designate one or more persons as Review Officers to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording. This is to ensure that each map and plat meets the statutory requirements not that the map or plat is correct based on how the user intends. The Register of Deeds office does not review the maps for statutory requirements, that is the job of the designated Review Officers.

To ensure we always have at least one review officer in office, I have chosen the following employees in the Assessors Office to be designated as a Review Officer: Lisandra O'Donnell, Laura Batson, Kayla Futrell, Kayla Southerland, Josh Norwood and Melissa Radke.

ACTION REQUESTED:

I request the Board approve the resolution naming these individuals as Review Officers. This resolution, upon approval, will be recorded with the Register of Deeds office as instructed in NC General Statute 47-30.2(a).

Board of County Commissioners
Jacqueline A. (Jackie) Newton – Chair
Wendy Fletcher-Hardee – Vice Chair
Archibald (Fred) McCoy
Jerry Groves
Brad George



County Manager
David Andrews
Assistant County Manager
Allen Vann
County Attorney
Carl W. (Trey) Thurman
Staff Attorney
Patrick Buffkin

A Resolution Designating Lisandra O'Donnell, Kayla Futrell, Laura Batson, Kayla Southerland, Josh Norwood and Melissa Radke as Review Officers

Pursuant to N.C. Gen. Stat. § 40-30.2

WHEREAS, N.C. Gen. Stat. § 47-30.2(a) requires that the board of commissioners of each county designate by resolution one or more persons experienced in mapping or land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the register of deeds for recording;

WHEREAS, N.C. Gen. Stat. § 47-30.2(a) further provides that each person designated a Review Officer shall, if reasonably feasible, be certified as a property mapper pursuant to N.C. Gen. Stat. § 147-54.4;

WHEREAS, N.C. Gen. Stat. § 47-30.2(a) requires that a resolution designating a Review Officer be recorded in the county registry and indexed on the grantor index in the name of the Review Officer; and

WHEREAS, the Tax Administrator has submitted the following names as persons qualified to be designated as Review Officers pursuant to N.C. Gen. Stat. § 47-30.2(a), along with the recommendation that they be so designated by the adoption of this resolution.

NOW THEREFORE, BE IT RESOLVED by the Pender County Board of Commissioners that Lisandra O'Donnell, Kayla Futrell, Laura Batson, Josh Norwood, and Melissa Radke shall be and are hereby designated as Review Officers pursuant to N.C. Gen. Stat. § 47-30.2(a); and

BE IT FURTHER RESOLVED that a copy of this resolution shall forthwith be presented to the Pender County Register of Deed for recordation in accordance with the provisions of N.C. Gen. Stat. § 47-30.2(a).

Adopted this the 21st day of August, 2023.

Jacqueline A. Newton, Chair
Pender County Board of Commissioners

ATTEST:

David Andrews, Clerk to the Board



**Pender County
Adoption of N.C. Dep't of Natural and
Cultural Resources Records Retention
Schedule and Internal Policies Related to
Records Retention**

TO:	Board of County Commissioners
FROM:	Lexi Stanfield
DATE:	August 21, 2023
SUBJECT:	Adoption of N.C. Dep't of Natural and Cultural Resources Records Retention Schedule and Internal Policies Related to Records Retention

SUMMARY:

State law provides that all records made or received by Pender County are public records that belong to the people, and imposes requirements on the maintenance of these records, including prohibiting the destruction of public records without the consent of the North Carolina Department of Cultural and Natural Resources (the Department). The primary method that the Department uses to provide its consent to the destruction of public records is through the publication of a public records retention and disposition schedule (see attached). A local government's agreement or adoption of the Department's public records retention schedule allows the local government to destroy public records in accordance with the schedule. The resolution attached to this agenda item adopts the Department's public records retention schedule for Pender County.

In addition, the resolution attached to this agenda item adopts an internal policy for Pender County to manage, retain, and destroy public records, including responding to public records requests. In summary, the clerk to the Board is responsible for managing the public records of the County Manager's office and the Board of Commissioners, and each Department Director is expected to manage the public records of their department and to respond to public records requests. The County Public Information Officer and the Department of Information Technology are directed to assist in responding to public records requests.

ACTION REQUESTED:

Adoption of the Resolution

Board of County Commissioners
Jacqueline A. (Jackie) Newton – Chair
Wendy Fletcher-Hardee – Vice Chair
Archibald (Fred) McCoy
Jerry Groves
Brad George



County Manager
David Andrews
Assistant County Manager
Allen Vann
County Attorney
Carl W. (Trey) Thurman
Staff Attorney
Patrick Buffkin

A Resolution Adopting the Records Retention Schedule published by the North Carolina Department of Natural and Cultural Resources for Pender County's Public Records and Adopting Internal Policies Related to the Retention of the Public Records of the County

WHEREAS, N.C. Gen. Stat. § 132-3 prohibits any public official from destroying, selling, loaning, or otherwise disposing of any public records without the consent of the North Carolina Department of Natural and Cultural Resources, except in accordance with N.C. Gen. Stat. §§ 121-5 and 130A-99;

WHEREAS, the primary way that the North Carolina Department of Natural and Cultural Resources gives its consent to the destruction of public records is through publication of Records Retention and Disposition Schedules approved by local government agencies;

WHEREAS, Pender County is a public agency subject to the requirements of Chapter 132 of the North Carolina General Statutes;

WHEREAS, the clerk to the Pender County of Commissioners is undertaking an effort to update and organize the County's public records to promote the efficient retention and maintenance thereof, and in furtherance of that effort recommends that the Pender County Board of Commissioners adopt the Records Retention Schedule published by the North Carolina Department of Natural and Cultural Resources and the internal policies related to retention of public records, both of which are included in and attached to the agenda for the regular meeting of the Pender County Board of Commissioners held on this date.

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that the Records Retention Schedule published by the North Carolina Department of Natural and Cultural Resources and the internal policies related to retention of public records included in the agenda item with this resolution shall be and the same are hereby adopted.

Adopted this 21st day of August 2023.

Jacqueline A. Newton, Chair
Pender County Board of Commissioners

ATTEST:

David Andrews, Clerk to the Board

P.O. Box 5, 805 South Walker Street, Burgaw, N.C. 28425

910-259-1200 Office | www.pendercountync.gov





Pender County Government
STANDARD PROCEDURE

Subject: Records Retention Policy	Effective Date: Upon approval
Prepared by: Patrick Buffkin, Staff Attorney	Revised: n/a
Approved by: Board of Commissioners	Approval Date:
Chair's Signature:	# of Pages: 6

PURPOSE:

The purpose of this policy is to establish standard procedures by which the County and its employees shall retain, preserve, and destroy public records.

RESTATEMENT OF STATE POLICY:

It is the policy of the Pender County Government to comply with state law in every respect with regards to the retention, preservation, and destruction of public records. To that end, the County recognizes the policy of this state set forth in N.C. Gen. Stat. § 132-1, *et. seq.*, that the public records and public information compiled by the Pender County government or its Departments or Divisions are the property of the people. Therefore, it is the policy of Pender County that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law.

DEFINITIONS:

“Board” means the Pender County Board of Commissioners.

“County” means Pender County, North Carolina.

“County Manager” means the county manager appointed by the Board pursuant to G.S. 153A-81.

“Clerk to the Board” means the County employee appointed by the Board pursuant to N.C. Gen. Stat. § 153A-111, or if the County Manager has been appointed as clerk, then the County employee to whom the County Manager has delegated such responsibilities, if any.

“Department” means a division of the County dealing with a specific subject or area of activity.

“Department Director” means the County employee hired or appointed to manage and supervise a Department.

“Public Information Officer” means the County employee designated by the County Manager to be responsible for responding to Public Records Requests.

“Public Record” or “Public Records” has the same meaning as provided in N.C. Gen. Stat. § 132-1(a).

“Public Records Request” or “Public Records Requests” mean a request or demand to the County from a member of the public to produce or view a Public Record or Public Records.

ADMINISTRATION:

The Clerk to the Board shall be responsible for administering this policy with respect to the public records of the Board and the County Manager’s Office, and each Department Director shall be responsible for administering this policy with respect to the public records of their Department. The Department of Information Technology shall support and assist the Clerk to the Board and each Department Director in administering this policy.

PUBLIC RECORDS REQUESTS:

Public Records Requests received by the County shall be submitted or referred to the Public Information Officer. The Public Information Officer shall promptly forward each Public Records Request to the Department Director whose Department is relevant to the Public Records requested or demanded, with a courtesy copy to the County Manager and the Clerk to the Board. The County’s policy is to respond to Public Records Requests as promptly as possible without charge and in accordance with the requirements of this policy.

DESTRUCTION OF PUBLIC RECORDS:

No County employee shall destroy public records except as permitted by this policy. The County’s Public Records may only be destroyed in accordance with the schedule published by the North Carolina Department of Natural and Cultural Resources.

PUBLIC RECORDS THAT CONTAIN INFORMATION EXEMPTED FROM DISCLOSURE:

The County’s Public Records may include information that is exempted from disclosure by the provisions of Chapter 132 of the North Carolina General Statutes, including, but not limited to confidential communications from the attorney to the client within the scope of the attorney-client relationship (N.C. Gen. Stat. § 132-1.1(a); criminal investigation records or records of criminal intelligence information (N.C. Gen. Stat. § 132-1.4); sensitive public security information (N.C. Gen. Stat. § 132-1.7); technology security information (N.C. Gen. Stat. § 132-6.1); records of minors (N.C. Gen. Stat. § 132-1.4, -1.12, and 7B-2901); County employees’ personnel files (N.C. Gen. Stat. § 153A-98, except as provided in 153A-98(b)); social security numbers and other personal identifying information (N.C. Gen. Stat. § 132-1.10); trade secrets and electronic payment account numbers (N.C. Gen. Stat. § 132-1.10, 75-61, and 14-113.20); trial preparation materials (N.C. Gen. Stat. § 132-1.9); names and addresses of complaining witnesses to crimes (N.C. Gen. Stat. § 132-1.4); certain economic development incentive information (N.C. Gen. Stat. § 132-1.11 and -6(d)); closed session meeting minutes (N.C. Gen. Stat. § 143-318.10(e)); and public enterprise billing information (N.C. Gen. Stat. § 132-1.1(c)). Other County public records may include information exempted from disclosure by other law,

such as protected copyright (17 U.S.C. § 106(1)) and the Health Information Portability and Accountability Act.

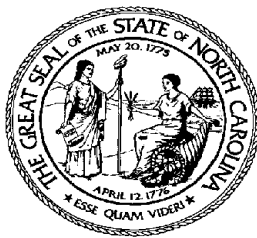
Whenever a Public Records Requests is received that may include information that is exempted from disclosure, the Public Information Officer shall alert the County's legal counsel for guidance and assistance in responding to the request.

DISPUTED RESPONSES; RESOLUTION THEREOF:

Whenever the person making a Public Records Requests disputes the completeness or accuracy of the County's response, the County will request that the basis for the dispute be submitted in writing to the County Manager. The County Manager shall cause the dispute to be reviewed by a County employee who was not involved in developing the initial response for review, who shall determine whether the basis of the dispute requires a supplemental response. If the person reviewing the basis of the dispute determines that the dispute requires a supplemental response, the County shall, as promptly as possible, provide additional response to the Public Records Request.

RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



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

October 1, 2021

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2021 General Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 General Records Schedule: Local Government Agencies**:

1. Administration and Management Records
2. Budget, Fiscal, and Payroll Records
3. Geographic Information System Records
4. Human Resources Records
5. Information Technology Records
6. Legal Records
7. Public Relations Records
8. Risk Management Records
9. Workforce Development Records

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

“(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.”

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

Audits and Litigation Actions

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

Electronic Records

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

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Reference Copies

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

Record Copy

A record copy is defined as “The single copy of a document, often the original, that is designated as the official copy for reference and preservation.”¹ The record copy is the one whose retention and disposition is mandated by this schedule; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to

¹ Society of American Archivists, *Dictionary of Archives Terminology*.

designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

Transitory Records

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”²

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

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

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they must be retained according to the disposition instructions for the records series encompassing the forms’ function.

² Ibid.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes previous versions of this schedule and any localized amendments; it is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager
Title: _____



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____



D. Reid Wilson, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____

Effective: October 1, 2021

EXECUTIVE SUMMARY

- ✓ Some records are covered by the Local Agency Program Retention and Disposition Schedules. See the appendix for Related Records Series Found in Local Agency Program Schedules.
- ✓ According to N.C. Gen. Stat. § 121-5(b) and N.C. Gen. Stat. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Society of American Archivists, *Dictionary of Archives Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by N.C. Gen. Stat. § 121-5 and N.C. Gen. Stat. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions listed with the identified record series.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina creates security preservation record copies for minutes and selected other records of governing bodies and commissions, adoption records, and maps and plats. Agencies can request copies of the digital images made during this process. Contact the appropriate Records Management Analyst to begin this process.

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- ✓ If you have records that are not listed in this schedule, contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do not have historical value, we will ask you to complete a Request for Disposal of Unscheduled Records (page A-20) for records that are no longer being created.

LEGEND FOR RECORDS SCHEDULE

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



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

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

Series — “a group of similar records that are . . . related as the result of being created, received, or used in the same activity.” (From Society of American Archivists, *Dictionary of Archives Terminology*). Series in this schedule are based on common functions in government offices.

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

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

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

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

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

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

AUDITS: PERFORMANCE

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

SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).

Sample records series title and description with cross-reference included

***No destruction of records may take place if litigation or audits are pending or reasonably anticipated.
See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.***

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS

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

ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.01	ABSTRACTS OF MUNICIPAL ELECTIONS Copies of abstracts prepared by the County Board of Elections and forwarded to the municipal clerk.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____ <i>Retention Note: Official record maintained permanently by the County Board of Elections.</i>	Authority: G.S. 163-300
1.02	ACCREDITATION RECORDS Records documenting accreditations and certifications received by the agency. Includes applications, final reports, and other related records. Also includes evaluations of the agency by outside entities.	Destroy in office 5 years after superseded or obsolete.	Authority: 10A NCAC 48B
1.03	ADMINISTRATIVE DIRECTIVES, REGULATIONS, AND RULES @ Records documenting requirements or directives promulgated by the agency for the conduct of a business or activity on agency premises or under agency authority.	Destroy in office when superseded or obsolete.	

1: Administration and Management

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.04	AUDITS: PERFORMANCE @ Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records. SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	a) Retain in office permanently reports related to internal compliance or operational audits, hazardous material, or those that document a significant change in agency practices. b) Destroy in office PCI attestation reports after 3 years. c) Destroy in office remaining audit reports after 10 years. d) Destroy in office documentation of corrective measures 2 years after their implementation. e) Destroy in office working papers and remaining records when superseded or obsolete.	
1.05	 BLUEPRINTS AND SPECIFICATIONS @ Blueprints and specifications of agency owned buildings and facilities. Includes as-built plans and related records concerning approved changes.	a) Transfer as-built drawings to new owner when agency relinquishes ownership of building or facility. b) Retain in office as-built drawings for life of structure and then destroy. c) Destroy in office blueprints, floorplans, and other preliminary design and construction documents when superseded or obsolete.	Confidentiality: G.S. 132-1.7

1: Administration and Management

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.06	BONDS Records documenting written guarantees from a third party, including bid bonds, payment bonds, performance bonds, and surety bonds. SEE ALSO: Bids for Purchase (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), and Projects (below).	Destroy in office 5 years after expiration or cancellation.	
1.07	BULLETINS Internal information sharing materials that circulate information within the agency. Also includes memoranda and newsletters.	Destroy in office when superseded or obsolete.	
1.08	BUSINESS CERTIFICATION RECORDS Applications and supporting documentation submitted by businesses to be certified as a Small Business Enterprise (SBE) or other classification.	a) Destroy in office all documentation 3 years after most recent recertification. b) If certification was never issued, destroy in office all documentation when reference value ends.± Agency Policy: Destroy in office after _____	
1.09	BUSINESS DEVELOPMENT SUBJECT FILE	Destroy in office after 3 years.	
1.10	CALENDARS OF EVENTS AND APPOINTMENTS	Destroy in office when superseded or obsolete.	
1.11	CENSUS PROJECT RECORDS Records created to assist the U.S. Census Bureau with the decennial census.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

1: Administration and Management

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.12	CHARTER RECORDS Charter and charter proceedings related to adoption, amendment and/or repeal.	Retain in office permanently.	
1.13	COLLECTED DATA Information and statistics compiled and analyzed for research purposes or to support the functions of the agency. SEE ALSO: Data Warehouses (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	Destroy in office when superseded or obsolete.	If data contains confidential information, abide by relevant restrictions.

1: Administration and Management

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.14	CONSTITUENT COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS @ Records concerning objections, dissatisfaction, or disagreements with actions or positions taken or not taken by the agency. Includes comments and petitions submitted by constituents requesting action as well as routine requests for service. Also includes requests for reasonable accommodation to the general public under Title II of the Americans with Disabilities Act, Housing and Urban Development Act, 1973 Rehabilitation Act, and Title VII of the Civil Rights Act of 1964; including constituent requests, survey of agency buildings to determine accessibility to the physically handicapped, proposals for implementation, correspondence (including e-mail), and resolutions. SEE ALSO: Civil Rights Records (STANDARD 6: LEGAL RECORDS).	a) Transfer records as applicable to Litigation Case Records (STANDARD 6: LEGAL RECORDS). b) Destroy in office comments, complaints, petitions, and requests 1 year after resolution.* c) Destroy in office accommodation requests 2 years after resolution.*	Authority: 42 USC 12132
1.15	CONSTITUENT SURVEYS Surveys and related records addressing agency services, policies, and other concerns.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

1: Administration and Management

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.16	CORRESPONDENCE AND MEMORANDA Administrative and management correspondence/memoranda (including e-mail) written or received by the office concerning agency authority, operating philosophy, purpose, methods, and any other function. For information on handling e-mail and text or instant messages, see ELECTRONIC RECORDS, page A-11. SEE ALSO: Public Bodies: Correspondence (below) and Legal Correspondence (STANDARD 6: LEGAL RECORDS).	a) Transfer correspondence (including e-mail) with historical value to History Records (below), after 3 years. b) Destroy routine administrative correspondence and memoranda after 1 year. c) Destroy in office remaining records after 3 years. <i>Retention Note: The correspondence (including e-mail) of the most senior administrator has historical value and should be retained permanently.</i>	
1.17	CUSTOMER CALL CENTER RECORDINGS @ Recordings of calls to customer service centers made for quality assurance and training purposes.	Destroy in office after 30 days.	
1.18	EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS @ Records concerning the maintenance, repair, routine testing, and inspection of agency owned equipment and vehicles. Also includes warranties. SEE ALSO: Grants (below), and System Maintenance Records: Hardware Repair or Service (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Destroy in office records documenting routine inspections, janitorial cleaning, and routine maintenance of equipment and vehicles after 1 year.* b) Destroy in office records documenting all other maintenance and repairs after 3 years.* c) Destroy in office warranties 1 year after expiration.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

1: Administration and Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.19	EQUIPMENT AND VEHICLE REFERENCE RECORDS Includes operation, specification, and technical manuals. Also includes brochures, bulletins, and related documentation.	Destroy in office when superseded or obsolete.	
1.20	EQUIPMENT, FACILITY, AND VEHICLE USAGE RECORDS Records documenting the assignment, request, and usage of agency assets. Also includes mileage and checkout logs, fuel consumption reports, reservation requests, authorizations, utility usage logs, and similar records.	a) Destroy in office after 3 years if records are used for allocating costs or determining payment under rental or lease agreements.* b) Destroy in office remaining records after 1 year.	
1.21	FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS Records documenting maintenance, repair, and inspection of agency-owned facilities, including warranties on said repairs. Also includes any real property owned by the agency. SEE ALSO: Contracts, Leases, and Agreements (STANDARD 6: LEGAL RECORDS), Property Management Records (below).	a) Destroy in office records documenting system repair and improvement (including plumbing, electrical, fire, and other systems) after 3 years. b) Destroy in office records documenting routine inspections, janitorial cleaning, environmental monitoring, and routine maintenance of facilities after 1 year. c) Destroy in office warranties 1 year after expiration.	
1.22	FORMS AND TEMPLATES Blank forms, templates, and letterhead used to create agency records.	Destroy in office when superseded or obsolete.	

1: Administration and Management

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.23	GRANT PROPOSALS Proposals submitted for grants, including applications, correspondence (including e-mail), and other related records.	a) Transfer records concerning approved grants to Grants (below). b) Destroy in office rejected or withdrawn grant proposals when reference value ends.± Agency Policy: Destroy in office after _____	
1.24	GRANTS@ Records concerning approved federal, state, and private grants. File includes applications, reports, records of equipment purchased with grant funds, and all relevant programmatic records. Also includes any required certifications and disclosures, documentation about grants issued by the agency, and research records generated as part of a grant project. SEE ALSO: Grants: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	a) Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions. b) Destroy in office records of state and private grants 5 years after final financial report is filed.* c) Destroy in office records of grants funded by local appropriations and other federal grants 3 years after final financial report is filed. d) Destroy in office records not relating to a specific grant after 1 year. <i>Retention Note: According to 2 CFR 200.333(c), records for real property and equipment acquired with Federal funds must be retained for 3 years after disposition of the property/equipment.</i>	Retention: 09 NCAC 03M .0703 2 CFR 200.333

1: Administration and Management

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.25	HISTORICAL DESIGNATIONS RECORDS Records concerning the awarding of historical markers by the agency. Includes applications, review materials, and list of markers.	a) Retain in office permanently the list of historical markers along with the accepted applications. b) Destroy in office after 1 year rejected applications. c) Destroy in office remaining materials after 3 years.	
1.26	HISTORY RECORDS (AGENCY AND EMPLOYEES) Records concerning the history of the agency and its employees. Includes published and unpublished histories, biographical data, photographs, newspaper clippings, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	
1.27	IMPROPER CONDUCT INVESTIGATIONS Records concerning investigations triggered by questions about ethics or conduct within an agency, such as whistleblower reports or allegations of fraud. Includes complaints, reports, investigations, and other related records. Also includes records from an ombuds office.	Destroy in office 3 years after resolution.*	
1.28	INDICES @ Listings of where specific information can be found.	Destroy in office when superseded or obsolete.	
1.29	INTERAGENCY PROGRAMS Records of programs involving more than one government agency. Includes resource materials, program information, and other related records.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

1: Administration and Management

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.30	INVENTORIES @ Inventories describing the type of property (including equipment and facilities other and fixed assets), its location, and related information. Also includes inventory control and usage records, such as requisitions/draw tickets, mileage logs, request forms, and other related records.	a) Destroy in office lists of properties, facilities, fixed assets, supplies, and surplus property when superseded or obsolete. b) Destroy in office inventory control and usage records after 3 years.	
1.31	LEGISLATION AND REGULATORY RECORDS Notices and copies of proposed or adopted state or federal legislation or regulations affecting the agency.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
1.32	LOGISTICS MATERIALS Records concerning scheduled plans of agency personnel and activities. Includes routine notices, task lists, and arrangements.	Destroy in office when superseded or obsolete.	
1.33	MAIL: UNDELIVERABLE/RETURNED Outgoing agency mail returned by the post office for any reason, including insufficient postage, incorrect address, forwarding order expired, etc. Also includes outgoing e-mail returned for any reason.	Destroy in office after 30 days. <i>Retention Note: If notification is necessary for a particular process, reference the relevant case file for disposition instructions (e.g., tax notifications).</i>	
1.34	 MAILING AND DISTRIBUTION RECORDS Includes mailing and meeting notification lists, e-mail distribution lists, Sunshine Lists, and related documentation of transactions with the U.S. Postal Service, state courier, or private carriers.	a) Destroy in office Sunshine Lists when superseded or obsolete. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	Confidentiality: G.S. 132-1.12 G.S. 132-1.13

1: Administration and Management

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.35	MEMBERSHIP RECORDS Records concerning associations, organizations, groups, etc., with which the agency is involved. Includes records concerning memberships or registrations on behalf of the agency or agency personnel.	Destroy in office when superseded or obsolete.	
1.36	MISCELLANEOUS (NON-BUILDING) APPLICATIONS, LICENSES, AND PERMITS Includes, but not limited to, applications and permits regarding free government-issued business permits, burning, special events, and landscape establishment.	a) Destroy in office 1 year after expiration of license/permit. b) Destroy in office applications for which a license/permit was never issued when reference value ends.± Agency Policy: Destroy in office after _____	
1.37	 OFFICE AND PROPERTY SECURITY RECORDS Records concerning the security of agency offices, facilities, vehicles, equipment, property, and personnel. Includes visitors' register; security, employee, or contractor access to facilities or resources; and surveillance system reports and recordings. SEE ALSO: Employee Security Records (STANDARD 8: RISK MANAGEMENT).	a) If the recording necessitates law enforcement action, transfer to the appropriate agency. b) If the recording becomes evidence in a personnel investigation or lawsuit, transfer to Disciplinary Actions (STANDARD 4: HUMAN RESOURCES RECORDS), or Litigation Case Records (STANDARD 6: LEGAL RECORDS). c) Destroy in office recordings not required to support known investigations or litigation after 30 days. d) Destroy in office remaining records after 1 year.	Confidentiality: G.S. 132-1.7

1: Administration and Management

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.38	ORDINANCES Includes code of ordinances. See the SECURITY PRESERVATION COPIES OF RECORDS section on page A-15 for instructions on imaging.	a) Retain in office official copy permanently. b) Destroy in office ordinance development records when ordinance is no longer in effect. c) Destroy in office additional copies (including tabled or failed ordinances) when reference value ends.± Agency Policy: Destroy in office after _____	
1.39	PEST CONTROL Records concerning pest abatement or eradication programs overseen by the agency. SEE ALSO: Facility Maintenance, Repair, and Inspection Records (above).	Destroy in office after 3 years.*	
1.40	PHONE LOGS Records documenting calls placed and received in the course of conducting agency business. SEE ALSO: Accounts Payable (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Voice over Internet Protocol (VoIP) Records (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	Destroy in office after 1 year.	

1: Administration and Management

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.41	POLICIES AND PROCEDURES @ Records documenting the formulation, planning, and adoption of policies, procedures, and functions of the agency and its departments. File also includes organizational charts, reorganization studies, and similar records describing the arrangement and administrative structure of the agency. SEE ALSO: Civil Rights Records (STANDARD 6: LEGAL RECORDS), Policies and Procedures (Personnel) (STANDARD 4: HUMAN RESOURCES RECORDS), Electronic Records Policies and Procedures (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
1.42	POLL LIST/REGISTRATION LIST/ROSTER/ AUTHORIZATION TO VOTE (ATV) @ Lists documenting registered electors and votes cast prior to County Board of Elections taking over municipal elections. Includes electronic or paper ATV related records such as ATV books, forms, unused stickers, lists, registers, indexes, or similar records used to verify persons are registered voters at each polling location.	Contact State Archives of North Carolina prior to destroying old poll books and voter registration books.	Authority: G.S. 163 Art. 15A G.S. 163-166.7 08 NCAC 10B .0103 52 USC Chap. 205
1.43	PRICE QUOTATIONS	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____.	

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1: Administration and Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.44	PROCLAMATIONS AND ORDERS Proclamations and orders issued by the governing board.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	
1.45	PROJECTS @ Includes project correspondence (including e-mail), feasibility studies, final reports, specifications, assessments, notices to proceed, cost estimates, change orders, statements of work, and similar documentation. SEE ALSO: Project Documentation (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records 3 years after completion of project.	
1.46	PROPERTY MANAGEMENT RECORDS Includes appraisals of the financial valuation of agency-owned property as well as surveys, plats, and maps. SEE ALSO: Facility Maintenance, Repair, and Inspection Records (above).	Destroy in office when superseded or obsolete.	

1: Administration and Management

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.47	PUBLIC BODIES: AGENDA AND MEETING PACKETS Includes agendas and copies of supporting documentation and exhibits submitted and discussed during meetings of public bodies. Also includes documentation of outside meetings attended by agency personnel. SEE ALSO: Public Bodies: Minutes (below).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	
1.48	PUBLIC BODIES: APPLICATIONS FOR APPOINTMENT Applications and related records received from individuals applying for appointments to serve on public boards, commissions, councils, and committees.	a) Destroy in office records concerning appointed individuals 1 year after expiration of term. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	
1.49	PUBLIC BODIES: APPOINTMENT REPORTS Includes annual appointment reports filed with the NC Department of the Secretary of State.	Destroy in office after 2 years.	Authority: G.S. 143-157.1
1.50	PUBLIC BODIES: AUDIO AND VIDEO RECORDINGS OF MEETINGS SEE ALSO: Public Bodies: Minutes (below).	Destroy in office after approval of official written minutes. <i>NOTE: If these serve as the official minutes, as allowed by G.S. 143-318.10(e), their retention should be permanent. These disposition instructions apply to recordings produced solely for the purpose of generating official written minutes.</i>	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.51	PUBLIC BODIES: CORRESPONDENCE Records documenting internal and external communications of governing and advisory board members. Includes correspondence (including e-mail) related to decision-making, policy development, and other high-level planning as well as logistical communications.	a) Transfer correspondence (including e-mail) with historical value to History Records (above), after 3 years. b) Destroy in office remaining records after 3 years.	
1.52	PUBLIC BODIES: MEETING NOTICES Includes notices and regular meeting schedules. SEE ALSO: Affidavits of Publication (STANDARD 6: LEGAL RECORDS), Publicity Records (STANDARD 7: PUBLIC RELATIONS RECORDS).	Destroy in office after 1 year.	
1.53	PUBLIC BODIES: MEMBER FILES Records concerning members of public boards, commissions, councils, and committees. Includes codes of conduct, ethics statements, agreements, notices of resignation, and other related records. Also includes biographical information and waivers. SEE ALSO: Oaths of Office (STANDARD 6: LEGAL RECORDS), Public Bodies: Applications for Appointment (above).	a) Retain in office records with historical value permanently. b) Destroy in office 1 year after superseded or obsolete waivers from board members choosing not to receive stipend/per diem payments. c) Destroy in office remaining records 1 year after service ends.	

1: Administration and Management

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.54	PUBLIC BODIES: MINUTES Includes minutes of the governing board and all subsidiary and advisory boards. Subsidiary boards are defined as boards that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, or administrative functions. Also includes minutes of subcommittees of the governing board and its subsidiary and advisory boards. See the SECURITY PRESERVATION COPIES OF RECORDS section on page A-15 for instructions on imaging. SEE ALSO: Ordinances (above), Public Bodies: Agenda and Meeting Packets (above), Public Bodies: Audio and Video Recordings of Meetings (above), Resolutions (below).	a) Retain in office permanently official minutes of the governing board and its subsidiary boards as well as all attachments necessary to understand the body's actions. b) The official minutes of advisory boards may be destroyed only upon approval by the State Archives of North Carolina. The State Archives reserves the right to designate the minutes of any advisory board as permanent. c) Destroy in office minutes of committees or subcommittees when reference value ends, if the minutes or actions and decisions of the committee are entered as part of the minutes of the parent board. If minutes or actions and decisions of the committee or subcommittee in question are not entered as part of the minutes of the parent board, the State Archives reserves the right to designate the minutes as permanent.± Agency Policy: Destroy in office after _____	Authority: G.S. 143-318.10
1.55	RATE AND FEE SCHEDULES @ Records relating to rates, fees, and regulations concerning agency services.	Destroy in office when superseded or obsolete.	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.56	REBATE PROGRAM RECORDS Applications, receipts, and related records concerning rebate programs sponsored by the agency. These records document programs and incentivized actions that residents may opt into.	a) Destroy in office financial records 3 years after approval.* b) Destroy in office applications 1 year after approval. c) Destroy in office denied applications when reference value ends.± Agency Policy: Destroy in office after _____	
1.57	RECORDS MANAGEMENT Includes correspondence (including e-mail) with state and/or federal agencies with regards to records retention. Also includes records disposition documentation, file plans, and copies of records retention and disposition schedules.	a) Retain in office documentation concerning the final disposition of records permanently. b) Destroy in office remaining records when superseded or obsolete.	
1.58	REFERENCE (READING) FILE Subject files containing informational copies of records organized by areas of interest. Also includes materials that have no regulatory authority for the recipient and are received from outside the agency or from other units within the agency as well as reference copies of documents where another individual or agency is responsible for maintaining the record copy.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.59	REPORTS AND STUDIES @ Records concerning the performance of a department, program, or project, as well as those created for planning purposes. Includes all annual, sub-annual, or irregularly prepared research studies, reports, and studies generated by an agency or prepared by consultants hired by the agency. Also includes reports required to be submitted to the agency. SEE ALSO: Accident/Incident Reports (STANDARD 8: RISK MANAGEMENT RECORDS), Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Audits: Performance (above), Budget Reports (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Civil Rights Records (STANDARD 6: LEGAL RECORDS), Financial Reports (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Grants (above), Lost, Stolen, or Damaged Property Reports (STANDARD 8: RISK MANAGEMENT RECORDS), Projects (above), Public Bodies: Appointment Reports (above), Strategic Plan (below), and Unemployment Compensation Reports (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Retain in office permanently 1 copy of all annual and biennial reports written by the agency. b) Retain in office permanently reports and studies prepared by request of an agency's governing body or a court. c) Destroy in office after 3 years reports prepared monthly, bimonthly, or semi-annually. d) Destroy in office after 1 year activity reports concerning workload measurements, time studies, number of jobs completed, etc., prepared on a daily or other periodic basis. e) Destroy in office when superseded or obsolete reports required to be submitted to the agency. f) Destroy in office remaining reports and studies when reference value ends.± Agency Policy: Destroy in office after _____. <i>Retention Note: Reports and studies listed elsewhere in this schedule should be retained the specified period of time.</i>	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.60	REQUESTS FOR INFORMATION Requests received and responses issued by the agency. SEE ALSO: Public Records Requests (STANDARD 7: PUBLIC RELATIONS RECORDS).	Destroy in office after 1 year after resolution.	
1.61	REQUESTS FOR PROPOSALS (RFP) Proposals submitted by vendors in response to requests from agency. Also includes notices and evaluations produced by the agency. SEE ALSO: Bids for Purchase (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Price Quotations (above).	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
1.62	RESOLUTIONS File consists of resolutions indicating date, issues or policy involved, and appropriate signatures. See the SECURITY PRESERVATION COPIES OF RECORDS section on page A-15 for instructions on imaging.	a) Retain in office permanently one copy of final resolution. b) Retain in office permanently resolution development records with historical value. c) Destroy in office additional copies of resolutions (including those tabled or failed) along with all remaining development records when reference value ends.± Agency Policy: Destroy in office after _____	

1: Administration and Management

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.63	STAFF MEETINGS FILE Records concerning meetings of internal committees, groups, or task forces along with external meetings attended by agency personnel. Includes minutes, agendas, meeting packets, visual aids, presentations, notes, recordings, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after 1 year.	
1.64	STRATEGIC PLAN @ Long-range plan outlining policies, guidelines, and plans for future development of the agency. Includes official copy of strategic plan and all background surveys, studies, and reports. Also includes business plans as well as mission statements, goals, and objectives.	a) Retain in office strategic plans permanently. b) Destroy in office background surveys, studies, and reports 5 years after adoption of plan. c) Destroy in office business plans 2 years after execution of plan. d) Destroy in office remaining records when superseded or obsolete.	
1.65	SURPLUS PROPERTY Inventories and reports of agency property to be surplus.	Destroy in office 3 years after disposition of property.*	
1.66	TRACKING MATERIALS Records intended to verify the receipt of information, such as certified mail receipts.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.67	TRAVEL REQUESTS Requests and authorizations for travel. Includes forms and itineraries. SEE ALSO: Price Quotations (above), Travel Reimbursements (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	Destroy in office after 1 year.*	
1.68	VEHICLE REGISTRATION CARDS North Carolina registration cards for vehicles in the agency fleet. SEE ALSO: Vehicle Titles (STANDARD 6: LEGAL RECORDS).	Destroy in office when superseded.	
1.69	WORK ORDERS Includes date and location of work, cost of materials used and labor, type of work performed, and other related records regarding the repairs of equipment, facilities, and vehicles.	a) If this is the only record documenting completed work, follow disposition instructions for Facility Maintenance, Repair, and Inspection Records (above), or Equipment and Vehicle Maintenance, Repair, and Inspection Records (above). b) Destroy in office remaining records 1 year after work is completed.*	

1: Administration and Management

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS

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

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

ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.01	ACCOUNTS PAYABLE Records concerning the status of accounts in which the agency owes money to firms or individuals. Includes invoices, reimbursements, receipts or bills of sale, check registers, and subsidiary registers. Also includes stop payment notices.	a) Destroy in office 5 years after payment documentation of reimbursement for business expenses to employees. b) Destroy in office all remaining records 3 years after payment.*	Retention: 04 NCAC 24D .0501(a)(3)(I)
2.02	ACCOUNTS RECEIVABLE @ Records concerning receivables owed and collected. Includes billing statements, records of payment received, remittances, subsidiary registers, overpayment or refund records, deposits, fines and fees assessed, and collection of past due accounts. Also includes records concerning accounts sent to NC Debt Setoff Program for collection.	Destroy in office 3 years after collection.*	G.S. 105A

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.03	ACCOUNTS UNCOLLECTABLE Records of accounts deemed uncollectable, including returned checks, write-off authorizations, and other related records.	Destroy in office 3 years after account is determined to be uncollectable.*	
2.04	ANNUAL BUDGET Annual budget and budget message submitted to governing board for approval. SEE ALSO: Budget Reports (below).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after 3 years. <i>Retention Note: Annual budgets should be entered into the minutes of the governing board.</i>	Authority: G.S. 159-11
2.05	ARBITRAGE RECORDS Records concerning arbitrage rebate calculations and funds rebated.	Destroy in office 3 years after final redemption date of the bonds and after all related debts and obligations have been satisfied.*	Authority: 26 CFR 1.148-3
2.06	AUDITS: FINANCIAL @ Records concerning internal and external audits. Includes reports, working papers, and related records. SEE ALSO: Audits: Performance (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office permanently final reports related to internal compliance or operational audits or those that document a significant change in agency practices or have significant administrative value. b) Destroy in office after 10 years final reports related to internal accounting systems and controls and those with limited administrative value. c) Destroy in office working papers and remaining records when superseded or obsolete.*	Authority: G.S. 159-34
2.07	AUTHORIZATION FORMS Authorization to purchase materials.	Destroy in office after 3 years.*	

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2: Budget, Fiscal, and Payroll

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.08	BANK STATEMENTS AND RECONCILIATIONS Includes bank statements, canceled checks, deposit slips, and reconciliation reports.	Destroy in office after 3 years.*	
2.09	BIDS FOR DISPOSAL OF PROPERTY Records concerning the disposal of surplus property. Includes information about various disposition procedures used, such as sealed bids and public auction. SEE ALSO: Accounts Receivable (above).	Destroy in office all records after the disposition of property has been recorded in governing board's minutes.*	Authority: G.S. 153A-176
2.10	BIDS FOR PURCHASE Records documenting quotes to supply products and services. Includes advertisements, tabulations, awards letters, records of bids, good faith effort documentation, and related records concerning accepted and rejected bids.	a) Transfer records to Contracts, Leases, and Agreements (STANDARD 6: LEGAL RECORDS) when bid is approved. b) Destroy in office bid records not awarded or opened after 1 year.*	Authority: G.S. 143 Article 8
2.11	BOND CLOSING RECORDS Includes applications, agreements, tax records, contracts, official statements, legal opinions, rating letters, public hearing bonds, title insurance, deeds of trust, and other related records concerning bonds issued by the agency. Also includes records concerning expenditure and/or investment of bond proceeds.	Destroy in office 6 years after final maturity.*	Authority: G.S. 159 Article 7

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2: Budget, Fiscal, and Payroll

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.12	BOND REGISTER Records of all bonds, notes, and coupons issued by the agency detailing the purpose of issuance, the date of issue, serial numbers (if any), denomination, maturity date, and total principal amount.	Retain in office permanently.	Authority: G.S. 159-130
2.13	BONDS, NOTES, AND COUPONS	Destroy in office 1 year from date of payment.	Authority: G.S. 159-139
2.14	BUDGET ADMINISTRATION RECORDS Records of budget administration. Includes research, correspondence (including e-mail), and other related records.	Destroy in office after 2 years.*	
2.15	BUDGET EXECUTION RECORDS Records of authorizations to move funds between budget codes.	Destroy in office when released from audits.	
2.16	BUDGET REPORTS Includes daily detail reports and monthly budget reports. Also includes contract budget and expenditure reports and summaries of tax allocations. SEE ALSO: Annual Budget (above).	a) Destroy in office daily detail reports after 1 year.* b) Destroy in office remaining reports after 3 years.*	
2.17	BUDGET REQUESTS AND WORKING PAPERS Includes budget requests, cost estimates, expenditures, program requests, salary and wage lists, correspondence (including e-mail), and related records.	Destroy in office after 3 years.*	Authority: G.S. 159-10

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2: Budget, Fiscal, and Payroll

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.18	BUDGET RESOLUTIONS AND ORDINANCES Includes project ordinances, budget resolutions, and amendments. SEE ALSO: Public Bodies: Minutes (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain official copies in the minutes of the governing board. b) Destroy in office remaining copies when reference value ends.± Agency Policy: Destroy in office after _____	Authority: G.S. 159-8 G.S. 159-13 G.S. 159-13.2 G.S. 159-15
2.19	COST ALLOCATION PLANS Accounting report that calculates and spreads agency-wide indirect costs to departments and funds that receive a service from other departments.	Destroy in office after 3 years.*	
2.20	 CREDIT/DEBIT/PROCUREMENT CARD RECORDS Records of assignment of agency credit cards and purchasing cards along with authorization logs.	Destroy in office when superseded or obsolete.*	Confidentiality: G.S. 132-1.2(2)
2.21	DONATIONS AND SOLICITATIONS Records concerning requests made to agency by outside organizations. Includes applications and other related records. SEE ALSO: Fund Drive and Event Records (STANDARD 7: PUBLIC RELATIONS RECORDS).	a) Destroy in office records supporting approved donations 1 year after payment. b) Destroy in office rejected applications after 30 days.	
2.22	 ELECTRONIC FUNDS TRANSFERS (EFT) Includes forms authorizing electronic transfer of monies via wire transfer or automated clearing house (ACH) as well as ACH bank reports.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 14-113.20

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2: Budget, Fiscal, and Payroll

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.23	ESCHEATS AND UNCLAIMED PROPERTY Records containing information required to be included in holder reports submitted to the State Treasurer's office.	a) Destroy in office after 10 years if report was filed prior to July 16, 2012.* b) Destroy in office after 5 years if report was filed on or after July 16, 2012.*	Authority: G.S. 116B-60 Retention: G.S. 116B-73
2.24	FINANCIAL JOURNALS AND LEDGERS	a) Destroy in office year-end summaries of receipts and disbursements after 3 years.* b) Destroy in office daily, monthly, or quarterly transaction detail journals and ledgers after 1 year.*	
2.25	FINANCIAL REPORTS	a) Destroy in office annual financial reports or other reports generated to inform decision-making after 3 years.* b) Destroy monthly or quarterly reports generated for operational purposes after 1 year. c) Destroy logs and distribution reports generated to track transactions when released from audits.	
2.26	GOVERNMENT EMPLOYEES RETIREMENT SYSTEM MONTHLY REPORTS Reports produced by the North Carolina Department of State Treasurer regarding the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGERS).	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

2: Budget, Fiscal, and Payroll

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

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.29	LOAN RECORDS Records concerning loans received by the agency. Includes documentation of intent to proceed, loan agreements, promissory notes, letters of credit, statements, notices of principal and interest due, and other related records.	Destroy in office 5 years after satisfaction or cancellation of loan.*	
2.30	LOCAL GOVERNMENT COMMISSION FINANCIAL STATEMENTS	Destroy in office after 3 years.*	Authority: G.S. 159-33
2.31	LONGEVITY PAY	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a)
2.32	 PAYMENT CARD DATA Records created in association with payment card transactions entered by third parties for the purchase of goods or services from the agency.	Destroy in office after processed.*	Confidentiality: G.S. 132-1.2(2) G.S. 132-1.10(b)(5)

2: Budget, Fiscal, and Payroll

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.33 	PAYROLL AND EARNINGS RECORDS Records containing information such as the name, Social Security number, number of hours worked, compensation rate, deductions, and total wages paid each employee per payroll period. Also includes employer contributions (e.g., retirement, healthcare) along with individual and group employee earnings records and payroll registers showing earnings and deductions for each pay period. SEE ALSO: Payroll Deduction Records (below), Time Sheets, Cards, and Attendance Records (below); for 401(k) and other retirement plan payouts, see Retirement Records (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Destroy in office 30 years from date of separation records necessary for retirement or similar benefits verification. b) Destroy in office remaining records after 5 years.*	Authority: 29 CFR 516.30(a) Confidentiality: G.S. 132-1.10 G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 04 NCAC 24D .0501(a) 29 CFR 516.5(a) 29 CFR 1627.3(a)

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

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.38	REQUISITIONS Requests for payment or to acquire goods or services. SEE ALSO: Inventories (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office after 1 year.*	
2.39	SCHOLARSHIP RECORDS Records concerning scholarships awarded by the agency. Includes applications, award letters, conditions and stipulations, agreements and contracts, disbursement statements, progress reports, and other related records.	a) Destroy in office after 3 years records documenting the awarding of scholarships. b) Destroy in office 1 year after notification of applicant records concerning applications that are denied by the agency or awards that are declined by the recipient.	
2.40	SHIFT PREMIUM PAY Authorizations and other related records concerning employees receiving shift premium pay.	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a)
2.41	STATEMENTS OF BACK PAY Forms used to determine the gross pay an employee would have earned during a specified period for back pay in a grievance decision, settlement agreement, or other order.	Destroy in office 3 years after payment.*	

2: Budget, Fiscal, and Payroll

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.42 	TAX FORMS Tax information returns generated by the agency (e.g., 1098, 1099, W-2, W-3) to be reported to the Internal Revenue Service and furnished to the other party to the transaction.	Destroy in office 5 years after submitted to taxpayer and/or IRS.*	Confidentiality: G.S. 132-1.10 G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 04 NCAC 24D .0501(a) IRS Publication 15
2.43	TAX RETURNS Tax returns filed by the agency.	Destroy in office 6 years after filed.*	
2.44	TIME SHEETS, CARDS, AND ATTENDANCE RECORDS Records documenting the work hours and attendance of employees. SEE ALSO: Payroll and Earnings Records (above).	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a) 29 CFR 516.6(a)(1)

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.45	TRAVEL REIMBURSEMENTS Includes requests and authorizations for reimbursement for travel and related expenses. SEE ALSO: Grants: Financial (above), Travel Requests (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a)
2.46	 VENDORS Files maintained on specific vendors authorized or debarred from doing business with the agency. Includes name and address, correspondence (including e-mail), and other related records.	Destroy in office when superseded or obsolete.	

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STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS

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

ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.01	GEOGRAPHIC INFORMATION SYSTEM (GIS) CORE DATA Geo-referenced data and metadata to facilitate the management, manipulation, analysis, modeling, representation, and spatial analysis of complex problems regarding planning and management of resources.	Retain in office parcel, boundary, zoning, and orthoimagery layers (with accompanying data sets) permanently. <i>Retention Note: Other datasets should be kept according to standards and procedures set by the North Carolina Geographic Information Coordinating Council. See also GEOSPATIAL RECORDS, page A-13.</i>	
3.02	GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA DOCUMENTATION (METADATA) Records created during development or modification of an automated system which are necessary to access, retrieve, manipulate, and interpret data in that system; and records that explain the meaning, purpose, structure, local relationships, and origin of the data elements. Includes data element dictionaries, file layout, codebooks and tables, and definition files.	Destroy in office when the system is discontinued or when system data has been transferred to a new operating environment (platform).	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.03	GEOGRAPHIC INFORMATION SYSTEM (GIS) INTERNAL STANDARDS AND PROCEDURES Includes requirements that are intended to make hardware, software, and data compatible and that cover data capture, accuracy, sources, base categories, output, and data element dictionaries.	Retain in office permanently.	
3.04	GEOGRAPHIC INFORMATION SYSTEM (GIS) MONITORING RECORDS Includes system security, quality assurance, transaction tracking, and other related activity monitoring records.	Destroy in office after 1 year.	
3.05	GEOGRAPHIC INFORMATION SYSTEM (GIS) OPERATIONAL RECORDS Includes user guides, system flowcharts, job or workflow records, system specifications, and similar documentation.	Destroy in office when the system is discontinued or when system data has been transferred to a new operating environment (platform).	
3.06	GEOGRAPHIC INFORMATION SYSTEM (GIS) PROJECT RECORDS	a) Retain in office GIS datasets and accompanying documentation (metadata) with historical and/or legal value permanently. b) Destroy in office remaining items when reference value ends.± Agency Policy: Destroy in office after _____	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.07	LAYERS: ADDRESS POINTS See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	
3.08	LAYERS: CORPORATE LIMITS See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.09	LAYERS: EXTRATERRITORIAL JURISDICTIONS See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	
3.10	LAYERS: ORTHOIMAGERY See also GEOSPATIAL RECORDS , page A-13.	Create a snapshot of dataset when created. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.11	LAYERS: STREET CENTERLINE See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	
3.12	MAPPING PROJECT RECORDS Includes contract maps and all deliverable products for aerial photography, orthophotography, cartographic, cadastral, and digital mapping projects. See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.13	MAPS: PARCEL Maps, including cadastral maps, and surveys of boundaries and measurements of each parcel, and information about encroachments, right-of-ways, and structures. See also GEOSPATIAL RECORDS , page A-13, and Property Management Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Paper: Destroy in office upon State Archives approval. GIS dataset: Create a snapshot of dataset quarterly. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	
3.14	MAPS: PARKS Includes park boundaries, facilities, landscaping, topography, and other pertinent information. Also includes maps and drawings stored and generated by Geographic Information System (GIS) and computer-aided design (CAD) systems. See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office permanently, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.15	MAPS: ALL OTHER @ Includes field maps, soil, topographic, sales, subdivision plats, right-of-way, sectional, highway, etc. Also includes paper maps.	a) Retain in office maps, including GIS datasets and accompanying documentation (metadata), with historical and/or legal value permanently. b) Destroy in office remaining items when reference value ends.± <i>Retention note: Contact the State Archives of North Carolina before destroying any tax maps, watershed maps, or zoning maps.</i> Agency Policy: Destroy in office after _____	

3: GIS

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STANDARD 4: HUMAN RESOURCES RECORDS

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

ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.01	ABOLISHED POSITIONS Records concerning positions that have been abolished.	Destroy in office after 1 year.	
4.02 	ADMINISTRATIVE INVESTIGATIONS Records concerning the investigation of conduct problems among agency personnel. SEE ALSO: Disciplinary Actions (below).	a) Destroy in office after 3 years records concerning complaints against agency personnel that are resolved without an internal investigation. b) Destroy in office after 5 years records concerning complaints lodged against agency personnel that are exonerated. c) Destroy in office 5 years after final disposition or expiration of relevant statute of limitations complaints lodged against agency personnel that are settled out-of-court. d) Transfer investigation reports, disciplinary actions, and other related internal affairs case records to Personnel Records (Official Copy) (below).	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1

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

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4: HR

ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.05 	APTITUDE AND SKILLS TESTING RECORDS Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. Includes civil service examinations. SEE ALSO: Employment Selection Records (below).	Destroy in office after 2 years.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)(iv)
4.06	ASBESTOS TRAINING Records concerning training programs about the proper management of asbestos. SEE ALSO: Bloodborne Pathogen Training (below), Hazardous Materials Training Records (below).	a) Destroy in office employee-specific records 1 year after separation. b) Destroy in office remaining records when superseded or obsolete.	Retention: 29 CFR 1910.1001(m)(4)

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.07	BENEFITS RECORDS Records concerning life, health, accident, and disability insurance plans as well as seniority and merit systems. Includes records concerning systems in which employees can select fringe benefits from a cafeteria plan, including flexible spending plans. File also includes notifications, election and claim forms, rejection letters, and other records related to COBRA (Consolidated Omnibus Budget Reconciliation Act).	a) Destroy in office approved claims forms after 2 years.* b) Destroy in office rejected requests 6 months after decision. c) Destroy in office 3 years after employee returns or eligibility expires notifications to employees or dependents informing them of their rights to continue insurance coverage after termination or during disability or family leave. d) Destroy in office remaining records 1 year after plan is terminated.	Retention: 29 CFR 1627.3(b)(2)
4.08	BLOODBORNE PATHOGEN TRAINING Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors. SEE ALSO: Asbestos Training (above), Hazardous Materials Training Records (below).	Destroy in office after 3 years.	Retention: 29 CFR 1910.1030(h)(2)(ii)
4.09	DIRECTORIES, ROSTERS, OR INDICES Includes records listing employees, their job titles, work locations, phone numbers, e-mail addresses, and similar information.	Destroy in office when superseded or obsolete.	

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.10	DISABILITY SALARY CONTINUATION CLAIMS Forms used by disabled employees to apply for salary continuation benefits. Also include short-term disability claims forms and other related records.	a) Transfer original forms to Local Government Employees' Retirement System (LGERs) or Teachers' and State Employees' Retirement System (TSERS) for action when received. b) Destroy in office remaining records after 3 years.	
4.11	DISCIPLINARY ACTIONS Correspondence (including e-mail) and other records concerning disciplinary actions taken against employees by personnel or supervisory staff, including records documenting terminations. Includes records created by civil service boards when considering, or reconsidering on appeal, an adverse action against an employee.	a) Transfer records as applicable to Personnel Records (Official Copy) (below). b) Destroy in office all remaining records 2 years after resolution of all actions.	Authority: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 1602.31 Subject to the public information provision delineated in the above authorities.

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.12	DUAL EMPLOYMENT Records concerning employees' requests and authorizations to accept employment with another local government agency. SEE ALSO: Secondary Employment (below).	a) Destroy in office approved requests and related records 1 year after employee terminates additional employment. b) Destroy in office denied requests and related records after 6 months.	
4.13	 EDUCATIONAL LEAVE AND REIMBURSEMENT Includes records requesting educational leave and tuition assistance, reimbursements, and other related records. SEE ALSO: Leave Records (below).	a) Transfer records documenting approved leave requests to Personnel Records (Official Copy) (below). b) Destroy in office records concerning denied requests 6 months after denial.* c) Destroy in office records concerning approved tuition reimbursements 3 years after reimbursement.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.14	 EMPLOYEE ASSISTANCE PROGRAMS Records documenting assistance and counseling opportunities. Includes requests for information, referrals, forms, releases, correspondence, and other related records.	Destroy in office after 3 years.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.15 	EMPLOYMENT ELIGIBILITY RECORDS Includes the I-9 forms, employment authorization documents filed with the U.S. Department of Labor, petitions filed by the agency, E-Verify documentation, and Selective Service Registration compliance forms.	a) I-9 forms have mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later. b) Destroy in office after 5 years employment authorization documents filed with the U.S. Department of Labor. c) Destroy in office immigrant or nonimmigrant petitions filed by the agency 3 years after employee separation. d) Destroy in office remaining records 1 year after employee separation.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 8 USC 1324a(b)(3)
4.16 	EMPLOYMENT SELECTION RECORDS Records concerning the selection of applicants for vacant positions or of current employees for promotion, transfer, or training opportunities. Includes interview documentation, rosters, eligibility lists, test ranking sheets, justification statements, background and criminal history checks, and similar records. SEE ALSO: Applications for Employment (above), Aptitude and Skills Testing Records (above).	a) Destroy in office background and criminal history checks after 5 years. b) Destroy in office remaining records 2 years after hiring decision.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.17 	EXIT INTERVIEW RECORDS Includes feedback from employees planning to separate from the agency.	Destroy in office after 1 year.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.18 	FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS Records concerning leave taken, premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over FMLA, and other related records. SEE ALSO: Leave Records (below).	Destroy in office 3 years after leave ends.*	Authority: 29 CFR 825.110 Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 825.500(b)

4: HR

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.19 	GRIEVANCES Includes initial complaint by employee, investigation, action, summary, and disposition. SEE ALSO: Disciplinary Actions (above), Personnel Records (Official Copy) (below).	Destroy in office after 2 years.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.20	HAZARDOUS MATERIALS TRAINING RECORDS Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors. May also include documentation of loans of radioactive materials for the purpose of training exercises. SEE ALSO: Asbestos Training (above), Bloodborne Pathogen Training (above).	Destroy in office after 5 years.	Authority: 29 CFR 1910.120(p)(8)(iii) 10A NCAC 15
4.21	INTERNSHIP PROGRAM Records concerning interns and students who work for the agency.	Destroy in office after 2 years.	
4.22	LAW ENFORCEMENT TRAINING Records concerning internal training for law enforcement personnel.	Retain in office permanently.	

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.23 	LEAVE RECORDS Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, etc. Also includes records documenting leave without pay. SEE ALSO: Educational Leave and Reimbursement (above), Family Medical Leave Act (FMLA) Records (above), Military Leave (below).	a) Destroy in office approved requests 3 years after return or separation of employee.* b) Destroy in office denied requests after 6 months.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.24 	MEDICAL RECORDS Records for employees, contractors, and volunteers concerning asbestos, toxic substances, and bloodborne pathogen exposure; physical examinations required by the employer in connection with any personnel action, including health or physical examination reports, or certificates created in accordance with the Americans with Disabilities Act (ADA); and records of injury or illness. (Does not include worker's compensation or health insurance claim records.) SEE ALSO: Benefits Records (above), Workers' Compensation Program Claims (below).	a) Destroy in office exposure records 30 years after date of exposure.* b) Destroy in office records pertaining to first-aid job-related illness and injury after 5 years. c) Provide medical records to employees who have worked for less than 1 year at time of separation. d) Destroy in office after 1 year records concerning physical examinations or health certificates. e) Destroy in office remaining records 30 years after employee separation. <i>Retention Note: Records must be maintained separately from an employee's personnel jacket. If part of a worker's compensation claim, follow disposition for Workers' Compensation Program Claims (below).</i>	Authority: 29 CFR 1910.1020(e) Confidentiality: 29 CFR 1630.14(c)(1) 29 CFR 1910.1030(h)(1)(iii) Retention: 29 CFR 1627.3(b)(1)(v) 29 CFR 1910.1020(d) 42 USC 12112(d)(3)

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.25	MILITARY LEAVE Records concerning military leave, as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA). SEE ALSO: Leave Records (above).	Destroy in office 3 years after leave ends or employee separates from agency.*	Authority: 5 CFR 1208
4.26 	PERFORMANCE REVIEWS Information used to establish employees' goals and primary tasks. Records used to evaluate each employee's work performance. SEE ALSO: Personnel Records (Official Copy) (below).	Destroy in office after 3 years.	Confidentiality (applies only to performance evaluations): G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 60A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.27	PERSONNEL ACTION NOTICES Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, and position or job title.	Transfer records to Personnel Records (Official Copy) (below).	Subject to the public information provision delineated in relevant General Statutes.

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.28 	PERSONNEL RECORDS (OFFICIAL COPY) Official copy of personnel file maintained on each permanent and temporary agency employee that is eligible for benefits. Includes basic employee information and records and forms relating to the selection or non-selection, promotion, transfer, leave, salary, suspension, and termination of employment. Note: For agencies responsible for maintaining personnel files for criminal justice officers, please consult 12 NCAC 09C .0307 for the mandatory records of certification that must be housed in the personnel file. SEE ALSO: Medical Records (above), Seasonal and Contract Worker Records (below).	a) Destroy in office after 30 years from date of separation information needed to document: date and amount of each increase or decrease in salary with that agency; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that agency; date and general description of the reasons for each promotion with that agency; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the agency; and, if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the agency setting forth the specific acts or omissions that are the basis of the dismissal. b) Destroy in office information necessary to verify benefits 30 years after date of separation. c) Destroy in office remaining records when individual retention periods are reached as noted in individual items in this Records Retention and Disposition Schedule.	Authority/ Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.29 	PERSONNEL RECORDS (SUPERVISOR COPY) Personnel jacket that is often maintained by supervisors.	a) Transfer records as applicable to Personnel Records (Official Copy) (above). b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.30	POLICIES AND PROCEDURES (PERSONNEL) Official internal agency personnel policies and procedures. Also includes agreements and authorizations required of employees, orientation materials, and informational data. SEE ALSO: Civil Rights Records (STANDARD 6: LEGAL RECORDS), and Workers' Compensation Program Administration (below).	a) Retain in office internal agency personnel policies and procedures permanently. b) Destroy in office remaining records when superseded or obsolete.	
4.31	 POLYGRAPH RECORDS Includes statements informing employee of the time, place, and reasons for the test; copy of notice sent to examiner identifying employee to be tested; and copies of opinions, reports, or similar records generated by the examiner and provided to the agency.	Destroy in office 3 years from the date the test was given, or from the date the test was requested if no examination was given.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 801.30

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.32	POSITION CLASSIFICATION, CONTROL, AND HISTORY Records concerning personnel actions and position control, status of each established permanent, temporary full-time, or part-time position, and other related topics. Also includes listings providing classification, titles, and position numbers. SEE ALSO: Position Descriptions (below).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
4.33	POSITION DESCRIPTIONS Includes information on job title, grade, duties, agency assigned, and responsibilities.	Destroy in office 2 years after superseded.	Retention: 29 CFR 1620.32
4.34	POSITION EVALUATIONS Forms used to evaluate the primary purpose of a position.	Destroy in office after 1 year.	
4.35	RECRUITMENT RECORDS Includes ads and notices of overtime, promotion, and training. Also includes employment listings.	Destroy in office 1 year from date of record.	Retention: 29 CFR 1627.3(b)

4: HR

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.36	RETIREMENT RECORDS Includes descriptive information about retirement systems along with plans and related records outlining the terms of employee pension and other deferred compensation plans, including 401(k). SEE ALSO: Payroll and Earnings Records; Payroll Deduction Records (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	a) Destroy in office descriptive information about retirement plans 1 year after plan is terminated. b) Destroy in office records concerning employer-sponsored retirement plans 7 years after payment.* c) Transfer Local Governmental Employees' Retirement System (LGERS) forms to Department of State Treasurer. d) Transfer applicable records to Personnel Records (Official Copy) (above).	Retention: 29 CFR 1627.3(b)(2)
4.37	 SEASONAL AND CONTRACT WORKER RECORDS Records concerning seasonal or contractual employees who are not provided with or eligible for benefits. SEE ALSO: Personnel Records (Official Copy) (above).	Destroy in office 5 years after date of separation.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.38	SECONDARY EMPLOYMENT Records concerning employees' requests and authorizations to accept employment with a private entity. SEE ALSO: Dual Employment (above.)	a) Destroy in office approved requests and related records 1 year after employee terminates outside employment. b) Destroy in office denied requests and related records after 6 months.	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.39	SERVICE AWARDS AND COMMENDATIONS Includes award and selection committee reports, nominations, selection criteria, and similar administrative records relating to employee recognition or incentive programs. SEE ALSO: Personnel Records (Official Copy) (above).	Destroy in office 2 years from date of record creation or the personnel action involved.	
4.40	SUGGESTIONS AND SURVEYS Recommendations and feedback submitted by agency employees.	Destroy in office after 1 year.	
4.41	TRAINING AND EDUCATIONAL RECORDS Records concerning the delivery of training to agency personnel. Includes training manuals, syllabi and course outlines, and other related records. Also includes employee-specific records (certificates, transcripts, test scores, etc.) relating to the training, testing, or continuing education of employees. SEE ALSO: Conferences and Workshops (STANDARD 7: PUBLIC RELATIONS RECORDS), Educational Leave and Reimbursement (above). Other required trainings are handled in Asbestos Training (above), Bloodborne Pathogen Training (above), Hazardous Materials Training Records (above), Law Enforcement Training (above).	a) Transfer records as applicable to Personnel Records (Official Copy) (above), if such training and testing is required for the position held or could affect career advancement. b) Destroy in office certifications and other qualifications 5 years after expiration or employee separation. c) Destroy in office general training materials when superseded or obsolete. d) Destroy in office remaining employee-specific records after 1 year.	Retention: 29 CFR 1627.3(b)(1)(iv)

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.42 	UNEMPLOYMENT COMPENSATION CLAIMS Claim forms and other related records concerning unemployment compensation cases.	Destroy in office after 5 years.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 04 NCAC 24D .0501(a)
4.43	UNEMPLOYMENT COMPENSATION REPORTS Quarterly reports showing month-to-date wages, month-to-date compensation, year-to-date wages, and year-to-date compensation for each employee. May be filed with NC Division of Employment Security.	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a)
4.44	UNEMPLOYMENT INSURANCE Forms submitted to the Department of Commerce to report wage records of terminated employees.	Transfer to the N.C. Department of Commerce, Division of Employment Security.	
4.45	VERIFICATION OF EMPLOYMENT RECORDS Inquiries and responses concerning verification of an employee's prior or current employment with the agency.	Destroy in office after 1 year.	
4.46	VOLUNTEER RECORDS Records concerning individuals who volunteer to assist with various agency activities.	Destroy in office 2 years after completion of assignment.	

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.47	WORK SCHEDULES AND ASSIGNMENTS Records concerning work, duty, shift, crew, or case schedules, rosters, or assignments.	Destroy in office after 1 year.	
4.48	WORKERS' COMPENSATION PROGRAM ADMINISTRATION Includes program policies, guidelines, and related administrative documentation.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
4.49 	WORKERS' COMPENSATION PROGRAM CLAIMS Records concerning workers' compensation claims filed by employees' supervisors concerning accidental injuries or illnesses suffered on the job. Includes Employer's Report of Injury to Employee (Form 19), accident investigation reports, medical reports, claim cost reports, reference copies of medical invoices, and other related records. <i>Note: All official copies of claims records should be transferred to the North Carolina Industrial Commission in compliance with G.S. 97-92(a).</i>	Destroy in office agency's working file for workers' compensation claims by its employees 5 years after employee returns to work or separates from agency.*	Confidentiality: G.S. 8-53 G.S. 97-92(b)

4: HR

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STANDARD 5: INFORMATION TECHNOLOGY (IT) RECORDS

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

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

ITEM #	STANDARD 5: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.01 	AUDITS: IT SYSTEMS Records documenting user actions affecting the contents of monitored systems. Also includes fixity checks and other periodic tests of data validity.	a) Destroy in office 1 year after superseded or obsolete fixity check documentation. b) Destroy in office remaining records after disposition of record.*	Confidentiality: G.S. 132-6.1(c)
5.02	COMPUTER AND NETWORK USAGE RECORDS Records documenting usage of electronic devices and networks. Includes login files, system usage files, individual program usage files, and records of use of the Internet by employees.	Destroy in office after 1 year.	
5.03	DATA DOCUMENTATION RECORDS Records concerning data in automated systems. Includes data element dictionary, file layout, code book or table, entity relationships tables, and other records related to the structure, management, and organization of data.	Destroy in office 3 years after system is discontinued and/or replaced.	

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ITEM #	STANDARD 5: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.04	DATA MIGRATION RECORDS Technical records documenting data migrations. <i>Note: The data itself is subject to the disposition instructions indicated for its relevant records series; these are merely records about migrating said data.</i>	Destroy in office 1 year after completion of data migration.	
5.05	DATA WAREHOUSES Federated data gathered by the agency from other sources for the purposes of comparison and distribution. SEE ALSO: Collected Data (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office when superseded or obsolete.	Maintain confidentiality consistent with any restrictions placed on the data provider.
5.06	DIGITIZATION AND SCANNING RECORDS Records concerning data entry and imaging operations. Includes quality control records. See also REQUEST FOR DISPOSAL OF ORIGINAL RECORDS DUPLICATED BY ELECTRONIC MEANS , page A-21.	Destroy in office 10 days after digitization. <i>Note: The digital surrogate becomes the record copy and must be retained according to the disposition instructions for that record type.</i>	
5.07	 ELECTRONIC RECORDS POLICIES AND PROCEDURES Includes procedural manuals as well as an Electronic Records and Imaging Policy and a Security Backup Policy.	Destroy in office 3 years after superseded or obsolete.	Confidentiality: G.S. 132-1.7(b) G.S. 132-6.1(c)

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ITEM #	STANDARD 5: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.08	INFORMATION TECHNOLOGY ASSISTANCE RECORDS Records documenting troubleshooting and problem-solving assistance provided by agency information systems personnel to users of the systems. Includes help desk assistance requests, resolution records, and related documentation.	Destroy in office 1 year after work is completed.	
5.09 	NETWORK AND SYSTEM SECURITY RECORDS Records documenting cybersecurity efforts. Includes records concerning firewalls, anti-virus programs, intruder scanning logs, and other related records.	a) Destroy in office finalized cyber incident reports 5 years after resolution. b) Destroy in office after 2 years records documenting incidents involving unauthorized attempted entry or probes on data processing systems, IT systems, telecommunications networks, and electronic security systems. c) Destroy in office after 1 year records concerning firewalls, anti-virus programs, and other related records.	Confidentiality: G.S. 132-6.1(c)
5.10 	NETWORK DIAGRAMS Records documenting the logical and physical relationships of network components for purposes of organization, deployment, troubleshooting, monitoring of access, and management of day-to-day operations.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 132-6.1(c)

5: IT

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ITEM #	STANDARD 5: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.11	PROJECT DOCUMENTATION Records created to design, develop, control, or monitor a specific project or group of IT projects. Includes statements of work, assessments, maintenance agreements, and testing records. SEE ALSO: Projects (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office permanently records with historical value. b) Destroy in office remaining records 3 years after completion of project.	
5.12	SOFTWARE LICENSE AND COPYRIGHT PROVISIONS RECORDS Records documenting compliance with agency software license and copyright provisions. Includes software licenses, correspondence (including e-mail), and related documentation.	Destroy in office 1 year after software is superseded or obsolete.	
5.13	SYSTEM ACCESS RECORDS Records documenting access requests and authorizations, system access logs, and other related records.	Destroy in office 1 year after superseded or obsolete.	
5.14	 SYSTEM DOCUMENTATION RECORDS Records documenting operating systems, application programs, structure and form of datasets, system structure, and system-to-system communication. Includes system overviews, dataset inventories, server name, IP address, purpose of the system, vendor-supplied documentation, installed software, and current source code.	Destroy in office 3 years after superseded or obsolete.	Confidentiality: G.S. 132-1.1(g) G.S. 132-6.1(c)

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ITEM #	STANDARD 5: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.15	SYSTEM MAINTENANCE RECORDS: HARDWARE REPAIR OR SERVICE Records documenting inspections, maintenance, and repairs of agency computer systems that are owned or leased. Includes computer equipment inventories and service records. SEE ALSO: Equipment and Vehicle Maintenance, Repair, and Inspection Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Destroy in office records documenting routine inspections and maintenance of equipment after 1 year. b) Destroy records documenting all other equipment maintenance and repairs upon the final disposition of the equipment.	
5.16	SYSTEM MAINTENANCE RECORDS: RECORDS BACKUPS Records documenting regular or essential system backups. Includes backup tape inventories, relevant correspondence (including e-mail), and related documentation. See also Security Backup Files as Public Records in North Carolina: Guidelines for the Recycling, Destruction, Erasure, and Re-use of Security Backup Files , available on the State Archives of North Carolina website.	Destroy in office in accordance with your office's established, regular backup plan and procedures.± Agency Policy: Destroy in office after _____	
5.17	TECHNICAL PROGRAM DOCUMENTATION Records concerning program code, program flowcharts, program maintenance logs, systems change notices, and other related records that document modifications to computer programs.	Destroy in office 1 year after superseded or obsolete.	

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ITEM #	STANDARD 5: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.18	VOICE OVER INTERNET PROTOCOL (VoIP) RECORDS Records concerning line registrations, calls logs, and voicemail records.	a) Destroy in office records concerning line registration when superseded or obsolete. b) Destroy in office call logs after 1 year. c) Destroy in office voicemail records after 30 days.	
5.19	WEB MANAGEMENT AND OPERATIONS RECORDS: STRUCTURE Site maps that show the directory structure into which content pages are organized, and commercial, off-the-shelf software configuration or content management system files used to operate the site and establish its look and feel. Includes server environment configuration specifications. SEE ALSO: Website (Electronic) (STANDARD 7: PUBLIC RELATIONS RECORDS).	Destroy in office when superseded or obsolete.	

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STANDARD 6: LEGAL RECORDS

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

ITEM #	STANDARD 6: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.01	AFFIDAVITS OF PUBLICATION Proof of publication provided by newspapers regarding publication of ordinances, public hearings, bid solicitations, payment of bills, public sales, etc. SEE ALSO: Public Bodies: Meeting Notices (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office permanently if record provides sole evidence of publication. b) Destroy in office remaining records after 3 years.*	Authority: G.S. 1-600
6.02	ANNEXATION RECORDS Records concerning annexation of property into the city. Includes petitions, reports, correspondence (including e-mail), maps, ordinances, and public hearings.	a) Destroy in office withdrawn petitions after 1 year. b) Retain remaining records in office permanently. <i>Retention Note: Annexation maps and ordinances must be filed with the County Register of Deeds office and the office of the Secretary of State (G.S. 160A-29, G.S. 160A-58.61 and G.S. 160A-58.90). A map must also be filed with the county board of elections (G.S. 163-288.1).</i>	
6.03	AUTHENTICATIONS Certificates of authentication issued by the agency.	Retain in office permanently.	

6: Legal

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ITEM #	STANDARD 6: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.04	CIVIL RIGHTS CASE RECORDS Records concerning discrimination complaints by employees or former employees and employee requests for reasonable accommodation. Includes equal opportunity (EO) complaints. SEE ALSO: Constituent Comments, Complaints, Petitions, and Service Requests (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS), Personnel Records (Official Copy) (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Destroy in office requests for reasonable accommodation 2 years after they become obsolete. b) Destroy in office discrimination complaints 1 year after final disposition of the charge or the action.* <i>Retention Note: 29 CFR 1602.14 defines final disposition of the charge or the action as "the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation is terminated."</i>	Retention: 29 CFR 1602.14 29 CFR 1602.31

6: Legal

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ITEM #	STANDARD 6: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.05	CIVIL RIGHTS RECORDS Records concerning documentation of personnel policies and procedures to comply with the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Equal Pay Act, the Genetic Information Nondiscrimination Act (GINA), Section 504 of the 1973 Rehabilitation Act, and the 1964 Civil Rights Act. Includes reports required by the Equal Employment Opportunity (EEO) Commission and affirmative action plans. SEE ALSO: Civil Rights Case Records (above), Constituent Comments, Complaints, Petitions, and Service Requests (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS), Policies and Procedures (Personnel) (STANDARD 4: HUMAN RESOURCES RECORDS).	Destroy in office 3 years after superseded or obsolete.	Authority: 29 CFR 1602.1 29 CFR 1602.7 29 CFR 1608.4 Retention: 29 CFR 1602.30 29 CFR 1602.32 34 CFR 104.6(c)(2)
6.06	CONDEMNATION RECORDS Settled and pending condemnation cases. SEE ALSO: Accounts Payable (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS) for disposition of financial records.	Retain in office permanently.	

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ITEM #	STANDARD 6: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.07	CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT DISCLOSURE STATEMENTS Completed by the elected agency officials as well as designated staff members in order to disclose an official's status or ownership interests.	Destroy in office 1 year after completion of term or separation.	
6.08	CONTRACTS, LEASES, AND AGREEMENTS @ Contracts and agreements for construction, equipment, property, supplies, special programs, and projects. Includes franchise agreements, hold harmless agreements, good faith effort documentation, contractor compliance monitoring, leases, and memoranda of understanding. SEE ALSO: Software License and Copyright Provisions Records (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Retain in office contracts and agreements with historical value permanently. b) Destroy in office sealed contract records 10 years after expiration of contract.* c) Destroy in office all records related to capital improvement contracts and business associate agreements 6 years after completion, termination, or expiration.* d) Destroy in office records documenting restrictions and compliance with license and copyright provisions for products and services purchased by the agency 1 year after superseded or obsolete.* e) Destroy in office all other contracts and agreements 3 years after completion, termination, or expiration.*	Retention: G.S. 1-47(2) G.S. 1-50(a)(5) 45 CFR 164.316 G.S. 1-52
6.09	DECLARATORY RULINGS Records concerning declaratory rulings issued by the agency to interpret statutes or rules as applied to a specified set of facts.	Retain in office permanently.	

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ITEM #	STANDARD 6: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.10	DELEGATION OF AUTHORITY RECORDS Records documenting delegations of power to authorize agency business. Includes signature authorities and powers of attorney.	Destroy in office 1 year after superseded or obsolete.	
6.11	EASEMENTS AND RIGHT-OF-WAY AGREEMENTS Granted to the agency. SEE ALSO: Accounts Payable (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS) for disposition of financial records; LOCAL PROGRAM SCHEDULE, Excavation Permits and Right-of-Way Acquisition Working Records (STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS).	Destroy in office 10 years after expiration of agreement.	
6.12	ENCROACHMENTS Records concerning agreements granted by or to the agency. Also includes maps or drawings detailing construction plans attached to agreements.	a) Retain in office permanently records concerning agreements granted by outside entities to the agency. b) Destroy in office when superseded or obsolete records concerning agreements granted to utilities, businesses, and private residents to encroach upon agency property.	
6.13	EXPUNCTIONS Expunction orders received by local agencies.	Destroy in office when record is expunged.	

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ITEM #	STANDARD 6: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.14	INVESTIGATION AND HEARING RECORDS Records concerning complaints, fraud allegations, contestments, grievances, and inquiries against individuals and other entities. Includes summaries, charges, reports, assessments and findings, hearing transcripts and evidence, decisions and sanctions, referrals, correspondence, and other related records.	Destroy in office 3 years after completion.*	
6.15	LAND OWNERSHIP RECORDS Includes deeds and titles.	Destroy in office 1 year after agency relinquishes ownership of land.*	
6.16	 LEGAL CORRESPONDENCE Correspondence (including e-mail) and related records concerning legal matters not related to specific legal cases or official opinions.	Destroy in office after 5 years. For information on handling e-mail, see ELECTRONIC RECORDS , page A-11.	Confidentiality: G.S. 132-1.1(a)
6.17	LEGAL OPINIONS Formal legal opinions written by counsel in response to requests concerning the governance and administration of the agency.	Retain in office permanently.	
6.18	 LEGAL REVIEW RECORDS Includes legal reviews of by-laws and charges to boards and commissions, conflicts of interest, and all other agency matters as requested. SEE ALSO: Legal Opinions (above).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after expiration of relevant statute of limitations.	Confidentiality: G.S. 132-1.1(a)

6: Legal

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ITEM #	STANDARD 6: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.19 	LITIGATION CASE RECORDS Civil suits to which the agency is a party. Includes affidavits, agreements, appeals, bills, briefs, citations, commitments, complaints, discharges, motions, notices, pleas, releases, statements, testimony, verdicts, waivers, warrants, and writs.	a) Retain in office cases having precedential or historical value permanently. b) Destroy in office adjudicated cases 6 years after final disposition. c) Destroy in office non-adjudicated cases (out-of-court claims) 6 years after final disposition or expiration of relevant statute of limitations.	Confidentiality: G.S. 132-1.1(a) G.S. 132-1.9
6.20	OATHS OF OFFICE SEE ALSO: Public Bodies: Member Files (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Transfer official copy of oath of office to the municipal clerk or the county clerk to the board of commissioners or the clerk of the governing board for permanent retention. <i>Retention Note: The Clerk should present a copy of the oaths of elected officials to the Clerk of Superior Court for recording.</i>	Authority: G.S. 105-349 G.S. 153A-26 G.S. 160A-61 G.S. 160A-68 G.S. 160A-284 Retention: G.S. 7A-103(2)
6.21	PERMISSIONS Records conferring legal permission. Includes copyright permission requests and requests for permission to publish intellectual property or holdings of the agency. Also includes copyrights, patents, and trademarks held by the agency.	a) Retain in office permanently records conferring perpetual legal permission as well as records documenting copyrights, patents, and trademarks held by the agency. b) Destroy in office 3 years after expiration records concerning one-time copyright permissions granted by the agency.	

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ITEM #	STANDARD 6: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.22	PRE-TRIAL RELEASE PROGRAM RECORDS Records documenting supervision for defendants who do not pose a risk to the community as they await trial.	Destroy in office 3 years after trial.	
6.23	RELEASE FORMS Records documenting consent and waiving the individual's right to hold the agency responsible for injuries or damages occurring while voluntarily participating in events or activities.	Destroy in office 5 years after termination of release/waiver.	
6.24	SETTLEMENTS Records concerning pre-litigation or informal settlements.	Destroy in office 10 years after expiration.	Authority: G.S. 132-1.3
6.25	VEHICLE TITLES Titles of agency owned vehicles.	Dispose of in accordance with Division of Motor Vehicles procedures for title transfer upon disposition of vehicle.	Authority: G.S. 20-72

6: Legal

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STANDARD 7: PUBLIC RELATIONS RECORDS

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

ITEM #	STANDARD 7: PUBLIC RELATIONS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.01	AGENCY PUBLICATIONS Publications created at agency expense. Also includes correspondence and other related records regarding the design and creation of agency publications.	a) Retain in office records with historical value permanently. b) Destroy publications management records after 5 years. c) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	
7.02	AUDIO-VISUAL RECORDINGS @ Recordings (including digital) and films produced by or for the agency. This does not include recordings of public meetings or security videos. SEE ALSO: Public Bodies: Audio and Video Recordings of Meetings (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS), Office and Property Security Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	
7.03	COMMUNITY AWARDS @ Records concerning awards by the agency recognizing community contributions.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	

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7: PR

ITEM #	STANDARD 7: PUBLIC RELATIONS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.04	CONFERENCES AND WORKSHOPS @ Records concerning conferences and workshops conducted by agency employees. Includes slides, charts, transparencies, handouts, and other related records used in presentations. SEE ALSO: Training and Educational Records (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
7.05	EDUCATIONAL MATERIALS Materials produced for usage by teachers or tour groups. Includes lesson plans, activities, and other related records.	Destroy in office when superseded or obsolete.	
7.06	FUND DRIVE AND EVENT RECORDS Records documenting the promotion and organization of fund drives and other special events in which the agency participated. Includes records concerning solicitations requesting and donations providing money or in-kind donations for agency programs. Also includes invitations, registration materials, agendas, handouts, presentations, and programs. SEE ALSO: Donations and Solicitations (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	

7: PR

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

ITEM #	STANDARD 7: PUBLIC RELATIONS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.07	INVITATIONS Invitations sent and received concerning agency and external functions.	Destroy in office after event occurs.	
7.08	MEDIA FILE Reference copies of newspaper, magazine, and other media clippings concerning the agency, agency officials, and other topics of interest.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
7.09	POPULAR ANNUAL FINANCE REPORT Comprehensive annual financial report (CAFR)	a) Retain records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
7.10	PUBLIC HEARINGS Includes agendas, minutes, notices, speaker sign-up sheets, and similar documentation. SEE ALSO: Public Bodies: Minutes (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office minutes permanently. b) Destroy in office remaining records after 1 year.	

7: PR

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

ITEM #	STANDARD 7: PUBLIC RELATIONS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.11	PUBLIC RECORDS REQUESTS Formal requests submitted by persons seeking access to agency records along with documentation of agency response.	Destroy in office 2 years after resolution.* <i>Note: These disposition instructions apply only to the request, internal agency records related to searching for and preparing responsive records, and communication of response; the documents that are responsive to public records requests should be handled according to their respective disposition instructions. However, if the agency also retains separate copies of the documents that are responsive to public records requests, they may also be destroyed 2 years after completion of the request.</i>	
7.12	PUBLICITY RECORDS @ Records concerning overall public relations of agency. Includes advertisements, announcements, correspondence (including e-mail), photographic materials, news and press releases, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.*	
7.13	SOCIAL MEDIA SEE ALSO: Website (Electronic) (below).	See APPENDIX (page A-12) for guidance in handling social media.	
7.14	SPEECHES Speeches made by agency officials.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

7: PR

ITEM #	STANDARD 7: PUBLIC RELATIONS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.15	WEBSITE (ELECTRONIC) Records created and maintained in paper and electronic formats concerning the creation and maintenance of the agency's presence on the World Wide Web. Includes correspondence (including e-mail), procedures, instructions, website designs, HTML/XHTML, or other web-based file formats, and other related records. SEE ALSO: Web Management and Operations Records: Structure (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Capture website annually or whenever a major revision in design and/or content has taken place, whichever occurs first. Retain captured content in office permanently. Can be maintained as website snapshots or via Web crawler. b) Destroy in office remaining records when superseded or obsolete.	

7: PR

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

STANDARD 8: RISK MANAGEMENT RECORDS

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

ITEM #	STANDARD 8: RISK MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.01	ACCIDENT/INCIDENT REPORTS (CUSTOMER AND EMPLOYEE) SEE ALSO: Workers' Compensation Program Claims (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Transfer records resulting in workers' compensation to Workers' Compensation Program Claims (STANDARD 4: HUMAN RESOURCES RECORDS). b) Destroy in office remaining employee claims 3 years after settlement or denial of claim.* c) Destroy in office adult non-employee reports 3 years after settlement or denial of claim.* d) Destroy in office reports that do not result in claims or official action after 3 years. e) Destroy in office reports of minors after minor has reached age of 21.	
8.02	DECLARATIONS AND TERMINATIONS OF STATES OF EMERGENCY	Retain in office permanently.	Authority: G.S. 166A-19.22

8: Risk Management

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

ITEM #	STANDARD 8: RISK MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.03 	DISASTER AND EMERGENCY MANAGEMENT PLANS @ Records concerning preparedness, evacuations, and operations in the event of a disaster (natural, accidental, or malicious). Includes background surveys, studies, reports, and records concerning the process of notifying personnel in the event of an emergency. Also includes Continuity of Operations Plans (COOP) and Business Continuity Plans (BCP).	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 132-1.7
8.04	DISASTER RECOVERY Administrative records documenting and recovery efforts for emergencies of a short duration as well as disasters inflicting widespread destruction and having long-term consequences for the agency. Includes documents coordinating activities with federal, state, and local emergency management, incident reports, inventories, and disaster relief allocations.	a) Retain in office permanently records documenting major agency disaster recovery efforts and records evaluating emergency response and efficacy. b) Destroy in office after 3 years records concerning minor or routine agency recovery operations that are managed with minimal disruption to normal operations.	
8.05	EMERGENCY DRILLS AND EQUIPMENT RECORDS Includes test records for fire suppression, defibrillator, respirator fit, and other emergency equipment. Also includes records concerning agency emergency and fire drills.	Destroy in office when superseded or obsolete.	
8.06	EMERGENCY NOTIFICATIONS Notifications and alerts sent to residents by Emergency Management or other agency staff regarding a current emergency.	Destroy in office after 1 year.	

8: Risk Management

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

ITEM #	STANDARD 8: RISK MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.07	EMPLOYEE SECURITY RECORDS Records concerning the issuance of keys, identification cards, parking assignments, passes, etc., to employees. SEE ALSO: Office and Property Security Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office when superseded or obsolete.	
8.08	FIRE, HEALTH, AND ENVIRONMENTAL SAFETY RECORDS Records concerning agency safety measures. Includes reports, logs, and other related records documenting inspections of agency facilities.	a) Destroy in office inspection reports after 7 years. b) Destroy in office safety audits after 3 years. c) Destroy in office remaining records when superseded or obsolete.	
8.09	FIXED NUCLEAR FACILITIES PLANS FILE Records concerning emergency plans for county fixed nuclear facilities.	Destroy in office when superseded or obsolete.	
8.10	FUEL OIL STORAGE TANK RECORDS	Destroy in office closure records 3 years after completion of permanent closure.	Authority: 40 CFR 280.34 Retention: 40 CFR 280.74

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

ITEM #	STANDARD 8: RISK MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.11	HAZARDOUS MATERIALS MANAGEMENT Records documenting agency efforts to prevent and mitigate exposure to hazardous materials. Includes risk assessments, management plans, and abatement/removal records. SEE ALSO: Safety Data Sheets (below). <i>Note: Title 10A of the NC Administrative Code provides guidelines about the records requirements for persons who receive, possess, use, transfer, own or acquire any sources of radiation within the State of North Carolina.</i>	a) Retain in office permanently records documenting hazardous waste disposal sites on agency property and documenting the use of pathogens and biological toxins (select agents) at the agency. b) Destroy in office asbestos records 1 year after building is demolished. (<i>Note: If building is sold, transfer records to new owner.</i>) c) Destroy in office after 5 years records concerning the receipt, maintenance, and disposal of radioactive materials. d) Destroy in office 3 years after superseded or obsolete records concerning hazard mitigation plans. e) Destroy in office records documenting environmental and hazardous waste remediation projects 5 years after project completion. f) Destroy in office remaining records after 30 years.	Retention: 29 CFR 1910.1001(j)(3)(ii)

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

ITEM #	STANDARD 8: RISK MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.12	INSURANCE POLICIES Records concerning automobile, theft, fire, and all other insurance policies purchased by agency. Also includes insurance audits, claims reports, surveys, endorsements, certificates of insurance, and waivers.	a) Destroy in office records concerning automobile and other liability insurance policies 10 years after superseded or obsolete.* b) Destroy in office certificates of insurance after 1 year. c) Destroy in office self-insurer certifications 6 years from date of termination of policy or settlement of all claims. d) Destroy in office remaining records after 1 year after superseded or obsolete.	
8.13	LOSS CONTROL INSPECTION REPORTS Self-inspections to identify potential liabilities or hazards that may exist in agency owned buildings or property.	Destroy in office when superseded or obsolete.	
8.14	LOST, STOLEN, OR DAMAGED PROPERTY REPORTS Includes reports of property lost or stolen at agency. Also includes reports and employee narratives of vandalism to agency property.	Destroy in office after 2 years.*	
8.15	NATIONAL FLOOD INSURANCE PROGRAM RECORDS Records concerning the participation of a local government agency in FEMA's National Flood Insurance Program (NFIP). Includes floodplain management ordinances, maps, and other related records.	a) Retain in office permanently floodplain management ordinances. b) Destroy in office copies of flood insurance rate maps, elevation certificates, and elevation information when superseded or obsolete.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

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

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

STANDARD 9: WORKFORCE DEVELOPMENT RECORDS

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

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

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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

MANAGING PUBLIC RECORDS IN NORTH CAROLINA

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

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

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

Q. How do I get this schedule approved?

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

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

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

Q. What is “reference value”?

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

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

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

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

- A.** Sometimes the records are listed in a different standard than how you organize them in your office. Be sure to check the Index and utilize the search function on the PDF version of the schedule to facilitate the location of records series. If you still cannot locate your records on the schedule, contact a Records Management Analyst. We will work with you to amend this records schedule so that you may destroy records appropriately. The Request for Change in Records Schedule form (see page A-19) can be used for such requests.
-

Q. What are public records?

- A.** The *General Statutes of North Carolina*, Chapter 132, provides this definition of public records:
- “Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the

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transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

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

- A.** Yes, except as restricted by specific provisions in state or federal law. N.C. Gen. Stat. § 132-6 instructs:

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

Q. *What about my confidential records?*

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

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

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

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

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

The Department of Natural and Cultural Resources (DNCR) is charged by the General Assembly with the administration of a records management program (N.C. Gen. Stat. § 121-4 (2) and § 132-8.1) and the maintenance of “*a program for the selection and preservation of public records considered **essential** to the operation of government and to the **protection of the rights and interests of persons***” (§ 132-8.2). Permanent records with these characteristics require preservation duplicates that are human-readable (paper or microfilm). Some examples of these characteristics include:

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

Examples of records with these characteristics:

- Minutes of governing bodies at the state and local levels are the basic evidence of our system of governance, and are routinely provided for the public to read.
- Records, such as deeds and tax scrolls, about land document changes in ownership and condition. Counties maintain offices expressly for the purpose of making those records

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available to the public. Other records in local and state governments document potential public health hazards, such as hazardous materials spills.

- Adoptions, marriages, and divorces document changes in familial relationships. Though adoptions are confidential (not available for public inspection), they document changes in inheritance and familial succession.
- Court records, such as wills, estates, and capital cases, affect people within and across family groups, are made available for public inspection, and often involve transactions related to the examples above.

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

Q. *What is historical value?*

A. Historical records document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the government or its constituents. Two criteria for determining historical value are inherent interest and extraordinary documentation:

- Inherent interest is created by non-routine events, by the involvement of famous parties, and by compelling contexts. For instance, foreclosure proceedings from the 1930s have high historical value because they date from the era of the Great Depression.
- Extraordinary documentation is found in records that shed light on political, public, or social history. For instance, the records from the replevin case that returned the Bill of Rights to North Carolina hold more historical value than most property case files because of the political history intertwined with this case.

SANC has further elaborated selection criteria that help distinguish records with historical value:

- Do they protect the rights and property of residents and organizations?
- Do they have a long-term impact on residents and organizations?
- Do they document the core functions of an agency?
- Do they document high-level decision-making that shapes an agency's policies or initiatives?
- Do they summarize an agency's activities?

Call a Records Management Analyst for further assistance in assessing historical value.

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

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

Q. *I have a lot of unsorted records. What's a good first step for getting a handle on these records?*

A. We encourage you to create a file plan of what records you have. When you create this plan, you can match each record to its placement on this schedule or on the appropriate retention schedule. A sample file plan is available on page A-22. Having a file plan can help you strategize how to best organize your physical or digital records. A file plan is also useful in disaster planning and scheduling destructions.

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

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

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

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

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

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

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

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

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

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

Q. Whom can I call with questions?

A. If you are located west of Statesville, call our Western Office in Asheville at (828) 250-3103. If you are east of Statesville, all the way to the coast, call our Raleigh office at (919) 814-6900.

AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION

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

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

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

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

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See Audits: Performance (STANDARD 1: ADMINISTRATIVE AND MANAGEMENT RECORDS) and Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).) Should a dispute arise over an audit, the records that were audited should be retained until that dispute is resolved.

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

TRANSITORY RECORDS

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”³

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

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

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

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

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

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

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

- Drafts and working papers for internal and external policies

³ Society of American Archivists, *Dictionary of Archives Terminology*.

- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that are already formally documented.

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

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

See also the State Archives of North Carolina's guidance on digital signatures found at: <https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines#digital-signatures>

DESTRUCTION OF PUBLIC RECORDS

Q. When can I destroy records?

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

Q. How do I destroy records?

- A.** After your agency has approved this records retention and disposition schedule, records should be destroyed in one of the following ways:

- 1) burned, unless prohibited by local ordinance;
- 2) shredded, or torn so as to destroy the record content of the documents or material concerned;
- 3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned;
- 4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

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

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

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

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

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

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

If the records do not have historical value, we will ask you to complete a Request for Disposal of Unscheduled Records (page A-20) if the records are no longer being created. If the records are an active records series, an analyst will help you develop an amendment to this schedule so that you can destroy the records appropriately from this point forward.

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

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



Destructions Log

County/Municipality			
Division		Section	Branch
Location(s) of Records			

Records Series	Required Retention	Date Range	Volume (file drawers or MB)	Media (Paper, Electronic)		Date of Destruction	Method of Destruction	Authorization for Destruction
				P	E			

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

Q. When can I delete my e-mail?

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

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

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

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

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

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

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

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

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

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

Permanent records must have a security preservation copy as defined by State Archives of North Carolina's [Human-Readable Preservation Duplicate Policy](#) (N.C. Gen. Stat. § 132-8.2):

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

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

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

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

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

Q. What are the guidelines regarding the creation and handling of electronic public records, including text messages and social media?

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

Note that e-mail, text messages, and social media should be handled according to their content. Therefore, this schedule does not include a records series that instructs you on how to handle one of these born-digital records by format; instead of focusing on how the information is disseminated, consider what content is contained in the e-mail, text message, or social media post. For instance, an e-mail requesting leave that is sent to a supervisor should be kept for 3 years (see Leave Records, STANDARD 4: HUMAN RESOURCES RECORDS).

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GEOSPATIAL RECORDS

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

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

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

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

- A.** The following types of geospatial records have been designated as having archival value:

- Parcel data
- Street centerline data
- Corporate limits data
- Extraterritorial jurisdiction data
- Zoning data, address points
- Orthophotography (imagery)
- Utilities
- Emergency/E-911 themes

For more information, see **STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS.**

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

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

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

- A.** Archiving practices should be consistent with North Carolina Geographic Information Coordinating Council (GICC) approved standards and recommendations. (Examples: Content Standards for Metadata; Data Sharing Recommendations). Consult the GICC website at <https://it.nc.gov/about/boards-commissions/gicc>.

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

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

SECURITY PRESERVATION COPIES OF RECORDS

Q. What is the advantage to having security preservation copies of records stored with the State Archives?

- A.** Having duplicate copies of essential records in a separate location mitigates the risk that you may lose the only physical copy of a given record in a disaster or other records loss event. Maintaining offsite duplicates of records, regardless of format, is a good practice to adopt.

The State Archives creates duplicate copies on microfilm because of the durability of the medium. Silver negative microfilm does not decay for hundreds of years, ensuring that your records maintain their integrity over time.

Q. What records will the State Archives back up for us?

- A.** The State Archives provides security imaging services for minutes of major decision-making boards and commissions. We will also image records of adoptions for Social Services agencies as well as maps and plats from Registers of Deeds offices. Once those records are imaged, they are converted to security microfilm. We will store the silver negative (original) microfilm in our security vault. Contact the Records Management Analyst in charge of imaging coordination for the most current information.

Q. How do I start the process of backing up the above listed records?

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

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

Finally, you can submit these records to the State Archives electronically. Please see our procedures in "[Transfer of Minutes in Digital Formats for Microfilming](#)" or contact the Records Management Analyst in charge of imaging coordination for more information.

Q. In the event of a records loss, how do I obtain copies of the security preservation copies stored at the State Archives?

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

Q. Can I obtain digital copies of the security preservation records?

- A.** Yes, you can request digital copies of records when you submit them to the State Archives for initial reproduction. Contact the Records Management Analyst in charge of imaging coordination to initiate a request for digital duplicates.

DISASTER ASSISTANCE

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

- A.** Secure the area, and keep everyone out until fire or other safety professionals allow entry. Then, call our Raleigh office at (919) 814-6903 for the Head of the Government Records Section or (919) 814-6849 for the Head of the Collections Management Branch. If you're in the western part of the state, call our Asheville Office at (828) 250-3103. On nights and weekends, call your local emergency management office.

DO NOT ATTEMPT TO MOVE OR CLEAN ANY RECORDS.

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

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

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

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

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

Q. What are essential records?

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

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

STAFF TRAINING

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

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

- Managing public records in North Carolina
- Disaster preparedness and recovery
- Confidentiality
- Organizing paper and digital files
- Digital communications

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

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

Q. Are workshops offered only in Raleigh?

A. No, we will come to your offices to present the workshops you need. We have no minimum audience requirement. We will also do presentations for professional associations, regional consortiums, and the public. To arrange a workshop, please call the State Records Center at 919-814-6900 or contact a Records Management Analyst (<https://archives.ncdcr.gov/government/local/analysts>).

Q. Is there a fee for workshops?

A. Not at this time.

Q. Are the workshops available in an online format?

A. We can offer a virtual workshop for your agency upon request. For descriptions of available webinars, see <https://archives.ncdcr.gov/government/training/webinars>. You can also find several online tutorials available on the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/training/online-tutorials-and-resources>).



Request for Change in Local Government Records Schedule

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

AGENCY INFORMATION

Requestor name

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

Phone and email

Mailing Address

CHANGE REQUESTED

Specify title and edition of records retention schedule being used: _____

- ☐ Add a new item
☐ Delete an existing item
☐ Change a retention period

Standard Number _____ Page _____ Item Number _____
Standard Number _____ Page _____ Item Number _____

Title of Records Series in Schedule or Proposed Title:

Inclusive Dates of Records:

Proposed Retention Period:

Description of Records:

Justification for Change:

Requested by:

Signature

Title

Date

Approved by:

Signature

Requestor's Supervisor

Date



Request for Disposal of Unscheduled Records

AGENCY INFORMATION

Requestor name

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

Phone and email

Mailing Address

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

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

Requested by:

Signature

Title

Date

Approved by:

Signature

Requestor's Supervisor

Date

Concurred by:

Signature

Assistant Records Administrator
State Archives of North Carolina

Date



Request for Disposal of Original Records Duplicated by Electronic Means

If you have questions, call (919) 814-6900 and ask for a Records Management Analyst.

This form is used to request approval from the Department of Natural and Cultural Resources to dispose of non-permanent paper records that have been scanned, entered into databases, or otherwise duplicated through digital imaging or other conversion to a digital environment. This form does not apply to records that have been microfilmed or photocopied or to records with a permanent retention.

Agency Contact Name:		Date (MM-DD-YYYY):
Phone (area code):	Email:	
County/Municipality:	Office:	
Mailing address:		

Records Series Title A group of records as listed in records retention schedule	Description of Records Specific records as referred to in-office	Inclusive Dates (1987-1989; 2005-present)	Approx. Volume of Records (e.g. "1 file cabinet," "5 boxes")	Retention Period As listed in records retention schedule

Requested by:

Signature	Title	Date
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Approved by:

Signature	Requestor's Supervisor	Date
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Concurred by:

Signature	Assistant Records Administrator State Archives of North Carolina	Date
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919-814-6900

[illegible]

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Related Records Series Found in Local Agency Program Schedules

In some limited cases, records series with similar names and/or functions that are created and maintained by local government entities have not been superseded by the *General Records Schedule: Local Government Agencies*. These records series are described as unique records series in one of the local program retention schedules issued separately by DNCR for use by specific local agencies. This duplication occurs when records with similar names and/or functions have different retention guidance due to statutory, legal, evidentiary, or fiscal requirements. An example of this is the accounts receivable records series. In the *General Records Schedule*, the Accounts Receivable records series has a disposition instruction of "Destroy in office 3 years after collection." In the *Local Health Departments Schedule*, the Accounts Receivable: Clinical Services records series also includes the disposition instruction, "Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions." In both cases, the records series documents the money received by the local agency, however, the retention requirements for the Accounts Receivable: Clinical Services differ due to specific retention requirements concerning the management and dispersal of grant funds.

The purpose of this table is to provide a source for determining if the general records series item listed in the *General Records Schedule: Local Government Agencies* covers the function and/or retention requirements associated with the records created by your agency or if a specific program schedule applies. This table provides pointers to the relevant records series that can be found in one or more of the local agency program schedules.

Here's how to use the table:

- The records series found in the left-most column are listed and described in the *General Records Schedule: Local Government Agencies* and appear in this schedule with a @ beside them.

ACCOUNTS RECEIVABLE @

Records concerning receivables owed and collected. Includes billing statements, records of payment received, remittances, subsidiary registers, overpayment or refund records, deposits, fines and fees assessed, and collection of past due accounts. Also includes records concerning accounts sent to NC Debt Setoff Program for collection.

- The middle column lists similar records series from one or more of the schedules that have been issued separately for use by specific local agencies.
- The right-hand column lists the local agency program schedule that includes the records series listed in the middle column. The agencies represented in the right column include, but are not limited to, local health departments, Registers of Deeds, Sheriff's offices, local social services agencies, and tax offices.

If you need further information, please contact a Records Management Analyst.

Local General Schedule Records Series	Related Records Series	Local Program Schedule
Accounts Receivable	Accounts Receivable: Clinical Services	Local Health Departments Schedule

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Accounts Receivable (cont.)	Accounts Receivable – Client Services	LME Schedule LME-MCO Schedule
Administrative Directives, Regulations, and Rules	State Board of Elections Numbered Memos	County Board of Elections Schedule
Audits: Financial	Clinical Record Audits	Local Health Departments Schedule
	Clinical Record Audits	LME Schedule
	Clinical Record Audits	LME-MCO Schedule
Audits: Performance	Pharmacy Audit Records	Local Health Departments Schedule
Blueprints and Specifications	Blueprints and Specifications Project Records – Core	Local Government Agencies Program Schedule
Community Awards	Student Awards and Honors Records	Local Public School Unit Schedule
Conferences and Workshops	Health Promotion Training Records	Local Health Departments Schedule
Constituent Comments, Complaints, Petitions, and Service Requests	Animal Complaint Records Illegal Dumping File Violations: Building and Housing Violations: Solid Waste Management Complaints (Law Enforcement) Complaints Complaints: All Service Areas Animal Complaints Complaints File Complaints File	Local Government Agencies Program Schedule County Sheriff's Office County Social Services Agencies Schedule Local Health Departments Schedule LME Schedule LME-MCO Schedule
Contracts, Leases, and Agreements	School Health Provider Contracts Petroleum Leases Register	Local Health Departments Schedule Register of Deeds Schedule
Disaster and Emergency Management Plans	Public Health Emergency Preparedness and Response Records	Local Health Departments Schedule
Equipment and Vehicle Maintenance, Repair, and Inspection Records	Equipment and Instrument Maintenance and Repair File Autopsy and Surgical Pathology: Instrument Maintenance Records Clinical Laboratory Records: Instrument Maintenance Records Cytology Records: Instrument Maintenance Records File Instrument Maintenance File	Local Health Departments Schedule Public Hospitals Schedule

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Grants Grants: Financial	CDBG Records CDBG Outstanding Loan Balances CDBG Subject to Reversion of Assets Provisions or Change of Use of Real Property Continuum of Care Records Emergency Solutions Grants Records Home Investment Partnerships Program Records Housing Assistance for Persons with Disabilities Housing Opportunities for Persons with AIDS Records	Local Government Agencies Program Schedule
Indices	Board of Adjustment Case Files and Indexes Conditional Use Permit Records and Index Rezoning Records and Indexes	Local Government Agencies Program Schedule
	Master Client Identification File (Master Client Index)	LME Schedule LME-MCO Schedule
	Master Patient Index	Public Hospital Schedule
	Armed Forces Discharges and Index Chattel Mortgages and Index Corporations (Incorporations) Records and Index Deeds, Record of and Index Deeds of Trust (Mortgages), Record of and Index Highway Right-of-Way Maps and Index Land Sold for Taxes and Index Merchant Returns and Index Mineral Rights Records and Index Notaries Public Records and Index Official Record Book and Index Partnerships and Assumed Names Records and Index Plats, Maps, and Index Registration of Titles (Torrens Act) and Index Surveys, Record of and Index Timber Marks and Index Vital Records: Births and Index Vital Records: Deaths and Index Vital Records: Delayed Births and Index	Register of Deeds Schedule
Inventories	Drug Inventories	Local Health Departments Schedule

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Inventories (cont.)	Drugs Inventories	Public Hospitals Schedule
Maps: All Other	Utilities: Maps (Utility Installations & Distributions)	Local Government Agencies Program Schedule
	Plats, Maps, and Index	Register of Deeds Schedule
	Maps (Utility Installations and Distributions)	Water and Sewer Authorities and Sanitary Districts Schedule
Policies and Procedures	Clinical Policies and Procedures Laboratory Procedures Manual Behavioral Health Program Policy and Procedure Records	Local Health Departments Schedule
	Laboratory Procedures/Protocol File	Public Hospitals Schedule
Poll List/Registration List/Roster/Authorization to Vote (ATV)	Poll List/Registration List/Roster/Authorization to Vote (ATV)	County Board of Elections Schedule
Projects	Appraisal Project File Project Records – Cancelled Project Records – Core Project Records – Engineering & Compliance	Local Government Agencies Program Schedule
	State Board of Elections Correspondence and Reports	County Board of Elections Schedule
	Water and Wastewater System Project Records	Waste and Sewer Authorities and Sanitary Districts Schedule
Publicity Records	Student Publicity Records	Local Public School Unit Schedule
Rate and Fee Schedules	Fee Schedules	Local Health Departments Schedule
	Fee Schedules	LME Schedule
	Fee Schedules	LME-MCO Schedule
Recordings: Customer Call Center Recordings Audio-Visual Recordings	Traffic Video Recordings and Data Law Enforcement Audio and Video Recordings Communication Records Electronic Recordings of Interrogations	Local Government Agencies Program Schedule
	Audio and Video Recordings Communication Records Electronic Recordings of Interrogations (Juvenile and Homicide)	County Sheriff's Office

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Reports and Studies	Land Development and Planning Studies and Reports Ambulance Call Reports/Patient Care Reports North Carolina Fire Incident Report Pool Records Environmental: Customer Usage Records Environmental: Discharge Monitoring Reports Environmental: Landfill Monitoring Reports Environmental: Reports Submitted to U.S. Environmental Protection Agency Utilities: Daily Water and Wastewater Facility Operators Logs Utilities: Service Interruption Records Utilities: Wastewater Maintenance Operation Reports Water Quality: Pretreatment Program Records Water Quality: Public Water Sanitary Survey Records Appraisal Reports Traffic Analysis Project Records – Core Project Records – Engineering & Compliance Alarm Call Reports Arrest Reports Chemical Analysis Records Crime Analysis Records Detention Facility Incident Reports Detention Facility Physical Force Records Incident Response Reports Inmate Death Reports Laboratory Case Records Multiple Firearms Sales Reports Multiple Firearms Sales Reports Destruction Records Traffic Accident Reports	Local Government Agencies Program Schedule
(continued on following page)		

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Reports and Studies (cont.)	Daily Store Reports	Alcoholic Beverage Control Boards Schedule
	Monthly Law Enforcement Activity Reports	
	Monthly Operating Report to Board	
	Receiving Report	
	Sales Reports	
	Stock Difference Reports	County Board of Elections Schedule
	Weekly Warehouse Reports	
	Campaign Contribution and Expenditure Reports	
	Ballot Reports	
	State Board of Elections Correspondence and Reports	County Sheriff's Office
	Voter Registration Lists and Reports	
	Alarm Call Reports	
	Arrest Reports	
	Detention Facility Incident Reports	
	DWI Reports	Local Health Departments Schedule
	Incident Response Reports	
	Inmate Death Reports	
	Traffic Accident Reports	
	Program Time and Activity Reports	
	Medicare Disbursement Reports	LME Schedule LME-MCO Schedule
	Communicable Disease Reports	
	Test Reports	Public Hospitals Schedule
	Adverse Drug Reaction Reports	
	Intravenous Hood Performance Reports	
	Medication Storage Inspection Reports	
	Medicare Disbursement Reports	
	Admission/Discharge/Transfer Reports	
	Communicable Disease Reports	
	Call-In Reports	
	Adverse Drug Reaction Reports	
	Intravenous Hood Performance Reports	
	Medication Storage Inspection Reports	

(continued on following page)

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Reports and Studies (cont.)	Certified Facility Operators Logs and Reports Discharge Monitoring Reports Periodic Inspection Reports of Industrial Facilities Wastewater Maintenance Operation Reports	Waste and Sewer Authorities and Sanitary Districts Schedule
Strategic Plan	Land Development and Planning Studies and Reports Parks Planning File Comprehensive Plan and Amendments Environmental: Comprehensive Solid Waste Management Plan and Amendments Planning File (Street Maintenance)	Local Government Agencies Program Schedule

1

1099 FORMS. *SEE* TAX FORMS

A

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**Pender County
Recommendation to award Averro
Advisors the contract and issue a PO for
an IT Assessment in the amount of
\$59,850**

TO: BOCC
FROM: Sarah Taylor
DATE: August 21, 2023
SUBJECT: Recommendation to award Averro Advisors the contract and issue a PO
for an IT Assessment in the amount of \$59,850

SUMMARY:

Pender County wants to have a comprehensive IT Assessment conducted by a third party vendor in order to develop a long-term technological road map and ensure appropriate staffing and resource allocation for the current and future needs of the county. The assessment shall consist of reviewing current IT infrastructure and staffing and evaluating the current use of technology to identify any gaps in service and provide recommendations and action steps to move toward improvements and efficiencies. Pender County issued RFP 23-251 to solicit bids for these services. Responses were evaluated on overall cost and budget parameters, references, completeness of proposal, and experience with similar contracts completed on time and within budget. Averro Advisors was scored the highest overall.

ACTION REQUESTED:

Recommendation to award to Averro Advisors the contract and issue a Purchase Order to Averro Advisors for an agreement in the amount of \$59,850 for FY 24.
This item will be taken from the following line item: 445-404500 (IT Contracted Services)
Approve a BOA to increase 695-399000 (revenue) and 445-404500.

Pender County Budget Ordinance Amendment

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Fiscal Year

FY 2023-2024

Department

420 - COUNTY MANAGER

Division, Program, Project, etc.

IT Assessment

Proposed Amendment:

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	695-399000	Fund Balance	59850
2			
3			
4			
5			
6			
7			
8			
9			
10			

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	445-404500	IT Contracted Services	59850
2			
3			
4			
5			
6			
7			
8			
9			
10			

Total Revenues
59850

Total Expenditures
59850

Budget Amendment Balances when Zero.
0

Prepared By:
Sarah Taylor

Email
staylor@pendercountync.gov

PROPOSAL BY

AVERO
ADVISORS



IT Assessment

RFP # 23-251

JULY 20, 2023

512 WEST BROADWAY AVENUE | MARYVILLE, TN 37801

(865) 415-3848 | INFO@AVEROADVISORS.COM | AVEROADVISORS.COM

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Cover Letter

July 20, 2023

Pender County
Attn: Trisha Newton, Purchasing Manager
PO Box 1578
805 S. Walker Street
Burgaw, NC 28425

Dear Ms. Newton,

Pender County has a long track record of offering high-quality services to its residents, and Avèro Advisors is thrilled at the prospect of joining your team for the **IT Assessment** project. You need an experienced partner with superior technical abilities & business acumen in order for this project to succeed. Avèro Advisors is here as a partner & advisor to guide you through each step of the project journey so that your organization can experience the success it deserves. With the guidance of our firm, your organization will have the opportunity to experience an optimal IT environment, resulting in clear benefits for both your staff & your residents.

Avèro Advisors is dedicated to transforming the way public sector organizations operate internally and interact with their local communities. Our holistic approach provides tailored solutions that use resources efficiently & cost-effectively, while still delivering desired outcomes for our clients. As evidenced by our firm's successful collaborations over many years, we are dedicated to building long-term relationships with our clients – relationships built on trust, respect, and a shared vision for the future – and take pride in being part of their journeys toward success. This proposal showcases how we succeed in modernizing the technology environments of government organizations across the country.

Avèro Advisors has brought IT advancements to Blount County Government that were 30 years overdue. This modernization process could have been a lot more painful had it not been for the ability of Avèro to build strong relationships that have endured through the entire process. This has been so important for our employees to embrace these changes and move forward with confidence in implementing multiple upgrades in a short time.

Ed Mitchell, Mayor
Blount County, Tennessee



Our team possesses expertise in delivering information technology (IT) & cybersecurity assessments, IT strategic plans (ITSPs), business process analysis & redesign, requirements definition, request for proposal (RFP) development, enterprise resource planning (ERP) system evaluation & consultation, and project management support services for various government organizations. You can be confident that we will prioritize the specific needs of your organization because our firm is a 100% independent third-party consulting firm with no affiliation to software or hardware vendors. Additionally, as a certified Minority-Owned Business Enterprise (MBE) in multiple states, we place great emphasis on diversity & equity.

I look forward to developing a supportive partnership with you & Pender County. I believe we can establish a long-term, trust-based relationship as our team dedicates time to becoming familiar with your priorities & the recent strategies you've employed to create an effective, collaborative environment with your team. Together, we can create improvements in your IT environment that best fit your team's needs and support your continued modernization efforts.

Sincerely,

Abhijit "AV" Verekar
President & CEO

Avèro, LLC (DBA Avèro Advisors)

Headquarters | 512 West Broadway Avenue, Maryville, TN 37801
Midwest Office | 4547 West Mill Road, Broadview Heights, OH 44147
West Coast Office | 10396 East Caribbean Lane, Scottsdale, AZ 85255
Phone Number: (865) 415-3848 | Email: av@averoadvisors.com





Introduction

Company Qualifications & Experience

Since our founding in 2016, Avèro Advisors has established itself as a premier provider of IT strategic advisory services to public sector organizations nationwide by successfully delivering the desired results on time & within budget. Our core offerings include IT infrastructure analysis, cybersecurity & organizational assessments, IT strategic planning, business process analysis & redesign, RFP development, ERP system selection assistance, and ERP system implementation support. By providing services like these, we enable our clients to unlock the full potential of both their staff resources & fiscal resources through the optimization of business processes & technology. Currently, Avèro Advisors has approximately 15 employees.

The chart below demonstrates a few key aspects of our firm that distinguish us from our competitors.

Who We Are

Thought Leadership

We produce and publish a weekly podcast, Rethink IT, to discuss the general nature of technology & views on its applications for municipalities now & in the future. Podcast guests include city managers, mayors, chief information officers, judges, and other municipal executives & leaders.

We produce and publish videos on our YouTube channel to assist public sector organizations in their IT decision-making.



Diversity-Minded

We are a certified Minority-Owned Business Enterprise (MBE) in the state of Tennessee (#10311804). As a certified MBE, Avèro Advisors values diversity & inclusion very highly.

We are an equal opportunity employer. Thus, Avèro Advisors does not and will not discriminate against any person, employee, or applicant for employment on account of age, race, creed, religion, color, sex, sexual orientation, disability, national origin, marital status, and political affiliation.

Rapidly Growing, Award-Winning Workplace

We were recognized as one of America's fastest growing companies by Inc. Magazine in 2021 & 2022 and were recognized by Inc. Magazine in its Best Workplaces of 2021 because of our commitment to employees & clients.

We were recognized as 2019's Best Small Business by the Blount County Chamber of Commerce.

We are certified as a Great Place to Work based on feedback provided by 100% of our employees.



Independent & Trustworthy

We do not have any affiliations with software or hardware vendors.

Thus, we provide independent analysis on all vendors, brands, implements, and manufacturers of IT systems to ensure that our recommendations to our clients remain devoid of any bias toward any specific technology, platform, vendor, brand, implementor, or manufacturer.

Avèro Advisors is the ideal partner to help government organizations modernize their IT environments by providing strategic technology advice. Our team has a wealth of experience, which enables us to develop strategies that meet both urgent needs & long-term goals. Our team prides itself on being large enough to serve our valued clients yet small enough to know them well. Our firm has served clients across the United States, as shown in the following map.



Client Map



The table below lists the clients that we have performed/are performing IT strategic planning services for, as well as each specific project scope.

IT Strategic Planning Clients

IT Strategic Planning Clients

Client Name	Specific Scope of Work
Town of Farragut, TN	Information Technology Consulting Services
Town of Warrenton, VA	Information Technology Strategic Plan
City of Alcoa, TN	Information Technology Strategic Plan
City of Dania Beach, FL	IT Assessment & Master Plan
City of Macedonia, OH	Information Technology Modernization Plan
City of Maricopa, AZ	Information Technology Assessment
City of Maryville, TN	IT Assessment & Strategic Plan, Business Process Mapping, and ERP Advisory Services
City of Mequon, WI	IT Assessment & Strategic Plan
City of Niagara Falls, NY	IT Improvement Consulting Services
City of Piqua, OH	IT Assessment, IT Strategic Plan, and ERP Replacement Planning
City of Show Low, AZ	Technology Assessment Services
City of Wilsonville, OR	Information Technology Strategic Plan
Blount County, TN	IT Modernization Project, Business Process Mapping & Redesign, and Implementation Support Services
Pittsylvania County, VA	Information Technology Strategic Plan
Union County, NC	IT Assessment & Strategic Plan
Legal Aid of Nebraska, NE	Information Technology Consultant
Knoxville's Community Development Corporation, TN	IT Project Management (ERP)
Susquehanna Area Regional Airport Authority, PA	Information Technology Master Plan

The following chart includes the many software vendors & systems that our team has experience evaluating and/or selecting and/or implementing.



Software Experience

Software Experience

Financials	HR/Payroll	Asset Management	Utility Billing
CENTRALSQUARE CGI ADVANTAGE EMPHASYS ELITE HARRIS > GEMS IBM AS/400 INFOR MICROSOFT > DYNAMICS AX 2012 DYNAMICS 365 OPENGOV FINANCIALS SAP SPRINGBROOK TYLER TECHNOLOGIES > EDEN INCODE MUNIS WORKDAY YARDI	NEOGOV ORACLE > PEOPLESFT TYLER TECHNOLOGIES EXECUTIME MUNIS UNITED KRONOS GROUP WORKDAY Tax AVENITY Document Management DOCUSIGN DOCUWARE HYLAND SOFTWARE > ONBASE LASERFICHE	BRIGHTLY SOFTWARE > ASSET ESSENTIALS CITYWORKS > AMS IWORQ SYSTEMS M-CLOUD TYLER TECHNOLOGIES ENTERPRISE ASSET MANAGEMENT Land Management / Permitting & Licensing CITYVIEW CITYWORKS > PLL IWORQ SYSTEMS TYLER TECHNOLOGIES ENERGOV	HARRIS > CAVENTA TYLER TECHNOLOGIES > UTILITIES PRO Rental Assistance NEIGHBORLY UNQORK Transit Management AVAIL TECHNOLOGIES CSA SOFTWARE

Project Team

We have assembled a highly qualified team to conduct the **IT Assessment** for Pender County. This diverse group brings an abundant amount of experience in developing IT assessments & strategic plans for public sector clients across the country, as shown through their brief bios & detailed resumes below. We do not intend to use subcontractors for this endeavor.



Abhijit “AV” Verekar | Project Executive is a certified Project Management Professional (PMP) with a Master of Business Administration (MBA) from Cleveland State University & a Master of Commerce (M.COM.) from Goa University. He has over 15 years of experience serving the public sector as an IT advisory professional. Using his extensive experience leading IT & organizational modernization initiatives with state & local government agencies across the United States, he has helped his clients achieve significant efficiencies through IT strategic planning, cybersecurity, business process redesign, project management, and implementation for various enterprise systems.



Robert Kornovich | Director of Advisory Services is a Certified Public Manager (CPM) through Arizona State University with a Project Management Certificate & a Bachelor of Arts (BA) from Arizona State University. He has over 20 years of experience providing IT strategic planning services, organizational development services, and system implementation services to public sector clients. He is a subject matter expert on ERP vendors & their product offerings, customer service improvement, and the alignment of people, processes, and technology to maximize organizational resources & funding.



Andrew Hayes | Senior Manager is a certified Project Management Professional (PMP) with a Master of Business Administration (MBA) & a Master of Organizational Development (MOD), both from Case Western University. His experience includes 15 years of successfully leading change management & modernization projects in the public, private, and nonprofit sectors. He utilizes an appreciative approach to consulting that facilitates the identification, prioritization, and resolution of critical challenges, whether driven by people, processes, or technology. He creates value by establishing collaborative, cross-functional partnerships that focus on both organizational strengths & opportunities for continuous improvement.



Tyler Gallant | Project Manager completed his Bachelor of Science (BS) from Western Governors University. The project activities that he has completed for public sector organizations include IT & organizational infrastructure analysis, ERP system modernization, data analysis, gap analysis, SWOT analysis, business process mapping & redesign, requirements analysis & development, and program/project management. He has assisted many clients with identifying and implementing the IT improvements necessary to foster significant positive change and thus create a better experience for staff & citizens.

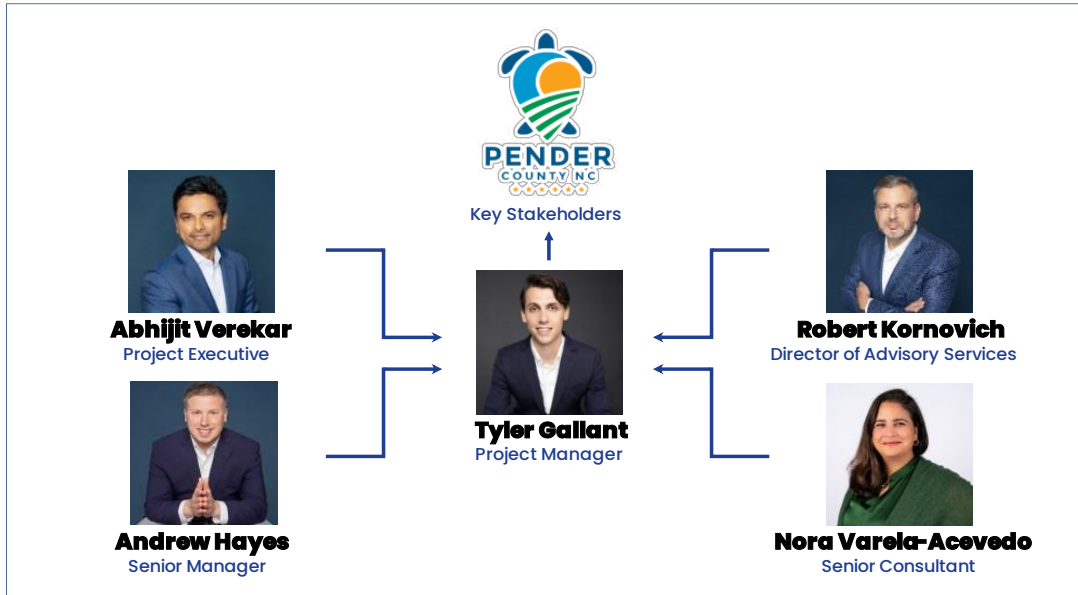


Nora Varela-Acevedo | Senior Consultant completed her Bachelor of Arts (BA) from the University of California, Berkeley. Her role at Avèro Advisors has involved participating in several ERP system consulting & implementation support projects. She is a skilled change management consultant with a strong background in database frameworks & how they impact system migrations & scalability. She is passionate about bridging the technical side of change with the people side of a change, which is often the most challenging yet critical component of an organizational transformation.



The chart below displays the organization of our Proposed Project Team for the **IT Assessment** endeavor.

Project Team Chart



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ABHIJIT VEREKAR, PRESIDENT & CEO

Professional Summary

Abhijit "AV" Verekar is a certified Project Management Professional (PMP) with a Master of Business Administration (MBA) from Cleveland State University & a Master of Commerce (M.COM.) from Goa University. He has over 15 years of experience serving the public sector as an IT advisory professional. Using his extensive experience leading IT & organizational modernization initiatives with state & local government agencies across the United States, he has helped his clients achieve significant efficiencies through IT strategic planning, cybersecurity, business process redesign, project management, and implementation for various enterprise systems.

Avèro Advisors Clients

- Town of Estes Park, CO
- Town of Farragut, TN
- Town of Payson, AZ
- Town of Warrenton, VA
- City of Alcoa, TN
- City of Altus, OK
- City of Charlottesville, VA
- City of Dania Beach, FL
- City of Dixon, CA
- City of Lethbridge, Alberta
- City of Macedonia, OH
- City of Manassas Park, VA
- City of Maricopa, AZ
- City of Maryville, TN
- City of Mequon, WI
- City of Niagara Falls, NY
- City of Piqua, OH
- City of Scranton, PA
- City of Show Low, AZ
- City of Wilsonville, OR
- Blount County, TN
- Knox County, TN
- Mendocino County, CA
- Monroe County, NY
- Pittsylvania County, VA
- Union County, NC
- Cambridge Housing Authority, MA
- Hillsborough County Public Schools, FL
- Knoxville's Community Development Corporation, TN
- Legal Aid of Nebraska, NE
- Maricopa Association of Governments, AZ
- Nashville Record Pressing, TN
- Nevada Rural Housing, NV
- Reno Housing Authority, NV
- Santa Clara County Housing Authority, CA
- Susquehanna Area Regional Airport Authority, PA
- Tulsa Airports Improvement Trust, OK
- Valley Regional Transit, ID

Skills

- Business Process Analysis & Redesign
- Contract Negotiations
- Enterprise System Evaluation, Selection, and Implementation
- GIS Strategic Planning
- IT Strategic Planning
- Project Management
- Requirements Definition

Certifications + Education

- Project Management Professional – Certification No. 1338765 – Project Management Institute
- Master of Business Administration, Finance – Cleveland State University (Cleveland, OH)
- Master of Commerce, Accounting & Finance – Goa University (Goa, India)
- Bachelor of Commerce – Goa University (Goa, India)



ROBERT KORNOVICH, DIRECTOR OF ADVISORY SERVICES

Professional Summary

Robert Kornovich is a Certified Public Manager (CPM) through Arizona State University with a Project Management Certificate & a Bachelor of Arts (BA) from Arizona State University. He has over 20 years of experience providing IT strategic planning services, organizational development services, and system implementation services to public sector clients. He is a subject matter expert on ERP vendors & their product offerings, customer service improvement, and the alignment of people, processes, and technology to maximize organizational resources & funding.

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- City of Macedonia, OH
- City of Manassas Park, VA
- City of Maricopa, AZ
- City of Maryville, TN
- City of Mequon, WI
- City of Niagara Falls, NY
- City of Piqua, OH
- City of Scranton, PA
- City of Show Low, AZ
- City of Wilsonville, OR
- Blount County, TN
- Knox County, TN
- Monroe County, NY
- Pittsylvania County, VA
- Union County, NC
- Cambridge Housing Authority, MA
- Hillsborough County Public Schools, FL
- Knoxville's Community Development Corporation, TN
- Legal Aid of Nebraska, NE
- Maricopa Association of Governments, AZ
- Nevada Rural Housing, NV
- Reno Housing Authority, NV
- Santa Clara County Housing Authority, CA
- Susquehanna Area Regional Airport Authority, PA
- Tulsa Airports Improvement Trust, OK
- Valley Regional Transit, ID

Skills

- Business Process Analysis & Redesign
- Customer Service Experience Management
- Enterprise System Evaluation, Selection, and Implementation
- GIS Strategic Planning
- IT Strategic Planning
- Project Management
- Project Roadmap & Comprehensive Vision Building
- Requirements Definition

Certifications + Education

- Certified Public Manager – Arizona State University (Tempe, AZ)
- Project Management Certification – Arizona State University (Tempe, AZ)
- Member of IACP (International Association of Chiefs of Police)
- Member of ICMA (International City/County Management Association)
- Bachelor of Arts, German – Arizona State University (Tempe, AZ)



ANDREW HAYES, SENIOR MANAGER

Professional Summary

Andrew Hayes is a certified Project Management Professional (PMP) with a Master of Business Administration (MBA) & a Master of Organizational Development (MOD), both from Case Western University. His experience includes 15 years of successfully leading change management & modernization projects in the public, private, and nonprofit sectors. He utilizes an appreciative approach to consulting that facilitates the identification, prioritization, and resolution of critical challenges, whether driven by people, processes, or technology. He creates value by establishing collaborative, cross-functional partnerships that focus on both organizational strengths & opportunities for continuous improvement.

Avèro Advisors Clients

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- City of Dania Beach, FL
- City of Dixon, CA
- City of Lethbridge, Alberta
- City of Macedonia, OH
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- City of Maryville, TN
- City of Mequon, WI
- City of Niagara Falls, NY
- City of Piqua, OH
- City of Scranton, PA
- City of Show Low, AZ
- City of Wilsonville, OR
- Blount County, TN
- Pittsylvania County, VA
- Union County, NC
- Cambridge Housing Authority, MA
- Hillsborough County Public Schools, FL
- Knoxville's Community Development Corporation, TN
- Legal Aid of Nebraska, NE
- Maricopa Association of Governments, AZ
- Reno Housing Authority, NV
- Santa Clara County Housing Authority, CA
- Susquehanna Area Regional Airport Authority, PA
- Tulsa Airports Improvement Trust, OK
- Valley Regional Transit, ID

Skills

- Business Process Analysis & Redesign
- Contract Negotiations
- Enterprise System Evaluation, Selection, and Implementation
- IT Strategic Planning
- Project Management
- Requirements Definition

Certifications + Education

- Project Management Professional – Certification No. 1239835 – Project Management Institute
- Master of Business Administration – Case Western Reserve University (Cleveland, OH)
- Master of Organizational Development – Case Western Reserve University (Cleveland, OH)
- Bachelor of Science, Business Administration – University of Akron (Akron, OH)



TYLER GALLANT, PROJECT MANAGER

Professional Summary

Tyler Gallant completed his Bachelor of Science (BS) from Western Governors University. The project activities that he has completed for public sector organizations include IT & organizational infrastructure analysis, ERP system modernization, data analysis, gap analysis, SWOT analysis, business process mapping & redesign, requirements analysis & development, and program/project management. He has assisted many clients with identifying and implementing the IT improvements necessary to foster significant positive change and thus create a better experience for both staff & citizens.

Avèro Advisors Clients

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- Town of Warrenton, VA
- City of Charlottesville, VA
- City of Dania Beach, FL
- City of Lethbridge, Alberta
- City of Maricopa, AZ
- City of Maryville, TN
- City of Mequon, WI
- City of Niagara Falls, NY
- City of Piqua, OH
- City of Wilsonville, OR
- Knox County, TN
- Union County, TN
- Knoxville's Community Development Corporation, TN
- Legal Aid of Nebraska, NE
- Nashville Record Productions, TN
- Santa Clara County Housing Authority, CA

Skills

- Business Process Analysis & Redesign
- Data Gathering & Analysis
- Enterprise System Evaluation, Selection, and Implementation
- IT Strategic Planning
- Project Management
- Requirements Definition

Certifications + Education

- Bachelor of Science, Business Management – Western Governors University (Franklin, TN)



NORA VARELA-ACEVEDO, SENIOR CONSULTANT

Professional Summary

Nora Varela-Acevedo completed her Bachelor of Arts (BA) from the University of California, Berkeley. Her role at Avèro Advisors has involved participating in several ERP system consulting & implementation support projects. She is a skilled change management consultant with a strong background in database frameworks & how they impact system migrations & scalability. She is passionate about bridging the technical side of change with the people side of a change, which is often the most challenging yet critical component of an organizational transformation.

Avèro Advisors Clients

- City of Maryville, TN
- City of Niagara Falls, NY
- City of Piqua, OH
- Monroe County, NY

Pre-Avèro Advisors Clients

- Class Uniforms Inc., TX
- Green Box, CA
- Laredo Container Services, TX

Skills

- Area of Responsibility (AoR) Analysis
- Business Process Analysis & Redesign
- Change Management
- Corporate Learning
- Data Validation & Verification
- Diversity & Inclusion Initiatives
- Enterprise System Evaluation, Selection, and Implementation
- Mediation
- Project Management Assistance

Certifications + Education

- Bachelor of Arts, Political Science: Emerging Economies and Effective Public Communication - University of California, Berkeley (Berkeley, CA)



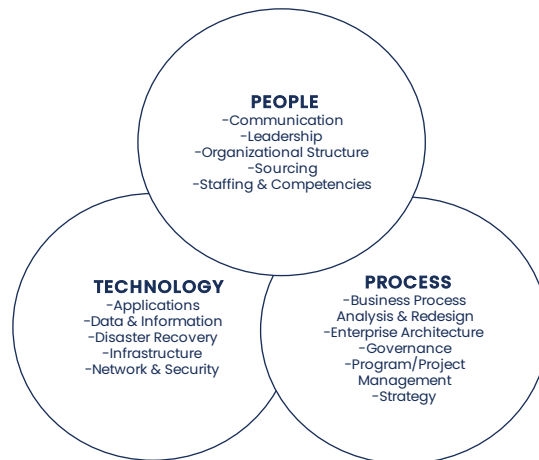
Work Plan

Project Approach

Avèro Advisors understands that Pender County desires a qualified firm to develop an assessment of its IT environment to ensure that the appropriate resources are allocated and managed effectively over the next five years (or other period of time, if desired). We recognize that the County hopes to understand the gaps between its current IT operations & industry standards. Furthermore, through the development of an IT Assessment, the County desires to understand what strategic actions are necessary to improve its IT environment and better align with IT industry standards & best practices.

For the **IT Assessment** project, we will apply our unique People, Process, and Technology (PPT) Approach, which is presented in the following diagrams.

Avèro Advisors' PPT Approach



Client Retention

We maintain exceptional relationships with our clients by utilizing the skills necessary to meet their specific needs. Each client reference is a testimonial to our successful track record of providing exceptional service in an efficient & cost-effective manner.

"End-to-End" Expertise

We have experience assisting clients from the very beginning of the IT modernization process to the very end. From current-state discovery to vendor selection & implementation support, our team engages our clients to determine what their specific needs are and providing services to meet those needs.

Independent & Unbiased

We do not have any affiliations with software or hardware vendors. We work on behalf of our clients as trusted advisors, which ensures that our recommendations are not biased toward any specific technology, platform, or vendor.

Industry-Specific Subject Matter Expert

We have provided IT strategic planning services, enterprise system assessment services, and project management services for over 18 years. Our extensive experience allows us to genuinely understand clients' business drivers, goals, and challenges so that we can deliver high-quality service to them.

Professional Project Management

We apply industry best practices to every project we execute, including Project Management Institute standards, as well as Agile, Six Sigma, and Waterfall methodologies. Using these techniques allows our clients to see impressive results in operational efficiency, quality assurance, and quality control.

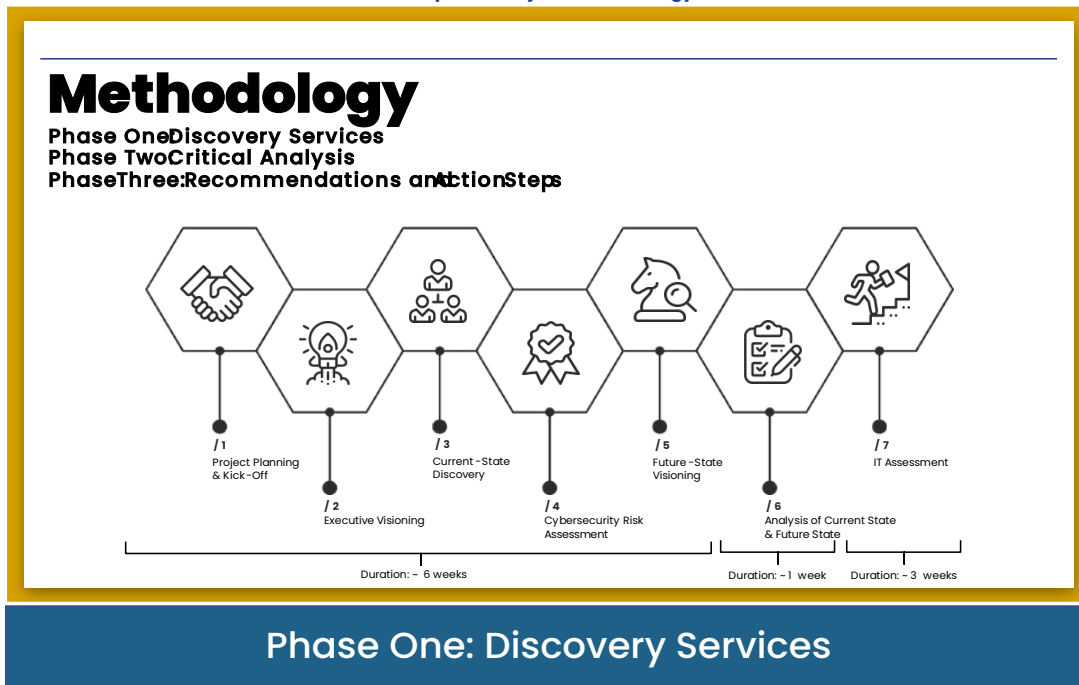
Distinguishing Factors of Our Approach



Project Methodology

For Pender County's **IT Assessment** project, Avèro Advisors will draw on our extensive industry expertise & experience to fulfill all of the County's project requirements. The **Proposed Project Methodology** below, which was developed exclusively for the County, outlines how the County's IT needs & desires will be fulfilled, while leaving room for feedback from the County's project sponsors. We are dedicated to offering practical solutions that stay within the County's budget & timeline limitations and honor the County's core values.

Proposed Project Methodology



1. Project Planning & Kick-Off

Our team will plan for the project and hold a Kick-Off Meeting with the County's project sponsors to assimilate project expectations. This project task will include the following:

- Introduce our Project Team for this engagement
- Develop a Stakeholder Registry of all the relevant County stakeholders who will have a role in the assessment process
- Identify roles & responsibilities for County leaders for this engagement
- Present a detailed Project Work Plan, including project tasks, goals, timeframes, deliverables, and milestones, and finalize it with feedback & approval of the County
- Discuss the contents of the weekly Project Status Reports that will be provided to the County's project sponsors



- Determine a meeting time for the weekly Project Update Meetings that will cover the details of the Project Status Reports and be held with the County's project sponsors
- Answer any questions from meeting attendees

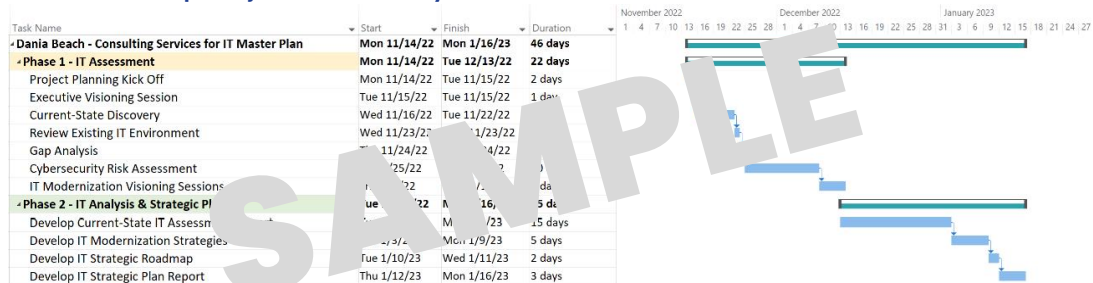
Deliverable 1: Stakeholder Registry

Deliverable 2: Project Work Plan

Deliverable 3: Project Status Reports (Provided Throughout Project)

Deliverable 4: Project Update Meetings (Provided Throughout Project)

Sample Project Work Plan – City of Dania Beach, Florida – IT Assessment & Master Plan



Sample Project Status Report – City of Dania Beach, Florida – IT Assessment & Master Plan



IT Master Plan
Project Status Report (20221205)

To: City of Dania Beach, FL
From: Avèro Advisors

Project Name: IT Master Plan
Document Date: December 5, 2022

PROJECT STATUS REPORT

Current Reporting Period	Upcoming Reporting Period
November 28 – December 2	December 5 – December 9
Project Activities Completed	Planned Project Activities
During the previous reporting period, Avèro Advisors performed the following project activities: - Reviewed Existing Information - Performed Gap Analysis - Developed Cybersecurity Assessment Report (DRAFT) - Developed Current-State Assessment Report (DRAFT)	During the upcoming reporting period, Avèro Advisors will perform the following project activities: - Continue Developing Cybersecurity Assessment Report (DRAFT) - Review Provided Documentation - Continue Developing Current-State Assessment Report (DRAFT) - Develop IT Modernization Strategies
Risks/Outstanding Items	Questions

2. Executive Visioning

Our team will facilitate an Executive Visioning Session with the County's Executive Leadership to better understand the long-term vision that they have for the County's IT environment. We will gather their ideas for internal efficiencies driven by technology & enhanced service delivery



to County staff & residents. We will apply our knowledge of industry best practices, as well as our in-house knowledge base, to guide the discussion towards identifying and documenting a high-level vision that will inform the County's long-term IT strategy.

3. Current-State Discovery

Our team will conduct current-state discovery across all relevant County departments to gain a comprehensive understanding of the current-state IT environment. This project task will include the following:

- Develop a Business Process Inventory so that we can track departmental processes, process owners, and statuses of the included processes
- Collect documents that are transferred within the current-state IT environment, including documentation for the following IT-related elements: (1) Information Technology Services (ITS) Department structure, staffing, and organization (2) funding levels for IT operations (3) hardware, software, networks, programs, and services (4) enhancements & upgrades
- Analyze data sources, such as software systems & applications, outside spreadsheets, and information transferred in paper format within the current-state IT environment
- Hold Current-State Discovery Sessions with County stakeholders from the Stakeholder Registry to evaluate the current-state IT environment through the perspective of staff
 - Determine how they utilize technology to perform their job tasks
 - Understand what they believe the pros & cons of the current-state IT environment are
 - Gain their insight on the current-state IT-related elements: (1) ITS Department structure, staffing, and organization (2) funding levels for IT operations (3) hardware, software, networks, programs, and services (4) enhancements & upgrades
 - Identify business processes that are executed in the current-state IT environment, what the pros & cons of these processes are, and which of these processes are paper-based

Deliverable 5: Business Process Inventory

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Sample Discovery Questionnaire – City of Dania Beach, Florida – IT Assessment & Master Plan

Avèro Advisors has developed this **Interview Questionnaire** for the upcoming Discovery Sessions. These questions will provide Avèro with valuable insight into the way your department/division currently uses technology as a tool to support operations and how the City's IT resources provide ongoing support to end users.

During the interviews, please feel free to share candidly, based on your experience, as all responses will be aggregated anonymously during our forthcoming analysis.

1. What are the primary functions of your department?
2. What do you feel are the current strengths of your department?
3. What do you feel are the areas for improvement in your department?
4. What are the business systems that your department currently uses?
5. How are you currently using technology as a tool to meet the strategic objectives of your department?
6. What do you feel are the current IT-related needs of your department?
7. How would you describe your experience with the services provided by your IT resources?

4. Cybersecurity Risk Assessment

Our team will conduct a high-level Cybersecurity Risk Assessment on the County's current technology infrastructure. This project task will include the following:

- Identify enterprise risks, prioritize them, and highlight opportunities to mitigate known & unknown risks going forward proactively
- Perform a thorough review of security policies & procedures, system architecture, network architecture, physical access, and various security systems
- Utilize industry-leading network & infrastructure diagnostic tools, such as PDQ Deploy & PDQ Inventory, to collect specific data on the County's hardware, software, and networks for in-depth analysis and identify gaps, improvements, efficiencies, optimized processes, refined IT organizational structure & online collaboration tools, enhanced security resiliency, and streamlined operations for the future state
- Take the County through a National Institute of Standards and Technology (NIST)-based security assessment that will identify security deficiencies throughout the organization that could allow a breach of sensitive & confidential data and will include the following risk areas at a minimum:

Incident Response Plan	Encryption
Disaster Recovery Plan	DLP for Personally Identifiable Information
Business Continuity Plan	Utilize All Owned Security Features
Documented Policies & Procedures	Verification Methods Used & Documented



Cybersecurity Education	Controlled Use of Custom Programming
Data Protection	Level Set Expectations for Sensitive Data
Policies Governing Employee Data Access	ITIL Foundations
Vulnerability Scanning	Physical Security
Active Network Monitoring	Cybersecurity Officer of Designee
Multi-Factor Authentication	Segmented & Secured Wi-Fi
Automate Threat Detection & Response	SaaS Vendor Requirements

Deliverable 6: Cybersecurity Risk Assessment

5. Future-State Visioning

Our team will conduct future-state visioning across all relevant County departments to gain a comprehensive understanding of the ideal future-state IT environment. This project task will include the following:

- Conduct a best practices review to understand the IT best practices of similar public sector organizations so that the County can understand how to align their best practices with the best practices of other comparable organizations
- Hold Future-State Visioning Sessions with County stakeholders from the Stakeholder Registry to understand the ideal future-state IT environment through the perspective of staff
 - Determine how they would like to utilize technology to perform their job tasks
 - Understand what they believe the County's technology capabilities could be
 - Gain their insight on the ideal IT-related elements: (1) ITS Department structure, staffing, and organization (2) funding levels for IT operations (3) hardware, software, networks, programs, and services (4) enhancements & upgrades
 - Identify what the County's ideal, modernized business processes would look like in the future-state IT environment

Phase Two: Critical Analysis

6. Analysis of Current State & Future State

Our team will compile the information gathered during Phase One in order to conduct a thorough analysis of all findings made & stakeholder feedback received. We will evaluate where the strengths, weaknesses, opportunities, and threats of the County's IT environment are, as well as where the gaps between the County's current-state IT environment & its ideal future-state IT environment are. This activity will help our team prepare for the development of the IT Assessment during Phase Three.



Phase Three: Recommendations and Action Steps

7. IT Assessment

Our team will develop an IT Assessment that details the County's needs & desires related to its IT environment, as well as our recommendations & corresponding action steps to improve its IT environment. This project task will include the following:

- Detail the current state versus the future state
 - Document strengths, weaknesses, opportunities, and threats impacting critical IT operations (i.e., a SWOT analysis)
 - Document gaps between the **existing** & the **ideal** IT-related elements: (1) ITS Department structure, staffing, and organization (2) funding levels for IT operations (3) hardware, software, networks, programs, and services (4) enhancements & upgrades (i.e., a Gap Analysis)
 - Develop a high-level analysis of the County's current IT expenditures & timelines
- Provide IT Modernization Recommendations to resolve the gaps found between the **existing** & the **ideal** IT environment based on our best practices research & our experience working with clients like Pender County
 - Ensure that the proposed IT Modernization Recommendations are specific, measurable, actionable, realistic, and timely (SMART)
 - Rank the recommendations based on the anticipated degree of impact, associated cost, and implementation timeline
- Incorporate an IT Strategic Roadmap – i.e., a high-level roadmap in the form of a Gantt chart that covers the technology areas within the County, such as cybersecurity, storage technology, and document management & retention
 - Include each IT Modernization Recommendation in prioritized order, along with an associated timeframe (i.e., urgent, short-term, or long-term)
- Develop IT Modernization Action Steps based on the prioritized IT Modernization Recommendations in the IT Strategic Roadmap
 - Ensure that the action steps will guide the County as it plans, procures, implements, and manages current & future technology investments & resources over the next five years (or other timeframe, if desired)
 - Include the justification, a brief implementation plan, an estimated timeline, an estimated cost, and estimated resources for each IT Modernization Action Step
- Discuss and validate the draft IT Assessment with the County's project sponsors
 - Explain the logic & methodology of the IT Assessment, including the (1) evaluation of the current state & future state (2) IT Modernization Recommendations (3) IT Strategic Roadmap (4) IT Modernization Action Steps
 - Answer any questions they have and invite them to share their feedback



- Modify the draft IT Assessment based on their feedback
- Share the final version of the IT Assessment with them
- Present the final IT Assessment to the Board of County Commissioners (in person)

Deliverable 7: IT Assessment

Sample IT Strategic Roadmap – City of Mequon, Wisconsin – IT Assessment & Strategic Plan

IT Strategic Roadmap (2021 - 2024)			2021		2022		2023		2024	
			Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
SECURITY FIRST	1	Annual Review of Cybersecurity Plan								
	2	Cybersecurity Awareness Tool								
	3	IT Policies & Procedures								
	4	IT Governance								
	5	Tyler Munis SaaS Conversion								
DIGITAL CITY EXPERIENCE	6	Citizen Self-Service Portal								
	7	E-Signature Tool								
	8	Single-Solution Payment System								
	9	Recreation & Event Management System								
INFRASTRUCTURE RESILIENCE	10	IT Division Restructuring								
	11	IT Assets Management								
	12	IT Asset Management								
	13	IT Asset Management								
DATA-DRIVEN DECISIONS	14	Munis Audit								
	15	Enterprise Land Management								
	16	Human Capital Management								
	17	Enterprise Asset Management								
	18	Business Intelligence Tool								
	19	Legislative Management								
	20	Electronic Document Management								
	21	SCADA System								
	22	Phone System Audit								

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Sample IT Strategic Plan – City of Mequon, Wisconsin – IT Assessment & Strategic Plan

#4 – Introduce IT Governance	
Gaps Addressed – There is an absence of IT strategy within the City's IT Division's approach to serving the organization's future technology needs. The result is departments spending time researching systems, hardware, and applications to resolve their technical issues instead of relying on subject matter experts to keep them apprised of new market offerings. This exacerbates the challenge of departments inadvertently expanding the existing silos of data and resources.	
Action Steps – - Develop an IT Governance framework as a process for making IT investments and decisions - Establish an IT Steering Committee for prioritizing investments and decisions - Establish selection criteria for becoming an IT Steering Committee Member - Determine meeting schedule for reviewing IT Program - Train primary stakeholders on the IT Governance process	
Prerequisites – None	
Stakeholders – All Staff	
Resources – - IT Division - External Consultant	Senior Executive Management team
Estimated Costs – Staff time	External Consulting Fee: \$4,950
Estimated Timeline – Immediate – Year 1 (6 months)	
Impact Statement – Introducing IT Governance will ensure that the City of Mequon has a formal framework in place for evaluating and prioritizing IT investments. IT Governance will consider each IT investment as a business case, including feasibility, how the investment creates value (and Return on Investment) to the Department, and to the City as an organization, including stakeholder impact. Creating an IT Steering Committee will provide stakeholder groups with the representation needed to ensure that IT decisions are made in the strategic interest of the City's IT, on a macro scale, and not just on a departmental level.	

Project Timeline

Based on our past experience executing projects similar in scope & complexity to Pender County's **IT Assessment** project, Avèro Advisors estimates a timeline of two months for the project's duration. The **Estimated Project Timeline** below (subject to input from the County's project sponsors) includes each project phase & activity. We are committed to working closely with the County to ensure that the project does not exceed the proposed timeline.

Please note that the timeline below does not include the final presentation of the IT Assessment to the Board of County Commissions, which will occur in-person on December 4th, as noted in the County's RFP.



Estimated Project Timeline





References

Avèro Advisors has an established track record of success in the IT assessment & IT strategic plan development process, which is evidenced by the five client references & project descriptions below.

Blount County, Tennessee

Project Name: IT Modernization Project, Business Process Mapping & Redesign, and Implementation Support Services (Tyler Munis)

Contact Name: Mr. Justin McClure, Information Technology Manager

Contact Information: (865) 273-5730 | jmcclure@blounttn.org

Address: 341 Court Street, Maryville, TN 37804

Date of Services: February 2016 – Ongoing

Avèro was contracted by Blount County, Tennessee to create a multi-year IT Modernization Strategy and Plan (ITMSP) aimed at updating the County's IT infrastructure (including hardware, software, policies, and processes). Additionally, Avèro's Project Team performed several tasks alongside County staff, including the IT Department, to implement the recommendations provided in the ITMSP. These tasks included conducting an IT Risk Assessment, redesigning the County's website, upgrading the network infrastructure, and virtualizing the server.

Avèro also assisted the County with the replacement of its ERP system (AS400). Our team worked closely with the County to identify existing risks & user needs, review them, and develop redesigned business processes & best practices concerning but not limited to the following areas: Budgeting, IT Services, Payables, Receivables, and Records Management. The redesigned business processes & best practices were implemented to mitigate gaps between the County's current-state operations & ideal future-state operations for all departments. Avèro then defined a comprehensive list of system requirements, developed an RFP for new ERP software, and assisted the County with the ERP system evaluation & selection process. Our team served as a liaison between the County & the selected software vendor (Tyler Technologies) and successfully supported the County in rolling out a new Financial Management Information System (Tyler Munis). During the data configuration & integration tasks, we ensured that all capabilities the software vendor proposed were met. All configuration & integration issues were met with swift response times. Our team is currently serving as the County's Executive Project Manager, including managing day-to-day support services for the Post Go-Live of the new Financial Management Information System, supporting the County with the transition to an updated version of its Human Resources Information System (Ultimate Kronos Group), and assisting the County's IT Department with other initiatives.



Pittsylvania County, Virginia

Project Name: Information Technology Strategic Plan
Contact Name: Mr. Nicholas Morris, Project Manager
Contact Information: (434) 770-0360 | nicholas.morris@pittgov.org
Address: 1 Center Street, Chatham, VA 24531
Date of Services: August 2020 – November 2020

Avèro was contracted by Pittsylvania County, Virginia to assess the current state of the IT infrastructure (including hardware, software, and network) for approximately 17 County departments. These 17 departments included the County Administrator's Office, County Attorney, Community Development, Finance, Human Resources, IT, and Public Safety. The scope of services included but was not limited to developing an IT Current-State Assessment, conducting a gap analysis, and developing strategic recommendations. Avèro's Project Team subsequently identified and documented a comprehensive IT Strategic Roadmap & ITSP to guide the County's IT decision-making efforts through the next three years.

Union County, North Carolina

Project Name: IT Assessment & Strategic Plan
Contact Name: Mr. Christopher Liersaph, Assistant Director of IT
Contact Information: (704) 283-3635 | christopher.liersaph@unioncountync.gov
Address: 500 North Main Street, Monroe, NC 28112
Date of Services: January 2020 – April 2021

Avèro was contracted by Union County, North Carolina to assess the current state of the County's IT infrastructure & staffing for approximately 30 County departments. The scope of services included but was not limited to conducting an IT Infrastructure Assessment (including hardware, software, and systems), an IT staffing analysis, and a SWOT analysis, as well as developing strategic recommendations. Avèro's Project Team subsequently identified and documented a comprehensive IT Strategic Roadmap & ITSP to guide the County's IT infrastructure & IT staffing decision-making through the next five to seven years. Following the development of the ITSP, Avèro managed the implementation of the ITSP for the County for multiple projects, including the restructuring of the County's IT Department, the development of IT policies & procedures, and the completion of a comprehensive phone system assessment.

City of Maryville, Tennessee

Project Name: IT Assessment & Strategic Plan, Business Process Mapping, and ERP Advisory Services
Contact Name: Mr. Greg McClain, City Manager
Contact Information: (865) 273-3401 | gmccclain@maryville-tn.gov
Address: 400 West Broadway Avenue, Maryville, TN 37801
Date of Services: February 2018 – Ongoing



Avèro was contracted by the City of Maryville, Tennessee to create a multi-year IT Modernization Strategic Plan (ITMSP). After Avèro's Project Team conducted an IT assessment to evaluate the current state of the City's IT environment, we developed an ITMSP. The aim of developing the ITMSP was to guide the City in optimizing its IT environment efficiently & cost-effectively and to provide them with clear strategic recommendations.

Additionally, because the City had an outdated Financial & Human Resources ERP system (Harris GEMS) in place & because vendor support of the City's version of Harris GEMS ended in 2018, Avèro was also contracted to provide ERP advisory services to the City. To advise the City about the best next steps to take, our team performed business process analysis across many City departments, including Development Services, Financial Services, Fleet, Human Resources, Public Utilities, and Public Works. This analysis enabled Avèro to identify current limitations and map out the future state of critical business processes. Our team subsequently guided the City through system requirements definition, RFP development, ERP system evaluation, and selection for various enterprise solutions (i.e., Asset Management, Financial, Fleet, Human Resources, and Procurement). Avèro's Project Team assisted the City through contract negotiations with the selected vendors (CSA Software & Tyler Technologies). Avèro is currently serving as the Executive Project Manager for the City, including managing the City's enterprise system implementations.

City of Piqua, Ohio

Project Name: IT Assessment, ITSP, and ERP Replacement Planning

Contact Name: Mr. Paul Oberdorfer, City Manager

Contact Information: (937) 778-2051 | poberdorfer@piquaoh.org

Address: 505 West Water Street, Piqua, OH 45356

Date of Services: February 2022 – Ongoing

Avèro was contracted by the City of Piqua, Ohio to conduct a comprehensive IT Assessment and develop an ITSP for the City. Avèro's Project Team assessed the City's current-state IT environment by conducting interviews with key internal stakeholders regarding cybersecurity protocols, network infrastructure, and enterprise software systems used to support City operations. Avèro then conducted visioning sessions with City stakeholders to discuss how the City envisions using modern technologies as a tool to move the organization forward in the years to come. Following the data gathering, Avèro's Project Team conducted a gap analysis to identify emergent gaps between the current state & the optimized future state of the City's IT program. After developing and prioritizing the proposed IT modernization strategies, Avèro prepared and presented the ITSP Report. Our team is currently assisting the City with the replacement of its current ERP software (Springbrook).



Fee Schedule

Avèro Advisors proposes the following rates in the **Hourly Rate Chart** & the following project costs in the **Estimated Project Budget** to complete the **IT Assessment** project for Pender County. Based on our past experience executing projects similar in scope & complexity to the County's **IT Assessment** project, Avèro Advisors estimates a cost of \$59,850 to complete the project. The **Estimated Project Budget** below (subject to input from the County's project sponsors) includes each project phase & activity.

We are committed to working closely with the County to ensure that the project does not exceed the proposed cost. If any project tasks outside the scope of the initial contract arise, they will be billed separately at the individual rates listed in the **Hourly Rate Chart**, upon prior written approval from Pender County & Avèro Advisors. Invoices for completed services will be submitted monthly by Avèro Advisors. We remain flexible in our approach and welcome any feedback for modifications that the County may deem necessary.

Hourly Rate Chart

Project Team Role	Hourly Rate
Project Executive	\$250
Director of Advisory Services	\$225
Senior Manager	\$225
Project Manager	\$200
Senior Consultant	\$175

Estimated Project Budget

Pender County	
IT Assessment	
Phase One: Discovery Services	\$ 48,000
Project Planning & Kick-Off	\$ 5,000
Executive Visioning	\$ 2,000
Current-State Discovery	\$ 10,000
Cybersecurity Risk Assessment	\$ 5,000
Future-State Visioning	\$ 10,000
Phase Two: Critical Analysis	\$ 8,000
Analysis of Current State & Future State	\$ 8,000
Phase Three: Recommendations and Action Steps	\$ 15,000
IT Assessment	\$ 15,000
Total Fees	\$ 63,000
Travel Fees (10%)	\$ 6,300
New Client Discount (5%)	\$ (9,450)
TOTAL ESTIMATED PROJECT COST	\$ 59,850

Please see our Certificate of Insurance attached below, as requested in the County's RFP.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/25/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Miles Insurance Agency 604 Crawford St Maryville TN 37804 604 Crawford St Maryville TN 37804	CONTACT NAME: PHONE (A/C, No, Ext): 865-233-4237 FAX (A/C, No): 865-233-4238 E-MAIL ADDRESS: elizabeth.dmiles@farmersagency.com
	INSURER(S) AFFORDING COVERAGE	
INSURED	Avero Advisors 512 W. Broadway Ave Maryville TN 37801 512 W. Broadway Ave Maryville TN 37801	INSURER A: Mount Vernon Fire Insurance
		INSURER B: Fire Insurance Exchange
		INSURER C: Hartford Insurance
		INSURER D:
		INSURER E:
		INSURER F:

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☐ Primary & Non Contributory GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	☒	☐	PPP 2550922	02/07/2023	02/07/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 10,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000
	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY	☐	☐	606729351	02/07/2023	02/07/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED \$ RETENTION \$	☐	☐	XL 2558881	02/07/2023	02/07/2024	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
	☐ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐	☐	76WEAA1TR	04/03/2022	04/02/2023	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	☐ PROFESSIONAL LIABILITY	☐	☐	PPP 2550922	02/07/2023	02/07/2024	☐ Each Claim \$3,000,000 ☐ Annual \$3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Drew Miles

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**Pender County
Resolution to authorize the Upset Bid
Process with respect to the Disposition
by Sale of County Property in Pender
Commerce Park**

TO: BOCC
FROM: Sarah Taylor
DATE: August 21, 2023
SUBJECT: Resolution to authorize the Upset Bid Process with respect to the
Disposition by Sale of County Property in Pender Commerce Park

SUMMARY:

The County has received an offer to purchase Lot 4 in the Pender Commerce Park from Supreme Ventures, Inc. Supreme Ventures is an affiliate corporation of Polyhose, an existing business operation in the Commerce Park. County Staff reviewed the offer and sought the advice of the County Tax Administrator's office to measure the reasonableness of the offer terms. County Staff is of the opinion that the offer is fair and reasonable, and serves the purpose for which the Commerce Park was established to attract new and expanding businesses to increase the County tax base and create jobs.

ACTION REQUESTED:

County Staff requests the Board's approval of a resolution to authorize the Upset Bid Process pursuant to G.S. 160A-269 with respect to the sale of Lot 4 in the Pender Commerce Park to Supreme Ventures. If the Board approves the attached resolution, and upon receipt of the deposit required by the statute, County Staff will publish notice of the offer, which begins the 10-day upset bid period under the statute. Should no upset bids be received, the County will accept the offer from Supreme Ventures and proceed to due diligence and closing within approximately 4 months. Should an upset bid be received, Supreme Ventures' offer will terminate and the upset bid process will run again, with Supreme Ventures having an opportunity to submit an upset bid.

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

POLYHOSE EXPANSION IN PENDER COUNTY UPSET BID PROCESS

Lot 4 of Pender Commerce Park



THE BID

- “Lot 4”: 8.3 acres of a 91.95 acres parcel owned by Pender County
- Supreme Ventures wants to combine Lots 3 & 4 to expand current Polyhose facility
 - Established in 1996 & opened Pender location in 2019
 - Facility used for assembly and distribution of hydraulic hose & equipment
 - Expansion will increase jobs
- Offer is \$419,150 for Lot 4
 - \$50,500 per acre
 - Purchased for approx. \$10,500/ acre in 2006
 - Other PCP properties sold for \$30k-\$55k/ acre
 - Fair offer per Tax Office

THE PROCESS

- Accept offer pending a 10-day Upset Bid period & publish a notice
 - North Carolina General Statute §§ 153A-176 and 160A-269
- If no bids received, offer is accepted, and due diligence begins
 - If a qualifying bid is received, repeat Upset Bid process until there are no more bids
- At the end of the 120-day due diligence period, the sale is closed and deed is conveyed

WHAT IS NEEDED

- Approve a resolution to authorize the Upset Bid Process with respect to the Disposition by Sale of Lot 4 in the Pender Commerce Park
- This resolution “automatically” accepts the offer set forth if no qualifying upset bid is received, and authorizes appropriate County officials to execute instruments as necessary to convey the property to Supreme Ventures Inc.
- Should a qualifying upset bid be received, the upset bid process runs again but Polyhose’s original offer is terminated.

Board of County Commissioners
Jacqueline A. (Jackie) Newton – Chair
Wendy Fletcher-Hardee – Vice Chair
Archibald (Fred) McCoy
Jerry Groves
Brad George



County Manager
David Andrews
Assistant County Manager
Allen Vann
County Attorney
Carl W. (Trey) Thurman
Staff Attorney
Patrick Buffkin

**A Resolution of the Pender County Board of Commissioners Authorizing
Upset Bid Process with respect to the Disposition by Sale of
Lot 4 in the Pender Commerce Park**

WHEREAS, Pender County, North Carolina (hereinafter, "the County") owns certain property consisting of approximately 8.3 acres and commonly known as Lot 4 in the Pender Commerce Park, which is more particularly identified as a portion of the 91.95-acre parcel with a Property Tax Identification Number 2291-65-5989-0000 in the records of the County's Property Tax Administrators Office and a portion of Tract 2 as shown on that certain survey map recorded at Book 51, Page 70, in the office of the Pender County Register of Deeds; and

WHEREAS, North Carolina General Statute §§ 153A-176 and 160A-269 authorize the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the 8.3-acre parcel described herein, in the amount of \$419,150.00, which offer was submitted by Supreme Ventures, Inc.

NOW, THEREFORE, THE PENDER COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The sale of the property described herein through the upset bid procedure of N.C. Gen. Stat. § 160A-269 shall be, and the same is hereby, authorized;

2. Upon receipt of the deposit in the amount required by N.C. Gen. Stat. § 160A-269, the Clerk to the Board of County Commissioners shall cause a notice of the proposed sale to be published in accordance with the requirements of that statute, including, that the notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset;

3. Persons wishing to upset the offer received shall submit a sealed bid with their offer to the office of the Clerk to the Board of Commissioners within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Clerk to the Board of Commissioners shall open the bids received, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer;

4. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Pender County Board of Commissioners;

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer, which amount is not less than \$ 440,157.50;

6. A qualifying higher bid shall be accompanied by a deposit in the amount of five percent (5%) of the bid, which may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing;

7. The terms of the final sale are that the Board of Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and that the buyer must pay with cash at the time of closing;

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids; and

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above shall be, and the same is hereby, accepted, and the appropriate County officials are authorized to execute the instruments necessary to convey the property to Supreme Ventures, Inc.

Adopted by the Pender County Board of Commissioners this the ____ day of _____, 2023.

Jacqueline A. Newton,
Chair of the Board of Commissioners

ATTEST: _____
David Andrews,
Clerk to the Board of Commissioners



Pender County Proclamation for Operation Green Light for Veterans 2023

TO: Board of County Commissioners
FROM: Michelle Leach
DATE: August 21, 2023
SUBJECT: Proclamation for Operation Green Light for Veterans 2023

SUMMARY:

This Veterans Day, the National Association of Counties (NACo) and the [National Association of County Veterans Service Officers](#) (NACVSO) invite the nation's 3,069 counties, parishes, and boroughs to join Operation Green Light and show support for veterans by lighting our buildings green from November 6-12. By shining a green light, county governments and our residents will let veterans know that they are seen, appreciated and supported.

ACTION REQUESTED:

Staff is requesting the Board's approval of Proclamation for Operation Green Light for Veteran's 2023.

ATTACHMENTS:

Resolution

Supporting Operation Green Light for Veterans

WHEREAS, the residents of **Pender County** have great respect, admiration, and the utmost gratitude for all the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of those who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, **Pender County** seeks to honor individuals who have made countless sacrifices for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veterans Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, active military service members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, the **Pender County** appreciates the sacrifices of our United States military personnel and believes specific recognition should be granted; therefore be it

RESOLVED, with designation as a Green Light for Veterans County, **Pender County** hereby declares from **October** through Veterans Day, November 11th 2023 a time to salute and honor the service and sacrifices of our men and women in uniform transitioning from active service; therefore, be it further

RESOLVED, that in observance of Operation Green Light, **Pender County** encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying green lights in a window of their place of business or residence from November 6th through the 12th, 2023.



Pender County Retaining the Services of Gallagher Benefit Services

TO: Board of County Commissioners
FROM: Pam Brame
DATE: August 21, 2023
SUBJECT: Retaining the Services of Gallagher Benefit Services

SUMMARY:

After conducting a Benefit Broker Request for Proposal and interview process in May-June 2023, Human Resources would like to retain the services of Gallagher Benefit Services. Human Resources would like the Board's approval to enter into the following agreements as of July 1, 2023. Included in your agenda package for your review are the following agreements:

- Business Associate Agreement whereas Gallagher agrees to protect our employee health information confidential per HIPPA guidelines.
- Authorization to use the Pender County name and logo on such items as our new benefit portal, employee benefit guides, PowerPoint presentations, etc.
- Client Coverage Acknowledgement and Compensation Disclosure Statement whereas in full transparency, Gallagher provides the commission structure of our current benefits.

Wes Grigston, Area Vice President, Public Sector Practice, from Gallagher Benefit Services will be introduced to the Board and be available to answer any questions.

ACTION REQUESTED:

Approval to retain the services of Gallagher Benefit Services.



Insurance | Risk Management | Consulting

CLIENT COVERAGE ACKNOWLEDGMENT AND COMPENSATION DISCLOSURE STATEMENT FOR PENDER COUNTY, NC

This form documents that Gallagher Benefit Services, Inc. (Gallagher) will apply its professional judgment to access those insurance companies it believes are best suited to insure the Client's risks. The final decision to choose any insurance company or vendor has been made by the Client in its sole and absolute discretion. The Client understands and agrees that Gallagher does not take risk, and that Gallagher does not guarantee the financial solvency or security of any insurance company. The Client, or other policy owner, is responsible for immediate payment of premiums for all insurance placed by Gallagher on Client's behalf. If any premium amounts or fees, as applicable, are not paid in full when due, the applicable insurance company for the Client's risks may cancel any applicable policies in accordance with the terms of such policies.

The following is the disclosure of commissions and/or fees to be paid to Gallagher for brokerage and/or consulting services to Client's Group Health and Welfare Plan and any relationships, or agreements Gallagher has with any insurance companies or vendors selected by Client as noted above. Gallagher will receive the following initial and renewal sale commissions expressed as percentage of gross premium payments, or fees, as agreed upon by Client: Pender County, NC

Line of Coverage / Services ¹	Company	Commission ^{2&3}	Third Party Compensation	Direct Fees ⁴	Effective Date
Dental	Delta Dental of North Carolina	6%	N/A	N/A	07/01/23
Vision	Community Eye Care	10%	N/A	N/A	07/01/23
Basic Life/AD&D	MetLife	0%	N/A	N/A	07/01/23
Vol Life and AD&D	MetLife	20%	N/A	N/A	07/01/23
STD	Lincoln National Life	15%	N/A	N/A	07/01/23
LTD	MetLife	20%	N/A	N/A	07/01/23
FSA	Flores & Associates	N/A	N/A	N/A	07/01/23
Accident	Allstate	10%	N/A	N/A	07/01/23
Accident	AFLAC	4%	N/A	N/A	07/01/23

¹ Services provided relative to the above lines of coverage include Benefits strategy consulting and design, to include funding evaluation options, financial reporting, as appropriate, based on funding arrangement, and vendor support; Plan management services, to include plan marketing and evaluation services; Renewal support, coordination, and oversight; Annual enrollment support, including drafting assistance for employee communications; Legislative compliance support in the form of updates, materials, and guidance; and Administrative support as mutually agreed to by the parties. Refer to your consulting agreement for further details on services, if applicable.

² Commissions include all commissions/fees paid to Gallagher that are attributable to a contract or policy between a plan and an insurance company, insurance service, or vendor. This includes indirect fees that are paid to Gallagher paid by a third party, and includes, among other things, the payment of "finders' fees" or other fees to Gallagher for a transaction or service involving the plan.

³ Gallagher may receive supplemental compensation from insurance carriers and vendors, normally calculated at the end of each calendar year, that are contingent on a number of factors including the overall number of employer plans represented, plan retention rates, and overall premium growth. Historically, supplemental compensation has ranged, on average, between 0-3% based on specific carrier programs. These plans have no effect on premiums. Further, Gallagher may receive non-cash compensation from plan vendors or service providers that are not in connection with any particular client. If you have any questions regarding direct or indirect compensation received by Gallagher, please contact your dedicated Gallagher advisor or refer to the [Gallagher Global Standards of Business Conduct](#).

⁴ Direct Fees include compensation to Gallagher paid for directly by the plan sponsor/Client.



Insurance | Risk Management | Consulting

Critical Illness	AFLAC	3.5% after	N/A	N/A	07/01/23
Hospital Indemnity	AFLAC	3.15% after	N/A	N/A	07/01/23
Legal	Legal Shield	N/A	N/A	N/A	07/01/23
Cancer	Transamerica	N/A	N/A	N/A	07/01/23
Whole Life	Transamerica	N/A	N/A	N/A	07/01/23

It should also be noted that:

- **Gallagher** is not an affiliate of the insurer/vendor whose contract is recommended. This means the insurer/vendor whose contract is recommended does not directly or indirectly have the power to exercise a controlling influence over the management or policies of **Gallagher**. **Gallagher's** ability to recommend other insurance contracts/vendors is not limited by an agreement with the insurance company/vendor.
- **Gallagher** is effecting the transaction for the Plan(s) in the ordinary course of **Gallagher** business. The transaction set forth is at least as favorable to the Plan(s) as an arm's length transaction with an unrelated party.
- **Gallagher** is not a trustee of the Plan(s) and is neither the Plan Administrator of the Plan(s), a named fiduciary of the Plan(s), nor an employer which has employees in the Plan(s). **Gallagher** shall not exercise discretionary authority or control with respect to plan management, the disposition of plan assets or plan administration.
- **Gallagher's** liability to Client, or any party claiming by or through Client, on account of or relating to the provision of services to Client during the period of the relationship between Gallagher and Client shall not exceed \$1 million⁵, in the aggregate. Without limiting the foregoing, Gallagher shall only be liable for actual damages incurred by Client, and shall not be liable for any indirect, consequential or punitive damages.

For Employers and Plan Sponsors Subject to ERISA: This Disclosure Statement is being given to the Client (1) to make sure Client knows about Gallagher's and Gallagher affiliates' income before purchasing the insurance product and/or vendor services and (2) for plans subject to ERISA, to comply with the disclosure, acknowledgment and approval requirement of Prohibited Transaction Class Exemption No. 84-24⁶, which protects both Client and Gallagher⁷, and the disclosure requirements under ERISA §408(b)(2), as amended by Div. BB, Title II, §202 of the Consolidated Appropriations Act, 2021. Disclosure must be made to responsible plan fiduciary for the ERISA Plan(s), and Client acknowledges and confirms that this is a reasonable transaction in the best interest of participants in its ERISA Plan(s).

For more information on Gallagher's compensation arrangements, please visit www.ajg.com/us/about-us/disclosures. In the event a Client wishes to register a formal complaint regarding compensation Gallagher receives, please send an email to Compensation_Complaints@ajg.com.

Thank you for your business and continued confidence in the services Gallagher provides to you and your employees. We sincerely appreciate the opportunity to serve Pender County, NC. Please contact your Gallagher advisor if you have questions regarding this information or would like more detail.

Accepted by: **Pender County, NC**

GALLAGHER BENEFIT SERVICES, INC.

⁵ If Client has executed a consulting, or other services, agreement currently in effect with Gallagher that contains a limitation of liability, the limitation specified herein shall be disregarded and the limitation in the executed agreement shall control for all purposes.

⁶ Which allows an exemption from a prohibited transaction under Section 408(a) of the **Employee Retirement Income Security Act of 1974 (ERISA)**.

⁷ In making these disclosures, no position is taken, nor is one to be inferred, regarding the use of assets of a plan subject to ERISA to purchase such insurance.



Insurance | Risk Management | Consulting

By _____

Name _____

Title _____

Date _____

By 

Name _____

Title _____

Date _____

Kyle Armeny

Area President

07-28-2023

BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("**Agreement**") is entered into on July 01, 2023 (the "**Effective Date**"), by and between Pender County, NC on behalf of the Group Health and Welfare Plans of Pender County, NC ("**Covered Entity**") and Gallagher Benefit Services, Inc. ("**Business Associate**").

RECITALS:

WHEREAS, Covered Entity and Business Associate mutually desire to outline their individual responsibilities with respect to the use and/or disclosure of Protected Health Information ("**PHI**") as mandated by the Privacy Rule promulgated under the Administrative Simplifications subtitle of the Health Insurance Portability and Accountability Act of 1996 ("**HIPAA**") including all pertinent regulations issued by the U.S. Department of Health and Human Services as outlined in 45 C.F.R. Parts 160, 162 and 164 ("**HIPAA Privacy Rules and/or Security Standards**"); and

WHEREAS, Covered Entity and Business Associate understand and agree that the HIPAA Privacy Rules and Security Standards requires the Covered Entity and Business Associate enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of PHI and ePHI.

NOW, THEREFORE, the parties hereto agree as follows:

1. Definitions. When used in this Agreement and capitalized, the following terms have the following meanings:

(a) "**Breach**" shall have the same meaning as the term "Breach" in 45 C.F.R. §164.402.

(b) "**Electronic Protected Health Information**" or "**ePHI**" shall mean Protected Health Information transmitted by electronic media or maintained in electronic media.

(c) "**Individual**" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(d) "**Privacy Rule**" shall mean the Standards for Privacy of Individual Identifiable Health Information as set forth at 45 C.F.R. Parts 160 and 164 Subparts A and E.

(e) "**Protected Health Information**" or "**PHI**" shall have the same meaning as the term "protected health information" in 45 C.F.R. § 160.103, limited to the information created or received by Business Associate from or on behalf of Covered Entity.

(f) **"Required by Law"** shall have the same meaning as the term "required by law" in 45 C.F.R. § 164.103.

(g) **"Secretary"** shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(h) **"Security Incident"** shall mean any attempted or successful unauthorized access, use, disclosure, modification or destruction of information or systems operations in an electronic information system.

(i) **"Security Rule"** shall mean the Standards for Security of PHI, including ePHI, as set forth at 45 C.F.R. Parts 160 and 164 Subparts A and C.

(j) **"Unsecured Protected Health Information"** shall mean protected health information that is not rendered unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified by the Secretary.

Terms used but not defined in this Agreement shall have the same meaning as those terms in the HIPAA regulations.

2. Obligations and Activities of Business Associate Regarding PHI.

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to use appropriate safeguards to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(c) Business Associate agrees to ensure that any agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI agree to the same restrictions and conditions that apply to Business Associate with respect to such information.

(d) Business Associate agrees to provide access, at the request of Covered Entity, and in a reasonable time and manner designated by Covered Entity, to PHI in a Designated Record Set that is not also in Covered Entity's possession, to Covered Entity in order for Covered Entity to meet the requirements under 45 C.F.R. § 164.524.

(e) Business Associate agrees to make any amendment to PHI in a Designated Record Set that the Covered Entity directs or agrees to pursuant to 45 C.F.R. § 164.526 in a reasonable time and manner designated by Covered Entity.

(f) Business Associate agrees to make internal practices books and records relating to the use and disclosure of PHI available to the Secretary, in a reasonable time and manner as designated by the Covered Entity or Secretary, for purposes of the Secretary determining Covered Entity's compliance with the Privacy Rule. Business Associate shall immediately notify Covered Entity upon receipt or notice of any request

by the Secretary to conduct an investigation with respect to PHI received from the Covered Entity.

(g) Business Associate agrees to document any disclosures of PHI that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(h) Business Associate agrees to provide to Covered Entity or an Individual, in a time and manner designated by Covered Entity, information collected in accordance with paragraph (g) above, to permit Covered Entity to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(i) Business Associate agrees to use or disclose PHI pursuant to the request of Covered Entity; provided, however, that Covered Entity shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by Covered Entity.

3. Permitted Uses and Disclosures of PHI by Business Associate.

(a) Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, Covered Entity provided that such use or disclosure would not violate the Privacy Rule if done by Covered Entity.

(b) Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

(c) Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if:

(i) such disclosure is Required by Law, or

(ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any instances of which it is aware that the confidentiality of the information has been breached.

(d) Business Associate shall limit the PHI to the extent practicable, to the limited data set or if needed by the Business Associate, to the minimum necessary to accomplish the intended purpose of such use, disclosure or request subject to exceptions set forth in the Privacy Rule.

(e) Business Associate may use PHI to provide Data Aggregation services to Covered Entity as permitted by 45 C.F.R. § 164.504(e)(2)(i)(B).

4. Obligations of Covered Entity Regarding PHI.

(a) Covered Entity shall provide Business Associate with the notice of privacy practices that Covered Entity produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

(b) Covered Entity shall provide Business Associate with any changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

(c) Covered Entity shall notify Business Associate of any restriction to the use or disclosure of PHI that Covered Entity has agreed to in accordance with 45 C.F.R. § 164.522, if such restrictions affect Business Associate's permitted or required uses and disclosures.

(d) Covered Entity shall require all of its employees, agents and representatives to be appropriately informed of its legal obligations pursuant to this Agreement and the Privacy Rule and Security Standards required by HIPAA and will reasonably cooperate with Business Associate in the performance of the mutual obligations under this Agreement.

5. Security of Protected Health Information.

(a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of all PHI, either electronic or otherwise, on behalf of Covered Entity complies with the applicable administrative, physical, and technical safeguards required protecting the confidentiality, availability and integrity of PHI as required by the HIPAA Privacy Rules and Security Standards.

(b) Business Associate agrees that it will ensure that agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality, availability and integrity of PHI as required by HIPAA Privacy Rules and Security Standards.

(c) Business Associate agrees to report to Covered Entity any Security Incident (as defined 45 C.F.R. Part 164.304) of which it becomes aware. Business Associate agrees to report the Security Incident to the Covered Entity as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) Business Associate agrees to establish procedures to mitigate, to the extent possible, any harmful effect that is known to Business Associate of a use or disclosure of PHI by Business Associate in violation of this Agreement.

(e) Business Associate agrees to immediately notify Covered Entity upon discovery of any Breach of Unsecured Protected Health Information (as defined in 45 C.F.R. §§ 164.402 and 164.410) and provide to Covered Entity, to the extent available to Business Associate, all information required to permit Covered Entity to comply with the requirements of 45 C.F.R. Part 164 Subpart D.

(f) Covered Entity agrees and understands that the Covered Entity is independently responsible for the security of all PHI in its possession (electronic or otherwise), including all PHI that it receives from outside sources including the Business Associate.

6. Term and Termination.

(a) **Term.** This Agreement shall be effective as of the Effective Date and shall remain in effect until the Business Associate relationship with the Covered Entity is terminated and all PHI is returned, destroyed or is otherwise protected as set forth in Section 6(d).

(b) **Termination for Cause by Covered Entity.** Upon Covered Entity's knowledge of a material breach by Business Associate, Covered Entity shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within 30 days from the date that Covered Entity provides notice of such breach to Business Associate, Covered Entity shall have the right to immediately terminate this Agreement and the underlying services agreement between Covered Entity and Business Associate.

(c) **Termination by Business Associate.** This Agreement may be terminated by Business Associate upon 30 days prior written notice to Covered Entity in the event that Business Associate, acting in good faith, believes that the requirements of any law, legislation, consent decree, judicial action, governmental regulation or agency opinion, enacted, issued, or otherwise effective after the date of this Agreement and applicable to PHI or to this Agreement, cannot be met by Business Associate in a commercially reasonable manner and without significant additional expense.

(d) **Effect of Termination.** Upon termination of this Agreement for any reason, at the request of Covered Entity, Business Associate shall return or destroy all PHI received from Covered Entity, or created or received by Business Associate on behalf of Covered Entity. Business Associate shall not retain any copies of the PHI unless return or destruction is deemed infeasible. If the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such PHI. For purposes of illustration only and not to limit the set of circumstances that could potentially make return or destruction infeasible, it would be infeasible for Business Associate to return or destroy certain PHI that is part of work product that must be

retained for document retention/archival purposes, as well as PHI that is stored as a result of backup e-mail systems that store e-mails for emergency backup purposes.

7. Amendment.

The parties may agree to amend this Agreement from time to time in any other respect that they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

8. Indemnification.

Business Associate shall indemnify and hold harmless Covered Entity from and against any and all costs, expenses, claims, demands, causes of action, damages, attorneys' fees and judgments that arise out of or that may be imposed upon, incurred by, or brought against Covered Entity to the extent directly resulting from a breach of this Agreement or any violation of the Privacy Rule or other applicable HIPAA regulations by Business Associate. The indemnification obligations provided for in this Section will commence on the effective date of this Agreement and will survive its termination.

Covered Entity shall indemnify and hold harmless Business Associate from and against any and all costs, expenses, claims, demands, causes of action, damages, attorneys' fees and judgments that arise out of or are imposed upon, incurred by, or brought against Business Associate to the extent directly resulting from a breach of this Agreement or any violation of the Privacy Rule or other applicable HIPAA regulations by Covered Entity. The indemnification obligations provided for in this Section will commence on the effective date of this Agreement and will survive its termination.

9. Severability.

The parties intend this Agreement to be enforced as written. However, (i) if any portion or provision of this Agreement is to any extent declared illegal or unenforceable by a duly authorized court having jurisdiction, then the remainder of this Agreement, or the application of such portion or provision in circumstances other than those as to which it is so declared illegal or unenforceable, will not be affected thereby, and each portion and provision of this Agreement will be valid and enforceable to the fullest extent permitted by law; and (ii) if any provision, or part thereof, is held to be unenforceable because of the duration of such provision, the Covered Entity and the Business Associate agree that the court making such determination will have the power to modify such provision, and such modified provision will then be enforceable to the fullest extent permitted by law.

10. Notices.

All notices, requests, consents and other communications hereunder will be in writing, will be addressed to the receiving party's address set forth below or to such other address as a party may designate by notice hereunder, and will be either (i) delivered by hand, (ii) made

facsimile transmission, (iii) sent by overnight courier, or (iv) sent by registered mail or certified mail, return receipt requested, postage prepaid.

If to the Covered Entity:

Pender County, NC
Jacki Newton, Board Chair of
Pender County
805 S Walker St
Burgaw, North Carolina 28425-
5001

If to the Business Associate:

Gallagher Benefit Services, Inc.
Kyle Armeny, Area President
4250 Congress Street, Suite 200
Charlotte, NC 28209
704.971.2556

11. Regulatory References.

A reference in this Agreement to a section in the Privacy Rule means the referenced section or its successor, and for which compliance is required.

12. Headings and Captions.

The headings and captions of the various subdivisions of the Agreement are for convenience of reference only and will in no way modify or affect the meaning or construction of any of the terms or provisions hereof.

13. Entire Agreement.

This Agreement sets forth the entire understanding of the parties with respect to the subject matter set forth herein and supersedes all prior agreements, arrangements and communications, whether oral or written, pertaining to the subject matter hereof.

14. Binding Effect.

The provisions of this Agreement shall be binding upon and shall inure to the benefit of both Parties and their respective successors and assigns.

15. No Waiver of Rights, Powers and Remedies.

No failure or delay by a party hereto in exercising any right, power or remedy under this Agreement, and no course of dealing between the parties hereto, will operate as a waiver of any such right, power or remedy of the party. No single or partial exercise of any right, power or remedy under this Agreement by a party hereto, nor any abandonment or discontinuance of steps to enforce any such right, power or remedy, will preclude such party from any other or further exercise thereof or the exercise of any other right, power or remedy hereunder. The election of any remedy by a party hereto will not constitute a waiver of the right of such party to pursue other available remedies. No notice to or demand on a party not expressly required under this Agreement will entitle the party receiving such notice or demand to any other or further notice or demand in similar or other circumstances or constitute a waiver of the right of the party giving such notice or demand to any other or further action in any circumstances without such notice or demand. The terms and provisions of this Agreement may be waived, or consent for the departure therefrom granted, only by written document executed by the party entitled to the benefits of such terms or provisions. No such waiver or consent will be deemed to be or will constitute a waiver or consent with respect to any other terms or provisions of this Agreement, whether or not similar. Each such waiver or consent will be effective only in the specific instance and for the purpose for which it was given, and will not constitute a continuing waiver or consent.

16. Governing Law.

This Agreement will be governed by and construed in accordance with the laws of the State of Illinois.

17. Interpretation.

It is the Parties' intent to comply strictly with all applicable laws, including without limitation, HIPAA, state statutes, or regulations (collectively, the "Regulatory Laws"), in connection with this Agreement. In the event there shall be a change in the Regulatory Laws, or in the reasoned interpretation of any of the Regulatory Laws or the adoption of new federal or state legislation, any of which are reasonably likely to materially and adversely affect the manner in which either Party may perform or be compensated under this Agreement or which shall make this Agreement unlawful, the Parties shall immediately enter into good faith negotiations regarding a new arrangement or basis for compensation pursuant to this Agreement that complies with the law, regulation or policy and that approximates as closely as possible the economic position of the Parties prior to the change. In addition, the Parties hereto have negotiated and prepared the terms of this Agreement in good faith with the intent that each and every one of the terms, covenants and conditions herein be binding upon and inure to the benefit of the respective Parties. To the extent this Agreement is in violation of applicable law, then the Parties agree to negotiate in good faith to amend this Agreement, to the extent possible consistent with its purposes, to conform to law.

IN WITNESS WHEREOF, the parties have executed this Business Associate Agreement as of the Effective Date.

BUSINESS ASSOCIATE:

GALLAGHER BENEFIT SERVICES, INC.



By: _____

Name: Kyle Armeny

Title: Area President

COVERED ENTITY: Pender County, NC

By: _____

Name: Pam Brame

Title: HR Director



Insurance | Risk Management | Consulting

AUTHORIZATION FOR USE OF COMPANY NAME, LOGO, ETC.

Effective July 01, 2023 ("Effective Date"), Pender County, NC ("Company") hereby authorizes Arthur J. Gallagher & Co. (or appropriate subsidiary company) ("Gallagher") to utilize Company's logo (collectively referred to as "Company's Property") for the following purpose(s): GBS marketing/renewal presentations for the client and employee communications created for the client on the following date(s): as required.

Gallagher may not use the Company's Property for the following purpose(s), as determined by Company in its sole discretion: .

Gallagher shall utilize Company's Property according to Company's directions, attached hereto and incorporated herein as Exhibit A and/or pursuant to the electronic file provided to Gallagher. (i.e., exact wording of Company's name, exact use of their logo—colors, type, if copyrighted, trademarked or if property is a registered trademark, proper designation must be included (i.e., ©, ™, ®); provide us with electronic copies as appropriate)

Logo directions for Gallagher ☐ Attached as Exhibit A and / or ☐ Provided Electronically

Such authorization shall commence on the Effective Date and continue as long as the parties maintain a mutual business relationship. The Company may revoke its authorization upon 30 days prior written notice to Gallagher, at which time Gallagher will immediately discontinue its use of Company's Property and return any documents, files, whether electronic or not, to Company.

The authorization contained herein is non-assignable by Gallagher.

Company represents to Gallagher that it has good title to Company's Property and Gallagher's use, as authorized herein, does not infringe on any third party's right(s) or interest(s). If Gallagher is named as a party to any suit or claim where a third party alleges infringement of its property, intellectual or otherwise, related to Gallagher's use of Company's Property, Company agrees to indemnify and hold Gallagher, its employees, officers and agents harmless against any such suit, claim, or other liability related to such use including, but not limited to any related costs, including reasonable attorneys' fees.

Company Name: Pender County, NC

By: _____
(Signature)

Its: Pam Brame, HR director
(Title)

Date: _____



Insurance | Risk Management | Consulting

4250 Congress Street, Suite 200
Charlotte, NC 28209
USA

704.971.2556
www.ajg.com

July 28, 2023

Pender County, NC
Pam Brame
805 S Walker St
Burgaw, North Carolina 28425-5001

RE: PRIVACY POLICY DISCLOSURE

Dear Pam,

Gallagher Benefit Services, Inc. (Gallagher) treats your personal privacy with care and respect. Because we value our client relationships, we do not disclose our clients' nonpublic personal, financial or health information with third parties, except for the specific purposes listed in the enclosed Privacy Policy Summary or as otherwise permitted by law. Personal information is any information that can be used to identify, locate or contact you or your employees. Personal information does not include publicly available information or individually identifiable business contact information of employees such as name, title, business address, business telephone number or business email address.

Applicable law requires Gallagher to provide our clients with notice of our Privacy Policy, a summary of which is enclosed here (the full text of the Gallagher Privacy Policy can be retrieved at the following URL: [Privacy Policy | Gallagher USA \(ajg.com\)](http://Privacy Policy | Gallagher USA (ajg.com))). This policy does not apply to our efforts to market our products and services to you, so you may receive information from us regarding products that may suit your needs.

Gallagher has always been mindful of our clients' privacy. We maintain physical, electronic, and procedural safeguards that comply with federal and state regulations to guard your nonpublic personal, financial and health information and that of your employees.

Thank you for choosing Gallagher Benefit Services, Inc. We appreciate your business and value our relationship.

Enclosure: Privacy Policy Summary



PRIVACY POLICY SUMMARY

This **Privacy Policy Disclosure** outlines and summarizes our information sharing practices to help you understand how we protect your privacy and that of your employees when we collect and use information about you and your employees, and the measures we take to safeguard that information.

Information We May Collect. We may collect the following nonpublic personal, financial or health information about you or your employees including:

- Information we receive from you and your employees on applications or questionnaires, such as occupation, current employer and social security number;
- Information about your transactions with us, our affiliates, or previous insurers; such as your policy coverage, claim information, premiums and payment history;
- Information we receive from consumer-reporting agencies such as Equifax that is obtained for the purpose of ascertaining credit histories. These reports are obtained as underwriting tools to determine bill paying habits and creditworthiness for certain individual, personal insurance products. These reports are not subject to race, gender or income;
- Information that allows us to communicate with you or your employees, such as name, user name, password, age, marital status, occupation, mailing address, telephone numbers, email address or other addresses that allow us to send a message;
- Information that assists us to conduct business with you or your employees, such as types of products or services that may be of interest, employee financial information or information on your company's size, revenue, type, industry codes, demographics, locations, and financial information;
- Information about your transactions with us, our affiliates, or your previous providers;

Information We Disclose. We do not disclose any nonpublic personal, financial or health information about our clients, former clients or their employees to anyone, except for the purposes of placing your insurance coverage(s), fulfilling your requests for products or services and related activities, responding to your requests for a call or email, processing transactions you request, telling you about products or services we offer and as otherwise permitted by law.

Information Security. We restrict access to nonpublic personal, financial or health information about you and your employees to those employees and subcontractors who have a need to know that information to provide products or services to you or your employees. We maintain physical, electronic, and procedural safeguards that comply with federal and state regulations to guard your nonpublic personal, financial and health information and that of your employees.

Gramm Leach Billey Privacy Notice
01232018
© 2023 GALLAGHER BENEFIT SERVICES, INC.

July 27, 2023

Pender County, NC
805 S Walker St
Burgaw, North Carolina 28425-5001

RE: Carrier Solvency

Gallagher Benefit Services is committed to recommending quality, financially stable carriers and quality administrators to our clients. Although GBS cannot guarantee the financial viability of any carrier or market, it is our policy to evaluate an insurer's financial strength and claims-paying ability prior to making carrier recommendations, at renewal, and if there is a downgrade in a carrier's rating.

While Gallagher does not guarantee the financial viability of any health insurance carrier or market, it is an area we recommend that clients closely scrutinize when selecting a health insurance carrier. There are a number of rating agencies that can be referred to including, A.M. Best, Fitch, Moody's, Standard & Poor's, and Weiss Ratings (The Street.com). Generally, agencies that provide ratings of Health Insurers, including traditional insurance companies and other managed care organizations, reflect their opinion based on a comprehensive quantitative and qualitative evaluation of a company's financial strength, operating performance and market profile. However, these ratings are not a warranty of an insurer's current or future ability to meet its contractual obligations.

For non-health insurance carriers or markets, the standard measure utilized by GBS to evaluate the financial condition of insurance markets is the ratings and financial size categories assigned by A.M. Best Company, Inc. A.M. Best is the oldest independent rating agency in the world to report on the financial strength of insurance companies.

Our company standards recommend the use of A- VI or better A.M. Best's rated markets, but we realize that market availability can be limited or unavailable for some of our clients. B++ and B+ (Very Good) ratings are considered "Secure" ratings by A.M. Best's and are assigned to companies, which in their opinion have a good ability to meet their obligations to policyholders over a long period of time. B and B- (Fair) ratings or below are classified by A.M. Best's as "Vulnerable" ratings.

Our standard practice is to monitor the A.M. Best Ratings throughout the year. If at any time the financial condition of any of these companies deteriorates to less than an acceptable standard, you will be notified.

As always, do not hesitate to contact your Gallagher team if you have any questions regarding this matter.

For Guide to Best Ratings Rating Levels and Categories

Copies of Best's Insurance Reports on the insurance companies listed are available upon request.

Arthur J. Gallagher & Co. uses A.M. Best & Co.'s rating services for non-health lines of coverage to evaluate the financial condition of insurers whose policies we propose to deliver. The rating of the carrier is monitored on a quarterly basis and the most current rating is indicated below. Arthur J. Gallagher & Co. makes no representation and warranties concerning the solvency of any carrier, nor does it make any representation or warranty concerning the rating of the carrier which may change.

Carriers	Coverage	A.M. Best's Rating
Delta Dental	Dental	N/A
Community Eye Care	Vision	N/A
MetLife	Basic Life/AD&D	A+ / Superior
MetLife	Supplemental Life	A+ / Superior
Lincoln National Life	STD	A+ / Superior
MetLife	LTD	A+ / Superior
MetLife	Pet Insurance	A+ / Superior
Allstate	Group Accident and AD&D	A+ / Superior
Aflac	Accident	A+ / Superior
Aflac	Critical Illness	A+ / Superior
Aflac	Hospital Indemnity	A+ / Superior
LegalShield	Legal	N/A
Transamerica	Cancer	A / Excellent
Transamerica	Whole Life	A / Excellent

Level	Category	Level	Category	Level	Category
A++, A+	Superior	B, B-	Fair	D	Poor
A, A-	Excellent	C++, C+	Marginal	E	Under Regulatory Supervision
B++, B+	Good	C, C-	Weak	F	In Liquidation
NR	Not Rated			S	Rating Suspended

Best's Insurance Reports, published annually by A.M. Best Company, Inc., presents comprehensive reports on the financial position, history, and transactions of insurance companies operating in the United States and Canada. Companies licensed to do business in the United States are assigned a Best's Rating which attempts to measure the comparative position of the company or association against industry averages.



Pender County Request Board Approval

TO: Board of County Commissioners

FROM: Alan Cutler

DATE: August 21, 2023

SUBJECT: Approval of Service Contract and Purchase Order for Inmate Medical Services with Mediko, Inc in the amount of \$467,759.00 annually.

SUMMARY:

Pender County Jail is requesting the approval a new vendor for inmate medical services. Mediko, Inc has been selected to provide these services.
The amount of the annual service contract is \$467,759.00. These funds will come from account 510030-404600 and were budgeted for in FY 23-24.

ACTION REQUESTED:

Approval of Service Contract and Purchase Order for Inmate Medical Services with Mediko, Inc in the amount of \$467,759.00 annually.

INMATE MEDICAL SERVICES CONTRACT

THIS CONTRACT ("Contract") is entered into this 11th day of July, 2023 between the Pender County, NC ("County") and MEDIKO, Inc., a Virginia professional corporation ("MEDIKO" or "Contractor").

WHEREAS, the County operates the Pender County Jail ("Jail") located at 104 N. Walker St., Burgaw, NC 28425; and

WHEREAS, in response to a request from the County, Contractor submitted a proposal to provide inmate medical services on July 7, 2023;

WHEREAS, the Jail determined that Contractor's professional qualifications and proposed services are deemed meritorious and desires to award a contract for [comprehensive inmate medical, pharmacy and medical laboratory services at the Jail in the manner prescribed herein.

NOW THEREFORE, for and in consideration of the mutual promises, conditions and covenants herein set forth, the parties agree as follows:

1. Term of Contract and Termination

The initial term of this Contract begins August 26, 2023 ("Start Date") and ends June 30, 2024 ("Initial Term"). Notwithstanding the foregoing, if County desires for Contractor to commence services prior to the Start Date above, County may provide written notice to proceed to Contractor ("Notice to Proceed") notifying Contractor of an earlier Start Date; provided that if County desires for Contractor to commence services on a Start Date earlier than the Start Date above, County must provide the Notice to Proceed at least ten (10) days prior to such earlier Start Date.

This Contract shall automatically renew for successive one-year extensions (each an "Extension Term") (collectively, the Initial Term and any Extension Terms, the "Term") unless either party provides written notice of termination at least ninety (90) days prior to the end of the current Term. This Contract may be terminated prior to the end of the Term only as set forth in Section 14 below.

2. Compensation for Services

(a) Base Compensation. For the first twelve (12) months of the Initial Term ("Initial Period"), Jail shall pay Contractor \$38,979.92 per month, which is based on an annual rate of \$467,759 divided into twelve equal monthly installments ("Base Compensation"). Monthly payments shall be made by Jail on or before the twentieth (20th) day of the calendar month following the month in which services are provided. For each succeeding twelve (12) month period following the Initial Period, Base Compensation will be increased by an amount equal to three percent (3%) of the Base Compensation for the immediately preceding twelve (12) month period.

(b) ADP. County acknowledges that if the average daily population ("ADP") at Jail's facility exceeds 92 inmates, Contractor will be required to hire additional personnel and will incur additional costs and expenses to provide the same level of services to such increased inmate population. Accordingly, if the ADP at the Jail exceeds 92 inmates (the "ADP Threshold") for two (2) consecutive months, County will pay Contractor an additional \$2.08 per inmate per day in excess of the ADP Threshold for any period where the actual ADP exceeds the ADP Threshold. If the ADP at Jail's facility exceeds the ADP Threshold for a total of six (6) consecutive months, Contractor and County shall negotiate in good faith an increased amount of compensation for the remainder of the Term that takes into account the additional personnel and other costs incurred by Contractor in connection with providing services to such increased inmate population. If Contractor and County are unable to agree on an increased amount of compensation within fifteen (15) days of Contractor notifying County in writing of the need to increase Base Compensation, either party may terminate this Agreement upon thirty (30) days written notice to the other party.

(c) Cost Pool. Notwithstanding the provisions of the RFP, Contractor's financial responsibility for all costs and expenses associated with any Shared Cost Services (as defined below) shall be limited by an annual cost pool as described in this Schedule 2(c). However, nothing in this Agreement shall be interpreted to impose financial responsibility on the Jail for inmate medical services beyond the requirements imposed by applicable federal and state law. Likewise, Contractor shall not be financially responsible for the cost of inmate medical services which are determined, at any time, to be beyond the Jail's responsibility as required by applicable federal and state law. "Shared Cost Services" shall mean the following services, products, equipment or other matters: (i) off-site healthcare services (including, but not limited to, hospital services (whether inpatient, outpatient or in an observation unit); emergency room services; surgical services; off-site specialist services (whether provided in-person or via telemedicine); off-site physical therapy; and off-site diagnostic services); (ii) on and off-site dental services; (iii) on and off-site mental health services; (iv) on and off-site vision services; (v) on and off-site dialysis services; (vi) the cost of medical and office supplies and equipment; (vii) the cost of medical hazardous waste disposal; (viii) the cost of oxygen supplies and services (ix) the cost of pharmaceuticals (including both prescription and over the counter pharmaceuticals); (x) non-formulary medication (including, but not limited to, HIV and HEP-C medications, blood or plasma factors, dialysis medications, chemotherapy, immuno-therapy, and any other non-formulary medications); (xi) on and off-site imaging studies (including, but not limited to, off-site x-rays, CT scans, MRI studies and other imaging); (xii) laboratory services performed; (xiii) life vests; (xiv) wound VAC; (xv) costs associated with all emergency kits and restocking of emergency kit supplies (xvi) other medical services rendered by providers who are not employees or independent contractors of Contractor; (xvii) transportation by officers or ambulance; (xviii) server, hosting and connection fees associated with EMR System as needed; and (xix) costs associated with medical devices or other treatment aids or devices recommended or prescribed by a specialist including, but not limited to, prosthetics, braces, special shoes, glasses, dentures, hearing aids, orthopedic devices, or other durable medical equipment. Contractor shall endeavor to provide all services hereunder which Contractor is required to provide on-site to the maximum extent possible subject to Contractor's professional medical judgment.

(d) Discounts. Contractor will work with the County to identify and

negotiate contractual discount agreements with providers as reasonably necessary to maintain the cost efficiency of Contractor's program at the Jail. Contractor further agrees to provide the County with a copy of all formal, written vendor discount agreements, confirm existing discount agreements in place at the beginning of each contract period and keep the County informed as to new discount agreements or changes to existing agreements.

(e) Unforeseen Cost Increases. If Contractor experiences (i) increased staffing requirements or (ii) an increase of 10% or more in total compensation expenses payable to its employees, independent contractors or staffing agencies providing services at the Jail and such increases are beyond the reasonable control of Contractor, Contractor and the County shall negotiate in good faith an updated Staffing Matrix and a corresponding increased amount of compensation for the remainder of the Term that takes into account the additional personnel and/or additional compensation expenses incurred by Contractor. If Contractor and County are unable to agree on a revised Staffing Matrix and an increased amount of compensation within thirty (30) days of Contractor notifying the County in writing of the need to modify the Staffing Matrix and increase compensation, either party may terminate this Agreement upon thirty (30) days written notice to the other party.

3. Scope of Services and Provision of Services

(a) General Scope. Except as provided below, Contractor shall provide medical, pharmacy and medical laboratory services to the inmates of the Jail as described in the Proposal. The scope of work details as defined by the Proposal are included by reference as a part of this Contract and are binding on both parties unless otherwise stated or modified by this Contract document. If there is a conflict between the terms of the Proposal and this Contract, the terms of this Contract shall control. Contractor will provide standard reports to the Jail and the County. Contractor will respond within 24 hours to any concerns expressed by County or Jail.

(b) Staffing Matrix. Any references in the Proposal, RFP or other documents to a Staffing Matrix are hereby deleted and replaced by the Staffing Matrix attached as Schedule A.

(c) Limitation on Services. Except as provided in Section 2, in no event shall Contractor be responsible for any (i) Shared Cost Services; (ii) information management hardware, information systems and other equipment (including, but not limited to computer servers) reasonably necessary to operate the EMR System (as described above); (iii) maintenance and repair of medical equipment and furniture and fixtures reasonably necessary to operate Jail's medical department; (iv) acquisition new or replacement medical equipment and furniture and fixtures reasonably necessary to operate Jail's medical department; (v) the items listed in Section 3(e); (vi) transportation by officers or ambulance; (vii) court ordered mental health evaluations or any inpatient hospital commitments at a state facility; or (viii) any other services not specifically described in the Proposal as being performed by Contractor. Contractor shall not be required to bill any third party for services provided to inmates of the Jail. If the Jail determines that third parties should be billed for services provided by Contractor, any such billing shall be performed by the Jail.

(d) Supplies. Contractor shall be responsible for all general medical supplies

necessary for the operation of the clinic limited to the Shared Cost Services annual pool.

(e) Medical Devices and Treatment Aids. In no case will Contractor be responsible for the costs associated with medical devices or other treatment aids or devices recommended or prescribed by a specialist including, but not limited to, prosthetics, braces, special shoes, glasses, dentures, hearing aids, orthopedic devices, or other durable medical equipment. At the request of Jail, Contractor shall establish policies and procedures for the provision of prosthetics, regarding frequency, eligibility, etc., but the cost of such devices shall not be paid by Contractor.

(g) Responsibility for Inmates. The responsibility of Contractor for services under this Contract is limited to inmates committed to the physical custody of the Jail. Inmates on any sort of temporary release or escape including, but not limited to, temporary releases for attendance at funerals or other family emergencies, inmates on escape status, inmates on work release, and inmates on pass, parole or supervised custody who do not sleep in the Jail at night shall not be considered to be in the physical custody of the Jail, shall not be the responsibility of Contractor with respect to providing services and shall not be included in the daily population count for purposes of Section 2(b).

(h) Staffing. Contractor will ensure temporary coverage is provided for staff absence (planned or unplanned) with no more than 1 day without coverage. For nursing staff, Contractor will develop a pool of nurses who work on an "as needed" basis and can provide coverage for planned and unplanned absences. For the physician, if such person misses the scheduled time of services, arrangements will be made for such person to provide services at the site on a different day of the same week or provide additional services the following week. Additionally, Contractor will utilize either a back-up physician or staffing agency in the event of extended planned and/or unplanned absences of the physician. Contractor will ensure that permanent staff openings due to voluntary or involuntary termination are filled within 30 days; provided, however, that the Jail will reasonably consider varied timeframes based upon position and availability of replacement personnel. Until the vacancy is filled with a permanent employee, Contractor will back-fill the open position with temporary staff from a per diem pool of nurses, staffing agency and/or corporate management based upon the position.

(i) Provision of Services After Hours. If the terms of the RFP and Proposal do not require Contractor to provide personnel and services at the Jail on a 24 hour per day, seven day per week schedule, Contractor will not be required to provide any services (including providing medical advice for diagnosis of an inmate over the telephone and answering general healthcare questions) during the hours when Contractor is not required to provide staff at the Jail. Limited on-call services will be provided by Contractor when Contractor staff is not on-site in accordance with the relevant scope of practice of the applicable staff.

4. Supervision; Employee Screening

(a) General Supervision of Contractor's Employees. The Jail and the Sheriff acknowledge and agree that all employees and independent contractors of Contractor, whether previously employed by the Jail or not, shall be supervised and managed by, and be accountable to, Contractor. Accordingly, the Sheriff, Jail management, Jail officers and other Jail personnel

shall not participate in the supervision, management or discipline of the employees of Contractor. If the Sheriff or any Jail personnel have any concerns with an employee of Contractor, such concerns shall be promptly communicated to Contractor's on-site Health Service Administrator. If the Sheriff or any Jail personnel are not satisfied with the response of the on-site Health Service Administrator, such concerns shall be promptly communicated to Contractor's Regional Manager.

(b) Dissatisfaction with Employee of Contractor. If the Sheriff, or designee, becomes dissatisfied with any employee provided by Contractor hereunder, Contractor, in recognition of the sensitive nature of correctional services, shall, following receipt of written notice from the Sheriff of the grounds for such dissatisfaction and in consideration of the reasons therefor, exercise its best efforts to resolve the problem. If the problem is not resolved satisfactorily to the Sheriff, Contractor shall cause the employee to cease providing services under this Agreement; provided that Contractor will be allowed reasonable time to find an acceptable replacement without penalty to Contractor.

(c) Discretion of Sheriff. Notwithstanding the foregoing, the Sheriff or designee at all times shall retain sole discretion over whether to permit any individual to enter the Jail's grounds or facility.

(d) Employee Credentials and Background Checks. Prior to Contractor hiring health care employees for Jail, it will confirm the employee's certifications, credentials and, if applicable, license. If the Jail requires fingerprinting, background checks, drug testing or other screenings of Contractor's employees (whether such employees were previously employed by the Jail or otherwise), the Jail shall pay all expenses associated with such fingerprinting, background checks, drug testing and other screenings.

5. Duties of Jail

(a) Cooperation. The Jail shall cooperate with Contractor in all respects to ensure that inmate medical care and services will meet or exceed standards dictated by law, regulations, the American Correctional Association and the NCCHC. Such cooperation shall include, but not be limited to, (i) regular access and meetings with the Sheriff and designees to address issues that may arise from time to time, (ii) timely transportation of inmates from housing units to the medical department and (iii) sufficient, visible security in the medical department.

(b) Clinical Space. The Jail and County shall provide Contractor with reasonable and adequate office and clinical space, facilities, equipment, local telephone, telephone line, utilities, and high speed internet access. The Jail will provide maintenance, housekeeping and janitorial services for the office and clinical space used by Contractor.

(c) County Owned Equipment. The Jail and County shall provide to Contractor, beginning upon the commencement of this Agreement, possession and control of all medical and office equipment, instruments, furniture, fixtures and supplies owned by the County and in place at Jail's health care unit (the "County Owned Equipment"). County shall pay the cost of maintenance, repair and replacement of the County Owned Equipment. County shall

purchase any new or replacement medical equipment reasonably necessary to operate Jail's medical department in the manner in which it is currently operated. Upon termination of this Agreement, Contractor will return the County Owned Equipment remaining at the Jail.

6. Insurance

Contractor is responsible for obtaining medical malpractice liability insurance, general liability insurance, automobile liability insurance, worker's compensation insurance and owners and contractor's protective liability insurance. If any such insurance is written on a "claims made" basis, Contractor shall, at the termination of this Agreement, purchase "tail" coverage to provide coverage through the applicable statute of limitations. Proof of such insurance shall be provided at the beginning of the contract period and annually thereafter to Jail.

7. Independent Contractors

The persons providing services under this Contract, and Contractor, shall be considered independent contractors, and shall not be deemed to be employees of Jail for any purpose.

8. Indemnification

Contractor shall indemnify, defend and hold the Jail and its officers, agents and employees harmless from and against any claims arising out of Contractor's performance or non-performance of its obligations hereunder; provided, however, that Contractor will not be responsible for any claim arising out of: (i) the County, the Jail, its officers, agents or employees preventing an inmate from receiving medical care ordered by Contractor or its agents; (ii) failure by the County, the Jail, its officers, agents or employees to exercise good judgment in promptly presenting an ill or injured inmate to Contractor for treatment; (iii) any failure by the County or the Jail or any of its officials, agents other than Contractor or its employees to comply with applicable federal, state and local laws and regulations; (iv) any actions, omissions, matters or incidents which occurred prior to the commencement of Contractor's services (including, without limitation, any medical services provided to inmates prior to the commencement of Contractor's services); (v) the breach of any obligations of the Jail, its officials, agents other than Contractor or its employees as set forth in this Agreement or the RFP; or (vi) the gross negligence or willful misconduct of the Jail, its officials, agents other than Contractor or its employees.

9. Nondiscrimination

(a) During the performance of this Contract, Contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment except where there is a bona fide occupational qualification reasonably necessary to its normal operation. Notices setting forth the above language shall be posted in conspicuous places, available to employees and applicants for employment.

(b) Contractor, in all solicitations or advertisements for employees placed by or on its behalf, will state that it is an equal opportunity employer.

(c) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the above requirements.

(d) Contractor will include the provisions of paragraphs (a), (b) and (c) in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

10. Payment of Subcontractors

Contractor agrees to take one of the two following actions within seven days after receipt of amounts paid to Contractor under this contract for work performed by a subcontractor under this contract:

(a) Pay the subcontractor for the proportionate share of the total payment received attributable to the work performed by the subcontractor under this contract, or

(b) Notify Jail and the subcontractor, in writing, of Contractor's intention to withhold all or part of the subcontractor's payment with the reason for nonpayment.

Contractor shall pay interest to the subcontractor on all amounts owed that remain unpaid after seven days following receipt of payment for work performed by the subcontractor under this contract, except for amounts withheld as allowed in (b) above. Unless otherwise provided under the terms of this contract, interest shall accrue at the rate of one percent per month. The interest charge shall not be deemed an obligation of Jail, and a cost reimbursement claim may not include any amount for reimbursement for such interest charge.

Contractor shall include in each of its subcontracts a provision requiring each subcontractor to include or otherwise be subject to the same payment and interest requirements with respect to each lower-tiered subcontractor.

11. Federal Identification Number

Contractor's federal identification number is 54-1823521.

12. Drug-Free Workplace

During the performance of this contract, Contractor agrees to (i) provide a drug-free workplace for its employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition; (iii) state in all solicitations or advertisements for employees that Contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

13. Venue for Suit

This Contract shall be interpreted under the laws of the Client State without regard to conflicts of laws provisions. Any action for breach or enforcement of this agreement shall be brought and litigated in City, State of Client.

14. Termination

(a) Termination by County. This Contract may be terminated by the County prior to the end of the Term by written notice to the Contractor upon the occurrence of any of the following events and continuance thereof for a period of thirty (30) days after such written notice: (i) Contractor becomes insolvent or subject to any proceeding under the federal bankruptcy laws or other similar laws for the protection of creditors; or (ii) Contractor materially breaches any term, provision, representation or warranty of this Contract and such breach is not cured within such thirty (30) day period.

(b) Termination by Contractor. This Contract may be terminated by Contractor prior to the end of the Term by written notice to the County upon the occurrence of any of the following events and continuance thereof for a period of thirty (30) days after such written notice: the County materially breaches any term, provision, representation or warranty of this Contract and such breach is not cured within such thirty (30) day period; provided that if the County's breach is related to a failure to make a payment, such payment is not subject to a good faith dispute asserted in writing during the notice period, which writing contains a reasonably detailed description of the dispute.

(c) Effect of Termination. Upon termination, Contractor shall be paid for all goods delivered or services successfully completed prior to the termination date. In the event of any termination, Contractor shall cooperate in the orderly transition of medical services to another provider such that the transition has minimal impact on the County.

(d) Termination for Convenience. Either party may terminate this Contract for convenience upon ninety (90) days written notice to other party.

15. Entire Agreement

This Contract, including the items listed below, represents the entire agreement of the parties and any modification of this Contract shall be made in writing and executed with the same formality as this Contract. The following provisions and documents are incorporated by reference, as if fully stated herein, in the order of precedence indicated below:

1. This Contract.
2. Staffing matrix attached as Exhibit A
3. Contractor's Proposal.

16. Ownership of Materials

Notwithstanding anything in the RFP to the contrary, the Jail acknowledges and agrees that Contractor has previously developed certain proprietary guidelines, policies, procedures, protocols, manuals and forms for the provision of healthcare services to correctional institutions (collectively, "Contractor Materials"), that such Contractor Materials are valuable to Contractor in that they enable Contractor to provide the healthcare services more efficiently and with greater quality, and that Contractor owns all rights, title and interest in and to such Contractor Materials (including, but not limited to, the right to seek copyright, patent or other registration for such Contractor Materials). During the term of this Contract, Contractor will utilize the Contractor Materials in the performance of its duties hereunder. If the Jail adopts an electronic medical records system, Contractor acknowledges that such Contractor Materials may be utilized and stored within such electronic medical records system, on the computer hardware owned by the Jail and in any cloud based system used by the Jail. During the term of this Contract, and following expiration or termination of this Contract, the Jail agrees to use the Contractor Materials for the Jail's internal use only; shall not disclose, transfer or license any Contractor Materials to any third party; and shall ensure that its agreements with electronic medical records system providers, data storage companies or other third party vendors ("EMR Vendors") who have access to the Contractor Materials prohibit all such EMR Vendors from using, licensing, disclosing or otherwise transferring the Contractor Materials.

As the owner of the Contractor Materials, Contractor shall be entitled, during the term of this Contract and following termination of this Contract, to use the Contractor Materials for any purpose including, without limitation, providing healthcare services to other jails and correctional facilities; provided that in all cases Contractor shall not use specific inmate or patient data. Upon the termination of this Contract, Contractor agrees that the Jail shall have the right to continue using, for the Jail's internal use only, any Contractor Materials previously provided by Contractor; provided that the Jail shall not be entitled to disclose, transfer or license any Contractor Materials to any third party (including any subsequent provider or contractor). In addition, any modifications or improvements to the Contractor Materials developed during the term of this Contract shall not be considered a work for hire and shall be owned exclusively by Contractor, subject to the Jail's limited right to use such materials as described above.

17. Notices

All notices and requests by the Jail or Contractor shall be in writing and shall be delivered (a) by certified mail, return receipt requested, or (b) by a nationally recognized overnight delivery service (such as Fed Ex) with delivery charges prepaid, to the correct address of the parties set forth in the RFP and the Proposal. Either party may change its address by giving notice of the new address to the other party.

18. Force Majeure

Neither party shall be liable, or deemed to be in default, for any delay, interruption or failure in performance under this Contract resulting directly or indirectly from acts of God; force majeure events; acts of civil, military or other governmental authority (including any order by any governmental authority prohibiting or limiting the operation of the Jail or the performance of the services at the Jail); acts of terrorism; riots; fires; earthquakes; hurricanes; floods; accidents; explosions; medical pandemics or outbreaks; other medical emergencies; strikes or labor disputes; loss or interruption of electrical power or other public utility; freight embargoes or delays in transportation; or any similar or dissimilar cause that prevents performance or makes performance commercially impracticable and that is beyond the reasonable control of either party; provided, however, both parties shall make good faith efforts to perform under this Agreement in the event of any such circumstance.

19. Employment of Illegal Aliens

Contractor does not, and shall not during the performance of this Contract, knowingly employ an unauthorized alien as defined in the Federal Immigration Reform Act.

20. Severability

In the event any provision of this Contract is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of the Contract which shall remain in full force and effect and enforceable in accordance with its terms.

21. Non-Appropriation

Contractor acknowledges that County is a governmental entity, and the contract validity is based upon the availability of public funding under the authority of its statutory mandate. In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this contract, then this contract shall automatically expire without penalty to County thirty (30) days after written notice to Contractor of the unavailability and non-appropriation of public funds. It is expressly agreed that County shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Contract, but only as an emergency fiscal measure during a substantial fiscal crisis, which affects generally its governmental operations.

22. E-Verify

As a condition of payment for services rendered under this Contract, Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.

Further, if Contractor provides the services to the County utilizing a subcontractor, Contractor shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the General Statutes as well. Contractor shall verify, by affidavit, compliance of the terms of this section upon request by the County. In this E-Verify Compliance Section, “Contractor”, “Subcontractor” and “Comply” shall have the meanings intended by North Carolina General Statutes. The County is relying on this section in entering this Contract. The parties agree to this section only to the extent authorized by law. If this section is held to be unenforceable or invalid in whole or in part, it shall be deemed amended to the extent necessary to make this Contract comply with North Carolina General Statutes, or as may be amended from time to time.

[Signatures on Following Page]

DRAFT

[Signature Page to Inmate Medical Services Contract]

Acknowledged and Agreed:

MEDIKO, Inc.

Pender County

By: _____
Kaveh Ofogh, M.D.
President & CEO

By: _____
Its: _____

Date: _____

Date: _____

DRAFT

SCHEDULE A
Staffing Matrix

Staffing Matrix for Pender County Jail - 12-hour coverage

DAY SHIFT										
POSITION	MON	TUE	WED	THU	FRI	SAT	SUN	TBD	Hrs/Wk	FTE
Registered Nurse (RN) or Licensed Practical Nurse (LPN)	12.00	12.00	12.00	12.00	24.00	12.00	12.00		96.00	2.400
Medical Doctor*					2.00				2.00	0.050
Total Hours/FTE - Day	12.00	12.00	12.00	12.00	26.00	12.00	12.00	0.00	98.00	2.450

*2 hours per week or 4 hours every other week.

DRAFT

SCHEDULE 2(C)
Cost Pool

As described in Section 2(c), Contractor's financial responsibility for all costs and expenses associated with any services, products, equipment or other matters listed in Section 2(c) of this Contract ("Shared Cost Services") shall be limited by an annual cost pool as described in this Schedule 2(c).

1. Shared Cost Services account for \$2,666.67 of the monthly Base Compensation, or \$32,000 of the annual Base Compensation ("Cost Pool"), and shall only be used to pay expenses resulting from Shared Cost Services. Contractor shall pay for Shared Cost Services for inmates up to the amount of the Cost Pool per contract year for all inmates in the aggregate. The County shall be responsible for any expenses resulting from Shared Cost Services that exceed the amount of the Cost Pool per year for all inmates in the aggregate.

2. If the costs paid by Contractor in any Contract Year for Shared Cost Services exceed the amount of the Cost Pool described above, Contractor may refer all additional invoices for costs for Shared Cost Services exceeding the amount of the Cost Pool to the County and Jail for payment by the County and Jail directly to the third party provider. For any costs directly paid by Contractor in any Contract Year for Shared Cost Services that exceed the amount of the Cost Pool described above, Contractor shall invoice County for such amount. County shall pay such invoice within thirty (30) days following the date of invoice. If County fails to pay such invoice within such thirty (30) day period, interest shall accrue on the unpaid balance at a rate of one percent (1 %) each month.

3. Contractor shall provide the County with a reconciliation of Cost Pool expenditures within 90 calendar days following the end of each Contract Year.

4. If the reconciliation shows that Contractor has paid amounts in excess of the Cost Pool amount, the County shall reimburse such amounts in excess of the Cost Pool to Contractor within 30 days of Contractor submitting the Cost Pool reconciliation as described above.

5. If the reconciliation shows that a portion of the Cost Pool amount was not used by Contractor during a Contract Year, then Contractor and County shall handle such unpaid amount as follows: During the Term, any unused amount of the Cost Pool shall be returned via check to the County within 30 days following the annual reconciliation. If the Agreement is terminated, any unused amount of the Cost Pool shall be returned via check to the County within 90 days following the termination of this Agreement; provided that if Contractor receives a bill or invoice for a Shared Cost Services subject to the Cost Pool after Contractor has refunded such amount to County, County shall pay such bill or invoice directly.

6. Pre-paid Cost Pool amounts shall be reviewed annually and adjusted, as necessary, by mutual agreement through a contract modification.



Pender County (NC) Non-Binding, Indicative Proposal
for Healthcare Services for the Pender County Jail

Section 4 – REVISED Staffing & Cost Proposal

STAFFING

Staffing Matrix for Pender County Jail - 12-hour coverage

DAY SHIFT										
POSITION	MON	TUE	WED	THU	FRI	SAT	SUN	TBD	Hrs/Wk	FTE
Registered Nurse (RN) or Licensed Practical Nurse (LPN)	12.00	12.00	12.00	12.00	24.00	12.00	12.00		96.00	2.400
Medical Doctor*					2.00				2.00	0.050
Total Hours/FTE - Day	12.00	12.00	12.00	12.00	26.00	12.00	12.00	0.00	98.00	2.450

*2 hours per week or 4 hours every other week.

COST PROPOSAL

MEDIKO's Non-Binding, Indicative Price for Providing Healthcare Services to the Pender County Jail (PCJ)					
Cost Proposal Options - Year 1 Price (Includes costs as described in Cost Proposal Features)					
Pricing Option Description	Total FTEs	Provider FTEs	Nursing FTEs	Price	Monthly
MEDIKO's Price - Year 1	2.45	0.05	1.20	\$ 467,759	\$ 38,980



Pender County (NC) Non-Binding, Indicative Proposal
for Healthcare Services for the Pender County Jail

Section 4 – REVISED Staffing & Cost Proposal

**MEDIKO's Non-Binding, Indicative Price for Providing Healthcare Services
to the Pender County Jail (PCJ)
Cost Pool Details**

MEDIKO will be financially responsible for costs covered by an Annual Cost Pool up to the following limits:

Annual Cost Pool	\$32,000
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Costs associated with the Annual Cost Pools include:

Pharmacy Cost Pool: Pharmaceuticals, including over-the-counter medications, prescription pharmaceuticals, and non-formulary medication (including, but not limited to, HIV and HEP-C medications, blood or plasma factors, dialysis medications, chemotherapy, immuno-therapy, and any other non-formulary medications)

Off-site and Other Cost Pool: Ambulance services, emergency room visits, observation units, hospitalization services, outpatient specialist visits, life vests, wound vac services, dialysis services, diagnostic and imaging services, on-site laboratory & diagnostic studies, medical and office equipment and supplies, medical hazardous waste disposal, oxygen supplies and related services, dental services and supplies, vision services, psychiatric services, server, hosting and connection fees associated with EMR System as needed, specialty services and products, and any off-site medical services rendered outside the facility or through telemedicine, including off-site dialysis services, off-site diagnostic and imaging services (x-rays, CT scans, MRI studies, etc.), off-site dental services (including oral surgery), off-site vision services, and off-site psychiatric services.

The Cost Pool Amount is open to negotiation and our total price will be adjusted accordingly (i.e. if you choose a lower Cost Pool Amount, this will reduce our asking price.)

Any additional costs above the annual cost pool limit will be the financial responsibility of the PCJ. The additional costs will continue to have MEDIKO's current negotiated/discounted rates with offsite providers applied to them. **Any unused funds during the annual contract period will be refunded to PCJ in full after an annual reconciliation.**



Pender County (NC) Non-Binding, Indicative Proposal
for Healthcare Services for the Pender County Jail

Section 4 – REVISED Staffing & Cost Proposal

**MEDIKO's Non-Binding, Indicative Price for Providing Healthcare Services
to the Pender County Jail (PCJ)
Cost Proposal Features**

Notes:

1. 2.45 Total FTEs based on the staffing matrix attached.

2. This price was based on a total ADP of 75 and will cover an ADP of up to 92, with a per diem charge of \$2.08 per inmate, per day for ADP over 92.

3. Beginning in Contract Year 2, there will be an automatic escalation factor of 3% applied to each subsequent year.

4. MEDIKO shall be fully financially responsible for the following features:

- Primary Care Physician/Medical Director
- **2.4 FTEs On-site Licensed Nursing Staff**
- Benefits, Recruitment and Training for all Positions
- Language Translation Services
- Taxes, Workers' Compensation and Licensure Fees
- Start Up & Travel Expenses
- Administrative Services, Including Medicaid Enrollment for all inmate patients when Medicaid Expansion goes into effect in North Carolina
- On-Call Coverage for the Physician and Charge Nurse available for diagnosis purposes only when MEDIKO staff is on-site; after hours on-call will be available to advise on emergent conditions to evaluate the need for off-site care in accordance with the relevant scope of practice.
- Professional Liability Insurance for all MEDIKO Healthcare Staff, Either Employees or Contractors
- Comprehensive User-Friendly Nursing Guidelines
- Annual Deputy, Detention Officer, and Health Care Staff Training on Various Relevant Medical and Mental Health Matters
- Inmate Education on Various Relevant Medical and Mental Health Matters, as Requested
- Site Specific Review, Development, and Integration of Comprehensive Medical Policies and Procedures for the Medical Department to be Compliant with Current P&Ps for the PCJ and the Most Recent NCCHC Standards for Health Services in Jails
- **Use of a Correction Specific, Third Party Billing Administrator to Process, Verify, and Obtain the Best Rates Possible for All Offsite Expenses.**
- Extensive Billing Process that includes Evaluation of Current Regulations and Upcoming Legislation to ensure costs are in line with State Statutes
- Utilization of MEDIKO's Pharmaceutical and Medical Supply Formulary to Reduce Costs whenever Available
- Utilization Management for all Offsite Services
- All other services described/mentioned in this proposal.



Pender County (NC) Non-Binding, Indicative Proposal
for Healthcare Services for the Pender County Jail

Section 4 – REVISED Staffing & Cost Proposal

MEDIKO's Non-Binding, Indicative Price for Providing Healthcare Services to the Pender County Jail (PCJ)		
Cost Responsibility Assignment		
Cost	Responsible Party	Limitations*
Nurse wages and benefits	MEDIKO	None*
Physician, medical director on-site, if elected	MEDIKO	None*
Any other on-site or off-site program provider (Dentist, NP or PA, etc.)	SHARED	Specialty Providers not listed in Staffing Matrix will be Considered Off-site and PCJ is responsible
Policies and procedures development	MEDIKO	None
Medical supplies	SHARED	Limited to the Annual Cost Pool Amount
Minor equipment (not over \$500 per single item or unit)	SHARED	Limited to the Annual Cost Pool Amount
Repairs on existing equipment	PCJ	Not included in Price Proposal
Over-the-counter medications	SHARED	Limited to the Annual Cost Pool Amount
On-site Clinical lab procedures	SHARED	Limited to the Annual Cost Pool Amount
Office supplies	SHARED	Limited to the Annual Cost Pool Amount
Folders and forms	SHARED	Limited to the Annual Cost Pool Amount
Travel expenses	MEDIKO	None
Publications and subscriptions	MEDIKO	None
Any necessary pharmacy licenses/permits	MEDIKO	None
Medical hazardous waste disposal	SHARED	Limited to the Annual Cost Pool Amount
All required insurance as specified in the bid	MEDIKO	None
Administrative services (cell phone, fax machine, internet connection, etc.)	SHARED	Internet, Phone lines & EMR Connections Provided to MEDIKO by PCJ or Limited to the Annual Cost Pool Amount
Training for officers in the jail on various topics	MEDIKO	None
All other specific on-site medical services	MEDIKO	None
Off-site medical services	SHARED	Limited to the Annual Cost Pool Amount
On-site mental health services	SHARED	Limited to the Annual Cost Pool Amount
Off-site mental health services	SHARED	Limited to the Annual Cost Pool Amount
X-ray services on-site	SHARED	Limited to the Annual Cost Pool Amount
X-ray services off-site	SHARED	Limited to the Annual Cost Pool Amount
Dialysis services	SHARED	Limited to the Annual Cost Pool Amount
Dental services (including emergency dental services)	SHARED	Limited to the Annual Cost Pool Amount
Formulary prescription medications for county inmates	SHARED	Limited to the Annual Cost Pool Amount
Non-formulary prescriptions medications for county inmates	SHARED	Limited to the Annual Cost Pool Amount
Specialty prescription medications (HIV/AIDS, Psychotropics, etc.)	SHARED	Limited to the Annual Cost Pool Amount
Durable medical & dental equipment & tools	SHARED	Limited to the Annual Cost Pool Amount
Annual Training for Sheriff Deputies on Relevant Topics Including Medical, Mental Health & Suicide Prevention	MEDIKO	None

* - Staffing Hours for Proposed Positions are Limited to the Hours Presented in the Staffing Matrix. See Cost Proposal & Features for additional information on covered services.



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Susan Barnhill
DATE: August 21, 2023
SUBJECT: Approval of Revisions to the Solid Waste Ordinance (ch26)

SUMMARY:

The Solid Waste Ordinance (chapter 26) was originally adopted in 1992 and has not been substantively updated since 2000. New problems in administering solid waste disposal have come up and staff recommends a comprehensive update. With the help of our Staff Attorney, Patrick Buffkin, we have made a few important changes to the Ordinance that we wish to have implemented.

A few of the important changes include:

- Establishing a solid waste officer/ environmental enforcement officer position.
- Streamlining and modernizing the ordinance language
- Update to reflect Solid Waste fee changes as approved by the Board in June
- Clarify the requirements for the use of convenience centers vs. transfer station
- Criminal penalties to comply with state law

With the updated ordinance Pender Solid Waste will better serve the citizens of Pender County.

ACTION REQUESTED:

Approve the adoption of a wholesale revision to Articles I and II of Chapter 26 of the Pender County Code of Ordinances to include the adoption of criminal and civil penalties.

ATTACHMENTS:

Current Ch26 Ordinance (redline)
Replacement Ch26 (redline)
Replacement Ch26 (clean)
Resolution Adopting Revisions to Ch26 Ordinance
Presentation

Chapter 26—SOLID WASTE⁽¹⁾

Footnotes:

—(1)—

State Law reference—Solid waste management, G.S. 130A-290 et seq.; regulation of solid waste, G.S. 153A-136; location of garbage collection containers on highway rights-of-way, G.S. 136-18.3; authority of county to regulate the storage, collection, transportation, use and disposal of solid waste, G.S. 153A-136; authority to levy taxes to provide solid waste collection and disposal services, G.S. 153A-149(c)(31); authority of county to operate its own solid waste collection and disposal systems and facilities, G.S. 153A-274 et seq.

ARTICLE I.—IN GENERAL

Sec. 26-1.—Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulky waste means large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, stumps, and oversize wastes whose large size precludes or complicates the handling of normal solid waste collection, processing or disposal methods.

Collection means the act of removing solid waste from a point of generation to a central storage point or to a disposal site and from a central storage point to a disposal site.

Commercial solid waste means solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities.

Construction or demolition waste or debris means solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings or other structures, but does not include inert debris, land-clearing debris or yard debris.

Garbage means all organic waste, consisting of animal, fruit, or vegetable matter resulting from the preparation, cooking, handling, or storage of food exclusive of human or animal feces.

Hazardous waste means any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or the state as "hazardous" as that term is defined by or pursuant to federal or state law.

Inert waste means any solid waste consisting of inert mineral material, including but not limited to rock, dirt, concrete, brick, etc.

Premises means a definite portion of real estate including land with its appurtenances, a building, or part of a building.

Private industry means any operation or organization involved in a manufacturing activity, as it relates to making wares by hand or by machinery.

Recognized collection service means licensees under article III of this chapter who are engaged in the collection of trash in the county.

Recyclable solid waste means any material which the county allows to be separated from the solid waste stream and separately collected for recycling at some place other than a sanitary landfill.

Refuse means all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, and street cleaning, and dead animals, yard clippings, market, commercial and industrial solid waste.

Rubbish means nonputrescible solid waste consisting of both combustible and noncombustible waste such as paper, cardboard, tin cans, wood, bricks, glass, bedding, crockery; also automobiles, household appliances or litter of any other kind.

Sanitary landfill means a method of disposing of solid waste on land without creating pollution, nuisance, or a hazard to public health and safety.

Scavenge means uncontrolled picking from discarded solid waste materials.

Solid waste means any garbage, trash, refuse, litter, rubbish, incidental yard waste and other non-liquid waste material allowed in a subtitle D sanitary landfill as defined by state law, but excluding hazardous waste.

Solid waste collector means any person who collects, transports, or disposes of solid wastes for hire.

Solid waste compactor means a device, generally located at solid waste recycling/convenience centers which is used to crush or compact solid waste to a smaller volume.

Solid waste container means a large metal container used for the temporary storage of solid waste.

Solid waste container site means any place owned, leased, or operated by the county or its agent at which solid waste containers have been placed.

Solid waste disposal site means a location at which solid wastes are disposed of by incineration, sanitary landfill or other approved method.

Solid waste recycling/convenience center means any place owned, leased or operated by the county at which containers, compactors, or recycling containers have been placed for the purpose of accepting solid waste and recyclable waste.

Special waste means any waste which requires special processing, handling or disposal techniques which are different from the techniques normally utilized for handling or disposal, or includes an added element of expense to transport or dispose of, or requires approval from any state agency or the state and federally approved landfill located outside of the county. Examples of such special waste may include, but shall not be limited to, white goods, tires, mining waste, fly ash, combustion ash, sludges, drilling fluids, and drill cuttings, asbestos, industrial waste, liquid waste, infectious waste and residue, pollution control residue, debris or contaminated soil and water from the cleanup of a spill.

(Code 1992, § 10-1; Ord. of 4-2-1984, § III; Ord. of 4-17-1989; Ord. of 8-16-1993, § 1(A); Ord. of 3-21-1994, § 1)

~~Sec. 26-2. Applicability.~~

The provisions of this chapter shall apply to the unincorporated portions of the county unless a municipality enters into any agreement with the county providing for the enforcement of its provisions within the municipality pursuant to G.S. 153A-122.

(Code 1992, § 10-2; Ord. of 4-2-1984, § II)

~~Sec. 26-3. Refuse accumulation.~~

No owner, occupant, tenant or leasee of any public or private premises shall permit the accumulation upon the premises of any garbage, debris, refuse, rubbish, inoperative motor vehicles or equipment if such items create a health hazard, a nuisance to surrounding property owners and/or the public or the items are visible from any adjacent street, road or waterway.

(Code 1992, § 10-3; Ord. of 4-2-1984, § IV; Ord. of 1-7-1991, § 1)

~~Sec. 26-4. -- Disposal of refuse and garbage generally.~~

- ~~(a) It shall be unlawful for any person to throw, dump, or to cause to be dumped any garbage, refuse, rubbish, litter, junk, appliances, equipment, cans, bottles, paper, lumber, trees, tree limbs, brush, or other forms of solid waste anywhere in the unincorporated area of the county, except as may be permitted by county regulations, at a county sanitary landfill or a contracted sanitary landfill, without the express approval of the county manager or his designee.~~
- ~~(b) The provisions of subsection (a) of this section do not apply to the dumping on private property with the owner's permission of inert waste, including but not limited to sand, dirt, broken brick, blocks or broken pavement or other suitable material which would not create a nuisance or health hazard provided the owner of the property on which such material is dumped meets state health department requirements.~~
- ~~(c) If any of the material dumped in violation of the provisions of subsection (a) of this section can be identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped as prohibited herein, such identification shall be prima facie evidence that such person dumped or caused to be dumped such matter or material in violation of this section.~~
- ~~(d) Every county resident shall be responsible for ensuring that the solid waste generated by their home or business is properly disposed of at the county landfill, or contracted county landfill, or recycling/convenience center. Failure to have their solid waste properly disposed of shall result in a civil penalty of \$100.00 being assessed against the person who generated the solid waste.~~
- ~~(e) No person shall burn or allow to be burned on his premises any tires, asphalt or other petroleum products except for legitimate purposes as allowed by state statutes and regulations. Each tire or container of petroleum products shall constitute a separate violation.~~
- ~~(f) When litter is thrown from a vehicle, the driver will be held responsible, regardless of who throws the litter.~~

~~(Code 1992, § 10-4; Ord. of 4-2-1984, § V; Ord. of 1-7-1991, § 3; Ord. of 3-21-1994, § 2)~~

~~Sec. 26-5. -- Authority to establish, charge, collect fees.~~

- ~~(a) The board of county commissioners shall, by majority vote of a quorum of members at any regular or special meeting, establish a schedule of fees to be charged commercial contractors or recognized collection services for use of any county transfer station with the county, and may, in conjunction with the establishment of such schedule, provide for the method of charging and collecting such fees.~~
- ~~(b) Upon the establishment of such fee schedule and the method of charging and collecting such fees, the same shall be and become a part of this chapter the same as if fully set out herein and the violation thereof by any commercial contractor shall constitute a violation of this chapter and shall be enforced as provided in section 26-7.~~
- ~~(c) Upon adoption of any fee schedule, which may be amended from time to time, the same shall be maintained on file at all times in the office of the clerk to the board of county commissioners.~~

~~(Code 1992, § 10-5; Ord. of 11-19-1984; Ord. of 3-21-1994, § 3)~~

~~Sec. 26-6. -- Recovery of costs.~~

- ~~(a) The costs of collection and disposal of solid waste in the county shall be recovered from solid waste haulers and citizens through solid waste fees, tipping charges and a solid waste availability fee.~~

- (b) ~~Any person who operates an illegal landfill in the county that requires the services of any fire department, rescue squad or other county services shall be required to pay the full cost of the services directly to the unit providing the service.~~

~~(Code 1992, § 10-6; Ord. of 10-7-1989; Ord. of 1-7-1991, § 5; Ord. of 7-12-1993, § 1(a))~~

~~Sec. 26-7. -- Enforcement; penalties.~~

- (a) ~~All duly authorized law enforcement officers of the county and state shall be charged with the enforcement of this chapter.~~
- (b) ~~In addition to the penalty in section 1-13, the board of county commissioners may apply to a court of competent jurisdiction to obtain injunctive relief restraining any person or governmental unit or agency of any act which is prohibited by any provision of this section.~~

~~(Code 1992, § 10-7; Ord. of 4-2-1984, § VII)~~

~~Secs. 26-8 -- 26-32. -- Reserved.~~

~~ARTICLE II. -- COLLECTION~~

~~DIVISION 1. -- GENERALLY~~

~~Secs. 26-33 -- 26-52. -- Reserved.~~

~~DIVISION 2. -- CONTAINERS~~

~~Sec. 26-53. -- Use of recycling/convenience sites or centers.~~

- (a) ~~Only normal household refuse, garbage, and rubbish shall be placed in the solid waste container or solid waste compactor located at solid waste recycling/convenience centers. Pieces of furniture, appliances, mattresses, building materials or similar items or material shall not be placed in a container or compactor. However, such items may be deposited at approved locations within the recycling/convenience centers. Heavy items such as bricks, rocks, stumps or cement shall not be deposited at recycling/convenience centers.~~
- (b) ~~All normal household refuse, garbage and rubbish shall be placed wholly inside the container or compactor. None shall be placed or left outside the boundaries of the recycling/convenience center after hours or any other time.~~
- (c) ~~No burning item, flammable solution or explosive shall be placed in or around the recycling/convenience center, nor shall any fire be started in or around such centers.~~
- (d) ~~All county solid waste shall be disposed of at a state and federally approved site outside of the county. Solid waste may also be deposited at the county transfer station upon payment of required tipping and other fees adopted by the board of commissioners.~~
- (e) ~~Scavenging at recycling/convenience centers is prohibited, provided, however, that individuals may request items deposited for recycling such as appliances, lawnmowers, mopeds, etc., and may remove those items, so long as they may be removed expeditiously and safely. No work shall be done on these items at the center.~~
- (f) ~~No solid waste collected for a fee, charge or tax, or as part of business operations, shall be placed in a recycling/convenience center. No solid waste that has been generated in, brought or collected from an area outside the county shall be placed in a recycling/convenience center.~~

- (g) ~~No one shall intentionally cause damage to a recycling/convenience center.~~
- (h) ~~Industrial wastes will be disposed of in accordance with county and state health department standards by the industries themselves.~~
- (i) ~~No glass, newspaper, or cardboard shall be placed in trash containers or compactors at county recycling and convenience centers, or placed at the county transfer station. Glass, newspaper, and cardboard must be placed in recycling bins maintained for that purpose at recycling and convenience centers. This prohibition shall only apply to glass, newspaper, and cardboard for which recycling containers are provided at recycling and convenience centers. The county manager shall specify and place a notice at each recycling and convenience center and the transfer station of the types of glass, newspaper, and cardboard which are prohibited in county trash containers and compactors at recycling and convenience centers or the transfer station. Violation of this subsection shall constitute a violation of this chapter and subject the violator to civil penalties set forth in section 26-4.~~

~~(Code 1992, § 10-56; Ord. of 4-2-1984, § VI; Ord. of 3-21-1994, § 4; Ord. of 9-19-1994, § 1)~~

~~Sec. 26-54. Use of county containers.~~

- (a) ~~The following wastes may not be deposited in or brought into the recycling/convenience centers:~~
 - (1) ~~Hazardous waste;~~
 - (2) ~~Liquid waste, including but not limited to drilling fluid, sewage, contaminated water from spill cleanups, etc.;~~
 - (3) ~~Infectious waste and residue;~~
 - (4) ~~Radioactive waste;~~
 - (5) ~~Poisons;~~
 - (6) ~~Pollution control residue;~~
 - (7) ~~Stumps, logs or heavy yard waste;~~
 - (8) ~~Pesticides, or pesticide-soaked debris or contaminated soil;~~
 - (9) ~~Dead animals;~~
 - (10) ~~Concrete;~~
 - (11) ~~Herbicides;~~
 - (12) ~~Burning or smoldering materials or other materials that would create a fire hazard;~~
 - (13) ~~Mining wastes;~~
 - (14) ~~Asbestos;~~
 - (15) ~~Fly ash;~~
 - (16) ~~Combustion ash;~~
 - (17) ~~Sludges;~~
 - (18) ~~Drill cuttings;~~
 - (19) ~~Inert wastes.~~
- (b) ~~No person shall loiter or congregate on any recycling/convenience center site and no vehicle shall be left unattended on such property.~~
- (c) ~~Recycling/convenience centers shall not be used by licensed solid waste collectors or recognized collection services as a means of disposal for solid waste collected from commercial, institutional,~~

industrial, or residential customers, nor shall commercial solid waste of any kind be deposited in the recycling/convenience centers.

- (d) ~~Recyclable solid wastes shall not be placed in compactors or containers other than recycling containers. No tires, white goods, yard waste, inert waste, construction and demolition waste and debris shall be placed in compactors or solid waste containers other than recycling containers. The following items may be deposited at recycling/convenience centers outside of compactors or recycling containers:~~
 - (1) ~~Up to five tires.~~
 - (2) ~~White goods (stoves, refrigerators, washers and dryers).~~
- (e) ~~Small amounts of construction and demolition debris may be deposited at the Burgaw Recycling/Convenience Center or at the county transfer station. No yard waste shall be deposited at any county recycling/convenience center or at the transfer station.~~

~~(Code 1992, § 10-57; Ord. of 4-17-1989; Ord. of 3-21-1994, § 5)~~

~~Secs. 26-55—26-81.—Reserved.~~

~~DIVISION 3.—FEES~~

~~Sec. 26-82.—User fees.~~

- (a) ~~The costs of collection and disposal of solid waste in the county shall be recovered from the citizens through user fees, tipping fees, and solid waste availability fees.~~
 - (1) ~~*Solid waste user fee.* There shall be an annual solid waste user fee imposed to recover the costs of operating the recycling/convenience center system located throughout the rural county and to recover the costs of siting, operating and maintaining solid waste sorting, reduction, and disposal facilities in the county. This fee shall be imposed on all dwelling units and individual businesses located in areas outside the incorporated areas of the county which do not have a recognized collection service, and dwellings and individual businesses inside municipalities which do not have recognized collection services.~~
 - (2) ~~*Solid waste availability fee.* There shall be an annual solid waste availability fee imposed on all dwellings and individual businesses outside of municipalities which contract with recognized collection services.~~
- (b) ~~The solid waste fee schedule shall be on file in the office of the clerk to the board of county commissioners. The solid waste user and availability fees shall be billed on the annual ad valorem property tax bill and may be collected by the tax collector in the same manner as property taxes, including garnishment, attachment and foreclosure. The fees shall become due January 1 of each year and past due on the same dates as the ad valorem property taxes. The solid waste availability fee shall be established by the board of county commissioners and adjusted by it as necessary. Fee exemptions and fee classifications shall be established during the filing period each year and shall be final when the filing period expires. Fee classification and exemption status shall be determined as of January 1 of each year and no change shall be made in exemption status during the 12 months between filing periods.~~
- (c) ~~Every dwelling unit or individual business in the county which pays a solid waste user or availability fee for the privilege of disposing of the solid waste generated on his property in any of the county solid waste facilities, shall be issued one to four permit stickers, without additional charge, depending on the number of vehicles registered in the person's or firm's name. Each sticker shall be assigned to a particular vehicle.~~
- (d) ~~Any person who operates a county-owned recycling/convenience site under contract with the county shall check to make sure that every vehicle bringing items to the recycling/convenience center has a~~

~~permit sticker affixed to the lower right corner of the windshield to ensure that no unauthorized persons use the convenience center. Failure to check for the sticker shall result in a civil penalty of \$50.00 per occurrence being levied against the operator and deducted from any fees due to be paid to them for their services.~~

- ~~(e) Any person who shall willfully violate or attempt to violate this section shall, upon conviction, be guilty of a misdemeanor punishable as provided in section 1-13.~~
- ~~(f) In order to encourage recycling, any individual other than a solid waste collector, recognized collection service, or commercial enterprise may deposit recyclable materials only, at the recycling/convenience centers, without a county sticker.~~
- ~~(g) Refund requests for solid waste fees which are determined to be valid due to an error in the application of the solid waste fees shall be approved and refunded for a maximum of three years of prior annual payments.~~

~~(Code 1992, § 10-76; Ord. of 7-10-1989; Ord. of 1-7-1991, §§ 2, 6; Ord. of 7-12-1993, § 1(b); Ord. of 8-16-1993, § 1(B); Ord. of 3-21-1994, § 6; [Res. of 9-8-2020](#))~~

~~Sec. 26-83.—Exemptions.~~

~~Exemption categories shall be established and adjusted as necessary by the board of commissioners. There will be no solid waste user or availability fee imposed upon:~~

- ~~(1) Publicly owned property held by local, state or federal governmental entities, or property used for educational, scientific, literary or charitable purposes, and exempted from taxation under G.S. 105-278.1 through 105-278.8, inclusive.~~
- ~~(2) Churches or bona fide religious organizations.~~
- ~~(3) Any dwelling units and individual businesses located outside incorporated areas which do have recognized collection services.~~
- ~~(4) Reserved.~~
- ~~(5) Unlivable dwelling units where no electric meter is existing in the electric meter base, or upon which no electric meter has been installed.~~
- ~~(6) Residential storage units.~~

~~(Code 1992, § 10-77; Ord. of 7-10-1989; Ord. of 1-7-1991, § 7; Ord. of 7-12-1993, § 1(c); Ord. of 8-16-1993, § 1(D); [Res. of 9-8-2020](#))~~

~~Secs. 26-84—26-109.—Reserved.~~

Chapter 26 - SOLID WASTE

ARTICLE I. - IN GENERAL

Sec. 26-1. – Title

This chapter shall be known and may be cited as the Pender County Solid Waste Management Ordinance.

Sec. 26-2. – Purpose

To promote the public safety, health, and welfare of the citizens of the County through the regulation of the storage, collection, and disposal of solid waste, the regulation of open burning and the regulation of public health nuisances.

Sec. 26-3. – Jurisdiction and Applicability.

The provisions of this chapter shall govern and apply to the unincorporated portions of the county unless a municipality enters into an agreement with the County providing for the enforcement of its provisions within the municipality pursuant to G.S. § 153A-122.

Sec. 26-4. – Authority.

The provisions of this chapter are adopted pursuant to the authority contained in G.S. §§ 14-4; 153A-121, -123, -132.1, -136, -140, -215.112, and 15A NCAC 2D.1901.

Sec. 26-5. – Solid Waste Officer

There is hereby created the position of solid waste officer who shall be an Environmental Enforcement Officer for purposes of G.S. 153A-136(a)(6a). The solid waste officer is vested with the authority to enforce the provisions of this chapter by civil penalties and all other remedies available in law or equity. From time-to-time, the board of commissioners may establish or revise the requirements or qualification for the position of solid waste officer, and may appoint another county employee who meets the requirements or qualifications set down by the board of commissioners to serve as solid waste officer.

Sec. 26-6. – Definitions.

For purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Failure to satisfy a mandate or obligation where the word "shall" is used shall be considered an unlawful violation of this chapter subjecting the responsible person to all appropriate penalties. Words used in this chapter that are not found in this definition section take the generally accepted

meaning found in a standard dictionary. The following definitions shall apply in the interpretation and the enforcement of this chapter.

Abandoned shall mean any accumulated junk or refuse which remains on the property of any person who is not the owner or former owner of such accumulated junk or refuse for a period of seventy-two (72) hours after notice of violation of this chapter shall be presumed to be abandoned.

Accumulated junk shall mean wrecked, scrapped, disassembled, unusable, cannibalized, inoperable or un-repairable boats, boat trailers, manufactured homes, recreational vehicles, construction equipment, appliances, vehicle tires, engines, transmissions, frames, axles, as well as parts and accessories of these objects; used building materials and all other non-vegetative debris collected or stored at a private residence or property or business establishment, or any non-vegetative debris blown or otherwise deposited onto property owned by third persons, by flood, storm, or other natural event.

Bona Fide Farm Property shall have the same meaning as "property used for bona fide farm purposes," as that term is defined in G.S. § 160D-903(a).

Bulky waste shall mean large items of solid waste such as household appliances, furniture, large auto parts, and other oversized wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

Collection shall mean the act of removing solid wastes from a point of generation to a central storage point or to a disposal site, and from a central storage point to a disposal site.

Commercial solid waste shall mean solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities.

Commercial establishment shall mean any retail, manufacturing, wholesale, institutional, religious, or governmental establishment at which garbage, business trash, salvage material, junk, or other refuse may be generated.

Construction and demolition debris shall mean solid waste resulting solely from construction, remodeling, repair, buildings, or other structures, but does not include inert debris, land-clearing debris, demolition operation on pavement, or yard waste.

Convenience centers shall mean the county-owned collection sites located within the county that are available for use in compliance with the provisions of this chapter by any natural person to deposit garbage, household trash, household furniture, appliances, tires, and recyclables.

County shall mean Pender County, North Carolina.

Detachable container shall mean a commercially manufactured unit used for collecting, storing, and transporting construction debris, business trash, industrial waste, accumulated junk, hazardous waste, refuse, or yard waste. The unit may use an auxiliary stationary packing mechanism for compaction of materials into the container, and may be of the open or enclosed variety. The distinguishing feature of a detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to a disposal site.

Garbage shall mean the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking, and consumption of food, or other matter that is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which after decay, may serve as breeding or feeding material for rodents, flies, insects, or animals.

Generator, solid waste. See *Solid waste generator*.

Hazardous waste shall mean a waste, or combination of wastes, that because of its quantity, concentration or physical, chemical, or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed; or any waste that falls within the definition provided by any applicable state or federal statute.

Household trash shall mean any accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, that is attendant to normal residential housekeeping or maintenance.

Infectious waste shall mean equipment, instruments, utensils, and fomites (used bandages) of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease, including:

- (1) Laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto;
- (2) Surgical operating room pathologic specimens and disposal fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms.

Industrial waste shall mean all waste, including solids, semisolids, sludge, and liquids created by commercial companies, factories, processing plants, and manufacturing enterprises.

Inoperable equipment shall mean any piece of equipment not currently awaiting repairs that is not capable of functioning and/or operating for the purpose in which it was manufactured or intended.

Junk. See Accumulated junk.

Junkyard shall mean a commercial facility that stores for a fee, for resale either in whole or in parts, or for salvage, more than six (6) motor vehicles not having a current license plate that cannot move under their own power and are not currently awaiting repair, or a commercial facility that uses more than six hundred (600) square feet of any lot for the storage of accumulated junk, including scrap metals, or other scrap materials, or for the dismantling of automobiles or other vehicles, mobile homes, or machinery for a fee, for resale either in whole or in parts, or for salvage. In addition, a residence or lot that stores for personal use more than two (2) vehicles not having a current license plate that cannot move under their own power and are not currently awaiting repair, or a residence or lot that contains more than two hundred (200) square feet on the premises for the storage of accumulated junk, including scrap metals, or other scrap materials, or for the dismantling or abandonment of automobiles or other vehicles or machinery for any use shall be considered a junkyard. For purposes of this chapter, this standard does not apply to vehicles that are classified as antiques and registered pursuant to G.S. 20-137-14.

Litter shall mean any discarded, used, unconsumed, non-containerized substance or solid waste, including but not limited to, any garbage, household trash, business trash, refuse, debris, rubbish, yard waste, tree and shrubbery trimmings, newspaper, magazines, glass, metal, plastics, plastic or paper containers, or other packaging, construction debris, junk motor vehicle parts, furniture, dead animal carcasses, cloth, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, or solid waste that has been discarded, abandoned, or otherwise disposed of in a manner not in compliance with this chapter.

Littering shall mean to scatter or cast, throw, place, sweep, or deposit anywhere within the county any litter in a manner that it may be carried or deposited by the elements upon any public or private property or upon any street, sidewalk, alley, sewer, parkway, waterway (including streams, creeks, rivers, lakes, or ponds) or other public place.

Loading and unloading area shall mean any dock or ramp, space, or area used by any moving vehicle or watercraft for the purpose of loading/unloading, receiving, shipping, and transporting goods, wares, commodities, or persons.

Medical waste shall mean any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 Code of Federal Regulations §

261.4(b)(1) in effect on 1 July 1989, or those substances excluded from the solid waste definition in G.S. § 130A-290.

Nuisance shall mean any action or condition that is dangerous or prejudicial to public health, welfare, or safety. Out-of-county waste shall mean any solid waste produced and collected from sources outside the boundaries of the county.

Person shall mean any public or governmental instrumentality or office and any public or private individual, firm, company, partnership, corporation, or association.

Public vehicular area shall mean any public road maintained by the state or local municipality for public travel, and all private roads that provide access to two (2) or more residences or commercial establishments.

Public view shall mean any area that may be seen from any public vehicular area.

Radioactive waste shall mean any wastes that emit ionizing radiation spontaneously.

Receptacle, solid waste. See Solid waste receptacle.

Recyclables shall mean materials identified by appropriate governmental authority that are capable of being recycled at a recycling facility.

Recycling center shall mean a facility that collects and separates recyclables, and then produces raw materials or products that can be reused or returned to use. Refuse shall mean all accumulations of solid waste consisting of, without limitation, garbage, household trash, or business trash as herein defined.

Refuse receptacle shall mean a corrosion resistant metal or plastic container of substantial construction, with tight fitting lid, provided with wheels and/or handles sufficient for safe and convenient handling of refuse.

Responsible person shall mean any owner, agent, tenant, lessee, or any other person in possession or control of solid waste, or a residence, commercial establishment, parcel of land, or motor vehicle that generates solid waste or from which solid waste is discarded or disposed.

Salvage shall mean the dismantling, reclamation or storage of used components, parts, accessories, junk and similar materials for purposes of processing, resale, exchange, distribution or other disposition.

Salvage material shall mean used materials, components, parts, accessories, equipment, construction supplies, or any other previously used materials stored on location for purposes of processing, resale, exchange, distribution or other disposition.

Salvage yard shall mean those establishments or facilities that deal in salvage material, to include, without limitation, private yard sales conducted in excess of forty-eight (48) continuous hours.

Solid waste shall mean useless, unwanted, or discarded material including, without limitation, accumulated junk, bulky waste, business trash, construction debris, garbage, household trash, litter, medical waste, liquid waste, antifreeze, petroleum by-products, recyclables, abandoned and junked vehicles, refuse, and hazardous waste.

Solid waste disposal site shall mean a location, at which solid wastes are disposed of by incineration, sanitary landfill, or other approved method.

Solid waste coordinator shall mean the employee responsible for solid waste management.

Solid waste generator shall mean any person who places, causes to be placed, abandons, litters, or generates solid waste.

Solid waste management shall mean the purposeful, systematic control of the generation, storage, collection, transport, separation, processing, recovery, and/or disposal of solid waste.

Solid waste officer shall mean the individual appointed pursuant to this chapter to enforce the provisions thereof and shall have the same meaning as “environmental enforcement officer” as that term is defined pursuant to G.S. § 153A-136(a)(2).

Solid waste receptacle shall mean a large container used for the temporary storage of solid wastes and capable of being automatically emptied into collection vehicles.

Transfer Station shall mean the county-owned collection site located at 250 Transfer Station Rd., in Hampstead is available for use in compliance with the provisions of this chapter to deposit bulky waste and construction materials for a charge that is based upon the weight of the load to be deposited multiplied by the applicable tipping fee.

Unsecured shall mean missing doors, windows or unable to lock as the original manufacture designed or any openings into which a person, animals and water may enter that may cause entrapment or injury, or be a breeding ground or nest for mosquitoes, insects, rats, or other pests.

Yard waste shall mean tree branches, tree limbs, parts of trees, bushes, shrubbery cuttings or clippings, or other items created as a result of trimming, cutting, or pruning trees or bushes, also the accumulation of lawn grass, shrubbery, vine cuttings or clippings, and/or dry leaf rakings.

Sec. 26-7. – Littering.

It shall be unlawful for any person to engage in littering as defined herein; or violate any provision of G.S. 14-399. Throwing, scattering, spilling, placing, dumping, depositing, causing or allowing to be blown, scattered, spilled, thrown or placed, or otherwise disposing of any solid waste upon any property with or without the consent of the property owner unintentionally or intentionally. See also section 26-25.

Sec. 26-8. – Burying or submerging solid waste.

It shall be unlawful to bury in the earth or submersing in a body of water solid waste material for the purpose of disposal, with the exception of beneficial fill—those materials excepted by the state to fill in a low lying area and which comply with the county's, state's and federal building codes or any environmental laws/regulations. The types of beneficial fill excepted to fill in a low lying area are as followed; concrete, cinder block, brick, and asphalt.

Sec. 26-9. – County solid waste disposal requirements and restrictions.

- (a) General Solid Waste Disposal Requirements and Restrictions. It shall be unlawful to deposit or dispose of solid waste in any place other than at a convenience center or the transfer station or to deposit or dispose of solid waste in a manner other than as provided in this section.
- (b) Solid Waste Disposal Restrictions and Requirements applicable to County Convenience Centers:
 - a. It shall be unlawful to deposit or dispose of solid waste that was generated outside of the county at any convenience center.
 - b. It shall be unlawful for any person to enter upon any convenience center outside of posted operating hours by any means.
 - c. It shall be unlawful for any person to enter upon any convenience center during operating hours by motor vehicle without first permanently affixing a decal issued by the county solid waste department to the lower portion of the drivers side windshield of the motor vehicle in a place that is readily visible from outside the vehicle.
 - d. It shall be unlawful for any person to scavenge, rummage, or remove any item from a convenience center.
 - e. It shall be unlawful to deposit commercial solid waste at a county convenience site or for any commercial garbage or sanitation collection service or any other person who collects solid waste for a fee to dispose of solid waste at a county convenience site.
 - f. It shall be unlawful for any person to deposit the following types of refuse at a convenience center: trees, stumps, tree limbs, poisons, caustic chemicals, concrete, asphalt, flammables or other publicly-posted prohibited materials at a county convenience site.
 - g. It shall be unlawful for any person to dispose of used oil, white goods, aluminum cans, whole or scrap tires, lead acid batteries, paper, steel, #1 & #2 plastics, glass, cardboard, or any item identified in G.S. 130A-

309.10(f) in a convenience center except in a container designated for the type of solid waste or as may be authorized by the county in separate areas of the convenience center or a recycling facility specifically maintained for those purposes.

- h. It shall be unlawful to deposit unseparated solid waste in a container at a convenience center except as consistent with the displayed acceptable contents specific to each container.
- i. Ownership of all authorized solid wastes and recyclables shall pass to the county upon deposit or receipt at the convenience center.
- j. It shall be unlawful for any person to loiter, congregate, or leave any vehicle unattended at a convenience center. The county shall not be liable for any damage or injury to personal property or person resulting from the use of a convenience center.
- k. It shall be unlawful to deliver or cause to be delivered or to deposit yard waste at a convenience center.

(c) Solid Waste Disposal Restrictions and Requirements applicable to County Transfer Station:

- a. It shall be unlawful for any person to deposit solid waste at a Transfer Station without paying the applicable \$/ton fee.
- b. It shall be unlawful for any person to enter upon the Transfer Station except by motor vehicle during posted operating hours.
- c. It shall be unlawful for any person to scavenge, rummage, or remove any item deposited at a Transfer Station.
- d. It shall be unlawful for any person to deposit the following types of refuse at a transfer station: cardboard, trees, stumps, tree limbs, poisons, caustic chemicals, concrete, asphalt, flammables or other publicly-posted prohibited materials at a Transfer Station.
- e. It shall be unlawful for any person to attempt to or to actually deposit more than five (5) tires per day per property address at the Transfer Station without having in their possession appropriate documentation from a state regulatory authority.

Sec. 26-10. – County solid waste department to issue decals for use of convenience centers; number of decals to be issued; documentation of meeting requirements for issuing decals required.

- (a) Upon payment of the applicable fee as provided in Section 26-12 of this chapter, the County solid waste department shall issue the number of decals specified in subsection (b) of this section to individuals who own real property in the county upon which a dwelling place is located and who have no ad valorem taxes past due related to any real property in the county, or to individuals who reside at an address physically located within the county.
- (b) The County solid waste department shall issue two (2) decals to each individual that meets the requirements of subsection (a) of this section and shall, upon

request, issue up to five (5) decals to any person who is the owner of a bona fide farming operation; provided that, once the requisite number of decals have been issued to an individual no other individual residing at or associated with the same address may be issued a decal. The decals issued pursuant to this section allow for use of the convenience centers in accordance with the requirements of this Chapter.

- (c) The County solid waste department shall accept and require the following as documentation of an individual's eligibility to be issued solid waste decals:
- a. proof of tax payment, if not otherwise documented by county records;
 - b. a state issued driver's license or photo identification with a current address located within the county;
 - c. a current bill for utility service in the individual's name with an address that is located within the county; and
 - d. if applicable as to a bona fide farming operation, any of the following:
 - i. A farm sales tax exemption certificate issued by the Department of Revenue;
 - ii. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3;
 - iii. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; or
 - iv. A forest management plan.

Sec. 26-11. – Prohibited uses of County-issued decals.

- (a) It shall be unlawful for any individual who has been issued a solid waste decal to transfer ownership or permanent possession of a County-issued solid waste decal to another person, whether for consideration or not.
- (b) It shall be unlawful for any person to reproduce by any manner a County-issued solid waste decal.

Sec. 26-12. – County solid waste department to charge fees for solid waste decals and use of transfer station.

- (a) The County solid waste department shall charge fees for solid waste decals as established by the Board of Commissioners, and as the same may be revised from time to time, which fees may be charged through annual property tax bills.
- (b) The County solid waste department shall charge fees for use of the transfer station based on the weight of the load to be deposited and the then-applicable \$/ton fee approved by the Board of Commissioners and as the same may be revised from time-to-time.
- (c) The County solid waste department shall exempt from the payment of fees required by this section, the following:
 - a. Publicly owned property held by local, state, or federal governmental entities, or property used for educational, scientific, literary, or charitable

purposes that are exempted from taxation under G.S. 105-278.1 through 105-278.8.

- b. Churches or bona fide religious organizations.
 - c. Unlivable dwelling units where no electric meter is present or upon which no electric meter has been installed.
 - d. Residential storage units.
- (d) The County solid waste department shall refund fees paid for up to three (3) years, upon written request submitted to the department the contents of which demonstrate that the person requesting the refund would have qualified for an exemption from the payment of fees required by this section.

Sec. 26-13. – Enforcement; Penalties.

- (a) A violation of the provisions of this Article is a misdemeanor as provided by G.S. 14-4, punishable by a fine in excess of fifty dollars (\$50.00), but not more than five hundred dollars (\$500) per violation.
- (b) In addition to the criminal penalties provided in this section, a person who violates the provisions of this Article may be subject to civil fines and penalties in excess of fifty dollars (\$50.00), but not more than five hundred dollars (\$500) per violation, which the County may recover in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for violation of the provisions of this Article.
- (c) In addition to the criminal and civil penalties provided in this section, the County may enforce the provisions of this Article by an appropriate equitable remedy issuing from a court of competent jurisdiction, including a mandatory or prohibitory injunction and order of abatement.
- (d) Each day's continuing violation of the provisions of this Article is a separate and distinct offense.

ARTICLE II. – SOLID WASTE COLLECTION AND DISPOSAL

Sec. 26-14. – Acceptable methods of disposal of solid waste.

Solid waste shall be disposed of only in the following ways:

- (a) In a solid waste container at a convenience center that is designated for the type of solid waste to be disposed of;
- (b) In an incinerator that has all the required local, state, and federal air pollution control permits;
- (c) In accordance with the list of generally approved methods of disposal published by the solid waste director; or
- (d) By any method approved by the solid waste director.

Sec. 26-15. – Responsibility for accumulation of solid waste.

- (a) It shall be unlawful for any responsible person to maintain a residence, commercial establishment, or parcel of land where solid waste is permitted to accumulate in any manner that may:
 - a. Become a nuisance;
 - b. Cause injury to the health or welfare of residents in the vicinity;
 - c. Detract from the value of the property or neighboring property; or
 - d. Violate any provision of this chapter.
- (b) A solid waste generator shall be responsible for the storage, collection, and disposal of solid waste in a manner that complies with the provisions of this chapter. No owner, occupant, or tenant or lessee of a building or dwelling place other than a licensed junk dealer, may place or leave or cause to be placed and left for longer than seven (7) days outside a building or dwelling any bulky wastes. The presence of bulky waste bulky wastes in violation of this section shall be prima facie evidence that the owner, occupant, or tenant or lessee of the building or dwelling place is the solid waste generator and the responsible person with respect to the violation.
- (c) The owner and operator of a vehicle shall be responsible for any dumping, littering, or other violations of this article in which the vehicle was used. The addressees of first class mail found in solid waste may be considered as prima facie evidence that the person named thereon is the person responsible for the improper disposal or management of that waste, however such prima facie evidence is not limited to mail.
- (d) A solid waste generator shall ensure that hazardous waste is disposed of at a site or facility that is permitted in a manner approved by the county solid waste director. The solid waste director shall publish a list of generally approved methods of disposal.
- (e) The owner of an apartment building or mobile home park, or in the case of a town house or condominium, the property owners' or home owners' association, shall be responsible to ensure the proper storage and disposal of all solid waste generated from the dwelling units within the apartment building, mobile home park, or town house or condominium.

Sec. 26-16. – General Storage and disposal practices.

All solid waste shall be stored or placed for collection in accordance with the following provisions:

- (a) Accumulations, unauthorized. Any accumulation of solid waste on any lot, property, premises, residence, establishment, public street, alley, or other public or private place in violation of any provision of this chapter is hereby declared to be a public nuisance and is prohibited and unlawful. Failure to remove and properly dispose of any such unauthorized accumulation of solid waste is a violation of this chapter.

- (b) Batteries, lead-acid. Lead-acid batteries shall be disposed of at a battery retailer or wholesaler, a secondary lead smelter, or at a collection or recycling facility authorized under the General Statutes or by the United States Environmental Protection Agency. No person shall knowingly place or dispose of a used lead-acid battery in an unauthorized site, landfill, incinerator, or in any waste-to-energy facility, including in an appropriately designated area at a convenience center. Persons who knowingly place or dispose of lead-acid batteries in violation of this section shall be assessed a civil penalty not to exceed fifty dollars (\$50.00) per violation. Each battery improperly disposed of shall constitute a separate violation.
- (c) Hazardous waste. No hazardous waste shall be placed in any solid waste receptacle, detachable container, or disposal site unless authorized by state or federal regulation.
- (d) Household trash/garbage. All biodegradable liquid wastes shall be placed in sealed containers prior to disposal. All non-biodegradable liquid wastes shall be recycled or disposed in accordance with state and federal regulations. Items that are too large for refuse receptacles shall be brought to a convenience center and deposited in a solid waste container designated for the type of solid waste to be disposed.
- (e) Junk. It shall be unlawful for any person to place, abandon, or leave outside any building or dwelling, or upon the property of any other person, or within an open porch, open carport, or open lean-to, within view from the public street, any accumulated junk or refuse, to include without limitation, solid waste, household trash, any dilapidated furniture, appliance, building material, or other items that are either wholly or partially rusted, wrecked, junked, dismantled, or inoperative and not currently awaiting repairs, and not completely enclosed within a building or dwelling.
- (f) Liquid waste. All non-biodegradable liquid wastes including, but not limited to, petroleum byproducts and antifreeze, shall be recycled or disposed in accordance with state and federal regulations. All biodegradable liquid wastes shall be placed in sealed containers prior to disposal.
- (g) Medical waste. No medical waste shall be placed in any solid waste receptacle, detachable container, or disposal site unless authorized by state or federal regulations.
- (h) Recycle containers. It shall be unlawful for any person to dispose of any type of banned solid waste items, such as but not limited to garbage, food, furniture, into a recycling container that is clearly marked for recycling products only.
- (i) Refrigerators, abandoned. It shall be unlawful for any person to leave outside of any building or dwelling, any abandoned, unattended, or discarded refrigerator.
- (j) Refuse. All solid waste shall be placed and maintained in refuse solid waste receptacles or detachable containers as specified herein. Refuse shall be stored in a manner that will not provide harborage to rodents and vermin and will not

create a fire hazard. All refuse receptacles and containers shall be kept covered at all times with tight fitting covers until the solid waste is disposed.

- (k) Streets, public and private property. No person shall place any accumulation of solid waste in any street, median strip, alley, or other public place of travel, nor upon any public or private property except as stated herein.
- (l) Tires. Tires shall be transported by the owner, responsible person or agent to the transfer station and disposed of as prescribed and only to the extent allowed by the solid waste director. Any person who knowingly hauls or disposes of a tire in violation shall be assessed a civil penalty of fifty dollars (\$50.00) per violation. Each tire hauled or disposed of in violation constitutes a separate violation.
- (m) Trash, dangerous items. All waste material of an injurious nature, including but not limited to broken glass, light bulbs, sharp pieces of metal, fluorescent tubes, and television tubes, shall be securely wrapped to prevent injury to collection crews and other persons.
- (n) Yard waste. Yard Waste placed adjacent to or transported upon public roads shall be securely covered or tied to prevent the depositing thereof on such roads or the property of any person.

Sec. 26-17. – Receptacle and container regulations.

- (a) Adequate and suitable containers required. Each person in possession, charge, or control of any property or project from which construction debris, business trash, refuse generated from outdoor events and festivals, garbage, household trash, industrial waste, yard waste, or other solid waste is accumulated or produced shall provide adequate and suitable receptacles and/or containers. A container is adequate and suitable if it is enclosed and stands upright without need for support or bracing, and is capable of holding all such materials.
- (b) Unauthorized deposits. It shall be unlawful for any person to dump, deposit, dispose of, or otherwise place any garbage, refuse, debris, or waste of any kind in any garbage can, dumpster, or other type of container made or used to hold garbage, refuse, debris or waste of any kind unless such person is the owner or lessee of such garbage can, dumpster, or other type of container; or such person shall have first obtained permission from the owner or lessee of such garbage can, dumpster, or other type of container to use it for the dumping, depositing, disposing or placing of such materials.

Sec. 26-18. – Collection and disposal.

- (a) It shall be unlawful for any person to drive or move a motor vehicle unless the vehicle is constructed and loaded to prevent any of its load from falling, blowing, dropping, sifting, leaking, or otherwise escaping therefrom, and the vehicle shall not contain any holes, cracks, or openings through which any of its load may escape. However, sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled, dumped, or spread on a roadway in

cleaning or maintaining the roadway. For purposes of this subsection, load does not include water accumulated from precipitation.

- (b) A truck, trailer, or other vehicle that is loaded with aggregates, or any material, other than sand, that could fall, blow, leak, sift, or drop shall not be driven or moved on any public road unless:
 - a. The height of the load against all four (4) walls does not extend above a horizontal line six (6) inches below their tops when loaded at the loading point; and
 - b. The load is securely covered by tarpaulin or some other suitable covering to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom.
- (c) This section shall not be applicable to or in any manner restrict the transportation of seed cotton, poultry or livestock, or silage or other feed grain used in the feeding of poultry or livestock.

Sec. 26-19. – Neglect of property and unlawful deposits.

It shall be unlawful for any responsible person to encroach on the rights of others through the neglect of property by:

- a. Using or allowing others to use an unpermitted dump site for disposal of solid waste;
- b. Causing or allowing unsightly litter, accumulated junk, foul odor, or potentially dangerous devices to remain in public view, or remain in view from adjoining properties; or
- c. Operating a commercial or non-commercial junkyard or salvage yard except where authorized by the county zoning ordinance.

Sec. 26-20. – Container requirements for commercial establishments.

- (a) It shall be unlawful for any commercial establishment to keep or maintain on its premises any solid waste container that does not comply with the requirements of this section. Each commercial establishment store refuse generated from the establishment in receptacles or containers as specified herein so as to eliminate wind driven debris and unsightly litter in and about the establishment. Approved methods of containerization include refuse receptacles, bulk containers, and detachable containers. Each commercial establishment shall clean up spillage and overflows immediately when they occur.
- (b) Loading and unloading areas. All loading and unloading areas shall be provided with refuse containers for loose debris, paper, packaging materials, and other business trash or refuse. The number of containers necessary for each area shall be as required to maintain clean, neat, and sanitary premises.
- (c) Restaurants. Drive-in restaurants and other food establishments that permit carry-out food service shall at all times maintain on their premises sufficient receptacles for the disposal of business trash, garbage, and refuse.

Sec. 26-21. – Construction sites and demolition sites.

Every responsible person and every person in possession, charge, or control of a construction or demolition project for which a building permit or manufactured home set-up permit is required shall provide an on-site refuse receptacle, bulk container, covered vehicle, or detachable container for the collection of construction debris and other refuse that is produced by work performed on the site. All such materials shall be containerized by the end of each day, and the site shall be kept in a clean and litter-free condition. Construction debris and refuse blown or otherwise deposited in any manner upon any public or private property of a third person as a result of construction or demolition shall be immediately removed by the responsible person or person in possession, charge, or control of the construction or demolition project.

Sec. 26-22. – Special refuse disposal problems.

- (a) Contagious diseases refuse. The removal of clothing, bedding, or other refuse from homes or other places where highly infectious diseases have prevailed shall be performed pursuant to guidance provided by the county health department.
- (b) Ashes. Ashes transported to a county convenience site or transfer station shall be wet and cool to the touch prior to disposal.

Sec. 26-23. – Enforcement; Penalties.

- (a) A violation of the provisions of this Article is a misdemeanor as provided by G.S. 14-4, punishable by a fine in excess of fifty dollars (\$50.00), but not more than five hundred dollars (\$500) per violation.
- (b) In addition to the criminal penalties provided in this section, a person who violates the provisions of this Article may be subject to civil fines and penalties in excess of fifty dollars (\$50.00), but not more than five hundred dollars (\$500) per violation, which the County may recover in a civil action in the nature of debt if

the offender does not pay the penalty within a prescribed period of time after the offender has been cited for violation of the provisions of this Article.

- (c) In addition to the criminal and civil penalties provided in this section, the County may enforce the provisions of this Article by an appropriate equitable remedy issuing from a court of competent jurisdiction, including a mandatory or prohibitory injunction and order of abatement.
- (d) Each day's continuing violation of the provisions of this Article is a separate and distinct offense.

Chapter 26 - SOLID WASTE

ARTICLE I. - IN GENERAL

Sec. 26-1. – Title

_____ This chapter shall be known and may be cited as the Pender County Solid Waste Management Ordinance.

Sec. 26-2. – Purpose

_____ To promote the public safety, health, and welfare of the citizens of the County through the regulation of the storage, collection, and disposal of solid waste, the regulation of open burning and the regulation of public health nuisances.

Sec. 26-3. – Jurisdiction and Applicability.

_____ The provisions of this chapter shall govern and apply to the unincorporated portions of the county unless a municipality enters into an agreement with the County providing for the enforcement of its provisions within the municipality pursuant to G.S. § 153A-122.

Sec. 26-4. – Authority.

_____ The provisions of this chapter are adopted pursuant to the authority contained in G.S. §§ 14-4; 153A-121, -123, -132.1, -136, -140, -215.112, and 15A NCAC 2D.1901.

Sec. 26-5. – Solid Waste Officer

_____ There is hereby created the position of solid waste officer who shall be an Environmental Enforcement Officer for purposes of G.S. 153A-136(a)(6a). The solid waste officer is vested with the authority to enforce the provisions of this chapter by civil penalties and all other remedies available in law or equity. From time-to-time, the board of commissioners may establish or revise the requirements or qualification for the position of solid waste officer, and may appoint another county employee who meets the requirements or qualifications set down by the board of commissioners to serve as solid waste officer.

Sec. 26-6. – Definitions.

_____ For purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Failure to satisfy a mandate or obligation where the word "shall" is used shall be considered an unlawful violation of this chapter subjecting the responsible person to all appropriate penalties. Words used in this chapter that are not found in this definition section take the generally accepted

meaning found in a standard dictionary. The following definitions shall apply in the interpretation and the enforcement of this chapter.

Abandoned shall mean any accumulated junk or refuse which remains on the property of any person who is not the owner or former owner of such accumulated junk or refuse for a period of seventy-two (72) hours after notice of violation of this chapter shall be presumed to be abandoned.

Accumulated junk shall mean wrecked, scrapped, disassembled, unusable, cannibalized, inoperable or un-repairable boats, boat trailers, manufactured homes, recreational vehicles, construction equipment, appliances, vehicle tires, engines, transmissions, frames, axles, as well as parts and accessories of these objects; used building materials and all other non-vegetative debris collected or stored at a private residence or property or business establishment, or any non-vegetative debris blown or otherwise deposited onto property owned by third persons, by flood, storm, or other natural event.

Bona Fide Farm Property shall have the same meaning as “property used for bona fide farm purposes,” as that term is defined in G.S. § 160D-903(a).

Bulky waste shall mean large items of solid waste such as household appliances, furniture, large auto parts, and other oversized wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

Collection shall mean the act of removing solid wastes from a point of generation to a central storage point or to a disposal site, and from a central storage point to a disposal site.

Commercial solid waste shall mean solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities.

Commercial establishment shall mean any retail, manufacturing, wholesale, institutional, religious, or governmental establishment at which garbage, business trash, salvage material, junk, or other refuse may be generated.

Construction and demolition debris shall mean solid waste resulting solely from construction, remodeling, repair, buildings, or other structures, but does not include inert debris, land-clearing debris, demolition operation on pavement, or yard waste.

Convenience centers shall mean the county-owned collection sites located within the county that are available for use in compliance with the provisions of this chapter by any natural person to deposit garbage, household trash, household furniture, appliances, tires, and recyclables.

County shall mean Pender County, North Carolina.

Detachable container shall mean a commercially manufactured unit used for collecting, storing, and transporting construction debris, business trash, industrial waste, accumulated junk, hazardous waste, refuse, or yard waste. The unit may use an auxiliary stationary packing mechanism for compaction of materials into the container, and may be of the open or enclosed variety. The distinguishing feature of a detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to a disposal site.

Garbage shall mean the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking, and consumption of food, or other matter that is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which after decay, may serve as breeding or feeding material for rodents, flies, insects, or animals.

Generator, solid waste. See Solid waste generator.

Hazardous waste shall mean a waste, or combination of wastes, that because of its quantity, concentration or physical, chemical, or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed; or any waste that falls within the definition provided by any applicable state or federal statute.

Household trash shall mean any accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, that is attendant to normal residential housekeeping or maintenance.

Infectious waste shall mean equipment, instruments, utensils, and fomites (used bandages) of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease, including:

- (1) Laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto;
- (2) Surgical operating room pathologic specimens and disposal fomites attendant thereto, and similar disposable materials from outpatients areas and emergency rooms.

Industrial waste shall mean all waste, including solids, semisolids, sludge, and liquids created by commercial companies, factories, processing plants, and manufacturing enterprises.

Inoperable equipment shall mean any piece of equipment not currently awaiting repairs that is not capable of functioning and/or operating for the purpose in which it was manufactured or intended.

Junk. See Accumulated junk.

Junkyard shall mean a commercial facility that stores for a fee, for resale either in whole or in parts, or for salvage, more than six (6) motor vehicles not having a current license plate that cannot move under their own power and are not currently awaiting repair, or a commercial facility that uses more than six hundred (600) square feet of any lot for the storage of accumulated junk, including scrap metals, or other scrap materials, or for the dismantling of automobiles or other vehicles, mobile homes, or machinery for a fee, for resale either in whole or in parts, or for salvage. In addition, a residence or lot that stores for personal use more than two (2) vehicles not having a current license plate that cannot move under their own power and are not currently awaiting repair, or a residence or lot that contains more than two hundred (200) square feet on the premises for the storage of accumulated junk, including scrap metals, or other scrap materials, or for the dismantling or abandonment of automobiles or other vehicles or machinery for any use shall be considered a junkyard. For purposes of this chapter, this standard does not apply to vehicles that are classified as antiques and registered pursuant to G.S. 20-137-14.

Litter shall mean any discarded, used, unconsumed, non-containerized substance or solid waste, including but not limited to, any garbage, household trash, business trash, refuse, debris, rubbish, yard waste, tree and shrubbery trimmings, newspaper, magazines, glass, metal, plastics, plastic or paper containers, or other packaging, construction debris, junk motor vehicle parts, furniture, dead animal carcasses, cloth, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, or solid waste that has been discarded, abandoned, or otherwise disposed of in a manner not in compliance with this chapter.

Littering shall mean to scatter or cast, throw, place, sweep, or deposit anywhere within the county any litter in a manner that it may be carried or deposited by the elements upon any public or private property or upon any street, sidewalk, alley, sewer, parkway, waterway (including streams, creeks, rivers, lakes, or ponds) or other public place.

Loading and unloading area shall mean any dock or ramp, space, or area used by any moving vehicle or watercraft for the purpose of loading/unloading, receiving, shipping, and transporting goods, wares, commodities, or persons.

Medical waste shall mean any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 Code of Federal Regulations §

261.4(b)(1) in effect on 1 July 1989, or those substances excluded from the solid waste definition in G.S. § 130A-290.

Nuisance shall mean any action or condition that is dangerous or prejudicial to public health, welfare, or safety. Out-of-county waste shall mean any solid waste produced and collected from sources outside the boundaries of the county.

Person shall mean any public or governmental instrumentality or office and any public or private individual, firm, company, partnership, corporation, or association.

Public vehicular area shall mean any public road maintained by the state or local municipality for public travel, and all private roads that provide access to two (2) or more residences or commercial establishments.

Public view shall mean any area that may be seen from any public vehicular area.

Radioactive waste shall mean any wastes that emit ionizing radiation spontaneously.

Receptacle, solid waste. See Solid waste receptacle.

Recyclables shall mean materials identified by appropriate governmental authority that are capable of being recycled at a recycling facility.

Recycling center shall mean a facility that collects and separates recyclables, and then produces raw materials or products that can be reused or returned to use. Refuse shall mean all accumulations of solid waste consisting of, without limitation, garbage, household trash, or business trash as herein defined.

Refuse receptacle shall mean a corrosion resistant metal or plastic container of substantial construction, with tight fitting lid, provided with wheels and/or handles sufficient for safe and convenient handling of refuse.

Responsible person shall mean any owner, agent, tenant, lessee, or any other person in possession or control of solid waste, or a residence, commercial establishment, parcel of land, or motor vehicle that generates solid waste or from which solid waste is discarded or disposed.

Salvage shall mean the dismantling, reclamation or storage of used components, parts, accessories, junk and similar materials for purposes of processing, resale, exchange, distribution or other disposition.

Salvage material shall mean used materials, components, parts, accessories, equipment, construction supplies, or any other previously used materials stored on location for purposes of processing, resale, exchange, distribution or other disposition.

Salvage yard shall mean those establishments or facilities that deal in salvage material, to include, without limitation, private yard sales conducted in excess of forty-eight (48) continuous hours.

Solid waste shall mean useless, unwanted, or discarded material including, without limitation, accumulated junk, bulky waste, business trash, construction debris, garbage, household trash, litter, medical waste, liquid waste, antifreeze, petroleum by-products, recyclables, abandoned and junked vehicles, refuse, and hazardous waste.

Solid waste disposal site shall mean a location, at which solid wastes are disposed of by incineration, sanitary landfill, or other approved method.

Solid waste coordinator shall mean the employee responsible for solid waste management.

Solid waste generator shall mean any person who places, causes to be placed, abandons, litters, or generates solid waste.

Solid waste management shall mean the purposeful, systematic control of the generation, storage, collection, transport, separation, processing, recovery, and/or disposal of solid waste.

Solid waste officer shall mean the individual appointed pursuant to this chapter to enforce the provisions thereof and shall have the same meaning as "environmental enforcement officer" as that term is defined pursuant to G.S. § 153A-136(a)(2).

Solid waste receptacle shall mean a large container used for the temporary storage of solid wastes and capable of being automatically emptied into collection vehicles.

Transfer Station shall mean the county-owned collection site located at 250 Transfer Station Rd., in Hampstead is available for use in compliance with the provisions of this chapter to deposit bulky waste and construction materials for a charge that is based upon the weight of the load to be deposited multiplied by the applicable tipping fee.

Unsecured shall mean missing doors, windows or unable to lock as the original manufacture designed or any openings into which a person, animals and water may enter that may cause entrapment or injury, or be a breeding ground or nest for mosquitoes, insects, rats, or other pests.

Yard waste shall mean tree branches, tree limbs, parts of trees, bushes, shrubbery cuttings or clippings, or other items created as a result of trimming, cutting, or pruning trees or bushes, also the accumulation of lawn grass, shrubbery, vine cuttings or clippings, and/or dry leaf rakings.

Sec. 26-7. – Littering.

It shall be unlawful for any person to engage in littering as defined herein; or violate any provision of G.S. 14-399. Throwing, scattering, spilling, placing, dumping, depositing, causing or allowing to be blown, scattered, spilled, thrown or placed, or otherwise disposing of any solid waste upon any property with or without the consent of the property owner unintentionally or intentionally. See also section 26-25.

Sec. 26-8. – Burying or submerging solid waste.

It shall be unlawful to bury in the earth or submersing in a body of water solid waste material for the purpose of disposal, with the exception of beneficial fill—those materials excepted by the state to fill in a low lying area and which comply with the county's, state's and federal building codes or any environmental laws/regulations. The types of beneficial fill excepted to fill in a low lying area are as followed; concrete, cinder block, brick, and asphalt.

Sec. 26-9. – County solid waste disposal requirements and restrictions.

- (a) General Solid Waste Disposal Requirements and Restrictions. It shall be unlawful to deposit or dispose of solid waste in any place other than at a convenience center or the transfer station or to deposit or dispose of solid waste in a manner other than as provided in this section.
- (b) Solid Waste Disposal Restrictions and Requirements applicable to County Convenience Centers:
 - a. It shall be unlawful to deposit or dispose of solid waste that was generated outside of the county at any convenience center.
 - b. It shall be unlawful for any person to enter upon any convenience center outside of posted operating hours by any means.
 - c. It shall be unlawful for any person to enter upon any convenience center during operating hours by motor vehicle without first permanently affixing a decal issued by the county solid waste department to the lower portion of the drivers side windshield of the motor vehicle in a place that is readily visible from outside the vehicle.
 - d. It shall be unlawful for any person to scavenge, rummage, or remove any item from a convenience center.
 - e. It shall be unlawful to deposit commercial solid waste at a county convenience site or for any commercial garbage or sanitation collection service or any other person who collects solid waste for a fee to dispose of solid waste at a county convenience site.
 - f. It shall be unlawful for any person to deposit the following types of refuse at a convenience center: trees, stumps, tree limbs, poisons, caustic chemicals, concrete, asphalt, flammables or other publicly-posted prohibited materials at a county convenience site.
 - g. It shall be unlawful for any person to dispose of used oil, white goods, aluminum cans, whole or scrap tires, lead acid batteries, paper, steel, #1 & #2 plastics, glass, cardboard, or any item identified in G.S. 130A-

309.10(f) in a convenience center except in a container designated for the type of solid waste or as may be authorized by the county in separate areas of the convenience center or a recycling facility specifically maintained for those purposes.

- h. It shall be unlawful to deposit unseparated solid waste in a container at a convenience center except as consistent with the displayed acceptable contents specific to each container.
- i. Ownership of all authorized solid wastes and recyclables shall pass to the county upon deposit or receipt at the convenience center.
- j. It shall be unlawful for any person to loiter, congregate, or leave any vehicle unattended at a convenience center. The county shall not be liable for any damage or injury to personal property or person resulting from the use of a convenience center.
- k. It shall be unlawful to deliver or cause to be delivered or to deposit yard waste at a convenience center.

(c) Solid Waste Disposal Restrictions and Requirements applicable to County Transfer Station:

- a. It shall be unlawful for any person to deposit solid waste at a Transfer Station without paying the applicable \$/ton fee.
- b. It shall be unlawful for any person to enter upon the Transfer Station except by motor vehicle during posted operating hours.
- c. It shall be unlawful for any person to scavenge, rummage, or remove any item deposited at a Transfer Station.
- d. It shall be unlawful for any person to deposit the following types of refuse at a transfer station: cardboard, trees, stumps, tree limbs, poisons, caustic chemicals, concrete, asphalt, flammables or other publicly-posted prohibited materials at a Transfer Station.
- e. It shall be unlawful for any person to attempt to or to actually deposit more than five (5) tires per day per property address at the Transfer Station without having in their possession appropriate documentation from a state regulatory authority.

Sec. 26-10. – County solid waste department to issue decals for use of convenience centers; number of decals to be issued; documentation of meeting requirements for issuing decals required.

- (a) Upon payment of the applicable fee as provided in Section 26-12 of this chapter, the County solid waste department shall issue the number of decals specified in subsection (b) of this section to individuals who own real property in the county upon which a dwelling place is located and who have no ad valorem taxes past due related to any real property in the county, or to individuals who reside at an address physically located within the county.
- (b) The County solid waste department shall issue two (2) decals to each individual that meets the requirements of subsection (a) of this section and shall, upon

request, issue up to five (5) decals to any person who is the owner of a bona fide farming operation; provided that, once the requisite number of decals have been issued to an individual no other individual residing at or associated with the same address may be issued a decal. The decals issued pursuant to this section allow for use of the convenience centers in accordance with the requirements of this Chapter.

- (c) The County solid waste department shall accept and require the following as documentation of an individual's eligibility to be issued solid waste decals:
- a. proof of tax payment, if not otherwise documented by county records;
 - b. a state issued driver's license or photo identification with a current address located within the county;
 - c. a current bill for utility service in the individual's name with an address that is located within the county; and
 - d. if applicable as to a bona fide farming operation, any of the following:
 - i. A farm sales tax exemption certificate issued by the Department of Revenue;
 - ii. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3;
 - iii. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; or
 - iv. A forest management plan.

Sec. 26-11. – Prohibited uses of County-issued decals.

- (a) It shall be unlawful for any individual who has been issued a solid waste decal to transfer ownership or permanent possession of a County-issued solid waste decal to another person, whether for consideration or not.
- (b) It shall be unlawful for any person to reproduce by any manner a County-issued solid waste decal.

Sec. 26-12. – County solid waste department to charge fees for solid waste decals and use of transfer station.

- (a) The County solid waste department shall charge fees for solid waste decals as established by the Board of Commissioners, and as the same may be revised from time to time, which fees may be charged through annual property tax bills.
- (b) The County solid waste department shall charge fees for use of the transfer station based on the weight of the load to be deposited and the then-applicable \$/ton fee approved by the Board of Commissioners and as the same may be revised from time-to-time.
- (c) The County solid waste department shall exempt from the payment of fees required by this section, the following:
- a. Publicly owned property held by local, state, or federal governmental entities, or property used for educational, scientific, literary, or charitable

purposes that are exempted from taxation under G.S. 105-278.1 through 105-278.8.

- b. Churches or bona fide religious organizations.
- c. Unlivable dwelling units where no electric meter is present or upon which no electric meter has been installed.
- d. Residential storage units.
- (d) The County solid waste department shall refund fees paid for up to three (3) years, upon written request submitted to the department the contents of which demonstrate that the person requesting the refund would have qualified for an exemption from the payment of fees required by this section.

Sec. 26-13. – Enforcement; Penalties.

- (a) A violation of the provisions of this Article is a misdemeanor as provided by G.S. 14-4, punishable by a fine in excess of fifty dollars (\$50.00), but not more than five hundred dollars (\$500) per violation.
- (b) In addition to the criminal penalties provided in this section, a person who violates the provisions of this Article may be subject to civil fines and penalties in excess of fifty dollars (\$50.00), but not more than five hundred dollars (\$500) per violation, which the County may recover in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for violation of the provisions of this Article.
- (c) In addition to the criminal and civil penalties provided in this section, the County may enforce the provisions of this Article by an appropriate equitable remedy issuing from a court of competent jurisdiction, including a mandatory or prohibitory injunction and order of abatement.
- (d) Each day's continuing violation of the provisions of this Article is a separate and distinct offense.

ARTICLE II. – SOLID WASTE COLLECTION AND DISPOSAL

Sec. 26-14. – Acceptable methods of disposal of solid waste.

Solid waste shall be disposed of only in the following ways:

- (a) In a solid waste container at a convenience center that is designated for the type of solid waste to be disposed of;
- (b) In an incinerator that has all the required local, state, and federal air pollution control permits;
- (c) In accordance with the list of generally approved methods of disposal published by the solid waste director; or
- (d) By any method approved by the solid waste director.

Sec. 26-15. – Responsibility for accumulation of solid waste.

- (a) It shall be unlawful for any responsible person to maintain a residence, commercial establishment, or parcel of land where solid waste is permitted to accumulate in any manner that may:
 - a. Become a nuisance;
 - b. Cause injury to the health or welfare of residents in the vicinity;
 - c. Detract from the value of the property or neighboring property; or
 - d. Violate any provision of this chapter.
- (b) A solid waste generator shall be responsible for the storage, collection, and disposal of solid waste in a manner that complies with the provisions of this chapter. No owner, occupant, or tenant or lessee of a building or dwelling place other than a licensed junk dealer, may place or leave or cause to be placed and left for longer than seven (7) days outside a building or dwelling any bulky wastes. The presence of bulky waste bulky wastes in violation of this section shall be prima facie evidence that the owner, occupant, or tenant or lessee of the building or dwelling place is the solid waste generator and the responsible person with respect to the violation.
- (c) The owner and operator of a vehicle shall be responsible for any dumping, littering, or other violations of this article in which the vehicle was used. The addressees of first class mail found in solid waste may be considered as prima facie evidence that the person named thereon is the person responsible for the improper disposal or management of that waste, however such prima facie evidence is not limited to mail.
- (d) A solid waste generator shall ensure that hazardous waste is disposed of at a site or facility that is permitted in a manner approved by the county solid waste director. The solid waste director shall publish a list of generally approved methods of disposal.
- (e) The owner of an apartment building or mobile home park, or in the case of a town house or condominium, the property owners' or home owners' association, shall be responsible to ensure the proper storage and disposal of all solid waste generated from the dwelling units within the apartment building, mobile home park, or town house or condominium.

Sec. 26-16. – General Storage and disposal practices.

All solid waste shall be stored or placed for collection in accordance with the following provisions:

- (a) Accumulations, unauthorized. Any accumulation of solid waste on any lot, property, premises, residence, establishment, public street, alley, or other public or private place in violation of any provision of this chapter is hereby declared to be a public nuisance and is prohibited and unlawful. Failure to remove and properly dispose of any such unauthorized accumulation of solid waste is a violation of this chapter.

- (b) Batteries, lead-acid. Lead-acid batteries shall be disposed of at a battery retailer or wholesaler, a secondary lead smelter, or at a collection or recycling facility authorized under the General Statutes or by the United States Environmental Protection Agency. No person shall knowingly place or dispose of a used lead-acid battery in an unauthorized site, landfill, incinerator, or in any waste-to-energy facility, including in an appropriately designated area at a convenience center. Persons who knowingly place or dispose of lead-acid batteries in violation of this section shall be assessed a civil penalty not to exceed fifty dollars (\$50.00) per violation. Each battery improperly disposed of shall constitute a separate violation.
- (c) Hazardous waste. No hazardous waste shall be placed in any solid waste receptacle, detachable container, or disposal site unless authorized by state or federal regulation.
- (d) Household trash/garbage. All biodegradable liquid wastes shall be placed in sealed containers prior to disposal. All non-biodegradable liquid wastes shall be recycled or disposed in accordance with state and federal regulations. Items that are too large for refuse receptacles shall be brought to a convenience center and deposited in a solid waste container designated for the type of solid waste to be disposed.
- (e) Junk. It shall be unlawful for any person to place, abandon, or leave outside any building or dwelling, or upon the property of any other person, or within an open porch, open carport, or open lean-to, within view from the public street, any accumulated junk or refuse, to include without limitation, solid waste, household trash, any dilapidated furniture, appliance, building material, or other items that are either wholly or partially rusted, wrecked, junked, dismantled, or inoperative and not currently awaiting repairs, and not completely enclosed within a building or dwelling.
- (f) Liquid waste. All non-biodegradable liquid wastes including, but not limited to, petroleum byproducts and antifreeze, shall be recycled or disposed in accordance with state and federal regulations. All biodegradable liquid wastes shall be placed in sealed containers prior to disposal.
- (g) Medical waste. No medical waste shall be placed in any solid waste receptacle, detachable container, or disposal site unless authorized by state or federal regulations.
- (h) Recycle containers. It shall be unlawful for any person to dispose of any type of banned solid waste items, such as but not limited to garbage, food, furniture, into a recycling container that is clearly marked for recycling products only.
- (i) Refrigerators, abandoned. It shall be unlawful for any person to leave outside of any building or dwelling, any abandoned, unattended, or discarded refrigerator.
- (j) Refuse. All solid waste shall be placed and maintained in refuse solid waste receptacles or detachable containers as specified herein. Refuse shall be stored in a manner that will not provide harborage to rodents and vermin and will not

create a fire hazard. All refuse receptacles and containers shall be kept covered at all times with tight fitting covers until the solid waste is disposed.

- (k) Streets, public and private property. No person shall place any accumulation of solid waste in any street, median strip, alley, or other public place of travel, nor upon any public or private property except as stated herein.
- (l) Tires. Tires shall be transported by the owner, responsible person or agent to the transfer station and disposed of as prescribed and only to the extent allowed by the solid waste director. Any person who knowingly hauls or disposes of a tire in violation shall be assessed a civil penalty of fifty dollars (\$50.00) per violation. Each tire hauled or disposed of in violation constitutes a separate violation.
- (m) Trash, dangerous items. All waste material of an injurious nature, including but not limited to broken glass, light bulbs, sharp pieces of metal, fluorescent tubes, and television tubes, shall be securely wrapped to prevent injury to collection crews and other persons.
- (n) Yard waste. Yard Waste placed adjacent to or transported upon public roads shall be securely covered or tied to prevent the depositing thereof on such roads or the property of any person.

Sec. 26-17. – Receptacle and container regulations.

- (a) Adequate and suitable containers required. Each person in possession, charge, or control of any property or project from which construction debris, business trash, refuse generated from outdoor events and festivals, garbage, household trash, industrial waste, yard waste, or other solid waste is accumulated or produced shall provide adequate and suitable receptacles and/or containers. A container is adequate and suitable if it is enclosed and stands upright without need for support or bracing, and is capable of holding all such materials.
- (b) Unauthorized deposits. It shall be unlawful for any person to dump, deposit, dispose of, or otherwise place any garbage, refuse, debris, or waste of any kind in any garbage can, dumpster, or other type of container made or used to hold garbage, refuse, debris or waste of any kind unless such person is the owner or lessee of such garbage can, dumpster, or other type of container; or such person shall have first obtained permission from the owner or lessee of such garbage can, dumpster, or other type of container to use it for the dumping, depositing, disposing or placing of such materials.

Sec. 26-18. – Collection and disposal.

- (a) It shall be unlawful for any person to drive or move a motor vehicle unless the vehicle is constructed and loaded to prevent any of its load from falling, blowing, dropping, sifting, leaking, or otherwise escaping therefrom, and the vehicle shall not contain any holes, cracks, or openings through which any of its load may escape. However, sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled, dumped, or spread on a roadway in

cleaning or maintaining the roadway. For purposes of this subsection, load does not include water accumulated from precipitation.

- (b) A truck, trailer, or other vehicle that is loaded with aggregates, or any material, other than sand, that could fall, blow, leak, sift, or drop shall not be driven or moved on any public road unless:
 - a. The height of the load against all four (4) walls does not extend above a horizontal line six (6) inches below their tops when loaded at the loading point; and
 - b. The load is securely covered by tarpaulin or some other suitable covering to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom.
- (c) This section shall not be applicable to or in any manner restrict the transportation of seed cotton, poultry or livestock, or silage or other feed grain used in the feeding of poultry or livestock.

Sec. 26-19. – Neglect of property and unlawful deposits.

It shall be unlawful for any responsible person to encroach on the rights of others through the neglect of property by:

- a. Using or allowing others to use an unpermitted dump site for disposal of solid waste;
- b. Causing or allowing unsightly litter, accumulated junk, foul odor, or potentially dangerous devices to remain in public view, or remain in view from adjoining properties; or
- c. Operating a commercial or non-commercial junkyard or salvage yard except where authorized by the county zoning ordinance.

Sec. 26-20. – Container requirements for commercial establishments.

- (a) It shall be unlawful for any commercial establishment to keep or maintain on its premises any solid waste container that does not comply with the requirements of this section. Each commercial establishment store refuse generated from the establishment in receptacles or containers as specified herein so as to eliminate wind driven debris and unsightly litter in and about the establishment. Approved methods of containerization include refuse receptacles, bulk containers, and detachable containers. Each commercial establishment shall clean up spillage and overflows immediately when they occur.
- (b) Loading and unloading areas. All loading and unloading areas shall be provided with refuse containers for loose debris, paper, packaging materials, and other business trash or refuse. The number of containers necessary for each area shall be as required to maintain clean, neat, and sanitary premises.
- (c) Restaurants. Drive-in restaurants and other food establishments that permit carry-out food service shall at all times maintain on their premises sufficient receptacles for the disposal of business trash, garbage, and refuse.

Sec. 26-21. – Construction sites and demolition sites.

Every responsible person and every person in possession, charge, or control of a construction or demolition project for which a building permit or manufactured home set-up permit is required shall provide an on-site refuse receptacle, bulk container, covered vehicle, or detachable container for the collection of construction debris and other refuse that is produced by work performed on the site. All such materials shall be containerized by the end of each day, and the site shall be kept in a clean and litter-free condition. Construction debris and refuse blown or otherwise deposited in any manner upon any public or private property of a third person as a result of construction or demolition shall be immediately removed by the responsible person or person in possession, charge, or control of the construction or demolition project.

Sec. 26-22. – Special refuse disposal problems.

- (a) Contagious diseases refuse. The removal of clothing, bedding, or other refuse from homes or other places where highly infectious diseases have prevailed shall be performed pursuant to guidance provided by the county health department.
- (b) Ashes. Ashes transported to a county convenience site or transfer station shall be wet and cool to the touch prior to disposal.

Sec. 26-23. – Enforcement; Penalties.

- (a) A violation of the provisions of this Article is a misdemeanor as provided by G.S. 14-4, punishable by a fine in excess of fifty dollars (\$50.00), but not more than five hundred dollars (\$500) per violation.
- (b) In addition to the criminal penalties provided in this section, a person who violates the provisions of this Article may be subject to civil fines and penalties in excess of fifty dollars (\$50.00), but not more than five hundred dollars (\$500) per violation, which the County may recover in a civil action in the nature of debt if

the offender does not pay the penalty within a prescribed period of time after the offender has been cited for violation of the provisions of this Article.

- (c) In addition to the criminal and civil penalties provided in this section, the County may enforce the provisions of this Article by an appropriate equitable remedy issuing from a court of competent jurisdiction, including a mandatory or prohibitory injunction and order of abatement.
- (d) Each day's continuing violation of the provisions of this Article is a separate and distinct offense.

Board of County Commissioners
Jacqueline A. (Jackie) Newton – Chair
Wendy Fletcher-Hardee – Vice Chair
Archibald (Fred) McCoy
Jerry Groves
Brad George



County Manager
David Andrews
Assistant County Manager
Allen Vann
County Attorney
Carl W. (Trey) Thurman
Staff Attorney
Patrick Buffkin

**A Resolution Adopting a Wholesale Revision to
Articles I and II of Chapter 26 of the Pender County Code of Ordinances Regulating the
Handling and Disposal of Solid Waste in the Unincorporated Areas of the County**

WHEREAS, the Pender County Code of Ordinances, Chapter 26, regulates the storage, collection, transportation, use, disposal, and other disposition of solid wastes in the unincorporated areas of the County as authorized pursuant to N.C. Gen. Stat. § 153A-136; and

WHEREAS, Chapter 26 of the Pender County Code of Ordinances has not been substantively updated since it was last amended in 2000; and

WHEREAS, the Pender County Board of Commissioners finds that it is necessary and appropriate to adopt a wholesale revision to Chapter 26 of the Pender County Code of Ordinances to update Pender County's regulation of solid wastes consistent with that authority granted pursuant to N.C. Gen. Stat. § 153A-136; and

WHEREAS, the Pender County Board of Commissioners finds that it is necessary and appropriate to adopt revisions to Chapter 26 of the Pender County Code of Ordinances to comply with the provisions of S.L. 2021-138.

**NOW, THEREFORE, THE PENDER COUNTY BOARD OF COMMISSIONERS
RESOLVES THAT:**

1. The ordinance revision included in the Board of Commissioners' meeting agenda packet for the regular Board meeting of August 21 and September 5 in the nature of a wholesale revision to Chapter 26, Articles I and II, shall be and the same is hereby, enacted;
2. The current provisions of Chapter 26, Articles I and II, shall be and the same are hereby repealed; and
3. The ordinance revisions enacted by this resolution shall be effective on October 1, 2023.

Adopted by the Pender County Board of Commissioners this the ____ day of _____, 2023.

Jacqueline A. Newton,
Chair of the Board of Commissioners

ATTEST: _____

P.O. Box 5, 805 South Walker Street, Burgaw, N.C. 28425



910-259-1200 Office | www.pendercountync.gov

David Andrews,
Clerk to the Board of Commissioners

P.O. Box 5, 805 South Walker Street, Burgaw, N.C. 28425

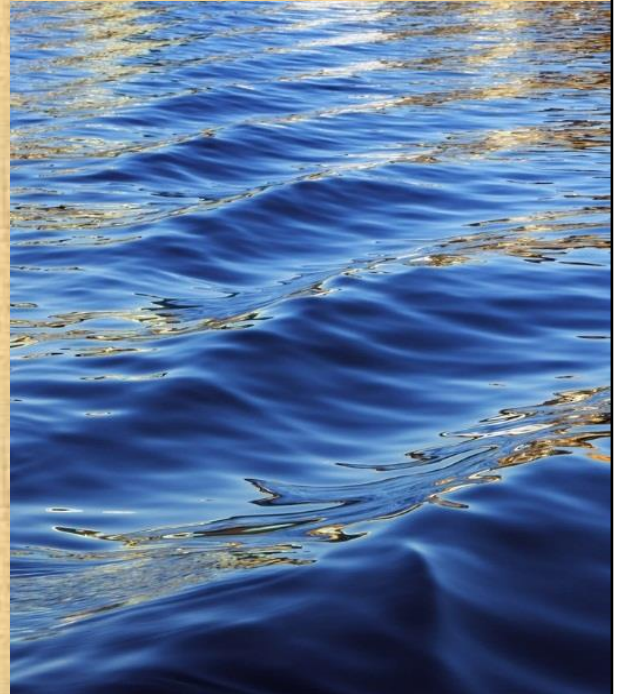


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Pender Solid Waste

August 21, 2023



What is Pender Solid Waste?

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PSW is responsible for the collection, hauling, and proper disposal of approximately 36,000 tons per year of municipal solid waste and construction and demolition debris in Pender County.

- PSW works with GFL to dispose of all county solid waste properly.
- Pender County does not have a landfill; therefore, all solid waste must be hauled by GFL to the Sampson County Regional Landfill.
- Pender County pays GFL to haul solid waste 80 miles to the Sampson County Landfill at the cost of \$4,000,000.00 per year.
- Recycling that is co-mingled is sent to a materials separation center in Jacksonville, NC 34 miles outside Hampstead for sorting and shipping to recycling markets at the cost of \$900,000.00 per year.
- One Transfer Station located in Hampstead
- Twelve Convenience Sites throughout the County



CONVENIENCE SITE OPERATING HOURS

Monday, Wednesday, & Friday
7am – 7pm

⑪ **WILLARD** – 7690 NC 11

Monday & Saturday 7am – 7pm
Wednesday 1pm – 7pm

④ **CANETUCK** – 721 Canetuck Rd.

Monday, Wednesday, & Saturday
7am – 7pm

② **BURGAU** – 3088 New Savannah Rd.

③ **CALICO BAY** – 7599 Old River Rd.

⑤ **MAPLE HILL** – 875 Maple Hill School Rd.

⑥ **MONTAGUE** – 2003 Montague Rd

Tuesday, Thursday, & Saturday
7am – 7pm

① **ATKINSON** – 5128 Point Caswell Rd.

⑧ **SHILOH** – 19690 US 421

⑩ **WHITESTOCKING** – 196 Whitestocking Rd.

Monday 11am – 7pm, Saturday 8am – 7pm
Sunday 2pm – 7 pm

⑨ **SURF CITY** – 360 J.H. Batts Rd.

Monday, Tuesday, Thursday, Friday,
& Saturday 7am – 7pm

⑦ **Rocky Point** – 16232 NC Hwy 210



Monday – Saturday
7am -7pm
Sunday
1pm – 7pm

⑫ **Hampstead**
250 Transfer Station Rd.

Monday – Saturday
8am – 4:30pm

⑬ **TRANSFER STATION** –
250 Transfer Station Rd.

Background

- Chapter 26 of Pender County Code of Ordinances regulates the handling and disposal of solid waste.
- “solid waste” means garbage, trash, refuse, litter, etc.
- Current ordinance was adopted in 1992 and has not been substantively updated since 2000.
- New problems in administering solid waste disposal have come up and staff recommends a comprehensive update.

Updates to Ch. 26

- Updates to the solid waste ordinance largely maintain the current law under the existing Chapter 26.
- A few important changes:
 - Establishing a solid waste officer/Environmental Enforcement Officer position
 - Streamlining and modernizing the ordinance language
 - Update to reflect Solid Waste fee changes as approved by the Board
 - Clarifying the requirements for use of convenience centers vs. transfer station
 - Bona fide farming operations and their use of convenience centers
 - Criminal penalties to comply with S.L. 2021-138

Establishing a Solid Waste Officer Position

- State law allows counties to establish and appoint an “environmental enforcement officer” or Solid Waste Officer position. See G.S. 153-136(6a).
- A solid waste officer is County employee tasked with enforcement of the County’s solid waste regulations, primarily through civil penalties.
- No new positions are requested at this time – County staff proposes that the Solid Waste Coordinator be designated as the County environmental enforcement officer/solid waste officer.
- Staff intends that the environmental enforcement officer/solid waste officer will work closing with the County staff attorney in civil enforcement of Chapter 26.

Clarifying Requirements

Transfer
Station

Convenience
Centers

Transfer Station

- Anyone (not just Pender County residents) can use the Transfer Station.
 - Out of County residents will pay an increased tipping fee
- **Accepted Materials:** Construction materials: roofing materials, wood, wood pallets (must be broken down), sheetrock, furniture, dried paint, carpet, household trash, other similar materials, and off-the-rim tires.
 - Tires brought to the Transfer Station will pay the tipping fee if there are more than 5
 - Businesses disposing of tires will need their paperwork filled out prior to arrival at the Transfer Station. This paperwork will include the location of the business, the number of tires being disposed of, and the business ID number given by the state.
- The Transfer Station also offers free recycling of appliances and empty refrigerators
- **Not accepted:** brick, concrete, yard waste/vegetative debris, oils, gas, hazardous waste, cardboard, kitchen garbage (to include food products or food containers), dirt, or asphalt

Convenience Center Sites

- Convenience Sites are only for residents of Pender County
- Any load larger than 200 pounds needs to be taken to the Transfer Station.
- Decals are issued to Pender County residents that have a Solid Waste fee on their property taxes
 - Only properties that have a residential dwelling receive a decal
 - Two (2) decals for each individual residence
 - Up to five (5) decals to the owner of a bona fide farming operation
- **Accepted Materials:** Kitchen trash, household garbage, electronics, recyclables, up to 10 gallons of used motor oil, and up to 5 off-the-rim tires a day
 - Accepted at specific sites (Burgaw, Rocky Point, Willard, and Hampstead): furniture, construction & debris, mattress' (under 200 pounds)
- **Not Accepted:** brick, concrete, yard waste/vegetative debris, hazardous waste, gas, dirt, or asphalt

Solid Waste Fee Changes

- Changes were made to the Solid Waste Fee during “budget season”
 - Change from two Solid Waste Fees (\$110 for Recycling Only - \$220 for Full Use)
 - Change to one Solid Waste Fee (\$200)
 - Approved June 5th, Adopted July 19, 2023
- The updated ordinance will reference the fees approved in the annual budget ordinance without the need to amend the ordinance of ch26 each year
- Carrying forward all current fee exemptions: Publicly-owned property held by governmental entities, Churches, Unlivable dwellings, and Residential storage units
 - Dwellings that have collection services were previously exempt from fees, now subject to a fee (reflecting the June 5th Board approval of one Solid Waste Fee)

Criminal Penalties to Comply with S.L. 2021-138

- In 2021, the N.C. General Assembly “de-criminalized” certain types of local ordinance provisions.
- Requires that any ordinance that includes a criminal penalty be voted on twice at two different meetings. If approved today, this ordinance will be back for the second Board vote on September 5th.
- Where permitted to use criminal penalties, S.L. 2021-138 requires that the county ordinance specify the appropriate level of offense in the ordinance.
- New ordinance sections in the revised Chapter 26 are recommended to comply with S.L. 2021-138 instead of the general criminal offense provision in the County’s current ordinances. See Pender County Code of Ordinances at Section 1-13; see also proposed Chapter 26 at Section 26-13 and 26-22.
- Although criminal penalties would be authorized, County Staff will focus efforts on civil enforcement through the solid waste officer.

Action Request

Pender Solid Waste asks the Board of Commissioners to approve:

The adoption of a wholesale revision to Articles I and II of Chapter 26 of the Pender County Code of Ordinances to include the adoption of criminal and civil penalties.



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Kenneth Keel
DATE: August 21, 2023
SUBJECT: Report on Current Water Supply Conditions and Approval of Resolution for Update to the Water Shortage Response Plan

SUMMARY:

PCU's Water Shortage Response Plan must be updated at least every 5 years to comply with NC Department of Environmental Quality requirements. The attached update includes only minor changes to the previous version. A red-line markup of the previous version is included for reference.

The following is an update on the current water supply conditions in southeastern Pender County:

The 2023 PCU Water Shortage Plan for Southeastern Pender County has worked well to keep water usage in the Hampstead/Scotts Hill area close to our levels in 2022. Regular rainfall has also greatly assisted PCU in reducing and meeting demand. As you can see in the provided graphs, on a monthly basis our water demand has been about 300,000 gallons per day less than our supply. However, when you look at the daily graph, you can see we have had individual days that have exceeded our available supply. Our two 500,000 gallon elevated water tanks enable us to have occasional demand days greater than the maximum supply, but that is not sustainable over a long period.

Our 3 new wells are scheduled to be operational prior to our 2024 high demand season (May through September). We are expecting up to an additional 750,000 gallons per day of supply when they are operational, but that number may be less depending on the actual output of each of the wells. Well output should be determined within the next couple of months. That production number assumes an average of 350 gpm from each well and running each one 12 hours per day due to state regulations on well operational times. PCU should have adequate water supply available until at least 2027, but demand increases will need to be monitored to determine if any water restrictions will be

necessary prior to the operation of the proposed reverse osmosis water plant. The plant is expected to be operational by 2028.

ACTION REQUESTED:

Approve resolution of approval of an update to the PCU Water Shortage Response Plan

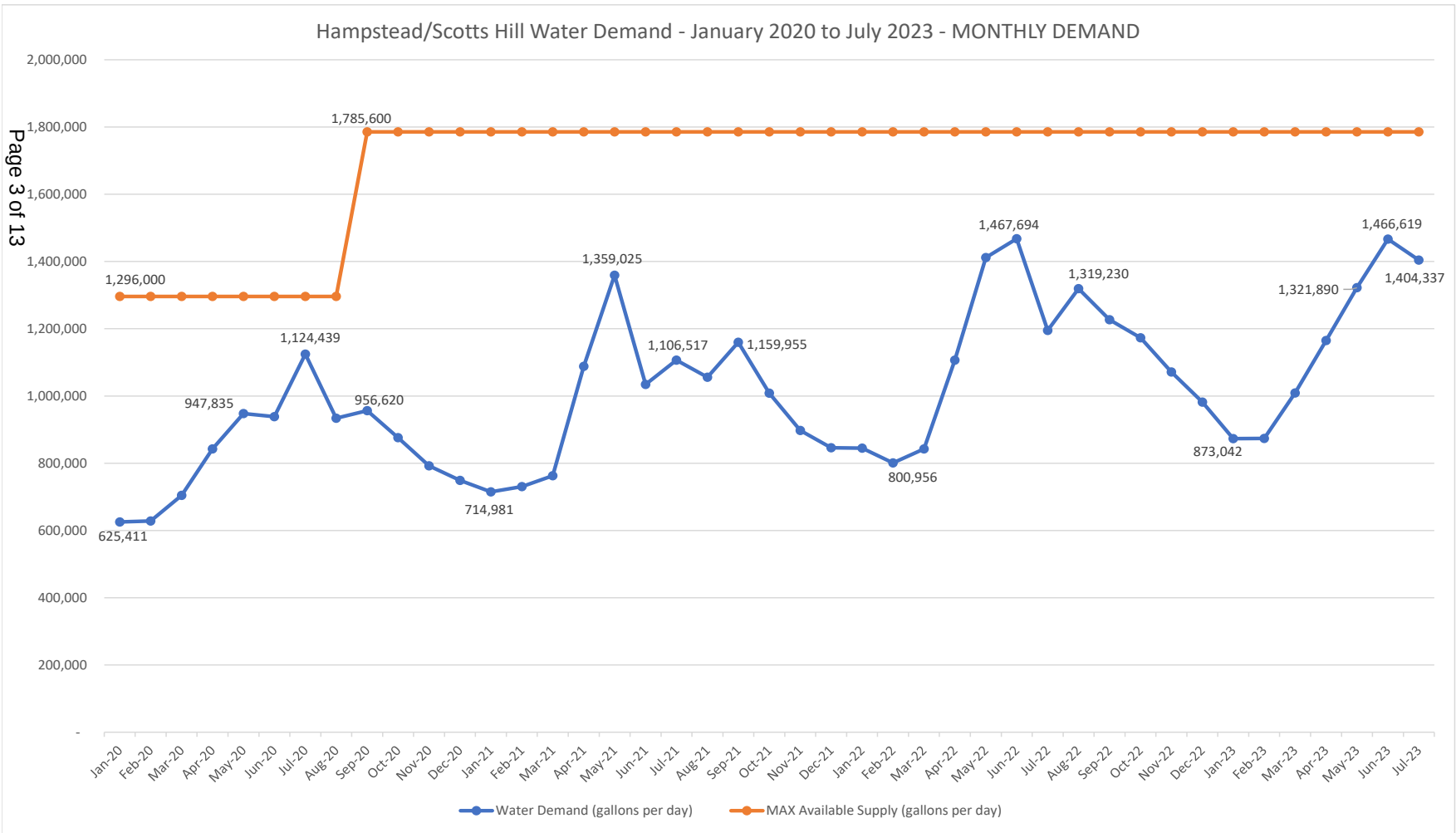
ATTACHMENTS:

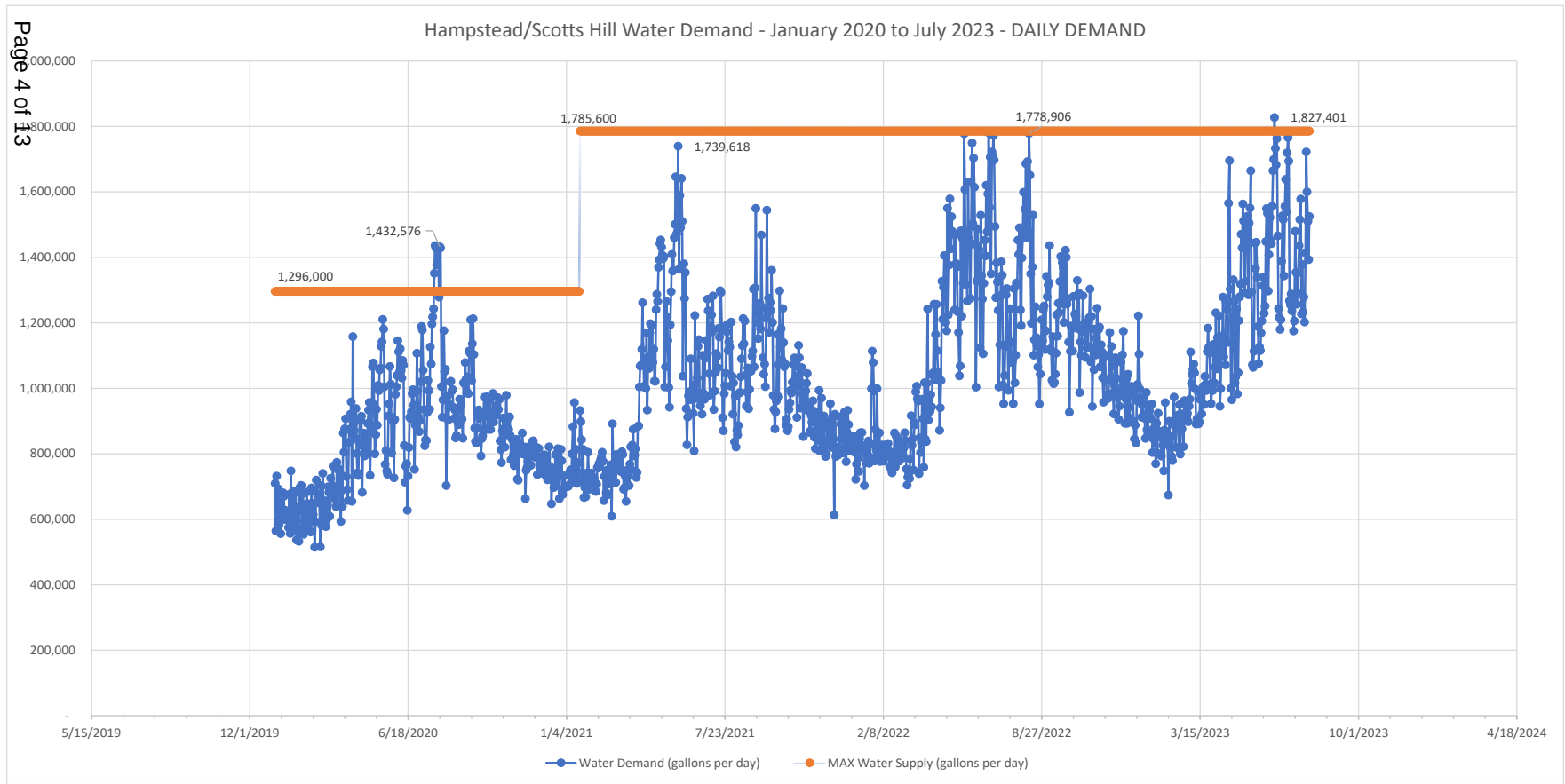
Monthly Average Water Demand Graph for Hampstead/Scotts Hill (Jan. 2020 to July 2023)

Daily Water Demand Graph for Hampstead/Scotts Hill (Jan. 2020 to July 2023)
Resolution

Updated Water Shortage Response Plan

Red-line markup of previous version of WSRP document





Board of County Commissioners
Jacqueline A. (Jackie) Newton – Chair
Wendy Fletcher-Hardee – Vice Chair
Archibald (Fred) McCoy
Jerry Groves
Brad George

Of



County Manager
David Andrews
Assistant County Manager
Allen Vann
County Attorney
Carl W. (Trey) Thurman
Staff Attorney
Patrick Buffkin

**A Resolution Approving the 2023 Update to the
Pender County Utilities Water Shortage Response Plan as Required Every
Five Years Pursuant to N.C. Gen. Stat. § 143-355(l) and 15A NCAC 02E .0606 - .0611**

WHEREAS, N.C. Gen. Stat. § 143-355(l) requires each unit of local government that provides public water service to prepare a local water supply plan and submit it to the North Carolina Department of Environmental Quality (NCDEQ) for approval;

WHEREAS, regulations adopted by NCDEQ at 15A NCAC 02E . 0606 - .0611 under the authority of N.C. Gen. Stat. § 143-355(l) additionally require units of local government to prepare a Local Water Supply Plan that includes a Water Shortage Response Plan for review by NCDEQ's Division of Water Resources and to submit revisions to that Plan every five years;

WHEREAS, Pender County is subject to the requirements of N.C. Gen. Stat. § 143-355(l) and 15A NCAC 02E .0606 - .0611 and last submitted revisions to its Water Shortage Response Plan to NCDEQ in 2022 as a part of an annual update to the local water supply plan; and

WHEREAS, Pender County Utilities has prepared its revised Water Shortage Response Plan and included the revised Plan as an attachment to the Pender County Board of Commissioners agenda item accompanying this Resolution, and recommends that the Board of Commissioners approve the 2023 update to the Pender County Water Shortage Response Plan for submission to NCDEQ.

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that the Water Shortage Response Plan included in the agenda item accompanying this resolution shall be and the same is hereby approved.

Adopted this 21st day of August 2023.

Jacqueline A. Newton, Chair
Pender County Board of Commissioners

ATTEST:

David Andrews, Clerk to the Board

P.O. Box 5, 805 South Walker Street, Burgaw, N.C. 28425



910-259-1200 Office | www.pendercountync.gov



PENDER COUNTY UTILITIES, NORTH CAROLINA

WATER SHORTAGE RESPONSE PLAN

The purpose of the Water Shortage Response Plan is to provide guidance to Public Utilities staff, County Administration, and the customers of Pender County Utilities during periods of drought and other events that result in a shortage of potable water or when existing water supply sources are inadequate to meet current demands for potable water. This plan applies only to users of the Pender County Utilities Water System and its Districts. Variations of this plan may be implemented as needed, depending on water system conditions.

I. Authorization

Under the County's Water and Sewer Ordinance, Article X, the Pender County Utilities Director or their authorized representative is authorized to declare a water shortage. Depending on the severity of the shortage, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this plan shall be imposed upon all water customers. This declaration shall be made after consultation with the Public Utilities staff and County Administration.

Mr. Kenny Keel, PE
Pender County Utilities Director
605 E. Fremont Street
Burgaw, NC 28425
910-259-1570
kkeel@pendercountync.gov

II. Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, local media outlets, notices at municipal buildings, and notices in water bills. Required water shortage response measures will also be communicated through *The Pender Post/Voice*, and Press Releases to local news, radio, and cable stations. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone through the County's Text/Call Notification System and the County's NIXLE – Emergency Notification System.

III. Shortage Response Triggers/Action Levels

Three levels of water shortage responses are outlined in the table below. The three levels of water shortage responses are: voluntary reductions/water conservation alert, mandatory reductions, and emergency reductions. A detailed description of each response level and corresponding water reduction measures shown below.

System Supply Type	STAGE 1 VOLUNTARY LEVEL	STAGE 2 MANDATORY LEVEL	STAGE 3 EMERGENCY LEVEL
	Conditions indicate potential for water supply shortages; voluntary conservation is encouraged.	Water supplies are measurably lower than the seasonal norm and are diminishing. Mandatory restriction measures are imposed.	The system is experiencing a water shortage; drinking water supply is clearly inadequate and more stringent restriction measures are imposed.
Finished Water Elevated and Ground Storage	Finished water storage less than 3 million gallons in the distribution system or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the total water production capacity. Water production capacity can vary depending on raw water conditions or availability.	Finished water storage less than 2 million gallons in the distribution system or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the total water production capacity. Water production capacity can vary depending on raw water conditions or availability.	Finished water storage less than 1 million gallons in the distribution system or when there is one (1) day when water demand exceeds one hundred percent (100%) of the total water production capacity. Water production capacity can vary depending on raw water conditions or availability.

Stage 1, Voluntary Reductions/Water Conservation Alert: A Stage 1 water shortage may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, when finished water storage is less than three (3) million gallons in the distribution system, or there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the total water production. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal drinking water standards that the water treatment plant can produce during a twenty-four (24) hour period, plus any additional available sources. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

Stage 2, Mandatory Water Shortage Warning: A Stage 2 water shortage emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, when finished water storage is less than two (2) million gallons in the distribution system, or there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the total water production. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal drinking water standards that the water treatment plant can produce during a twenty-four (24) hour period, plus any additional available sources. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

Stage 3, Emergency Water Shortage Danger: A Stage 3 water shortage emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, when finished water storage is less than one (1) million gallons in the distribution system, or there is one (1) day when water demand exceeds one hundred percent (100%) of the total water production. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal drinking water standards that the water treatment plant can produce during a twenty-four (24) hour period, plus any additional available sources. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

IV. Levels of Response

Stage 1, Voluntary Reductions/Water Conservation Alert: All water users will be asked to reduce their normal water use by 10%. Customer education and outreach programs will encourage water conservation and efficiency measures including irrigating landscapes a maximum of one inch per week; preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks.

Stage 2, Mandatory Water Shortage: All customers are expected to reduce their water use by 20% in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to a half inch per week between 8PM and 8AM; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing and training purposes requiring drinking water (e.g. fire protection) will be limited. Filling pools is prohibited, except for the minimal amount necessary to maintain pool's filtration system.

Stage 3, Emergency Water Shortage Danger: Customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous month's water bill. All non-essential uses of drinking water (ornamental fountains, outdoor turf and landscape watering, impervious surface washing, vehicle washing, and construction site dust control) are banned. A ban on all use of drinking water except to protect public health and safety is implemented. Filling of pools is prohibited, except for the minimal amount necessary to maintain pool's filtration system.

V. Enforcement

The provisions of the water shortage response plan will be enforced by Pender County Utilities staff in accordance with the Pender County Utilities Ordinance. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	First Violation	Second Violation	Third Violation
Voluntary Reductions	N/A	N/A	N/A
Mandatory Water Shortage (Stages 2)	Warning	\$250	Discontinuation of Service
Emergency Water Shortage Danger (Stage 3)	\$250	Discontinuation of Service	Discontinuation of Service

VI. Variance Protocols

Applications for water use variance requests are available from the office of Pender County Utilities. All applications must be submitted to Pender County Utilities for review by the Director or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e., necessary use of drinking water) and the prevention of structural damage.

VII. Effectiveness

The effectiveness of the Pender County Utilities Water Shortage Response Plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained, and evaluation of demand reductions compared to the previous year's seasonal data.

VIII. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan.

Revision		Reason For Revision	Description of Revision
Date	Number		
6/27/2022	1	Annual Update	Updated Directors Information.
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Revision: 23
Date: 6/27/225/25/2023

(Stages 2)			Service
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**Pender County
Approval of Budget Amendment and
Purchase of Parcel ID 3282-28-1109-0000
on Hwy 210 in Hampstead for \$6,000,000
for future K-8 School**

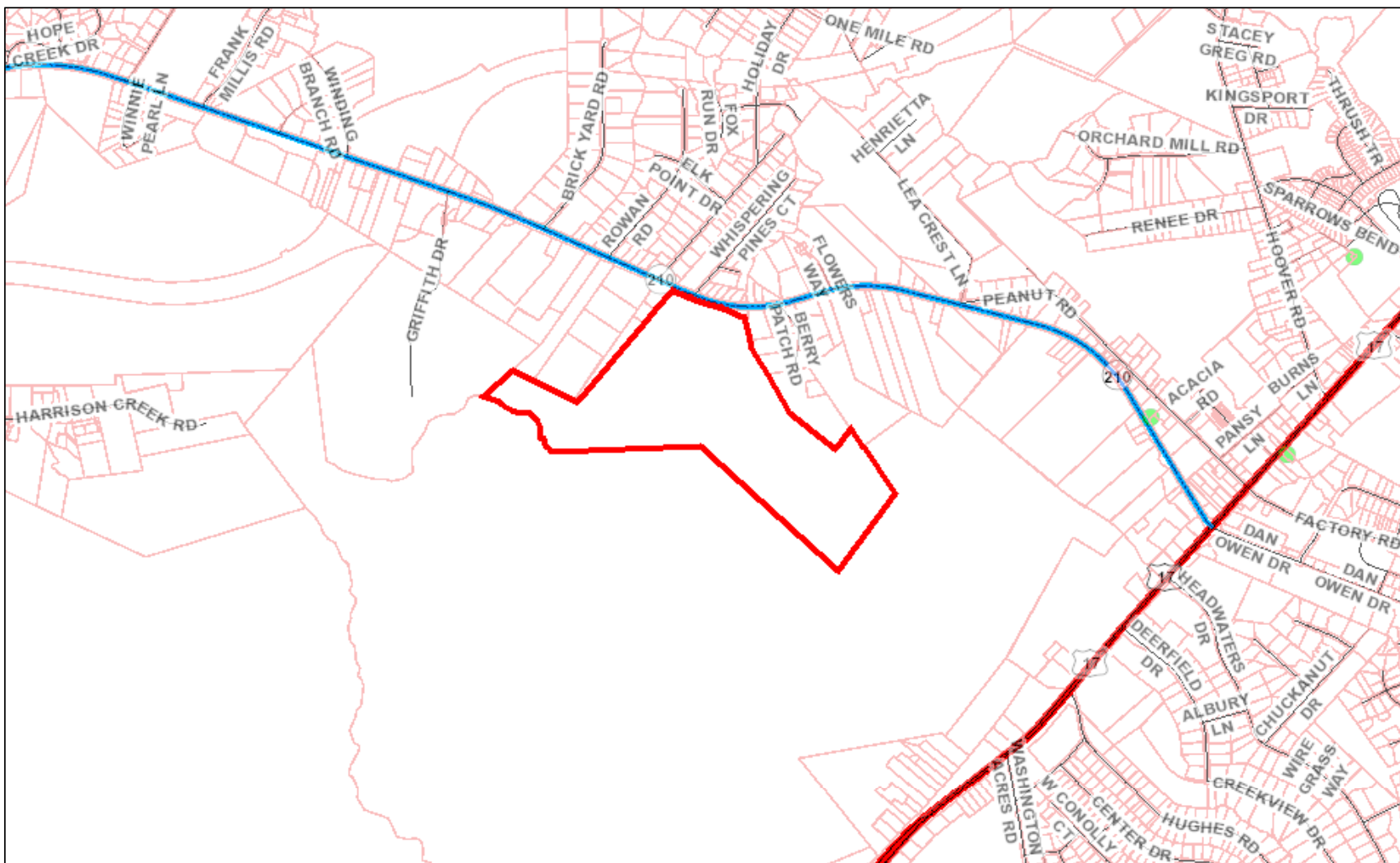
TO: Board of County Commissioners
FROM: Meg Blue
DATE: August 21, 2023
SUBJECT: Approval of Budget Amendment and Purchase of Parcel ID 3282-28-1109-0000 on Hwy 210 in Hampstead for \$6,000,000 for future K-8 School

SUMMARY:

Please consider the attached Budget Amendment and Purchase of Parcel ID 3282-28-1109-0000 on Hwy 210 in Hampstead for \$6,000,000. The purpose of this 145 acre purchase is for a future K-8 School facility to educate the children of this rapidly growing area. The due diligence has been completed and determined satisfactory for the circumstances by the Design-Build team for the project and the suitability confirmed with Board of Education and their Management Team.

ACTION REQUESTED:

Approval of Budget Amendment and Purchase of Parcel ID 3282-28-1109-0000 on Hwy 210 in Hampstead for \$6,000,000 for future K-8 School



PIN: 3282-28-1109-0000

Owner: WEIR, D F JR
7904 MADISON PARK LANE
RALEIGH, NC 27615

Deed Ref: 215/138

Property
Address: 210 HY W
Description: ON B/S 210 N/W HAMPSTEAD

Sale Price:

Sale Date: LAST_SALE_DATE

Plat: NOPLAT

Account No: 589637

Township: TOPSAIL

Subdivision:

Tax Codes: G01 F29 R40

Acres: 145

Land Value:

Building Value:

Total value:

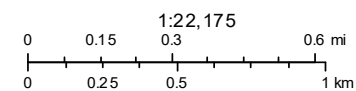
Deferred Value:

Exempt Amount: 0

PCL Class: R

Heated Sq Feet:

Pender County



1 inch = 1,848 feet

1/26/2010



Pender County Budget Ordinance Amendment

Page 3 of 3

Fiscal Year

FY 2023-2024

Department

660 - NON-DEPARTMENTAL

Proposed Amendment:

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	695-399000	Appropriated FB	6,000,000.00
2			
3			
4			
5			
6			
7			
8			
9			
10			

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	660-407433	CAPITAL OUTLAY LAND	6,000,000.00
2			
3			
4			
5			
6			
7			
8			
9			
10			

Total Revenues
6000000

Total Expenditures
6000000

Budget Amendment Balances when Zero.
0

Prepared By:
Meg Blue

Email
mblue@pendercountync.gov



Pender County Animal Shelter Advisory Committee Confirmation

TO: Board of County Commissioners
FROM: Alexis Stanfield
DATE: August 21, 2023
SUBJECT: Animal Shelter Advisory Committee Confirmation

SUMMARY:

As a part of the onboarding process, the clerk to the Board has been taking an inventory of records related to Boards and Commissions, including the names and contact information of appointed members, the start and end date of terms, and eligibility for reappointment based on the County's policy of limiting boards and commissions service to 3 terms or 10 years. The clerk has found significant room for improvement with respect to maintaining accurate records of County appointed boards and commissions. This agenda item is a part of the clerk's effort to update and organize the records related to the Animal Shelter Advisory Board. Presently, the clerk is unable to locate records of the appointment dates or terms of the membership of the Animal Shelter Advisory Board. In the absence of these records, Staff requests that the Board confirm these appointments such that the appointment dates and terms are clarified for posterity and can be more accurately tracked, and the reappointment process can be managed more proactively going forward. All of the board members proposed for confirmation in this agenda item are current members of the Animal Shelter Advisory Board and have expressed an interest in continuing to serve. Should the Board approve this confirmation, Staff will record this date as the date of appointment and the terms of these members will expire in three years on July 31, 2026

Health Director: Carolyn Moser
Citizen At- Large: Sylvia Hall
Veterinarian: Joni Shimp

ACTION REQUESTED:

Staff requests that the Board confirm these appointments such that the appointment dates and terms are clarified for posterity and can be more accurately tracked, and the reappointment process can be managed more proactively going forward.



Pender County Appointment to the Board of Adjustment

TO: Board of County Commissioners
FROM: Daniel Adams
DATE: August 21, 2023
SUBJECT: Appointment to the Board of Adjustment

SUMMARY:

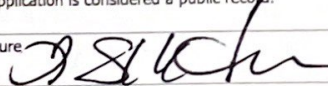
Staff received an application from Ms. Tandra Henderson to serve on the County's Board of Adjustment. The term for this position is three years. Ms. Henderson lives within District 5, which is not currently represented on the Board of Adjustment

ACTION REQUESTED:

Consider appointing Tandra Henderson to the Board of Adjustment.

ATTACHMENTS:

1. Tandra Henderson Board of Adjustment Application

Have you ever served or are you currently a member of any Pender County or other local government board/commission/committee?			
YES ☐	NO ☒	If yes, explain (including length of service).	
State reasons why you feel qualified for this appointment(s): My background in public service has provided me with years of experience serving the community. I want the see its citizens have all opportunities to trust and feel secure in the governing bodies that provide amenities, they are entitled too.			
MILITARY SERVICE			
Branch None		From	To
Rank at Discharge		Type of Discharge (optional)	
CONFLICTS OF INTEREST			
Are you aware of any legal, ethical or personal conflict of interest by serving as a member of this Pender County board/commission/committee?			
YES ☐	NO ☒	If yes, explain.	
Are you or any member of your family employed by Pender County, or currently serving on any Boards/Committee/Commission appointed by or affiliated with Pender County?			
YES ☐	NO ☒	If yes, list family member name(s) and position/board or committee(s).	
Please add any additional information you would like to share supporting your interest and qualifications for this appointment. I want to provide my community neighbors with the assurance of a confident, educated, morale minded representative who will have their best interest at heart.			
DISCLAIMER AND SIGNATURE			
NOTE: This information will be used by the Pender County Board of Commissioners in making appointments to Pender County Boards/Commissions/Committees. In the event you are appointed, it may be used as a news release to identify you to the community. This application is considered a public record.			
Signature 		Date 7/19/2003	

PENDER COUNTY

Application for Appointment to Boards/Commissions/Committees



Appointees to Pender County Boards/Commissions/Committees must be a Pender County resident and must be at least 18 years of age. Please complete this application and return to: Pender County Manager's Office, PO Box 5, Burgaw, NC 28425.

APPLICANT INFORMATION											
Last Name		Henderson		First		Tandra		M.I.	Shepa...	Date	12-08-2022
Physical Address		235 Lee Rd.						Apartment/Unit #			
City		Maple Hill		State		NC		ZIP			28454
Mailing Address (if different from above)		7289 NC HWY 50									
City		Maple Hill		State		NC		ZIP			28454
Home Phone		(252) 430-9611		Work Phone		(252) 430-9611		E-mail Address 1			tandraShenderson@gmail.com
Fax Number								E-mail Address 2			
Board Interest(s)		Board of Adjustment and Parks and Rec Advisory Board									
How long have you been a resident of Pender County?		21									
EDUCATION											
High School		Pender High School				Location		Burgaw		NC	
From	1987	To	1991	Did you graduate?	YES ☒	NO ☐	Diploma				
College		Elizabeth City State University				Location		Elizabeth City		NC	
From	1991	To	1995	Did you graduate?	YES ☒	NO ☐	Degree	Bachelors Degree			
Other						Location					
From		To		Did you graduate?	YES ☐	NO ☐	Degree				
EMPLOYMENT HISTORY											
Current Employment		Administrative Office of the Courts						Job Title		Magistrate	
Responsibilities		• A magistrate is an independent judicial officer, recognized by the North Carolina Constitution as an officer of ...									
Previous Employment		U.S. Department of Defense Education Activity						Job Title		Automated Office Assistant	
Previous Employment		U.S. Department of Defense						Job Title		Educational Aid	
Previous Employment		New Hanover County Schools						Job Title		Behavior Interventionist	
COMMUNITY INVOLVEMENT											
Please list current and past membership in civic or other organizations and offices held:											
Maple Hill Civic Club											
Vance County Juvenile Crime Prevention Council-											
Community Representative,											
FGV (Franklin Granville Vance) Smart Start-											
Parent representative,											



Pender County Shane Mellin Parks and Rec Board Reappointment

TO: Board of County Commissioners
FROM: Alexis Stanfield
DATE: August 21, 2023
SUBJECT: Shane Mellin Parks and Rec Board Reappointment

SUMMARY:

The County Clerk advertises vacancies on boards, commissions, committees, task forces, etc. The County Clerk serves only clearinghouse functions with respect to the appointment process; no influence is exerted in this role. Commissioners are welcome to recruit applicants, or citizens may apply of their own free will.

Shane Mellin has applied to be reappointed as the representative for District 1 on the Parks and Rec Board. Mr. Mellin has served one term on the board already. Mr. Mellin's most recent term expired on June 30, 2023. Should the Board vote to reappoint him, Mr. Mellin will serve a second term beginning September 1, 2023, with an expiration date of June 30, 2026. Mr. Mellin's application is attached.

This position has been properly advertised.

ACTION REQUESTED:

Staff request the Board approve to reappoint Shane Mellin as the district 1 representative for the Parks and Recreation Board.

PENDER COUNTY

Application for Appointment to Boards/Commissions/Committees



Appointees to Pender County Boards/Commissions/Committees must be a Pender County resident and must be at least 18 years of age. Please complete this application and return to: Pender County Manager's Office, PO Box 5, Burgaw, NC 28425.

APPLICANT INFORMATION									
Last Name Mellin			First Shane			M.I. L		Date 07-27-2023	
Physical Address 146 Warbler Way						Apartment/Unit #			
City Hampstead			State North Carolina			ZIP 28443			
Mailing Address (if different from above) 146 Warbler Way									
City Hampstead			State North Carolina			ZIP 28443			
Home Phone (919) 614-9168			Work Phone			E-mail Address 1 shane.mellin@yahoo.com			
Fax Number						E-mail Address 2			
Board Interest(s) Parks and Rec									
How long have you been a resident of Pender County? 3									
EDUCATION									
High School Linganore High			Location Frederick MD						
From	2001	To	2004	Did you graduate?	YES ☒	NO ☐	Diploma		
College Western Carolina			Location Cullowhee NC						
From	2012	To	2014	Did you graduate?	YES ☒	NO ☐	Degree Bachelors Degree		
Other NC State			Location Raleigh NC						
From	2014	To	2016	Did you graduate?	YES ☒	NO ☐	Degree Masters Degree		
EMPLOYMENT HISTORY									
Current Employment Syneos Health			Job Title Associate Director, Proposals and RFI						
Responsibilities			Manage a global team of 6 proposal managers who respond to customer RFPs.						
Previous Employment Various Fire/EMS Depts			Job Title Paramedic/Firefighter						
Previous Employment			Job Title						
Previous Employment			Job Title						
COMMUNITY INVOLVEMENT									
Please list current and past membership in civic or other organizations and offices held: I currently serve on the Pender County Parks Board. I have previously served on the New Hanover Parks Conservancy Board and the City of Raleigh Parks Board.									

Have you ever served or are you currently a member of any Pender County or other local government board/commission/committee?			
YES ☒	NO ☐	If yes, explain (including length of service).	
		Parks and Rec board for the last 3 years	
State reasons why you feel qualified for this appointment(s):			
I have experience on this board along with other parks boards in larger communities. I would love to continuing serving on the board and working with the amazing Pender Co. Parks Dept.			
MILITARY SERVICE			
Branch		None	
		From	To
Rank at Discharge		Type of Discharge (optional)	
CONFLICTS OF INTEREST			
Are you aware of any legal, ethical or personal conflict of interest by serving as a member of this Pender County board/commission/committee?			
YES ☐	NO ☒	If yes, explain.	
Are you or any member of your family employed by Pender County, or currently serving on any Boards/Committee/Commission appointed by or affiliated with Pender County?			
YES ☐	NO ☒	If yes, list family member name(s) and position/board or committee(s).	
Please add any additional information you would like to share supporting your interest and qualifications for this appointment.			
None			
DISCLAIMER AND SIGNATURE			
NOTE: This information will be used by the Pender County Board of Commissioners in making appointments to Pender County Boards/Commissions/Committees. In the event you are appointed, it may be used as a news release to identify you to the community. This application is considered a public record.			
Signature			Date



Pender County Susan Griffin Tourism Development Authority Board Reappointment

TO: Board of County Commissioners
FROM: Alexis Stanfield
DATE: August 21, 2023
SUBJECT: Susan Griffin Tourism Development Authority Board Reappointment

SUMMARY:

The County Clerk advertises vacancies on boards, commissions, committees, task forces, etc. The County Clerk serves only clearinghouse functions with respect to the appointment process; no influence is exerted in this role. Commissioners are welcome to recruit applicants, or citizens may apply of their own free will.

Susan Griffin has applied to be reappointed as a collector to the Tourism Development Authority Board. Ms. Griffin has served one term on the board as a collector. Ms. Griffin's current term will expire on August 31, 2023. Should the Board vote to reappoint her, Ms. Griffin will serve a second term beginning September 1, 2023, with an expiration date of August 31, 2026. Ms. Griffin's application is attached.

The At-Large seat remains vacant and is currently being advertised for.

ACTION REQUESTED:

Staff request the Board approve reappointing Susan Griffin to the TDA Board as a collector.

PENDER COUNTY

Application for Appointment to Boards/Commissions/Committees



Appointees to Pender County Boards/Commissions/Committees must be a Pender County resident and must be at least 18 years of age. Please complete this application and return to: Pender County Manager's Office, PO Box 5, Burgaw, NC 28425.

APPLICANT INFORMATION									
Last Name Griffin			First Susan			M.I. R		Date 08-01-2023	
Physical Address 301C Mandalay Court						Apartment/Unit #			
City Surf City			State North Carolina			ZIP 28445			
Mailing Address (if different from above) 301C Mandalay Court									
City Surf City			State North Carolina			ZIP 28445			
Home Phone (910) 279-3532			Work Phone			E-mail Address 1 susan.griffin66.sg@gmail.com			
Fax Number						E-mail Address 2			
Board Interest(s) Tourism Development Authority									
How long have you been a resident of Pender County? 6									
EDUCATION									
High School					Location				
From		To		Did you graduate?	YES ☐	NO ☐	Diploma		
College		Johnson and Wales University			Location		Charleston SC		
From	1985	To	1987	Did you graduate?	YES ☒	NO ☐	Degree		
Other					Location				
From		To		Did you graduate?	YES ☐	NO ☐	Degree		
EMPLOYMENT HISTORY									
Current Employment		Self-Employed				Job Title Owner			
Responsibilities		Property Management							
Previous Employment						Job Title			
Previous Employment						Job Title			
Previous Employment						Job Title			
COMMUNITY INVOLVEMENT									
Please list current and past membership in civic or other organizations and offices held:									
Currently finishing my 3rd year on the TDA Board and would like to continue serving.									

Have you ever served or are you currently a member of any Pender County or other local government board/commission/committee?			
YES ☒	NO ☐	If yes, explain (including length of service). Three years on the TDA Board. I would like to continue my involvement with this Board.	
State reasons why you feel qualified for this appointment(s): I own a property management company that deals with long and short term rentals as well as HOA management.			
MILITARY SERVICE			
Branch None		From	To
Rank at Discharge		Type of Discharge (optional)	
CONFLICTS OF INTEREST			
Are you aware of any legal, ethical or personal conflict of interest by serving as a member of this Pender County board/commission/committee?			
YES ☐	NO ☒	If yes, explain.	
Are you or any member of your family employed by Pender County, or currently serving on any Boards/Committee/Commission appointed by or affiliated with Pender County?			
YES ☐	NO ☒	If yes, list family member name(s) and position/board or committee(s).	
Please add any additional information you would like to share supporting your interest and qualifications for this appointment. N/A			
DISCLAIMER AND SIGNATURE			
NOTE: This information will be used by the Pender County Board of Commissioners in making appointments to Pender County Boards/Commissions/Committees. In the event you are appointed, it may be used as a news release to identify you to the community. This application is considered a public record.			
Signature		Date	



Pender County
REZONE 2023-50: Request to rezone one
parcel totaling approximately 6 acres
from the GB, General Business zoning
district to the RP, Residential
Performance zoning district in the Rocky
Point Township

TO: Board of County Commissioners
FROM: Taylor Davis
DATE: August 21, 2023
SUBJECT: REZONE 2023-50: Request to rezone one parcel totaling approximately 6 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district in the Rocky Point Township

SUMMARY:

Fortino Martinez Arellanez, applicant and owner, is requesting the approval of a Zoning Map Amendment to rezone approximately 6 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district. The subject property is located along US Highway 117 approximately 1 mile north of the intersection of US Highway 117 and NC Highway 133. The subject property is located within the Rocky Point Township and may be further identified by Pender County PIN 3234-40-7280-0000.

ACTION REQUESTED:

To hold a public hearing and consider the Zoning Map Amendment request.

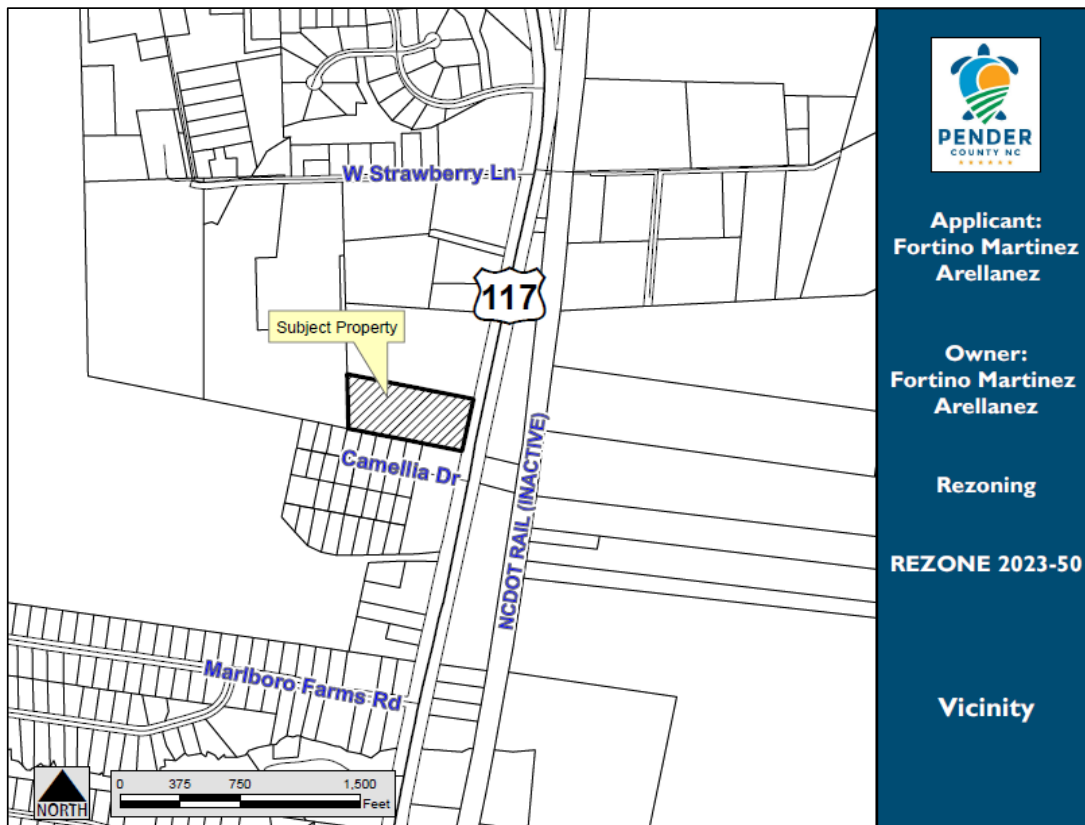
ATTACHMENTS:

1. Staff Report
2. Application
3. Narrative
4. Site Map
5. Table of Permitted Uses

**STAFF REPORT FOR REZONE 2023-50
ZONING MAP AMENDMENT APPLICATION**

APPLICATION SUMMARY	
Case Number	REZONE 2023-50
Hearing Dates	July 11 th , 2023 – Planning Board (Cancelled) August 1 st , 2023 – Planning Board August 21 st , 2023 – Board of Commissioners
Applicant	Fortino Martinez Arellanez
Property Owner(s)	Fortino Martinez Arellanez
Parcel Identification Number	3234-40-7280-0000
Acreage	6
Township	Rocky Point
Pender 2.0 Future Land Use Category	Light Industrial

REZONING PROPOSAL
Fortino Martinez Arellanez, applicant, is requesting the approval of a Zoning Map Amendment to rezone approximately 6 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district.
LOCATION
The subject property is located along US Hwy 117 approximately 1 mile north of the intersection of US Hwy 117 and NC Hwy 133. The subject property is located within the Rocky Point township and may be further identified by Pender County PIN 3234-40-7280-0000.



REZONING PROPOSAL

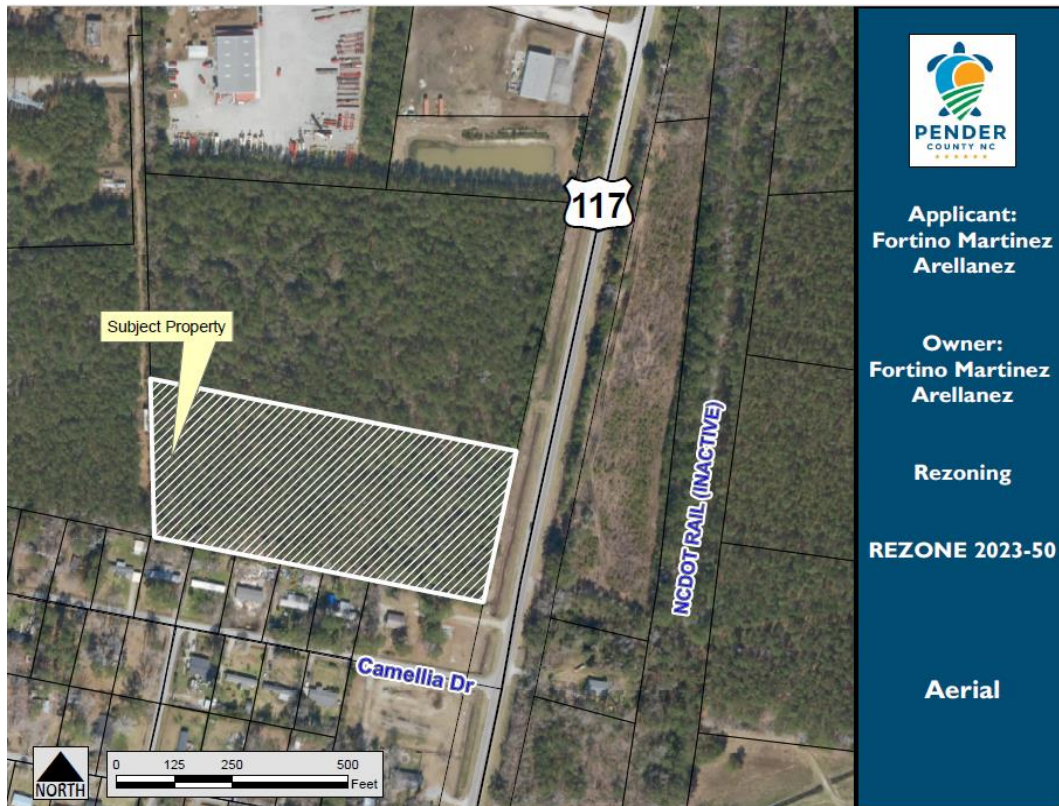
The applicant is proposing to rezone 6 acres of land from the GB, General Business zoning district to the RP, Residential Performance zoning district. Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the RP, Residential Performance zoning district. However, any future development of the site must comply with the standards of the RP, Residential Performance zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Intent of the Residential Performance Zoning District (Proposed)

The intent of the RP, Residential Performance district is to allow for a variety of residential uses, densities, and limited commercial activities as well as agritourism.

Intent of the General Business Zoning District (Existing)

The General Business zoning district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.



Dimensional Requirements

As this is a general use rezoning, the standard setbacks in the Residential Performance zoning district apply and are outlined in the table below. The dimensional standards are proposed to apply uniformly to all buildings and uses on the subject property.

Minimum Setback (Residential Performance)*	
Front	30'
Side	10'
Rear	25'
Corner	15'
Max. Height	35'
Structure Separation	30'

*The minimum lot size in this district is 15,000 square feet.

Allowable Uses

Because this is a general use rezoning, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the Residential Performance zoning district. The table below provides a general list of typical developments permitted in the Residential Performance zoning district. A comprehensive list of all uses from Section 5.2.3 of the Pender County Unified Development Ordinance (UDO) is included in Attachment I.

	RP, Residential Performance
Residential Uses	Single Family Detached Dwelling, Duplex, Accessory Dwelling Unit, Manufactured Home
Commercial Uses	≈ 6 uses by-right (Family Child Care Home, Public Park, Temporary Fruit & Vegetable Stand, etc.) ≈ 33 uses w/ SUP (Artisan Manufacturing, Water Supply Facilities, Food and Beverage Stores, Educational Services etc.)

TRANSPORTATION INFRASTRUCTURE

Access

The subject property has direct access to US Hwy 117. Development of the subject property would require driveway approval from the North Carolina Department of Transportation (NCDOT).

Traffic

Traffic Impact Analyses (TIA) are not required for general use rezoning since a site-specific development plan is not required to be included in the application package. The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

NCDOT Annual Average Daily Traffic (AADT) – 2020; WMPO Roadway Capacities – 2021

Road	Location	Volume	Capacity	V/C
US HWY 117	Between Marlboro Farms RD and Via Dolorosa RD	7,200	20,943	0.34

OTHER INFRASTRUCTURE

Utilities

According to current GIS data, Pender County Utilities (PCU) has a water main running along the east side of US HWY 117 with smaller lines serving the residential development to the south of the subject parcels.

As stated by PCU, sewer is available on the opposite side of the road from the parcel, however, it is available for commercial use only. Therefore, it is likely that any proposed development on the subject property for residential purposes will utilize septic, which would be reviewed and approved by Pender County Environmental Health once a building permit application is submitted.

Schools

There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time. However, a residential zoning designation may have more of an impact on schools compared to the existing commercial designation.

ENVIRONMENTAL CONCERNS

Special Flood Hazard Areas	The subject property does contain any Special Flood Hazard Areas ¹ .
Wetlands	Portions of the subject property may contain wetlands ^{2, 3} . The location of any wetlands will be verified when a site-specific development plan is submitted for review. Any disturbance within these wetlands is subject to review and approval by the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) ⁴ .

¹ According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

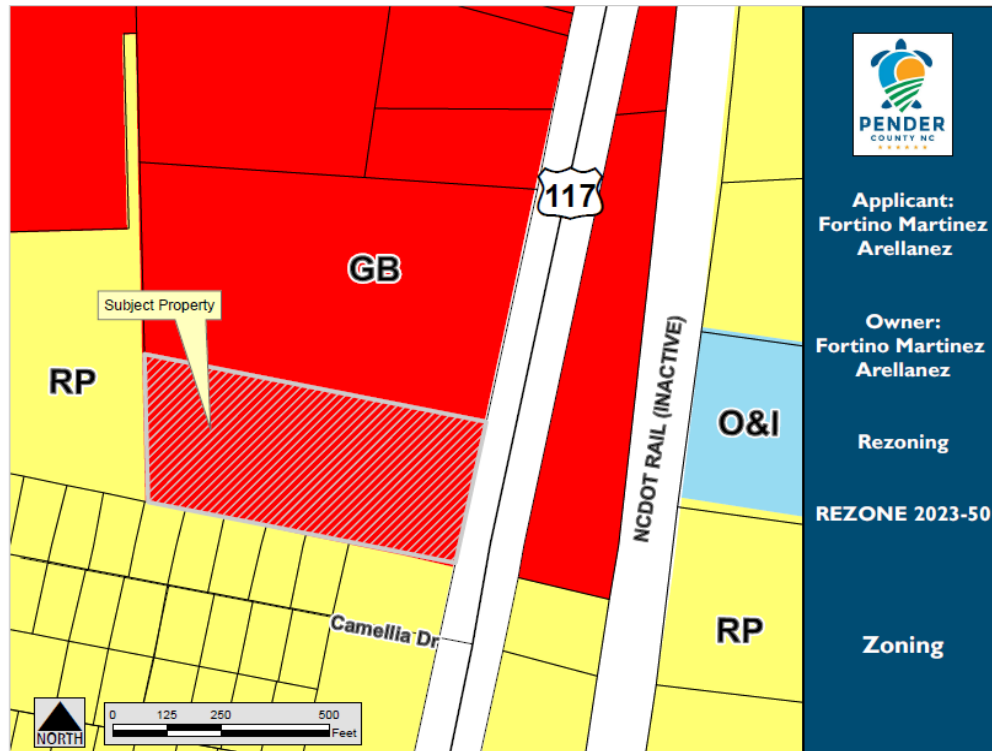
² According to the NC Division of Coastal Management (NC DCM)

³ According to the National Wetlands Inventory (NWI)

⁴ According to the North Carolina Department of Environmental Quality (NCDEQ)

EVALUATION

Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA

	LAND USE	ZONING
North	Vacant, Commercial	GB, General Business
East	Vacant, Residential	GB, General Business O&I, Office and Industrial RP, Residential Performance
South	Residential	RP, Residential Performance
West	Residential	RP, Residential Performance

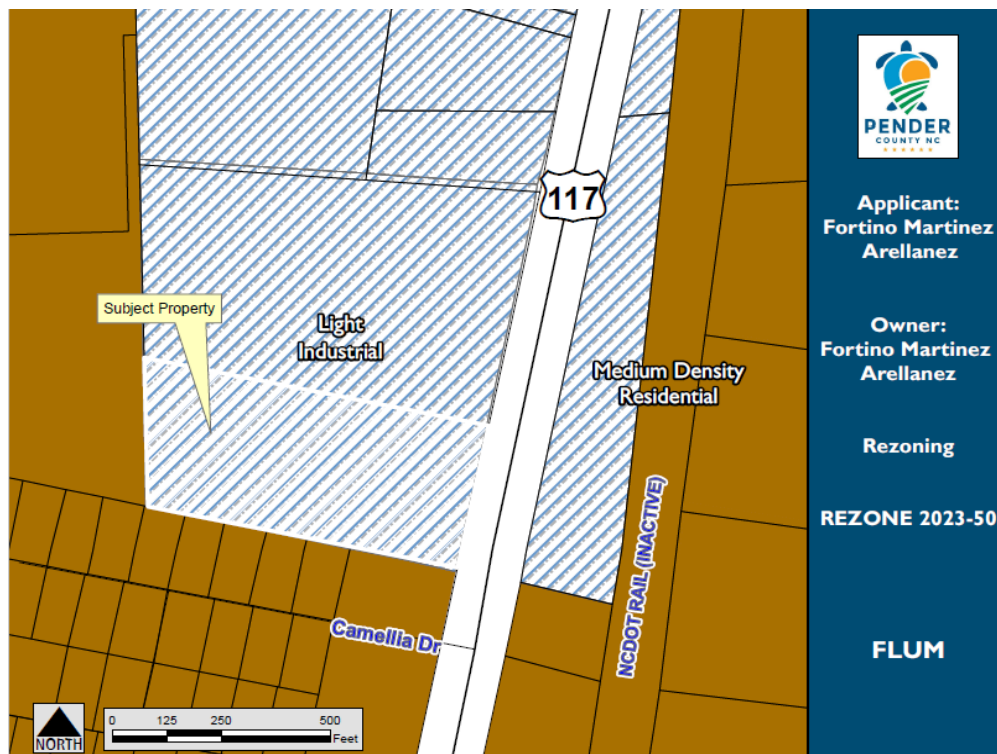
Surrounding Zoning

The subject property is currently within the GB, General Business zoning district. Properties in the immediate vicinity of the subject property are currently zoned RP, Residential Performance,

GB, General Business, and O&I, Office and Institutional as indicated by the table above. A former rail line, owned by NCDOT, is located across US HWY 117 from the subject property.

Pender 2.0 Comprehensive Land Use Plan Compliance: The subject property is located within the Light Industrial future land use classification as shown in the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan. This future land use category is established in areas that have excellent transportation access to primary roadways, such as Hwy 117 and where ample outdoor storage space is available. Light industrial uses create minimal emission of smoke, dust, fumes, glare, noise, and vibrations. These areas should be served by water and sewer infrastructure. Desired uses include light industrial, light manufacturing, office, heavy commercial, and storage facilities. Heavy industrial and heavy manufacturing uses within this area would not be appropriate nor would residential usage.

The Light Industrial Future Land Use classification is designed for areas that are suited for light industrial operations and heavy commercial uses such as building material suppliers, auto repair, auto sales, storage facilities, and other establishments with extensive outdoor storage or those that will have an impact on neighboring properties. Light industries typically require less space, raw power, and water consumption than those in the Industrial future land use category. These uses may entail the manufacturing of partially processed materials to produce items of relatively high value per unit weight.



In addition to the inconsistency with the Future Land Use Map, the following five policies within the Pender 2.0 Comprehensive Land Use Plan conflict with the proposal:

Policy 5.1.N Industrial Uses and Business Development: The County supports the recruitment and siting of compatible industrial, heavy commercial, and large-scale employment establishments in areas that are consistent with County's future land use map. Compatible heavy commercial and employment center uses are also appropriate within the Regional Mixed Use future land use category.

Policy 5.1.B: Land Use Plan Consistency: The County generally requires that any official land use and development related actions (e.g. re-zonings, text amendments, and special use permits) remain consistent with the policies adopted in this plan and any other applicable plan. Any actions that are inconsistent with such plans shall require a statement from the Planning Board and Board of Commissioners approving such decisions, as to the conditions taken into account in amending the Unified Development Ordinance to meet the development needs of the community, and why the action was reasonable and in the public interest.

Policy 5.1.C: Coordination with Infrastructure/Services: The County shall encourage development in areas where the necessary infrastructure – roads, water, sewer, broadband, and schools – is available, planned or can be most cost effectively provided and extended to serve existing and future development. Natural resource conservation should be considered.

Policy 5.1.E: Compatible Development: The County supports new commercial and multi-family developments that blend with surrounding neighborhoods and limit traffic, noise, and light impacts on existing residential uses.

Policy 5.1.K: Commercial Development: The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.

Denial of the proposal is further substantiated by the following goal within the Pender 2.0 Comprehensive Land Use Plan:

Goal 5.1: Land Use and Growth Management: Manage the physical growth and development of Pender County by encouraging more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the rural heritage and coastal habitat that makes the County a unique place to live.

Unified Development Ordinance Compliance: Section 3.3.5 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. These standards include evaluating proposals against whether adequate public facilities/services (i.e. water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

3.3.5 Approval Criteria for Rezoning

The reviewing bodies (Planning Board and Board of Commissioners) shall consider the following matters in deciding a rezoning proposal, in addition to any other considerations as detailed in the specific rezoning application type:

- A. Whether the entire range of uses permitted by the proposed change would be appropriate to the area concerned, including that the proposed rezoning not:
 - 1. be detrimental to the natural environment,
 - 2. adversely affect the health, safety, or welfare of residents or workers in the area,
 - 3. be detrimental to the use or development of adjacent property,
 - 4. materially or adversely affect the character of the general neighborhood, and
 - 5. be reasonable as it relates to the public interest.
- B. Whether adequate public facilities/services (i.e.- water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
- C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan, CAMA Land Use Plan, and any other adopted land use document.

RECOMMENDATION

At their August 1st, 2023, meeting, the Pender County Planning Board unanimously recommended denial of the proposed Zoning Map Amendment. The proposed Zoning Map Amendment is inconsistent with the Future Land Use Map which encourages the establishment of commercial and light industrial development in this area. While many areas of the county support a residential use per the Pender 2.0 Comprehensive Land Use Plan, only limited areas are allocated to the Light Industrial future land use category. A deviation from the current future land use category would inhibit development opportunities specific to light industrial uses that may not be allowable in other commercially zoned areas of the county.

In addition, it is important to note that approval of this request would result in an amendment to the Future Land Use Map designation for this property from Light Industrial to Medium Density Residential. Based on the information outlined in this report, staff is recommending denial of the proposed zoning map amendment.

BOARD OF COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to approve the Zoning Map Amendment and to make a finding of approval because although the proposal is inconsistent with the Pender 2.0 Comprehensive Land Use Plan, said approval is reasonable and in the public interest and furthers the goals of the Pender 2.0 Comprehensive Land Use Plan because it is consistent with the following policies...

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding that the approval is inconsistent with the following policies and goals in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.1.B**
- **Policy 5.1.C**
- **Policy 5.1.E**
- **Policy 5.1.K**
- **Policy 5.1.N**
- **Goal 5.I**

The proposed rezoning is inconsistent with the Light Industrial future land use classification in the Pender 2.0 Comprehensive Land Use Plan because it would allow for uses not supported nor desired by the Light Industrial future land use classification.

PLANNING BOARD ACTION FOR GENERAL USE REZONING

MOTION	SECONDED
Gruntfest	Beaudoin

APPROVED	DENIED	UNANIMOUS
	Yes	Yes (5-0)

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
Yes	Absent	Yes	Yes	Absent	Yes	Yes

**Pender County
Planning and Community Development**

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Zoning Map Amendment Submission (Rezoning)

Applications will be considered for review by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. ☒ **Pre-submittal Meeting**
Date of Meeting 2/9/2023
2. ☒ **Signed Application**
3. ☒ **Payment**
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter
4. ☐ **Requested Revision Boundary Map**
Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance. An illustration containing a metes and bounds description is required.
4. ☐ **Narrative**
A description and/or statement of the present and proposed land use classification and stating why the request is being made and any information that is pertinent to the case.
5. ☐ **Digital Submission**
For all documents submitted in paper copy, bring a digital copy with paper submission.
6. ☒ **Adjacent Property List**
A list of names and addresses, of the owners of all properties located within 500-feet of the perimeter of the project bounds as obtained from the county tax listings and tax abstract, of the property under consideration for project parcel.
7. ☒ **Adjacent Property Envelopes**
The applicant shall provide a set of business envelopes addressed to each person of the owners of all the properties located within 500-feet of the perimeter of the project bounds, accompanied with the amount of postage required for first class postage.

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant

[Signature]

Date

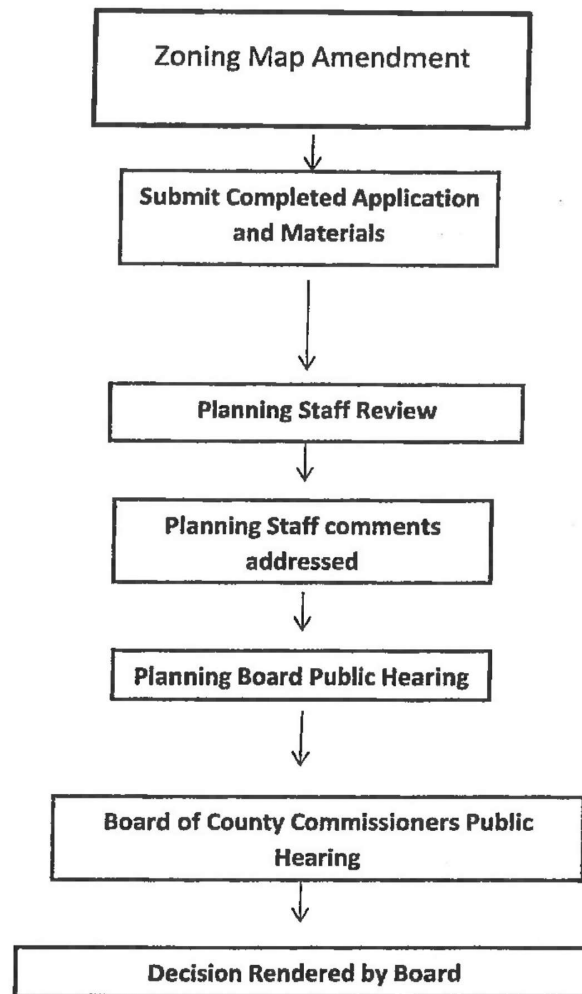
2/10/23

Printed Name

Fortino Martinez
[Signature]

Staff Initials: _____

Date: _____

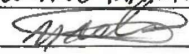


Rezoning/Zoning Map Amendment Checklist

☐	Signed application form
☐	Application fee
☒	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☒	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.
☐	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☐	18 (11"x17") map copies to be distributed to the Planning Board
☐	20 (11"x17") map copies to be distributed to the Board of Commissioners
☐	Digital (.pdf) submission of all application materials
☐	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
Office Use Only	
☐	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter) Total Fee Calculation: \$
Attachments Included with Application: (Please include # of copies)	
CD /other digital version	☐ Y ☐ N
Plan Sets	# of large
	# of 11X17
Other documents/Reports	☐ Y ☐ N
Payment Method:	Cash: ☐ \$ _____
	Credit Card: ☐ Master Card ☐ Visa
	Check: ☐ Check # _____
Application received by:	Date:
Application completeness approved by:	Date:
Dates scheduled for public hearing: ☐ Planning Board: ☐ Board of Commissioners:	

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA REZONE-2023-50	Date	4/27/2023
Application Fee	\$ 510	Invoice	00033088
Pre-Application Conference	N/A	Hearing Date	PB-7/11/23 BOCC-8/21/23
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	FORTINO MARTINEZ ARELLANEZ	Owner's Name:	SAME
Applicant's Address:	89 GOLDEN EAGLE WAY	Owner's Address:	
City, State, & Zip	ROCKY POINT, NC 28457	City, State, & Zip	
Phone Number:	910-442-7948	Phone Number:	
Email Address:	grampamasonry@yahoo.com	Email Address:	
Legal relationship of applicant to landowner: SELF			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3234-40-7280-0000	Total property acreage:	6
Current Zoning District:	GB	Proposed Zoning District:	
Project Address:	US 117 HWY, ROCKY POINT		
Description of Project Location:	LT 2B PB 68/84 SEWELL CONTRACTORS MINOR SUBDIVISION		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	
Applicant's Name Printed	FORTINO MARTINEZ ARELLANEZ	Date:	
Owner's Signature		Date:	4/26/23
Owner's Name Printed	Fortino Martinez	Date:	4/26/23
NOTICE TO APPLICANT			
1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda			

On the matter of Rezoning Parcel number 3234-40-7280-0000 from General Business (GB) to Rural and Residential (RP), we feel that Residential is a better compliment to the surrounding area. The parcels directly to the south are an RP designation along with the adjacent property on the other side of Hwy 117.

Rezoning this parcel to RP will better fit the low-density Residential pattern that is already established in this immediate area. The only corresponding property in the area not zoned as RP is the parcel to the North, which is a wet lot and not likely to be heavily developed.



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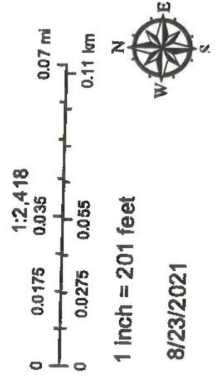
Pender County

Acres: 6
Land Value: \$50,000
Building Value: \$0
Total Value: \$50,000
Deferred Value: \$0
Exempt Amount: 0
PCL Class: R
Heated Sq Feet:

Sale Price: \$162,000
Sale Date: LAST_SALE_DATE
Plat: 00680084
Account No: 1014492
Township: ROCKY POINT
Subdivision: WOODBERRY FARMS
Tax Codes: G01 F24 R40

PIN: 3234-40-7280-0000
Owner: ARELLANEZ, FORTINO MARTINEZ
89 GOLDEN EAGLE WAY
ROCKY POINT, NC 28457
Dead Ref: 4762/2063

Property
Address: US 117 HWY
Description: LT 2B PB 68/84 SEWELL CONTRACTORS MINOR SUBDIVISION



NOTES:

1. CORNERS ARE MARKED AS NOTED ON MAP.
2. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
3. AREA COMPUTED BY THE COORDINATE METHOD.
4. THIS PROPERTY IS ZONED GB.
5. THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARDOUS AREA.
6. NO KNOWN HORIZONTAL CONTROL WITHIN 2,000'.
7. BUILDING SET BACKS REQUIRED TO BE IN ACCORD WITH THE PENDER COUNTY ZONING ORDINANCE. (FRONT 25' // SIDE 10' // REAR 10')

LOT 2A

S 72°30'17"E 806.50'

AREA
6.00 AC.±



N 04°42'08"E 350.07'
JAMES HALL TRUSTEE
MB 55, PG 128

MB 13, PG 28

N 72°30'17"W 724.91'

20.3'

LEGEND:

- EIP (EXISTING IRON PIPE)
OR EIS (EXISTING IRON STAKE)
- PROPERTY LINE
- - - NON-SURVEYED LINE
- ⊕ (CENTER LINE)
- - - R/W (RIGHT OF WAY)

FORTINO MARTINEZ ARELLANEZ

PROPOSED DWELLING PLACEMENT
FOR

ROCKY POINT TOWNSHIP - PENDER COUNTY - NORTH CAROLINA
SCALE: 1" = 100' AUGUST 11, 2022

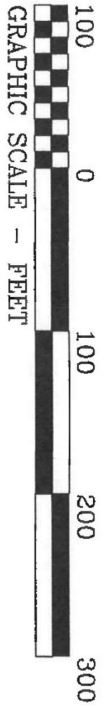


TABLE OF PERMITTED USES											
P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category Specific Use Type		Residential				Mixed Use	Commercial	Industrial		Special Purpose	
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling Unit		D	D	P		D					
Accessory Dwelling Unit on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119								S	S	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	
Natural Gas Distribution Except Transmission Lines	221210									P	
Water Supply Facilities*	221310		S			PM				P	

Sewage Treatment Facilities*	221320		S	PMD/S		PMD/S				P	
Except: Sewage Lift Stations*		SD	SD	PMD/S	PMD/S	PMD/S	D	D	D	D	
*County Owned or County Service District Provided Systems=P											
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 23: CONSTRUCTION											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
Sectors 31-33 MANUFACTURING											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
Paper Manufacturing	322									S	
Converted Paper Product Manufacturing	3222									P	
Printing and Related Support Activities	323								P	P	
Petroleum and Coal Products Manufacturing	324									S	
Synthetic Dye and Pigment Manufacturing	32513									P	
Other Basic Organic Chemical Manufacturing	32519									P	
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P	
Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating and Adhesive Manufacturing	3255									P	

Soap, Cleaning Compound and Toilet Preparation Manufacturing	3256									P	
Other Chemical Product and Preparation Manufacturing										P	
Except: 32592 Explosive Manufacturing											
Plastics and Rubber Products Manufacturing	326									P	
Clay Product and Refractory Manufacturing	3271									P	
Ready-Mix Concrete Manufacturing	32732									P	
Concrete Pipe, Brick, & Block Manufacturing	32733									P	

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 31-33 MANUFACTURING											
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance, & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45 RETAIL TRADE											

Motor Vehicle and Parts Dealers	441	S					P		P		
Furniture and Home Furnishings Stores	442						P		P		
Electronics and Appliance Stores	443	S				P	P		P		
Building Material, Garden Equipment & Supplies Dealers	444	S					P		P	P	
Food and Beverage Stores	445	S	S			P	P		P		
Health and Personal Care Stores	446	S	S			P	P	P	P		
Gasoline Stations	447	S				P	P		P		
Clothing and Clothing Accessories Stores	448	S				P	P		P		
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P		
Miscellaneous Store Retailers	453	S				P	P				
Non store Retailers	454	S				P	P		P		
Liquefied Petroleum Gas Dealers	454312									P	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC

Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			

Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	621					P	P	P			
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Except: Psychiatric and Substance Abuse Hospitals	6222							S			
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				

Golf Courses and Country Clubs	713910	S	PM			P					
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Bowling Centers	71395					P	P	P	P		
All Other Amusement & Recreation Industries	71399	S				P	P		P		
Aviation Clubs, Recreational	713990	S	S			P	P		P		
Canoeing, Recreational	713990	S	S			P	P		P		
Fishing Clubs, Recreational	713990	S	S			P	P		P		
Flying Clubs, Recreational	713990	S	S			P	P		P		
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S			P	P		P		
Horse Riding, Recreational	713990	P	S								
Outdoor Shooting Ranges	713990	S									
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	

Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	
Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	

Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		
Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					
Temporary Modular/Manufactured Offices						P	P	P	P	P	
Temporary Fruit & Vegetable Stands		P	P								
Temporary Buildings for Construction or Development		D	D	D	D	D	D	D	D	D	
Temporary Events		D					D	D	D	D	

5.3 USES WITH STANDARDS

5.3.1 General

- A. These standards shall only apply to those districts and uses where the “S”, “PM” or “D” is designated on the use table in Section 5.2.3. In addition to these standards the use shall be permitted in compliance with the general development standards of the underlying



**Pender County
REZONE 2023-47 CZMA: Request to
revise a Conditional Zoning Map
Amendment for the Falls Mist
Development in the Rocky Point
Township**

TO: Board of County Commissioners
FROM: Daniel Adams
DATE: August 21, 2023
SUBJECT: REZONE 2023-47 CZMA: Request to revise a Conditional Zoning Map
Amendment for the Falls Mist Development in the Rocky Point Township

SUMMARY:

Stroud Engineering, applicant, on behalf of Rocky Point Properties, LLC and Farm and Garden, LLC, owners, is requesting the approval of a revision to a previously approved Conditional Zoning Map Amendment that involved three (3) tracts totaling approximately 301 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to the PD-CD1, Planned Development Conditional Zoning District 1. This Conditional Zoning Map Amendment was approved by the Board of County Commissioners at their January 18th, 2022, meeting. This approval allowed for 750 single family detached residential units, an associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230). The applicant is requesting two modifications:

1. To remove the approved connection to Fall Brook Lane and establish another access to US HWY 117 through PIN 3234-53-1216-0000, which is currently zoned RP, Residential Performance;
2. Reduce the approved side yard setbacks for single-family homes from 10 feet to 5 feet.

This revision would bring the Conditional Zoning District to approximately 310.56 acres. The previously approved total unit count, associated sewage treatment facility, and farmers market are not to be modified as part of this revision. The proposed development is south of NC HWY 210, approximately ± 0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234-29-6506-0000, 3234-38-5366-0000, 3234-24-6900-0000, and 3234-53-1216-0000.

ACTION REQUESTED:

To hold a public hearing and consider the Conditional Zoning Map Amendment and associated Master Plan revision request.

ATTACHMENTS:

1. Staff Report
2. Application
3. Attachment 1 - Staff Report from initial approval case (REZONE 2020-16)
4. Attachment 2 - Narrative
5. Attachment 3 - Master Development Plan
6. Attachment 4 - Public Input Meeting Packet

**STAFF REPORT FOR REZONE 2023-47 CZMA CONDITIONAL ZONING MAP
AMENDMENT APPLICATION**

APPLICATION SUMMARY	
Case Number	REZONE 2023-47 CZMA Revision
Hearing Dates	May 2, 2023: Planning Board June 19, 2023: Board of Commissioners (Continued) August 21, 2023: Board of Commissioners
Applicant	Stroud Engineering, PA
Property Owner(s)	Rocky Point Properties, LLC & Farm & Garden, LLC
Parcel Identification Number(s)	3234-29-6506-0000, 3234-38-5366-0000, 3234-24-6900-0000, & 3234-53-1216-0000
Acreage	310.56
Township	Rocky Point
Current Zoning District(s)	PD-CD1, Planned Development Conditional Zoning District 1 & RP, Residential Performance
Requested Zoning District	PD-CD1, Planned Development Conditional Zoning District 1
Future Land Use Category	Medium Density Residential

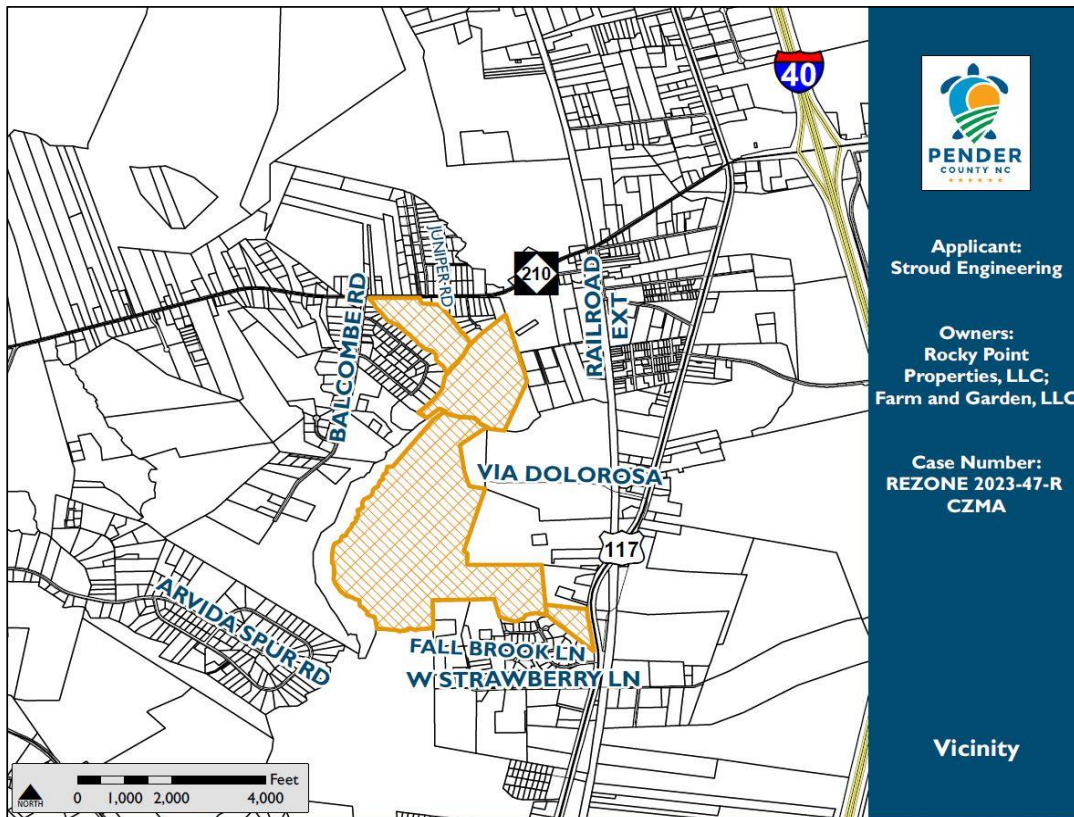
CONDITIONAL ZONING MAP AMENDMENT PROPOSAL
Stroud Engineering, applicant, on behalf of Rocky Point Properties, LLC and Farm and Garden, LLC, owners, is requesting the approval of a revision to a previously approved Conditional Zoning Map Amendment that involved three (3) tracts totaling approximately 301 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to the PD-CD1, Planned Development Conditional Zoning District 1. This Conditional Zoning Map Amendment was approved by the Board of County Commissioners at their January 18th, 2022, meeting. This approval allowed for 750 single family detached residential units, an associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230). The applicant is requesting two modifications: 1. To remove the approved connection to Fall Brook Lane and establish another access to US HWY 117 through PIN 3234-53-1216-0000, which is currently zoned RP, Residential Performance; 2. Reduce the approved side yard setbacks for single-family homes from 10 feet to 5 feet.

This revision would bring the Conditional Zoning District to approximately 310.56 acres. The previously approved total unit count, associated sewage treatment facility, and farmers market are not to be modified as part of this revision.

LOCATION

The proposed development is south of NC HWY 210, approximately ± 0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234-29-6506-0000, 3234-38-5366-0000, 3234-24-6900-0000, and 3234-53-1216-0000.

Below: Vicinity Map of the Area



CASE HISTORY AND PREVIOUS APPROVAL

January 18th, 2022, Approval

After a recommendation of approval by the Planning Board at their November 5, 2020, meeting, the Board of County Commissioners approved a Conditional Zoning Map Amendment request and Master Development Plan for the development referred to as Falls Mist Gardens on January

18, 2022. The previous and vested approval allowed for a total of 750 single family detached residential units, an associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230). The associated staff report with the previous Conditional Zoning Map Amendment approval may be found in the Board's packet as Attachment 1.

REVISION REQUEST IN FURTHER DETAIL

There are two revisions requested as part of this application. The first and primary revision being the removal of a required roadway connection to the Fall Brook subdivision via Fall Brook Lane. The Pender County Unified Development Ordinance, which contains local regulations pertaining to development activity, states in Section 7.5.1 that the layout of streets as to arrangement, width, grade, character, and location shall conform to the following: (1) Pender County collector street plan, (2) adjoining street systems, (3) existing, planned and proposed streets, (4) to provide for continuity in existing streets, (5) provide adequate right-of-way for collector streets and (6) reasonable access will be provided to adjacent properties for development.

These six provisions individually required the applicant to connect their road network with Fall Brook Lane and together emphasize the importance Pender County regulations place on street network connectivity.

Section 7.5.1.A.1(b) of the Pender County Unified Development Ordinance allows for an administrative review and potential exception to connection requirements outlined above when wetland impacts would occur due to a required roadway connection. Within the applicant's narrative, it is stated that the previously approved connection to Fall Brook Lane will require a "lengthy wetland crossing." The applicant's narrative is located in the Board's packet as Attachment 2. The applicant's revised Master Development Plan shows approximate locations of existing wetlands and can be found in the Board's packet as Attachment 3. As stated in the narrative, the revised connection would reduce wetland impacts thereby minimizing environmental impacts. If this request were to be approved, staff would require a Jurisdictional Delineation approval that is issued by the United States Army Corps of Engineers along with all necessary wetland impact permits.

In addition to the applicant's request to remove the previously approved connection to Fall Brook Lane, they are also requesting that the previously approved side yard setback requirements be reduced from 10 feet to 5 feet to maximize the building envelope as stated in the applicant's submitted narrative. The requested side yard setback requirements are also listed under Note 10 within the submitted Master Development Plan (See attachment 3).

Aside from the two revisions to the previously approved Conditional Zoning Map Amendment and Master Development Plan, no further changes from the previous project's approval that is outlined in Attachment 1 are being requested, including the previously agreed upon conditions of approval that would not be impacted from the requested removal of the Fall Brook Lane connection.

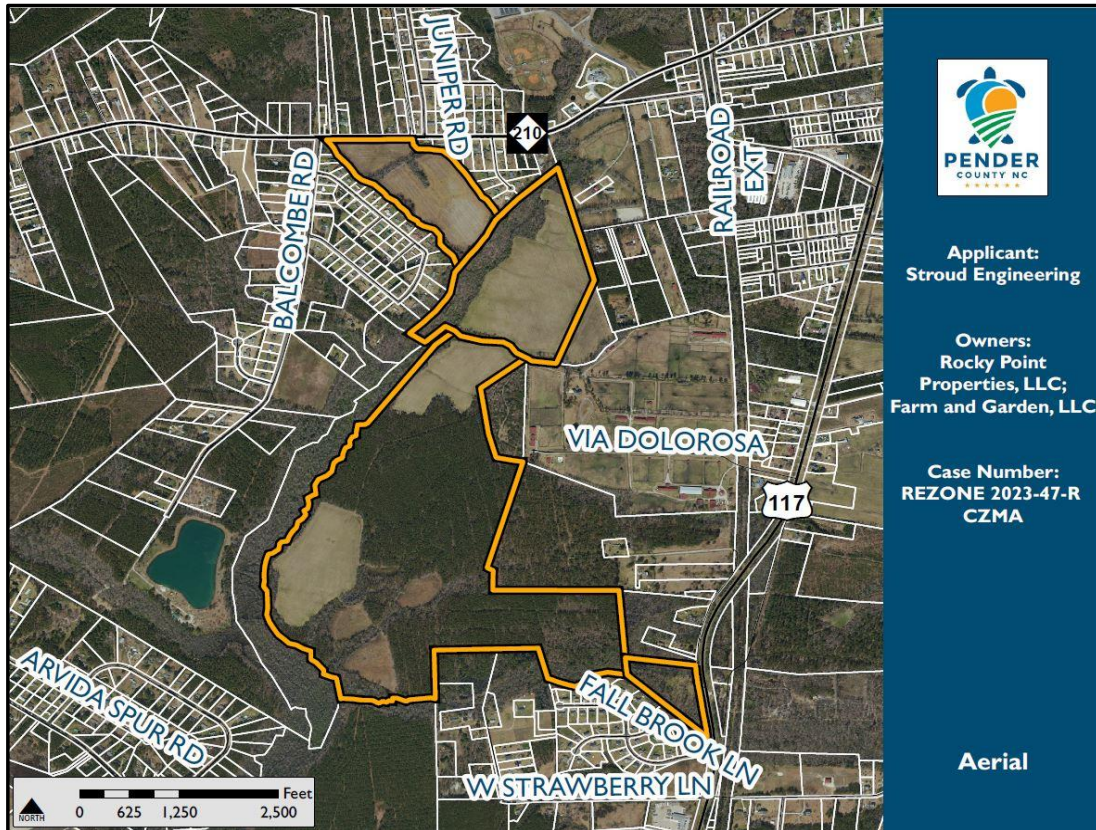
PUBLIC INPUT MEETING

In accordance with the Pender County UDO, the applicant held a public input meeting on Tuesday, January 24, 2023, at the Pender County Library – 103 S. Cowan Street, Burgaw, NC. According to the information provided by the applicant, 26 citizens attended the meeting citing concerns regarding stormwater drainage, safety, traffic, and specifically the removal of the connection to Fall Brook Lane. A summary of the report provided by the applicant can be found in Attachment 4 of the Board's packet.

Dimensional Requirements

Previously Approved Residential Dimensional Requirements	
Front	20'
Side	10' (Now seeking 5')
Rear	15'
Corner	15'
Max. Height	35'
Min. Chord	30'
Previously Approved Commercial Dimensional Requirements	
Front	50'
Side	10'
Rear	25'
Corner	15'
Max. Height	35'
Min. Chord	50'

Below: Aerial Map of the Area



ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject properties do contain Special Flood Hazard Areas ¹ .
Wetlands	The subject properties may contain characteristics of wetlands. ^{2,3}
Areas of Environmental Concern	The subject properties do not contain any Areas of Environmental Concern (AEC) ⁴ .

¹ According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

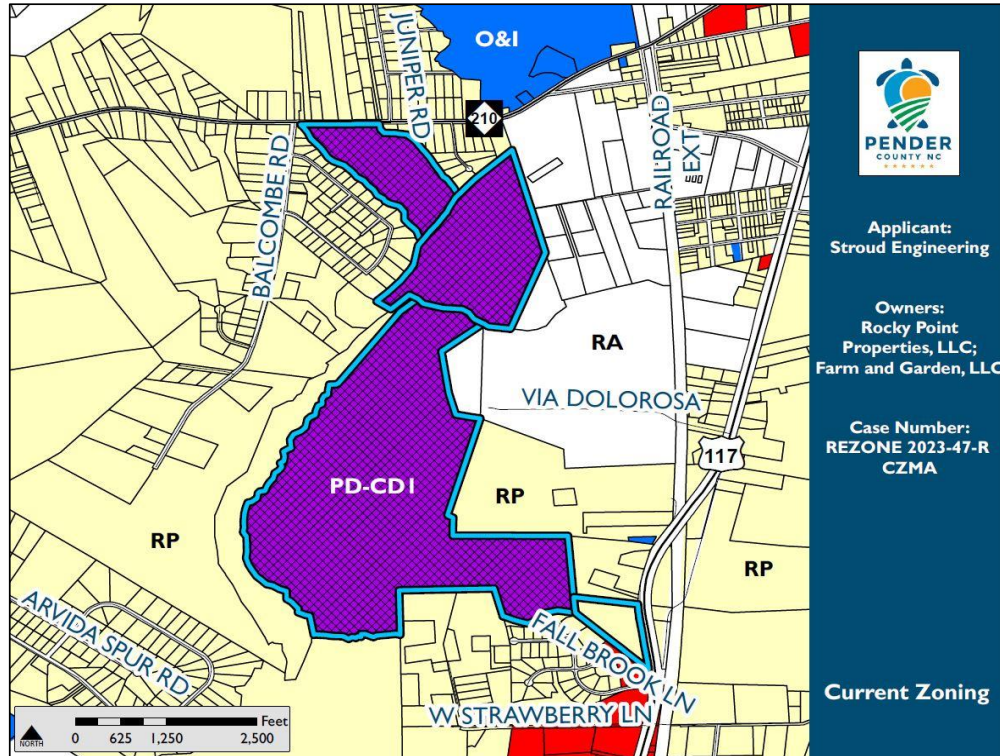
² According to the NC Division of Coastal Management (NC DCM)

³ According to the National Wetlands Inventory (NWI)

⁴ According to the North Carolina Department of Environmental Quality (NCDEQ)

EVALUATION

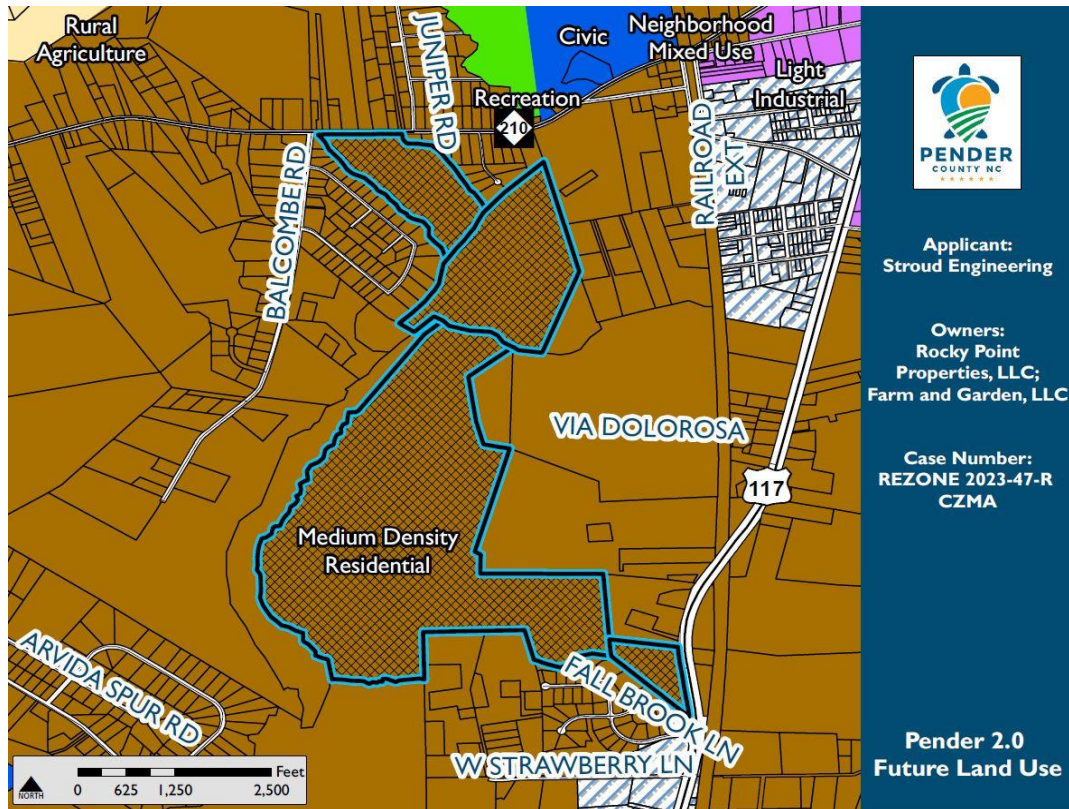
Below: Current Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA

	LAND USE	ZONING
North	Residential	RP, Residential Performance & RA, Rural Agricultural
East	Undeveloped, Residential	RP, Residential Performance, RA, Rural Agricultural
South	Residential (Fall Brook Subdivision)	RP, Residential Performance, GB, General Business
West	Undeveloped, Residential	RP, Residential Performance

Below: Current Future Land Use Map of Area



Pender 2.0 Comprehensive Land Use Plan Compliance: The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Medium Density Residential. Medium density residential uses are vital to supporting Pender County's growing population by strategically locating more dense residential development in areas that will not create conflicts with existing neighborhoods. These uses are located in close proximity to supporting services and a mixture of development types, and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new residential communities is encouraged.

Planned communities may also include well-integrated neighborhood-scale commercial and office uses. Industrial and manufacturing uses, and commercial and office uses not located within a planned community, are inappropriate. Development density within this category is three to six dwelling units an acre or less.

This application is consistent with the Medium Density Residential Future Land Use classification because it proposes a clustered single-family neighborhood at a density of 3.47 units an acre in addition to integrated commercial frontage. The Pender 2.0 Comprehensive Land Use Plan also encourages bicycle and pedestrian infrastructure within this Future Land Use classification, which the applicant has proposed.

In addition to conforming with the Future Land Use Map, the Conditional Zoning Map Amendment request is supported by three (3) goals, two (2) objectives, and six (6) policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 3.1.H: Low Impact Development (LID): The County supports Low Impact Development practices. Such LID practices may include retaining/infiltrating most of the runoff on-site, maximizing the use of permeable pavements, reducing the amount of impervious coverage, and clustering housing to allow a profitable development density while maximizing open space and minimizing wildlife habitat fragmentation.

Goal 4.2: Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with development and ensuring safe and efficient modes of transportation are available to all residents and visitors.

Policy 4.2.F: Collector Street Plan: The County shall continue to support and implement the Pender County Collector Street Plan when reviewing and approving new development proposals within the WMPO Boundary area of the County.

Goal 4.3: Provide safe opportunities for walking and cycling, while supporting the need for paratransit service and other alternatives to provide transportation choices for residents and visitors.

Objective 4.3: Encourage alternative means of transportation to reduce traffic, enhance economic development, offer services to those without use of a vehicle, and provide recreational opportunities for residents and visitors.

Goal 5.1: Land Use and Growth Management: Manage the physical growth and development of Pender County by encouraging more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the rural heritage and coastal habitat that makes the County a unique place to live.

Objective 5.1: Land Use and Growth Management: Ensure that development and use of resources balances protection of natural resources and agricultural lands with economic development, avoids risks to public health and welfare, and is consistent with the capability of the land.

Policy 5.1.D: Focused Growth and Development: The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.

Policy 5.1.H: Mixed Use Development: The County supports a wide range of commercial and residential development at varying intensities, when appropriately located, and provided that impacts to adjacent property owners and traffic congestion is mitigated.

Policy 5.1.V: Residential Development: The County supports a range of housing types and development at appropriate densities and locations that are compatible with their surroundings and are in accordance with the future land use map.

Policy 5.1.Z: Cluster Development Incentive: The County supports the clustering of residential development within the residential future land use categories for the preservation of coastal natural resources, prime agricultural lands, or wildlife habitat areas.

The project fulfills several desired policy outcomes for development as described in the Pender 2.0 Comprehensive Land Use Plan. The proposal provides enhanced transportation infrastructure, constructing multiple collector streets as well as bicycle and pedestrian connectivity throughout the development. While not proposing to certify the project to the Low Impact Development stormwater engineering standard, the project exhibits multiple characteristics of LID design – namely clustering development to preserve open space and providing above-average stormwater infrastructure. Additionally, based on comments received from the relevant agencies, sufficient infrastructure is available or will be constructed to serve the development.

The Conditional Zoning Map Amendment proposal was not found to conflict with any goals, objectives, or policies in the Pender 2.0 Comprehensive Land Use Plan.

CONDITIONS FOR APPROVAL OF PETITION

Per Sections 3.4.5 and 4.13.6 of the Pender County Unified Development Ordinance, the Pender County Planning Board and the Board of County Commissioners can add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Conditions may address parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose.

The following conditions of approval were previously agreed upon by the applicant, Planning Board, and Board of County Commissioners. Planning Staff has removed three previously agreed upon conditions of approval that were related to the Fall Brook Lane connection and shown those as “struck-through” below. These conditions have been removed because they are no longer applicable due to the requested removal of the connection to Fall Brook Lane:

1. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10, 25, and 50 year return period events and be analyzed for the 100-year event.
2. All wetlands which will not be disturbed via an Army Corps of Engineers wetlands fill permit as part of the proposed development shall be placed under a conservation easement.
3. Informational signs to be installed at 500 foot intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.
4. Sidewalks will be installed along all streets, and crosswalks will be marked at all intersections with a Collector Street.
5. A siren-activated gate meeting the standards of the Pender County Fire Marshal will be required at the border of the development and the existing A.R. Black Avenue, to be installed prior to final plat approval of the appropriate section, and be required to remain in place until such time as A.R. Black Avenue is brought up to the street design standards of the Pender County Unified Development Ordinance.
6. The wastewater treatment plant shall utilize membrane filtration technology, or other technology certified by the project engineer to render no greater negative impact to local water quality than membrane filtration.
7. Evidence that the Army Corps of Engineers has received any Certificate of Completion forms for wetland disturbance permits relating to the project shall be provided to staff prior to approval of the last Final Plat associated with this development.

REMOVED CONDITIONS THAT WERE PART OF THE ORIGINAL APPROVAL:

- ~~1. Fall Brook Ln will be accepted for NCDOT maintenance prior to preliminary plat approval of the 601st lot of this development, preliminary plat approval of any portion of the development within the boundary of Tract 2 as shown on Pender County Map Book 42 P 116, or use of Fall Brook Ln for construction traffic, whichever shall come first.~~
- ~~2. Prior to completing the roadway connection between Fall Brook and the proposed development, a measure similar to a chicane that is acceptable to the NCDOT and Pender County Emergency Services shall be installed within the proposed development near the interconnection~~

with Fall Brook, as well as at least one additional traffic calming measure along Fall Brook that is acceptable to NCDOT. The applicant shall also make a written request to the North Carolina Department of Transportation that a speed limit of 25 MPH should be posted on Fall Brook Lane.

3. From the time that the road network of this development connects to Fall Brook Lane, to the time that the 600th home receives its Certificate of Occupancy, a gate shall be placed on the roadway between the two developments to allow only residents of Falls Mist and emergency vehicle traffic (siren activated) to utilize the connection. Means of access for construction vehicles shall not be granted. Following the Certificate of Occupancy for the 600th home, the gate shall be removed.

RECOMMENDATION

At their January 18th, 2022, meeting, the Pender County Board of Commissioners approved the initial Conditional Zoning Map Amendment request as outlined in Attachment 1. At their May 2, 2023, meeting, the Pender County Planning Board unanimously recommended approval of the proposed revision to the Conditional Zoning Map Amendment. The proposed development is consistent with three goals, two objectives, and six policies, and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan. The proposed development is also compliant with, and meets the intent of, the Pender County Unified Development Ordinance. The proposed revision also has the potential to minimize wetland impacts by removing the connection to Fall Brook Lane. Therefore, Planning Staff respectfully recommends approval of the revision request to the previously approved Conditional Zoning Map Amendment.

Unified Development Ordinance Compliance: Section 3.4.4 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning or future land use map amendment can be made. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

3.4.4 Review Criteria for Conditional Rezoning

- A. When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:
- B. 1) The application's consistency to the general policies and objectives in all adopted Land Use Plans and Unified Development Ordinance.
- C. 2) The potential impacts and/or benefits on the surrounding area, adjoining properties.
- D. 3) The report of results from the public input meeting.

BOARD OF COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to recommend approval of the Conditional Zoning Map Amendment and to make a finding that the approval is consistent with the following goals, objectives, and policies in the Pender 2.0 Comprehensive Land Use Plan:

- Policy 3.1.H
- Goal 4.2
- Policy 4.2.F
- Goal 4.3
- Objective 4.3
- Goal 5.1
- Objective 5.1
- Policy 5.1.D
- Policy 5.1.H
- Policy 5.1.V
- Policy 5.1.Z

TO DENY: Motion to deny the Conditional Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]

PLANNING BOARD ACTION FOR FUTURE LAND USE MAP AMENDMENT
--

MOTION	SECONDED
Buchanan	Pitts

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
Yes	Yes	Yes	Yes	Yes	Yes	Yes

APPROVED	DENIED	UNANIMOUS
Yes		Yes

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

CONDITIONAL REZONING

Intent

- A. Conditional zoning districts hereby included are to allow for the consideration of certain uses that are permitted uses in the underlying zoning district but due to their nature may not be appropriate for a particular location.
- B. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses on small and large scale projects.
- C. Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property.
- D. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses.
- E. The following zoning district categories are approved to be assigned conditional zoning districts: PD, RP, RM, GB, OI, IT, IG (Reference Article 4 for Zoning District Descriptions).

Application

Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard rezoning process as described in Section 3.3, Rezoning of this Ordinance.

Public Input Meeting

Prior to scheduling a public hearing on the rezoning application, **the applicant must conduct one public input meeting and file a report of the results with the Administrator.**

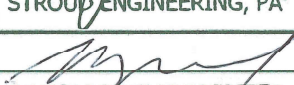
- 1. The report for the public hearing will include a summary of the public input meeting.
- 2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
- 3. The notice shall include the time, date and location of the meeting as well as a description of the proposal.
- 4. The applicant's report of the meeting shall include:
 - a. A copy of the letter announcing the meeting.
 - b. A list of adjoining property owners contacted.
 - c. An attendance roster.
 - d. A summary of the issues discussed.
 - e. The results of the meeting including changes to the project's proposal, if any.

Review

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

- 1. The application's consistency to the general policies and objectives of the adopted Land Use Plan.
- 2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
- 3. The report of results from the public input meeting.

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD	Date	3/3/2023
Application Fee	\$ 3,555.60	Invoice Number:	00032075
Pre-Application Conference	N/A	Hearing Date	PB: May 2, 2023 BOCC: June 19, 2023
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	STROUD ENGINEERING, PA	Owner's Name:	Rocky Point Properties, LLC & Farm & Garden, LLC
Applicant's Address:	102-D Cinema Dr.	Owner's Address:	332 Military Cutoff Road
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Wilmington, NC 28405
Phone Number:	910-815-0775	Phone Number:	910-338-3585
Email Address:	jfentress@stroudengineer.com	Email Address:	corporate@tributecompanies.com
Legal relationship of applicant to landowner: ENGINEER			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3234-29-6506-0000 = 35.25ac. RP 3234-38-5366-0000 = 57.20ac. RA	Total property acreage:	310.56 AC
Current Zoning District:	3234-24-6900-0000 = 208.64ac. RP 3234-53-1216-0000 = 9.47ac. RP	Proposed Zoning District:	310.56 AC
Project Address or Location:	HWY 210 / OFF HWY 210 & OFF 117 S. US HWY		
Proposed Uses to be Considered (Include NAICS Code):			
SINGLE FAMILY			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	3/2/2023
Applicant's Name Printed	STROUD ENGINEERING, PA / James H. Fentress, Jr.	Date:	
Owner's Signature		Date:	03.02.2023
Owner's Name Printed	ROCKY POINT PROPERTIES, LLC / Mark Maynard	Date:	
NOTICE TO APPLICANT			
1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda			

Attachment 1: REZONE 2020-16 Staff Report

**PLANNING STAFF REPORT ADDENDUM
CONDITIONAL ZONING MAP AMENDMENT
“FALLS MIST GARDENS”**

SUMMARY

Hearing Date: October 6, 2020 Planning Board (tabled)
November 5, 2020 Planning Board
January 19, 2021 Board of Commissioners (tabled)
November 15, 2021 Board of Commissioners

Applicant: Stroud Engineering

Property Owners: Rocky Point Properties LLC, Farm and Garden LLC

Case Number: REZONE 2020-16, MDP 2020-21

Rezoning and Development Proposal: Stroud Engineering, applicant, on behalf of Rocky Point Properties LLC and Farm and Garden LLC, owners, is requesting the approval of a Conditional Zoning Map Amendment for three (3) tracts totaling approximately ±301.09 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to PD-CD1, Planned Development Conditional zoning district 1. This request is to allow for 750 single family detached residential units, associated sewage treatment facility (NAICS 221320), and a farmers’ market (NAICS 445230).

Property Record Number, Acreage, and Location: The proposed development is south of NC HWY 210, approximately ±0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234-29-6506-0000, 3234-38-5366-0000, and 3234-24-6900-0000.

Recommendation: At their November 5, 2020 meeting, the Pender County Planning Board recommended conditional approval of this application based on its consistency with the Pender County Unified Development Ordinance and Pender 2.0 Comprehensive Land Use Plan, with Staff still recommending approval as well. The proposed development is consistent with three (3) goals, two (2) objectives, and six (6) policies and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, and conflicts with none. The proposed development is compliant with the Pender County Unified Development Ordinance.

PROJECT HISTORY AND UPDATE

At their January 19, 2021 meeting, the Pender County Board of County Commissioners tabled the request outlined in the subsequent packet, directing the applicant to further study traffic impacts brought forward by the project, specifically differing options for phasing the connection and usage of the existing Fall Brook Lane as an entrance to the proposed development, the potential non-residential uses on commercial property located at the intersection of Fall Brook Lane and US HWY 117, and the sight lines and distance of Fall Brook Lane/US HWY 117 intersection to the bridge over the former railroad right-of-way.

Based on the direction from the Board of County Commissioners, the applicant has concluded the entirety of their Traffic Impact Analysis (TIA) and will present those findings to the Board. Additionally, there has been one change to the layout of the project since the previous Board meeting: the extension of Fall Brook Lane into the proposed development is no longer proposed to be designed as a collector street, but as a local street. This is in reference to the recently adopted update to the Pender County Collector Street Plan which no longer designates the corridor as one for a collector street. The connection to Fall Brook Lane is

still required due to other regulations within the Unified Development Ordinance relating to street design as well as emergency vehicle access.

As a reminder, this project was submitted, and review started, prior to the approval of Zoning Text Amendment 2020-11 which revised certain items related to conditional rezoning applications. For consistency, all ordinance references are to the UDO as amended 3/16/2020 – the last revision date prior to the approval of ZTA 2020-11 unless noted. Based on staff evaluation, the only material difference if reviewed under the new version is that the project density would likely be lower under the new calculation.

CONDITIONS FOR APPROVAL OF PETITION

Per Sections 3.4.5 and 4.13.6 of the Pender County Unified Development Ordinance, the Pender County Planning Board and the Board of County Commissioners can add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Conditions may address parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose.

Staff, the applicant, and the Pender County Planning Board have previously collaborated to reach agreement on the following potential conditions of approval for this application:

1. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10, 25, and 50 year return period events and be analyzed for the 100-year event.
2. All wetlands which will not be disturbed via an Army Corps of Engineers wetlands fill permit as part of the proposed development shall be placed under a conservation easement.
3. Informational signs to be installed at 500 ft intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.
4. Sidewalks will be installed along all streets, and crosswalks will be marked at all intersections with a Collector Street.
5. Fall Brook Ln will be accepted for NCDOT maintenance prior to preliminary plat approval of the 601st lot of this development, preliminary plat approval of any portion of the development within the boundary of Tract 2 as shown on Pender County Map Book 42 P 116, or use of Fall Brook Ln for construction traffic, whichever shall come first.
6. A siren-activated gate meeting the standards of the Pender County Fire Marshal will be required at the border of the development and the existing A.R. Black Av., to be installed prior to final plat approval of the appropriate section, and be required to remain in place until such time as A.R. Black Av. Is brought up to the street design standards of the Pender County Unified Development Ordinance.
7. The wastewater treatment plant shall utilize membrane filtration technology, or other technology certified by the project engineer to render no greater negative impact to local water quality than membrane filtration.
8. Evidence that the Army Corps of Engineers has received any Certificate of Completion forms for wetland disturbance permits relating to the project shall be provided to staff prior to approval of the last Final Plat associated with this development.

9. Prior to completing the roadway connection between Fall Brook and the proposed development, A measure similar to a chicane that is acceptable to the NCDOT and Pender County Emergency Services shall be installed within the proposed development near the interconnection with Fall Brook, as well as at least one additional traffic calming measure along Fall Brook that is acceptable to NCDOT. The applicant shall also make a written request to the North Carolina Department of Transportation that a speed limit of 25 MPH should be posted on Fall Brook Ln.

Additionally, a tenth condition was discussed at the January 19, 2021 hearing and is again up for discussion at the November 15, 2021 meeting:

10. From the time that the road network of this development connects to Fall Brook Lane, to the time that the 700th home receives its Certificate of Occupancy, a gate shall be placed on the roadway between the two developments to allow only residents of Falls Mist and emergency vehicle traffic (siren activated) to utilize the connection. Means of access for construction vehicles shall not be granted. Following the Certificate of Occupancy for the 700th home, the gate shall be removed.

Attachment 2: Applicant's Narrative



STROUD ENGINEERING, P. A.

CONSULTING ENGINEERS
102D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
WWW.STROUDENGINEER.COM
LICENSE NO. C-0647

December 21, 2021

Pender County Planning Department
805 S. Walker Street
Burgaw, North Carolina 28425

Re: Falls Mist Conditional Zoning Map Amendment
Rocky Point, Pender County

To Whom it May Concern,

What follows is an application for the amendment of the Conditional Zoning Map approved for the Falls Mist Planned Development. There are two revisions requested in this effort. The first and primary is the removal of the required roadway connection to the Fall Brook subdivision road network. As presently approved, Fall Brook Lane will be connected to the Falls Mist development. The Pender County Unified Development Ordinance, UDO, Article 7.4.1.F is the basis of the required roadway connection. Through the original iterative rezoning process, an additional 9.4 acre parcel adjacent to the north of the Fall Brook subdivision tract was purchased and incorporated into the plan to provide collector street connection to US Highway 117 for the Falls Mist development. This alternate route is intended to relieve the collector street traffic through the Fall Brook Subdivision on the basis of ordinance required road connectivity, the stub right of way is still to be connected. The connection to Fall Brook Lane requires a lengthy wetland crossing. The alternate route enables a significant reduction of wetland impacts effectively minimizing the environmental affect of this development. Article 7.5.1.A (b) of The UDO affords exception to the cross-connection requirements provided environmental hardships that may be realized by such connection. On this basis, avoidance of the wetland impacts necessitated by the Fall Brook Lane connection is substantiated.

Article 4.14 (1) reports that setbacks for the PD zone are to be as shown by the Master Development Plan. The originally approved Master Development Plan represented PD zoning residential side setbacks to be ten feet. The developer is requesting the PD zoning residential side setbacks to be reduced to five feet to afford the builder opportunity to maximize the building envelope on smaller lots. On this premise, Note 10. Now represents the PD zoning residential side setbacks to be five feet. No other setbacks are proposed to be revised.

We hope the attached submission addresses the requirements to amend these two aspects of the Conditional Zoning Map. Please include this compilation for the next available review itinerary. Feel free to contact me with any additional needs that may arise in this regard.

Attachments

JHF/jf
File W:\MASTER\PW1585\TRC\CSHAW RESPONSE 122121.doc

Thanks,

James H. Fentress Jr. PE, PLS

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Attachment 3: Master Development Plan

Attachment 4: Public Input Meeting Packet



STROUD ENGINEERING, P. A.

CONSULTING ENGINEERS
102D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
WWW.STROUDENGINEER.COM
LICENSE NO. C-0647

January 6, 2023

Re: Falls Mist PD Master Development Plan as approved by Pender County Commission

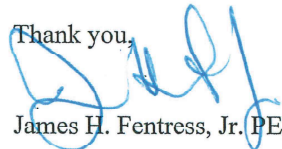
To All It May Concern,

Stroud Engineering, PA is writing you on behalf of Rocky Point Properties, LLC and Farm and Garden, LLC to notify you of an informal community meeting to discuss a proposed Master Development Plan revision of the Falls Mist project located off NC Highway 210 & US Highway 117 S, in Rocky Point, Pender County, NC. The primary plan revision to be discussed is the proposed elimination of the roadway connection to Fall Brook Lane.

The meeting is scheduled to be held on ***Tuesday, January 24th at the Pender County Library -103 S. Cowan Street, Burgaw, NC from 6:30 to 9:30 pm.*** Exhibits of the project and meeting locations are attached.

Please R.S.V.P. by email (Tracy Lowe: tlowe@stroudengineer.com) or call (910) 815-0775. I look forward to meeting you and addressing any questions that you may have.

Thank you,


James H. Fentress, Jr. PE, PLS

Attachments

JHF/jf
File W:\Master\PW-1200\pdf\community meeting\MASTER DEV PLAN REV COMMUNITY MEETING NOTICE.doc

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Falls Mist Community Informational Meeting Report For Conditional Zoning Map Amendment

Stroud Engineering, PA held a community meeting on Tuesday, January 24, 2023 from 6:30 pm to 9:30 pm at the Burgaw Library in Pender County, NC to inform residents within five hundred feet of the proposed Conditional Zoning Map Amendment ambitioned to eliminate the Fall Brook Lane road connection as well as reduce the reported side setback from ten feet to five feet. The meeting was an opportunity to report the proposal, address questions, and hear concerns regarding the proposed map amendment. The residents were notified of the meeting by mail.

Relative to the original community meeting in July of 2020, there were at least twenty new residents notified due to the 9.4 acre parcel purchased and approved for alternate connection to US Highway 117. The County required collector street corridor now emanates from this newly proposed driveway in lieu of converting Fall Brook Lane as originally interpreted from the Pender County Collector Street Plan. Community meeting attendance included; two Stroud Engineering, PA representatives, the property owner/developer, owner/developer Attorney, one senior Transportation Engineer from Davenport Engineering and fourteen interested residents. A reporting of the attendees is attached. There were several inquiries of Stroud Engineering in the weeks leading up to the meeting. The primary interests were to do with drainage, safety and traffic as well as some unfounded concerns of a possible convenient store apparently the result of rumor. There were no questions raised with regards to the setback reduction proposal.

The majority of the comments and concerns were from the Fall Brook Subdivision Community residents and residents along AR Black Avenue. A general overview of the dialog follows:

Drainage:

The focus of the drainage discussion was related to the flooding that occurs in the branch between the Fall Brook subdivision and the Falls Mist development tract. This flooding was reportedly aggravated by numerous downstream beaver dams. The Falls Mist developer reported that they had recently had several of the beavers removed and their dams destroyed in effort of improving the drainage in the branch and Turkey Creek. It was noted that the elimination of the Fall Brook Lane road connection would mean less flow obstruction in the branch which would not adversely affect drainage in the area. It was also noted that the development was conditioned on providing stormwater detention for the 100 year storm event which far exceeds the ordinance minimum.

Safety:

The Fall Brook community is relieved by the proposed elimination of the road connection to their subdivision. There were a few that were concerned about traffic safety on NC Highway 117 given the proposed driveways proximity to the bridge South of the Fall Brook Subdivision. It was noted that the proposed driveway is planned on the Bridgeside Road and not directly onto

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the highway. It was discussed that there was currently no traffic light proposed however the Traffic Impact Analysis would dictate what improvements would need to be made for that connection if and when the elimination of the Fall Brook Road connection was approved.

Traffic :

Traffic pattern was the primary discussion point as traffic from the Falls Mist development would not be realized if the connection to Fall Brook Lane could be eliminated by the proposed Map Amendment. Fall Brook Lane was recorded in 2008 to be a fifty feet wide public road right of way with twenty feet of pavement consistent to referenced North Carolina Department of Transportation, NCDOT, collector road standards. It was emphasized that, as presently approved, Fall Brook Lane will be connected to the Falls Mist development. Through the original iterative rezoning process, an additional 9.4 acre parcel adjacent to the north of the Fall Brook subdivision tract was purchased and incorporated into the plan to provide collector street connection to US Highway 117 for the Falls Mist development. That was intended to relieve the collector traffic through the Fall Brook Subdivision but on the basis of ordinance required road connectivity, the stub right of way was still to be connected. The popular consensus of the Fall Brook Community was that elimination of the road connection to their development would be an improvement to the plan. The residents from AR Black Avenue expressed disinterest in their private road being connected even if only for emergency access. Several requested that we make the same request for exception to the ordinance that road connection. There was one however who asked the Falls Mist developer to pave AR Black. That was explained as not possible given the developer of the Falls Mist does not have right of access to AR Black.

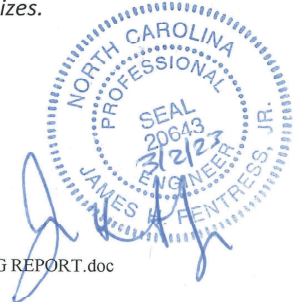
Various questions:

- AR Black Ave residents are concerned about emergency use of their private road.
- AR Black Ave residents also concerned about proposed emergency gate at the end of the road.
- AR Black Ave residents concerned about buffer width behind proposed homes, due to several of the residents being avid target shooters.
- Safety flashing cautions lights near new entrance off HWY 117 next to Fall Brook Lane?
- Any proposals for the Owl Creek wetland area?
- When will the construction start? *18 months +/- for approval and permits.*
- Concerns of existing homes being devalued by the additional traffic.
- What size lots are proposed? *The PD zone is proposed to enable a diversity of lot sizes.*
- Residents want to be made aware of all upcoming meetings for attendance.
- Where will wastewater treatments be located?

Attachments

JHF/jf

File W:\Master\PW-1200\MASTER PLAN REVISION\JAN 2023 COMMUNITY MEETING\2nd COMMUNITY MEETING REPORT.doc



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FALLS MIST COMMUNITY MEETING NOTES From 1/24/2023

Call ins -

- Vincent Barger 910-619-9737 vincentbarger@gmail.com
- Anna Marie Fern off Strawberry 910-233-3112
- Mark Giardina 303-958-3601 giardina2955@gmail.com owner off AR Black Ave
- Ed Hill owns 46 ac blackberry farm across new 9.4 ac tract

14 land owners attended / 5 reps attended

NOTES : (random notes throughout the evening)

- Traffic Signals – No traffic lights – Concerns of traffic over bridge heading North on HWY 117
- Sewer treatment plant
- DOT/TIA was updated – study was moved to new connector road
- Reduction of setbacks 10' – 5'
- Wetland – Owl Creek backs up to additional parcel – Condition to revise-10yr to 100yr storm are there any plans for Ped-Xing over wetlands?
- Fall Brook owners thrilled with ne update to reroute away from their subdiv
- Stroud/developer is asking county to oppose the Fall Brook Connection
- Questions RE: the proposed Farmers Mkt off 210
- When will ground breaking start
- The approved plan has connection to AR Black Ave. – County requires it – Developer/Stroud wants to eliminate the connection
- If there is a connection for 911 on AR Black – how & where will the gate be placed, how will it work, any potential for others to use it.
 - Owners along AR Black want the ex. gravel road to paved and maintained if county emergency is planning to use the access.
- AR Black Ave. end of road owners are concerned with the small proposed buffer, because they frequently target shoot on the back of their property.
- Concerned with price of proposed homes – hoping the mass building won't devalue their property.

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SIGN-IN SHEET

CONCERNS