

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

MEETING DATE: FRIDAY, MAY 20, 2022

MEETING TIME: 10:00 AM

LOCATION: CITY OF ASHEBORO
PUBLIC WORKS FACILITY,
1312 N. FAYETTEVILLE STREET,
ASHEBORO, NORTH CAROLINA 27203

At 10:00 a.m. on Friday, May 20, 2022, the Asheboro City Council will convene for a special meeting in the main conference room at the City of Asheboro Public Works Facility, 1312 North Fayetteville Street, Asheboro, North Carolina 27203. The city council will initially consider adopting staff recommended legislative action to harmonize the regulations in the cultural and recreation services policy manual with the operational realities associated with permitting events in the recently designated Zoo City Social District.

While still at the public works facility, the city manager and the finance director will discuss with the elected officials the municipal corporation’s proposed budget for fiscal year 2022-2023. Once the budget discussion has been concluded, the meeting will be recessed in order to allow the elected officials to travel to McCrary Park, 138 Southway Road, Asheboro, North Carolina 27205.

At the park, the governing board will inspect the on-going construction project and receive a progress report. At the conclusion of the site inspection and progress report presentation, the city council meeting will be adjourned.

All interested persons are invited to attend this special meeting, which will be conducted in open session, at all times and at all locations. This special meeting notice was issued on the 17th day of May, 2022.

/s/ David H. Smith

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

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**SPECIAL MEETING
ASHEBORO CITY COUNCIL
1312 NORTH FAYETTEVILLE STREET
FRIDAY, MAY 20, 2022
10:00 A.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 city management team members present:

David H. Smith	) – Mayor Presiding
Edward J. Burks	)
Kelly L. Heath	)
William N. McCaskill	) – Council Members Present
Walker B. Moffitt	)
Jane H. Redding	)
Charles A. Swiers	)
Clark R. Bell	) – Council Member Absent

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John N. Ogburn, III, City Manager
Michael L. Leonard, PE, City Engineer
Holly H. Doerr, CMC, NCCMC, City Clerk
Deborah P. Reaves, Finance Director
Jonathan M. Sermon, Recreation Services Director
Tammy M. Williams, CMC, Deputy City Clerk

1. Call to Order

A quorum thus being present in the main conference room at the City of Asheboro Public Works Facility, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Recreation Services Items

(a) An Ordinance Amending Article XII and Article XVIII in the Cultural and Recreation Services Policy Manual.

Recreation Services Director Jonathan Sermon presented and recommended adoption, by reference, of an ordinance amending Article XII and Article XVIII in the City of Asheboro Cultural and Recreation Services Policy Manual. The proposed amendments focused on updating the policy manual to address potential operational impacts on city cultural and recreation facilities associated with the recent designation by the city council of the Zoo City Social District.

Council Member Heath moved, and Council Member Redding seconded the motion, to adopt the following ordinance, by reference. Council Members Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NUMBER 22 ORD 5-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE AMENDING ARTICLE XII AND ARTICLE XVIII IN THE
CULTURAL AND RECREATION SERVICES POLICY MANUAL**

WHEREAS, the City of Asheboro Cultural and Recreation Services Policy Manual contains the rules and regulations applicable to the city's cultural and recreational facilities; 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 XII contains the regulatory provisions applicable to the Rotary Pavilion at Bicentennial Park, which is administered as part of the city's cultural and recreation services system, and Article XVIII contains miscellaneous provisions applicable to the cultural and recreation services system; and

WHEREAS, in order to align certain provisions in the Manual with the recently enacted Zoo City Social District ordinance codified as Section 118.05 in the Code of Asheboro, city staff has recommended amending Articles XII and XVIII in the Manual; and

WHEREAS, the recommended amendments are specified in the attached EXHIBIT 1 and EXHIBIT 2, which are hereby incorporated into this Ordinance by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council has concluded that it is advisable to move forward with the recommended amendments.

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

Section 1. Article XII of the City of Asheboro Cultural and Recreation Services Policy Manual is hereby rewritten to provide as specified in EXHIBIT 1.

Section 2. Article XVIII of the City of Asheboro Cultural and Recreation Services Policy Manual is hereby rewritten to provide as specified in EXHIBIT 2.

Section 3. All articles, sections, and provisions of the Manual that are not explicitly modified by the contents of EXHIBIT 1 and EXHIBIT 2 shall continue in full force and effect without alteration.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall be in full force and effect upon and after May 20, 2022.

The Asheboro City Council approved this Ordinance in open session during a special meeting held on the 20th day of May, 2022.

/s/ David H. Smith
David H. Smith, Mayor

ATTEST:

/s/ Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

ARTICLE XII. ROTARY PAVILION AT BICENTENNIAL PARK

SECTION 12.1 APPLICATION

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. Under the general supervision of the **Recreation Services Superintendent Director**, 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 form available from the Asheboro Cultural and Recreation Services Departments. Applications are subject to the final departmental review and decision making authority of the **Recreation Services Superintendent Director**.

SECTION 12.2 RULES AND REGULATIONS

- (1) 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 Director** 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

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listed beverages must be conducted in strict compliance with Section 12.3 of this manual, any conditions attached by the Recreation Services Superintendent Director 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 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. The required policy or policies shall be written through insurance carriers that are qualified to do business in North Carolina. Furthermore, the City of Asheboro is to be named as an additional insured and shall be furnished with a Certificate of Insurance in a form satisfactory to the City. In order to be deemed satisfactory, such a certificate must affirmatively state without any disclaimer or limitation whatsoever that the coverage or coverages referred to therein shall not and cannot be terminated or modified until the city has received thirty (30) days written notice thereof. A satisfactory Certificate of Insurance must be in the possession of the Cultural Services Department no later than 48 hours prior to the scheduled event. Failure to provide proof of insurance will result in the cancellation of the event. 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. 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 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 Recreation Services Superintendent Director.
- (12) The Asheboro Police Department and employees in the Asheboro Cultural and Recreation Services Departments shall have access to all areas of the park at all times before, during, and after the event.

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- (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 **Recreation Services Superintendent 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 **Recreation Services Superintendent Director** is authorized to cancel any event, at any time, based on rental agreement violations.
- (20) The City of Asheboro reserves the right, in the sole discretion of the city, to co-sponsor any and all events.
- (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: \$325.00;
 - (c) Non-Resident Rate: \$400.00;
 - (d) Non-Profit / Government Rate: \$225.00; and
 - (e) 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

Authorization for the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility must be requested from the Cultural Services Department on the prescribed facility rental application. No stand-alone authorization for the distribution of alcoholic beverages will be granted. Such authorization will only be provided as one component, along with other components such as facility rental issues, of a comprehensive event plan that must receive final approval from the **Recreation Services Superintendent Director** before the event may be advertised as taking place on city property. When creating and submitting an event plan, the applicant must be guided by the operational guideline that the distribution of malt beverages and/or unfortified wines are meant to enhance the experience of the event and should in no way detract from the program and the use of this facility.

In order to obtain approval of a comprehensive event plan, the following conditions, which represent a baseline for an event plan before it is eligible for review by the **Recreation Services Superintendent Director**, must be satisfied:

- (1) Any malt beverages and unfortified wines found on the premises of the Rotary Pavilion at Bicentennial Park, as well as any contiguous city-owned property included within the event plan, must have been obtained in accordance with a sale/distribution

- plan developed and implemented by the event organizer. The sale, possession, or consumption on the city's premises of any alcoholic beverage not obtained and possessed in strict compliance with the sale/distribution plan approved by the Recreation Services Superintendent Director is prohibited;
- (2) The sale/distribution plan drafted by an event organizer must be compliant with all applicable laws, ordinances, and administrative regulations in order to be considered for approval;
 - (3) In its capacity as the Lessor of the premises, the City of Asheboro hereby establishes that, in order to be eligible to submit a request for permission to sale/distribute alcoholic beverages on these premises, the event organizer must establish that the contemplated event is planned for a charitable purpose. An event is deemed to be for a charitable purpose if the event is either (a) organized by a legal entity that is recognized under the laws of the United States and the State of North Carolina as a not for profit organization, or (b), in the absence of formal legal recognition of a stand-alone not for profit legal entity, the purpose of the event can be demonstrated to the satisfaction of the Recreation Services Superintendent Director to be a charitable event for civic, educational, patriotic, or religious purposes. Any event organizer seeking to obtain permission for the sale/distribution of alcoholic beverages must be willing to provide legal documentation to establish the event organizer's eligibility for the requested authorization. If the event organizer does not provide the documentation requested by the Recreation Services Superintendent Director for eligibility verification purposes, no sale/distribution plan will be reviewed, and the request for authorization to sale/distribute alcoholic beverages shall be denied;
 - (4) The event organizer must consult with and satisfactorily address any legal and regulatory compliance concerns raised by the Asheboro Police Department in connection with the sale/distribution plan. One of the compliance concerns that must be addressed to the satisfaction of the Chief of Police and the Recreation Services Superintendent Director is the manner in which the event organizer proposes to ensure that adequately trained personnel are in place and capable of enforcing vital elements of the plan. By way of illustrating and not limiting the types of details that must be shown on the plan submitted for review, the plan must, at a minimum, clearly identify the location(s) in the park where alcoholic beverages may be sold, possessed, and/or consumed, clearly state what methodology will be used to ensure that alcoholic beverages are not served to underage persons or to individuals who are already intoxicated, and what arrangements have been made to provide adequate security for the planned event. The Chief of Police, or his designee, must be given a minimum of seven (7) days to review the plan for any legal and regulatory compliance concerns as well as general public safety concerns prior to the Recreation Services Superintendent Director making a final decision as to whether the submitted plan is acceptable;
 - (5) The event organizer, or an authorized representative in the case of an event organizer that is a legal entity other than a natural person, must provide written acknowledgment that the organizer has received a copy of the regulations applicable to the rented facilities along with a copy of the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments, and the event organizer must agree in writing to comply with all of these regulations and user fees; and
 - (6) In addition to the insurance requirements specified above in Section 12.2, the event organizer shall pay for and maintain, at all times during the individual or entity's use of the facility, Liquor Liability insurance coverage with an each common cause limit and aggregate limit of liability of no less than one million dollars (\$1,000,000). The required policy shall be written through insurance carriers which are qualified to do business in North Carolina. Furthermore, the City of Asheboro is to be named as an additional insured and shall be furnished with a Certificate of Insurance in a form satisfactory to the City. In order to be deemed satisfactory, such a certificate must affirmatively state without any disclaimer or limitation whatsoever that the coverage or coverages referred to therein shall not and cannot be terminated or modified until

the city has received thirty (30) days written notice thereof. A satisfactory Certificate of Insurance must be in the possession of the Cultural Services Department no later than forty-eight (48) hours prior to the scheduled event. Failure to provide proof of insurance will result in the cancellation of the event.

Section 12.4 Facility Rentals and the Zoo City Social District

The facilities regulated by Article XII of the Manual, inclusive of the contiguous city-owned or controlled property subject to rental in support of events at the Rotary Pavilion, are located within the Zoo City Social District. Notwithstanding any other provision in the Manual, individuals can possess and consume alcoholic beverages within the confines of the facilities regulated by Article XII so long as such possession and consumption of alcoholic beverages is conducted in strict compliance with the social district ordinance found in Section 118.05 of the Code of Asheboro and so long as neither of the following two exceptions to the general applicability of the social district regulations is in effect:

- (1) The specific terms of a closure order entered by the city council are the controlling authority. When the city council authorizes a special event and orders the partial or complete closure of a public street, sidewalk, alley, and/or parking lot, the council's directive in such a closure order as to the status of the social district regulations pertaining to the possession and consumption of alcoholic beverages shall be the controlling authority and shall supersede any regulation in this Manual; and
- (2) In the absence of a closure order entered by the city council, the only other exception to the authorization for the possession and consumption of alcoholic beverages in accordance with the social district ordinance is when an applicant has properly rented the Rotary Pavilion at Bicentennial Park and indicated on the rental application a preference to restrict the possession and consumption of alcoholic beverages within the reserved area for the duration of the event rental. The Recreation Services Director is authorized to grant such a request so long as the following conditions are satisfied by the applicant:
 - (a) The rental area for which the restriction on alcoholic beverages is requested cannot extend beyond the Rotary Pavilion structure and the associated grassy areas within Bicentennial Park. A request to limit the applicability of the social district ordinance beyond the above-listed areas, specifically including any portion of the municipal parking lot, can only be granted by means of a closure order from the city council. In order for such a request to be heard by the council, the application for a closure order must be submitted to the city manager's office a minimum of 10 business days in advance of the next regular city council meeting; and
 - (b) In addition to properly completing the city-provided rental application form, a request to restrict alcoholic beverages within the rental area must be accompanied by a diagram of the area for which the restriction on alcoholic beverages is requested. This diagram must also depict the signage that will be used to give third parties reasonable notice of the alcoholic beverage restriction in place for the rental area. No restriction sought by a rental applicant can be approved and enforced unless and until the applicant provides a diagram and plan demonstrating to the satisfaction of the Recreation Services Director, in consultation with the Asheboro Police Department, that the relevant regulations have been satisfied and adequate notice has been given to third parties of the alcoholic beverage restrictions in place for the rental area. The continued enforceability of the alcoholic beverage restriction will be contingent on the event organizers maintaining conformity with the approved plan for providing notice of the rental event restrictions.

In order to assist applicants who may wish to request alcoholic beverage consumption and possession restrictions in accordance with this section, the cultural and recreation services departments may provide copies of aerial views of Bicentennial Park that can be used to prepare a diagram with the proposed signage for the event area where alcoholic beverages

will be restricted. Signage that can be used by a renter to give public notice of the alcoholic beverage restrictions may also be provided by the cultural and recreation services departments. Any fees associated with these services will be included as part of the Asheboro Cultural and Recreation Services Schedule of Deposits, Fees, and Charges.

EXHIBIT 2

ARTICLE XVIII. MISCELLANEOUS PROVISIONS

Section 18.1 Returned Checks

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

Section 18.2 Schedule of Deposits, Fees, and Charges

The amount of a deposit, fee, or any other type of charge to be collected by the 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 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 Recreation Services Superintendent. In the event of a conflict between the provisions of this manual and the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments, the provisions of the City of Asheboro Cultural and Recreation Services Policy Manual shall control and be determinative of the monetary sum to be collected in good funds by the Cultural and Recreation Services Departments.

Section 18.3 Coordinated Safety Measures in the City's Cultural and Recreational Facilities

As part of its efforts to support a high quality of life for the citizens of Asheboro, the city strives to provide cultural and recreational opportunities through programming and facilities that are open and inviting to everyone. If prompt action is not taken when a crime is committed within or on the premises of a city cultural or recreational facility, individuals and their families can develop safety and security concerns that prevent the beneficial use of the services offered by the city.

The creation of such fear and trepidation about the use of city cultural or recreational facilities creates an impediment to the use of these services and facilities as real as any physical barrier. The following safety measures are designed to remove, in a measured and balanced manner, any such barriers to the full use of the city's cultural and recreational programming:

- (A) *Violations of the criminal law are prohibited.* A violation of the criminal law, whether the crime is labeled a felony or misdemeanor, within the city's cultural or recreational facilities undermines the sense of safety and well-being that is needed to create a positive and supportive environment that is welcoming to everyone. A violator of the criminal law is subject to the suspension of his or her privilege to use the cultural or recreational facility where the offense occurred. When a sworn law enforcement officer develops probable cause to believe that an individual has committed a crime, whether a felonious or misdemeanor offense, on or within the premises of a city cultural or recreational facility and the individual is in fact arrested, such an offender shall be banned from the facility/premises where the offense occurred in accordance with the banning procedures provided herein.
- (B) *Banning procedures.* The city manager, recreation services director, and chief of police, and their designees, are authorized to ban individuals from specific city

cultural or recreational facilities/premises when, and only when, a sworn law enforcement officer has developed probable cause to believe that the individual to be banned from the facilities/premises has committed a criminal offense in or on the facilities/premises in question and has in fact been arrested.

- (1) The ban will commence upon the violator's receipt of the city's standardized banning notice, which is also referred to as a No Entry Order/No Trespass Notice.
- (2) The ban will only be applicable to the facilities or premises where the criminal offense(s) that caused the issuance of the ban notice(s) occurred. The banned individual will be able to use other city cultural or recreational facilities/premises in accordance with the terms of usage in place for all citizens.
- (3) The duration of the ban indicated on the banning notice will be one of the following three periods of time: 90 days, 180 days, or 365 days.
 - (a) The city official who completes the banning notice will indicate on the form that the duration of the ban is 90 days if the banned individual is not currently subject to an active No Entry Order/No Trespass Notice.
 - (b) If the banned individual is subsequently arrested for a criminal offense at a city cultural or recreational facility/premises before the expiration of the initial 90-day ban period, a new No Entry Order/No Trespass Notice will be issued for the facilities/premises where the new offense occurred along with, if different from the location of the new offense, the facilities/premises previously listed in the active No Entry Order/No Trespass Notice. The duration of the new No Entry Order/No Trespass Notice for the listed location(s) will be 180 days.
 - (c) If another arrest for a criminal offense at a city cultural or recreational facility/premises is made before the 180-day ban period is completed, a new No Entry Order/No Trespass Notice will be issued to indicate that the duration of the ban is 365 days for all of the listed city cultural or recreational facilities/premises where the banned individual has been arrested. The maximum duration of any single ban notice is 365 days. Each subsequent arrest for a crime committed by the banned individual at a city cultural or recreational facility/premises while such an individual is subject to an active 365-day banning notice will result in the issuance of a new No Entry Order/No Trespass Notice banning the individual for another 365 days from the listed cultural and recreational facilities where he or she has been arrested.
 - (d) Regardless of the number of No Entry Orders/No Trespass Notices previously issued to an individual, the duration of a ban starts at 90 days if there are no active banning notices associated with an individual at the time of his or her arrest.
- (C) *Enforcement of banning notices.* An individual who is banned from specified cultural or recreational facilities/premises for a stated period of time by means of the issuance of a No Entry Order/No Trespass Notice will be prosecuted to the fullest extent of the law for criminal trespass if such an individual enters into or onto the facilities/premises from which he or she has been banned prior to the expiration of the No Entry Order/No Trespass Notice.
- (D) *Appeals.* Any individual who receives a No Entry Order/No Trespass Notice may request a review of such action by filing a written notice of appeal with the city's recreation services director. The following procedures will be followed in connection with such appeals:

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- (1) An appeal must be made in writing and filed within 10 business days of the date of the No Entry Order/No Trespass Notice. The written appeal must be filed with the Office of the City of Asheboro Recreation Services Director at 241 Sunset Avenue, Asheboro, North Carolina 27203.
- (2) Notice of the appeal must be filed on a form provided by the recreation services director's office. On this form, the appellant must state with particularity the grounds for the appeal, reasons for removing the ban, and an explanation of how the appellant will avoid future criminal actions at the city's cultural or recreational facilities/premises.
- (3) The notice of appeal will be processed by the recreation services director, but the appeal will be decided by the city manager.
- (4) Once the notice of appeal is properly filed with the recreation services director, an appeal hearing will be scheduled and conducted by the city manager as soon as is practicable. Written notice of the date, time, and location of such a hearing will be mailed to the address listed by the appellant on the notice of appeal.
- (5) After conducting the hearing and considering the available evidence, the city manager may reverse, modify, or affirm the action taken to ban the appellant from city cultural or recreational facilities/premises. The city manager's decision is final, and there shall be no appeal from the decision of the city manager to the city council.
- (6) The city manager shall render a decision within 5 business days of the conclusion of the hearing. The decision shall be mailed to the appellant at the address listed by the appellant in the notice of appeal.
- (7) An appeal of a ban to the city manager stays all proceedings and actions by city officials, specifically including the filing of any trespass charges, in furtherance of the No Entry Order/No Trespass Notice. Such a stay shall be effective from the time the written notice of appeal is formally accepted by personnel within the recreation services director's office until three business days after the city manager's written decision is placed in the custody of the United States Postal Service for delivery to the appellant.
- (8) The only exceptions to this right of appeal to the city manager are attempts to appeal an action taken by sworn law enforcement officers in compliance with a court order or to appeal an action that is pending in the criminal courts. Any appeal pertaining to a criminal case or an order from a judicial official must be addressed in accordance with laws and rules applicable to the court with jurisdiction to consider the matter for which judicial review is sought.
- (9) A decision rendered by the city manager applies only to the specific No Entry Order/No Trespass Notice from which an appeal was taken.
- (10) *Non-exclusivity.* Nothing in this section shall limit the use by the city or any other governmental entity of any or all applicable criminal sanctions and/or civil remedies for violations of the rules applicable to a facility or for violations of federal, state, or local laws and regulations.

Section 18.4

Zoo City Social District

Certain facilities administered by the cultural and recreation services departments are either in or contiguous to the Zoo City Social District. The city does not hold an ABC permit that would authorize the sale by the city of an alcoholic beverage for consumption in the social district. With the exception of Bicentennial Park, no alcoholic beverages may be brought into facilities administered by the cultural and recreation services departments. The controlling

regulations within this Manual for the consumption and possession of alcoholic beverages in the Bicentennial Park facility are found in Article XII of the Manual.

(b) An Ordinance Amending the Asheboro Cultural and Recreation Services Schedule of Deposits, Fees, and Charges

With the adoption of the immediately preceding ordinance, a new service option became available at the Bicentennial Park facility. When a new service option is offered, the fee schedule must be amended to reflect the associated charge. Thus, Recreation Services Director Jonathan Sermon recommended the adoption, by reference, of an ordinance amending the fee schedule to reflect the charge for a new service connected to the implementation of social district regulations and procedures within the Bicentennial Park facility.

Council Member Moffitt moved, and Council Member Swiers seconded the motion, to adopt the following ordinance by reference. Council Members Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NUMBER 23 ORD 5-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE AMENDING THE ASHEBORO CULTURAL AND RECREATION SERVICES SCHEDULE OF DEPOSITS, FEES, AND CHARGES

WHEREAS, the Asheboro Cultural and Recreation Services Schedule of Deposits, Fees, and Charges (the “Fee Schedule”) is used to determine the amount of money to be collected from individuals and organizations wishing to utilize various cultural and recreation services, including facility/equipment rentals, offered by the city; and

WHEREAS, the recreation services director and the city manager have recommended updating the Fee Schedule to account for additional services offered in response to the city council’s establishment of the Zoo City Social District; and

WHEREAS, the proposed amendments to the Fee Schedule are attached to this Ordinance 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 made by the recreation services director and the city manager.

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

Section 1. The Fee Schedule is hereby rewritten to provide as specified in EXHIBIT 1. The provisions of the Fee Schedule that are not explicitly modified by the contents of EXHIBIT 1 shall 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 May 20, 2022.

This Ordinance was adopted by the Asheboro City Council in open session during a special meeting held on the 20th day of May, 2022.

/s/ David H. Smith
David H. Smith, Mayor

ATTEST:

/s/ Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

ASHEBORO CULTURAL & RECREATION SERVICES
Schedule of Deposits, Fees, and Charges

Adopted:
Effective: May 20, 2022

***Denotes Proposed
Changes / Additions***

BASEBALL/SOFTBALL FIELD RENTAL	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Rental per hour (no lights)	\$15.00	\$20.00
Rental per hour (with lights)	\$25.00	\$35.00
Tournament rentals		
One field facility (per weekend)	\$175.00	\$225.00
Two field facility (per weekend)	\$300.00	\$400.00
Concession Stand & Restrooms	\$50.00	\$65.00
Additional Field Preparation	\$45.00	\$60.00

DISC GOLF COURSE	Rec Card Fees	Non-Resident Fees
Tournament Rental per Day (8 hours)	\$100.00	\$175.00

DOWNTOWN FARMERS' MARKET	<i>Applies to All</i>
Daily Fee - 1 space	\$5.00
Daily Fee - 2 spaces <i>(if granted by Market Manager)</i>	\$15.00

GATEKEEPER'S HOUSE		Applies to All	
Security Deposit (refundable)		\$100.00	
		\$15.00	
Non-Profit / Government Rate (per hour)		Rec Card Fees	
		Non-Resident Fees	
Daily Rate (per hour)		\$25.00	\$35.00

GOLF COURSE	Rec Card Fees	Non-Resident Fees
Walking Only		
Any Day	\$8.00	\$10.00
Riding (9 holes) Includes Greens Fees		
Any Day	\$15.00	\$18.00
Riding (18 holes) Includes Greens Fees		
Any Day	\$21.00	\$25.00
Twilight (18 holes) After 3pm Daily. Includes cart & green fees.		
Weekday	\$16.00	\$20.00
Membership Rates		
Individual	\$365.00	\$465.00
Junior Summer (June - August)	\$75.00	\$125.00
Senior	\$290.00	\$390.00
Senior Couple	\$475.00	\$575.00
Family (Up to 4 at the same residence)	\$600.00	
Member Cart Fee		
Nine Holes	\$6.00	\$7.00
Eighteen Holes	\$11.00	\$13.00

LAKE LUCAS	Rec Card Fees	Non-Resident Fees
Daily fishing permit	\$3.00	\$4.00
Annual fishing permit	\$35.00	\$50.00
Daily Canoe/Kayak rental	\$6.00	\$10.00
Daily Canoe/Kayak launch fee	\$2.50	\$3.50
Annual Canoe/Kayak launch fee	\$35.00	\$50.00
Daily Jon boat rental	\$8.00	\$12.00
Daily launch fee	\$7.00	\$9.50
Annual launch fee	\$100.00	\$135.00
Kayak rental spaces	\$60.00	\$85.00
Boat rental spaces	\$150.00	\$200.00

LAKE REESE	Rec Card Fees	Non-Resident Fees
Daily launch fee	\$7.00	\$9.50
Daily Canoe/Kayak launch fee	\$2.50	\$3.50
Annual Canoe/Kayak launch fee	\$35.00	\$50.00
Annual launch fee	\$100.00	\$135.00
Daily duck hunting (per boat)	\$12.50	\$16.00

RECREATION CENTER	Applies to All	
Adult Lap Swim		\$2.00

Aquatic & Group Fitness Classes

Class Pass (15 admissions)

Open Gym Activities

Senior Programs

Aquatic & Group Fitness Classes

Lap Swim

Open Gym Activities

Senior Games Practice Activities

Rentals

Security Deposit

Conference Room Rental (per hour)

Multipurpose Room Rental (per hour)

Gym Rental (per hour)

Pool Rental (2 hours)

Pool Rental (3 hours)

* All pool rentals are limited to a maximum capacity of 30 persons.

* Each pool rental includes 1 Manager, 2 Lifeguards and the use of the party room for food and beverages.

ROTARY PAVILION AT BICENTENNIAL PARK		Applies to All
Security Deposit (refundable)		\$75.00
Non-Profit / Government Rate		\$225.00
Facility / Equipment Signage Rental (event optional)		\$20.00
		Rec Card FeesNon-Resident Fees
Daily Rate		\$325.00\$400.00

RUNNING / WALKING EVENTS	Non-Profit Group Fees	Event Fees
Bicentennial Park Certified 5K Course	\$225.00	\$300.00
Memorial Park Certified 5K Course	\$300.00	\$400.00
Memorial Park Certified 10K Course	\$375.00	\$500.00
Non-Conforming Courses (Any course that is not listed above)	\$525.00	\$700.00

* All Non-Conforming Courses must receive City staff approval.

Note: Running/Walking Event Fees are in addition to the Facility Rental Fees of each park.

SHELTER RENTAL	Rec Card Fees	Non-Resident Fees
Eastside, Frazier, Kiwanis, Lake Lucas, Memorial Lower, North Asheboro Park		
1/2 Day: 10am - 3pm or 3:30pm - Dark	\$10.00	\$20.00
Full Day	\$20.00	\$40.00

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Memorial Park Upper

1/2 Day: 10am - 3pm or 3:30pm - Dark	\$18.00	\$35.00
Full Day	\$35.00	\$70.00

SKATE PARK	Rec Card Fees	Non-Resident Fees
Daily Admission	\$1.00	\$2.00
15 Admission Pass	\$10.00	\$25.00
1 Year Unlimited Pass	\$150.00	\$300.00
Party Room Rental (per hour)	\$20.00	\$30.00

SUNSET THEATER	Applies to All	
Security Deposit		\$100.00
Dark / Rehearsal (Multi day use, 4 hour max)		\$60.00
General Meeting / Party Rental (4 hour max)		\$100.00
Non-Profit / Government / School Group (Single day use, 8 hour max)		\$175.00
Private Event (8 hour max)		\$300.00
Commercial / For Profit (8 hour max)		\$450.00

SWIMMING POOLS	Applies to All	
Public Swim (day)		
2 years old & under (with paying adult)		FREE
3 years old and above		\$3.00
Public Swim (night)		
2 years old & under (with paying adult)		FREE
3 years old and above		\$2.00
Public Lap Swim		\$2.00
Lifeguard Training Class		\$225.00
	Rec Card Fees	Non-Resident Fees
Public Senior Swim	FREE	\$1.00
Swimming Lessons (group)	\$25.00	\$30.00
Swimming Lessons (private)	\$50.00	\$60.00
Swim Pass (15 admissions)	\$30.00	\$40.00
*Pool Rental (0 - 50 people for 2 hours)	\$150.00	\$225.00
Includes 1 Manager & 2 Lifeguards		
*Pool Rental (0 - 50 people for 3 hours)	\$225.00	\$300.00
Includes 1 Manager & 2 Lifeguards		
*Each Additional Lifeguard	\$30.00	\$30.00
* If party attendance exceeds 50 people, 1 additional lifeguard is REQUIRED for every 25 additional people		

TENNIS CENTER	Rec Card Fees	Non-Resident Fees
Lights per hour per court	\$3.00	\$4.00

YOUTH SPORTS FEES	Rec Card Fees	Non-Resident Fees
Registration Fee	\$30.00	\$50.00
Late Registration Fee	\$10.00	\$10.00

** Late Registration applies to all registration forms received after the advertised registration deadline.*

**Participants who reside within the City Limits of Asheboro must
obtain a Rec Card in order to receive the Rec Card Rate.**

[City Clerk Notation: The above-listed ordinances were considered and acted upon in the order stated herein. The meeting agenda erroneously listed the two ordinances in reverse order. However, without objection from any party, the items were considered in the above-stated order that was recommended by the recreation services director.]

3. Overview of the Proposed Budget for Fiscal Year 2022-2023

City Manager Ogburn utilized a slide show to present details and highlights of the proposed budget for the City of Asheboro for the upcoming fiscal year. The fiscal year 2022-2023 budget is balanced at \$61,207,222.

The proposed budget recommends no change in the current property tax rate of \$0.665 cents per \$100.00 valuation. An increase is recommended for the garbage and recycling collection fees. Additionally, an increase is recommended for water and sewer fund rates.

The public hearing on the proposed budget for fiscal year 2022-2023 will be held during the council’s regular meeting on June 9, 2022. A copy of the proposed annual budget for fiscal year 2022-2023, as well as the slide show utilized by Mr. Ogburn during this special meeting, is on file in the city clerk’s office.

No action on the proposed budget was requested of the council during this special meeting, and none was taken.

At approximately 11:51 a.m., Mayor Smith recessed the meeting to allow time for the council members to eat lunch and travel to McCrary Ballpark

4. McCrary Park

At approximately 12:35 p.m., Mayor Smith reconvened the meeting at McCrary Park located at 138 Southway Road in Asheboro. All of the elected officials present at the public works facility when the special meeting initially convened at 10:00 a.m. were also present when the meeting reconvened at McCrary Park.

City Engineer Michael Leonard, PE and his team discussed the on-going improvements and renovations at the facility. The elected officials used the opportunity to see first-hand the work that has been completed.

No action was requested of the council during this portion of the meeting, and none was taken.

There being no further business to conduct, the meeting was adjourned at approximately 1:10 p.m.

<u>/s/Holly H. Doerr</u> Holly H. Doerr, CMC, NCCMC, City Clerk	<u>/s/David H. Smith</u> David H. Smith, Mayor
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