



# AGENDA | REGULAR TOWN COUNCIL MEETING

May 23, 2023 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

## Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tempore: Audra Killingsworth  
Council Members: Brett D. Gantt; Terry Mahaffey; Edward Gray; Arno Zegerman  
Town Manager: Catherine Crosby | Deputy Town Manager: Shawn Purvis  
Assistant Town Managers: Demetria John and Marty Stone  
Town Clerk: Allen Coleman | Town Attorney: Laurie L. Hohe

## COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

## CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

**CN1 Annexation Ordinance Amendment - Annexation No. 750 - 2012 Ramblewood Drive - 5.719 acres**

*Allen Coleman, Town Clerk*

**CN2 Council Meeting Minutes - Multiple**

*Allen Coleman, Town Clerk*

**CN3 Encroachment Agreement - 931 Baldwin Ridge Rd Lot 215**

*Chris Johnson, P.E., MPA, Director, Transportation & Infrastructure Development Dept.*

**CN4 Encroachment Agreement - 935 Baldwin Ridge Rd Lot 214**

HYPERLINK "appISd3abc98fb33948cb9c7b2c918a4189b6"[Chris Johnson, P.E., MPA, Director, Transportation & Infrastructure Development Dept.](#)

**CN5 Encroachment Agreement - 1701 Chestnut Street Lot 38**

[Chris Johnson, P.E., MPA, Director, Transportation & Infrastructure Development Dept.](#)

**CN6 Lease Agreement Amendment - CSX Transportation - Downtown Parking Improvements**

*Steve Adams, Real Estate Specialist, Transportation & Infrastructure Development Dept.*

**CN7 Ordinance Amendment - Chapter 20 Traffic - Section 100(7) - Richardson Road Speed Limit**

*[Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept.](#)*

**CN8 Resolution - Approving Amended Charter Resolution of Central Pines Regional Council**

*[Councilmember Brett Gant \(sponsor\) and](#)*

*[Allen Coleman, Town Clerk](#)*

**CN9 Resolution - Records Retention Schedule**

*Allen Coleman, Town Clerk*

## PRESENTATIONS

**PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards**

*Councilmember Terry Mahaffey (sponsor)*

**PR2 Proclamation - Foster Care Awareness Month - May 2023**

*Mayor Jacques K. Gilbert*

**PR3 Proclamation - LGBTQIA+ Pride Month - June 2023**

*Mayor Jacques K. Gilbert*

**PR4 Proclamation - Juneteenth - June 19, 2023**

*Mayor Jacques K. Gilbert*

**PR5 FY 2022 Audit - Annual Comprehensive Financial Report (ACFR)**

*Antwan Morrison, Director, Finance Department*

## REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions.

## PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address items that appear as Public Hearings scheduled on the Regular Agenda. The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group.

Comments must be limited to 3 minutes to allow others the opportunity to speak.

## PUBLIC HEARINGS

**PH1 Annexation No. 753 - 7612 Green Level Church Road - 1.74 acres**

*[Dianne Khin, Director, Planning Department](#)*

**PH2 Fiscal Year 2023-2024 - Annual Operating Budget and Capital Investment Plan**

*Amanda Grogan, Director, Budget & Performance Management Department*

**PH3 Right-of-Way (ROW) Road Closure Request - Portion of Old Raleigh Road**

*Allen Coleman, Town Clerk*

**PH4 Rezoning Case No. 23CZ05 - Pleasant Park**

*June Cowles, Senior Planner, Planning Department*

**PH5 Rezoning Case No. 23CZ06 - Hunter Street Park Addition**

*Joshua Killian, Planner I, Planning Department*

**PH6 Unified Development Ordinance (UDO) Amendments - May 2023**

*Dianne Khin, Director, Planning Department and*

*Jenna Shouse, Senior Long-Range Planner, Planning Department*

**NEW BUSINESS**

**UPDATES BY TOWN MANAGER**

**CLOSED SESSION**

Council will enter into closed session pursuant to:

**CS1 Laurie Hohe, Town Attorney, Legal Department**

**NCGS §143-318.11(a)(3):**

*"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."*

**CS2 Steve Adams, Utilities Acquisition Specialist, Transportation and Infrastructure Dept.**

**NCGS §143-318.11 (5):**

*"To instruct staff concerning the acquisition of real property."*

**ADJOURNMENT**

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

### Requested Motion

Motion to approve an amended Ordinance for Annexation No. 750, located at 2012 Ramblewood Drive, to include the right of way.

### Approval Recommended?

Yes

### Item Details

On February 28, 2023, Council approved an annexation ordinance to annex 2012 Ramblewood Drive, totaling 5.719 acres, into the Town's corporate limits. The approved annexation ordinance and corresponding plat map was recorded at the Wake County Register of Deeds Office on March 17, 2023.

On Thursday, May 11, 2023, Planning Staff notified the Town Clerk and the Town Attorney that the legal description provided for Annexation No. 750 - 2012 Ramblewood Drive was not accurate and should have included the right-of-way. The plat and aerial map provided included were accurate and included the right-of-way. This action is to correct the legal description included in the annexation ordinance.

### Attachments

- CN1-A1: Amended Annexation Ordinance - Annexation No. 750
- CN1-A2: Corrected Legal Description - Annexation No. 750
- CN1-A3: ORD-2023-019 - Annexation Ordinance - Annexation No. 750
- CN1-A4: Plat Map - Annexation No. 750
- CN1-A5: Aerial Map - Annexation No. 750
- CN1-A6: Annexation Petition - Annexation No. 750





JANUARY 18, 2023

**METES & BOUNDS LEGAL DESCRIPTION**

PREPARED FOR: SURINDER & KAMLESH SABHIKHI  
2012 RAMBLEWOOD DRIVE, APEX, NC 27523

ALL THOSE TRACTS OR PARCELS OF LAND LYING AT 2012 RAMBLEWOOD DRIVE, TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3/4" OPEN TOP PIPE FOUND ON THE NORTHERN SIDE OF RAMBLEWOOD DRIVE (60' PUBLIC RIGHT-OF-WAY), SAID CORNER BEING THE SOUTHEAST CORNER OF LOT 7 PER BOOK OF MAPS 1978, PAGE 722, WAKE COUNTY RECORDS, WHICH IS THE TRUE POINT OF BEGINNING, THEN RUNNING ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES, S89°34'51"W A DISTANCE OF 30.24' TO A POINT, THENCE RUNNING WITH A CURVE TO THE LEFT HAVING A RADIUS OF 530.79' AND AN ARC DISTANCE OF 146.42' AND BEING SUBTENDED BY A CHORD BEARING OF S81°40'41"W AND A CHORD DISTANCE OF 145.96' TO A POINT, THENCE RUNNING WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00' AND AN ARC DISTANCE OF 17.60' AND BEING SUBTENDED BY A CHORD BEARING OF N86°03'28"W AND A CHORD DISTANCE OF 17.24' TO A POINT, THENCE RUNNING ACROSS RAMBLEWOOD DRIVE S18°47'53"E A DISTANCE OF 73.25' TO A 3/4" OPEN TOP PIPE FOUND ON THE SOUTHERN RIGHT-OF-WAY OF RAMBLEWOOD DRIVE, THENCE RUNNING ALONG SAID RIGHT-OF-WAY WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00' AND AN ARC DISTANCE OF 112.09' AND BEING SUBTENDED BY A CHORD BEARING OF N87°24'00"W AND A CHORD DISTANCE OF 90.05' TO A 3/4" OPEN TOP PIPE FOUND, THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING THE FOLLOWING COURSES AND DISTANCES, S67°04'24"W A DISTANCE OF 218.46' TO A 3/4" OPEN TOP PIPE FOUND, THENCE RUNNING N01°32'59"E A DISTANCE OF 648.20' TO A 3/4" OPEN TOP PIPE FOUND, THENCE RUNNING N89°39'02"E A DISTANCE OF 438.85' TO A 3/4" OPEN TOP PIPE FOUND, THENCE RUNNING S00°22'06"E A DISTANCE OF 480.07' TO A 3/4" OPEN TOP PIPE FOUND ON THE NORTHERN RIGHT-OF-WAY OF RAMBLEWOOD DRIVE, BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 5.719 ACRES (249,119 SQUARE FEET) MORE OR LESS.



WAKE COUNTY, NC 67  
TAMMY L. BRUNNER  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
03/17/2023 13:42:09

ORD-2023-019  
PH-2

BOOK:019286 PAGE:01698 - 01701



**TOWN OF APEX, NORTH CAROLINA**

Municipality No. 333

After recording, please return to: Town Clerk, Town of Apex, P.O. Box 250, Apex, NC 27502

ORDINANCE NO. 2023-019  
ANNEXATION PETITION NO. 750  
2012 RAMBLEWOOD DRIVE - 5.719 ACRES

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE TOWN OF APEX, NORTH CAROLINA  
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 7:00 p.m. on February 28, 2023, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on February 28, 2023. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, Wake County, North Carolina (PIN#0742-99-1235), Land Surveyor dated November 1, 2022" and recorded in Book of Maps book number 2023 and page number 525, Wake County Registry.


Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 28th day of February, 2023.


  
\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

ATTEST:

  
\_\_\_\_\_  
Allen L. Coleman, CMC, NCCCC  
Town Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

Legal Description

ALL THOSE TRACTS OR PARCELS OF LAND LYING AT 2012 RAMBLEWOOD DRIVE, TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3/4" OPEN TOP PIPE FOUND ON THE NORTHERN SIDE OF RAMBLEWOOD DRIVE (60' PUBLIC RIGHT-OF-WAY), SAID CORNER BEING THE SOUTHEAST CORNER OF LOT 7 PER BOOK OF MAPS 1978, PAGE 722, WAKE COUNTY RECORDS, WHICH IS THE TRUE POINT OF BEGINNING, THEN RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES, S89°34'51"W A DISTANCE OF 30.24' TO A COMPUTED POINT, THENCE RUNNING WITH A CURVE TO THE LEFT HA YING A RADIUS OF 530.79' AND AN ARC DISTANCE OF 146.42' AND BEING SUBTENDED BY A CHORD BEARING OF S81°40'41"W AND A CHORD DISTANCE OF 145.96' TO A COMPUTED POINT, THENCE RUNNING WITH A CURVE TO THE RIGHT

HAVING A RADIUS OF 25.00' AND AN ARC DISTANCE OF 17.60' AND BEING SUBTENDED BY A CHORD BEARING OF N86°03'28"W AND A CHORD DISTANCE OF 17.24' TO A COMPUTED POINT, THENCE RUNNING WITH A CURVE TO THE LEFT HAVING A RADIUS OF 50.00' AND AN ARC DISTANCE OF 119.81' AND BEING SUBTENDED BY A CHORD BEARING OF S45°27'55"W AND A CHORD DISTANCE OF 93.13' TO A 3/4" OPEN TOP PIPE FOUND ON THE WESTERN RIGHT-OF-WAY OF A CUL-DE-SAC, THENCE LEA YING SAID RIGHT-OF-WAY AND RUNNING THE FOLLOWING COURSES AND DISTANCES, S67°04'24"W A DISTANCE OF 218.46' TO A 3/4" OPEN TOP PIPE FOUND, THENCE RUNNING N01°03'29"E A DISTANCE OF 648.20' TO A 3/4" OPEN TOP PIPE FOUND, THENCE RUNNING N89°39'02"E A DISTANCE OF 438.85' TO A 3/4" OPEN TOP PIPE FOUND, THENCE RUNNING S00°14'56"E A DISTANCE OF 480.07' TO A 3/4" OPEN TOP PIPE FOUND ON THE NORTHERN RIGHT-OF-WAY OF RAMBLEWOOD DRIVE, BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 5.554 ACRES (241,938 SQUARE FEET) MORE OR LESS.

STATE OF NORTH CAROLINA

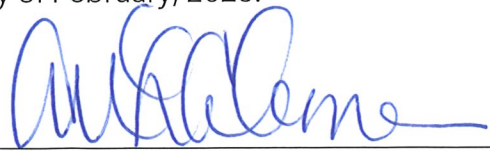
COUNTY OF WAKE

CLERK'S CERTIFICATION

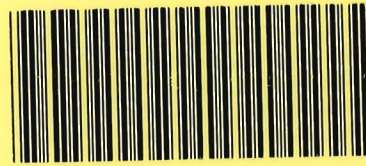
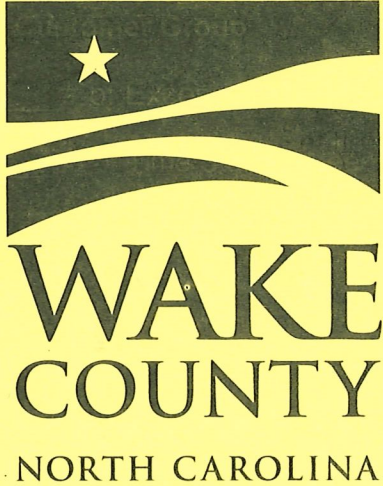
I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2023-019, adopted at a meeting of the Town Council, on the 28th day of February, 2023, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 28th day of February, 2023.



  
Allen L. Coleman, CMC, NCCCC  
Town Clerk





BOOK:019286 PAGE:01698 - 01701

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**Please retain yellow trailer page**

It is part of the recorded document and must be submitted with the original for re-recording.

---

**Tammy L. Brunner**  
**Register of Deeds**  
Wake County Justice Center  
300 South Salisbury Street, Suite 1700  
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

**This Customer Group**

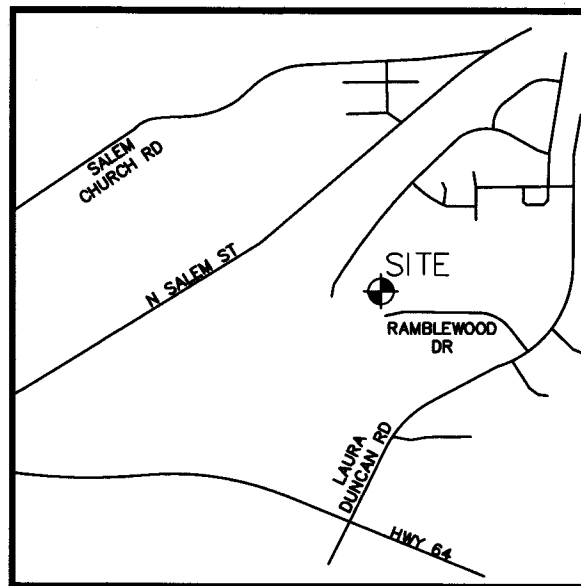
\_\_\_\_\_ # of Excessive Entities

\_\_\_\_\_ # of Time Stamps Needed

**This Document**

4 # of Pages

*EP*



VICINITY MAP (NOT TO SCALE)

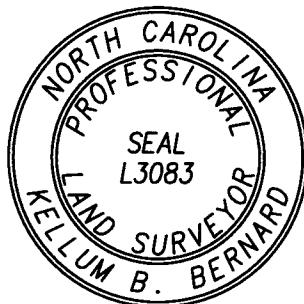
- a. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
- b. This survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- c. This survey is of an existing parcel or parcels of land.
- d. This survey is of another category, such as the recombination or existing parcels, a court-ordered survey, or other exception to the definition of subdivision.
- e. The information available to the surveyor is such that the surveyor is unable to make determinations to the best of his or her professional ability as to provisions contained in (a) through (d) above.

*Kellum B. Bernard*  
Professional Land Surveyor

This parcel is located in the TOWN OF APEX Planning Jurisdiction.

I, KELLUM B. BERNARD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, (DEED DESCRIPTION RECORDED IN BOOK 2728, PAGE 337); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN MAP BOOK 1978, PAGE 722; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 1ST DAY OF NOVEMBER, A.D., 2022.

*Kellum B. Bernard*  
KELLUM B. BERNARD, PLS-3083



**OVERALL PROPERTY:**  
ADDRESS  
2012 RAMBLEWOOD DRIVE  
APEX, NC 27523  
PIN  
0742-99-1235  
**OWNER:**  
NAME  
S. K. SABHIKI  
KAMLESH SABHIKI  
ADDRESS  
1604 GREENLEAF STREET  
APEX, NC 27502

**ZONING INFORMATION:**  
RR - RURAL RESIDENTIAL DISTRICT  
THE SURVEYOR IN NO WAY INTENDS TO INTERPRET OR MAKE CONCLUSION REGARDING THE ZONING DESIGNATION SHOWN HEREON. THIS INFORMATION IS REPORTED FROM PUBLIC INFORMATION OBTAINED FROM THE TOWN OF APEX PLANNING AND ZONING DEPARTMENT.  
INFORMATION WAS OBTAINED ON 06/23/2022

SETBACKS  
FRONT: 40'  
CORNER: 15'  
SIDE: 15'  
REAR: 25'  
IMPERVIOUS COVERAGE  
50%  
MAXIMUM BUILDING HEIGHT  
36 FEET

FOR THE FIRM  
BOUNDARY ZONE, INC.  
FIRM NUMBER: C-3534

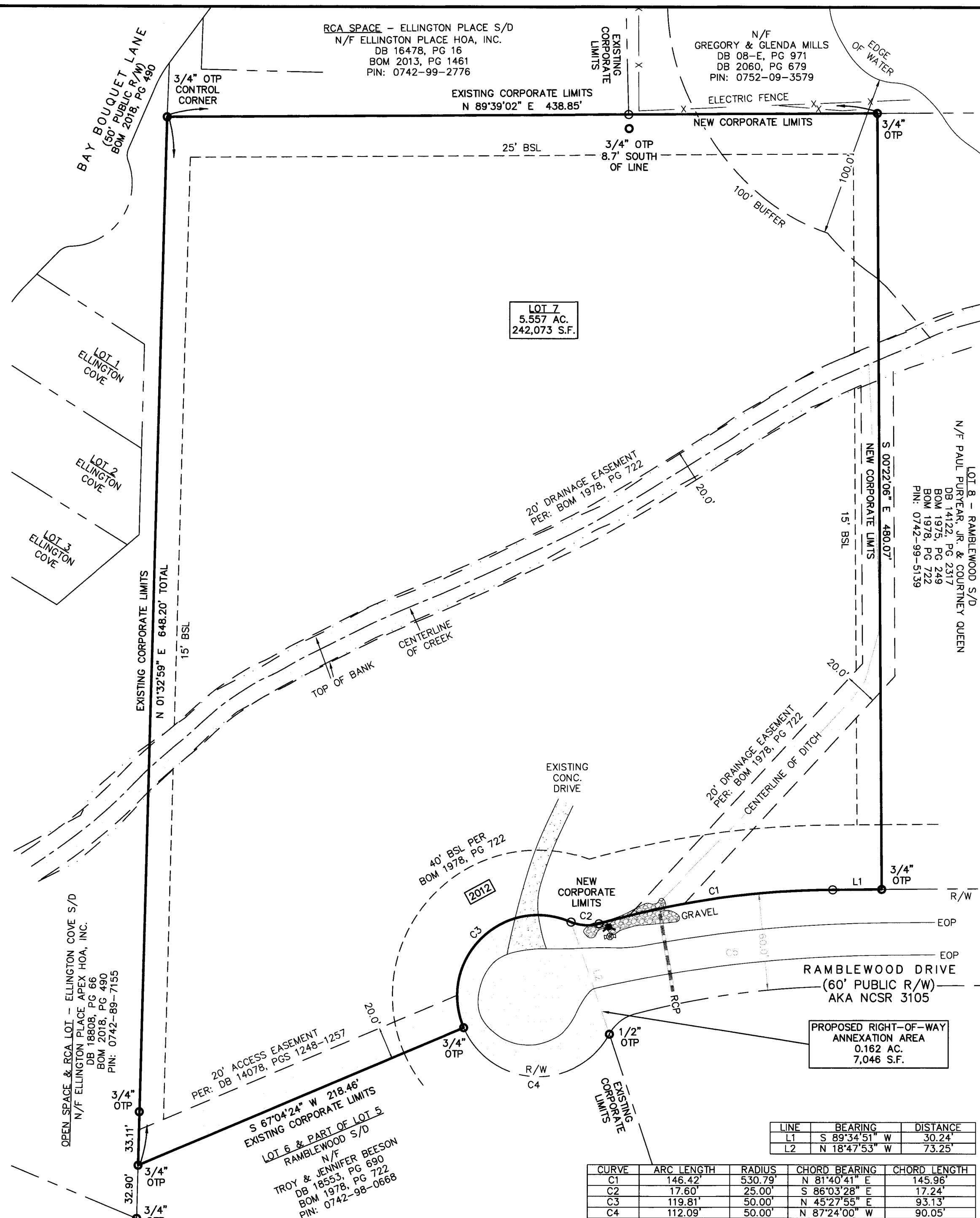
**FLOOD STATEMENT**

BY GRAPHIC PLOTTING ONLY, I HAVE EXAMINED THE INTERMEDIATE REGIONAL FLOOD PANEL CURRENTLY AVAILABLE AND FOUND THAT THE PROPERTY IN QUESTION IS WITHIN FLOOD HAZARD ZONE 'X' ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM), PANEL NUMBER 3720074200J, WHICH BEARS AN EFFECTIVE DATE OF MAY 2, 2006, WAKE COUNTY, NORTH CAROLINA.

**NOTES**

- ALL DISTANCES ARE HORIZONTAL GROUND, IN US SURVEY FEET.
- THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.
- UTILITIES SHOWN ARE FOR REPRESENTATION ONLY AND ARE NOT TO BE USED FOR PROPERTY LINE LOCATION.
- THIS PLAT WAS DRAWN & CALCULATED USING THE COORDINATE METHOD.

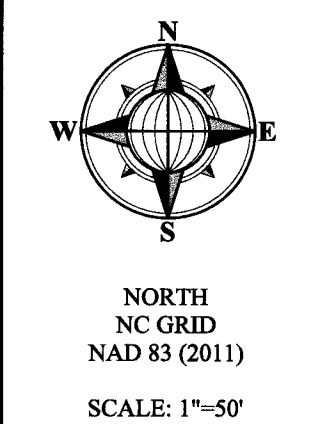
ANNEXATION # \_\_\_\_\_  
I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA, CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, \_\_\_\_\_ (DAY, MONTH, YEAR)  
ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK



LINE	BEARING	DISTANCE
L1	S 89°34'51" W	30.24'
L2	N 18°47'53" W	73.25'

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	146.42'	530.79'	N 81°40'41" E	145.96'
C2	17.60'	25.00'	S 86°03'28" E	17.24'
C3	119.81'	50.00'	N 45°27'55" E	93.13'
C4	112.09'	50.00'	N 87°24'00" W	90.05'



PLAT PREPARED BY:  
KELLUM B. BERNARD  
L-3083  
BOUNDARY ZONE INC.  
FIRM NUMBER  
C-3534

NO.	REVISION	DATE
1		
2		
3		
4		
5		

**ANNEXATION MAP FOR THE TOWN OF APEX**  
OWNER: S.K. & KAMLESH SABHIKI  
2012 RAMBLEWOOD DRIVE, APEX, NC 27523  
LOT 7 - RAMBLEWOOD SUBDIVISION  
WAKE COUNTY, NORTH CAROLINA - 11/01/2022

© COPYRIGHT 2022  
BOUNDARY ZONE, INC.  
ALL RIGHTS RESERVED.

**LEGEND :**

○ PROPERTY CORNER FOUND (AS NOTED)	⊗ POWER POLE	⊙ MANHOLE	-X- FENCE LINE	C.B. CATCH BASIN
● 5/8" REBAR WITH CAP SET	⊠ POWER METER	⊕ CLEAN OUT	-920- CONTOUR LINE	TOB TOP OF BANK
□ R/W MONUMENT	⊡ POWER BOX	⊗ JUNCTION BOX	RB IRON REBAR	N/F NOW OR FORMERLY
○ COMPUTED POINT	⊞ A/C UNIT	⊠ DRAINAGE INLET	OTP OPEN TOP PIPE	FFE FINISHED FLOOR ELEVATION
⊠ FIRE HYDRANT	⊞ GAS METER	-W- WATER LINE	BSL BUILDING SETBACK LINE	BFE BASEMENT FLOOR ELEVATION
⊞ WATER METER	⊞ GAS VALVE	-U- OVERHEAD UTILITY LINE	OH OVERHANG	GFE GARAGE FLOOR ELEVATION
⊞ WATER VALVE	⊞ TELEPHONE BOX	-S- SEWER LINE	CONC. CONCRETE	R/W RIGHT-OF-WAY
	⊞ CABLE BOX	-G- GAS LINE	EOP EDGE OF PAVEMENT	BOM BOOK OF MAPS
	⊞ SIGN	-C- CABLE LINE	CNT. CANTILEVER	DB DEED BOOK
		-T- TELEPHONE LINE	O.H. OVERHANG	PG PAGE

BOUNDARY REFERENCE: DEED BOOK 2728, PG 337, BOOK OF MAPS 1978, PG 722  
FIELDWORK PERFORMED ON 06/17/2022.  
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 419,858 FEET.  
THIS PLAT HAS BEEN PREPARED USING A ROBOTIC TOTAL STATION.  
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET, AND ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

**BOUNDARY zone, inc.** SURVEYORS, ENGINEERS AND LAND PLANNERS  
RALEIGH OFFICE  
8024 GLENWOOD AVE., SUITE 109  
RALEIGH, NC 27612  
CORPORATE OFFICE  
454 SATELLITE BLVD, SUITE 200  
SAWANEH, GA 30024  
SURVEYING LANDSCAPE ARCHITECTURE LAND PLANNING  
WWW.BOUNDARYZONE.COM (770) 271-5772 (919) 363-9226

PROJECT  
R20026-03  
SHEET  
1 OF 1

Prepared by: Town of Apex Planning Department  
January 2023  
October 2022 Aerial Photography



# PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_  
 Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_

## TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex,  Wake County,  Chatham County, North Carolina.
2. The area to be annexed is  contiguous,  non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

## OWNER INFORMATION

Surinder K. Sabhikhi	0742991235
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-249-1623	ssabhikhi@msn.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

## SURVEYOR INFORMATION

Surveyor: Boundary Zone, Inc. - Josh Mitchell

Phone: 919-612-0598 Fax: \_\_\_\_\_

E-mail Address: jmitchell@boundaryzone.com

## ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>5.719</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: _____	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>1</u>	Water service (new construction) <input type="checkbox"/>
Proposed # of housing units: <u>3</u>	Sewer service (new construction) <input type="checkbox"/>
Zoning District*: <u>RR</u>	Receive Town Services <input type="checkbox"/>

\*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Department of Planning and Community Development with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-027

Submittal Date: 11-8-22

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

SURINDER SABHIKA

Please Print

Surinder Sabhika

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Joshua T. Haddock, a Notary Public for the above State and County,  
this the 8<sup>th</sup> day of November, 2022.

Joshua T. Haddock  
Notary Public

SEAL

Joshua T. Haddock  
Notary Public  
Wake County  
North Carolina  
My Commission Expires 4/11/2024

My Commission Expires: 4/11/24

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Corporate Name \_\_\_\_\_

SEAL

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

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County,  
this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

SEAL

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

its name by a member/manager pursuant to authority duly given, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Name of Limited Liability Company \_\_\_\_\_

By: \_\_\_\_\_  
Signature of Member/Manager

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County,  
this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

SEAL

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

**COMPLETE IF IN A PARTNERSHIP**

In witness whereof, \_\_\_\_\_, a partnership, caused this instrument to be executed in its  
name by a member/manager pursuant to authority duly given, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Name of Partnership \_\_\_\_\_

By: \_\_\_\_\_  
Signature of General Partner

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County,  
this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

SEAL

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

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

### Requested Motion

Motion to approve, as submitted or amended, Meeting Minutes from the following meetings:

- May 05, 2023 - Town Council Budget Work Session Meeting Minutes
- May 09, 2023 - Regular Town Council Meeting Minutes

### Approval Recommended?

The Town Clerk recommends the Town Council approve the meeting minutes as presented or amended.

### Item Details

In accordance with 160A-72 of North Carolina General Statutes (NCGS), the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

### Attachments

- CN2-A1: **DRAFT** Minutes - May 05, 2023 - Town Council Budget Work Session Meeting Minutes
- CN2-A2: **DRAFT** Minutes - May 09, 2023 - Regular Town Council Meeting Minutes



**DRAFT MINUTES**

**TOWN OF APEX  
TOWN COUNCIL BUDGET WORK SESSION  
TUESDAY, MAY 5, 2023  
2:00 P.M.**

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The Apex Town Council met for a work session on Tuesday, May 5, 2023 at 2:00 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town’s YouTube Channel: <https://www.youtube.com/watch?v=MQFRMr80fgE>

**[ATTENDANCE]**

Elected Body

- Mayor Jacques K. Gilbert (presiding)
- Mayor Pro-Tempore Audra Killingsworth
- Councilmember Brett Gantt
- Councilmember Ed Gray
- Councilmember Terry Mahaffey
- Councilmember Arno Zegerman
- Absent: None

Town Staff

- Town Manager Catherine Crosby
- Deputy Town Manager Shawn Purvis
- Assistant Town Manager Demetria John
- Assistant Town Manager Marty Stone
- Town Attorney Laurie Hohe
- Town Clerk Allen Coleman
- Deputy Town Clerk Ashley Gentry
- Budget and Performance Management Director Amanda Grogan
- Budget and Performance Analyst Intern Brian Murphy
- Budget Analyst Jessica Hoffman
- Transportation and Infrastructure Director Chris Johnson
- Finance Director Antwan Morrison
- All other staff members will be identified appropriately below.

Staff attending remotely: Performance and Strategy Analyst Jimmy Aughenbaugh, Budget and Performance Analyst Paul Broussard, Inspections and Permits Director Rudy Baker, and Planning Director Dianne Khin.



**DRAFT MINUTES**

1 **[COMMENCEMENT]**

2 **Mayor Gilbert** called the meeting to order at 2:00 p.m.

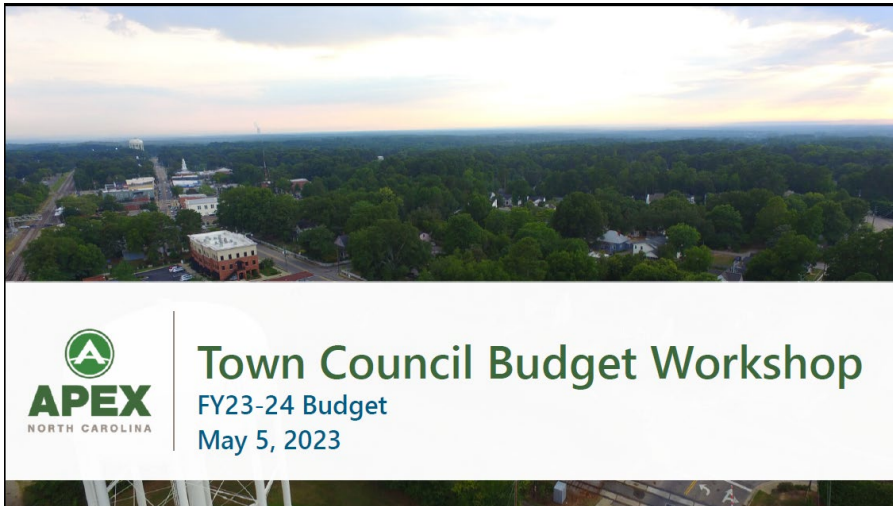
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4 **[AGENDA ITEM NO. 1 - GENERAL FUND REVIEW]**

5 **Budget and Performance Management Director Amanda Grogan** gave an overview of  
6 what's being discussed within the General Fund Budget.

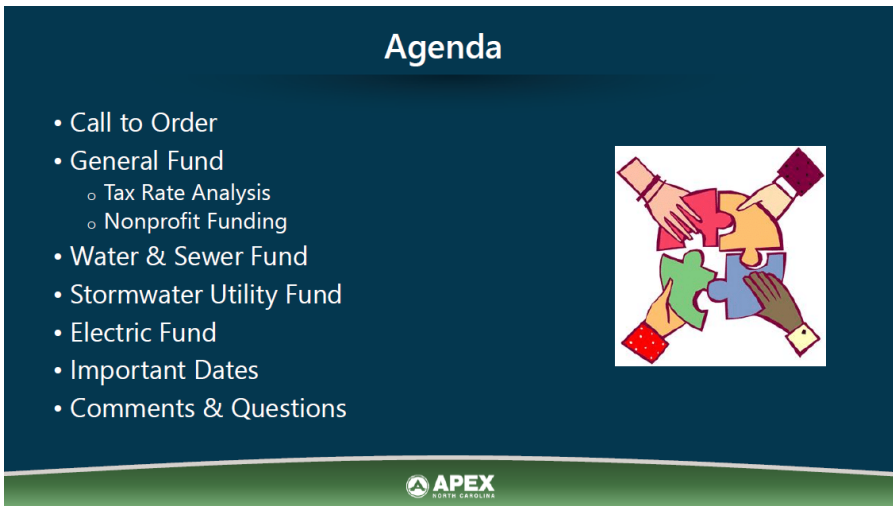
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8 **[Slide 1]**



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10 **[Slide 2]**



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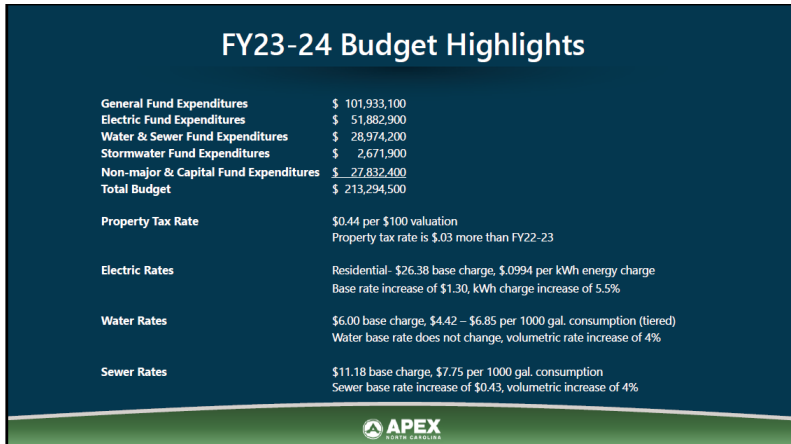
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**DRAFT MINUTES**

1 **[Slide 3]**



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3 **Councilmember Gantt** asked if the separation of the Stormwater Fund was for  
4 transparency or advantages.

5 **Director Grogan** said it's a separate fund because it's a separate utility, and that this  
6 was Finance Director Morrison's call.

7 **Councilmember Zegerman** asked by separating it, does it limit the towns options.

8 **Finance Director Antwan Morrison** said stormwater is covered by stormwater  
9 expenses and its easier to analyze when the funds are split.

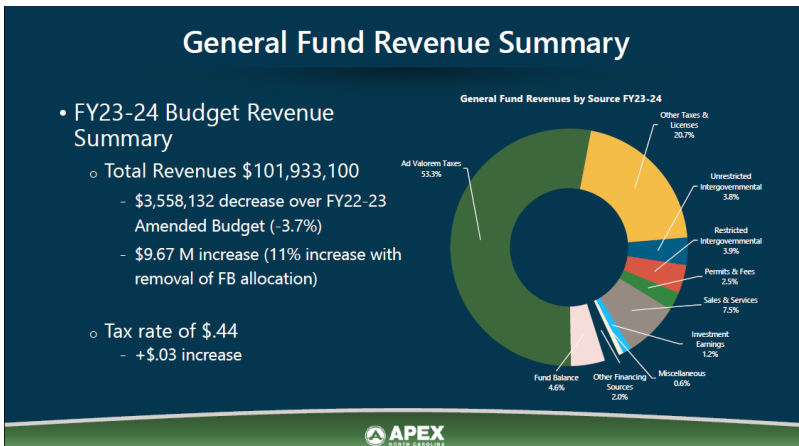
10 **Deputy Town Manager Shawn Purvis** said it was already separated out in the water  
11 and sewer fund vision-wise. He said now that's it's been a year, it will help with tracking and  
12 monitoring funds.

13 **Councilmember Gantt** asked if it has to be limited to the specific usage.

14 **Deputy Town Manager Purvis** said there were separate line items within the fund  
15 showing what things went to.

16 **Director Grogan** said it is supported by the rates and fees the town charges.

17 **[Slide 4]**



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**DRAFT MINUTES**

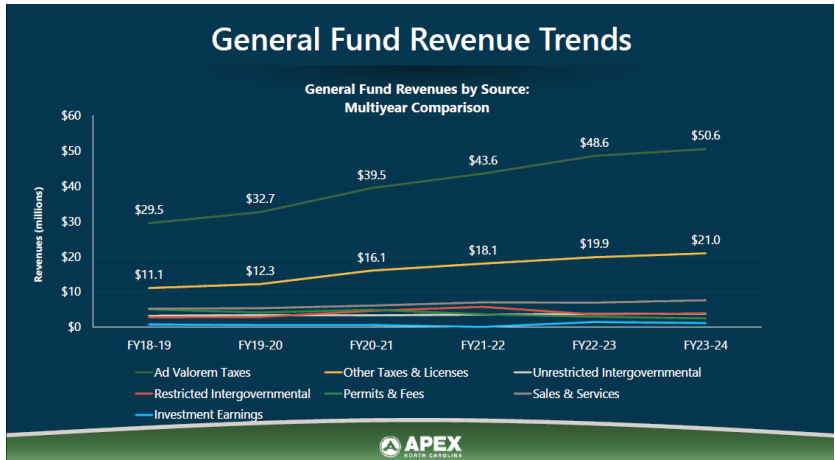
1 **Councilmember Zegerman** asked what is driving the 10-million-dollar variance  
2 between the budget and the estimates. He asked if the budget increases by a certain  
3 percentage and what numbers are being used.

4 **Director Grogan** said the number is the use of fund balance. She explained that the  
5 actual numbers the town is using are from the amended budget. She said the authorization to  
6 spend that amount is there, but the town doesn't anticipate using all of the funds because it's  
7 tied into PO carryovers from the previous fiscal year. She said some of it is tied to things that  
8 the town will reimburse itself for, such as revenue bonds.

9 **Councilmember Zegerman** said he was curious why the town is using the amended  
10 budget rather than a baseline for comparison because its not really what we are spending.  
11 He said we should be looking at what we are actually spending because it sways the  
12 numbers.

13 **Deputy Town Manager Purvis** said there will be fluctuation because the town is still  
14 paying back into this fiscal year through things received through August. He said it is an  
15 estimate but for consistency's sake the budget staff looks at the amended budget. Once the  
16 budget is finished this year, it is then moved to actuals. He said this gives the worst-case  
17 scenario, so that they are in a good situation by the end and not the other way around.

18 **[Slide 5]**



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20 **Town Attorney Laurie Hohe** arrived at 2:08 PM.


21 **Mayor Pro-Tempore Killingsworth** arrived at 2:09 PM.

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1 [Slide 6]

**General Fund Revenue Summary**

General Fund Revenues by Source					
Source	FY21-22 Actual	FY22-23 Budget	FY22-23 Estimate	FY23-24 Budget	Percent Change
Ad Valorem Taxes	43,601,374	48,684,400	48,595,000	54,294,400	11.52%
Other Taxes & Licenses	18,056,631	19,670,000	19,861,000	21,078,500	7.16%
Unrestricted Intergovernmental	3,594,604	3,680,000	3,792,000	3,830,000	4.08%
Restricted Intergovernmental	5,787,220	3,632,400	3,622,628	3,960,800	9.04%
Permits & Fees	3,683,870	3,537,000	2,993,690	2,514,000	-28.92%
Sales & Services	7,064,026	7,058,200	6,981,341	7,663,400	8.57%
Investment Earnings	95,093	25,000	1,500,000	1,200,000	4700.00%
Miscellaneous	624,538	519,500	627,900	641,500	23.48%
Other Financing Sources	677,710	775,000	775,000	2,075,000	167.74%
Fund Balance	-	17,909,732	6,003,620	4,675,000	-73.90%
<b>Total</b>	<b>\$83,185,066</b>	<b>\$105,491,232</b>	<b>\$94,752,180</b>	<b>\$101,932,600</b>	<b>-3.37%</b>



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3 **Councilmember Zegerman** asked if the budget isn't sustainable because of the  
4 reliance on the reserves.

5 **Director Grogan** said not necessarily. She said when a fund balance is allocated it's  
6 typically for a one-time expenditure or a capital project/purchase. She said PO carry overs  
7 can often be tied into the new fiscal year.

8 **Deputy Town Manager Purvis** said this is an aggregate fund balance. He said the  
9 other one discussed in the general otherwise is available fund balance. He said when staff  
10 talks with Council they refer to the available fund balance. There is more in the overall funds,  
11 but that is already tied up.

12 **Councilmember Zegerman** asked how would someone know where the 4.7 million is  
13 coming from, and is concerned about relying on reserves to make the budget.

14 **Deputy Town Manager Purvis** said the town strategically plans for the use of fund  
15 balance reserves and treats it like a savings. He said once they save enough for a project, it  
16 will be used. He said it isn't good to have too much in reserves, because it doesn't serve the  
17 public. He said the reserves only go towards capital, and not operating.

18 **Director Morrison** said the previous Council didn't spend money they didn't need to  
19 spend and save funds so that now the town doesn't have to raise taxes as much as they would  
20 have needed to in order to fund projects.

21 **Councilmember Zegerman** said in two years' time the town is going to be at a 25  
22 percent mark and out of reserves. He said he appreciated previous Councils for creating this  
23 savings, and that he also does not want to be the Council that spends all of it.

24 **Deputy Town Manager Purvis** said the town can run out of reserves if it keeps the  
25 same pace. He said they will be shown this possibility in the CIP discussions, but that staff is  
26 more conservative in their recommendation. He said they try to give Council flexibility within  
27 the budget proposal. He said staff can continue to report the numbers out so there is an idea  
28 of where the fund balance is headed. He said if the fund balance heads down even further,

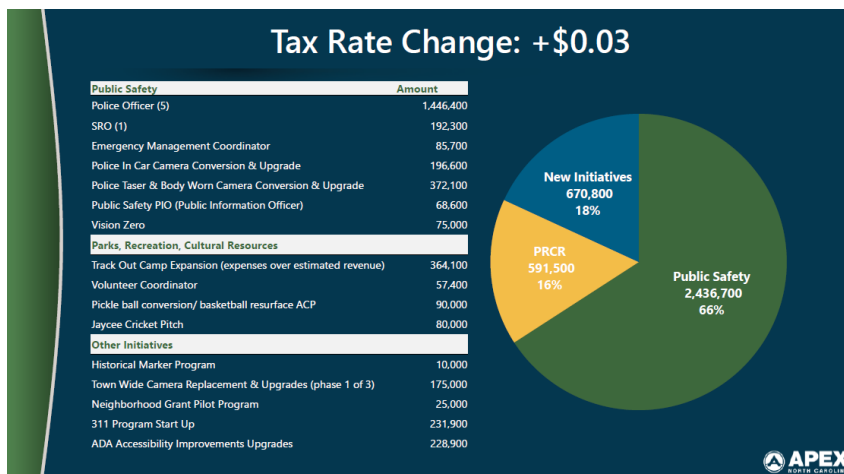
## DRAFT MINUTES

1 staff will then connect with Council on their direction. He added that they work on trying to  
2 find a balance between being conservative, providing the service the community wants and  
3 needs, and giving Council the ability to execute projects.

4 **Director Grogan** said the fund balance is added back annually. She said anything that  
5 was not spent within that fiscal year goes back to the fund balance.

6 **Councilmember Zegerman** said he appreciated them being conservative, but stated  
7 that coming in under budget is not always a good thing, as it left room for services to be  
8 delivered that weren't. He said it could also be used for a new hire or for a capital investment  
9 such as a greenway.

### 10 [Slide 7]



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12 **Councilmember Mahaffey** said in prior years there had been scenarios mapped out  
13 of what could be done if the rate went up an additional half-penny or penny from the  
14 proposed. He said this helped give Council a good view of the possibilities.

15 **Director Grogan** said this was sent to them as part of an email.

16 **Deputy Town Manager Purvis** said it wasn't as specific as in year's past, but does  
17 provide the list as a menu of options.

18 **Councilmember Zegerman** asked if this is the list of items requested by staff.

19 **Shawn Purvis** said that's correct.

20 **Councilmember Gray** asked if 3 cents is the right number from staff's perspective. He  
21 said he knew this was Council's recommendation, but wanted to hear their thoughts.

22 **Deputy Town Manager Purvis** said the goal is to get in as much of what Council  
23 wants to see in the budget as possible. He said from an operating standpoint the baseline is  
24 set, so when budget starts with the existing tax rate. He said there will be information  
25 presented on what it takes to do an assortment of other things. He said there are a lot of  
26 great things that could be done, but he can't really speak to a whole staff perspective as there  
27 are many different views from departments regarding where money should be spent. He said

## DRAFT MINUTES

1 staff takes into consideration the community and political concerns of residents and Council  
2 when drafting the budget.

3 **Mayor Pro Tempore Killingsworth** said it just depends on what Council wants to do,  
4 if more staff is needed from the list or more equipment.

5 **Councilmember Zegerman** asked if staff feels the town is in a “bubble” with  
6 spending, and is almost caught up on growth so as not to have to rely on reserves.

7 **Town Manager Crosby** said to a certain extent, reserves would always be relied on  
8 for some one-time expenses.

9 **Councilmember Zegerman** expressed concerns about the 25% minimum fund  
10 balance.

11 **Councilmember Mahaffey** said the state minimum requirement for the fund balance  
12 is 8%, and the town is at 25%, and also comes in above its own much stricter requirement. He  
13 said the rate could be lowered to spend it naturally, or spend this excess on the backlog of  
14 300 million dollars’ worth of projects.

15 **Deputy Town Manager Purvis** said for the past 5 years, the town has come in under  
16 budget. He said the town is trying to be careful moving forward with the budget this year or  
17 next year because of whatever is going on in the economy and that is unpredictable. He said  
18 it’s important to be careful in this timeframe to see if this tax rate is sustainable.

19 **Councilmember Zegerman** said he was concerned that the money wasn’t going as  
20 far as it could. He said they may be reaching a plateau on growth.

21 **Councilmember Mahaffey** said he thinks there are two separate issues getting  
22 conflated. There is capital spending which is the fund balance portion that is a set amount of  
23 money that sometimes gets added to every year. He said it was a possibility to just not do  
24 capital projects, though that isn’t what he would suggest. He said then there is the operating  
25 budget which is more relatable to the sustainability issue with increased costs.

26 **Councilmember Zegerman** said his concern would be not funding the fund balance,  
27 and then there’s no money left to do capital projects.

28 **Councilmember Mahaffey** said that no matter what, the way the budget is  
29 constructed this year, there will be plenty of money available given the town’s own  
30 requirements to have a higher available fund balance.

31 **Councilmember Gantt** said he thinks there has been a lot more non-residential,  
32 higher density rezonings since around 2018, which will lead to a better fiscal state in three or  
33 four years for the town.

34 **Councilmember Mahaffey** wondered how much of an impact that would have on the  
35 tax base.

36 **Councilmember Gantt** said he believes it will be meaningful.

**DRAFT MINUTES**

1 **Councilmember Zegerman** said it would depend on what gets constructed there, as  
2 some developments would bring in less tax revenue long-term.

3 **Councilmember Gantt** asked if the town has a residential and non-residential tax  
4 ratio that is projected out 10 years.

5 **Director Grogan** said the town has been an 80/20 split for years.

6 **Deputy Town Manager Purvis** said there is no magic number to what the ratio is. He  
7 said every community is different. He added that there is uncertainty as to how the  
8 commercial developments being constructed over the next several years will impact this  
9 ratio.

10 **[Slide 8]**

**General Fund Rates: Property Tax**

- Current Tax Rate: \$0.41 per \$100
- FY23-24 Tax Rate: \$.44 per \$100
  - +\$.03 increase
- \$.01 = \$1,233,000

Wake County Municipal Tax Rates						
Municipality / FY	2020	2021	2022	2023	2024	Difference
Wake County	0.7207	0.6	0.6	0.6195	0.652	0.0325
Angier	0.53	0.53	0.53	0.49		
Apex	0.415	0.38	0.39	0.41	0.44	0.03
Cary	0.35	0.35	0.345	0.345		
Clayton	0.58	0.58	0.58	0.60		
Durham	0.5317	0.5317	0.5517	0.5577		
Fuquay-Varina	0.4325	0.395	0.395	0.425	0.46	0.035
Garner	0.56	0.4971	0.5121	0.5521	0.6071	0.055
Holly Springs	0.4825	0.4216	0.4216	0.4216	0.4216	
Knightdale	0.43	0.42	0.42	0.45	0.45	
Morrisville	0.39	0.36	0.36	0.39	0.39	
Raleigh	0.4382	0.3552	0.373	0.393		
Rolesville	0.48	0.46	0.46	0.46	0.46	
Wake Forest	0.52	0.495	0.495	0.495	0.505	0.01
Wendell	0.49	0.47	0.47	0.47	0.47	
Zebulon	0.592	0.55	0.55	0.575		
Average	0.481	0.453	0.457	0.469	0.467	

**APEX**  
NORTH CAROLINA

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12 **Director Grogan** said Wake county is looking to do tax rate increase, as penny of that  
13 is tied to bonds. She said Fuquay, Garner, and Wake Forest all propose tax increases.

14 **Councilmember Mahaffey** said he has communicated with many members in the  
15 community about the tax increases and what they are going to, and the message has been  
16 well received. He said he can see there is an opportunity to use some additional fund balance  
17 later to capital projects.

18 **Councilmember Zegerman** said the use of the additional revenue will mostly impact  
19 residents directly.

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**DRAFT MINUTES**

1 **[Slide 9]**

### General Fund Rates: Solid Waste Collections

Solid Waste/Recycling/Yard Waste

- 2.5% CPI Increase
- Recycling Processing Fee Increase

Solid Waste, Recycling, & Yard Waste Monthly Charges		
	FY 22-23	FY 23-24 Proposed
Yard Waste Collection	\$7.83	\$7.83
Residential Roll-Out Cart*	\$9.61	\$9.85
Commercial Roll-Out Cart	\$20.12	\$20.62
Recycling (per Bin or Cart)**	\$4.55	\$5.24
Dumpster Service		
- 4 CY Dumpster	\$141.18	\$145.86
- 6 CY Dumpster	\$169.09	\$173.86
- 8 CY Dumpster	\$194.00	\$198.85

Average residential account will see a \$0.93/month increase  
\* 2.5 % CPI increase per contract  
\*\* includes processing fee increase from \$0.75 to \$1.34 for recycling per contract

Rate/Fee	Apex FY22-23	Apex FY23-24 Proposed	Cary*	Garner*	Fuquay-Varina*	Holly Springs	Morrisville*	Raleigh*	Wake Forest
Solid Waste (Res.)	\$9.61	\$9.85		n/a		\$10.58	n/a	\$14.45	\$12.00
Recycling (Res.)	\$4.55	\$5.24	\$22.00	n/a	\$20.00	\$4.74	n/a	\$4.60	\$5.00
Yard Waste	\$7.83	\$7.83		n/a		\$4.50	n/a	n/a	\$5.00

\*Current Year Rates & Fees

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3 **Councilmember Gantt** asked if the town is moving to the binned solid waste model.  
4 He asked would that increase or decrease the cost.


5 **Assistant Town Manager Stone** said it wasn't in this budget. He said it could reduce  
6 costs, but would be do to an assortment of factors, such as every other week pick up instead  
7 of weekly.

8 **[Slide 10]**

### General Fund Expenditure Summary

FY23-24 Budget Expenditure Summary

- Total Expenditures \$101,933,100
  - -3.37% FY22-23 Amended Budget
- Includes use of \$4,675,000 Fund Balance
  - S Salem St Bicycle Connection - \$300,000
  - Felton Grove HS Cost Share - \$825,000
  - Eva Perry Library - \$200,000
  - Environmental Education Center - \$300,000
  - ACP Hockey Partnership - \$250,000
  - Safe Routes to School - \$1,000,000
  - Additional \$1.5M from restricted fund balance being transferred to Debt Service for Mason St Municipal Building



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10 **Councilmember Gantt** asked if Holly Springs are paying any money on the Felton  
11 Grove High School cost share.

12 **Deputy Town Manager Purvis** said Holly Springs has an intersection with a light  
13 going up and the developer is paying for that, but Cary is contributing to some things.

14 **Mayor Gilbert** asked if Holly Springs decided not to contribute or were they asked.

15 **Councilmember Gantt** said the Town of Holly Springs needs to be asked since they  
16 are benefiting the most from this project.



**DRAFT MINUTES**

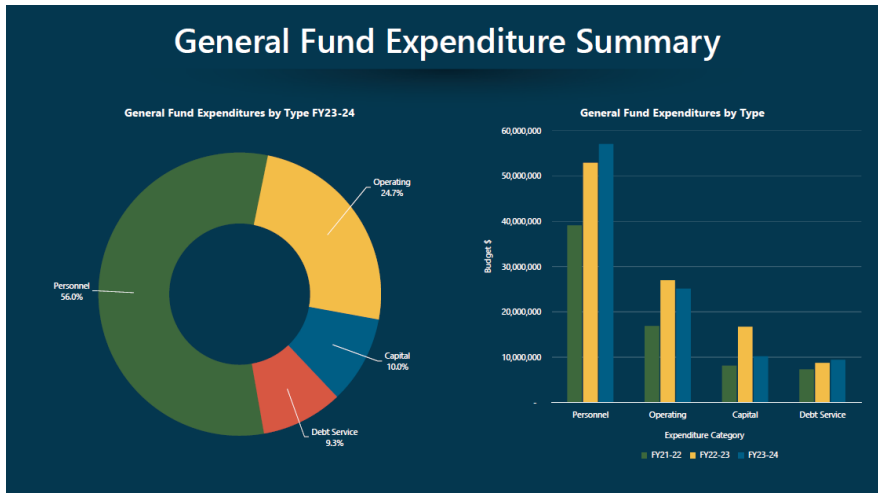
1 **Assistant Town Manager Stone** said Wake County Schools are coordinating this and  
2 their signalization is going to be done at 55.

3 **Councilmember Mahaffey** said the schools don't care because the law says towns  
4 pay for the roads now, and it's in the Town of Apex jurisdiction.

5 **Councilmember Gantt** said their drivers are going to be benefiting more from this.

6 **Councilmember Mahaffey** said he thinks it's a ridiculous law because it's a rounding  
7 error and the balance of cost of the project. He said it was pushed to us because that's what  
8 the law says.

9 **[Slide 11]**



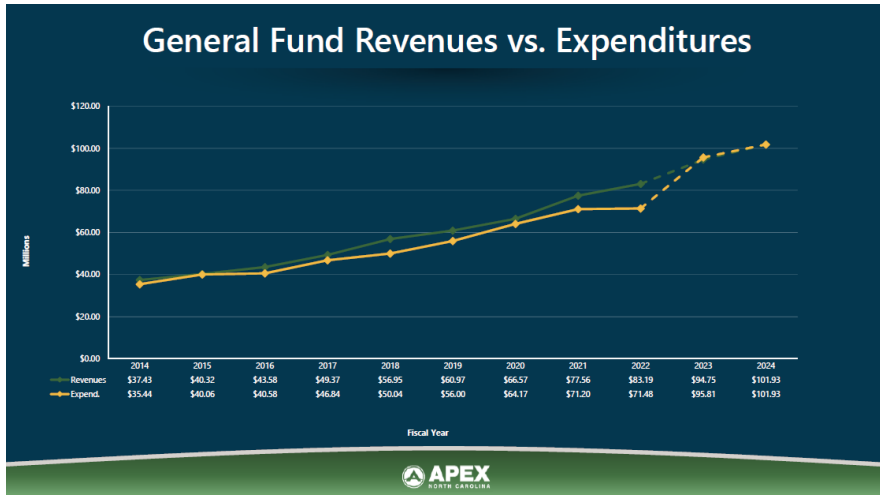
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11 **Councilmember Mahaffey** asked if the PO carryovers will continue the next year.

12 **Director Grogan** said all staff received an email regarding their active PO's. She said  
13 there will be some PO Carryovers because of ongoing projects. She said projects wouldn't be  
14 carried over if they were initiated during this fiscal year, but hadn't actually started. She said  
15 they would be restarted in the new fiscal year.

16 **Deputy Town Manager Purvis** said the past 2 years have been worse for carryovers,  
17 especially with the impact COVID had on long-term projects.

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1 [Slide 12]

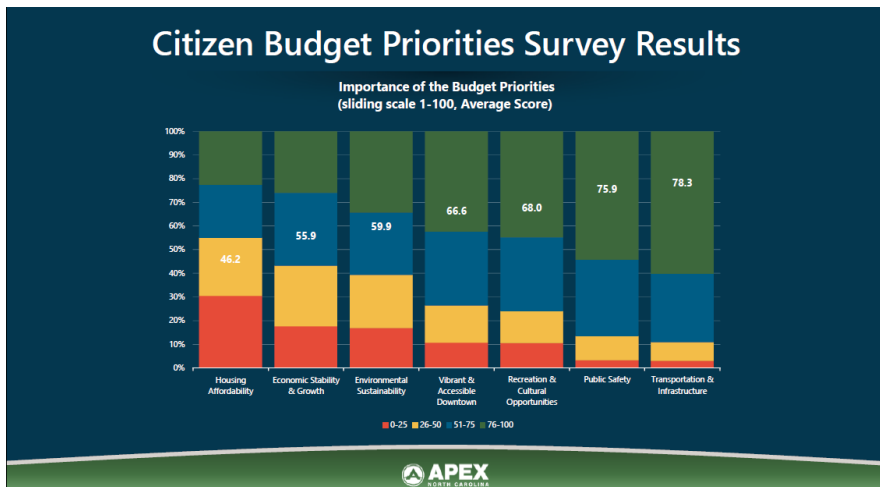


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3 **Deputy Town Manager Purvis** said they were looking at options for what to do with  
4 the information and funds that were left over from the previous year after audits, and how to  
5 get that information out to Council more efficiently.

6 **Councilmember Gantt** said he likes to see the comparison and including more  
7 context in looking at the budget.

8 [Slide 13]



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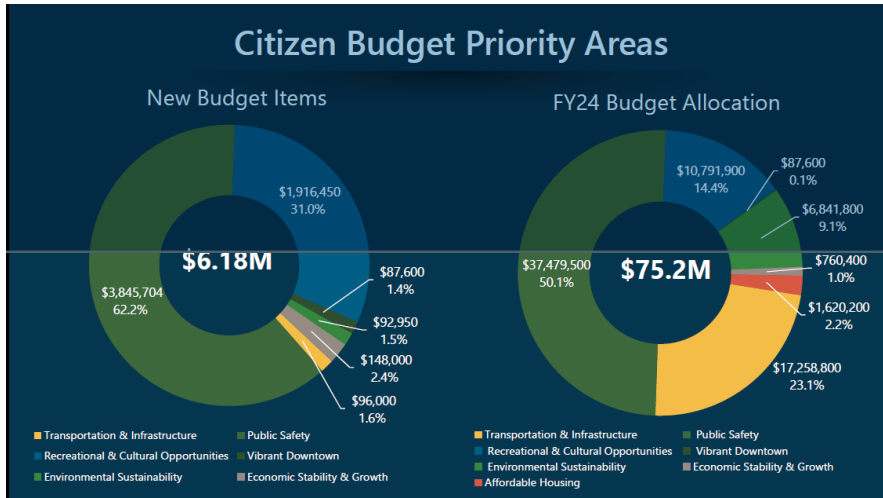
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**DRAFT MINUTES**

1 **[Slide 14]**



2  
3 **[Slide 15]**



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5 **Town Manager Crosby** said initially was \$5,000 per event but it had to adjust the  
6 budget so that was re-evaluated to \$3,500.

7 **Director Grogan** said the \$3500 is an average number.

8 **Councilmember Zegerman** asked if this included the public safety officer tests costs.  
9 He also asked if \$3500 is the limit of a town event or an event organizer seek sponsorship  
10 from external parties.

11 **Director Grogan** said it did not include public safety costs.

12 **Director Morrison** said currently the town does not have an approved policy on  
13 seeking sponsorships for town events. He said he's not sure of the timeframe but it's on the  
14 list and it will come before Council at some point in the future.

15 **Councilmember Mahaffey** asked if the town has to vote to accept a donation or can  
16 the town designate someone to accept checks.

**DRAFT MINUTES**

1 **Town Manager Crosby** said it sounds like in the past it has not been done under a  
2 policy, and has been inconsistent.

3 **Councilmember Zegerman** asked what is the timeframe of the policy. He asked  
4 would there be some benefit. He said there are plenty of parties that would like to sponsor a  
5 town event.

6 **Director Morrison** said within the next 6-8 months. He said he would like to have a  
7 draft to Council before the end of the calendar year.

8 **Councilmember Mahaffey** asked if someone would get a tax break if they donated to  
9 the town

10 **Director Morrison** said no, the town not a tax except organization.

11 **Councilmember Mahaffey** said if we had a festival commission for all the festivals it  
12 would be easier to fundraise for those.

13 **Councilmember Zegerman** asked would the town address that though a  
14 sponsorship process, or through a separate organization like Councilmember Mahaffey  
15 described.

16 **Councilmember Mahaffey** said it may depend on how much money is involved.

17 **[Slide 16]**

**Personnel**

- Factors driving Personnel
  - Position Additions (28)
  - Retirement Increase
    - 12.1% → 12.88% General Employees
    - 13.1% → 14.1% LEO
  - Insurance Increases
    - Health Insurance – 7.9% Increase
    - Dental Insurance – 5.8% Increase
  - Compensation
    - 2% Market Rate Increase (July)
    - 4% Merit (Oct)
    - \$1,200 Peak Lifestyle Reimbursement

Obligatory Benefits Impact			
Benefit	Increase	GF Budget Impact	Total Budget Impact
Retirement	12.88%	\$519,800	\$760,400
LEO Retirement	14.1%	\$244,900	\$244,900
Health Insurance	7.9%	\$384,400	\$507,700
Dental Insurance	5.8%	\$15,200	\$20,100
<b>TOTAL</b>		<b>\$1,164,300</b>	<b>\$1,533,100</b>

Proposed Personnel Impacts		
Benefit	GF Budget Impact	Total Budget Impact
28 Position Additions	\$3,164,000	\$3,680,700
2% Market Rate Increase	\$891,400	\$1,159,900
4% Merit	\$1,361,100	\$1,777,600
Lifestyle Reimbursement	\$657,400	\$793,600
<b>TOTAL</b>	<b>\$6,073,900</b>	<b>\$7,411,800</b>

**APEX**  
ADULT SERVICES

18  
19 **Councilmember Zegerman** asked what the peak lifestyle reimbursement is.

20 **Amanda Grogan** said it's a new incentive for staff that offers funding for wellness  
21 activities and purchases.

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# DRAFT MINUTES

1 [Slide 17]

## FY23-24 Personnel

- Current Approved FTE positions: 610.75
- Proposed new positions: 28
  - 26.5 FTE → 637.25 FTE
- Of 28 recommended positions:
  - 3 PT
  - 1 PT to FT

Fund	Requests	Recommended	Annual Salary & Benefits
General	59	24	\$3,371,635
Electric	3	2	\$210,697
Water-Sewer	2	1	\$113,335
Stormwater	2	1	\$142,451
TOTAL	66	28	\$3,838,119

2  
3 [Slide 18]

## Positions Recommended

Department	Position	Qty.
Administration	Admin Assistant	1
	IT Specialist (Jr Operations Specialist)	1
Information Technology	IT Process Analyst (Business/Data)	1
	Geographic Information Systems (GIS) Analyst	1
Communications	Public Safety PIO (Public Information Officer)	1
Finance	Assistant Finance Director	1
	Purchasing/Contracting Specialist	1
Community Development & Neighborhood Connections	Neighborhood Improvement Specialist	1
Facilities	311 Manager	1
	Facilities Maintenance Technician	1
Police	Police Officer	3
	Police Officer-Directed Patrol	2
	School Resource Officer	1
Fire	Emergency Management Coordinator	1
Fleet	Fleet Services Manager	1
	Volunteer Coordinator	1
Parks & Recreation	Recreation Customer Service Specialist	1
	30-hr. Camp Director w/ Benefits	2
	Recreation Program Specialist	1
	Pleasant Park Operations Worker	1

4  
5 [Slide 19]

## General Fund Expenditures: Capital - Vehicles & Equipment

Vehicle Replacements						Equipment				
Department	Unit #	Year	Make	Model	Mileage	Cost	Department	Equipment Type	Cost	
Police	70	2017	Ford	Taurus	93,644	\$ 69,800	IT	Town Wide Camera Replacement (1/3)	\$ 175,000	
Police	166	2017	Ford	Explorer	101,484	\$ 69,800	IT	AV Standardization Upgrades (1/3)	\$ 42,500	
Police	232	2015	Ford	Explorer	80,980	\$ 69,800	Police	4 New LEO's Radio Equipment Set Up	\$ 40,000	
Police	237	2015	Ford	Taurus	87,835	\$ 69,800	911 Communications	Radio Encryption Key Loader	\$ 5,500	
Police	250	2016	Ford	Explorer	85,921	\$ 69,800	Fire	Fire Radio Replacement	\$ 150,000	
Police	251	2016	Ford	Explorer	92,240	\$ 69,800	Fire	Self Contained Breathing Apparatus Replacement	\$ 250,000	
Police	262	2017	Ford	Explorer	86,510	\$ 69,800	Fire	Ladder 34 Tools and Equipment	\$ 68,000	
Police	269	2016	Ford	Taurus	85,837	\$ 69,800	Streets	Concrete Mixer	\$ 8,000	
Fire	189	2011	E-ONE	Fire Engine	111,053	\$ 900,000	Streets	Tilting Ditch Grading Bucket for 305 Excavator	\$ 2,900	
Fire	25	2007	Ford	Expedition	96,785	\$ 55,000	Fleet Services	Fluid Gravity Feed System	\$ 7,800	
Fire	83	2013	Ford	Expedition EL	135,466	\$ 55,000	PRCR	Volleyball Nets	\$ 10,000	
Fire	85	2007	Ford	F-150	76,192	\$ 55,000	PRCR	Public Art: Downtown LED digital display	\$ 108,000	
Fire	179	2001	Dodge	Durango	137,082	\$ 41,500	PRCR	Tilt Deck Trailer	\$ 11,000	
TID	89	2012	Ford	Explorer	83,978	\$ 50,000	PRCR	Ventrac Finish Mower Deck	\$ 6,350	
PRCR	211	2014	Ford	F-150	215,474	\$ 50,000	PRCR	Golf Cart	\$ 11,000	
<b>Total</b>						<b>\$ 1,764,900</b>	PRCR	Tractor	\$ 40,000	
									<b>Total</b>	<b>\$ 936,050</b>

Department	Vehicle Additions	Cost
	# of Additions	
Facility Services	1	\$ 60,000
Police	4	\$ 310,000
Fire	1	\$ 80,000
Streets	1	\$ 213,000
Solid Waste	1	\$ 235,000
PRCR	2	\$ 240,000
<b>Total</b>		<b>\$1,138,000</b>

6  
7 **Councilmember Mahaffey** asked how many vehicles will be EVs.

## DRAFT MINUTES

1           **Director Grogan** said most of them. She said they are looking at different types and  
2 when they could be received. She said of the vehicles aren't practical for EVs or hybrids, such  
3 as trucks with a high towing requirement.

4           **Councilmember Mahaffey** said whether it's next year or in later years, the town  
5 needs to have the charging stations in place at Public Works and the Police Department. He  
6 said he didn't see a ton of money in the budget to put charging stations at our facility. He  
7 asked is it about \$70,000.

8           **Director Grogan** said the town is doing an analysis on the type of charging stations to  
9 move to as a standard. She said the process now is to figure out what department is tied to  
10 that because the infrastructure over the next five years are based on the replacement vehicle  
11 schedule. She said a grant will be applied for this month.

12           **Councilmember Gantt** asked if the grant was the Raleigh MSA.

13           **Mr. Murphy** said it's a DOT program through the Federal Government.

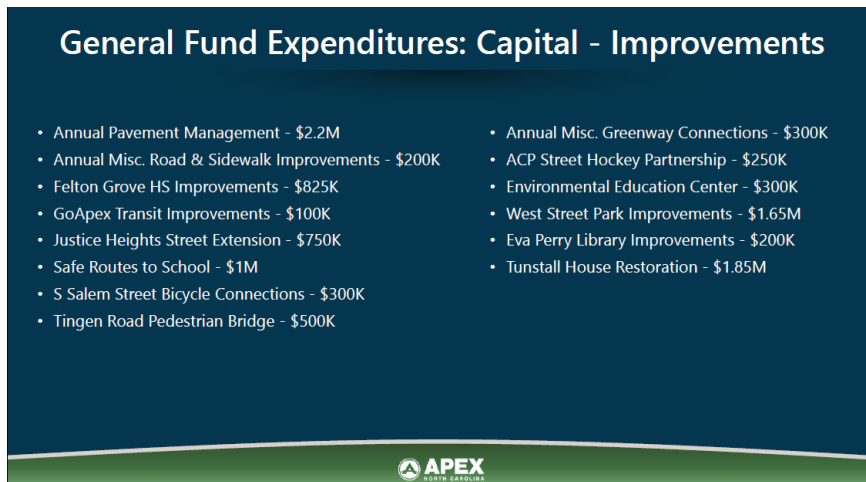
14           **Mayor Gilbert** asked if the electric power stations security has been enhanced.

15           **Assistant Town Manager Stone** said there are no cameras.

16           **Mayor Pro Tempore Killingsworth** said it would be a good idea after she's seen  
17 some stations has been shot at.

18           **Director Grogan** said she can ask the electric substation specifically when they're  
19 looking into doing cameras.

20 **[Slide 20]**



21  
22           **Councilmember Mahaffey** asked what is the timeline for the Justice Heights project.

23           **Director Johnson** said he has it budgeted for FY24 as far as design.

24           **Deputy Town Manager Purvis** said it's already budgeted for design, and they are  
25 working on moving forward with construction.

26

## DRAFT MINUTES

1 [Slide 21]

**Capital Reserve Funds**

- Transportation Capital Reserve Fund
  - Projection: \$1.4M from Motor Vehicle Tax
  - Commitments: \$1.4M
    - \$650k to General Fund for Pavement Management & Annual Miscellaneous Road
    - \$750k to Street Project – Justice Heights Extension
- Recreation Capital Reserve Fund
  - Projection: \$1.3M
  - Fund Balance: \$6.9M

**APEX**  
NORTH CAROLINA

2

3 [Slide 22]

**Affordable Housing Fund**

- FY23-24 Projection: \$1.2M
  - \$0.01 tax rate allocation
  - Reduction from \$0.015
  - \$3M committed from ARPA funds
  - Commitments: none pending

**APEX**  
NORTH CAROLINA

4

5 **Councilmember Gantt** asked whose call it was for the decrease.

6 **Director Grogan** said when there was a recommendation made to the finance  
7 committee when there was still a \$2.9 million-dollar gap.

8 **Councilmember Gray** said that this is a way of closing that gap.

9 **Councilmember Zegerman** asked if the town had \$4.2 million in the fund.

10 **Director Grogan** said \$250,000 is for the housing rehab program.

11 **Councilmember Mahaffey** said a good fund balance may be able to be saved in  
12 order to then purchase some land.

13 **Councilmember Gantt** asked if the land purchase might be a joint affordable housing  
14 or government use type of thing.

**DRAFT MINUTES**

1 **Deputy Town Manager Purvis** said it's up to Council. He said as long it's an  
2 appropriate use of government funds. He said council has the option to modify what these  
3 funds can be used for.


4 **[Slide 23]**

**GF Fund Balance**

- Current Unassigned (available) Fund Balance: \$43.7M
- Policy requires at least 25% → \$26.4M of FY23 Amended Budget
- Approximately \$17.3M available

What amount are we comfortable using?

- General Fund use of \$3,075,000 Fund Balance
  - Eva Perry Library (roof & air handlers) - \$200,000
  - Safe Routes to School - \$1,000,000
  - Felton Grove Cost Share - \$825,000
  - Justice Heights - \$750,000
  - S Salem Street Bicycle Connection - \$300,000




5  
6 **[AGENDA ITEM #2 - TAX RATE ANALYSIS]**

7 **Deputy Town Manager Shawn Purvis** gave an overview on the tax rate and capital analysis  
8 for the overall budget.

9 **[Slide 1]**

**Tax Rate & Capital Analysis**

	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28
Proposed Tax Rate Plan	\$0.440	\$0.420	\$0.436	\$0.450	\$0.450
Estimated Capital as % of Budget	10.1%	11.2%	12.7%	11.6%	12.0%
Remaining CIP Gap	(\$0)	(\$3,383,898)	(\$1,932,880)	(\$4,779,266)	(\$2,584,331)
\$.01 Property Tax Increase =	\$1,224,357	\$1,408,011	\$1,493,697	\$1,584,599	\$1,681,032
Additional Tax Rate to Fully Fund CIP	\$0.000	\$0.024	\$0.013	\$0.030	\$0.015
Adjusted Tax Rate	\$0.440	\$0.444	\$0.449	\$0.480	\$0.465
Capital as % of Budget	10.1%	13.9%	14.1%	14.8%	13.6%



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# DRAFT MINUTES

1 [Slide 2]

Project Pushed for Further Evaluation	Estimated Cost
Davis Drive-Salem Church Road Realignment	\$7,000,000
Jessie Drive Phase 2 Construction	\$12,000,000
Peakway Southeast Connector	\$18,885,000
Production Drive Extension	\$2,000,000
Town-wide Traffic Signal System	\$6,800,000
Beaver Creek Greenway Extension	\$13,031,000
Big Branch Greenway	\$8,000,000
Pleasant Park Baseball/Softball Complex	\$12,300,000
Depot Parking Lot Repurpose	\$2,000,000
<b>Total</b>	<b>\$82,016,000</b>

2

3 **Mayor Pro Tempore Killingsworth** asked if the town has the staff capacity to do any  
4 of the projects.

5 **Councilmember Gantt** said the projects that are closer to this year is what the town  
6 should focus on first.

7 **Deputy Town Manager Purvis** said it depends on the project. He said the  
8 transportation projects would need more time for any new project. He said recreation would  
9 depend on the project, facilities such as parks would be a push but are manageable. He said  
10 we do not have the staff capacity right now for additional greenway projects. He said there  
11 are ways to work around that such as consultants and outside engineers, but that puts the  
12 town at the mercy of their timelines.

13 **Councilmember Zegerman** said he's looking at the CFD plan and asked about the  
14 timeframe and costs of the transportation projects with FY24-25 and FY25-26.

15 **Councilmember Gantt** said it depends on the project.

16 **Deputy Town Manager Purvis** broke down the project process for Councilmember  
17 Zegerman.

18 **Councilmember Zegerman** asked what was the selection process for the list of  
19 projects.

20 **Deputy Town Manager Purvis** said some high priority projects are the Pleasant Park,  
21 Beaver Creek Greenway extension, and Production Drive extension. The projects that were  
22 pushed out are the Davis Drive-Salem Street realignment and Town-wide traffic signal  
23 system. He said time wise and sensitivity of the project, the town isn't there yet so that's why it  
24 was pushed.

25 **Councilmember Zegerman** asked about the Big Branch Greenway.

26 **Deputy Town Manager Purvis** said it's not on the CIP because it's already been  
27 accounted for.

## DRAFT MINUTES

1           **Councilmember Gray** said he would like to see the cost estimate at inception for  
2 each project. He said having this information would helpful to explain to citizens why projects  
3 get delayed and why more money is needed.

4           **Mayor Gilbert** said he's already getting questions about Pleasant Park. He said he  
5 would like to see this kind of information about certain projects.

6           **Councilmember Gray** said the town needs to be better at "telling the story" of why  
7 certain things get approved, pushed back, or changed.

8           **Councilmember Mahaffey** said the town needs to be at a spot where its not pushing  
9 back projects. He asked if there are some opportunities to find funding.

10           **Deputy Town Manager Purvis** said he's not ruling out any grant funding, but it's too  
11 early to confirm anything right now. He said staff has had conversations with the towns  
12 financial advisor to help with the structure some things and look at other possible funding  
13 options. He said the town can not do Wimberly Road or Olive Farm Park areas without a  
14 bond because they're going to be over 50 million dollars each. He said the Peakway  
15 Connector is also unlikely to be done without a bond. He said anything debt-related has a  
16 long-term impact, and they are analyzing that.

17           **Councilmember Mahaffey** said in regards to Pleasant Park, he asked if there is going  
18 to be a gap of time in between the next floater bond, then what could the town do with the  
19 space. He said if the park isn't going to be built, there is a 12 and a half million-dollar option  
20 to build a bunch of really nice fields. He suggested something in the interim to utilize the  
21 space.

22           **Deputy Town Manager Purvis** said that staff is looking into financial options to take  
23 care of the other side of it. He said the other side is talking to parks and recreation team and  
24 see if anything can be done to rescale the project or if it can be done in two phases. He said  
25 as things stand, everything else could be done at the park but there would be some empty  
26 space that is grassed.

27           **Assistant Town Manager Stone** said some people ask, "why don't the town go back  
28 to natural fields", he said the design was based on artificial fields. He said if you go away from  
29 artificial, you will end up spending a lot of money on grading and green landscaping, then  
30 there's a possibility for stormwater issues. He said there might be a way to phase it with the  
31 final product and that's something to look into. He said there are other ways to save money,  
32 like shelters. He said it would still have the same function but not the same material.

33           **Mayor Pro Tempore Killingsworth** asked if community donations or financial  
34 sponsorships around local businesses have been considered.

35           **Deputy Town Manager Purvis** said partnerships were looked at but they fell  
36 through. He said that it is something that may can still be done and would help. He said Craig  
37 Setzer has reached out to potential partners and groups that he's waiting to hear back.

## DRAFT MINUTES

1           **Councilmember Mahaffey** said the town should spend money to upgrade HVAC  
2 systems in the Halle to improve conditions. He also said the floor markings for OSHA was  
3 important, and the town has the money for the proposed project for \$110,00. He said this  
4 project is five years out but he would rather do it sooner than later.

5           **Director Grogan** said that project would be operational phasing. She also said  
6 regarding the HVAC that those are things that the town has started replacing in phases.

7           **Councilmember Gantt** said there may be some EPA grants they could be considered  
8 for.

9           **Councilmember Gray** said he assumes there are other factors that Council hasn't  
10 been aware of. He says he isn't sure if this is a regulatory issue or an issue getting parts. He  
11 said he assumed staff would let them know of key issues that might would go into their  
12 prioritization of things.

13           **Director Grogan** said there were some that were pushed out but also some that were  
14 requested.

15           **Councilmember Zegerman** said the town should pull in some of the smaller ones  
16 first.

17           **Assistant Town Manager Stone** said it could be a staff capacity issue or a new  
18 technology that's going to come out the next year, and not necessarily a money reason as to  
19 why a project can't be done.

20           **Councilmember Mahaffey** asked would there be an issue with doing an HVAC today  
21 other than budget restraints, he asked is there a capacity issue.

22           **Town Manager Crosby** said the facilities manager may know and staff would circle  
23 back around.

24           **Deputy Town Manager Purvis** said they are also looking at things that can be done  
25 without changing or impacting the budget, such as procuring EVs. He said they will keep an  
26 eye out and take advantage of an opportunity if it arises.

27           **Director Grogan** said they do try to pull things up when they foresee issues  
28 potentially arising, or things become more pressing such as safety issues.

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1 [Slide 3]

Strategic Goal Alignment in General Fund			Strategic Goal Alignment in General Fund		
Strategic Focus	Strategy/Action Item	Budget	Strategic Focus	Strategy/Action Item	Budget
High Performance Government	Continue to Implement Organization Assessment Recommendations	1,965,700	A Welcoming Community	Develop a Neighborhood Improvement Grant Program	25,000
	Continue to Invest in Employee Professional Development			Public Art: Downtown LED Digital Display	108,000
	Travel & Training across all operations	724,100		Encourage a Healthy & Active Lifestyle	250,000
	Identify Benefit Options to Attract, Retain, & Develop our Workforce			Environmental Education Center Feasibility Study	300,000
	Peak Lifecycle Benefit Program	657,400		Annual Greenway Allocation	300,000
	Employee Onboarding Kit / Annual Employee T-shirt	11,000		PROR Camp Program & Class Expansion	519,900
	Expand Diversity Inclusion Belonging Program	31,000		Expanded Cultural Programs & Events	28,000
	GA&E Membership & Trail Access Rap Sessions	8,000		Pickleball Conversion Basketball Recurface ACP	90,000
	New Hire Diversity Training	10,000		Jaycee Park Cricket Pitch	80,000
	Provide customer focused service			Increase Safe Places & Spaces	325,000
Economic Vitality	Implement the Downtown Master Plan	2,800,000	Environmental Leadership	Be a Leader in Renewable Energy & Conservation	200,000
	Salem Street Downtown Projects	30,000		Electric & Hybrid Fleet Replacements & Additions	15,000
	Downtown Facade Grant Program	17,000		Complete Charging Station Assessment with Implementation Timeline	70,000
	Downtown Development Promotion & Marketing			EV Charger Upgrade & Additions	5,700
	Recruit, Retain, & Develop Businesses	124,000		Start Composting Bin Pilot for Town Facilities	200,000
	Economic Development Incentives			Implement Green Initiatives in Town Facilities	100,000
				Plant the Peak Program	Subtotal \$410,700
				Support Diverse Housing Options (Allocation to AHF)	1,211,000
				Provide & Promote Mobility	1,000,000
				Sole Routes to School Program Expansion	55,000
		Subtotal	\$2,971,000		
		Responsible Development			
		Transit Program	861,200		
		MCOE T-Line Phase Grant	30,000		
		Rapid Flash Beacon (Marking, Crosswalks)	20,000		
		Improving Walkability across Age	300,000		
		Focus on Infrastructure Improvements	1,300,000		
		Pavement Management & ADA Improvements	200,000		
		Annual Miscellaneous Sidewalk Improvement	200,000		
		Subtotal	\$4,977,200		
		Grand Total	\$14,520,000		

2

3 Councilmember Gantt asked if Wake County provided track-out related recreation  
4 activities.

5 Deputy Town Manager Purvis said there's more municipal coverage in Wake  
6 County, and in some cases residents in Apex wouldn't be very close to where the County-  
7 provided recreations are.

8 Councilmember Gantt said it was interesting that the County didn't provide a lot of  
9 these recreational things for kids across the county more.

10 Councilmember Zegerman asked if the town is maxed out on solar panels.

11 Assistant Town Manager Stone said the study is going on right now. He said he's  
12 working out the contract now and has visited some of the facilities.

13 Councilmember Mahaffey asked will it come back as a budget amendment.

14 Assistant Town Manager Stone said the study will be done within the next six  
15 months.

16 Councilmember Zegerman there is no mark in CIP right now.

17 Assistant Town Manager Stone said he trying to generate how much it costs first  
18 then bring to Council to decide. He said its more beneficial if you do more facilities at one  
19 time than doing them at different times. He said there will be a project incurred at the  
20 treatment plant.

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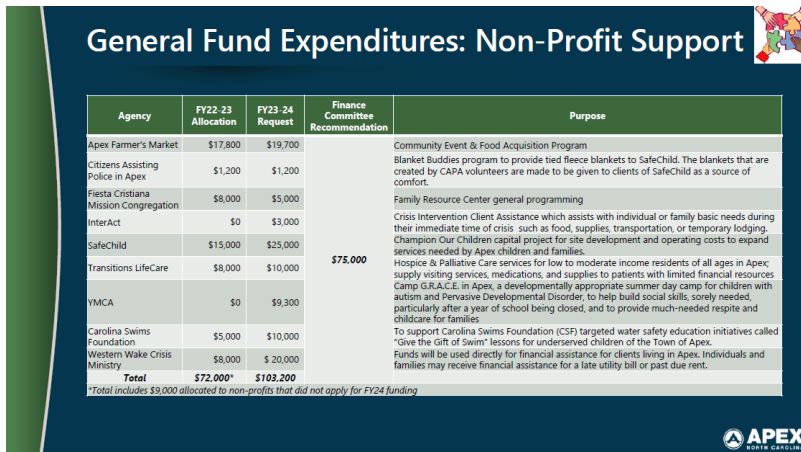
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# DRAFT MINUTES

## 1 [AGENDA ITEM #4 - NON-PROFIT FUNDING]



Agency	FY22-23 Allocation	FY23-24 Request	Finance Committee Recommendation	Purpose
Apex Farmer's Market	\$17,800	\$19,700		Community Event & Food Acquisition Program
Citizens Assisting Police in Apex	\$1,200	\$1,200		Blanket Buddies program to provide bed fleece blankets to SafeChild. The blankets that are created by CAPA volunteers are made to be given to clients of SafeChild as a source of comfort.
Fiesta Cristiana Mission Congregation	\$8,000	\$5,000		Family Resource Center general programming
InterAct	\$0	\$3,000		Crisis Intervention Client Assistance which assists with individual or family basic needs during their immediate time of crisis such as food, supplies, transportation, or temporary lodging.
SafeChild	\$15,000	\$25,000		Champion Our Children capital project for site development and operating costs to expand services needed by Apex children and families.
Transitions LifeCare	\$8,000	\$10,000	\$75,000	Hospice & Palliative Care services for low to moderate income residents of all ages in Apex; supply visiting services, medications, and supplies to patients with limited financial resources
YMCA	\$0	\$9,300		Camp S.R.A.C.E. in Apex, a developmentally appropriate summer day camp for children with autism and Pervasive Developmental Disorder, to help build social skills, sorely needed, particularly after a year of school being closed, and to provide much-needed respite and childcare for families.
Carolina Swims Foundation	\$5,000	\$10,000		To support Carolina Swims Foundation (CSF) targeted water safety education initiatives called "Give the Gift of Swim" lessons for underserved children of the Town of Apex.
Western Wake Crisis Ministry	\$8,000	\$ 20,000		Funds will be used directly for financial assistance for clients living in Apex. Individuals and families may receive financial assistance for a late utility bill or past due rent.
<b>Total</b>	<b>\$72,000*</b>	<b>\$103,200</b>		

\*Total includes \$9,000 allocated to non-profits that did not apply for FY24 funding



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3 **Director Grogan** gave an overview of the agencies that have applied. She said they  
4 are waiting on a recommendation from Finance Committee members.

5 **Mayor Gilbert** asked how many applications they had.

6 **Director Grogan** said this was all that applied. There were originally more but those  
7 not shown had withdrawn. She added that the requests add up to \$103,000, but that number  
8 needed to be cut down to \$75,000 to match Finance Committee recommendations.

9 **Councilmember Gray** asked for more context on the initial applications, and how the  
10 list ended up the way it is now.

11 **Director Grogan** said Apex Public School Foundation withdrew, and that her staff  
12 reached out to organizations that had applied in the past to inquire why they weren't doing  
13 so this year. She said some of them had staff changes, and so they were unaware of the  
14 deadlines.

15 **Mayor Gilbert** asked if Fiesta Christiana only requested \$5,000, noting that they were  
16 the only group to go down on their request.

17 **Director Grogan** said they requested 3 different amounts in 3 different places on the  
18 application.

19 **Ms. Hoffman** stated that one of the requests was for emergency fund funding, and  
20 the other was for personnel costs, which are not eligible for this town funding. She said the  
21 only programming funding request was for \$5,000.

22 **Councilmember Gray** said it was good to understand why some groups didn't apply  
23 this year and that some had stayed or joined back. He said it was good to help those who  
24 help the residents of Apex. He said he appreciates Director Grogan and her team reaching  
25 out to organizations to understand where the confusion was.

26 **Director Grogan** said next year, Mr. Murphy will be working on piloting other ways to  
27 inform non-profits and get the involved other than contacting them directly.

## DRAFT MINUTES

1           **Mayor Pro Tempore Killingsworth** asked about the White Oak Foundation, and why  
2 they had not requested funds.

3           **Director Grogan** said they have not requested funds for the past 3 years. She added  
4 that staff would let Council know what the Finance Committees recommendation is.

5           **Councilmember Gantt** said he views the Farmer's Market differently now that they  
6 aren't on public property. He said it is a benefit to Beaver Creek Shopping Center as much as  
7 it is to the community. He asked if they were differentiating costs relating to operations versus  
8 costs related to development. He also asked if the program that goes towards assisting with  
9 utility bills was different from this one and if it is still in place.

10           **Director Grogan** said that program was still in place, and that it has always been two  
11 separate programs.

12           **Councilmember Gantt** asked what that program would do versus this non-profit one.

13           **Director Grogan** said this is in addition to the utility program, and that this includes  
14 more than utility cost aid.

15           **Councilmember Gantt** asked if the utility bill funds were used up.

16           **Director Grogan** said they were not, and that staff would be submitting a budget  
17 amendment to them before the end of the fiscal year.

18           **Councilmember Mahaffey** commented that this non-profit program is much more  
19 general as to what it can help fund, whereas the utility assistance program is more rigid in  
20 that it can only help with utility costs. He said this non-profit fund is the best way they can  
21 spend this money, as it helps those who help people in Apex.

22           **Councilmember Gantt** said that since these are charities and people can donate to  
23 them on their own accord, his preference is to stay within the \$75,000 recommendation from  
24 the Finance Committee.

25           **Mayor Pro Tempore Killingsworth** said she was curious what Council's thoughts  
26 were on the Apex Farmer's Market, since it had moved from public property and is not  
27 looking to come back.

28           **Councilmember Gray** said he agreed with Councilmember Gantt. He said when it  
29 was downtown, the intent was to showcase local vendors and local businesses in an  
30 environment that would also help be a circulator of business in the downtown area. He said  
31 now that they are at Beaver Creek in a much more commercial environment, it makes it more  
32 difficult to explain why they as a town are putting that money towards it.

33           **Councilmember Zegerman** said he agreed as well. He said he wasn't sure if he was in  
34 favor of including the Farmer's Market on this list. He also was curious about SafeChild, since  
35 they were based in Raleigh, but did work with the Apex Police.

36           **Director Grogan** said part of SafeChild's request was operating expenses, and the  
37 other was capital investment and facility expansion.

## DRAFT MINUTES

1           **Councilmember Gantt** said he was uninterested in funding the capital aspect, but  
2 was still interested in funding the operating costs.

3           **Councilmember Mahaffey** said they have to expand their facilities in order to expand  
4 their programming.

5           **Councilmember Gantt** said he may feel differently if the facility was being built in  
6 Apex, but he isn't as interested since it is in Raleigh.

7           **Councilmember Mahaffey** said it doesn't matter where the facility is located if they  
8 are helping Apex citizens.

9           **Councilmember Gantt** said he is just thinking about where he would be willing to  
10 make cuts to get to the \$75,000 recommended limit.

11           **Director Grogan** said the Apex Police Department refers a lot of cases to SafeChild  
12 for their services.

13           **Mayor Gilbert** said to his understanding, Apex gives more than any other Wake  
14 County municipality to SafeChild.

15           **Councilmember Gray** said he wished there were other communities that raised the  
16 amount they gave.

17           **Mayor Gilbert** asked what the Farmer's Market proposed as far as what they wanted  
18 these funds to go towards.

19           **Director Grogan** said part of it went to their contracted service for the coordination  
20 and management of their program.

21           **Councilmember Mahaffey** asked if there was marketing including as well.

22           **Mr. Murphy** said some of it was marketing.

23           **Councilmember Gray** said he didn't want to say they shouldn't give them anything, as  
24 it ultimately helps out local business, but that it would be hard for them to give them more  
25 money than before after they moved away from where Council wanted them. He said they  
26 could justify an increase in the allocation if they were based more locally.

27           **Mayor Pro Tempore Killingsworth** asked why InterAct was not funded last year.

28           **Councilmember Mahaffey** said they didn't apply last year, and they were one of the  
29 organizations they reached out to for them to come back into the program.

30           **Mayor Pro Tempore Killingsworth** said her preference would be to reduce the  
31 amount of money the Farmer's Market received.

32           **Councilmember Gantt** said there would still need to be more cuts to get to the  
33 \$75,000.

34           **Director Grogan** clarified that these organizations would have to show that were  
35 spending the funds allocated towards them in line with what Council approved.

## DRAFT MINUTES

1           **Councilmember Zegerman** if the Carolina Swims Foundation had a location in Apex  
2 where they did lessons.

3           **Director Grogan** said no, it was in Fuquay-Varina. She said with this money they  
4 would ensure it goes to fund support of Apex residents.

5           **Mayor Gilbert** said they teach underserved children and partner with the White Oak  
6 Foundation.

7           **Director Grogan** said they had to work with them to adjust their proposal to fit for  
8 qualifying items. She said the Finance Committee would be working to come to a consensus,  
9 and then Council will discuss where the money will be allocated.

10          **Councilmember Gantt** asked if there would be more information about the specific  
11 funding requests.

12          **Director Grogan** said yes, this was summarized for the PowerPoint.

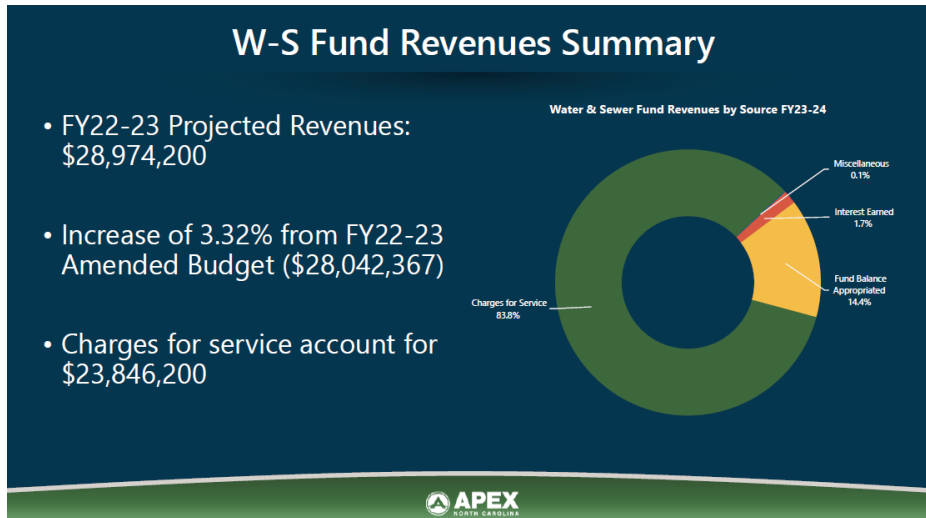
13          **Councilmember Gantt** said he is interested in getting the Farmer's Market back to  
14 downtown, and if this could be used as a lever to help aid that it would be good.

15          **Councilmember Gray** said he wasn't sure they could use the term lever, but that it  
16 may be an incentive.

17

### 18 [AGENDA ITEM #5 - WATER & SEWER FUND]

#### 19 [SLIDE 1]



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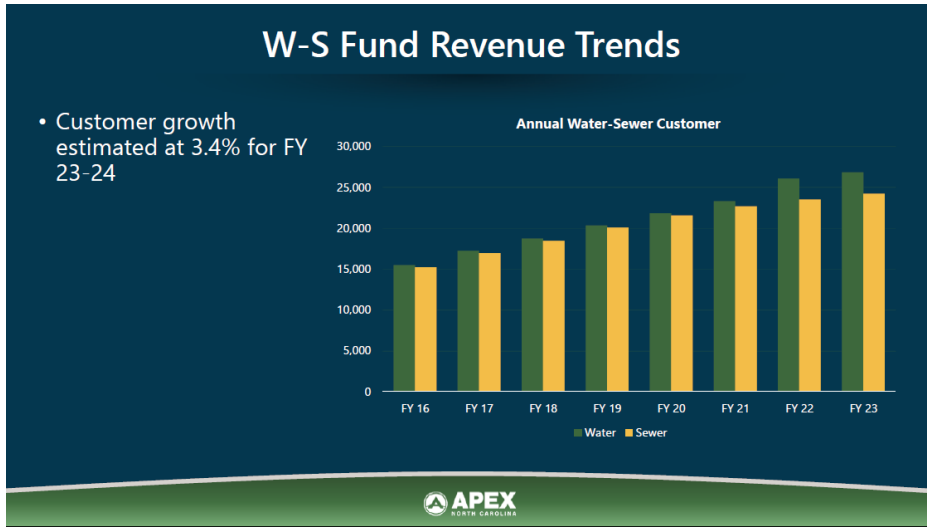
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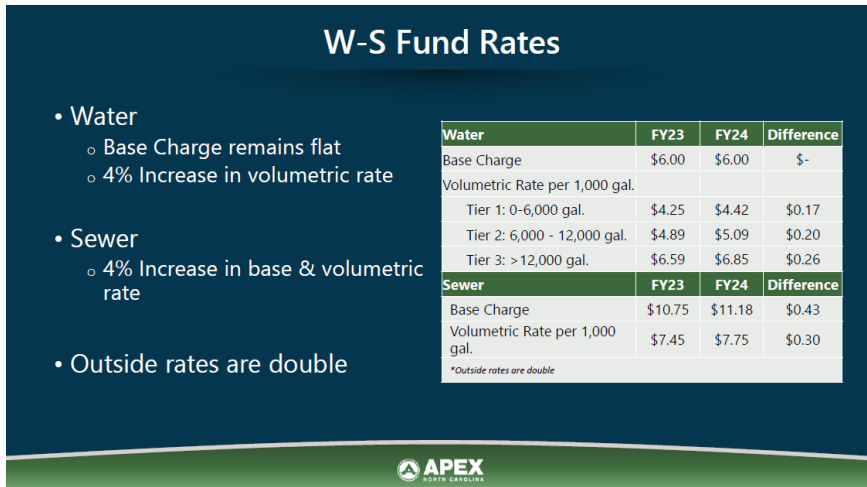
**DRAFT MINUTES**

1 [SLIDE 2]



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3 [SLIDE 3]



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5 [SLIDE 4]

### W-S Fund Rates

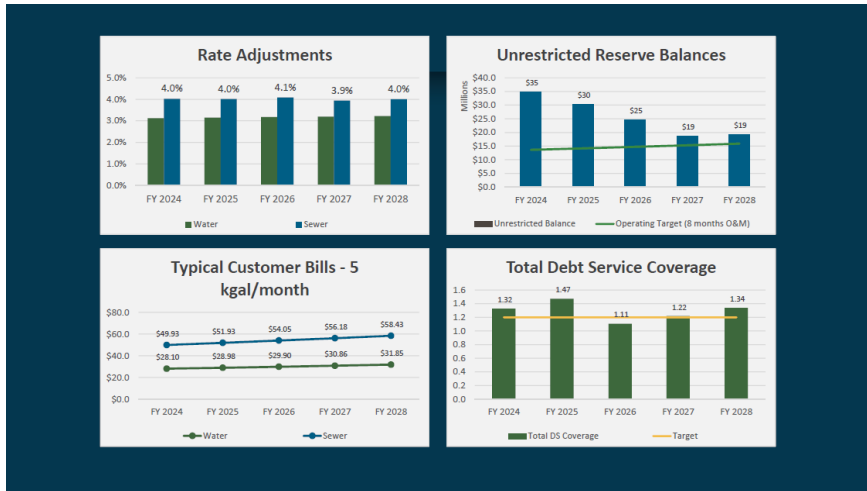
Consumption 1,000 gals	Water Rates		Sewer Rates		Combined Water & Sewer Total			
	Existing	Proposed	Existing	Proposed	Existing	Proposed	% Change	Cost Difference
0	\$6.00	\$6.00	\$ 10.75	\$11.18	\$16.75	\$17.18	2.50%	\$0.43
2	\$14.50	\$14.84	\$ 25.65	\$26.58	\$40.15	\$41.42	3.07%	\$1.27
4	\$23.00	\$23.68	\$ 40.55	\$42.18	\$63.55	\$65.86	3.51%	\$2.31
5	<b>\$27.25</b>	<b>\$28.10</b>	<b>\$ 48.00</b>	<b>\$49.93</b>	<b>\$75.25</b>	<b>\$78.03</b>	<b>3.56%</b>	<b>\$2.78</b>
6	\$31.50	\$32.52	\$ 55.45	\$57.68	\$86.95	\$90.20	3.60%	\$3.25
8	\$41.28	\$42.70	\$ 70.35	\$73.18	\$111.63	\$115.88	3.67%	\$4.25
10	\$51.06	\$52.88	\$ 85.25	\$88.68	\$136.31	\$141.56	3.71%	\$5.25
16	\$87.20	\$90.46	\$129.95	\$135.18	\$217.15	\$225.64	3.76%	\$8.49

**APEX**  
NORTH CAROLINA

6

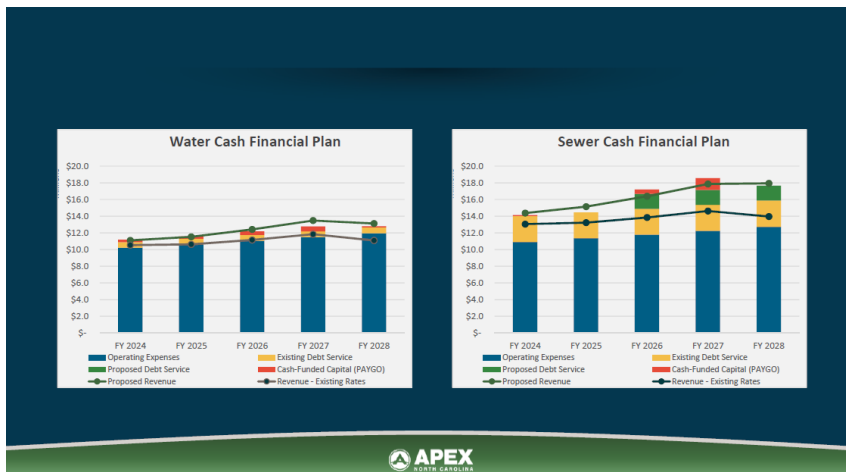
**DRAFT MINUTES**

1 **[SLIDE 5]**



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4 **[SLIDE 6]**



5

6 **Councilmember Zegerman** asked if the proposal for the sewer debt services  
7 accounted for the western capacity increase.

8 **Director Grogan** said part of it did. She said it will be tied to projects over time. She  
9 said there's Big Branch and other projects developing in that area over the next several years.  
10 She said some projects will be debt funded, then payments would start the following years.

11 **Councilmember Mahaffey** asked if Big Branch was included in this data.

12 **Director Grogan** said yes, partially, and that they were looking at financing \$20  
13 million of it from reserves and \$20 million as revenue bonds. She said the two debt services  
14 shown are Big Branch and the Cary DIP.

15 **Councilmember Mahaffey** asked how the revenue would work with the new  
16 connections.

**DRAFT MINUTES**

1 **Director Grogan** said the revenue bonds would be paid off over time by the revenues  
2 generated from the new connections.

3 **Councilmember Mahaffey** asked if it would be based off not doing a rate increase.

4 **Director Grogan** said not necessarily. She said rates may have to be increased in  
5 order to meet the requirement for paying the debt. She said the idea is not to have the  
6 burden places on the existing customers, but the expand the base so future customers would  
7 be able to contribute and offset the debt as well. She said the \$20 million reserve money  
8 going towards it are specifically able to be used for capacity increases like this.

9 **Councilmember Mahaffey** asked if the reserves fund was from previous expansions.

10 **Director Grogan** said that comes from the developer fees.

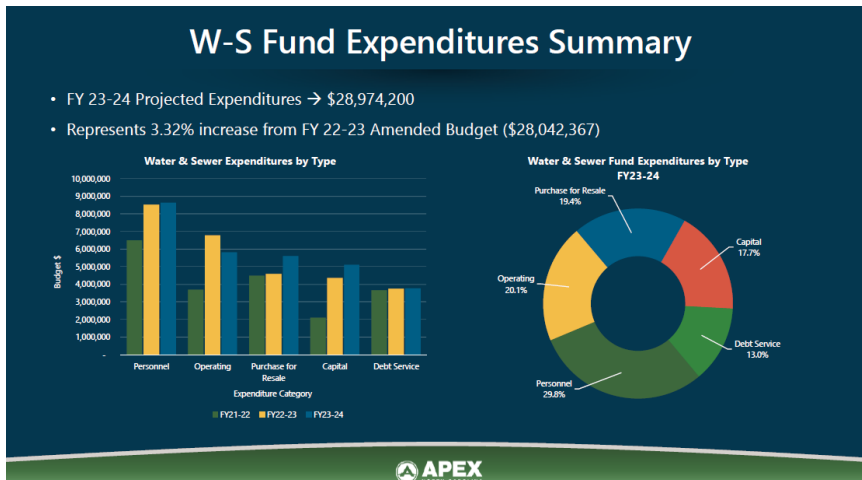
11 **Assistant Town Manager Stone** said there is currently legislation being proposed  
12 that may limit the town’s ability to recover these kinds of fees.

13 **Councilmember Mahaffey** asked if that meant they could empty reserves for this  
14 project and then have no way of refunding it if a law passed that limited the ability to levy  
15 those kinds of development fees for expansion of town systems.

16 **Assistant Town Manager Stone** said that was a possibility.

17 **Councilmember Gantt** said they can’t really plan based on potential future  
18 legislation.

19 **[SLIDE 7]**



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**DRAFT MINUTES**

1 **[SLIDE 8]**

**W-S Fund FY23-24 Expenditure Overview**

- Personnel
  - Utility Field Supervisor
- Vehicles & Equipment
  - SL 1000 Analyzer Kits (2) - \$12,000
  - Itron Handheld Equipment - \$10,000
  - Cat 299 D3XE skid steer - \$139,000
  - New valve truck - \$230,000
  - Replace Unit 208 - \$76,000
  - Replace Unit 93 - \$45,000
  - Lift gate for Unit 146 - \$5,500
  - Compactor - \$85,000
  - Unit 128 Replacement - \$50,000
  - SL-Rat acoustical pipe inspect unit - \$30,000
  - Mulching head attachment - \$41,000
  - Radio Comm. operator headsets - \$8,500
  - Pole MH inspection cam - \$20,000
  - Herbicide Spray Equipment - \$10,000
  - Easement Jetter Replacement - \$75,000
  - Crane Truck Replacement - \$165,000
- Capital Projects
  - AMI- \$4.1M
  - Big Branch 2 Pump Station & Force Main - \$40M
  - Hwy 55 Booster Pump Upgrades - \$450K
  - Roberts Road Line Connection - \$250K
  - Sunset Hills Pump Station Improvements - \$4.4M
  - Wimberly Road Water Supply Vault - \$40K
  - WWRWRF – Phase II Expansion - \$170k

**APEX**  
NORTH CAROLINA

2

3 **Councilmember Gantt** asked if the AMI was the same as for electric.

4 **Assistant Town Manager Stone** said yes, it serves as the “backbone” of water and  
5 electric.

6 **Director Grogan** said there would be some shared cost between water and electric,  
7 but that they would also have individual costs.

8

9 **[SLIDE 9]**

**W-S Fund Balance**

- Current Fund Balance for Water Sewer: approx. \$67.5M
  - Awaiting final FY22 Audit and final Finance postings
- FY23-24 includes use of \$4.1M
  - AMI Smart Meter Project Implementation
- Capital Reserves (restricted for system expansion)
  - Use of \$ 20.9M in FY24
    - Big Branch 2 Pump Station & Force Main - \$20M
    - Hwy 55 Booster Pump Upgrades - \$450k
    - Roberts Road Line Connection - \$250k
    - Wimberly Road Water Supply Vault - \$40k
    - WWRWRF – Phase II Expansion - \$170k

**APEX**

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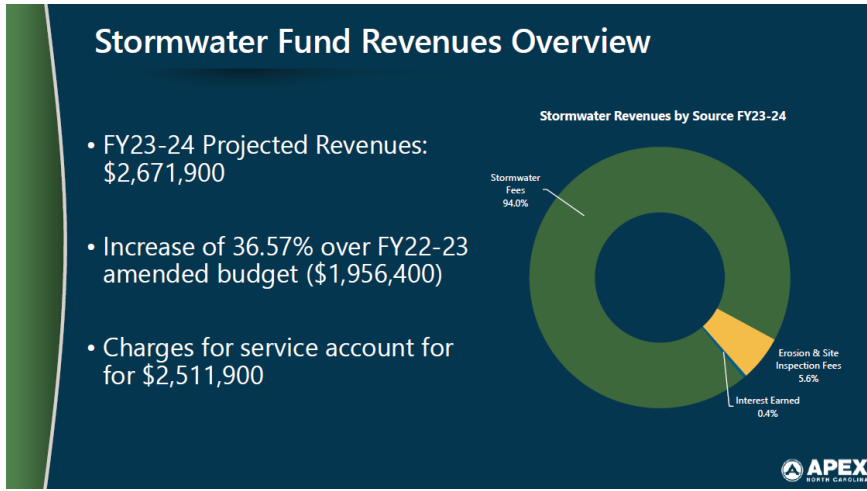
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**DRAFT MINUTES**

1 **[AGENDA ITEM #6 - STORMWATER UTILITY]**

2 **[SLIDE 1]**



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4 **[SLIDE 2]**

**Stormwater Utility**

- Stormwater Fees
  - Stormwater Utility Fee with a Residential Tiered Rate Structure
  - Non-Residential Rate Based on Actual Impervious Area
  - Rates remaining flat from FY22-23 but addition of a 5<sup>th</sup> tier

STORMWATER FEES	
Stormwater fees are effective January 2022 (Tier 5 added to residential July 1, 2023). Stormwater utility fees are based on the total amount of impervious surface on an individual lot or parcel.	
<b>Residential</b> - Detached single-family homes, a duplex, or a manufactured home located on an individual lot or parcel.	
Tier 1: 400-1,500ft <sup>2</sup>	\$1.50
Tier 2: 1,500-3,000ft <sup>2</sup>	\$5.00
Tier 3: 3,000-4,000ft <sup>2</sup>	\$7.50
Tier 4: 4,001-5,400ft <sup>2</sup>	\$10.00
Tier 5: > 5,400ft <sup>2</sup> (2 ERU)	\$5.00 per ERU (Total Impervious Area/\$2,700ft <sup>2</sup> + \$5)
<b>Non-Residential</b> - Parcels that contain more than two residential units, public/private institutional buildings, commercial buildings, parking lots, churches, etc.	\$5.00 per ERU (Total Impervious Area/\$2,700ft <sup>2</sup> + \$5)

\*ERU (Equivalent Residential Unit) is the GIS Analysis of average impervious surface (rooftops, driveways, sidewalks, parking lots) per property. Approximately 2,700 ft<sup>2</sup>  
\*Properties with less than 400ft<sup>2</sup> of impervious surface are exempt.

**APEX NORTH CAROLINA**

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6 **Director Grogan** asked if there was a consensus to include these fee schedules in the  
7 upcoming budget proposals, and Council said yes.

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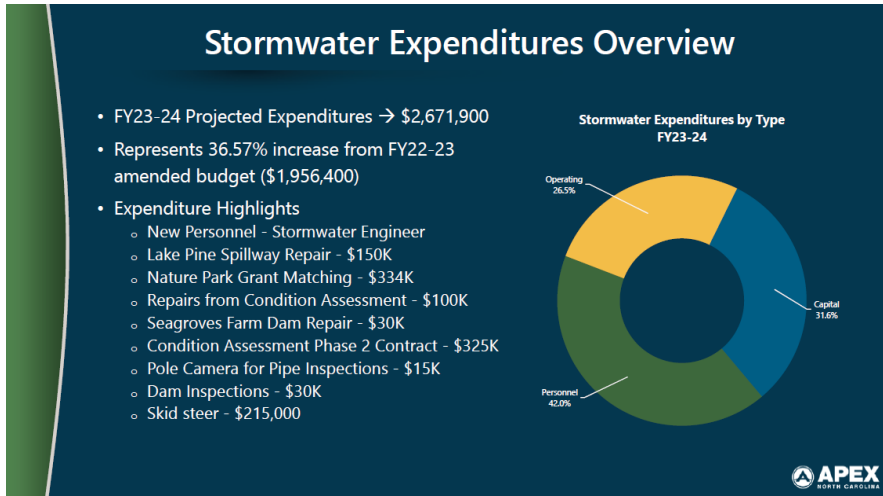
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# DRAFT MINUTES

1 [SLIDE 3]

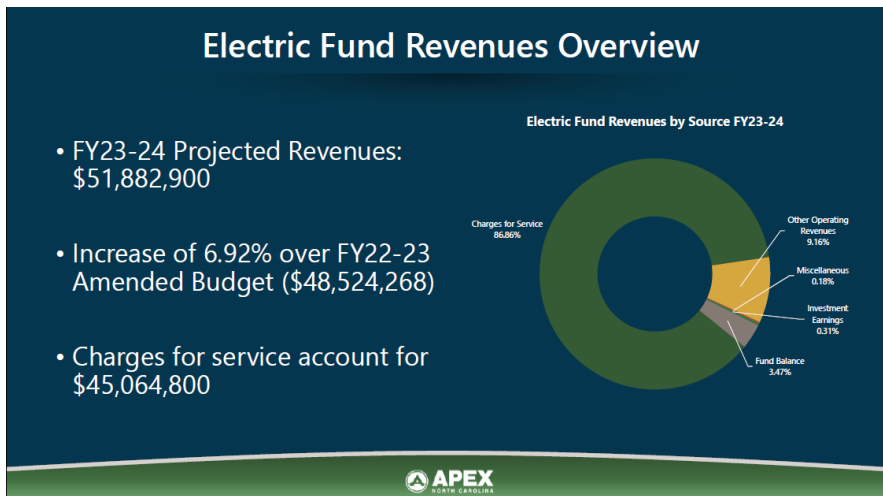


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4 [AGENDA ITEM #7 - ELECTRIC FUND]

5 [SLIDE 1]



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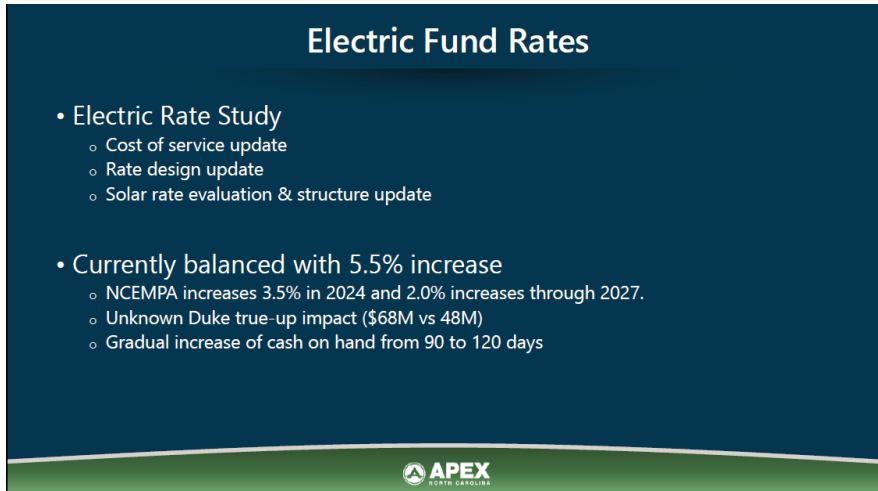
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## DRAFT MINUTES

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2 [SLIDE 2]



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4 **Councilmember Mahaffey** was confused on the \$68 million figure related to Duke  
5 Energy.

6 **Assistant Town Manager Stone** said it was based on a higher increase than  
7 expected, and that members of ElectriCities would be pass portions of the cost onto the  
8 Town. He said he was not sure how much Apex would get since it is a complex calculation. He  
9 said it would a number that wasn't known until after July of this year.

10 **Director Grogan** said these figures would be spread out over the 32 members of  
11 ElectriCities.

12 **Councilmember Mahaffey** said Duke's rates had gone up 18% this year, and was  
13 wondering if these higher costs were also related to that and the cost of fuel going up.

14 **Assistant Town Manager Stone** said he wasn't sure since it was a much different  
15 calculation, and that they can charge much different rates since they are a business.

16 **Mayor Pro Tempore Killingsworth** asked if Chatham County or Wake County ever  
17 considered a hydroelectric plant around Jordan Lake.

18 **Assistant Town Manager Stone** said he had no idea.

19 **Mayor Pro Tempore Killingsworth** said they had them where she grew up, and it  
20 was a super cheap cost for energy.

21 **Councilmember Mahaffey** asked if some ElectriCities towns still build their own  
22 power plants.

23 **Deputy Town Manager Purvis** said some that have special permission still do, but  
24 that Apex cannot produce energy under the current contract.

**DRAFT MINUTES**

1 **Councilmember Mahaffey** said he knows somebody of the King’s Mountain City  
 2 Council, and they love the natural gas plants they have, which they had to get special  
 3 legislation to use.

4 **Councilmember Zegerman** asked how the solar requirement with Cary would work,  
 5 and if that is considered generating power.

6 **Assistant Town Manager Stone** said they’re providing power to the plant itself.

7 **[SLIDE 3]**

No.	Description	Fiscal Year End June 30,				
		2024	2025	2026	2027	
1	Recommended Rate Increase	5.50%	5.00%	5.00%	0.00%	
2	Date of Increase	July 1, 2023	July 1, 2024	July 1, 2025	July 1, 2026	
3	Months of First Year	12	12	12	12	
4	Transfer to Capital Fund	\$2,050,000	\$2,250,000	\$1,800,000	\$2,000,000	
5	Proposed Revenue Bonds	\$0	\$0	\$0	\$0	
6	Operating Cash Balance					
7	Big Balance	\$12,021,251	\$12,786,551	\$12,448,851	\$13,734,351	
8	Total Revenue	\$52,310,600	\$53,217,000	\$56,085,500	\$57,296,600	
9	Total Revenue Requirements	\$51,545,800	\$53,554,200	\$58,800,000	\$57,411,000	
10	Annual Cash Flow	\$765,800	(\$237,200)	\$1,285,500	(\$114,400)	
11	End Operating Cash Balance	\$12,786,551	\$12,448,851	\$13,734,351	\$13,619,951	
12	Rate	\$26.38 / 0.0994 kWh	\$27.69 / 0.1044 kWh	\$29.06 / 0.1096 kWh	\$30.53 / 0.1150 kWh	
13	Average Customer Bill	\$140.69	\$147.75	\$155.12	\$162.78	
14	Target Days of Cash on Hand	90.00	\$10,881,616	\$11,384,408	\$11,691,049	\$12,163,098
15	Operating Cash Balance	\$12,786,551	\$12,448,851	\$13,734,351	\$13,619,951	
16	Purchased Power	\$30,972,000	\$31,985,200	\$32,117,600	\$32,828,000	
17	Operations & Maintenance Expense	\$18,159,000	\$14,184,900	\$15,296,100	\$16,500,100	
18	Days Operating Cash On Hand	106	92	106	101	
		\$1,904,935	\$1,064,443	\$2,043,302	\$1,456,858	

8  
 9 **Councilmember Zegerman** asked what the baseline of the average bill was.

10 **Director Grogan** said the base plan goes up \$1.38.

11 **Councilmember Zegerman** asked what the average customer would have an  
 12 increased bill of.

13 **Director Grogan** said \$7.36.

14 **Councilmember Gantt** asked if the Time of Use rates would be included next year.

15 **Deputy Town Manager Purvis** said it may be later than that, but this will be a start of  
 16 getting on the course that Council wants to go on.

17 **[SLIDE 4]**



# DRAFT MINUTES

## Recommended Electric Rates

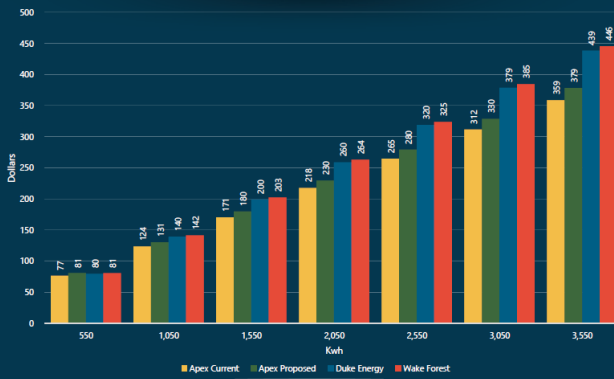
Rate Description		FY22-23 Rates	FY23-24 Rates	Difference
Residential TOU	Customer Charge (\$/bill)	25.00	26.38	1,375.00
	Energy Charge (\$/kWh)	-	-	-
	- Energy (0-800 kWh)	0.0942	0.0994	0.00518
	- Energy (>800 kWh)	0.0942	0.0994	0.00518
	Customer Charge (\$/bill)	25.00	26.38	1,375.00
	Energy Charge (\$/kWh)	-	-	-
	- TOU On Peak	0.1950	0.2057	0.01073
- TOU Off Peak	0.0518	0.0546	0.00285	
- TOU Bilateral Credit On Peak	0.1303	0.1375	0.00717	
- TOU Bilateral Credit Off Peak	0.0310	0.0327	0.00171	
Small General Service	Customer Charge (\$/bill)	27.00	28.50	1,500.00
	Energy Charge (\$/kWh)	0.0966	0.1019	0.00531
	Customer Charge (\$/bill)	27.00	28.50	1,500.00
	Energy Charge (\$/kWh)	-	-	-
Small General Service TOU	TOU On Peak	0.1950	0.2048	0.00980
	TOU Off Peak	0.0537	0.0564	0.00270
	TOU Bilateral Credit On Peak	0.1303	0.1368	0.00650
	TOU Bilateral Credit Off Peak	0.0310	0.0326	0.00160
	TOU Energy Charge (\$/kWh)	-	-	-
Medium General Service	Customer Charge (\$/bill)	85.00	90.00	5,000.00
	Energy Charge (\$/kWh)	0.0731	0.0780	0.00488
	Demand Charge (\$/kW)	7.75	8.20	0.45000
	Customer Charge (\$/bill)	85.00	90.00	5,000.00
Medium General Service TOU	TOU Energy Charge (\$/kWh)	0.0700	0.0739	0.00392
	TOU On Peak Demand Charge (\$/kW)	11.50	12.25	0.75000
	Customer Charge (\$/bill)	175.00	175.00	-
	Energy Charge (\$/kWh)	0.0593	0.0622	0.00290
Large General Service	Demand Charge (\$/kW)	10.32	11.00	0.68000
	Customer Charge (\$/bill)	175.00	175.00	-
	TOU Energy Charge (\$/kWh)	0.0579	0.0607	0.00280
	TOU On Peak Demand Charge (\$/kW)	11.86	12.75	0.89000
Large General Service TOU	Customer Charge (\$/bill)	350.00	350.00	-
	Energy Charge (\$/kWh)	0.0451	0.0476	0.00250
	CP Demand Charge (\$/kW)	20.18	21.00	0.82000
	Excess Demand Charge (\$/kW)	3.93	4.19	0.26000



1

2 [SLIDE 5]

## Average Monthly Bill



3

4 [SLIDE 6]

## Customer Growth & Sales Assumptions

Customer and Sales Escalation		Forecast										
Esc.	Description	4-yr Avg	Actual					Forecast				
			2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
1	Residential Customers	8.26%	8.06%	10.91%	8.46%	5.66%	3.21%	3.00%	3.00%	3.00%	3.00%	3.00%
2	Residential TOU Usage	5.90%	8.15%	4.64%	9.03%	1.87%	0.04%	0.00%	0.00%	0.00%	0.00%	0.00%
3	Small General Service Customers	9.79%	46.95%	9.70%	-4.25%	-5.33%	-3.96%	0.00%	0.00%	0.00%	0.00%	0.00%
4	Small General Service Usage	9.71%	36.90%	0.66%	-3.15%	3.44%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
5	Medium General Service Customers	5.58%	3.62%	5.23%	7.35%	6.16%	4.47%	3.00%	3.00%	3.00%	3.00%	3.00%
6	Medium General Service TOU Usage	6.15%	1.36%	-1.30%	5.88%	19.89%	8.28%	3.00%	3.00%	3.00%	3.00%	3.00%
7	Large General Service Customers	16.05%	45.64%	23.22%	0.23%	0.81%	-1.52%	0.00%	0.00%	0.00%	0.00%	0.00%
8	Large General Service TOU Usage	14.58%	45.75%	25.01%	-2.65%	-3.30%	-4.57%	0.00%	0.00%	0.00%	0.00%	0.00%
9	Large General Service Customers	-0.59%	2.82%	-1.21%	2.72%	-1.18%	3.49%	0.00%	0.00%	0.00%	0.00%	0.00%
10	Large General Service TOU Usage	1.40%	0.67%	-4.92%	4.44%	5.75%	-2.98%	0.00%	0.00%	0.00%	0.00%	0.00%
11	Large General Service Customers	10.67%	25.00%	5.00%	14.23%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
12	Large General Service TOU Usage	79.05%	78.70%	296.12%	42.40%	1.89%	-2.59%	0.00%	0.00%	0.00%	0.00%	0.00%



5

6 [SLIDE 7]

## Monthly Impact

Apex Residential Customers			
Kwh	Current Avg/Month	Proposed Avg/Month	Monthly Change
950	\$114.49	\$120.81	\$6.32
1,150	\$133.33	\$140.69	\$7.36
1,250	\$142.75	\$150.63	\$7.88
1,350	\$152.17	\$160.57	\$8.40

1

2 **[SLIDE 8]**

## Electric Fund Expenditures Overview

- FY23-24 Projected Expenditures → \$51,882,900
- Represents 6.92% increase over FY22-23 Amended Budget (\$48,524,268)

Electric Fund Expenditures by Type

Electric Fund Expenditures by Type FY23-24

3

4 **[SLIDE 9]**

## FY23-24 Electric Fund Expenditures Overview

- Vehicles & Equipment
  - Equipment Trailer - \$25K
  - Materials Trailer - \$15K
  - 5" MOLE (trenchless equipt.) - \$18K
  - Modification to Pulling Rig - \$10K
  - Non-tilt trailer for Unit 112 - \$15K
  - Automatic Traffic Control Arms - \$30K
  - Resistagraph for Poles & Trees (decay detector) - \$10K
  - Front End Mower for Ditch Wizard - \$6,500

- Personnel
  - 2 Positions Recommended
    - 2 Line Technicians
- Capital Projects
  - East Williams Substation - \$1.8M
  - LED Replacement - \$250K

5

6

**DRAFT MINUTES**

1 [SLIDE 10]

**Electric Fund Reserves**

- Current Electric Fund Balance \$19M
  - Awaiting final FY22 Audit and final Finance postings
  - FY23: \$3.3M available for appropriation due to restrictions
- FY23-24 includes use of \$1.8 M
  - East Williams Substation

APEX

2

3 **Councilmember Zegerman** said it doesn't seem like there's not a lot on line  
4 maintenance.

5 **Director Grogan** said that and other items were in separate line items in the budget.

6 [SLIDE 11]

**Other Fee Changes**

ELECTRICAL UNDERGROUND AND SERVICE LATERAL FEES	
Calculated by the Electric Department	
Primary Facilities: Collected by Electric Department Based on cost difference of normal overhead facilities and the requested underground facilities.	Service Laterals: Collected by Building Inspections Permitting Charges are for the first 100 feet of service length. An excess footage charge, if applicable, is billed separately by the Electric Utilities Division at \$4.25/foot over 100 feet.
Single-Family \$526.75\$2,722/lot	Single-Family \$661\$776/service lateral
Townhomes \$526.75\$1914/unit	Townhomes \$661\$776/service lateral
Apartments \$526.75\$1914 point of delivery EV Chargers @ cost determined at submittal request	Apartments Apartments are typically served with multiple meter bases at approved locations; service laterals are usually installed in conjunction with the primary facilities and service lateral charges do not apply

APEX

7

8 **Councilmember Mahaffey** asked if the town loses money by providing electricity.

9 **Director Grogan** said yes.

10 **Mayor Pro Tempore Killingsworth** asked if the increase rates would cover that  
11 discrepancy.

12 **Director Grogan** said somewhat, but the cost to buy energy could still increase. She  
13 said they increase costs on developers as well to help system expansion costs.

## DRAFT MINUTES

1 **Councilmember Mahaffey** asked if they knew what Duke would charge for this type  
2 of service to Municipalities.

3 **Director Grogan** said their system is different, but staff can get information on that.  
4 She said part of it is tied to how they charge rates.

5 **Assistant Town Manager Stone** said Duke's rates are set up to recover costs in a set  
6 amount of time. He said they are a for-profit company.

7 **Director Grogan** said they aren't trying to recoup all of system expansion costs  
8 through rates, like Duke does more of.

9 **Councilmember Zegerman** asked what the restrictions of the balance was.

10 **Deputy Town Manager Purvis** said they have to keep a certain level to account for  
11 lag.

12

13 **[SLIDE 12]**

Strategic Goal Alignment Enterprise Funds		
Strategic Focus	Strategy/Action Item	Budget
High Performing Government	Personnel Additions	
	- Sewer Maintenance Field Supervisor	205,700
	- Stormwater Engineer	147,200
	- Electric Line Technicians (2)	269,300
	Provide Customer-Focused Service	
- Hosted Switch System (Yukon Upgrade)	35,000	
- OMS - SCADA Integration, Customer Mapping, Disaster Recovery	36,800	
	<b>Subtotal</b>	<b>\$694,000</b>
Economic Viability	System Expansion to Support Residential & Commercial Growth	
	- Big Branch 2 Pump Station and Gravity Main	20,000,000
	- Roberts Road Water Line Connection	25,000
	- HWY 55 Booster Pump Upgrades	450,000
	- Cary-Apex Water & Sewer Projects	922,200
	- New Water Meter Installation	200,000
- Electric System Expansion & East William Substation Expansion	5,100,000	
	<b>Subtotal</b>	<b>\$26,697,200</b>
A Welcoming Community	Enhance Communications for a More Informed Community	
	- Educational Giveaways, Supplies, etc. for Water & Sewer	1,500
	- Fats, Oils, & Grease Educational Items	1,000
- Stormwater Public Education, Outreach Supplies, & Giveaways	5,500	
	<b>Subtotal</b>	<b>\$8,000</b>
Environmental Leadership	Be a Leader in Renewable Energy & Conservation	
	- AMI /Smart Meter Implementation	\$4,100,000
	- LED Street Light Conversion	250,000
	- EV Transition Investigation (2 Replacements)	75,000
	- Nature Park Streambank Restoration	333,600
	- Develop Funding Strategy for Watershed Protection of Jordan Lake	135,000
	Preserve Natural Resources & Habitats	
- LCRR Lead Service Line Inventory & Tracking Software	142,500	
- Fats, Oils & Grease-Vehicle Wraps	10,000	
	<b>Subtotal</b>	<b>\$5,046,100</b>
Responsible Development	Investment in Infrastructure Upgrades & Replacement	
	- Water/Sewer Hydro Model Updates	\$150,000
	- Stormwater Condition Assessment Phase II	325,000
	- Annual Miscellaneous Drainage Improvements	100,000
	- Pump Station Improvements & Upgrades	700,500
	- Water Main Replacement & Rehab Program	300,000
	- Inflow & Infiltration Repairs (Various Locations)	300,000
- Pump Station Maintenance & Repair	634,000	
	<b>Subtotal</b>	<b>\$2,410,000</b>
	<b>Grand Total</b>	<b>\$34,855,300</b>

14

15 **[SLIDE 13]**

### Rate Changes Cumulative Effect on Residents

Rate Change Impact on Average Household*			
Fee/Rate	FY22-23	FY23-24	Change
Solid Waste (combined)	\$21.99	\$22.92	\$0.93
Water	\$27.25	\$28.10	\$0.85
Sewer	\$48.00	\$49.93	\$1.93
Electric	\$133.33	\$140.69	\$7.36
Stormwater	\$5.00	\$5.00	\$0.00
<b>Total</b>	<b>\$235.57</b>	<b>\$246.64</b>	<b>\$11.07</b>

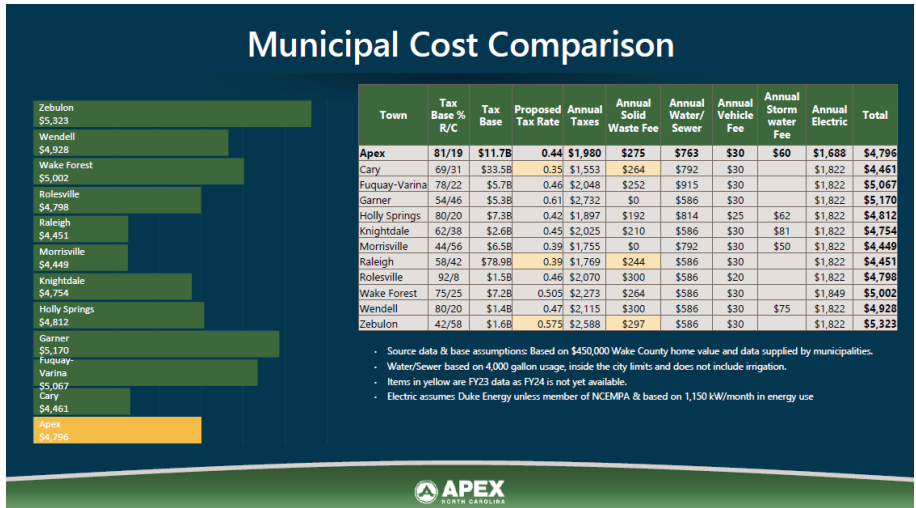
\*Average household defined as 5,000 gal./month in water-sewer usage & 1,150 kW/month in energy use

Property Tax Rate Comparison				
Home Value	\$0.41	\$0.44	Change	per Month
\$200,000	\$820	\$880	\$60	\$5.00
\$300,000	\$1,230	\$1,320	\$90	\$7.50
\$400,000	\$1,640	\$1,760	\$120	\$10.00
\$500,000	\$2,050	\$2,200	\$150	\$12.50

16

**DRAFT MINUTES**

1 [SLIDE 14]



2

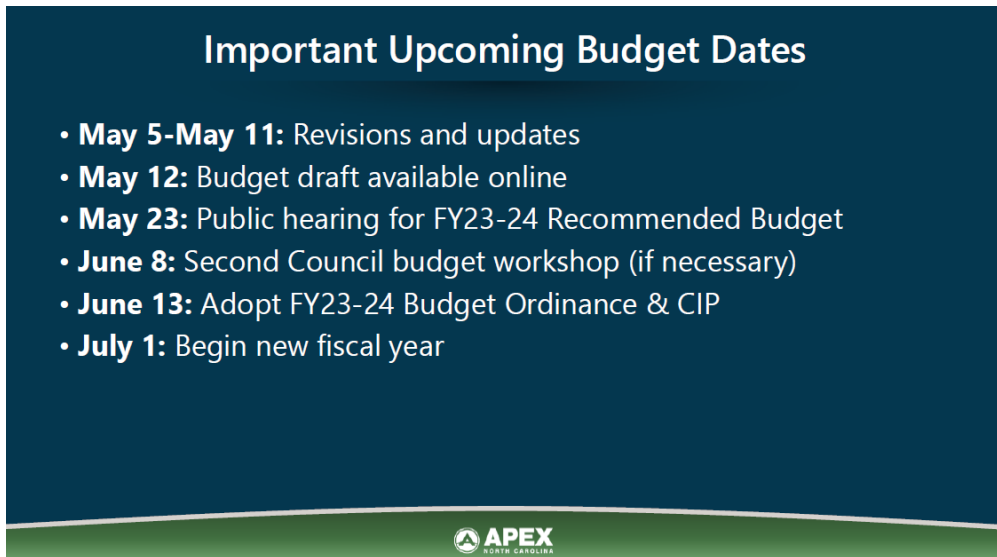
3 **Councilmember Mahaffey** asked if there was a way to forecast what these numbers  
4 may be.

5 **Deputy Town Manager Purvis** said he would like more time to evaluate that, he said  
6 he and Director Grogan have looked at creating a model to help determine that.

7 **Councilmember Mahaffey** said Apex may be getting closer to a 70/30  
8 Residential/Commercial split after some of the upcoming projects.

9

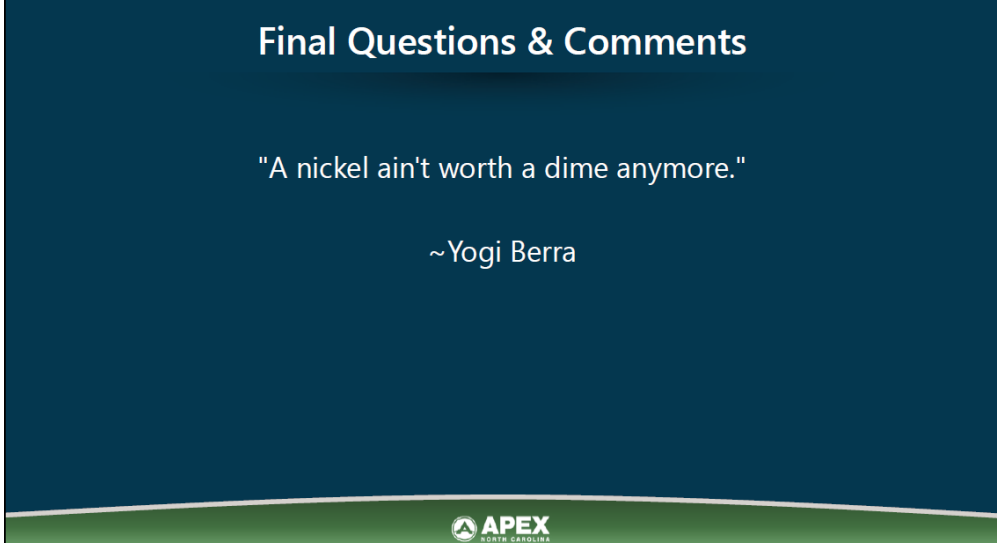
10 [SLIDE 15]



11

12 [SLIDE 16]

**DRAFT MINUTES**



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**Mayor Gilbert** told staff they did a great job, and thanked them for their work. He then adjourned the meeting.

**ADJOURNED**

Mayor Gilbert adjourned the meeting at 5:01 p.m.

Jacques K. Gilbert  
Apex, Mayor

Allen Coleman, CMC, NCCCC  
Apex, Town Clerk

Submitted for approval by Apex Town Clerk Allen Coleman.

Minutes approved on \_\_\_\_\_ of \_\_\_\_\_, 2023.

**DRAFT MINUTES**

**TOWN OF APEX  
REGULAR TOWN COUNCIL MEETING  
TUESDAY, MAY 9, 2023  
6:00 PM**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, May 9, 2023 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town’s YouTube Channel. The recording of this meeting can be viewed here: <https://www.youtube.com/watch?v=SGmfdy4bry4>

**[ATTENDANCE]**

Elected Body

- Mayor Jacques K. Gilbert (presiding)
- Mayor Pro-Tempore Audra Killingsworth
- Councilmember Brett Gantt
- Councilmember Ed Gray
- Councilmember Terry Mahaffey
- Councilmember Arno Zegerman
- Absent: None

Town Staff

- Deputy Town Manager Shawn Purvis
- Assistant Town Manager Demetria John
- Assistant Town Manager Marty Stone
- Town Attorney Laurie Hohe
- Town Clerk Allen Coleman
- Deputy Town Clerk Ashley Gentry
- Parks Planning and Project Manager Angela Reincke
- Traffic Engineering Manager Russell Dalton
- Director of Transportation & Infrastructure Development Department
- All other staff members will be identified appropriately below

**[COMMENCEMENT]**

## DRAFT MINUTES



1  
2  
3 **Mayor Gilbert** called the meeting to order. He began by thanking those in attendance and  
4 watching on livestream for joining. He said PeakFest this past Saturday was a joyous occasion, and  
5 joked that he and Council met to put a bubble over the town to ensure no rain would interrupt it. He  
6 recognized the diversity of faiths in the town, and said it grants the town strength. He then spoke in  
7 honor of lifelong Apex resident and former Apex Commissioner/Councilmember, Auxiliary Police  
8 Officer, Volunteer Fireman, School Board Member, and World War II Veteran William Nolan Cooke,  
9 who passed away on May 6, 2023, at the age of 100. Mayor Gilbert then led a moment of silence in  
10 honor of Mr. Cooke and his family.

11 **Mayor Gilbert** then led a recitation of the Pledge of Allegiance

### 12 13 [CONSENT AGENDA]

14  
15 A **motion** was made by **Mayor Pro Tempore Audra Killingsworth**, seconded by  
16 **Councilmember Brett Gantt**, to approve the Consent Agenda as amended, with the addition of  
17 consent item number 15 - 2023 - Revised Town Council Meeting Calendar.

18  
19 **VOTE: UNANIMOUS (5-0)**

### 20 21 **CN1 Agreement - North Carolina Department of Transportation (NCDOT) - Salem St and** 22 **Chatham St - Review Traffic Signal Modifications (REF: CONT-2023-103)**

23 Council voted to approve an Agreement with NCDOT for review and inspection of traffic signal  
24 modifications proposed by the Town of Apex at the intersection of Salem Street and Chatham Street  
25 in the Salem Streetscape project, and to authorize the Town Manager to execute the agreement on  
26 behalf of the Town.

### 27 **CN2 Annexation No. 753 - 7612 Green Level Church Road - 1.74 acres (REF: RES-2023-027,** 28 **RES-2023-028, and OTHER-2023-041)**

29 Council vote to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to  
30 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of  
31 a Public Hearing for May 23, 2023, on the Question of Annexation - Apex Town Council's intent to



## DRAFT MINUTES

1 annex 1.74 acres located at 7612 Green Level Church Road, Annexation No. 754 into the Town  
2 Corporate limits.

### 3 **CN3 Council Meeting Minutes - Multiple**

4 Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:

5 April 18, 2023 - Town Council Work Session Meeting Minutes

6 April 25, 2023 - Regular Town Council Meeting Minutes

### 7 **CN4 Encroachment Agreement - 1718 Wimberly Road Lot 181 (REF: CONT-2023-104)**

8 Council voted to approve an encroachment agreement between the Town and property owner

9 Taylor Morrison of Carolinas, Inc. to install a driveway that will encroach 9 square feet (SF) onto the

10 Town of Apex 20' Public Storm Drainage Easement and authorize the Town Manager to execute the  
11 same.

### 12 **CN5 Encroachment Agreement - 2918 Alderson Court Lot 259 (REF: CONT-2023-105)**

13 Council voted to approve an encroachment agreement between the Town and property owners

14 Shantanu Kaprekar and spouse Divya Namjoshi to install a fence that will encroach 132 linear feet

15 (LF) onto the Town of Apex Sanitary Sewer Easement and authorize the Town Manager to execute  
16 the same.

### 17 **CN6 Memorandum of Understanding (MOU) between Wake Technical Community College 18 and the Town of Apex - LaunchAPEX Educational Training (REF: CONT-2023-106)**

19 Council voted to approve a Memorandum of Understanding (MOU) between Wake Technical

20 Community College (WTCC) and the Town of Apex to conduct educational training to small

21 businesses in the Apex community through the LaunchAPEX program; and authorize the Town

22 Manager to execute the MOU.

### 23 **CN7 Position Authorization - Additional 0.5 FTE - Public Works Department**

24 Council voted to approve an additional 0.5 FTE part-time, benefited Public Works Attendant, Market

25 Range 04, position for the Public Works Department.

### 26 **CN8 Purchase of Real Property - 1125 Wimberly Road and Budget Ordinance Amendment 27 No. 17 (REF: ORD-2023-036)**

28 Council voted to approve purchase of real property located at 1125 Wimberly Road, authorize the

29 Town Manager to execute associated contracts, and approve corresponding Budget Ordinance

30 Amendment 17.

### 31 **CN9 Resolution - Designating Deputy Finance Officers (REF: RES-2023-029)**

32 Council voted to approve a resolution designating the Accounting and Finance Manager, and

33 Purchasing Manager positions with the authority of deputy finance officer for the purposes of

34 complying with the Local Government Budget and Fiscal Control Act.

## **DRAFT MINUTES**

1 **CN10 Resolution - Right-of-Way (ROW) Road Closure Request - Set Public Hearing (REF: RES-**  
2 **2023-030)**

3 Council voted to approve a Resolution of Intent for the closing of a right-of-way (ROW) on a portion  
4 of Burma Drive located South of Goodworth Drive and North of Pristine Water Drive and between  
5 two tracts owned by Apex Industrial Owner 3 LLC (See Survey Map Included); and to set a Public  
6 Hearing for Tuesday, June 13, 2023, following the required 30-day public notice period.

7 **CN11 Rezoning Case No. 23CZ01 - Cash Corporate Revised Uses - Statement and Ordinance**  
8 **(REF: RES-2023-037)**

9 Council voted to approve the Statement of the Town Council and Ordinance for Rezoning  
10 Application #23CZ01, Rockpoint Group, LLC and Oppidan, petitioners, for the properties located at  
11 0 & 0 Pristine Water Drive and 1251 Burma Drive (PINs 0751043020, 0751235497, & 0751132324).

12 **CN12 Rezoning Case No. 23CZ02 - Triangle Home Services Phase II - Statement and**  
13 **Ordinance (REF: RES-2023-038)**

14 Council voted to approve Statement of the Town Council and Ordinance for Rezoning Case  
15 #23CZ02 Triangle Home Services Phase II. The applicant is Peak Engineering & Design, PLLC for the  
16 property located at 0 US Hwy 64 West (PIN 0722047141).

17 **CN13 Rezoning Case No. 23CZ03 - Veridea Expansion - Statement and Ordinance (REF: RES-**  
18 **2023-039)**

19 Council voted to approve the Statement of the Town Council and Ordinance for Rezoning  
20 Application #23CZ03, Rebecca D'Eloia, RXR Realty, petitioner, for the properties located at 0 & 0 E  
21 Williams Street and 0 & 0 Veridea Parkway (PINs 0740982630, 0740982659, 0740240814,  
22 0740052449).

23 **CN14 Tax Reports - February and March 2023 (REF: OTHER-2023-042 and OTHER-2023-043)**

24 Council voted to approve Apex Tax Reports dated March 5, 2023 and April 2, 2023.

25 **CN15 ADDED - 2023 Revised Council Meeting Calendar**

26 Council voted to amended the 2023 Council Meeting Calendar to move the Planning Committee  
27 meeting originally scheduled for Thursday, May 11<sup>th</sup> at 9:00 AM to Thursday, May 18<sup>th</sup>, 2023 at 9:00  
28 AM at Town Hall located at 73 Hunter Street in Apex, North Carolina.

29  
30 **[PRESENTATIONS]**

31  
32 **PR1 Presentation by the Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards -**  
33 **3<sup>rd</sup> Qtr**

## DRAFT MINUTES

1           **Mayor Gilbert** announced that this presentation would be postponed until the May 23, 2023  
2 Council Meeting.

3 **PR2 Proclamation - Asian American and Pacific Islander Heritage Month - May 2023 (REF:**  
4 **PRO-2023-015)**

5           **Mayor Gilbert and Town Council** read the Asian American and Pacific Islander Heritage  
6 Month Proclamation in unity.

7           **Mayor Gilbert** then invited Celeste Sherer, DEI Coordinator, Dr. Jeehun Kim, and Ms.  
8 Shimozono up to receive the Proclamation and take a picture.

9           **Dr. Kim** spoke about he loved the Town of Apex. He said he is an active duty army officer,  
10 who moved here in 2017. He spoke about the beauty and inclusiveness of the town. He said he was  
11 moved to Northern Virginia for work, but his family loved Apex so much they stayed and kept the  
12 family roots there. He thanked the Mayor and team for their partnership and collaboration.

13           **Ms. Shimozono** gave a few remarks as well:

14           "Thank you, Mayor Gilbert and Council and of course the Town of Apex for proclaiming May  
15 as Asian American and Pacific Islander, or AAPI, month. I am a second generation Japanese  
16 American, but I'm also part of the Buddhist Community here in Apex. We just opened our Buddhist  
17 center here in January. But of course, I wanted to thank my friends and family for supporting me, and  
18 of course my parents for keeping me connected to my Japanese heritage. And again, I wanted to  
19 thank my Buddhist community here and of course Apex for allowing us to have diverse religious  
20 faiths here and celebrating that. And finally, of course, I wanted to thank my fellow AAPI community  
21 members here in Apex for continuing to share your stories and experiences and culture to really  
22 enrich and educate the community here in Apex. Thank you once again for this opportunity and  
23 allowing me and Dr. Kim to share words, and thank you everybody here for coming to celebrate  
24 AAPI Month. Thank you!"

25 **PR3 Proclamation - National Police Week and Peace Officers' Memorial Day Proclamation -**  
26 **May 14 through May 20, 2023 (REF: PRO-2023-016)**

27           **Mayor Gilbert and Town Council** read the National Police Week and Peace Officers'  
28 Memorial Day Proclamation in unity.

29           **Mayor Gilbert** then invited Police Chief Jason Armstrong and members of the Apex Police  
30 Department who were present up to receive the proclamation and take a picture.

31  
32 **[REGULAR MEETING AGENDA]**

33  
34           A **motion** was made by **Councilmember Arno Zegerman**, seconded by **Councilmember Ed**  
35 **Gray**, to approve the Regular Meeting Agenda as presented.

36  
37 **VOTE: UNANIMOUS (5-0)**

38 **[SLIDE 2]**

# DRAFT MINUTES

## Public Participation

- Please sign in with the Town Clerk prior to the start of the meeting for all Public Hearings and Public Forum
- Public Forum speakers are requested to address only items that **do not** appear in the 'Public Hearings' section on tonight's agenda
- The Mayor will recognize those who would like to speak at the appropriate time
- Large groups are asked to select a representative to speak for the entire group and are limited to 9 minutes
- Individual comments must be limited to 3 minutes to allow others the opportunity to speak



1  
2  
3 **[PUBLIC FORUM] (NOTE: To view Public Forum sign-up list, see OTHER-2023-046)**

4  
5 **Mayor Gilbert** spoke how he and Council want to hear from the community, and that anyone  
6 is welcome to come present at Public Forum.

7  
8 First to speak was **Ashley Solis** of 1273 Brown Velvet Lane:

9  
10 "Hi again. We're here requesting that some changes be made to Richardson Road to increase  
11 pedestrian safety. That is painted crosswalks at Richardson Road and Hasse, and Coral Banks and  
12 Richardson. On those two same intersections, we would like flashing crosswalks, the technical name  
13 is rectangular rapid flashing beacons, at both of those intersections. Reduction of speed from 45 to  
14 35 miles an hour, and we are urging and hoping you will consider bringing in specifically a  
15 pedestrian safety expert. I understand the planning that goes into these subdivisions takes years,  
16 and we have city engineers, but we're not taking into account foot traffic. And so much of what we're  
17 developing is mixed use space, which is amazing because that's what you want, and it's what's  
18 environmentally friendly, but we can't do better if we don't know better. So, if we could get  
19 somebody or something, consulting group, consultation, we're asking that that more heavily be  
20 considered. Okay so, according to Vision Zero, which we are all working towards as a city, 259  
21 crashes involved pedestrians in 2022. In a different study by AAA, your risk of fatality is roughly 50  
22 percent if you're going 42 miles an hour. The speed limit is 45, with no crosswalk. We are playing  
23 real life frogger on Richardson, and not crossing the street is not an option if you're trying to get to  
24 amenities, if you're looking at anything in the community, and I don't even want to think about what's  
25 going to happen once the commercial areas develop. Harris Teeter, an average grocery store, has  
26 400 cars a day. That's cars, not people. So, we're already having a little over 4,000 cars a day on  
27 Richardson right now, and that's before the commercial site is done. So, I'm thinking possibly  
28 double, so you're going to have that many cars go by a day without lighted crosswalks. It's not a  
29 good situation, it's dangerous at best. I would also say that I work with kids every week, specifically  
30 disabled children, and I would not be able to, in good conscience, have them cross the street with  
31 me. My son is 17 and he has special needs, he cannot cross Richardson by himself, because that's  
32 how dangerous it is, especially if you're dealing with anyone with any kind of delay, or handicap that  
33 might take them a little longer to cross, so I'd like you to think of all those things, and I look at this  
34 more as an opportunity, and not necessarily just a problem to solve, because this will come up in

## DRAFT MINUTES

1 other subdivisions that are coming, and if we learn from Sweetwater what to do, we won't have to go  
2 up and do anything that's going to cost us extra money in the future. Thanks."

3 **Mayor Gilbert** thanked Ms. Solis for her comments.  
4

5 Next to speak was **Dare Johnston** of 1192 Brown Velvet Lane:  
6

7 "I want to first off reiterate what was said earlier tonight, I have lived in Apex for a while now, I  
8 absolutely love the community. I'm so happy that I made the change and moved here. But, I live in  
9 Sweetwater, as do many of the other people here tonight, and I travel Richardson Road consistently  
10 as a pedestrian. I walk my dog, I walk back and forth, and over the time I've been living there, I've  
11 become more and more concerned with what I'm seeing. If you've never been to Sweetwater or  
12 Smith Farm, and you've never walked up and down Richardson Road, I would ask that you come out.  
13 Come out in the mornings, come out on the weekends, come out in the evenings, there are tons of  
14 pedestrians walking back and forth on that road. We're walking dogs, we have children, children  
15 who are learning to ride their bikes. It's a wonderful community, but it's also a community that has a  
16 major highway, or a major throughway, running right through the middle of Sweetwater and Smith  
17 Farm. If I live in the townhouse area of Sweetwater, I have to cross the street to go to the pool, I have  
18 to cross the street to go to the fitness center. If I'm living in Smith Farm on one side of the street, I  
19 also have to cross the street to get to the amenities at Smith Farm. It's not just adults that are doing  
20 this, it's also children that are doing this. And while we'd all like to believe that parents take their  
21 children and walk them across the street, we also all know that doesn't happen. I've also watched  
22 where Smith Farm has built their playfields, I've seen kids run after balls, into the street, into  
23 Richardson Road. A car coming 45 miles and hour down Richardson Road is not necessarily going to  
24 see that child, and they're going to run out into the middle of the street. I would ask for three things.  
25 I let Ashley do the statistics, this is an emotional plea from somebody who lives there and is a mom,  
26 honestly. Please lower the speed limit on Richardson from 45 to 35, we need crosswalks that first of  
27 all tell people that it's a crosswalk, and there's a state law that says that a crosswalk must be  
28 observed, and somebody has to stop for that crosswalk. The other thing that I would ask is that you  
29 look at lighting on Richardson Road. Richardson Road at night is extremely dark, we've got major  
30 traffic going back and forth on Richardson Road. We need more light. We've heard stories of people  
31 who don't see pedestrians who walk dogs and who are on Richardson Road at night, and it's very  
32 concerning, there just needs to be more light there. Overall, I would just ask that you listen to us,  
33 we've come multiple times. Just please, if nothing else, just study the issue, because what I'd like to  
34 avoid is it's not if tragedy is going to happen, it's when a tragedy is going to happen on that road.  
35 Thank you."  
36

37 **Mayor Gilbert** thanked Ms. Johnston for her comments.  
38

39 Next to speak was **Veronica Pacheco** of 1316 Brown Velvet Lane:  
40

41 "I want to thank you all for all your efforts to reduce the speed limit, in honor of Austin, as you  
42 all know, my dog that got killed at the intersection of Richardson and Hasse, I feel like Austin has  
43 kept all the dogs safe in the dog parks so far, because there have been a lot of incidents of dogs  
44 who have crossed through there and escaped. Thankfully, they've survived. Twice, one of them got

## DRAFT MINUTES

1 hit by a car and he survived, so I feel like Austin is an angel in heaven watching over all of our dogs. I  
2 do feel like that was a big tragedy for me, and I just can imagine another tragedy happening on that  
3 intersection, so I would love for you to go the extra mile, and make this happen for us to have  
4 crosswalks that are lighted on that intersection with the flashing lights at Richardson and Hasse. We  
5 sat there at the dog park, and we've noticed that within an hour, about 15 people cross either riding  
6 bikes, especially going to the Tobacco Trail, or just going back and forth now that the pool is open  
7 just on that intersection. They cross about 15 people an hour, so about 150 people a day that cross  
8 that intersection, and it's just a matter of time before something happens. If we could also ask for a  
9 few crosswalks with flashing signs and yield signs closer to Smith Farms as well, since there's a lot of  
10 people that cross through there. But I want to thank you for your efforts in reducing the speed limit,  
11 and for your patience and for listening to us and our concern as a community to help us keep our  
12 community safe. Thank you."

13  
14 **Mayor Gilbert** thanked Ms. Pacheco for her comments,

15  
16 Next to speak was **Elizabeth Ray Stitt** of 3113 Friendship Road (To view her handouts to  
17 Council, see **OTHER-2023-047**)

18  
19 "Mayor, Town Council, good evening. So, this marks my one-year anniversary of coming to  
20 express my concerns regarding the Big Branch Force Main. It's not a joyous occasion for me,  
21 because very little progress has actually been made. Many of the questions we asked a year ago still  
22 remain unanswered, and when I came at the April 11<sup>th</sup> meeting, I shared with you, along with two of  
23 my neighbors, our concerns about how the safety of our animals, our properties, our family, our  
24 neighbors, the workers were at risk, based on the lack of communication. I shared in that meeting  
25 that I sent an email on April 6<sup>th</sup>, and the meeting was April 11<sup>th</sup>, of hey can I please get a list of sub-  
26 contractors who are coming on my property, what's the scope, I need to understand who's  
27 legitimate. To date, there has been zero response from the four employees who were on that email.  
28 What's worse is, I continue to get phone calls. I got two phone calls on May 2<sup>nd</sup>. The man argued with  
29 me that he had to come on my property to check my septic tank. I don't have a septic tank on the  
30 property that you're going to take. I had to send him public records showing it's in a flood zone, and  
31 by definition, you do not put a septic tank in a flood zone because it will contaminate the  
32 groundwater. So, once we got beyond that, 15 minutes later he calls me back and says "oh I need to  
33 come check the streams." And I said "before you do I need to understand how you're going to  
34 access my property, give me some details." He couldn't answer the question, so I sent him an email,  
35 giving him the opportunity to follow up with me. So today, a week later, I do my follow-up, he's like  
36 "oh sorry, we don't need to come on there." I don't understand who, what, when, and where, so  
37 that's a problem. But what's worse is beyond the silence, that's bad, what's worse is what the town  
38 did. The town posted online the weekly activities of five companies in enough detail about my  
39 property, my neighbor's properties, to impersonate the town, and to impersonate these 5  
40 companies. So, when I say I need to know who's legitimate coming on my property, this is not a joke.  
41 A year of my time coming to say I need your help, I need your partnership, I need your support,  
42 communication, collaboration, at what point are you going to say we have got to all sit down at the  
43 table, and figure out how to all communicate. I don't know the answer, and I'm getting frustrated,  
44 and I'm a really patient person. And I will always be polite, my offer to each of you to come out to the

## DRAFT MINUTES

1 property to see and understand the circumstances remains. It's been out there for an entire year. So,  
2 we have many more years ahead of us. You guys know that, this 26-million-dollar project has turned  
3 into a 40-million-dollar project, and with it being one of the larger town projects, if it was mine and I  
4 owned it, I certainly would go out there and put my boots on and go out there to understand what  
5 the problem is. Because this is our future, I am not going anywhere, I have lived here for 32 years.  
6 And public record will show, I have 38 acres. I am not going anywhere, I am not giving up my  
7 lifestyle, and I have a right to know who's coming on my property. Period. And I'm not going to take  
8 legal action against you guys, because you're going to take legal action against me to take my  
9 property and all of this will come out in court at that point. Please, start getting involved. Act like my  
10 neighbor. Act like you now me. It is a running joke with some of the developers because we all  
11 agree, they don't acknowledge me around here, they don't acknowledge me in public, because they  
12 don't want to be associated with me. Because I have a reputation of showing up over and over and  
13 over. I have rights as a human being, I need you to stop and communicate, show up, please. Thank  
14 you."

15  
16 **Mayor Gilbert** thanked Ms. Stitt for her comments.

17  
18 Next to speak was **Gabriel Carrillo** of 105 Cameron Valley:

19  
20 "There are now 127 folks there, and I represent them as the president of the Kelly West HOA.  
21 So this is actually not the first time I've come before you guys before, I've met individually about this  
22 issue before, and I gotta tell you I'm quite frustrated with where things stand, just because it has  
23 been a can kicked down the road too far. And we are at the point now as a community, where we  
24 said we've got to take some action here, so I'm not actually here asking for anything, I'm here letting  
25 you know, which I think is the right thing to do, that we are going to proceed with doing something  
26 in terms of administrative steps for oversight. We don't know what to do at this stage, but it has been  
27 10 years ago that we started this, and we allotted the land for it, and we said you guys can take it and  
28 do what you will, but give us one mile, that's all we've asked for in that greenway, one mile, and that  
29 can has been kicked numerous times. And at this stage what we've done, is we have reached out, we  
30 have cycled back on numerous opportunities to try to open up, I've contacted the utility company  
31 myself, I actually spoke to the head engineer that signed off on the easement, just so we could get it  
32 back and sent. And now we're at this stage, and I think it's atrocious, because we've been here long  
33 before 540 ever even showed up, and there's something to be said for the people that have been  
34 around here a while. No offense to Sweetwater, but we were way before. And you gotta honor those  
35 people who have that build and established part of fabric in this community. And so, there's three  
36 things about it. One, there's the procedural process we think has been problematic, we haven't been  
37 really included in what has gone forward, in terms of what is actually the bidding process. We were  
38 told that it's approved, it went for CAMPA Funds, we said that NCDOT was the problem, and that  
39 they had stopped, COVID has been blamed, it has been the recycled, replayed, excuses. And we're  
40 saying enough on that part. Because that's nothing new, we all have to deal with that in medicine, in  
41 law I have to deal with that myself. I can tell you right now, the buck is turning and supply chain ain't  
42 getting any better. So, we asked previously for the Town Council to think about actually finding  
43 funds for an alternative, or removing funds from an alternative situation that you have set up, and  
44 putting them aside for what potentially, we say, you're already agreed to and should invest in now.

## DRAFT MINUTES

1 And so that's what we've said, we feel very strongly about it, and we feel very strongly about it. And  
2 we think Apex has got the money because we've been building like it's cool. And we know because  
3 our community which has been here for x amount of years has just been inundated, and so have our  
4 schools, which some of you I know are very passionate about new schools coming in, and I've shared  
5 that same frustration. But the lack of partnership, the lack of process, and the lack of respect for the  
6 individuals that have been here is far exceeding where it should. And it's a problem that has to be  
7 addressed. And our community which has 127 individuals, and our next-door neighbors at  
8 Greenbrier, 213 homes, are going to sign on with us, and we'll do what it takes, and we'll take those  
9 steps. Because we think we are tired of being built on and we're telling you all to build for us, not on  
10 top of us. And we ask: stop the delay of the greenway and do it, it's long overdue. Thank you."

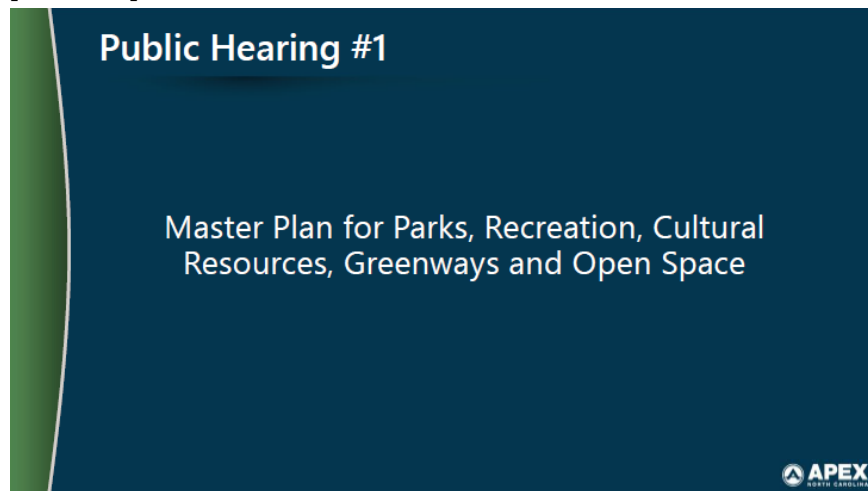
11  
12 **Mayor Gilbert** thanked Mr. Carrillo for his comments, and closed Public Forum, moving the  
13 meeting on to the Public Hearings.

14  
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16 **[PUBLIC HEARING] (NOTE: To view Public Hearing sign-up sheets, see OTHER-2023-046)**

### 18 **PH1 Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space**

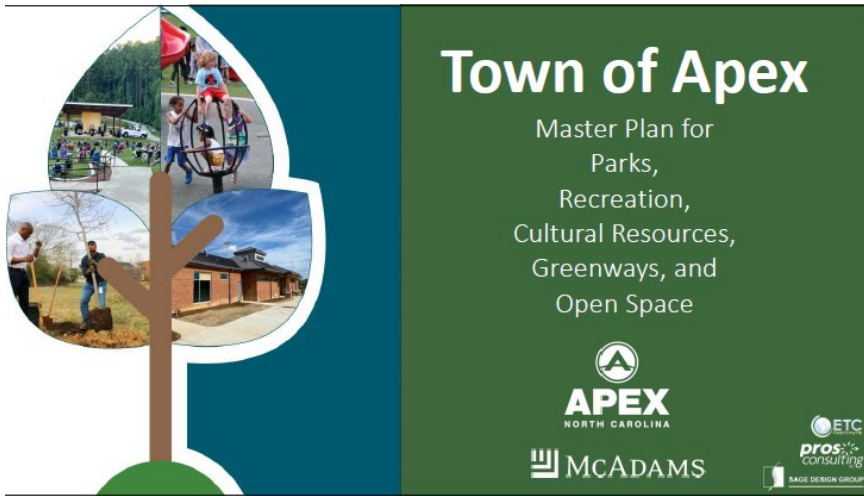
19 **Angela Reincke**, Parks Planning Project Manager, and **Shweta Naneker**, Project Manager at  
20 McAdams Company (Consultant), presented the following PowerPoint regarding the Master Plan for  
21 Parks, Recreation, Cultural Resources, Greenways, and Open Space.

22 **[SLIDE 3]**



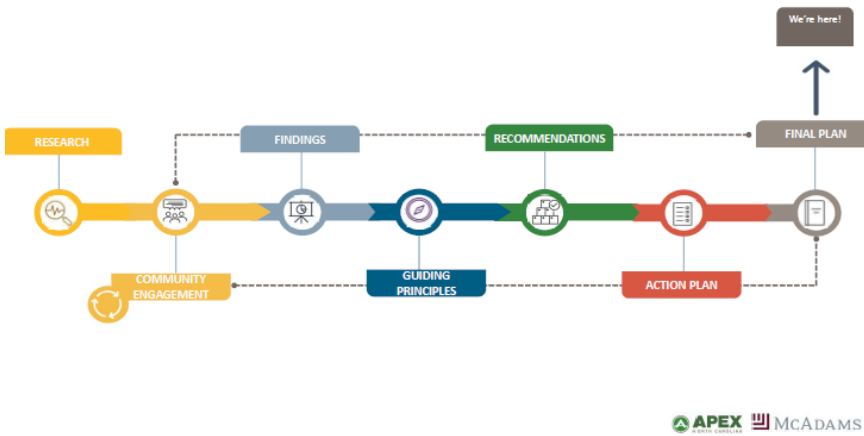
23  
24 **[SLIDE 4]**





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PLANNING PROCESS



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The 2023-2033 comprehensive master plan for parks, recreation, cultural resources, greenways, and open space identified the following goals for the planning process.

### Goals

- › Replace the 2013 PRGOS Master Plan
- › Identify community values
- › Define the parks system's role in the future of the Town of Apex
- › Develop a resource for elected officials, other town departments, and the public to guide future actions
- › Provide a framework for the PRCR Department
- › Guide improvements to current parks system
- › Accommodate additional demand by new residents
- › Develop the action and implementation plan
- › Qualify to access certain state and national funding sources

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8 [SLIDE 7]

# DRAFT MINUTES



## State of the System

### GREENWAYS ASSESSMENT

- › Evolving and expanding system
- › Town's and community's central focus on connectivity to destinations
- › Development-constructed greenways as new projects are built in Town
- › Challenges upkeeping older sections and managing new ones
- › Design standards are being implemented on new sections



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[SLIDE 8]



## State of the System

### PARKLAND ASSESSMENT

- › Equitable park distribution
- › Acquisitions in high growth areas
- › Well-maintained high-quality park amenities with diverse programming
- › Well loved, high demand, and aging facilities
- › High demand for rentals and organized activities



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[SLIDE 9]



## State of the System

### INDOOR RECREATION SPACE + PROGRAMMING ASSESSMENT

- › Town of Apex currently has 86,294 sq. ft. of indoor recreation space concentrated in the town core and current level of service is 1.37 Sq.Ft/ capita.
- › These facilities include a community center, a senior center, and a historic cultural arts center.
- › The senior center was opened at Town campus in November 2021.
- › The community center is in great condition. As most senior programs shift to the senior center, there is an opportunity to expand programming at the community center.
- › The renovated Halle Cultural Arts Center is a unique destination in downtown Apex.



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[SLIDE 10]

# DRAFT MINUTES

## COMMUNITY ENGAGEMENT

**1800+**

The planning process included more than 1,800 touch points with the community, advisory commission, Town staff, and Town Council combined.

- 3- Asset Mapping Sessions
- 2- Open Houses
- 2- Special Events
- 1- Online Questionnaire Survey
- 1- Scientific Survey
- 4- Focus Group Meetings
- 3- Visioning Workshops
- 3- Draft Recommendations Sessions
- 1- West Street Park Community Engagement



APEX MCADAMS

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2 [SLIDE 11]

## PLAN FRAMEWORK



APEX MCADAMS

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7 [SLIDE 12]

## PLAN FRAMEWORK - THEMES

### APEXpand

Apex residents would like to **Expand** the Town's offerings with additional parkland, recreational programming, and a more connected greenway system while developing environmental stewardship programs and opportunities to strengthen the culture of belonging.

### APEXperience

Residents want to **Experience** unique amenities and programs for all ages, abilities and interest that encourage a healthy lifestyle, explore cultural avenues and provide a strong sense of community.

### APEXcel

Residents want to see the PRCR Department **Excel** in operational efficiencies, outstanding customer service, and best-in-class programming and facilities.

APEX MCADAMS

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9 [SLIDE 13]

# DRAFT MINUTES

## PLAN FRAMEWORK- GUIDING PRINCIPLES

### APEXpand



#### CONNECTIVITY

Prioritize interconnected public realm through greenways, bikeways, and transportation.

Apex residents have expressed a strong desire for expanding greenway system and connectivity to destinations including parks, natural areas, and open space.

- › Prioritize interconnected public realm through greenways, bikeways, and transportation.



#### RECREATION OFFERINGS

Expand recreation offerings to attract new participants, retain current ones, and meet the needs of diverse demographics of Apex.

Apex residents have expressed a strong desire for variety of program offerings that inspire people to try something new and cater to varying interests.

- › Expand recreation offerings to attract new participants, retain current ones, and meet the needs of diverse and growing demographics of Apex.



#### CULTURE OF BELONGING

Nurture the culture of belonging by prioritizing inclusion, diversity, equity, and accessibility.

Apex residents consider programs and recreation offerings for all ages and ability levels an important to the community. Expanding cultural offerings to address the diversity of demographics was indicated as a future need.

- › Nurture the culture of belonging by prioritizing inclusion, diversity, equity, and accessibility.



#### ENVIRONMENTAL STEWARDSHIP

Expand efforts to protect the natural assets and collaborate on town-wide sustainability efforts.

Apex residents value access to natural areas and understand the positive health outcomes it provides. Desire for environmental sustainable practices and a healthy environmental education programming was identified.

- › Expand efforts to protect the natural assets and collaborate on town-wide sustainability efforts.



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[SLIDE 14]

## PLAN FRAMEWORK- GUIDING PRINCIPLES

### APEXperience



#### HEALTH + WELLBEING

Support health and wellbeing of Apex residents through parks and recreation.

Apex residents ranked fitness and wellness programs as one of the top priorities for investment and there is a town-wide consensus that parks and recreation has positive effect on the community's health and quality of life.

- › Support health and wellbeing of Apex residents through parks and recreation.



#### SENSE OF COMMUNITY

Provide a chance for people to socialize, form friendships, and discover common grounds.

Apex residents indicated creating connections and developing a sense of community should be one of the most important considerations when planning parks and recreation investments. Parks provide a chance for social cohesion when people get to know each other and feel supported.

- › Provide a chance for people to socialize, form friendships, and discover common grounds.



#### UNIQUE TO APEX

Reflect on Apex's culture and history through the design of spaces that are unique, innovative, and imageable.

Apex residents would like to see inclusive programs and amenities that would attract out of town visitors to Apex as a way to generate economic impact.

- › Reflect on Apex's culture and history through the design of spaces that are unique, innovative, and imageable.



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[SLIDE 15]

## PLAN FRAMEWORK- GUIDING PRINCIPLES

### APEXcel



#### OPERATIONS EFFICIENCY

Achieve organizational excellence by implementing business practices that enhance efficiency, staff satisfaction, and economic vitality.

Apex residents recognize that as the town continues to grow, there is need for additional staff, resources, and desire to be competitive with other recreation providers in the area.

- › Achieve organizational excellence by implementing business practices that enhance efficiency, staff satisfaction, and economic vitality.



#### CUSTOMER SERVICE

Provide outstanding customer service through streamlined communication and marketing efforts.

Apex residents consider PFRC staff an asset to the community for excellent customer service. PFRC staff indicated the desire for streamlined marketing efforts, increased online presence, and staff empowerment to assist in customer service.

- › Provide outstanding customer service through streamlined communication and marketing efforts.

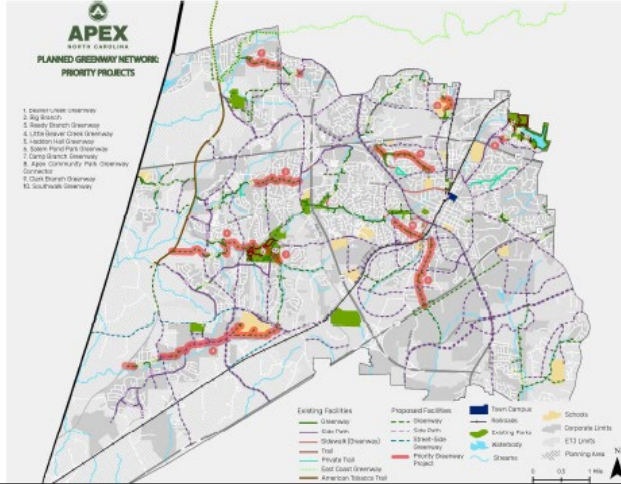
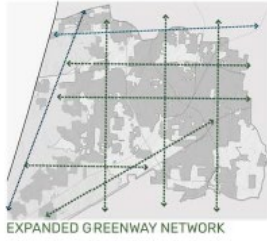


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[SLIDE 16]

# DRAFT MINUTES

## GREENWAY PRIORITY CORRIDORS



- › Feasibility Studies
  - › Beaver Creek Greenway
  - › Big Branch Greenway
  - › Reedy Branch Greenway

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2 [SLIDE 17]

## PARKLAND + FACILITY EXPANSION



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5 [SLIDE 18]

## PROGRAMMING



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7 [SLIDE 19]



# DRAFT MINUTES

## IMPLEMENTATION + ACTION PLAN

### Implementation

This plan sets forth implementation guidelines for use as a decision-making tool for staff and elected officials. This approach informs and validates decisions through data and community values, leading to defensible and high performing projects implemented through consensus among stakeholders.

- › **Guiding Principles Compatibility**
- › **Community Needs**
- › **Parks System Advancement**
  - › Degree of Urgency
  - › Economic Impact
  - › Compatibility with Town policies and planning efforts including Advance Apex

### PRIORITIZATION CRITERIA



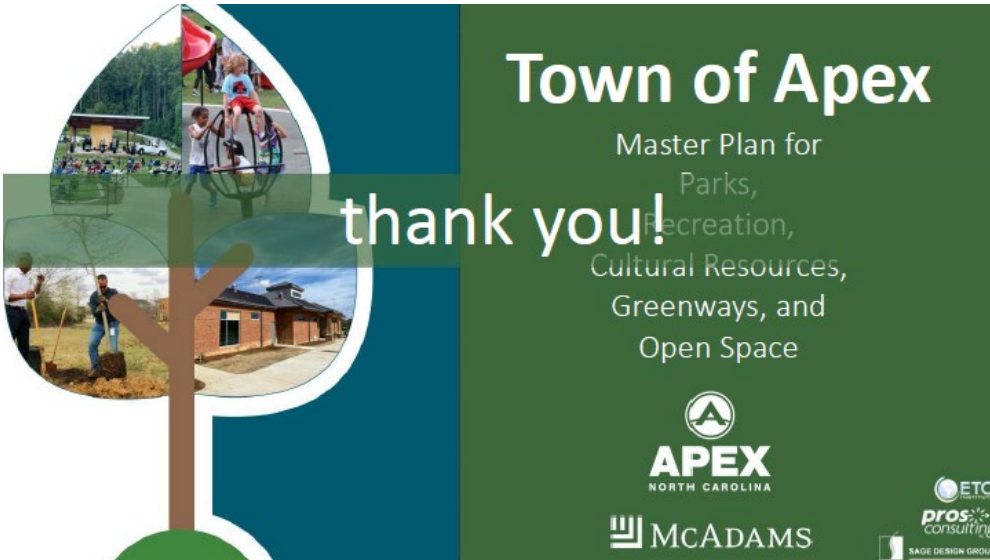
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[SLIDE 20]



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[SLIDE 21]



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## DRAFT MINUTES

1 **Mayor Gilbert** said it looked like a lot of work went into putting all of this together, and  
2 asked Council if they had any questions for the presenters.

3 **Councilmember Mahaffey** said there was a work session about the master plan, which  
4 provided a great opportunity to talk about the details of the plan. He said he would reserve  
5 questions for the next two public hearing. He thanked them for their hard work in putting the plan  
6 together over the past year or more, and that this puts the town in a great position moving forward.

7 **Councilmember Zegerman** said one of the things he stated in his January introduction was  
8 that he cares a lot about public parks and public spaces, and that it was exciting to see the vision  
9 updated to reflect the new needs of Apex. He said they had a lot of discussion and questions  
10 answered at the work session a couple months ago, and that he had no further questions at this time.

11 **Councilmember Gantt** said that he was exhausted just thinking about the amount of work  
12 that went into this project. He said he was very excited about how the greenway and parks projects  
13 were able to be prioritized based on numbers and analyze all the information together, and that it  
14 will help the Council best use the money raised through taxes and developer fees for the people of  
15 Apex.

16 **Mayor Pro Tempore Killingsworth** said she loved how comprehensive the plan is. She said  
17 it is responding to a growing town. She added that there is a big difference between small town  
18 needs and larger town needs, and that even though Apex loves to maintain a small-town feel, it is  
19 becoming too large for that term. She said it looks at the needs of the diverse population that Apex  
20 has at this point.

21 **Councilmember Gray** said that this was a plan that the people of Apex can truly call theirs.  
22 He said the process of putting this together had over 1,800 touchpoints with the community, and  
23 that this is a project that reflects the values of the community. He said the community can embrace it,  
24 because they created it.

25 **Councilmember Mahaffey** said he did have one question. He asked what the practical  
26 meaning of adopting an area for parkland acquisition search meant. He asked what the search area  
27 would mean for the people living in an area chosen for the parkland search areas and what that may  
28 mean for them.

29 **Ms. Reincke** said these zones are already included in the plan, and they are looking at  
30 amending them based on the new metrics they are using. She said the policy for what happens  
31 within the boundaries is not changing from the current practice. She said what they do now, the  
32 areas identified go through the process laid out in the UDO. She said they identify land for  
33 dedication as a first thought. She added that if a project is very large, and would fit in a specific area,  
34 they would try to figure out based on the number of units, the size of the property, and other factors  
35 from the UDO, whether or not the town would like to do a park, or work with a developer and see if  
36 they wanted to do a park. She said the areas identified were based on the measurements they have  
37 now, but they are going to look at any property with potential.

38 **Councilmember Mahaffey** said he just wanted to be clear for homeowners that this plan  
39 wouldn't really be changing anything. He wanted to ensure it wouldn't change what they could do  
40 on their properties, if it would devalue their homes, or that it would be turned into a park. He said he  
41 wanted to clarify that the large ovals identify areas where they may be wanting to plan for future  
42 parks, if they find the right circumstances.

43 **Ms. Reincke** said that was correct.

## DRAFT MINUTES

1 **Councilmember Gantt** said the vote for this change was a 3-2 vote in Parks and Rec Advisory  
2 Commission over making the ovals and search areas tighter and more focused, as there was concern  
3 over specific parcels being targeted. He said he felt the larger circles they had were actually pretty  
4 useless, and that the new smaller circles were more useful to let people know where the plan was  
5 really looking to potentially find future parks. He said this change that passed would be a good  
6 change.

7 **Councilmember Mahaffey** said he just wanted to inform homeowners that this would not  
8 affect what they would be able to do with their land.

9 **Councilmember Gantt** said this would also be good to inform the town on some decisions  
10 regarding fees-in-lieu or land, as land in these areas may be more valuable, even if the monetary  
11 values are the same.

12  
13 **Mayor Gilbert** opened up the public hearing for comment. With no one signed up, he  
14 moved the meeting on to Public Hearing 2  
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### 27 **PH2 Master Plan Amendments for Parkland Acquisition and Indoor Facility Search Areas**

28 **Ms. Reincke** then presented the following presentation for Parkland Acquisition and Indoor  
29 Facility Search Areas.

30 **[SLIDE 22]**



# Public Hearing #2

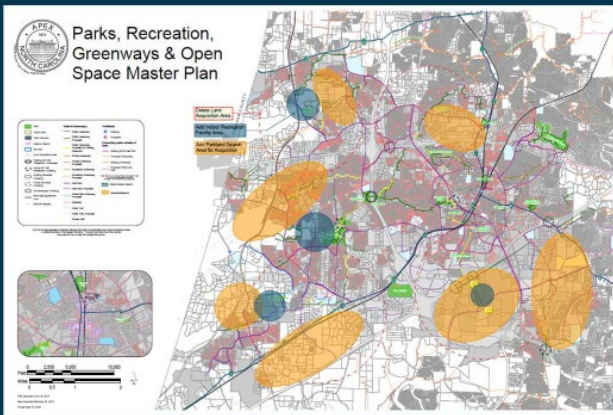
## Master Plan Amendments for Parkland Acquisition and Indoor Facility Search Areas



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[SLIDE 23]

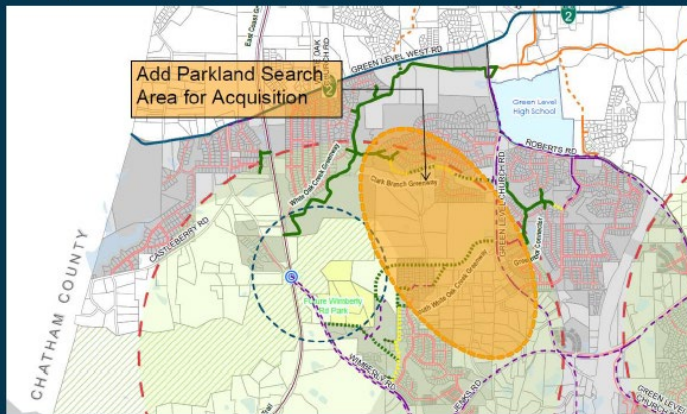
### Master Plan Amendments



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[SLIDE 24]

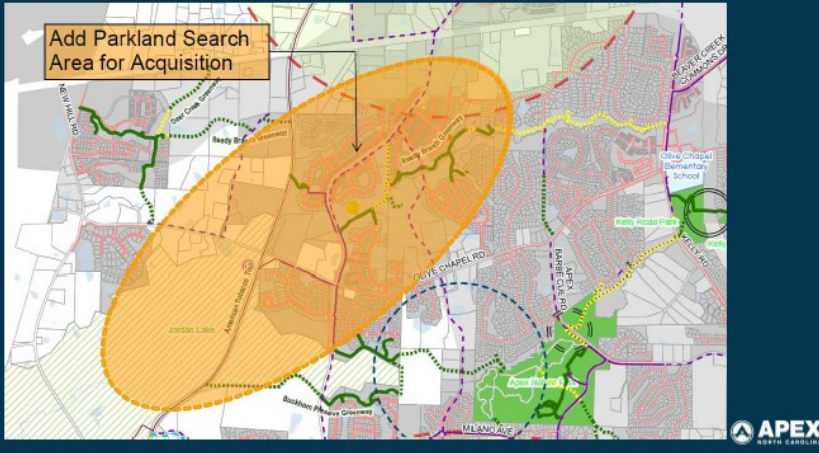
### Map Amendment 2a



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[SLIDE 25]

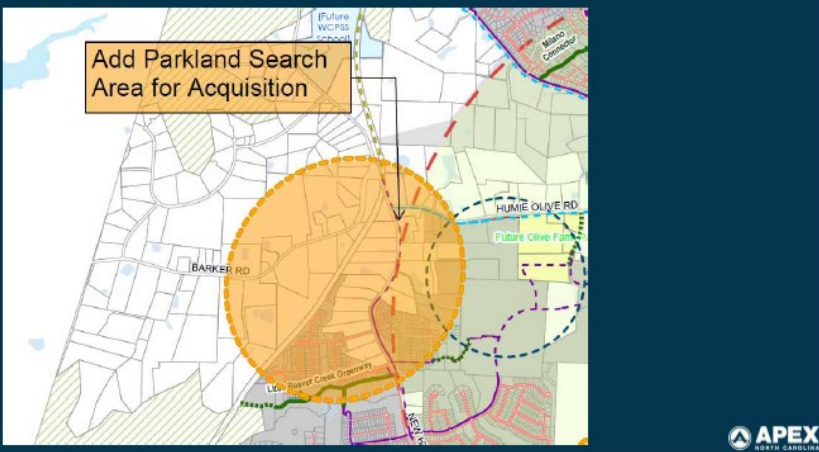
### Map Amendment 2b



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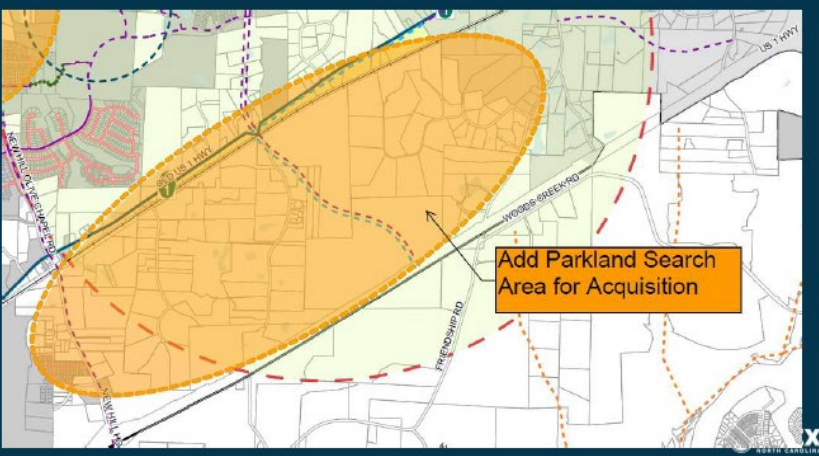
### Map Amendment 2c



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[SLIDE 27]

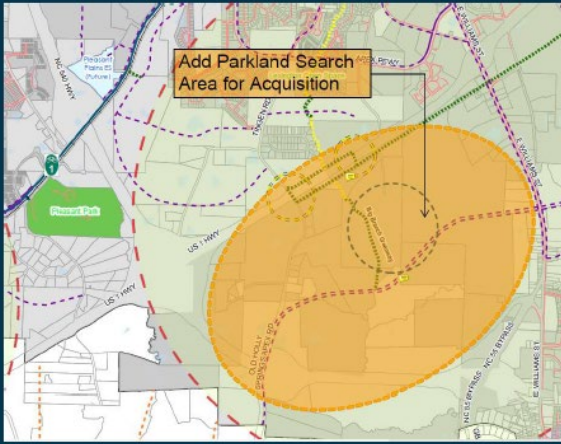
### Map Amendment 2d



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[SLIDE 28]

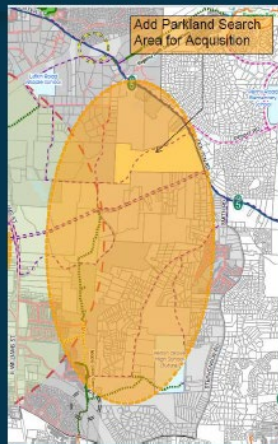
### Map Amendment 2e



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[SLIDE 29]

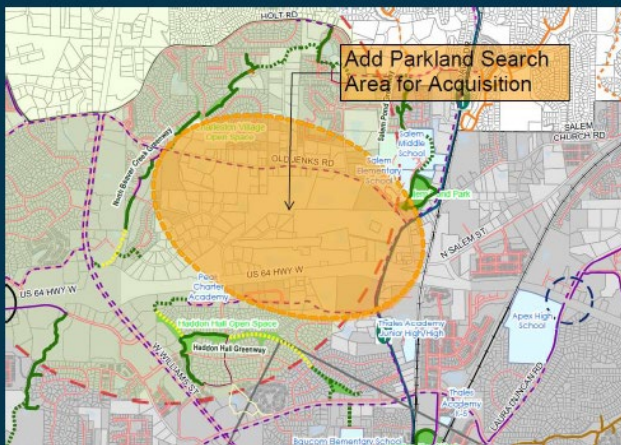
### Map Amendment 2f



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[SLIDE 30]

### Map Amendment 2g



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**Councilmember Zegerman** said he noticed that two of the search areas are near existing park land. He asked why there would be a search area near a place where a park already is.

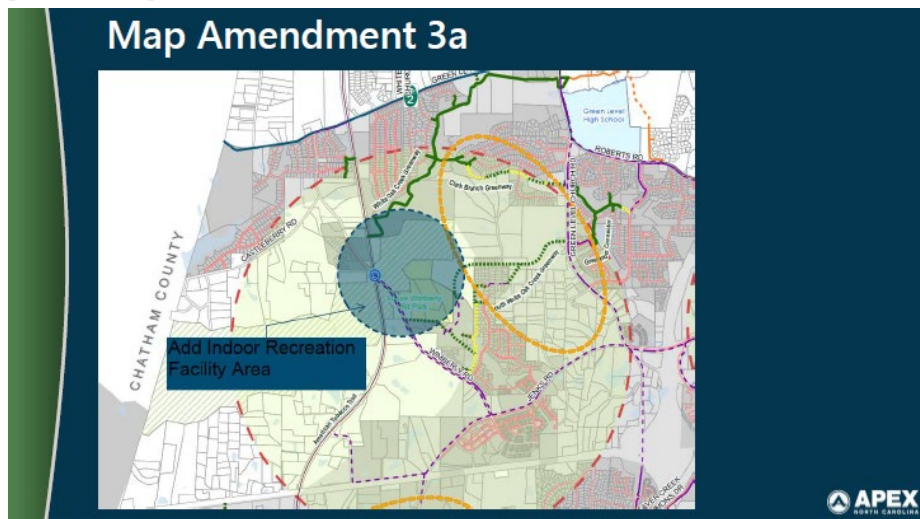
## DRAFT MINUTES

1 **Ms. Reincke** said that in some cases areas will look closer on a map than they are from a  
2 practical standpoint when using the 5-minute drive and 10-minute walk to a park framework. She  
3 said in this case, the areas near the parks identified have a gap to park access based on this  
4 framework. She said they also looked at cases where they could expand parks that are already there.

5 **Councilmember Zegerman** asked about the part of the search area circle to the right of the  
6 main road cutting through it near Olive Farm Park, and why it was included since access wasn't  
7 blocked off for it.

8 **Ms. Reincke** said this was an example where it was meant to be expanded, as that land had  
9 already been dedicated for a recreation activity center. She said this is being considered as the site  
10 of a future partnership for a recreation-based programming opportunity.

### [SLIDE 31]



### [SLIDE 32]

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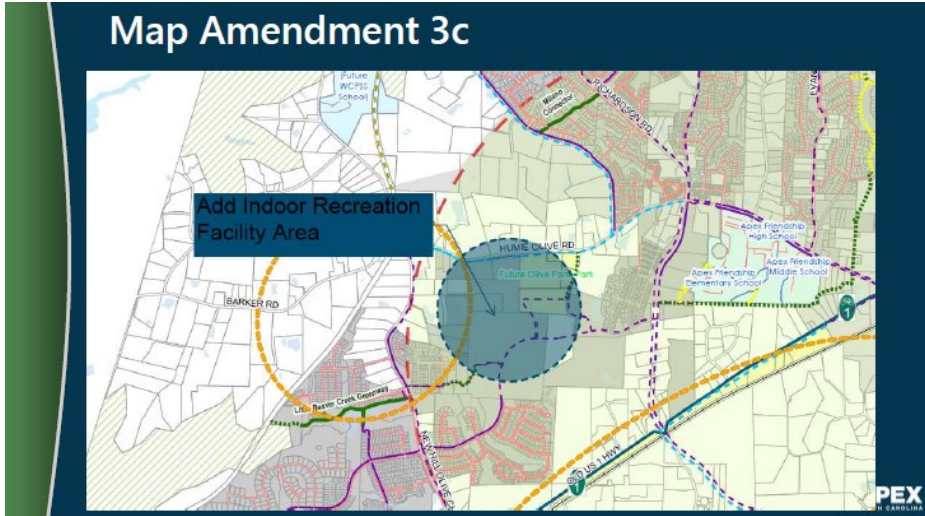
Map Amendment 3b

ADD INDOOR RECREATION FACILITY AREA

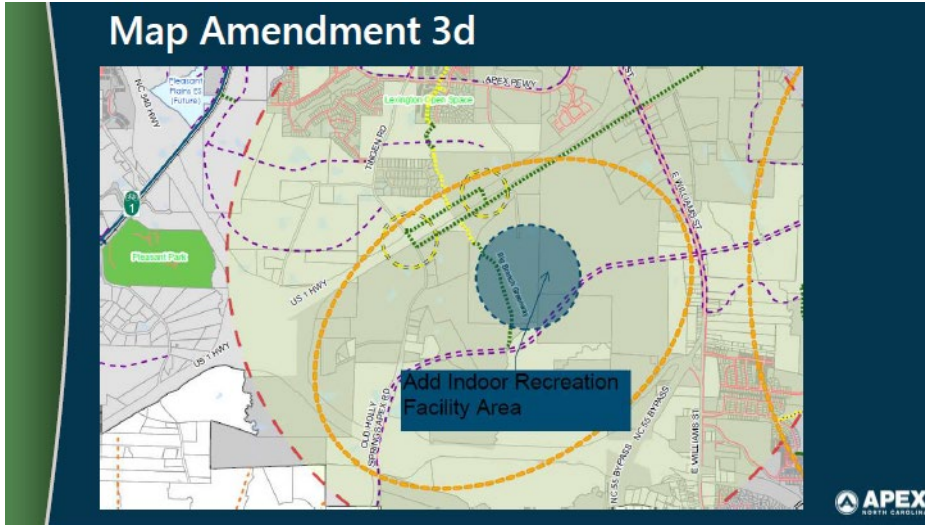
APEX NORTH CAROLINA

This map shows a search area circle in a residential neighborhood. A blue box highlights a specific area within the search area, labeled 'Add Indoor Recreation Facility Area'. The map includes various streets, parks, and landmarks. The APEX North Carolina logo is in the bottom right corner.

1 [SLIDE 33]



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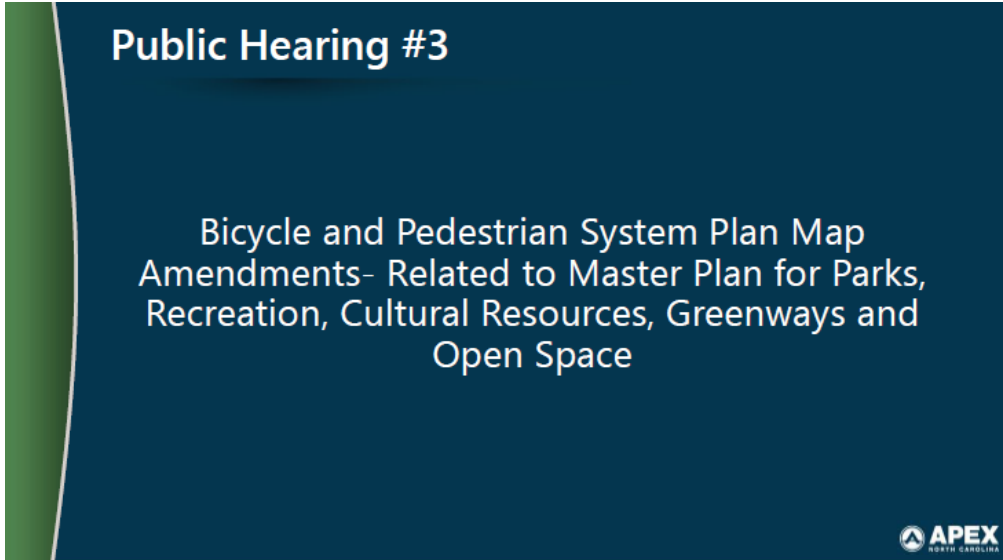
# DRAFT MINUTES

1 **AND**

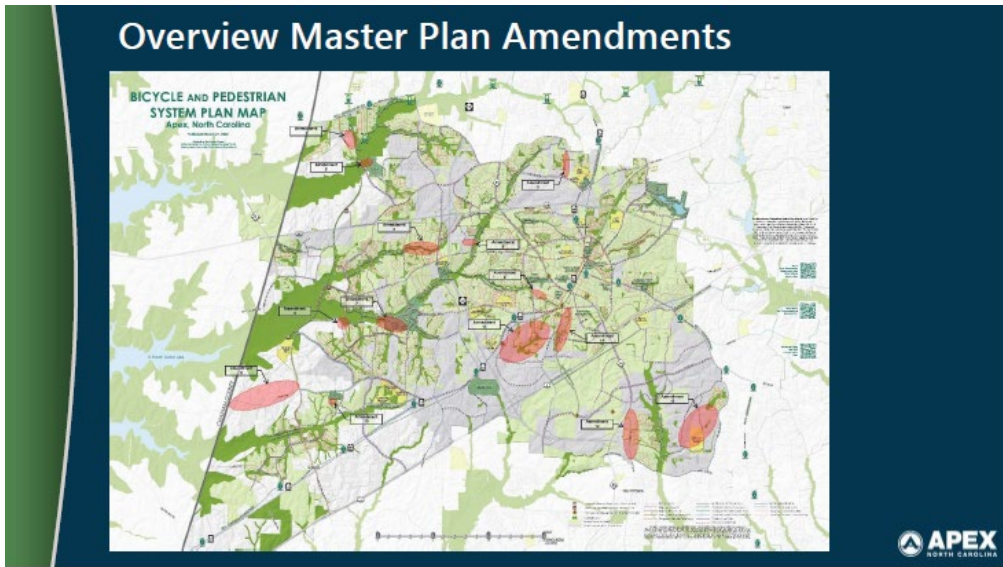
2 **PH3 Bicycle and Pedestrian System Plan Map Amendments - Related to Master Plan for**  
3 **Parks, Recreation, Cultural Resources, Greenways and Open Space**

4 **Ms. Reincke** gave the following presentation for the Bicycle and Pedestrian System Plan Map  
5 Amendments Related to Master Plan for Parks, Recreation, Cultural Resources, Greenways, and  
6 Open Space.

7 **[SLIDE 35]**

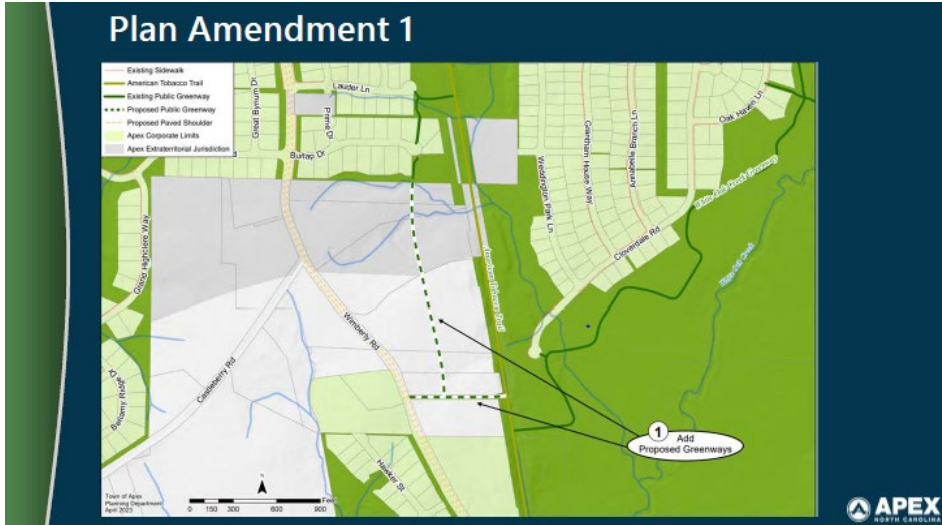


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9 **[SLIDE 36]**



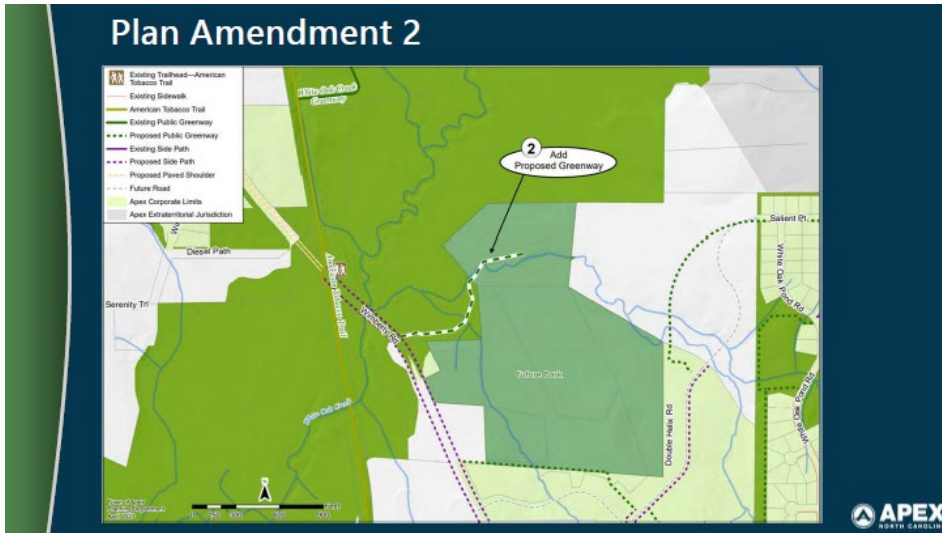
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1 [SLIDE 37]



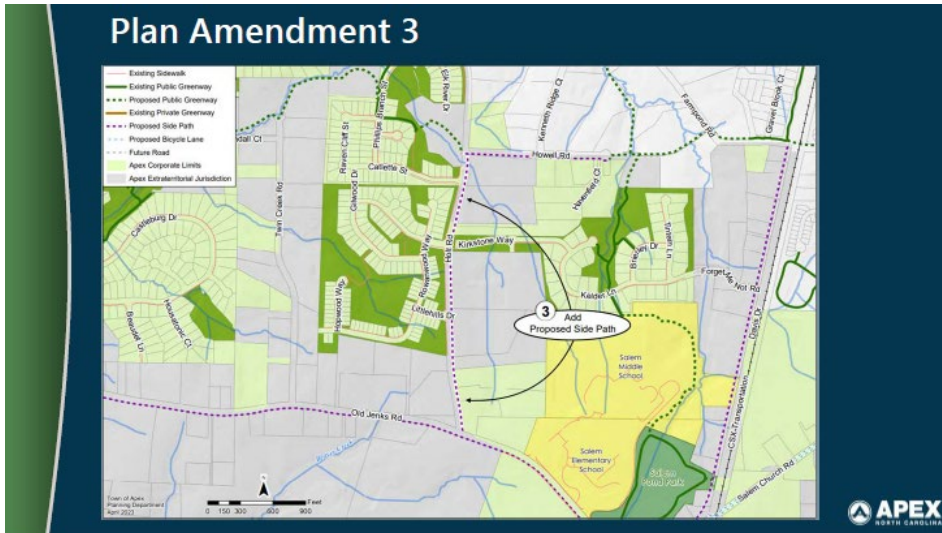
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[SLIDE 38]



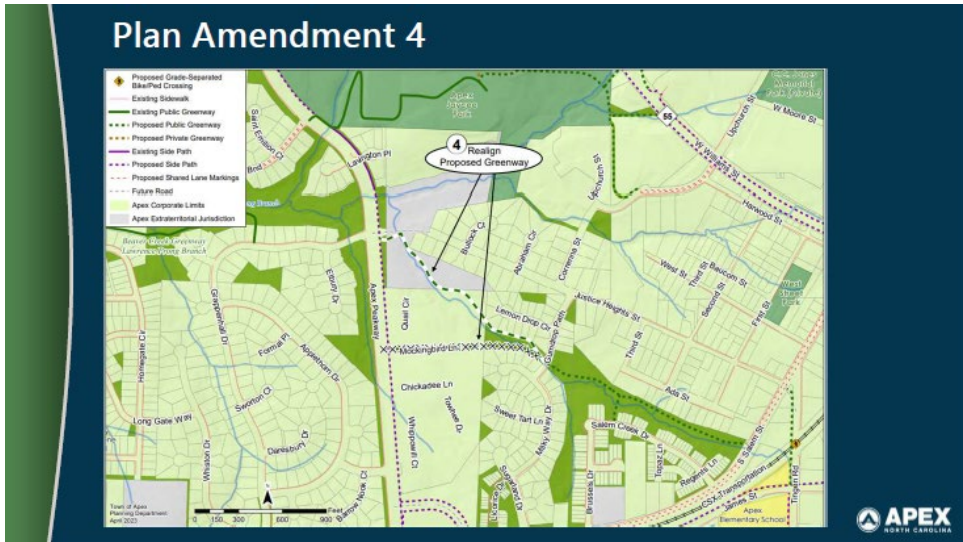
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[SLIDE 39]



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1 [SLIDE 40]



2

3 **Councilmember Zegerman** asked if Amendment 4 would interfere with the extension of  
4 Justice Heights Street, or if it would run alongside.

5

6 **Ms. Reincke** said it would run adjacent to it.

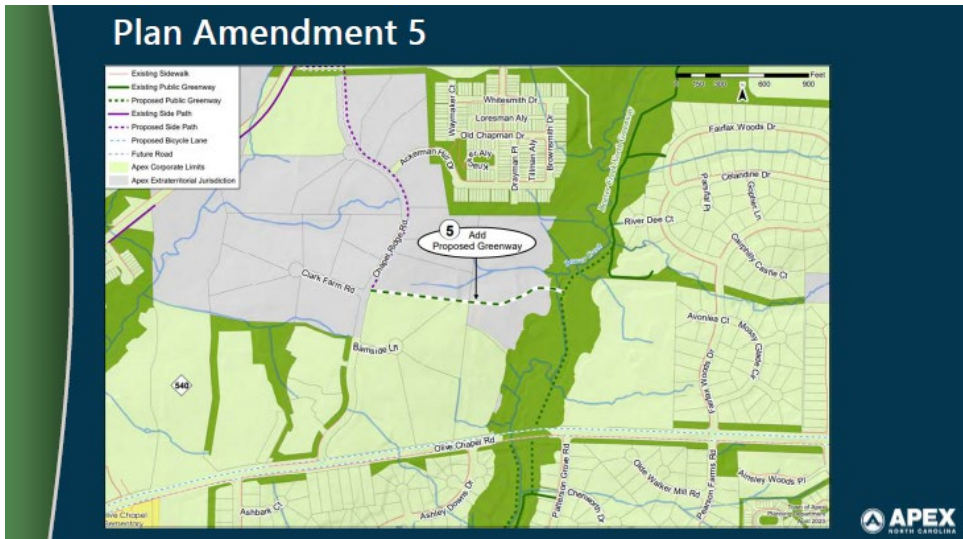
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7 **Councilmember Zegerman** asked if Justice Heights would connect where Gravano  
8 connects to the Peakway.

8

9 **Ms. Reincke** said it comes in right below that.

9 [SLIDE 41]



10

11 **Councilmember Gantt** asked if the town had missed out on an opportunity to work with a  
12 developer in this area to get part of this greenway built when they built the townhomes there.

13

14 **Ms. Reincke** said there have been conversations with people from Colonial Pipeline about  
15 whether the town could get into their easement at all, and have talked to the engineer of the  
16 developer to the south, and there is also a development to the north, and they are currently looking  
17 at if there are any ways to fit into any of those. She said there are some issues in making that work  
18 such as slopes and riparian areas, so the town is placing it in this area on the map to give some  
19 flexibility as to what may happen if the future as development occurs. She said there was a pond, but  
20 there was a way to go around it. She said normally plans like this that sit near property lines get  
adjusted as plans for development come up.



## DRAFT MINUTES

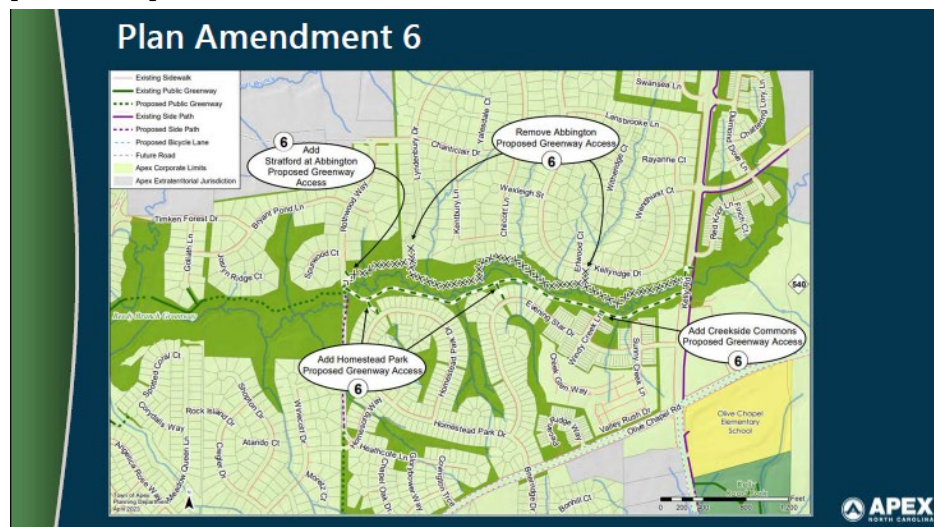
1 **Councilmember Gantt** asked if grade-separated crossings were possible or on the map at  
2 the time of construction in these areas. He wanted to know if it was unfeasible at the time, or if there  
3 was another reason it wasn't done then.

4 **Ms. Reincke** said she had heard that at the time that segment was not constructible. She said  
5 the Reedy Creek crossing has originally been routed within the creek corridor to connect to the  
6 American Tobacco Trail. She said it ended up that this area was nearly always underwater. She said  
7 the water and the grade separations made it so they were not allowed to connect to the American  
8 Tobacco Trail here.

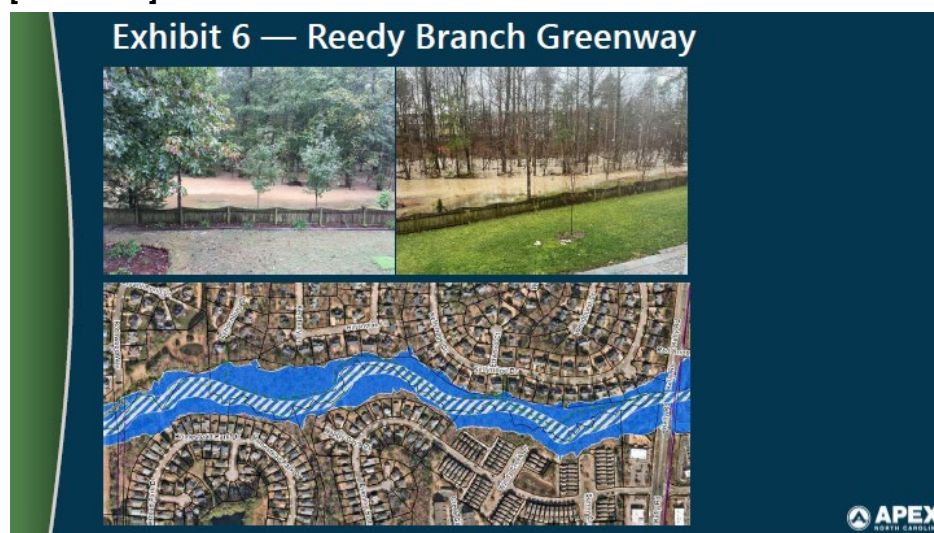
9 **Councilmember Gantt** said at-grade crosswalks at certain locations may be a short-sighted  
10 view, but he is glad the town is looking at doing this now. He said the greenway crossing may be  
11 difficult once the Peakway Bridge is completed.

12 **Ms. Reincke** said staff is getting better at identifying potential future conflicts before they  
13 arise.

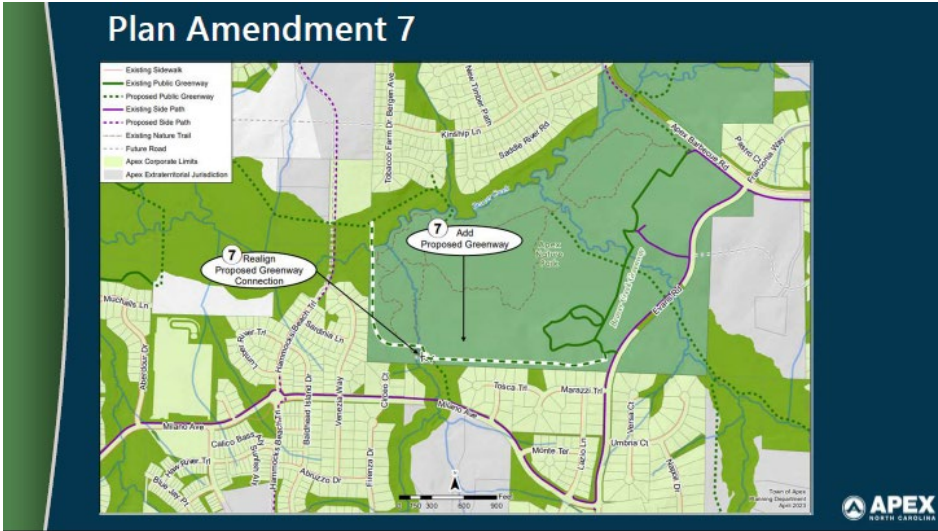
14 **[SLIDE 42]**



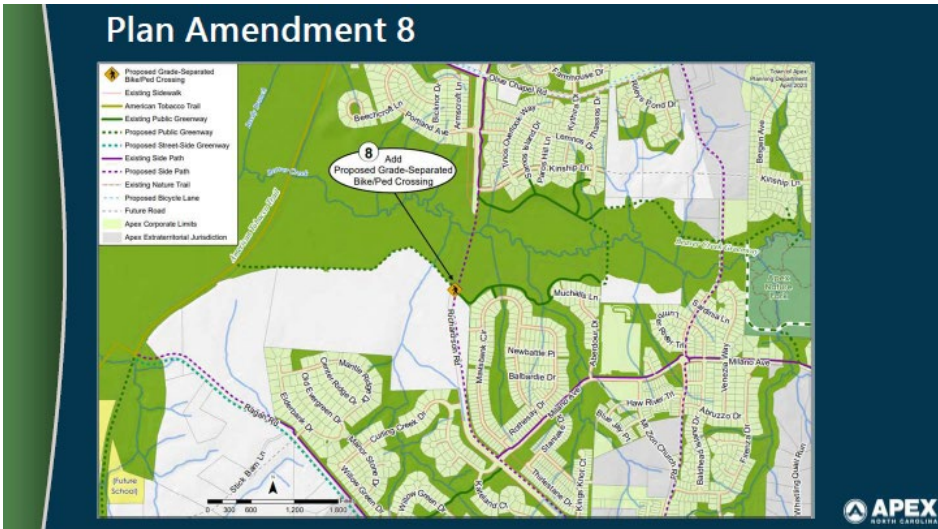
16 **[SLIDE 43]**



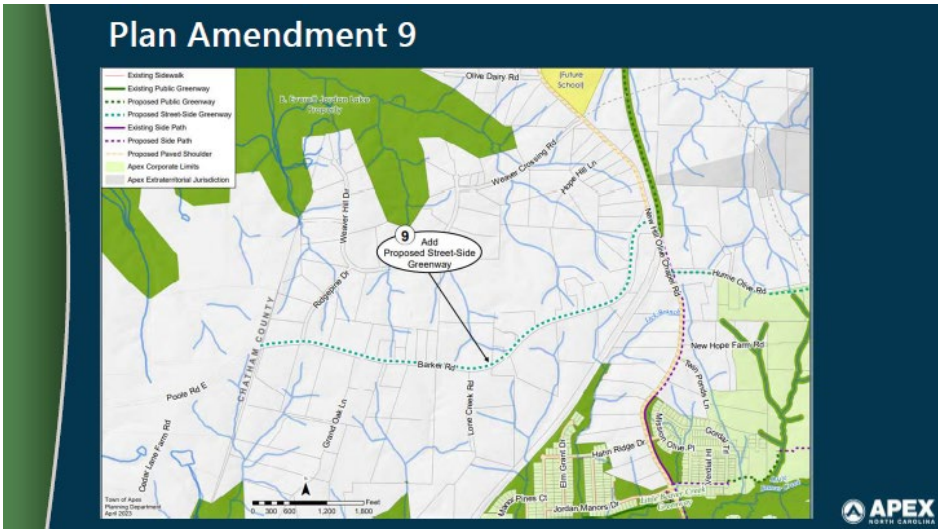
1 [SLIDE 44]



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3 [SLIDE 45]

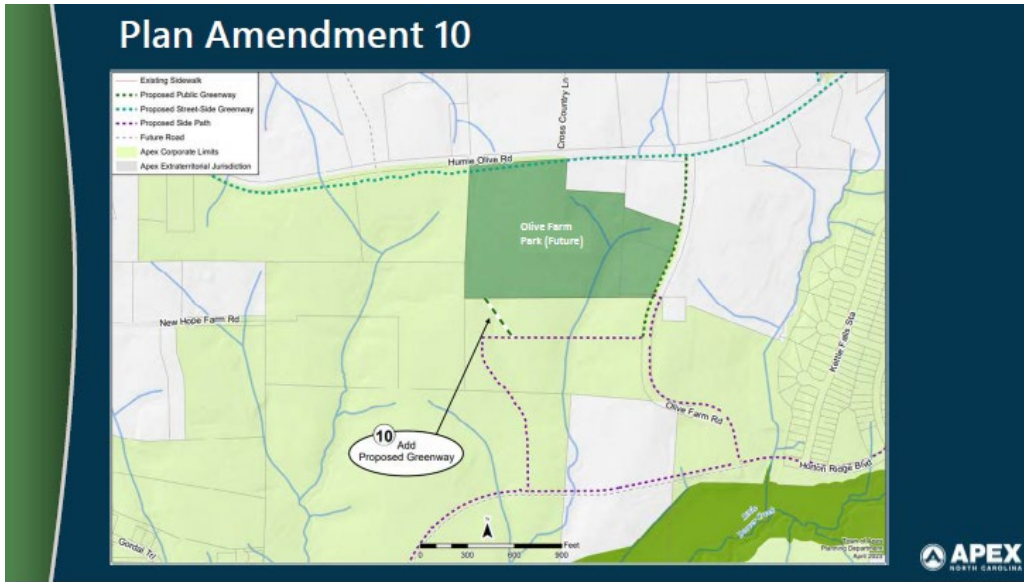


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5 [SLIDE 46]

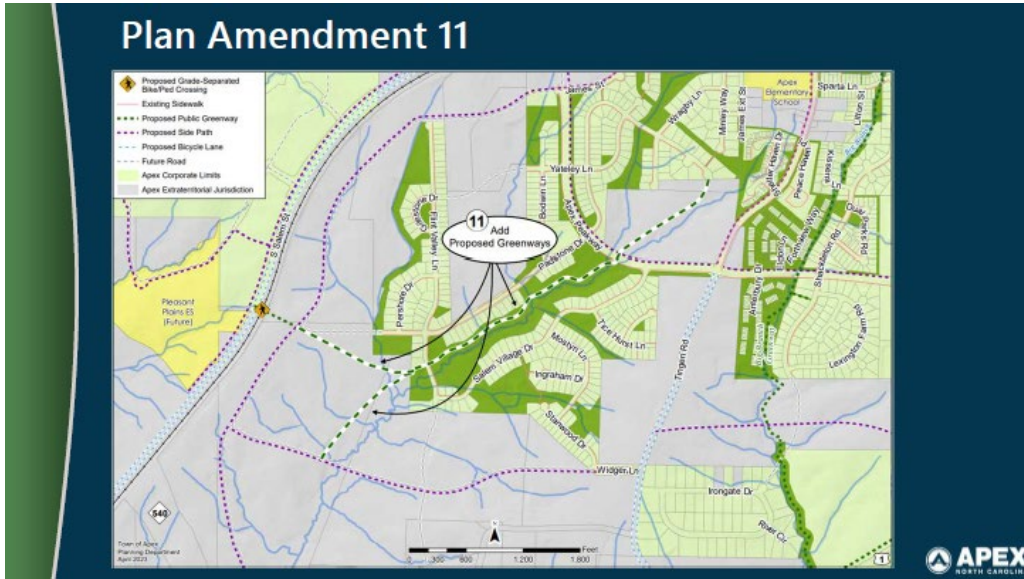


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1 [SLIDE 47]



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3 [SLIDE 48]



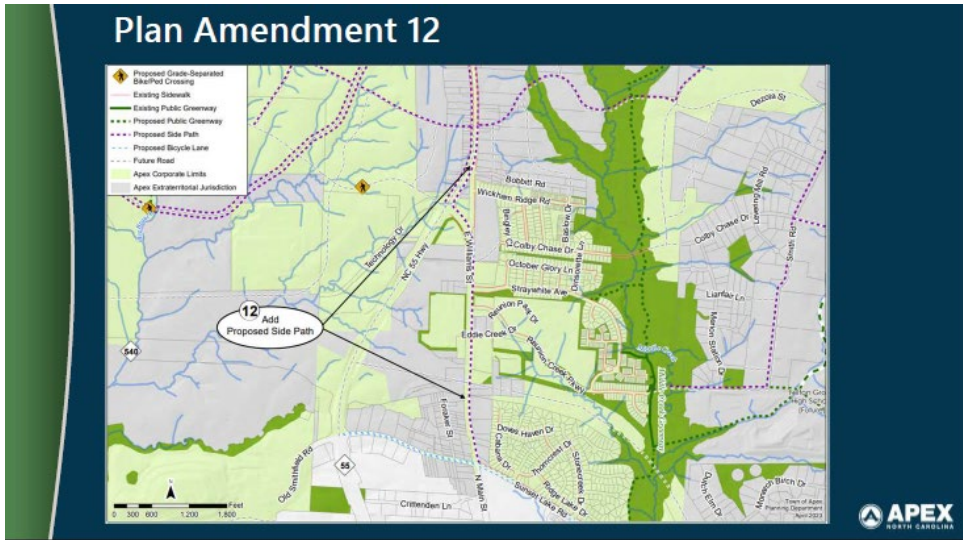
4  
5 **Councilmember Gantt** asked why this greenway wasn't in the plan when Salem Village was  
6 constructed, since it's a relatively new development.

7 **Ms. Reincke** said she wasn't sure of the exact timeline of Salem Village and the plan when it  
8 was being developed. She said staff saw the potential connection now and are hopeful it works out.

9 **Councilmember Zegerman** asked if there was a way to connect it all the way to Apex  
10 Elementary, potentially using the James Street extension.

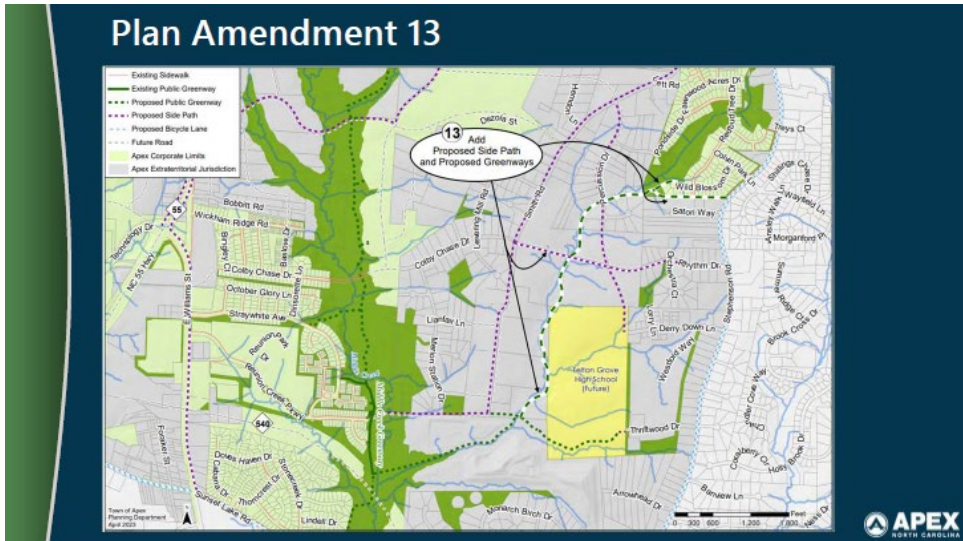
11 **Ms. Reincke** said staff looked at this possibility, and found there was very likely to be not  
12 enough space on the map to connect the greenway all the way to the school. She said there are  
13 sidepaths students can use to get to school after the greenway ends.

1 [SLIDE 49]



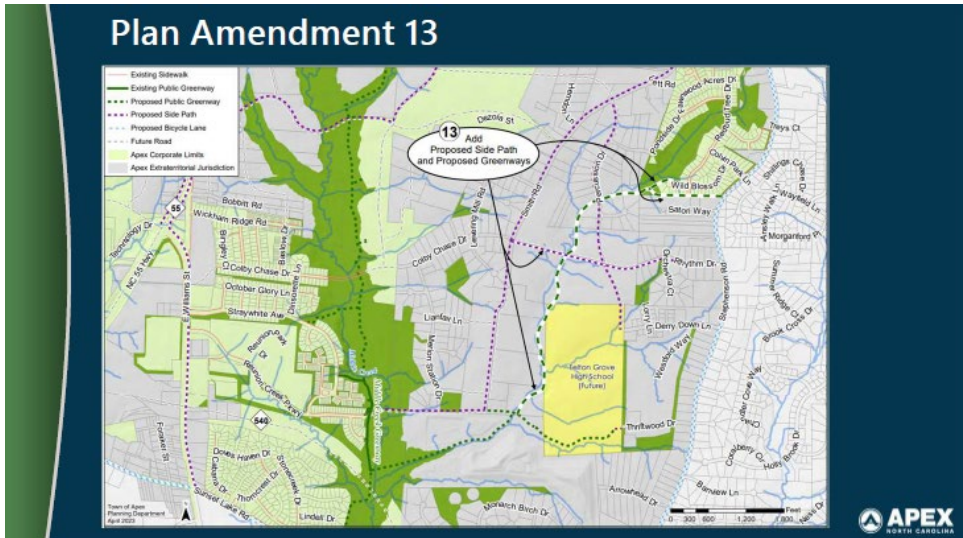
2  
 3 **Councilmember Zegerman** asked if there would be a crosswalk across Highway 55.  
 4 **Ms. Reincke** said she wasn't sure about any plans for something like that.

5 [SLIDE 50]



6  
 7 **Councilmember Zegerman** asked if there was a way to extend the sidepath along Colby  
 8 Chase all the way to the Pemberley community.  
 9 **Ms. Reincke** said that currently that area is developed. She said staff could look into the  
 10 possibilities  
 11 **Councilmember Zegerman, Councilmember Gantt, and Councilmember Mahaffey**  
 12 discussed how it would be a good idea because it would provide a safe route to the future Felton  
 13 Grove High School, and would like it to be looked at.

1 [SLIDE 51]



2  
3 [SLIDE 52]



4  
5 **Councilmember Gantt** asked if lessons had been learned about assessing the possibility of  
6 greenway additions before projects are completed.

7 **Ms. Reincke** said that staff now has a process where they require an extra 15 feet of  
8 easement width if they identify a shared sanitary sewer greenway corridor. She said they are also  
9 doing dedications upfront, and that greenway easements cannot be within a residential lot.

10 **Councilmember Zegerman** asked how the greenway would cross the Peakway.

11 **Ms. Reincke** said staff would be looking at this, and that there was a possibility to build a  
12 culvert and potentially make a grade-separated crossing.

13 **Councilmember Zegerman** asked that a potentially grade-separated crossing at the  
14 Peakway be studied.

15 **Ms. Reincke** said staff would look at it.

16 **Mayor Gilbert** told Ms. Reincke that the work was very well done, and thanked staff for all of  
17 their hard work on this.

18  
19 **Mayor Gilbert** opened up public hearing for this item. With no one signed up, he moved  
20 discussion back to Council.

## DRAFT MINUTES

1  
2 A **motion** was made by **Mayor Pro Tempore Audra Killingsworth**, seconded by  
3 **Councilmember Brett Gantt**, to approve the Master Plan for Parks, Recreation, Cultural Resources,  
4 Greenways and Open Space, to approve the Master Plan Amendments for Parkland Acquisition and  
5 Indoor Facility Search Areas, and to approve the Bicycle and Pedestrian System Plan Map  
6 Amendments Related to Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open  
7 Space.

8  
9 **VOTE: UNANIMOUS (5-0)**

10  
11 **[NEW BUSINESS]**

12  
13 **NB1 Richardson Road - Traffic Safety**

14 **Mayor Gilbert** said he wanted to discuss this issue with the whole Council present. He said  
15 they have been getting comments from residents, social media messages, and emails, and now  
16 Council was in a position where they needed to make a decision, because the problem was not  
17 going away. He said they will make a decision tonight, because they are about solutions. He added  
18 that staff would be presenting information regarding this issue, then Council would discuss and  
19 decide what they are going to do.

20 **Mayor Pro Tempore Killingsworth** said that people had been talking about this issue a lot  
21 since last year, and that she prefers to prevent problems rather than react to problems. She said this  
22 area will eventually have even more traffic, and they need to get ahead of the problem.

23 **Councilmember Gantt** said he has been noticing problems in several different communities  
24 that are split by thoroughfares. He said maybe from a planning perspective, the town needs to work  
25 on seeing if developments can build amenities on either side of a road so residents of that  
26 community don't necessarily need to cross a main road to access them. He said this might could be  
27 addressed through zoning changes or in the site plan phase.

28 **Mayor Pro Tempore Killingsworth** said that it's a chance to think about pedestrian safety  
29 rather than primarily vehicular safety, and this could inform how they discuss these kinds of  
30 developments moving forward.

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# DRAFT MINUTES

1 **Russell Dalton**, Traffic Services Manager, gave the following presentation regarding Traffic  
 2 Safety on Richardson Road

3 **[SLIDE 1 - NB]**



4  
5 **[SLIDE 2 - NB]**



**AGENDA**

- Overview of transportation planning and engineering design
- Vision Zero
- Speed Limits
- Crosswalks
- Hasse Avenue

6  
7 **[SLIDE 3 - NB]**

**Local Transportation and Land Use Linkage**

**Suburban**

*Typical Development Pattern*

This context type typically includes medium-density residential land uses characterized by single-family homes, townhomes, and duplexes. Commercial areas are often located near busy corridors and intersections most easily accessible by car with ample off-street parking.

*Multimodal Considerations*

Vehicle	Transit	Bicycle	Pedestrian
High Heavy reliance on vehicles; Higher than average volumes expected. Greater need for access management	Low Transit service may be prevent	Moderate Bicycle activity likely a mix of recreation and utilitarian trips. Use may increase near parks, schools, neighborhoods, and mixed-use activity centers	Moderate Moderate pedestrian activity, particularly near recreation areas, schools, and mixed-use activity centers

**Legend Context Areas**

- Town Center
- Rural
- Suburban
- Transit-Oriented Development

8  
9  
10

1 [SLIDE 4 - NB]

### Thoroughfare & Collector Street Plan Map

**Special Street Designations**

- Freight Route
- Future Local Connection

**Collector Streets**

- Minor Collector, Existing
- Minor Collector, Future
- Major Collector, Existing
- Major Collector, Future

**Thoroughfares**

- 2-Lane, Existing
- 2-Lane, Future
- 3-Lane, Existing
- 3-Lane, Future
- 3-Lane, Widening
- 4-Lane with Median, Existing
- 4-Lane with Median, Future
- 4-Lane with Median, Widening
- 5-Lane, Existing
- 6-Lane with Median, Widening
- 6-Lane Superstreet, Future
- 6-Lane Freeway, Future

Context

- Local connections
- Constraints
- Stakeholder input
- Traffic volume

Congestion data (volume/capacity)

- Crash data
- MTP recommendations
- Regional connections

Context

- Stakeholder input (mainly impacts design)

2  
3 [SLIDE 5 - NB]

### Roadway Design & Traffic Control

- AASHTO Green Book & Roadside Design Guide
- NCDOT Roadway Design Manual
- FHWA Manual on Uniform Traffic Control Devices (MUTCD)
- Apex standard specifications & details
- Many other specialized publications provide guidance

4  
5 [SLIDE 6 - NB]

### Apex Street Geometric Standards, Detail 300.14

*Richardson Road was constructed to meet NCDOT standards to turn over for state maintenance after completion from US 64 to Olive Chapel Road*

CLASSIFICATION	DESIGN SPEED (MPH)	MAX. GRADE (%)	HORIZONTAL CURVE CONTROLS		VERTICAL CURVE CONTROLS	
			MAX. SUPER ELEVATION (%)	MIN. CL RADIUS (FT)	MIN. LENGTH CREST (FT)	MIN. LENGTH SAG (FT)
THOROUGHFARE	50	7	4	925	54A	96A
MAJOR COLLECTOR	35	10	4	371	29A	49A
MINOR COLLECTOR	30	10	NC	333	19A	37A
RESIDENTIAL STREET	25	10	NC	198	12A	26A
ALLEY	---	10	RC	50	12A	26A

**NOTES:**

1. A = ALGEBRAIC DIFFERENCE IN GRADES
2. NC / RC = NORMAL CROWN / REVERSE CROWN
3. THIS TABLE OUTLINES MINIMUMS FOR ROADWAY DESIGN. SOUND ENGINEERING JUDGEMENT SHOULD BE EXERCISED WHEN USING MINIMUM DESIGN STANDARDS FOR ROADS.
4. ALTERNATE DESIGNS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION PUBLISHED BY AASHTO: A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS.
5. GRADES SHALL NOT EXCEED 5% WITHIN 100 FEET OF STOP OR YIELD CONDITION.

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## DRAFT MINUTES

1 **Councilmember Gantt** said there seems to be some issues in the Sweetwater area because  
2 of it having sort of a “town center” feel to it.

3 **Mr. Dalton** said it seems like Councilmember Gantt may want a more urban form for these  
4 kinds of developments rather than a suburban form. He said modern design seeks to incorporate  
5 more urban design aspects into suburban corridors, but he said these can be dangerous, and they  
6 have to follow procedure to ensure they are making the best recommendation.

7 **Councilmember Gantt** said he’s a bit annoyed because this development isn’t completely  
8 finished yet, and the town has had years to learn from the mistakes of previous developments like it.  
9 He is wondering why it is still occurring.

10 **Mr. Dalton** said it is a major thoroughfare, and he said in the presentation he will discuss the  
11 purpose and need of the road, and how that compares to the desire for a more urban feel and  
12 speed. He said it isn’t unusual for a planned unit development to come up around a major  
13 thoroughfare such as this, and that situation inherently brings about these kinds of challenges.

### 14 [SLIDE 7 - NB]

Vision Zero Action Plan

- Action Plan adopted August 2022
- Cross-departmental Task Force: Planning, Traffic, Police, Communications, DEI
- 28 Actionable Strategies
- 5-year crash data (2017-2022)
- High Crash & High Injury Network

FIVE "E" APPROACH

- Engineering
- Education
- Encouragement
- Enforcement
- Evaluation

Vision Zero ACTION PLAN

APEX

August 9, 2022

### 15 [SLIDE 8 - NB]

Vision Zero Plan Review Staff

- Town staff are both part of the Vision Zero Task Force and:
  - Review site & subdivision plans
  - Are involved in safety studies, public outreach & recommendations
  - Are involved in project prioritization and funding requests
  - Recommend changes to standards and best practices to improve safety and efficiency
- Traffic Safety Engineer hired in March 2023 to lead the Vision Zero program
- Apex Police are actively involved in community outreach, education and enforcement promoting traffic safety

1 [SLIDE 9 - NB]

Request to lower speed limit from 45 mph to 35 mph

- Richardson Road is 45 mph from US 64 to south of Humie Olive Road
- Study result (Oct-Nov 2022):
  - Volume = 4,100 vehicles per day (vpd)
  - 85<sup>th</sup> percentile speed = 45 mph (15% or 615 vehicles > 45 mph)
  - Average speed = 39.7 mph
  - 2% of vehicles (82 vpd) traveling >50 mph
  - Not on Apex's Vision Zero "High Injury Network", 2017-2022 (see next slide for crash data summary)
- Projected year 2035 traffic = 20,300 vpd (almost 5x existing)

2  
3 [SLIDE 10 - NB]

Annually Updated 5-year Crash Data (2017-2022) for Vision Zero

Segment	Town wide ranking by crash severity index*	Town wide ranking by number of crashes*
US 64 to Core Banks Street**	56 <sup>th</sup>	28 <sup>th</sup>
Core Banks St to Hasse Ave	832 <sup>nd</sup>	1,078 <sup>th</sup>
Great Lawn Rd to north of Olive Chapel Rd	116 <sup>th</sup>	199 <sup>th</sup>

\*Ranking out of 1,080 total segments. No crashes reported from Hasse Ave to Great Lawn Rd from 7/1/17-6/30/22. 6,808 total crashes and 274 severe/fatal crashes occurred town wide in the Apex Police response area.

\*\*Crashes prior to four-lane widening and US 64 signalization now in progress

4  
5  
6 **Councilmember Gantt** asked if Richardson Road was included in the entire timeline of the Vision Zero data collection, and if roads were finished during the data collection process, would they be included in some form as well.

7  
8 **Mr. Dalton** said it measures the number of crashes on a road during the time period it was open. There wasn't any factor of trying to project crashes.

9  
10 **Councilmember Gantt** asked how built up the area near Sweetwater was during the study and data collection period, and if the sidewalks and other pedestrian infrastructure were there.

11  
12 **Mr. Dalton** said it was building out during this period, and that is one of the challenges of studying a road that is increasingly getting more traffic and pedestrians. He said he can't recall exactly when the whole route was completed on the full length, but that it has been for more than a few years.

13  
14  
15 **Councilmember Gray** wanted to clarify if the crashes in the date were vehicular crashes or all crashes.

16  
17 **Mr. Dalton** said it included all crashes.

## DRAFT MINUTES

### 1 [SLIDE 11 - NB]

#### Request to lower speed limit from 45 mph to 35 mph

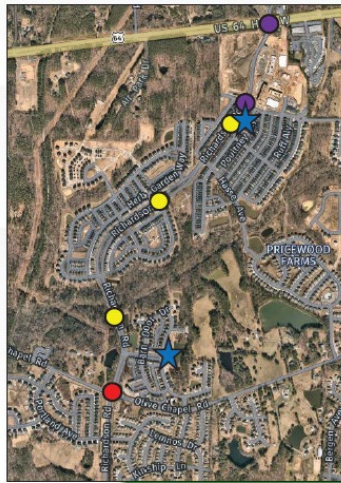
- Negative impacts from lower posted speed not matching suburban thoroughfare roadway design & context
  - Average driver will have difficulty complying with posted speed
    - Alignment & suburban environment not matching driver expectation
    - Longer distance trips vs local streets
    - Will still see "high" speeds (>45 mph)
  - Requests for more police enforcement and outreach resources directed to the corridor to ensure compliance
- NCDOT has relayed the following regarding speed limit: "...a reduction probably wouldn't affect the decision to adopt, but Division Traffic would need to see a traffic study justifying the reduction. If they determine a reduction isn't warranted, they would revert the speed limit back."

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### [SLIDE 12 - NB]

#### Existing and Future Crosswalks across Richardson Road

- Signalized crosswalk (traffic signal)
- Marked and signed two-stage (median-protected) high-visibility crosswalks
- Future Traffic Signal
- ★ Amenity Center & Pool



4

5 **Councilmember Gantt** asked if Mr. Dalton could speak to the potential impact of this on  
6 Kelly and New Hill Olive Chapel Roads.

7 **Mr. Dalton** said that roadways like this are meant to provide a high level of mobility for  
8 vehicles, which doesn't preclude the importance of pedestrian safety. He said staff needs to be  
9 conscious about the purpose of the roadway, and that once the roadway gets closer to its projected  
10 20,000 vehicles per day, speed calming measures such as lowering the speed limit will have adverse  
11 impact to commuters on a road like this.

12 **Councilmember Gantt** asked if Mr. Dalton could speak to how the Core Banks future traffic  
13 light would impact the nearby crosswalk.

14 **Mr. Dalton** said if a traffic light provided pedestrian crosswalk with signal, town staff would  
15 recommend removal of the crosswalk currently in place. He said the 2-stage crosswalks are  
16 recommended when there is no signal crosswalk available for major thoroughfares.

17 **Councilmember Zegerman** wanted to know what high visibility meant in this context.

18 **Mr. Dalton** said they include yellow diamonds for pedestrian warning signs in advance,  
19 arrows pointing down to the crosswalk, and high visibility crosswalk bars.

20 **Councilmember Mahaffey** asked if there was a standard for the flashing style for crosswalks.

## DRAFT MINUTES

1 **Mr. Dalton** said that would be discussed further in the presentation.

2 **Councilmember Mahaffey** said he though staff had communicated before that mid-block  
3 crossings weren't safe either, because vehicles didn't anticipate crossings occurring in those areas.

4 **Mr. Dalton** said staff make them as safe as they can be. He said they determine where  
5 crosswalks are needed based on DOT methodology, which he said is the best methodology they  
6 have found.

7 **Councilmember Zegerman** asked why there would be objection to flashing beacons in an  
8 area with no turning movement.

9 **Mr. Dalton** said there are warrants to flashing beacons, and staff plans to study them later  
10 this year. He said if they are not justified based on standards, then staff would typically not  
11 recommend them. He said they are a supplemental warning device, but they are meant for cases in  
12 which traffic volume is so high that there are no gaps in traffic. He said with the crossing in place  
13 today, and there being gaps in traffic on this road, people can cross safely on these crosswalks. He  
14 said when the traffic volume goes up, and people start taking chances to cross the road, that's when  
15 supplemental devices need to be put into place.

### 16 [SLIDE 13 - NB]

#### Request for crosswalks across Richardson Rd at Core Banks Street & Hasse Avenue, and Flashing Beacon (RRFB) Installation

- NCDOT will not approve signed & marked high-visibility crosswalks across thoroughfares at unsignalized intersections (where there are turning conflicts)
- Pedestrians should be guided to cross thoroughfares where a median refuge is present if possible
  - Apex added two high-visibility median-protected crosswalks in response to neighborhood concerns, north and south of Hasse Avenue, prior to volume warrants being met
  - A third crosswalk was installed south of Wishing Well Wynd for the greenway as part of Smith Farm

17

### 18 [SLIDE 14 - NB]

#### Supplemental Measures and Future Plans

- Existing crosswalks are being considered for supplemental markings and signs this summer to further enhance visibility
- Counts will be conducted this summer to consider RRFB at existing crosswalks, which is based on traffic & pedestrian volume
- Supplemental street lighting is planned in June to improve nighttime visibility along the corridor
- Core Banks Street is anticipated to warrant a traffic signal which will have signalized crosswalks (2+ years)
- Hasse Avenue unlikely to warrant a traffic signal based on volume

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## DRAFT MINUTES

### 1 [SLIDE 15 - NB]

#### Hasse Avenue

- Major Collector Street, 35 mph, approved prior to the requirement to stripe a centerline and offset edge lines
- Speed limit sign request pending Public Works installation for Hasse Avenue and other streets within Sweetwater.
- Vicinity of Russet Lane & playground areas
  - Playground warning signs to be installed this summer
  - Pedestrian crossing study to be conducted this month in response to a request for a high-visibility crosswalk across Hasse Avenue (not a thoroughfare)

2

3 **Councilmember Mahaffey** asked what the recommendation would then be for Hasse and  
4 Core Banks. He said Mr. Dalton had mentioned they don't want people to cross there, but they are  
5 doing it anyway. He asked what the solution could be.

6 **Mr. Dalton** said pedestrians should be guided to cross thoroughfares where there is a  
7 median refuge present.

8 **Councilmember Mahaffey** asked if the median and island should be extended.

9 **Mr. Dalton** said at the intersection, pedestrians are still competing with turning movements.  
10 He said traffic engineering is based on human factors and sending messages to vehicles coming  
11 through. He said for drivers, crosswalk signs say "pedestrians might be crossing here, use caution",  
12 and to pedestrians it says "this is a safe place to cross". He said putting that at an intersection would  
13 be a concern, because no amount of flashing signs would be able to work in a situation where a  
14 vehicle is trying to turn and negotiate a gap in the traffic.

15 **Councilmember Mahaffey** asked if he felt the only safe way to provide a crosswalk there was  
16 with it included a stoplight, and if a study for a potential stoplight justification would be occurring.

17 **Mr. Dalton** said that was correct.

18 **Councilmember Gray** asked what the risk would be if the study would a light there wasn't  
19 justified, but a light was installed anyway.

20 **Mr. Dalton** said traffic signals may reduce some types of accidents but increase others. He  
21 said if the NCDOT took over the roadway, the decision would be up to them. He said if the town-  
22 maintained control of the roadway and put in an unwarranted traffic signal, it may be an issue for  
23 NCDOT if the town wanted to request transfer of control to them in the future.

24 **Councilmember Zegerman** asked what the town would be giving up if they kept the road in  
25 their own portfolio and did not transfer it to NCDOT.

26 **Mr. Dalton** said the biggest factor would be the long-term maintenance cost of the road. He  
27 said since it was a major roadway, it would be much more expensive than a typical town-owned  
28 road, and Powell Bill funds would not reimburse the town proportionally for that extra cost.

29 **Mayor Gilbert** asked how pedestrian crossings were measured in the study.

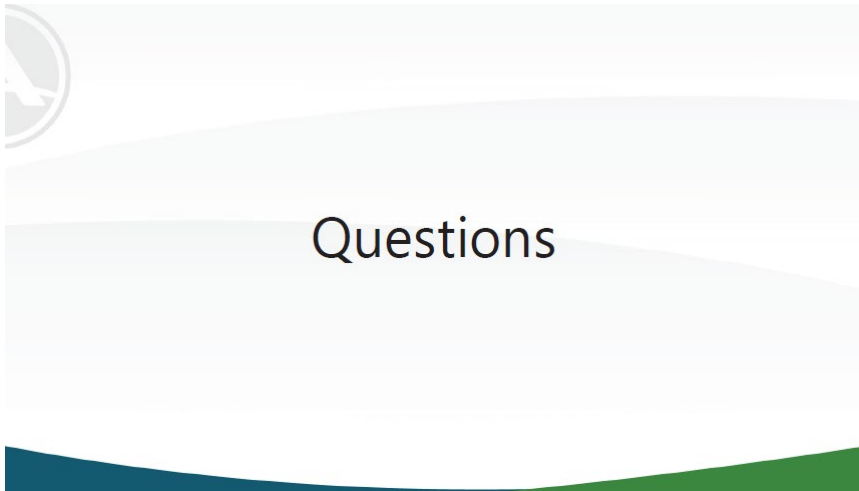
30 **Mr. Dalton** said they use trail cams, and are able to see crossings in a general wide area near  
31 an intersection or crossing spot. He said they then analyze that data compared to other factors with  
32 NCDOT guidance to help inform a decision.

33 **Transportation Director Chris Johnson** spoke about how this problem is something he has  
34 seen in many other municipalities in this area. He said traffic engineering concerns are complex as

## DRAFT MINUTES

1 well, and that Mr. Dalton was following the same guidance traffic engineers follow in these situations  
2 in other places in his experience.

3 **[SLIDE 16 - NB]**



4  
5 **Councilmember Zegerman** asked about if the traffic safety engineer hired in March has  
6 given any feedback on this road design.

7 **Mr. Dalton** said he has been actively involved in the review and study of the roadway. He  
8 said this is all a larger discussion about major roadways like this one, and whether the town would  
9 want NCDOT to take control of them, and how they want to develop around these roadways, taking  
10 into consideration their function. In regards to an earlier question from Councilmember Gantt, he  
11 said having amenities centers on both sides of a road for the same community is something  
12 developers would say isn't an easy solution. He said there would still likely be pedestrian crossings  
13 regardless of if this was the case, but that could be something looked at further.

14 **Councilmember Gray** said there was a situation in Cary where they installed a decorative  
15 fence on the median in order to guide pedestrians more on where to cross, and if that could be  
16 something to make predicting pedestrian crossings easier.

17 **Mr. Dalton** said he would want any recommendation to be a bit more passive than a fence.  
18 He said at an intersection, people would likely just go around the fence anyway. He said they are  
19 planning pawprints on the sidewalks guiding students to the new crosswalk on Tingen Road, and  
20 that those kinds of markings or pedestrian-scale signage could be useful here.

21 **Councilmember Gray** said he was thinking about fencing until the crosswalk area.

22 **Mr. Dalton** said that idea may be better in a situation like a school where a lot of people may  
23 be crossing at once. He said since this is a suburban corridor, he said the volume is lower and  
24 crossings are more spread out.

25 **Director Johnson** said from his experience at Cary High School, that fence was put up  
26 because students would cross the road at different places all at the same time, and that it was apples  
27 to oranges to compare that situation to this one.

28 **Mayor Pro Tempore Killingsworth** said in Louisiana she recalled highways moving down  
29 from 55 to 45 to 35 miles an hour as they got closer to areas with more pedestrians. She wondered if  
30 there were areas it could reasonably be dropped where people want to cross in the Sweetwater  
31 community, and then have it be raised back up.

## DRAFT MINUTES

1 **Mr. Dalton** said speed changes on a single roadway is something he has seen in Florida, but  
2 he isn't sure what compliance would be like in this case. He said there is a relatively short distance  
3 between intersections, and if he isn't sure if drivers would adjust their speed based on that.

4 **Mayor Pro Tempore Killingsworth** said she feels this could be a situation where they could  
5 increase signage in order to make drivers aware that this area often has pedestrians' crossings. She  
6 said they could also lower the speed limit to 35 near the Smith Farms area, then increase it back up  
7 to 45 as the road gets to Highway 64. She said it's going to continue to get more dangerous as the  
8 area develops if they don't do something now.

9 **Mr. Dalton** said there's a difference between posted speed and compliance. He said drivers  
10 see the three mid-block crosswalks there currently, and that is already a cue to expect higher  
11 pedestrian activity. He said drivers also expect more vehicle and pedestrian traffic as they see more  
12 buildings and developments in an area, such as near Sweetwater. He said varying the speed limit is  
13 not something that would give a much higher level of safety in his opinion, and that the compliance  
14 would likely be marginal.

15 **Mayor Pro Tempore Killingsworth** said currently this is a two-lane road, and if the speed  
16 limit could be lowered now and then raised back to 45 if they decide to have it expanded into 4  
17 lanes, given the likelihood that would come with more infrastructure such as traffic lights.

18 **Mr. Dalton** said part of it is already being widened to 4-lanes. He said the biggest issue with  
19 compliance would be the area that has a more suburban feel to it in the area that isn't 4-lanes, on the  
20 south part of the road. He said NCDOT would revert the speed limit back to 45 if it was set to 35 and  
21 they subsequently took it over.

22 **Councilmember Mahaffey** asked if Mr. Dalton felt speed limits were prescriptive or reactive.  
23 He said he felt Mr. Dalton viewed speed limits as something just to say how fast the area is, rather  
24 than to tell people how fast to go. He said he felt there would be a degree of voluntary compliance,  
25 even if not 100%. He asked if Mr. Dalton's overall philosophy was reactive or proactive.

26 **Mr. Dalton** said in this case it is proactive because of the type of facility. He said the intent of  
27 the roadway is a high degree of vehicle mobility. He said reactive would be when they are seeing a  
28 big problem on a roadway, and that this question is something lots of municipalities struggle with.  
29 He said he agreed that some people would comply with a change in posted speed limit, but that  
30 some people would not. He said the question is if they wanted to open up the possibility of more  
31 speed complaints and requests for police presence for compliance in this area, if the speed limit is  
32 lowered to no longer match the intent of the road.

33 **Councilmember Mahaffey** asked if the indentions of the sidewalk were a mistake, seeing as  
34 Mr. Dalton had described the Hasse intersection as an unsafe place for a crossing, given the  
35 likelihood of drivers trying to turn right.

36 **Mr. Dalton** said in North Carolina, all unmarked intersections are legal places to cross the  
37 road. He said if it is unmarked, it sends a message to pedestrians that they need to be more careful if  
38 they do try to cross here. He said this is why they do 2-stage crosswalks. And he said there are 3 in  
39 this area, which are considered to be safe crossing opportunities. He said that is the safest crossing  
40 opportunity this road can have until a traffic signal is put in.

41 **Councilmember Mahaffey** asked if the pedestrian ramps needed to kept on the sidewalk at  
42 this intersection, even if it's legal, since Mr. Dalton said it was not a safe opportunity. He asked if that  
43 was something they could do. He said he thinks people take those ramps as an indication that they  
44 can or should cross there.

## DRAFT MINUTES

1 **Director Johnson** said that was something that could be done, but then it would create  
2 situations where people who had been using that as a crosswalk and been comfortable with that  
3 would no longer have a ramp to move their bike across, for example. He said they would find some  
4 people that liked the change and while others wouldn't.

5 **Councilmember Mahaffey** said he was thinking about this from a messaging perspective,  
6 and how to signal that this may not be a safe place to cross. He said he isn't necessarily suggesting  
7 anything, but that he thinks it's incongruent to have this ramp that seems to suggest the beginning of  
8 a crosswalk, but not have it be a safe crossing.

9 **Mayor Gilbert** moved to Council discussion for this item, with no further questions for Mr.  
10 Dalton. He thanked Mr. Dalton for all he does.

11 **Mayor Gilbert** said he always wanted to be on the side of being proactive. He said he  
12 wondered what they would really lose if they lowered the speed limit. He said they often talk about  
13 trying something new, such as last year putting in an all-way stop in downtown, which didn't worked  
14 out. He said he is willing to try lowering the speed limit here, even if they can't predict what happens.  
15 He says he is still up in the air as far as the crosswalks. He said they could talk about lowering the  
16 speed limit first, then crosswalks.

17 **Councilmember Mahaffey** said his position was to lower the speed limit.

18 **Mayor Pro Tempore Killingsworth** said she agreed, and that the area before it gets to 64  
19 should be 35.

20 **Councilmember Gray** said he was reflecting on Mr. Dalton's recommendations, and how he  
21 was looking at it from the perspective of where the road would be once it was 4-lanes and much  
22 more developed. He said he was also considering if it was NCDOT's road, and that they would revert  
23 it to 45 no matter what. He said Mr. Dalton was right in his analysis of the future of the road, and that  
24 he is right in saying the data does not support the reduction of the speed limit. He said even then,  
25 the town could lower the speed limit since it is their road. He says he has always been in favor of  
26 implementing a speed trap somewhere in town to raise revenue. He said realistically, he  
27 understands staff planning for it becoming a much larger and busier 4-lane road, but that until it gets  
28 to that point, a reduction would be a good idea.

29 **Councilmember Zegerman** said they never should have allowed a thoroughfare through a  
30 neighborhood like this. He said the data and studies don't necessarily warrant a speed lowering  
31 change for the type of road this is, but since the current volume of traffic is far below its intent, he  
32 sees no problem lowering the speed limit to 35 mph and trialing it.

33 **Councilmember Gantt** said he's listened to residents and staff on this, and that since he's a  
34 data guy, he sides with staff on this. He said lowering the speed limit would be a bad idea here. He  
35 said, however, he thinks he is outvoted.

36 **Councilmember Mahaffey** said he agreed with Mr. Dalton's analysis of the construction and  
37 intent of the road, but that the issue was not the road, but rather the neighborhood having been  
38 built around it. He said the neighborhood construction leads people to believe it is safe to cross at  
39 the intersection rather than at the 2-stage crossing, in order to get to the amenities center. He said  
40 he understands that compliance would not be 100%, but if the average speed went down it would  
41 be safer. He said there would still need to be things done to mitigate it further. He said they have to  
42 do the best they can with the way the neighborhood is already built, and currently he feels the first  
43 step is to lower the speed limit.



## DRAFT MINUTES

1 A **motion** was made by **Mayor Pro Tempore Audra Killingworth**, seconded by  
2 **Councilmember Arno Zegerman**, to lower the speed limit of Richardson Road from Olive Chapel  
3 Road to US Highway 64 from 45 miles per hour (mph) to 35 miles per hour (mph).  
4

### **VOTE: 4-1, Councilmember Gantt dissenting**

5  
6  
7 **Mayor Gilbert** invited further discussion regarding crosswalks.

8 **Councilmember Mahaffey** said he came to the meeting prepared to put in crosswalks at the  
9 intersections. He said it does make sense though that people wouldn't be looking at the pedestrians  
10 crossing without a stop light when turning right. He said they could potentially do a study of this. He  
11 said he understood that it would be a long shot for a traffic signal to be warranted here currently, but  
12 that likely wouldn't be the case in the future. He said maybe a study could be done then. He said he  
13 isn't prepared to direct staff to do anything regarding crosswalks at this time, however he is wanting  
14 more conversations to take place regarding future developments. He said the Sweetwater HOA  
15 could do something regarding directing residents to cross towards their amenities center. He said  
16 lighting will be a big benefit, but that he wasn't willing to take action on crosswalks right now.

17 **Councilmember Gantt** wanted to clarify if the crosswalk in question was Hasse, Core Banks,  
18 or both.

19 **Councilmember Mahaffey** said he was referring to Hasse specifically. He said he believed  
20 the intersection at Core Banks and Richardson would have a traffic light in the next couple years  
21 which would alleviate the issue.

22 **Councilmember Zegerman** asked about diagonal crosswalk designs, and if that could be  
23 explored here.

24 **Mr. Dalton** said he would need to see a concept of what he was referring to here before  
25 commenting on this situation.

26 **Councilmember Zegerman** said he had seen it a lot in cityscapes such as New York.

27 **Director Johnson** said those would typically be in places with a higher volume, and would  
28 still require a pedestrian signal. He said he doesn't believe that would be the best fit for Richardson  
29 at this time.

30 **Mayor Gilbert** wanted to confirm that there was no direction given to staff regarding  
31 crosswalks at this time.

32 **Councilmember Gantt** said he felt crossings at intersections without a light was dangerous.

33 **Councilmember Gray** said they need to start thinking about adding signals on the road, but  
34 that staff is acting appropriately in advising studies first. He said he wasn't sure if putting in a signal in  
35 a place where it would likely be needed in the future but not now would be a disadvantage, and  
36 maybe staff could answer that after looking into it and studying it more. He said there are at least  
37 three planned spots for lights, and is wondering why they would wait for the future traffic number to  
38 install them, if they anticipate it will get to that traffic level eventually. He said he understands this is a  
39 complex question and requires more time and date to answer.

40 No direction was provided regarding crosswalks at this time.  
41

### **[UPDATES BY TOWN MANAGER]**

42  
43 **Town Manager Katy Crosby** public service employees, and thanked staff for all they do  
44 every day. She said there would be things going out on town socials highlighting town employees.

**DRAFT MINUTES**

1 She said they will be celebrated at the upcoming town cookout. She added shred day is Saturday,  
2 May 12<sup>th</sup>, at the Public Works building. Finally, she wished a happy Mother’s Day to all the mothers.

3  
4 **[CLOSED SESSION]**

5 A **motion** was made by **Mayor Pro Tempore Audra Killingsworth**, seconded by  
6 **Councilmember Ed Gray**, to enter into Closed Session pursuant to NCGS § 143-318.11 (5).

7  
8 **VOTE: UNANIMOUS (5-0)**

9  
10 Council entered into Closed Session at 8:48 p.m.

11  
12  
13 **CS1 Steve Adams, Utilities Acquisition Specialist, Transportation and Infrastructure Dept.**

14 **NCGS §143-318.11 (5):**  
15 *“To instruct staff concerning the acquisition of real property.”*

16  
17  
18 Council returned to open session at 9:20 p.m.

19  
20 **[ADJOURNEMENT]**

21  
22 **Mayor Gilbert** adjourned the meeting at 9:21 p.m.

23  
24  
25  
26 Jacques K. Gilbert  
27 Mayor  
28

29  
30  
31 Allen Coleman, CMC, NCCCC  
32 Town Clerk to the Apex Town Council  
33

34  
35 Submitted for approval by Town Clerk Allen Coleman and approved on \_\_\_\_\_.  
36

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Chris Johnson, P.E., MPA, Director

Department(s): Transportation & Infrastructure Development

### Requested Motion

Motion to approve an encroachment agreement between the Town and property owner Taylor Morrison of Carolinas, Inc., located at 931 Baldwin Ridge Road Apex, NC 27523, Lot 215, to install a driveway that will encroach 11 square feet (SF) onto the Town of Apex 20' Public Storm Drainage Easement and authorize the Town Manager to execute the agreement.

### Approval Recommended?

Yes

### Item Details

The proposed Encroachment Agreement is between the Town and property owner Taylor Morrison of Carolinas, Inc, (Grantee) for the property described as a residential lot known as Wake County PIN #0722-76-4759, Book of Maps 2021, Page 01568, lot is also known as 931 Baldwin Ridge Rd, Apex, NC 27523, Lot 215. Grantee wishes to install certain improvements, more particularly described as a driveway that will encroach 11 square feet (SF) onto the Town of Apex 20' Public Storm Drainage Easement.

### Attachments

- CN3-A1: Encroachment Agreement - 931 Baldwin Ridge Road, Lot 215
- CN3-A2: Exhibit A - 931 Baldwin Ridge Road, Lot 215



After Recording Mail To:     Development Services  
  Town of Apex  
  PO Box 250  
  Apex, NC 27502

**STATE OF NORTH CAROLINA**  
**COUNTY OF WAKE**

**ENCROACHMENT AGREEMENT**

THIS ENCROACHMENT AGREEMENT, being made this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between Taylor Morrison of Carolinas, Inc, hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0722-76-4759** by the Wake County Revenue Department and more particularly described as **Lot 215** of the subdivision known as **Townes at Westford 3B** as shown on that certain plat recorded in **Book of Maps 2021, Page 01568**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **931 Baldwin Ridge Rd, Apex, NC 27523**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a **20' Public Storm Drainage Easement** as shown on the **Subdivision Plat** hereinafter referred to as the "**Public Storm Drainage Easement**."

WHEREAS, Grantee wishes to install certain improvements more particularly described as a **driveway that will encroach 11 square feet (SF) onto the Public Storm Drainage Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment**", all as shown on the attached **Exhibit A**. Grantee desires to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Public Storm Drainage Easement**.

NOW, THEREFORE, in consideration of these promises and other consideration, the receipt and sufficiency of which is hereby acknowledged, Grantee and the Town hereby covenant and agree:

1. Subject to the terms herein, the Town agrees to allow Grantee, and Grantees' successors and assigns at Grantee sole risk and expense, to encroach into the **Public Storm Drainage Easement** of the Town as shown in the attached **Exhibit A**, and incorporated by reference as though fully set forth herein.

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in **Exhibit A** and described in this Encroachment Agreement. Grantee is responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment and shall be allowed to maintain the Encroachment and to perform all necessary repairs, maintenance, and replacement of the Encroachment as may be necessary from time to time.

3. The Town shall not be held responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantee agrees to and does hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment; provided that, Grantee shall not be obligated hereunder to indemnify the Town for any negligent acts or omissions of the Town, its contractor(s) (including sub-contractors) and their respective officers, agents and employees.

5. Sections 3 and 4 shall survive the termination of this Encroachment Agreement for any reason.

6. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Town Manager  
Town of Apex  
PO Box 250  
Apex, NC 27502

To Grantee: Taylor Morrison of Carolinas Inc  
15501 Weston Parkway Suite 100  
Cary, NC 27513-8636

7. In the event there is a dispute between the parties concerning the interpretation of the terms of this Encroachment Agreement or their respective rights and obligations hereunder, such dispute or controversy shall be adjudged pursuant to the laws of the State of North Carolina.

8. Grantee agrees to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Public Storm Drainage Easement**.

10. If the Town deems, within its sole discretion, that removal of all or apportion of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Storm Drainage Easement**, then Grantee shall cause such removal to be made at Grantee's sole expense within 30 days after receipt of notice from the Town and shall be completed in a manner that will allow the Town complete and safe access to the **Public Storm Drainage Easement**. In the event that the Grantee fails to timely remove the Encroachment or in the event of an emergency associated with the condition of the **Public Storm Drainage Easement**, the Town is authorized to remove all or such portion of the Encroachment as the Town determines in its sole discretion to be reasonably necessary, convenient or advisable to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Storm Drainage Easement**. The Town shall have the sole discretion to determine the existence of an emergency associated with the condition of the **Public Storm Drainage Easement**.

11. Grantee agrees to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in the Paragraph 10 or if Grantee fails to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

12. Grantee, during the life of this Encroachment Agreement, agrees to procure or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, insurance in the minimum amounts of \$300,000/\$500,000/\$300,000 covering full liability for any and all personal injury, property damage or wrongful death caused by the construction, maintenance, location, repair or visual obstruction of said Encroachment. Grantee shall furnish the Town, without demand, each July a certification from the insurance carrier or carriers with whom the insurance herein mentioned is carried, stating that such compensation is covered by such carrier or carriers and showing such insurance to be in full force and effect. Both Grantee and the Town shall be named as insured parties by endorsement of the policy. In the event of any change in the insurance policy, Grantee shall give the Town thirty (30) days' notice of such change. Should Grantee fail to pay premiums upon said insurance or to perform any of the agreement, terms or conditions herein contained, the Town, at its option, by written notice may declare this Encroachment Agreement canceled and terminated and all rights acquired hereunder by Grantee shall thereupon terminate.

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to the **Residential Lot**, or by assumption of said obligations by an incorporated party approved by the Town. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee's obligations possesses adequate financial resources and ownership interest, and Grantee's delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee's duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever by subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantee and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

In testimony whereof, said Grantee and said Town have here unto set their hands and seals, the day and year first above written.

GRANTEE

Taylor Morrison of Carolinas, Inc.

By: [Signature] (SEAL)  
Mark Altman  
Vice President



NORTH CAROLINA  
COUNTY OF Wake [county in which acknowledgement taken]

I, Candice N. Blakeslee a Notary Public of Wake County, North Carolina, certify that Mark Altman, personally appeared before me this day and acknowledged that he is the Vice President for Taylor Morrison of Carolinas Inc Grantee herein, and that by authority duly given as Vice President for the company, the foregoing instrument was signed and sealed by him on behalf of the company and acknowledged said writing to be the act and deed of said company.

Witness my hand and official stamp or seal, this 5<sup>th</sup> day of May, 2023.

[Signature]  
[Signature of Notary Public]

My Commission Expires: 03.05.2028





**TOWN OF APEX**

\_\_\_\_\_  
Catherine Crosby  
Town Manager

(Corporate Seal)

ATTEST:

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_ *[county in which acknowledgement taken]*

I, \_\_\_\_\_, a Notary Public for \_\_\_\_\_  
\_\_\_\_\_ County, North Carolina, certify that Allen Coleman personally came before me this day and  
acknowledged that he is Town Clerk for the Town of Apex, a North Carolina Municipal Corporation, and that  
by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by  
its Town Manager, sealed with its corporate seal and attested by him as its Town Clerk.

Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 2023.

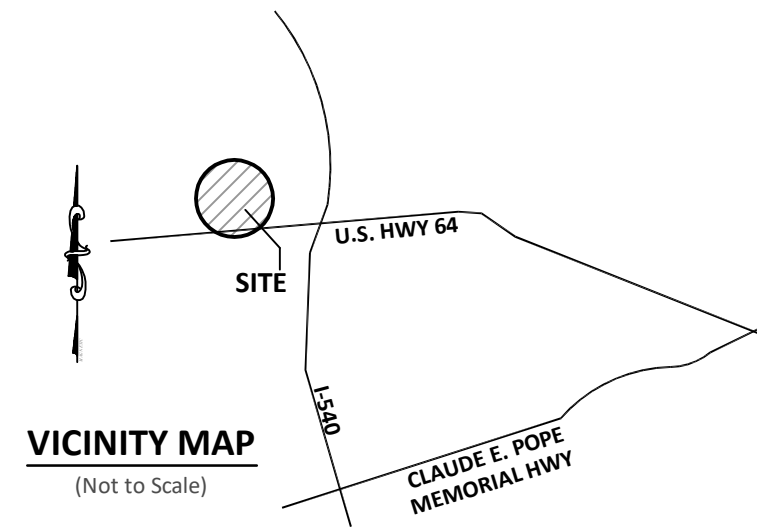
\_\_\_\_\_  
*[Signature of Notary Public]*

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

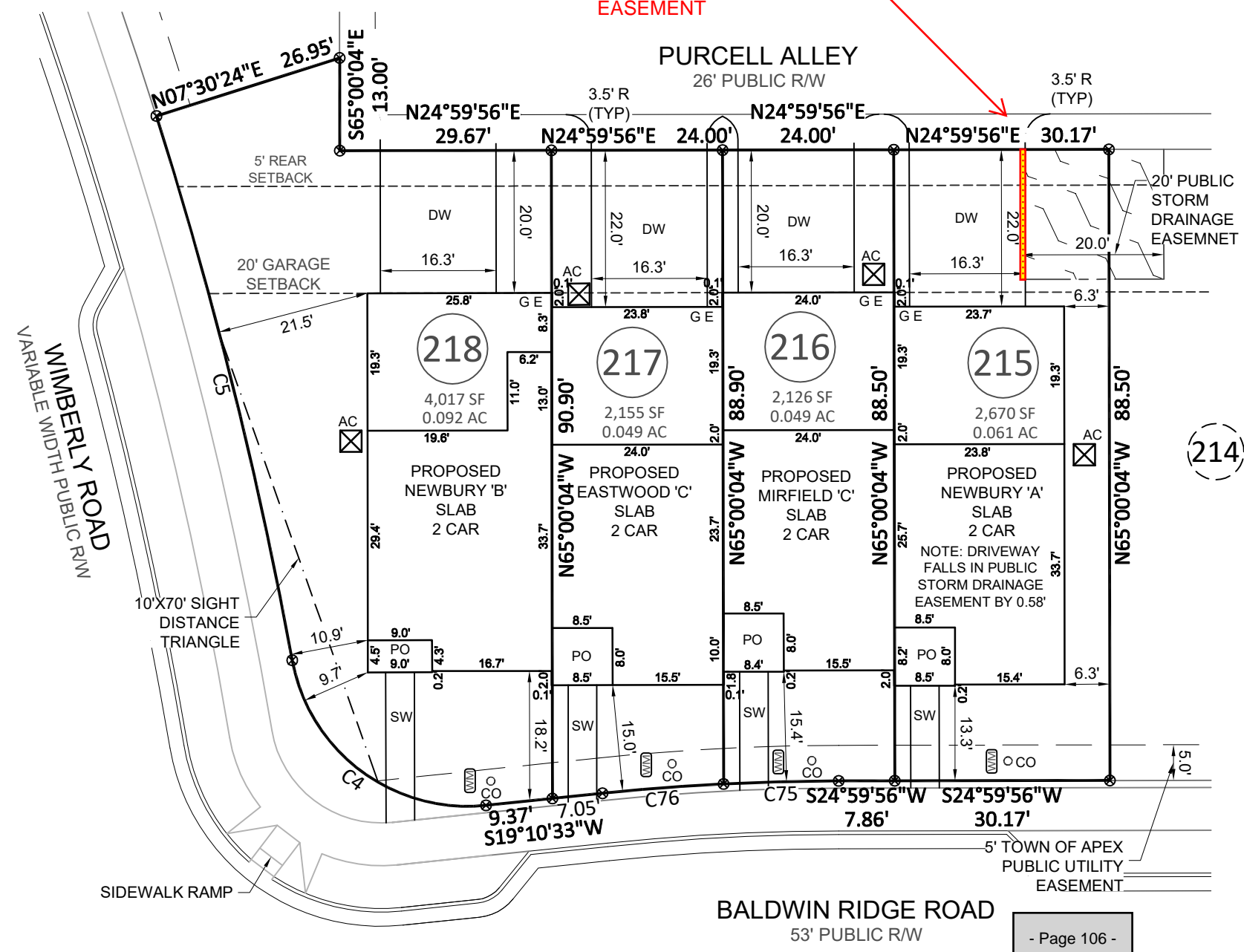
(SEAL)



# EXHIBIT A



DRIVEWAY  
 ENCROACHING 11 SF  
 ONTO 20' PUBLIC  
 STORM DRAINAGE  
 EASEMENT



**NOTE:**  
 THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

BUILDER TO VERIFY HOUSE LOCATION, DIMENSIONS AND REVIEW TOTAL IMPERVIOUS NOTED ON THIS PLOT PLAN

## PRELIMINARY PLOT PLAN



**TOWNES AT WESTFORD PH. 3B - LOTS 215-218**  
 BALDWIN RIDGE ROAD, APEX, NC  
 WHITE OAK TOWNSHIP, WAKE COUNTY

DATE: 3/23/23 DRAWN BY: RTD CHECKED BY: SPC

REFERENCE: RM 2021 PG. 1565-1569 BCS# 190363 SCALE: 1" = 20'

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Chris Johnson, P.E., MPA, Director

Department(s): Transportation & Infrastructure Development

### Requested Motion

Motion to approve an encroachment agreement between the Town and property owner Taylor Morrison of Carolinas, Inc., located at 935 Baldwin Ridge Road Apex, NC 27523, Lot 214, to install a driveway that will encroach 27 square feet (SF) onto the Town of Apex 20' Public Storm Drainage Easement and authorize the Town Manager to execute the Agreement.

### Approval Recommended?

Yes

### Item Details

The proposed Encroachment Agreement is between the Town and property owner Taylor Morrison of Carolinas, Inc, (Grantee) for the property described as a residential lot known as Wake County PIN #0722-76-4746, Book of Maps 2021, Page 01568, lot is also known as 935 Baldwin Ridge Rd, Apex, NC 27523, Lot 214. Grantee wishes to install certain improvements, more particularly described as a driveway that will encroach 27 square feet (SF) onto the Town of Apex 20' Public Storm Drainage Easement.

### Attachments

- CN4-A1: Encroachment Agreement - 935 Baldwin Ridge Road, Lot 214
- CN4-A2: Exhibit A - 935 Baldwin Ridge Road, Lot 214



After Recording Mail To:     Development Services  
  Town of Apex  
  PO Box 250  
  Apex, NC 27502

**STATE OF NORTH CAROLINA**  
**COUNTY OF WAKE**

**ENCROACHMENT AGREEMENT**

THIS ENCROACHMENT AGREEMENT, being made this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between Taylor Morrison of Carolinas, Inc, hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0722-76-4746** by the Wake County Revenue Department and more particularly described as **Lot 214** of the subdivision known as **Townes at Westford 3B** as shown on that certain plat recorded in **Book of Maps 2021, Page 01568**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **935 Baldwin Ridge Rd, Apex, NC 27523**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a **20' Public Storm Drainage Easement** as shown on the **Subdivision Plat** hereinafter referred to as the "**Public Storm Drainage Easement**."

WHEREAS, Grantee wishes to install certain improvements more particularly described as a **driveway that will encroach 27 square feet (SF) onto the Public Storm Drainage Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment**", all as shown on the attached **Exhibit A**. Grantee desires to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Public Storm Drainage Easement**.

NOW, THEREFORE, in consideration of these promises and other consideration, the receipt and sufficiency of which is hereby acknowledged, Grantee and the Town hereby covenant and agree:

1. Subject to the terms herein, the Town agrees to allow Grantee, and Grantees' successors and assigns at Grantee sole risk and expense, to encroach into the **Public Storm Drainage Easement** of the Town as shown in the attached **Exhibit A**, and incorporated by reference as though fully set forth herein.

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in **Exhibit A** and described in this Encroachment Agreement. Grantee is responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment and shall be allowed to maintain the Encroachment and to perform all necessary repairs, maintenance, and replacement of the Encroachment as may be necessary from time to time.

3. The Town shall not be held responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantee agrees to and does hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment; provided that, Grantee shall not be obligated hereunder to indemnify the Town for any negligent acts or omissions of the Town, its contractor(s) (including sub-contractors) and their respective officers, agents and employees.

5. Sections 3 and 4 shall survive the termination of this Encroachment Agreement for any reason.

6. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Town Manager  
Town of Apex  
PO Box 250  
Apex, NC 27502

To Grantee: Taylor Morrison of Carolinas Inc  
15501 Weston Parkway Suite 100  
Cary, NC 27513-8636

7. In the event there is a dispute between the parties concerning the interpretation of the terms of this Encroachment Agreement or their respective rights and obligations hereunder, such dispute or controversy shall be adjudged pursuant to the laws of the State of North Carolina.

8. Grantee agrees to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Public Storm Drainage Easement**.

10. If the Town deems, within its sole discretion, that removal of all or apportion of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Storm Drainage Easement**, then Grantee shall cause such removal to be made at Grantee's sole expense within 30 days after receipt of notice from the Town and shall be completed in a manner that will allow the Town complete and safe access to the **Public Storm Drainage Easement**. In the event that the Grantee fails to timely remove the Encroachment or in the event of an emergency associated with the condition of the **Public Storm Drainage Easement**, the Town is authorized to remove all or such portion of the Encroachment as the Town determines in its sole discretion to be reasonably necessary, convenient or advisable to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Storm Drainage Easement**. The Town shall have the sole discretion to determine the existence of an emergency associated with the condition of the **Public Storm Drainage Easement**.

11. Grantee agrees to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in the Paragraph 10 or if Grantee fails to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

12. Grantee, during the life of this Encroachment Agreement, agrees to procure or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, insurance in the minimum amounts of \$300,000/\$500,000/\$300,000 covering full liability for any and all personal injury, property damage or wrongful death caused by the construction, maintenance, location, repair or visual obstruction of said Encroachment. Grantee shall furnish the Town, without demand, each July a certification from the insurance carrier or carriers with whom the insurance herein mentioned is carried, stating that such compensation is covered by such carrier or carriers and showing such insurance to be in full force and effect. Both Grantee and the Town shall be named as insured parties by endorsement of the policy. In the event of any change in the insurance policy, Grantee shall give the Town thirty (30) days' notice of such change. Should Grantee fail to pay premiums upon said insurance or to perform any of the agreement, terms or conditions herein contained, the Town, at its option, by written notice may declare this Encroachment Agreement canceled and terminated and all rights acquired hereunder by Grantee shall thereupon terminate.

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to the **Residential Lot**, or by assumption of said obligations by an incorporated party approved by the Town. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee's obligations possesses adequate financial resources and ownership interest, and Grantee's delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee's duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever be subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantee and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

In testimony whereof, said Grantee and said Town have here unto set their hands and seals, the day and year first above written.

**GRANTEE**

Taylor Morrison of Carolinas, Inc.

By: [Signature] (SEAL)  
Mark Altman  
Vice President



NORTH CAROLINA  
COUNTY OF Wake [county in which acknowledgement taken]

Candice N. Blakeslee a Notary Public of Wake County, North Carolina, certify that Mark Altman, personally appeared before me this day and acknowledged that he is the Vice President for Taylor Morrison of Carolinas Inc Grantee herein, and that by authority duly given as Vice President for the company, the foregoing instrument was signed and sealed by him on behalf of the company and acknowledged said writing to be the act and deed of said company.

Witness my hand and official stamp or seal, this 5<sup>th</sup> day of May, 2023.

[Signature]  
[Signature of Notary Public]

My Commission Expires: 03.05.2028





TOWN OF APEX

\_\_\_\_\_  
Catherine Crosby  
Town Manager

(Corporate Seal)

ATTEST:

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_ [county in which acknowledgement taken]

I, \_\_\_\_\_, a Notary Public for \_\_\_\_\_  
\_\_\_\_\_ County, North Carolina, certify that Allen Coleman personally came before me this day and  
acknowledged that he is Town Clerk for the Town of Apex, a North Carolina Municipal Corporation, and that  
by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by  
its Town Manager, sealed with its corporate seal and attested by him as its Town Clerk.

Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
[Signature of Notary Public]

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

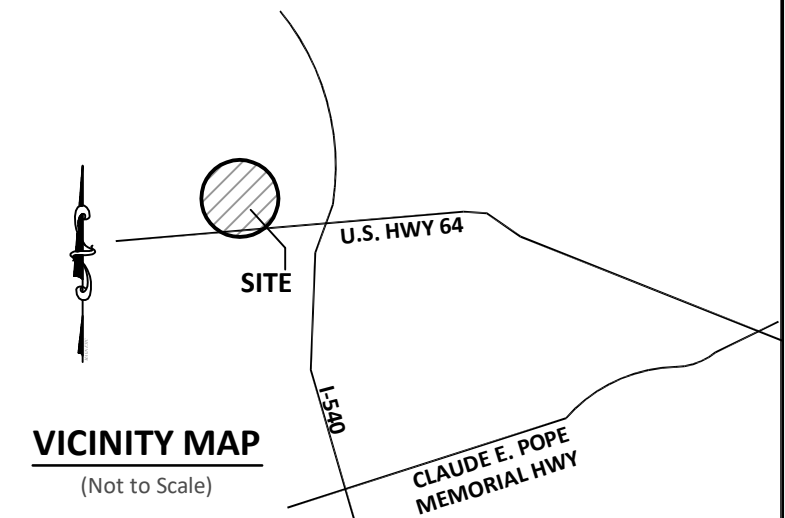
(SEAL)



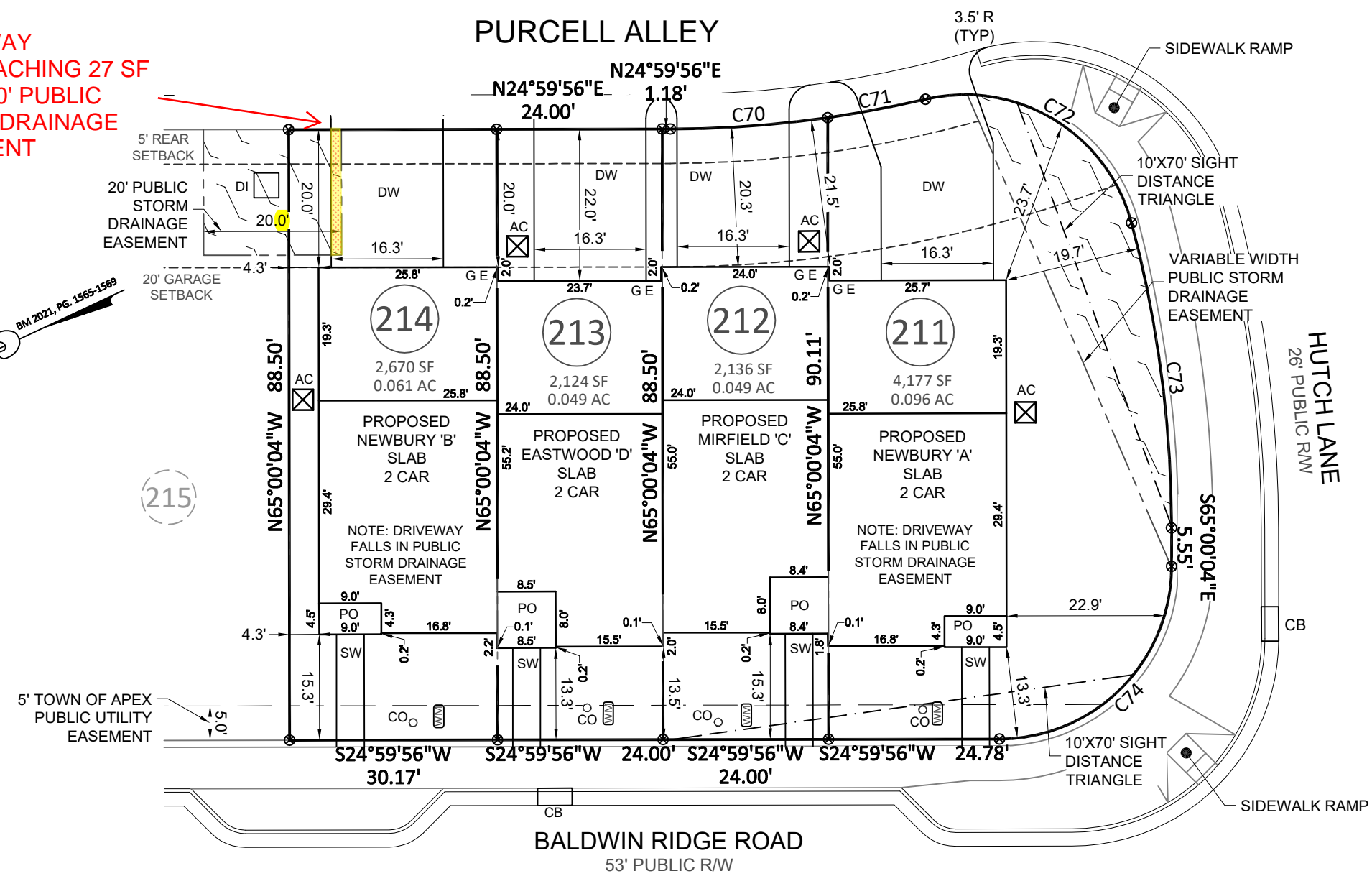
# EXHIBIT A

### LOT 214 INFORMATION:

PIN: 0722764746  
ADDRESS: 935 BALDWIN RIDGE ROAD  
TOTAL LOT AREA = 0.061 AC = 2,670 SF  
HOUSE = 1,330 SF  
PORCH = 41 SF  
SIDEWALK = 61 SF  
DRIVEWAY = 325 SF  
AC PAD = 9 SF  
TOTAL PROPOSED IMPERVIOUS = 1,766 SF  
PERCENT IMPERVIOUS = 66.1 %



**DRIVEWAY ENCROACHING 27 SF ONTO 20' PUBLIC STORM DRAINAGE EASEMENT**



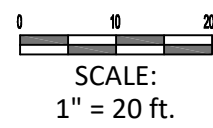
**NOTE:**  
THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

SIDE = 0'

**TOWNES AT WESTFORD PH. 3B - LOTS 211-214**  
BALDWIN RIDGE LANE, APEX, NC  
WHITE OAK TOWNSHIP, WAKE COUNTY

DATE: 3/20/23 DRAWN BY: CPV CHECKED BY: SPC

REFERENCE: BM 2021, PG. 1565-1569 BCS# 190363 SCALE: 1" = 20'



P:\2019 Projects\190363 Townes at Westford\dwg\190363 WESTFORD PH.3 B.dwg, 3/21/2023 9:38:55 AM, Foit Reader PDF Printer

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Chris Johnson, P.E., MPA, Director

Department(s): Transportation & Infrastructure Development

### Requested Motion

Motion to approve an encroachment agreement between the Town and property owners Alexandria D. Carter and Kevin B. Rice, located at 1701 Chestnut Street Apex, NC 27502, Lot 38, to install a fence that will encroach 210 linear feet (LF) onto the Town of Apex 20' Sanitary Sewer Easement and authorize the Town Manager to execute the Agreement.

### Approval Recommended?

Yes

### Item Details

The proposed Encroachment Agreement is between the Town and property owners Alexandria D. Carter and Kevin B. Rice, a married couple (Grantees) for the property described as a residential lot known as Wake County PIN #0752-05-7453, Book of Maps 1967, Page 104, lot is also known as 1701 Chestnut Street, Apex, NC 27502, Lot 38. Grantees wish to install certain improvements, more particularly described as a fence that will encroach 210 linear feet (LF) onto the Town of Apex 20' Sanitary Sewer Easement.

### Attachments

- CN5-A1: Encroachment Agreement - 1701 Chestnut Street, Lot 38
- CN5-A2: Exhibit A - 1701 Chestnut Street, Lot 38



After Recording Mail To:     Development Services  
  Town of Apex  
  PO Box 250  
  Apex, NC 27502

**STATE OF NORTH CAROLINA  
COUNTY OF WAKE**

**ENCROACHMENT AGREEMENT**

THIS ENCROACHMENT AGREEMENT, being made this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between Alexandria D. Carter and Kevin B. Rice, a married couple, hereinafter referred to as "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees are the owners of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0752-05-7453** by the Wake County Revenue Department and more particularly described as **Lot 38** of the subdivision known as **Knollwood Estates Section 1-A** as shown on that certain plat recorded in **Book of Maps 1967, Page 104**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **1701 Chestnut Street, Apex, NC 27502**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a 20' Sanitary Sewer Easement as shown on the **Subdivision Plat** hereinafter referred to as the "**Sanitary Sewer Easement**".

WHEREAS, Grantees wish to install certain improvements, more particularly described as a fence that encroach **210 linear feet onto the 20' Sanitary Sewer Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment**," all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Sanitary Sewer Easement**.

NOW, THEREFORE, in consideration of these promises and other consideration, the receipt and sufficiency of which is hereby acknowledged, Grantees and the Town hereby covenant and agree:

1. Subject to the terms herein, the Town agrees to allow Grantees, and Grantees' successors and assigns at Grantees' sole risk and expense, to encroach into the **Sanitary Sewer Easement** of the Town as shown in the attached **Exhibit A**, and incorporated by reference as though fully set forth herein.

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in the **Exhibit A** and described in this Encroachment Agreement. Grantees are responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment.

3. Grantees are to be fully responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantees agree to and do hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment.

5. Sections 3 and 4 shall survive the termination of this Encroachment Agreement for any reason.

6. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Town Manager  
Town of Apex  
PO Box 250  
Apex, NC 27502

To Grantees: Kevin B. Rice and spouse Alexandria D. Carter  
1701 Chestnut Street  
Apex, NC 27502

7. In the event there is a dispute between the parties concerning the interpretation of the terms of this Encroachment Agreement or their respective rights and obligations hereunder, such dispute or controversy shall be adjudged pursuant to the laws of the State of North Carolina.

8. Grantees agree to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Sanitary Sewer Easement** and the Town may terminate this Encroachment Agreement by giving Grantees ninety (90) days written notice of termination. Prior to the termination date, Grantees shall remove, at their own expense, all or part of the Encroachment as specified by the Town.

10. If the Town deems, within its sole discretion, that there is not time to give Grantees notice as provided in Paragraph 9 and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Sanitary Sewer Easement**, then no notice shall be required and the Town may remove the Encroachment from the **Sanitary Sewer Easement** without cost, risk or liability to the Town.

11. Grantees agree to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in Paragraph 10 or if Grantees fail to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

12. Grantees, if not self-performing the installations that are the subject of this Agreement, agree to purchase or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid general liability insurance in the minimum amount of \$500,000 and provide a certificate of such insurance naming the Town of Apex as additional insured by endorsement to the policy. Where the Grantees are self-performing the installations, Grantees shall show proof of homeowner's insurance with personal liability coverage in a minimum amount of at least \$300,000. Grantees shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.

13. Notwithstanding Section 14 below, Grantees shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Wake County PIN #0752-05-7453, 1701 Chestnut Street, Apex, NC, 27502**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees obligations possesses adequate financial resources and ownership interest, and Grantees delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantees duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever be subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantees and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

In testimony whereof, said Grantee and said Town have here unto set their hands and seals, the day and year first above written.

GRANTEES

By: [Signature]  
Kevin B. Rice

By: Alexandra D Carter  
Alexandria D. Carter

STATE OF NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Kevin B. Rice, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 8<sup>th</sup> day of May, 2023.

Lindley Paynter  
[Signature of Notary Public]



My Commission Expires ~~My Commission Expires~~ August 27, 2025

\*\*\*\*\*

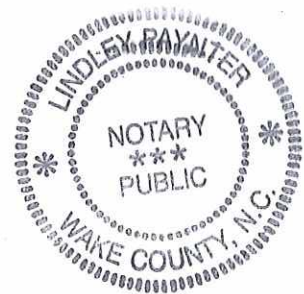
STATE OF NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Alexandria D. Carter, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 8<sup>th</sup> day of May, 2023.

Lindley Paynter  
[Signature of Notary Public]



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

My Commission Expires August 27, 2025



TOWN OF APEX

\_\_\_\_\_  
Catherine Crosby  
Town Manager

(Corporate Seal)

ATTEST:

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_ *[county in which acknowledgement taken]*

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, certify that Allen Coleman personally came before me this day and acknowledged that he is the Town Clerk for the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by him as Town Clerk.

Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
*[Signature of Notary Public]*

*(Seal)*

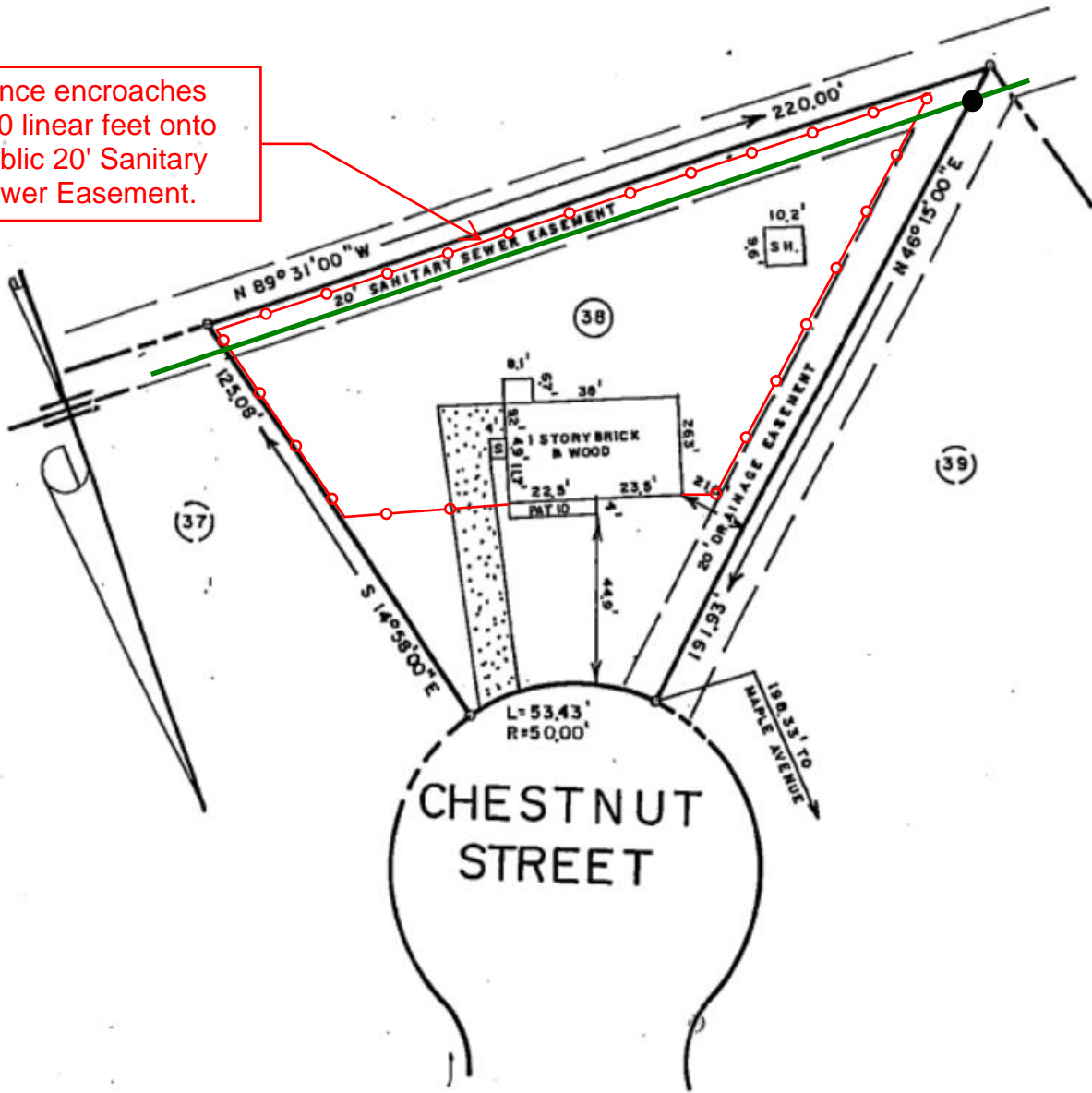
My Commission Expires: \_\_\_\_\_

# EXHIBIT A

## 1701 Chestnut Street

### Lot 38 - Knollwood Estates

Fence encroaches 210 linear feet onto Public 20' Sanitary Sewer Easement.



NOTE:  
THIS MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Steve Adams, Real Estate Specialist

Department(s): Transportation & Infrastructure Development

### Requested Motion

Motion to approve a lease agreement amendment with CSX Transportation for the parking improvements in downtown area and authorize the Town Manager to execute the agreement.

### Approval Recommended?

Yes

### Item Details

This lease is specifically for the area behind the businesses on Salem Street, at the end of Moore Street, next to the CSX rail lines. The lease agreement includes permission to make improvements in the area authorized in the lease. Additionally, the lease agreement provides for the improved parking spaces on Elm Street between Chatham and Moore Street in the existing CSX Right of Way.

The Town of Apex currently leases the Seaboard parking lot on Seaboard Street from CSX Transportation, therefore, this is an amendment to the existing lease. The Town currently pays \$10,000/annually for the Seaboard parking lot and the new area referenced in this lease amendment would be an additional \$10,000/annually. The new annual payment total from the Town of Apex to CSX would be \$20,000/annually.

### Attachments

- CN6-A1: Lease Agreement - CSX TRANSPORTATION
- CN6-A2: Exhibit A - CSX TRANSPORTATION
- CN6-A3: Aerial - CSX TRANSPORTATION



**AMENDMENT AGREEMENT**

THIS AMEDMENT AGREEMENT, made and this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by and between CSX TRANSPORTATION, a corporation of the state of Virginia, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Lessor" and TOWN OF APEX, NORTH CAROLINA, whose mailing address is P.O. Box 250, Apex, North Carolina 27502 hereinafter called "Lessee" WITNESSETH:

WHEREAS, Lessor and Lessee entered into a Land Lease (the "Lease"), dated January 1, 2010 to lease 0.46 acres of land at Apex, Wake County, North Carolina for the purpose of paved parking and curbing and providing public parking and no other purpose.

WHEREAS, Lessee desires and Lessor agrees to supplement, modify and amend the Lease as provided hereinafter set forth.

NOW THEREFORE, in consideration of the mutual covenants and obligations herein contained, the parties agree this Amendment Agreement, effective the date first written above will serve to amend the Lease as follows:

1. Exhibit A dated 12/07/2016 as referenced in the Lease shall be deleted in its entirety and replaced with Exhibit A dated 1/12/2023, revised 2/21/2023, attached hereto and made a part hereof.
2. The Premises shall be increased to now include four (4) parcels of land described as follows:  
Four (4) irregularly shaped parcels of land, containing a total of 1.45 acres, more or less, situation on each side of Lessor's tracks, beginning at Mile Post 17.23 and ending at Milepost 17.54, at or near Apex, Wake County, North Carolina.
3. The annual Base Rental shall increase from \$10,000 per year to \$20,000 per year.

Except as provided in this Amendment Agreement, all other terms and conditions of the Lease shall remain in effect.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly signed, sealed and delivered in duplicate.

**Witness for Lessor:**

**CSX TRANSPORTATION, INC.**

\_\_\_\_\_

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

Print/Type Name: \_\_\_\_\_

Print/Type Title: \_\_\_\_\_

**Witness for Lessee :**

**TOWN OF APEX, NORTH CAROLINA**

\_\_\_\_\_

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

Print/Type Name: \_\_\_\_\_

Print/Type Title: \_\_\_\_\_

**EXHIBIT A**

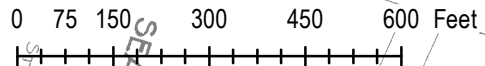
**GIS #**  
04920-001

**INTEL #**  
V1NC/L9/S2

**PIN #**  
37183 0066



1" = 300'



**CSX TRANSPORTATION, INC.**  
W. MOORE STREET  
SITE: NC-183-1108086  
WAKE COUNTY - APEX, NC  
MILEPOST: S 171.23 - S 171.54

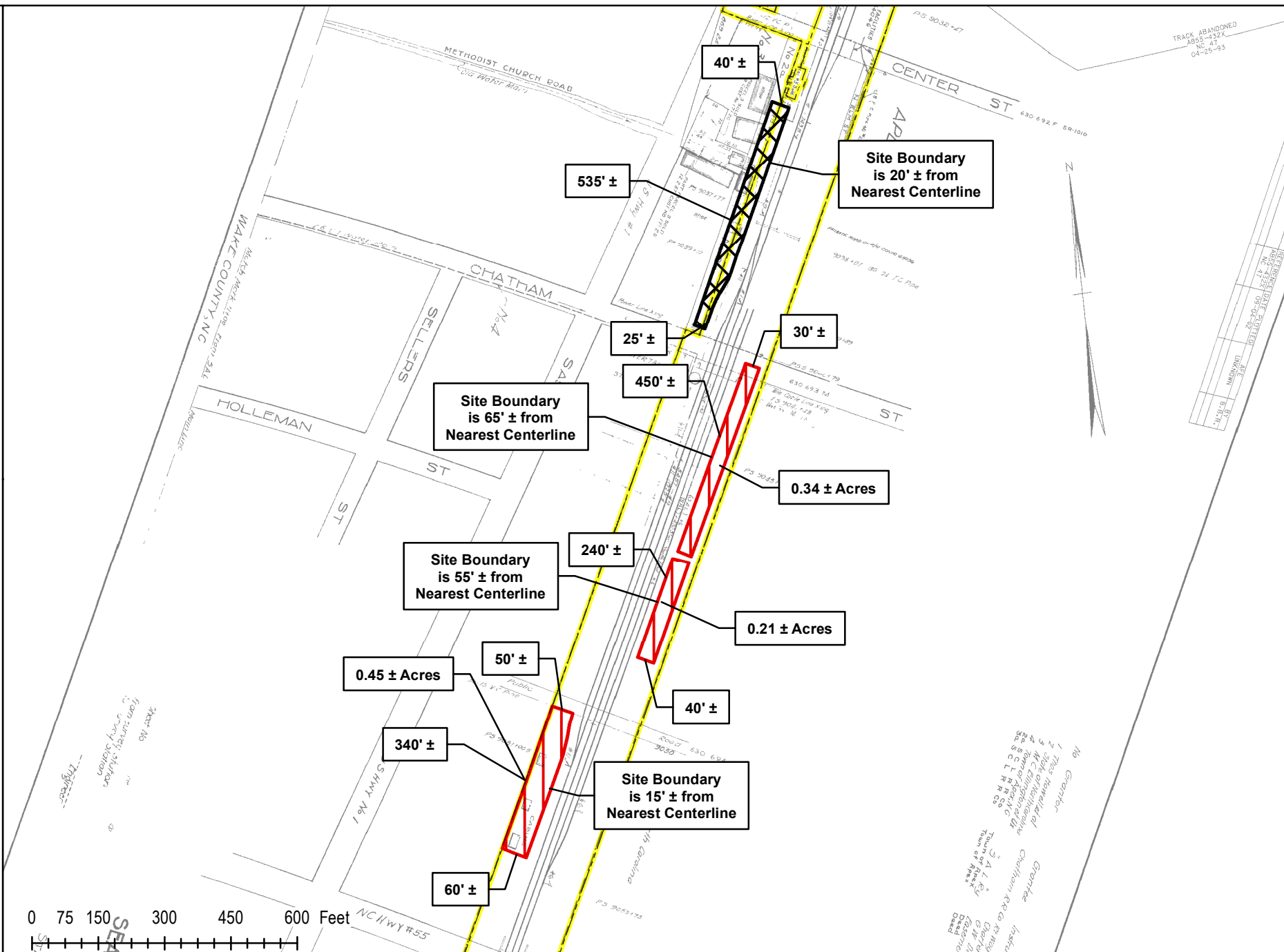
REGION: S      ZONE: CAROLINAS  
SUBDIVISION: ABERDEEN  
DATE: 01/12/2023  
REVISED: 02/21/2023  
DRAWN BY: o7525



- Page 126 -

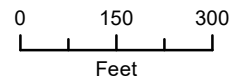
Leased Premises - 0.45 ± Acres  
Additional Leased Parcels - 1.00 ± Acres  
Ownership / Rights

THIS RAILROAD MAP EXHIBIT GRAPHICALLY REPRESENTS A PROPOSED REAL ESTATE TRANSACTION. IT MAY NOT REFLECT CURRENT "ON THE GROUND" CONDITIONS AND/OR ACTUAL LOCATIONS OF FEATURES. ALL DIMENSIONS, OFFSET DISTANCES, AREA CALCULATIONS AND MEASUREMENT NOTATIONS SHOWN ON THIS EXHIBIT ARE APPROXIMATE.





**W. MOORE STREET**  
**SITE: NC-183-1108086**  
**WAKE COUNTY - APEX, NC**  
**S - CAROLINA - ABERDEEN**  
**MILEPOST - S 171.54**



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Russell Dalton, P.E., Traffic Engineer Manager

Department(s): Transportation & Infrastructure Development

### Requested Motion

Motion to adopt an Ordinance amending Chapter 20-100 subsection (7) with the addition of text referring exclusively to the town-maintained portion of Richardson Road south of Humie Olive Road, in order to specify the 45 miles per hour speed limit in subsection (7) no longer applies to the portion north of Olive Chapel Road.

### Approval Recommended?

Yes, as directed by Town Council on May 9<sup>th</sup>, 2023.

### Item Details

On May 9<sup>th</sup>, 2023, New Business Item No. 1, Town Council voted in favor of reducing the speed limit from 45mph to 35mph on the town-maintained portion of Richardson Road from Olive Chapel Road to US 64. An ordinance amendment is required to codify this change.

Chapter 20-100 subsection (7) lists town-maintained streets on which a 45mph speed limit applies. By amending the listing of "Richardson Road" in subsection (7) to specify it applies only the portion "south of Humie Olive Road," then subsection (1), "Speed shall be limited to 35mph on all streets, except as provided in the following subsections," will apply to the portion north of Olive Chapel Road.

The resulting action will be a reposting of Richardson Road north of Olive Chapel Road from 45mph to 35mph. NCDOT maintains Richardson Road between Olive Chapel Road and Humie Olive Road where the state ordinance for 45mph applies and is posted. Richardson Road will remain posted 45 mph from Olive Chapel Road to its southern terminus south of Humie Olive Road.



## Attachments

- CN7-A1: Ordinance No. 2023- XX-XX - Ordinance Amending Chapter 20-100(7), 45mph Street Listing, Richardson Road Speed Limit
- CN7-A2: Map - Ordinance Amending Chapter 20-100(7), 45mph Street Listing, Richardson Road Speed Limit



**ORDINANCE NO. 2023-\_\_\_\_ - \_\_**

**AN ORDINANCE TO AMEND CHAPTER 20-100 OF THE CODE OF ORDINANCES OF THE TOWN OF APEX**

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Apex as follows:

**Section 1. Subsection (7) of Chapter 20 section 100 of the Code of Ordinances of the Town of Apex is hereby amended to read as follows, with additions shown as bold underlined text:**

Sec. 20-100. – Speed limits.

(7) Speed shall be limited to 45 miles per hour on the following streets or sections thereof as indicated:

Richardson Road, **south of Humie Olive Road.**

**Section 2.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

**Section 3. Severability, Conflict of Laws.** If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 4. Effective Date.** This ordinance shall be effective upon adoption.

Introduced by Council Member: \_\_\_\_\_

Seconded by Council Member: \_\_\_\_\_

This the \_\_\_\_ day of \_\_\_\_\_, 2023.

{Signatures on the following page}

Attest:

TOWN OF APEX, NORTH CAROLINA

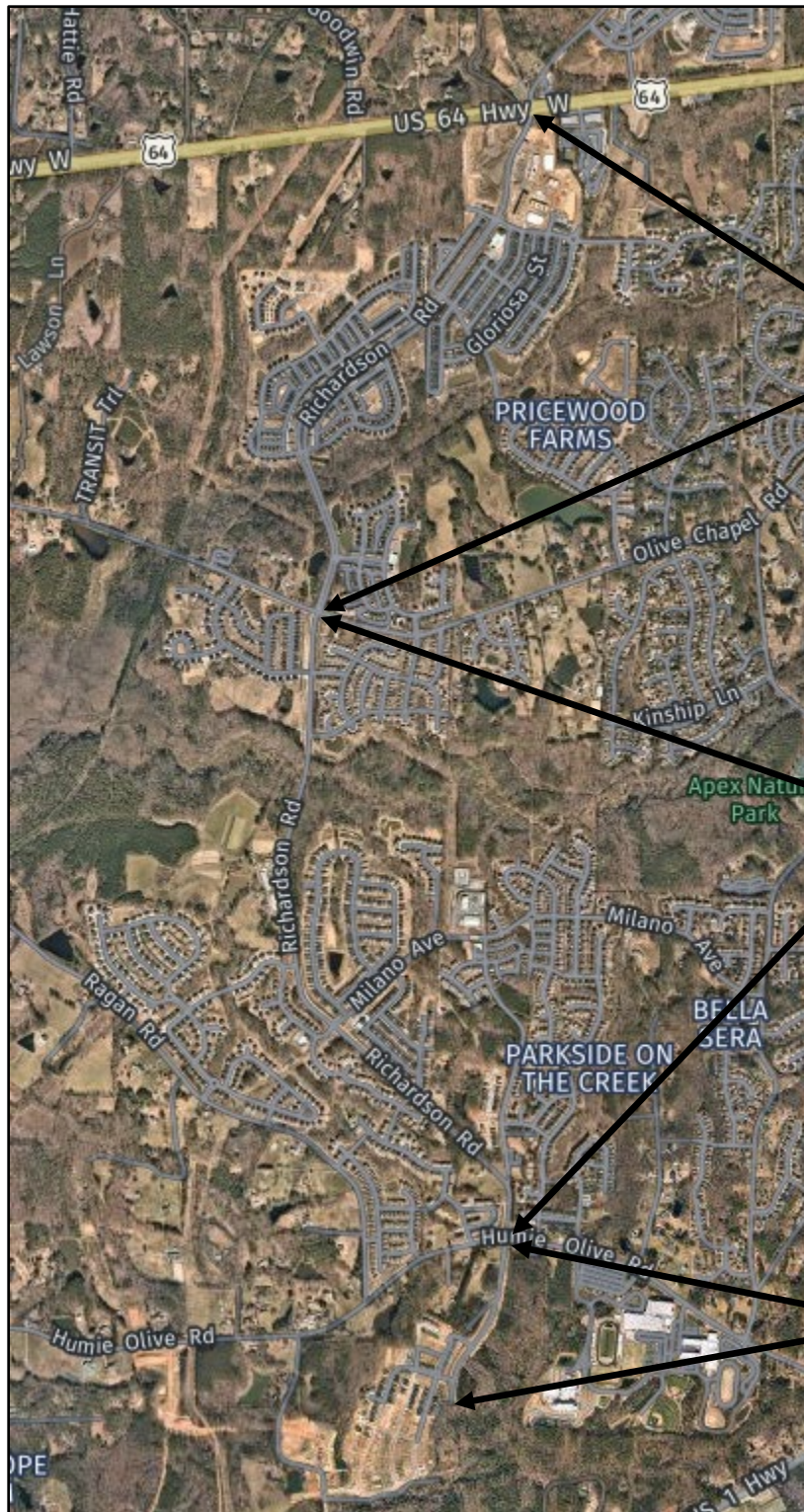
\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Approved as To Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

May 23, 2023, Ordinance Amend 20-100(7), 45 mph street listing



Richardson Rd, Olive Chapel Rd to US 64, remove from Section 20-100(7) and repost from 45 mph to 35 mph according to Section 20-100(1)

Richardson Rd, 45 mph (state-maintained ordinance)

Richardson Rd, south of Humie Olive Rd, remains 45 mph in Section 20-100(7)

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Councilmember Brett Gantt (sponsor)

Allen Coleman, Town Clerk

Department(s): Governing Body

### Requested Motion

Motion to adopt a resolution ratifying, accepting, and approving the amended charter resolution of Central Pines Regional Council, formerly Triangle J Council of Governments (TJCOG).

### Approval Recommended?

Yes

### Item Details

The Councils of Governments system was created by the State of North Carolina in 1970 by Governor Bob Scott designating seventeen Regional Councils to serve across the state and Triangle J Council of Governments (TJCOG), formerly the Research Triangle Regional Planning Commission, as the regional entity serving Chatham, Durham, Johnston, Lee, Moore, Orange, and Wake counties, and the municipalities within those counties.

The TJCOG Board of Delegates approved an organization rebrand process in its Fiscal Year 2022-2023 budget to identify and implement a new name, logo, and brand for the organization, and rebranding consultant Carrboro Creative was selected to conduct the process in the Fall of 2022.

The proposed rebrand, including a name change from Triangle J Council of Governments to Central Pines Regional Council was presented to the TJCOG Officers, TJCOG Executive Committee, and TJCOG Board of Delegates in December, February, and March of 2023 for consideration. The TJCOG Executive Committee and TJCOG Board of Delegates unanimously approved the name Central Pines Regional Council and approved a proposed amended charter to reflect this change.

The charter is TJCOG's governing document and must be endorsed by all member governments when they join the organization and by a minimum of 2/3 when amendments to the document are made.

A resolution is included to endorse and accept the amendments to the Charter Resolution reflecting the organization's new name of Central Pines Regional Council. The resolution also authorizes that the new name will be effective July 1, 2023, or once two-thirds of the member governments approve the Charter amendment, if it is after July 1, 2023.

#### Attachments

- CN8-A1: Resolution Ratifying, Accepting, and Approving the Amended Charter Resolution of Central Pines Regional Council, formerly Triangle J Council of Governments (TJCOG).
- CN8-A2: Press Release - TJCOG Announces a Major Rebrand in Summer of 2023



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION RATIFYING, ACCEPTING, AND APPROVING THE AMENDED  
CHARTER RESOLUTION OF CENTRAL PINES REGIONAL COUNCIL  
(FORMERLY TRIANGLE J COUNCIL OF GOVERNMENTS)**

WHEREAS, the Councils of Governments system was created by the State of North Carolina in 1970 by Governor Bob Scott designating seventeen Regional Councils to serve across the state and Triangle J Council of Governments (**TJCOG**), formerly the Research Triangle Regional Planning Commission, as the regional entity serving Chatham, Durham, Johnston, Lee, Moore, Orange, and Wake counties, and the municipalities within those counties;

WHEREAS, the TJCOG Board of Delegates approved an organization rebrand process in its Fiscal Year 2022-2023 budget to identify and implement a new name, logo, and brand for the organization, and rebranding consultant Carrboro Creative was selected to conduct the process in the Fall of 2022;

WHEREAS, the proposed rebrand, including a name change from Triangle J Council of Governments to Central Pines Regional Council was presented to the TJCOG Officers, TJCOG Executive Committee, and TJCOG Board of Delegates in December, February, and March of 2023 for consideration;

WHEREAS, the TJCOG Executive Committee and TJCOG Board of Delegates unanimously approved the name Central Pines Regional Council and approved a proposed amended charter to reflect this change; and

WHEREAS, the charter is TJCOG's governing document and must be endorsed by all member governments when they join the organization and by a minimum of 2/3 when amendments to the document are made.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex hereby ratifies, accepts, and approves the amended Charter Resolution reflecting the organization's new name of Central Pines Regional Council. Further, the Town Council authorizes that the new name will be effective July 1, 2023, or once two-thirds of the member governments approve the Charter amendment, if it is after July 1, 2023.

Upon motion duly made by Council Member \_\_\_\_\_ and duly seconded by Council Member \_\_\_\_\_, the above resolution was duly adopted by the Apex Town Council at the meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023, in the Town Hall.

Upon a call for a vote the following Council Members voted in the affirmative:

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

And the following Council Members voted in the negative:

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

This the \_\_\_\_ day of \_\_\_\_\_, 2023.

TOWN OF APEX

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

ATTEST:

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk



[Home](#) > [News](#) >

# TJCOG Announces a Major Rebrand in Summer 2023

## There are big changes coming to TJCOG in the next few months!

Specifically, a new name and look that we can't wait to unveil.

We've wanted to make this change for some time, and we're thrilled to have a name and look that reflects not only the work we do at TJCOG but also our region.

This change won't affect you other than the name you call us. We'll still be serving our members and the region in the same way we always have been.

### Counting Down to the Big Reveal

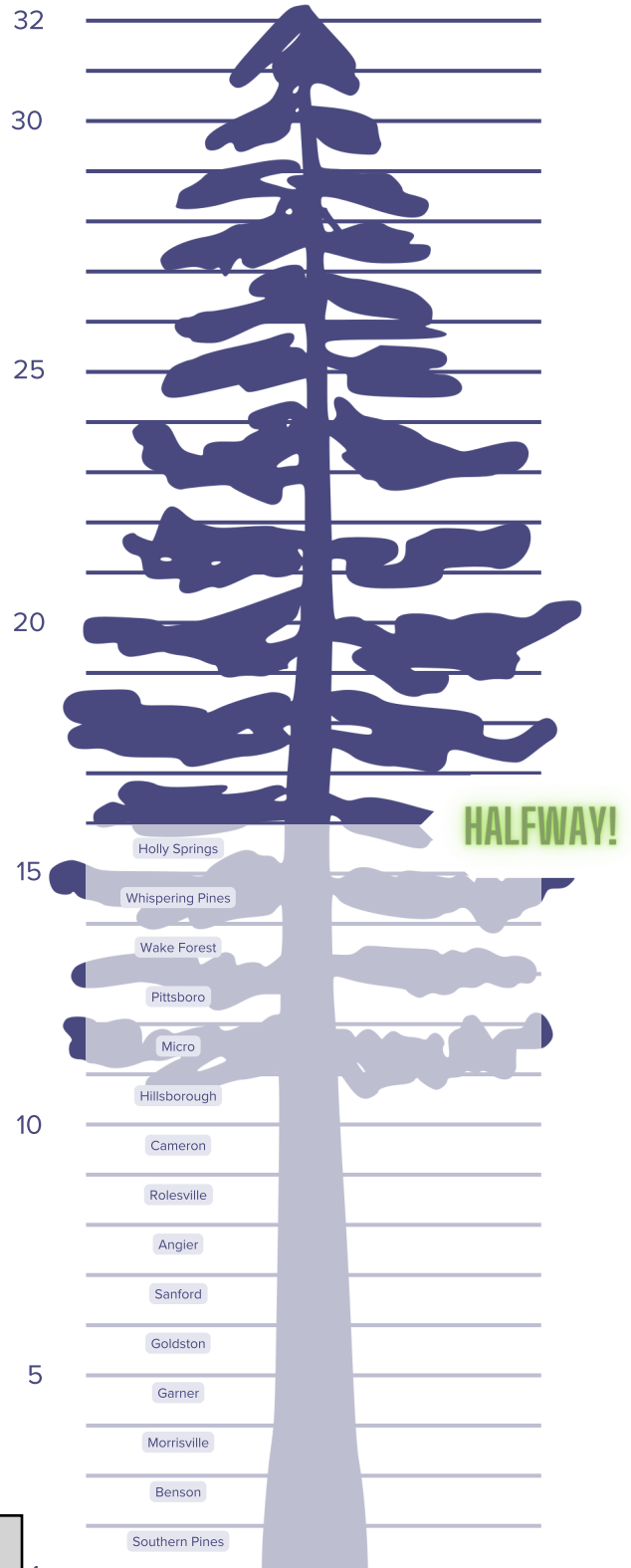
This launch follows a year-long process, led by Carrboro Creative, to create a new brand identity that embodies TJCOG's focus on innovative, accessible, and responsive resources, while capturing our unique mission and nearly six decades of work on behalf of local governments in the region.

In March 2023, TJCOG's Executive Committee and Board of Delegates unanimously approved the new name and an amended charter to reflect it. For these changes to take place, 32 of our 47 (two-thirds) [local government membership](https://www.tjcog.org/about/our-members) (<https://www.tjcog.org/about/our-members>) must approve an amended version of the TJCOG Charter Resolution.

Follow along with our Rebrand Tracker (right) as we countdown to the magic number "32" and can officially reveal the new name and logo. You'll be able to see who has adopted the charter and how far we've got to go!

### Media Contacts

Questions about the process and/or the name change can be directed to Alana Keegan, [akeegan@tjcog.org](mailto:akeegan@tjcog.org) or Beth Davis, [bdavis@tjcog.org](mailto:bdavis@tjcog.org).



Charter Adoption Tracker

([https://www.canva.com/design/DAFf5R9FyZg/view?utm\\_content=DAFf5R9FyZg&utm\\_campaign=designshare&utm\\_medium=er](https://www.canva.com/design/DAFf5R9FyZg/view?utm_content=DAFf5R9FyZg&utm_campaign=designshare&utm_medium=er))  
by Alana TJCOG Keegan

Vass

Share (<https://www.addtoany.com/share?url=https%3A%2F%2Fwww.tjcog.org%2Fnews%2Ftjcog-announces-major-rebrand-summer-2023&title=TJCOG%20Announces%20a%20Major%20Rebrand%20in%20Summer%202023>)



4307 Emperor Blvd., Suite 110  
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Tel: 919.549.0551  
Fax: 919.549.9390

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# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

### Requested Motion

Motion to adopt the 2021 Record Retention and Disposition Schedule for General Records, the 2021 Record Retention and Disposition Schedule for Program Records, and the corresponding resolution.

### Approval Recommended?

The Town Clerk recommends the Town Council approve the 2021 Record Retention and Disposition Schedules and adopt corresponding resolution.

### Item Details

In accordance with North Carolina General Statutes (NCGS) § 121 and 132, the North Carolina Department of Cultural Resources is charged with issuing guidance and best practice reference material related to record retention schedules. Local Government agencies are required to either adopt the schedule(s) as presented by the state department or collaborate and recommend a schedule specific to a jurisdiction (county or municipality) for the state to authorize. The Town of Apex has historically adopted the record retention and disposition schedule as recommended by the state.

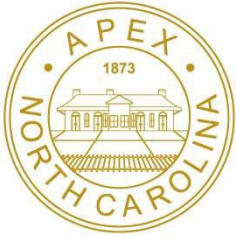
With the global pandemic and recent transition in the Town Clerk's Office, the most recent schedule provided by the state was not adopted. The most recent edition was published on October 1, 2021.

Following adoption of the two proposed schedules, the Town Clerk's Office will be meeting with each department to review their portion of the record retention, review the potential for electronic record maintenance, and provide recommendations to the state for consideration.

## Attachments

- CN9-A1: Resolution - Adoption of the Records Retention Schedules - General and Program 2021
- CN9-A2: Summary Records Retention and Disposition Schedule When Reference Values Ends
- CN9-A3: Records Retention and Disposition Schedule - General Records
- CN9-A4: Records Retention and Disposition Schedule - Program Records





**TOWN OF APEX TOWN COUNCIL**  
**Resolution Adopting the 2021 General Records**  
**Schedule: Local Government Agencies and the 2021**  
**Program Records Schedule: Local Government Agencies**

**WHEREAS**, the North Carolina Department of Natural and Cultural Resources, Division of Archives and Records, Government Records Section has published the General Records Schedule for Local Government Agencies, which supersedes parts of the Municipal Retention and Disposition Schedule which it is charged with issuing; and

**WHEREAS**, North Carolina General Statutes (NCGS) §121-5 and §132-3 require a municipality to approve the schedule in order to conduct routine disposal of records which must otherwise be retained without specific permission for disposal by the Division of Archives and Records; and

**WHEREAS**, the summary document attached to this Resolution is the form acknowledging the approval of the schedule as required by the Division of Archives and Records, Government Records Section indicating best practice date recommendations for when a value should end; and

**WHEREAS**, to reduce the burden and costs of record retention and maintain efficient Town records management, the Town Council finds and determines that this Resolution should be approved.

**NOW, THEREFORE, BE IT RESOLVED**, that we, the Town Council of the Town of Apex do hereby adopt the 2021 General and Program Records Schedule for Local Government Agencies.

**ADOPTED**, this the 23rd day of May 2023.

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Attest:

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

**TOWN OF APEX RECORDS RETENTION AND DISPOSTION SCHEDULE  
CONCERNING WHEN REFERENCE VALUE ENDS**

**I. General Records Schedule: Local Government Agencies (2021): When Reference Value Ends**

PAGE	STANDARD	YEARS
<b>ADMINISTRATION AND MANAGEMENT RECORDS</b>		
1	Abstracts of Municipal Elections	Permanent
3	Business Certification Records	5 years
3	Census Project Records	5 years
5	Constituent Surveys	2 years
8	Grant Proposals	5 years
9	History Records (Agency and Employees)	1 year
9	Interagency Programs	3 years
10	Legislation and Regulatory Records	2 years
10	Mailing and Distribution Records	2 years
11	Miscellaneous (Non-Building) Applications, Licenses, and Permits	5 years
12	Ordinances	2 years
13	Price Quotations	3 years
14	Proclamations and Orders	3 years
15	Public Bodies: Agenda and Meeting Packets	2 years
15	Public Bodies: Applications for Appointment	2 years
17	Public Bodies: Minutes	5 years
18	Rebate Program Records	2 years
18	Reference (Reading) File	1 year
19	Reports and Studies	1 year
20	Requests for Proposals (RFP)	2 years
20	Resolutions	Permanent
21	Tracking Materials	1 year
<b>BUDGET, FISCAL, AND PAYROLL RECORDS</b>		
27	Budget Resolutions and Ordinances	4 years
28	Government Employees Retirement System Monthly Reports	1 year
29	Investments	7 years
<b>GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS</b>		
37	Geographic Information System (GIS) Project Records	1 year
42	Maps: All Other	1 year
<b>HUMAN RESOURCES RECORDS</b>		
54	Personnel Records (Supervisor Copy)	1 year
<b>INFORMATION TECHNOLOGY RECORDS</b>		
65	System Maintenance Records: Records Backups	Permanent

<b>PAGE</b>	<b>STANDARD</b>	<b>YEARS</b>
	<b>PUBLIC RELATIONS RECORDS</b>	
75	Agency Publications	1 year
75	Audio-Visual Recordings	1 year
75	Community Awards	3 years
77	Media File	3 years
78	Speeches	1 year

**II. Program Records Schedule: Local Government Agencies (2021): When Reference Value Ends**

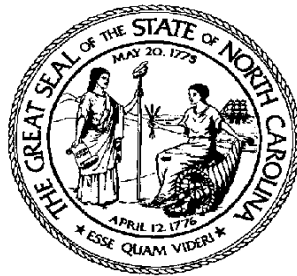
<b>PAGE</b>	<b>STANDARD</b>	<b>YEARS</b>
	<b>CODE ENFORCEMENT AND INSPECTION RECORDS</b>	
5	Blueprints and Specifications	1 year
6	Building and Road Permitting and Inspection Records	1 year
8	Permits: Construction	1 year
9	Valve Operation File	20 years
10	Violations: Water Conservation	5 years
	<b>PARKS AND RECREATION RECORDS</b>	
17	Parks Planning File	Permanent
17	Recreation Programs: Age Verification Records	5 years
18	Ticket Stubs	N/A
	<b>PLANNING AND REGULATION OF DEVELOPMENT RECORDS</b>	
20	Certificates of Appropriateness – Denied Applications	5 years
20	Certificates of Appropriateness – Remaining Records	5 years
21	Conditional Use Permit Records and Index	2 years
21	Declarations and By-laws from Townhouses, Condominiums, Planned Residential Developments, Common Areas, etc.	1 year
24	Subdivision Records	5 years
	<b>PUBLIC TRANSPORTATION SYSTEMS RECORDS</b>	
32	Applications for Art-In-Transit	10 years
32	Customer (Rider) Identification Records	10 years
33	Route History Records	10 years
33	Seat Belt and Restraint System Records	10 years
33	Transit Schedules	5 years

<b>PAGE</b>	<b>STANDARD</b>	<b>YEARS</b>
<b>PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS</b>		
34	Environmental: Comprehensive Solid Waste Management Plan and Amendments	5 years
37	Erosion Control: Erosion and Sediment Control Exhibit Records	3 years
39	Utilities: Electric Power and Natural Gas Facility Engineering and System Plans	N/A
41	Utilities: Meter Installation, Testing and Calibration Records (Electric, Water, Gas)	3 years
43	Utilities: Tap and Hook Up Records	Permanent
<b>STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS</b>		
46	Cemetery Deeds	5 years
47	Excavation Permits	1 year
47	Project Records - Cancelled	10 years
<b>LAW ENFORCEMENT RECORDS</b>		
56	Composite Interviews	3 years
56	Crime Analysis Records	3 years
57	Detention Facility Operational Records	N/A
59	Drug and Alcohol Testing Records	3 years
60	Electronic Recordings of Interrogations	3 years
60	Field Observations	3 years
61	Fugitive Warrants Case Records	1 year
62	Incident Response Reports	3 years
63	Inmate Commitment Records	N/A
66	Juvenile Case History Identification Records	N/A
67	Multiple Firearms Sales Reports	Permanent
68	Permission to Search Records	3 years
71	Traffic Accident Reports	1 year
<b>TAX RECORDS</b>		
77	Tax Levy/Seizure Records	N/A



# 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.”<sup>1</sup> 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

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<sup>1</sup> 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.”<sup>2</sup>

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.


---

<sup>2</sup> 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.

- ✓ 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	<b>ABSTRACTS OF MUNICIPAL ELECTIONS</b> Copies of abstracts prepared by the County Board of Elections and forwarded to the municipal clerk.	Destroy in office when reference value ends.±  Agency Policy: Destroy in office after _____  <i>Retention Note: Official record maintained permanently by the County Board of Elections.</i>	Authority: G.S. 163-300
1.02	<b>ACCREDITATION RECORDS</b> 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	<b>ADMINISTRATIVE DIRECTIVES, REGULATIONS, AND RULES @</b> 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

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± 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
1.04	<p><b>AUDITS: PERFORMANCE @</b></p> <p>Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.</p> <p>SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).</p>	<ul style="list-style-type: none"> <li>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.</li> <li>b) Destroy in office PCI attestation reports after 3 years.</li> <li>c) Destroy in office remaining audit reports after 10 years.</li> <li>d) Destroy in office documentation of corrective measures 2 years after their implementation.</li> <li>e) Destroy in office working papers and remaining records when superseded or obsolete.</li> </ul>	
1.05	 <p><b>BLUEPRINTS AND SPECIFICATIONS @</b></p> <p>Blueprints and specifications of agency owned buildings and facilities. Includes as-built plans and related records concerning approved changes.</p>	<ul style="list-style-type: none"> <li>a) Transfer as-built drawings to new owner when agency relinquishes ownership of building or facility.</li> <li>b) Retain in office as-built drawings for life of structure and then destroy.</li> <li>c) Destroy in office blueprints, floorplans, and other preliminary design and construction documents when superseded or obsolete.</li> </ul>	Confidentiality: G.S. 132-1.7

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

1 : Administration and Management

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.12	<b>CHARTER RECORDS</b> Charter and charter proceedings related to adoption, amendment and/or repeal.	Retain in office permanently.	
1.13	<b>COLLECTED DATA</b> 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

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.14	<p><b>CONSTITUENT COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS @</b></p> <p>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.</p> <p>SEE ALSO: Civil Rights Records (STANDARD 6: LEGAL RECORDS).</p>	<p>a) Transfer records as applicable to Litigation Case Records (STANDARD 6: LEGAL RECORDS).</p> <p>b) Destroy in office comments, complaints, petitions, and requests 1 year after resolution.*</p> <p>c) Destroy in office accommodation requests 2 years after resolution.*</p>	<p>Authority: 42 USC 12132</p>
1.15	<p><b>CONSTITUENT SURVEYS</b></p> <p>Surveys and related records addressing agency services, policies, and other concerns.</p>	<p>Destroy in office when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	

1 : Administration and Management

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

1 : Administration and Management

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

1 : Administration and Management

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.23	<p><b>GRANT PROPOSALS</b> Proposals submitted for grants, including applications, correspondence (including e-mail), and other related records.</p>	<p>a) Transfer records concerning approved grants to Grants (below). b) Destroy in office rejected or withdrawn grant proposals when reference value ends.± Agency Policy: Destroy in office after _____</p>	
1.24	<p><b>GRANTS @</b> Records concerning approved federal, state, and private grants. File includes applications, reports, records of equipment purchased with grant funds, and all relevant programmatic records. Also includes 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).</p>	<p>a) Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions. b) Destroy in office records of state and private grants 5 years after final financial report is filed.* c) Destroy in office records of 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></p>	<p>Retention: 09 NCAC 03M .0703 2 CFR 200.333</p>

1 : Administration and Management

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

1 : Administration and Management

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.30	<b>INVENTORIES @</b> Inventories describing the type of property (including equipment and facilities other and fixed assets), its location, and related information. Also includes inventory control and usage records, such as requisitions/draw tickets, mileage logs, request forms, and other related records.	a) Destroy in office lists of properties, facilities, fixed assets, supplies, and surplus property when superseded or obsolete.  b) Destroy in office inventory control and usage records after 3 years.	
1.31	<b>LEGISLATION AND REGULATORY RECORDS</b> Notices and copies of proposed or adopted state or federal legislation or regulations affecting the agency.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
1.32	<b>LOGISTICS MATERIALS</b> 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	<b>MAIL: UNDELIVERABLE/RETURNED</b> Outgoing agency mail returned by the post office for any reason, including insufficient postage, incorrect address, forwarding order expired, etc. Also includes outgoing e-mail returned for any reason.	Destroy in office after 30 days.  <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	 <b>MAILING AND DISTRIBUTION RECORDS</b> Includes mailing and meeting notification lists, e-mail distribution lists, Sunshine Lists, and related documentation of transactions with the U.S. Postal Service, state courier, or private carriers.	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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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.35	<p><b>MEMBERSHIP RECORDS</b></p> <p>Records concerning associations, organizations, groups, etc., with which the agency is involved. Includes records concerning memberships or registrations on behalf of the agency or agency personnel.</p>	Destroy in office when superseded or obsolete.	
1.36	<p><b>MISCELLANEOUS (NON-BUILDING) APPLICATIONS, LICENSES, AND PERMITS</b></p> <p>Includes, but not limited to, applications and permits regarding free government-issued business permits, burning, special events, and landscape establishment.</p>	<p>a) Destroy in office 1 year after expiration of license/permit.</p> <p>b) Destroy in office applications for which a license/permit was never issued when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	
1.37	 <p><b>OFFICE AND PROPERTY SECURITY RECORDS</b></p> <p>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.</p> <p>SEE ALSO: Employee Security Records (STANDARD 8: RISK MANAGEMENT).</p>	<p>a) If the recording necessitates law enforcement action, transfer to the appropriate agency.</p> <p>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).</p> <p>c) Destroy in office recordings not required to support known investigations or litigation after 30 days.</p> <p>d) Destroy in office remaining records after 1 year.</p>	Confidentiality: G.S. 132-1.7

1 : Administration and Management

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

1 : Administration and Management

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

1 : Administration and Management

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.44	<p><b>PROCLAMATIONS AND ORDERS</b> Proclamations and orders issued by the governing board.</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____</p>	
1.45	<p><b>PROJECTS @</b> 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).</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records 3 years after completion of project.</p>	
1.46	<p><b>PROPERTY MANAGEMENT RECORDS</b> 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).</p>	<p>Destroy in office when superseded or obsolete.</p>	

1 : Administration and Management

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

1 : Administration and Management

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.51	<p><b>PUBLIC BODIES: CORRESPONDENCE</b> 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.</p>	<p>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.</p>	
1.52	<p><b>PUBLIC BODIES: MEETING NOTICES</b> Includes notices and regular meeting schedules.</p> <p>SEE ALSO: Affidavits of Publication (STANDARD 6: LEGAL RECORDS), Publicity Records (STANDARD 7: PUBLIC RELATIONS RECORDS).</p>	<p>Destroy in office after 1 year.</p>	
1.53	<p><b>PUBLIC BODIES: MEMBER FILES</b> Records concerning members of public boards, commissions, councils, and committees. Includes codes of conduct, ethics statements, agreements, notices of resignation, and other related records. Also includes biographical information and waivers.</p> <p>SEE ALSO: Oaths of Office (STANDARD 6: LEGAL RECORDS), Public Bodies: Applications for Appointment (above).</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office 1 year after superseded or obsolete waivers from board members choosing not to receive stipend/per diem payments. c) Destroy in office remaining records 1 year after service ends.</p>	

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

1 : Administration and Management

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

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.59	<p><b>REPORTS AND STUDIES @</b></p> <p>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.</p> <p>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).</p>	<p>a) Retain in office permanently 1 copy of all annual and biennial reports written by the agency.</p> <p>b) Retain in office permanently reports and studies prepared by request of an agency’s governing body or a court.</p> <p>c) Destroy in office after 3 years reports prepared monthly, bimonthly, or semi-annually.</p> <p>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.</p> <p>e) Destroy in office when superseded or obsolete reports required to be submitted to the agency.</p> <p>f) Destroy in office remaining reports and studies when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____.</p> <p><i>Retention Note: Reports and studies listed elsewhere in this schedule should be retained the specified period of time.</i></p>	

1 : Administration and Management

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

1 : Administration and Management

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.63	<p><b>STAFF MEETINGS FILE</b></p> <p>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.</p>	<p>a) Retain in office records with historical value permanently.</p> <p>b) Destroy in office remaining records after 1 year.</p>	
1.64	<p><b>STRATEGIC PLAN @</b></p> <p>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.</p>	<p>a) Retain in office strategic plans permanently.</p> <p>b) Destroy in office background surveys, studies, and reports 5 years after adoption of plan.</p> <p>c) Destroy in office business plans 2 years after execution of plan.</p> <p>d) Destroy in office remaining records when superseded or obsolete.</p>	
1.65	<p><b>SURPLUS PROPERTY</b></p> <p>Inventories and reports of agency property to be surplus.</p>	<p>Destroy in office 3 years after disposition of property.*</p>	
1.66	<p><b>TRACKING MATERIALS</b></p> <p>Records intended to verify the receipt of information, such as certified mail receipts.</p>	<p>Destroy in office when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	

1 : Administration and Management

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

1 : Administration and Management

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**STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS**  
 Records created and accumulated concerning the managerial control, budgeting, disbursement, collection, and accounting of the agency.

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

2: Budget, Fiscal, and Payroll

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

2: Budget, Fiscal, and Payroll

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.08	<b>BANK STATEMENTS AND RECONCILIATIONS</b> Includes bank statements, canceled checks, deposit slips, and reconciliation reports.	Destroy in office after 3 years.*	
2.09	<b>BIDS FOR DISPOSAL OF PROPERTY</b> Records concerning the disposal of surplus property. Includes information about various disposition procedures used, such as sealed bids and public auction.  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	<b>BIDS FOR PURCHASE</b> Records documenting quotes to supply products and services. Includes advertisements, tabulations, awards letters, records of bids, good faith effort documentation, and related records concerning accepted and rejected bids.	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	<b>BOND CLOSING RECORDS</b> Includes applications, agreements, tax records, contracts, official statements, legal opinions, rating letters, public hearing bonds, title insurance, deeds of trust, and other related records concerning bonds issued by the agency. Also includes records concerning expenditure and/or investment of bond proceeds.	Destroy in office 6 years after final maturity.*	Authority: G.S. 159 Article 7

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

2: Budget, Fiscal, and Payroll

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

2: Budget, Fiscal, and Payroll

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

2: Budget, Fiscal, and Payroll

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

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  	<p><b>PAYROLL AND EARNINGS RECORDS</b></p> <p>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.</p> <p>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).</p>	<p>a) Destroy in office 30 years from date of separation records necessary for retirement or similar benefits verification.</p> <p>b) Destroy in office remaining records after 5 years.*</p>	<p>Authority: 29 CFR 516.30(a)</p> <p>Confidentiality: G.S. 132-1.10 G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1</p> <p>Retention: 04 NCAC 24D .0501(a) 29 CFR 516.5(a) 29 CFR 1627.3(a)</p>


2: Budget, Fiscal, and Payroll

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.34 	<b>PAYROLL DEDUCTION RECORDS</b> Records used to start, modify, or stop all voluntary or required deductions from payroll. Includes tax withholding (NC-4, W-4), 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	<b>POWELL BILL RECORDS</b> Records include certified statements, expenditures reports, information sheets, financial statements submitted to the North Carolina Department of Transportation, and all other related records.	Destroy in office after 3 years.	
2.36	<b>PURCHASE ORDERS</b> 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	<b>QUALIFIED PRODUCTS LISTS (QPL)</b> Records identifying products approved for purchase by the agency.	Destroy in office 3 years after superseded or obsolete.*	

2: Budget, Fiscal, and Payroll

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

2: Budget, Fiscal, and Payroll

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.42 	<b>TAX FORMS</b> Tax information returns generated by the agency (e.g., 1098, 1099, W-2, W-3) to be reported to the Internal Revenue Service and furnished to the other party to the transaction.	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	<b>TAX RETURNS</b> Tax returns filed by the agency.	Destroy in office 6 years after filed.*	
2.44	<b>TIME SHEETS, CARDS, AND ATTENDANCE RECORDS</b> 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)

2: Budget, Fiscal, and Payroll

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

2: Budget, Fiscal, and Payroll

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

3: GIS

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

3: GIS

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

3: GIS

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

3: GIS

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

3: GIS

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

3: GIS

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


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	<b>ABOLISHED POSITIONS</b> Records concerning positions that have been abolished.	Destroy in office after 1 year.	
4.02 	<b>ADMINISTRATIVE INVESTIGATIONS</b> 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

4: HR

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
<b>4.03</b> 	<b>APPLICATIONS FOR EMPLOYMENT</b> Records submitted by job applicants for vacant positions or by current employees for promotion, transfer, or training opportunities. Includes applications, transcripts, resumes, letters of reference, and other related records.	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
<b>4.04</b>	<b>APPRENTICESHIP PROGRAM RECORDS</b> Records concerning registered apprenticeship programs. Includes applications and selection materials as well as aggregated data. Also includes apprenticeship affirmative action plans.	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

4: HR

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
<b>4.05</b> 	<b>APTITUDE AND SKILLS TESTING RECORDS</b> Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. Includes civil service examinations.  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)
<b>4.06</b>	<b>ASBESTOS TRAINING</b> 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)

4: HR

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

4: HR

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



4: HR

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

4: HR

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.15 	<b>EMPLOYMENT ELIGIBILITY RECORDS</b> Includes the I-9 forms, employment authorization documents filed with the U.S. Department of Labor, petitions filed by the agency, E-Verify documentation, and Selective Service Registration compliance forms.	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 	<b>EMPLOYMENT SELECTION RECORDS</b> Records concerning the selection of applicants for vacant positions or of current employees for promotion, transfer, or training opportunities. Includes interview documentation, rosters, eligibility lists, test ranking sheets, justification statements, background and criminal history checks, and similar records.  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)

4: HR

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.17 	<b>EXIT INTERVIEW RECORDS</b> 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 	<b>FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS</b> Records concerning leave taken, premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over FMLA, and other related records.  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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	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.19 	<p><b>GRIEVANCES</b> Includes initial complaint by employee, investigation, action, summary, and disposition.</p> <p>SEE ALSO: Disciplinary Actions (above), Personnel Records (Official Copy) (below).</p>	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	<p><b>HAZARDOUS MATERIALS TRAINING RECORDS</b> Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors. May also include documentation of loans of radioactive materials for the purpose of training exercises.</p> <p>SEE ALSO: Asbestos Training (above), Bloodborne Pathogen Training (above).</p>	Destroy in office after 5 years.	Authority: 29 CFR 1910.120(p)(8)(iii) 10A NCAC 15
4.21	<p><b>INTERNSHIP PROGRAM</b> Records concerning interns and students who work for the agency.</p>	Destroy in office after 2 years.	
4.22	<p><b>LAW ENFORCEMENT TRAINING</b> Records concerning internal training for law enforcement personnel.</p>	Retain in office permanently.	

4: HR

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.23 	<b>LEAVE RECORDS</b> Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, etc. Also includes records documenting leave without pay.  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 	<b>MEDICAL RECORDS</b> 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)

4: HR

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.25	<p><b>MILITARY LEAVE</b> Records concerning military leave, as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA).</p> <p>SEE ALSO: Leave Records (above).</p>	Destroy in office 3 years after leave ends or employee separates from agency.*	Authority: 5 CFR 1208
4.26	 <p><b>PERFORMANCE REVIEWS</b> Information used to establish employees' goals and primary tasks. Records used to evaluate each employee's work performance.</p> <p>SEE ALSO: Personnel Records (Official Copy) (below).</p>	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	<p><b>PERSONNEL ACTION NOTICES</b> Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, and position or job title.</p>	Transfer records to Personnel Records (Official Copy) (below).	Subject to the public information provision delineated in relevant General Statutes.

4: HR

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	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.28 	<p><b>PERSONNEL RECORDS (OFFICIAL COPY)</b>                      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.</p> <p>Note: For agencies responsible for maintaining personnel files for criminal justice officers, please consult 12 NCAC 09C .0307 for the mandatory records of certification that must be housed in the personnel file.</p> <p>SEE ALSO: Medical Records (above), Seasonal and Contract Worker Records (below).</p>	<p>a) Destroy in office after 30 years from date of separation information needed to document: date and amount of each increase or decrease in salary with that agency; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that agency; date and general description of the reasons for each promotion with that agency; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the agency; and, if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the agency setting forth the specific acts or omissions that are the basis of the dismissal.</p> <p>b) Destroy in office information necessary to verify benefits 30 years after date of separation.</p> <p>c) Destroy in office remaining records when individual retention periods are reached as noted in individual items in this Records Retention and Disposition Schedule.</p>	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 	<p><b>PERSONNEL RECORDS (SUPERVISOR COPY)</b>                      Personnel jacket that is often maintained by supervisors.</p>	<p>a) Transfer records as applicable to Personnel Records (Official Copy) (above).</p> <p>b) Destroy in office remaining records when reference value ends.±                      Agency Policy: Destroy in office after _____</p>	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: HR

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	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.30	<p><b>POLICIES AND PROCEDURES (PERSONNEL)</b> Official internal agency personnel policies and procedures. Also includes agreements and authorizations required of employees, orientation materials, and informational data.</p> <p>SEE ALSO: Civil Rights Records (STANDARD 6: LEGAL RECORDS), and Workers' Compensation Program Administration (below).</p>	<p>a) Retain in office internal agency personnel policies and procedures permanently.</p> <p>b) Destroy in office remaining records when superseded or obsolete.</p>	
4.31	 <p><b>POLYGRAPH RECORDS</b> Includes statements informing employee of the time, place, and reasons for the test; copy of notice sent to examiner identifying employee to be tested; and copies of opinions, reports, or similar records generated by the examiner and provided to the agency.</p>	<p>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.</p>	<p>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</p> <p>Retention: 29 CFR 801.30</p>

4: HR

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

4: HR

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	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.36	<p><b>RETIREMENT RECORDS</b> 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).</p> <p>SEE ALSO: Payroll and Earnings Records; Payroll Deduction Records (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).</p>	<p>a) Destroy in office descriptive information about retirement plans 1 year after plan is terminated.</p> <p>b) Destroy in office records concerning employer-sponsored retirement plans 7 years after payment.*</p> <p>c) Transfer Local Governmental Employees’ Retirement System (LGRS) forms to Department of State Treasurer.</p> <p>d) Transfer applicable records to Personnel Records (Official Copy) (above).</p>	Retention: 29 CFR 1627.3(b)(2)
4.37	 <p><b>SEASONAL AND CONTRACT WORKER RECORDS</b> Records concerning seasonal or contractual employees who are not provided with or eligible for benefits.</p> <p>SEE ALSO: Personnel Records (Official Copy) (above).</p>	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	<p><b>SECONDARY EMPLOYMENT</b> Records concerning employees’ requests and authorizations to accept employment with a private entity.</p> <p>SEE ALSO: Dual Employment (above.)</p>	<p>a) Destroy in office approved requests and related records 1 year after employee terminates outside employment.</p> <p>b) Destroy in office denied requests and related records after 6 months.</p>	

4: HR

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	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.39	<p><b>SERVICE AWARDS AND COMMENDATIONS</b> Includes award and selection committee reports, nominations, selection criteria, and similar administrative records relating to employee recognition or incentive programs.</p> <p>SEE ALSO: Personnel Records (Official Copy) (above).</p>	Destroy in office 2 years from date of record creation or the personnel action involved.	
4.40	<p><b>SUGGESTIONS AND SURVEYS</b> Recommendations and feedback submitted by agency employees.</p>	Destroy in office after 1 year.	
4.41	<p><b>TRAINING AND EDUCATIONAL RECORDS</b> 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.</p> <p>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).</p>	<p>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.</p> <p>b) Destroy in office certifications and other qualifications 5 years after expiration or employee separation.</p> <p>c) Destroy in office general training materials when superseded or obsolete.</p> <p>d) Destroy in office remaining employee-specific records after 1 year.</p>	Retention: 29 CFR 1627.3(b)(1)(iv)

4: HR

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.42 	<b>UNEMPLOYMENT COMPENSATION CLAIMS</b> 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	<b>UNEMPLOYMENT COMPENSATION REPORTS</b> Quarterly reports showing month-to-date wages, month-to-date compensation, year-to-date wages, and year-to-date compensation for each employee. May be filed with NC Division of Employment Security.	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a)
4.44	<b>UNEMPLOYMENT INSURANCE</b> Forms submitted to the Department of Commerce to report wage records of terminated employees.	Transfer to the N.C. Department of Commerce, Division of Employment Security.	
4.45	<b>VERIFICATION OF EMPLOYMENT RECORDS</b> Inquiries and responses concerning verification of an employee’s prior or current employment with the agency.	Destroy in office after 1 year.	
4.46	<b>VOLUNTEER RECORDS</b> Records concerning individuals who volunteer to assist with various agency activities.	Destroy in office 2 years after completion of assignment.	

4: HR

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ITEM #	STANDARD 4: HUMAN RESOURCES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.47	<b>WORK SCHEDULES AND ASSIGNMENTS</b> Records concerning work, duty, shift, crew, or case schedules, rosters, or assignments.	Destroy in office after 1 year.	
4.48	<b>WORKERS' COMPENSATION PROGRAM ADMINISTRATION</b> 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	 <b>WORKERS' COMPENSATION PROGRAM CLAIMS</b> Records concerning workers' compensation claims filed by employees' supervisors concerning accidental injuries or illnesses suffered on the job. Includes Employer's Report of Injury to Employee (Form 19), accident investigation reports, medical reports, claim cost reports, reference copies of medical invoices, and other related records.  <i>Note: All official copies of claims records should be transferred to the North Carolina Industrial Commission in compliance with G.S. 97-92(a).</i>	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 	<b>AUDITS: IT SYSTEMS</b> Records documenting user actions affecting the contents of monitored systems. Also includes fixity checks and other periodic tests of data validity.	a) Destroy in office 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	<b>COMPUTER AND NETWORK USAGE RECORDS</b> Records documenting usage of electronic devices and networks. Includes login files, system usage files, individual program usage files, and records of use of the Internet by employees.	Destroy in office after 1 year.	
5.03	<b>DATA DOCUMENTATION RECORDS</b> Records concerning data in automated systems. Includes data element dictionary, file layout, code book or table, entity relationships tables, and other records related to the structure, management, and organization of data.	Destroy in office 3 years after system is discontinued and/or replaced.	

5: IT

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

5:11

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ITEM #	STANDARD 5: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.08	<b>INFORMATION TECHNOLOGY ASSISTANCE RECORDS</b> Records documenting troubleshooting and problem-solving assistance provided by agency information systems personnel to users of the systems. Includes help desk assistance requests, resolution records, and related documentation.	Destroy in office 1 year after work is completed.	
5.09 	<b>NETWORK AND SYSTEM SECURITY RECORDS</b> 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 	<b>NETWORK DIAGRAMS</b> Records documenting the logical and physical relationships of network components for purposes of organization, deployment, troubleshooting, monitoring of access, and management of day-to-day operations.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 132-6.1(c)

5: IT

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

5: IT

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

5: IT

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

5: IT

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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	<p><b>AFFIDAVITS OF PUBLICATION</b>                      Proof of publication provided by newspapers regarding publication of ordinances, public hearings, bid solicitations, payment of bills, public sales, etc.</p> <p>SEE ALSO: Public Bodies: Meeting Notices (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	<p>a) Retain in office permanently if record provides sole evidence of publication.                      b) Destroy in office remaining records after 3 years.*</p>	<p>Authority:                      G.S. 1-600</p>
6.02	<p><b>ANNEXATION RECORDS</b>                      Records concerning annexation of property into the city. Includes petitions, reports, correspondence (including e-mail), maps, ordinances, and public hearings.</p>	<p>a) Destroy in office withdrawn petitions after 1 year.                      b) Retain remaining records in office permanently.</p> <p><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></p>	
6.03	<p><b>AUTHENTICATIONS</b>                      Certificates of authentication issued by the agency.</p>	<p>Retain in office permanently.</p>	

6: Legal

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

6. Legal

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

6: Legal

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

6: Legal

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ITEM #	STANDARD 6: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.10	<p><b>DELEGATION OF AUTHORITY RECORDS</b> Records documenting delegations of power to authorize agency business. Includes signature authorities and powers of attorney.</p>	Destroy in office 1 year after superseded or obsolete.	
6.11	<p><b>EASEMENTS AND RIGHT-OF-WAY AGREEMENTS</b> Granted to the agency.</p> <p>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).</p>	Destroy in office 10 years after expiration of agreement.	
6.12	<p><b>ENCROACHMENTS</b> Records concerning agreements granted by or to the agency. Also includes maps or drawings detailing construction plans attached to agreements.</p>	<p>a) Retain in office permanently records concerning agreements granted by outside entities to the agency.</p> <p>b) Destroy in office when superseded or obsolete records concerning agreements granted to utilities, businesses, and private residents to encroach upon agency property.</p>	
6.13	<p><b>EXPUNCTIONS</b> Expunction orders received by local agencies.</p>	Destroy in office when record is expunged.	



6: Legal

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ITEM #	STANDARD 6: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.14	<b>INVESTIGATION AND HEARING RECORDS</b> 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	<b>LAND OWNERSHIP RECORDS</b> Includes deeds and titles.	Destroy in office 1 year after agency relinquishes ownership of land.*	
6.16	 <b>LEGAL CORRESPONDENCE</b> 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 <b>ELECTRONIC RECORDS</b> , page A-11.	Confidentiality: G.S. 132-1.1(a)
6.17	<b>LEGAL OPINIONS</b> Formal legal opinions written by counsel in response to requests concerning the governance and administration of the agency.	Retain in office permanently.	
6.18	 <b>LEGAL REVIEW RECORDS</b> Includes legal reviews of by-laws and charges to boards and commissions, conflicts of interest, and all other agency matters as requested.  SEE ALSO: 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 	<b>LITIGATION CASE RECORDS</b> Civil suits to which the agency is a party. Includes affidavits, agreements, appeals, bills, briefs, citations, commitments, complaints, discharges, motions, notices, pleas, releases, statements, testimony, verdicts, waivers, warrants, and writs.	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	<b>OATHS OF OFFICE</b>  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	<b>PERMISSIONS</b> Records conferring legal permission. Includes copyright permission requests and requests for permission to publish intellectual property or holdings of the agency. Also includes copyrights, patents, and trademarks held by the agency.	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	<b>PRE-TRIAL RELEASE PROGRAM RECORDS</b> Records documenting supervision for defendants who do not pose a risk to the community as they await trial.	Destroy in office 3 years after trial.	
6.23	<b>RELEASE FORMS</b> Records documenting consent and waiving the individual's right to hold the agency responsible for injuries or damages occurring while voluntarily participating in events or activities.	Destroy in office 5 years after termination of release/waiver.	
6.24	<b>SETTLEMENTS</b> Records concerning pre-litigation or informal settlements.	Destroy in office 10 years after expiration.	Authority: G.S. 132-1.3
6.25	<b>VEHICLE TITLES</b> 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

\* 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.

**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	<p><b>AGENCY PUBLICATIONS</b> Publications created at agency expense. Also includes correspondence and other related records regarding the design and creation of agency publications.</p>	<p>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 _____</p>	
7.02	<p><b>AUDIO-VISUAL RECORDINGS @</b> 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).</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____</p>	
7.03	<p><b>COMMUNITY AWARDS @</b> Records concerning awards by the agency recognizing community contributions.</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____</p>	

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

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	<b>INVITATIONS</b> Invitations sent and received concerning agency and external functions.	Destroy in office after event occurs.	
7.08	<b>MEDIA FILE</b> Reference copies of newspaper, magazine, and other media clippings concerning the agency, agency officials, and other topics of interest.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
7.09	<b>POPULAR ANNUAL FINANCE REPORT</b> Comprehensive annual financial report (CAFR)	a) Retain records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
7.10	<b>PUBLIC HEARINGS</b> 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

\* 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
7.11	<p><b>PUBLIC RECORDS REQUESTS</b></p> <p>Formal requests submitted by persons seeking access to agency records along with documentation of agency response.</p>	<p>Destroy in office 2 years after resolution.*</p> <p><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></p>	
7.12	<p><b>PUBLICITY RECORDS @</b></p> <p>Records concerning overall public relations of agency. Includes advertisements, announcements, correspondence (including e-mail), photographic materials, news and press releases, and other related records.</p>	<p>a) Retain in office records with historical value permanently.</p> <p>b) Destroy in office remaining records when superseded or obsolete.*</p>	
7.13	<p><b>SOCIAL MEDIA</b></p> <p>SEE ALSO: Website (Electronic) (below).</p>	<p>See <b>APPENDIX</b> (page A-12) for guidance in handling social media.</p>	
7.14	<p><b>SPEECHES</b></p> <p>Speeches made by agency officials.</p>	<p>a) Retain in office records with historical value permanently.</p> <p>b) Destroy in office remaining records when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	

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
7.15	<p><b>WEBSITE (ELECTRONIC)</b> Records created and maintained in paper and electronic formats concerning the creation and maintenance of the agency’s presence on the World Wide Web. Includes correspondence (including e-mail), procedures, instructions, website designs, HTML/XHTML, or other web-based file formats, and other related records.</p> <p>SEE ALSO: Web Management and Operations Records: Structure (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).</p>	<p>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.</p> <p>b) Destroy in office remaining records when superseded or obsolete.</p>	

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.



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

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.

± 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
8.03 	<b>DISASTER AND EMERGENCY MANAGEMENT PLANS</b> @ Records concerning preparedness, evacuations, and operations in the event of a disaster (natural, accidental, or malicious). Includes background surveys, studies, reports, and records concerning the process of notifying personnel in the event of an emergency. Also includes Continuity of Operations Plans (COOP) and Business Continuity Plans (BCP).	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 132-1.7
8.04	<b>DISASTER RECOVERY</b> 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	<b>EMERGENCY DRILLS AND EQUIPMENT RECORDS</b> Includes test records for fire suppression, defibrillator, respirator fit, and other emergency equipment. Also includes records concerning agency emergency and fire drills.	Destroy in office when superseded or obsolete.	
8.06	<b>EMERGENCY NOTIFICATIONS</b> 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.

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

8: Risk Management

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± 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
8.11	<p><b>HAZARDOUS MATERIALS MANAGEMENT</b></p> <p>Records documenting agency efforts to prevent and mitigate exposure to hazardous materials. Includes risk assessments, management plans, and abatement/removal records.</p> <p>SEE ALSO: Safety Data Sheets (below).</p> <p><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></p>	<ul style="list-style-type: none"> <li>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.</li> <li>b) Destroy in office asbestos records 1 year after building is demolished. <i>(Note: If building is sold, transfer records to new owner.)</i></li> <li>c) Destroy in office after 5 years records concerning the receipt, maintenance, and disposal of radioactive materials.</li> <li>d) Destroy in office 3 years after superseded or obsolete records concerning hazard mitigation plans.</li> <li>e) Destroy in office records documenting environmental and hazardous waste remediation projects 5 years after project completion.</li> <li>f) Destroy in office remaining records after 30 years.</li> </ul>	<p>Retention: 29 CFR 1910.1001(j)(3)(ii)</p>

8: Risk Management

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± 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	<p><b>INSURANCE POLICIES</b></p> <p>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.</p>	<p>a) Destroy in office records concerning automobile and other liability insurance policies 10 years after superseded or obsolete.*</p> <p>b) Destroy in office certificates of insurance after 1 year.</p> <p>c) Destroy in office self-insurer certifications 6 years from date of termination of policy or settlement of all claims.</p> <p>d) Destroy in office remaining records after 1 year after superseded or obsolete.</p>	
8.13	<p><b>LOSS CONTROL INSPECTION REPORTS</b></p> <p>Self-inspections to identify potential liabilities or hazards that may exist in agency owned buildings or property.</p>	<p>Destroy in office when superseded or obsolete.</p>	
8.14	<p><b>LOST, STOLEN, OR DAMAGED PROPERTY REPORTS</b></p> <p>Includes reports of property lost or stolen at agency. Also includes reports and employee narratives of vandalism to agency property.</p>	<p>Destroy in office after 2 years.*</p>	
8.15	<p><b>NATIONAL FLOOD INSURANCE PROGRAM RECORDS</b></p> <p>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.</p>	<p>a) Retain in office permanently floodplain management ordinances.</p> <p>b) Destroy in office copies of flood insurance rate maps, elevation certificates, and elevation information when superseded or obsolete.</p>	

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.

± 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
8.16	<p><b>OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)</b></p> <p>Records concerning injury or illness, extent and outcomes, summary totals for calendar year, and OSHA forms. Includes ergonomic assessments for employees.</p>	<p>Destroy in office after 5 years.</p>	<p>Retention: 29 CFR 1904.33 29 CFR 1904.44</p>
8.17	<p><b>SAFETY DATA SHEETS</b></p> <p>Forms supplied to agencies from manufacturers and distributors of hazardous materials for materials held by the agency.</p>	<p>Destroy in office 30 years after materials have been disposed of according to manufacturer’s instructions.</p> <p><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></p>	<p>Retention: 29 CFR 1910.1020(d)(1)(ii)(B)</p>

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.

± 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.

**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	<b>AUDIT/AUDIT RESOLUTIONS</b> 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	<b>LOCAL AREA JOB TRAINING PLAN RECORDS</b> Records concerning the local board’s bid process for contracting workforce development programs.	Destroy in office when superseded or obsolete.	Authority: 20 CFR 652.8
9.03	<b>PARTICIPANT RECORDS</b> 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

9: Workforce Development

\* 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

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

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

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

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### **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



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.

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**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.”

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**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

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.

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**Q. What is historical value?**

- A.** Historical records document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the government or its 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.

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

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

**Q. 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.

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***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.

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***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.

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

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

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

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

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

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

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

- A.** If you are located west of Statesville, call our Western Office in Asheville at (828) 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

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

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

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

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

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See Audits: Performance (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.”<sup>3</sup>

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

The Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called “transitory records.” The following questions and answers discuss types of transitory records commonly created in state government. They may be disposed of according to the guidance below. However, all public employees should be familiar with the *General 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.

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**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

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<sup>3</sup> 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

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

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

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

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

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

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

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

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

---

### **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.

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

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





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

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

**A.** E-mail is a public record as defined by 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.

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

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

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### ***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.

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**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.

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

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

---

**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).

## GEOSPATIAL RECORDS

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

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

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

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

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

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

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

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***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

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***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.

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***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.

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***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.

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**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

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### ***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.

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### ***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

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***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

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***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.

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***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>).

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

**A.** Not at this time.

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***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.

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

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

Requested by: \_\_\_\_\_  
 Signature Title Date

Approved by: \_\_\_\_\_  
 Signature Requestor's Supervisor Date

Concurred by: \_\_\_\_\_  
 Signature Assistant Records Administrator State Archives of North Carolina Date



### File Plan

<b>County/Municipality</b>			
<b>Division</b>	<b>Section</b>	<b>Branch</b>	

Records Series	Records Creator	Records Owner (if record copy is transferred within the agency)	Media (Paper, Electronic, Scanned)			Required Retention	Location(s) of Records
			P	E	S		

**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



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	Local Government Agencies Program Schedule
	Project Records – Core	
Community Awards	Student Awards and Honors Records	Local Public School Unit Schedule
Conferences and Workshops	Health Promotion Training Records	Local Health Departments Schedule
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# RECORDS RETENTION AND DISPOSITION SCHEDULE

## PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



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## **Program 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 Program Records Schedule: Local Government Agencies**:

10. Airport Authority Records
11. Animal Services Records
12. Code Enforcement and Inspection Records
13. Emergency Medical Services and Fire Department Records
14. Parks and Recreation Records
15. Planning and Regulation of Development Records
16. Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records
17. Public Transportation Systems Records
18. Public Utilities and Environmental/Waste Management Records
19. Street Maintenance, Public Works, and Engineering Records
20. Law Enforcement Records (excluding Sheriff's Offices)
21. Tax Records (for municipalities)

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**

N.C. Gen. Stat. § 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, N.C. Gen. Stat. § 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.”<sup>1</sup> The record copy is the one whose retention and disposition is mandated by these schedules; 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

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<sup>1</sup> Society of American Archivists, *Dictionary of Archives Terminology*.

media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to 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.”<sup>2</sup>

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.


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. These schedules supersede previous versions of these schedules and any localized amendments; they are to remain in effect from the date of approval until they are reviewed and updated.

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<sup>2</sup> Ibid.


**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

County/Municipality: \_\_\_\_\_

Effective: October 1, 2021



## EXECUTIVE SUMMARY

- ✓ Some records are covered by the *General Records Schedule: Local Government Agencies* and, therefore, are not listed separately here.
- ✓ 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.
- ✓ 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-19) 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 Includes 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 ACTIONS, page A-5.**

**STANDARD 10: PROGRAM OPERATIONAL RECORDS – AIRPORT AUTHORITY RECORDS**

Official records and materials created and accumulated incidental to the operation of a county or municipal airport.

ITEM #	STANDARD 10: AIRPORT AUTHORITY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
10.01	<b>ACCESS CONTROL RECORDS</b> Records concerning employee or contractor access to facilities or resources.	Destroy in office 1 year after expiration.	
10.02	<b>AIR SPACE CONSTRUCTION</b> Applications to construct structures which may obstruct flight space. Includes correspondence and related records.	Destroy in office after 5 years.	
10.03	<b>AIRFIELD INSPECTION</b> Records concerning airfield inspections on runway conditions, fueling agents, fire and rescue facilities, ground vehicle control and other airport condition information.	Destroy in office after 1 year.	Authority/Retention: 14 CFR 139.301
10.04	<b>AIRPORT MASTER RECORD</b> Federal Aviation Administration (FAA) form 5010 documenting basic information concerning airports.	Destroy in office when superseded or obsolete.	

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



ITEM #	STANDARD 10: AIRPORT AUTHORITY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
10.05	<b>LAND DEVELOPMENT AND PLANNING STUDIES AND REPORTS</b> Records documenting local government and airport authority land use and development planning.	Retain in office permanently.	
10.06	<b>RADIO LOGS</b> Records of radio calls received and placed.	Destroy in office after 1 year.	

10: Airport Authority

\* 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.

**STANDARD 11: PROGRAM OPERATIONAL RECORDS – ANIMAL SERVICES RECORDS**



Records created and received during the conduct of animal services programs.

NOTE: Some records are covered by General Records Schedule: Local Government Agencies and, therefore, are not listed separately here. See Reference (Reading) File and Reports and Studies (Administration and Management Records).

ITEM #	STANDARD 11: ANIMAL SERVICES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.01	<b>ANIMAL ABUSE AND CRUELTY RECORDS</b> Includes complaints, citations and/or compliance orders, and other related records.	Destroy in office after 5 years.*	See G.S. 14-360 for definition of animal cruelty.
11.02	<b>ANIMAL COMPLAINT RECORDS</b> Includes complaints of animal nuisances.	Destroy in office after 3 years.*	
11.03	<b>ANIMAL CONTROL RECORDS</b> Records of animal control calls. Includes information regarding animal bites, animals received from residents, strays caught, animals taken to shelter or returned to owner, use of tranquilizer guns, and other related records. Also includes citations and/or compliance orders issued to animal owners for violations of government ordinances.	a) Destroy in office records concerning dangerous animals when known dead or after 10 years. b) Destroy in office animal control citations and compliance orders after 3 years.* c) Destroy in office remaining records after 1 year.	

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

ITEM #	STANDARD 11: ANIMAL SERVICES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.04 	<b>ANIMAL LICENSING RECORDS</b> Records concerning the licensing of dogs, cats, and other animals. Includes owner and animal information and record of fees paid.	Destroy in office after 3 years.*	Confidentiality: G.S. 132-1.2 (2)
11.05 	<b>ANIMAL SHELTER RECORDS</b> Records of animals impounded at the shelter, including date of impoundment, length of impoundment, disposition of animal, and any other information required by rules adopted by the State Board of Agriculture. Also includes certificates of animal release (e.g., adoption, reclaim, transfer, return to field) and owner contact records.	Destroy in office 3 years after date of impoundment.	Authority/Retention: G.S. 19A-32.1(j)  Confidentiality (for specific counties): G.S. 132-1.15
11.06	<b>CONTROLLED SUBSTANCE EUTHANASIA LOG</b> Includes amount of controlled substances used.	Destroy in office after 2 years.	Retention: 21 CFR 1304.04
11.07	<b>HISTORIES OF PET OWNERS</b> Records concerning information for each animal owner who violates government ordinances. Includes complaint forms and other related records.	Destroy in office after 3 years.*	
11.08	<b>RABIES VACCINATION RECORDS</b> Includes rabies vaccination certificates submitted to agency by area veterinarians.	Destroy in office after 3 years.	Authority: G.S. 130A-189

11: Animal Services


\* 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.

**STANDARD 12: PROGRAM OPERATIONAL RECORDS – CODE ENFORCEMENT AND INSPECTION RECORDS**

Official records and materials created and accumulated during the conduct of local government code enforcement and inspection programs.

NOTE: Some records are covered by the General Records Schedule: Local Government Agencies and, therefore, are not listed separately here.

ITEM #	STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.01	<b>AIR POLLUTION SOURCE INFORMATION</b> Includes records for facilities which are no longer operational.	Destroy in office after 2 years.*	
12.02	 <b>BLUEPRINTS AND SPECIFICATIONS</b> Records concerning blueprints and specifications of local government owned buildings and facilities, or drawings submitted when applying for a building permit for new construction. Includes as-built plans and related records concerning approved changes or used in determining code compliance and enforcement of building code.  SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Blueprints and Specifications (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain agency blueprints and specifications for life of structure.  b) Destroy in office commercial blueprints and specifications 1 year after completion of project.  c) Destroy in office residential blueprints and specifications when reference value ends.±  Agency Policy: Destroy in office after _____	Confidentiality: G.S. 132-1.7

\* 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.

ITEM #	STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.03	<p><b>BUILDING AND ROAD PERMITTING AND INSPECTION RECORDS</b> Records documenting applications for permits from property owners to erect new structures or manufactured homes, or to make structural modifications, demolition, fire permits, or the installation of plumbing, electrical, or mechanical systems. Includes permits, inspection reports, inspector’s worksheets, inspection requests, denial reports, sketches, correspondence (including e-mail), and contractor change forms.</p>	<p>a) Destroy in office permits, applications, and inspection reports (or worksheets) 6 years after Certificate of Occupancy is issued or project is complete (inactive).</p> <p>b) Destroy in office Certificate of Occupancy 6 years after permit is expired.</p> <p>c) Destroy in office remaining records, including applications for which a permit was never issued, when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	
12.04	<p><b>CONTROLLED SUBSTANCE LABS DECONTAMINATION RECORDS</b> Records concerning decontamination compliance.</p>	Destroy in office 3 years after documented decontamination is complete.	
12.05	<p><b>DROUGHT CONTINGENCY PLANS</b> Includes water conservation plans in the event of a drought.</p>	Destroy in office when superseded or obsolete.	
12.06	<p><b>EROSION AND SEDIMENT CONTROL ENFORCEMENT CASES</b> Includes settled legal matters and penalties.</p> <p>SEE ALSO: Violations: Building and Housing, below.</p>	Destroy in office 6 years after settlement.*	

12: Codes & Inspections

\* 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.




ITEM #	STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.07	<b>EROSION AND SEDIMENT CONTROL PLANS</b> Includes approved and disapproved plans as well as revisions and addenda.	a) Destroy in office approved plans 6 years after approval or last revision and/or addendum.  b) Destroy in office non-approved plans after 3 years.	
12.08	<b>EXEMPTION (VARIANCE) RECORDS</b> Records concerning exemptions and variances concerned with the installation of water, sewer, gas, or electric lines.	a) Destroy in office 5 years after expiration.*  b) Destroy in office records for which an exemption or variance was not issued after 3 years.	Retention: 40 CFR 141.33 15A NCAC 18C .1526
12.09	<b>GOING-OUT-OF-BUSINESS LICENSES</b> Records concerning licenses granted to business to hold going out of business, water and smoke damage, and distress sales.	Destroy in office 1 year expiration.	
12.10	<b>GROUNDWATER MONITORING RECORDS</b> Includes all groundwater monitoring wells and associated groundwater surface elevations.	Destroy in office after 5 years.*	Authority: 15 NCAC 2C .0100
12.11	<b>ILLEGAL DUMPING FILE</b> Records concerning illegal dumping complaints received.  SEE ALSO: Violations: Solid Waste Management, below.	Destroy in office after 5 years.*	
12.12	<b>INSPECTIONS</b> Inspections conducted by local government agencies concerning enforcement of state and local laws, codes, and ordinances.	Destroy in office after 6 years.*	

12: Codes & Inspections

\* 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.

ITEM #	STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.13	<b>LEAD AND COPPER COMPLIANCE RECORDS</b> Includes all monitoring records required by federal, state, and local regulations.	Destroy in office after 12 years.*	Retention: 40 CFR 141.91
12.14	<b>LANDFILL TONNAGE AND COST FILE</b>	Destroy in office after the 5 year reporting period is complete.	
12.15	<b>PERMITS: CONSTRUCTION</b> Records documenting applications and permits regarding sign installation, fencing, swimming pools, driveways, or similar activity required by local ordinance.  SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Miscellaneous (Non-Building) Applications, Licenses, and Permits (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Destroy in office 3 years after completion of project.  b) Destroy in office applications for which a permit was never issued when reference value ends.±  Agency Policy: Destroy in office after _____	
12.16	 <b>PERMITS: PUBLIC UTILITIES PROJECTS</b> Records documenting permits, approval letters, and other related documentation required by local, state, or federal ordinance, regulation, or statute. Includes records regarding National Pollutant Discharge Elimination System (NPDES) permits.	a) Retain in office approval letters and supporting documentation permanently.  b) Destroy in office permits 6 years after expiration, cancellation, revocation, or denial.*	Authority: 40 CFR 122.28 15A NCAC 18C .0300  Confidentiality: 15A NCAC 02H .0115

12: Codes & Inspections

\* 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.

ITEM #	STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.17	<p><b>RECREATIONAL VEHICLE REGISTRATION RECORDS</b> Records concerning issuance of registrations/decals for recreational vehicles. Includes, but is not limited to, golf carts, canoes, and mopeds as well as proof of insurance and renewals.</p>	Destroy in office 1 year after expiration.*	
12.18	<p><b>UNSAFE BUILDINGS FILE</b> Records documenting inspections and notifications to owners of unsafe conditions relative to a particular structure.</p> <p>SEE ALSO: Violations: Building and Housing, below.</p>	Destroy in office after 6 years provided all issues have been resolved.*	
12.19	<p><b>VALVE OPERATION FILE</b></p>	<p>Destroy in office when reference value ends. ±</p> <p>Agency Policy: Destroy in office after _____</p>	
12.20	<p><b>VIOLATIONS: BUILDING AND HOUSING</b> Records documenting violations of building and fire code, minimum housing, and erosion and sediment control. Includes complaints, summons, notices, appeals, and other information created or compiled during the course of investigation and resolution of each alleged violation.</p> <p>SEE ALSO: Water Analysis, below.</p>	<p>a) Destroy building code violations in office 6 years after verification of correction.</p> <p>b) Destroy remaining records in office 3 years after verification of correction.*</p>	

12: Codes & Inspections

\* 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.

ITEM #	STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.21	<b>VIOLATIONS: SOLID WASTE MANAGEMENT</b> Includes complaints, notices of violations, citations, investigation records, court documents, and other related records issued by solid waste environmental enforcement programs.	Destroy in office 7 years after resolution of case.*	
12.22	<b>VIOLATIONS: WATER CONSERVATION</b> Records concerning notices of water conservation violations.	Destroy in office when reference value ends. ±  Agency Policy: Destroy in office after _____	
12.23	<b>WASTEWATER POLLUTION CONTROL AND ABATEMENT RECORDS</b>	Destroy in office after 5 years.*	Authority: 15A NCAC 2B .0505
12.24	<b>WASTEWATER QUALITY ANALYSIS RECORDS</b>	a) Destroy in office analysis reports after 3 years.*  b) Destroy in office monitoring and calculation sheets after 1 year.*	Authority: 15A NCAC 2B .0505

12: Codes & Inspections

\* 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.

ITEM #	STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.25	<p><b>WATER ANALYSIS</b> Records concerning bacteriological, chemical, radiological, and physical analyses and climatological observations as well as records of actions taken to correct violations.</p> <p>SEE ALSO: Violations: Building and Housing and Violations: Water Conservations, above.</p>	<p>a) Destroy in office records of chemical and radiological analysis after 10 years.</p> <p>b) Destroy in office records of bacteriological and turbidity analysis after 5 years.</p> <p>c) Destroy in office records of actions taken to correct violations 3 years after last corrective action taken.</p> <p>d) Destroy in office remaining records after 5 years.</p>	<p>Retention: 40 CFR 141.33 15A NCAC 18C .1526</p>
12.26	<p><b>WATER SYSTEM OPERATIONS RECORDS</b> Records concerning the operations of water supply, treatment, distribution, and collection. Includes backflow prevention reports, flow reports, capacity studies, pump station reports, and similar records that summarize</p>	<p>Destroy in office after 10 years.</p>	<p>Retention: 40 CFR 141.33 15A NCAC 18C .1526</p>
12.27	<p><b>WATER TANKS, SPECIFICATIONS, AND BOOSTER STATIONS FILE</b></p>	<p>Destroy in office after 5 years.*</p>	

12: Codes & Inspections



\* 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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**STANDARD 13: PROGRAM OPERATIONAL RECORDS – EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS**


Official records documenting the primary functions of emergency services programs and fire departments.

Footage from body-worn cameras is scheduled by the content captured or the purpose of the footage rather than by its format. Recordings may fit under FIRE INVESTIGATION CASE FILES, DISPATCH RECORDS AND RECORDINGS, PUBLICITY RECORDS (General Schedule), TRAINING AND EDUCATIONAL RECORDS (General Schedule), and other items as appropriate. Footage is only confidential if it fits within an item where confidentiality is conferred by state or federal statute.

ITEM #	STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.01 	<p><b>911 COMMUNICATION RECORDS AND RECORDINGS</b> Records documenting any communications made by the public with 911. Includes transcripts and recordings of 911 calls received, transcripts of text messages received by 911, and computer-aided dispatch (CAD) reports.</p> <p>SEE ALSO: Dispatch Records and Recordings, below AND PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Communication Records (STANDARD 20: LAW ENFORCEMENT RECORDS)</p>	Destroy in office after 30 days, if not made part of a case file.*	<p>Confidentiality: G.S. 132-1.5 G.S. 132-1.4(c)(4)</p> <p>Retention: G.S. 132-1.4(i)</p>
13.02 	<p><b>AMBULANCE CALL REPORTS (ACR)/PATIENT CARE REPORTS (PCR)</b> Records concerning equipment used, patient location, nature of call, vital signs and other physical signs, care rendered, medicine ordered, etc.</p>	<p>a) Transfer copy of report to the admitting hospital for inclusion into patient's medical record.</p> <p>b) Destroy original in office after 3 years.*</p>	Confidentiality: G.S. 130A-12

\* 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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ITEM #	STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.03	<p><b>BUILDING AND FIRE SAFETY SYSTEM PLANS</b> Records concerning plans and fire safety systems of commercial, industrial, and government-owned properties.</p>	Destroy in office when superseded or obsolete.	
13.04	<p> <b>DISPATCH RECORDS AND RECORDINGS</b> Records and recordings concerning activities during an emergency services dispatch. Includes company run reports and fire journals as well as ambulance dispatch and service run records. Also includes footage from body-worn cameras of EMS and Fire Department personnel when responding to an emergency if not otherwise included in a separate item.</p> <p>SEE ALSO: 911 Communication Records and Recordings, above AND PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Communication Records (STANDARD 20: LAW ENFORCEMENT RECORDS).</p>	Destroy in office after 30 days, if not made part of a case file.*	Confidentiality: G.S. 132-1.4 G.S. 143-518 45 CFR 164.501 42 U.S.C. 1395x
13.05	<p><b>FIRE ALARM AND AUTOMATIC EXTINGUISHER FILE</b> Records documenting licenses and insurance certificates of companies that perform installations of fire alarm and automatic extinguishing systems.</p>	Destroy in office when superseded or obsolete.	
13.06	<p><b>FIRE DISPATCH FILE</b> Records concerning fire dispatch zones. Includes maps of fire dispatch zones, census tract information, annexation research, street closings, and other related material.</p>	Destroy in office when superseded or obsolete.	

13: EMS & Fire Department

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ITEM #	STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.07	<p><b>FIRE INVESTIGATION CASE FILES</b> Records concerning investigations of fire. Includes reports, photographs, evidence, and other related records.</p> <p> SEE ALSO: PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Case File: Felonies AND Case File: Misdemeanors (STANDARD 20: LAW ENFORCEMENT RECORDS).</p>	<p>a) Retain in office permanently when loss of life occurs or if a publicly-owned building is involved.*</p> <p>b) Destroy in office after 10 years when arson is involved.*</p> <p>c) Destroy in office after 5 years when cause of fire is determined to be accidental and no loss of life occurs.*</p>	Confidentiality: G.S. 132-1.4
13.08	<p><b>FIRE SAFETY INSPECTIONS AND PERMITS</b> Records documenting inspections of and permits issued for fire protection measures and procedures for systems and buildings.</p>	<p>a) Destroy in office inspections with no defects after 3 years.</p> <p>b) Destroy in office inspections with noted defects 3 years after defects are corrected.*</p> <p>c) Destroy in office permits 3 years after expiration.</p>	
13.09	<p><b>NORTH CAROLINA FIRE INCIDENT REPORT</b> Includes report required by state statute to document certain fire incidents.</p> <p><i>For retention of copies of fire incident reports filed with other agencies, see: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Reports (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</i></p>	Retain original report permanently.	Authority/Retention: G.S. 58-79-45

13: EMS & Fire Department

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ITEM #	STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.10 	<b>PHARMACEUTICAL AND NARCOTICS RECORDS</b> Records documenting the administration of pharmaceuticals and narcotics to patients as required by the Drug Enforcement Agency.	Destroy in office after 3 years.*	Authority: 21 CFR 1310.03  Confidentiality: G.S. 130A-12  Retention: 21 CFR 1310.04

13: EMS & Fire Department

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**STANDARD 14: PROGRAM OPERATIONAL RECORDS – PARKS AND RECREATION RECORDS**  
Records created and received by Parks and Recreation departments.

ITEM #	STANDARD 14: PARKS AND RECREATION RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
14.01	<b>ADMISSION RECORDS</b> Records of admissions to parks or recreation facilities.	Destroy in office after 3 years.*	
14.02	<b>CITATIONS RECORDS</b> Citations issued by park personnel to persons who violate park rules and regulations.	Destroy in office after 2 years.	
14.03	<b>OFFICIALS FILE</b> Records concerning individuals who officiate games. Includes schedule and correspondence (including e-mail).  SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Payroll and Earnings Records (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS) or Seasonal and Contract Worker Records (STANDARD 4: HUMAN RESOURCES RECORDS) for disposition of payment records.	Destroy in office after 3 years.	

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ITEM #	STANDARD 14: PARKS AND RECREATION RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
14.04	<p><b>PARKS PLANNING FILE</b> Records concerning master plans and working plans for each park property and recreational facility which show layout, topography, and proposed developments and improvements. Includes drainage and resource maps, aerial maps, site analysis drawings, construction plans, and as-built drawings.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Strategic Plan (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS) AND GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Maps: Parks (STANDARD 3: GEOGRAPHIC INFORMATION SYSTEMS (GIS) RECORDS).</p>	<p>a) If an element of the Strategic Plan, destroy in office when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p> <p>b) If not an element of the Strategic Plan, destroy in office when superseded or obsolete.</p>	
14.05	<p><b>POOL RECORDS</b> Records concerning monthly reports indicating operational data, chemicals used, chlorination levels and other information relating to pool construction, maintenance, and health and safety.</p>	Destroy in office after 1 year.	
14.06	<p><b>RECREATION PROGRAMS</b> Records concerning athletic and recreation programs. Includes staff notes, lesson plans, course descriptions, instruction manuals, schedules, team rosters, reservation records, copies of receipts for fees paid, age verification records, and concession operators list.</p> 	<p>a) Destroy in office program records after 3 years.</p> <p>b) Destroy age verification records when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	Confidentiality: G.S. 132-1.12

14: Parks and Recreation

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ITEM #	STANDARD 14: PARKS AND RECREATION RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
14.07	TICKET STUBS	Destroy in office when reference value ends. ±  Agency Policy: Destroy in office after _____	

14: Parks and Recreation

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**STANDARD 15: PROGRAM OPERATIONAL RECORDS – PLANNING AND REGULATION OF DEVELOPMENT RECORDS**

Official records and materials created and accumulated during the conduct of local government planning, regulation of development, and zoning programs.

Community Development Block Grants (CDBG) records are found in Standard 16: Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records.

NOTE: Some records are covered by the Local Government Agencies General Records Retention and Disposition Schedule and, therefore, are not listed separately here.

ITEM #	STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.01	<b>BOARD OF ADJUSTMENT CASE FILES AND INDEXES</b> Cases submitted to the board requesting variances from current zoning ordinances. Includes indexes to cases reviewed by the board.	a) Retain indices in office permanently. b) Destroy in office case files after 6 years.*	Retention: G.S. 1-50(5)

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ITEM #	STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.02	<p><b>CERTIFICATES OF APPROPRIATENESS</b>                      Certificates submitted by the Historic Preservation Commission allowing alterations to exterior portions of building and structures on or within historic landmarks and districts. Includes applications and other related records.</p>	<p>a) Retain in office certificates for life of structure and then destroy.</p> <p>b) Destroy in office denied applications when reference value ends. ±                       Agency Policy: Destroy in office after _____</p> <p>c) Destroy in office remaining records when reference value ends. ±                       Agency Policy: Destroy in office after _____</p>	<p>Authority:                      G.S. 160A-400.9</p>
15.03	<p><b>COMPREHENSIVE PLAN AND AMENDMENTS</b>                      Official copies of comprehensive plan and all background surveys, studies, reports, draft versions of plans, and supporting documentation.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Strategic Plan (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	<p>a) Retain in office permanently adopted plan and amendments.</p> <p>b) Destroy in office remaining records 3 years after adoption of plan.</p>	

15: Planning and Regulation of Development

\* 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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ITEM #	STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.04	<b>CONDITIONAL USE PERMIT RECORDS AND INDEX</b> Records concerning applications for conditional use permits. Permits allow for the construction of buildings, on the condition that impacts on neighborhoods are mitigated. Includes original application, blueprint drawings, investigative reports, planning commission recommendations, cash receipts, and related correspondence (including e-mail). Also includes reference copies of variances or exceptions from zoning regulations granted by the Board of Adjustment.	a) Destroy in office 3 years after discontinuance of use.  b) Destroy in office applications for which a permit was never issued when reference value ends. ±  Agency Policy: Destroy in office after _____	
15.05	<b>DECLARATIONS AND BY-LAWS FROM TOWNHOUSES, CONDOMINIUMS, PLANNED RESIDENTIAL DEVELOPMENTS, COMMON AREAS, ETC.</b>	a) If not filed in Register of Deeds or similar agency, retain in office permanently.  b) If filed in Register of Deeds or similar agency, destroy in office when reference value ends. ±  Agency Policy: Destroy in office after _____	Authority: G.S. 47C-2-103
15.06	<b>ENVIRONMENTAL IMPACT STUDIES</b> Records and reports concerning the environmental impact of major projects proposed by localities and reviewed by local officials.	Retain in office permanently.	
15.07	<b>OPEN SPACE CLASSIFICATION CASE FILE</b>	Retain in office permanently.	

15: Planning and Regulation of Development

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ITEM #	STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.08	<b>PERMITS: TEMPORARY MANUFACTURED HOME</b> Records created to temporarily authorize the location of a manufactured home on the same lot as a single family residence.	Destroy in office 6 years after permit expires.	Retention: G.S. 1-50(5)
15.09	<b>PERMITS: ZONING COMPLIANCE</b> For residential uses, non-residential uses, and accessory structures.	a) Retain in office permits concerning subdivision, historical structure, major commercial or industrial development, or capital construction, where county or municipality is lead agency, permanently.  b) Destroy in office permits concerning subdivision, historic structures, major commercial or industrial development, or capital construction, where county or municipality is not lead agency, 6 years after last entry.  c) Destroy in office any other permits and related records 6 years after last entry.	Retention: G.S. 1-50(5)
15.10	<b>PETITION &amp; REGULATION RECORDS</b>	Destroy in office after 5 years.*	

15: Planning and Regulation of Development

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ITEM #	STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.11	<p><b>PLANNING REVIEW CASE FILE</b> For required review of site plan, zoning variance, special permit, change of zoning, subdivision creation or enlargement, municipal or county planning action, or other required review; including, but not limited to, maps, plans, sketches, photographs, engineering reports, environmental impact statement and studies, copies of zoning records, project narrative, correspondence (including e-mail), and record of final determination.</p>	<p>a) Retain plan reviews and related records containing subdivision, historical structure, major commercial or industrial development, or capital construction, where county or municipality is lead agency, permanently.</p> <p>b) Destroy in office plan reviews and related records containing subdivision, historic structures, major commercial or industrial development, or capital construction, where county or municipality is not lead agency, 6 years after last entry.</p> <p>c) Destroy in office any other mandatory reviews and related records 6 years after last entry.</p>	Retention: G.S. 1-50(c)
15.12	<p><b>REZONING RECORDS AND INDEXES</b> Records concerning applications to rezone property within the county or municipality. Includes original applications, review forms, maps of areas involved, copies of investigative reports, copies of relevant planning board minutes, notices of hearings, and development agreements.</p>	Retain in office permanently.	

15: Planning and Regulation of Development

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ITEM #	STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.13	<p><b>SUBDIVISION RECORDS</b> Includes maps, plats, topographical data, names of streets, records of public utilities, action by council, etc. Also includes preliminary subdivision and group development site plans.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Maps: Plats (STANDARD 3: GEOGRAPHIC INFORMATION SYSTEMS RECORDS).</p>	<p>a) If not filed in Register of Deeds or similar agency, retain in office permanently.</p> <p>b) If filed in Register of Deeds or similar agency, destroy in office when reference value ends. ±</p> <p>Agency Policy: Destroy in office after _____</p>	
15.14	<p><b>VARIANCES</b> Includes zoning variances, watershed variances, and subdivision variances.</p>	Retain official copies permanently in the minutes of the Board of Adjustment or other governing body.	
15.15	<p><b>VIOLATIONS: ZONING</b> Records concerning notices of zoning violations.</p>	Destroy in office after 6 years.*	Retention: G.S. 1-50(5)

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**STANDARD 16: PROGRAM OPERATIONAL RECORDS – PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS**

Official records and materials created and received by public housing authorities, redevelopment commissions, and entitlement communities operated by local government agencies. Where there is a local funding match required to qualify for grant programs, all records should be retained according to the grant requirements listed below.

NOTES: Some records, such as those for Section 8 assistance, are covered by the Local Government Agencies General Records Retention and Disposition Schedule and, therefore, are not listed separately here. See Bond Closing Records (Budget, Fiscal, and Payroll Records), Grants (Administration and Management Records), and Grants: Financial (Budget, Fiscal, and Payroll Records). 24 CFR Parts 50-58 lay out the environmental review responsibilities of entities but do not establish specific retention requirements, so these records should be handled in accordance with the requirements of the funding source.

ITEM #	STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.01	<p><b>APPRAISAL PROJECT FILE</b> Evaluations of properties and structures within proposed projects. File includes financial assessments of the worth of real estate and building within proposed project areas. File may also include assessments of architectural and historical significance and condition of the involved structures and real estate.</p>	<p>a) Retain records with historical value permanently.</p> <p>b) Destroy in office remaining records 5 years after completion of abandonment of project.*</p>	

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ITEM #	STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.02	<p><b>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) RECORDS</b> Records concerning the administration of projects funded under the Community Development Block Grant (CDBG) program, including both direct grants and regrants. Includes applications, reports, audits, certificates, maps, and other related records.</p>	<p>a) Retain records with historical value permanently. b) Destroy in office rejected applications after 1 year. c) Destroy in office remaining records 4 years after execution of the closeout agreement for the grant.</p>	Retention: 24 CFR 570
16.03	<p><b>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) RECORDS: OUTSTANDING LOAN BALANCES</b> Records concerning individual activities under the Community Development Block Grant (CDBG) program for which there are outstanding loan balances, other receivables, or contingent liabilities. Includes reports, audits, and other related records.</p>	<p>a) For recipients, destroy in office 3 years after the receivables or liabilities have been satisfied. b) For subrecipients, destroy in office after such receivables or liabilities have been satisfied.</p>	Retention: 24 CFR 570.502(a)(7)(i)(B)
16.04	<p><b>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) RECORDS: SUBJECT TO REVERSION OF ASSETS PROVISIONS OR CHANGE OF USE OF REAL PROPERTY</b> Records concerning real property which was acquired or improved in whole or in part using Community Development Block Grant (CDBG) funds. Includes reports, audits, and other related records.</p>	<p>a) For recipients, destroy in office 3 years after these provisions no longer apply to the activity. b) For subrecipients, destroy in office when these provisions no longer apply to the activity.</p>	Authority: 24 CFR 570.503(b)(7) 24 CFR 570.505  Retention: 24 CFR 570.502(a)(7)(i)(B)

16: Public Housing

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ITEM #	STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.05	<p><b>CONTINUUM OF CARE RECORDS</b> Records documenting the participation of the agency in funding by the Department of Housing and Urban Development. Includes required Federal compliance records, program records, financial records, and other related records.</p>	<p>a) Destroy in office records documenting the acquisition, new construction, or rehabilitation of a project site 15 years after the date site is first occupied/used.</p> <p>b) Destroy in office program participant records 5 years after the expenditure of all funds from the grant under which the program participant was served.</p> <p>c) Destroy in office all remaining records after 5 years.</p>	Retention: 24 CFR 578.103(c)
<p>16.06</p> 	<p><b>CRIMINAL RECORDS CHECKS</b> Records received by the local agency to screen applicants for admission to covered housing programs and for lease enforcement or eviction.</p>	Destroy in office once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.	Confidentiality/ Retention: 24 CFR 5.903(g) 24 CFR 5.905(c)

16: Public Housing

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ITEM #	STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.07	 <p><b>EMERGENCY SOLUTIONS GRANTS (ESG) RECORDS</b> Records documenting the participation of the agency in funding by the Department of Housing and Urban Development. Includes case management records for program participants, required federal compliance records, program records, financial records, and other related records.</p>	<p>a) Destroy records supporting the expenditure of federal funds passed through NC Department of Health and Human Services (DHHS) on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions.</p> <p>b) Destroy in office records documenting renovation of an emergency shelter 10 years after the date that ESG funds are first obligated for the renovation.</p> <p>c) Destroy in office participant records 5 years after the expenditure of all funds from the grant under which the program participant was served.</p> <p>d) Destroy in office all remaining records after 5 years.</p>	<p>Confidentiality: 24 CFR 576.500(x)</p> <p>Retention: 24 CFR 576.500(y)</p>
16.08	<p><b>FAÇADE PROJECT FILES</b> Records documenting the re-granting of funds received by the agency to restore exteriors of architecturally important structures in project areas. Includes contracts, photographs, and correspondence.</p>	<p>Retain in office permanently.</p>	

16: Public Housing

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ITEM #	STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.09	<p><b>HOME INVESTMENT PARTNERSHIPS PROGRAM RECORDS</b> Records documenting the participation of the agency in funding by the Department of Housing and Urban Development. Includes records concerning designation as a participating jurisdiction, program records, project records, Community Housing Development Organizations records, financial records, program administration records, records concerning other federal requirements, and other related records.</p>	<p>a) Destroy in office rental assistance records 5 years after termination of assistance.* b) Destroy in office written agreements 5 years after termination.* c) Destroy in office 5 years after the affordability period terminates records of individual tenant income verifications, projects rents and inspections, and documents imposing recapture/resale restrictions. d) Destroy in office records covering displacements and acquisition 5 years after final payment.* e) Destroy in office remaining records after 5 years.*</p>	<p>Authority/Retention: 24 CFR 92.508</p>
16.10	<p><b>HOUSING ASSISTANCE FOR PERSONS WITH DISABILITIES</b> Records documenting the participation of the agency in funding by the Department of Housing and Urban Development. Includes verifications of disability, grant agreements, performance reports, and other related records.</p>	<p>Destroy in office 5 years after the end of the grant term.</p>	<p>Retention: 24 CFR 582.301(c) 24 CFR 583.305(c)</p>

16: Public Housing

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ITEM #	STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.11	<p><b>HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) RECORDS</b> Records documenting the participation of the agency in funding by the Department of Housing and Urban Development. Includes grant agreements, performance reports, and other related records.</p>	Destroy in office after 5 years.	Authority/Retention: 24 CFR 574 24 CFR 5.106(d)
16.12	<p><b>LANDLORD MONITORING RECORDS</b> Records documenting monitoring of landlords of properties used in affordable or subsidized housing programs. Includes certifications and forms and other compliance-related records.</p>	Destroy in office after 5 years.	
16.13	<p><b>REDEVELOPMENT PLANS</b> Records concerning redevelopment projects. Includes documentation of the review and certification process.</p>	<p>a) Retain in office permanently records concerning approved redevelopment projects.</p> <p>b) Destroy in office remaining records 2 years after rejection.</p>	

16: Public Housing

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**STANDARD 17: PROGRAM OPERATIONAL RECORDS – PUBLIC TRANSPORTATION SYSTEMS RECORDS**

Records received and created by area transit systems and authorities necessary to meet all statutory requirements.

NOTE: Some records are covered by the Local Government Agencies General Records Retention and Disposition Schedule and, therefore, are not listed separately here.

Comply with requirements of the Federal Transit Administration’s **Best Practice Procurement Manual**, Master Agreement MA(11) Section 8 manual.

ITEM #	STANDARD 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
17.01	<b>AMERICANS WITH DISABILITIES ACT (ADA) PARATRANSIT RECORDS</b> Includes driver’s daily assignments, dispatch records, logs of passenger pick-ups and drop-offs, manifests, trip requests, and appeal forms.	Destroy in office after 5 years.*	Authority: 2 CFR 200.333
17.02	<b>AMERICANS WITH DISABILITIES ACT (ADA) PARATRANSIT VOUCHERS</b> Vouchers submitted by private transportation companies for reimbursement for alternative transportation of public transit clients.	Destroy in office after 5 years.*	Authority: 2 CFR 200.333
17.03	<b>AMERICANS WITH DISABILITIES ACT (ADA) PRE-TRIP INSPECTION FORMS</b>	Destroy in office after 1 year.	Authority: 2 CFR 200.333

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ITEM #	STANDARD 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
17.04	<b>APPLICATIONS FOR ART-IN-TRANSIT</b> Applications and supporting documentation submitted by regional and national artists for exhibit on agency property.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
17.05	<b>APPLICATIONS FOR DISCOUNT PASSES</b> Applications, certificates of disability, and supporting documentation used to apply for discount passes.	Destroy in office 3 years after service is terminated or denied.	
17.06	<b>APPLICATIONS FOR TRANSIT SERVICE</b> Includes customer applications, eligibility assessment records, correspondence (including e-mail), health information, riders' guides, and related records.	Destroy in office 3 years after service is terminated or denied.	
17.07	<b>CUSTOMER (RIDER) IDENTIFICATION RECORDS</b> Records concerning customer identification, approvals, denials, and related information.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
17.08	<b>DISADVANTAGED BUSINESS ENTERPRISE (DBE) RECORDS</b> Includes company's articles of incorporation, financial statements, signed affidavits, letters of reference, declarations, Federal Schedule A or B, and related correspondence (including e-mail).	a) Destroy in office company-specific records 5 years after company is removed from certified list. b) Destroy in office related DBE program records, including Federal Transit Administration reports, 5 years from date record was created.	Authority: 2 CFR 200.333
17.09	<b>OPERATOR SHIFT INSPECTION RECORDS</b> Reports and similar records of operator's inspections of vehicle at the beginning and end of shift.	Destroy in office after 5 years.	Authority: 2 CFR 200.333

17: Public Transportation

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ITEM #	STANDARD 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
17.10	<b>ROUTE HISTORY RECORDS</b> Includes descriptions of routes, bus stops, passenger lists, and other related records.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
17.11	<b>SEAT BELT AND RESTRAINT SYSTEM RECORDS</b> Records concerning the use and installation of seat belts and other restraint systems in vehicles.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
17.12	<b>TRANSIT SCHEDULES</b> Printed route schedules and related information used to generate schedules.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
17.13	<b>VANPOOL DRIVER APPLICATIONS</b> Applications and supporting records submitted by persons operating vanpool vehicles.	a) Destroy in office accepted applications 3 years after person leaves program.  b) Destroy in office applications for persons not accepted for program after 1 year.	

17: Public Transportation

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**STANDARD 18: PROGRAM OPERATIONAL RECORDS – PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS**

Official records and materials created and accumulated for use by municipal and county sanitation, water, sewage, electrical, and gas operations. Also contains environmental management records accumulated for use by erosion and sediment control, flood control, and monitoring of pollution. Comply with applicable provisions of G.S. §132-1.7 regarding confidentiality of public infrastructure detailed plans and drawings.

ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.01	<p><b>ENVIRONMENTAL: COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN AND AMENDMENTS</b></p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Strategic Plan (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	<p>a) If an element of the Strategic Plan, destroy in office when reference value ends. ±</p> <p>Agency Policy: Destroy in office after _____</p> <p>b) If not an element of the Strategic Plan, destroy in office when superseded or obsolete.</p>	<p>Authority: G.S. 130A-309.09A</p>
18.02	<p><b>ENVIRONMENTAL: CUSTOMER USAGE RECORDS</b></p> <p>Includes reports, plans or similar records submitted by industrial users or publicly-owned treatment works concerning intended or actual use of the wastewater treatment system.</p>	<p>Destroy in office after 3 years.*</p>	<p>Retention: 40 CFR 403.12(o)(3)</p>
18.03	<p><b>ENVIRONMENTAL: DAILY DISPOSAL TICKETS</b></p> <p>Record and/or receipts concerning the disposal of materials at the landfill.</p>	<p>Destroy in office after 3 years.*</p>	

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.04	<p><b>ENVIRONMENTAL: DISCHARGE MONITORING REPORTS</b> Includes discharge and non-discharge monitoring reports submitted to state and/or federal regulatory agencies. Also includes copies of monthly reports required by National Pollution Discharge Elimination System (NPDES) permits.</p>	<p>a) Destroy in office NPDES reports 5 years from date of submission.* b) Destroy in office annual reports 5 years from date of submission.* c) Destroy in office daily reports after 3 years.</p>	<p>Retention: 40 CFR 122.41(3)(j)(2) 15A NCAC 2B .0506</p>
18.05	<p><b>ENVIRONMENTAL: LANDFILL MONITORING REPORTS</b> Gas and groundwater monitoring records and reports.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Audits: Performance (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	<p>a) Retain official reports permanently. b) Destroy in office remaining records after 3 years.</p>	<p>Retention: 15A NCAC 13B .1626(10)</p>
18.06	<p><b>ENVIRONMENTAL: LANDFILL OPERATIONAL PLAN</b> Describes the intended schedule of construction, description of on-site waste handling procedures during active life of the facility, contingency plans, description of maintenance of installed equipment, and any other information pertaining to the operation, maintenance, monitoring, or inspections as may be required by federal and state law.</p>	<p>Destroy when superseded or obsolete.*</p>	<p>Authority: G.S. 130A-309.09D</p>

18: Public Utilities and Environmental/Waste

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.07	<b>ENVIRONMENTAL: LANDFILL PERMITS</b> Permits and related records of landfills owned or operated by agency. Includes amendments and hazardous waste management permits.	a) Retain construction and operation permit for life of system and then destroy.  b) Destroy in office all other permits and related records after the 5-year reporting period is complete.	Retention: G.S. 130A-294 (b1) (4)
18.08	<b>ENVIRONMENTAL: NOTICE OF VIOLATIONS FOR IMPROPER DISCHARGE OR DISPOSAL FILE</b> Notices issued by agency concerning improper non-stormwater discharge or disposal. Includes improper disposal of waste or products, chlorinated pool discharge, vehicle maintenance facility runoff, food service waste, and other unregulated commercial and industrial discharges.	Destroy in office one year after resolution.	
18.09	<b>ENVIRONMENTAL: OUTSIDE WASTE CLEARANCE RECORDS</b> Records allowing parties outside the operator's jurisdiction to dispose of waste at landfill.	Destroy in office 3 years after expiration of agreement.	
18.10	<b>ENVIRONMENTAL: REPORTS SUBMITTED TO U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)</b>	Destroy in office after 2 years.*	
18.11	<b>EROSION CONTROL: EROSION AND SEDIMENT AFFIDAVITS</b> Forestry and agricultural affidavits clarifying land use exempt from land-disturbing activity standards.	Destroy in office after 6 years.	

18: Public Utilities and Environmental/Waste

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.12	<b>EROSION CONTROL: EROSION AND SEDIMENT CONTROL EXHIBIT RECORDS</b>	Destroy in office when reference value ends. ±  Agency Policy: Destroy in office after _____	
18.13	<b>EROSION CONTROL: EROSION AND SEDIMENT CONTROL INSPECTIONS</b> Inspections conducted by agency. Includes inspection requests, notices of violations, denial reports, sketches, plans, correspondence (including e-mail), and similar records concerning the construction, modification or demolition of existing and new roads and construction sites.	Destroy in office 6 years after final site inspection.*	
18.14	<b>EROSION CONTROL: EROSION AND SEDIMENT CONTROL PERMITS</b> Records concerning permits, including permit logs, issued for site construction.	a) Destroy in office records concerning approved permits 3 years after expiration of permit. b) Destroy in office non-approved permits after 3 years.	
18.15	<b>EROSION CONTROL: EROSION AND SEDIMENT CONTROL PLANS</b> Includes approved and disapproved plans submitted to agency. Includes revisions, addendums, and records delineating who is financially responsible for the project.	a) Destroy approved plans in office 3 years after expiration. b) Destroy non-approved plans after 3 years.	Authority: 15A NCAC 04B .0118

18: Public Utilities and Environmental/Waste

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.16	<p><b>EROSION CONTROL: TROUT BUFFER VARIANCES</b> Includes denials and waivers.</p> <p>SEE ALSO: PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Variances (STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS).</p>	<p>a) Destroy in office 6 years after approval of permit.</p> <p>b) Destroy in office after 3 years plans for which a permit was not issued.</p>	<p>Authority: 15A NCAC 04B .0125</p>
18.17	<p><b>FLOOD CONTROL: FLOOD CERTIFICATIONS</b> Records concerning lot reviews for construction projects submitted to agency.</p> <p>SEE ALSO: PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Permits: Zoning Compliance (STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS).</p>	<p>Destroy in office when superseded or obsolete.</p>	
18.18	<p><b>FLOOD CONTROL: FLOOD STUDIES</b> Reviews of stream crossings for construction projects submitted to agency.</p>	<p>Retain in office for life of structure and then destroy.*</p>	
18.19	<p><b>UTILITIES: DAILY WATER AND WASTEWATER FACILITY OPERATORS LOGS</b> Records concerning water distribution and treatment.</p>	<p>a) Destroy in office records concerning the operation of wastewater treatment facilities after 5 years.*</p> <p>b) Destroy in office records concerning the operation of water treatment facilities after 3 years.*</p>	<p>Authority: 15A NCAC 18C .1301</p>

18: Public Utilities and Environmental/Waste

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.20 	<p><b>UTILITIES: ELECTRIC POWER AND NATURAL GAS FACILITY ENGINEERING AND SYSTEM PLANS</b> Includes authorizations to construct, building plans, and specifications of privately owned utilities.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Strategic Plan (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	<p>a) If an element of the Strategic Plan, destroy in office when reference value ends. ±  Agency Policy: Destroy in office after _____</p> <p>b) If not an element of the Strategic Plan, destroy in office when superseded or obsolete.</p>	Confidentiality: G.S. 132-1.7
18.21	<p><b>UTILITIES: ELECTRIC POWER AND NATURAL GAS PERMITS AND APPROVAL RECORDS</b> Permits, approval letters, and other related documentation required by local, state, or federal ordinance, regulation, or statute and issued by agency.</p>	<p>a) Destroy in office permits 5 years after expiration, cancellation, revocation or denial.*</p> <p>b) Retain approval letters and supporting documentation permanently.</p>	
18.22	<p><b>UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM MAINTENANCE AND REPAIR RECORDS</b> Records documenting installation, location, specifications, and maintenance history of meters, lines, pipes, pumps, and similar system equipment.</p>	Destroy in office 3 years after equipment is no longer owned and/or operational.	
18.23 	<p><b>UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM MANAGEMENT PLANS</b></p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Strategic Plan (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	Retain in office for life of system and then destroy.	Confidentiality: G.S. 132-1.7

18: Public Utilities and Environmental/Waste

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.24	<b>UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM PROJECT RECORDS</b>	a) Retain project pre-approval and final approval letters for life of system and then destroy.  b) Destroy in office remaining records 5 years after project is completed.	
18.25	<b>UTILITIES: LANDLORD AGREEMENTS</b> Agreements to automatically transfer utility accounts to landlords when their tenant vacates a property.	Destroy in office 3 years after expiration of agreement.	
18.26	 <b>UTILITIES: MAPS (UTILITY INSTALLATIONS &amp; DISTRIBUTIONS)</b> Includes maps, plats, charts, and similar records showing the location of water mains, valves, hydrants, meters, etc., throughout the system.  SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Maps, All Other (STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS).	Retain for life of system and then destroy.	Authority: 15A NCAC 18C .0300  Confidentiality: G.S. 132-1.7

18: Public Utilities and Environmental/Waste

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.27	<p><b>UTILITIES: METER INSTALLATION, TESTING AND CALIBRATION RECORDS (ELECTRIC, WATER, GAS)</b> Includes records concerning the installation or planned installation of meters and connecting any facility to utility system owned or operated by the agency.</p>	<p>a) Destroy in office records verifying installation of meter 3 years after equipment is no longer owned and/or operational.</p> <p>b) Destroy in office notice to property owners of approval of utility installation after 2 years.</p> <p>c) Destroy in office remaining records after reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	
18.28	<p><b>UTILITIES: PUBLIC UTILITIES INSPECTION FORMS</b> Records relating to the inspection of sanitation, electric, water, gas and sewer utilities submitted to or conducted by agency.</p>	<p>Destroy in office when superseded or obsolete.</p>	

18: Public Utilities and Environmental/Waste

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.29	 <p><b>UTILITIES: PUBLIC UTILITIES SYSTEM ENGINEERING, MAINTENANCE, AND REPAIR RECORDS</b> Includes records documenting installation, authorizations to construct, building plans, location, specifications, and maintenance history, for hydrants, pipes, pumps, valves, and similar system equipment. Includes drainage system maintenance and repair records.</p>	<p>a) Retain in office as built plans and specifications for life of system and then destroy.</p> <p>b) Destroy in office 5 years after equipment is no longer owned and/or operational if unlike replacement occurred.</p> <p>c) Destroy in office 3 years after equipment is no longer owned and/or operational if like replacement occurred.</p> <p>d) Destroy in office background surveys, studies, reports, drafts, and other records when superseded or obsolete.</p>	<p>Authority: 15A NCAC 18C .0300 15A NCAC 2H .0115</p> <p>Confidentiality: G.S. 132-1.7</p>
18.30	<p><b>UTILITIES: RECYCLING WATER RECORDS</b> Backwash recycling groundwater records.</p>	<p>Destroy in office when superseded or obsolete.</p>	<p>Authority: 40 CFR 141.76(d)</p>
18.31	<p><b>UTILITIES: SERVICE INTERRUPTION RECORDS</b> Includes reports, logs, or similar records documenting service interruptions.</p>	<p>Destroy in office after 3 years.*</p>	

18: Public Utilities and Environmental/Waste

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.32	<b>UTILITIES: TAP AND HOOK UP RECORDS</b> Applications, permits, contracts, logs, or similar records documenting location and installation of water and wastewater hookup and taps.	a) Destroy in office permits and contracts 3 years after termination or cancellation.*  b) Destroy in office denied applications and remaining records when reference value ends. ±  Agency Policy: Destroy in office after _____	Confidentiality: G.S. 132-1.1(c)
18.33	<b>UTILITIES: WATER AND WASTEWATER PERMITS AND APPROVAL RECORDS</b> Permits, approval letters, and other related documentation required by local, state, or federal ordinance, regulation, or statute for systems owned or operated by agency. Includes records regarding National Pollutant Discharge Elimination System (NPDES) permits.	a) Retain approval letters and supporting documentation permanently.  b) Destroy in office permits and other records 5 years after expiration, cancellation, revocation or denial.*	Retention: 15A NCAC 18C .0300 15A NCAC 2H .0115 40 CFR 122.28
18.34	<b>UTILITIES: WASTEWATER MAINTENANCE OPERATION REPORTS</b>	Destroy in office after 3 years.	

18: Public Utilities and Environmental/Waste

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.35	<p><b>WATER QUALITY: LABORATORY OPERATIONS RECORDS</b> Includes documentation of all analytical quality control practices, reporting units, forms, test methods, and related procedures pertaining to certification obtained by agency.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Audits: Performance (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	<p>a) Destroy in office samples, raw data, analysis reports and related documentation after 5 years.*</p> <p>b) Destroy in office records concerning certification 2 years after expiration, cancellation, revocation, or denial.*</p>	<p>Authority: 15A NCAC 02H .0805(7)(G) 15A NCAC 02H .1100</p>
18.36	<p><b>WATER QUALITY: PRETREATMENT PROGRAM RECORDS</b> Includes annual pretreatment reports, records of monitoring activities and results, water quality records and other related documentation.</p>	<p>a) Destroy in office permits and supporting documentation 5 years after expiration, cancellation, revocation, or denial.*</p> <p>b) Destroy in office remaining records after 3 years.*</p>	<p>Retention: 15A NCAC 02H .0908(f)(1) 40 CFR 503.17</p>
18.37	<p><b>WATER QUALITY: PUBLIC WATER SANITARY SURVEY RECORDS</b> Includes reports, summaries, studies, correspondence (including e-mail), and other related records documenting the sanitary condition of system.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Audits: Performance (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	<p>a) Destroy in office 10 years after completion of survey.*</p> <p>b) Destroy in office documentation of corrective measures 2 years after their implementation.</p>	<p>Retention: 40 CFR 141.33 15A NCAC 18C .1526</p>

18: Public Utilities and Environmental/Waste

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ITEM #	STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.38	<b>WATER QUALITY: SEWER JETTING AND VECTORING RECORDS</b> Records documenting the routine cleaning of wastewater lines.	Destroy in office after 3 years.	
18.39	<b>WATER QUALITY: SLUDGE TREATMENT RECORDS</b> Includes analyses, certification statements, site restrictions, monitoring records, vector attraction reduction requirements, trip tickets, residual records, control plans and other related documentation conducted by or for agency.	Destroy in office after 5 years.*	Retention: 40 CFR 503.17
18.40	<b>WATER QUALITY: STORMWATER DEVIATION PERMITS</b> Permits issued to single lots. Includes applications, certifications of installations, and related records.	a) Destroy in office permits and contracts 3 years after termination or cancellation.*  b) Destroy in office inspections submitted by owner when superseded or obsolete.	
18.41	<b>WATER QUALITY: VIOLATION RECORDS</b> Includes all documentation of actions taken to correct federal, state or local violations of water and wastewater management standards by agency.	Destroy in office after 5 years.*	Retention: 40 CFR 141.33 15A NCAC 18C .1526
18.42	<b>WATER QUALITY: WATER AND WASTEWATER SYSTEM INSPECTIONS AND TESTS</b> Includes non-compliance inspections and test records conducted by a facility.	Destroy in office after 5 years.	

18: Public Utilities and Environmental/Waste

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**STANDARD 19: PROGRAM OPERATIONAL RECORDS – STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS**

Official records and materials created and accumulated for constructing and maintaining municipal and county-maintained streets and other public works projects, and engineering records.


ITEM #	STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.01	<p><b>APPRAISAL REPORTS</b> Records appraising privately owned land for compensation in eminent domain projects.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Easements and Right-of-Way Agreements (STANDARD 6: LEGAL RECORDS).</p>	Destroy in office after 10 years.	
19.02	<p><b>CEMETERY DEEDS</b> Copies of deeds for the purchase of agency-owned cemetery plots. Includes applications or deed slips.</p>	<p>a) Retain 1 copy of deed in office permanently.</p> <p>b) Destroy in office remaining records when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	
19.03	<p><b>CEMETERY INTERMENT RECORDS</b> Includes name of deceased, date of interment, and location of plot.</p>	<p>Retain in office permanently.</p> <p><i>Retention Note: If these records are maintained as an electronic database, a copy should be maintained on paper or microfilm and updated regularly.</i></p>	

19: Streets, Public Works, and Engineering

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ITEM #	STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.04	<b>EXCAVATION PERMITS</b> Applications, permits, and billing information for individuals and contractors requesting to work in the county or municipal right-of-way for demolitions or excavations.	a) Destroy in office billing records after 3 years.* b) Destroy in office applications and permits 1 year after expiration. c) Destroy in office applications for which a permit was never issued when reference value ends.± Agency Policy: Destroy in office after _____	
19.05	<b>GRAVE OPENING ORDERS</b> Authorizations to dig graves in agency-owned cemeteries.	Destroy in office after 1 year.	
19.06	<b>INFRASTRUCTURE MAINTENANCE RECORDS</b> Records documenting the general maintenance and upkeep of infrastructure, including roads, traffic lights, and other public works.	Destroy in office after 3 years.	
19.07	<b>PLANNING FILE</b> Includes long-range and immediate plans for paving streets and other projects.	Destroy in office 5 years after superseded or obsolete.	
19.08	 <b>PROJECT RECORDS - CANCELLED</b> Background information for public works and engineering projects explored but not undertaken. Records are used as a reference file and include maps, project information, and the reason that the project failed.	a) Retain records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	Confidentiality: G.S. 132-1.7

19: Streets, Public Works, and Engineering

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ITEM #	STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.09  	<p><b>PROJECT RECORDS – CORE</b> Records used to document the design and construction of public works and engineering projects. Includes final as-built plans and specifications; certificate of completion/closure; policy correspondence (including e-mail), covenants; final estimates and budgetary summaries; geo-technical reports; environmental mitigation agreements; permits for right-of-way use, photographs documenting key aspects of construction as-built; final specifications; and as-built structural calculations.</p>	Destroy originals after life of structure ends.	Confidentiality: G.S. 132-1.7

19: Streets, Public Works, and Engineering

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ITEM #	STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.10	<p> <b>PROJECT RECORDS – ENGINEERING &amp; COMPLIANCE</b> Records used to document the engineering and technical areas of a public works and engineering project, as well as compliance with regulatory requirements. Includes superseded plans and specifications, agreements for construction and finance, billing information, change orders, force orders, work orders, construction claims, contract documentation, contracts, reports, diaries and narratives, EEO information, material certifications, material testing reports, notice to proceed, permit of entry, postings, pre-construction conference records, final progress payments, punch lists, regulations, shop drawings, and subcontractor information. File also includes environmental review records and proof of compliance with any mitigation measures required as a condition of project authorization.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Grants (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS); GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Grants: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS); GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Payroll and Earnings Records (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS.)</p>	Destroy in office 6 years after completion or termination of project.*	Confidentiality: G.S. 132-1.7

19: Streets, Public Works, and Engineering

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ITEM #	STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.11	<p><b>PROJECT SHEETS FILE</b> Local forms listing property owners, lot or tract size, right-of-way data, tax value, and compensation.</p>	Destroy in office after 5 years.	
19.12	<p><b>RIGHT-OF-WAY ACQUISITION WORKING RECORDS</b> Includes records of negotiations on acquisition of rights-of-way related to public works and engineering projects, such as 10-day letter of notification, notification of intent to acquire, notice of condemnation action, and other correspondence (including e-mail) relating to right-of-way acquisitions.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Easements and Right-of-Way Agreements (STANDARD 6: LEGAL RECORDS).</p>	Destroy in office after 3 years.*	
19.13	<p><b>STREET NAME AND HOUSE NUMBER FILES</b> Records relating to the assignment of street names and house numbers. May also include records documenting street name changes, and non-temporary street openings and closings.</p>	Retain in office permanently.	

19: Streets, Public Works, and Engineering

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ITEM #	STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.14 	<p><b>STRUCTURAL MAINTENANCE AND ANALYSIS RECORDS</b> Records used for maintenance, review, and analysis of permanent and temporary structures owned by third parties that extend, cross or abut the public right-of-way.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Blueprints and Specifications (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	Destroy records pertaining to structure 3 years after the end of life of the structure.	Confidentiality: G.S. 132-1.7
19.15	<p><b>SURVEY FIELD RECORDS</b> Records used to document and establish easements and rights-of-way, and to locate reference points used during street and utility projects. Records include traverse information, tie sheets, sketches, field notes, plats, interpretation of field notes, alignments, profiles of projects, plans, grade sheets, estimates, databank ties, and other miscellaneous documents used to establish grades, rights-of-way and easements.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Easements and Right-of-Way Agreements (STANDARD 6: LEGAL RECORDS).</p>	<p>a) Retain records with historical value permanently.</p> <p>b) Destroy in office remaining records when superseded or obsolete.</p>	
19.16	<p><b>TRAFFIC ANALYSIS</b> Analysis of vehicle traffic within agency jurisdiction.</p>	Destroy in office after 5 years.	

19: Streets, Public Works, and Engineering

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ITEM #	STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.17	<b>TRAFFIC VIDEO RECORDINGS AND DATA</b> Recordings and other data used to monitor traffic levels.	Destroy in office after 30 days.*	


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**STANDARD 20: PROGRAM OPERATIONAL RECORDS - LAW ENFORCEMENT RECORDS (EXCLUDING SHERIFF'S OFFICES)**



Records received and created by any local government law enforcement agency (excluding sheriff's offices) necessary to meet all statutory requirements. Comply with applicable provisions of G.S. §132-1.4 regarding confidentiality of law enforcement records and G.S. §153A-98 and G.S. §160A-168 regarding confidentiality of personal information of law enforcement officers.

Please note: Records created by county sheriff's offices fall under the purview of the Records Retention Schedule of County Sheriff's Offices.

ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.01	<p><b>ALARM CALL REPORTS</b> Reports completed by officers responding to alarm calls. Includes listings of alarm type, time received, time arrived, reason for activation, and other related information. Includes forms completed by businesses and residences naming emergency contacts, location of safe, or other related information.</p>	<p>a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors</p> <p>b) Destroy in office after 30 days if not made part of a case file.</p>	
20.02	<p><b>ALTERNATIVE SENTENCING PROGRAMS</b> Records documenting alternative sentencing programs. Includes work release and weekender service.</p>	Destroy in office 3 years after individual leaves program.	
20.03	<p><b>ARREST PROCESSING RECORDS</b> Records used to track a defendant's time and activities while in arrest processing. Includes time of arrival and time to and from each workstation.</p> 	Destroy in office 1 year after date of arrest.*	Confidentiality: G.S. 132-1.4

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ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.04 	<b>ARREST REPORTS</b> Reports concerning arrests made by officers.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office 5 years from date of arrest if report is not made part of a case file.	Confidentiality: G.S. 132-1.4
20.05	<b>AUCTION RECORDS</b> Records concerning abandoned and unclaimed articles or found property in possession of law enforcement sold at public auction. May include auction receipts of monies received for items sold.	Destroy in office after 3 years.*	
20.06 	<b>CASE FILE: FELONIES</b> Includes investigative reports, complaint reports, fingerprint cards, original arrest reports, copies of warrants, special expenditure report, statements of seized and returned property, interview sheets; case status reports, photographs, court orders, correspondence; officer's notes, court dispositions, audio or video recordings, and other related records.  SEE ALSO: Electronic Recordings of Interrogations, below.	a) Destroy in office records concerning solved cases 20 years after disposition of case and exhaustion of any appeals.*  b) Retain in office records concerning unsolved cases until solved, and then follow disposition instructions in part (a).	Confidentiality: G.S. 132-1.4

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ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.07 	<p><b>CASE FILE: MISDEMEANORS</b> Includes investigative reports, complaint reports, fingerprint cards, original arrest reports, copies of warrants, special expenditure reports, statements of seized and returned property, interview sheets, case status reports, photographs, court orders, correspondence, officer’s notes, court dispositions, audio or video recordings, and other related records.</p>	<p>a) Destroy in office records concerning solved malicious misdemeanor cases 3 years after disposition of case and exhaustion of any appeals.*</p> <p>b) Retain in office records concerning unsolved malicious misdemeanor cases until solved, and then follow disposition instructions in part (a).</p> <p>c) Destroy in office records concerning all misdemeanor cases not covered in (a) or (b) after 3 years.*</p>	Confidentiality: G.S. 132-1.4
20.08 	<p><b>COMMUNICATION RECORDS</b> Recordings, printouts, and logs of telephone, radio, dispatch, 911 emergency calls or texts, and computer aided dispatch (CAD) systems incoming and/or outgoing communications. Includes time and date of call, contents of call, location of call, name of unit sent to scene, and other related information.</p> <p>SEE ALSO: PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, 911 Communication Records and Recordings AND Dispatch Records and Recordings.</p>	<p>a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors</p> <p>b) Destroy in office after 30 days if not made part of a case file.</p>	Confidentiality: G.S. 132-1.4

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES


ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.09 	<b>COMPLAINTS</b> Records concerning complaints to which a unit responded. Includes logs listing name and address of victim, time, date, nature of complaint, responding officer's name, action taken, and other related information.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office 3 years after resolution if not made part of a case file.	Confidentiality: G.S. 132-1.1(a)
20.10	<b>COMPOSITE INTERVIEWS</b> Summaries of interviews used to determine the physical description of suspects.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office when reference value ends if not made part of case file.±  Agency Policy: Destroy in office after _____	
20.11 	<b>CRIME ANALYSIS RECORDS</b> Records used to anticipate, prevent, or monitor possible criminal activity. Includes crime reports, photographs, complaints, copies of citations, criminal profile information, and interoffice memoranda generated or accumulated in connection with investigations or directed patrols.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office when reference value ends if not made part of case file.±  Agency Policy: Destroy in office after _____	Confidentiality: G.S. 132-1.4 G.S. 132-1.7(a2)  Authority/ Confidentiality/ Retention 28 CFR 23.20

20. Law Enforcement Records

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.12 	<p><b>DETENTION FACILITY INCIDENT REPORTS</b> Detention facility incident reports. Include narratives of incidents, lists of those involved, statements and interview reports, inmates’ refusal of medical treatment, inmates’ refusal to press charges, and other related records.</p> <p>SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Litigation Case Records (STANDARD 6: LEGAL RECORDS).</p>	<p>c) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors</p> <p>d) Destroy in office after 3 years if not made part of a case file.*</p>	Confidentiality: G.S. 132-1.1(a)
20.13	<p><b>DETENTION FACILITY OPERATIONAL RECORDS</b> Records concerning all activities occurring during shifts at detention facilities. Includes end of duty (shift change reports, key and radio control lists, equipment and inmate/non-inmate housing check lists, cell inspection reports, laundry exchange and controlled property lists, tour reports, etc.) and inmate accountability (rosters, commitment and release reports, cell locations, etc.) records.</p>	<p>a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors</p> <p>b) Destroy in office when reference value ends if not made part of case file.±  Agency Policy: Destroy in office after _____</p>	
20.14	<p><b>DETENTION FACILITY PHYSICAL FORCE RECORDS</b> Reports made by any officer or employee of a detention facility who applies physical force to an inmate or arrestee.</p>	Destroy in office after 3 years.*	


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ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.15	<p><b>DIVISION OF CRIMINAL INFORMATION AND NATIONAL CRIME INFORMATION CENTER (DCI-NCIC) ENTRIES</b></p> <p>Records and logs listing entries and inquiries made against DCI-NCIC networks and concerning missing persons, wanted persons, stolen vehicles or other property, and other related topics.</p>	Destroy in office 1 year after period covered by audit.*	Authority: 28 USC 534
20.16	<p><b>DIVISION OF CRIMINAL INFORMATION AND NATIONAL CRIME INFORMATION CENTER (DCI-NCIC) VALIDATION RECORDS</b></p> <p>Requests and proofs of verification for DCI-NCIC or other law enforcement information networks.</p>	Destroy in office after 1 year.*	Authority: 28 USC 534
20.17	<p><b>DNA SAMPLING RECORDS</b></p> <p>Records documenting the collection of DNA samples from persons for qualifying offenses. Includes copies of judgments. Original samples are forwarded to the State Crime Lab.</p>	<p>a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors</p> <p>b) Destroy in office 1 year from date sample was obtained if not made part of a case file.</p>	Authority: G.S. 15A-266.8



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ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.18 	<b>DOMESTIC VIOLENCE RECORDS</b> Restraining orders and related records.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office after expiration of restraining order if not made part of a case file.	Confidentiality: G.S. 132-1.4
20.19	<b>DRUG AND ALCOHOL TESTING RECORDS</b> Records and reports generated when individuals suspected of being under the influence of or impaired by illegal drugs or alcohol are chemically tested. Includes reports used for persons arrested for driving while impaired by alcohol and/or drugs and breathalyzer analysis reports.  SEE ALSO: Laboratory Case Records, below.	a) Transfer original Driving While Impaired (DWI) reports to county Clerk of Superior Court's office.  b) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  c) Destroy in office when reference value ends if not made part of case file.±  Agency Policy: Destroy in office after _____	

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ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.20 	<b>ELECTRONIC RECORDINGS OF INTERROGATIONS</b> Electronic recordings generated by audio and/or video recording devices of custodial interrogations in an investigation of a juvenile or any person in a criminal investigation.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office when reference value ends if not made part of case file.±  Agency Policy: Destroy in office after _____	Authority: G.S. 15A-211  Confidentiality: G.S. 7B-3001(b) G.S. 132-1.4A
20.21 	<b>FIELD OBSERVATIONS</b> Records concerning field observations of suspicious persons or vehicles. Includes subject’s name, address, and physical description; date, time, and location of occurrence; reason for stop; name of officer conducting interview; and other related information.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office when reference value ends if not made part of case file.±  Agency Policy: Destroy in office after _____	Confidentiality: G.S. 132-1.4

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES


ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.22 	<p><b>FINGERPRINT CARDS</b> Records used to verify a subject’s identity. Includes fingerprints and all necessary information required to identify an individual. Also includes records of latent finger and palm prints that were found at the scene of a crime without identification of suspects</p> <p><i>Original fingerprint records are forwarded to the State Bureau of Investigation.</i></p> <p>SEE ALSO: Juvenile Case History Identification Records, below.</p>	<p>a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors</p> <p>b) Destroy in office after 3 years if not made part of case file.</p>	<p>Confidentiality: G.S. 132-1.4</p> <p>Authority: G.S. 15A-502</p>
20.23	<p><b>FORCIBLE ENTRY RECORDS</b> Records concerning forcible entries made by law enforcement personnel.</p>	Destroy in office after 1 year.	
20.24	<p><b>FUGITIVE WARRANTS CASE RECORDS</b> Records concerning fugitive warrants sent to a department from another jurisdiction requesting assistance in finding an individual. Includes fugitive profile and warrant.</p>	<p>Destroy in office when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	

20. Law Enforcement Records

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.25 	<p><b>IDENTIFICATION PHOTOGRAPHS</b> Photographs (mugshots) of persons arrested in association with formal investigations. Also includes driver’s license photos or negatives.</p> <p>SEE ALSO: Juvenile Case History Identification Records, below.</p>	<p>a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors</p> <p>b) Destroy in office after 3 years if not made part of a case file.</p>	Confidentiality: G.S. 132-1.4
20.26	<p><b>INCIDENT RESPONSE REPORTS</b> Reports completed by officers responding to incidents. Includes victim, suspect, and witness information; damaged and stolen property reports; statement sheets; Miranda waiver forms; and other related records.</p>	<p>a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors</p> <p>b) Destroy in office when reference value ends if not made part of case file.±</p> <p>Agency Policy: Destroy in office after _____</p>	Confidentiality: G.S. 132-1.4
20.27	<p><b>INMATE CLASSIFICATION RECORDS</b> Records concerning classification information gathered by the detention facility while inmates are incarcerated. Also includes incident reports, behavioral or disciplinary reports, interviews, classification level assigned, requested housing moves, and other related records.</p>	Destroy in office 3 years after inmate is released or transferred from the facility.*	

20. Law Enforcement Records

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.28	<b>INMATE COMMITMENT RECORDS</b> Copies of judgment and commitment papers received from the Clerk of Superior Court's office used to validate time spent incarcerated.	Destroy in office when reference value ends.±  Agency Policy: Destroy in office after _____	
20.29	<b>INMATE DEATH REPORTS</b> Reports filed by office upon the death of an inmate. A report must be sent to the county health director and N.C. Department of Health and Human Services, within five days of the death.	Destroy in office after 3 years.*	Authority: G.S. 153A-224(b)
20.30	<b>INMATE FINANCIAL RECORDS</b> Records concerning individual inmate funds maintained by a detention facility for use by the inmate while incarcerated. Includes balance sheets listing inmate's name and number, amount of funds, dates of deposits and withdrawals, and other related information.	Destroy in office 3 years after inmate is released or transferred from the facility.*	

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.31 	<b>INMATE GRIEVANCE RECORDS</b> Records concerning grievances filed by inmates and actions taken.	a) If legal action is taken and case adjudicated, destroy in office 5 years after final disposition.  b) If legal action is taken and case non-adjudicated (out-of-court claims), destroy in office 5 years after final disposition or expiration of relevant statute of limitations.  c) Destroy remaining records in office 3 years after inmate is released or transferred from the facility.*	Confidentiality: G.S. 132-1.1(a)
20.32	<b>INMATE MAIL, TELEPHONE, OR VISITOR RECORDS</b> Records concerning telephone calls and mail sent and received by inmates and individuals visiting inmates confined in county or municipal detention facilities. Includes logs listing inmate's name, date and time of call or mail, visitor's signature and address, and other related information.	Destroy in office after 1 year.*	
20.33	<b>INMATE MEAL RECORDS</b> Records concerning the planning and scheduling of inmate meals. Includes food service daily shift reports, daily meal sheets, food order forms, kitchen checklists, lists of inmates receiving meals and other related records. File also includes records concerning requests for special diets made by inmates.	Destroy in office after 3 years.*	Retention: 10A NCAC 14J .1723

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES




ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.34	 <p><b>INMATE MEDICAL RECORDS</b>                      Records concerning medical examinations, diagnoses, and treatments of inmates. Includes medical information sheets and screening forms, medical histories as provided by inmate, receipt and/or release forms for medications and medical articles, laboratory and x-ray reports, blood pressure records, sick bay transfer forms, special diet authorizations, psychological evaluation forms, suicide watch sheets, progress notes, health assessment forms, dental forms, doctors' orders, transportation records to outside clinics or hospitals, and other related records. May also include authorization records for release of medical information to detention facility staff, informed consent forms, refusal of treatment forms, and release of financial responsibility forms.</p> <p>SEE ALSO: Juvenile Detention Records, below.</p>	Destroy in office 10 years after inmate's release or parole.	Confidentiality: G.S. 8-53 45 CFR 164.502
20.35	<p><b>INMATE PERSONAL IDENTIFICATION RECORDS</b>                      Records concerning changes to be made to an inmate's incarceration file. Includes personal identification changes, superior court calendar, long form dismissals and other related records.</p>	Destroy in office 30 days after receipt.*	

20. Law Enforcement Records

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.36	<b>INMATE RESEARCH REQUESTS</b> Requests filed by inmates seeking use of a facility's law library or similar collection containing research materials.	Destroy in office 1 year from date of request.	
20.37 	<b>JUVENILE CASE FILES</b> Includes incident and arrest reports, detention orders, disposition instructions, name and address of person having legal and/or physical custody of child, correspondence with county, municipal, or state juvenile services, and other related records.	a) Destroy in office records when juvenile reaches 21 years of age if adjudicated for an offense that would have been a Class A, B1, B2, C, D, or E felony if committed by an adult.  b) Destroy in office records related to all other cases when juvenile reaches 18 years of age.	Confidentiality: G.S. 7B-3001(b)  Retention:
20.38 	<b>JUVENILE CASE HISTORY IDENTIFICATION RECORDS</b> Includes fingerprints and photographs.	a) Transfer to the State Bureau of Investigation and Federal Bureau of Investigation.  b) Destroy in office agency copies when reference value ends.*±  Agency Policy: Destroy in office after _____	Confidentiality/ Retention: G.S. 7B-2102
20.39 	<b>JUVENILE DETENTION RECORDS</b> Records concerning medical and non-medical information gathered on juvenile inmates held in county or municipal detention facilities.	a) Destroy in office medical records when juvenile reaches 30 years of age.  b) Destroy in office non-medical records when juvenile reaches 18 years of age.	Confidentiality: G.S. 7B-3001(b)

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.40 	<b>LABORATORY CASE RECORDS</b> Records concerning cases examined in a crime laboratory; includes reports, notes, charts, and other related records	Retain in office permanently.	Confidentiality: G.S. 132-1.4
20.41 	<b>LAW ENFORCEMENT AUDIO AND VIDEO RECORDINGS</b> Tapes and digital recordings generated by mobile and fixed audio and video recording devices.  Does not include Electronic Recordings of Interrogations, above.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office after 30 days if not made part of a case file.	Confidentiality: G.S. 132-1.4A G.S. 153A-98
20.42	<b>MULTIPLE FIREARMS SALES REPORTS</b> Reports received from dealers reporting the sale of multiple firearms.	Destroy in office when reference value ends, but within 20 days after receipt.±  Agency Policy: Destroy in office after _____	Retention: 18 USC 923(g)(3)(b)
20.43	<b>MULTIPLE FIREARMS SALES REPORTS DESTRUCTION RECORDS</b> Records submitted after 6 months to the U.S. Attorney General's Office certifying that all multiple firearm sales reports received from dealers have been destroyed.	Destroy in office after 1 year.	Authority: 18 USC 923(g)(3)(b)

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES


ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.44	<b>ORDINANCE VIOLATIONS CITATIONS</b> Citations issued for violations of municipal and county ordinances.	Destroy in office after 3 years.*	
20.45	<b>PAWNSHOP RECORDS</b> Pawnshop cards and property records submitted to municipal and county law enforcement offices.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office after 1 year if not made part of a case file.	Authority: G.S. 66-391
20.46	<b>PERMISSION TO SEARCH RECORDS</b> Authorizations for officers to search property, and if necessary, confiscate property deemed pertinent to an investigation.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office when reference value ends if not made part of a case file.±  Agency Policy: Destroy in office after _____	

20. Law Enforcement Records

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.47 	<b>PERMITS: CONCEALED WEAPONS AND HANDGUNS</b> Applications and supporting documentation filed to carry concealed weapons or purchase handguns. Includes background checks and other related records.	a) Destroy in office all approved applications after 5 years. b) Destroy in office denied applications and related records 5 years from date of denial or resolution of petition filed with district court, whichever is longer. c) Destroy in office background checks and related records concerning approved applications when permit is issued.	Authority/ Confidentiality: G.S. 14-415.17 G.S. 132-1.4 G.S. 132-1.7
20.48	<b>PRISON RAPE ELIMINATION ACT (PREA) FILE</b> Allegation, investigation, and incident review records documenting investigations into allegations of sexual abuse or sexual harassment.	Destroy in office 6 years after inmate's release.*  <i>Retention Note: If a minor is involved in the incident, records should be retained until the minor reaches age 30.</i>	Authority: 28 CFR Part 115
20.49	<b>PRISON RAPE ELIMINATION ACT (PREA) DATA FILE</b> Aggregated data for every allegation of sexual abuse at county or municipal lockups.	Destroy in office after 10 years.	Authority/Retention: 28 CFR Part 115.187 28 CFR 115.189(d)
20.50	<b>PRISONER TRANSPORT RECORD</b> Verification forms completed by receiving party of prisoner patient.	Destroy in office after 1 year.	

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES


ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.51	<b>PROPERTY RECORDS</b> Records concerning confiscated property, evidence, stolen or recovered property, and unclaimed property. Includes descriptions of property and its value, serial numbers, and other related records. Records may also be filed with original incident report.	Destroy in office 3 years after final disposition of property.	
20.52	<b>PURSUIT LOGS</b> Logs concerning pursuits by law enforcement personnel.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors  b) Destroy in office after 3 years if not made part of a case file.	
20.53	<b>RIDE-ALONG PROGRAM RECORDS</b> Records concerning a law enforcement ride-along program.	Destroy in office after 3 years.*	
20.54	<b>SEXUAL OFFENDER RECORDS</b> Records concerning sexual offenders living within jurisdiction.	a) Destroy in office records of persons registered in the "Sexually Violent Predator Program" when individual is known dead or after 90 years.  b) Destroy in office records of persons registered in the "Sex Offender and Public Protection Program" after court petition and review by the state; or after 30 years or length of court order, whichever is greater; or when individual is known dead.	Authority: G.S. 14-208  Retention: G.S. 14-208.6A

20. Law Enforcement Records

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ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.55	<p><b>TRAFFIC ACCIDENT REPORTS</b> Records concerning traffic accidents. Includes general correspondence, property receipts, collision reports, waivers signed by involved parties agreeing to settle damages among themselves, and other related records.</p>	<p>a) Transfer original collision report to the N.C. Division of Motor Vehicles within 10 days of accident.</p> <p>b) Destroy in office after 3 years records concerning accidents not meeting N.C. Division of Motor Vehicles reporting requirements, but for which a report was made.</p> <p>c) Destroy in office duplicate reports when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	Confidentiality: 18 USC 2721
<p>20.56</p> 	<p><b>TRAFFIC CITATIONS AND WARNINGS</b> Citations issued to drivers violating motor vehicle and traffic laws. Includes voided citations and warnings that do not require a fine or court appearance.</p>	<p>a) Transfer original citations to county Clerk of Superior Court's office.</p> <p>b) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors</p> <p>c) Destroy remaining records in office after 1 year.</p>	

20. Law Enforcement Records

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ITEM #	STANDARD 20: LAW ENFORCEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.57	<p><b>TRESPASS RECORDS</b>                      Authorizations by property owners, lessees, or managers for law enforcement officers to take action deemed appropriate to remove unauthorized persons and issue trespass warnings.</p>	<p>a) If records are made part of a case file, follow disposition instructions for:                      Case File: Felonies                      Case File: Misdemeanors</p> <p>b) Destroy in office 1 year after expiration if not made part of a case file.</p>	<p>Authority:                      G.S. 14-159.12-13</p>
20.58	<p><b>VEHICLE TOWING RECORDS</b>                      Includes recovery authorizations and consent forms completed by owners to have vehicle towed, removed, stored, or left at the scene.</p>	<p>a) If records are made part of a case file, follow disposition instructions for:                      Case File: Felonies                      Case File: Misdemeanors</p> <p>b) Destroy in office after 1 year if not made part of a case file.</p>	

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**STANDARD 21: PROGRAM OPERATIONAL RECORDS - TAX RECORDS (FOR MUNICIPALITIES)**

Records received and created by a municipality for the purposes of collecting taxes. For County Tax Administration records, please refer to the separate County Tax Administration Program Schedule.

ITEM #	STANDARD 21: TAX RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.01 	<b>ANIMAL LICENSING RECORDS</b> Records concerning the licensing of dogs, cats, and other animals by the municipality. Includes owner and animal information and record of fees paid.	Destroy in office after 3 years.*	Authority: G.S. 160A-212  Confidentiality: G.S. 105-259 G.S. 132-1.1(b) G.S. 132-1.2 G.S. 160A-208.1
21.02	<b>BEER AND WINE TAXES AND RECORDS</b> Records concerning the levy of privilege taxes on beer and wine.	Destroy in office after 3 years.*	Authority: G.S. 105-133.77-79
21.03 	<b>BICYCLE LICENSE PLATE RECORDS</b> Records concerning issuance of license plates for bicycles.	Destroy in office after 1 year.*	Confidentiality: G.S. 105-259 G.S. 132-1.1(b) G.S. 132-1.2 G.S. 160A-208.1

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES


ITEM #	STANDARD 21: TAX RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.04	<p><b>DELINQUENT TAXPAYER RECORDS</b> Records concerning taxpayers who have not paid real and personal property taxes due, including unpaid notices.</p> <p>SEE ALSO: Delinquent Taxpayer Records: Advertisement of Tax Liens Against Real Property, below.</p>	Destroy in office after 10 years or 3 years after final settlement or 1 year after released by governing board, whichever comes first.*	
21.05	<p><b>DELINQUENT TAXPAYER RECORDS: ADVERTISEMENT OF TAX LIENS AGAINST REAL PROPERTY</b> Records concerning the municipal taxation officer's publication in the newspaper of delinquent taxpayer and tax sales notices.</p> <p>SEE ALSO: Delinquent Taxpayer Records, above.</p>	Destroy in office after 10 years.*	Authority: G.S. 105-369
21.06	<p><b>MOTOR VEHICLE RENTAL TAX RECORDS</b> Records concerning motor vehicle rental tax assessments.</p>	Destroy in office after 3 years.*	
21.07	<p><b>MUNICIPAL VEHICLE TAX RECORDS</b> Records concerning municipal vehicle taxes levied annually.</p>	Destroy in office after 3 years.*	Authority: G.S. 20-97(b)
21.08	<p><b>PREPARED FOOD AND BEVERAGE TAX RECORDS</b> Records concerning prepared food and beverage tax assessments.</p>	Destroy in office after 3 years.*	

21. Tax Records (Municipal)

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES


ITEM #	STANDARD 21: TAX RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.09	<p><b>PRIVILEGE LICENSES, TAXES, AND FEE RECORDS</b> Records concerning the licensing of occupations, businesses, trades, professions, and forms of amusement or entertainment and associated fees and taxes.</p> <p>SEE ALSO: Animal Licensing Records (above), Beer and Wine Taxes and Records (above), Municipal Vehicle Tax Records (above), Taxicab and Limousine Tax Records (below).</p>	Destroy in office after 3 years.*	Authority: G.S. 160A-194
21.10	<p><b>ROOM OCCUPANCY TAX RECORDS</b> Records concerning the administration of room occupancy tax records for those municipalities who have adopted room occupancy taxes.</p> 	Destroy in office after 3 years.*	Authority: G.S. 160A-215  Confidentiality: G.S. 105-259 G.S. 132-1.1(b) G.S. 132-1.2 G.S. 160A-208.1

21. Tax Records (Municipal)

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

ITEM #	STANDARD 21: TAX RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.11 	<b>SCHEDULE "B" LICENSES</b> Receipts of licenses issued by municipality in accordance with Article 2, Schedule B of the Revenue Laws of North Carolina. Applies to privilege licenses issued to attorneys-at-law and other professionals, installment paper dealers, and pawnbrokers.	a) Destroy in office 3 years after close of license tax year stubs or detailed settlement records.  b) Destroy in office stubs 1 years after audit if settlement records are kept.	Authority: G.S. 105-41 G.S. 105-83 G.S. 105-88 G.S. 153A-152 G.S. 160A-211  Confidentiality: G.S. 105-259 G.S. 132-1.1(b) G.S. 132-1.2 G.S. 160A-208.1
21.12	<b>TAX ABSTRACTS AND LISTS</b> Records concerning real and personal property in the municipality, based on assessment lists. Includes name and address of taxpayer along with descriptions of property owned and estimated value.	Destroy in office after 10 years or two revaluation cycles.	Authority: G.S. 105-309 G.S. 105-296
21.13	<b>TAX EXEMPT PROPERTY FILE</b> Records concerning property that is exempt from taxation.	Destroy in office 5 years after property exemption has expired or at end of life of structure, whichever comes first.	
21.14	<b>TAX LEDGER CARDS OR SHEETS</b>	Destroy in office 5 years after superseded or obsolete.	

21. Tax Records (Municipal)

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

ITEM #	STANDARD 21: TAX RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.15	<b>TAX LEVY/SEIZURE RECORDS</b> Inventory of property taken from property owner by the municipal tax collector to pay back taxes.	a) Destroy in office after 3 years execution forms if levy and sale of personal property is made. If levy and sale are conducted by municipal law enforcement agency, execution forms are to be retained by that agency.  b) If levy, seizure, and sale are not made, destroy in office forms when reference value ends.±  Agency Policy: Destroy in office after _____	Authority: G.S. 105-366 G.S. 105-367
21.16	<b>TAX LIEN SALES</b> Records concerning sales held to satisfy tax liens.	Destroy in office 10 years after sale.	
21.17	<b>TAX REBATES</b> Records concerning tax rebates given or received.	Destroy in office after 10 years.	
21.18	<b>TAX SCROLLS</b> Records indicating property (real estate and personal) valuation and taxes due.	Destroy in office after 10 years.	
21.19	<b>TAXICAB AND LIMOUSINE TAX RECORDS</b> Records concerning the levy of privilege taxes on taxicabs and limousines.	Destroy in office after 3 years.*	Authority: G.S. 20-97(d)

21. Tax Records (Municipal)

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## MANAGING PUBLIC RECORDS IN NORTH CAROLINA

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

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

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

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### ***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-17) 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 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.

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**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 reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. ... No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.”

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**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.

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**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.

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

See the Human-Readable Preservation Duplicates policy issued by the North Carolina Department of Natural and Cultural Resources (<https://archives.ncdcr.gov/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 citizens. 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 citizens?
- Do they have a long-term impact on citizens?
- 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.

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***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-21. 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.

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***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.

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***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.

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

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

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

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

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

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

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

- A.** If you are located west of Statesville, call our Western Office in Asheville at (828) 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

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

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

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

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

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See also GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Audits: Performance, STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS, 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.”<sup>3</sup>

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

The Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called “transitory records.” The following questions and answers discuss types of transitory records commonly created in state government. They may be disposed of according to the guidance below. However, all public employees should be familiar with the General Records Schedule for 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.

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

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

Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails) have minimal value once the official action these records are supporting has been completed and documented. Unless they are listed on the General Records Schedule for 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.

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***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

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<sup>3</sup> 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.

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

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

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

## DESTRUCTION OF PUBLIC RECORDS

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

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

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

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

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

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

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

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

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

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

If the records do not have historical value, we will ask you to complete a [Request for Disposal for Unscheduled Records](#) form 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>).





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

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

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

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

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

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

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

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

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### ***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.

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***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.

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

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

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***Q. What are the guidelines regarding the creation and handling of electronic public records, 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. On the General Records Schedule: Local Government Agencies, see Leave Records (Standard 4: HUMAN RESOURCES RECORDS).

## GEOSPATIAL RECORDS

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

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

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

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

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

For more information, see **GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS.**

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### ***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.

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**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>.

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

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

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

## SECURITY PRESERVATION COPIES OF RECORDS

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***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.

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***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.

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***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.

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**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

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### ***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.

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### ***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

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***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
  - Digital communications

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***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.

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***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>).

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

- A.** Not at this time.

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***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 e-mail

Mailing Address

### CHANGE REQUESTED

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

Add a new item

Delete an existing item

Standard Number \_\_\_\_\_ Page \_\_\_\_\_ Item Number \_\_\_\_\_

Change a retention period

Standard Number \_\_\_\_\_ Page \_\_\_\_\_ Item Number \_\_\_\_\_

Title of Records Series in Schedule or Proposed Title:

Inclusive Dates of Records:

Proposed Retention Period:

Description of Records:

Justification for Change:

Requested by:

Signature

Title

Date

Approved by:

Signature

Requestor's Supervisor

Date



## Request for Disposal of Unscheduled Records

### AGENCY INFORMATION

Requestor name

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

Phone and e-mail

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





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# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Councilmember Terry Mahaffey, Sponsor  
Stephanie Mitchell of the Apex Public School Foundation

Department(s): Apex Town Council and Apex Public School Foundation

### Requested Motion

Presentation of the Peak S.T.A.R. Award for the 3<sup>rd</sup> Quarter of the 2022-2023 School Year.

### Approval Recommended?

N/A

### Item Details

The Apex Town Council is pleased to work in partnership with the Apex Public School Foundation (APSF) to present the Peak S.T.A.R. Award to a deserving Apex school staff member, teacher, or someone in school administration. This award will be presented quarterly by the Apex Town Council and the APSF.

### Attachments

- N/A





*"The Peak of Good Living"*

TOWN OF APEX  
NORTH CAROLINA

## *Proclamation*

### Foster Care Awareness Month 2023

*from the Office of the Mayor*

WHEREAS, Children represent our community's greatest asset and our hope for the future, and every child deserves to grow up in a safe, loving, and nurturing home; and,

WHEREAS, Shield North Carolina reports that according to FBI statistics, 60% of human trafficking victims had been in foster care or group homes in their lives; and,

WHEREAS, Shield recommends supporting children in foster care as a way to mitigate the increased risk of exploitation they face; and,

WHEREAS, In North Carolina, there are currently over 12,000 children in the foster system waiting to find their forever homes; and,

WHEREAS, As of November 2022, in Wake County, there are 503 children in the foster care system, but only 90 foster homes, which is half of the number of homes available in 2019; and,

WHEREAS, Most of the children waiting to be adopted are school-age children, teenagers, groups of siblings who want to stay together, children with special needs, or children of color; and,

WHEREAS, Relational permanency is fundamental to the well-being of children and youth. Supporting foster care children, their foster and biological families, and services that support foster children can help change generations, break cycles of abuse, prevent exploitation, and give children the opportunity to thrive.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim, the Month of May 2023, Foster Care Awareness Month in the Town of Apex, and encourage all residents to consider supporting the foster care system in Wake County and in North Carolina to help provide the love and comfort our children fully deserve.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 23rd day of May 2023

Jacques Gilbert, Mayor



*"The Peak of Good Living"*

TOWN OF APEX  
NORTH CAROLINA

## *Proclamation*

### **LGBTQIA+ Pride Month 2023**

*from the Office of the Mayor*

WHEREAS, LGBTQIA+ Pride Month acknowledges and celebrates the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual community, as well as their numerous achievements and contributions to society; and,

WHEREAS, After police raided the Stonewall Inn on June 28, 1969, a series of protests broke out in New York City against the unjust criminalization and policing of homosexuality. On June 28, 1970, on the one-year anniversary of the Stonewall Uprising, the first Pride marches were held in New York, Los Angeles and Chicago. Thousands of LGBTQIA+ people gathered to commemorate Stonewall and demonstrate for equal rights; and,

WHEREAS, The Pride Flag was designed using the colors of the rainbow as a symbol of hope, and the rainbow colors show how together, the diversity among people in our community can create something truly beautiful and awe-inspiring; and,

WHEREAS, North Carolina is home to over 400,000 members of the LGBTQIA+ community; and,

WHEREAS, the Town of Apex stands with the LGBTQIA+ community in the struggle to ensure equal treatment of all, and to defend and advocate for LGBTQIA+ rights as human rights; and

WHEREAS, The Town of Apex celebrates LGBTQIA+ Pride Month in recognition of the progress made in the fight against discrimination based on sexual orientation or gender identity. Additionally, the Town of Apex is commitment to being a place where all people, regardless of their sexual orientation, gender identity, or gender expression, are treated with dignity and respect.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim, the Month of June 2023, LGBTQIA+ Pride Month in the Town of Apex, and encourage residents to join in the celebration of the progress that has been made, and in the fight for the progress that still remains, towards creating a more just society for all people in the LGBTQIA+ community.

I hereby set my hand and have caused the Seal of the Town of Apex,  
North Carolina, to be affixed this the 23rd day of May 2023

Jacques Gilbert, Mayor



*"The Peak of Good Living"*

TOWN OF APEX  
NORTH CAROLINA

## *Proclamation*

**Juneteenth 2023**

*from the Office of the Mayor*

WHEREAS, July 4, 1776, is recognized as the day the United States gained its freedom from the British Empire. On this date, and for 89 more years, slavery, the antithesis of freedom, remained present in many parts of the United States; and,

WHEREAS, On January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, officially ascribing the Civil War as a war for the freedom of enslaved African-Americans; and,

WHEREAS, On June 19, 1865, Union General Gordon Granger informed slaves in Galveston, Texas that they were free, and that the Civil War was over. This date, Juneteenth, is recognized as the end of slavery in the United States, and the day African-Americans gained their freedom; and,

WHEREAS, Juneteenth is a nationwide celebration of the freeing of slaves and a day for communities to come together to celebrate African-American heritage and culture, as well as an annual reminder of the racism and oppression that has marred the history of our nation; and,

WHEREAS, Although slavery in the United States is in the past, civil rights and equality issues for African-Americans still persist and there remain economic, institutional, and social barriers for Black and Brown people in our community, state, and country; and,

WHEREAS, The Town of Apex is committed to bolstering efforts necessary to alleviate racial injustices in our society, and provide education and awareness, so we continue to move farther and farther away from the throes of oppression.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim, June 19, 2023, Juneteenth in the Town of Apex, and urge residents to join me in honoring those who fought for the freedom of the African-American community, and in supporting those who continue to fight to expand the spirit of freedom enshrined in Juneteenth.

I hereby set my hand and have caused the Seal of the Town of Apex,  
North Carolina, to be affixed this the 23rd day of May 2023

Jacques Gilbert, Mayor

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Antwan Morrison, Director

Department(s): Finance

### Requested Motion

Receive as information the Fiscal Year Ended June 30, 2022 financial audit report from the external auditors.

### Approval Recommended?

Yes

### Item Details

Cherry Bekaert, the Town of Apex's external auditor, will present the audited financial report and management letter for the fiscal year from July 1, 2021 through June 30, 2022.

During the meeting, the auditors will share all relevant information, including but not limited to the expressed audit opinion, concerns, recommendations, as well as the financial performance of the town for the fiscal year of 2021-2022.

According to North Carolina General Statute 159-34, each local government and public authority shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts.

It is the auditor's responsibility to express opinions on these financial statements based on the audit. The Government Auditing Standards require that they plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements. The audit shall evaluate the performance of a unit of local government with regard to compliance with applicable federal and State agency regulations.

Attachments

- Audit Presentation to be provided at the meeting



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning

### Requested Motion

Conduct a Public Hearing and Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 1.74 acres, located at 7612 Green Level Church Road, Annexation No. 753 into the Town Corporate limits.

### Approval Recommended?

Yes

### Item Details

The annexation has been certified and a public hearing has been posted as required.

### Attachments

- PH1-A1: Annexation Ordinance - Annexation No. 753
- PH1-A2: Public Hearing Notice - Annexation No. 753
- PH1-A3: Legal Description - Annexation No. 753
- PH1-A4: Plat Map - Annexation No. 753
- PH1-A5: Aerial Map - Annexation No. 753
- PH1-A6: Annexation Petition - Annexation No. 753







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## TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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After recording, please return to: Town Clerk, Town of Apex, P.O. Box 250, Apex, NC 27502

ORDINANCE NO. 2023-  
SATELLITE ANNEXATION PETITION NO. 753  
7612 Green Level Church Road – 1.74 ACRES

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE TOWN OF APEX, NORTH CAROLINA  
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S. §160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 7:00 p.m. on May 23, 2023, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notices-legal-ads>; and

WHEREAS, the Apex Town Council finds that the area described therein meets the standards of G.S. §160A-58.1(b), to wit:

- a) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b) No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c) The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Apex Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Apex Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S.§160A-58.2, as amended, the described non-contiguous territory is hereby annexed and described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on May 23, 2023. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, Wake County, North Carolina, White Oak Township (PIN#: 0733-01-1391), Land Surveyor dated April 27, 2023" and recorded in Book of Maps book number 2023 and page number \_\_\_\_\_, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 23<sup>rd</sup> day of May, 2023.

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

ATTEST:

\_\_\_\_\_  
Allen L. Coleman, CMC, NCCCC  
Town Clerk

APPROVED AS TO FORM:

---

Laurie L. Hohe  
Town Attorney

Legal Description

Beginning at a point, said point being an existing iron pipe located at the southernmost corner of Lot 1 as shown on a plat recorded in Book of Maps 1988, Page 439 in the Wake County Registry, said point also being on the northern 60 foot right of way margin of Green Level Church Road and having North Carolina State Plane coordinates of N=731,168.49 and E=2,030,190.35; Thence, along said right of way N52°19'46"W, 229.95 feet to a point, said point being a magnetic reading under a tree root; Thence, leaving said right of way of Green Level Church Road along the southern edge of a 60 foot private right of way, access easement and common use of land the following courses and distances: Thence, N18°42'44"E, 112.51 feet to an existing iron pipe; Thence, N38°43'46"E, 43.44 feet to an existing iron pipe; Thence, N60°52'14"E, 46.92 feet to an existing iron pipe; Thence, N80°12'05"E, 66.54 feet to an existing iron pipe; Thence, N89°50'39"E, 256.72 feet to a point, said point being an existing iron pipe at the easternmost corner of said Lot 1 and the northwest corner of Lot 2 as shown on a plat recorded in Book of Maps 1982, Page 822 in said registry; Thence, along the common line between said Lots 1 and 2 S37°44'51"W, 399.43 feet to the Place and Point of Beginning, containing an area of 76,033 square feet or 1.74 acres, more or less.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Satellite Annexation Ordinance No. 2023-\_\_\_\_\_, adopted at a meeting of the Town Council, on the 23rd day of May, 2023, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 23rd day of May, 2023.

---

Allen L. Coleman, CMC, NCCCC  
Town Clerk

(SEAL



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

# TOWN OF APEX NORTH CAROLINA

**Media Contact:**

Allen Coleman, Town Clerk to the Apex Town Council

**FOR IMMEDIATE RELEASE**

**PUBLIC NOTICE – PUBLIC HEARING**

APEX, N.C. (May 11, 2023) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **23<sup>rd</sup> day of May, 2023**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-58.1:

**Satellite Annexation Petition No. 753  
7612 Green Level Church Road – 1.74 acres**





*"The Peak of Good Living"*

**OFFICE OF THE TOWN CLERK**

## TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org). Please use subject line "Annexation Petition No. 753" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, May 23<sup>rd</sup>, 2023.

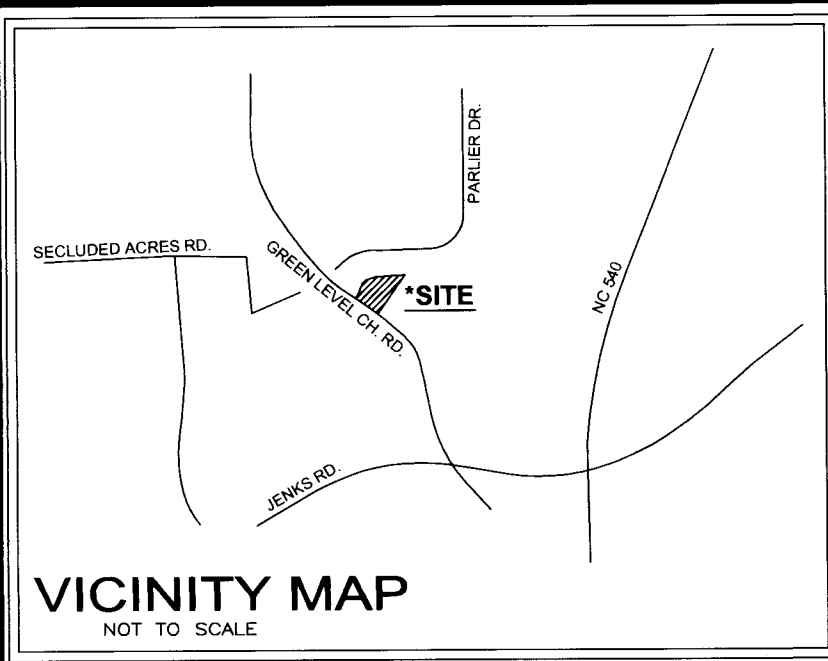
Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person.

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2<sup>nd</sup> Floor, (email) [allen.coleman@apexnc.org](mailto:allen.coleman@apexnc.org) or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

###

Beginning at a point, said point being an existing iron pipe located at the southernmost corner of Lot 1 as shown on a plat recorded in Book of Maps 1988, Page 439 in the Wake County Registry, said point also being on the northern 60 foot right of way margin of Green Level Church Road and having North Carolina State Plane coordinates of N=731,168.49 and E=2,030,190.35; Thence, along said right of way N52°19'46"W, 229.95 feet to a point, said point being a magnetic reading under a tree root; Thence, leaving said right of way of Green Level Church Road along the southern edge of a 60 foot private right of way, access easement and common use of land the following courses and distances: Thence, N18°42'44"E, 112.51 feet to an existing iron pipe; Thence, N38°43'46"E, 43.44 feet to an existing iron pipe; Thence, N60°52'14"E, 46.92 feet to an existing iron pipe; Thence, N80°12'05"E, 66.54 feet to an existing iron pipe; Thence, N89°50'39"E, 256.72 feet to a point, said point being an existing iron pipe at the easternmost corner of said Lot 1 and the northwest corner of Lot 2 as shown on a plat recorded in Book of Maps 1982, Page 822 in said registry; Thence, along the common line between said Lots 1 and 2 S37°44'51"W, 399.43 feet to the Place and Point of Beginning, containing an area of 76,033 square feet or 1.74 acres, more or less.



**LEGEND and NOMENCLATURE**

SYMBOLS		LINETYPES	
○	Ex. iron pipe/rod or nail	— X —	Fence
□	Ex. concrete monument	— OU —	Overhead utility
●	New iron pipe	— W —	Water
⊙	Calculated point	— SS —	Sanitary sewer
⊠	Cable pedestal	— SD —	Storm drain
⊡	Telephone pedestal		
⊡	Electric pedestal	ABBREVIATIONS	
⊡	Fiber-optic marker	DB	Deed Book
⊡	Traffic signal box	PB or BM	Plat Book / Book of Maps
⊡	Water meter	P/L	Property line
⊡	Fire hydrant	PG	Page
⊡	Valve (water or gas)	S F	Square feet
⊡	Sanitary sewer manhole	AC	Acres
⊡	Sanitary sewer cleanout	R/W	Right-of-way
⊡	Storm curb inlet	NCSR	North Carolina State Route
⊡	Drainage inlet (w/ grate)	NCDOT	North Carolina Dept. of Transportation
⊡	Storm drain manhole	C/L	Centerline
⊡	Utility pole	EX	Existing
⊡	Lamp post	RCP	Reinforced concrete pipe
⊡	Signal pole	PVC	Polyvinyl chloride pipe
⊡	Guy wire	TBM	Temporary benchmark
⊡	Sign post	AG	Above ground
		BG	Below ground

- NOTES:**
- 1) All distances are horizontal ground distances in u.s. survey feet unless otherwise noted. Area(s) computed by coordinate geometry.
  - 2) This survey does not include nor depict any environmental evaluations by this office.
  - 3) Field survey(s) performed August 18 thru August 27, 2021.
  - 4) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.
  - 5) The locations of underground utilities as shown hereon (if any) are based on aboveground structures and aboveground visual evidence. Locations of underground utilities/structures may vary from location shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures.
  - 6) Subject property is not located within a special flood hazard zone per FEMA Flood Insurance Rate Map (FIRM) # 3720073300J, effective date May 2, 2006.
  - 7) The State Plane Coordinates for this project were produced with RTK GPS observations and processed using the North Carolina VRS network. The network positional accuracy of the derived positional information is ±0.07'.

HORIZONTAL DATUM = NAD 83/2011

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET

I, Justin L. Luther, certify that this plat was drawn under my supervision from an actual survey made under my supervision from references as noted on said plat; that the boundaries not surveyed are clearly indicated as drawn from information as indicated under references; that the ratio of precision or positional accuracy as calculated is greater than 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, license number and seal this day of APRIL, 2023.

Professional Land Surveyor (L-5107)

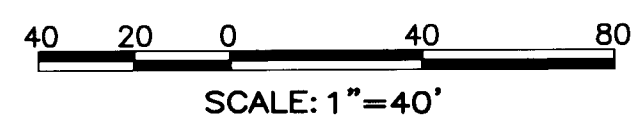


Annexation # \_\_\_\_\_  
 I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify that this is a true and exact map of annexation adopted the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Town Council. I set my hand and seal the Town of Apex, \_\_\_\_\_ Day / Month / Year  
 Allen Coleman, CMC, NCCCC, Town Clerk

**REFERENCES:**

- DEED BOOK 18515, PAGE 1154
- BOOK OF MAPS 1988, PAGE 439
- \*OTHERS SHOWN HEREON

**SATELLITE ANNEXATION MAP for the TOWN OF APEX**  
**PROPERTY OF DEEP & KOMAL PATEL**  
 WHITE OAK TOWNSHIP WAKE COUNTY NORTH CAROLINA



LINE TABLE		
LINE	LENGTH	BEARING
L1	112.51	N 18°42'44" E
L2	43.44	N 38°43'46" E
L3	46.92	N 60°52'14" E
L4	66.54	N 80°12'5" E



Annexation #753

Parlier Dr

Greenmoor

Secluded Acres Rd

Green Level Church Rd

Our Estate

Castlereagh North, Section 2

Castlereagh North, Section 3

Reams Ct



May 2023  
February 2023 Aerial Photography  
Prepared by: Town of Apex Planning Department



# PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 2023-002 Submittal Date: 1/24/2023  
Fee Paid: \$ 200.00 Check #: online CC

## TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex,  Wake County,  Chatham County, North Carolina.
2. The area to be annexed is  contiguous,  non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

## OWNER INFORMATION

<u>KOMAL DEEP PATEL</u> Owner Name (Please Print)	<u>0733011391</u> Property PIN or Deed Book & Page #
<u>551.358.7853</u> Phone	<u>komal.patel3112@gmail.com</u> E-mail Address
<u>DEEP HARVADAN PATEL</u> Owner Name (Please Print)	<u>0733011391</u> Property PIN or Deed Book & Page #
 Phone	<u>dpatel@kdpcpa.com</u> E-mail Address
 Owner Name (Please Print)	 Property PIN or Deed Book & Page #
 Phone	 E-mail Address

## SURVEYOR INFORMATION

Surveyor: Newcomb Land Surveyors LLC  
Phone: 919.847-1800 Fax: \_\_\_\_\_  
E-mail Address: justin@nls-nc.com

## ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>1.74 ac</u>	Need water service due to well failure <input checked="" type="checkbox"/>
Population of acreage to be annexed: _____	Need sewer service due to septic system failure <input checked="" type="checkbox"/>
Existing # of housing units: <u>1</u>	Water service (new construction) <input type="checkbox"/>
Proposed # of housing units: _____	Sewer service (new construction) <input type="checkbox"/>
Zoning District*: _____	Receive Town Services <input checked="" type="checkbox"/>

\*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Department of Planning and Community Development with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2023-002

Submittal Date: 1/24/2023

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Komal Deep Patel  
Please Print

K.H. Patel  
Signature

Deep Harvadan Patel  
Please Print

[Signature]  
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please Print

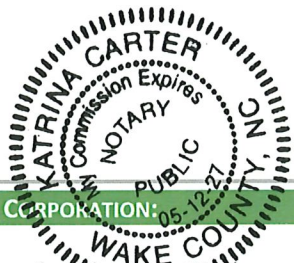
\_\_\_\_\_  
Signature

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Katrina Carter, a Notary Public for the above State and County,  
this the 23 day of January, 2023.

[Signature]  
Notary Public

SEAL



My Commission Expires: May 12 2027

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Corporate Name \_\_\_\_\_

SEAL

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

Attest: \_\_\_\_\_  
President (Signature)

\_\_\_\_\_  
Secretary (Signature)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County,  
this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

SEAL

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

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Amanda Grogan, MPA, Director

Department(s): Budget & Performance Management

### Requested Motion

Public Hearing to receive resident input on the Annual Operating Budget and Capital Investment Plan (CIP), including proposed economic development expenditures, for Fiscal Year 2023-2024.

### Approval Recommended?

N/A

### Item Details

The proposed Budget is summarized as follows:

General Fund	102,072,200
Electric Fund	51,837,800
Water/Sewer Fund	28,974,200
Stormwater	2,671,900
Other/Special Funds	27,854,400
<u>TOTAL</u>	<u>213,410,500</u>

The proposed Budget as presented includes an increase of \$.03 in the ad valorem tax rate to \$0.44 per \$100 valuation. There are proposed changes to the electric, water, sewer and solid waste rates.

Pursuant to NCGS 158-7.1, notice is hereby given that said information will be a part of the Annual Budget Public Hearing of the Apex Town Council for the purpose of soliciting comments relative to the following monetary appropriations for economic development purposes:

#### **Economic Development:**

Personnel Salaries & Benefits:	487,900
Operations, Training, Supplies and Equipment:	114,200
Professional Services - Potential site development:	20,000
Economic Incentives	126,000
Special Programs - Initiative to promote local spending & awareness:	13,000
<u>TOTAL</u>	<u>761,100</u>

Adoption of the Annual Operating Budget & CIP for Fiscal Year 2023-2024 is anticipated on June 13, 2023. A copy of the adopted FY 2023-2024 Annual Operating Budget & CIP schedule is attached.

Attachments

- PH2-A1: FY 2023-2024 Annual Operating Budget & CIP Schedule



## FY 2023-2024 CIP & Budget Schedule

<b>October 17, 2022</b>	Departments' Preliminary Capital Improvement Plan Requests Due
<b>November 4, 2022</b>	Draft Capital Improvement Plan Completed with Departments / Review with Assistant Managers
<b>November 11-23, 2022</b>	Staff Committee Scoring/Evaluation of CIP Projects
<b>December 7, 2022</b>	Evaluation of CIP Projects Completed with Town Manager
<b>December 9, 2022</b>	New Line-Item Additions Due, Chart of Accounts
<b>January 3, 2023</b>	Preliminary Budget Worksheets Distributed with Current YTD Expenditures
<b>January 13, 2023</b>	Town Council Strategic Planning Session
<b>January 24, 2023</b>	Pre-Budget Public Hearing
<b>January 20, 2023</b>	Capital Improvement Plan to Council for project evaluation & ranking
	Internal Requests to Other Departments Due (IT, Facilities, etc.)
	New Position Requests Due to Human Resources
<b>Jan. 23-Feb. 6, 2023</b>	Internal Position Validation
<b>February 8, 2023</b>	Recommend Positions to Human Resources for Classification
<b>February 17, 2023</b>	Annual Retreat / Council Review of CIP / Prioritization of Projects for FY22-23
<b>February 13-24, 2023</b>	Preliminary Department Budget Meetings with Budget Staff
<b>February 28, 2023</b>	Non-Profit Applications Due
	Proposed Rate & Fee Changes Due
<b>March 1, 2023</b>	Departmental Requests Completed & Returned
<b>March 8, 2023</b>	Baseline Payroll Projections Completed
<b>March 13-24, 2023</b>	Departmental Budget Conferences (as needed)
<b>March 23, 2023</b>	Personnel (Classification/Compensation/Benefits)/Finance Committee Meeting
<b>March 27-30, 2023</b>	Year End Projections & Adjustments Completed
<b>March 31, 2023</b>	Preliminary Revenue Projections Completed
<b>April 6, 2023</b>	Finance Committee Meeting
<b>April 10, 2023</b>	Finance/Personnel Committee Meeting
<b>April 20, 2023</b>	Budget Distributed to Town Council
<b>May 5, 2023</b>	Town Council Budget Workshop
<b>May 23, 2023</b>	Public Hearing on Proposed Budget
<b>June 8, 2023</b>	Town Council Budget Workshop
<b>June 13, 2023</b>	Budget Ordinance / CIP Adopted
<b>July 1, 2023</b>	New Fiscal Year Begins



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: April 11, 2023

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

### Requested Motion

Public Hearing and possible motion to approve an Order Closing a portion of the right-of-way (ROW) on a portion of Old Raleigh Road, located at the intersection of Old Raleigh Road and Laura Duncan Road, extending to Old Mill Village Drive (See Survey Map Included).

### Approval Recommended?

The Town Clerk recommends the Town Council approve the Order Closing a Portion of the Right-of-Way (ROW) on a portion of Old Raleigh Road, located at the intersection of Old Raleigh Road and Laura Duncan Road, extending to Old Mill Village Drive, pursuant to North Carolina General Statutes 160A-299 and the Town's adopted Policy on Closing Public Rights of Way for Streets, Roads, and Alleys.

### Item Details

In accordance with 160A-299, Andoria Enterprises, LLC, has submitted a request to permanently close all portions of the right of way of Old Raleigh Road (NCSR 1435, formerly Apex Macdeonia Road). The North Carolina Department of Transportation (NCDOT) was contacted since this location was marked as DOT's responsibility. Based on NCDOT's response, this subject area was abandoned under the TIP Project U-2301 in 1993, therefore, the request was returned to the Town.

The Town's Technical Review Committee (comprised of many departments including transportation and infrastructure, planning, and public safety) all reviewed the submitted request and recommends Council consider this request.

On April 11, 2023, Council voted to adopt a resolution signifying an intent to close the ROW referenced above and in the attached survey map (PH3-A3). Notice of the adopted resolution was published for four

consecutive weeks, pursuant to North Carolina General Statutes (NCGS) §160A-299, and copies of the affidavits are included in the attachment section.

#### Attachments


- PH3-A1: Request for Right-of-Way Closure - Applicant PowerPoint Presentation - Portion of Old Raleigh Road
- PH3-A2: Written Request for Right-of-Way Closure - Portion of Old Raleigh Road
- PH3-A3: Plat Map and Aerial Map of Requested ROW Closure Area - Portion of Old Raleigh Road
- PH3-A4: Adopted Resolution (RES-2023-026) of Intent to Consider the Requested ROW Closure Area
- PH3-A5: Affidavit of Publication - Multiple - ROW Closure Portion of Old Raleigh Road
- PH3-A6: Order Closing ROW Portion of Old Raleigh Road
- PH3-A7: Policy on Closing Public Rights of Way for Streets, Roads, and Alleys



# Andoria Enterprises, LLC

Property Owner & Operator of Primrose of Apex  
Early Childhood Education and Care Center

**Right of Way Closure: Request pursuant to N.C.G.S. §160A-299**



Portion of Old Raleigh Road (NCSR 1435, Formerly Apex  
Macedonia Road) Abandoned by NCDOT within the Bounds of  
property commonly known as 614 Old Mill Village Drive

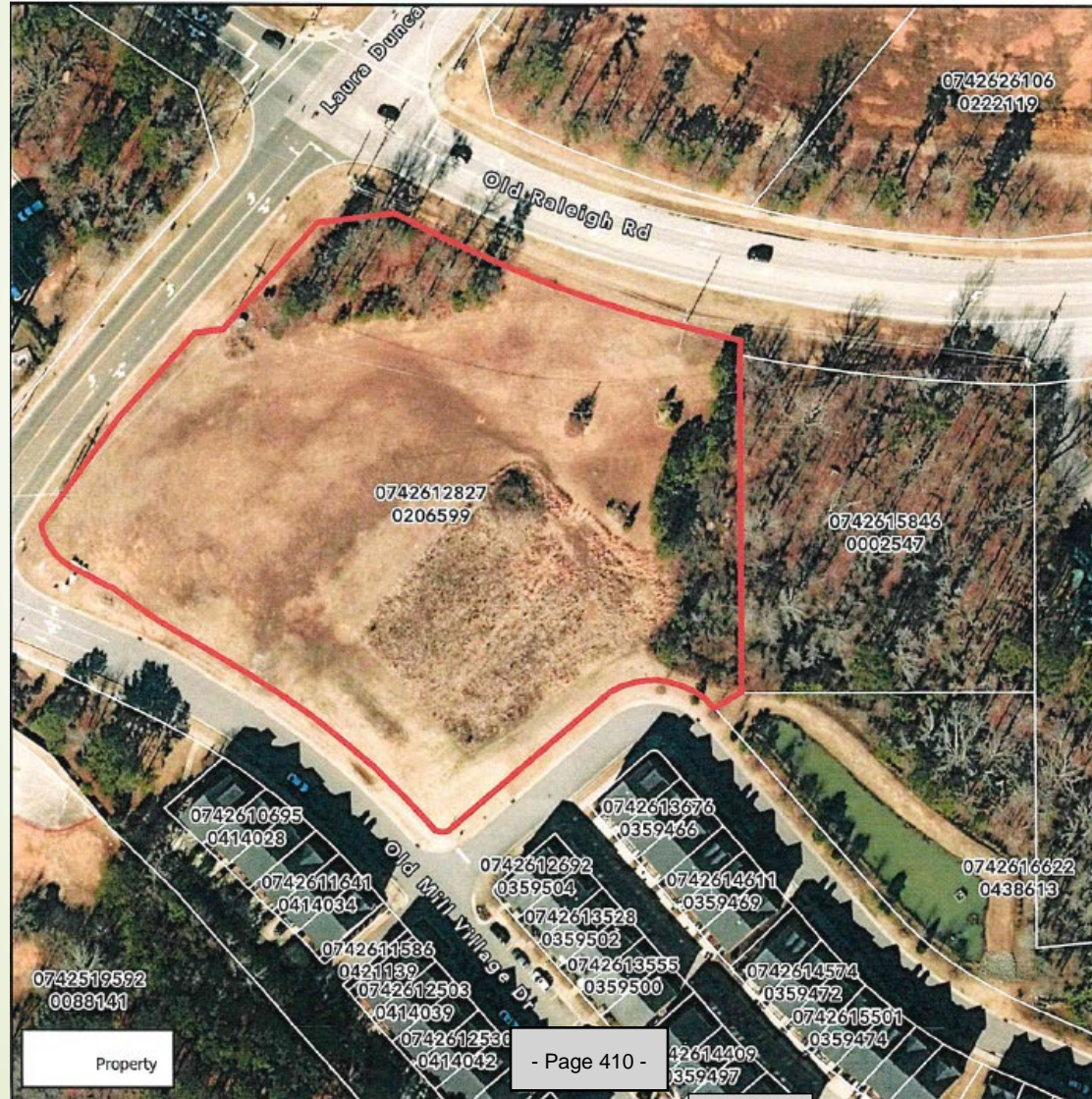




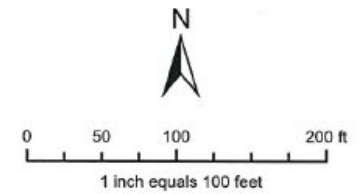
# Andoria Enterprises & the Property

- ▶ Operation of Primrose Early Childhood Center since August 2015 @ corner of HWY 64 & Laura Duncan Road
- ▶ Provides care and learning to approximately 185 children in the Apex area (infant to 12 years)
- ▶ Recently underwent condemnation proceedings with NCDOT for a full taking of its current school location.
- ▶ The Property– which includes the ROW subject of the request – will be the new campus for the relocated school. Property purchased in January 2022.

# Location: Wake County GIS – PIN 0742-61-2827



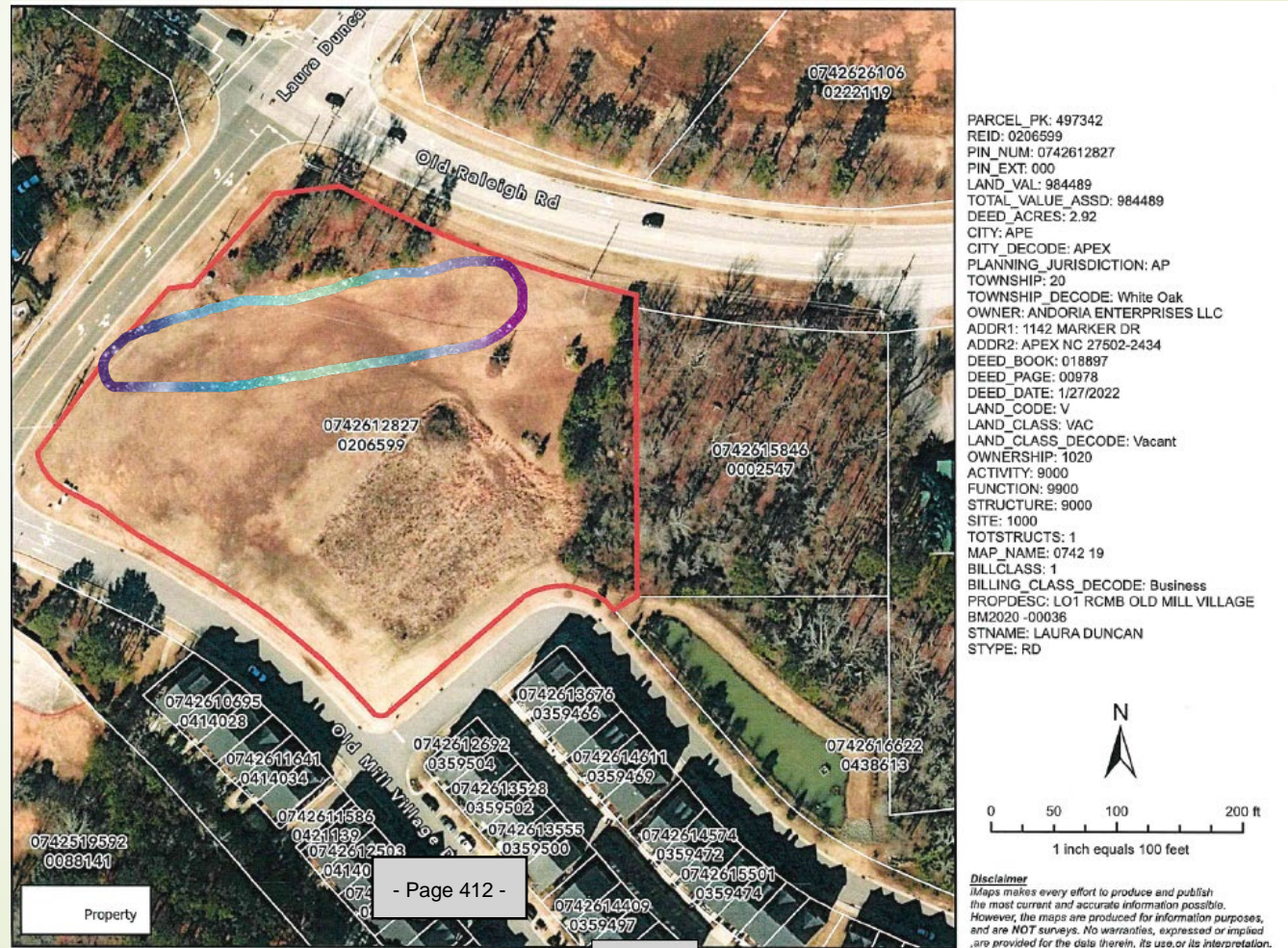
PARCEL\_PK: 497342  
REID: 0206599  
PIN\_NUM: 0742612827  
PIN\_EXT: 000  
LAND\_VAL: 984489  
TOTAL\_VALUE\_ASSD: 984489  
DEED\_ACRES: 2.92  
CITY: APE  
CITY\_DECODE: APEX  
PLANNING\_JURISDICTION: AP  
TOWNSHIP: 20  
TOWNSHIP\_DECODE: White Oak  
OWNER: ANDORIA ENTERPRISES LLC  
ADDR1: 1142 MARKER DR  
ADDR2: APEX NC 27502-2434  
DEED\_BOOK: 018897  
DEED\_PAGE: 00978  
DEED\_DATE: 1/27/2022  
LAND\_CODE: V  
LAND\_CLASS: VAC  
LAND\_CLASS\_DECODE: Vacant  
OWNERSHIP: 1020  
ACTIVITY: 9000  
FUNCTION: 9900  
STRUCTURE: 9000  
SITE: 1000  
TOTSTRUCTS: 1  
MAP\_NAME: 0742 19  
BILLCLASS: 1  
BILLING\_CLASS\_DECODE: Business  
PROPDESC: LOT RCMB OLD MILL VILLAGE  
BM2020 -00036  
STNAME: LAURA DUNCAN  
STYPE: RD



**Disclaimer**  
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



Conditions: No pavement, asphalt or other infrastructure remains on property.



# NCDOT Consent to Closure



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

**Date:** August 18, 2022

**COUNTY:** Wake

**SUBJECT:** Right of Way Closure - Old Raleigh Road - (SR 1435)  
(Formerly Apex Macedonia Road)

Russell Dalton  
Traffic Engineering Manager  
105-B Upchurch Street  
Apex, NC 27502

Mr. Dalton,

This letter is in response to recent questions concerning a portion of right of way located on Wake County Parcel # 0742612827 at the intersection of Old Raleigh Road and Laura Duncan Road in Apex, North Carolina. The subject area of right of way is shown on the attached plat. The right of way shown was part of the old alignment of Old Raleigh Road (formerly Apex Macedonia Road) prior to Old Raleigh Road being relocated to align with Hunter Street Extension under TIP Project U-2301 (State Project #9.8050118) in 1993.

Be advised, maintenance of this portion of right of way was abandoned under TIP Project U-2301 with removal of the asphalt. The North Carolina Department of Transportation does not claim any right of way across Wake County Parcel #0742612827. The North Carolina Department of Transportation consents to any right of way closure request that may be submitted to the Town of Apex as per NCGS 160A-299.

Please contact my office at (919) 733-3213 if additional information is needed.

Sincerely,

Jeremy Warren/TRE

Digitally signed by Jeremy Warren/  
TRE  
Date: 2022.08.18 10:29:47 -04'00'


Jeremy Warren, P.E.  
District Engineer  
JLW/TRE  
attachments

- Page 413 -

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
DOH DISTRICT 1  
1575 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1575

Location:  
4009 DISTRICT DRIVE  
RALEIGH, NC 27607

Website: [www.ncdot.gov](http://www.ncdot.gov)



# Andoria's Request

- ▶ Expected completion date for new school is July 2023.
- ▶ **ROW closure is necessary to . . .**
  - ▶ satisfy bank financing requirements for the school construction (i.e., clean title); and
  - ▶ ensure longevity of this school for the Apex community.
- ▶ **No evidence that closing would be detrimental to the public interest or the property rights of any individual. (See N.C.G.S. §160A-299)**
  - ▶ Roads surrounding property have been reoriented for more than 30 years and this ROW has not been used for more than 30 years.
  - ▶ The ROW does not tie into anything which might necessitate that the Town continue to maintain the ROW.
- ▶ The Town of Apex has issued permits to Andoria for construction of the new school over the old, abandoned right of way.

# New Primrose School: Current Snapshot



# New Primrose School: View Towards Completion





September 21, 2022

**Via U.S. Mail**

Town of Apex  
Attn: Mr. Allen Coleman, Town Clerk  
Apex Town Hall  
73 Hunter Street  
Apex, NC 27502

JESSICA B. VICKERS  
PHONE: 919.787.8880  
VICKERS@MANNINGFULTON.COM

Town of Apex  
Attn: Mr. Allen Coleman, Town Clerk  
PO Box 250  
Apex, NC 27502

Re: Right of Way Closure – Portion of Old Raleigh Road (NCSR 1435, Formerly Apex Macedonia Road) Abandoned by NCDOT within the Bounds of the Property (as Hereinafter Defined); *Our File No. 32609-T29929*

Dear Mr. Coleman:

This firm represents Andoria Enterprises, LLC, a North Carolina limited liability company (“Andoria”), in connection with its ownership of certain property located in Apex, Wake County, North Carolina, commonly known as 614 Old Mill Village Drive (and sometimes also known as 0 Laura Duncan Road), bearing Tax PIN 0742-61-2827 (REID 0206599), and more particularly described as Lot “1” on the plat of survey titled “Recombination Plat Old Mill Village ~ Lot 1” recorded in Book of Maps 2020, Page 36, Wake County Registry (the “Property”). As you are likely aware, I have been communicating with Mr. Brian Meyer, as attorney for the Town of Apex, regarding Andoria’s request to have the portions of the right of way of Old Raleigh Road (NCSR 1435, formerly Apex Macedonia Road) within the bounds of the Property permanently closed in accordance with N.C.G.S. § 160A-299. The portion of the right of way of Old Raleigh Road (NCSR 1435, formerly Apex Macedonia Road) that Andoria requests the Town of Apex to close is highlighted and shown on the survey plat enclosed with this letter, being the same survey plat recorded in Book of Maps 2020, Page 36, Wake County Registry.

In support of Andoria’s request, we have enclosed a letter dated August 18, 2022, from Jeremy Warren, P.E., District Engineer with the North Carolina Department of Transportation, to Russell Dalton, Traffic Engineering Manager with the Town of Apex, regarding the right of way closure. As you will note from the enclosed letter, the portion of the right of way that Andoria seeks to have permanently closed “was part of the old alignment of Old Raleigh Road (formerly Apex Macedonia Road) prior to Old Raleigh Road being relocated to align with Hunter Street Extension under TIP Project U-2301 (State Project #9.8050118) in 1993.” Similarly, the North Carolina Department of Transportation abandoned maintenance of the relevant portion of the right

of way under TIP Project U-2301 when the asphalt was removed, and the “North Carolina Department of Transportation consents to any right of way closure request that may be submitted to the Town of Apex as per NCGS 160A-299.”

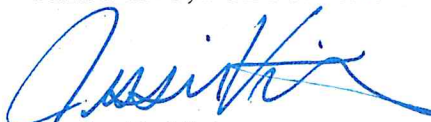
Accordingly, Andoria hereby respectfully requests that the Town of Apex proceed, under N.C.G.S. § 160A-299, with the permanent closure of all portions of the right of way of Old Raleigh Road (NCSR 1435, formerly Apex Macedonia Road) located within the bounds of the Property as shown on the enclosed map. In addition to the recorded plat, for ease of reference in identifying the Property, I have also enclosed the Wake County GIS map showing the Property, with and without the 2021 satellite imagery as the base map. As you will note from the satellite imagery, no evidence of pavement, asphalt, or other road infrastructure remains on the Property. Similarly, in accordance with the requirements for this request, as outlined by Mr. Meyer, enclosed please find (1) check No. 1102 in the amount of \$100.00 payable to the Town of Apex for the non-refundable deposit, and (2) check No. 1103 in the amount of \$600.00 payable to the Town of Apex for the deposit that is refundable up to the time of publication of notice.

As you are aware, N.C.G.S. § 160A-299 requires notice to all owners of property adjoining the to-be-closed street or alley as shown on the county tax records, and Mr. Meyer’s instructions included a request for the list of adjacent owners. Based on our review of the maps and the tax records, the only owner adjoining the right of way for which Andoria requests closure is the following: George Calvin Atkins whose address is 7718 Lake View Street, Fayetteville, NC 28311-8846, and who owns PIN 0742-61-5846 (REID 0002547) commonly referred to as 0 Old Raleigh Road. Otherwise, the area of the right of way to be permanently closed is located wholly within the Property or adjoins existing public rights of way. We, of course, welcome additional review by the Town of Apex to ensure sufficient notice as required by the statute.

If you should have any questions or require anything else from our office in connection with this request, please do not hesitate to contact me at [vickers@manningfulton.com](mailto:vickers@manningfulton.com) or 919-510-9240. We appreciate your assistance with this matter, and we look forward to working with you to close this right of way permanently.

Sincerely,

MANNING, FULTON & SKINNER, P.A.



Jessica B. Vickers

Enclosures

cc: Ms. Kerry Stockman of Andoria (via email)  
Mr. Brian Meyer, Town of Apex Attorney (via email)





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

**Date: August 18, 2022**

**COUNTY: Wake**

**SUBJECT: Right of Way Closure - Old Raleigh Road - (SR 1435)  
(Formerly Apex Macedonia Road)**

Russell Dalton  
Traffic Engineering Manager  
105-B Upchurch Street  
Apex, NC 27502

Mr. Dalton,

This letter is in response to recent questions concerning a portion of right of way located on Wake County Parcel # 0742612827 at the intersection of Old Raleigh Road and Laura Duncan Road in Apex, North Carolina. The subject area of right of way is shown on the attached plat. The right of way shown was part of the old alignment of Old Raleigh Road (formerly Apex Macedonia Road) prior to Old Raleigh Road being relocated to align with Hunter Street Extension under TIP Project U-2301 (State Project #9.8050118) in 1993.

Be advised, maintenance of this portion of right of way was abandoned under TIP Project U-2301 with removal of the asphalt. The North Carolina Department of Transportation does not claim any right of way across Wake County Parcel #0742612827. The North Carolina Department of Transportation consents to any right of way closure request that may be submitted to the Town of Apex as per NCGS 160A-299.

Please contact my office at (919) 733-3213 if additional information is needed.

Sincerely,

Jeremy Warren/TRE

Digitally signed by Jeremy Warren/  
TRE  
Date: 2022.08.18 10:29:47 -04'00'

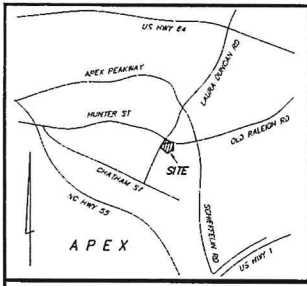
Jeremy Warren, P.E.  
District Engineer  
JLW/TRE  
attachments

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
DOH DISTRICT 1  
1575 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1575

*Telephone:* (919) 733-3213  
*Fax:* (919) 715-5778  
*Customer Service:* 1-877-368-4968

*Location:*  
4009 DISTRICT DRIVE  
RALEIGH, NC 27607

*Website:*



VICINITY MAP (NOT TO SCALE)

I, STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF DESCRIBED PARCELS AS RECORDED IN:  
 DEED BOOK 12558, PAGE 1369  
 DEED BOOK 10230, PAGE 1418  
 BOOK OF MAPS 2005, PAGE 2121  
 BOOK OF MAPS 2007, PAGE 908

THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREIN. THAT THE RATIO OF PRECISION AS CALCULATED WAS 1:10,000 AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1000) AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

THIS SURVEY SHOW HEREIN IS OF ANOTHER CATEGORY, SUCH AS A RECONSTRUCTION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

I, STALEY C. SMITH, CERTIFY THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:  
 Class of survey: A  
 Positional Accuracy: 0.03 U.S. SURVEY FEET  
 Type of GPS field procedure: RTN/RS  
 Dates of survey: 8-28-2018  
 Datum/Epoch: NAD 83 (2011)  
 Published/Fixed-control use: NC CORS "NOLA"  
 Goid model: 2012  
 Combined grid factor(s): 0.99995747  
 Units: U.S. SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 15TH DAY OF JULY, A.D. 2019.

**Staley C. Smith**  
 Professional Land Surveyor  
 L-3766  
 License Number

**Katherine Mayo**, Review Officer of Wake County certify that this Plat meets all statutory requirements for recording.  
 Date: 12/16/2019

Approval expires if not recorded on or before 12/16/2020

I hereby certify that I am the owner of the property shown and described herein, which is located in the jurisdiction of the Town of Apex, and all sheets related hereto, and that I hereby adopt this exempt plat with my free consent.

**Eric Ripkin**, Manager / MANAGER  
 APEX FIRST DEVELOPMENT, LLC  
 Wake County, North Carolina

I, STALEY C. SMITH, a Notary Public for Wake County, North Carolina, certify that **ERIC RIPKIN** personally appeared before me this day, and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this 16th day of DECEMBER 2019.

Witness my hand and official seal, this 16th day of DECEMBER 2019.

**Staley C. Smith**  
 STALEY C. SMITH, Notary Public  
 commission expires: October 6, 2021

RECORDED IN BOOK OF MAPS 2020, PAGE 36

**TOWN OF APEX NOTES:**

- WHERE TOWN OF APEX PUBLIC UTILITIES ARE INSTALLED WITHIN EASEMENTS CROSSING PRIVATE PROPERTY, THE TOWN'S WATER RESOURCES DEPARTMENT, PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, AND ELECTRIC UTILITIES DEPARTMENT SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF INSPECTING, REPAIRING, OR REPLACING THE SYSTEM MAIN AND APPURTENANCES WHERE PAVED PRIVATE STREETS, DRIVEWAYS, PARKING LOTS, ETC. HAVE BEEN INSTALLED UNDER THE TOWN'S MAIN AND APPURTENANCES. THE WATER RESOURCES DEPARTMENT, PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, AND ELECTRIC UTILITIES DEPARTMENT SHALL EXCAVATE AS NECESSARY TO MAKE THE REPAIRS, AND SHALL REBUILD THE DISTURBED AREA TO APPROXIMATELY THE ORIGINAL GRADE. REPLACEMENT OF PRIVATELY OWNED DRIVEWAYS, CURBS, WALLS, ETC. SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER AND/OR HOMEOWNERS ASSOCIATION.
- ALL OFF-SITE EASEMENTS SHALL BE ACQUIRED BY THE DEVELOPER AND THESE OFF-SITE EASEMENTS SHALL BE RECORDED BY A DEED OF EASEMENT PRIOR TO UTILITY INFRASTRUCTURE CONSTRUCTION APPROVAL. THESE EASEMENTS SHALL BE DEDICATED TO THE TOWN OF APEX AND LABELED "TOWN OF APEX PUBLIC UTILITY EASEMENT".
- NO PERSON SHALL PLACE ANY PART OF A STRUCTURE, ANY PERMANENT EQUIPMENT, OR IMPROVEMENT UPON THE TOWN OF APEX PUBLIC UTILITY EASEMENTS. PROHIBITED STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO: BUILDINGS, HOUSES, AIR CONDITIONING UNITS, HEAT PUMP UNITS, STORAGE/TOOL SHEDS, SWIMMING POOLS, WALLS, RETAINING WALL, MEDIUMS/APPLIANCE/DECKS, GARAGES, AND FENCES. UPON WRITTEN APPROVAL BY THE WATER RESOURCES DEPARTMENT, PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, OR ELECTRIC UTILITIES DEPARTMENT, AS APPROPRIATE, FENCES MAY BE PERMITTED ACROSS EASEMENTS PROVIDED THAT AN ACCESS GATE IS INSTALLED FOR THE FULL WIDTH OF THE EASEMENT.
- NO PERSON SHALL PLANT TREES, SHRUBS, OR OTHER PLANTS WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WITHOUT PRIOR WRITTEN APPROVAL FROM THE WATER RESOURCES DEPARTMENT, PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, OR ELECTRIC UTILITIES DEPARTMENT, AS APPROPRIATE.
- CONTACT THE PLANNING DEPARTMENT TO GET A COPY OF THE ZONING CONDITIONS.

**EXEMPT**  
 TOWN OF APEX  
 SUBDIVISION ORDINANCE  
 11/19/2020  
 Authorized Signature  
 Date 1/9/2020

LINE DATA TABLE

LINE	BEARING	LENGTH
L1	N 82°33'37" E	19.32'
L2	N 41°30'16" E	25.78'
L3	N 41°30'16" E	1.38'
L4	N 03°05'50" E	53.21'
L5	S 82°56'35" W	R/16'
L6	S 82°56'35" W	18.12'
L7	S 41°34'37" W	55.94'

2.3437 AC. 102,090 SF. D.B. 10730, PG. 1418  
 0.4921 AC. 21,437 SF. D.B. 12558, PG. 1369  
 + 0.1098 AC. 4,784 SF. GAP BETWEEN D.B. 6585, PG. 612 & D.B. 12558, PG. 1369  
 2.9456 AC. 128,311 SF. TOTAL  
 - 0.2028 AC. 1,218 SF. OVERLAP OF D.B. 6585, PG. 612 & D.B. 12558, PG. 1369  
 2.9176 AC. 127,093 SF. RECOMBINED

CONTROL POINTS  
 N.C. GRID COORDINATES  
 NAD 83 (2011)  
 SPECTRA PROCESSION  
 EPOCH 50 MODE, P9410-00  
 SERIAL #5013829580  
 PRECISION: 450 - 472MM  
 NC CORS BASE STATION "NOLA"  
 GNSS RIN SURVEY 8/28/2018  
 3:00 PM - 5:00 PM  
 COMBINED FACTOR = 0.99995747

EP "A"  
 N = 721,986.22'  
 E = 2,046,396.35'  
 U.S. SURVEY FEET

EP "B"  
 N = 721,654.88'  
 E = 2,046,333.36'  
 U.S. SURVEY FEET

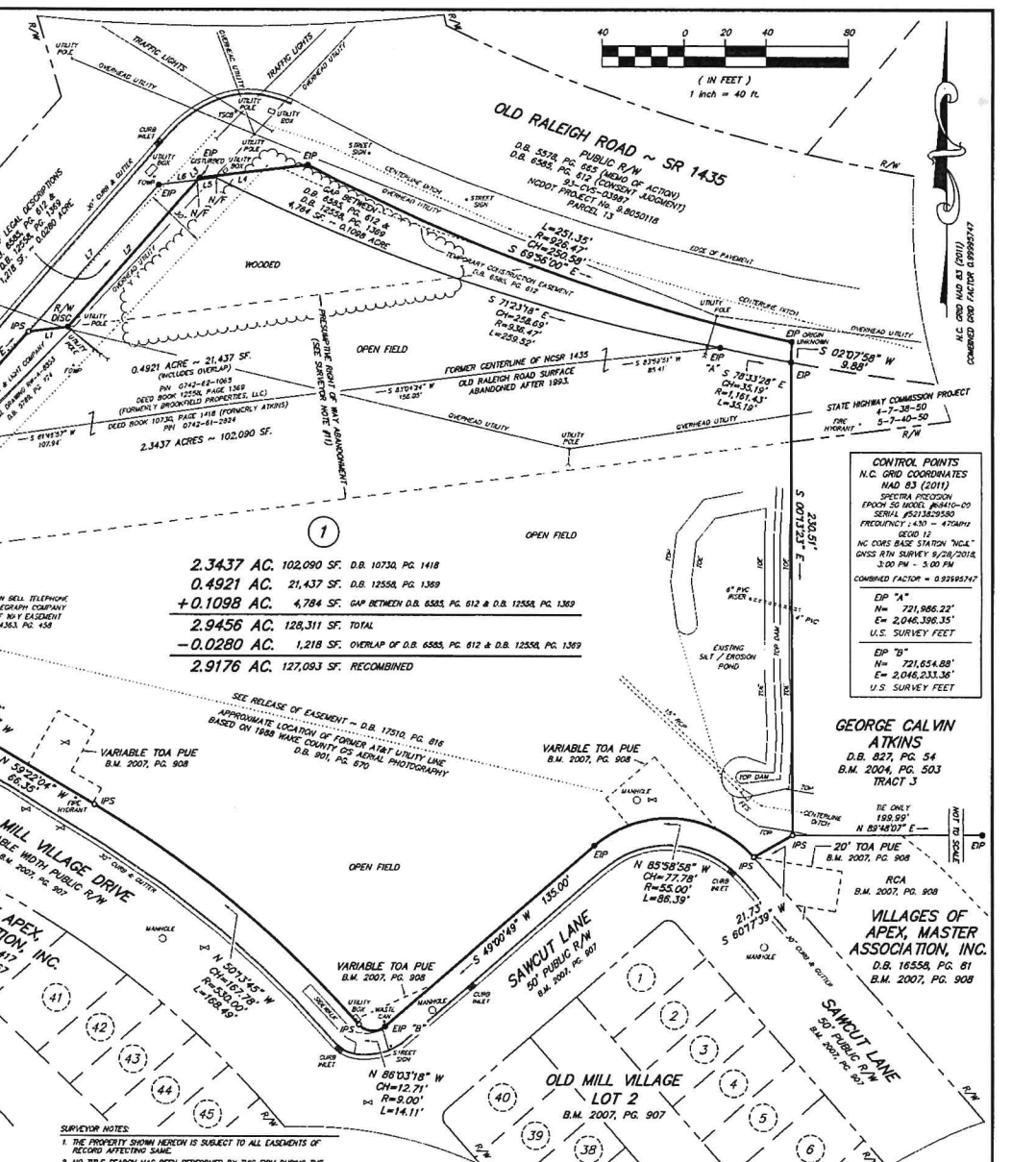
GEORGE CALVIN  
 ATKINS  
 D.B. 827, PG. 54  
 B.M. 2004, PG. 503  
 TRACT J

VILLAGES OF APEX, MASTER ASSOCIATION, INC.  
 D.B. 16558, PG. 81  
 B.M. 2007, PG. 908

RECOMBINATION PLAT  
 OLD MILL VILLAGE ~ LOT 1  
 TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LISTED OWNER  
 (NOT A TITLE VENDOR)  
 APEX FIRST DEVELOPMENT, LLC  
 56 HUNTER ST  
 SUITE 110  
 APEX, NC 27502

DATE: SEPT 28, 2018  
 SCALE: 1" = 40'  
 DRAWN BY: WHH  
 PROJECT NO. 18-91



**Legend**

- Existing Magnetic Nail
- Existing Iron Pipe
- Existing Iron Stake
- NCDOT Right of Way Aluminum Disc
- Iron Pipe Set (1/2" Inside Diameter)
- Town of Apex
- Length of Curve
- Public Utility Easement
- Resource Conservation Area
- Gas Valve
- Warning Sign
- Guy Anchor
- Traffic Signal Control Box
- Fiber Optics Witness Post
- Telephone Pedestal
- Right of Way
- Reinforced Concrete Pipe
- Polyvinyl Chloride
- North Carolina Department of Transportation
- North American Datum 1983
- Virtual Reference Station
- Continuously Operating Reference Station
- Time Network
- Not Found

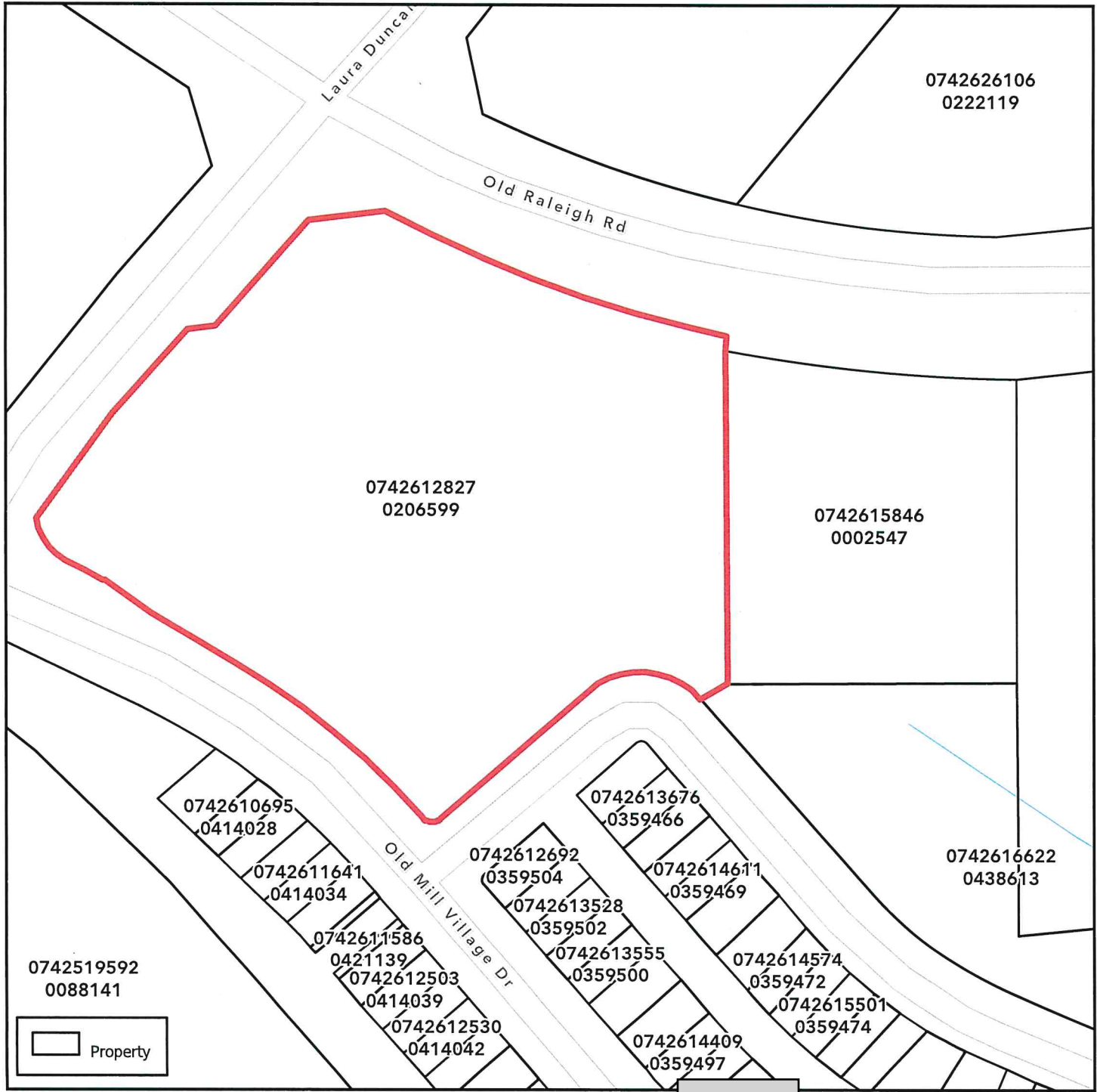
**Legend**

- Surveyed Line
- Other Surveyed Line
- Line Not Surveyed
- Other Line Not Surveyed
- Right of Way
- Approximate True Line

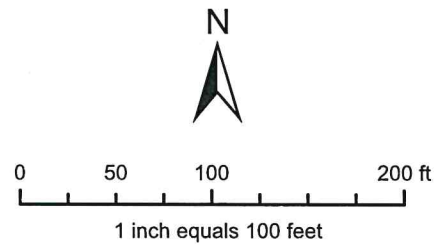
WAKE COUNTY, NC 96  
 CHARLES P. GILLILIAN  
 REGISTERED & RECORDED IN  
 8/17/2020 14:31:28  
 BOOK: BH2020 PAGE: 18836

**Legend**

- Surveyed Line
- Other Surveyed Line
- Line Not Surveyed
- Other Line Not Surveyed
- Right of Way
- Approximate True Line

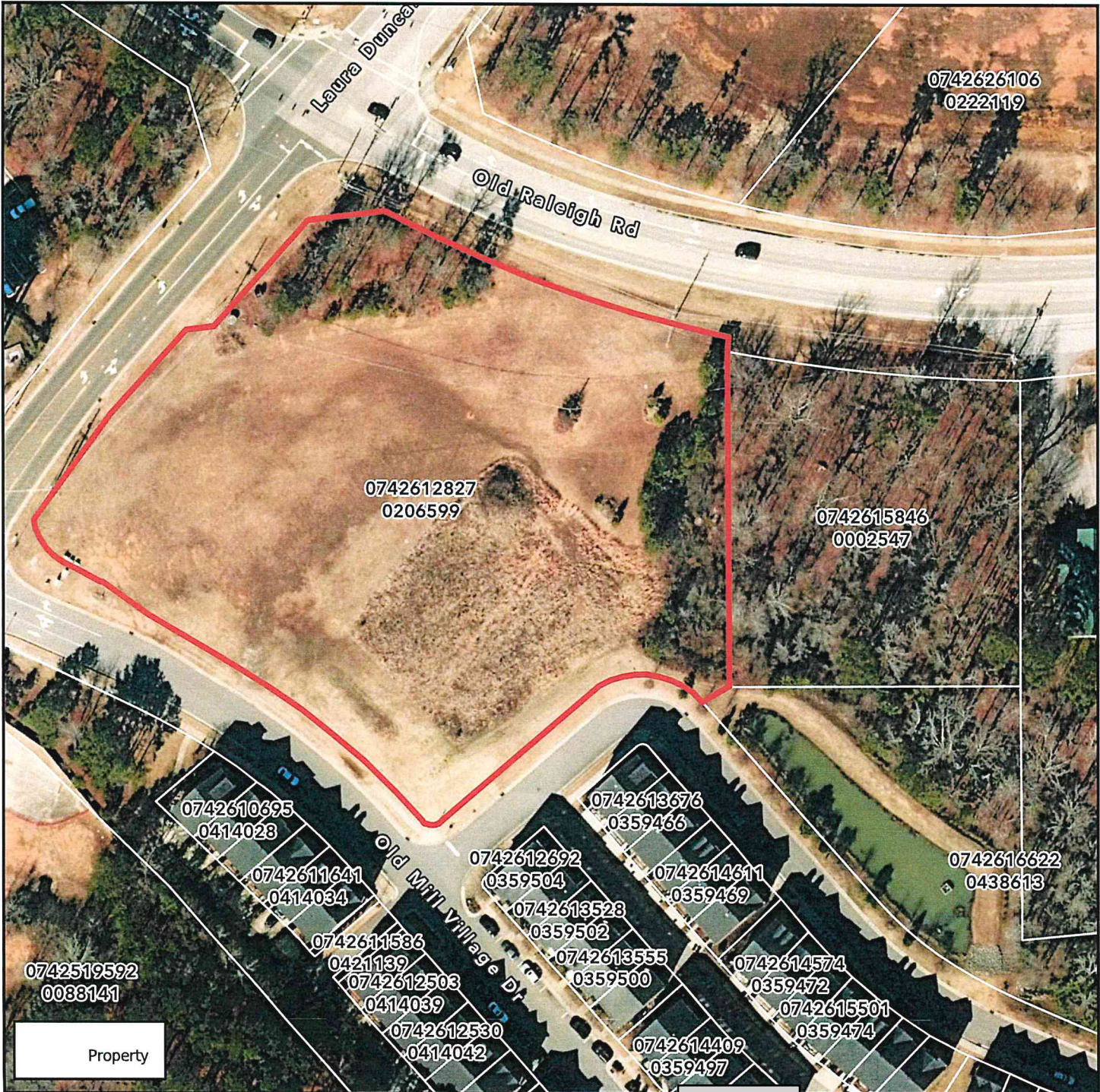


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 PIN\_EXT: 000  
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 TOTAL\_VALUE\_ASSD: 984489  
 DEED\_ACRES: 2.92  
 CITY: APE  
 CITY\_DECODE: APEX  
 PLANNING\_JURISDICTION: AP  
 TOWNSHIP: 20  
 TOWNSHIP\_DECODE: White Oak  
 OWNER: ANDORIA ENTERPRISES LLC  
 ADDR1: 1142 MARKER DR  
 ADDR2: APEX NC 27502-2434  
 DEED\_BOOK: 018897  
 DEED\_PAGE: 00978  
 DEED\_DATE: 1/27/2022  
 LAND\_CODE: V  
 LAND\_CLASS: VAC  
 LAND\_CLASS\_DECODE: Vacant  
 OWNERSHIP: 1020  
 ACTIVITY: 9000  
 FUNCTION: 9900  
 STRUCTURE: 9000  
 SITE: 1000  
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 MAP\_NAME: 0742 19  
 BILLCLASS: 1  
 BILLING\_CLASS\_DECODE: Business  
 PROPDESC: LOT RCMB OLD MILL VILLAGE  
 BM2020 -00036  
 STNAME: LAURA DUNCAN  
 STYPE: RD



 Property

**Disclaimer**  
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



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0359466

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0414034

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0359504

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0359469

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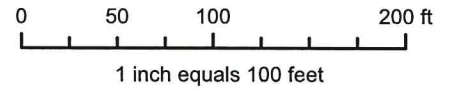
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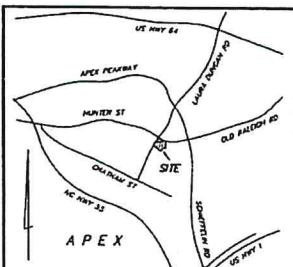
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Property

PARCEL\_PK: 497342  
 REID: 0206599  
 PIN\_NUM: 0742612827  
 PIN\_EXT: 000  
 LAND\_VAL: 984489  
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 DEED\_ACRES: 2.92  
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 LAND\_CLASS: VAC  
 LAND\_CLASS\_DECODE: Vacant  
 OWNERSHIP: 1020  
 ACTIVITY: 9000  
 FUNCTION: 9900  
 STRUCTURE: 9000  
 SITE: 1000  
 TOTSTRUCTS: 1  
 MAP\_NAME: 0742 19  
 BILLCLASS: 1  
 BILLING\_CLASS\_DECODE: Business  
 PROPDISC: LO1 RCMB OLD MILL VILLAGE  
 BM2020 -00036  
 STNAME: LAURA DUNCAN  
 STYPE: RD



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VICINITY MAP (NOT TO SCALE)

I, STALEY C. SMITH, CERTIFY THAT THIS WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY OF (ACCOMPANIES) AS REQUIRED IN...

Witness my original signature, license number, and seal this 15th day of July, A.D. 2019.

Professional seal of Staley C. Smith, Land Surveyor, License Number L-3766.

Approved copies if not recorded on or before 2/22/2020.

Eric Rifkin, Notary Public, commission expires October 6, 2021.

Notary seal for Staley C. Smith, Notary Public, Wake County, NC.

EXEMPT TOWN OF APEX SUBDIVISION ORDINANCE. Authorized Signature: Katherine Maye, Date: 1/9/2020.

- 1. ALL OFF-SITE EASEMENTS SHALL BE ACCURATE... 2. NO PERSON SHALL PLACE ANY PART OF A STRUCTURE... 3. NO PERSON SHALL PLANT TREES, SHRUBS, OR OTHER PLANTS...

LINE DATA TABLE with columns for LINE, BEARING, and LENGTH. Includes bearings like N 82°31'27" E and lengths like 19.32'.

Class of survey: A. Positional Accuracy: ±0.03 U.S. SURVEY FEET. Date of survey: 5-28-2018.

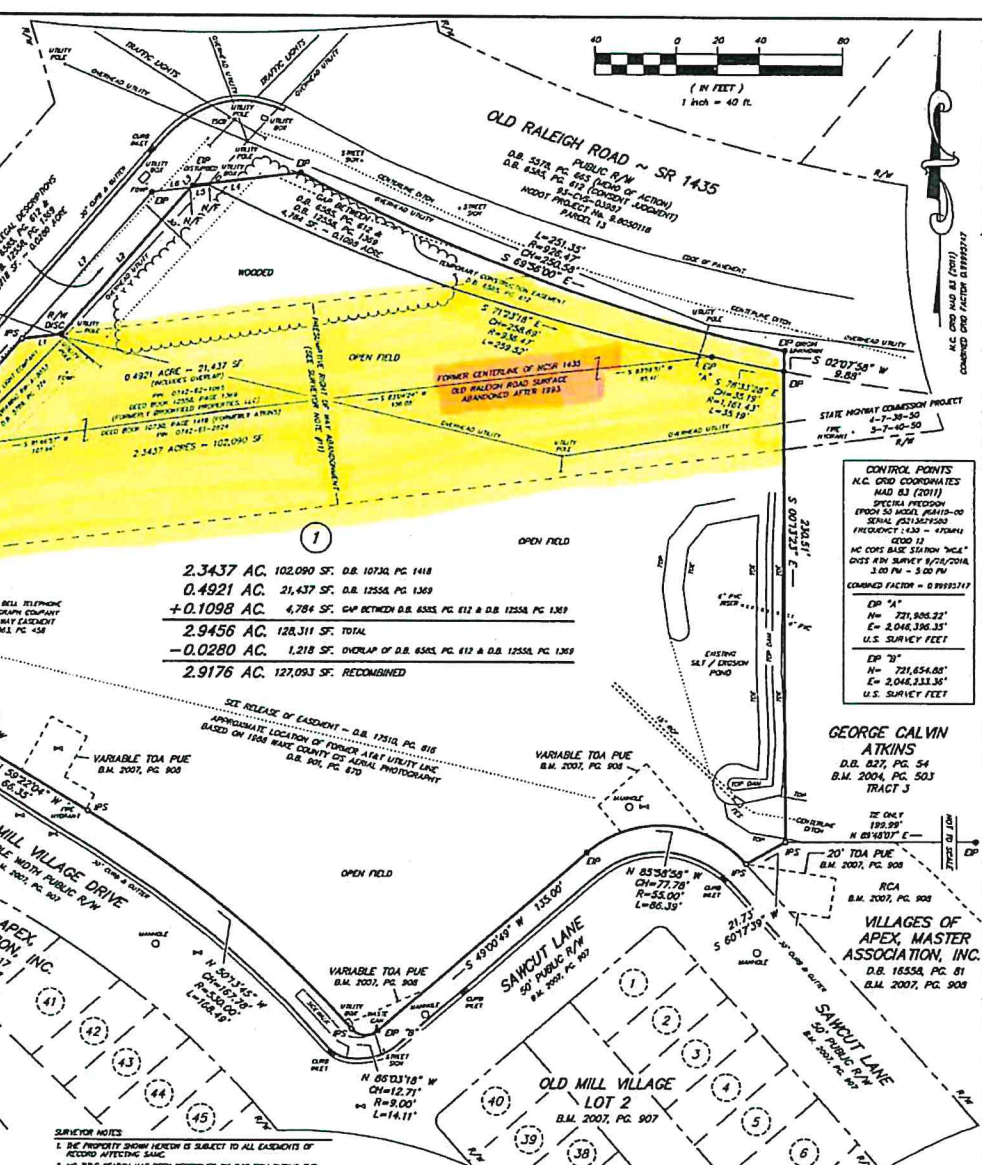
Witness my original signature, license number, and seal this 15th day of July, A.D. 2019.

Professional seal of Staley C. Smith, Land Surveyor, License Number L-3766.

Approved copies if not recorded on or before 2/22/2020.

Eric Rifkin, Notary Public, commission expires October 6, 2021.

Notary seal for Staley C. Smith, Notary Public, Wake County, NC.



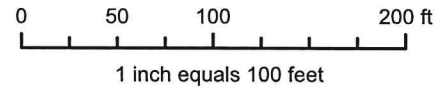
- 1. THE PROPERTY SHOWN HEREIN IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME. 2. NO BULK STORAGE HAS BEEN PERMITTED BY THIS PLAN DURING THE COURSE OF THIS SURVEY.

RECOMBINATION PLAT OLD MILL VILLAGE ~ LOT 1. TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA. LISTED OWNER: APEX FIRST DEVELOPMENT, LLC. Surveyors: Smith & Smith, Surveyors, P.A.





PARCEL\_PK: 497342  
 REID: 0206599  
 PIN\_NUM: 0742612827  
 PIN\_EXT: 000  
 LAND\_VAL: 984489  
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 BM2020 -00036  
 STNAME: LAURA DUNCAN  
 STYPE: RD



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RESOLUTION NO. 2023- 026

**A RESOLUTION OF INTENT OF THE TOWN COUNCIL TO CONSIDER THE CLOSING OF A PORTION OF OLD RALEIGH ROAD, LOCATED AT THE INTERSECTION OF OLD RALEIGH ROAD AND LAURA DUNCAN ROAD, EXTENDING TO OLD MILL VILLAGE DRIVE**

WHEREAS, G.S. 160A-299 authorizes the Town Council to close public streets and alleys; and

WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of Old Raleigh Road;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

- (1) A Public Hearing will held be at 6:00 p.m. on the 23rd day of May, 2023, in the Town of Apex Town Council Chambers at the Apex Town Hall to consider a resolution closing of that portion of Old Raleigh Road at the intersection of Laura Duncan Road, extending to Old Village Drive.
- (2) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in a newspaper of general circulation in the area.
- (3) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (4) The Town Clerk is further directed to transmit by registered or certified mail to the Department of Transportation a copy of this Resolution of Intent.
- (5) The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

This the 14th day of April, 2023.

Introduced by Councilmember: Zegerman

Seconded by Councilmember: Grantt

[signature page to follow]

**A RESOLUTION OF INTENT OF THE TOWN COUNCIL TO CONSIDER  
THE CLOSING OF A PORTION OF OLD RALEIGH ROAD, LOCATED  
AT THE INTERSECTION OF OLD RALEIGH ROAD AND LAURA  
DUNCAN ROAD, EXTENDING TO OLD MILL VILLAGE DRIVE**

Attest:



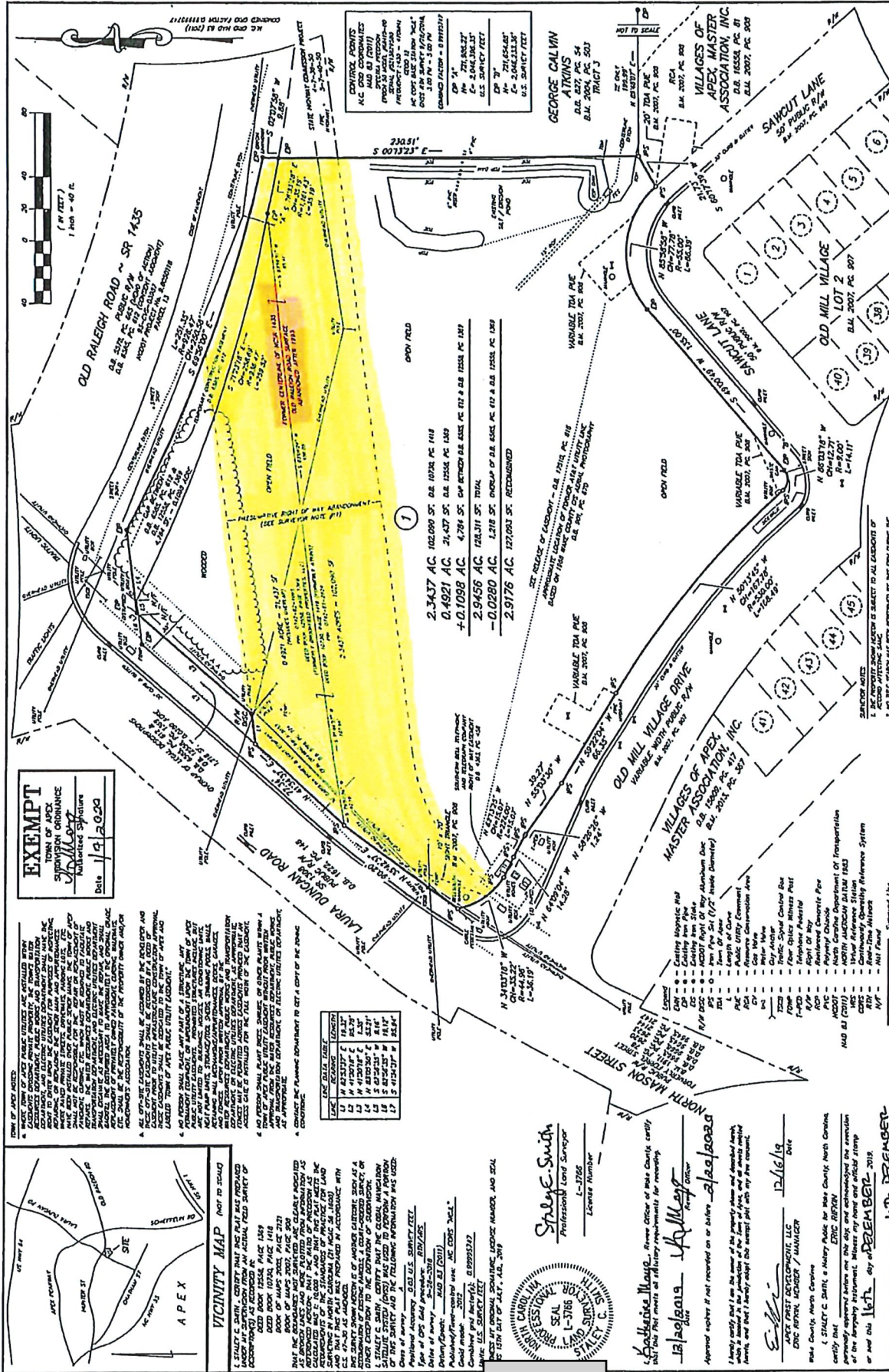
TOWN OF APEX

Allen L. Coleman, CMC, NCCCC

Town Clerk

Jacques K. Gilbert

Mayor



**EXEMPT**  
 TOWN OF APEX  
 SUPERVISOR ORDINANCE  
 191917  
 Date 1/14/2020

**TOWN OF APEX NOTES:**  
 1. THE TOWN OF APEX PUBLIC UTILITIES ARE LOCATED WITHIN THE BOUNDARIES OF THE PROPERTY AND THE TOWN OF APEX HAS ADVISED THAT THE PROPERTY IS NOT SUBJECT TO ANY TOWN OF APEX PUBLIC UTILITY EASEMENTS OR RIGHTS OF WAY. THE TOWN OF APEX PUBLIC UTILITIES ARE LOCATED WITHIN THE BOUNDARIES OF THE PROPERTY AND THE TOWN OF APEX HAS ADVISED THAT THE PROPERTY IS NOT SUBJECT TO ANY TOWN OF APEX PUBLIC UTILITY EASEMENTS OR RIGHTS OF WAY.

**PROPERTY NOTES:**  
 1. THE PROPERTY IS LOCATED WITHIN THE BOUNDARIES OF THE TOWN OF APEX AND IS SUBJECT TO THE TOWN OF APEX ZONING ORDINANCES. THE PROPERTY IS ZONED R-160 AND IS SUBJECT TO THE TOWN OF APEX ZONING ORDINANCES.

LINE	BEARING	DISTANCE	AREA
1	N 83°33'17" E	114.37'	12,811.00
2	N 83°33'17" E	114.37'	12,811.00
3	N 83°33'17" E	114.37'	12,811.00
4	N 83°33'17" E	114.37'	12,811.00
5	N 83°33'17" E	114.37'	12,811.00
6	N 83°33'17" E	114.37'	12,811.00
7	N 83°33'17" E	114.37'	12,811.00

**DEED RECORDS:**  
 2.3437 AC. 102,000 ST. DE. 10724 PC. 1418  
 0.4921 AC. 21,437 ST. DE. 12524 PC. 1439  
 +0.1098 AC. 4,784 ST. DE. 12524 PC. 1439  
 2.9456 AC. 128,311 ST. TOTAL  
 -0.0280 AC. 1,218 ST. OVERLAP OF D.B. 6502, AC. 117 & D.B. 12524 PC. 1439  
 2.9176 AC. 127,093 ST. REDESIGNED

**APPROVED:**  
 Eric R. Smith  
 Professional Land Surveyor  
 License Number: L-2768



**WITNESSES:**  
 Kathleen M. ...  
 ...

**APPROVED:**  
 Eric R. Smith  
 Professional Land Surveyor  
 License Number: L-2768

**NOTARY:**  
 Eric R. Smith  
 Notary Public  
 Commission Expires: October 4, 2021

**RECORDED IN BOOK OF MAPS:**  
 2020  
 2019  
 PAGE 36

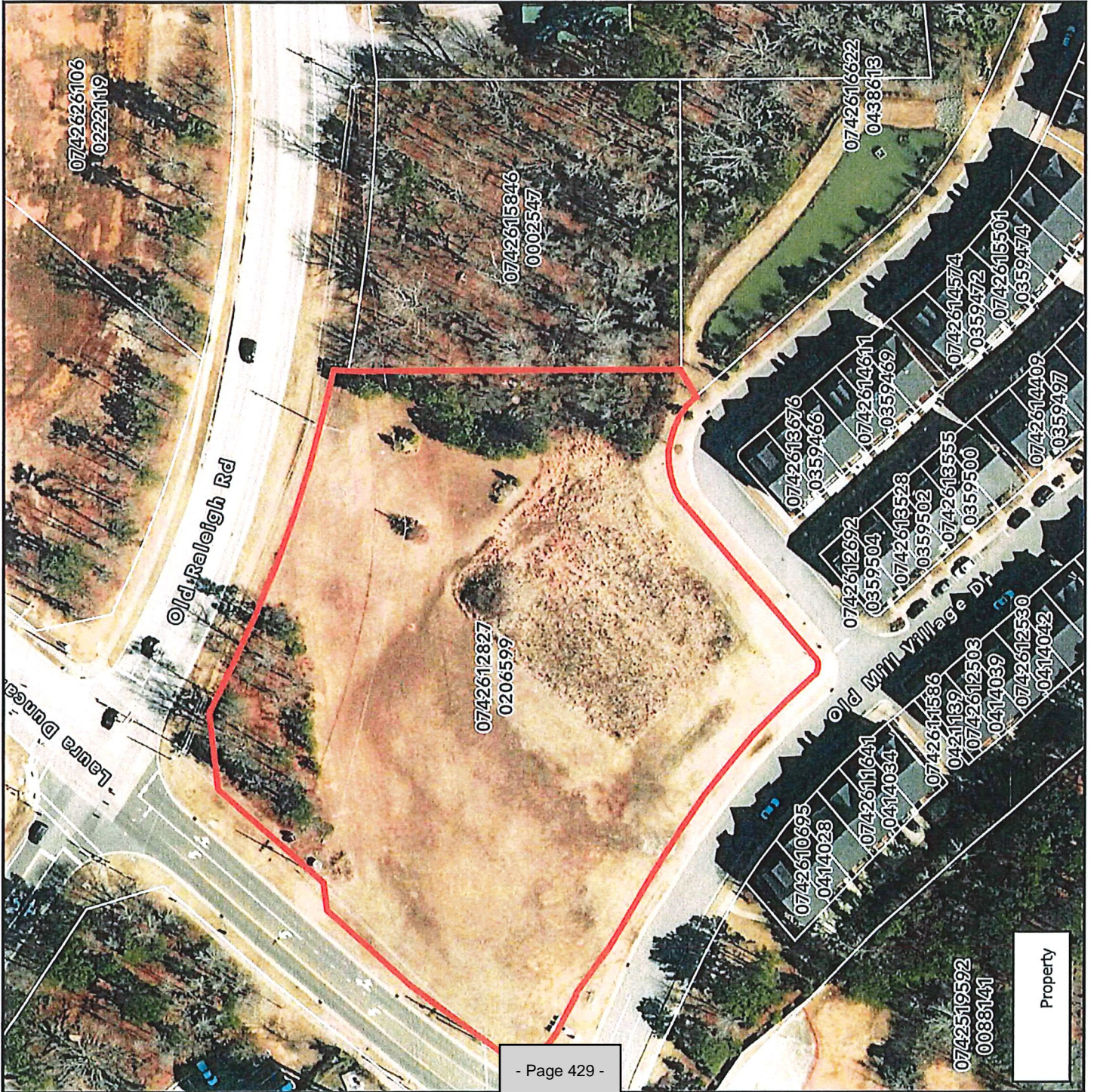
**RECOMBINATION PLAN**  
**OLD MILL VILLAGE ~ LOT 1**  
 TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

**LISTED OWNER:**  
 VILLAGES OF APEX MASTER ASSOCIATION, INC.  
 D.B. 16528, AC. 81  
 E.L. 2007, PC. 300

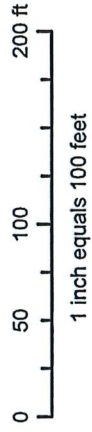
**DATE:** SEP 24, 2018  
**SCALE:** 1" = 40'  
**DRAWN BY:** MSH  
**PROJECT NO.:** 18-91

**SMITH & SMITH, P.A.**  
 457 NORTH WILSON STREET  
 SUITE 110  
 APEX, NC 27502  
 (919) 552-2111

**NOTES:**  
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 2. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO THE CENTER OF THE CURVE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO THE CENTER OF THE CURVE UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS ARE TO THE CENTER OF THE CURVE UNLESS OTHERWISE NOTED.



PARCEL\_PK: 497342  
 REID: 0206599  
 PIN\_NUM: 0742612827  
 PIN\_EXT: 000  
 LAND\_VAL: 984489  
 TOTAL\_VALUE\_ASSD: 984489  
 DEED\_ACRES: 2.92  
 CITY: APE  
 CITY\_DECODE: APEX  
 PLANNING\_JURISDICTION: AP  
 TOWNSHIP: 20  
 TOWNSHIP\_DECODE: White Oak  
 OWNER: ANDORIA ENTERPRISES LLC  
 ADDR1: 1142 MARKER DR  
 ADDR2: APEX NC 27502-2434  
 DEED\_BOOK: 018897  
 DEED\_PAGE: 00978  
 DEED\_DATE: 1/27/2022  
 LAND\_CODE: V  
 LAND\_CLASS: VAC  
 LAND\_CLASS\_DECODE: Vacant  
 OWNERSHIP: 1020  
 ACTIVITY: 9000  
 FUNCTION: 9900  
 STRUCTURE: 9000  
 SITE: 1000  
 TOTSTRUCTS: 1  
 MAP\_NAME: 0742 19  
 BILLCLASS: 1  
 BILLING\_CLASS\_DECODE: Business  
 PROPDESC: LOT1 RCMB OLD MILL VILLAGE  
 BM2020 -00036  
 STNAME: LAURA DUNCAN  
 STYPE: RD



**Disclaimer**  
 iMap makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
19949	414770	Print Legal Ad-IPL01204390 - IPL0120439		\$1,020.50	2	54 L

**Attention:** Allen Coleman

TOWN OF APEX  
 PO BOX 250  
 APEX, NC 275022312

Allen.Coleman@apexnc.org

**RESOLUTION NO. 2023- 026 PUBLIC NOTICE A RESOLUTION OF INTENT OF THE TOWN COUNCIL TO CONSIDER THE CLOSING OF A PORTION OF OLD RALEIGH ROAD, LOCATED AT THE INTERSECTION OF OLD RALEIGH ROAD AND LAURA DUNCAN ROAD, EXTENDING TO OLD MILL VILLAGE DRIVE**

WHEREAS, G.S. 160A-299 authorizes the Town Council to close public streets and alleys; and WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of Old Raleigh Road; NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

- (1) A Public Hearing will held be at 6:00 p.m. on the 23rd day of May, 2023, in the Town of Apex Town Council Chambers at the Apex Town Hall located at 73 Hunter Street in Apex, North Carolina, to consider a resolution closing of that portion of Old Raleigh Road at the intersection of Laura Duncan Road, extending to Old Village Drive.
- (2) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in a newspaper of general circulation in the area. (3) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (4) The Town Clerk is further directed to transmit by registered or certified mail to the Department of Transportation a copy of this Resolution of Intent.
- (5) The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

This the 11th day of April, 2023.

Introduced by Councilmember: Arno Zegerman; Seconded by Councilmember: Brett Gantt, and passed unanimously with the following members voting in the affirmative: Mayor Pro-Tempore, Audra Killingsworth, Councilmember Arno Zegerman, Councilmember Brett Gantt, Councilmember Terry Mahaffey, and Councilmember Ed Gray. Mayor Jacques K. Gilbert presided over the meeting. Residents may submit written comments in advance of the public hearing to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at townclerk@apexnc.org. Please use subject line "Road Closure - Intersection of Old Raleigh Road and Laura Duncan Road" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, May 23, 2023.

Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person. 2 Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements. A copy of the resolution is on file in the Office of the Town Clerk's Office and is available for public inspection Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. The Office of the Town Clerk is located on the 2nd Floor of the Apex Town Hall, 73 Hunter Street, Apex, North Carolina.

Allen Coleman, CMC, NCCCC

Town Clerk  
 Town of Apex, North Carolina  
 IPL0120439  
 Apr 28 2023

**STATE OF NORTH CAROLINA  
 COUNTY OF WAKE, COUNTY OF DURHAM**

Before the undersigned, a Notary Public of Dallas County, Texas, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Tara Pennington, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of the News & Observer Publishing Company, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News & Observer, Wake and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for TOWN OF APEX was inserted in the aforesaid newspaper on dates as follows:

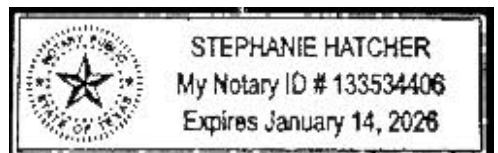
1 insertion(s) published on:  
 04/28/23

*Tara Pennington*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

# AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
19949	415346	Print Legal Ad-IPL01206700 - IPL0120670		\$3,011.50	2	54 L

**Attention:** Allen Coleman

TOWN OF APEX  
 PO BOX 250  
 APEX, NC 275022312

Allen.Coleman@apexnc.org

**RESOLUTION NO. 2023- 026 PUBLIC NOTICE A RESOLUTION OF INTENT OF THE TOWN COUNCIL TO CONSIDER THE CLOSING OF A PORTION OF OLD RALEIGH ROAD, LOCATED AT THE INTERSECTION OF OLD RALEIGH ROAD AND LAURA DUNCAN ROAD, EXTENDING TO OLD MILL VILLAGE DRIVE**

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- (5) The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

This the 11th day of April, 2023.

Introduced by Councilmember: Arno Zegerman; Seconded by Councilmember: Brett Gantt, and passed unanimously with the following members voting in the affirmative: Mayor Pro-Tempore, Audra Killingsworth, Councilmember Arno Zegerman, Councilmember Brett Gantt, Councilmember Terry Mahaffey, and Councilmember Ed Gray. Mayor Jacques K. Gilbert presided over the meeting. Residents may submit written comments in advance of the public hearing to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at townclerk@apexnc.org. Please use subject line "Road Closure - Intersection of Old Raleigh Road and Laura Duncan Road" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, May 23, 2023.

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Allen Coleman, CMC, NCCCC  
 Town Clerk  
 Town of Apex, North Carolina  
 IPL0120670  
 May 5,12,19 2023

**STATE OF NORTH CAROLINA  
 COUNTY OF WAKE, COUNTY OF DURHAM**

Before the undersigned, a Notary Public of Dallas County, Texas, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Tara Pennington, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of the News & Observer Publishing Company, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News & Observer, Wake and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for TOWN OF APEX was inserted in the aforesaid newspaper on dates as follows:

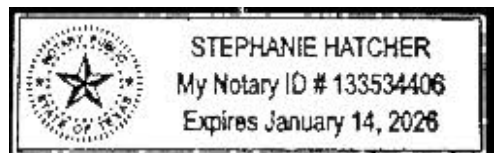
3 insertion(s) published on:  
 05/05/23, 05/12/23, 05/19/23

*Tara Pennington*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
19949	415346	Print Legal Ad-IPL01206700 - IPL0120670		\$3,011.50	2	54 L

Attention: Amy Amy Degen

TOWN OF APEX  
 PO BOX 250  
 APEX, NC 275022312

Allen.Coleman@apexnc.org

**RESOLUTION NO. 2023- 026 PUBLIC NOTICE A RESOLUTION OF INTENT OF THE TOWN COUNCIL TO CONSIDER THE CLOSING OF A PORTION OF OLD RALEIGH ROAD, LOCATED AT THE INTERSECTION OF OLD RALEIGH ROAD AND LAURA DUNCAN ROAD, EXTENDING TO OLD MILL VILLAGE DRIVE**

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Allen Coleman, CMC, NCCCC

Town Clerk  
 Town of Apex, North Carolina  
 IPL0120670  
 May 5, 12, 19 2023

**STATE OF NORTH CAROLINA  
 COUNTY OF WAKE, COUNTY OF DURHAM**

Before the undersigned, a Notary Public of Dallas County, Texas, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Tara Pennington, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of the News & Observer Publishing Company, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News & Observer, Wake and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for TOWN OF APEX was inserted in the aforesaid newspaper on dates as follows:

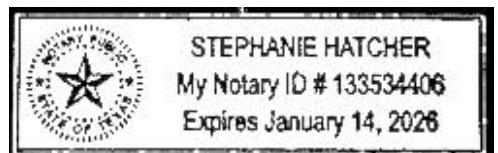
3 insertion(s) published on:  
 05/05/23, 05/12/23, 05/19/23

*Tara Pennington*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
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Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
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 The Telegraph - Macon  
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 Tri-City Herald  
 Wichita Eagle

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Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
19949	415346	Print Legal Ad-IPL01206700 - IPL0120670		\$3,011.50	2	54 L

Attention: Amy Degen

TOWN OF APEX  
 PO BOX 250  
 APEX, NC 275022312

Allen.Coleman@apexnc.org

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Allen Coleman, CMC, NCCCC

Town Clerk  
 Town of Apex, North Carolina  
 IPL0120670  
 May 5, 12, 19 2023

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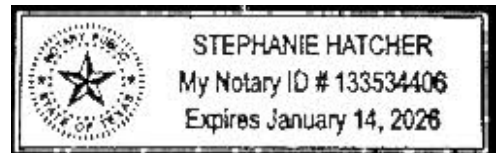
3 insertion(s) published on:  
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*Tara Pennington*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!

## **POLICY ON CLOSING PUBLIC RIGHTS OF WAY FOR STREETS, ROADS, AND ALLEYS**

1. Persons desiring to close a public right of way shall submit a letter (petition) to the Town Clerk describing the location of proposed closing, a list of adjacent property owners, a location map, and a non-refundable fee established in the Town's adopted fee schedule. The Assistant Town Manager shall review the petition and distribute to appropriate staff for review.
2. The petition and supporting documents shall be reviewed by the Town Attorney and staff in the Public Works and Utilities Department, Planning Department, and Construction Management and Engineering Department. Staff will review the infrastructure and make a recommendation on continuing the process or denial. The Assistant Town Manager shall inform the petitioner of the recommendation and the reasons for a denial recommendation if appropriate.

If the petitioner wishes to continue, the petitioner shall provide a survey of the proposed abandonment and other supporting documentation requested by staff. If any Town easement rights are required to be retained by the Town, the petitioner shall provide sufficient documentation to ensure survival of the easement rights. In addition, a refundable fee based on the approximate cost of completing the process shall be paid to the Town by the petitioner.

3. Once the fee is paid and documentation is supplied, the Town Attorney will prepare a resolution of intent to close the right of way. The Town Clerk shall incorporate the proposed resolution into the next available Town Council Agenda with the staff recommendation and set the public hearing date. The petitioner shall present their request to the Town Council.
4. Upon an approval of the resolution of intent by the Town Council, the Town Clerk shall provide notice of the resolution and public hearing as required by North Carolina General Statute 160A-299. The Planning Department will post required signs for the proposed abandonment.
5. If the Town Council denies the resolution of intent, no notice shall be published, the refundable fee shall be returned and the issue shall not be considered again for 180 days.
6. At the public hearing, the Town Council will consider the recommendation of the staff (which can change from original recommendation), the petitioner and the public and determine whether the closing is contrary to the public interest and any individual owning property in the vicinity of the street or alley would be deprived of reasonable means of ingress and egress to his property.
7. Upon affirmative vote, the Town Clerk shall record the necessary documents.
8. Upon a denial vote, the petition is closed and a new petition and fees shall be required for reconsideration. 180 days must pass from the date of denial prior to acceptance of a new petition.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 23, 2023

## Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

### Requested Motion

Public hearing and possible motion to approve Rezoning Application No. 23CZ05 Pleasant Park. The applicant, Angela Reincke, Town of Apex, seeks to rezone approximately 92.9 acres from Rural Residential (RR) to Conservation Buffer-Conditional Zoning (CB-CZ). The proposed rezoning is located at 3400 Pleasant Plains Road.

### Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on May 8, 2023 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

### Item Details

The property to be rezoned is identified as PIN 0731407544.

### Attachments

- PH4-A1: Staff Report, Application, and Vicinity Map - Rezoning Case No. 23CZ05 - Pleasant Park
- PH4-A2: Planning Board Report to Town Council - Rezoning Case No. 23CZ05 - Pleasant Park



# STAFF REPORT

## Rezoning #23CZ05 Pleasant Park

May 23, 2023 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Section 2.2.11 *Public Notification*.

### BACKGROUND INFORMATION:

**Location:** 3400 Pleasant Plains Road  
**Applicant/Owner:** Angela Reincke/Town of Apex

### PROJECT DESCRIPTION:

**Acreage:** 92.9 acres  
**PIN:** 0731407544  
**Current Zoning:** Rural Residential (RR)  
**Proposed Zoning:** Conservation Buffer-Conditional Zoning (CB-CZ)  
**2045 Land Use Map:** Park-Public or Private  
**Town Limits:** Inside Corporate Limits

### ADJACENT ZONING & LAND USES:

	Zoning	Land Use
<b>North:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ # 15CZ33); Tech/Flex-Conditional Zoning (TF-CZ #15CZ14); Rural Residential (RR)	Kings View Trl; Railroad; Townhomes (West Village subdivision); Church or place of worship; Undeveloped land
<b>South:</b>	Rural Residential (RR)	Single-family (large lot)
<b>East:</b>	Rural Residential (RR)	NC 540 Hwy and Undeveloped land
<b>West:</b>	Rural Residential (RR)	Single-family (large lot)

### EXISTING CONDITIONS:

The 92.9-acre Pleasant Park is currently under construction with several sports fields, open play areas, picnic areas, trails, and splash pad with an anticipated opening date of Summer 2023. It is located east of Pleasant Plains Rd, generally southwest of the intersection of Old US 1 Hwy and NC 540 Hwy.

### BACKGROUND:

The applicant is requesting a rezoning in order to increase the number of permitted colors for wayfinding signage and to allow increased height and/or sign area for the wayfinding and monument signage. The rezoning is also requested in order to change the zoning district to Conservation Buffer-Conditional Zoning (CB-CZ) to be consistent with other Town Park Zoning Districts and the 2045 Land Use Map.

### NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on February 27, 2023. The meeting report is attached.

### 2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject property as Park-Public or Private. The proposed rezoning to Conservation Buffer-Conditional Zoning (CB-CZ) is consistent with that Land Use Map designation.

# STAFF REPORT

Rezoning #23CZ05 Pleasant Park

May 23, 2023 Town Council Meeting



## PROPOSED ZONING CONDITIONS:

### Proposed Uses:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

### Uses:

- 1. Park, active
- 2. Park, passive
- 3. Utility, minor
- 4. Botanical garden
- 5. Greenway

### Rezoning Conditions:

- 1. The maximum number of colors on wayfinding signage shall be 6 (not including black/white) that utilize the Town of Apex Branding Standard Colors and reflect the Parks, Recreation and Cultural Resources Standard Specifications and Details.
- 2. The maximum height of Wayfinding signage shall be 120" (10 feet).
- 3. The maximum height of the entry monument signage for the park shall be 93" (7 feet 9 inches).
- 4. The entry monument maximum sign area square footage of sign face shall be 124 square feet.
- 5. Deciduous shade trees shall be planted on the southern side of buildings.
- 6. The project shall include installation of tree, shrub, and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.
- 7. No invasive species shall be permitted.
- 8. No single species of tree or shrub shall constitute more than 20 percent of the plant material of its type within the project site.
- 9. The project shall include drought tolerant plants, with 75 percent of the selection being native, and shall select warm season grasses.
- 10. Electrical Vehicle charging spaces shall not reduce the width of adjacent sidewalks to less than 5 feet and shall be located so that cords do not create trip hazards.
- 11. The parking lot and exterior lighting shall be LED.

## ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on February 16, 2023. The zoning condition recommendations by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Conditions	Applicant's Response
1. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on southern side of any buildings.	Added
2. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.	Added
3. No invasive species shall be permitted.	Added

# STAFF REPORT

Rezoning #23CZ05 Pleasant Park

May 23, 2023 Town Council Meeting



EAB Suggested Conditions	Applicant's Response
4. No single species or tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.	Added
5. The project commits to planting only drought tolerant plants. At least 75% of the plants selected shall be native and shall select warm season grasses.	Added
6. The installation of EV charging spaces shall not reduce the width of adjacent sidewalk to less than 5 feet.	Added
7. EV charging spaces shall be located such that the cords shall not cause a trip hazard.	Added
8. The developer shall provide 5% of all parking spaces as EV charging spaces	Not added*
9. The exterior lighting for all buildings and parking lots will consist entirely of LED fixtures.	Added

\*The approved Pleasant Park site plan shows 6 EV charging spaces.

## PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on May 8, 2023 meeting and unanimously recommended approval with the conditions as proposed by the applicant.

## PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #23CZ05 Pleasant Park with the conditions as offered by the applicant.

## ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map classifies the subject property as Park-Public or Private. The proposed rezoning to Conservation Buffer-Conditional Zoning is consistent with that land use classification.

The proposed rezoning is reasonable and in the public interest because it will implement stricter environmental conditions than the UDO requires, update the zoning for this parcel to be consistent with other Town parks, and will improve the health and wellness of residents by providing additional recreation programs and open space for residents.

## CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Conservation Buffer-Conditional Zoning (CB-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

### Legislative Considerations

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

## STAFF REPORT

### Rezoning #23CZ05 Pleasant Park

May 23, 2023 Town Council Meeting



- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Westwinds

Winding  
Creek  
Estates

West Village

Voekler St

Stegemann St

Mars Hill Ln

Maggie Valley Dr

Boyette St

Kings View Trl

540

Rezoning #23CZ05

Old US 1 Hwy

Pleasant Park

Recreation Dr

NC 540 Hwy SB  
NC 540 Hwy NB  
RAMP US 1 to NC 540 NB

Pleasant Plains Rd

Kirkwood

Pleasant  
Plains  
Estates

0 500 1,000  
Feet



**PETITION TO AMEND THE OFFICIAL ZONING MAP**

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 2023-004 Submittal Date: 3-1-2023  
230205 Fee Paid: n/a -Town of Apex Project

**Project Information**

Project Name: Pleasant Park

Address(es): 3400 PLEASANT PLAINS RD, Apex, NC 27502

PIN(s): 0731407544

Acreage: 92.19

Current Zoning: Rural Residential (RR) Proposed Zoning: CB-CZ

Current 2045 LUM Classification(s): Park

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes  No

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: \_\_\_\_\_

Area proposed as non-residential development: Acreage: \_\_\_\_\_

Percent of mixed use area proposed as non-residential: Percent: \_\_\_\_\_

**Applicant Information**

Name: Angela Reincke

Address: 53 Hunter Street, PO Box 250

City: Apex State: NC Zip: 27502

Phone: 919-372-7468 E-mail: Angela.Reincke@apexnc.org

**Owner Information**

Name: Town of Apex

Address: PO BOX 250

City: Apex State: NC Zip: 27502-0250

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent Information**

Name: Angela Reincke

Address: 53 Hunter Street, PO Box 250

City: Apex State: NC Zip: 27502

Phone: 919-372-7468 E-mail: Angela.Reincke@apexnc.org

Other contacts: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PETITION INFORMATION**

Application #: 23C205 Submittal Date: 3-1-2023

An application has been duly filed requesting that the property described in this application be rezoned from RR \_\_\_\_\_ to CB-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

**PROPOSED USES:**

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

1	<u>Park, Active</u>	21	_____
2	<u>Park, Passive</u>	22	_____
3	<u>Utility, Minor</u>	23	_____
4	<u>Botanical Garden</u>	24	_____
5	<u>Greenway</u>	25	_____
6	_____	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____



**PETITION INFORMATION**

Application #: 23C205 Submittal Date: 3-1-2023

3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 Supplemental Standards, if applicable.

All proposed uses will be consistent with the standards provided in the Town of Apex UDO including any applicable supplemental standards.

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

The proposed conditional rezoning district is compatible with nearby uses and will provide wayfinding signage that includes color coding for the four unique areas of the project assisting in navigation for visitors, emergency response times, and clearly providing distinct color identifiers for locations within the project.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The proposed conditional rezoning supports the minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

The proposed conditional rezoning will avoid having adverse impacts on public infrastructure and will provide additional recreation facilities for residents implement the Parks, Recreation, Greenways and Open Space Master Plan.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The proposed conditional rezoning will improve the health and wellness of residents by providing additional recreation programmed and open space for residents.

**PETITION INFORMATION**

Application #: 23 CZ05 Submittal Date: 3-1-2023

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

The proposed conditional rezoning provides protection to adjacent properties through limiting uses and providing recreation programming and open space along with infrastructure improvements in the area.

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

The proposed conditional rezoning would not be a nuisance or hazard and the Pleasant Park project has included improvements to existing road and utility infrastructure and will comply with all standards and specifications of the Unified Development Ordinance, Parks Standard Specifications and Details and any other conditions of approval.

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

The proposed conditional rezoning will comply with all standards and specifications of the Unified Development Ordinance, Parks Standard Specifications and Details, recognized standards of design and constructions for athletic fields and courts, design and maintenance of Playground Equipment (CPSC/ ASTM) and any other conditions of approval.

**AGENT AUTHORIZATION FORM**

Application #: 230205

Submittal Date: 3-1-2023

Town of Apex \_\_\_\_\_ is the owner\* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: \_\_\_\_\_

The property address is: 3400 Pleasant Plains Road, Apex NC 27502

The agent for this project is: Angela Reincke

I am the owner of the property and will be acting as my own agent

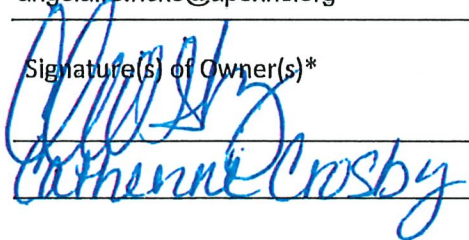
Agent Name: Angela Reincke, ASLA

Address: 53 Hunter Street (Po Box 250), Apex, NC 27502

Telephone Number: 919.372.7468

E-Mail Address: angela.reincke@apexnc.org

Signature(s) of Owner(s)\*

  
Catherine Crosby

\_\_\_\_\_  
Type or print name

2/13/23  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

Attach additional sheets if there are additional owners.

\*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

**AFFIDAVIT OF OWNERSHIP**

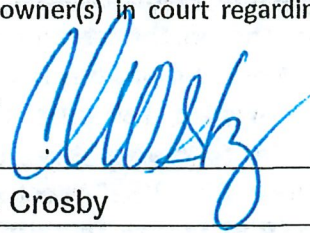
Application #: 23C205

Submittal Date: 3-1-2023

The undersigned, Catherine Crosby (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- 1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 3400 Pleasant Plains Road and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- 2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- 3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/7/2014, and recorded in the Wake County Register of Deeds Office on 11/10/2014, in Book 15384 Page 40-44.
- 4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- 5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/10/2014, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/10/2014, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 2nd day of February, 2023.



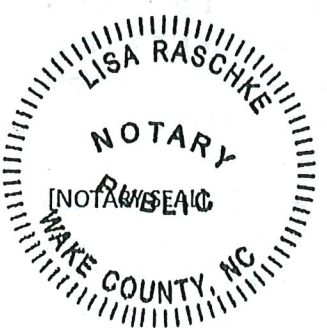
\_\_\_\_\_  
Catherine Crosby

(seal)

Type or print name

STATE OF NORTH CAROLINA  
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Catherine Crosby, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's M/A, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



\_\_\_\_\_  
Notary Public  
State of North Carolina  
My Commission Expires: 04/03/2027

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 23C205

Submittal Date: 3-1-2023

Insert legal description below.

Lying and being in White Oak Township, Wake County, North Carolina and described as follows more fully to wit:

BEGINNING at an existing iron pipe a corner with Rosewood 1322, LLC, having a north coordinate of 711,181.97' and an east coordinate of 2,035,086.48' based on NAD 83 (NSRS 2007); thence with a southern line of Rosewood 1322, LLC, South 88°59'30" East 1359.87 feet to an existing iron pipe on western right-of-way of N.C. 540 Highway; thence with aforesaid right-of-way South 30°25'43" East 614.73 feet to an existing iron pipe on aforesaid right-of-way; thence the following eighteen (18) courses and distances down the run of Big Branch, South 67°41'28" West 73.13 feet to a point, South 36°19'26" East 69.89 feet to an existing iron pipe, South 40°40'22" East 49.11 feet to a point, South 07°31'04" West 54.48 feet to a point, South 43°01'15" East 53.75 feet to a point, South 03°12'26" West 187.98 feet to a point, South 60°03'14" East 38.16 feet to a point, South 43°50'05" West 68.97 feet to a point, South 35°15'28" West 126.60 feet to a point, South 03°26'33" West 30.35 feet to a point, South 42°12'13" East 20.30 feet to a point, South 16°43'06" West 88.18 feet to a point, South 04°33'44" East 39.26 feet to a point, South 07°43'24" East 54.52 feet to an existing iron pipe, South 05°07'24" East 142.23 feet to a point, North 71°32'17" East 31.33 feet to a point, South 50°49'13" East 49.36 feet to a point, North 79°35'14" West 20.80 feet to an existing iron pipe, the northeastern corner of Lot 4D of "Pleasant Plains Estates"; thence North 87°31'40" West 704.52 feet to an existing iron pipe, the northeastern corner of Lot 5 of "Pleasant Plains Estates"; thence North 87°28'47" West 154.56 feet to an existing iron pipe; thence North 87°32'33" West 473.49 feet to an existing iron pipe, the northwestern corner of Lot 5 "Pleasant Plains Estates"; thence the following three (3) courses and distances with Lot 6R "Pleasant Plains Estates", North 87°32'53" West 252.99 feet to existing pinched top iron pipe, North 87°32'01" West 559.85 feet to an existing iron pipe, and South 35°22'14" West 69.76 feet to an existing iron pipe on the eastern right-of-way of N.C.S.R. No. 1170 (Pleasant Plains Road); thence the following five (5) courses and distances with aforesaid road right-of-way, a curve in a counterclockwise direction having a radius of 411.97 feet, a length of 153.37 feet and a chord of North 71°50'14" West 152.49 feet to an existing iron pipe, North 82°43'42" West 210.49 feet to an existing iron pipe, a curve in a clockwise direction having a radius of 351.97 feet, a length of 496.90 feet and a chord of North 42°12'46" West 456.65 feet to an existing iron pipe, North 01°46'06" West 449.41 feet to an existing iron pipe, and a curve in a counterclockwise direction having a radius of 303.92 feet, a length of 104.76 feet and a chord of North 11°41'22" West 104.25 feet to a NCDOT disc on aforesaid road right-of-way; thence leaving the right-of-way of N.C.S.R. No. 1170 (Pleasant Plains Road) and with the southern right-of-way of Kings View Trail the following three (3) courses and distances, North 41°46'15" East 180.54 feet to a NCDOT disc, a curve as it curves in a counterclockwise direction, having a radius of 5030.00 feet, a length of 452.45 feet, and a chord of North 42°14'52" East 452.30 feet to a NCDOT disc, and North 39°40'59" East 474.70 feet to an existing iron pipe, a corner with Rosewood 1322, LLC; thence the following three (3) courses and distances with Rosewood 1322, LLC, South 50°14'12" East 165.79 feet to an existing iron pipe, North 39°38'40" East 35.07 feet to an existing iron pipe, and South 54°02'46" East 416.17 feet to the point and place of



BEGINNING containing 92.1919 acres more or less. The above described tract of land is all of Wake County PIN's 0731.03-40-7544.

**23CZ05 Rezoning Conditions:**

1. The maximum number of colors on wayfinding signage shall be 6 (not including black/white) that utilize the Town of Apex Branding Standard Colors and reflect the Parks, Recreation and Cultural Resources Standard Specifications and Details.
2. The maximum height of Wayfinding signage shall be 120" (10 feet).
3. The maximum height of the entry monument signage for the park shall be 93" (7 feet 9 inches).
4. The entry monument maximum sign area square footage of sign face shall be 124 square feet.
5. Deciduous shade trees shall be planted on the southern side of buildings.
6. The project shall include installation of tree, shrub, and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.
7. No invasive species shall be permitted.
8. No single species of tree or shrub shall constitute more than 20 percent of the plant material of its type within the project site.
9. The project shall include drought tolerant plants, with 75 percent of the selection being native, and shall select warm season grasses.
10. Electrical Vehicle charging spaces shall not reduce the width of adjacent sidewalks to less than 5 feet and shall be located so that cords do not create trip hazards.
11. The parking lot and exterior lighting shall be LED.

SITE ADDRESS	PIN_NUM
0 OLD US 1 HWY	0731305673
3208 PLEASANT PLAINS RD	0730594378
3204 PLEASANT PLAINS RD	0730690301
3300 PLEASANT PLAINS RD	0730499538
3333 PLEASANT PLAINS RD	0730399538
0 TINGEN RD	0731706441
3413 PLEASANT PLAINS RD	0731307205
1820 OLD US 1 HWY	0731318157
3200 PLEASANT PLAINS RD	0730692142
0 KELLY RD	0731417647
1802 OLD US 1 HWY	0731411522
7144 MEADOW GATE DR	0730395608
1621 KINGS VIEW TRL	0731514493
0 KELLY RD	0731422153
0 PLEASANT PLAINS RD	0731306978
3301 PLEASANT PLAINS RD	0730496294
3305 PLEASANT PLAINS RD	0730494464
0 PLEASANT PLAINS RD	0730790324
3325 PLEASANT PLAINS RD	0730492536

Created by Town of Apex Planning Department

Date Created: 2/9/2023

**Owner 2**

APEX TOWN OF

Lisa and Philip Brown

Wendy S Burns Trustee, Revocable Living Trust

Brian and Barbara Dale

David and Diane Gibbs

Scot and Kristi Hahn

JUDY P IVES TRUSTEE

J&M STROUP LLC

Robert and Sandra Keck

NC TURNPIKE AUTHORITY

PLEASANT PLAINS BAPTIST CHURCH

Thomas and Ruth Revelle

ROSEWOOD 1322 LLC

Tony and Judy Sears

SM RALEIGH, LLC

Vicky and David Steward

James and Meredith Tschoke

WFINV LLC

Thomas and Nancy Zaffarese

Current Tenant

## OWNER

APEX TOWN OF  
 BROWN, LISA B BROWN, PHILIP A JR  
 BURNS, WENDY S TRUSTEE WENDY S BURNS REVOCABLE LIVING TRUST  
 DALE, BRIAN M DALE, BARBARA A  
 GIBBS, DAVID COCHRAN GIBBS, DIANE S  
 HAHN, MARSHALL SCOT HAHN, KRISTI WALKER  
 IVES, JUDY P TRUSTEE  
 J&M STROUP LLC  
 KECK, ROBERT C JR KECK, SANDRA G  
 NC TURNPIKE AUTHORITY  
 PLEASANT PLAINS BAPTIST CHURCH  
 REVELLE, THOMAS G REVELLE, RUTH E  
 ROSEWOOD 1322 LLC  
 SEARS, TONY C SEARS, JUDY T  
 SM RALEIGH, LLC  
 STEWARD, VICKY L STEWARD, DAVID M  
 TSCHOKE, JAMES MICHAEL TSCHOKE, MEREDITH REGINA  
 WFINV LLC  
 ZAFFARESE, THOMAS ZAFFARESE, NANCY A  
 Current Tenant

Name  
 Keck  
 Hahn  
 Steward  
 Phil Brown  
 Tony & Robin Santitoro

**MAILING ADDRESS**

PO BOX 250  
3208 PLEASANT PLAINS RD  
3204 PLEASANT PLAINS RD  
3300 PLEASANT PLAINS RD  
3333 PLEASANT PLAINS RD  
3016 TINGEN RD  
3413 PLEASANT PLAINS RD  
1940 METTA MILL LN  
3200 PLEASANT PLAINS RD  
1578 MAIL SERVICE CTR  
1802 OLD US 1 HWY # 1S  
7144 MEADOW GATE DR  
PO BOX 1457  
2508 KELLY RD  
11710 PLAZA AMERICA DR STE 1100  
3301 PLEASANT PLAINS RD  
3305 PLEASANT PLAINS RD  
4641 PARAGON PARK RD  
3325 PLEASANT PLAINS RD  
1820 Old Us 1 HWY

Address

3201 Pleasant Plains Rd

Mailing Address 2

APEX NC 27502-0250  
APEX NC 27502-9090  
APEX NC 27502-9090  
APEX NC 27502-9046  
APEX NC 27502-9091  
APEX NC 27502-8746  
APEX NC 27502-8749  
APEX NC 27502-9514  
APEX NC 27502-9090  
RALEIGH NC 27699-1578  
APEX NC 27502-7763  
APEX NC 27502-8716  
SMITHFIELD NC 27577-1457  
APEX NC 27502-9563  
RESTON VA 20190-4771  
APEX NC 27502-9091  
APEX NC 27502-9091  
RALEIGH NC 27616-3406  
APEX NC 27502-9091  
APEX NC 27502

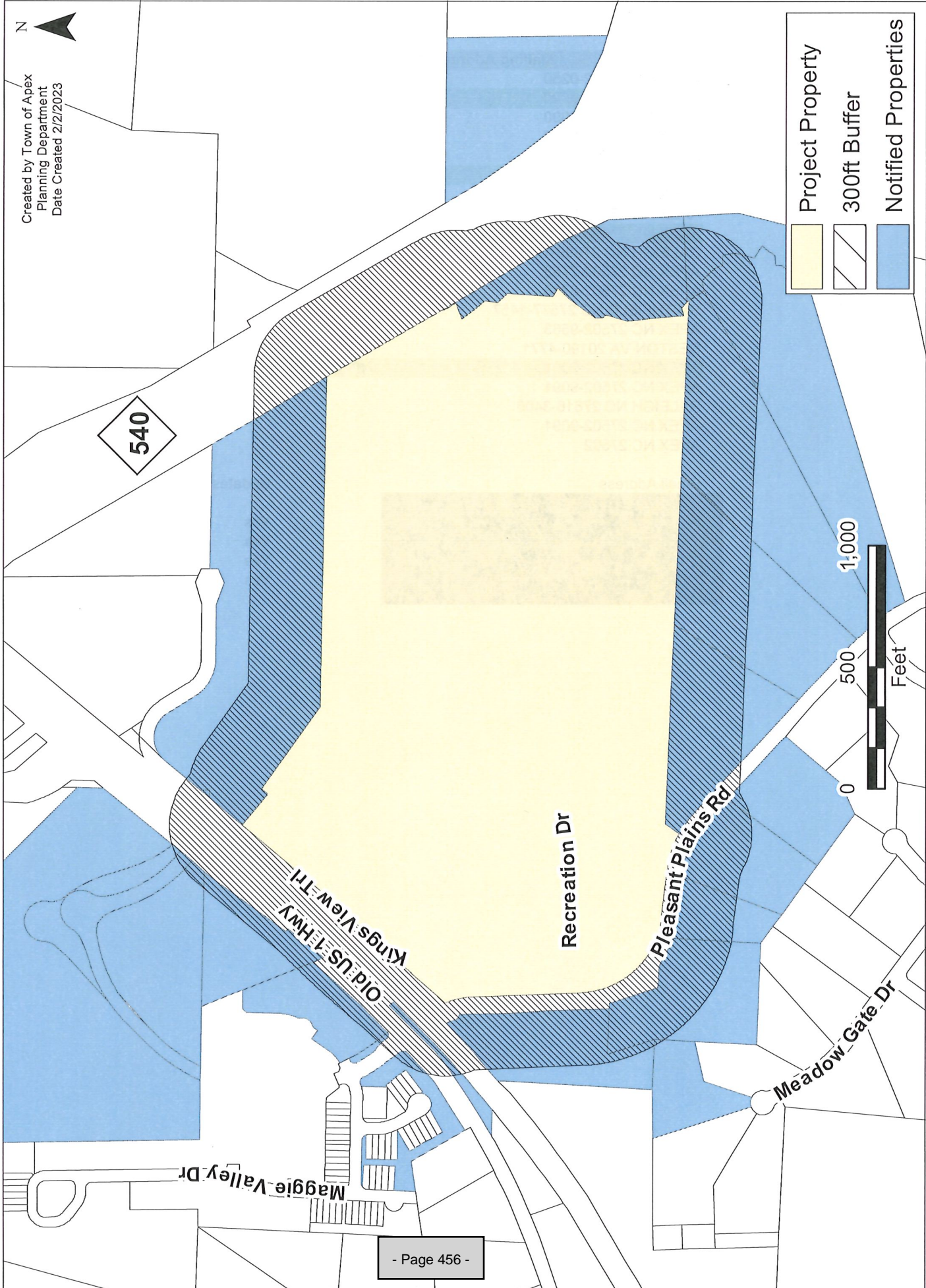
Email Address



Updates

Yes  
Yes  
Yes  
Yes email

# Notified Properties Within 300ft of the Project Property





# NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

February 10th, 2023

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at

3400 Pleasant Plains Rd

0731407544

Address(es)

PIN(s).

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

\*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

This request is for a conditional rezoning of Pleasant Park for the purpose of providing zoning conditions related to site specific wayfinding and monument

signage. In addition, the permitted uses of the project would be limited to the following: Park, Active, Greenway, Park, Passive, Botanical Garden or Utility, Minor,

in either the Rural Residential-CZ district or Conservation Buffer-CZ for consistency with other Parks. Approval of Sign permits will be required after the rezoning.

Estimated submittal date: March 1, 2023

## MEETING INFORMATION:

Property Owner(s) name(s): Town of Apex

Applicant(s): Angela Reincke, Parks Planning Project Manager

Contact information (email/phone): angela.reincke@apexnc.org 919-372-7468

Meeting Address: Virtual see next page for instructions on how to join

Date/Time of meeting\*\*: Feb. 27, 2023, 5-7pm

Welcome: 5:10 pm Project Presentation: 5:15 pm Question & Answer: 5:30 pm -7 pm

\*\*Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180>.

# PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

## Development Contacts:

Project Name: Pleasant Park Zoning: RR-CZ or CB-CZ

Location: 3400 Pleasant Plains Road, Apex, NC, 27502

Property PIN(s): 0731407544 Acreage/Square Feet: 92.19

Property Owner: Town of Apex

Address: 73 Hunter Street, PO Box 250

City: Apex State: NC Zip: 27502

Phone: 919-372-7468 Email: Angela.Reincke@apexnc.org

Developer: Town of Apex

Address: 73 Hunter Street, PO Box 250

City: Apex State: NC Zip: 27502

Phone: 919-372-7468 Fax: \_\_\_\_\_ Email: Angela.Reincke@apexnc.org

Engineer: N/A

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Builder (if known): N/A

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.**

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

### Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at [AllCouncil@apexnc.org](mailto:AllCouncil@apexnc.org).

### Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

### Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.



February 13, 2023

RE: PLEASANT PARK Rezoning  
Virtual Neighborhood Meeting Information

## Correction for Meeting Notice

HOW TO JOIN the Virtual Microsoft Teams Call:

Please ensure you have adequate time to log in to the meeting. If you have not used Microsoft Teams you might need to download the application, which usually takes a few minutes.

Type in this link to join the meeting: <https://bit.ly/3Jeo3Vs>

Enter in the Meeting ID and Passcode:

Meeting ID: 276 142 833 310

Passcode: kSmS2W

Or you may call in with audio only: [+1 828-552-5717](tel:+18285525717)

Phone Conference ID: 818 426 502#

You may email Tyler Gumpright at [tyler.gumpright@apexnc.org](mailto:tyler.gumpright@apexnc.org) to request the meeting invitation be emailed to you prior to February 24<sup>th</sup> at 12 noon

If you have difficulties joining the meeting on February 27<sup>th</sup>, please email or call Tyler at 919-372-7353

# NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: Virtual Microsoft Teams Call

Date of meeting: February 27th, 2023 Time of meeting: 5pm-7pm

Property Owner(s) name(s): Town of Apex

Applicant(s): Parks, Recreation and Cultural Resources Department, Town of Apex

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

	Name/Organization	Address	Phone #	Email	Send Plans & Updates
1	Tony & Robin Santitoro	3201 Pleasant Plains Rd, Apex NC 27502			Yes
2	Robert Keck	3200 Pleasant Plains Rd, Apex NC 27502			Yes
3	Kristi Hahn	3016 Tingen Road, Apex NC 27502			Yes
4	Phil and Lisa Brown	3208 Pleasant Plains Road, Apex NC 27502			Yes
5	Vicky Steward	3301 Pleasant Plains Road, Apex NC 27502			Yes

# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): Town of Apex (Agent representative Angela Reincke, Parks Planning Project Manager)

Applicant(s): Parks, Recreation and Cultural Resources Department, Town of Apex

Contact information (email/phone): Angela.Reincke@apexnc.org 919.372.7468

Meeting Address: Virtual Microsoft Teams Call

Date of meeting: February 27th, 2023 Time of meeting: 5pm-7pm

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

## Question/Concern #1:

Attendee raised a question about the lighting at the entrance to the park--safety concern

### Applicant's Response:

There will be street and parking lot lights.

There will be no lights on pickleball/basketball courts

The multipurpose fields will be lit during games and practices.

## Question/Concern #2:

Why would EV charging Stations be Free? Are you going to install a free gas pump?

### Applicant's Response:

TOA does not currently have a policy in place regarding EV charging stations. Mentioned EV charging stations downtown where private citizens currently use them. The Town would not install gas pumps for resident use at facilities

## Question/Concern #3:

Mentioned that EV Charging Stations could be successfully implemented with third party partners--free to town, partners would charge a fee for use. There is currently a program at NCSU-- Attendee offered to investigate details.

### Applicant's Response:

TOA does not currently have a policy in place regarding EV charging stations. Mentioned EV charging stations downtown where private citizens currently use them, as well as at Town Hall campus where they are available for staff vehicles and the public.

## Question/Concern #4:

Are they planning to use the adjacent parcel for elevated water tower

### Applicant's Response:

PRCR Staff has been notified by Water Resources Staff that the Tower would not be located between street and railroad. No further specific information is available from PRCR staff, but if information is desired contact the Water Resources Dept.

Question/Concern #5: Asked about other property (related to water tower) and whether or not this parcel was public or privately owned.

Applicants response: They could contact Water Resources Director, Mike Deaton for clarification on where these property negotiations stand.

Question/Concern #5: Per chat question—We have property adjacent to 540 that is landlocked. Do you have any plans to put up a fence to keep people out?

Applicants response: Offered to assist with determining property location and will provide additional information on whether or not a fence is planned for this area.

Question/Concern #6: Will there be a traffic light at the entryway to the Park?

Applicants response: Yes. There will also be additional offsite improvements. The final construction of the baseball and softball fields was conditioned on there being additional offsite road infrastructure improvements. This will all be coordinated by the Transportation Planning dept. Explained some of the current delays with CSX in ordering the signalization equipment related to the railroad crossing.

Question/Concern #7: I own the land adjacent to the park on the east side (Marshall Hahn). PIN number 0731706441. This is a landlocked parcel which is split by 540. We live on the east side of 540 and do not have access to the part that is on the west side of the highway. My concern is that we could not monitor access from park patrons that may choose to trespass on our property. Is there any consideration for fencing that side of the park to keep people from going down the hill and across the creek?

Additionally, I had contacted John Brown a few years back about seeing if the Town of Apex had any interest in this part of our property for use in nature trails or any other use, but I did not receive a response. If you have any insight into this please let me know.

Applicants response:

First, we do not have a fence planned along this area of the project. There is substantial slope from active recreation areas to this location and it wasn't an area we anticipated there being any park activity due to the low wet riparian areas in the floodplain.

I have inserted a map of information that you might be familiar with, and I have included the PRCR Director on this email to see if he has any other thoughts or comments. First, the entire property with the exception of a small area is within FEMA designated flood areas as shown in the map below. This may make it a property that could be considered for Watershed Protection or conservation. We would likely not provide any trails in the area, as any feature (trail, bridge etc.) within the floodway would likely require a Conditional Letter of Map Revision (CLOMR) which is a timely and expensive undertaking. But we do have goals that include preservation and conservation of property.

Things that would likely need to be understood include us having a conversation with our Water Resources Staff regarding the property and the value to our watershed and natural resources. If they agreed that it would be beneficial for protection, then we would need to know if you would be looking for it to be purchased or donated. We would need to work with our real estate team to know the steps that would be involved and how that could be structured. My understanding is that usually we need an

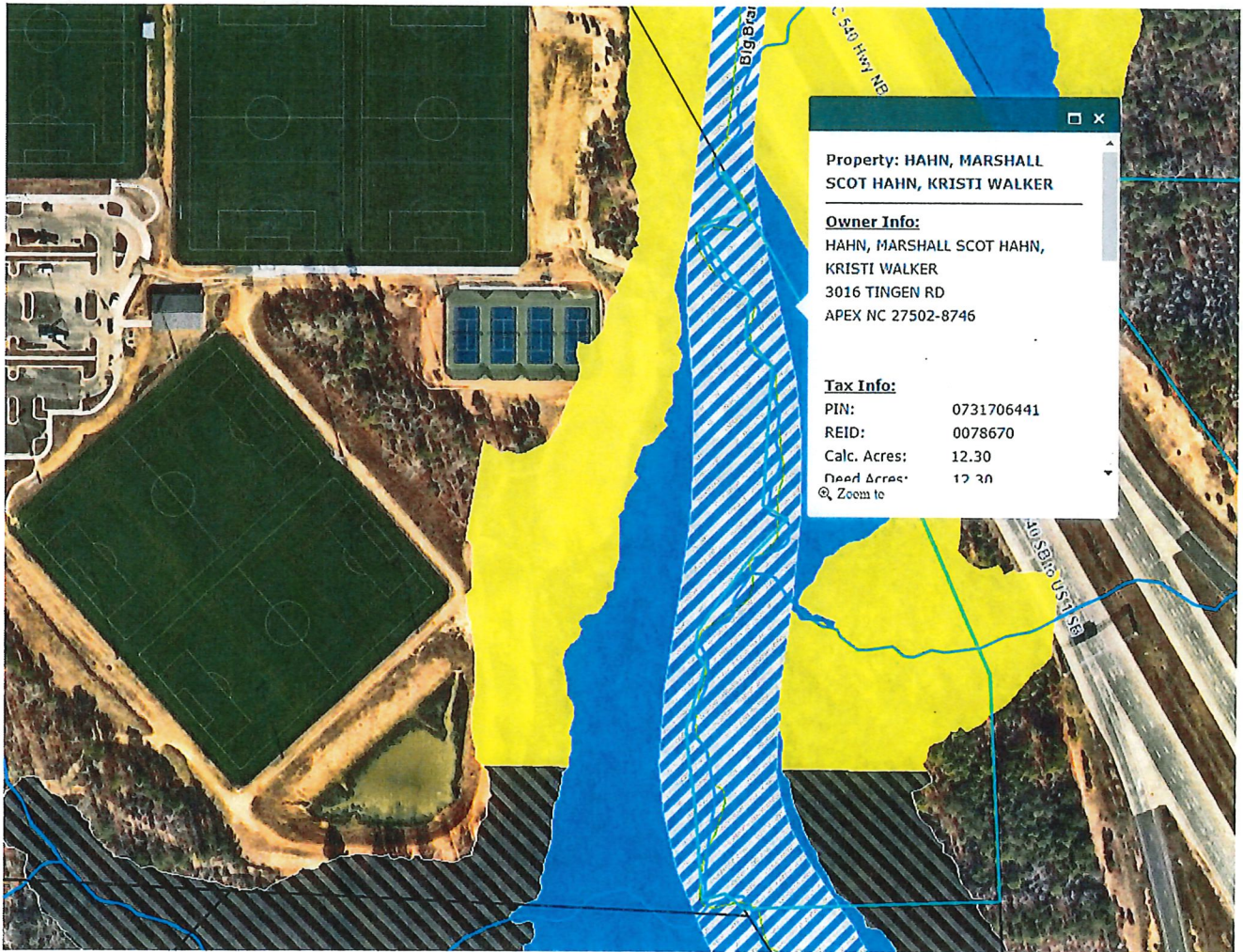


appraisal and sometimes a Phase 1 Environmental study to be able to acquire property, but would need to verify that information.

If you would like for us to entertain acquisition of the property please advise and we will share the information and determine what the next steps would be for consideration by the Town.

(Please see map sent via email below)

- Flood Hazard Contained In Structure, 1% Annual Chance Flood Hazard Conditions
- Zone AE: Floodway, 1% Annual Chance Flood Hazard Conditions:
- ▨ Floodway, 1% Future Conditions Contained In Channel: Floodway
- Zone AE: Community
- Encroachment Area, 1% Annual Chance Flood Hazard Conditions: Community Encroachment Area
- 0.2% Annual Chance Flood Hazard
- Contained In Channel, 0.2% Annual Chance Flood Hazard



Virtual Meeting CHAT

[2/10 12:34 PM]

Mobile Conference Hub named the meeting Pleasant Park Rezoning (Neighborhood-Meeting).

[4:52 PM]

4:52 PM Meeting started

[4:57 PM]

Craig Setzer was invited to the meeting.

[5:06 PM]

Apex (Guest) was invited to the meeting.

[5:11 PM] Apex

Phil and Lisa Brown

[5:12 PM] Angela Reincke

[5:13 PM] Apex



[5:17 PM]

Robert Keck (Guest) was invited to the meeting.

[5:19 PM]

kristi hahn (Guest) was invited to the meeting.

[5:22 PM] Apex

Is the water tank part of this meeting?

[5:34 PM]

Steward, Vicky was invited to the meeting.

[5:43 PM]

Rachel Bergman was invited to the meeting.

[6:10 PM] Tyler Gumpright

I have all names, addresses and emails of attendees.

[6:10 PM] Tyler Gumpright

Please let us know if you would like updates.

[6:11 PM] kristi hahn

like 1

[6:12 PM] kristi hahn

We have property adjacent to 540 that is landlocked. Do you have any plans to put up a fence to keep people out?

[6:12 PM] Apex

Yes, please add my email to the updates.

like 1

[6:17 PM] kristi hahn

Thank you! I will send you an email.

[6:18 PM] Apex

Thanks! I will start researching possibilities for both EV charging and solar.

[6:18 PM] kristi hahn

I am sorry I a mistake in my email.

like 1

[6:18 PM]

Steward, Vicky left the chat.

[6:18 PM] Tyler Gumpright

thanks, Kristi. I have your correct email noted.

[6:18 PM]

Apex (Guest) left the chat.

[6:19 PM]

Robert Keck (Guest) left the chat.

[6:30 PM] kristi hahn

I just sent you an email Angela about the property. Thank you!

[6:36 PM]

kristi hahn (Guest) left the chat.

# AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Angela Reincke, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual Microsoft Teams Call (location/address) on February 27th, 2023 (date) from 5:00pm (start time) to 7:00pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

4.14.23

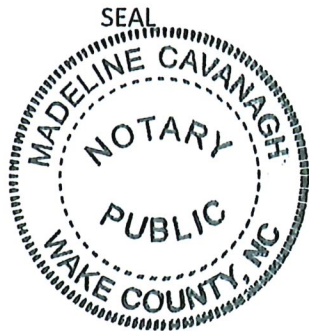
Date

By:

Angela Reincke

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Madeline Cavanagh, a Notary Public for the above State and County, on this the 14 day of April, 2023.



Madeline Cavanagh  
Notary Public  
Madeline Cavanagh  
Print Name

My Commission Expires:

March 19, 2028  
March 19, 2028



1



2



**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-466-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #23CZ05  
Town of Apex Pleasant Park**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** Town of Apex  
**Authorized Agent:** Angela Reincke, Town of Apex Parks Planning & Project Manager  
**Property Address:** 3400 Pleasant Plains Road  
**Acreage:** ±92.19 acres  
**Property Identification Number (PIN):** 0731407544  
**2045 Land Use Map Designation:** Park Public or Private  
**Existing Zoning of Property:** Rural Residential (RR)  
**Proposed Zoning of Property:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: May 8, 2023 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/townofapexnc>.

If you are unable to attend, you may provide a written statement by email to [public\\_hearing@apexnc.org](mailto:public_hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jen Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

**A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.**

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://www.apexnc.org/DocumentCenter/View/42911>. The 2045 Land Use Map may be viewed online at <https://www.apexnc.org/DocumentCenter/View/42911>. You may call 919-466-3426, Planning Department, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/42911>.

Dianne F. Khin, ACP  
Planning Director

Published Dates: April 21, 2023 – May 8, 2023



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-466-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS  
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ05  
Town of Apex Pleasant Park**

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifica las audiencias públicas ante la Junta de Manifiación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Town of Apex  
**Agente autorizada:** Angela Reincke, Town of Apex Parks Planning & Project Manager  
**Dirección de la propiedad:** 3400 Pleasant Plains Road



notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://www.apexnc.org/DocumentCenter/View/42911>. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/42911>.

Dianna F. Khin, ACP  
Planning Director

Published Dates: April 21, 2023 – May 8, 2023



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEPHONE 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ05**  
Town of Apex Pleasant Park

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.13 de la Ordenanza de Desarrollo Unificado (UDU) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Town of Apex  
**Agente autorizada:** Angela Reilicke, Town of Apex Parks Planning & Project Manager  
**Dirección de la propiedad:** 3400 Pleasant Plains Road  
**Superficie:** 49.23 acres  
**Número de identificación de la propiedad:** 0711407544  
**Designación en el Mapa de Uso Territorial para 2045:** Park Public or Private  
**Ordenamiento territorial existente de la propiedad:** Rural Residential (RR)  
**Ordenamiento territorial propuesto para la propiedad:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 24 piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación:** 8 de mayo de 2023 4:30 P.M.  
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/watch?v=7a6w9v8g>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org) o presentarla a la secretaria de la Junta de Planificación, Jari Pedersen (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todos los partes interesados pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://www.apexnc.org/DocumentCenter/View/42911>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://www.apexnc.org/DocumentCenter/View/42911>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/42911>.

Dianna F. Khin, ACP  
Directora de Planificación

Fechas de publicación: 21 de abril - 8 de mayo de 2023



# TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ05 Town of Apex Pleasant Park

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Town of Apex
- Authorized Agent:** Angela Reincke, Town of Apex Parks Planning & Project Manager
- Property Address:** 3400 Pleasant Plains Road
- Acreage:** ±92.19 acres
- Property Identification Number (PIN):** 0731407544
- 2045 Land Use Map Designation:** Park-Public or Private
- Existing Zoning of Property:** Rural Residential (RR)
- Proposed Zoning of Property:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: May 8, 2023 4:30 PM**

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

**A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.**

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/42393/>.

Dianne F. Khin, AICP  
Planning Director





## TOWN OF APEX

PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ05  
Town of Apex Pleasant Park

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Town of Apex

**Agente autorizado:** Angela Reincke, Town of Apex Parks Planning & Project Manager

**Dirección de la propiedad:** 3400 Pleasant Plains Road

**Superficie:** ±92.19 acres

**Números de identificación de la propiedad:** 0731407544

**Designación en el Mapa de Uso Territorial para 2045:** Park-Public or Private

**Ordenamiento territorial existente de la propiedad:** Rural Residential (RR)

**Ordenamiento territorial propuesto para la propiedad:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación:** 8 de mayo de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

**De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.**

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/42393/>.

Dianne F. Khin, AICP  
Directora de Planificación



**TOWN OF APEX**

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING  
Public Notification – Written (Mailed) Notice**  
Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ05  
Pleasant Park  
Project Location: 3400 Pleasant Plains Road  
Applicant or Authorized Agent: Angela Reincke/Town of Apex

This is to certify that I, as Director of Planning, mailed or caused to have mailed by first class postage for the above mentioned project on April 21, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

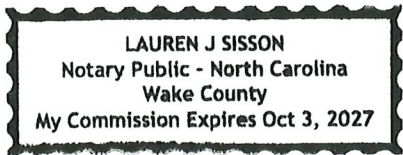
5/1/2023  
Date

Stianne Fkhu  
Director of Planning

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above

State and County, this the 1st day of MAY, 2023.



[Signature]  
Notary Public

SEAL

My Commission Expires: 10 / 3 / 2027



1



2



**TOWN OF APEX**  
PO BOX 4047 20  
APEX, NORTH CAROLINA 27502  
PHONE 919-460-3000

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #23CZ05  
Town of Apex Pleasant Park

Pursuant to the provisions of North Carolina General Statutes §180B-403 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.3.1.1, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Town of Apex
- Authorized Agent:** Angela Reinke, Town of Apex Parks Planning & Project Manager
- Property Address:** 3405 Pleasant Park Road
- Acreage:** 192.19 acres
- Priority Identification Number (PIN):** 0761-027544
- 2045 Land Use Map Designation:** Park-Public or Private
- Existing Zoning of Property:** Rural Residential (RR)
- Proposed Zoning of Property:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chambers, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Comments received prior to the Planning Board public hearing will not be provided to the Town Council.**  
Separate comments for the Town Council public hearing must be provided by the deadline specified below.

**Town Council Public Hearing Date and Time: May 23, 2023 - 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/watch?v=7m2w7fjagoc>

If you are unable to attend, you may provide a written statement by email to [public\\_hearing@apexnc.org](mailto:public_hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above, in addition to the above map. The location of the property may be viewed online at [https://maps.apexnc.org/arcgis/rest/services/2045\\_Land\\_Use\\_Map/MapServer/0](https://maps.apexnc.org/arcgis/rest/services/2045_Land_Use_Map/MapServer/0). You may call 919-460-3426, Planning Department, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/43011>

Dianne F. Kline, ACP  
Planning Director

Published Dates: April 28 - May 23, 2023



**TOWN OF APEX**

**NOTIFICACION PÚBLICA DE AUDIENCIAS PÚBLICAS**



**TOWN OF APEX**  
PO BOX 200  
APEX, NORTH CAROLINA 27502  
TELEFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ05  
Town of Apex Pleasant Park

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1800-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Town of Apex

**Agente autorizado:** Angila Reincke, Town of Apex Parks Planning & Project Manager

**Dirección de la propiedad:** 3400 Pleasant Plains Road

**Superficie:** 492.13 acres

**Números de identificación de la propiedad:** 0731407544

**Designación en el Mapa de Uso Territorial para 2045:** Park-Public or Private

**Ordenamiento territorial existente de la propiedad:** Rural Residential (RR)

**Ordenamiento territorial propuesto para la propiedad:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 28 piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se procesarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado o continuación.

**Fecha y hora de la audiencia pública del Consejo Municipal: 23 de mayo de 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/channel/UCp9e9g1>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public\\_hearing@apexnc.org](mailto:public_hearing@apexnc.org) o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.cdnatlas.com/nc/apex>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/276](http://www.apexnc.org/DocumentCenter/View/276). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/523934>.

Dianne F. Kite, AICP  
Directora de Planificación

Fechas de publicación: 28 de abril - 23 de mayo de 2023



## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ05 Town of Apex Pleasant Park

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** Town of Apex  
**Authorized Agent:** Angela Reincke, Town of Apex Parks Planning & Project Manager  
**Property Address:** 3400 Pleasant Plains Road  
**Acreage:** ±92.19 acres  
**Property Identification Number (PIN):** 0731407544  
**2045 Land Use Map Designation:** Park-Public or Private  
**Existing Zoning of Property:** Rural Residential (RR)  
**Proposed Zoning of Property:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

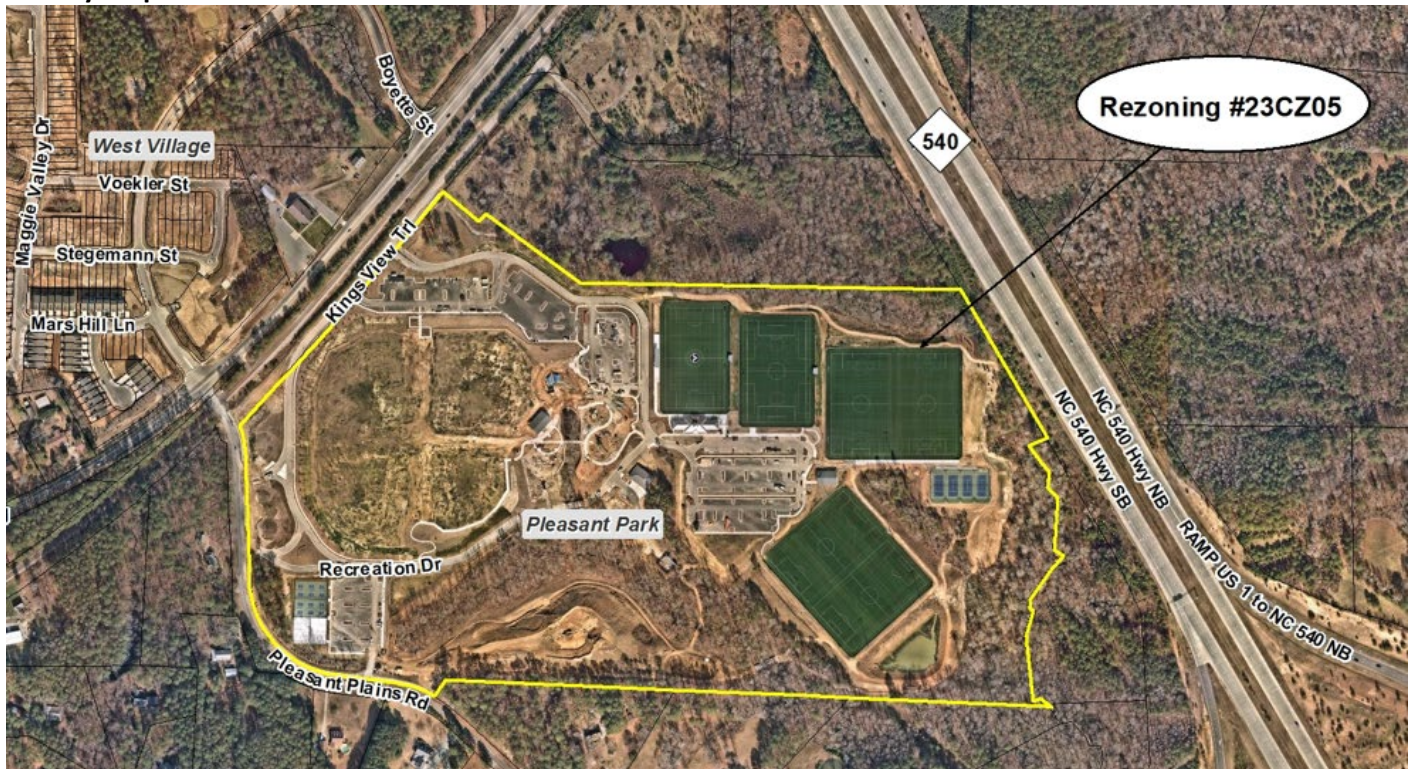
***Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

**Town Council Public Hearing Date and Time: May 23, 2023 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:  
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/42393/>.

Dianne F. Khin, AICP  
Planning Director



**TOWN OF APEX**  
 PO BOX 250  
 APEX, NORTH CAROLINA 27502  
 TELÉFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ05**  
 Town of Apex Pleasant Park

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

- Solicitante:** Town of Apex
- Agente autorizado:** Angela Reincke, Town of Apex Parks Planning & Project Manager
- Dirección de la propiedad:** 3400 Pleasant Plains Road
- Superficie:** ±92.19 acres
- Números de identificación de la propiedad:** 0731407544
- Designación en el Mapa de Uso Territorial para 2045:** Park-Public or Private
- Ordenamiento territorial existente de la propiedad:** Rural Residential (RR)
- Ordenamiento territorial propuesto para la propiedad:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
 Cámara del Consejo, 2º piso  
 73 Hunter Street, Apex, Carolina del Norte

***Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.***

**Fecha y hora de la audiencia pública del Consejo Municipal: 23 de mayo de 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/42393/>.

Dianne F. Khin, AICP  
 Directora de Planificación



**TOWN OF APEX**

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING  
Public Notification – Written (Mailed) Notice**  
Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ05  
Pleasant Park  
Project Location: 3400 Pleasant Plains Road  
Applicant or Authorized Agent: Angela Reincke/Town of Apex

This is to certify that I, as Director of Planning, mailed or caused to have mailed by first class postage for the above mentioned project on April 28, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

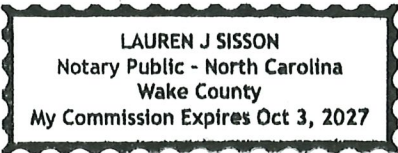
5/1/2023  
Date

Maiane F. Klein  
Director of Planning

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J Sisson, a Notary Public for the above

State and County, this the 1<sup>st</sup> day of May, 2023.



[Signature]  
Notary Public

My Commission Expires: 10 / 3 / 2027

SEAL

Rezoning #23CZ05

West Village

Old US 71 Hwy  
Kings View Trl

540

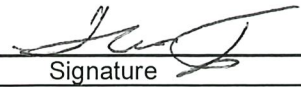
Recreation Dr

Pleasant Park

Pleasant Plains Rd

Pleasant  
Plains  
Estates

Public Hearing Sign Posted By

  
Signature

3/8/2023  
Date





# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #23CZ05 Pleasant Park

Planning Board Meeting Date: May 8, 2023



## Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

## PROJECT DESCRIPTION:

**Acreage:** 92.9 acres  
**PIN:** 0731407544  
**Current Zoning:** Rural Residential (RR)  
**Proposed Zoning:** Conservation Buffer-Conditional Zoning (CB-CZ)  
**2045 Land Use Map:** Park – Public or Private  
**Town Limits:** Inside Corporate Limits

## Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map  
 Consistent       Inconsistent      Reason: \_\_\_\_\_

Apex Transportation Plan  
 Consistent       Inconsistent      Reason: \_\_\_\_\_

Parks, Recreation, Open Space, and Greenways Plan  
 Consistent       Inconsistent      Reason: \_\_\_\_\_

**PLANNING BOARD REPORT TO TOWN COUNCIL**

Rezoning Case: #23CZ05 Pleasant Park

Planning Board Meeting Date: May 8, 2023



**Legislative Considerations:**

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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2. *Compatibility.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and compatibility with the character of surrounding land uses.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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3. *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use’s compliance with Sec. 4.4 *Supplemental Standards*, if applicable.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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4. *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use’s minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use’s minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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**PLANNING BOARD REPORT TO TOWN COUNCIL**

Rezoning Case: #23CZ05 Pleasant Park

Planning Board Meeting Date: May 8, 2023



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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9. *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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10. *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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**PLANNING BOARD REPORT TO TOWN COUNCIL**

Rezoning Case: #23CZ05 Pleasant Park

Planning Board Meeting Date: May 8, 2023



**Planning Board Recommendation:**

Motion: To recommend approval as presented.

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Steven Rhodes

*Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

*Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented.

*Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

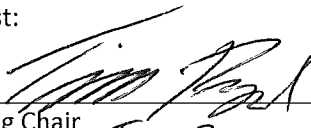
With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8th day of May 2023.

Attest:

  
\_\_\_\_\_  
Acting Chair Tim Royal

**Dianne Khin** Digitally signed by Dianne Khin  
Date: 2023.05.08 17:31:36  
-04'00'  
\_\_\_\_\_  
Dianne Khin, Planning Director

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Joshua Killian, Planner I

Department(s): Planning

### Requested Motion

Public hearing and possible motion to approve Rezoning Application No.23CZ06 Hunter Street Park Addition. The applicant, Angela Reincke, Town of Apex, seeks to rezone approximately 1.7 acres from Planned Unit Development-Conditional Zoning (PUD-CZ No.07CZ05) to Conservation Buffer-Conditional Zoning (CB-CZ). The proposed rezoning is located at 1250 Ambergate Station.

### Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on May 8, 2023 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

### Item Details

The property to be rezoned is identified as PIN 0742531455 (portion of).

### Attachments

- PH5-A1: Staff Report, Application, and Vicinity Map - Rezoning Case No. 23CZ06 - Hunter Street Park Addition
- PH5-A2: Planning Board Report to Town Council - Rezoning Case No. 23CZ06 - Hunter Street Park Addition



# STAFF REPORT

## Rezoning #23CZ06 Hunter Street Park Addition

May 23, 2023 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

### **BACKGROUND INFORMATION:**

**Location:** 1250 Ambergate Station

**Applicant/Owner:** Angela Reincke, Parks Planning and Project Manager/Town of Apex

### **PROJECT DESCRIPTION:**

**Acreage:** ±1.7

**PIN:** 0742531455 (portion of)

**Current Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)

**Proposed Zoning:** Conservation Buffer-Conditional Zoning (CB-CZ)

**2045 Land Use Map:** Park-Public or Private

**Town Limits:** Yes

### **Adjacent Zoning & Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Light Industrial (LI)	Self-service storage (Ample Storage)
<b>South:</b>	Conservation Buffer (CB #10RZ08)	Park, active (Hunter Street Park)
<b>East:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)	Ambergate Station; School, public or private (Thales Academy)
<b>West:</b>	High Density Single-Family-Conditional Use (HDSF-CU #01TRZ08); Office & Institutional-Conditional Use (O&I-CU #97CU07)	Railroad; N Salem St; Single-family residential (Salem Oaks Subdivision); Office, business & professional (The Courtyards at Salem Oaks)

### **Existing Conditions:**

The property to be rezoned is located north of Hunter Street Park and west of Ambergate Station. This area is undeveloped with trees sparsely populating the eastern and western sides of the property.

### **Background:**

This portion of the Town owned property was originally rezoned to PUD-CZ with the Trackside PUD #07CZ05. The Trackside PUD, now known as The Villages of Apex, dedicated 12.98 acres for a Public Park, including the area to be rezoning and the 10.57 acres that is the current developed area of Hunter Street Park. Hunter Street Park was rezoned in 2011 to Conservation Buffer (CB) to match the zoning of all other existing parks in Town. This final portion of dedicated park space was recombined with the Hunter Street Park parcel in 2021.

### **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on February 24, 2023. The neighborhood meeting report is attached.

### **2045 Land Use Map:**

The 2045 Land Use Map classifies the subject property as Park-Public or Private. The proposed rezoning to Conservation Buffer-Conditional Zoning (CB-CZ) is consistent with that land use classification.

# STAFF REPORT

## Rezoning #23CZ06 Hunter Street Park Addition

May 23, 2023 Town Council Meeting



### PROPOSED ZONING CONDITIONS:

#### Limitation of Uses:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply

#### Permitted Uses and Limitations:

1. Park, active
2. Park, passive
3. Greenway
4. Botanical garden
5. Utility, minor

#### Conditions:

1. All invasive species included in the Town of Apex Design and Development Manual shall be removed from the site.
2. The buffer along the northern property line shall be at least 10 feet wide. Where there is existing vegetation, it shall remain undisturbed except where invasive species will be removed. All areas with no existing vegetation and areas where invasive species are removed shall be planted to a 10-foot Type A buffer standard.
3. The buffer along the western property line shall be a minimum of 50 feet wide. Where there is existing is existing vegetation, it shall remain undisturbed except where invasive species will be removed. Any areas where invasive species are removed shall be planted to a Type B buffer standard.
4. A minimum 10-foot Type C buffer shall be planted along Ambergate Station.
5. Undeveloped portions of the property shall be planted with at least 75% native species, including drought tolerant ornamental grasses and shrub species.
6. A minimum of 2 bike racks shall be provided on site with the final location to be determined at the time of site plan submittal.

#### ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on February 16, 2023. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Remove all invasive species noted on the invasive species list referred to in the Town's Design and Development Manual.	Added
Any undeveloped portions of the site shall be planted with at least 75% native species, including drought-tolerant ornamental grasses and shrubs.	Added
Install bike racks nearby the bike track area.	Added

#### PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #23CZ06 with the conditions as offered by the applicant.



**PLANNING BOARD RECOMMENDATION:**

The Planning Board held a public hearing on May 8, 2023 and unanimously recommended approval with the conditions as proposed by the applicant.

**ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:**

This Statement will address consistency with the Town’s comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map classifies the subject properties as Park-Public or Private. The proposed rezoning to Conservation Buffer-Conditional Zoning (CB-CZ) is consistent with that land use classification.

The proposed rezoning is reasonable and in the public interest because it will implement stricter environmental conditions than the UDO requires, update the zoning for this parcel to be consistent with other Town parks, and will provide flexibility for the Town of Apex Parks, Recreation, and Cultural Resources Department to increase the services provided to residents.

**CONDITIONAL ZONING STANDARDS:**

The Town Council shall find the CB-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

**Legislative Considerations**

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use’s compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use’s minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use’s minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use’s avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.



## STAFF REPORT

### Rezoning #23CZ06 Hunter Street Park Addition

May 23, 2023 Town Council Meeting



- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Salem Oaks

Tracey Creek Ct

N Salem St

Abbey Oak Ln

Bladestone

Salem Towne Ct

0 150 300 Feet



Rezoning #23CZ06

Villages of Apex South Lot 2

Platform Dr

Hunter Street Park

Ambergate Sta

Villages of Apex (South, Phase 1)

Metro Sta

## PETITION TO AMEND THE OFFICIAL ZONING MAP

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 23CZ06 Submittal Date: 03/01/2023  
Fee Paid: \$0.00

### Project Information

Project Name: Hunter Street Park (Additional Parcel)  
Address(es): 1250 AMBERGATE STATION, Apex, NC 27502 (portion of)  
PIN(s): 0742531455 (portion of)  
Acreage: 1.7  
Current Zoning: PUD-CZ Proposed Zoning: CB-CZ  
Current 2045 LUM Classification(s): Park  
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes  No

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: \_\_\_\_\_  
Area proposed as non-residential development: Acreage: \_\_\_\_\_  
Percent of mixed use area proposed as non-residential: Percent: \_\_\_\_\_

### Applicant Information

Name: Angela Reincke  
Address: 53 Hunter Street Apex  
City: Apex State: NC Zip: 27502  
Phone: 919-372-7468 E-mail: Angela.Reincke@apexnc.org

### Owner Information

Name: Town of Apex  
Address: PO Box 250  
City: Apex State: NC Zip: 27502-0250  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent Information

Name: Angela Reincke  
Address: 53 Hunter Street, PO Box 250  
City: Apex State: NC Zip: 27502  
Phone: 919-372-7468 E-mail: Angela.reincke@apexnc.org

Other contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PETITION INFORMATION**

Application #: 23CZ06 Submittal Date: \_\_\_\_\_

An application has been duly filed requesting that the property described in this application be rezoned from PUD-CZ to CB-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

**PROPOSED USES:**

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

1	<u>Park, Active</u>	21	_____
2	<u>Park, Passive</u>	22	_____
3	<u>Greenway</u>	23	_____
4	<u>Utility, Minor</u>	24	_____
5	<u>Botanical Garden</u>	25	_____
6	_____	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____



**PETITION INFORMATION**

Application #: 23CZ06 Submittal Date: \_\_\_\_\_

3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use’s compliance with Sec 4.4 *Supplemental Standards*, if applicable.

All proposed uses will be consistent with the standards provided in the Town of Apex UDO including any applicable supplemental standards.

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use’s minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

The design of the proposed conditional zoning district will be compatible with the nearby uses because the purpose of this rezoning is to expand the existing park to provide additional amenities requested by the residents of Apex identified through public engagement opportunities.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use’s minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The proposed conditional rezoning expands the footprint of Hunter Street Park and will be developed in a manner consistent with the current park and UDO requirements.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use’s avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

The proposed rezoning will avoid having adverse impacts on public infrastructure and will provide additional public recreation facilities for residents implementing the Parks, Recreation, Greenways and Open Space Master Plan.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use’s effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The proposed conditional rezoning will improve the health and wellness of residents by providing additional recreation programmed space, providing lighting for the existing trail loop in the Park and protecting trees and removing non-native invasive species on the property.

**PETITION INFORMATION**

Application #: 23CZ06 Submittal Date: \_\_\_\_\_

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

The proposed conditional rezoning would expand the use of the adjacent park, and would not negatively impact the adjacent school, self service storage and railroad while providing new and requested amenities for residents.

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

The proposed conditional rezoning would not be a nuisance or a hazard and would operate in a manner and a schedule consistent with that which is successfully occurring at Hunter Street park.

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

The proposed conditional rezoning will comply with all standards and specifications of the Unified Development Ordinance, Parks Standard Specifications and Details, and any other conditions of approval.

**AGENT AUTHORIZATION FORM**

Application #: 23CZ06

Submittal Date: \_\_\_\_\_

Town of Apex is the owner\* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: \_\_\_\_\_

The property address is: 1250 Ambergate Station, Apex NC 27502 (portion of)

The agent for this project is: Angela Reincke, ASLA, Parks Planning Project Manager

I am the owner of the property and will be acting as my own agent

Agent Name: Angela Reincke, ASLA, Parks Planning Project Manager

Address: 53 Hunter Street, PO Box 250, Apex NC 27502

Telephone Number: 919.372.7468

E-Mail Address: angela.reincke@apexnc.org

Signature(s) of Owner(s)\*

Catherine Crosby, Town Manager

Type or print name

2/13/23

Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

Attach additional sheets if there are additional owners.

\*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.



**AFFIDAVIT OF OWNERSHIP**

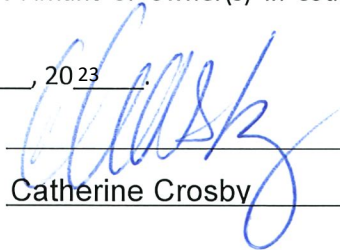
Application #: 23CZ06

Submittal Date: \_\_\_\_\_

The undersigned, Catherine Crosby (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1250 Ambergate Station (portion of) and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated March 17, 2021, and recorded in the Wake County Register of Deeds Office on March 17, 2021, in Book 18403 Page 1597-1600.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on March 3, 2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on March 3, 2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 4th day of March, 2023.



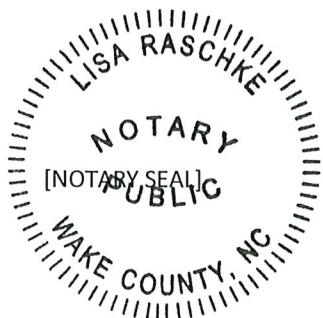
(seal)

Catherine Crosby

Type or print name

STATE OF NORTH CAROLINA  
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Catherine Crosby, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N/A, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Notary Public

State of North Carolina

My Commission Expires: 04/03/2027

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #: 23CZ06

Submittal Date: \_\_\_\_\_

**Insert legal description below.**

Lying and being in Town of Apex, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing Parker-Kalon nail located North 64 46' 31" West, 353.27 feet from a 6" nail set having NAD 83 (2011) coordinate values of North 723,832.12 feet, East 2,045,303.29 feet; thence South 87 42' 57" East, 500.08 feet to an existing iron stake (rebar); thence South 02 14' 22" West, 149.98 feet to a magnetic nail set; thence North 87 43' 36" West, 500.20 feet to an existing iron pipe; thence North 02 17' 01" East, 150.07 feet to the BEGINNING, containing 1.7225 total acres (75,034 square feet) more or less being the northern portion of that certain parcel shown on a map entitled "Recombination Plat Town of Apex" by Smith & Smith Surveyors, P.A., dated January 11, 2021 and recorded in B.M. 2021, Pg. 1272

#### Hunter Street Park (Additional Parcel)

1. All invasive species included in the Town of Apex Design and Development Manual shall be removed from the site.
2. The buffer along the northern property line shall be at least 10 feet wide. Where there is existing vegetation, it shall remain undisturbed except where invasive species will be removed. All areas with no existing vegetation and areas where invasive species are removed shall be planted to a 10-foot Type A buffer standard.
3. The buffer along the western property line shall be a minimum of 50 feet wide. Where there is existing is existing vegetation, it shall remain undisturbed except where invasive species will be removed. Any areas where invasive species are removed shall be planted to a Type B buffer standard.
4. A minimum 10-foot Type C buffer shall be planted along Ambergate Station.
5. Undeveloped portions of the property shall be planted with at least 75% native species, including drought tolerant ornamental grasses and shrub species.
6. A minimum of 2 bike racks shall be provided on site with the final location to be determined at the time of site plan submittal.

# NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town’s website or disclosed to third parties.

February 10, 2023

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at

1250 Ambergate Station, Apex, NC 27502

0742531455

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses “Day care facility”, “Government service”, “School, public or private”, “Restaurant, drive-through”, or “Convenience store with gas sales”	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

\*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

In order to add newly obtained property to Hunter Street Park, this project proposes to rezone that land from PUD-CZ to Conservation

Buffer-Conditional Use (CB-CZ). The permitted uses for the project would include Park, Active, Park Passive, Greenway, Utility, Minor a

Botanical Garden. Approval of a Site Plan and Construction drawings will be required after the rezoning and public engagement will guid

Estimated submittal date: March 1, 2023

## MEETING INFORMATION:

Property Owner(s) name(s): Town of Apex

Applicant(s): Angela Reincke, Parks Planning Project Manager

Contact information (email/phone): angela.reincke@apexnc.org 919-372-7468

Meeting Address: Virtual see next page for instructions on how to join

Date/Time of meeting\*\* : 02/27/2023 7-9pm

Welcome: 7:10pm

Project Presentation: 7:15pm

Question & Answer: 7:30pm-9pm

\*\*Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180>.



February 10, 2023

RE: HUNTER STREET PARK Rezoning  
Virtual Neighborhood Meeting Information

HOW TO JOIN the Virtual Microsoft Teams Call:

Please ensure you have adequate time to log in to the meeting. If you have not used Microsoft Teams you might need to download the application, which usually takes a few minutes.

Type in this link to join the meeting: <https://bit.ly/3Ieo3Vs>

Enter in the Meeting ID and Passcode:

Meeting ID: **266 531 290 199**

Passcode: **awKJx8**

Or you may call in with audio only: [+1 828-552-5717](tel:+18285525717)  
Phone Conference ID: **139 921 496#**

You may email Tyler Gumpright at [tyler.gumpright@apexnc.org](mailto:tyler.gumpright@apexnc.org) to request the meeting invitation be emailed to you prior to February 24<sup>th</sup> at 12 noon

If you have difficulties joining the meeting on February 27<sup>th</sup>, please email or call Tyler at 919-372-7353

# PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

## Development Contacts:

Project Name: Hunter Street Park Addition Zoning: CB-CZ

Location: 1250 Ambergate Station

Property PIN(s): 0742531455 Acreage/Square Feet: 1.7

Property Owner: Town of Apex

Address: 73 Hunter Street, PO Box 250

City: Apex State: NC Zip: 27502

Phone: 919-372-7468 Email: angela.reincke@apexnc.org

Developer: Town of Apex

Address: 73 Hunter Street, PO Box 250

City: Apex State: NC Zip: 27502

Phone: 919-372-7468 Fax: \_\_\_\_\_ Email: angela.reincke@apexnc.org

Engineer: NA

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Builder (if known): NA

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.**

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

### Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at [AllCouncil@apexnc.org](mailto:AllCouncil@apexnc.org).

### Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

### Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

<b>Noise &amp; Hours of Construction:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
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Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

<b>Construction Traffic:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

<b>Road Damage &amp; Traffic Control:</b>	<b>Water Resources – Infrastructure Inspections</b>	<b>919-362-8166</b>
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

<b>Parking Violations:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
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Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

<b>Dirt in the Road:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

<b>Dirt on Properties or in Streams:</b>	<b>James Misciagno</b> <b>Danny Smith</b>	<b>919-372-7470</b> <b><a href="mailto:Danny.Smith@ncdenr.gov">Danny.Smith@ncdenr.gov</a></b>
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Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith ([danny.smith@ncdenr.gov](mailto:danny.smith@ncdenr.gov)) with the State.

<b>Dust:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
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During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

<b>Trash:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
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Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

<b>Temporary Sediment Basins:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
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Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

<b>Stormwater Control Measures:</b>	<b>Jessica Bolin</b>	<b>919-249-3537</b>
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

<b>Electric Utility Installation:</b>	<b>Rodney Smith</b>	<b>919-249-3342</b>
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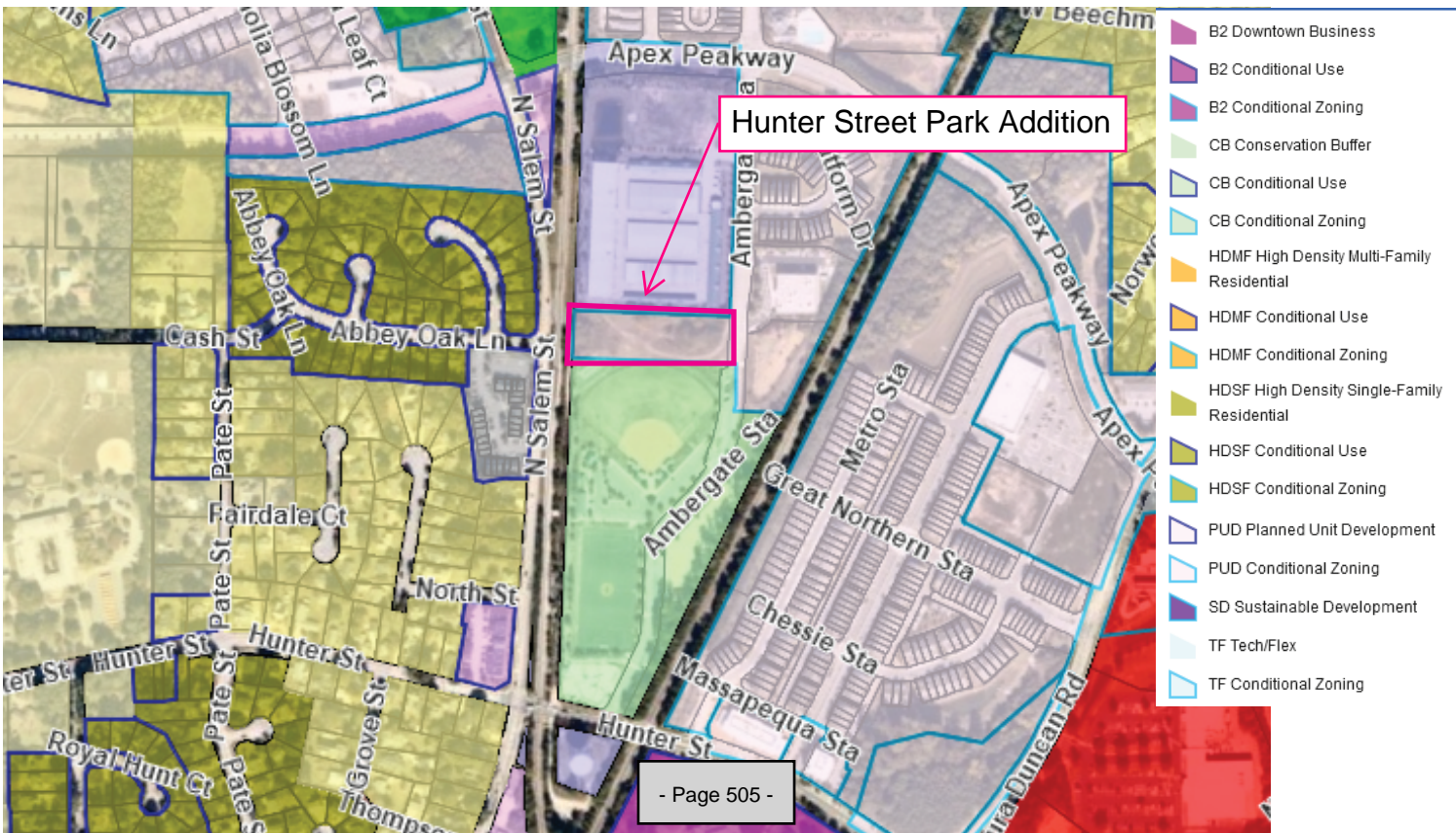
Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.



# Vicinity Map



# Zoning Map



# HUNTER STREET PARK ADDITION (Proposed buffers)



## APEX BIKE TRACK at Hunter Street Park

### PRECEDENT PROJECT TYPES

pump tracks

skills courses

multiple skill levels

### GOALS



Philly Pumptrack



15 Collenade



Sapwi Bike Park



Low-Budget design constructed at home



Bentonville Bike Playground



North Face Bike Park



Schneider Grading



Castle Rock Skills



Irvine Ranch Conservancy

Create a skills course suitable for beginner riders to get comfortable with challenges they would find in a mountain bike environment.

Provide an opportunity for residents who have an interest in off-street cycling and off-road bike skills.

Include varying skill level elements for all ages and abilities as user skills progress.

Opportunity to have parallel tracks of varying degrees of difficulty for users to traverse based on each component.

To be constructed using predominantly the soil and timber onsite.

Facility to include jumps and drops as well as different terrain, obstacles, and balance challenges.

Identify and establish partners in the community to assist in the construction labor and also in the future upkeep of the park.

# SKILLS COURSE CONCEPT

## Log Obstacles



## Balance



## Rocky Terrain



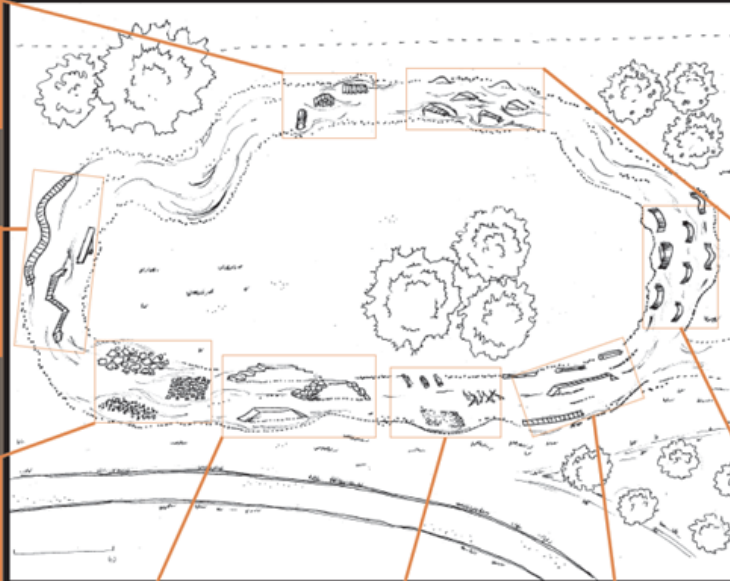
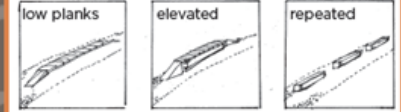
## Slope



## Terrain



## Skinnies

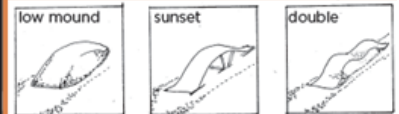


Concentric loops with increasing difficulty. Lanes are spaced so that riders can choose harder or easier lines, or avoid obstacles all together.

## Drops



## Rollers

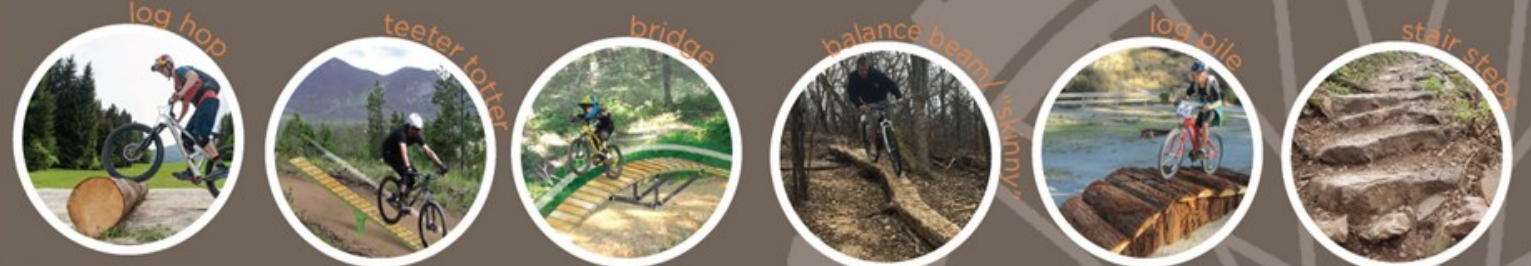


# POTENTIAL COURSE COMPONENTS

## TEXTURES



## OBSTACLES



## FEATURES



	Name/Organization	Address	Phone #	Email	Send Plans & Updates
1	Dennis Naue	613 N. Salem St. Apex NC		[REDACTED]	Yes
2	Josh Petersheim	101 Tracey Ct Apex NC 27502		[REDACTED]	
3	Deva & Jp Brehony	103 Tracy Creek Court, Apex NC 27502	571-296-2937; 703-898-2069	[REDACTED]	Yes
4					

[2/8 1:38 PM]

Angela Reincke and 2 others **were invited to the meeting.**

[7:05 PM] Craig Setzer

[angela.reincke@apexnc.org](mailto:angela.reincke@apexnc.org)

[7:06 PM] Dennis Naue (Guest)

Dennis Naue, 613 N Salem St, Apex [REDACTED]

like 1

[7:06 PM] Tyler Gumpright

thanks, Dennis, we have your info.

[7:08 PM] Tyler Gumpright

Angela, I don't have any other requests to join.

[7:24 PM]

Dennis Naue (Guest) left the chat.

[7:55 PM]

Josh Petersheim (Guest) was invited to the meeting.

[8:13 PM] Josh Petersheim (Guest)

Josh Petersheim - 101 Tracey Creek Ct, Apex, NC 27502 - [REDACTED]

[8:16 PM]

Josh Petersheim (Guest) left the chat.

# AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Angela Reincke, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual Microsoft Teams Call (location/address) on February 27th, 2023 (date) from 7:00pm (start time) to 9:00pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

4.14.23

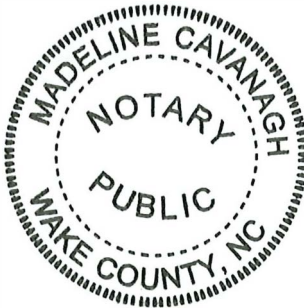
Date

By: Angela Reincke

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Madeline Cavanagh, a Notary Public for the above State and County, on this the 14 day of April, 2023.

SEAL



Madeline Cavanagh  
Notary Public  
Madeline Cavanagh  
Print Name

My Commission Expires: March 19, 2028 *me*  
March 19, 2028

SITE ADDRESS	PIN NUMBER	Owner 2	OWNER	MAILING ADDRESS	Mailing Address :	Mailing Address :	Email
117 SALEM TOWNE CT	0742437690	ACTION 2 INSIGHT COUNSELING PLLC	ACTION 2 INSIGHT COUNSELING PLLC	117 SALEM TOWNE CT	APEX NC 27502-2311		
1136 N SALEM ST	0742542345	AMPLE STORAGE APEX LLC	AMPLE STORAGE APEX LLC	PO BOX 608	SMITHFIELD NC 27577-0608		
409 N SALEM ST	0742426467	ANGLUM, GREG O ANGLUM, JENNIFER L	ANGLUM, GREG O ANGLUM, JENNIFER L	6833 PALAVER LN	CARY NC 27519-7581		
0 N SALEM ST	0742436180	APEX TOWN OF	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250		
111 SALEM TOWNE CT	0742438609	ASEA PROPERTIES LLC	ASEA PROPERTIES LLC	104 ATTMORE WAY	CARY NC 27519-2864		
118 SALEM TOWNE CT	0742436578	ASHLAND PARTNERS LLC	ASHLAND PARTNERS LLC	3809 SPARROW POND LN	RALEIGH NC 27606-8505		
112 SALEM TOWNE CT	0742436665	BELLANICKALEX LLC	BELLANICKALEX LLC	5448 APEX PEAKWAY STE 112	APEX NC 27502-3924		
128 SALEM TOWNE CT	0742437428	BILINGUAL THERAPEUTIC RESOURCES INC	BILINGUAL THERAPEUTIC RESOURCES INC	C/O MADELYNE TORRES	128 SALEM TOWNE CT	APEX NC 27502-2311	
109 SALEM TOWNE CT	0742438701	C MORRISON LLC	C MORRISON LLC	302 WESLEY AVE	HAMLET NC 28345-2702		
103 SALEM TOWNE CT	0742437772	Robert and Amy Cameron	CAMERON, ROBERT B CAMERON, AMY E	103 SALEM TOWNE CT	APEX NC 27502-2311		
1167 PLATFORM DR	0742545294	Robert Caron, Stewart Caron and Melanie Humenik	CARON, ROBERT STEWART CARON, MELANIE HUMENIK	1167 PLATFORM DR	APEX NC 27502-2536		
527 METRO STA	0742524833	Blake Carroll and Emily Barrus	CARROLL, BLAKE BARRUS, EMILY	527 METRO STA	APEX NC 27502-2474		
539 METRO STA	0742525923	Jacob and Jessica Christian	CHRISTIAN, JACOB CHRISTIAN, JESSICA	539 METRO STA	APEX NC 27502-2474		
0 ABBEY OAK LN	0742437639	COURTYARDS AT SALEM OAKS OWNERS ASSOC	COURTYARDS AT SALEM OAKS OWNERS ASSOCIATION INC THE	2509 SOUTHWINDS RUN	APEX NC 27502-6512		
124 SALEM TOWNE CT	0742436582	Perry and Debra Cox	COX, PERRY G COX, DEBRA H	124 SALEM TOWNE CT	APEX NC 27502-2311		
116 SALEM TOWNE CT	0742436691	CRANFILL INVESTMENTS LLC	CRANFILL INVESTMENTS LLC	605 GERMAINE ST	APEX NC 27502-2168		
104 TRACEY CREEK CT	0742446142	Caroline and Jeremy Croom	CROOM, CAROLINE CROOM, JEREMY	104 TRACEY CREEK CT	APEX NC 27502-1397		
604 N SALEM ST	0742428513	CSX TRANSPORTATION	CSX TRANSPORTATION	500 WATER ST FL 12	JACKSONVILLE FL 32202-4423		
102 TRACEY CREEK CT	0742446055	Suzanne and Duane Donders	DONDERS, SUZANNE HUGHES DONDERS, DUANE JR	102 TRACEY CREEK CT	APEX NC 27502-1397		
1163 PLATFORM DR	0742546244	Valeri Doronin and Maryna Doronina	DORONIN, VALERII DORONINA, MARYNA	1163 PLATFORM DR	APEX NC 27502-2536		
602 BLADESTONE CT	0742435260	Barbara Eagles	EAGLES, BARBARA ANNE	602 BLADESTONE CT	APEX NC 27502-1354		
109 TRACEY CREEK CT	0742447274	Frank and Maryann Ehrman	EHRMAN, FRANK B EHRMAN, MARYANN	109 TRACEY CREEK CT	APEX NC 27502-1397		
531 METRO STA	0742524866	Leandros Fine	FINE, LEANDROS CHEETARAH	531 METRO STA	APEX NC 27502-2474		
107 SALEM TOWNE CT	0742438713	Todd Gannon	GANNON, TODD	4701 HYBRID CT	FUQUAY VARINA NC 27526-8479		
612 BLADESTONE CT	0742436591	Deloris Haynes	HAYNES, DELORIS W	612 BLADESTONE CT	APEX NC 27502-1354		
120 SALEM TOWNE CT	0742437506	JDM PROPERTIES, INC.	JDM PROPERTIES, INC.	120 SALEM TOWNE CT	APEX NC 27502-2311		
105 HUNTER ST	0742426647	Larry and Vanessa Jenkins	JENKINS, LARRY SCOTT JENKINS, VANESSA T	105 HUNTER ST	APEX NC 27502-1313		
101 SALEM TOWNE CT	0742437744	JK3 HOLDINGS LLC	JK3 HOLDINGS LLC	101 SALEM TOWNE CT	APEX NC 27502-2311		
400 N SALEM ST	0742427268	JUST FOUR ON SALEM LLC	JUST FOUR ON SALEM LLC	400 N SALEM ST	APEX NC 27502-1434		
113 SALEM TOWNE CT	0742437695	K & J INVESTMENT PROPERTIES OF NC, LLP	K & J INVESTMENT PROPERTIES OF NC, LLP	113 SALEM TOWNE CT	APEX NC 27502-2311		
114 SALEM TOWNE CT	0742436663	KAYBRI LLC	KAYBRI LLC	114 SALEM TOWNE CT	APEX NC 27502-2311		
107 TRACEY CREEK CT	0742447197	Nina Kazacoff	KAZACOFF, NINA	107 TRACEY CREEK CT	APEX NC 27502-1397		
607 N SALEM ST	0742437242	KRS PROPERTY HOLDINGS LLC	KRS PROPERTY HOLDINGS LLC	PO BOX 279	APEX NC 27502-0279		
501 N SALEM ST	0742426969	LIBERTY STATION CONDOMINIUM ASSOC	LIBERTY STATION CONDOMINIUM ASSOC	PO BOX 1982	APEX NC 27502-1133		
610 BLADESTONE CT	0742435494	Scott and Benadette Linden	LINDEN, SCOTT A LINDEN, BERNADETTE	301 WEDGEMERE ST	CARY NC 27519-5133		
411 N SALEM ST	0742426577	Larry and Julia Miller	MILLER, LARRY A MILLER, JULIA A	101 TRACEY CREEK CT	APEX NC 27502-1397		
100 TRACEY CREEK CT	0742436955	Lucas and Hannah Miller	MILLER, LUCAS B MILLER, HANNAH P	100 TRACEY CREEK CT	APEX NC 27502-1397		
413 N SALEM ST	0742427624	Syeda Munalisa	MUNALISA, SYEDA M Q	5720 AUTUMN BREEZE LN	INDIANAPOLIS IN 46237-9431		
604 BLADESTONE CT	0742435236	Sybil Myatt	MYATT, SYBIL C	604 BLADESTONE CT	APEX NC 27502-1354		
613 N SALEM ST	0742437359	Dennis Naue and Pamela Zoe	NAUE, DENNIS ALLAN TRUSTEE NAUE, PAMELA ZOE TRUSTEE	613 N SALEM ST	APEX NC 27502-1337		Dennis Naue <dn0830@gmail.com>
0 METRO STA	0742536493	NC II LP LTD PTNRSP	NC II LP LTD PTNRSP	THE HALLE COMPANIES	2900 LINDEN LN STE 300	SILVER SPRING MD 20910-1265	
105 SALEM TOWNE CT	0742437794	NOOCHES HOLDING CO LLC	NOOCHES HOLDING CO LLC	105 SALEM TOWNE CT	APEX NC 27502-2311		
119 SALEM TOWNE CT	0742437598	Thomas Nunez and Suzanne Rosenfeld	NUNEZ, THOMAS F ROSENFELD, SUZANNE	308 CAPISTRANE DR	CARY NC 27519-5969		
608 BLADESTONE CT	0742435389	Emily Pappas	PAPPAS, EMILY COLONA	608 BLADESTONE CT	APEX NC 27502-1354		
1165 PLATFORM DR	0742546214	Lucia Peskova and Jari Olson	PESKOVA, LUCIA OLSON, JARI GYSBERS	1165 PLATFORM DR	APEX NC 27502-2536		
101 TRACEY CREEK CT	0742438903	Joshua Petersheim and Alyxandra Kulp	PETERSHEIM, JOSHUA I KULP, ALYXANDRA M	101 TRACEY CREEK CT	APEX NC 27502-1397		
606 BLADESTONE CT	0742435392	Nicholas and Guadalupe Prado	PRADO, NICHOLAS S PRADO, GUADALUPE	606 BLADESTONE CT	APEX NC 27502-1354		
105 TRACEY CREEK CT	0742448100	Robert and Antoinette Reardon	REARDON, ROBERT REARDON, ANTOINETTE	105 TRACEY CREEK CT	APEX NC 27502-1397		
535 METRO STA	0742525910	Christie Roberts	ROBERTS, CHRISTIE MARIE	535 METRO STA	APEX NC 27502-2474		
130 SALEM TOWNE CT	0742437448	ROUND HOUND LLC	ROUND HOUND LLC	130 SALEM TOWNE CT	APEX NC 27502-2311		
529 METRO STA	0742524845	David Schur	SCHUR, DAVID MURRAY	529 METRO STA	APEX NC 27502-2474		
115 SALEM TOWNE CT	0742437682	SLPM PROPERTIES LLC	SLPM PROPERTIES LLC	115 SALEM TOWNE CT	APEX NC 27502-2311		
122 SALEM TOWNE CT	0742436594	John and Teresa Stewart	STEWART, JOHN T STEWART, TERESA L	2527 LAINE RD	CHAPEL HILL NC 27516-9321		
609 N SALEM ST	0742437259	Lessie Stewart	STEWART, LESSIE NEVON YVONNE	609 N SALEM ST	APEX NC 27502-1337		
134 SALEM TOWNE CT	0742437498	Richard Sullivan and Melissa Petty	SULLIVAN, RICHARD A PETTY, MELISSA	106 CHAPARRAL CT	CARY NC 27513-4744		
533 METRO STA	0742524888	Jessica Tandy	TANDY, JESSICA	533 METRO STA	APEX NC 27502-2474		
0 AMBERGATE STA	0742536842	THALES ACADEMY	THALES ACADEMY	4641 PARAGON PARK RD	RALEIGH NC 27616-3406		
0 METRO STA	0742523741	THE VILLAGES OF APEX MASTER ASSOCIATION	THE VILLAGES OF APEX MASTER ASSOCIATION INC	4700 HOMEWOOD CT STE 380	RALEIGH NC 27609-5732		
103 TRACEY CREEK CT	0742448014	TRUSTEE OF THE JAMES P & DEBORAH T BREHONY	TRUSTEE OF THE JAMES P & DEBORAH T BREHONY RVCBLE	103 TRACEY CREEK CT	APEX NC 27502-1397		
603 N SALEM ST	0742437124	Robert and Marilyn Tschudi	TSCHUDI, ROBERT TSCHUDI, MARILYN	4017 DUTCH HARBOR CT	RALEIGH NC 27606-8604		
1161 PLATFORM DR	0742546264	Yaping TU and Yaqin LIU	TU, YAPING LIU, YAQIN	306 ALLIANCE CIR	CARY NC 27519-5527		
126 SALEM TOWNE CT	0742437408	Susan Walker and Glynn Wiener	WALKER, SUSAN WALKER, GLYNN WEINER	3701 MASON RD	NEW HILL NC 27562-9171		
		Current Tenant	Current Tenant	1136 Ambergate STA	APEX NC 27502		
		Current Tenant	Current Tenant	1177 Ambergate STA	APEX NC 27502		
		Current Tenant	Current Tenant	610 Bladestone CT	APEX NC 27502		
		Current Tenant	Current Tenant	541 Metro STA	APEX NC 27502		
		Current Tenant	Current Tenant	1161 Platform DR	APEX NC 27502		
		Current Tenant	Current Tenant	409 N Salem ST	APEX NC 27502		
		Current Tenant	Current Tenant	411 N Salem ST	APEX NC 27502		
		Current Tenant	Current Tenant	413 N Salem ST	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 100	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 101	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 102	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 103	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 104	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 105	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 200	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 201	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 202	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 203	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 204	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST Suite 205	APEX NC 27502		
		Current Tenant	Current Tenant	501 N Salem ST	APEX NC 27502		
		Current Tenant	Current Tenant	603 N Salem ST	APEX NC 27502		
		Current Tenant	Current Tenant	607 N Salem ST	APEX NC 27502		
		Current Tenant	Current Tenant	107 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	109 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	111 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	112 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	116 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	118 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	119 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	122 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	126 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	128 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	132 Salem Towne CT	APEX NC 27502		
		Current Tenant	Current Tenant	134 Salem Towne CT	APEX NC 27502		

Created by Town of Apex Planning Department  
Date Created: 2/9/2023

Name  
Dennis Naue

Address  
613 N Salem St

Email  
[dn0830@gmail.com](mailto:dn0830@gmail.com)

Updates?  
Yes



# TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ06 Hunter Street Park Addition

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Town of Apex
- Authorized Agent:** Angela Reincke, Parks Planning and Project Manager
- Property Address:** portion of 1250 Ambergate Station
- Acreage:** ±1.7 acres
- Property Identification Number (PIN):** 0742531455 (portion of)
- 2045 Land Use Map Designation:** Park, Public or Private
- Existing Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)
- Proposed Zoning of Property:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: May 8, 2023, 4:30 PM**

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

**A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.**

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/42394>.

Dianne F. Khin, AICP  
Planning Director



**TOWN OF APEX**

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #23CZ06  
Hunter Street Park Addition**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** Town of Apex

**Authorized Agent:** Angela Reincke, Parks Planning and Project Manager

**Property Address:** portion of 1250 Ambergate Station

**Acreage:** ±1.7 acres

**Property Identification Number (PIN):** 0742531455 (portion of)

**2045 Land Use Map Designation:** Park, Public or Private

**Existing Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)

**Proposed Zoning of Property:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: May 8, 2023, 4:30 PM**

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**A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.**

**Vicinity Map:**



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Dianne F. Khin, AICP  
Planning Director



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## **NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**

### **ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ06**

#### **Hunter Street Park Addition**

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Town of Apex

**Agente autorizado:** Angela Reincke, Parks Planning and Project Manager

**Dirección des la propiedad:** Porción de 1250 Ambergate Station

**Superficie:** ±1.7 acres

**Números de identificación de la propiedad:** Porción de 0742531455

**Designación actual en el Mapa de Uso Territorial para 2045:** Park, Public or Private

**Ordenamiento territorial existente de las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)

**Ordenamiento territorial propuesto para las propiedades:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de mayo de 2023 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

**De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.**

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/42394>.

Dianne F. Khin, AICP  
Directora de Planificación



Published Dates: April 21, 2023 – May 8, 2023



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ06**  
**Hunter Street Park Addition**

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDD) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Town of Apex

**Agente autorizado:** Angela Reincke, Parks Planning and Project Manager

**Dirección de la propiedad:** Porción de 1250 Ambergate Station

**Superficie:** ±1.7 acres

**Números de identificación de la propiedad:** Porción de 0742531455

**Designación actual en el Mapa de Uso Territorial para 2045:** Park, Public or Private

**Ordenamiento territorial existente de las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)

**Ordenamiento territorial propuesto para las propiedades:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación:** 8 de mayo de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/4278](http://www.apexnc.org/DocumentCenter/View/4278). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/42394>.

Dianne F. Khin, AICP  
Directora de Planificación



**TOWN OF APEX**

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING  
Public Notification – Written (Mailed) Notice**

Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ06  
Hunter Street Park Addition  
Project Location: 1250 Ambergate Station (portion of)  
Applicant or Authorized Agent: Angela Reincke, Parks Planning and Project Manager  
Firm: Town of Apex

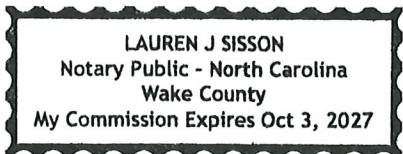
This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on April 21, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

5/1/2023  
Date

Shanne F. Klein  
Planning Director

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above  
State and County, this the 1<sup>st</sup> day of May, 2023.



[Signature]  
Notary Public

SEAL

My Commission Expires: 10 / 3 / 2027



**TOWN OF APEX**  
 POST OFFICE BOX 250  
 APEX, NORTH CAROLINA 27502  
 PHONE 919-249-3426

**PUBLIC NOTIFICATION  
 OF PUBLIC HEARINGS  
 CONDITIONAL ZONING #23CZ06  
 Hunter Street Park Addition**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Town of Apex
- Authorized Agent:** Angela Reincke, Parks Planning and Project Manager
- Property Address:** portion of 1250 Ambergate Station
- Acreage:** ±1.7 acres
- Property Identification Number (PIN):** 0742531455 (portion of)
- 2045 Land Use Map Designation:** Park, Public or Private
- Existing Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)
- Proposed Zoning of Property:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Public Hearing Location:** Apex Town Hall  
 Council Chamber, 2<sup>nd</sup> Floor  
 73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

**Town Council Public Hearing Date and Time: May 23, 2023 6:00 PM**

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at:  
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/42394>.

Dianne F. Khin, AICP  
 Planning Director



**TOWN OF APEX**  
 POST OFFICE BOX 250  
 APEX, NORTH CAROLINA 27502  
 PHONE 919-249-3426

**PUBLIC NOTIFICATION  
 OF PUBLIC HEARINGS  
 CONDITIONAL ZONING #23CZ06  
 Hunter Street Park Addition**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

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**Public Hearing Location:** Apex Town Hall  
 Council Chamber, 2<sup>nd</sup> Floor  
 73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

**Town Council Public Hearing Date and Time: May 23, 2023 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

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Dianne F. Khin, AICP  
 Planning Director



## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ06

Hunter Street Park Addition

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Town of Apex

**Agente autorizado:** Angela Reincke, Parks Planning and Project Manager

**Dirección des la propiedad:** Porción de 1250 Ambergate Station

**Superficie:** ±1.7 acres

**Números de identificación de la propiedad:** Porción de 0742531455

**Designación actual en el Mapa de Uso Territorial para 2045:** Park, Public or Private

**Ordenamiento territorial existente de las propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)

**Ordenamiento territorial propuesto para las propiedad:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

***Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.***

**Fecha y hora de la audiencia pública del Consejo Municipal: 23 de mayo de 2023 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/42394>.

Dianne F. Khin, AICP  
Directora de Planificación



**TOWN OF APEX**  
 POST OFFICE BOX 250  
 APEX, NORTH CAROLINA 27502  
 TELÉFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
 ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ06  
 Hunter Street Park Addition

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

- Solicitante:** Town of Apex
- Agente autorizado:** Angela Reincke, Parks Planning and Project Manager
- Dirección de la propiedad:** Porción de 1250 Ambergate Station
- Superficie:** ±1.7 acres
- Números de identificación de la propiedad:** Porción de 0742531455
- Designación actual en el Mapa de Uso Territorial para 2045:** Park, Public or Private
- Ordenamiento territorial existente de las propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)
- Ordenamiento territorial propuesto para las propiedad:** Conservation Buffer-Conditional Zoning (CB-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
 Cámara del Consejo, 2º piso  
 73 Hunter Street, Apex, Carolina del Norte

*Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.*

**Fecha y hora de la audiencia pública del Consejo Municipal: 23 de mayo de 2023 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: [https://www.apexnc.org/DocumentCenter/View/42394](http://www.apexnc.org/DocumentCenter/View/42394).

Dianne F. Khin, AICP  
 Directora de Planificación





**TOWN OF APEX**  
 POST OFFICE BOX 250  
 APEX, NORTH CAROLINA 27502  
 PHONE 919-249-3426

**AFFIDAVIT CERTIFYING**  
**Public Notification – Written (Mailed) Notice**  
 Section 2.2.11  
 Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ06  
 Hunter Street Park Addition

Project Location: 1250 Ambergate Station (portion of)

Applicant or Authorized Agent: Angela Reincke, Parks Planning and Project Manager

Firm: Town of Apex

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on April 28, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

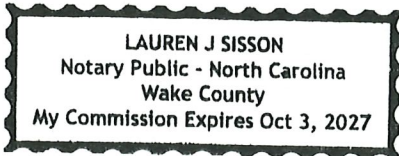
5/11/2023  
 Date

Maiane F. Klein  
 Planning Director

STATE OF NORTH CAROLINA  
 COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above

State and County, this the 1<sup>st</sup> day of May, 2023.



[Signature]  
 Notary Public

SEAL

My Commission Expires: 10 / 3 / 2027



Public Hearing Sign Posted By  
  
Signature  
3/8/2023  
Date

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #23CZ06 Hunter Street Park Addition

Planning Board Meeting Date: May 8, 2023



## Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

## PROJECT DESCRIPTION:

**Acreage:** 1.7  
**PIN(s):** 0742531455 (portion of)  
**Current Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)  
**Proposed Zoning:** Conservation Buffer-Conditional Zoning (CB-CZ)  
**2045 Land Use Map:** Park – Public or Private  
**Town Limits:** Inside Corporate Limits

## Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map  
 Consistent                       Inconsistent                      Reason: \_\_\_\_\_

Apex Transportation Plan  
 Consistent                       Inconsistent                      Reason: \_\_\_\_\_

Parks, Recreation, Open Space, and Greenways Plan  
 Consistent                       Inconsistent                      Reason: \_\_\_\_\_

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #23CZ06 Hunter Street Park Addition

Planning Board Meeting Date: May 8, 2023



## Legislative Considerations:

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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3. *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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4. *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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**PLANNING BOARD REPORT TO TOWN COUNCIL**

**Rezoning Case: #23CZ06 Hunter Street Park Addition**

**Planning Board Meeting Date: May 8, 2023**



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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9. *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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10. *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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**PLANNING BOARD REPORT TO TOWN COUNCIL**

Rezoning Case: #23CZ06 Hunter Street Park Addition

Planning Board Meeting Date: May 8, 2023



**Planning Board Recommendation:**

Motion: To recommend approval as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Sarah Soh

*Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

*Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented.

*Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

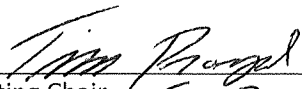
With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8th day of May 2023.

Attest:

  
Acting Chair Tim Royal

Dianne Khin Digitally signed by Dianne Khin  
Date: 2023.05.08 17:46:40  
-04'00'  
Dianne Khin, Planning Director

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Dianne Khin, Director and  
Jenna Shouse, Senior Long-Range Planner

Department(s): Planning

### Requested Motion

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

### Approval Recommended?

The Planning Department recommends approval.

The Planning Board heard these amendments at their May 8, 2023 meeting and unanimously recommended approval.

### Item Details

Requested by Town Council:

1. Amendments to Secs. 4.2.2 *Use Table* and 4.4.4 *Supplemental Standards, Recreational Uses* in order to require a double gate for dog parks in private recreation areas.

Requested by Planning Committee of Town Council and Planning Staff:

2. Amendments to Sec. 8.3.11 *Electric Vehicle Charging Spaces* in order to increase the amount of required Electric Vehicle (EV) charging spaces for apartments as requested by the Planning Committee of Town Council. Additional amendments to this section are proposed by Planning Staff in order to increase the amount of required EV charging spaces and EV-Ready parking spaces for certain uses and to modify the standards for EV charging spaces.

### Attachments

- PH6-A1: Staff Report and Public Notice - UDO Amendments - May 2023
- PH6-A2: Ordinance to Amend UDO Amendments - May 2023
- PH6-A3: Planning Board Report to Town Council - UDO Amendments - May 2023



# STAFF REPORT

## Amendments to the Unified Development Ordinance

May 23, 2023 Town Council Meeting



### Requested by Town Council:

1. **Amendments to Secs. 4.2.2 Use Table and 4.4.4 Supplemental Standards, Recreational Uses in order to require a double gate for dog parks in private recreation areas.**

#### 4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																					Standards
		Residential										Business					Planned Development			Other			
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D	C B	S D	S T C	
Recreational Uses																							
Recreation facility, private	4.3.4.N	P	P	P	P	P	P	P	P	P							P	P	P		*	P*	

#### 4.4.4 Supplemental Standards, Recreational Uses

- D) **Reserved Recreation facility, private**  
**If a private recreation facility includes a dog park, a double gate shall be installed at any entrance into the dog park.**

### Requested by Planning Committee of Town Council and Planning Staff:

2. **Amendments to Sec. 8.3.11 Electric Vehicle Charging Spaces in order to increase the amount of required Electric Vehicle (EV) charging spaces for apartments as requested by the Planning Committee of Town Council. Additional amendments to this section are proposed by Planning Staff in order to increase the amount of required EV charging spaces and EV-Ready parking spaces for certain uses and to modify the standards for EV charging spaces.**

#### 8.3.11 Electric Vehicle Charging Spaces

Multi-family or apartment projects with average rents that are affordable to a household with an annual income that is not greater than 80% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development, are exempt from all electric vehicle charging space requirements.

- A) **Electric Vehicle Parking Requirements**  
~~Unless otherwise expressly stated in this Ordinance, e~~Electric vehicle charging spaces shall be provided in accordance with Table 8.3-9, **except for subsections 1 and 2 below.** ~~for any use requiring 50 or more motor vehicle parking spaces.~~

- 1) If less than ~~11~~ **10** motor vehicle spaces are required, no electric vehicle charging spaces or EV-Ready space are required.



- 2) If ~~11~~ **10** to ~~49~~ **19** motor vehicle spaces are required, one (1) EV-Ready space is required **except for Commercial Uses as noted in Table 8.3-9.**
- 3) ~~No more than 10 electric vehicle charging spaces shall be required within a single development (as defined in Sec. 12.2 Terms Defined).~~

**Table 8.3-9: Electric Vehicle Charging Space Requirements**

<b>Use</b>	<b>Minimum Number of Required EV-Ready Spaces</b>	<b>Minimum Number of Required Electric Vehicle Charging Spaces</b>
Multi-family or apartment	<b><u>10% of all required motor vehicle spaces</u></b>	<del>3%</del> <b>10%</b> of all required motor vehicle spaces
Government Service	<b><u>15% of all required motor vehicle spaces</u></b>	3% of all required motor vehicle spaces
Commercial Uses	<b><u>15% of all required motor vehicle spaces</u></b>	3% of all required motor vehicle spaces, <b>provided</b> if the minimum motor vehicle parking requirement is at least 100 spaces. <del>One (1) EV-Ready space is required if 11 to 49 motor vehicle spaces are required. Two (2) EV-Ready spaces are required if 50 to 99 motor vehicle spaces are required.</del>
Office, business or professional	<b><u>15% of all required motor vehicle spaces</u></b>	3% of all required motor vehicle spaces
Office: Coworking Space	<b><u>15% of all required motor vehicle spaces</u></b>	3% of all required motor vehicle spaces
Office: Call Center	<b><u>15% of all required motor vehicle spaces</u></b>	3% of all required motor vehicle spaces
Hotel or motel	<b><u>15% of all required motor vehicle spaces</u></b>	<del>3%</del> <b>5%</b> of all required motor vehicle spaces
Industrial Uses	<b><u>15% of all required motor vehicle spaces</u></b>	3% of all required motor vehicle spaces
Park, active or passive	<b><u>15% of all required motor vehicle spaces</u></b>	2% of all required motor vehicle spaces
Parking Structure	<b><u>15% of all provided motor vehicle spaces</u></b>	3% of all provided motor vehicle spaces
Parking Structure (School, public or private: Elementary, Junior, or Senior)	=	2 spaces
School, public or private: Elementary or Junior	=	3% of all required spaces that are provided in an off-street surface lot
School, public or private: Senior	=	1% of all required spaces that are provided in an off-street surface lot

- B) *Accessible Electric Vehicle Charging Spaces*  
~~Unless otherwise expressly stated in this Code,~~ **Accessible** electric vehicle charging spaces shall be sized **designed** but not marked **signed** as exclusively accessible in accordance with Table 8.3-10.

**Table 8.3-10 Accessible Electric Vehicle Charging Spaces**

<b>Total Provided Electric Vehicle Charging Spaces</b>	<b>Minimum Number of Accessible Charging Spaces</b>	<b>Minimum Number of Van-Accessible Charging Spaces</b>
1-25	1	1
26-50	2	1

C) *Electric Vehicle (EV) Charging Space Standards*

- 1) Installation of a Level 2 or DC Fast Charging electric vehicle charging space may count as one (1) community amenity for sites that require less than 50 motor vehicle spaces.
- 2) Electric vehicle charging spaces shall be utilized to meet the minimum motor vehicle parking requirements.
- 3) All electric vehicle charging spaces shall be installed outside of the public right-of-way.
- 4) All required electric vehicle charging spaces shall be Level 2 or DC Fast Charging.
- 5) Electric vehicle charging equipment shall be placed outside of the critical root zone for any preserved tree.
- 6) Electric vehicle charging equipment shall be placed at least ~~10~~ 5 feet from a newly planted tree.
- 7) Electric vehicle charging spaces shall be posted with signage.
- 8) In surface lots, a wheel stop, bollards, or other barrier shall be placed between the electric vehicle charging space and the electric vehicle charging equipment. Alternatively, there shall be a minimum distance of two (2) feet between the curb and the electric vehicle charging equipment.
- 9) The Town does not restrict property owners from collecting a service fee for the use of an electric vehicle charging station.
- 10) **The outer edge of the electric vehicle charging equipment shall not be illuminated.**
- 11) **For the use “Multi-family or apartment”, electric vehicle charging spaces and EV-Ready spaces shall be dispersed near building(s) on the site.**

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of the proposed UDO amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board heard these amendments at their May 8, 2023 meeting and unanimously recommended approval.



## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance that are applicable Town-wide:

### Requested by Town Council:

1. Amendments to Secs. 4.2.2 *Use Table* and 4.4.4 *Supplemental Standards, Recreational Uses* in order to require a double gate for dog parks in private recreation areas.

### Requested by Planning Committee of Town Council and Planning Staff:

2. Amendments to Sec. 8.3.11 *Electric Vehicle Charging Spaces* in order to increase the amount of required Electric Vehicle (EV) charging spaces for apartments as requested by the Planning Committee of Town Council. Additional amendments to this section are proposed by Planning Staff in order to increase the amount of required EV charging spaces and EV-Ready parking spaces for certain uses and to modify the standards for EV charging spaces.

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

### **Town Council Public Hearing Date and Time: May 23, 2023 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Planning Director

Published Dates: May 1-23, 2023



## TOWN OF APEX

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Dianne F. Khin, AICP  
Planning Director

Published Dates: May 1-23, 2023



**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## **NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS** modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a toda la ciudad:

### **Solicitado por el Consejo Municipal:**

1. Enmiendas a las secciones 4.2.2 *Tabla de Uso* y 4.4.4 *Normas de Uso Complementario, Usos Recreativos* a fin de exigir una reja doble de acceso a parques para perros en áreas de recreación privadas.

### **Solicitado por el Comité de Planificación del Consejo Municipal y personal de Planificación:**

2. Enmiendas a las Secciones 8.3.11 *Espacios de carga de vehículos eléctricos* a fin de aumentar el número de espacios de estacionamiento para carga de vehículos eléctricos (EV) exigidos por los apartamentos a solicitud del Comité de Planificación del Ayuntamiento. Las enmiendas adicionales a esta sección han sido propuestas por el personal de Planificación a fin de aumentar el número de espacios de estacionamiento exigidos para cargar vehículos eléctricos y espacios listos para vehículos eléctricos para determinados usos y modificar las normas para espacios para vehículos eléctricos.

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

### **Fecha y hora de la audiencia pública del Consejo Municipal: 23 de mayo de 2023 6:00 PM**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Directora de Planificación

Fechas de publicación: 1 de mayo-23 de mayo de 2023



## TOWN OF APEX

POST OFFICE BOX 250  
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PHONE 919-249-3426

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**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

### **Fecha y hora de la audiencia pública del Consejo Municipal: 23 de mayo de 2023 6:00 PM**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Directora de Planificación

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE**

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

**Section 1. Sections 4.2.2 and 4.4.4.D of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																		Standards			
		Residential						Business						Planned Development			Other						
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D		C B	S D	S T C
Recreational Uses																							
Recreation facility, private	4.3.4.N	P	P	P	P	P	P	P	P							P	P	P		*	*	P	<u>4.4.4.D;</u> 6.3

4.4.4 Supplemental Standards, Recreational Uses

- D) *Reserved Recreation facility, private*  
**If a private recreation facility includes a dog park, a double gate shall be installed at any entrance into the dog park.**

**Section 2. Section 8.3.11 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

8.3.11 *Electric Vehicle Charging Spaces*

Multi-family or apartment projects with average rents that are affordable to a household with an annual income that is not greater than 80% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development, are exempt from all electric vehicle charging space requirements.

- A) *Electric Vehicle Parking Requirements*  
~~Unless otherwise expressly stated in this Ordinance, e~~Electric vehicle charging spaces shall be provided in accordance with Table 8.3-9, **except for subsections 1 and 2 below.** ~~for any use requiring 50 or more motor vehicle parking spaces.~~
  - 1) If less than ~~11~~ **10** motor vehicle spaces are required, no electric vehicle charging spaces or EV-Ready space are required.
  - 2) If ~~11~~ **10** to ~~49~~ **19** motor vehicle spaces are required, one (1) EV-Ready space is required **except for Commercial Uses as noted in Table 8.3-9.**
  - 3) ~~No more than 10 electric vehicle charging spaces shall be required within a single development (as defined in Sec. 12.2 Terms Defined).~~

**Table 8.3-9: Electric Vehicle Charging Space Requirements**

<b>Use</b>	<b>Minimum Number of Required EV-Ready Spaces</b>	<b>Minimum Number of Required Electric Vehicle Charging Spaces</b>
Multi-family or apartment	<u>10% of all required motor vehicle spaces</u>	<del>3%</del> <b>10%</b> of all required motor vehicle spaces
Government Service	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces
Commercial Uses	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces, <b>provided</b> if the minimum motor vehicle parking requirement is at least 100 spaces. One (1) EV-Ready space is required if 11 to 49 motor vehicle spaces are required. Two (2) EV-Ready spaces are required if 50 to 99 motor vehicle spaces are required.
Office, business or professional	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces
Office: Coworking Space	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces
Office: Call Center	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces
Hotel or motel	<u>15% of all required motor vehicle spaces</u>	<del>3%</del> <b>5%</b> of all required motor vehicle spaces
Industrial Uses	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces
Park, active or passive	<u>15% of all required motor vehicle spaces</u>	2% of all required motor vehicle spaces
Parking Structure	<u>15% of all provided motor vehicle spaces</u>	3% of all provided motor vehicle spaces
Parking Structure (School, public or private: Elementary, Junior, or Senior)	=	2 spaces
School, public or private: Elementary or Junior	=	3% of all required spaces that are provided in an off-street surface lot
School, public or private: Senior	=	1% of all required spaces that are provided in an off-street surface lot

- B) *Accessible Electric Vehicle Charging Spaces*  
 Unless otherwise expressly stated in this Code, **Accessible** electric vehicle charging spaces shall be sized **designed** but not marked **signed** as exclusively accessible in accordance with Table 8.3-10.

**Table 8.3-10 Accessible Electric Vehicle Charging Spaces**

<b>Total Provided Electric Vehicle Charging Spaces</b>	<b>Minimum Number of Accessible Charging Spaces</b>	<b>Minimum Number of Van-Accessible Charging Spaces</b>
1-25	1	1
26-50	2	1



C) *Electric Vehicle (EV) Charging Space Standards*

- 1) Installation of a Level 2 or DC Fast Charging electric vehicle charging space may count as one (1) community amenity for sites that require less than 50 motor vehicle spaces.
- 2) Electric vehicle charging spaces shall be utilized to meet the minimum motor vehicle parking requirements.
- 3) All electric vehicle charging spaces shall be installed outside of the public right-of-way.
- 4) All required electric vehicle charging spaces shall be Level 2 or DC Fast Charging.
- 5) Electric vehicle charging equipment shall be placed outside of the critical root zone for any preserved tree.
- 6) Electric vehicle charging equipment shall be placed at least ~~10~~ 5 feet from a newly planted tree.
- 7) Electric vehicle charging spaces shall be posted with signage.
- 8) In surface lots, a wheel stop, bollards, or other barrier shall be placed between the electric vehicle charging space and the electric vehicle charging equipment. Alternatively, there shall be a minimum distance of two (2) feet between the curb and the electric vehicle charging equipment.
- 9) The Town does not restrict property owners from collecting a service fee for the use of an electric vehicle charging station.
- 10) **The outer edge of the electric vehicle charging equipment shall not be illuminated.**
- 11) **For the use "Multi-family or apartment", electric vehicle charging spaces and EV-Ready spaces shall be dispersed near building(s) on the site.**

**Section 3.** These amendments shall not apply to projects for which an application for development approval has been submitted before the effective date of this ordinance.

**Section 4.** The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

**Section 5.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or

provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**Section 6.** The ordinance shall be effective upon enactment on the \_\_\_\_ day of \_\_\_\_\_ 2023.

Introduced by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

Attest:

TOWN OF APEX

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Approved As To Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

**PLANNING BOARD REPORT TO TOWN COUNCIL**  
**Unified Development Ordinance Amendments**

Planning Board Meeting Date: May 8, 2023



**Report Requirements:**

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

**Planning Board Recommendation:**

Motion: To recommend approval as presented.

Introduced by Planning Board member: Sarah Soh

Seconded by Planning Board member: Keith Braswell

- Approval of the proposed UDO amendment(s)
- Approval of the proposed UDO amendment(s) with the following conditions:

- Denial of the proposed UDO amendment(s)

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8th day of May 2023.

Attest:

  
\_\_\_\_\_  
Acting Chair Tim ROYAL

**Dianne Khin** Digitally signed by Dianne Khin  
Date: 2023.05.08 19:14:18  
-04'00'  
\_\_\_\_\_  
Dianne Khin, Planning Director

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal Department

### Requested Motion

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(3) to preserve attorney-client privilege.

### Approval Recommended?

N/A

### Item Details

### Attachments

- N/A



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: May 23, 2023

## Item Details

Presenter(s): Steve Adams, Real Estate Specialist

Department(s): Transportation & Infrastructure Development

### Requested Motion

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss matters related to acquisition of real property.

### Approval Recommended?

N/A

### Item Details

### Attachments

- N/A

