

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, MARCH 6, 2014, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Appearance and recognition of guests and citizens.
4. Recognition of retired Asheboro Police Sergeant Frank VonCannon for his years of dedicated service to the City of Asheboro.
5. Presentation of the Asheboro Pride Award to Mr. Larry W. McKenzie.
6. Approval of the minutes of the city council's regular meeting that was held on February 6, 2014.
7. Request by Al LaPrade, chairman of the Asheboro Downtown Business Association, for parking and enforcement changes in the downtown area.
8. Presentation by Trevor Nuttall of Community Development Division Items:

(a) Zoning Case RZ-14-01: A legislative hearing on the application filed by H.R. Gallimore (Agent for Bernard F. Phillips) to rezone property located at 1743 and 1745 East Salisbury Street from R40 (Low-Density Residential) and R10 (Medium-Density Residential) to B2 (General Commercial).

[Note: The applicant's agent has requested a continuance for this item to April 10, 2014.]

(b) Zoning Case RZ-14-02: A legislative hearing on the application filed by the H. R. Gallimore (Agent for Bernard F. Phillips) to rezone property located at the western corner of East Salisbury Street and Coleridge Road from R7.5 (Medium-Density Residential) to B2 (General Commercial).

[Note: The applicant's agent has requested a continuance for this item to April 10, 2014.]

(c) Zoning Case RZ-14-03: A legislative hearing on the application filed by Charles S. Johnson to rezone property located at 1016 South Cox Street from R7.5 (Medium-Density Residential) to OA6 (Office-Apartment)

- (d) Authorization to solicit applications for pending vacancy on the Redevelopment Commission due to retirement of Martha Norman.
- (e) Reappointment of Linda Carter, David Jarrell, and Tommy Lemonds to the Redevelopment Commission for five year terms to begin April 1, 2014.
- 9. Public comment period.
- 10. Jonathon Sermon will present proposed updates to regulations impacting the city's cultural and recreation services:
 - (a) Proposed amendments to the departmental policy manual for cultural and recreation services.
 - (b) Proposed amendments to Chapters 98 (Cultural and Recreation Services) and 130 (Offenses against Public Peace and Safety) of the Code of Asheboro.
- 11. Michael Rhoney, P.E. will present a proposed resolution to update the local water supply plan.
- 12. City staff will report on the operation of the incident command center during the recent snow storm.
- 13. City staff will present a proposed amendment to Chapter 71 (Parking Regulations) of the Code of Asheboro.
- 14. Leigh Anna Johnson will present an update on the application process for the National Civil League's All-America City award.
- 15. City Manager's update on Eastside Improvement Association funding request.
- 16. Public drop-in workshop showing proposed safety improvements to Vision Drive, March 27th, 2014, from 4:00PM – 7:00 PM at the city's public works building conference room.
- 17. Discussion of items not on the agenda.
- 18. Adjournment.

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, FEBRUARY 6, 2014
7:00 p.m.

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following officials and staff members present:

- David H. Smith) – Mayor Presiding
- Talmadge S. Baker)
- Clark R. Bell)
- Edward J. Burks)
- Linda H. Carter) – Council Members Present
- Michael W. Hunter)
- Walker B. Moffitt)
- Charles A. Swiers)

John N. Ogburn, III, City Manager
 Edsel L. Brown, Code Enforcement Officer
 Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
 Max S. Hooker, Deputy Fire Chief
 T. Myers Johnson, Human Resources Director
 Michael L. Leonard, P.E., City Engineer
 Mark T. Lineberry, Police Captain
 Trevor L. Nuttall, Community Development Director
 Randy C. Purvis, Chief Building Inspector
 Deborah P. Reaves, Finance Director
 Jonathon M. Sermon, Recreation Services Superintendent
 Jeffrey C. Sugg, City Attorney

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow for prayer or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

3. Appearance and recognition of guests and citizens.

Mayor Smith welcomed everyone in attendance and recognized a boy scout from Troop 527 who was in attendance as a requirement for his community/citizenship badge.

4. Recognition of Mr. Keith M. Seabolt, Fire Department Captain (Retired), for his years of dedicated service to the City of Asheboro.

Deputy Chief Max Hooker presented retired Captain Keith M. Seabolt with a plaque in appreciation for his 30 years of service to the City of Asheboro. On behalf of the City of Asheboro, Mayor Smith congratulated Captain Seabolt on his retirement and expressed appreciation for his service.

5. Presentation of the city’s fiscal year-end audit report by Mr. Steve Hackett, CPA, of Maxton McDowell, CPA.

The City Council received from Mr. Steve Hackett, CPA the audit report for the fiscal year that ended June 30, 2013. During his presentation, Mr. Hackett reported that the city received what is commonly referred to as a “clean audit” (currently also referred to as an “unmodified audit”) that reflects an unqualified acceptance of the City’s financial statements. A copy of the written report submitted by Mr. Hackett is on file in the City Clerk’s office along with a copy of the City’s comprehensive Annual Financial Report.

6. The annual report from Ms. Bonnie Renfro, President of the Randolph County Economic Development Corporation.

Ms. Bonnie Renfro, President of the Randolph County Economic Development Corporation (RCEDC) presented the corporation's annual report for 2013. Throughout the year, approximately 343 new jobs were created with a new capital investment of approximately \$46,000,000.00. A copy of the annual report presented by Ms. Renfro is on file in the City Clerk's office.

Additionally, the Council received a written "Community Profile" and a "2013 Existing Business Report – Asheboro" along with comments from Mr. Kevin Franklin, Existing Business and Industry Coordinator. Dr. Bob Shackelford, President of Randolph Community College and RCEDC Chairperson, thanked the Council for its leadership and support for economic development.

7. Consent agenda:

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve the following consent agenda items.

- (a) The minutes of the City Council's regular meeting on January 9, 2014.**
- (b) Acknowledgement of the receipt of the semi-annual report of the disposal of surplus city-owned personal property valued under the \$5,000.00 threshold.**
- (c) Acknowledgement of the receipt of the Asheboro ABC Board's minutes of its meeting on December 2, 2013.**

8. Appearance of Mr. Deneal McNair with East Side Improvement Association.

Mr. Deneal McNair, who advised the Council that he is the President of East Side Improvement Association, reported to the Council that the property that houses the Central Gymnasium and Asheboro Daycare serves as collateral for a loan that is in default and on the verge of foreclosure. According to Mr. McNair, the association is attempting to raise money in order to save the property from foreclosure, and he asked the city council for assistance.

Mayor Smith and the Council Members asked questions about the situation and also received some information from Ms. Michele Hammond, who stated that she is the new Vice President for the East Side Improvement Association. After the exchange of some information by means of questions posed by the elected officials, the collective opinion emerged from the Mayor and Council Members that no action could be taken with public funds until a business plan, including a sustainability plan, was submitted for review and analysis.

No such plan is currently available. Consequently, the Council took no formal action on this request.

9. Public comment period.

Mayor Smith opened the floor for comments from the public.

There being no comments from the public, Mayor Smith closed the public comment period.

10. Revision of the City of Asheboro Personnel Policies and Procedures Manual:

(a) Presentation of proposed amendments by Human Resources Director Myers Johnson.

Mr. Johnson presented to the Council Members the proposed amendments to the City of Asheboro Personnel Policies and Procedures Manual.

(b) Consideration of a resolution concurring with the proposed amendments.

After discussion, Mr. Johnson presented and recommended adoption by reference of a resolution concurring with the proposed amendments to the City of Asheboro Personnel Policies and Procedures Manual.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to adopt the following resolution by reference.

the city's written policies. Without limiting the importance of other policies, specific attention is to be given to ensuring that safety policies and guidelines are properly observed, workplace violence is prevented, and equal employment opportunity based on reasonable job-related job requirements is actively advocated and practiced to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, non-job related disability, genetic information, national origin, or political affiliation, or military service.

EXHIBIT 2

[ARTICLE II. POSITION CLASSIFICATION PLAN]

Section 3. "Part-Time Employees" Defined

"Part-time employees" are those who are in positions for which an average work week consists of less than 40 hours and the employee receives no benefits. If a part-time employee should occasionally work over 40 hours in a single week they would be paid according to Fair Labor Standard Act (FLSA) requirements. Notwithstanding any provision found within Article II of this Manual, the definitions found in Article VI, Section 3 of this Manual pertaining to part-time employees shall be controlling for the limited purpose of interpreting and implementing the group health and hospitalization insurance benefits described in the said Article VI, Section 3.

Section 4. "Seasonal Recreational Employees" Defined

"Seasonal Recreational employees" are those who are employed in a recreational establishment in an interim position for less than six (6) full months in any one calendar year. As a matter of standard practice, the city will not maintain an employee in a position of employment that is classified as seasonal recreational for a period of time in excess of four (4) consecutive calendar months during a calendar year. Seasonal employees are exempt from Fair Labor Standards Act overtime requirements and this policy's Article V Section 3, Employment of Relatives requirement. Notwithstanding any provision found within Article II of this Manual, the definitions found in Article VI, Section 3 of this Manual pertaining to seasonal employees shall be controlling for the limited purpose of interpreting and implementing the group health and hospitalization insurance benefits described in the said Article VI, Section 3.

EXHIBIT 3

[ARTICLE III. RECRUITMENT AND EMPLOYMENT]

Section 1. Recruitment and Employment Application Procedures

At the time of an employment vacancy, members of the human resources department, in consultation with the department head, will determine to what extent, if any, the vacancy should be advertised. All vacancy announcements distributed throughout the community will specify qualifying requirements and the pay range of the positions to be filled. Employment advertisement shall contain assurances of Equal Employment Opportunity and shall comply with Federal and State Statutes regarding discrimination in employment matters.

Upon inquiry, each individual interested in employment with the city shall be informed of all current job openings. In order to be considered for employment with the city, an individual must submit a written application on the form prescribed by the human resources department. Any such form shall provide notice that North Carolina law, subject to certain exceptions for individuals who are seeking or hold any certifications issued by the North Carolina Criminal Justice Education and Training Standards Commission, allows applicants to not refer to any arrest, charge, or conviction that has been expunged. An applicant need not, in answer to any question concerning any arrest or criminal charge that has not resulted in a conviction, include a reference to or information concerning charges or convictions that have been expunged. An application shall not be denied solely because of the applicant's refusal or failure to disclose information concerning any arrest, criminal charge, or criminal conviction of the applicant that has been expunged.

In order to ensure that an accurate background check can be completed in the event a conditional offer of employment is extended to an individual, applicants for employment with the city shall, upon request, provide information that can be used to confirm the identity of the applicant along with written consent to conduct a background check, including without limitation a check of the applicant's criminal history record information. The requested information may include, but is not limited to, the applicant's full name, documents such as a birth certificate or driver's license, and/or a completed applicant fingerprint card.

Properly submitted applications shall be kept in an active file for six (6) months.

Qualified persons currently employed by the city shall receive first consideration for filling those vacancies that represent promotional opportunities.

Persons dismissed by the city for unsatisfactory performance of duties or improper personal conduct may not be rehired.

Section 3. Conditional Offer of Employment

When a department head notifies the human resources department of the selection of an applicant as the candidate initially identified as best suited for an open position of employment, the human resources department will contact the selected applicant and extend a written conditional offer of employment. This written conditional offer of employment will advise the selected candidate that the granting of employment with the city is contingent upon the successful completion of a pre-employment drug screen, physical, and background check that includes a criminal history record check, verification of information contained within the individual's application materials, and, if the position sought by the applicant requires the ability to operate a motor vehicle, a review of the applicant's driving history. In addition to the items listed in the immediately preceding sentence, this offer of employment may also be conditioned on the completion, to the satisfaction of the city, of any other examinations, tests, or reviews that are mandated by the applicable federal, state, and local laws, ordinances, and administrative regulations for the occupation/job sought by the applicant.

When an inquiry of criminal history record information indicates that an individual has one or more pending criminal charges and/or has been convicted of or accepted responsibility for one or more felonious or misdemeanor criminal offenses, such information will not serve as an automatic disqualifier that mandates the withdrawal of a conditional offer of employment. Any pending criminal charge(s) and/or past criminal conduct will be subjected to an individualized review of the entirety of the available information before a decision is made as to whether to withdraw a conditional offer of employment. At a minimum, this review will take into account the type of crime(s) of which the individual has been charged or was convicted/accepted responsibility, the frequency of violations and/or any pattern of offenses, the time that has elapsed since the date(s) of any conviction(s)/disposition(s), the applicant's age at the time of any conviction(s)/disposition(s), and the impact, if any, of the past criminal conduct or pending charges of criminal conduct on the ability of the applicant to perform the essential job functions of the position for which he or she has applied in a manner consistent with the maintenance of the public trust and confidence that is essential to the city's effective delivery of municipal services.

With regard to the pre-employment drug screen and the physical examination, a health care provider performing a medical examination shall be instructed to not report family medical history. The relevant inquiry in this employment-related medical exam is not what the candidate's health may be in the future, but rather what the candidate's present ability is to perform the essential functions of the job. If the selected candidate tests positive for drugs and/or is found to be unable to perform an essential function of the job for which the individual has been selected, the conditional offer of employment will be withdrawn.

Applicants for employment who refuse to comply with or are unable to fully satisfy the conditions attached to a conditional offer of employment, including without limitation fully cooperating with and completing the mandated physical exam and drug screening, are automatically disqualified from final appointment to the position for which they have applied.

Tests required or administered by the city shall be those measuring the skills actually required to perform the essential functions of the job for which an individual has applied.

EXHIBIT 4

[ARTICLE IV. PAYROLL ADMINISTRATION]

Section 9. Overtime and Special Duty Assignment

- (A) The city abides by all applicable sections of the Fair Labor Standards Act, the Fair Labor Standards Amendments of 1986, and all subsequent amendments. On the basis of time sheets or time cards submitted by the employees, the city will properly record all applicable overtime accrued for each covered employee.
- (B) With the exception of subsection (J), this overtime and special duty assignment policy is applicable only to employees of the City of Asheboro who are non-exempt under the Fair Labor Standards Act.
- (C) Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work during any time that they are not scheduled to work unless they receive approval from their immediate supervisor, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in injury or harm to a person, damage to property, or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the unscheduled work as soon as practical following completion of the work.
- (D) It is the policy of the city, in agreement with its employees, that employees receive compensatory time-off at a rate of one-and-one-half (1-½) hours for each hour of overtime worked. Except for

law enforcement officers and firefighters, non-exempt employees receive compensatory time-off at the rate of one-and-one-half (1-½) hours for every hour worked over forty (40) hours in a seven-day workweek. Non-exempt law enforcement officers are entitled to this overtime rate only for hours worked in excess of one hundred seventy-one (171) hours in a twenty-eight-day cycle, and firefighters are entitled to this overtime rate only for hours worked in excess of two hundred four (204) hours in a twenty-seven-day cycle.

- (E) In situations where a non-exempt employee performs work that fails to qualify as overtime work because the employee will not actually work over forty (40) hours during the seven-day workweek, or for law enforcement officers and firefighters the threshold amount set for overtime work during the prescribed twenty-eight-day or twenty-seven-day cycle will not be satisfied, such an employee may accrue, as a bonus, one-and-one-half (1-½) hours of compensatory time-off for every hour worked in furtherance of the assigned task if the work is designated and explained as a special duty assignment by the employee's division director or department head on the employee's time sheet or time card. Alternatively, a non-exempt employee may receive, as a bonus, a monetary payment rather than compensatory time-off for work on an assigned task if such work, along with the request for the payment of a bonus, is designated and explained as a special duty assignment by the employee's division director or department head on the employee's time sheet or time card. Such a bonus monetary payment shall be one-and-one-half (1-½) times the employee's regular rate of pay for each hour worked as a special duty assignment.
- (F) When a non-exempt employee is called back to work outside regularly scheduled working hours, the employee's division director or department head is to evaluate the totality of the circumstances and make a determination as to which of the following options will be utilized:
 - (a) The call-back event can be designated as a special duty assignment, including using the rate for calculating bonus compensation described above in subsection (E), with a guarantee that the employee will receive, under this option, credit for no less than two (2) hours of special duty assignment work, or
 - (b) The call-back event can be integrated into flexible, alternative scheduling of the employee's work time during the workweek or the twenty-eight-day/twenty-seven-day cycle in which the call-back event occurred.
- (G) Non-exempt law enforcement officers, firefighters, and employees engaged in seasonal activities may accrue not more than four hundred eighty (480) hours of compensatory time-off. All other non-exempt employees may accrue not more than two hundred forty (240) hours of compensatory time-off. When the thresholds specified in this subsection are reached, the non-exempt employee will receive a monetary payment of one-and-one-half (1-½) times the employee's regular rate of pay for each hour in excess of the limits specified in this subsection.
- (H) Employees wishing to use accrued compensatory time-off must make a written request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the city. Additionally, in order to reduce the amount of accrued compensatory time-off, an employee who has not asked to use accrued compensatory time-off may, nonetheless, be required by his or her supervisor to use that accrued time at the convenience of the city.
- (I) Accrued compensatory time-off will be paid upon termination of employment and shall be calculated at the average regular rate of pay for the final three (3) years of employment, or the final regular rate received by the employee, whichever is higher.
- (J) Subject to the conditions specified in this subsection, an exempt employee may be granted bonus compensatory time-off or pay to the same extent that such a bonus would be granted to a non-exempt employee for work designated and approved as special duty assignment work by the management official with approval authority for the exempt employee's time sheet or time card. The receipt of bonus compensatory time-off or pay by an exempt employee is subject to the following conditions:
 - (a) The amount of compensatory time-off or pay shall be calculated on an hour-for-hour basis, not at the rate used for non-exempt employees of one-and-one-half (1-½) hour for each hour of special duty assignment.
 - (b) As with non-exempt employees, exempt employees wishing to use accrued compensatory time-off must make a written request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the city. Additionally, in order to reduce the amount of accrued compensatory time-off, an employee who has not asked to use accrued compensatory time-off may, nonetheless, be required by his or her supervisor to use that accrued time at the convenience of the city.

- (c) Exempt employees who have been allowed to accumulate compensatory time-off, rather than receiving contemporaneous payment for special duty assignment work, will not be paid for any portion of the accumulated compensatory time-off until the exempt employee terminates his or her employment with the city. The cap on the amount of approved compensatory time-off that may be accrued by an employee is wholly inapplicable to an exempt employee.
- (d) In the event an exempt employee separating from employment with the city is to receive a payment for some or all of the accumulated compensatory time-off, such terminal pay is to be calculated at the employee's final regular rate of pay ~~on the basis of the maximum amount of compensatory time-off that the employee would have been allowed to accumulate if he or she had been a non-exempt employee.~~ The terminal pay cannot include, and exempt employees are expressly prohibited from receiving, any payment that is based on compensatory time-off hours accumulated in excess of the number of hours that could have been accumulated by a non-exempt employee. The maximum number of hours that can be accumulated by the typical forty-hour exempt employee is two hundred forty (240) hours. An exempt employee in the police department or the fire department who qualifies for the Section 7k exemption can accumulate up to four hundred eighty (480) hours. When an exempt employee terminates his or her employment with the city, the balance of any accumulated compensatory time-off that has not been used by the employee prior to the separation from employment or included in the employee's terminal pay in strict accordance with the limits set within this subsection shall be deemed to be forfeited by the employee.

EXHIBIT 5

[ARTICLE VI. BENEFITS]

Section 3. Group Health and Hospitalization Insurance

- (A) For the limited and sole purpose of interpreting and implementing the group health and hospitalization insurance benefits described in this section of Article VI, the following definitions and rules of interpretation shall be applicable exclusively to Article VI, Section 3 of the City of Asheboro Personnel Policies and Procedures Manual (hereinafter referred to as the "Manual"):
- (1) The term "Part-Time Employee (Extended Hours)" means an employee who is reasonably expected by the city to average working twenty-six (26) or more hours per week.
 - (2) The term "Part-Time Employee (Variable/Seasonal Hours)" means an employee who is reasonably expected by the city to average working less than twenty-six (26) or more hours per week during the designated measurement period. This term includes an employee for whom, based on the facts and circumstances known at the time of the employee's hire date, the relevant division/department head has made the determination that, even though the employee is expected to average working more than twenty-six (26) or more hours per week for a limited duration of time, it cannot be determined that the employee is reasonably expected to work, on average, at least twenty-six (26) or more hours per week over the course of the designated measurement period.
 - (3) Aside from elected officials, when evaluating an employee's eligibility for group health and hospitalization insurance benefits, all employees shall be categorized as either a full-time, part-time (extended hours), or part-time (variable/seasonal hours) employee.
 - (4) The term "Part-Time Employee (Variable/Seasonal Hours)" shall include the "Seasonal Recreational Employees" described in Article II, Section 4 of the Manual.
 - (5) In contrast to the above-stated definitions, the term "Full-Time Employee" shall have the same meaning as stated for the term in Article II, Section 2 of the Manual.
 - (6) The term "Ongoing Employee" shall mean any city employee, exclusive of elected officials, who has been employed by the city for at least one (1) complete Standard Measurement Period.
 - (7) The term "Standard Measurement Period" means the 12-month period of time extending from April the 15th of a calendar year to April the 14th of the following calendar year.
 - (8) The term "Administrative Period for an Ongoing Employee" means the 76-day period of time extending from April the 15th of a calendar year to June the 30th of the same calendar year.
 - (9) The term "Stability Period for an Ongoing Employee" means a 12-month period of time extending from July the 1st of a calendar year to June the 30th of the following calendar

year. This Stability Period for an Ongoing Employee matches the city's fiscal year and the plan year for the city's group health and hospitalization insurance.

- (10) The term "Initial Measurement Period for a New Employee" means a 12-month period of time that is measured from the new employee's hire date.
- (11) The term "Administrative Period for a New Employee" means the period of time utilized by the city to perform the calculations and administrative tasks needed to determine if a new employee is eligible, on the basis of the hours worked during the above-referenced initial measurement period, for coverage under the city's group health and hospitalization insurance. This time period shall extend from the end of the Initial Measurement Period for a New Employee to the end of the first full calendar month immediately following the end of the said initial measurement period.
- (12) The term "Corresponding Stability Period" means the 12-month period of time that immediately follows the Administrative Period for a New Employee.
- (B) ~~All full-time employees and elected officials~~ Any Full-Time Employee, Part-Time Employee (Extended Hours), and elected official will be provided group health and hospitalization and life insurance at no cost. This group insurance shall be made available to employees' dependents on a participating basis. Eligibility for group health and hospitalization insurance will be effective the first day of the month following one full month of employment or the taking of office.
- (C) Part-Time Employee (Variable/Seasonal Hours) will not be eligible for any group health and hospitalization insurance benefits unless, after utilizing the following evaluation periods and methodologies, the employee is found to have worked an average of twenty-six (26) or more hours per week during the relevant measurement period. If a Part-Time Employee (Variable/Seasonal Hours) is found to have worked an average of twenty-six (26) or more hours per week during the relevant measurement period, such an employee will be eligible, during the entire duration of the stability period that follows the relevant measurement period, for the same group health and hospitalization insurance benefits provided to a Full-Time Employee or a Part-Time Employee (Extended Hours). The on-going evaluations of a Part-Time Employee (Variable/Seasonal Hours) in terms of eligibility for group health and hospitalization insurance benefits will be conducted as follows:
- (1) In the case of an Ongoing Employee who is not already eligible for the group health and hospitalization insurance benefit as a Full-Time Employee or a Part-Time Employee (Extended Hours), the city shall use the above-defined Standard Measurement Period as a look-back period prior to the beginning of the city's next plan year and associated open enrollment period in order to determine if any employee not currently eligible for the group health and hospitalization insurance benefit is now eligible for the benefit because of working an average of twenty-six (26) or more hours per week during the Standard Measurement Period. During the Administrative Period for Ongoing Employees, which runs from April the 15th to June the 30th of each year and overlaps with the open enrollment period for insurance, each Part-Time Employee (Variable/Seasonal Hours) will be evaluated in order to determine if the employee worked an average of twenty-six (26) or more hours per week over the course of the immediately preceding Standard Measurement Period. If the employee did average working twenty-six (26) or more hours per week during this look-back period, the unreduced group health and hospitalization insurance benefit will be offered to the employee for the entirety of the ensuing plan year (July 1 to June 30) that matches the 12-month Stability Period for an Ongoing Employee. The group health and hospitalization insurance benefit will not be offered to employees who did not average working twenty-six (26) or more hours per week during the prior measurement or look-back period.
- (2) A supplemental measurement or look-back period will be utilized for a newly hired Part-Time Employee (Variable/Seasonal Hours) in order to ensure that an otherwise eligible employee does not go too long without coverage if he or she is otherwise eligible for the group health and hospitalization insurance benefit and has not been evaluated under the Standard Measurement Period after twelve (12) months of beginning work because of the date on which the employee was hired. When such an employee is initially hired, he or she will not be eligible for the group health and hospitalization insurance benefit. The city will apply, on the employee's hire date, a 12-month Initial Measurement Period for a New Employee as a look-back period for a new employee whose status is unclear in terms of the number of hours that will be worked per week over the course of the adopted measurement period. At the conclusion of the initial 12-month measurement period, the city will utilize the Administrative Period for a New Employee in order to evaluate whether an average of twenty-six (26) or more hours per week were worked by the new employee over the course of the immediately preceding Initial Measurement Period for a New Employee. If the employee did average working twenty-six (26) or more hours per week during this initial look-back period, the unreduced group health and hospitalization insurance benefit will be offered to the employee for the entirety of the following 12-month Corresponding Stability Period. The group health and hospitalization insurance benefit

will not be offered to employees who did not average working twenty-six (26) or more hours per week during the prior measurement or look-back period. As a matter of clarification, the following illustration and a separate interpretative provision are offered:

(a) Example of the Application of the Preceding Measurement, Administrative, and Stability Periods to a New Employee: If an employee is hired on May 15, 2014, the Initial Measurement Period for a New Employee will run from May 15, 2014, to May 14, 2015. In this case, the Administrative Period for a New Employee would run from May 15, 2015, to June 30, 2015, and the Corresponding Stability Period would run from July 1, 2015, to June 30, 2016.

(b) In the example above, any subsequent coverage would be determined on the basis of the provisions established earlier in this Section for the evaluation of an Ongoing Employee. As soon as the new employee has worked long enough to be evaluated on the basis of the Standard Measurement Period, regardless of whether the employee is still within the previously calculated Corresponding Stability Period, a determination shall be made by utilizing the Standard Measurement Period, Administrative Period for an Ongoing Employee, and the Stability Period for an Ongoing Employee as to whether the employee is eligible for the group health and hospitalization insurance benefit under these criteria. Any such supplemental evaluation shall operate to the advantage of an employee and shall not serve to reduce an employee's eligibility for the group health and hospitalization insurance benefit under a previously calculated stability period.

(D) Other insurance programs which will serve the needs of the employees of the city may be offered through payroll deductions.

(E) Information concerning the cost and benefits of the insurance program shall be available to all employees through the Human Resources Department. Booklets explaining the program will be available to all employees.

EXHIBIT 6

[ARTICLE X. DISCIPLINARY ACTIONS]

Section 4. Procedure

When deemed appropriate by the management team, progressive formal discipline is to be administered and recorded in an employee's personnel jacket as follows:

(1) Written Warnings(s)

Documented discussion of specific work-related concerns indicating corrective measures to be followed. The receipt of a written warning must be acknowledged in writing by the employee. If the employee refuses to properly acknowledge the receipt of a written warning, the supervisor issuing the written warning shall note the employee's refusal on the employee disciplinary report and have an additional supervisor sign the disciplinary report as a witness to the fact that the employee refused to sign the disciplinary report.

(2) Written Warning with Condition(s) of Continued Employment

If an employee continues to perform his or her duties in an unsatisfactory manner after the receipt of a written warning about deficiencies in the employees' work performance, or if the employee engages in improper personal conduct that involves a mitigating factor or a combination of mitigating factors deemed by the management team to warrant disciplinary action short of dismissal, the employee may be issued a written warning that contains conditions with which the employee must comply in order to maintain his or her employment with the city. These conditions of employment may include, but are not limited to, performance standards that are designed to establish a defined goal for the employee to attain in order to demonstrate that substantive progress has been made toward the employee working and conducting himself or herself in a manner that meets the expectations of the City of Asheboro. The performance standards established as part of a specific written warning may remain in effect for up to six (6) calendar months after the employee's receipt of the written warning. The receipt of a written warning must be acknowledged in writing by the employee. If the employee refuses to properly acknowledge the receipt of a written warning, the supervisor issuing the written warning shall note the employee's refusal on the employee disciplinary report and have an additional supervisor sign the disciplinary report as a witness to the fact that the employee refused to sign the disciplinary report.

Dismissal from employment or the issuance of a written warning with conditions of continued employment as a consequence of improper personal conduct does not require prior warning, documented or otherwise.

(3) Pre-Dismissal Hearing

The supervisor recommending dismissal shall discuss the preliminary recommendation with the Human Resources Department. The supervisor shall schedule and conduct a pre-dismissal conference with the employee. In the conference, the supervisor shall give the employee written notice of the recommendation for dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal, to refute information supporting the recommended dismissal action and to offer information or arguments to support his/her position. During this pre-dismissal hearing with the division/department head, no outside parties, specifically including without limitation private legal counsel, may participate in this process that is limited to the city's employee and the employee's supervisor(s). In the event the decision is made to proceed with the dismissal from employment, the employee may have legal counsel appear on his or her behalf during the post-dismissal appeal proceedings that are conducted by the human resources director and the city manager.

(4) Suspension

If the behavioral infraction is extremely serious to the city, fellow employees, or the public, supervisors may suspend an employee without warning.

Section 6. Rights of Appeal

In the cases of a suspension, demotion, or dismissal that has been entered by a division/department head, a regular employee has appeal rights. The appeal procedure shall be governed by Article XI of the City of Asheboro Personnel Policies and Procedures Manual. The first level of appeal from a decision by a division director/department head to suspend, demote, or dismiss an employee will be to the human resources director in accordance with the procedures prescribed by Article XI, Section (C) of this Manual. If an appeal is made from the decision of the human resources director, such an appeal is to be made to the city manager in accordance with Article XI, Section (D) of this Manual subsection (B) below. In the case of the suspension, demotion, or dismissal of a regular employee holding the rank of department head or higher, the city manager will specify the appeal procedure that will be available to the employee at the same time the city manager designates the employee who will conduct, on behalf of the manager, the administrative investigation of the circumstances leading to the need to evaluate whether a suspension, demotion, or dismissal is warranted. Otherwise, the appeals process will be conducted as follows:

In the case of the suspension, demotion, or dismissal of a regular employee holding the rank of department head or higher, the city manager will specify the appeal procedure that will be available to the employee in the event of an adverse personnel action at the same time the city manager designates the employee who will conduct, on behalf of the manager, the administrative investigation of the circumstances leading to the need to evaluate whether a suspension, demotion, or dismissal is warranted.

A. Appeal from a Division/Department Head to the Human Resources Director

A regular employee may appeal his or her suspension, demotion, or dismissal to the human resources director. Any such appeal must be in writing, and the written notice of appeal must be received by the human resources director within twenty (20) workdays following the entry of the personnel action that is under appeal. The human resources director shall review the written reports utilized by the division/department head to take the personnel action under appeal, and the human resources director may request additional information and documentation prior to the hearing that will be scheduled in order to consider the appeal.

The Human resources director shall notify all concerned of a time and date for the post-personnel action appeal hearing that will take place as soon as possible, but not later than twenty-five (25) workdays after the date of the personnel action under review. During the hearing, the human resources director may receive new information, written or oral, from the division/department head and/or employee so long as the information/documentation is germane to the issue(s) under review. In deciding the issue on appeal, the human resources director may confirm or modify the recommendation of the division/department head and enter such order as the human resources director may deem appropriate. The human resources director's written decision shall be entered and forwarded to the division/department head and the employee within thirty (30) workdays of the personnel action from which an appeal has been made.

Either the division/department head or the employee may appeal the human resources director's decision to the city manager. If an appeal is properly filed, the human resources director will forward his written decision as well as all of the documents that he considered during the appeal process to the city manager for further review.

B. Appeal from the Human Resources Director's Decision to the City Manager

An appeal from the decision of the human resources director pertaining to a regular employee's suspension, demotion, or dismissal must be submitted in writing to the city manager. Any such written

notice of appeal must be received by the city manager within thirty-five (35) workdays of the entry of the personnel action under appeal. The city manager will review all of the documentation considered by the human resources director, and the manager may request additional information and documentation prior to the hearing that will be held to consider the appeal.

The city manager will notify all concerned of a time and date for the appeal hearing that will take place as soon as possible, but not later than forty (40) workdays after the entry of the personnel action under appeal. At the hearing, the city manager may receive new information, written or oral, from the parties to the appeal so long as the information/documentation is germane to the issue(s) under review. In deciding the issue on appeal, the city manager may confirm or modify the decision entered by the human resources director and will enter such order as the manager deems appropriate. The decision entered by the city manager shall be final.

The city manager's written decision will be entered and forwarded to the human resources director, the division/department head, and the employee within forty-five (45) workdays after the personnel action from which an appeal has been made. Any deviation from the above policy and procedure shall be subject to the approval of the city manager.

Section 7. Administrative Guidelines

(A) Unsatisfactory Performance of Duties

This category covers all types of performance-related inadequacies. This policy does not require that the progressive warnings address the same type of unsatisfactory performance, but it does require that all warnings be related to job performance. Unsatisfactory performance of duties may include, but is not limited to:

- (1) ~~Inefficient~~ **Inefficiency** or incompetence in performing duties;
- (2) Negligence in performance of duties;
- (3) Physical or mental incapability for performing duties;
- (4) Careless or improper use of city property;
- (5) Failure to maintain satisfactory and harmonious working relationships with fellow employees and the public;
- (6) Habitual pattern of failure to report for duty at the assigned time and place;
- (7) Absence without approved leave;
- (8) Habitual and improper use of sick leave privileges;
- (9) Failure to obtain or maintain current license or certificate required as a condition for performing the job; **and**
- (10) Failure to wear and use appropriate safety equipment or otherwise to abide by safety rules and policies.

(B) Improper Personal Conduct

An employee who engages in a single act of improper personal conduct is subject to dismissal from employment with the City of Asheboro regardless of whether the employee has previously received a warning of any kind during his or her career with the city. The following list is illustrative, and is not an exhaustive or exclusive list, of the types of improper personal conduct that will lead to the termination of an individual's employment with the city:

- (1) Conduct unbecoming a city employee;
- (2) Conviction of a felony;
- (3) Committed a criminal act;
- (4) Misusing city funds;
- (5) **Falsifying job information provided to the municipal corporation in order to secure one or more job assignments or position(s);**
- (6) **Engaging in any action that would in any way seriously disrupt or disturb the normal operations of the municipal corporation city;**
- ~~(7)~~ **Trespassing on the grounds or home of any official or employee for the purpose of harassing or forcing dialogue or discussion for the occupants;**

- ~~(8)~~ (7) Willful acts that would endanger the lives or property of others;
- ~~(9)~~ (8) Willfully damaging city property;
- ~~(10)~~ (9) Possessing unauthorized weapons, alcoholic beverages, or illegal substances while on the job;
- ~~(11)~~ (10) Threats, pressure, or physical actions against others, specifically including without limitation uninvited and repeated contact, whether by means of communication devices or by means of physical visits to the grounds or home of the targeted individual, for the purpose of harassing an individual or forcing unwelcomed dialogue/discussion that is not subject to free speech protections afforded by the Constitutions of the United States and the State of North Carolina;
- ~~(12)~~ (11) Insubordination;
- ~~(13)~~ Reporting to work under the influence of alcohol or drugs, or partaking of such items on the job;
- ~~(14)~~ (12) Accepting gifts for "favors" or "influence;"
- ~~(15)~~ (13) Without proper authorization, disseminating or otherwise releasing in any manner information that is lawfully maintained by the city as confidential information;
- ~~(16)~~ (14) Unauthorized possession of the city's or another employee's property;
- ~~(17)~~ (15) Leaving the work area repeatedly for excessively long periods without proper authorization;
- ~~(18)~~ (16) Violation of the city's policies prohibiting sexual harassment, unlawful discrimination, workplace violence, and/or substance abuse;
- ~~(19)~~ (17) Providing or maintaining false or improper records/documents;
- ~~(20)~~ (18) Sleeping during work time;
- ~~(21)~~ (19) Gambling during work time; and
- ~~(22)~~ (20) Providing an untruthful statement or statements during an administrative investigation conducted by the city and/or otherwise attempting to impede the ability of the city to conduct an accurate and complete administrative investigation.

(C) Written Warning(s)

During the period after written warnings have been issued for unsatisfactory performance of duties, management may choose to counsel with the employee concerning his/her employment status before a decision to demote or dismiss is made. Such counseling should involve a candid discussion about the actions that an employee must take in order to correct the unsatisfactory performance. As a part of this counseling, management may request the employee to take up to one (1) day's leave with pay to consider whether or not the employee wishes to continue his/her employment with the city. It should be stressed to the employee that a decision to continue employment with the city will require a commitment to improve performance, and that a lack of improvement will lead to dismissal. Management is expected to use its discretion to determine when this procedure would benefit the employee and the city.

(D) Suspension(s)

Investigatory or disciplinary suspension may be used by management in appropriate circumstances. The following general guidelines shall be utilized when deciding whether to place an employee on suspension:

- (1) If the infraction or behavior is extremely serious or injurious to the city, fellow employees, or the public, a supervisor may suspend an employee without warning. However, before any further formal disciplinary action such as demotion or dismissal is taken against an employee, the employee's division director/department head must consult with the human resources department.
- (2) An employee who has been suspended for either investigatory or disciplinary reasons may be placed on compulsory leave without pay.
- (3) Investigatory suspension with or without pay may be appropriate:

- (a) To provide time to investigate, establish facts, and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision; and
 - (b) When management elects to use investigatory suspension in order to avoid undue disruption of work or to protect the safety of persons or property.
- (4) Investigatory suspension without pay shall not exceed thirty (30) calendar days.
 - (5) Investigatory suspension with pay will be at the request of the division director/department head and must be authorized by the city manager.
 - (6) An employee who has been suspended with or without pay must be furnished a letter with the specific reasons for his/her suspension and notice of right to appeal. A copy of the letter shall be forwarded to the human resources department in advance.
 - (7) Suspension with or without pay must be fully documented.
- (E) Review of Documentation
- (1) An employee who objects to material in his or her personnel jacket may place in the file a statement relating to the material the employee considers to be inaccurate or misleading. The employee may seek the removal of such material by filing a grievance and following the grievance procedures specified in Article XI of the City of Asheboro Personnel Policies and Procedures Manual.
 - (2) Probationary employees who have been subject to disciplinary action for improper personal conduct, and are ineligible for access to the city's grievance appeal procedures for regular employees, may submit to the human resources director a written request for an informal name-clearing proceeding that will be conducted by the human resources director. The human resources director must receive such a written request within thirty (30) business days of the date of receipt by the probationary employee of the problem causing documentation. In his or her request, the probationary employee must state the basis for his or her belief that the submitted documentation should be amended, supplemented, or removed.
 - (a) During the informal hearing of this matter, the human resources director shall review all pertinent written reports and may request additional information and documentation. Also, the human resources director may receive new evidence, written or oral, from the division director/department head and employee so long as the evidence is relevant to whether the problem causing documentation should be removed, amended, or supplemented. In deciding the question presented by the probationary employee, the human resources director may reject the probationary employee's contention or agree to amend, supplement, or remove the documentation previously placed in the employee's personnel jacket.
 - (b) If an individual is dissatisfied with the decision rendered by the human resources director, the individual may appeal the human resources director's decision by submitting a written request to the city manager for an informal hearing before the city manager. Such a request must be received by the city manager within fifteen (15) business days of the date on which the individual received the human resource director's written decision.
 - (c) The city manager shall review the entirety of the information previously reviewed by the human resources director during his or her consideration of the matter. Additionally, the city manager may receive new evidence, written or oral, from the division director/department head and employee so long as the evidence is relevant to whether the problem causing documentation should be removed, amended, or supplemented. When ruling on the appeal, the city manager may confirm or modify the decision of the human resources director. The decision rendered by the city manager shall be final. The city manager shall furnish written notice to the employee, the division director/department head, and the human resources director of his final ruling
 - (d) This name-clearing opportunity is for the limited and sole purpose of providing an employee who has no other grievance or appeal rights with an opportunity to properly request the removal or mitigation of allegedly damaging information previously placed in a personnel jacket. The name-clearing process shall not afford probationary employees access to the city's appeal process in Section 6 of this Article or to the city's grievance procedure that is specified in Article XI. During the name clearing process, the previously suspended, demoted, or dismissed probationary employee does not have the right to appeal his or her

suspension, demotion, or dismissal from employment and is expressly prohibited from raising such an appeal.

EXHIBIT 7

[ARTICLE XI. GRIEVANCE PROCEDURE]

The grievance procedure is designed to insure an employee of fair, impartial and prompt consideration of facilitate open and meaningful internal communications between employees and the different levels of management about a workplace problems or dissatisfactions without fear of reprisal on the part of the city's employees. The procedure also encourages employees at all levels to express themselves regarding conditions of work. The grievance procedure is intended. The other intended benefits of this grievance procedure are to promote a better understanding of personnel policies, practices, and procedures; to instill confidence in employees that fair and impartial treatment will be received; and to develop in supervisors a continuing sense of responsibility for maintaining effective working relationships with subordinate employees.

All employees including supervisors and division/department heads, are expected to discuss their problems and misunderstandings with their superiors. Open two-way communication is a proven factor in reducing and resolving grievances. When utilizing this internal forum to better understand and hopefully satisfactorily resolve complaints/dissatisfactions, no outside parties, specifically including without limitation private legal counsel, may participate in this process that is limited to the city's employees and the various levels of the city's management team.

The grievance procedure established in this Article is not the appropriate forum for considering issues concerning an employee's suspension, demotion, or dismissal. An appeal from a suspension, demotion, or dismissal from employment shall be filed and will be heard in accordance with the provisions found in Article X, Section 6 of this Manual. All other types of work-related problems, dissatisfactions, and complaints shall be discussed by all parties in a positive and respectful manner in accordance with the following procedures:

When an employee feels the need to resolve a work-related problem, dissatisfaction or complaint, the following procedure should be followed:

A. Informal Discussion with Immediate Supervisor

An employee who feels he/she has a grievance shall first discuss the problem with the immediate supervisor. The employee must inform the supervisor about the grievance as soon as possible, but not later than five (5) workdays following the incident or action that caused or revealed the problem. It is supervisory responsibility to encourage the subordinate to discuss the problem with the supervisor so as to promote understanding. Most misunderstandings should be clarified and resolved during this free exchange of viewpoints. If the employee still feels the grievance is not resolved, he/she may proceed to the next step of this procedure.

B. Appeal to Conference Meeting with Division Director/Department Head

An employee may request a hearing conference meeting with the division director/department head to appeal discuss an unresolved grievance. Such a request must be received by the division director/department head in writing from the employee no later than ten (10) workdays following the event that caused or revealed the grievance.

The division director/department head shall promptly notify the human resources director, the employee and the employee's immediate supervisor of a date and time for the hearing conference meeting, which will be no later than fifteen (15) workdays after the problem causing event. The division director/department head will open the meeting with an informal discussion of the problem and will explore possible solutions with those in attendance. Every effort will be made during this discussion to resolve the grievance to the satisfaction of all concerned. However, if the grievance cannot be resolved through this discussion, the parties will together prepare a written report of all sides of the issue, including the recommendation of the division director/department head. This report shall be promptly submitted to the human resources director for further consideration through the next step.

C. Appeal to Conference Meeting with the Human Resources Director

An employee may request a conference meeting with the human resources director to discuss an unresolved grievance. Such a request, along with the written report that is to be submitted by the parties involved, must be received by the human resources director in writing no later than twenty (20) workdays following the event that caused or revealed the grievance. The human resources director shall review all written reports and may request additional information and documentation prior to the conference meeting.

The human resources director shall notify all concerned of a time and date to ~~conduct an appeals hearing to hold a conference meeting that will~~ take place as soon as possible, but not later than twenty-five (25) workdays after the problem causing event. ~~The Human Resources Director shall review all written reports and may request additional information and documentation.~~ At the ~~hearing conference meeting~~, the human resources director may receive new ~~evidence information~~, written or oral, from the division director/department head and/or employee, which is germane to the issue. In ~~deciding the issue on appeal resolving the grievance~~, the human resources director may confirm or modify the recommendation of the division ~~director/department head and recommend such order, as he or she may deem appropriate in the matter.~~

If the grievance cannot be resolved at this ~~hearing particular conference meeting~~, the human resources director will prepare a written report of all sides of the issue, including the recommendation of the division ~~director/department head and his or her own the human resources director's recommendation.~~ This report shall be promptly submitted to the city manager for further consideration through the next step.

Notwithstanding any other provision in this section, in the event the grievance is filed by an employee in the Human Resources Department or by a division ~~director~~/department head, the grievance will be heard directly by the city manager.

D. ~~Appeal to Conference Meeting with the City Manager~~

~~An employee may request a conference meeting with the city manager to discuss an unresolved grievance. Such a request, along with the written report submitted by the human resources director, must be received by the city manager in writing from the employee no later than thirty (30) workdays following the event that caused or revealed the grievance. The City Manager shall review all written reports and may request additional information and documentation prior to the conference meeting.~~

~~The city manager shall notify all concerned of a time and date to conduct an appeals hearing to the conference meeting that will take place as soon as possible, but not later than thirty (30) thirty-five (35) workdays after the problem causing event. At the hearing conference meeting, the city manager may receive new evidence information, written or oral, from the division director/department head and/or employee, which is germane to the issue. In deciding the issue on appeal resolving the grievance, the city manager may confirm or modify the decision of the human resources director and/or the division director/department head and enter such order as the manager may deem appropriate in the matter. The decision rendered by the city manager shall be final.~~

~~The city manager shall furnish written notice to the employee, the division director/department head, and the human resources director of his ruling final decision. This notice shall be made not later than thirty five (35) forty (40) workdays from the original date of the event that caused or revealed the problem. Any deviation from the above policy and procedure shall be subject to approval by the city manager.~~

11. Departmental annual reports:

(a) Annual report from Chief Building Inspector Randy Purvis.

Mr. Randy Purvis, Chief Building Inspector, presented an overview of the Building Inspection Department's activities during 2013. The department's report reflected a total of 859 permits issued with an overall decrease in building permit valuations in 2013 as compared to 2012. A copy of the written report submitted to the Council Members is on file in the City Clerk's office.

(b) Annual report from Code Enforcement Officer Ed Brown.

Mr. Ed Brown, Code Enforcement Officer, utilized a visual presentation in order to give the Council Members an overview of the Code Enforcement activities for 2013. Mr. Brown's report reflected a total of 336 recorded code violations for 2013. These violations included but were not limited to, nuisance violations, non-permitted signs, minimum housing code violations, and zoning violations. A copy of the visual presentation utilized by Mr. Brown is on file in the City Clerk's office.

12. Report from Finance Director Debbie Reaves on the most recent Fire Fighter's Relief Fund Trustees Meeting.

Ms. Reaves reported that the Fire Fighter's Relief Fund Board of Trustees met on January 29, 2014. Mr. Jim Owens agreed to serve another 2 year term and was reappointed as Chairperson for another 1 year term. The board consists of Eddie Burks, Debbie Reaves, Roy Wright, Tim Allred, and Jim Owens.

A copy of the minutes of the meeting were submitted to the Council, and a copy is on file in the City Clerk's office.

13. Upcoming events:

- **A special city council meeting will be held on Tuesday, February 20, 2014 at 5:30 p.m. in the Council Chamber.**
- **A planning retreat will be held by the Randolph County Economic Development Corporation on Tuesday, February 25, 2014 from 9:00 a.m. until 1:00 p.m. at the Randolph Community College Foundation Center.**

There being no further business, the meeting was adjourned at 9:08 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor



RZ-14-01 Rezone from R10 (Medium-Density Residential) and R40 (Low-Density Residential) to B2 (General Commercial)

(1743 and 1745 East Salisbury Street: Bernard F. Phillips)

Planning Board Recommendation and Staff Report

NOTE: The applicant has requested a continuance of this case.

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-14**
-01

Date 2-3-2014 PB

Applicant Bernard F. Phillips (Mr. H.R. Gallimore. Agent)

Legal Description

The property of Bernard F. Phillips and Glenda P. Norford located at 1743 and 1745 East Salisbury Street, more specifically identified by Randolph County Parcel Identification Numbers 7761723581 and 7761735006 and totaling approximately 9.88 acres (+/-).

Requested Action Rezone from R10 (Medium-Density Residential) and R40 (Low-Density Residential) to B2 (General Commercial)

Existing Zone R10/R40

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-14-01**

Date 2/3/2014 PB

3/6/2014 CC

General Information

Applicant Bernard F. Phillips (Mr. H.R. Gallimore, Agent)

Address 1743 East Salisbury Street

City Asheboro NC 27203

Phone 336-460-5818

Location 1743 and 1745 East Salisbury Street

Requested Action Rezone from R10 (Medium-Density Residential) and R40 (Low-Density Residential) to B2 (General Commercial)

Existing Zone R10 and R40

Existing Land Use Single-family residences (2)

Size 9.88 acres (+/-)

Pin # 7761723581 and 7761735006

Applicant's Reasons as stated on application

No (errors). Follows the plan. Higher traffic pattern and nearby commercial development.

Surrounding Land Use

North Industrial

East Undeveloped Residential

South Commercial (Randolph Mall)/Single-family res. **West** Industrial and Undeveloped Commercial

Zoning History N/A

Legal Description

The property of Bernard F. Phillips and Glenda P. Norford located at 1743 and 1745 East Salisbury Street, more specifically identified by Randolph County Parcel Identification Numbers 7761723581 and 7761735006 and totaling approximately 9.88 acres (+/-).

Analysis

1. The property is outside of the city limits. Connection to water and sewer requires annexation of the property.
2. East Salisbury Street is a state-maintained minor thoroughfare at this location.
3. The area includes a mix of industrial, commercial, and residential uses.
4. The Zoning Ordinance Statement of Intent (Section 210) states that the B2 district *is intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to major or minor thoroughfares, never local streets.*
5. If the request to rezone the property to B2 is granted, all uses permitted by right are allowed.

Rezoning Staff Report

RZ Case # RZ-14-01

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Growth Strategy Map Designation Economic Development

Proposed Land Use Map Designation Commercial

Small Area Plan East

LDP Goals/Policies Which Support Request

Checklist Item 1. Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 3. The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. *(Article 200, Section 210, Schedule of Statements of Intent)*

Checklist Item 4. The proposed rezoning is compatible with surrounding land uses.

Checklist Item 5. The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Items 12-13: The property is located outside of flood hazard and watershed areas.

Rezoning Staff Report

RZ Case # RZ-14-01

Page 3

LDP Goals/Policies Which Do Not Support Request

Recommendation

Approve

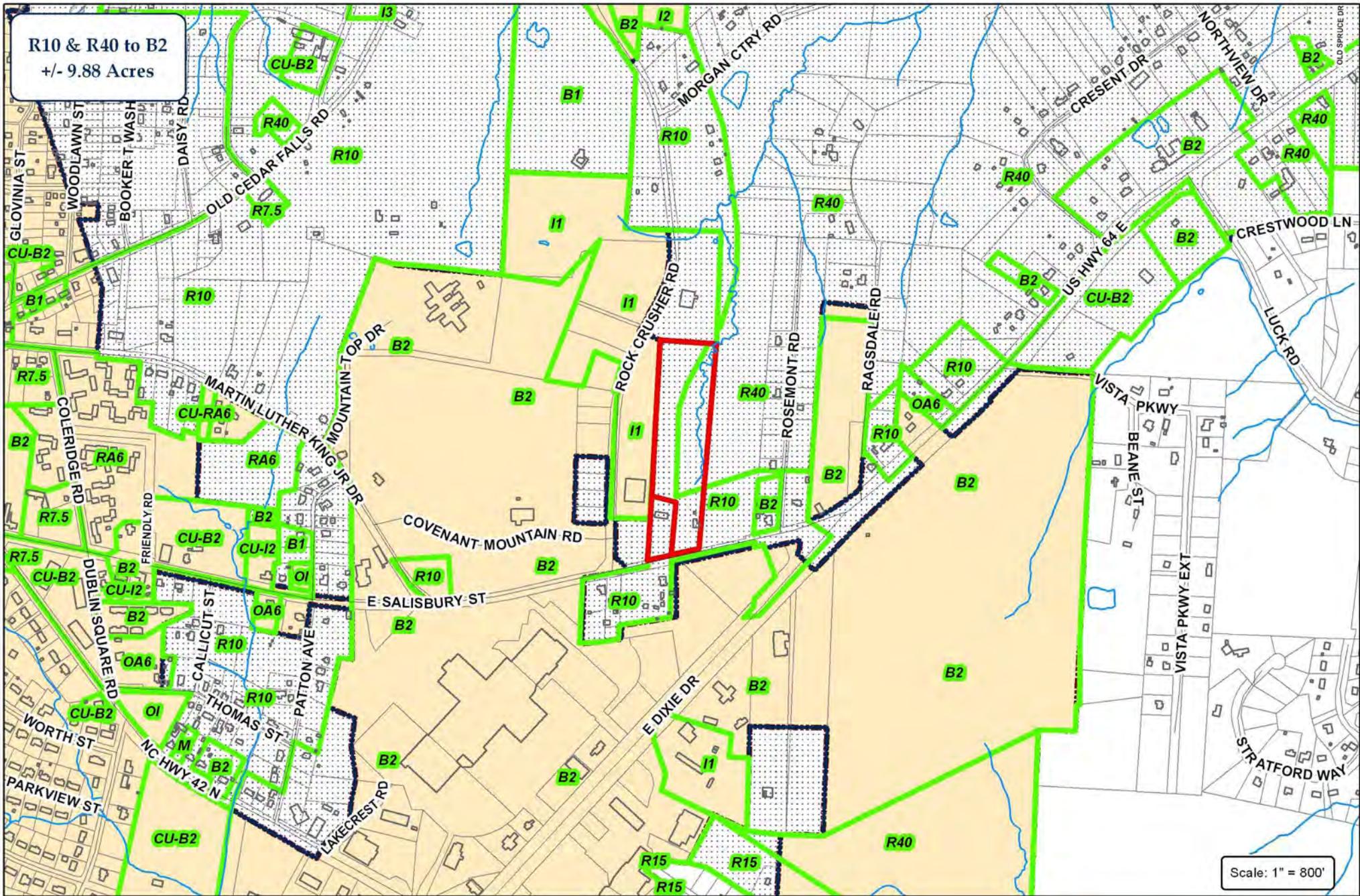
Reason for Recommendation

The request is consistent with the proposed land use map, which envisions commercial uses along this portion of East Salisbury Street. In addition, the requested B2 district is compatible with adjacent commercial and industrial land uses.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

After considering the above factors, staff believes the zoning map amendment will allow a reasonable use of the property and ensure consistency with the Land Development Plan.

R10 & R40 to B2
+/- 9.88 Acres

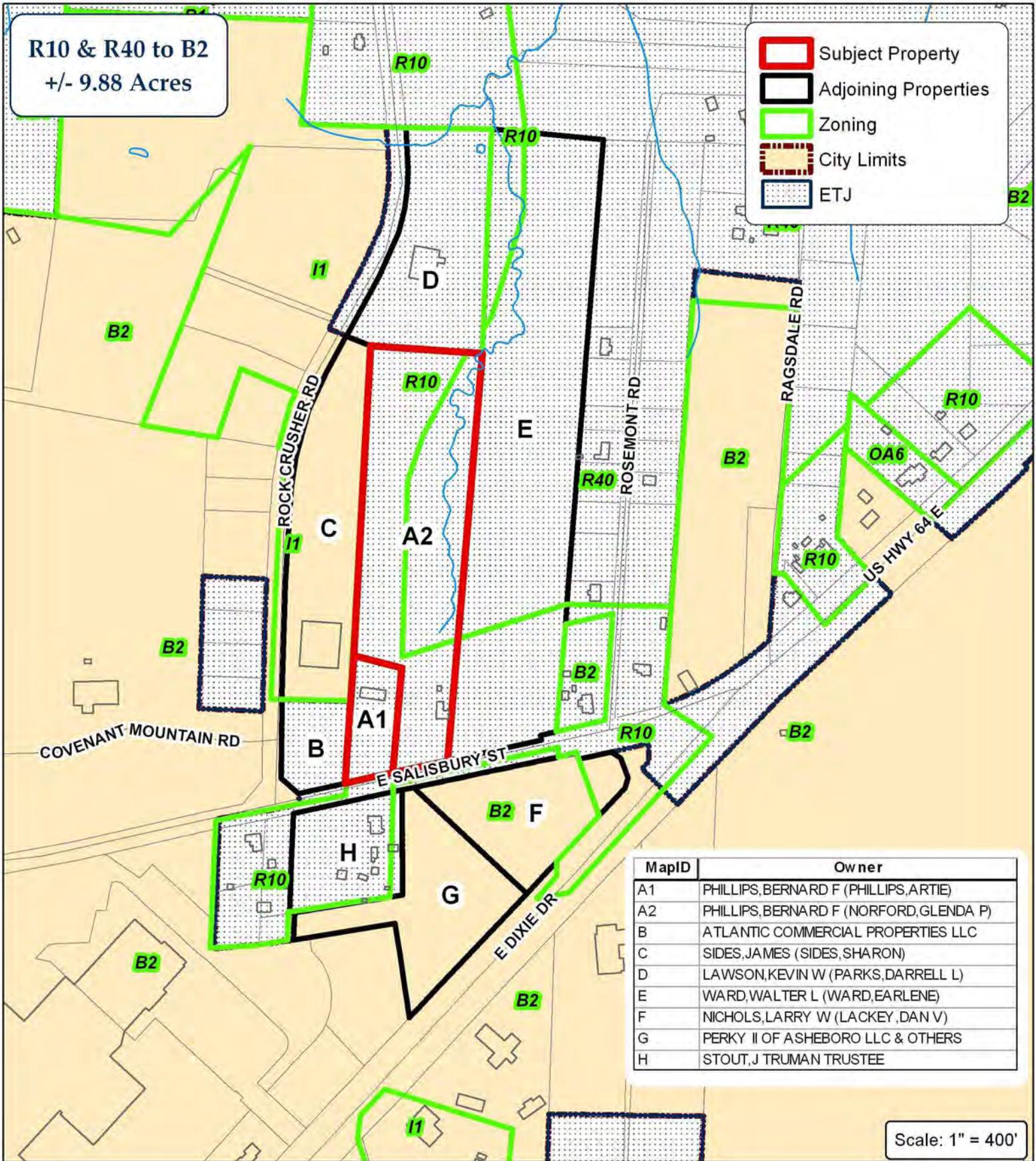


City of Asheville
Planning & Zoning Department
Rezoning Case: RZ-14-01
Parcel: 7761723581 & 7761735006



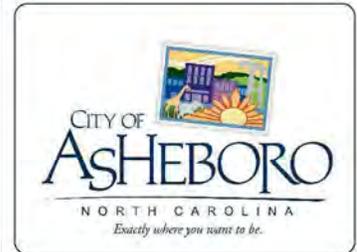
R10 & R40 to B2
+/- 9.88 Acres

-  Subject Property
-  Adjoining Properties
-  Zoning
-  City Limits
-  ETJ



MapID	Owner
A1	PHILLIPS, BERNARD F (PHILLIPS, ARTIE)
A2	PHILLIPS, BERNARD F (NORFORD, GLENDA P)
B	ATLANTIC COMMERCIAL PROPERTIES LLC
C	SIDES, JAMES (SIDES, SHARON)
D	LAWSON, KEVIN W (PARKS, DARRELL L)
E	WARD, WALTER L (WARD, EARLENE)
F	NICHOLS, LARRY W (LACKEY, DAN V)
G	PERKY II OF ASHEBORO LLC & OTHERS
H	STOUT, J TRUMAN TRUSTEE

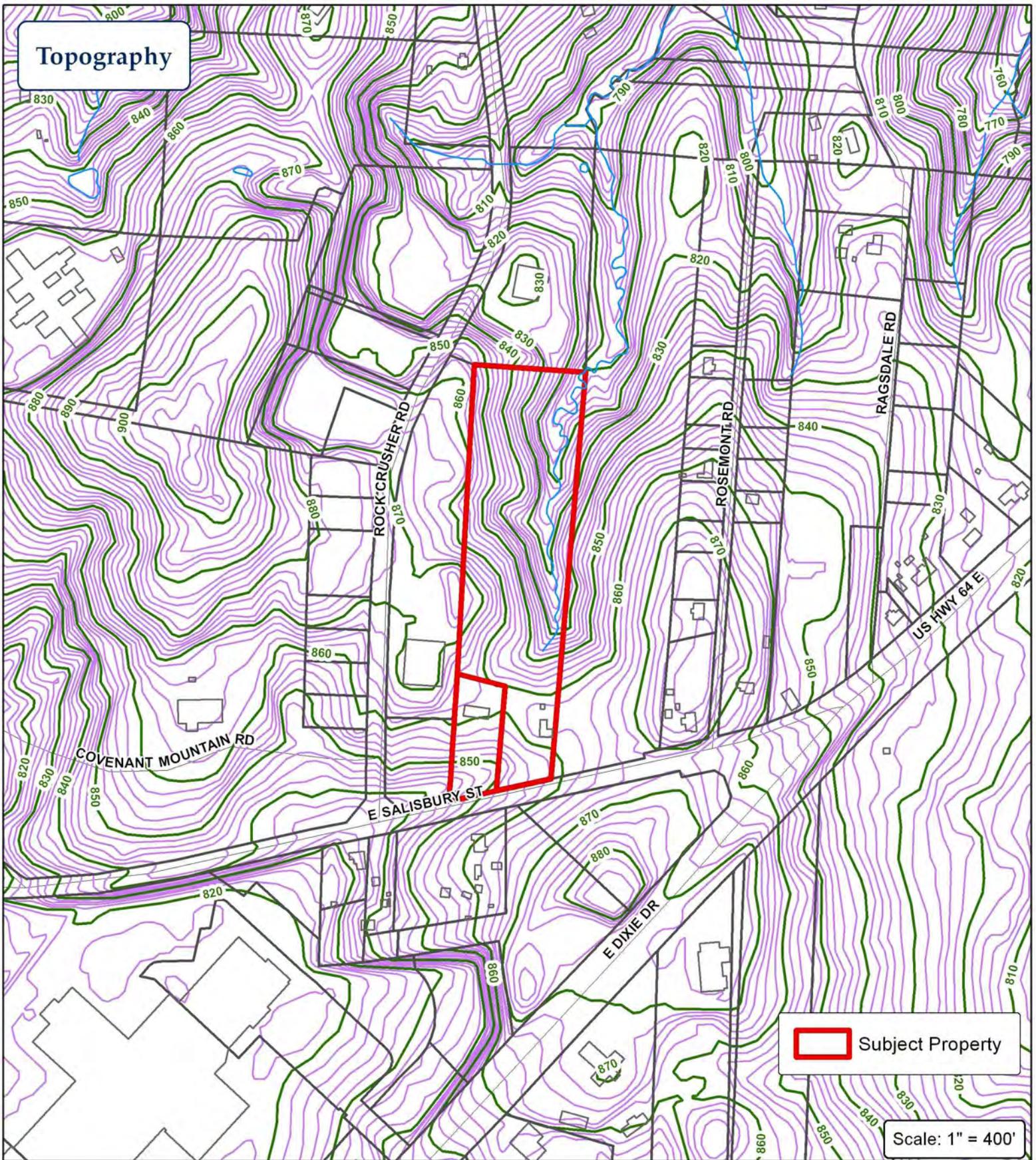
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City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-01
Parcel: 7761723581 & 7761735006

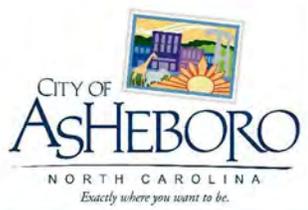


Topography



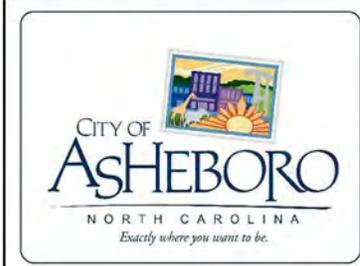
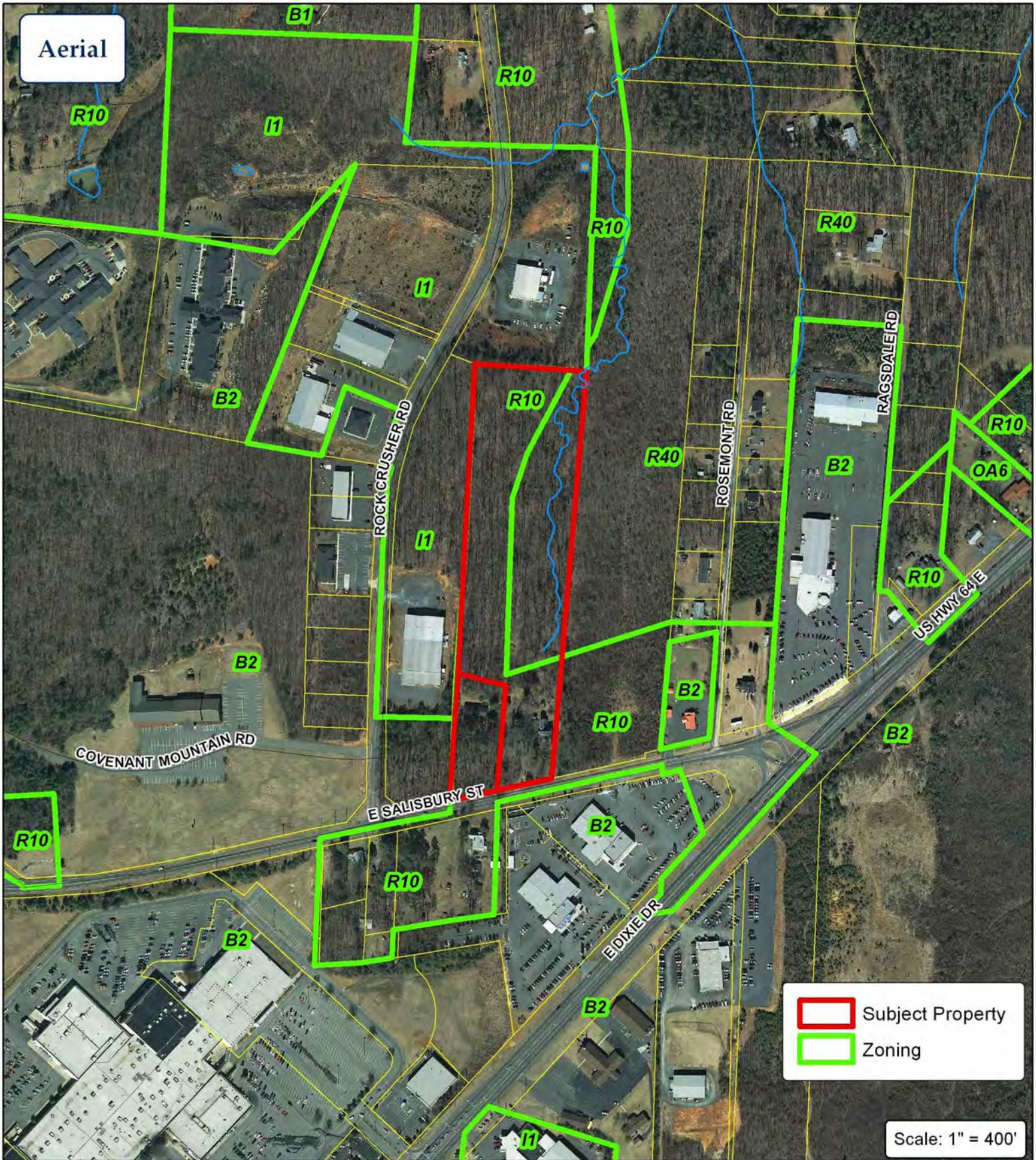
 Subject Property

Scale: 1" = 400'



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-01
Parcel: 7761723581 & 7761735006





City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-01
Parcel: 7761723581 & 7761735006





RZ-14-02 Rezone from R7.5 (Medium-Density Residential) to B2 (General Commercial)

(East Salisbury Street at Coleridge Road; Bernard F. Phillips)

Planning Board Recommendation and Staff Report

NOTE: The applicant has requested a continuance of this case.

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-14**
-02

Date 2-3-2014 PB

Applicant Bernard F. Phillips (Mr. H.R. Gallimore. Agent)

Legal Description

The property of Bernard F. Phillips and Glenda P. Norford located at the western corner of East Salisbury Street and Coleridge Road, more specifically identified by Randolph County Parcel Identification Number 7761327507 and totaling approximately 1.21 acres (+/-).

Requested Action Rezone from R7.5 (Medium-Density Residential) to B2 (General Commercial)

Existing Zone R7.5

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-14-02

Date 2/3/2014 PB

3/6/2014 CC

General Information

Applicant Bernard F. Phillips (Mr. H.R. Gallimore, Agent)

Address 1743 East Salisbury Street

City Asheboro NC 27203

Phone 336-460-5818

Location Western corner of East Salisbury Street and Coleridge Road

Requested Action Rezone from R7.5 (Medium-Density Residential) to B2 (General Commercial)

Existing Zone R7.5

Existing Land Use Undeveloped property

Size 1.21 acres (+/-)

Pin # 7761327507

Applicant's Reasons as stated on application

No (errors). Follows the plan. Higher traffic pattern and nearby commercial development.

Surrounding Land Use

North Single-family residential

East Multi-family residential

South Multi-use commercial development

West Commercial

Zoning History N/A

Legal Description

The property of Bernard F. Phillips and Glenda P. Norford located at the western corner of East Salisbury Street and Coleridge Road, more specifically identified by Randolph County Parcel Identification Number 7761327507 and totaling approximately 1.21 acres (+/-).

Analysis

1. The property is inside the city limits. All city services are available.
2. East Salisbury Street and Coleridge Road are both state-maintained minor thoroughfares at this location.
3. Surrounding land uses include commercial and multi-family and single-family residential.
4. The Zoning Ordinance Statement of Intent (Section 210) states that the B2 district *is intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to major or minor thoroughfares, never local streets.*
5. If the request to rezone the property to the B2 district is granted, all uses permitted by right will be allowed.

Rezoning Staff Report

RZ Case # RZ-14-02

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Growth Strategy Map Designation	Primary Growth
Proposed Land Use Map Designation	Commercial
Small Area Plan	Central

LDP Goals/Policies Which Support Request

Checklist Item 1. Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 3. The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. *(Article 200, Section 210, Schedule of Statements of Intent)*

Checklist Item 4. The proposed rezoning is compatible with surrounding land uses.

Checklist Item 5. The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Items 12-14: The property is located outside of flood hazard, watershed areas, and areas with steep slopes.

Rezoning Staff Report

RZ Case # RZ-14-02

Page 3

LDP Goals/Policies Which Do Not Support Request

Recommendation

Approve

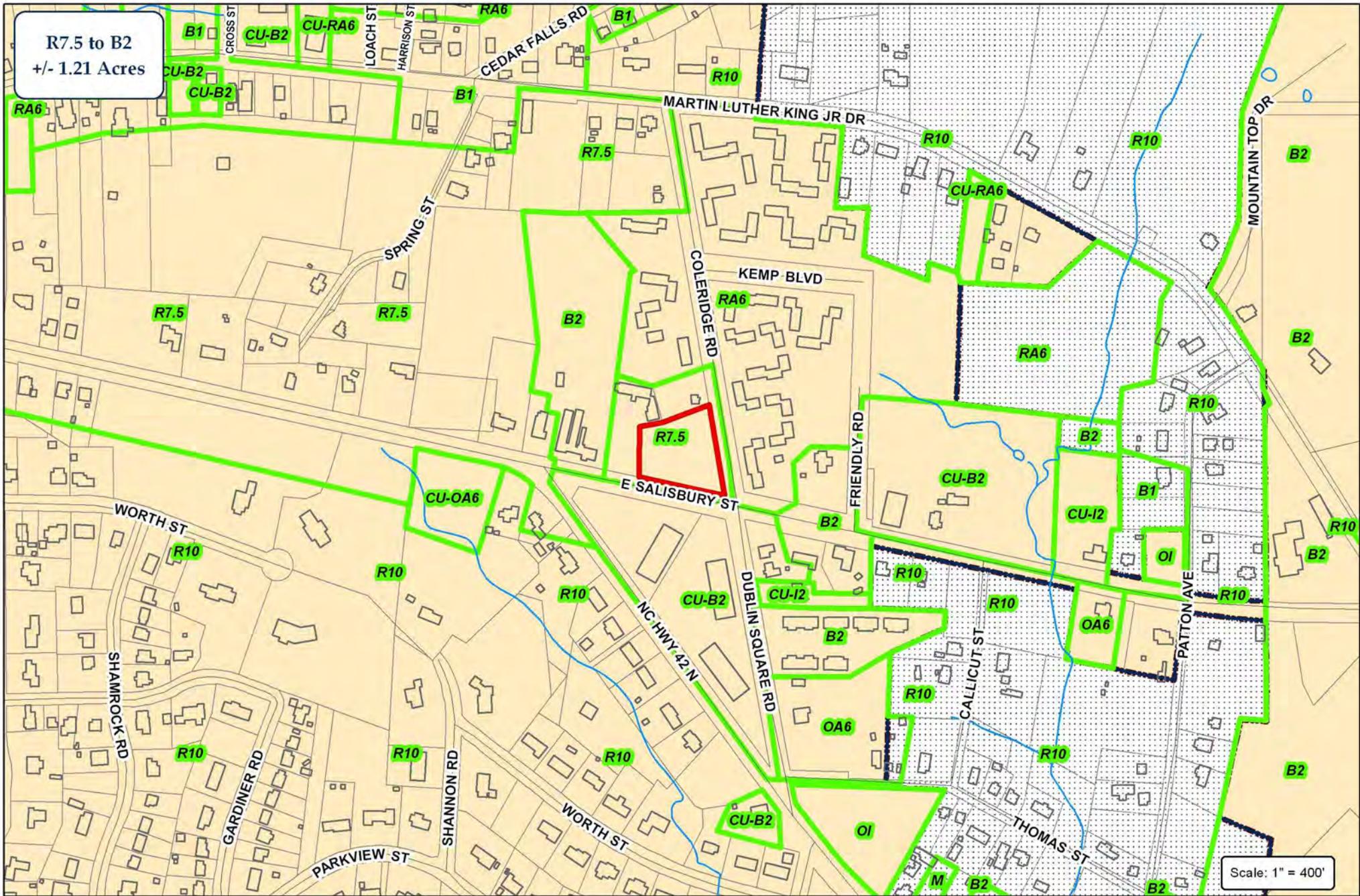
Reason for Recommendation

The request is consistent with the proposed land use map, which envisions commercial uses being designated at key intersections along East Salisbury Street, such as Coleridge Road, where the subject property is located. Furthermore, since the adoption of the Land Development Plan map, additional commercial uses have been developed in this immediate vicinity along East Salisbury Street at other nearby intersections, making the requested B2 district compatible with surrounding land uses.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

After considering the above factors, staff believes the zoning map amendment will allow a reasonable use of the property and ensure consistency with the Land Development Plan.

R7.5 to B2
+/- 1.21 Acres



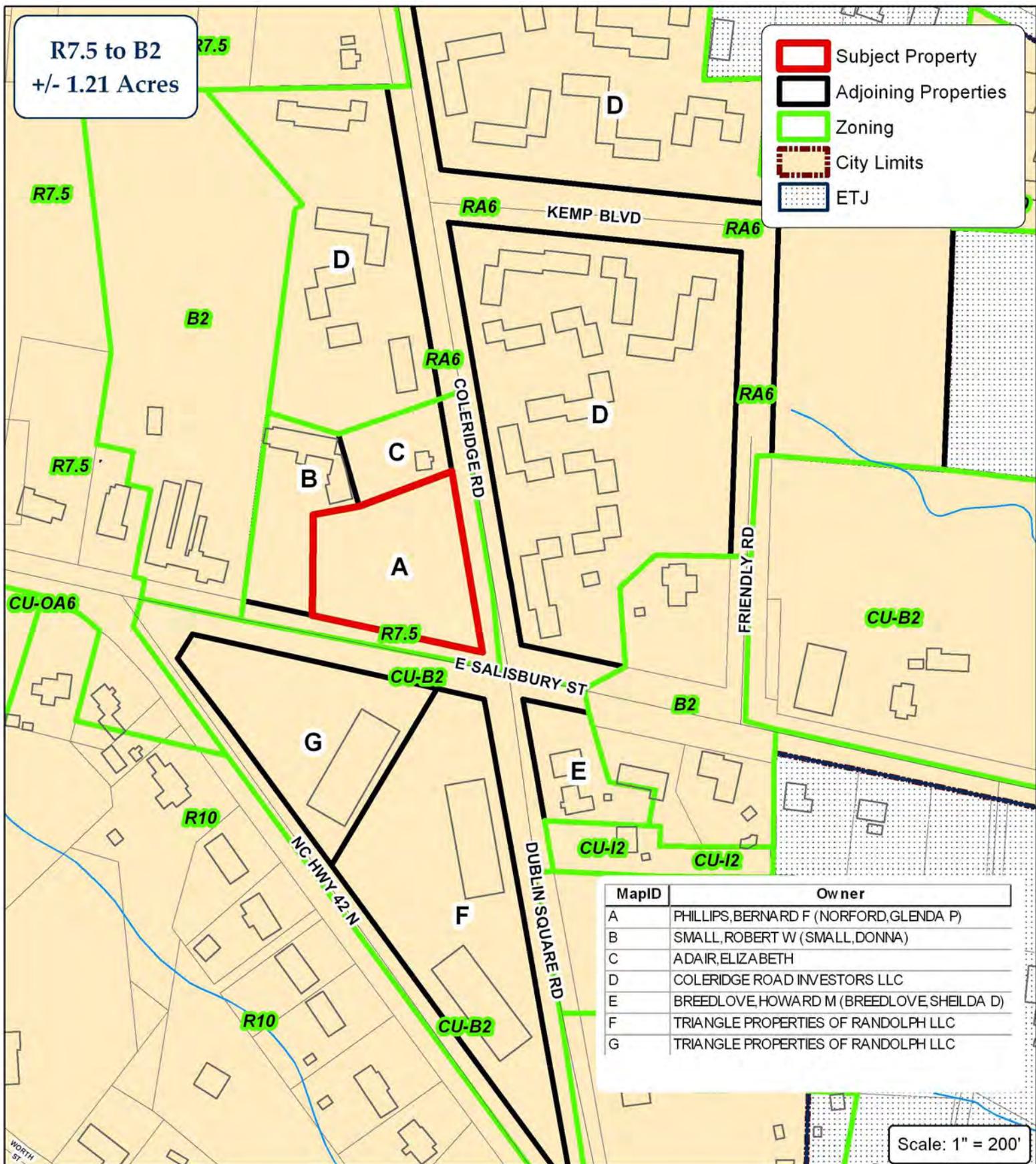
City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-02
Parcel: 7761327507

	Subject Property
	Zoning
	City Limits
	ETJ



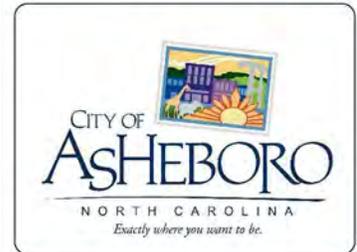
R7.5 to B2
+/- 1.21 Acres

-  Subject Property
-  Adjoining Properties
-  Zoning
-  City Limits
-  ETJ



MapID	Owner
A	PHILLIPS, BERNARD F (NORFORD, GLENDA P)
B	SMALL, ROBERT W (SMALL, DONNA)
C	ADAIR, ELIZABETH
D	COLERIDGE ROAD INVESTORS LLC
E	BREEDLOVE, HOWARD M (BREEDLOVE, SHEILDA D)
F	TRIANGLE PROPERTIES OF RANDOLPH LLC
G	TRIANGLE PROPERTIES OF RANDOLPH LLC

Scale: 1" = 200'

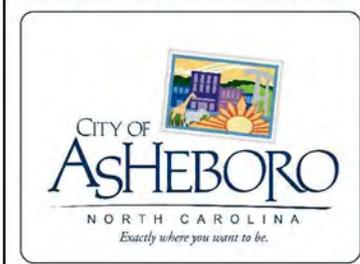
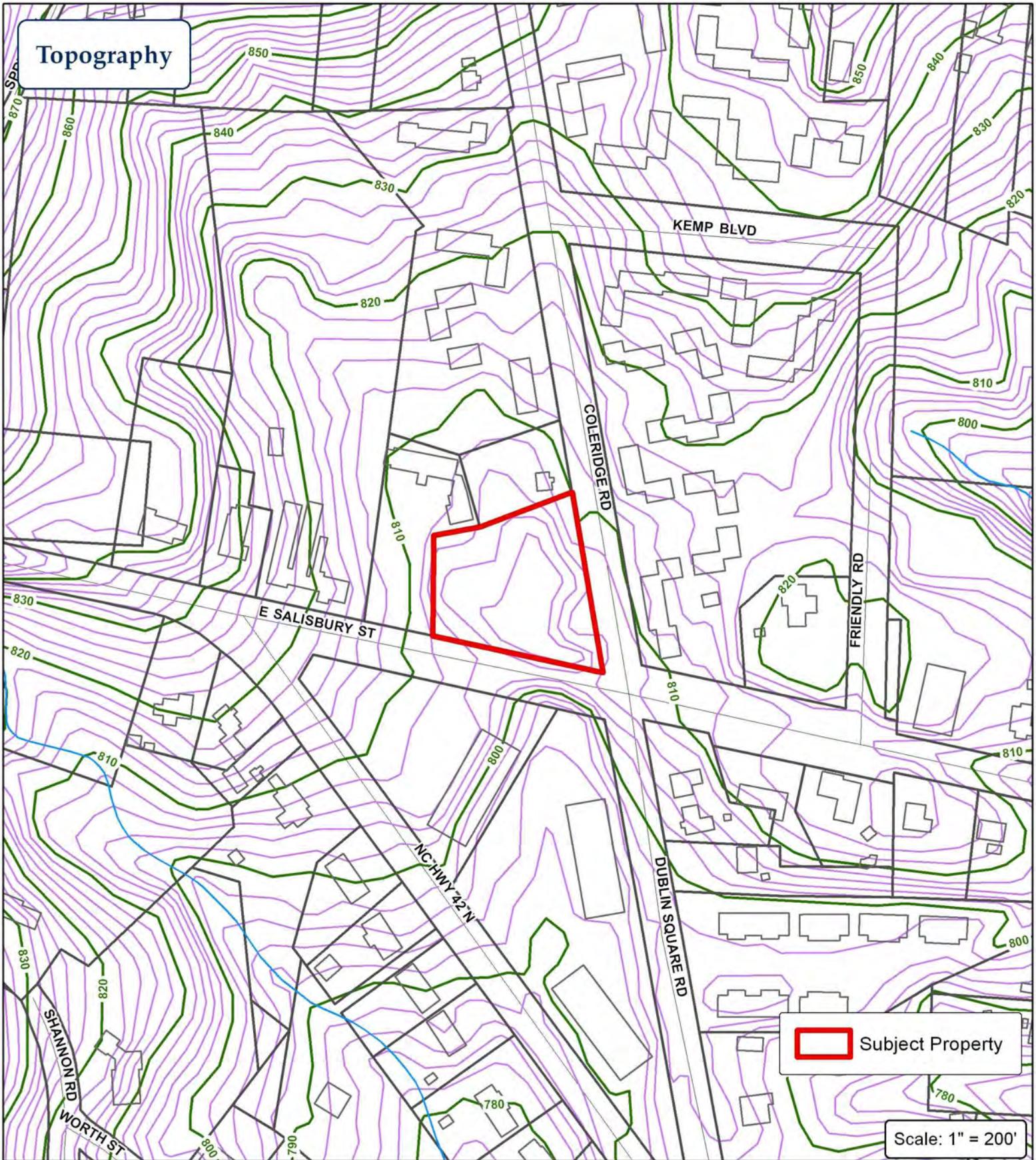


City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-14-02

Parcel: 7761327507

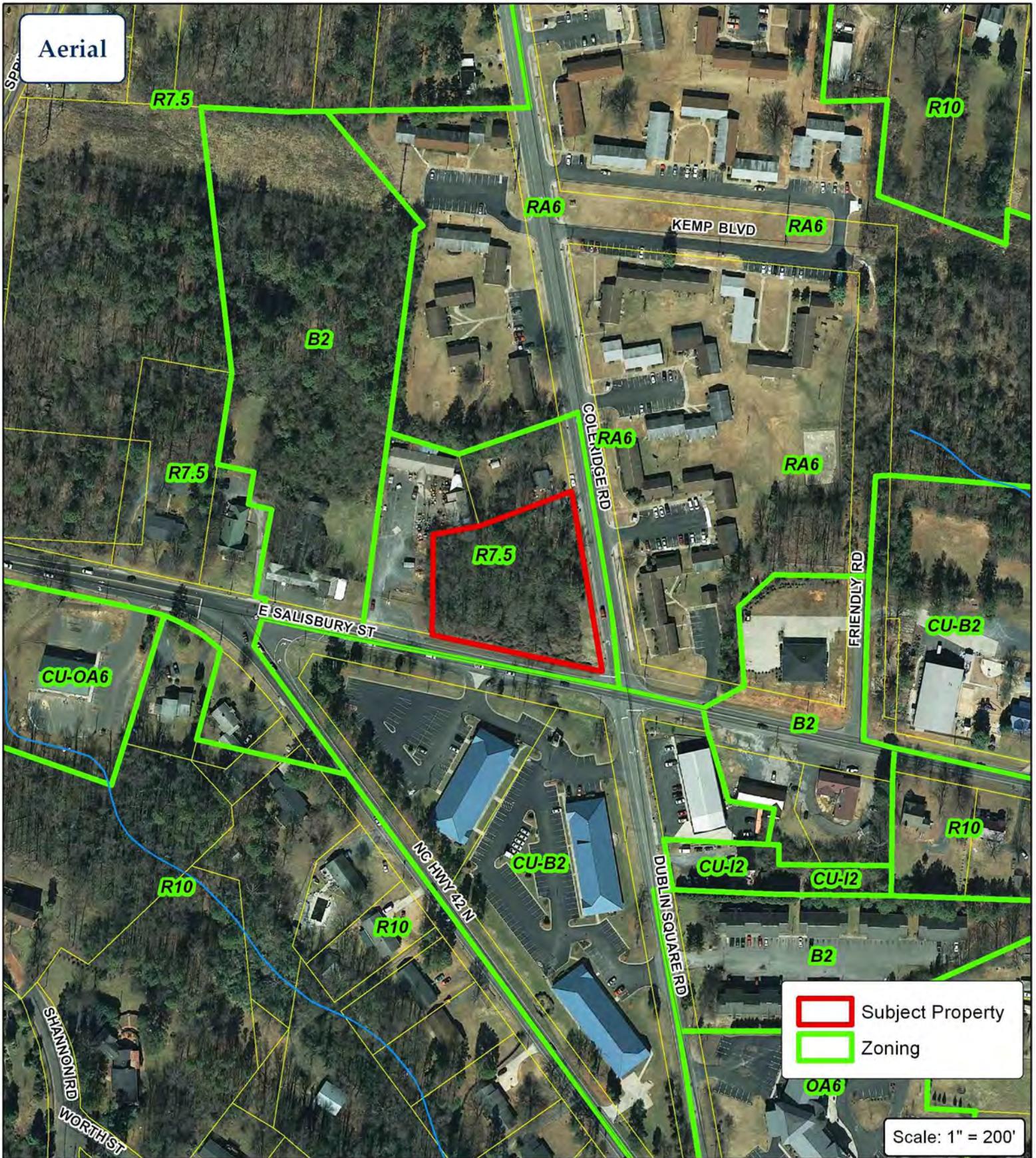




City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-02
Parcel: 7761327507



Aerial



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-02
Parcel: 7761327507





RZ-14-03: Rezone from R7.5 (Medium-Density Residential) to OA6 (Office-Apartment)

(1016 S. Cox Street: Charles Johnson)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-14**
-03

Date 2-3-2014 PB

Applicant Charles Johnson

Legal Description

The property of Charles S. and Sherry Johnson, located at 1016 South Cox Street, totaling approximately 12,948 square feet (+/-) and more specifically identified as Lots 1 and 2 recorded in Plat Book 138, Page 84 of the Randolph County Public Registry, which includes a portion of Randolph County Parcel Identification Number 7750875799.

Requested Action Rezone from R7.5 (Medium-Density Residential) to OA6 (Office-Apartment)

Existing Zone R7.5

Land Development Plan See rezoning staff report.

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-14-03

Date 2/3/2014 PB

3/6/2014 CC

General Information

Applicant Charles Johnson

Address 6683 Gravel Hill Road

City Denton NC 27239

Phone 336-953-6721

Location 1016 South Cox Street

Requested

Action Rezone from R7.5 (Medium-Density Residential) to OA6 (Office-Apartment)

Existing Zone R7.5

Existing Land Use Single-family residential/Parking lot

Size 12,948 square feet (+/-)

Pin # 7750875799 (portion)

Applicant's Reasons as stated on application

It will allow a business to occupy the residence. Both lots on each connecting side are zoned business.

Surrounding Land Use

North Single-family residence

East Multi use office/Single-family res.

South Two-family residential

West Office/single-family residential

Zoning History N/A

Legal Description

The property of Charles S. and Sherry Johnson, located at 1016 South Cox Street, totaling approximately 12,948 square feet (+/-) and more specifically identified as Lots 1 and 2 recorded in Plat Book 138, Page 84 of the Randolph County Public Registry, which includes a portion of Randolph County Parcel Identification Number 7750875799.

Analysis

1. The property is inside the city limits. All city services are available.
2. South Cox Street is a state-maintained minor thoroughfare. Oakdale Street is a city-maintained street.
3. According to the Zoning Ordinance (Art. 200, Sec. 210): *The OA6 District is intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designed OA6 shall normally be located with access to a major or minor thoroughfare with access to local residential streets discouraged.*
4. South Cox Street consists of a mix of residential and low intensity commercial uses. The corridor serves as a transition between the heavier commercial uses along South Fayetteville Street to the west and the residential uses to the east.
5. The property is located within the Center City Planning Area (Tier 3).
6. The request would allow all uses permitted by right in the OA6 district. The OA6 district allows both residential and non-residential uses. Permitted non-residential uses include office and institutional activities and limited service oriented commercial activities (such as barber shops, etc.), but do not include heavier commercial uses such as retail sales, restaurants, etc. Mixed uses may be located within the same structure in the OA6 district.

Rezoning Staff Report

RZ Case # RZ-14-03

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Growth Strategy Map Designation	Primary Growth
Proposed Land Use Map Designation	City Activity Center
Small Area Plan	Central

LDP Goals/Policies Which Support Request

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. *(Article 200, Section 210, Schedule of Statements of Intent)*

Checklist Item 4. The proposed rezoning is compatible with surrounding land uses.

Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Items 12-14: The property is located outside of flood hazard, watershed areas, and areas with steep slopes.

Rezoning Staff Report

RZ Case # RZ-14-03

Page 3

LDP Goals/Policies Which Do Not Support Request

Recommendation

Approve

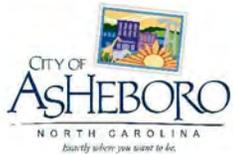
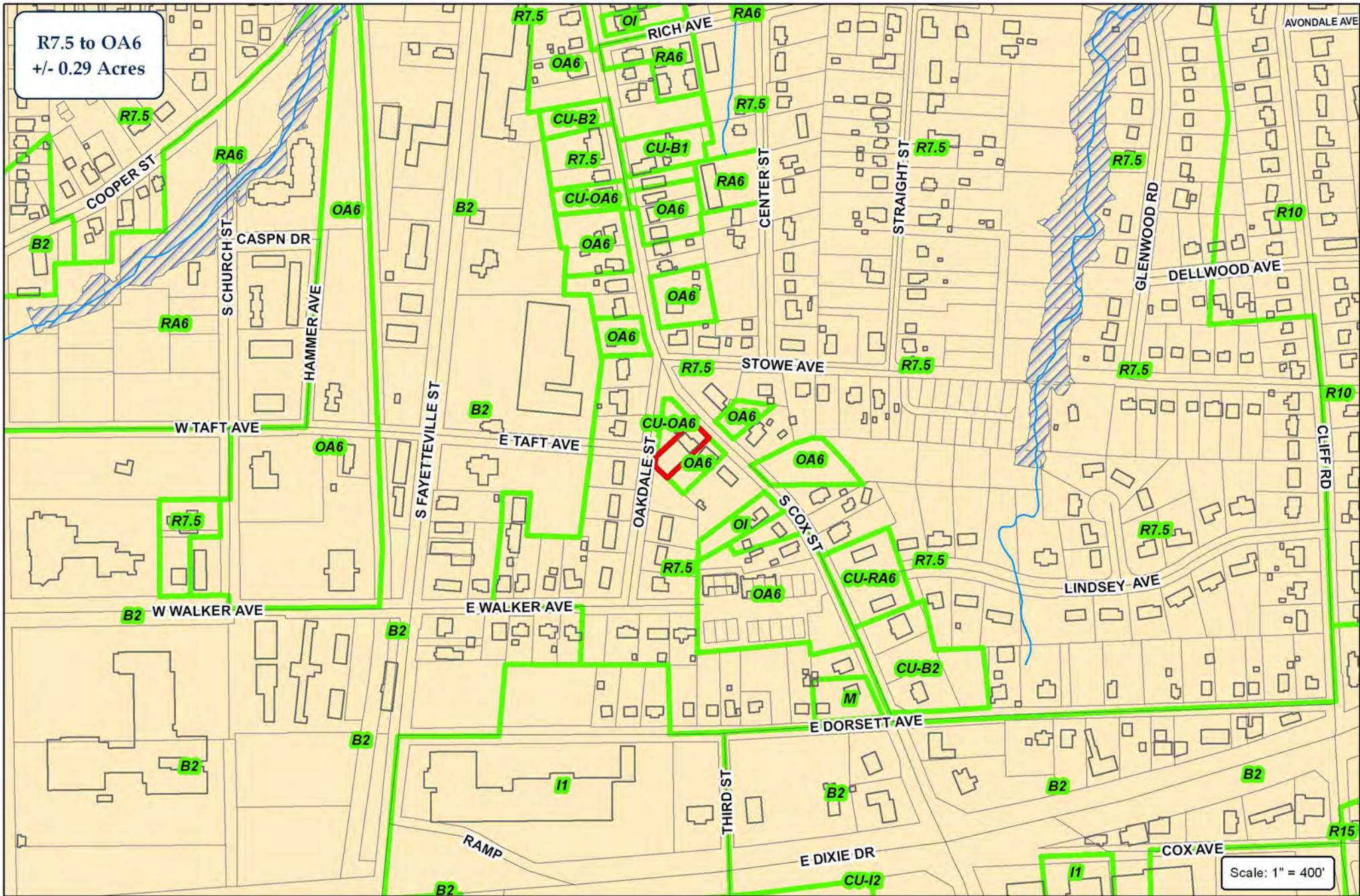
Reason for Recommendation

The Land Development Plan Proposed Land Use Map designates this property as part of the City Activity Center. The City Activity Center proposes a compatible and pedestrian oriented mix of uses including residential, office/institutional and lighter commercial uses as permitted in the OA6 district. In addition, the mix of residential, office, and lighter commercial land uses along South Cox Street have established a transitional pattern between the commercial uses to the west on South Fayetteville Street and the residential uses to the east.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

After considering the above factors, staff believes the zoning map amendment will allow a reasonable use of the property and ensure consistency with the Land Development Plan.

R7.5 to OA6
+/- 0.29 Acres



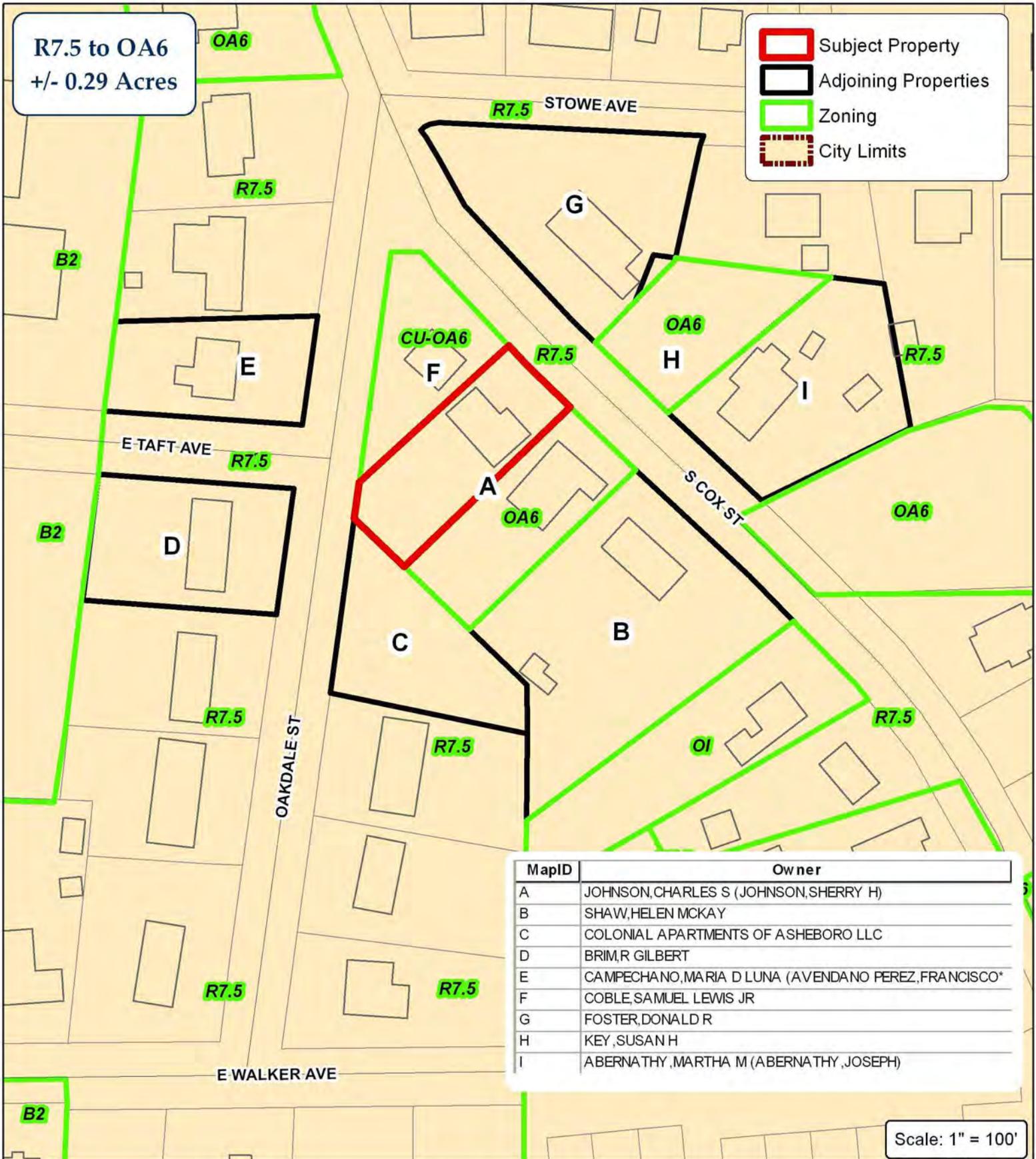
City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-03
Parcel: 7750875799 pt.

- Subject Property
- Zoning
- City Limits
- ETJ



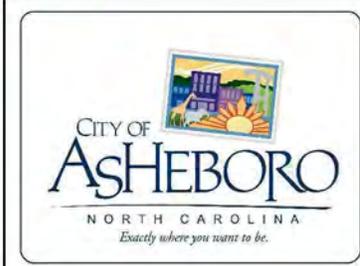
R7.5 to OA6
+/- 0.29 Acres

 Subject Property
 Adjoining Properties
 Zoning
 City Limits



MapID	Owner
A	JOHNSON, CHARLES S (JOHNSON, SHERRY H)
B	SHAW, HELEN MCKAY
C	COLONIAL APARTMENTS OF ASHEBORO LLC
D	BRIM, R GILBERT
E	CAMPECHANO, MARIA D LUNA (AVENDANO PEREZ, FRANCISCO*)
F	COBLE, SAMUEL LEWIS JR
G	FOSTER, DONALD R
H	KEY, SUSAN H
I	ABERNATHY, MARTHA M (ABERNATHY, JOSEPH)

Scale: 1" = 100'



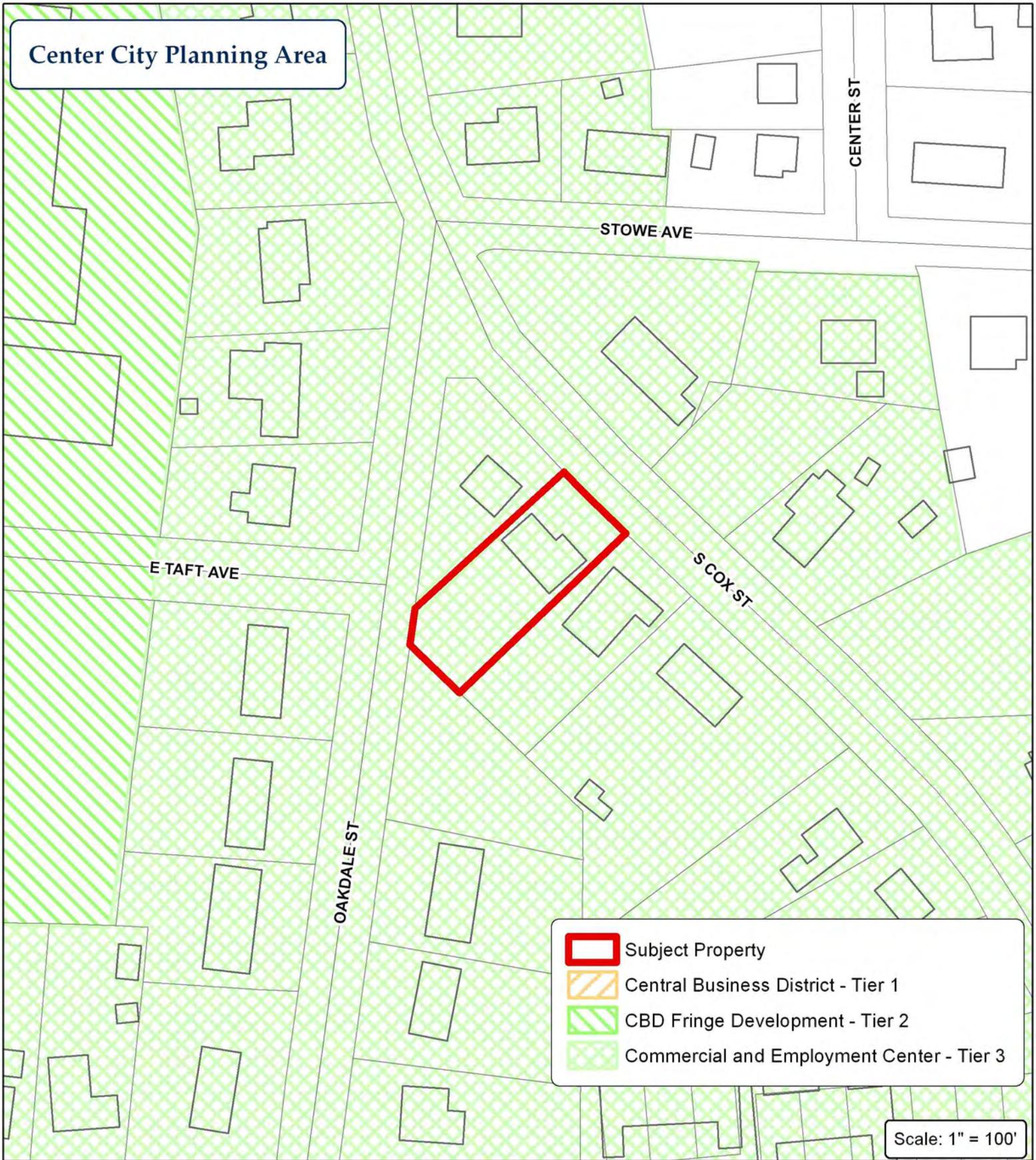
City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-14-03

Parcel: 7750875799 pt.



Center City Planning Area



-  Subject Property
-  Central Business District - Tier 1
-  CBD Fringe Development - Tier 2
-  Commercial and Employment Center - Tier 3

Scale: 1" = 100'



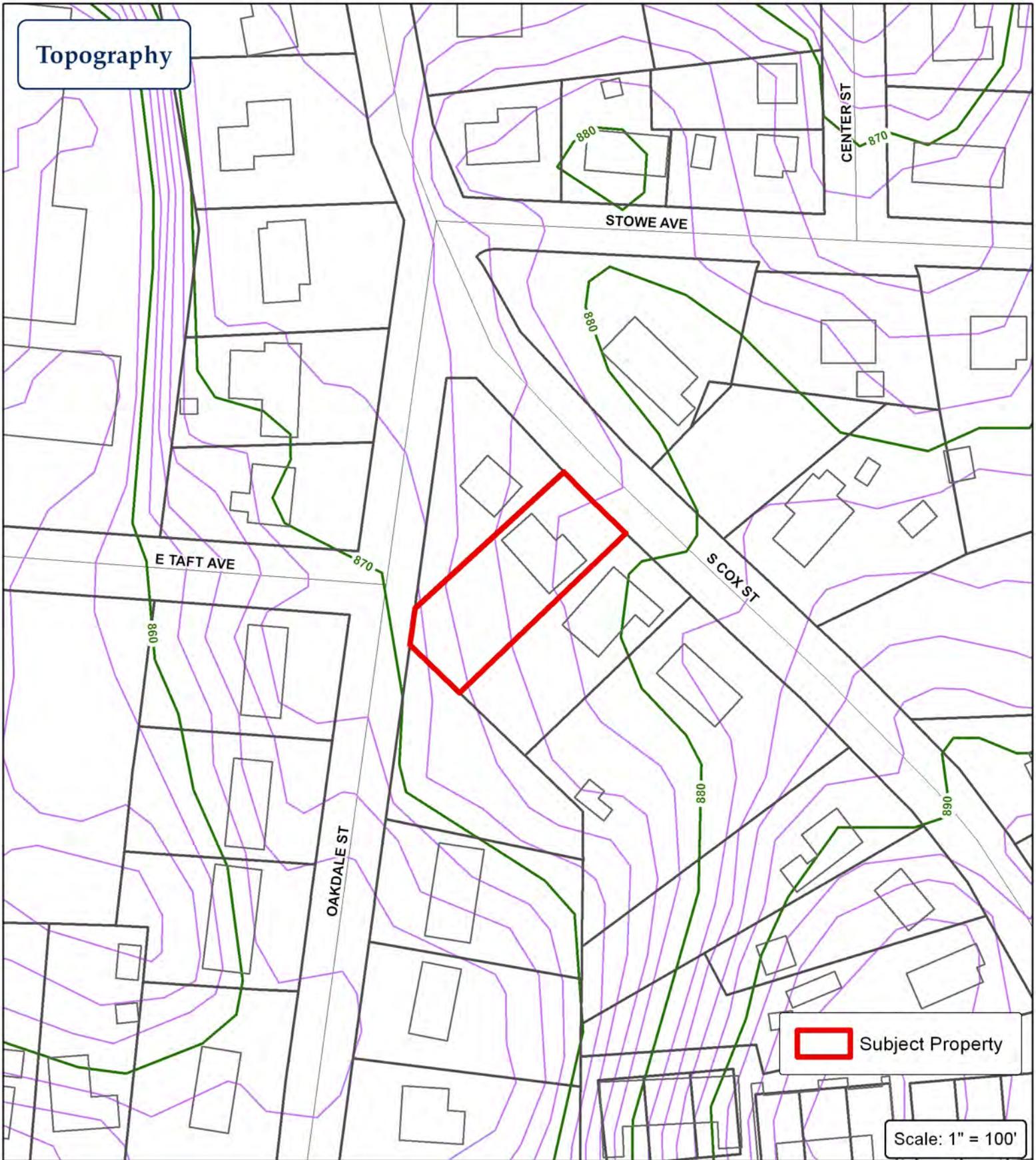
City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-14-03

Parcel: 7750875799 pt.



Topography



City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-14-03

Parcel: 7750875799 pt.



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Originally adopted by the Asheboro City Council on March 5, 1998, with the most recent revision effective March 6, 2014.

ARTICLE I. REC CARD

SECTION 1.1 QUALIFICATIONS

1. The Rec Card is for all Residents who live within the City Limits. The card entitles holders to City Resident rates at the Municipal Golf Course, Lake Lucas, Lake Reese, Memorial Pool, North Asheboro Park Pool and various Recreation Programs.
2. Rec Cards are available at the **Parks Cultural and Recreation Services** office during regular business hours.
3. In order to qualify for a Rec Card, you must:
 - a. Currently live in the City Limits.
 - b. Present a valid Government Issued ID with current Address.
 - c. Present a current (within the month) bill with your street address.
4. Children age 15 and younger must be accompanied by their parents with the above information plus the following:
 - a. Government Issued Picture ID or:
 - b. Birth Certificate or
 - c. School ID.
5. Rec Cards are valid for 1 year.
6. City Residents who choose not to obtain a Rec Card will be charged the non-resident rate at all **Parks & Cultural and Recreation Services** facilities.
7. The Rec Card must be presented each time to receive the City Resident Rate.
8. The Rec Card is Free of charge. A replacement fee of \$5.00 will be charged if the card is misplaced.

SECTION 1.2 SENIOR'S REC CARD QUALIFICATIONS

1. To qualify, The Senior must:
 - a. Reside in the City Limits.
 - b. Be at least 62 years of age.
 - c. Present information prescribed in the Rec Card Section.
2. The Senior Rec Cards are valid for 1 year periods. At the end of the period, you will need to come back to the Recreation **Services** Department to reverify that you are still a resident of the city.
3. City Residents who choose not to get a Senior's Rec Card will be charged the non-resident rate at all **Parks & Cultural and Recreation Services** facilities.
4. The Senior's Rec Card must be presented each time to receive the City Resident Rate.
5. The Senior's Rec Card is Free of charge. A replacement fee of \$5.00 will be charged if card is misplaced.

ARTICLE II. SENIOR CITIZENS

SECTION 2.1 ELIGIBILITY

Summaries of benefits for Senior Citizens are described below.

To qualify for the benefits of the Parks Cultural and Recreation Services facilities, the following conditions must be met.

- A. Be a resident of the City of Asheboro
- B. Be a minimum of 62 years of age
- C. Present a Seniors Rec Card to the operating personnel of each facility.
- D. Adhere to the prescribed policies at each facility.

SECTION 2.2 LAKES

Free Fishing / Boat Launch

To receive free boat launch, the boat must be registered to the individual senior citizen.

SECTION 2.3 POOLS

Free admission during periods of public swim

SECTION 2.4 GOLF COURSE

Reduced membership

ARTICLE III. CITY EMPLOYEES

The following recreational benefits will be issued to current Full-time City Employees and retirees. These benefits are for City Employees and retirees only and NOT for immediate family, relatives or friends. To qualify for these benefits, an individual must be qualified as a full time employee or retire from the city under the guidelines specified in the city personnel policy and procedure manual. Current City employees must present their city issued ID cards to receive the following benefits. Retirees of the City may use their city issued ID cards.

SECTION 3.1 FISHING

Free Fishing & boat launch privileges will be extended to all employees and retirees. Municipally owned rental boats and private dock space will carry the standard rates.

SECTION 3.2 TENNIS - W.W. THOMAS TENNIS CENTER

Employees and retirees will pay a pro-rated fee for lights (1/2 regular rate) and will pay full fees in all tennis leagues and Tournaments.

SECTION 3.3 SWIMMING

Free Public day and night swim admission to all City Employees and retirees at Memorial Pool and North Asheboro Park Pool.

SECTION 3.4 GOLF

Free Greens Fees will be extended to all City employees and retirees. City Employees and retirees will pay full fees for the use of golf carts.

SECTION 3.5 SHELTER USE

Free use of Park Shelters will be extended to all City employees and retirees. They must follow appropriate guidelines for reserving shelters.

SECTION 3.6 SKATE PARK USE

Free admission will be extended to all City employees and retirees.

All City Employees and retirees must adhere to established policies at each recreational facility or forfeit those benefits.

ARTICLE IV. YOUTH PROGRAM POLICY

SECTION 4.1 OBJECTIVE

The objectives of the Asheboro Parks and Recreation Services Department in Youth Programs shall be to provide the opportunity for organized recreation activities in an environment where physical and emotional growth is possible. To recognize that each child is an individual and that programs should be diversified as to reach the various recreational interests. To emphasize the high ideals of sportsmanship, honesty, loyalty, teamwork and fair play. We will strive to achieve these objectives through quality supervised programs. Supervisors and participants should always bear in mind that the attainment of exceptional athletic skill or the winning of games is secondary. The molding of future citizens is of prime importance.

SECTION 4.2 ELIGIBILITY

- A. Date of birth of players shall be certified by an original registration of birth certificate issued by a governmental agency, or photo copy of original.
- B. Players are eligible if they reside in the City Limits of Asheboro or are residents of Randolph County. Player's legal residence is determined by the residence of their legal guardian or parent that has primary legal custody of said player at time of registration. Eligibility of other participants will be determined by the Parks & Recreation Services Superintendent Director on a case-by-case basis.
- C. Parents / legal guardian will be required to present proof of residence by a current tax document or utility bill.
- D. A player who moves outside of Randolph County after the beginning of the scheduled regular season shall be eligible to complete their current age eligibility.
- E. All players shall remain on the same team until their eligibility ends for that league.
- F. Players living outside the City Limits of Asheboro will be required to pay a non-resident fee before they can participate in the youth sports program.
- G. All user fees for the Youth Sports Program shall be set and approved by the Asheboro City Council.

SECTION 4.3 SPORTS RULES & REGULATIONS

- A. The Parks & Recreation Services Superintendent Director shall issue rules and regulations for each sport in consultation with the Sports Policy Advisory Committee.
- B. Subject to the general oversight and control of the City Manager, the Recreation Services Superintendent is authorized to convene, on an ad hoc basis, a Sports Programming Advisory Committee in order to prepare plans, including planning for potential funding sources, that will contribute to the broadening and enhancement of the city's youth sports programs. When considering making appointments to such a committee, the Recreation Services Superintendent will give priority to the appointment of parents or guardians who have one or more children participating in the city's current youth sports programs, individuals who live within the Asheboro city limits or within the Asheboro City School District, and representatives of stakeholders such as, by way of illustration and not limitation, officials with the Asheboro City School System.

- ~~B.~~ The chairperson of the Sports Policy Advisory Committee, which is appointed by City Council at the July Council meeting for a two-year term, shall appoint five persons to serve on the committee. These committee members shall be appointed for two-year terms that shall run concurrently with the chairperson's term. The committee members, including the chairperson, shall continue to serve on the committee until their successors are appointed in accordance with the provisions of this section. Prospective committee members shall live in the City Limits, within the City School District of Asheboro or have a child who is participating in the Parks & Recreation Program.
- ~~C.~~ The Sports Policy Advisory Committee is authorized to adopt by laws for the committee. The adopted by laws shall be consistent with the Code of Asheboro and all other applicable constitutional provisions, statutes, ordinances and regulations.
- ~~D.~~ C. The Parks & Recreation Services Superintendent Director is ultimately responsible has primary responsibility for the issuance and interpretation of rules and regulations for each sport.
- ~~E.~~ D. A request for rule changes or formal interpretations must be made in writing and presented to the Parks and Recreation Services Superintendent Director at least thirty days prior to the next regular scheduled meeting of the Sports Policy Advisory Committee, to allow time for staff analysis. The Parks & Recreation Director shall provide a complete staff analysis of the requested rule change or interpretation to the Sports Policy Advisory Committee.
- ~~F.~~ E. An appeal from the issuance or formal interpretation of a rule by the Parks & Recreation Services Superintendent Director must be filed in writing with the City Manager within ten (10) business days of the issuance of the rule or interpretation from which an appeal is made. The City Manager shall schedule a meeting with the individual(s) filing the appeal within twenty (20) business days of receipt of the written notice of appeal. During the meeting with the individual(s) who filed the appeal, the City Manager will open the meeting with an informal discussion of the problem and will explore possible solutions with those in attendance. At the conclusion of the meeting, if the problem at issue is not resolved to the mutual satisfaction of the individual(s) filing the appeal and the Parks & Recreation Services Superintendent Director, the City Manager shall prepare a letter explaining his final decision. The decision of the City Manager shall be final.

SECTION 4.4 SPONSORS

The Recreation Services Department will strive to obtain sponsors in team oriented activities to help cover actual program cost. The awarding of a team to a sponsor shall be given to those organizations or business firms whose activities or products are not detrimental to the welfare of the youth of the community.

ARTICLE V. ADULT PROGRAM POLICY

The ~~Asheboro Parks and Recreation~~ Services Department, in order to reach all ages and interests shall strive to offer comprehensive and diversified programs to meet the recreational needs of the citizens of Asheboro.

The Recreation Services Department realizes the importance for adults to have access to programs that provide physical fitness and healthy emotional outlets. Through careful planning of quality programs projected in a wholesome atmosphere, the Recreation Services Department will seek to satisfy the recreational needs of the individual.

The Department is aware of the limited financial resources most individuals are confronted with and will strive to maintain fees at an affordable cost.

With the understanding that time dictates change the Department will attempt to remain flexible in programming to adjust as community interest directs.

ARTICLE VI. GOLF COURSE

SECTION 6.1 OPERATION AND CONTROL

- A. The operation and control of the Asheboro Municipal Golf Course will be the responsibility of the Asheboro Parks and Recreation Services Department.
- B. Under guidance from the Parks & Recreation Services Superintendent Director, the Golf Pro will operate the facility in the best interest of the City of Asheboro.

SECTION 6.2 HOURS OF OPERATION

Pro Shop will be open from 8:00 am to 8:00 pm Monday – Sunday. Hours will vary at the discretion of the golf pro and staff due to the weather and daylight hours.

SECTION 6.3 RULES AND REGULATIONS

- A. All players must register at the pro shop before beginning play.
- B. Players waiting to tee off will have priority over those having completed the ninth hole.
- C. Tee Times required on weekends and Holidays.
- D. Threesomes, foursomes and fivesomes only will be permitted to play on Holidays and weekends.
- E. Twosomes will be permitted during the week at the discretion of the golf pro.
- F. Proper golf attire and etiquette are required at all times.

SECTION 6.4 PROGRAMS

- A. City Amateur
- B. Club Championship
- C. Ladies City-Am
- D. Ladies Club Championship
- E. Night Golf Tournament
- F. Parent/Child Tournament
- G. Juniors Tournament
- H. Youth Lessons

Lessons are to be taught only by employees of the City of Asheboro Parks and Recreation.

- a. Individuals or groups may not use the course to teach individual or group lessons.
- b. Private golf lessons can be taught only by the Golf Pro or his designee.

ARTICLE VII. LAKE LUCAS

SECTION 7.1 OPERATION AND CONTROL

Lake Lucas and Lake Lucas Park will be administered by the ~~City of Asheboro, Department of Parks & Recreation Services Department~~ in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality recreation experience.

Under guidance from the ~~Parks & Recreation Services Superintendent Director~~, the Park Manager and ~~his/her~~ designated support staff (hereinafter, collectively referred to as the “Staff”) will operate the facility in the best interest of the City of Asheboro.

All activities permitted on and around the lake must fully comply with the North Carolina State Board of Health and local regulations in protecting the watershed and the public water supply.

All user fees for Lake Lucas shall be set and approved by the Asheboro City Council.

SECTION 7.2 OPERATION

- A. It shall be the Staff’s duty to enforce all ordinances, rules and regulations adopted by the City Council and all applicable State and Federal Laws and regulations. Staff shall also be responsible for the collecting of all fees and properly accounting for them.
- B. The Staff shall deny admission to any person having Alcoholic beverages in their possession or who shows evidence of being under the influence of alcohol. The Staff shall have the authority to deny admission for a maximum period of sixty days to anyone who has violated the rules and regulations as adopted. Anyone denied admission by the Staff has the right to appeal their decision to the ~~Parks & Recreation Services Superintendent Director~~. All appeals must be submitted in writing and within 2 business days. The Staff must submit ~~in writing a written report (within 24 hours)~~ within 24 hours of the incident to the Parks and Recreation Services Superintendent Director.
- C. The Staff shall keep available a copy of these rules and regulations and make them available upon request

SECTION 7.3 PERMITS

- A. No person shall use Lake Lucas without a proper permit. The Staff shall issue permits. Failure to obtain said permit will constitute a criminal trespassing violation ~~subject to a \$50.00 fine or 30 days in jail or both.~~
- B. All persons using the lake shall sign in at the Lake Office
- C. A permit shall be valid only when used by the person to whom it was issued, and only on the same day it is issued.
- D. Every permit shall be issued subject to revocation or cancellation if the holder violates any of the rules and regulations governing the use of the lake and it's activities.
- E. The following Permits will be issued for Lake Lucas: Daily Fishing, Annual Fishing, Daily Launch & Annual Launch.
- F. In the event the Lake is closed in accordance with General Rule Section 7.4 (E), there will be **NO** refunds, rain checks and/or permit extensions.

SECTION 7.4 GENERAL

- A. No person shall fish, launch a boat, or have any contact whatsoever with Lake Lucas except at the designated entry points provided by the City of Asheboro. It shall be unlawful for anyone to wade or swim in Lake Lucas, unless such activity occurs incidental to the launching of a boat.
- B. Any action or conduct on Lake Lucas that endangers life or property shall be deemed unlawful and shall be cause for immediate expulsion from the Lake, possible **suspension of privileges** or legal prosecution.
- C. Hours of operation for Lake Lucas will vary with the season and the activity permitted. ~~The hours shall be set forth by the City Council.~~ **Unless and until the City Council directs otherwise, the standard hours of operation are as follows:**

HOURS OF OPERATION

(March 1 – November 15)

7:00am - Sunset

CLOSED WEDNESDAY

(November 16 – End of February)

8am – 5pm

CLOSED WEDNESDAY & THURSDAY

- D. All boats must be off the lake 30 minutes before sunset or closing. Sunset is considered to be the time listed in *The Courier-Tribune*.
- E. The City Manager shall have authority to close the lake when it has been determined that further activities would be detrimental to the City's water supply. The lake will also be closed if it is determined that low water levels, high water levels and/or dangerous weather conditions create an unsafe environment for those wanting to use the lake. **Any use of the lake at that time ~~would~~ is hereby ~~be~~ declared to be unlawful.**
- F. It shall be unlawful for any person to picnic, clean, or cook fish or other foods in an area not designated as a picnic area.

SECTION 7.5 BOATING

- A. Motor size: 15 HP
- B. Boats, Canoes, Kayaks, and Sail Boats are permitted on the lake.
- C. Jet skis and similar machines are not allowed on Lake Lucas. Windsurf boards are not permitted on Lake Lucas.
- D. Water Skiing is not permitted on Lake Lucas.
- E. Launching of boats shall be restricted to the points provided by the City of Asheboro. Boats may be launched only during days and hours when the lake is open to the public and when the Staff is present and on duty.
- F. No boat may be placed on Lake Lucas unless it has been approved and authorized by the Staff . The inspection shall consist of a standardized checklist used by the USCG

Auxiliary. Inspection is not a certification or guarantee of boat safety and the City shall not be held liable in case of an accident. Boats are subject to inspection at any time while on the premises of the City of Asheboro.

- G. Every boat placed on the lake must be supplied with at least one Coast Guard approved life jacket per occupant.
- H. No boat shall be allowed past the Warning Buoys at the Dam. No boat will be allowed to tie up to a buoy designating the restricted area.
- I. At no time will boats be allowed to touch the shore except at launch ramps. Boats shall not come closer than 200 feet to shore in areas designated for bank fishing.
- J. All powerboats operating within 100 feet of shore, launch ramps or other no wake areas shall not exceed 5 mph.
- K. No person under 16 years of age shall be permitted to operate a powerboat.

SECTION 7.6 RENTALS

- A. Rental boats are available. Minimum age to rent is 18.
- B. The City of Asheboro prohibits private companies, individuals and/or boat space renters from renting boats to the general public.

SECTION 7.7 RENTAL SPACE FOR PRIVATE BOATS

- A. Rental Space permits are available for privately owned boats to be docked at Lake Lucas. ~~Parks and~~ The Recreation Services Department will keep a current waiting list for dock spaces and will assign them on a first come first serve basis as dock spaces become available.
- B. Boat Space Permits are valid for 1 year, beginning April 1 and expiring March 31.
- C. Not more than 2 persons will be recognized as the owners of any boat.
- D. Permits are not transferable.
- E. Boats with motors must have a current Wildlife Resources Commission sticker on the boat or a permit will not be issued.
- F. Boat owners should keep boats in a safe, operable and aesthetically pleasing condition.
- G. Boat spaces are subject to reassignment of spaces at the judgment in the sole discretion of the Parks & Recreation Services Department.
- H. Boat Owners should have a boat cover. Staff will not pump water out of your boat if left uncovered. Failure to maintain proper appearance of boat by letting it be swamped will result in automatic forfeiture of space and permit fees.
- I. This permit is for a Dock Space Only. It is not intended and may not be used as a launch permit.
- J. Failure to occupy the boat space for at least 6 months out of the year (unless approved by Parks & the Recreation Services Department) will result in losing assigned space in the future.
- K. Dock Space Renters may remove their boat from the Lake and re-launch their boat one (1) time per calendar month free of charge.
- L. Boat owners/users may not alter dock or space in any manner. If alterations/damages occur to dock/space, renters will forfeit their space and fees and will be responsible for paying for damages.
- M. The City of Asheboro will not be responsible for lost/stolen property or damages that may occur during excessively high or low lake levels. Boat owners will be notified in

writing or by telephone when these situations exist. It will be the boat owner's responsibility to either remove or secure their boat. It is Not the Staff's Responsibility to take care of boats.

SECTION 7.8 FISHING

- A. The regulations of the Wildlife Resources Commission regarding licenses, the kinds and sizes of fish, number of fish to be taken, seasons when fishing is allowed and methods of catching fish shall be the fishing regulations for Lake Lucas.
- B. At the request of the Staff, each person's catch must be submitted for inspection at the conclusion of the fishing day.
- C. Minimum age for fishing shall be 16 years of age, unless accompanied by an adult.
- D. Bank fishing will be allowed only at designated areas.

SECTION 7.9 SANITATION

- A. It shall be unlawful for any person to dump trash, garbage or refuse of any kind into Lake Lucas or to commit any act either from boat, shore or any other means that would pollute the waters of Lake Lucas.
- B. No boat shall be allowed on Lake Lucas that is equipped with a direct sewage discharge system.

ARTICLE VIII. LAKE REESE

SECTION 8.1 OPERATION AND CONTROL

Lake Reese and Lake Reese Park will be administered by the ~~City of Asheboro, Department of Parks & Recreation Services Department~~ in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality recreation experience.

~~Under guidance from the general supervision of the Parks & Recreation Services Superintendent Director~~, the Park Manager and his/her designated support staff (hereinafter, collectively referred to as the "Staff") will operate the facility in the best interest of the City of Asheboro.

All activities permitted on and around the lake must fully comply with the North Carolina State Board of Health and local regulations in protecting the watershed and the public water supply.

All user fees for Lake Reese shall be set and approved by the Asheboro City Council.

SECTION 8.2 OPERATION

- A. It shall be the Staff's duty to enforce all ordinances, rules and regulations adopted by the City Council and all applicable State and Federal Laws and regulations. He/she shall also be responsible for the collecting of all fees and properly accounting for them.
- B. The Staff shall deny admission to any person having alcoholic beverages in their possession or who shows evidence of being under the influence of alcohol. The Staff shall have the authority to deny admission for a maximum period of sixty days to anyone who has violated the rules and regulations as adopted. Anyone denied admission by the Staff has the right to appeal their decision to the ~~Parks & Recreation Services Superintendent Director~~. All appeals must be submitted in writing and within 2 business days. The Staff must submit ~~in writing a written report (within 24 hours) within 24 hours~~ of the incident to the ~~Parks and Recreation Services Superintendent Department~~.
- C. The Staff shall keep available a copy of these rules and regulations and make them available upon request.

SECTION 8.3 PERMITS

- A. No person shall use Lake Reese without a proper permit. The Staff shall issue permits. Failure to obtain said permit will constitute a criminal trespassing violation ~~subject to a \$50.00 fine or 30 days in jail or both~~.
- B. All persons using the lake shall sign in at the Lake Office.
- C. A permit shall be valid only when used by the person to whom it was issued, and only on the same day it is issued.
- D. Every permit shall be issued subject to revocation or cancellation if the holder violates any of the rules and regulations governing the use of the lake and it's activities.
- E. The following Permits will be issued for Lake Reese: Daily Launch & Annual Launch.
- F. In the event the Lake is closed in accordance with General Rule ~~Section 8.4 (E) (F)~~, there will be **NO** refunds, rain checks and/or permit extensions.

SECTION 8.4 GENERAL

- A. No person shall fish, launch a boat, or have any contact whatsoever with Lake Reese except at the designated entry points provided by the City of Asheboro. It shall be unlawful for anyone to wade or swim in Lake Reese, unless such activity occurs incidental to the launching of a boat.
- B. Any action or conduct on Lake Reese that endangers life or property shall be deemed unlawful and shall be cause for immediate expulsion from the Lake, possible **suspension of privileges** or legal prosecution.
- C. Hours of operation for Lake Reese will vary with the season and the activity permitted. The hours shall be set forth by the City Council. **Unless and until the City Council directs otherwise, the standard hours of operation are as follows:**

HOURS OF OPERATION

(March 1 through November 15)

OPEN WEDNESDAY through SUNDAY

7:00am - Sunset

(November 16 through End of February)

OPEN FRIDAY through SUNDAY

8am – 5pm

- D. Sunset is considered to be the time listed in the *The Courier-Tribune*.
- E. All boats must be off the lake 30 minutes before sunset or closing.
- F. The City Manager shall have authority to close the lake when it has been determined that further activities would be detrimental to the City's water supply. The lake will also be closed if it is determined that low water levels, high water levels and/or dangerous weather conditions create an unsafe environment for those wanting to use the lake. **Any use of the lake at that time ~~would~~ is hereby ~~be~~ declared to be unlawful.**
- G. It shall be unlawful for any person to picnic, clean, or cook fish or other foods in an area not designated as a picnic area.

SECTION 8.5 BOATING

- A. Motor size: Unlimited. Speed Limit: 25 mph
- B. Boats, Canoes, Kayaks, and Sail Boats are permitted on the lake.
- C. Jet skis and similar machines are not allowed on lake Reese. Windsurf boards are not permitted on the lake.
- D. Water Skiing is not permitted on the Lake.
- E. Launching of boats shall be restricted to the points provided by the City of Asheboro or it's designees. Boats may be launched only during days and hours when the lake is open to the public or when the Staff is present and on duty.
- F. No boat may be placed on Lake Reese unless it has been approved and authorized by the Staff **or his designee**. The inspection shall consist of a standardized checklist used by the USCG Auxiliary. Inspection is not a certification or guarantee of boat safety and

the City shall not be held liable incase of an accident. Boats are subject to inspection at any time while on the premises of the City of Asheboro.

- G. Every boat placed on the lake must be supplied with at least one Coast Guard approved life jacket per occupant.
- H. No boat shall be allowed downstream of the Warning Buoys or within 150 feet of the Dam. No boat will be allowed to tie up to a buoy designating the restricted area.
- I. At no time will boats be allowed to touch the shore except at launch ramps. Boats shall not come closer than 200 feet to shore in areas designated for bank fishing.
- J. All powerboats operating within 100 feet of shore launch ramps or other no wake areas shall not exceed 5 mph.
- K. No person under 16 years of age shall be permitted to operate a powerboat.

SECTION 8.6 FISHING

- A. The regulations of the Wildlife Resources Commission regarding licenses, the kinds and sizes of fish, number of fish to be taken, seasons when fishing is allowed and methods of catching fish shall be the fishing regulations for Lake Reese.
- B. At the request of Staff, each person's catch must be submitted for inspection at the conclusion of the fishing day.
- C. Minimum age for fishing shall be 16 years of age, unless accompanied by an adult.
- D. Bank fishing will be allowed only at designated areas.

SECTION 8.7 HUNTING

- A. North Carolina Wildlife Resources Commission Regulations shall be adopted as the Duck/Goose Hunting regulations for Lake Reese.
- B. All Activities on the lake will be suspended for the day when Duck/Goose hunting is permitted.
- C. The **Parks & Recreation Services Department** will recommend Duck/Goose hunting dates to be approved by the City Council.
- D. Portable blinds only. Must be removed daily. Limit 3 people per blind.
- E. Hunters must use steel shot or other approved non-toxic materials.
- F. Hunting will be permitted only in designated areas. Reservations for Hunting will be taken by phone. No show reservations will be required to pay before the scheduled hunt to reserve a space.
- G. Minimum age for hunting shall be 18 years of age unless accompanied by an adult.

SECTION 8.8 SANITATION

- A. It shall be unlawful for any person to dump trash, garbage or refuse of any kind into Lake Reese or to commit any act either from boat, shore or any other means that would pollute the waters of Lake Reese.
- B. No boat shall be allowed on Lake Reese that is equipped with a direct sewage discharge system.

ARTICLE IX. SWIMMING POOLS

SECTION 9.1 OPERATION AND CONTROL

The city-owned swimming pools, including the entirety of facilities/premises in and upon which the pools are located, (hereinafter collectively referred to as the “Pools”) shall be administered by the City of Asheboro Cultural and Recreation Services Department Division in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity to participate in a high quality, comprehensive aquatic program.

The Cultural and Recreation Services Superintendent Director shall designate an employee within the Cultural and Recreation Services Department Division to operate and manage the Pools in compliance with all applicable laws and regulations and in the best interest of the City of Asheboro. In order to be designated as the employee with operational responsibility for the Pools, an individual must be a Certified Pool Operator (CPO) and a certified Water Safety Instructor (WSI). Lifeguard instructor certification is preferred, but the absence of such certification will not disqualify an employee from consideration for designation as the employee with operational responsibility for the Pools. The Cultural and Recreation Services Department Division employee with operational responsibility for the Pools shall report to the Recreation Services Superintendent.

SECTION 9.2 FEES

All user fees and charges shall be set by the Asheboro City Council and will be incorporated into the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments Division.

SECTION 9.3 HOURS OF OPERATION

The Pools shall be open for operation each year during designated periods of time that begin during the month of May and extend into the month of August. The Cultural and Recreation Services Superintendent Director will establish the hours of operation for the Pools during each summer season and will adjust, in his/her discretion, the published operational hours on an as-needed basis during the course of a summer season. Prior to the seasonal opening of the Pools, the Cultural and Recreation Services Superintendent Director, in concert with the City Manager, shall provide written notice to the Asheboro City Council of the operational hours proposed for the Pools. The proposed operational hours are subject to amendment, in the sole discretion of the Asheboro City Council, by means of the adoption of a resolution by the City Council that establishes a final schedule of operational hours for the Pools. If no action is taken by the Asheboro City Council after its receipt of notice from the Cultural and Recreation Services Superintendent Director of the proposed operational hours, the Superintendent's Director's proposed schedule shall be deemed to be the schedule in effect for the duration of the ensuing summer season.

SECTION 9.4 SWIM LESSONS

As part of its comprehensive aquatic program, the ~~Cultural and Recreation Services Department Division~~ will offer swimming lessons for youth and adults.

- A. Group Swimming Lessons: Three (3) to four (4) sessions of group swimming lessons will be offered each season. Classes will be offered in parent/child aquatics for ages from six (6) months to three (3) years, preschool aquatics for ages from four (4) to five (5) years, and in the learn to swim program for ages from six (6) years to adulthood. Participants in the parent/child aquatics and the preschool aquatics program will receive a minimum of four (4) hours of instruction time per session. Participants in the learn to swim program will receive a minimum of six (6) hours of instruction time per session.
- B. Private Swimming Lessons: Three (3) to four (4) sessions of private swimming lessons will be offered each season. Classes will be offered in parent/child aquatics for ages six (6) months to three (3) years, preschool aquatics for ages from four (4) to five (5) years, and in the learn to swim program for ages from six (6) years to adulthood. Participants in the parent/child aquatics and the preschool aquatics program will receive a minimum of two and one-half (2.5) hours of instruction time per session. Participants in the learn to swim program will receive a minimum of five (5) hours of instruction time per session. Minimum instruction time is less for private lessons due to the increased one-on-one interaction between student and instructor.
- C. Registration for Swimming Lessons: Registration will begin each year on the first Monday of May. Day care centers may reserve a maximum of one-half (½) of the allotted class space for an individual class. Additional spaces may be added if available. When a daycare makes a reservation, payment in full is required for the number of spaces reserved for the anticipated participants regardless of whether the individuals for whom reservations are made ultimately participate in the class.

SECTION 9.5 RULES AND REGULATIONS

- A. The following conduct is prohibited within the Pools, and, in addition to any potential criminal and civil liability, individuals engaging in the prohibited conduct listed in this subsection will be subject to immediate and long-term expulsion from the Pools:
 - 1. Possession of alcoholic beverages, regardless of whether the container is open or closed, and the possession of any controlled substance for which the individual in possession of the controlled substance does not have a valid prescription.
 - 2. Engaging in criminal conduct, including by way of illustration and not limitation gambling, fighting, disorderly conduct, or larceny, and any other improper or offensive noncriminal conduct that intimidates or otherwise prevents other members of the public of all ages and backgrounds from utilizing the Pools. Such improper or offensive

noncriminal conduct includes by way of illustration and not limitation the use of profane or vulgar language.

3. Interfering with the operation and administration of the Pools.
4. Destroying, damaging, or defacing any real or personal property located at the Pools.

B. In addition to the prohibited conduct listed above, the following rules govern the use of the Pools by patrons. Depending on the severity and frequency of the non-compliance, individuals who fail to comply with these rules are subject to enforcement actions that range from a warning to immediate expulsion from the Pools:

1. All patrons must shower before entering the Pools.
2. Glass is prohibited at the Pools.
3. Coolers, large bags, etc. are allowed at the Pools on the condition that the patron wishing to bring these types of container(s) onto the premises must consent to the search of such container(s) in order to ensure that prohibited materials such as glass and/or alcoholic beverages are not present.
4. Noise making devices such as whistles, horns, etc. are prohibited.
5. Individuals with a communicable skin disease, open sores, rashes, or any bandages are not allowed to enter the water.
6. No one is allowed to enter the water until the lifeguards have signaled that such entry is permissible.
7. In furtherance of the city's interest in meeting the varied needs of a diverse clientele, patrons shall promptly comply with signals given by Lifeguards to exit the water in order to allow specific activities to safely and efficiently occur. For example, a signal will be given every hour, at ten (10) minutes before the hour, for individuals who have not reached the age of seventeen (17) to exit the water and allow other patrons to conduct water activities such as swimming laps.
8. Only authorized personnel are allowed to enter the filter room and storage areas.
9. With the exception of service animals, pets are prohibited in the facilities.
10. Foods or beverages are prohibited in the water or within five feet (5') of the edge of the water.
11. Smoking is not permitted at the Pools, unless signage designating a specific portion of the premises away from the water as a smoking area is posted.
12. The use of chewing tobacco, snuff, etc. within the facilities is prohibited.
13. Chewing gum is prohibited in the water.
14. Running within the facilities at the Pools is prohibited.
15. Swimmers must be in bathing suits. No cut-off jeans, sports bras, underwear, etc. are allowed as substitutes.
16. No horseplay of any kind is allowed.
17. With the exception of individuals who are entering the facilities for the sole purpose of supervising minors, everyone who enters the facilities

- at the Pools must pay the admission fee. The above-stated exception for an individual who enters the facilities for the sole purpose of supervising minors does not apply if such an individual engages in any act of sunbathing or swimming.
18. Regardless of whether an admission fee has previously been paid by an individual, any person who leaves the facility without first obtaining an appropriate hand stamp from an authorized city employee must pay the admission fee to re-enter.
 19. No refunds or rain checks will be issued.
 20. The only flotation devices automatically allowed in the water are flotation devices approved by the United States Coast Guard, and these flotation devices are not permitted beyond the safety line in five feet (5') of water. Any other types of flotation devices as well as toys, balls, masks, fins, and snorkels must be approved by city employees with managerial authority prior to use in the pool and are subject to removal in the sole discretion of the city employees with managerial responsibility at the Pools.
 21. Squirt guns are prohibited.
 22. Talking to lifeguards while they are on duty is prohibited.
 23. Patrons are hereby expressly required to obey instructions and warnings issued by lifeguards and staff members responsible for the safe operation of the Pools.
 24. While at the Pools, children of diaper age must wear diapers approved for swimming pool use.
 25. Patrons utilizing the diving boards must comply with the following regulations:
 - (a) Before going off the diving boards, a swim test is required. Wristbands will be issued daily to those who successfully pass the swim test, and these wristbands must be worn by those patrons who wish to utilize the diving boards.
 - (b) Only one (1) person may be on the board, including the ladder, at a time.
 - (c) When waiting to dive, a diver must wait until the immediately preceding diver has surfaced and cleared the area. A diver will not be deemed to have "cleared the area" until he or she has made physical contact with a diving well ladder.
 - (d) Running is prohibited on the diving boards.
 - (e) Divers must jump/dive straight off of the board.
 - (f) When on the diving board, only one (1) bounce is permitted.
 - (g) Swimming under the diving boards is prohibited.
 - (h) No gainers or back dives.
 - (i) Exit the diving well by ladders only.
 - (j) Flotation devices, masks, goggles, etc. are prohibited on the diving boards or in the diving well.
 26. Patrons utilizing the drop slides must comply with the following regulations:

- (a) Before going down the slide, a swim test is required. Wristbands will be issued daily to those who successfully pass the swim test, and these wristbands must be worn by those patrons who wish to utilize the drop slides.
- (b) One (1) rider at a time, and a rider must wait until the landing area is clear before entering the slide.
- (c) Riders must slide in either a sitting position or on the back.
- (d) The acts of stopping, changing positions, and/or forming “chains” are prohibited.
- (e) Do not attempt to stop on the slide.
- (f) After completing a slide, riders must leave the landing area immediately.
- (g) Riders are hereby warned that the water depth is four and one-half feet (4½') deep.
- (k) Flotation devices, masks, goggles, etc. are prohibited on the slide or in the landing area.

SECTION 9.6 MISCELLANEOUS

- A. The granting of permission to enter the facilities at the Pools is revocable, and such permission may be revoked by city employees indefinitely or for a specified period of time when patrons do not comply with the rules and regulations adopted for the Pools. Regardless of whether an individual is able to utilize the facilities during the entirety of the posted hours of operation, the fees and/or charges paid to enter and utilize the facilities are non-refundable. By way of illustration and not limitation, an individual who is asked to leave the premises because of a violation of the above-stated rules and regulations is ineligible for a refund of any of the fees/charges paid to access and utilize the facilities.
- B. The City of Asheboro assumes no responsibility for lost or stolen articles.

ARTICLE X. W.W. THOMAS TENNIS CENTER

SECTION 10.1 OPERATION AND CONTROL

1. The W. W. Thomas Tennis Center will be administered by the City of Asheboro, Department of Parks & Recreation Services Department in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality recreation experience.
2. Under guidance from the Director the general supervision of the Recreation Services Superintendent, a designated staff member will oversee the operation of the facility in the best interest of the City of Asheboro.
3. All user fees for the Tennis Center shall be set and approved by the Asheboro City Council.

SECTION 10.2 HOURS OF OPERATION

- A. The hours of operation of the tennis center will vary with the season and activities permitted. The tennis courts are open at all times.
- B. The Generally, the tennis center hours of operation are 3:30 pm to 11:00 pm Monday – Sunday.
- C. During the months of April – September the tennis center will close at 9:00 pm if no one is playing.
- D. During the months of October – March the tennis center will close at 7:30 pm if no one is playing.
- E. The tennis center will close if the temperature is below 32 degrees before 5:30 pm and 40 degrees after 5:30 pm. Parks and Recreation Services Department staff members will use the local time and temperature number to determine the temperature.

SECTION 10.3 RULES AND REGULATIONS

- A. Tennis shoes only - no street, basketball or jogging shoes.
- B. Play is limited to one hour if others are waiting.
- C. No spectators on court.
- D. Proper tennis etiquette will be observed at all times.
- E. Adults During the summer only, adults will have priority after 5:30 p.m. The purpose of this rule is to make the courts available to those who do not have an opportunity to play during the day.
- F. All players must report to the shop for court assignments.
- G. If a player is taken off the court after playing one hour, he may not sign up for another court until 30 minutes has elapsed. Any players coming in during the 30 minute time period will be assigned a court first. If a court comes open and there are no players waiting, the players who were taken off may go back on immediately.
- H. An individual player may use a court if the court is free. No individual may have two or more players taken off so he/she can use the court. An individual player would have to come off a court to make the court available to them multiple players if all other courts were in use. The Such an individual player would not have a court time counted against him/her in this situation.

- I. If the courts are all in use a player may not sign up for a court and then go on a court with someone else. If he does this he forfeits his right to receive a court assignment and the 30-minute waiting rule would apply to him as well as the people who got the court originally.
- ~~J.~~ ~~The basic rule where adults have priority after 5:30 p.m. is in effect during the summer only. The general idea is to make the courts available to those who do not have an opportunity to play during the day.~~
- ~~K.~~ J. A player may have other players taken off the court only two times during the day (opening to closing time.) In other words only two sign ups per day if all courts are being used.
- ~~L.~~ K. During the high school tennis season - Fall (girls) Spring (boys), the team may reserve up to four (4) courts for practice from 3:30 p.m. until 5:30 p.m. each practice day. On home match days, the Tennis Courts will be closed to the public during match play. Courts will be open to the public before and after matches.
- ~~M.~~ L. Courts are for Tennis Play and practice only. Dogs, soccer, skateboards, bikes, scooters, and other forms of play and behaviors are strictly prohibited at the facility.

SECTION 10.4 PROGRAMS

- A. The city championship will be offered each year to residents of Randolph County. Age and sex gender divisions will be set according to the number of participants. There must be 8 players to have a division. All participants must provide a can of new balls.
- B. ~~Tennis lessons are to be taught by city employees of the parks and recreation department.~~ Lessons will be offered during the morning or night Monday – Friday. The following categories will be offered: beginners, advanced beginners, and intermediates. Classes with less than 6 participants will be cancelled or combined with other classes.
- C. ~~Private tennis lessons may be taught only by instructors who have executed a court rental agreement approved by the Parks and Recreation Services Superintendent Director. Private lessons Lessons shall not be offered during lessons or events sanctioned Parks & by the Recreation Services Department tennis lessons, events or while the high school or other authorized groups use the courts. A fee shall be charged for court use as specified in the Asheboro Parks & Recreation schedule Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments.~~
- D. Non – profit organizations may provide tennis instructions with the approval of the ~~parks and recreation department~~ Recreation Services Superintendent.

ARTICLE XI. DOWNTOWN FARMERS' MARKET

SECTION 11.1 OPERATION AND CONTROL

The Downtown Farmers' Market (hereinafter referred to as the "Market") and the facility in which it is operated shall be administered by the City of Asheboro Cultural and Recreation Services Department Division in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality experience. The Asheboro City Council's primary goals and expectations for the Market are as follows: (1) The creation and maintenance of a permanent, safe space for local farmers to sell their goods and thereby increase awareness of the important continuing role of agriculture in Randolph County and the lives of the municipality's citizens; (2) The provision of opportunities for elementary school children to learn about local agricultural activities; and (3) The provision of opportunities for citizens to purchase farm fresh goods.

Subject to the general managerial authority of the Cultural and Recreation Services Director and the Recreation Services Superintendent, the Program Assistant (Cultural Services) within the City of Asheboro Cultural and Recreation Services Division shall function as the Market Coordinator with supervisory authority and operational responsibility for the Market. For purposes of implementing and interpreting the policies and regulations applicable to the Market, the Program Assistant (Cultural Services) will be referred to as the Market Coordinator. The Market Coordinator is responsible for maintaining the good order of the Market and operating the Market in a manner that furthers, consistent with all applicable laws and the best interests of the City of Asheboro, the City Council's above-stated goals and expectations.

In the interest of operational efficiency, the Market Coordinator is authorized to utilize one or more city employees within either the Cultural Services Department or the Recreation Services Department and Recreation Services Division as his or her on-site designee(s) with full authority to exercise and perform the powers and duties of the Market Coordinator when the Coordinator is unavailable to directly exercise the powers and duties specified herein. Any actions taken by such a designee are subject to final review and approval by the Market Coordinator.

SECTION 11.2 HOURS OF OPERATION

- A. The operational hours of the Market shall be set by the Cultural and Recreation Services Superintendent Director (hereinafter referred to as the "Director" "Superintendent") on the basis of the availability of vendors and consumers that wish to sell and buy produce/goods that are eligible for sale at the Market. Unless issues of supply and demand lead the Director Superintendent to conclude otherwise, the Market shall be open between 7:00 a.m. and 1:00 p.m. on Tuesday, Thursday, and Saturday of each week during the months of May to October.
- B. Notwithstanding any other provision found within the adopted Market rules, the Director Superintendent is hereby granted the authority to exercise his or

her professional judgment and adjust the Market's days and hours of operation when the available evidence, including by way of illustration and not limitation the impact of the weather on the availability of agricultural goods as well as the feedback received from vendors and consumers, leads to the conclusion that the Market's operating hours should be increased or decreased. Prior to the opening day of a new Market season or whenever a change in operating days and hours occurs during the season, written notice of the Market's days and hours of operation shall be transmitted by the **Director Superintendent** to the city's elected officials and chief executive officer no less than one (1) week in advance of the date upon which such a change in operational times becomes effective.

SECTION 11.3 DAILY FEES CHARGED TO VENDORS

If an individual or agricultural operation is found by the Market Coordinator to be eligible to participate in the Market as a vendor, the approved vendor will be required to pay a daily fee for the privilege of selling authorized items in an assigned space or spaces (a maximum of two spaces may be assigned to a vendor) during the Market's operational hours. This daily fee must be paid by each approved vendor on each day that the vendor is assigned a space or spaces at the Market. These daily fees for Market participants are non-refundable. Consequently, a vendor will not receive a refund of any fees if the Market Coordinator reassigns a vendor to a different space at the Market or orders the vendor to leave the premises due to a violation of the rules established for the operation of the Market.

The amount of the daily fee charged to and collected from approved vendors by the Market Coordinator is the amount established by the Asheboro City Council in the adopted Schedule of Deposits, Fees, and Charges ~~for Administered by the Cultural and Recreation Services Departments Division~~. This schedule of deposits, fees, and charges may be revised at any time and in the sole discretion of the Asheboro City Council.

SECTION 11.4 SUPPLEMENTAL OPERATIONAL RULES AND REGULATIONS

- A. The Market Coordinator shall enforce the rules and regulations specified herein on each day of the Market's operation. The Market Coordinator's regulatory duties specifically include, without limitation, daily inspection of the entirety of the items offered for sale at the Market in order to verify that each vendor is offering for sale only those items that fall within the scope of the certification listed in the posted Grower's Certification that was presented by the vendor as a prerequisite for obtaining permission to participate in the Market. The satisfactory completion of the prescribed daily inspections and the compliance or noncompliance of each vendor shall be documented by the Market Coordinator on a daily inspection form. The initials of staff on the daily inspection form shall signify, at a minimum, the payment of the required daily fee and compliance with the Grower's Certification.

- B. All goods offered for sale by a vendor must be grown or made by the person, family, or company selling the product at the market. Only home grown or home processed products from the following counties may be sold: Randolph, Alamance, Chatham, Davidson, Forsyth, Guilford, Moore, Montgomery, Richmond and Stanley. The specific types of products that may be sold at the Market are more specifically described in subsection J.

- C. The Market Coordinator is authorized to designate and adjust on an as-needed basis vehicular and pedestrian traffic flow patterns designed, to the fullest extent that is practical and reasonable for the Market Coordinator, to facilitate the creation of a safe and inviting environment for Market participants. This broad authorization includes, without limitation, the authority and duty to assign a space or spaces to an eligible vendor on a daily basis. Subject to the guidelines established within this subsection for receiving priority consideration during the parking space assignment process, eligible vendors will be assigned spaces on a first come, first serve basis.

No space or combination of spaces at the Market can be utilized by a vendor without the express permission of the Market Coordinator. Subject to the rules stated herein, the Market Coordinator is expressly authorized and directed to assign spaces to vendors in a manner designed to facilitate for visitors an enjoyable and rewarding market experience that specifically includes a safe and efficient flow of pedestrian and vehicular traffic on the premises of the Market. The assignment and reassignment of spaces by the Market Coordinator can continue throughout the course of the market day when deemed necessary by the Market Coordinator to maintain the good order of the Market and to maintain the safe flow of pedestrians and motor vehicles.

When assigning vendors to spaces at the Market, priority shall be given to vendors who have excellent rule compliance and attendance records at the Market. This space assignment priority system shall be utilized, without limitation, to determine which vendors are assigned to the spaces located under the shelter (hereinafter referred to as the "Preferred Area") at the Market facility. Regardless of a vendor's attendance record or any other evaluative factor prescribed herein, a vendor that has been found, at any point in time, to be in violation of one or more of the regulations established for the operation of the Market, including without limitation facilitating or in any way encouraging the impeding of a traffic flow pattern established within the Market by the Market Coordinator, will not be assigned a space in the Preferred Area unless and until all vendors with an unblemished compliance record have been assigned their spaces at the time of the official opening of the Market for business.

The space assignment priority system described herein will be used by the Market Coordinator to hold spaces in the Preferred Area for those vendors whose attendance and compliance with Market rules have enabled the vendors to obtain priority assignment status. Assigned spaces in the Preferred Area will be held for designated vendors with priority status until the Market's opening time. Vendors are to arrive no sooner than one hour before the

designated time that the Market opens to obtain access to their assigned space. Once the Market has officially opened, the Market Coordinator is authorized to relocate and reassign vendors without regard to any sort of priority assignment system for the remainder of the day. Once a vendor is properly placed by the Market Coordinator in a space, such a vendor will not be asked to relocate to another location during the course of the day so long as he or she complies with the entirety of the Market rules and is located in the Preferred Area. Overflow areas are not to be used if space is available for a vendor in the Preferred Area.

When spaces are assigned during the opening month of the season, the attendance component of the evaluation process shall be based on the vendor's attendance record during the immediately preceding market season. Subsequent to the initial assignment of spaces at the beginning of the current season, the vendors' attendance record throughout the course of the then current season as well as the level of continuing compliance with Market rules will be reviewed in order to determine if the existing space assignment priorities are to be retained or adjusted.

Regardless of the space assignment priority a vendor might otherwise enjoy at the Market, the maximum number of spaces a vendor can be assigned on any single day is two spaces. If a vendor who has been assigned two spaces for use during the day fails to fully and properly utilize both spaces at any time during the market day, the Market Coordinator, in his or her sole discretion, may order the vendor to immediately consolidate his or her products into a single assigned space. The previously underutilized or improperly utilized space may then be reassigned by the Market Coordinator to another vendor.

If a vendor declines to accept the space(s) initially assigned by the Market Coordinator, such a vendor will not be eligible for the assignment of a space in the Preferred Area until the Market Coordinator has completed the assignment of spaces for all of the vendors who did not reject the Market Coordinator's initial assignment decision. Any vendor who refuses to accept the final space assignment decision of the Market Coordinator shall be asked to leave the Market premises.

- D. Each vendor authorized to sell at the Market is responsible for the safety and security of the vendor's products as well as for providing the vendor's own tables and other display items. Excess produce must be removed from the market and not dumped in market facility trash containers.
- E. In order to be a vendor at the Farmers' Market, a prospective vendor must submit a properly completed application and the appropriate fees in good funds to the designated city staff member personnel in the City of Asheboro Cultural and Recreation Services Division. Furthermore, the Market Coordinator may request additional information and/or documentation from potential applicants in order to research any question(s) that may arise in regard to the applicant's eligibility to be approved as a vendor at the Market. An application to be a vendor at the Market will not be approved until the

Market Coordinator is provided with the requested information and is able to resolve all concerns about the applicant's eligibility to be a vendor.

- F. Staff shall review and approve each application. Applications should be received at least two weeks before the vendor plans to begin selling at the Market.
- G. All growers must have received a "Grower's Certification" from their local cooperative extension service agent. In order to be deemed valid and in compliance with these rules and regulations, a Grower's Certification must be dated as having been issued on or after April 1 of the market season during which the grower is currently offering goods for sale at the Market. Additionally, each grower must post his or her Grower's Certification for public inspection at the grower's assigned space while selling at the Market.
- H. All vendors shall display a sign bearing their name and address. This sign shall be prominently displayed by the vendor while selling at the market. The sign shall be provided by the city the City of Asheboro Cultural and Recreation Services Division.
- I. Prices must be posted for all items to be sold.
- J. Subject to the controlling provision within these regulations that any and all agricultural items offered for sale at the Market must be within the scope of the posted Grower's Certification, products that can be sold include:
 - a. Vegetables grown from seeds, sets, or seedlings;
 - b. Fruits, nuts, or berries;
 - c. Plants grown from seed, seedling transplant, or cutting;
 - d. Bulbs;
 - e. Eggs;
 - f. Meats;
 - g. Dairy products;
 - h. Honey;
 - i. Cut or dried flowers;
 - j. Straw;
 - k. Preserves, pickles, relishes, jams, and jellies produced at home by the seller;
 - l. Baked goods and any other low-risk packaged foods that are produced at home by the seller subsequent to a successful Home Processor Inspection conducted by the North Carolina Department of Agriculture and Consumer Services (hereinafter referred to as "NCDACS"); and
 - m. Any other commodity or product that comes directly from the farm without any additional processing beyond the customary process used to harvest the commodity or product, or in the case of edible products is made with a primary ingredient that comes directly from the farm, so long as such items are reasonably determined by the Cultural and Recreation Services Superintendent Director or his designee to fall within the range of commodities or goods produced by the agricultural sector of the economies in the counties of Randolph, Alamance,

Chatham, Davidson, Forsyth, Guilford, Moore, Montgomery, Richmond and Stanley.

- K. No low-acid canned foods such as green beans, corn, peas, carrots, etc. may be sold. In addition, no canned tomato products may be sold.
- L. All products must be of top quality.
- M. All food must meet NCDACS and local health regulations. Members selling prepared foods must provide verification of current NCDACS inspection, specifically including the Home Processor Inspection for items produced in the home, when submitting their application.
- N. Food items must be labeled prior to sale with at least the following information:
 - a. Product name;
 - b. Manufacturer's name and address;
 - c. Net weight of the product in ounces/pounds and the gram weight equivalent; and
 - d. Complete list of ingredients in order of predominance by weight.
- O. Only standard canning jars with new rings and lids may be used.
- P. Home baked cakes, pies, cookies, and breads may be sold except cream pies.
- Q. All goods marketed as certified goods and/or mandated by any lawful authority to be subjected to an inspection program prior to entering the market place must be validated by the vendor offering the goods for sale as compliant with the applicable legal authorities. This validation shall be accomplished by the display at the vendor's assigned space of documentation evidencing the advertised or mandated certification. Additionally, a copy of any such posted documentation must be provided to the Market Coordinator before the goods referenced in the certification are offered for sale.
- R. No live animals may be sold or given away at the market.
- S. No pets are allowed at the Market. Service animals are not deemed to be pets and are allowed at the Market. A service animal is any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.
- T. Any vendor selling meat, dairy, poultry, or other animal products that are regulated by the NCDACS and/or USDA are responsible for satisfying any regulatory requirements prior to selling of product. Vendors must file a copy of Department of Agriculture Form MP-2 (Registration of Poultry and Meat Handlers) with the Market Coordinator and keep a copy of this license with them at all times while selling at the market. Vendors also must inform the Staff of any change in licensing status immediately upon receiving notice of a

change. All products must be stored in a new or like new condition refrigerator or freezer.

- U. Scales should be the type that can be or is approved and certified by the NCDACS.
- V. Any complaints, disputes, or violations of the rules shall be directed to the Market Coordinator for resolution.
- W. Neither the City of Asheboro nor its elected officials, officers, employees, agents or representatives, shall be responsible, in either an official or individual capacity, for loss through theft or otherwise of private property at the market. The Farmers' Market shall not be responsible for personal injuries or damages to individuals or personal property arising out of the actions or conduct of guests, invitees, or any type of third party not directly affiliated with the City of Asheboro.
- X. Each vendor shall be responsible for their own records, taxes, and compliance with all applicable regulations.
- Y. Without limitation as to additional enforcement actions that may be taken as deemed appropriate by city officials in light of the nature of a specific offense, the following enforcement protocols will be utilized when goods are displayed/offered for sale in violation of these rules and regulations during a particular season:
 - a. 1st Offense = A verbal warning will be issued to the offending vendor, and the goods displayed/offered for sale in violation of the rules and regulations must be immediately removed from the view of any member of the public. Goods subject to a verbal or written removal order cannot be sold at the market facility. Any vendor who refuses to comply with an order from a Market Coordinator to remove goods from display will be asked to leave the premises and will be guilty of trespassing if this order to leave the premises is not obeyed within the amount of time reasonably necessary to load all of the vendor's displayed items for transport. No vendor ordered to leave the facility due to a violation of the adopted rules and regulations is entitled to a refund of any fees that he or she may have paid in order to participate in the Market.
 - b. 2nd Offense = Upon discovery of a second violation of any of the rules and regulations prescribed for the Market, a vendor will be ordered to immediately leave the facility with the entirety of his or her goods. Such a vendor will not be permitted to sell any goods at the Market for a period of three (3) consecutive market days, inclusive of the date on which the second offense was discovered.
 - c. 3rd Offense = Upon discovery of a third violation of any of the rules and regulations prescribed for the Market, a vendor will be ordered to immediately leave the facility with the entirety of his or her goods.

Such a vendor will not be permitted to sell any goods at the Market for the remainder of the current season.

SECTION 11.5 VENDOR FEEDBACK

Market meetings shall be held before and after the Market season. The purpose of the meetings shall be to give Market participants the opportunity to voice their opinions and make suggestions of the operation of the market. Other meetings may be held on an as needed basis. The Cultural and Recreation Services Superintendent Director shall preside at all meetings.

SECTION 11.6 FARMERS' MARKET FACILITY

1. Except as authorized in Subsection J(m) of Section 11.4 of this Article, no alcoholic beverages or controlled substances, other than those prescription medications lawfully in the possession of an individual, are permitted on the premises of the facility. In order to remain within the exception to the general prohibition of alcoholic beverages on the facility's premises, the retail sale of unfortified wine pursuant to Subsection J(m) of Section 11.4 shall be conducted in strict compliance with all applicable federal, state, and local laws, ordinances, and regulations.
2. No pets, other than service animals, are allowed.
3. No flea market items may be sold or displayed at any time.
4. Yard sales may not be held at the Facility.
5. Rental of the facility must be approved by the Cultural and Recreation Services Department Division.
6. Security deposit and rental fees shall be set by City Council.
7. Vendors requiring electricity shall provide their own extension cords properly rated to meet their electrical requirements.
8. No items may be attached to any area of the Market structure, trees, etc.
9. Holding an event at the Market facility without authorization shall subject the event to immediate termination and other enforcement actions as deemed appropriate by the Cultural and Recreation Services Superintendent Director.

ARTICLE XII. ROTARY PAVILION AT BICENTENNIAL PARK

SECTION 12.1 APPLICATION

The Asheboro Parks & Recreation Department sanctions the use of the Rotary Pavilion at Bicentennial Park and the contiguous city-owned property when used in support of events at the pavilion shall be administered by the City of Asheboro Cultural Services Department in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality experience, provided the use does not interfere with regular Parks & Recreation Department functions and operations. Under the general supervision of the Recreation Services Superintendent, the Cultural Services Department shall coordinate the use of the pavilion with the Recreation Services Department which is responsible for processing reservations at Bicentennial Park. This park may be rented to individuals or other types of legal entities, subject to the terms and conditions listed herein and elsewhere within the Code of Asheboro.

Application to use this venue shall be made on a prescribed form obtainable available from the Asheboro Parks & Cultural and Recreation Services Departments. Applications are subject to the approval by the Parks & Recreation Director final departmental review and decision making authority of the Recreation Services Superintendent.

SECTION 12.2 RULES AND REGULATIONS

1. ~~Alcoholic beverages are prohibited.~~ Unless authorization to the contrary is listed on the prescribed application form as part of the written approval of an event by the Cultural Services Department, alcoholic beverages are prohibited. In those cases where the Recreation Services Superintendent has authorized the sale, possession, and/or consumption of unfortified wines and/or malt beverages on the premises in connection with and for the duration of the approved event, such sale, possession, and/or consumption of the listed beverages must be conducted in strict compliance with Section 12.3 of this manual, any conditions attached by the Recreation Services Superintendent to the event approval, and all applicable laws, ordinances, and regulations. No alcoholic beverages other than unfortified wines and malt beverages are permitted on the premises of the facility at any time.
2. The Park is open from 6am – 11pm. No activities may take place after the curfew time unless approved by the Parks & Recreation Services Superintendent Director.
3. Items such as vehicles, tractors, heavy machinery, etc. shall not be parked on any area of grass at any time.
4. The person/organization renting the facility shall pay for and maintain, at all times during the individual or entity's use of the facility, Comprehensive and General Liability insurance coverage with primary limits of liability of no less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage. Furthermore, the City will be furnished with a Certificate of Insurance in a form satisfactory to the City. A Certificate of Insurance must be in the possession of Asheboro Parks & Recreation at least, but not the Cultural Services Department no later than 48 hours prior to the scheduled event. Failure to provide proof of insurance will result in the event being cancelled. Furthermore, the Applicant must agree to forever hold harmless and to fully indemnify the City and its personnel, agents, officials, and

City Council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands, attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission of the Applicant or its officers, employees, agents or contractors in connection with the Applicants use of the Rotary Pavilion at Bicentennial Park.

5. The person/organization renting the facility must designate a representative who will be responsible for all phases of the event and who will be on site the entire time the event is taking place.
6. Upon request, trashcans will be provided by the City of Asheboro. The size of the event will determine the number of cans available.
7. Rental of Rotary Pavilion at Bicentennial Park does not automatically include the parking areas. You Renters must request to use the parking areas. Blocking the parking lot during regular business hours Monday – Friday is discouraged and may only be approved at the sole discretion of the Parks and Recreation Services Superintendent Director.
8. As appropriate, the renter is responsible for procuring the services of properly trained security/law enforcement personnel.
9. Portable toilets are to be provided by the renter and shall be placed at a designated location.
10. Portable Grills shall not be placed under the pavilion or on any grass areas. They shall be placed at a designated location.
11. No items may be sold, displayed, given, or exhibited on the premises without prior approval of the Parks & Recreation Services Superintendent Director.
12. The Asheboro Police Department and employees in the Asheboro Parks & Cultural and Recreation Services Departments Staff shall have access to all areas of the park at all times before, during, and after the event.
13. The person/organization renting the facility is responsible for clean up following the event. The facility must be cleaned prior to the normal park closing time on the day of the event. Failure to clean up, shall result in loss of security deposit.
14. No items may be attached to any area of the pavilion structure, trees, bushes, poles or artwork in the park.
15. Signs may not be placed in the park without written permission of the Parks & Recreation Director or his designee.
16. Tents may be set up in the field, however, if they need to be staked, they shall be placed in a designated area.
17. Anyone using a tent (700 sq ft. Or larger) is responsible for obtaining the appropriate inspections from the building inspector, fire marshal and any necessary zoning permits prior to event.
18. Failure to adhere to these guidelines shall subject future rental applications to denial.
19. The Parks & Recreation Director reserves the right to cancel any event, at any time, based on rental agreement violations.
20. The Parks & Recreation Director reserves the right to co-sponsor an event.
21. A user fee shall be charged to all applicants for the use of Rotary Pavilion at Bicentennial Park. All Applicants shall be subject to the following charges:
 - a. Security Deposit \$75.00 (This refundable fee must be paid at time of application).
 - b. City Resident (with Rec Card) Rate: \$100.00

- c. Non-Resident Rate: \$175.00
- d. The rental rate must be paid at least 48 hours in advance of the event.

SECTION 12.3 **SALE, POSSESSION, AND CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINES**

Regulations authorizing the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are currently under review. Until final adoption of these regulations, the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are strictly prohibited.

ARTICLE XIII. SKATE PARK

SECTION 13.1 OPERATION AND CONTROL

The Asheboro Skate Park will be administered by the City of Asheboro, Department of Parks & Recreation Services Department in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality recreation experience.

Under guidance from the Parks & the general supervision of the Recreation Services Superintendent, Director, his designated support staff city employees in the Recreation Services Department (hereinafter collectively referred to as the "Staff") will operate the facility in the best interest of the City of Asheboro.

- A. It shall be the Staff's duty to enforce all ordinances, rules and regulations adopted by the City Council and all applicable State and Federal Laws and regulations that pertain to the Skate Park operation. Staff shall also be responsible for the collecting of all fees and properly accounting for them.
- B. The Staff shall keep available a copy of these rules and regulations and make them available upon request.
- C. All user fees for the Asheboro Skate Park shall be approved by the Asheboro City Council.

SECTION 13.2 HOURS OF OPERATION

The Parks & Recreation Services Superintendent Director shall have the right to adjust the hours of operation as needed. The facility shall be closed during severe weather and on announced city holidays. The standard operating hours for the Skate Park are as follows:

(School Hours)

MONDAY – FRIDAY

4pm – 9 pm

SATURDAY

10am – 10 pm

SUNDAY

1pm – 8pm

(Non-School Hours)

MONDAY – SATURDAY

10am – 10pm

SUNDAY

1pm – 8pm

SECTION 13.3 RULES & REGULATIONS

- 1. Skateboarding and In-line Skating are inherently hazardous recreational activities. Additionally, experienced and inexperienced skateboarders and

skaters use this facility. By way of illustration and without limitation, individuals utilizing this facility may receive serious injuries as a consequence of falling, colliding, or being hit by a skateboard. **Individuals utilizing this skate park are hereby expressly warned that use of this facility may result in death, paralysis, brain damage, concussion, broken bones, or other serious injury. Individuals who participate in, assist, or observe these hazardous recreational activities assume the known and unknown inherent risks in these activities. The City of Asheboro does not assume responsibility for injuries. Use this facility at your own risk.**

2. All individuals utilizing this facility, regardless of age, must complete a liability waiver form in order to use the facility, and waivers must be updated yearly. If an individual who wishes to enter the facility is under the age of 18, he or she must have on file a waiver form signed by a parental/legal guardian in the presence of a member of the Staff or a waiver form that has the notarized signature of a parent/legal guardian.
3. Skateboarders and skaters will be required to pay a daily admission fee or present a valid pass, as well as sign in on a daily attendance sheet in the office. A wristband pass will be issued for the day.
4. Patrons leaving the facility shall be charged unreduced admission rates for re-entry to the facility.
5. Anyone using this facility must wear appropriate safety equipment. At a minimum, this mandated safety equipment must include helmet, elbow pads, and kneepads as prescribed by Section 98.02 of the Code of Asheboro.
6. Individuals without proper safety equipment are prohibited from using the Skate Park.
7. All individuals are required to wear shirts and shoes while on the premises of the Skate Park facility.
8. Non-Skaters are not allowed on ramps. They may watch from designated viewing areas only
9. Skateboards and in-line skates must be in proper working condition in order to be used at the Asheboro Skate Park.
10. If equipment used by a participant is deemed unsafe, admission to the facility shall be denied. **The determination of whether specific equipment is deemed to be unsafe shall be in the sole judgment of the Staff. The admission of a participant to the facility shall not, and is expressly rejected by the city, as a determination that the equipment is in fact safe. Admission to the facility signifies only that no basis existed to warrant the refusal of entry to the facility. The use of the equipment and the facility is at the risk of the participant.**
11. Only one person is permitted to ride a skateboard at any given time. By way of clarification and without limitation, tandem riding is expressly prohibited.
12. Reckless or dangerous skating, including without limitation pushing, is expressly prohibited. Any individual(s) found to be in violation of this regulation shall be immediately ejected from the Skate Park.
13. Any person found to be attempting to or is in fact destroying, defacing, or damaging the facility/ equipment or found to be engaged in criminal conduct on the premises of the facility shall be immediately ejected from the Skate Park.
14. Any person found to be attempting to or is in fact touching or holding onto

- rafters while skating the half pipe shall be immediately ejected from the facility.
15. Equipment is allowed in designated areas only.
 16. Use of the facility is permitted only during designated hours of operation. No trespassing is allowed on the premises of the Asheboro Skate Park.
 17. In the event of inclement weather, the outside skate area will be closed.
 18. Food and beverages are allowed in designated areas only.
 19. No glass is permitted under any circumstances.
 20. All injuries, whether major or minor, are to be reported to the Staff immediately. In the event of a serious injury, do not move the injured person until trained medical personnel take charge of the care for the injured person. All activity on that ramp shall cease immediately.
 21. The City of Asheboro is not responsible for lost, stolen or damaged items.
 22. No refunds or rain checks will be given.
 23. No chewing gum is allowed.
 24. Drugs, alcoholic beverages, and tobacco products are prohibited.
 25. Smoking is not permitted.
 26. Profanity, graffiti, and fighting are prohibited.
 27. Staff reserves the right to deny entry to participants or spectators if there is evidence of attempts to circumvent the Skate Park's rules and regulations.
 28. No pets allowed.
 29. The Skate Park may be closed for certain events at the discretion of the Parks & Recreation Services Superintendent Director.
 30. Participants shall respect fellow participants and take turns on the ramps and rails.
 31. Lockers are available for use. Any locks left on a locker after the facility has been cleared of non-city personnel at the conclusion of operations for the day shall be subject to immediate forcible removal by members of the Staff. Any items left in the locker shall be deemed abandoned. Staff shall post signage indicating that participants have no expectation of privacy in these lockers.
 32. Only authorized personnel are allowed in the office and storage areas.
 33. Waxing or altering of city-owned equipment is prohibited.
 34. No personal ramps or other non-city owned devices are permitted.
 35. No personal music or sound devices are allowed.
 36. Violations of these regulations shall subject offenders to criminal and administrative sanctions including, without limitation, being ejected from the facility, the forfeiture of any user fees paid to the Parks & Recreation Services Department, and the prohibition during a defined time period of the offender's future use of the facility.

ARTICLE XIV. SUNSET THEATRE

SECTION 14.1 APPLICATION

The City of Asheboro Cultural and Recreation Services ~~Department~~ ~~Division~~ ~~strives to administer~~ is responsible for administering the Sunset Theatre facility in a manner that will provide the citizens of Asheboro with an opportunity for a high quality experience. Under the general supervision of the guidance from the Cultural and Recreation Services Superintendent Director, designated city employees within the Cultural and Recreation Services ~~Department~~ ~~Division~~ (hereinafter collectively referred to as the "Staff") will operate the facility in the best interest of the City of Asheboro.

Subject to the regulations prescribed herein, this facility may be rented to individuals or other types of legal entities for events or activities that are consistent with the mission of the Cultural and Recreation Services Department Division. The decision as to whether to rent the facility on any specific occasion is within the ultimate discretion of the Cultural and Recreation Services Superintendent Director as he or she evaluates the needs and priorities of the department division. In order to request the use of this facility, an applicant shall accurately complete in its entirety the application form prescribed by and available from the Cultural and Recreation Services Department Director. ~~This form can be obtained from employees in the Cultural and Recreation Services Division.~~

SECTION 14.2 RULES & REGULATIONS

1. When noted on the prescribed application form as part of an approved event, the possession or consumption of unfortified wine and malt beverages is permitted on the premises in connection with and for the duration of the approved event so long as the possession or consumption of unfortified wine and malt beverages is undertaken in strict compliance with any conditions attached by the Cultural and Recreation Services Division to the event approval as well as all applicable laws, ordinances, and regulations. Unless authorization to the contrary is listed on the prescribed application form as part of the written approval of an event by the Cultural Services Department, alcoholic beverages are prohibited in the facility. In those cases where the Recreation Services Superintendent has authorized the sale, possession, and/or consumption of unfortified wines and/or malt beverages on the premises in connection with and for the duration of the approved event, such sale, possession, and/or consumption of the listed beverages must be conducted in strict compliance with Section 14.3 of this manual, any conditions attached by the Recreation Services Superintendent to the event approval, and all applicable laws, ordinances, and regulations. No alcoholic beverages other than unfortified wines and malt beverages are permitted on the premises of the facility at any time.
2. Smoking and tobacco products are prohibited in the facility.

3. A \$100.00 security deposit must be paid at the time of reservation to secure a date. The fee shall be submitted to the Cultural and Recreation Services Department Division. Multiple dates will require multiple deposits.
4. The Cultural and Recreation Services Superintendent Director reserves the right to co-sponsor an event.
5. Violation of this agreement shall result in forfeiture of security deposit fees.
6. The user fees, as described in the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments Division, must be paid at least 48 hours before the start of the event, or the event will be cancelled. In the event advance tickets have been sold, lessee is responsible for reimbursing ticket holders or to honor any advance tickets sold for a future event sponsored by the same lessee. Lessee is responsible for advertising the cancellation.
7. Failure to pay the rental fee will result in denied access to the facility.
8. The maximum daily rental period is one 8 hour period (unless otherwise noted in the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments Division), which includes load-in and load-out. At the latest, closing time shall be Midnight, unless otherwise stated. Events that exceed their rental period shall result in loss of security deposit.
9. In the event the facility is being rented for an event open to the public, or if admission is being charged, the person/organization renting the facility, hereinafter known as "lessee," shall pay for and maintain, at all times during the individual or entity's use of the facility, Comprehensive and General Liability insurance coverage with primary limits of liability of no less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury and property damage for any events open to the public. Furthermore, the City will be furnished with a certificate of insurance in a form satisfactory to the City. The certificate of insurance must be in the possession of the City of Asheboro Cultural and Recreation Services Department Division at least, but not no later than 48 hours prior to the scheduled event. Failure to provide proof of insurance will result in the event being cancelled. Furthermore, the Applicant must agree to forever hold harmless and to fully indemnify the City and its personnel, agents, officials, and City Council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands, attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission of the Applicant or its officers, employees, agents or contractors in connection with the Applicant's use of the Sunset Theatre.
10. If the event is closed to the general public and no admission fee is charged, a liability waiver shall be required in lieu of liability insurance coverage.
11. The Lessee must designate a representative who will be responsible for all phases of the event and who will be on site the entire time the event is taking place.
12. The maximum number of tickets sold for any one event shall be determined by the total number of seats available and set up of the facility.

13. Assignment: Lessee may not assign this lease agreement or any right contained in this lease agreement or sublet the Sunset Theatre or any adjoining property owned by the City of Asheboro.
14. The Cultural and Recreation Services Division shall have by way of illustration and without limitation the right to deny the use of the facility if; **1) It deems such use may result in damage to the facility, 2) It deems such use is inconsistent with the policies of the division, 3) It deems such use may lead to illegal activity at the facility, 4) it deems such use may be detrimental to the character of the theatre as a multipurpose community facility.**
15. A **Cultural and Recreation Services Department Division staff member** will be in attendance to oversee and supervise all events held at the theatre. This staff member shall be equipped with a cell phone, first aid kit, be certified in First Aid & CPR, have the knowledge and ability to enforce facility rules & regulations, and knowledge of the electrical, HVAC, and lighting systems. This staff member shall have the authority to require anyone to leave the facility at any time for violation of the rules and regulations prescribed for the Sunset Theatre or for engagement in any other form of inappropriate conduct.
16. Lessee agrees to a “walk-through” inspection prior to use of the facility. Any pre-existing, damaged, broken or malfunctioning equipment, or furnishings shall be noted. A second walk-through shall be made at the completion of the event, and any variance shall be noted and appropriate charges will be billed and due within 5 business days.
17. No rice or birdseed is to be thrown inside the building.
18. As appropriate, the lessee is responsible for procuring the services of properly trained security/law enforcement personnel.
19. **The Asheboro Police Department and staff members in the Cultural and Recreation Services Departments Division staff members shall have access to all areas of the facility at all times before, during, and after the event.**
20. Lessee is responsible for cleaning the facility after the event. The facility must be restored to the condition it was in at the start of the lease period.
21. Failure to clean up as required shall result in loss of security deposit.
22. Cleaning supplies and trash can liners are available for use. Trash shall be disposed of in the appropriate location.
23. Items left **after the rental period** will result in loss of deposit and shall be deemed to be abandoned property subject to removal and disposition in the sole discretion of the City of Asheboro.
24. No decorations, posters, pictures, banners, or other such items shall be fastened to walls, windows, woodwork, doors, or curtains nor placed on stands in any area of the facility without approval.
25. No nails, tacks, staples, or screws of any kind may be applied to any part of the interior or exterior of the building.
26. Only approved tapes, such as blue painters tape and gaff tape may be applied to the stage floor. If an approved tape is applied to the stage floor it must be removed by the lessee immediately following the event.
27. No painting, wood cutting, or drilling shall be done on the stage or in the adjacent support areas.
28. All scenery elements are to be flame retardant. The use of open flame (candles, matches, lighters, etc.) is expressly prohibited.

29. At no time shall any of the lessee's scenery, stage furniture, props, costumes, or equipment block any exits, loading doors, storage rooms, sidewalks, or parking areas.
30. Any stage props that have power must meet current electrical codes and are subject to inspection and approval. If such props do not pass inspection, they are subject to immediate removal from the facility.
31. Lessee is encouraged to provide posters, banners, and promotional material for the "Coming Attractions" Display Board at the Theatre entrance. Any items to be displayed or distributed are subject to approval.
32. Lessee shall not change the location or use of the lobby displays, easels, or signs without prior approval.
33. ~~The City of Asheboro Cultural and Recreation Services Department Division~~ reserves the right to sell any and all concessions during any event held at the facility.
34. Lessee warrants that all copyrighted material to be performed has been duly licensed or authorized by the copyright owners or their representatives and agrees to indemnify and hold the City of Asheboro harmless from any and all claims, losses, or expenses incurred with regard thereto. Lessee shall pay all of the City of Asheboro's costs and expenses, including reasonable attorney's fees, incurred in defense of or as a result of any claims respecting copyrights and related matters.
35. Lessee shall be responsible for payment of any and all taxes, permits, fees (including without limitation fees associated with intellectual property licensing rights), and other charges arising out of or connected with the use of the premises by lessee, and lessee shall save the City of Asheboro harmless from any and all obligations with respect to such taxes, permits, fees, and other charges.
36. If lessee desires to sell any items in or near the facility, including but not limited to concessions items, videos, CDs, DVDs, tapes, clothing, periodicals, etc., lessee must obtain written permission at least 48 hours prior to the event. The ~~Cultural and Recreation Services Superintendent Director~~ may refuse with or without cause such permission.
37. If lessee is granted permission to sell concessions, lessee agrees to pay the City of Asheboro ~~Cultural and Recreation Services Division~~ a 10% commission on any sales of any concession items sold. A joint inventory will be taken prior to and after the event.
38. If Lessee is approved to sell their own concessions, they shall provide their own workers to sell merchandise, concessions, and supplies, including, food, candy, drinks, cups, napkins, condiments, popcorn supplies, bags, ice, etc. Chewing gum will not be allowed for sale.
39. If lessee is granted permission to hold a catered event (food beyond normal concession products) the food must be served and consumed in areas designated by Cultural and Recreation Services Division staff members.
40. Lessee is responsible for providing the following:
 - a. A designated, responsible adult to operate the Theatre sound system, if needed.
 - b. A designated, responsible adult to operate the Theatrical light system, if needed.

- c. Ushers for the event.
 - d. Ticket sellers /takers for the event.
 - e. Money box and petty cash as needed.
41. All persons/groups renting the facility are responsible for knowing the location of all fire extinguishers and exits. A location map shall be provided.
 42. Prior to each performance/event, an announcement must be made stating the location of restrooms and emergency exits.
 43. Only Cultural and Recreation Services Division city staff members may adjust thermostats.
 44. The Cultural and Recreation Services Superintendent Director reserves the right to cancel any event, at any time, based on rental agreement violations.
 45. The following are available for an additional fee, please contact the City of Asheboro Cultural and Recreation Services Department Division for additional information:
 - a. Ticket Sellers/Takers (hourly charge).
 - b. Ushers (hourly charge).
 - c. Ticket design service (\$75.00 for up to 390, 1 side printed tickets)
 - d. One poster for display case (\$25.00 per poster)

SECTION 14.3 **SALE, POSSESSION, AND CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINES**

The possession and consumption of malt beverages and unfortified wines during the course of approved events is currently authorized and regulated in the sole discretion of the Recreation Services Superintendent by means of the Superintendent's attachment of conditions to the written approval of the event. Regulations authorizing the sale of malt beverages and unfortified wines on the premises of this facility are currently under review. Until final adoption of these regulations, the sales of malt beverages and unfortified wines on the premises of this facility are strictly prohibited.

ARTICLE XV. FIELD RENTAL POLICY

SECTION 15.1 RULES AND REGULATIONS

- A. All field reservation requests must be submitted in writing to the Parks and Recreation Services Department.
- B. Field rentals will only be available when the fields are not scheduled for Parks and Recreation Services Department activities.
- C. Use of alcoholic beverages shall be prohibited.
- D. Curfew on all fields shall be 11:00 p.m. Permission to waive curfew restriction must be approved by the Parks and Recreation Services Superintendent Department.
- E. Reserving organizations/personnel are responsible for cleaning the facility and bagging trash on a daily basis.
- F. Reserving organizations/personnel shall be held responsible for any and all damages incurred to the facilities, which were a result of the event scheduled.
- G. Reserving organizations/personnel will be responsible for crowd control and team conduct.
- H. Reserving organizations/personnel will be responsible for locking and unlocking all scheduled equipment and facilities from the Recreation Services Department.
- I. Under NO circumstances can any facility be sub-leased at any time.
- J. The above rules and regulations should in no way shall not be construed in any manner that limits to effect the authority of the Asheboro Parks & Recreation Services Department.

SECTION 15.2 SECURITY DEPOSIT

- A. To reserve a field for a game or tournament, a \$50.00 security deposit per field must be paid at the time of reservation to secure a date. The fee shall be submitted to the Parks and Recreation Services Department. Multiple dates will require multiple deposits.
- B. All security deposit fees must be in good funds.
- C. Violation of the Field Rental Contract and/or Field Rental Policy will result in forfeiture of security deposit fees.
- D. A deposit will be returned upon the occurrence of the following conditions:
 - a. Upon the successful completion of a post-event facility inspection conducted by Parks & Recreation Services Department employees for the purpose of determining whether the facility has been subjected to an unauthorized or unreasonable use, and
 - b. Upon the return of the keys to the facility to the Parks & Recreation Services Department.
 - c. In the event a tournament is cancelled by groups reserving multiple dates, the deposit shall be forfeited for each cancelled date.

SECTION 15.3 FEES AND CHARGES

- A. A fee shall be charged for individuals, companies or groups who wish to reserve ball fields for practices, games or tournaments.

- B. All user fees for the use of ball field facilities shall be set and approved by the Asheboro City Council.
- C. The field rental fee must be paid at least 48 hours before the start of the event.
- D. Failure to pay the rental fee will result in denied access to the field.

SECTION 15.4 CONCESSIONS

- A. Concession facilities and equipment may be used with approval from the Parks and Recreation Services Department for an additional rental fee.
- B. Reserving organization/personnel must sell their own concessions supplies.
- C. Reserving organization/personnel shall know and abide by all Local and State Health Department regulations concerning the preparation and /or resale of concession products.
- D. Any items left in the concession areas after the event will result in loss of security deposit, and such items will be deemed to be abandoned.

SECTION 15.5 FIELD PREPARATION & MAINTENANCE

Rental fees include dragging and lining of field(s) one time per day. Organization/personnel Reserving organization/personnel can request additional maintenance on the fields for an additional cost per lining per field.

ARTICLE XVI. PARK / SHELTER FACILITIES

SECTION 16.1 FACILITIES

Reservations will be taken for the use of the picnic shelters at the following parks.

- A. Memorial Park
- B. Frazier Park
- C. North Asheboro Park
- D. Eastside Park
- E. Lake Lucas Park
- F. Kiwanis Park

SECTION 16.2 HOURS OF OPERATION

All city parks are available for public use between the hours of 6:00 am and 11:00 pm

SECTION 16.3 APPLICATION AND FEES

The City of Asheboro Parks & Recreation Services Department sanctions the use of park facilities in the City of Asheboro, provided the use does not interfere with regular parks & recreation Recreation Services Department functions and operations. Parks & recreation Recreation Services Department facilities may be reserved to individuals or other types of legal entities, subject to the terms and conditions listed herein and elsewhere within the Code of Asheboro.

Application to use any facility shall be made on a form prescribed by and available from the Recreation Services Department prescribed form obtainable from the Asheboro Parks & Recreation Department. Applications are subject to the approval by the Parks & Recreation Services Superintendent Director. All user fees for shelter rentals shall be set and approved by the Asheboro City Council.

SECTION 16.4 GENERAL CONDITIONS

1. Park facilities are never closed to the general public. Reservations are for shelter and stage areas **only**.
2. Park facilities are not provided for commercial or profit making activities. Proprietary or commercial groups and individuals shall not be permitted to use park facilities for financial gain or profit.
3. Failure to adhere to the guidelines in this article shall subject an applicant to automatic forfeiture of any rental/deposit fees and the event shall be subject to immediate termination.
4. Alcoholic beverages are prohibited at all parks & recreation facilities regulated by this Article.
5. Applicant is totally liable for injury to person or persons or for damage to property in connection with the use of this facility.
6. Applicant must agree to forever hold harmless and to fully indemnify the City

and its personnel, agents, officials, and City Council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands, attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission of the Applicant or its officers, employees, agents or contractors in connection with the Applicants use of the City of Asheboro, Parks & Recreation Services Department facilities.

7. Applicant shall observe the posted curfew.
8. From April 1 - September 1, the restrooms at Memorial, Frazier and North Asheboro park will be open from 9am until 9pm. At other times and other park locations not listed, a key deposit of \$20.00 will be required for the restroom facilities. The key must be returned to the Asheboro Parks & Recreation Services Department within 7 business days or the deposit shall be forfeited.
9. Electricity is available at all shelters and the Frazier Park stage.
10. Applicant is responsible for securing electricity, lights, port-a-jons, tents, along with anything related to set up of event from the appropriate source at their expense.
11. Anyone using a tent (700 sq ft. or larger) is responsible for obtaining the appropriate inspections from the building inspector, fire marshal and any necessary zoning permits prior to event.
12. Items may not be sold to the general public without written permission from the Asheboro Parks & Recreation Services Department.
13. Shelters may be rented for half days (10am – 3pm or 3:30pm – Dark) or full days.
14. Non-Resident Fee must be paid before a Shelter can be reserved.
15. Failure to cancel reservation at least 48 hours in advance will result in loss of rental fee. (Shelter can be rescheduled in the event of inclement weather).
16. No single individual, group or organization may reserve park facilities in a way that will monopolize the use of the park facility to the general public or other groups or organizations.
17. Holding an event in a city park without authorization shall subject the event to immediate termination and other enforcement actions as deemed appropriate by the Parks & Recreation Services Superintendent Director.

ARTICLE XVII. DISC GOLF COURSE

SECTION 17.1 RULES AND REGULATIONS

- A. The Disc Golf Course is open from dawn to dusk, year round.
- B. The course is free to the public.
- C. The Parks & Recreation Services Department reserves the right to close the facility for special events, activities, and rentals.
- D. Any person or group wishing to **rent** the Disc Golf Course for exclusive use, namely tournaments, must fill out the appropriate application and receive approval from the Parks & Recreation Services Superintendent Director at least 72 hours prior to the date of rental. Rental fees are established in the Parks & Recreation schedule of Fees and Charges Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments.
- E. Reserving groups are responsible for keeping the course clean and free of vandalism and damage while their event is taking place. Failure to keep the facility clean and free of trash shall result in loss of security deposit and being responsible for replacement costs of damaged items.
- F. Use of alcoholic beverages shall be prohibited
- G. Please be earth conscious. Do not litter. Trash receptacles are provided for your convenience.
- H. Respect the park and its' other users. Do not damage the course, including breaking branches. Use caution throwing discs.
- I. Unless noted otherwise, rules of play shall be under the Professional Disc Golf Association's Official Rules of Disc Golf.

ARTICLE XVIII. CITY FACILITIES

SECTION 18.1 — PARKS

BICENTENNIAL PARK — 1.5 acres — Sunset Avenue

Rotary Pavilion

Fountain

EASTSIDE PARK — 3.5 acres — Tucker Street

Playground

Basketball Court

Picnic Shelter

Restrooms

FRAZIER PARK — 4.1 acres — Park Street

Playground

Picnic Shelter

Restrooms

Sand Volleyball Court

Stage

Open Field Area

HAMMER MEMORIAL PARK — 1.1 acres — Glenwood Street

Playground

Basketball Court (not lighted)

MEMORIAL PARK — 10.6 acres — Church Street

Playground

Don Nance Ball Field (lighted)

W.W. Thomas Tennis Center — eight lighted courts

Memorial Swimming Pool (public)

Picnic Shelter

Restrooms

Four Horseshoe Courts (lighted)

Two Bocce Courts (lighted)

Outdoor Basketball Court (not lighted)

Sand Volleyball Court

NORTH ASHEBORO PARK — 26.2 acres — Canoy Drive

Playground

North Asheboro Swimming Pool (public)

Clarence Smith Ball Field (lighted)

Picnic Shelter

Restrooms

Tennis Courts (three lighted)

Outdoor Basketball Court (lighted)

Sand Volleyball Court

Mayors Grove Walking Trail

18-hole Disc Golf Course

PARK STREET PARK —.8 acres— Park Street
Family Picnic Area

WESTWOOD PARK —1.9 acres— Winslow Avenue
Playground

SECTION 18.2 — BALLPARKS

KIWANIS PARK —28.6 acres— Meadowbrook Rd & Farr St.
Shelter
Darrell Rich Field
Wayne D. Thomas Field
Luther Field
Leon Yow Field

McCRARY PARK —12.6 acres— North McCrary Street

DON NANCE FIELD —4 acres— Memorial Park on Church Street

CLARENCE SMITH FIELD —4 acres— North Asheboro Park off Canoy Drive

SECTION 18.3 — GOLF COURSE

MUNICIPAL GOLF COURSE —56 acres— Country Club Drive
Nine hole Public Golf Course

SECTION 18.4 — CITY LAKES

LAKE LUCAS —238 acres— Old Lexington Road
Boat Rentals
Boat Docks
Picnic Shelter
Playground
Fishing Pier
Walking Trail
Launching Ramp
Lake House
Lake Warden Office

LAKE REESE —900 acres— Jackson Creek Road
Launching Ramp
Picnic Area
Lake House
Lake Warden Office

ARTICLE ~~XIX~~ XVIII. MISC. PROVISIONS

SECTION 19.1 RETURNED CHECKS

- A. When a check for payment of ~~Parks & Recreation services~~ is deposits, fees, and/or charges owed to the Cultural and Recreation Services Departments are returned for insufficient funds or other reasons, there will be a charge of \$25.00 added to the amount due.

SECTION 19.2 SCHEDULE OF DEPOSITS, FEES AND CHARGES

- A. The amount of a deposit, fee, or any other type of charge to be collected by the ~~Parks Cultural~~ and Recreation Services Departments shall be set in accordance with this manual and/or the Schedule of Deposits, Fees, and Charges Administered by the ~~Parks Cultural~~ and Recreation Services Departments. This schedule shall be approved by the Asheboro City Council and maintained in the offices of the City Clerk and the ~~Parks and Recreation Services Superintendent~~ Director. In the event of a conflict between the provisions of this manual and the Schedule of Deposits, Fees, and Charges Administered by the ~~Parks Cultural~~ and Recreation Services Departments, the provisions of the City of Asheboro Parks Cultural and Recreation Services Policy Manual shall control and be determinative of the monetary sum to be collected in good funds by the ~~Parks Cultural~~ and Recreation Services Departments.

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled PROVISIONAL have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this [data](#) should be directed to the water system and/or DWR.

1. System Information

Contact Information

Water System Name: **Asheboro** PWSID: **02-76-010**
 Mailing Address: **P.O. Box 1106** Ownership: **Municipality**
Asheboro, NC 27203
 Contact Person: **Michael Rhoney** Title: **Water Resources Director**
 Phone: **336-626-1234** Fax: **336-626-0430**

Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Asbestos Cement	6-12	2.00 %
Cast Iron	3-16	60.50 %
Ductile Iron	3-16	30.00 %
Galvanized Iron	1-2	5.30 %
Polyvinyl Chloride	1.5-8	2.20 %

What are the estimated total miles of distribution system lines? **240 Miles**
 How many feet of distribution lines were replaced during 2012? **1,043 Feet**
 How many feet of new water mains were added during 2012? **4,672 Feet**
 How many meters were replaced in 2012? **914**
 How old are the oldest meters in this system? **30 Year(s)**
 How many meters for outdoor water use, such as irrigation, are not billed for sewer services? **243**
 What is this system's finished water storage capacity? **6.360 Million Gallons**
 Has water pressure been inadequate in any part of the system since last update? **No**

Programs

Does this system have a program to work or flush hydrants? **Yes, Semi-Annually**
 Does this system have a valve exercise program? **Yes, 2 Years or More**
 Does this system have a cross-connection program? **Yes**
 Does this system have a program to replace meters? **Yes**
 Does this system have a plumbing retrofit program? **No**
 Does this system have an active water conservation public [education program](#)? **No**
 Does this system have a [leak detection](#) program? **No**

Water Conservation

What type of rate structure is used? **Flat/Fixed**
 How much reclaimed water does this system use? **0.000 MGD** For how many connections? **0**
 Does this system have an interconnection with another system capable of providing water in an emergency? **No**

The City of Asheboro does have nearby water systems, but has no plans for interconnection in the near future.

2. Water Use Information

Service Area

Sub-Basin(s)	% of Service Population	County(s)	% of Service Population
Deep River (02-2)	61 %	Randolph	100 %
Uwharrie River (18-3)	34 %		
Yadkin River (18-1)	5 %		

What was the year-round population served in 2012? 25,112

Has this system acquired another system since last report? No

Water Resources Director indicated that a revised map would be submitted to DWR showing the 3 intake locations, the WTP location, the wastewater discharge location, and the interconnection points (master meter locations) with Seagrove-Uiah and Randleman.

Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	11,703	1.510	0	0.000
Commercial	1,462	0.200	0	0.000
Industrial	191	1.610	0	0.000
Institutional	269	0.200	0	0.000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.150 MGD

Water Sales

Purchaser	PWSID	Average Daily Sold (MGD)	Days Used	Contract			Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
				MGD	Expiration	Recurring			
Randleman	02-76-015	0.125	366	1.000	2015	No	Yes	12	Regular
Seagrove	02-76-040	0.210	366	0.500	2030	No	Yes	8;12	Regular

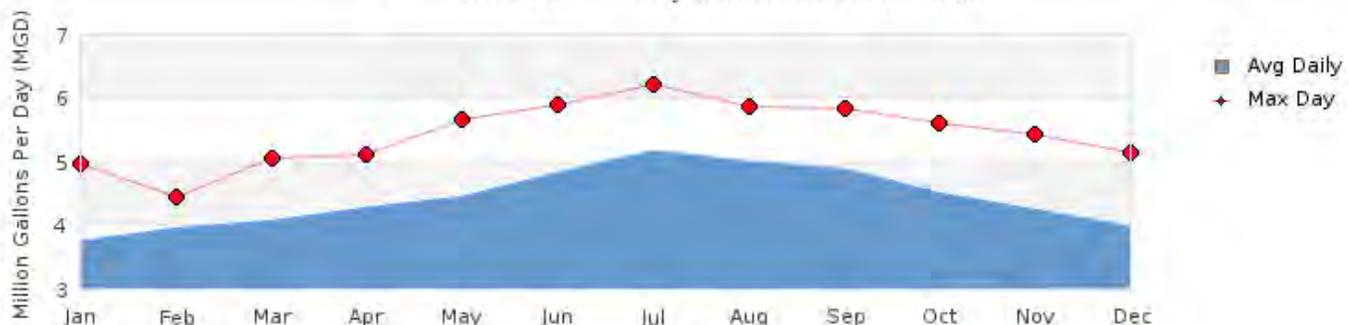
Asheboro does not plan to renew water sales contracts with Seagrove and Randleman. The City will continue to sell them water, but on a yearly basis.

3. Water Supply Sources

Monthly Withdrawals & Purchases

	Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)
Jan	3.731	4.960	May	4.447	5.670	Sep	4.890	5.832
Feb	3.943	4.441	Jun	4.830	5.899	Oct	4.508	5.612
Mar	4.064	5.060	Jul	5.167	6.229	Nov	4.236	5.420
Apr	4.252	5.122	Aug	4.996	5.872	Dec	3.974	5.126

Asheboro's 2012 Monthly Withdrawals & Purchases



Surface Water Sources

Stream	Reservoir	Average Daily Withdrawal		Maximum Day Withdrawal (MGD)	Available Raw Water Supply		Usable On-Stream Raw Water Supply Storage (MG)
		MGD	Days Used		MGD	* Qualifier	
Back Creek	Lake Lucas	4.145	141	5.870	6.000	SY20	1,250.000
Unknown	Lake McCrary	0.000	0	0.000	0.000	SY20	40.000
Unknown	Lake Bunch	0.000	0	0.000	0.500	SY20	110.000
Uwharrie	Lake Reese	4.597	225	6.230	13.500	SY20	2,400.000

* Qualifier: C=Contract Amount, SY20=20-year Safe Yield, SY50=50-year Safe Yield, F=20% of 7Q10 or other instream flow requirement, CUA=Capacity Use Area Permit

Surface Water Sources (continued)

Stream	Reservoir	Drainage Area (sq mi)	Metered?	Sub-Basin	County	Year Offline	Use Type
Back Creek	Lake Lucas	16	Yes	Uwharrie River (18-3)	Randolph		Regular
Unknown	Lake McCrary	1	No	Uwharrie River (18-3)	Randolph		Emergency
Unknown	Lake Bunch	3	No	Uwharrie River (18-3)	Randolph		Emergency
Uwharrie	Lake Reese	108	Yes	Uwharrie River (18-3)	Randolph		Regular

What is this system's off-stream raw water supply storage capacity? 0 Million gallons

Are surface water sources monitored? Yes, Daily

Are you required to maintain minimum flows downstream of its intake or dam? Yes

Does this system anticipate transferring surface water between river basins? Yes

Raw water samples are analyzed daily at the WTP. Grab samples are taken monthly directly from the lakes.

Water Treatment Plants

Plant Name	Permitted Capacity (MGD)	Is Raw Water Metered?	Is Finished Water Output Metered?	Source
W. L. Brown Jr - City of Asheboro	12.000	No	Yes	Lakes Lucas, Reese, Bunch

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2012? No

If yes, was any water conservation implemented?

Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2012? No

If yes, was any water conservation implemented?

Are peak day demands expected to exceed the water treatment plant capacity in the next 10 years? No

4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	3.580	May	3.520	Sep	3.090
Feb	3.720	Jun	3.060	Oct	3.090
Mar	4.430	Jul	2.950	Nov	2.780
Apr	3.540	Aug	3.200	Dec	2.870



How many sewer connections does this system have? 10,207

How many water service connections with septic systems does this system have? 1,744

Are there plans to build or expand wastewater treatment facilities in the next 10 years? No

Wastewater Permits

Permit Number	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
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5. Planning

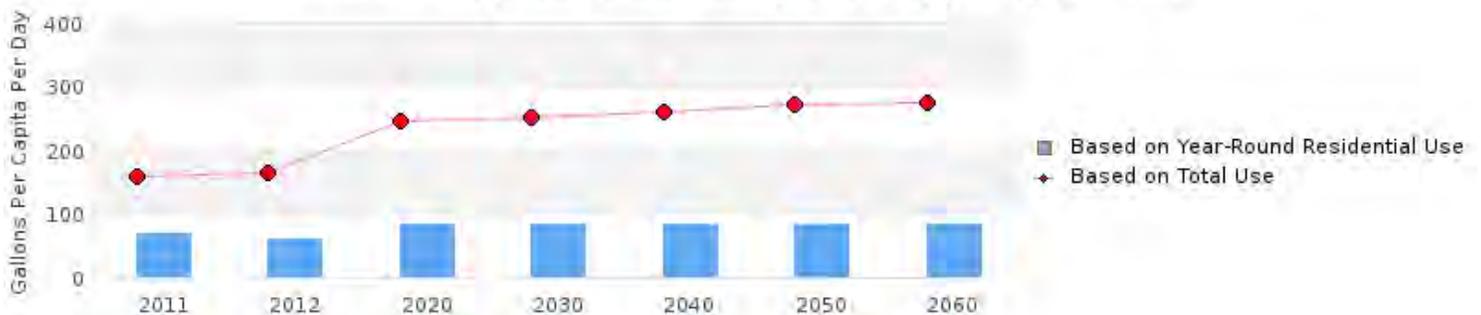
Projections

	2012	2020	2030	2040	2050	2060
Year-Round Population	25,112	30,689	34,128	37,878	41,627	45,000
Seasonal Population	0	0	0	0	0	0
Residential	1.510	2.547	2.833	3.144	3.455	3.700
Commercial	0.200	1.865	2.144	2.466	2.836	3.200
Industrial	1.610	1.872	2.247	2.697	3.235	3.500
Institutional	0.200	0.317	0.349	0.384	0.422	0.500
System Process	0.150	0.180	0.190	0.200	0.210	0.220
Unaccounted-for	0.418	0.772	0.884	1.013	1.157	1.267

Demand v/s Percent of Supply

	2012	2020	2030	2040	2050	2060
Surface Water Supply	19.500	19.500	19.500	19.500	19.500	19.500
Ground Water Supply	0.000	0.000	0.000	0.000	0.000	0.000
Purchases	0.000	0.000	0.000	0.000	0.000	0.000
Future Supplies		0.000	0.000	0.000	0.000	0.000
Total Available Supply (MGD)	19.500	19.500	19.500	19.500	19.500	19.500
Service Area Demand	4.088	7.553	8.647	9.904	11.315	12.387
Sales	0.335	0.500	0.500	0.000	0.000	0.000
Future Sales		0.000	0.000	0.000	0.000	0.000
Total Demand (MGD)	4.423	8.053	9.147	9.904	11.315	12.387
Demand as Percent of Supply	23%	41%	47%	51%	58%	64%

Asheboro's Projected Gallons Per Capita Per Day (GPCD) Over Time



The purpose of the above chart is to show a general indication of how the long-term per capita water demand changes over time. The per capita water demand may actually be different than indicated due to seasonal populations and the accuracy of data submitted. Water systems that have calculated long-term per capita water demand based on a methodology that produces different results may submit their information in the notes field.

Your long-term water demand is 60 gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere here in your plan, indicate where the practices are discussed here.

Are there other demand management practices you will implement to reduce your future supply needs?

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs?

How does the water system intend to implement the demand management and supply planning components above?

Additional Information

Has this system participated in regional water supply or water use planning? **No**

What major water supply reports or studies were used for planning?

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues:

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled PROVISIONAL have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

ORDINANCE NUMBER
CITY COUNCIL OF THE CITY OF ASHEBORO

Parking Regulations and Prohibitions

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 160A-301(a) of the North Carolina General Statutes provides that the “city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city;” and

WHEREAS, in order to more effectively and efficiently respond to the difficulties posed by vehicles that are left in the travel lanes of public streets and highways when city personnel are attempting to clear the streets and highways of snow and/or ice, the city staff has recommended the amendment of the Code of Asheboro to explicitly prohibit the abandonment of vehicles within the travel lanes of public streets and highways and to make it clear that such vehicles are subject to removal and storage at the expense of the owner(s) of the vehicle; and

WHEREAS, the Asheboro City Council concurs with this recommendation;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. Section 71.04 of the Code of Asheboro, which is entitled “GENERAL PARKING REGULATIONS AND PROHIBITIONS” is hereby rewritten to provide as follows:

- (A) ~~In parking any vehicle the following limitations shall be observed and no vehicle shall be otherwise parked. Every vehicle in parking shall be parked parallel to the curb and with both front and rear wheels not more than 12 inches from the curb except where the street is marked for diagonal or angle parking. Parking space lines shall be observed so that the vehicle shall not extend beyond the space marked for parking, or so as to occupy, in whole or in part, more than one parking space. Parking contrary to this section shall be unlawful. Those worshipping at the First Presbyterian Church of Asheboro may for Sunday morning services vertical park their vehicles on Walker Avenue. However, under no circumstances are any vehicles to be vertical parked after 1:00 p.m. each Sunday.~~
- (1) ~~Parking within ten feet of a fire hydrant is prohibited.~~
 - (2) ~~Parking within a nonparking space is prohibited.~~
 - (3) ~~Diagonal parking with rear to curb is prohibited. This regulation shall not apply to vehicles while actually being loaded or unloaded; provided, that no unnecessary time for the loading or unloading shall be taken and traffic is not obstructed~~

~~thereby. If the vehicle be horse-drawn, the horse or horses shall stand parallel to the curb and face the direction of traffic.~~

~~(4) Parking to the left within the business district is prohibited, except upon one-way streets, in which case vehicles shall be parked headed in the direction of traffic.~~

~~(5) Double parking; that is to say, parking with another vehicle or sufficient space for another vehicle to park between the motor vehicle in question and the curb is prohibited.~~

~~(B) This section shall apply only to vehicles on the streets, highways and other public places of the city, and shall have no application to any vehicle as long as it remains on private premises.~~

(A) General Requirements: When parking a vehicle on a public street or highway within the city, every vehicle shall be parked parallel to the curb and with both front and rear wheels not more than 12 inches from the curb except where the street is marked for diagonal or angle parking. Parking space lines shall be observed so that the vehicle shall neither extend beyond the space marked for parking nor occupy, in whole or in part, more than one parking space. Except as noted in division (D) below, parking contrary to these general requirements is unlawful.

(B) Definitions of Terms Used in this Section:

(1) The terms “park” or “parking” mean the standing of a vehicle, whether occupied or not, in any manner other than temporarily stopping for the purposes of avoiding conflict with other traffic, complying with the direction of a law enforcement officer or traffic control sign or signal, or while actually engaged in loading or unloading.

(2) The term “vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(3) The term “standing” means any stopping of a vehicle, whether occupied or not.

(C) Specific Prohibitions for Purposes of Illustration and Not Limitation:

(1) Parking within ten feet of a fire hydrant is prohibited.

(2) Parking within a nonparking space is prohibited.

(3) Diagonal parking with rear to curb is prohibited. This regulation shall not apply to vehicles while actually being loaded or unloaded; provided, that no unnecessary time for the loading or unloading shall be taken and traffic is not obstructed thereby. If the vehicle be horse-drawn, the horse or horses shall stand parallel to the curb and face the direction of traffic.

(4) Parking to the left within the business district is prohibited, except upon one-way streets, in which case vehicles shall be parked headed in the direction of traffic.

- (5) Double parking is prohibited; that is to say, it is unlawful to park alongside another vehicle that is already parked parallel to the curb and thereby cause an obstruction.
- (6) The parking of a vehicle in the travel lane(s) of a public street or highway is expressly prohibited when such an action impedes the efforts of city forces and/or North Carolina Department of Transportation personnel to clear public streets and highways of snow, ice, or any other form of frozen precipitation. The parking of a vehicle in violation of this prohibition is unlawful and subjects the offending vehicle to removal and storage. The registered owner of the towed vehicle shall become liable for the removal and storage fees/charges. All of the post-towing procedures prescribed by G.S. Ch. 20, Article 7A apply.

(D) Exceptions and Limitations to the General Requirements:

- (1) Those worshipping at the First Presbyterian Church of Asheboro may for Sunday morning services diagonally park their vehicles on Walker Avenue. However, under no circumstances are any vehicles to be diagonally parked after 1:00 p.m. each Sunday.
- (2) This section shall apply only to vehicles on the streets, highways and other public places of the city, and shall have no application to any vehicle as long as it remains on private premises.

Section 2. A ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after the date of its adoption.

This ordinance was adopted in open session during a regular meeting of the Asheboro City Council that was held on March 6, 2014.

David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

JOHN N. OGBURN, III
City Manager



Item 15

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City of Asheboro

146 North Church Street
Post Office Box 1106
Asheboro, North Carolina 27204-1106

March 3, 2014

Eastside Improvement Association
Pastor Deneal McNair, President
Junitha Goldston, Secretary

Dear President McNair:

The City Staff is preparing the necessary due diligence so that we can review and forward to the City Council our report on current status of the Eastside Improvement Association as well as process any financial assistance the Council may approve.

Consequently, I am requesting that the Eastside Improvement Association provide the following:

(1) Copy of the meeting minutes at which the "old" Eastside Improvements Association became the "new" Eastside Improvements Association; and, the "old" Association's transfer of property, assets, and liabilities to the "new" Association.

(2) Any minutes of the new Eastside Improvements Association, including a list of officers as well as the ESIA's mailing address. We also need a copy of the minutes reflecting the "new" Associations actions to assume the property, assets, and liabilities to the "old" Association.

(3) The "old" Eastside Improvements Association current IRS Code 501 (c) 3 status.

(4) The "new" Eastside Improvements Association current IRS Code 501 (c) 3 status.

(5) A sustainability plan that insures the long term success of the Association as well as the maintenance of it's facilities.

Thank you for keeping me informed and good luck with your continued fund raising.

Sincerely,

John N. Ogburn, III
City Manager