

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, APRIL 10, 2014, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Consent Agenda:
 - (a) Approval of the minutes of the city council's special meeting that was held on February 20, 2014.
 - (b) Approval of the minutes of the city council's regular meeting that was held on March 6, 2014.
 - (c) Acknowledgement of the receipt of the minutes of the Asheboro ABC Board's meetings on February 3, 2014, and March 3, 2014..
 - (d) Award of contracts for the supply of chemicals to the City of Asheboro Water and Wastewater Treatment Plants for the period from April 16, 2014 to April 15, 2015 as listed below:
 - Bid for liquid alum by Chemtrade Chemicals US, LLC at \$285.00/ton.
 - Bid for liquid caustic by UNIVAR USA at \$430.00/ton.
 - Bid for fluosilicic acid by Key Chemicals, Inc. at \$429.00/ton.
 - Bid for sodium hypochlorite by JCI Jones Chemicals at \$0.57/gallon.
 - (e) Approval of budget ordinances:
 - (i) Ordinance to amend the general fund.
 - (ii) Ordinance to amend the water & sewer fund.
 - (iii) Ordinance to amend the Sunset Theatre capital project fund.
 - (f) Approval of an ordinance amending the Downtown Farmers' Market regulations to clarify the types of vendor information that must be collected and displayed in furtherance of maintaining a proper daily registration list.
 - (g) Approval of a resolution awarding a service side arm to a retiring Asheboro police officer.

4. Trevor Nuttall will present the following Community Development Division items:
 - (a) Zoning Case RZ-14-01: A legislative zoning hearing continued from the March meeting to consider 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).
 - (b) Zoning Case RZ-14-02: A legislative zoning hearing continued from the March meeting to consider the application filed by 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).
 - (c) A report concerning applications submitted for an open seat on the Asheboro Redevelopment Commission.
 - (d) A report concerning the public workshop held on March 27, 2014, to inform the public about the proposed Vision Drive safety improvements.
 - (e) The recently updated brochure highlighting Asheboro as a state certified retirement community.
5. Public comment period.
6. Chief Ralph Norton will present the police department's annual report.
7. Public works items:
 - (a) City Engineer Michael Leonard will present the following items:
 - (i) A resolution approving an agreement with the NC Department of Transportation under which the city will perform, with reimbursement from the state, routine and/or clean-up mowing of vegetation within the rights of way of certain state maintained streets within the city limits.
 - (ii) An ordinance updating the parking regulations applicable to the downtown area.

- (b) Public Works Director David Hutchins will present an update on city operations and debris removal after the recent winter storm.
 - (c) Public Works Director David Hutchins will review the existing Recycling contract and request that contract be renewed.
8. Finance Director Debbie Reaves will present a resolution authorizing the execution of an installment financing agreement with Branch Banking and Trust Company.
 9. Finance Director Debbie Reaves will present a Resolution "Designation of Applicant's Agent" as required by the NC Division of Emergency Management and US Department of Homeland Security, Federal Emergency Management Agency to request Federal and State funds for Winter Storm March 6-7, 2014.
 10. Upcoming events:
 - Business After Hours Event at the North Carolina Zoo, Thursday, April 17, 2014, 5:30PM to 7:00 PM.
 - Annual Identity Theft Prevention Program Committee meeting on Wednesday, April 30, 2014, at 9:00 AM in the council chambers.
 - No Tie Affair, Saturday, April 26, 2014 6:00PM to 10:00 PM at JB and Claire Davis' Cotopaxi Farm.
 - The Mayor's Prayer Breakfast Thursday, May 1, 2014, at AVS 6:45 AM.
 - Ethics for Municipal Elected Officials live webinar Wednesday, May 14, 2014, 10:00 AM to 12:00 Noon in the council chambers.
 - Budget workshop Tuesday, May 20, 2014, 5:30 PM.
 - Town Hall Day at General Assembly Wednesday, June 4, 2014.
 - Regular city council meeting and budget public hearing Thursday, June 5, 2014.
 - Budget adoption Thursday, June 26, 2014, 12:00 Noon.

**NOTICE OF A SPECIAL MEETING OF THE
ASHEBORO CITY COUNCIL**

Thursday, February 20, 2014

5:30 p.m.

Notice of a special meeting of the Asheboro City Council is hereby given. This meeting will be held on Thursday, the 20th day of February, 2014, at 5:30 p.m. in the Asheboro City Hall Council Chamber, 146 North Church Street, Asheboro, North Carolina 27203.

This special meeting has been called for the purpose of enabling the governing board to discuss and act, when and where action is deemed advisable by the City Council, on the following items that are to be brought before the governing board:

1. The submission for approval of the minutes of the City Council's previous special meeting on January 30, 2014.
2. The submission for acknowledgment of the receipt from the Asheboro ABC Board of the minutes of the local board's meeting on January 6, 2014.
3. The submission for review and approval of a resolution authorizing the execution, consistent with an existing financing arrangement, of a subordination agreement in favor of the North Carolina Housing Finance Agency in connection with Sunset Place, LLC.
4. The presentation and discussion of a proposed capital improvement plan that is focused on departments that are funded out of the city's General Fund.

This notice is issued on the 12th day of February, 2014, in accordance with the laws and ordinances of the State of North Carolina and the City of Asheboro.

/s/ David H. Smith

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

#

**SPECIAL MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, FEBRUARY 20, 2014
5:30 p.m.**

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

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

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Leigh Anna Johnson, Public Information Officer

Michael L. Leonard, P.E., City Engineer
Ralph W. Norton, Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jonathon M. Sermon, Recreation Services Superintendent
Jeffrey C. Sugg, City Attorney
Roy C. Wright, Fire Chief

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. Consent agenda:

Upon motion by Mr. Burks and seconded by Ms. Carter, Council voted unanimously to approve the following consent agenda items. Council Members Bell, Burks, Carter, Hunter, Moffitt, and Swiers voted in favor of the motion.

- (a) **The minutes of the City Council's special meeting on January 30, 2014.**
- (b) **Acknowledgement of the receipt from the Asheboro ABC Board of the minutes of the local board's meeting on January 6, 2014.**
- (c) **A resolution authorizing the execution, consistent with an existing financing arrangement, of a subordination agreement in favor of the North Carolina Housing Finance Agency in connection with Sunset Place, LLC.**

ASHEBORO CITY COUNCIL RESOLUTION NO. 04 RES 2-14

A Resolution Authorizing the Execution and Delivery of a Subordination Agreement

WHEREAS, by means of a letter of intent directed to the attention of the low income housing tax credit program, the City of Asheboro previously expressed its intent to provide permanent financing, which would be secured with a security interest in real property that would be in second position to the security interest held by the North Carolina Housing Finance Agency ("NCHFA"), in order to induce the NCHFA to reserve to Sunset Place, LLC low income housing tax credits for a low income apartments development to be known as Sunset Place Apartments and to be located on the block formed by Sunset Avenue, North Cherry Street, Hoover Street, and Memorial Street; and

WHEREAS, the proposal to develop apartments to meet the need for low income housing did move forward and, consistent with the above-referenced letter of intent, the city entered into a financing arrangement under which Sunset Place, LLC (the "Borrower") executed a deed of trust (the "City Deed of Trust"), which was recorded on April 16, 2012, in Book 2281, Page 66, Randolph County Public Registry, conveying a deed of trust lien and security interest in the land utilized for the development project; and

WHEREAS, the Sunset Place Apartments have been constructed; and

WHEREAS, with the completion of the construction phase of the project, the construction loan is to be paid off, and a permanent loan is to be closed by the Borrower with NCHFA; and

WHEREAS, in order to close the permanent loan, a subordination agreement must be executed in order to maintain the agreed upon second position of the City Deed of Trust behind the financing and deed restriction instruments to be executed and recorded for the benefit of NCHFA; and

WHEREAS, the subordination agreement for which execution and delivery by the city has been requested (the "Agreement") is attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, city staff members have reviewed the Agreement and found the instrument to be consistent with the city's financial management practices and consistent with the public purpose for which the Sunset Place Apartments project was originally undertaken; and

WHEREAS, the Asheboro City Council concurs with the analysis of the Agreement performed by city staff members;

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

- Resurface Queens Meadow Court.
- Install new design for way-finding signs at various locations throughout the city.
- Install new crosswalks at various locations throughout the city.
- Replace roof at Fire Station #1.

Along with the above list, Mr. Leonard noted that the Fire Department is currently working to become a North Carolina Public Star Worksite. The program is designed to recognize state agencies and local governments for their leadership and success in providing a safe and healthy work environment. The benefits of becoming a Star Worksite include the following:

- Improved employee motivation to work safely, leading to better quality and productivity.
- Reduced workers' compensation costs.
- Recognition in the community.
- Star participant sites generally experience from 60% to 80% fewer lost workday injuries.

As the Fire Department strives to be a Star Worksite, various changes within the department will need to be made in the future in order to meet the following program objectives:

- Management Commitment and leadership
- Employer involvement and participation
- Worksite hazard analysis
- Hazard prevention and control
- Safety and health training.

In addition to the Fire Department's improvements, the Police Department is migrating to the 800 MHz VIPER Radio System (Voice Interoperability Plan for Emergency Responders). The North Carolina State Highway Patrol serves as the management agency for VIPER, and the state manages the towers and the system including maintenance costs. Approximately 260 emergency responding agencies make up the 65,388 users.

The overall project P25 timeline for completion remains scheduled for the end of the second quarter of 2014. Since Asheboro Police Department is the last public agency in Randolph County to migrate to the VIPER system, the city plans to use the drug seizure money to purchase the radios. The proposed Vice/Narcotics building will be delayed until a later date. The total cost of the Motorola 6000 700/800 MHz Model 2.5 Portable Radios (95) with shoulder microphones, belt clips, batteries, chargers, and accessories is approximately \$299,936. The total cost of the Motorola APX 4500 700/800 MHz Mobile Radios (56) with accessories and installation is approximately \$138,421.

Additionally, with the list of current projects, Mr. Leonard noted the following potential projects that will receive further evaluation:

- Renovation of the Asheboro Regional Terminal Building
- McCrary Ball Park stadium renovation
- Zoo City Park soccer facility
- Lake Lucas Peninsula Park
- Proposed Fire Station No. 3
- Implementation of fire truck rotation plan.

An additional potential project that was discussed in the context of contingency planning was the Cranford Building in the downtown area. At some point, city resources may have to be used to either help building inspectors in the discharge of their duties or in order to construct a parking lot if the city were to acquire the lot.

The Cranford building has not been condemned by building inspectors, but individual members of the governing board were concerned about the building's deterioration and the hazards that may be posed by this apparent decay. After discussing the issue, a general consensus emerged about the following two points:

1. The Council would like for Mayor Smith and city staff members to actively explore collaborating with the Cranford family in an effort to resolve the stated concerns in a mutually satisfactory manner. One possible remedy for the concerns would be to arrive at a mutually agreeable valuation for the property so that the city could buy the property, remove any hazards, and construct additional public parking.
2. However, the Council Members are equally adamant that city building inspectors take any action that the inspectors deem appropriate and necessary regardless of whether any actions have or have not been taken by the city to acquire the property. Any

actions taken by inspectors are to be taken independent of any other city activities and are to be based solely on the standards for protecting against dangers to life and health.

In summary, Mr. Ogburn noted that city staff will, later in the year, prepare a 15 year capital improvements plan for both the Water and Sewer Fund and the General Fund for Council's review. A copy of the visual presentation utilized by Mr. Leonard is on file in the City Clerk's office. Other than the consensus that emerged in regard to the vacant Cranford building, no formal action was taken on any of the other potential projects discussed during this meeting.

There being no further business, the meeting was adjourned at 6:53 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, MARCH 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
- Jason Cheek, Police Lieutenant
- Holly H. Doerr, CMC, NCCMC, City Clerk
- Ronald N. Horrell, Jr., Police Lieutenant
- Leigh Anna Johnson, Public Information Officer
- Michael L. Leonard, P.E., City Engineer
- Mark T. Lineberry, Police Captain
- Ralph W. Norton, Chief of Police
- Trevor L. Nuttall, Community Development Director
- Deborah P. Reaves, Finance Director
- Michael D. Rhoney, Water Resources Director
- Jonathon M. Sermon, Recreation Services Superintendent
- Jeffrey C. Sugg, City Attorney
- E. Todd Swaney, Police Captain
- C. Maxine Wright, Master Police Lieutenant

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.

4. Recognition of retired Asheboro Police Sergeant Frank VonCannon for his years of dedicated service to the City of Asheboro.

On behalf of the City of Asheboro, Mr. Ogburn presented a retirement plaque to Master Police Sergeant Franklin Dale VonCannon for his years of service to the City of Asheboro. Additionally, Chief Norton and Captain Swaney presented Sergeant VonCannon with a plaque that included his badge as a token of gratitude for his loyal service to the City of Asheboro as a police officer from June 12, 1985 until March 1, 2014. In addition to his badge, Chief Norton presented Sergeant VonCannon with his service side arm that he carried at the time of his retirement.

5. Presentation of the Asheboro Pride Award to Mr. Larry McKenzie.

Mayor Smith presented Mr. Larry McKenzie, who was accompanied by his daughter and son, and McKenzie Properties with the Asheboro Pride Award for their outstanding support of the community. McKenzie Properties is responsible for rehabilitating and updating numerous buildings and properties within the community over the past 25 years. Mr. McKenzie thanked the elected officials and city staff members for supporting the various projects.

6. Approval of the minutes of the city council's regular meeting that was held on February 6, 2014.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve, as presented, the minutes of the city council's regular meeting 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.

Mr. Al LaPrade, Chairman of the Asheboro Downtown Business Association, presented a request from the Association to amend the Asheboro downtown parking plans for Bicentennial and Academy Street parking lots, Trade Street, City Hall parking lot, and North Street. Along with amendments to the parking plan, Mr. LaPrade requested improvements to the parking signs within the downtown area. More specifically, Mr. LaPrade requested the parking signs to be consistent with the other signs within the area so that visitors are aware of the parking time limits. Additionally, Mr. LaPrade requested the sustained presence of a law enforcement officer to enforce the parking limits on a regular schedule.

Mr. Michael Leonard presented maps to illustrate Mr. LaPrade's requests. The proposed amendments can be summarized as follows:

- The Bicentennial Park spaces would have 4-hour parking.
- With the potential exception of a limited area directly behind CUOC, the West Academy Street parking lot would have all day parking.
- Trade Street would have all day parking.
- With the exception of 8 parking spaces in close proximity to Trade Street, North Street would have all day parking.
- The parking spaces located on the south side of City Hall would be designated as 2-hour parking.

The above-described requests do not include any proposals to change previously established loading zones or parking for the disabled. With one exception, the Council did not have any opposition to these requests. The exception pertained to utilizing 4-hour parking at Bicentennial Park. The strong concern was that 4-hour parking, as a practical matter, turns into all day parking.

Mr. LaPrade acknowledged the validity of these concerns. After some discussion, all of the interested parties came to the consensus that 3-hour parking rather than 4-hour parking was a better alternative.

With the general consent of the Council, city staff will draft an ordinance reflecting the consensus approach to the parking plan. The proposed ordinance will be presented to the Council during the regular April 2014 meeting.

A copy of the visual presentation utilized by Mr. Leonard is on file in the City Clerk's office.

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).**

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall presented a request from Mr. H.R. Gallimore, agent for the property owner, to continue the above-referenced request until the Council's regular April 10, 2014 council meeting.

Upon motion by Mr. Baker and seconded by Mr. Swiers, Council voted unanimously to continue the above-referenced request until the April 10, 2014 regular council meeting.

- (b) Zoning Case RZ-14-02: A legislative hearing on the application filed by 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).**

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall presented a request from Mr. H.R. Gallimore, agent for the property owner, to continue the above-referenced request until the Council's regular April 10, 2014 council meeting.

Upon motion by Mr. Burks and seconded by Mr. Bell, Council voted unanimously to continue the above-referenced request until the April 10, 2014 regular council meeting.

(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).

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 12,948 square feet of land owned by Charles S. and Sherry Johnson and located at 1016 South Cox Street. The area included within this request is more specifically as a portion of the parcel of land identified by Randolph County Parcel Identification Number 7750875799.

Mr. Nuttall presented the Community Development Division staff's analysis of the request submitted by Mr. Charles Johnson to rezone the above-described property from R7.5 (Medium Density Residential) to OA6 (Office-Apartment).

The staff report noted that the property is located within Tier 3 of the Center City Planning Area, and the area consists of a mix of residential and low intensity commercial uses. South Cox Street serves as a transition between the heavier commercial uses along South Fayetteville Street to the west and the residential uses to the east. Placing the property in the OA6 zoning district 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, but are not limited to, office and institutional activities and limited service oriented commercial activities (such as barber shops, etc.). They 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.

The Planning Board concurred with the following Community Development Division staff's analysis and recommended approval of the requested rezoning:

"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 patten between the commercial uses to the west on South Fayetteville Street and the residential uses to the east."

There being no comments and no opposition from the public, Mayor Smith transition to the deliberative phase of the public hearing.

Upon motion by Mr. Moffitt and seconded by Ms. Carter, Council voted unanimously to adopt the recommendation/analysis of the Community Development Division staff and the Planning Board and approved the requested rezoning as well as adopting the following consistence statement:

In consideration of the above factors, the zoning map amendment will allow a reasonable use of the property and ensure consistence with the Land Development Plan.

(d) Authorization to solicit applications for pending vacancy on the Redevelopment Commission due to retirement of Martha Norman.

Mr. Nuttall informed the Council Members of the vacancy on the Redevelopment Commission due to the retirement of Ms. Martha Norman. Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to authorize city staff to solicit applications for the vacancy on the Redevelopment Commission due to the retirement of Ms. Martha Norman.

Additionally, Mr. Nuttall reported to the Council that city staff has already received one application in reference to the vacancy.

(e) Reappointment of Linda Carter, David Jarrell, and Tommy Lemonds to the Redevelopment Commission for five year terms to begin April 1, 2014.

Mr. Nuttall reported that the terms for Redevelopment Commission Members Linda Carter, David Jarrell, and Tommy Lemonds will be expiring, and that these three individuals have expressed an interest in serving additional terms. Mr. Nuttall recommended that the Council reappoint Linda Carter, David Jarrell, and Tommy

Lemons to the Redevelopment Commission for additional five year terms beginning on April 1, 2014.

Upon motion by Mr. Burks and seconded by Mr. Bell, Council unanimously appointed Linda Carter, David Jarrell, and Tommy Lemonds to the Redevelopment Commission for five year terms to begin on April 1, 2014.

9. Public comment period.

Mayor Smith opened the floor for comments from the public.

Ms. Kris Caughron shared with the Council both specific and more general concerns regarding animal control issues within the community. Her specific concerns pertain to dogs running loose in her neighborhood, and the manner in which the animals are treated. Ms. Caughron's more general concerns pertained to the responsiveness of the animal control system to calls for assistance. After Ms. Caughron concluded her comments, the elected officials expressed their shared concerns about the level of responsiveness to requests for assistance with animals under the city's current framework for undertaking and providing animal control services.

Mr. Ogburn reported that arrangements were being reserached for the possibility of adding animal control personnel in the future to address these types of concerns.

10. Updates to regulations impacting the city's cultural and recreation services:

On the meeting agenda, the ordinances found below were listed as separate items for consideration, specifically item (a) entitled "Proposed amendments to the departmental policy manual for cultural and recreation services" and item (b) Proposed amendments to Chapter 130 (Offenses against Public Peace and Safety) of the Code of Asheboro."

During his presentation, Mr. Sermon discussed these items as a package of regulatory updates. At the conclusion of his presentation, Mr. Sermon recommended adoption of both ordinances as a package, and the Council Members in fact voted on the ordinances as a package.

During the Council's discussion of these ordinance amendments, Ms. Carter expressed her concerns and reservations about the proposals within the package of updates to remove certain restrictions on the possession and consumption of alcoholic beverages.

Upon motion by Bell and seconded by Mr. Moffitt, Council voted to adopt the following ordinances by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted in favor of the motion. Council Member Carter voted no.

ORDINANCE NUMBER 01 ORD 3-14
CITY COUNCIL OF THE CITY OF ASHEBORO

Cultural and Recreation Services

WHEREAS, Chapter 98 of the Code of Asheboro contains regulations pertaining to the cultural and recreation services offered by the City of Asheboro; and

WHEREAS, over time, the City of Asheboro has modified the methodology utilized to deliver these services by the city's Cultural Services Department and Recreation Services Department; and

WHEREAS, in furtherance of the evolution of the methodologies used to deliver these services, the city's Recreation Services Superintendent has recommended, with the advice and consent of the City Manager, updating Chapter 98 (Cultural and Recreation Services) of the Code of Asheboro to reflect the current and proposed changes in the delivery of cultural and recreation services; and

WHEREAS, the Asheboro City Council concurs with the recommendations received from the City Manager and the Recreation Services Superintendent;

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

Section 1. Section 98.01 (Adoption by Reference) of the Code of Asheboro is hereby rewritten to provide as follows:

The City of Asheboro Cultural and Recreation Services Division Policy Manual (formerly initially known as the Parks and Recreation Department Policy Manual and subsequently known for a limited period of time as the City of Asheboro Cultural and Recreation Services Division Policy Manual), which was originally approved by the City Council on March 5, 1998, and as amended, is hereby adopted by reference and made a part of this code as if set forth at length herein.

Section 2. The policy manual identified as the "City of Asheboro Cultural and Recreation Services Policy Manual" in the immediately preceding paragraph is attached to this ordinance as EXHIBIT 1 and is incorporated into this ordinance by reference as if copied fully herein. The manual attached hereto as EXHIBIT 1, with the indicated revisions, is hereby adopted as the most current edition of the City of Asheboro Cultural and Recreation Services Policy Manual that, by virtue of the above-cited Section 98.01, is incorporated by reference into the Code of Asheboro.

Section 3. Section 98.02 (Required Safety Equipment at Asheboro Skate Park) of the Code of Asheboro is hereby rewritten to provide as follows:

- (A) It shall be unlawful for any person to ride, operate, or utilize in any manner a skateboard or inline skates, specifically including sneakers or other types of shoes with one or more wheels embedded in each shoe's sole, on the premises of the Asheboro Skate Park unless such a person is wearing a helmet, elbow pads, and kneepads in strict compliance with the instructions provided by the manufacturer of the safety equipment.
- (B) The City Manager, in consultation with the city police department and the **Cultural and Recreation Services Department Division**, shall cause signage to be erected on the premises of the Asheboro Skate Park in order to provide notice of the safety equipment requirements imposed by this section.

Section 4. Section 98.03 (Failure to Vacate Rented Recreation Facilities) of the Code of Asheboro is hereby rewritten to provide as follows:

- (A) It is unlawful for any person to occupy or otherwise utilize in any manner **a recreation facility managed by either the City of Asheboro Cultural Services Department and or the City of Asheboro Recreation Services Department Division**, specifically including by way of illustration and not limitation shelters in city parks and the Rotary Pavilion at Bicentennial Park, when signage displayed at such a facility indicates that the facility is rented and documentation from **either the Cultural Services Department and or the Recreation Services Department Division** authorizing the use of the facility by another individual, group, or entity is displayed to the person(s) attempting to unlawfully occupy or utilize the facility.
- (B) In accordance with G.S. § 14-4, any person who violates this section is guilty of a Class 3 misdemeanor and is subject to a fine of not more than \$500.

Section 5. A new Section 98.04 is hereby enacted as part of the Code of Asheboro, and this new section shall provide as follows:

§ 98.04 PROHIBITION OF ACTIVITIES THAT DAMAGE CITY PROPERTY

It is unlawful to engage in any action on the premises of a park or facility administered by the city's Cultural Services Department or Recreation Services Department that has not been explicitly approved by either of these departments as sanctioned cultural or recreational programming and has the effect of damaging the city's real or personal property. By way of illustration and not limitation, an activity that would fall within the scope of this prohibition is the use of a shovel or spade to disturb the ground in response to an alert signal from a metal detector. It is not the intent of this section, and the text of this section shall not be interpreted in any manner, that reduces or impairs the ability of the city to pursue civil actions to recover damages and/or seek the prosecution of individuals for committing criminal offenses such as trespass, injury to personal property, and injury to real property.

Section 6. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 7. This ordinance shall be in full force and effect upon and after March 15, 2014.

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

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

ATTEST:

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

EXHIBIT 1

**CITY OF ASHEBORO
CULTURAL AND RECREATION SERVICES
POLICY MANUAL**

Originally adopted by the Asheboro City Council on March 5, 1998, with the most recent revision effective March 15, 2014.

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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 retiree 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.~~

- 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 January 1 and expiring March December 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 Ashboro 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
Mayers 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 Yew 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 deposited, 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.

ORDINANCE NUMBER 02 ORD 3-14
CITY COUNCIL OF THE CITY OF ASHEBORO

Consumption and Possession of Alcoholic Beverages

WHEREAS, Chapter 98 of the Code of Asheboro contains regulations pertaining to the cultural and recreation services offered by the City of Asheboro; and

WHEREAS, over time, the City of Asheboro has modified the methodology utilized to deliver these services by the city's Cultural Services Department and Recreation Services Department; and

WHEREAS, in furtherance of the evolution of the methodologies used to deliver these services, the city's Recreation Services Superintendent has recommended, with the advice and consent of the City Manager, updating Chapter 98 (Cultural and Recreation Services) of the Code of Asheboro to reflect the current and proposed changes in the delivery of cultural and recreation services; and

WHEREAS, the Asheboro City Council concurred with the recommendations received from the City Manager and the Recreation Services Superintendent and did in fact update Chapter 98 of the Code of Asheboro by adopting Ordinance No. 01 ORD 3-14 on March 6, 2014; and

WHEREAS, Section 130.03 of the Code of Asheboro regulates the consumption and possession of alcoholic beverages in certain locations; and

WHEREAS, the amendment of Chapter 98 impacts the continuing compatibility of the text in Section 130.03 of the Code of Asheboro with the revised text found in Chapter 98; and

WHEREAS, the Asheboro City Council wishes to harmonize the text in Section 130.03 of the code with the recent amendments enacted in connection with Chapter 98 of the Code of Asheboro;

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

Section 1. Section 130.03 of the Code of Asheboro is hereby rewritten as follows:

§ 130.03 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN CERTAIN LOCATIONS

- (A) *Consumption of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume a malt

beverage or unfortified wine on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city.

(B) *Possession of open containers of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess open container(s) of malt beverages and unfortified wines on any public street, sidewalk or alley in the city; or on any other property owned, occupied, or controlled by the city. For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

(C) *Possession of malt beverages and unfortified wines on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.* It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public street, alley, or parking lot which has been temporarily closed to regular traffic for a special event.

(D) *Possession and consumption of fortified wine, spirituous liquor, and mixed beverages.* The possession or consumption of fortified wine, spirituous liquor, or mixed beverages is hereby prohibited on property owned or leased by the city.

(E) *Exceptions.* Notwithstanding the prohibitions prescribed by the above-listed divisions of this section, the following acts shall not be deemed to be unlawful:

(1) The possession or consumption of alcoholic beverages by either a sworn law enforcement officer acting in the performance of his or her official duties or a person acting under the immediate and direct supervision of a sworn law enforcement officer discharging his or her official duties.

(2) The possession or consumption of malt beverages at McCrary Park as part of collegiate or professional baseball events hosted by legal entities with whom the City of Asheboro has entered into a lease agreement for the use of McCrary Park; provided, however, any such malt beverages found within McCrary Park must have been obtained in accordance with a sale/distribution plan developed and implemented by the hosting legal entity in compliance with all applicable laws and administrative regulations.

(3) The possession or consumption of unfortified wine and malt beverages on the premises of the Sunset Theatre facility and Bicentennial Park facilities, including without limitation the Rotary Pavilion. The possession or consumption of unfortified wine and malt beverages on these premises will be lawful only if such possession or consumption is conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations adopted for the facility facilities, inclusive of any and all sale/distribution plans developed and implemented under the regulations as part of found in the City of Asheboro Cultural and Recreation Services Division Policy Manual.

(4) The possession of unfortified wine on the premises of the Downtown Farmers' Market facility. The possession of unfortified wine on these premises will be lawful only if such possession occurs as part of the retail sale by an approved Downtown Farmers' Market vendor of unfortified wine for off-premise consumption. The retail sale of unfortified wine shall be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations prescribed for the Downtown Farmers' Market in the City of Asheboro Cultural and Recreation Services Division Policy Manual.

(F) *Penalties.* Any person who violates the prohibitions prescribed by subsections (A), (B), and (C) shall be guilty of a misdemeanor in accordance with Section 14-4 of the North Carolina General Statutes.

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

Section 3. This ordinance shall be in full force and effect upon and after March 15, 2014.

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

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

[EXHIBIT 1 that is referenced in the immediately preceding Resolution is on file in the City Clerk's office.]

12. Report on the operation of the incident command center during the recent snow storm.

Mr. Ogburn reported on the operation of the incident command center during the February 11-13, 2014 snow storm. Once initial reports of the storm were made on Monday, February 10, 2014, city crews set up an incident command center at the City of Asheboro Public Works Facility which served as a central hub for the Fire Department, Police Department, and the city's Public Works employees. The center opened at 3:00 p.m. on Wednesday, February 11, 2014 in anticipation of the snow beginning early on the next morning. In addition to keeping track of snow removal vehicles, citizens could report dangerous road conditions to the incident command center.

Mr. Ogburn commented that the incident command center worked well, but some items will need to be improved in the future.

13. City Manager's update on Eastside Improvement Association funding request. [Agenda Item Number 15]

Mr. Ogburn reviewed a letter that was mailed to Mr. McNair of the Eastside Improvement Association requesting certain documentation on the current status of the Eastside Improvement Association regarding a funding request with the Asheboro City Council.

No formal action was taken by the Council on this item.

A copy of the said letter is on file in the City Clerk's office.

14. Proposed amendment to Chapter 71 (Parking Regulations) of the Code of Asheboro. [Agenda Item Number 13]

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.

Mr. Leonard presented and recommended adoption, by reference, of an ordinance amending Chapter 71 (Parking Regulations) of the Code of Asheboro. The proposed amendment would 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.

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

ORDINANCE NUMBER 03 RES 3-14
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 Clarification 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.

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

ATTEST:

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

15. An update on the application process for the National Civil League's All-America City Award. [Agenda Item Number 14]

Public Information Officer, Ms. Leigh Anna Johnson, gave insight on the city's application for the National Civil League's All-America City Award. Granted by the National Civic League, the All-America City Award is in its 65th year, and only ten (10) communities are recognized each year for their civic impact and action planning. Winning applicants demonstrate innovation, inclusiveness, civic engagement, and cross collaboration.

Ms. Johnson informed the Council that the city's application is due on March 18, 2014. The finalists will be announced in April 2014 in Denver, Colorado. The application must include community information, community statistics and map, and two written projects. The City of Asheboro application will include the following topics:

- Asheboro: Alive, Active and Able
- Shock of the Forbes publication
- New goals and initiatives
- About Asheboro
- Areas for improvement
 - Economic development
 - Growth and infrastructure
 - Improving the quality of life
- New and Improved Housing Opportunities
 - Support of Affordable Housing in Asheboro
 - Asheboro Mill Lofts
 - Sunset Place
 - Participation in the Housing Coalition

Ms. Johnson was excited about the city's application and solicited everyone's suggestions and ideas.

16. Public drop-in workshop showing proposed safety improvements to Vision Drive, March 27, 2014 from 4:00 p.m. until 7:00 p.m. at the city's public works building conference room.

Mayor Smith announced that there will be a public workshop regarding the proposed safety improvements to Vision Drive on March 27, 2014 from 4:00 p.m. until 7:00 p.m. at the City of Asheboro Public Works Building Conference Room.

There being no further business, the meeting was adjourned at 8:57 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on February 3, 2014

The Asheboro ABC Board met on February 3, 2014, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Member Steve Knight and General Manager Rodney Johnson (GM). Board Member Bob Morrison attended via telephone conference call. A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after the Chair and both Board members voiced having no conflict, and there being no objection, the agenda was adopted.

The Board reviewed and there being no objection, approved and signed the Minutes from the January 6, 2014, regular meeting.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent.

The Board reviewed a grant request for Alcohol Education and Rehabilitation funds for 1st and 2nd Quarter 2014 funds. After discussion, the Chair moved and the Board approved that \$1,955.94 be awarded to Alcohol and Drug Services.

There will be additional 1st and 2nd Quarter 2014 funds available after the award to Alcohol and Drug Services. The GM and Board members will contact agencies that have applied for funds in the past to remind them of available funds. Additional awards may be granted in the coming months.

There is a remainder of \$181 left from 4th Quarter 2013 funds. These funds will be added to and distributed with 1st Quarter 2014 awards.

The Board heard reports from the General Manager concerning the following issues:

1. A computer will be purchased to replace an old XP operating system computer. Also two new printers will be purchased to replace older ones.
2. The Change-Fund Report ending January 31, 2014, was reviewed with nothing remarkable noted.
3. Asheboro ABC sales statistics comparing:
 - January 2014 sales with the previous month indicate:
 - An overall -37.8% change (all sales and tax collections)

- January 2014 sales with sales from the same month last year indicate:
 - Retail Sales +6.6%
 - Mixed Beverage Sales: +9.0%
 - Sales Tax Collections: +6.7%
 - Overall Collections: +6.9%

- January 2014 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +11.3%
 - Mixed Beverage Bottle Sales: +5.1%
 - Overall Bottle Sales: +10.9%

Charts reflecting sales histories were handed out to Board members for review and discussion.

The next regular Asheboro ABC Board meeting will be held Monday, March 3, 2014.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board

2-3-14


GM

Stephen R Knight
Rodney Johnson

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on March 3, 2014

The Asheboro ABC Board met on March 3, 2014, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Board Member Steve Knight and Bob Morrison and General Manager Rodney Johnson (GM). Chair Brooke Schmidly attended via telephone conference call. A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after the Chair and both Board members voiced having no conflict, and there being no objection, the agenda was adopted.

The Board reviewed and there being no objection, approved and signed the Minutes from the February 3, 2014, regular meeting.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent.

The Board reviewed grant requests from Randolph Fellowship Homes and Randolph County Schools seeking 1st and 2nd Quarter 2014 Alcohol Education and Rehabilitation funds. After review of the grant proposals, the Chair moved and the Board approved disbursement of up to \$10,000 to Randolph County Schools to fund Prom Promise programs at all Randolph County High Schools and Asheboro High School.

Asheboro ABC Board Policy Section 41 currently provides a formula for reimbursing eligible employees certain costs for their private healthcare policies. These healthcare costs have been reimbursed using pre-taxed monies; however, due to changes in the Affordable Health Care Act taking place January 1, 2014, such reimbursements must be taxed in the same manner as earned income. After discussion, Board Member Steve Knight moved and the board approved increasing the reimbursement formula in Policy Section 41 to cover the increased tax costs.

The GM and all Board members will be attending a program sponsored by the Asheboro/Randolph Chamber of Commerce on Monday, April 7, 2014, starting at 5:30 pm; the same date and time as the Board's next regular meeting. To accommodate the conflict, the Board will begin its meeting at 5:00 pm. The GM is instructed to make the required public notice of the meeting time change.

The Board heard reports from the General Manager concerning the following issues:

1. The Change-Fund Report ending February 28, 2014, was reviewed with nothing remarkable noted.

2. Asheboro ABC sales statistics comparing:

- February 2014 sales with the previous month indicate:
 - An overall +3.2% change (all sales and tax collections)

- February 2014 sales with sales from the same month last year indicate:
 - Retail Sales +4.0%
 - Mixed Beverage Sales: -0.8%
 - Sales Tax Collections: +4.0%
 - Overall Collections: +3.4%

- February 2014 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +6.4%
 - Mixed Beverage Bottle Sales: -1.4%
 - Overall Bottle Sales: +5.9%

Charts reflecting sales histories were handed out to Board members for review and discussion.

The next regular Asheboro ABC Board meeting will be held Monday, April 7, 2014, at 5:00 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 4-7-14 
GM

J. Burke David
Stephen R Knight
Robt M...

**BID SUMMARY
CHEMICALS
FOR THE CITY OF ASHEBORO
WATER/WASTEWATER TREATMENT PLANTS
MARCH 13, 2014**

The City of Asheboro received eight (8) bid packages listed on the attached Bid Tabulation Sheet at 2:00 PM, March 13, 2014. These bids are for four (4) chemicals needed for operations at the Water/Wastewater Treatment Plants. These bids included furnishing chemicals to the plants for the time period from April 16, 2015 to April 15, 2016. A minimum of three (3) bids was received for all chemicals except Sodium Hypochlorite.

Bids for Liquid Caustic, Fluosilicic Acid, and Sodium Hypochlorite were solicited via advertising in accordance with City practice but the total purchasing amount for these chemicals is under the formal bidding threshold.

It is recommended that the contracts to purchase chemicals from April 16, 2012 to April 15, 2013 be awarded to the responsive low bidders as listed below:

<u>Chemical</u>	<u>Company</u>	<u>Price</u>
Liquid Alum	Chemtrade Chemicals US, LLC	\$285.00/Ton
Liquid Caustic	UNIVAR USA	\$430.00/Ton
Fluosilicic Acid	Key Chemicals, Inc	\$429.00/Ton
Sodium Hypochlorite	JCI Jones Chemicals	\$0.57/Gal

By: _____
Michael D. Rhoney, P.E.
Water Resources Director

City of Asheboro March 13, 2014 Chemical Bid Tabulations

Company Name	Liquid Alum	Liquid Caustic	Floulsilcic Acid	Sodium Hypochlorite 12%
Amerochem Co NSF CERT ()	No Bid	No Bid	No Bid	No Bid
Brenntag NSF CERT ()	No Bid	No Bid	No Bid	No Bid
C & S Chemicals NSF CERT (X)	\$386.00	No Bid	No Bid	No Bid
Chemtrade Chemicals US LLC NSF CERT (X)	\$285.00	No Bid	No Bid	No Bid
Delta Chemical Corp NSF CERT ()	No Bid	No Bid	No Bid	No Bid
GEO Specialty Chemicals NSF CERT (X)	\$384.00	No Bid	No Bid	No Bid
Harcross Chemicals NSF CERT ()	No Bid	No Bid	No Bid	No Bid
JCI Jones Chemicals NSF CERT (X)	No Bid	\$483.00	No Bid	\$0.570
Kemira Water Solutions, Inc NSF CERT ()	No Bid	No Bid	No Bid	No Bid
Key Chemicals, Inc NSF CERT (X)	No Bid	\$499.00	\$429.00	No Bid
Mosaic Crop Nutrition, LLC NSF CERT (X)	No Bid	No Bid	\$565.00	No Bid
Pencco, Inc. NSF CERT (X)	No Bid	No Bid	\$444.75	No Bid
Suffolk Sales & Service Corp NSF CERT ()	No Bid	No Bid	No Bid	No Bid
Univar USA NSF CERT (X)	\$287.00	\$430.00	No Bid	\$0.658
NSF CERT ()				

MINIMUM BID	\$285.00	\$430.00	\$429.00	\$0.570
MAXIMUM BID	\$386.00	\$499.00	\$565.00	\$0.658

**City of Asheboro
Finance Office**

To: John N. Ogburn III, City Manager
From: Debbie Reaves, Finance Director
Date: April 4, 2014
Re: Budget Amendments for Council Meeting 4-10-14

Attached are three budget amendments for City Council consideration & adoption at the April 10th Council Meeting: Ordinance to Amend the General Fund, Ordinance to Amend the Water & Sewer Fund and an Ordinance to Amend the Sunset Theatre Project Fund. While we have discussed these individual changes, I have summarized the changes for you below.

Changes impacting both General Fund (GF) and Water & Sewer Fund (W&S):

- Unemployment Insurance – Increase in expense due to requirement that the government pay into an unemployment fund at a level equivalent to 1% of taxable wage up to \$21,100 per person. Going forward, claims will be deducted from this fund and the City will replenish annually to account for these claims and changes in wage base. – increase of \$69,090 GF, \$17,773 W&S
- Workers Compensation Insurance – increase in expense due to claims – increase of \$5,810 GF, \$1000 W&S
- Fringe- Medical Insurance- Increase due to high health insurance claims – increase of \$272,333 GF, \$74,000 W&S

General Fund Changes:

- Police Department: Increase in expenditures associated with decision to use asset forfeiture funds to purchase additional safety equipment and radios needed in association with new communication standards – increase of \$427,000
- Environmental Services Department: Garbage truck budgeted for and ordered in FY 2012-2013 was not built and delivered until we were in operating budget 2013-2014 – increase \$247,000

- Arts & Cultural Services Department – Sunset Theatre Debt Payment. Funds for this payment are being transferred from the Sunset Theatre Capital Project. Increase of \$43,800
- Recreation Services Department – McCrary Ball Park expenses & Tennis Court - Summey Engineering Study at McCrary Ball Park, repairs to current seating at McCrary Ball Park and final expenses associated with Tennis Court Renovation completed in FY 2013-2014 – increase of \$39,200
- Library: New elevator at Sunset Avenue Friends of the Library location. Increase of \$38,000
- Facilities Maintenance: Roof Repairs at Family Crisis Center – Increase of \$11,000

Water & Sewer Fund Changes:

- Water Plant –Filter Media Improvements moved to future budget year –possibly FY 15-16
- Waste Water Treatment Plant – Move payment of Digester improvements to Budget Year 2014-2015 due to contract bid and award time schedule. This expense will be included in the FY 2014-2015 recommended budget

Revenue Changes:

The above referenced General Fund and Water & Sewer Fund expenditure changes will be paid for out of fund balance allocations.

\$726,233 in GF,
 \$427,000 from GF Reserved Asset Forfeiture funds
 \$92,733 from W&S

Sunset Theatre Project Fund Changes:

- Record additional campaign contributions received as well as changes in expenditures as noted in amendment itself.

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2013-2014**

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following Revenue line item be increased / (decreased):

<u>Account #</u>	<u>Description</u>	<u>increase / (decrease)</u>
10-350-0200	US Justice Funds DEA	427,000
10-399-0000	Fund Balance Allocation	726,233
	Total Increase / Decrease	1,153,233

Section 1: That the following Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
10-420-0800	Unemployment Insurance 2013-2014	68
10-440-0800	Unemployment Insurance 2013-2014	851
10-450-0800	Unemployment Insurance 2013-2014	690
10-480-0800	Unemployment Insurance 2013-2014	805
10-490-0800	Unemployment Insurance 2013-2014	1,668
10-510-0800	Unemployment Insurance 2013-2014	21,236
10-530-0800	Unemployment Insurance 2013-2014	12,845
10-540-0800	Unemployment Insurance 2013-2014	532
10-545-0800	Unemployment Insurance 2013-2014	920
10-550-0800	Unemployment Insurance 2013-2014	3,106
10-555-0800	Unemployment Insurance 2013-2014	4,137
10-565-0800	Unemployment Insurance 2013-2014	5,368
10-575-0800	Unemployment Insurance 2013-2014	900
10-580-0800	Unemployment Insurance 2013-2014	4,650
10-585-0800	Unemployment Insurance 2013-2014	224
10-590-0800	Unemployment Insurance 2013-2014	1,267
10-615-0800	Unemployment Insurance 2013-2014	528
10-620-0800	Unemployment Insurance 2013-2014	3,115
10-625-0800	Unemployment Insurance 2013-2014	537
10-640-0800	Unemployment Insurance 2013-2014	5,643
10-410-5800	Workers Compensation Insurance	10

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2013-2014

10-440-5800	Workers Compensation Insurance	253
10-550-5800	Workers Compensation Insurance	5,000
10-585-5800	Workers Compensation Insurance	45
10-590-5800	Workers Compensation Insurance	502
10-410-0704	Fringe- Insurance	7,333
10-420-0704	Fringe- Insurance	1,833
10-440-0704	Fringe- Insurance	2,750
10-450-0704	Fringe- Insurance	1,833
10-480-0704	Fringe- Insurance	1,000
10-490-0704	Fringe- Insurance	6,417
10-510-0704	Fringe- Insurance	87,083
10-530-0704	Fringe- Insurance	49,500
10-540-0704	Fringe- Insurance	2,750
10-545-0704	Fringe- Insurance	2,750
10-550-0704	Fringe- Insurance	10,083
10-555-0704	Fringe- Insurance	17,417
10-565-0704	Fringe- Insurance	20,167
10-575-0704	Fringe- Insurance	3,667
10-580-0704	Fringe- Insurance	20,167
10-585-0704	Fringe- Insurance	917
10-590-0704	Fringe- Insurance	4,583
10-615-0704	Fringe- Insurance	1,833
10-620-0704	Fringe- Insurance	8,250
10-625-0704	Fringe- Insurance	1,833
10-640-0704	Fringe- Insurance	20,167
10-510-3500	Small Equipment	387,000
10-510-7400	Capital Outlay	40,000
10-580-7400	Capital Outlay	247,000
10-615-8100	Principal on Debt	42,000
10-615-8200	Interest on Debt	1,800
10-620-0400	Professional Services	30,000
10-620-1503	Maintenance & Repair- bldg	6,000
10-620-1507	Maintenance & Repair- bldg	3,200
10-630-1501	Maintenance & Repair- bldg	38,000
10-640-1504	Maintenance & Repair -bldg	11,000
	Increase / (Decrease)	1,153,233

Adopted this 10th day of April, 2014

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

**ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2013-2014**

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in revenues and expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following Revenue line item be increased (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
30-385-0100	Proceeds from Lease Purchase	(1,757,000)
30-399-0000	Fund Balance Allocation	92,773
	Increase / Decrease	(1,664,227)

Section 2: That the following Expense line item be increased (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
30-720-0800	Unemployment insurance 2013-2014	932
30-810-0800	Unemployment insurance 2013-2014	1,585
30-820-0800	Unemployment insurance 2013-2014	1,892
30-830-0800	Unemployment insurance 2013-2014	2,985
30-840-0800	Unemployment insurance 2013-2014	2,186
30-850-0800	Unemployment insurance 2013-2014	3,521
30-860-0800	Unemployment insurance 2013-2014	658
30-870-0800	Unemployment insurance 2013-2014	2,544
30-880-0800	Unemployment insurance 2013-2014	1,470
30-820-5800	Workers Compensation Insurance	1,000
30-720-0704	Fringe- Insurance	4,000
30-810-0704	Fringe- Insurance	8,000
30-820-0704	Fringe- Insurance	8,000
30-830-0704	Fringe- Insurance	12,000
30-840-0704	Fringe- Insurance	9,000
30-850-0704	Fringe- Insurance	15,000
30-860-0704	Fringe- Insurance	2,000
30-870-0704	Fringe- Insurance	11,000
30-880-0704	Fringe- Insurance	5,000
30-830-0400	Professional Services	32,000

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2013-2014

30-820-4500	Contracted Services	(757,000)
30-830-7400	Capital Outlay	(1,000,000)
30-830-7200	Transfer to Project 72 (Economic Development Fund)	(32,000)
	Increase / Decrease	(1,664,227)

Adopted this 10th day of April, 2014

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

**ORDINANCE TO AMEND
SUNSET THEATRE PROJECT (FUND #67)
FY 2013-2014**

WHEREAS, the current adopted budget for the Sunset Theatre Project is in the amount of \$2,748,570, and;

WHEREAS, the budget as adopted requires amendment relating to accounting for additional campaign contributions received, payment of debt service in the General Operating Fund instead of payment in the project fund and changes in expenditures associated with the purchase of furnishings, audio visual equipment and decorations once the construction renovation was completed, and;

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to account for these changes in comparison to the current adopted budget, and;

WHEREAS, the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following Revenue line item be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
67-370-0000	Campaign Contributions	110,540
	Total	110,540

Section 2: That the following Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / (Decrease)</u>
67-870-0010	Furnishings	26,000
67-870-0020	Audio Visual Equipment	28,000
67-870-0000	Miscellaneous	12,000
67-880-0000	Construction	25,000
67-890-0000	Contingency	(24,260)
67-830-0000	Contribution to GF- Debt service	43,800
	Total	110,540

ORDINANCE TO AMEND
SUNSET THEATRE PROJECT (FUND #67)
FY 2013-2014

Adopted this 10th day of April, 2014

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE NUMBER
CITY COUNCIL OF THE CITY OF ASHEBORO

Downtown Farmers' Market Regulations

WHEREAS, the City of Asheboro Cultural Services Department has been tasked with operating the Downtown Farmers' Market (the "Market"), and the Cultural Services Department utilizes the City of Asheboro Cultural and Recreation Services Policy Manual as the manual that contains the rules and regulations applicable to the facilities operated by the department on behalf of the city; and

WHEREAS, Section 98.01 (Adoption by Reference) of the Code of Asheboro provides that the City of Asheboro Cultural and Recreation Services Policy Manual (the "Manual") has been adopted by the Asheboro City Council by reference and made a part of the Code of Asheboro; and

WHEREAS, within the Manual, Article XI contains the regulations governing the operation of the Market; and

WHEREAS, with the enactment of Session Law 2013-414, the North Carolina General Assembly amended Section 66-255 of the North Carolina General Statutes in a manner that requires the maintenance of a daily registration list of vendors at the Market as well as requiring vendors to make certain documentation available for posting and inspection; and

WHEREAS, due to these legislative changes, the applicable Market rules and regulations must be amended to reflect the changes in state law; and

WHEREAS, the proposed amendments to the regulations governing the operation of the Downtown Farmers' Market are attached hereto as EXHIBIT 1 and are hereby incorporated into this ordinance by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council concurs with the recommendations received from the staff members in the Cultural Services Department;

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

Section 1. Article XI of the City of Asheboro Cultural and Recreation Services Policy Manual is hereby rewritten to provide as specified in EXHIBIT 1. All articles, sections, and provisions of the said manual that are not expressly modified by EXHIBIT 1 will continue in full force and effect without alteration.

Section 2. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect upon and after the 11th day of April, 2014.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of April, 2014.

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

ATTEST:

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

EXHIBIT 1

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 Services Department 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 Recreation Services Superintendent, the Program Assistant (Cultural Services) 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 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 Recreation Services Superintendent (hereinafter referred to as the "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 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 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 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 Administered by the Cultural and Recreation Services Departments. 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.

In addition to conducting daily inspections and documenting these inspections on a daily inspection form, the Market Coordinator shall also maintain a daily registration list of all vendors selling or offering goods for sale at the Market. At the discretion of the Market Coordinator, the daily registration list and daily inspection form may be combined into a single document or maintained as separate stand-alone forms. At a minimum, any document utilized as the daily registration list must be maintained by the Market Coordinator for no less than two years and must be made available, at any time, when requested by any law enforcement officer or a duly authorized agent of the Secretary of Revenue. These requirements pertaining to the daily registration list must be strictly enforced in order for the city to remain in compliance with Section 66-255 of the North Carolina General Statutes.

Pursuant to the applicable statutory provisions, the entries on the prescribed daily registration list must clearly and legibly show each vendor's name, permanent address, and certificate of registration number. The certificate of registration number to be shown on the daily registration list pertains to the certificate of registration that, in compliance with Section 66-252 of the North Carolina General Statutes, must be obtained from the Department of Revenue before a vendor may engage in business. Along with providing the certificate of registration number for the daily registration list, each vendor must exhibit a valid certificate of registration for visual inspection by the Market Coordinator when the daily registration list is prepared, and each vendor must keep the certificate of registration conspicuously and prominently displayed so as to be visible for inspection by patrons of the vendor at the location where the vendor's goods are offered for sale.

By way of clarification and not as a limitation on the city's enforcement options, and with one exception, no vendor will be allowed to set up or remain on the premises of the Market if the vendor fails to fully and unequivocally comply with the requirements found in the two immediately preceding paragraphs. The one exception pertains to those vendors, who at their own risk, wish to claim an exemption from the requirement to display a valid certificate of registration on the basis of the exemptions to Article 32 of Chapter 66 of the North Carolina General Statutes that are found in Section 66-256 of the North Carolina General Statutes. If a vendor wishes to claim this exemption, the vendor must indicate this decision in writing on the daily registration list. While the city will allow a vendor claiming such an exemption to participate in the Market without displaying a certificate of

registration, there are no exemptions or exceptions from the requirement to provide the requested information on the daily registration list (the word "Exemption" should be written in the space for the certificate of registration number if the exemption is claimed). Each and every vendor, without exception, must actively and fully cooperate with the completion of the daily registration list if the vendor wishes to be allowed to participate in the Market and remain on the premises of the Market.

- 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. 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.
- 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 Recreation Services Superintendent 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 Recreation Services Superintendent 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 Services Department.
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 Recreation Services Superintendent.

**RESOLUTION AWARDING A SERVICE SIDE ARM TO A RETIRING OFFICER
OF THE ASHEBORO POLICE DEPARTMENT**

WHEREAS, effective June 1, 2014, Master Police Officer Brenda Carol McMasters will begin her retirement from employment with the Asheboro Police Department after rendering honorable and invaluable service to the City of Asheboro and its citizens since the date of her initial employment with the Asheboro Police Department on May 19, 1999; and

WHEREAS, pursuant to and in accordance with Section 20-187.2 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Officer McMasters for her valuable service to the city by awarding to her, at a minimal monetary cost, the service side arm issued to the officer at the time of her retirement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective June 1, 2014, in consideration of the combination of Officer McMasters' dedicated service to the City of Asheboro and the payment to the City of Asheboro of one dollar (\$1.00), Brenda Carol McMasters is to be awarded, upon a determination by the Chief of Police that Ms. McMasters is not ineligible to own, possess, or receive a firearm under the provisions of federal or North Carolina law, ownership of her city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS974 and three magazines).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 10th day of April, 2014.

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

ATTEST:

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



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

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 2/3/14 PB
3/6/14 and 4/10/14 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

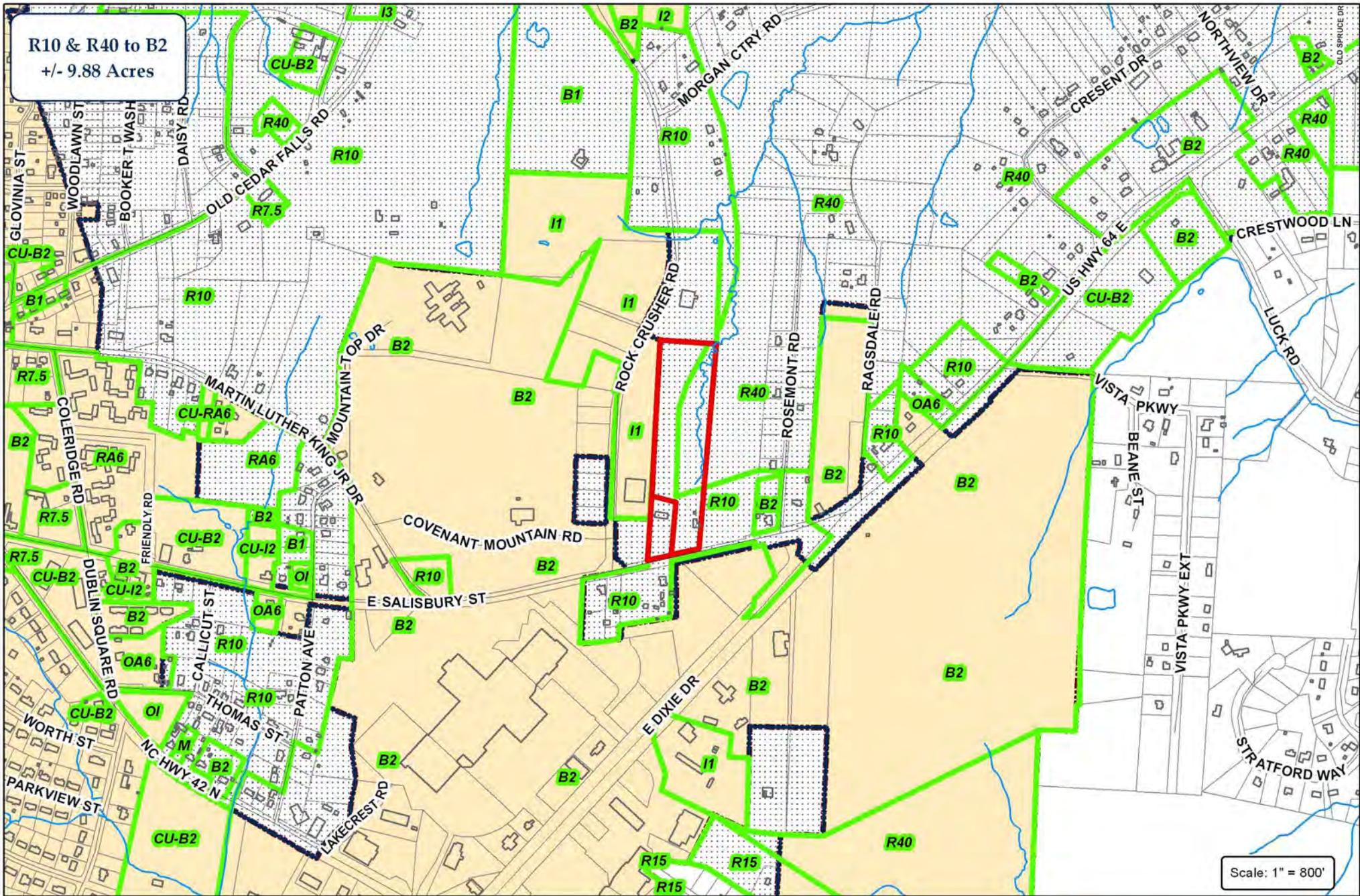
Reason for Recommendation

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

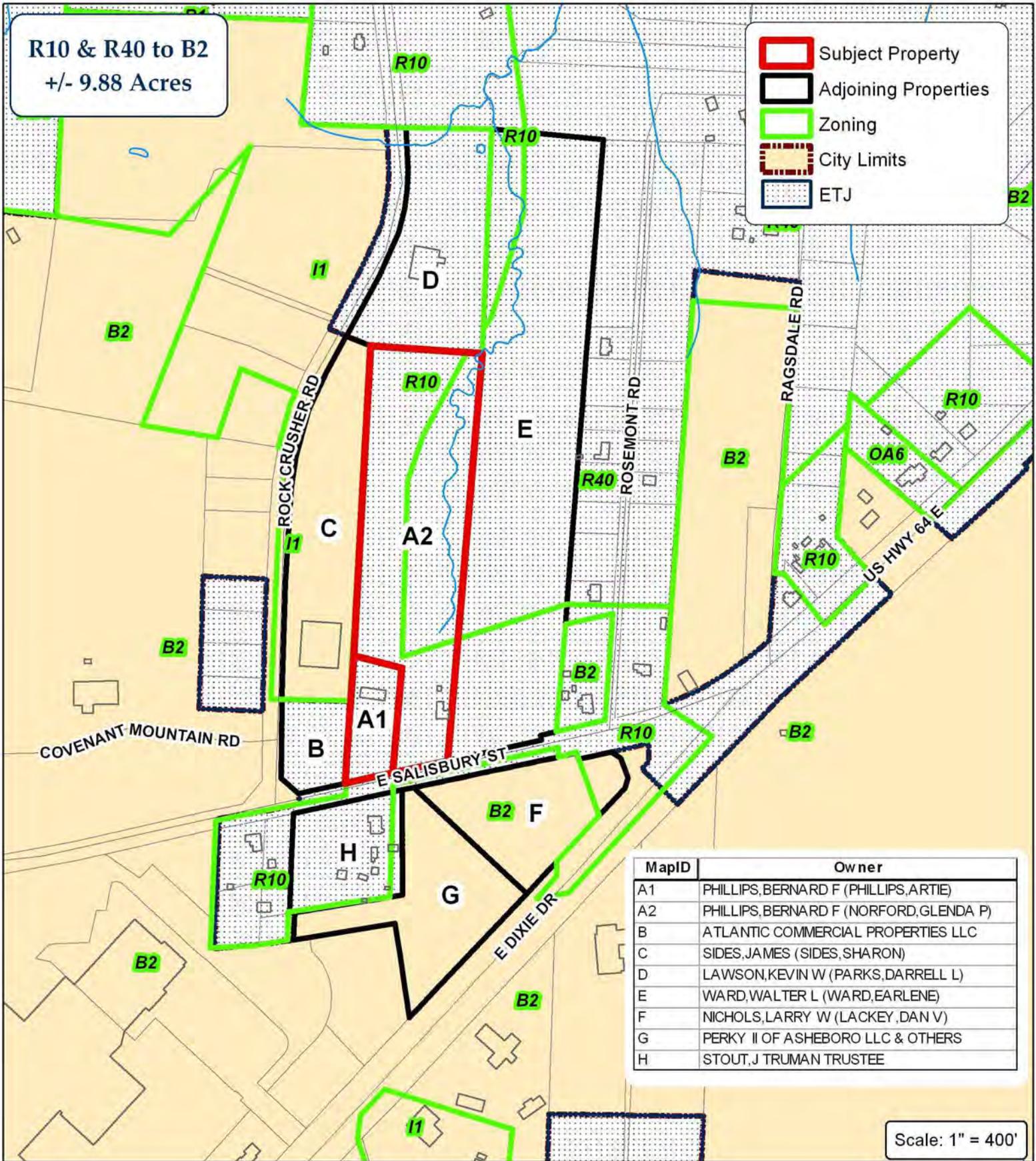


City of Asheville
Planning & Zoning Department
Rezoning Case: RZ-14-01
Parcel: 7761723581 & 7761735006



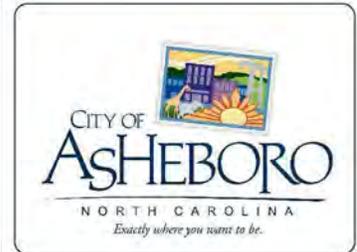
R10 & R40 to B2
+/- 9.88 Acres

-  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

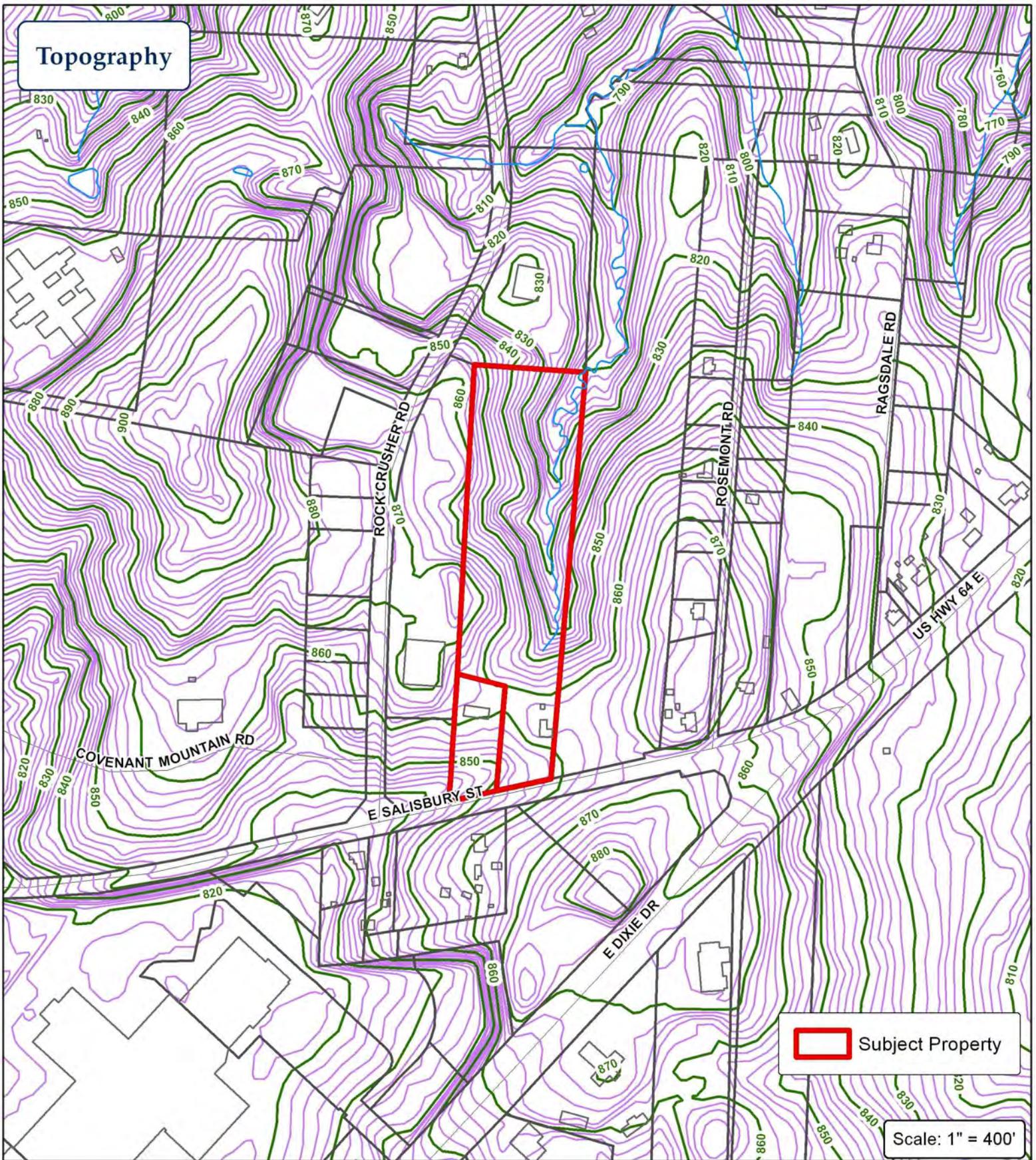
Scale: 1" = 400'



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

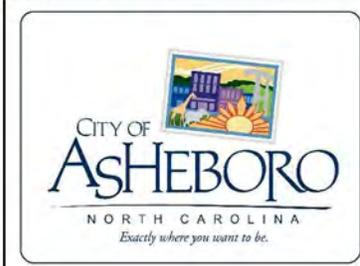
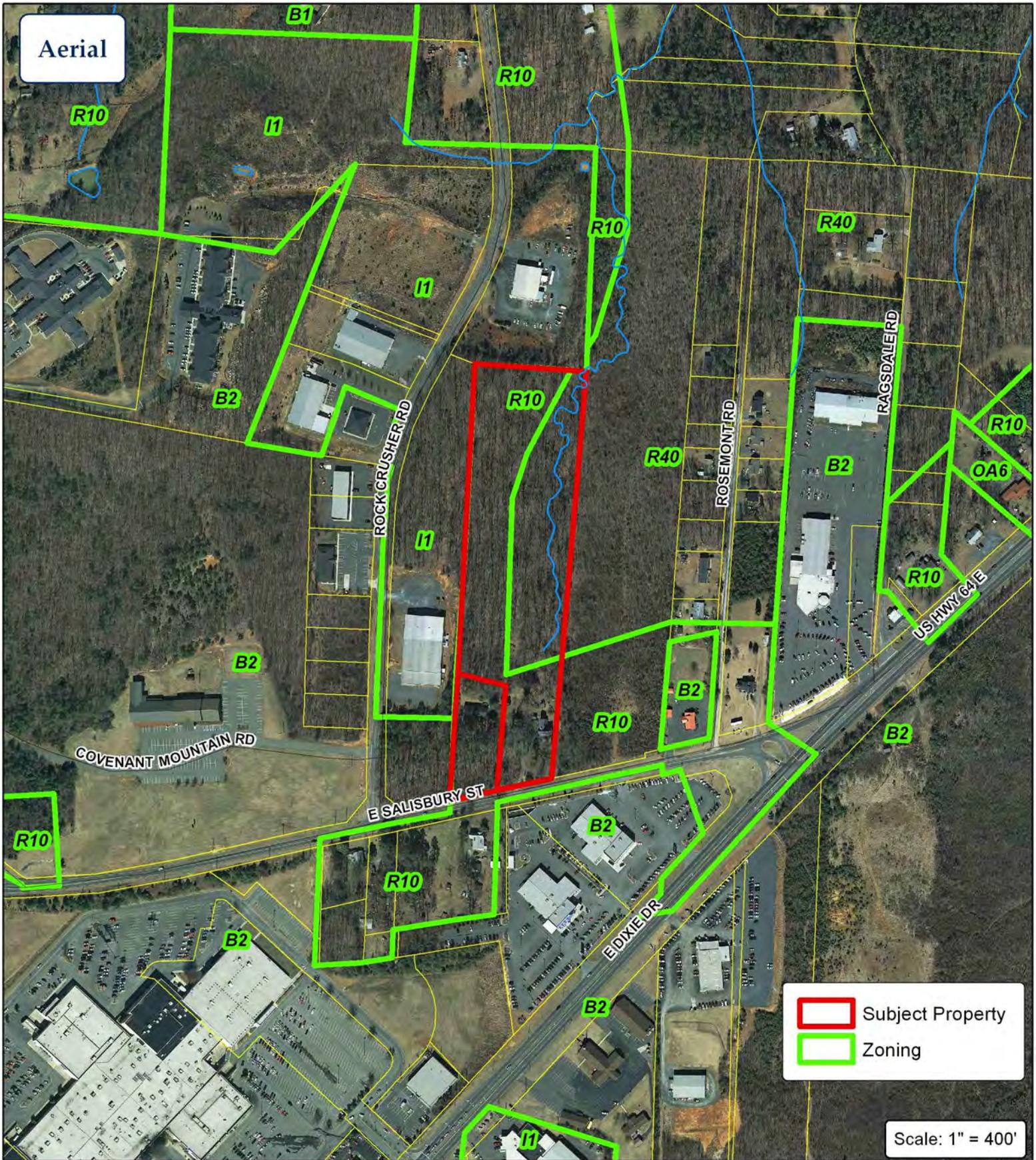


Topography



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

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

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

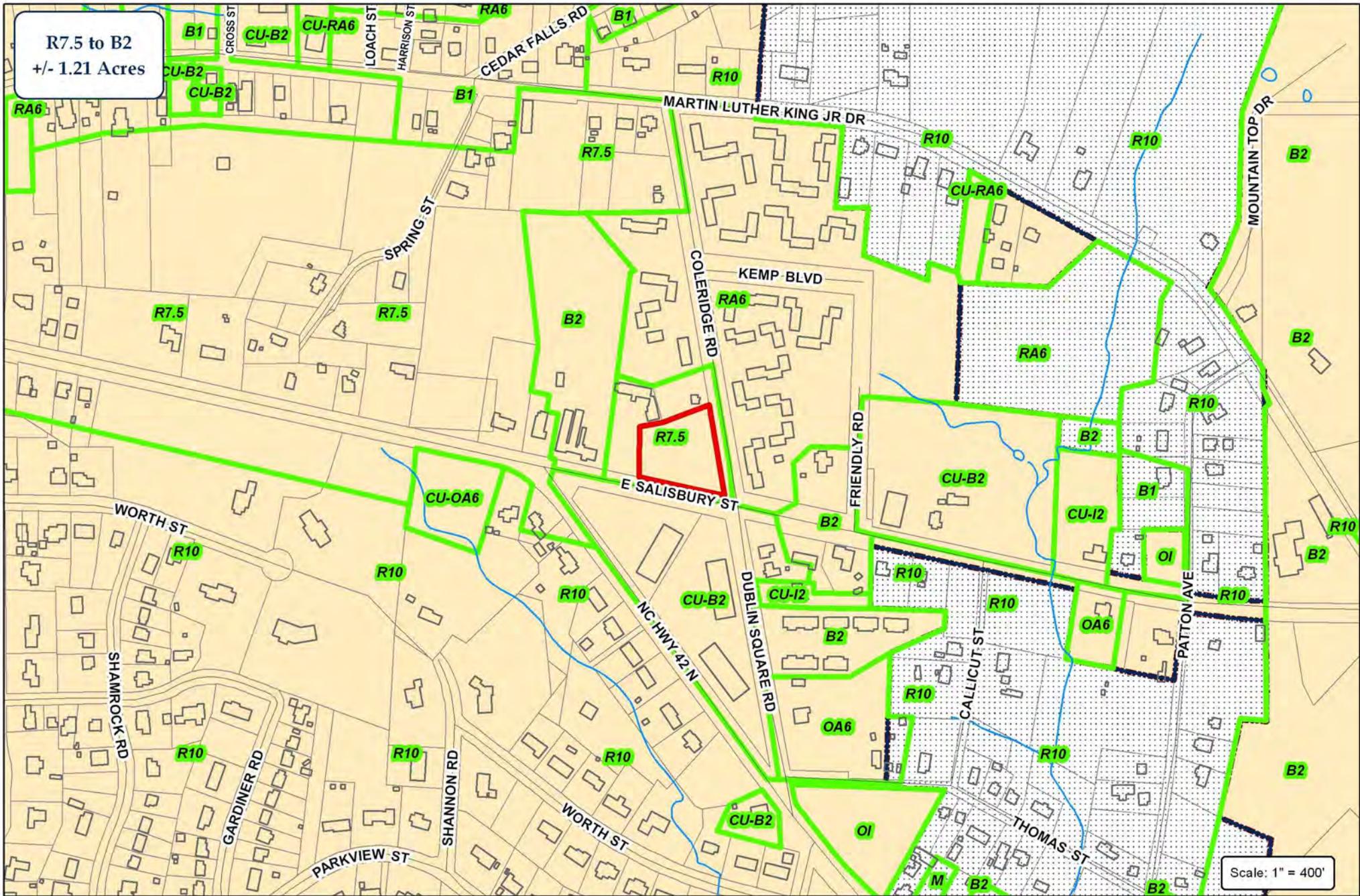
Reason for Recommendation

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.

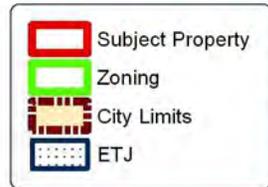
Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

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

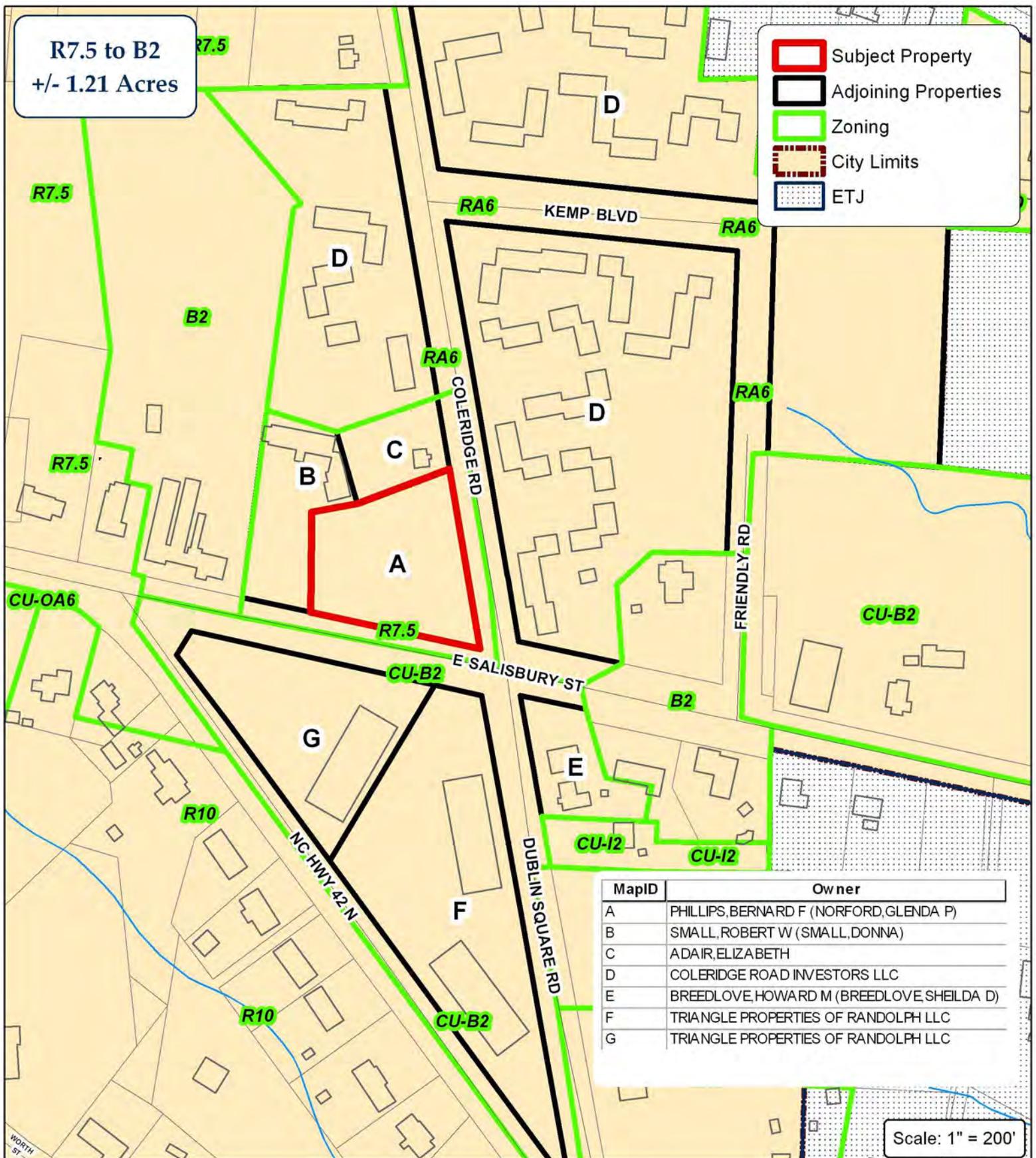


City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-02
Parcel: 7761327507



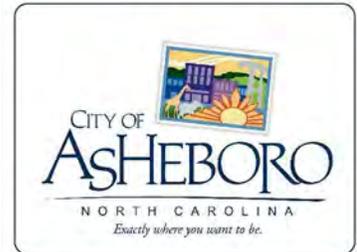
R7.5 to B2
+/- 1.21 Acres

-  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'

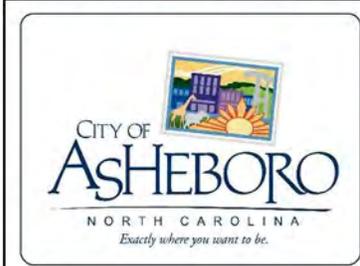
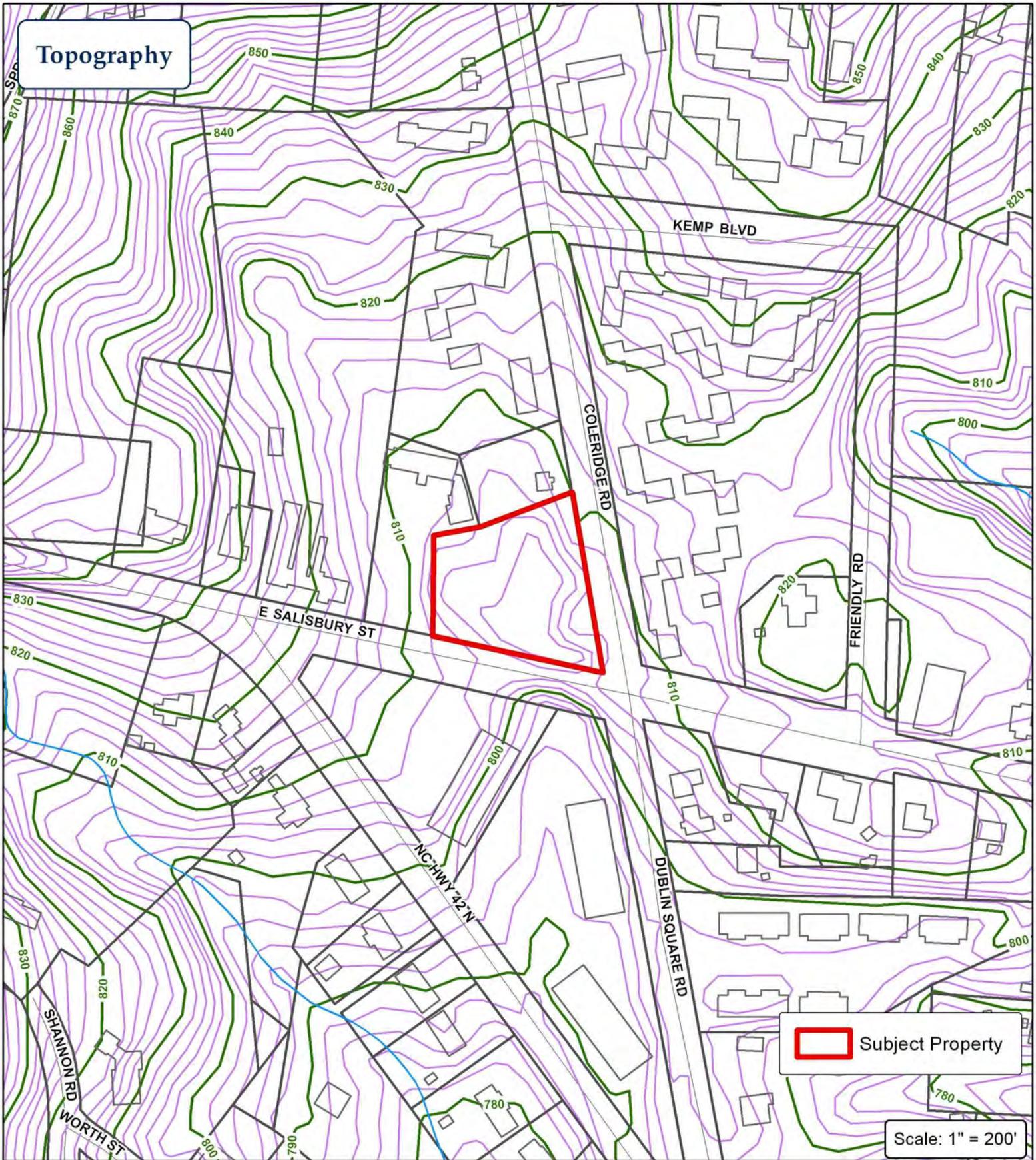


City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-14-02

Parcel: 7761327507

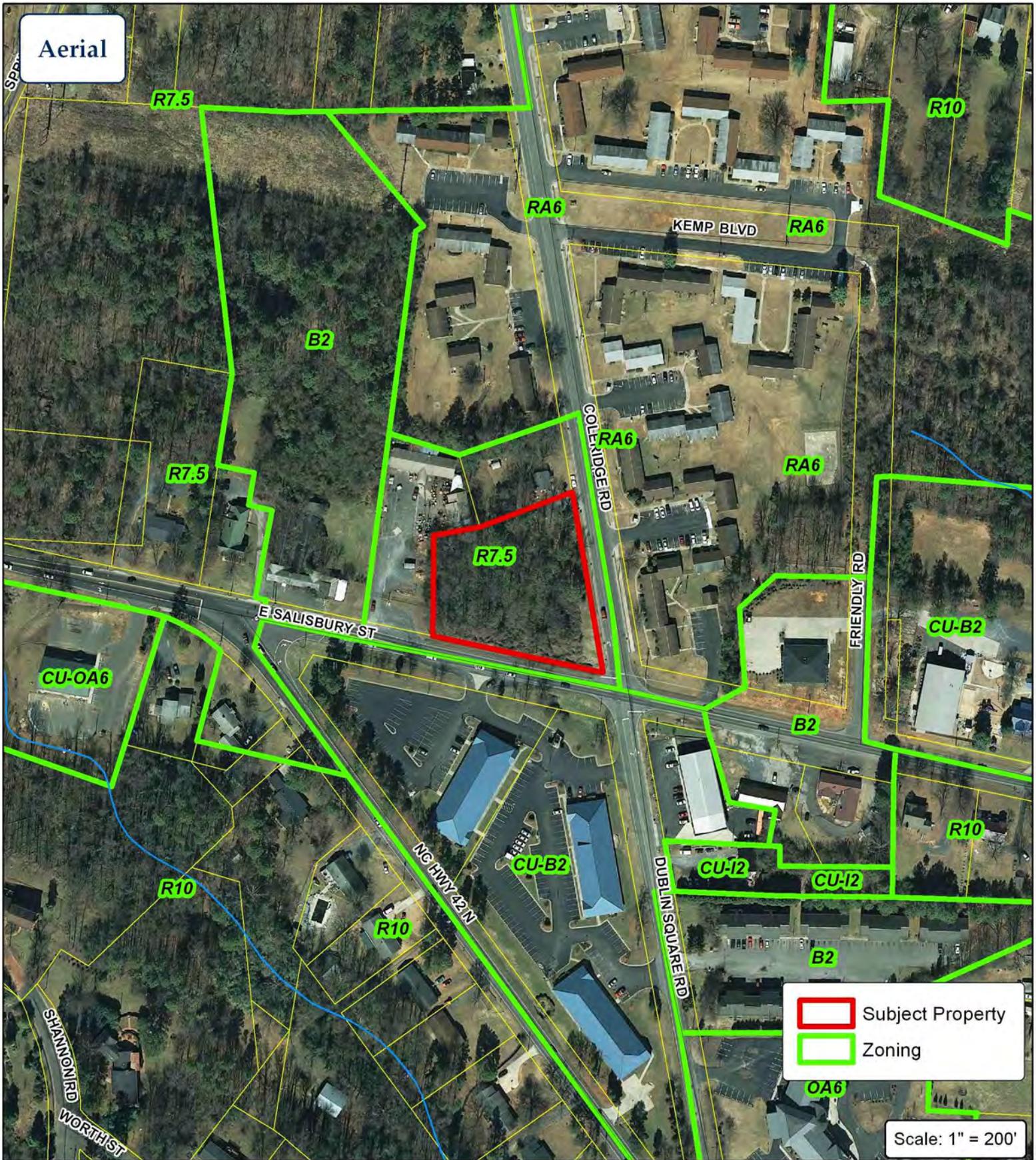




City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-02
Parcel: 7761327507



Aerial



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





INTEREST FORM FOR SERVICE ON BOARDS AND COMMISSIONS

Name Ann M. McGlchon

Address 203 Sunset Dr. N.

Phone 336-625-1303 E-mail amcglchon@hotmail.com

You must be at least 18 years of age to serve on a board, commission or authority. Do you meet this requirement? Yes No

Do you live within the City Limits of the City of Asheboro? Yes No

Do you live within the City of Asheboro's Extraterritorial Planning Jurisdiction? Yes No

Indicate board/commission/authority on which you would be interested in serving (check all that apply)
(For information on these groups, visit the City's Web site at www.asheboronc.gov.)

- Airport Authority
- Asheboro ABC Board
- Community Appearance Commission
- Planning Board/Board of Adjustment
- Redevelopment Commission
- Retiree Attraction Committee
- Sports Policy Review Committee
- Other: _____

Are you interested in serving in any other community volunteer activities? Yes No
If yes, please indicate what types of opportunities you would be interested in or what special skills you may be able to offer:

I would be glad to help in anyway that I could.

Why do you wish to serve the City in this capacity? I would like to be apart of the future growth & development of the hometown that I love.

Has a formal adjudication or determination of professional misconduct or criminal conduct ever been entered against you in any jurisdiction?

Yes No If yes, explain complete disposition. _____

PROFESSIONAL EXPERIENCE

Randolph Public Library-Randolph County, Asheboro, NC, United States

Town Library Consultant January 1990 - December 2013

- Knowledgeable about all aspects of services provided by county libraries. Able to fill in for any position as required when other employees were out. Helped with special projects as needed. Provided continuity of services when regular staff were otherwise disposed

EDUCATION

Randolph Community College, Asheboro, NC

Associate Degree in Early Childhood Education, May 1983

- Achieved to enhance career working with developmentally delayed and handicapped kids while working for Randolph County Mental Health. It led to a new career working within the Asheboro City School system.

Additional Skills

- Served as key coordinator for both state and county Quiz Bowls sponsored by the state library for several years. Worked with hundreds of high school students that made up the Quiz Bowl teams from across the county. 8 teams went to the state competition level.
- Worked with teenagers to determine what books and materials they were interested in. procured same. and helped to provide a safe learning environment for teens at the library. During the period of responsibility for the Young Adult section, work supported teens at all levels of learning ability as well as parents and teachers.
- Served as teacher's assistant with the Asheboro City Schools for 4 plus years at the elementary level. Also spent over 7 years as a teacher with the Developmental Center of Randolph County Mental Health working with developmentally delayed and handicapped children and their parents.



Item 4(d)

March 31, 2014

NCDOT, Division 8 District 1
Attn: Jeff Loflin, District Engineer
Delivery Via Electronic Mail to: jloflin@ncdot.gov

RE: Comments Received for Vision Dr. (SR 2269) Improvements

Dear Mr. Loflin:

I want to again thank you and all of the NCDOT staff who have been involved in planning for improvements to Vision Drive that will enhance public safety. The professionalism and cooperation exhibited by you and the staff are very much appreciated.

I am including in this correspondence comments, both verbal and written, received at the public workshop held on March 27, 2014 as well as letters submitted regarding the project. Should any additional comments or letters be received, I will be sure to forward them to your office.

Workshop Comments (in no particular order):

1. Consider a "turn-lane for Woodland Hill" to accommodate right-turns into the facility. (written comment attached)
2. Ensure delivery trucks traveling east on Vision Dr. can navigate the left-turn in front of Woodland Hill to get back to the Hospice driveway. (verbal comment from Carolina House representative)
3. Consider reducing the speed limit from 55 mph to 45 mph as a part of the project.
4. According to Fire Chief Roy Wright, the city's longest fire truck anticipated to be in the fleet after completion of the project is 46 feet. Please ensure that such a vehicle can navigate the left-turn in front of Woodland Hill to get back to the Hospice driveway.

I know that you will continue to keep the city apprised of this project and any important developments going forward. Feel free to call me at (336) 626-1201 ext. 223 should you need anything.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor L. Nuttall".

Trevor L. Nuttall, Director

146 N. Church Street
PO Box 1106

Asheboro, NC 27204

Tel: 336-626-1201
Fax: 336-626-1218

Vision Drive Public Workshop: March 27, 2014

Please write any comments, concerns, or questions below:

Suggestion: "Turn lane" for Woodland Hill



RANDOLPH COUNTY
DEPARTMENT OF PLANNING & DEVELOPMENT
204 East Academy Street • Post Office Box 771
Asheboro, North Carolina 27204-0771
Telephone: (336) 318-6555 • Fax: (336) 318-6550

March 26, 2014

Trevor Nuttall
Community Development Director
City of Asheboro
146 North Church Street
Asheboro, NC 27203

REFERENCE: *Support for Proposed Vision Drive Safety Improvements*

Dear Trevor:

Thank you for the opportunity to express my support for the proposed Vision Drive safety improvements.

It is my understanding that the proposed improvements will add a new crossover west of Hospice to allow exiting traffic to safely access east bound Vision Drive. There will also be modifications to the existing crossover in front of Woodland and a brief land merge on westbound Vision Drive which will enable appropriate left-turn vehicle storage.

Over the years I have on several occasions observed motorists attempting to access Hospice and other facilities driving over the median, using improper u-turn areas, or making unsafe and confused traffic movements.

I commend the City of Asheboro for your proactive transportation safety planning and express my support for this project.

Regards,

Hal Johnson
Randolph County Planning Director
336-318-6556



Fire Department CITY OF ASHEBORO

401 SOUTH CHURCH STREET • ASHEBORO, NORTH CAROLINA 27203-5615

EMERGENCY 911

BUSINESS: 336-625-4244
FAX: 336-625-1908

March 26, 2014

Trevor Nuttall, Community Development Director
City of Asheboro
146 N Church Street
Asheboro, NC 27203

Proposed changes to Vision Drive

The alterations to Vision Drive will greatly improve our response to the commercial occupancies located on this heavily-traveled corridor. Egress from the road providing service for Hospice and Carolina house will be the most beneficial. These changes not only increase our options, but they will also benefit our Randolph County partners providing advanced EMS service to those facilities. Additionally, providing drivers with an adequate traffic pattern would eliminate the now used process of “jumping the curb”. This is a problem that increases the risk of damage to vehicles, and injuries due to traffic accidents.

One concern we have is the modification of the existing cross-over in front of Woodland Hill Care & Rehabilitation. If the opening is narrowed, or the curb is raised, our ability to make a U-turn could be an issue. A recent assessment revealed that there is little margin of error in making that turn.

Thank you for your concerns,

Roy Wright
Fire Chief
Asheboro Fire Department

“You Can’t Beat Fire Protection – To Save Your Life”



Randolph County

DEPARTMENT OF EMERGENCY SERVICES

152 N. Fayetteville St
Asheboro, NC 27203

Ph: 336-318-6911
Fax: 336-318-6951



www.randolphcountync.gov

Office of the Chief

March 27, 2014

Mr. Trevor Nuttall
Community Development Director
City of Asheboro
146 N Church Street
Asheboro, NC 27203

Mr. Nuttall,

This letter is in regard to the proposed safety improvements for Vision Drive. I am in full support of the proposed improvements.

Adding the directional crossovers will tremendously improve the traffic flow and safety on Vision Drive. The current traffic design does not provide a safe means for motorists, including my ambulances, to exit from any location along the northern side of Vision Drive without the risk of causing or being involved in a motor vehicle accident.

I am very pleased to learn that this is a concern for the City of Asheboro and the NC Department of Transportation. I appreciate the opportunity to provide my full support for this project.

Sincerely,

Donovan Davis
Emergency Services Chief
(336) 318-6943



Asheboro Police Department

205 E. Academy Street
Asheboro, North Carolina 27203



Ralph W. Norton
CHIEF OF POLICE

Telephone
(336) 626-1300

April 07, 2014

Mr. Trevor Nuttal

Community Development Director

146 North Church Street

Asheboro, NC 27203

Re: Letter of Support for Vision Drive Improvements

Dear Mr. Nuttal:

This letter is in regards to the proposed improvements of Vision Drive in Asheboro, NC. I have looked over the proposed improvements and feel that the new directional crossover will make turning into and pulling out of Hospice, Carolina House, and Woodland Hill Rehab to travel east safer for the motoring public. These improvements will enhance public safety in that area and therefore, I am in full support of the proposed improvements.

Sincerely,

Ralph W. Norton, Chief of Police

NORTH CAROLINA
RANDOLPH COUNTY

**TRAFFIC –CONSTRUCTION BY OTHERS
AGREEMENT**

DATE: 03/18/2014

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 8.107615, 8.207615

CITY OF ASHEBORO

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Asheboro, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Municipality has requested to perform "routine" and/or "clean-up" mowing of vegetation within the rights of way of certain State maintained routes; and

WHEREAS, the Municipality has agreed to perform said mowing with reimbursement from the Department subject to the conditions hereinafter set forth;

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

1. The Municipality shall provide for the mowing maintenance of all the roads included in Attachment 1 of this Agreement in accordance with NCDOT mowing requirements, the NCDOT Roadway Standard Drawings and Standard Specifications for Road and Structures and Amendments or Supplements thereto under the general administrative control of the Department's Division Engineer. These routes may be amended or deleted and other applicable routes may be added as mutually agreed upon by both parties in writing prior to performing the work. The Division Engineer shall approve any requests by the Municipality for changes to NCDOT mowing requirements including but not limited to mowing time frames, mowing heights, mowing equipment, etc.
2. Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Minority Businesses, Women Businesses, or Small Professional Services Firms (SPSF) as required by GS 136-28.4 and the North Carolina Administrative Code. The Department will provide the appropriate provisions to be contained in those contracts. Those provisions are available on the

Department's website at:

www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html.

(A) No advertisement shall be made nor any contract be entered into for services to be performed as part of this Agreement without prior written approval of the advertisement or contents of the contract by the Department.

(B) Failure to comply with these requirements will result in funding being withheld until such time as these requirements are met.

3. The Municipality agrees to provide traffic control devices, lane closures, road closures, positive protection and/or any other warning or positive protection devices necessary for the safety of road users during performance of the work including any construction and subsequent maintenance. This work shall be performed in conformance with the latest NCDOT Roadway Standard Drawings and Standard Specifications for Road and Structures and Amendments or Supplements thereto. When there is no guidance provided in Roadway Standard Drawings or Specifications, work shall be in compliance with the Manual on Uniform Traffic Control Devices for Streets and Highways and Amendment or Supplement thereto. Information regarding these rules and regulations may be obtained from the Department's Division Engineer.
4. The Division Engineer shall notify the municipality in writing at the beginning of performance period (calendar year mowing season) or as soon thereafter each quarter, of the amount of allocated funds estimated to be available to the Municipality for mowing maintenance for the roads identified in Attachment 1. The available allocation shall not exceed the estimated cost of the work if performed by the Department. Attachment 1 may be amended in writing by the Department each performance period year to include agreed upon changes to routes and increases or decreases in reimbursable costs.
5. The Municipality shall submit an itemized invoice to the Department after each mowing cycle for actual costs for labor, equipment, and contracted services for work completed not to exceed the amount allocated for the quarter. The invoice shall be itemized by date, mowing route, and costs for performing each mowing cycle, no later than three (3) months after the mowing cycle date for eligible reimbursable costs. All final invoices must be submitted within one (1) year after the work is performed or said work will not be reimbursed by the Department. Reimbursement shall be made upon approval of said invoice by the Department's District Engineer or designee and Financial Management Division.

6. The Municipality, or its Contractor, shall complete five (5) mowing cycles per year (3 routine and 2 clean-up). The first cycle will be a "routine", the second a "clean-up", the third and fourth a "routine" and the fifth a "clean-up".
7. The Department, at its option, may elect to increase or decrease the reimbursement rates shown on Attachment 1 each year the Agreement is in force in consideration of inflation rates, cost increases and decreases, changes in funding, etc., subject to the availability of funds and the performance of the Municipality.
8. The Municipality shall comply with all applicable federal, state and local environmental regulations, and shall obtain all necessary federal, state and local environmental permits, including but not limited to, those related to sediment control, storm water, wetland, streams, endangered species, and historical sites.
9. The Municipality, and or its agent, shall maintain adequate records and documentation to support the work performed under this Agreement and shall permit free access to its records by official representatives of the State of North Carolina. Furthermore, the Municipality, or its agent, shall maintain all pertinent records and documentation for a period of not less than five (5) years following the close of the fiscal year during which the services were performed.
10. This Agreement shall continue thereafter with automatic five-year renewal extensions subject to the following termination conditions:
 - (A) At any time either party may cancel the Agreement with a thirty (30) day written notice to the opposite party. On behalf of the Municipality, this Agreement may be canceled by the City Manager and/or his designee.
 - (B) Upon the effective date of the cancellation, neither party shall owe any obligations under this Agreement, except that all obligations performed under this Agreement, including but not limited to invoicing, record retention, and payment for work performed prior to the effective date of cancellation, shall remain in effect.
11. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.

12. This Agreement is solely for the benefit of the Department and the Municipality and is not for the benefit of any other persons or any entities, and no other persons or entities shall have any rights, claims, or entitlements under this Agreement.
13. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities in writing.
14. The Municipality agrees to indemnify and save harmless, the Department, for all damages and claims for damage that may arise as result of performance of mowing operations by its employees and/or contractors.
15. Each of the parties covenants that if it enters into any subcontracts in order to perform any of its obligations under this contract, it shall require that the contractors and their subcontractors comply with the requirements of NC Gen. Stat. Article 2 of Chapter 64. In this E-Verify Compliance section, the words contractors, subcontractors, and comply shall have the meanings intended by N.C. Gen. Stat. § 160A-20.1.
16. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST: CITY OF ASHEBORO
BY: _____ BY: _____
TITLE: _____ TITLE: _____
DATE: _____

Approved by _____ of the local governing body of the City of Asheboro as attested to by the signature of Clerk of said governing body on _____ (Date)

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Federal Tax Identification Number

(SEAL)

Remittance Address:
City of Asheboro

DEPARTMENT OF TRANSPORTATION
BY: _____
(CHIEF ENGINEER)
DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____

ATTACHMENT 1

Municipal Mowing Agreement - City of Asheboro

Effective Dates: January 1, 2014 to December 31, 2014

Allowable Performance Period Reimbursement Costs: \$32,000.00

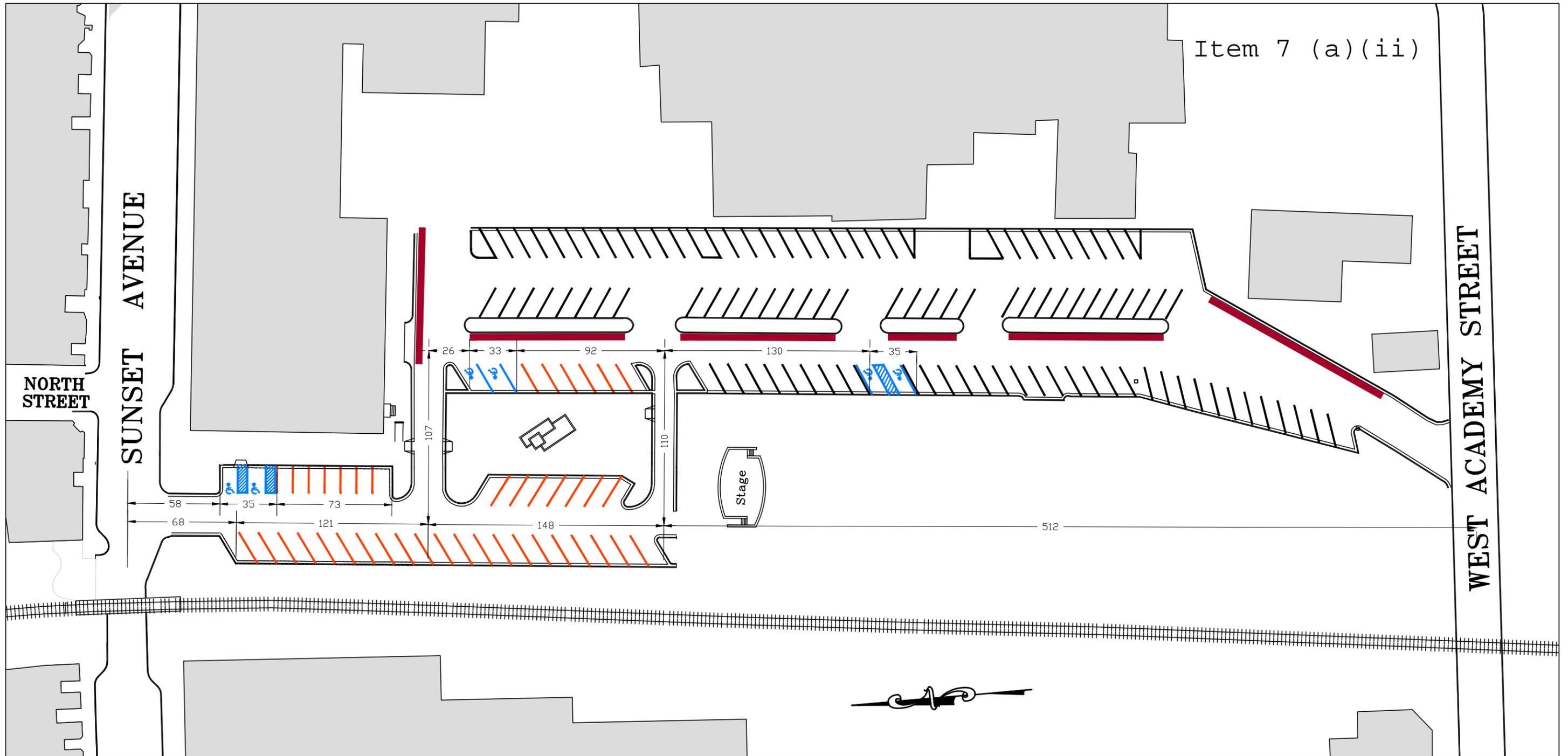
Road SR	Road Name	Centerline Miles	Shoulder Miles	Remarks
1004	Old Lexington Rd	1.97	3.94	Secondary Road
1144	Mack Rd	0.13	0.25	Secondary Road
1150	Mcdowell Rd	0.69	1.38	Secondary Road
1154	Country Club Rd	0.20	0.40	Secondary Road
1156	South Park St	0.08	0.16	Secondary Road
1157	Lambert Dr	0.80	1.60	Secondary Road
1163	Tot Hill Farm Rd	0.90	1.80	Secondary Road
1191	Industrl Pk Ave	0.84	1.67	Secondary Road
1197	Pilot'S View Rd	0.40	0.80	Secondary Road
1199	Doul Mtn Rd	0.60	1.20	Secondary Road
1442	Sunset Ave	0.69	1.38	Secondary Road
1443	Dixon Ave	0.01	0.03	Secondary Road
1443	S Cherry St	0.12	0.25	Secondary Road
1443	Uwharrie St	1.14	2.28	Secondary Road
1444	Powhatan Ave	0.31	0.62	Secondary Road
1448	Dundee St	0.14	0.27	Secondary Road
1450	Brookway Rd	0.10	0.20	Secondary Road
1451	N Park St	0.18	0.36	Secondary Road
1451	South Park St	1.00	2.00	Secondary Road
1453	West Walker Ave	0.25	0.50	Secondary Road
1455	North McCrary St	0.70	1.40	Secondary Road
1456	Southway Rd	0.38	0.76	Secondary Road
1458	Chapelgate Ln	0.07	0.13	Secondary Road
1458	Lincoln Ave	0.47	0.94	Secondary Road
1459	Chapelgate St	0.18	0.35	Secondary Road
1460	Cleveland St	0.08	0.17	Secondary Road
1460	Corwith St	0.12	0.24	Secondary Road
1461	Wilson St	0.08	0.16	Secondary Road
1462	Park Dr.	0.50	1.00	Secondary Road

Road SR	Road Name	Centerline Miles	Shoulder Miles	Remarks
1462	W. Presnell St	0.93	1.86	Secondary Road
1463	Neeley Dr	0.33	0.66	Secondary Road
1463	Oakmont Dr	0.33	0.66	Secondary Road
1465	Westmont Dr	0.31	0.62	Secondary Road
1476	Park Dr	0.11	0.22	Secondary Road
1480	City View St	0.27	0.54	Secondary Road
1480	Peachtree St	0.34	0.68	Secondary Road
1481	Piedmont St	0.06	0.12	Secondary Road
1483	Oakland Ave	0.45	0.90	Secondary Road
1484	Peachtree St	0.18	0.36	Secondary Road
1485	Hampton Rd	0.27	0.54	Secondary Road
1486	Plummer St	0.29	0.58	Secondary Road
1488	McNeal St	0.04	0.08	Secondary Road
1489	McMasters St	0.25	0.50	Secondary Road
1490	Northside Ter	0.53	1.06	Secondary Road
1491	W Allred St	0.15	0.30	Secondary Road
1500	W Bailey St	0.48	0.96	Secondary Road
1501	W Bailey St	0.27	0.54	Secondary Road
1502	W Balfour Ave	1.16	2.32	Secondary Road
1504	E Central Ave	0.67	1.34	Secondary Road
1504	Spero Rd	0.55	1.10	Secondary Road
1504	W Central Ave	0.69	1.38	Secondary Road
1505	Carl Dr.	0.98	1.96	Secondary Road
1506	Lambe Rd	0.49	0.98	Secondary Road
1642	Clover St	0.02	0.04	Secondary Road
1666	Mountain Rd	0.17	0.35	Secondary Road
1687	Englewood Dr	0.10	0.20	Secondary Road
1707	N Church St	0.16	0.32	Secondary Road
1707	S Church St	1.05	2.09	Secondary Road
1713	Albemarle Rd	1.04	2.08	Secondary Road
1723	N Asheboro School Rd	0.76	1.52	Secondary Road
1736	Carson St	0.09	0.18	Secondary Road
1797	Lord Randolph Cir	0.06	0.12	Secondary Road
2065	Woodcrest Rd	0.20	0.40	Secondary Road
2128	W O W Rd	0.27	0.54	Secondary Road

Road SR	Road Name	Centerline Miles	Shoulder Miles	Remarks
2149	Hub Morris Rd	1.76	3.52	Secondary Road
2159	Draper St	0.45	0.90	Secondary Road
2163	Old Liberty Rd	0.59	1.18	Secondary Road
2167	E Balfour Ave	0.45	0.90	Secondary Road
2182	E. Allred St	1.98	3.96	Secondary Road
2183	Gold Hill Rd	1.36	2.72	Secondary Road
2189	MLK Jr Dr	1.12	2.24	Secondary Road
2192	Patton Ave	0.42	0.84	Secondary Road
2193	Callcutt St	0.13	0.26	Secondary Road
2194	Coleridge Rd	0.25	0.50	Secondary Road
2194	Dublin Square Rd	0.15	0.30	Secondary Road
2195	Dublin Square Rd	0.02	0.04	Secondary Road
2195	Thomas St	0.23	0.46	Secondary Road
2196	Lakecrest Rd	0.10	0.21	Secondary Road
2197	Dublin Rd	0.57	1.14	Secondary Road
2203	Cliff Rd	0.65	1.30	Secondary Road
2203	E Kivett St	0.12	0.25	Secondary Road
2203	Glenwood Rd	0.27	0.54	Secondary Road
2216	Old Cedar Falls	0.19	0.38	Secondary Road
2218	Giles Chapel Rd	0.91	1.82	Secondary Road
2231	Sterling St	0.12	0.25	Secondary Road
2237	E Salisbury St	1.03	2.06	Secondary Road
2260	Eastview Dr	0.15	0.30	Secondary Road
2261	Central Falls Rd	0.66	1.32	Secondary Road
2261	Old Liberty Rd	2.28	4.56	Secondary Road
2269	Vision Dr	0.97	1.94	Secondary Road
2308	Windsor Trail	0.29	0.58	Secondary Road
2327	Cox St	1.37	2.74	Secondary Road
2344	E. Presnell St	0.72	1.43	Secondary Road
2367	Camden Court	0.11	0.22	Secondary Road
2369	Cheddington Dr	0.13	0.26	Secondary Road
2370	Landsdowne Lakes LN	0.16	0.32	Secondary Road
2371	Yorkmont Court	0.04	0.08	Secondary Road
2800	Atlantic Dr	0.05	0.10	Secondary Road
2810	Brook Dr	0.18	0.36	Secondary Road

Road SR	Road Name	Centerline Miles	Shoulder Miles	Remarks
2811	Boyd St	0.10	0.20	Secondary Road
2823	Hall Dr	0.15	0.30	Secondary Road
2912	Third St	0.20	0.40	Secondary Road
2915	Ridge St	0.42	0.84	Secondary Road
2919	Eldorado Rd	0.66	1.32	Secondary Road
2922	Newbern Ave	0.39	0.78	Secondary Road
2925	Teachey School Dr	0.09	0.18	Secondary Road
2932	Foster St	0.46	0.92	Secondary Road
2947	Northampton Dr	0.47	0.93	Secondary Road
3138	York St	0.04	0.08	Secondary Road
3180	Queens Rd	0.05	0.10	Secondary Road
3195	Nottingham St	0.33	0.66	Secondary Road
3255	Farmer Rd	0.41	0.82	Secondary Road
3255	Old Farmer Rd	0.07	0.14	Secondary Road
I-73,74	I-73,74 NB	0.43	0.86	Interstate Divided w grass median
I-73,74	I-73,74 NB	3.35	3.35	Interstate Divided w concrete median
I-73,74	I-73,74 SB	0.43	0.86	Interstate Divided w grass median
I-73,74	I-73,74 SB	3.35	3.35	Interstate Divided w Concrete Median
NC-159	Zoo Pkwy	1.81	3.62	Primary Undivided
NC-42	NC-42	2.73	5.46	Primary Divided w/concrete median and Primary Undivided
NC-49	NC-49N	0.35	0.70	Primary Divided w Grass Median
NC-49	NC-49S	0.35	0.70	Primary Divided w Grass Median
NC-49	NC-49	0.40	0.80	Primary Undivided

Road SR	Road Name	Centerline Miles	Shoulder Miles	Remarks
US-220-BUS	US 220 Business	8.65	17.30	Primary Undivided
US-64	Dixie Dr	3.35	6.70	Primary Undivided
TOTAL		76.20	145.69	



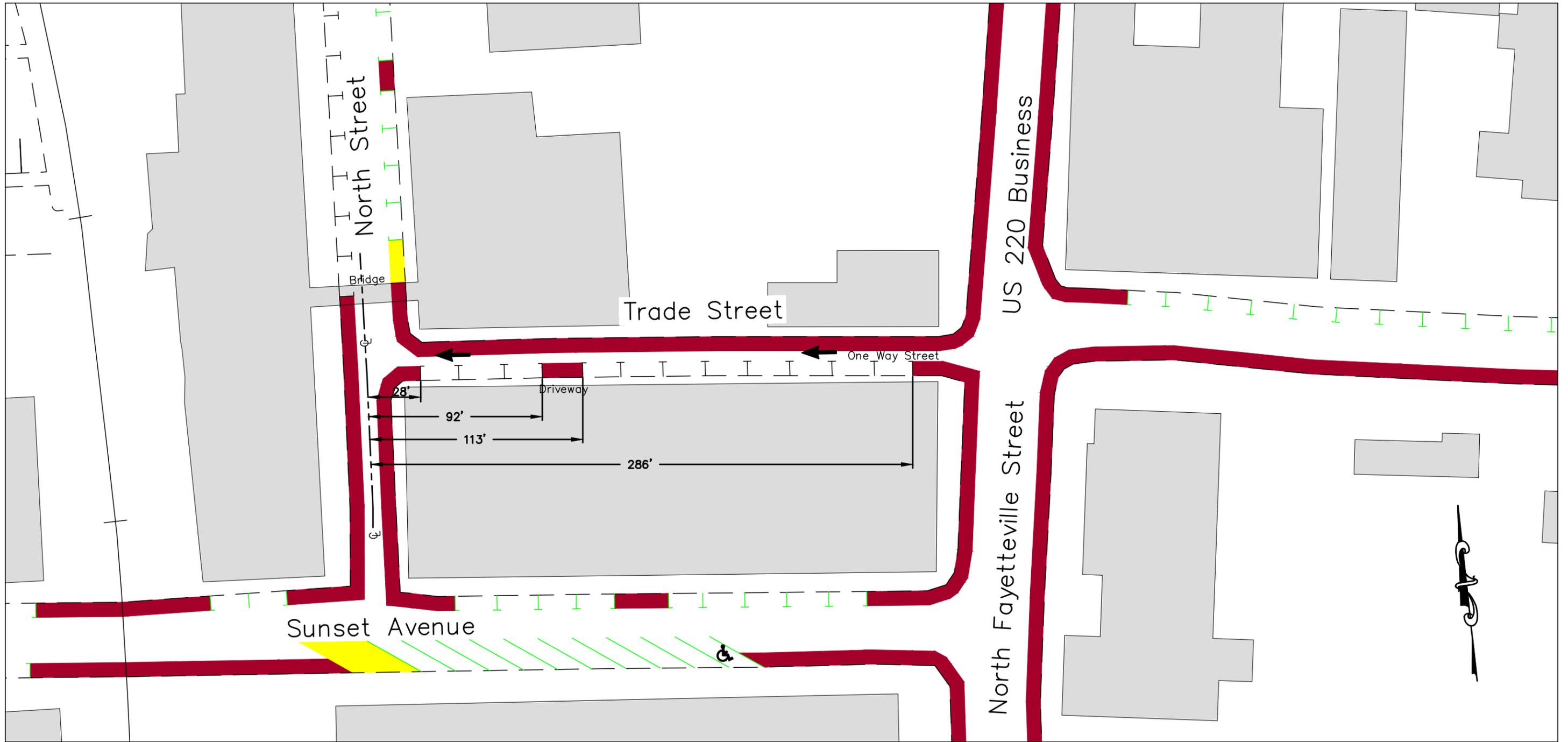
Parking Plan For Bicentennial and Academy Street Lots

City of Asheboro, North Carolina

April, 2014 Approximate Scale 1" = 60'

- No Parking
- Marked Parking, 2 Hr. Limit (7:00am - 7:00pm
Monday through Friday, except legal holidays)
- Marked Parking, 3 Hr. Limit (7:00am - 7:00pm
Monday through Friday, except legal holidays)
- Marked Parking (All Day)
- Handicapped Parking Spaces
- Loading Zone

EXHIBIT 1 – Ordinance No. _____
Adopted April 10, 2014
Sheet 1 of 4



Parking Plan For Trade Street

City of Asheboro, North Carolina

April, 2014

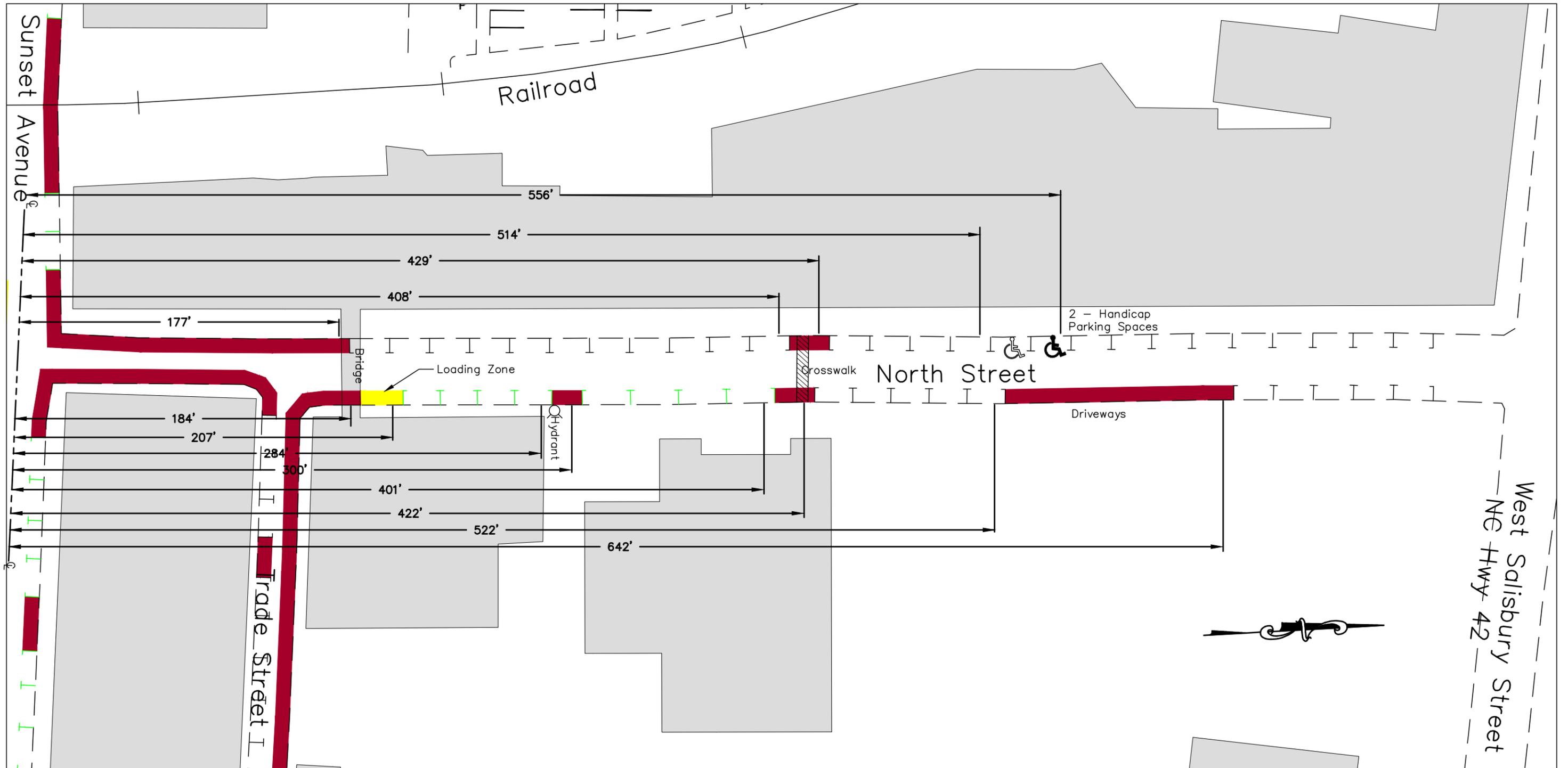
Scale 1" = 50'

- No Parking
- Marked Parking, 2 Hr. Limit (7:00am – 7:00pm
Monday through Friday, except legal holidays)
- Marked Parking, 3 Hr. Limit (7:00am – 7:00pm
Monday through Friday, except legal holidays)
- Marked Parking (All Day)
- Handicapped Parking Spaces
- Loading Zone

EXHIBIT 1 – Ordinance No. _____

Adopted April 10, 2014

Sheet 2 of 4



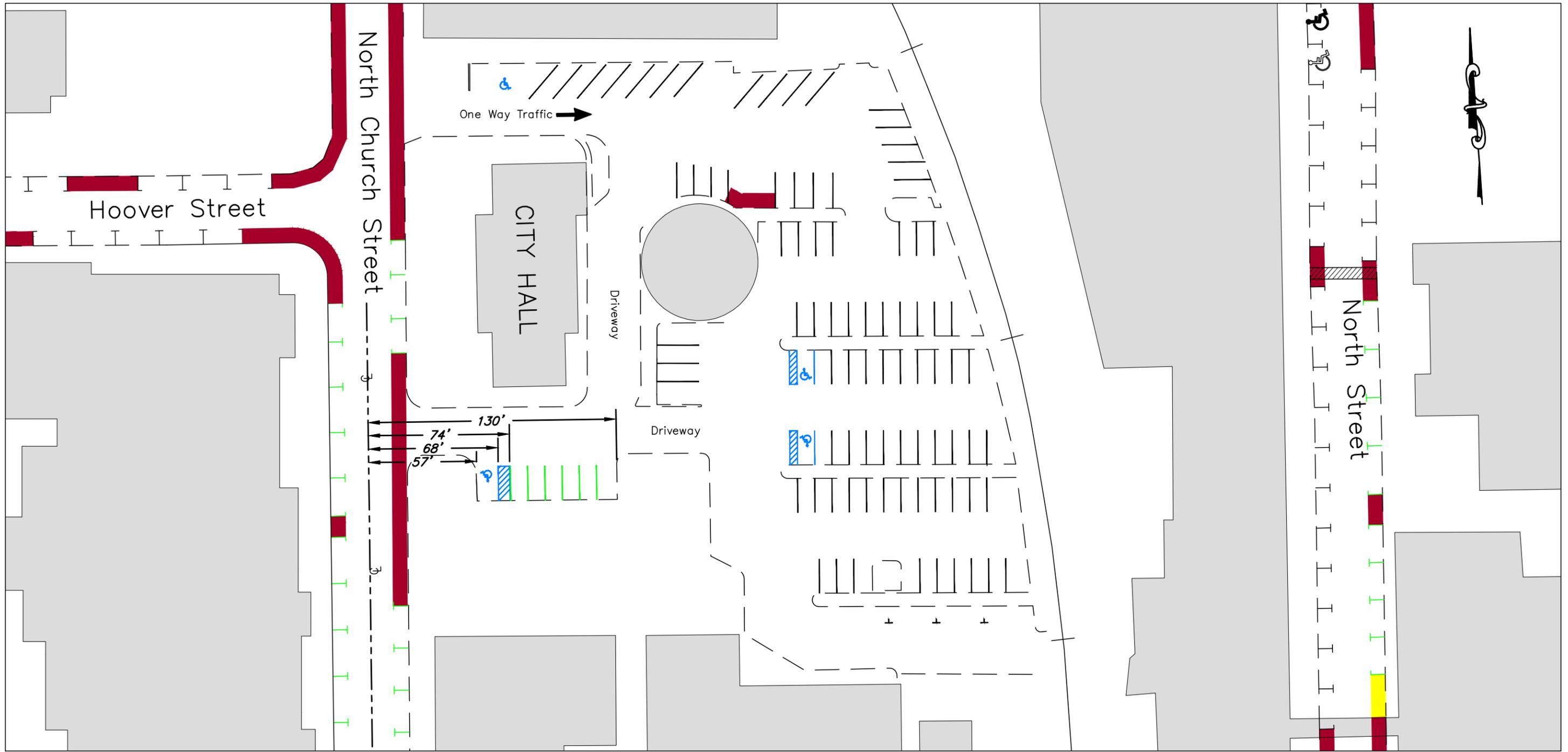
Parking Plan For North Street

City of Asheboro, North Carolina

April, 2014 Scale 1" = 50'

- No Parking
- Marked Parking, 2 Hr. Limit (7:00am – 7:00pm
Monday through Friday, except legal holidays)
- Marked Parking, 3 Hr. Limit (7:00am – 7:00pm
Monday through Friday, except legal holidays)
- Marked Parking (All Day)
- Handicapped Parking Spaces
- Loading Zone

EXHIBIT 1 – Ordinance No. _____
 Adopted April 10, 2014
 Sheet 3 of 4



Parking Plan For City Hall Parking Lots

City of Asheboro, North Carolina

April, 2014

Scale 1" = 50'

- No Parking
- Marked Parking, 2 Hr. Limit (7:00am – 7:00pm
Monday through Friday, except legal holidays)
- Marked Parking, 3 Hr. Limit (7:00am – 7:00pm
Monday through Friday, except legal holidays)
- Marked Parking (All Day)
- Handicapped Parking Spaces
- Loading Zone

EXHIBIT 1 – Ordinance No. _____

Adopted April 10, 2014

Sheet 4 of 4

ASHEBORO CITY COUNCIL RESOLUTION NO.

A Resolution Approving Financing Terms

WHEREAS, the City of Asheboro (hereinafter referred to as the “City”) has previously decided to undertake a project for the financing of vehicles and equipment (this project shall be hereinafter referred to as the “Project”); and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the City to finance the purchase of personal property by means of an installment contract that creates a security interest in the purchased property to secure payment of the purchase price to the entity supplying financing for the purchase transaction; and

WHEREAS, by means of adopting Resolution Number 38 RES 9-13 on September 12, 2013, the Asheboro City Council has previously stated its intent that, prior to the execution of any installment financing agreement and consistent with the city’s budget ordinance for fiscal year 2013-2014, a maximum of \$28,000.00 may be expended from the General Fund during the current fiscal year for certain vehicles and equipment referenced in the adopted Resolution of Intent and a maximum of \$414,000.00 may be expended during the current fiscal year from the Water and Sewer Fund for certain vehicles and equipment referenced in the adopted Resolution of Intent; and

WHEREAS, also by means of adopting Resolution Number 38 RES 9-13 on September 12, 2013, the Asheboro City Council has previously formally and explicitly declared the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2013-2014 fiscal year, any and all expenditures from the General Fund and the Water and Sewer Fund for the purchase during the current fiscal year of the vehicles and equipment identified in the Resolution of Intent that are necessary to the provision of essential municipal services; and

WHEREAS, after searching for favorable financing rates and terms, the city manager and the finance director have presented a proposal for the financing of the above-referenced Project;

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

Section 1. The determination is hereby made that the City will finance the Project through Branch Banking and Trust Company (hereinafter referred to as “BB&T”) in accordance with the proposal dated March 21, 2014. The amount financed shall not exceed \$365,000.00, the annual interest rate (in the absence of a default or a change in tax status) shall not exceed 1.79%, and the financing term shall not exceed 59 months from closing.

Section 2. All financing contracts and all related documents for the closing of the financing (hereinafter referred to as the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents and to take all such further action as they may consider necessary or desirable to carry out the financing of the Project as contemplated by the proposal and this Resolution.

Section 3. The finance officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. To the extent authorized by law and any applicable rules of professional conduct, the finance officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the finance officer shall approve, with the finance officer’s release of any Financing Documents for delivery constituting evidence of such officer’s final approval of the Documents’ final form.

Section 4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

Section 5. In addition to the above-referenced and previously adopted Resolution of Intent (Resolution Number 38 RES 9-13) , the City intends that the adoption of this Resolution will be a continuing declaration of the City’s official intent to reimburse expenditures for the Project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that maybe advanced, from the City’s General Fund, or any other fund related to the Project such as the City’s Water and Sewer Fund, for Project costs may be reimbursed from financing proceeds.

Section 6. All prior actions of City officers in furtherance of the purposes of this Resolution are hereby ratified, approved, and confirmed. All other resolutions (or parts thereof) in conflict with this Resolution are hereby repealed to the extent of any such conflict. This Resolution shall take effect immediately.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on April 10, 2014.

**[The remainder of this page was intentionally left blank.
The signature blocks for this Resolution are located on the next page.]**

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

ATTEST:

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

Upcoming Events: Ethics Webinar



UNC
SCHOOL OF GOVERNMENT

Published on *School of Government* (<http://www.sog.unc.edu>)

Ethics for Municipal Elected Officials Live Webinar

May 14, 2014 10:00 am-12:00 pm

\$125

Attention Attorneys: Attorneys must purchase in their own name separately in order to claim 2 hours of General CLE Credit

Purchase

[1]

This live webinar is for all local elected officials of North Carolina cities, counties, unified governments, sanitary districts, and consolidated city-counties. The On Demand Ethics Webinar will be available for purchase Mid June 2014.

In 2009 the North Carolina General Assembly passed legislation that requires local governing boards to adopt a code of ethics and requires board members to receive 2 clock hours of ethics training within 12 months of each election and re election, as well as appointment and reappointment, to local office.

The School of Government is offering this live webinar as an easy way for elected officials to fulfill this legal requirement. All you need is a computer with internet access.

For other ethics training opportunities for local elected officials, follow the link www.sog.unc.edu/programs/ethics [2] for: other 2014 training opportunities, related statutes, FAQ's, model codes of ethics, relevant blog posts and publications, links to contacts at the School of Government

Please read Prior to purchasing this webinar

Webinars are non refundable once purchased so please purchase carefully

Who is NOT covered by this ethics training:

For individuals covered under the State Government Ethics Act (SGEA), including local officials who serve on a RPO or MPO, this SOG ethics-training program does *NOT* satisfy the mandatory ethics training required under SGEA, and the SGEA ethics program does *NOT* satisfy the local elected official ethics-training requirement. Consequently, local elected officials who are also covered by the SGEA, including those who serve on a RPO or MPO, must take *both* training programs. Covered persons needing to complete SGEA training should:

- Contact their ethics liaison for training, or
- Complete the online training available on State Ethic Commission website: (<http://www.ethicscommission.nc.gov/education/default.aspx> [3])

To Purchase this Ethics Training

You can purchase the live webinar once and show it to a group of people. The person coordinating the webinar should be the one to purchase it in his/her name and email. (Attorneys wanting CLE credit must purchase the webinar separately in their own name).

Click on the purchase button to begin. If you need a receipt, make sure you print the confirmation page at the end of the purchase process. If you have problems with the registration/purchase process, passwords, logging in, you will need to email the registration department directly at registration@sog.unc.edu [4]. Provide your phone number and brief summary of your issue and someone from that department will contact you shortly.

NOTE to Attorneys wanting CLE Credit: This webinar is approved for 2 hours of general CLE credit (not professional responsibility credit). Attorneys must purchase the webinar separately in their own name.

A note to boards- Boards are advised to give special meeting notice for ethics training sessions if a majority of the board might be in attendance at the event. This is in keeping with the spirit of the ethics law, and out of an abundance of caution concerning the legal requirements for board meetings.

After Purchase

Equipment Check

This webinar will be broadcast over the Internet. You need a computer, a hard line high-speed Internet connection (wireless is *NOT* recommended), speakers, Acrobat Adobe Reader, and Adobe Flash Media Player. Wireless is not recommended for several reasons, mostly because speed and sound can be slow.

If showing to a large group, we recommend using a projector, speakers and a screen (or blank wall). We also recommend connecting and testing the speakers to ensure you have enough volume if you are showing in a larger room.

Software Checks

1. Test your software at this link: https://unc.ncgovconnect.com/common/help/en/support/meeting_test.htm [5] You may receive a message that the Adobe Connect add-in is not installed. This is normal, and can be safely ignored if the first three tests were successful.

2. Verify you have Adobe Acrobat Reader at this link <https://itd.sog.unc.edu/faq/how-can-i-tell-if-adobe-reader-installed-my-computer> [6] This allows you to open the verification and CLE forms at the end of the webinar

Common problems to troubleshoot

<http://itd.sog.unc.edu/faq/where-do-i-go-webinar-technical-support> [7].

Wednesday, May 7th

The webinar access link will be sent to the person who purchased the webinar on May 7th. If it is not in your inbox, please check your spam and/or Junk email folders. Emails with hyperlinks tend to end up in spam/junk folders. It will be an email from smhutch@sog.unc.edu [8]. If the email is not in your junk/spam folder, please contact Susan at smhutch@sog.unc.edu [8] with an alternate email address and we will resend the information.

Materials -will be available May 7th

- PDF of the Presentation
- Legal Requirements
- Ethics Voting Guide [9]
- Conflicts and Gifts Decision Tree [10]

Day of Webinar

Logging in

You may log in beginning at 9:45 am, May 14th. An access link and instructions were sent to the person who purchased the webinar on May 7th. If someone purchased the webinar for you, please contact that person for the access link and instructions.

- **Having technical difficulties?-call the School of Government helpdesk at 919.962.5487.**

Ethics Verification and CLE Forms

You must be present during the webinar to access these forms. During the webinar, you will receive instructions on how to save these forms to your desktop and/or print them. If you exit out of the webinar before saving your forms to your desktop, you will not be able to access them again. The links to these forms are imbedded in the webinar. The School of Government does not have these forms.

What to do after I save the forms and print them?

- **Ethics Verification Form-** the elected official fills out the top and bottom portion. One part goes to the clerk for record keeping and the other part stays with the elected official. **Do NOT send this form to the School of Government**
- **CLE Form-**This course has been pre approved for 2 hours of general CLE credit (not Professional Responsibility credit). Email the **completed form to smhutch@sog.unc.edu [8] on or before Friday, May 30th**. I will reply to your email with a confirmation of receipt. If you do not get a reply from me, then I did not receive your form. After the May 30th deadline, you will need to contact the NC Bar directly for instructions on getting CLE credit.

ATTENDEES	All elected officials of North Carolina cities, counties, unified governments, sanitary districts, and consolidated city-counties.
FACULTY COORDINATOR	Norma Houston [11]
DURATION	2 hours
CONTACT	Susan Hutchinson [12] Program Manager 919.966.4171 smhutch@sog.unc.edu [8]
CANCELLATION POLICY	

All cancellations must be submitted in writing, as outlined in the School's cancellation policy [13]. No cancellation or refund is available for online courses and modules.

Knapp-Sanders Building
Campus Box 3330
UNC-Chapel Hill, Chapel Hill, NC
27599-3330

T: 919.966.5381 | F: 919.962.0654

Source URL: <http://www.sog.unc.edu/node/1277>

Links:

- [1] <http://shopping.netsuite.com/s.nl/c.433425/it.A/id.5235/.f>
- [2] <http://www.sog.unc.edu/programs/ethics>
- [3] <http://www.ethicscommission.nc.gov/education/default.aspx>
- [4] <mailto:registration@sog.unc.edu>
- [5] https://unc.ncgovconnect.com/common/help/en/support/meeting_test.htm
- [6] <https://itd.sog.unc.edu/faq/how-can-i-tell-if-adobe-reader-installed-my-computer>
- [7] <http://itd.sog.unc.edu/faq/where-do-i-go-webinar-technical-support>
- [8] <mailto:smhutch@sog.unc.edu>
- [9] <http://www.sog.unc.edu/sites/www.sog.unc.edu/files/6.6%20Voting%20Guide%20-%202013Revised%20FINAL.pdf>
- [10] <http://www.sog.unc.edu/sites/www.sog.unc.edu/files/6.8%20Conflicts%20and%20Gifts%20Decision%20Tree%20Handout.pdf>
- [11] <http://www.sog.unc.edu/user/78>
- [12] <http://www.sog.unc.edu/user/73>
- [13] <http://www.sog.unc.edu/node/1524>