

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, SEPTEMBER 12, 2013  
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          )  
Michael W. Hunter        ) – Council Members Present  
Walker B. Moffitt        )  
Charles A. Swiers        )

Linda H. Carter           ) – Council Member Absent

John N. Ogburn, III, City Manager  
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal  
John L. Evans, Assistant Community Development Director  
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  
Jonathan M. Sermon, Recreation Services Superintendent  
Jeffrey C. Sugg, City Attorney

**1. Call to order.**

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

**2. Silent prayer and pledge of allegiance.**

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

**3. Consent agenda:**

Upon motion by Mr. Baker and seconded by Mr. Bell, Council voted unanimously to approve the following consent agenda items. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

- (a) **The minutes of the City Council's regular meeting, including the general account of the closed session that was conducted during the meeting, on August 8, 2013.**
- (b) **The minutes of the City Council's special joint meeting with the Randolph County Board of Commissioners on August 20, 2013.**
- (c) **Acknowledgement of the receipt of the minutes of the Asheboro ABC Board meeting held on August 5, 2013.**
- (d) **The temporary closing of the following streets for a tractor parade on Saturday, October 12, 2013, from 10:00 a.m. to 11:30 a.m.: Hoover Street, Davis Street, North Church Street from Hoover Street to Sunset Avenue, Sunset Avenue from Church Street to South Fayetteville Street, South Fayetteville Street from Sunset Avenue to West Academy Street, and West Academy Street from South Fayetteville to South Church Street.**

[A copy of the parade permit application form, including a street map, that was submitted by the event organizer is on file in the City Clerk's office.]

- (e) In preparation for the Halloween event known as "Trick or Treat in the Park" that is organized by the City of Asheboro Cultural and Recreation Services Division, the temporary closure of the following streets between 6:00 p.m. and 9:00 p.m. on Thursday, October 31, 2013 was approved: North Street, Trade Street, and Sunset Avenue between Church Street and Fayetteville Street.
- (f) An amendment to the budget ordinance for fiscal year 2013-2014 to accurately reflect certain fees in the environmental services department.

25 ORD 9-13

**ORDINANCE TO AMEND BUDGET ORDINANCE FY 2013-2014**

WHEREAS, The City Council of the City of Asheboro adopted the Budget Ordinance outlining revenues, expenditures and rates for the City of Asheboro General Fund and Water & Sewer Fund for fiscal year 2013-2014 on June 28, 2013, and;

WHEREAS, the rates charged for services provided by the Sanitation Department were outlined in the budget ordinance, and;

WHEREAS, there was a misprint in this fee table indicating there was a change in fee for dumpster collection per pick-up, dumpster rental per month and dumpster cleaning per month, and;

WHEREAS, the City Council wishes to amend this fee structure to reflect no changes in the rates assessed for these existing services in comparison to the rates that were in place for Fiscal Year 2012-2013, and;

THEREFORE, be it ordained by the City Council of the City of Asheboro North Carolina that the residential and commercial dumpster collection rate per pick up remains at \$30 per pick-up, that the dumpster rental per month remain at \$40 per month and the Dumpster Clean / Replace fee remain at \$150 per dumpster.

Adopted this 12<sup>th</sup> day of September, 2013.

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

ATTEST:

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

- (g) A resolution declaring the official intent of the City of Asheboro to purchase certain municipal vehicles and equipment and then to reimburse the General Fund and the Water and Sewer Fund with installment financing proceeds.

38 RES 9-13

**RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ASHEBORO TO PURCHASE CERTAIN MUNICIPAL VEHICLES AND EQUIPMENT AND THEN REIMBURSE THE GENERAL FUND AND THE WATER AND SEWER FUND WITH INSTALLMENT FINANCING PROCEEDS**

**WHEREAS**, in order to maintain a satisfactory level of municipal services for the citizens of the City of Asheboro, the Asheboro City Council has adopted a budget ordinance for fiscal year 2013-2014 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted municipal services; and

**WHEREAS**, the vehicles and equipment that are to be acquired during the 2013-2014 fiscal year in order to maintain essential municipal services are as follows:

General Fund Expenditures

- (a) An All-Terrain Crossover Utility Vehicle for the Fire Department
- (b) A Stretcher/Rescue System for the All-Terrain Crossover Utility Vehicle

Water and Sewer Fund Expenditures

- (a) A Rubber Tire Loader for the Wastewater Treatment Plant
- (b) A Backhoe for the Wastewater Treatment Plant



4. **Community Development Division Items:**

- (a) **Zoning Case RZ/CUP-13-11: A combined hearing, which was continued from August 8, 2013, on the application filed by Glenn King to rezone the property located at 1000 Park Drive from R15 (low-density residential) to conditional use O&I (office and institutional) zoning and, if the requesting rezoning is approved, to obtain a conditional use permit authorizing an office development with multiple uses.**

Mayor Smith opened the previously continued public hearing on the above-stated request. This public hearing was originally opened during the Council's regular meeting on August 8, 2013.

Trevor Nuttall, the city's Community Development Director, was asked to address the Council first. Mr. Nuttall was originally placed under oath when this case was first called on August 8, 2013, and he remained under oath for these proceedings.

In addition to noting the procedural history of the case, Mr. Nuttall entered into the record a written request, which was dated September 11, 2013, by the applicant, Glenn King. In this submittal, Mr. King requested a second continuance of the case because of scheduling difficulties involving a witness that Mr. King wanted to call for expert testimony. A copy of Mr. King's written request for a continuance is on file in the City Clerk's office.

If granted, the requested continuance would result in the continuation of this public hearing to the next regular council meeting that will be held on October 10, 2013. Mr. King was not present in the Council Chamber when the case was called, and the unavailability of Mr. King to respond to questions from the Mayor and Council Members was a cause for some concern on the part of the governing board.

John Evans, Assistant Community Development Division Director, was placed under oath in order to testify as to his conversations with the applicant prior to this Council meeting. Mr. Evans testified that he had advised Mr. King that the Council would have to act upon the request for a continuance and that he would need to be available to answer questions. Similarly, during his testimony, Mr. Nuttall stated that he had informed Mr. King that the consideration of a second continuance request would not be treated as a matter of automatic approval.

Mayor Smith invited testimony on the matter of the requested continuance from the individuals already present in the chamber to offer testimony in this case. Mr. Cliff Maness, Mr. Dick Tracey, and Dr. Charles Lee offered sworn testimony in opposition to the requested continuance. The witnesses expressed concerns about the fairness of the process and the absence of respect for their time in a situation such as this one where they appeared and were ready to proceed after the applicant had already received one continuance. The opposition to the requested continuance was heightened by the fact that the applicant did not appear in person to present his request and respond to questions.

During the course of this discussion, Mayor Smith asked John Evans to attempt to contact Mr. King by means of a cell phone number listed on the application and determine if Mr. King was coming to the meeting. In the meantime, Mayor Smith, with the general consent of the Council Members, moved the meeting along by calling for consideration of the remaining items on the Community Development Division's section of the agenda. When the Council concluded its action on agenda item 4(c), John Evans returned to the Council Chamber and was called upon by Mayor Smith to report on his efforts to reach Mr. King. In response, Mr. Evans testified that he had reached Mr. King on a cell phone, and Mr. King estimated that he was approximately fifteen minutes away from the Council Chamber. With the general consent of the Council Members, Mayor Smith held open the public hearing until Mr. King could arrive and, in the interim, proceeded with other agenda items.

At the conclusion of agenda item 7(e), Mr. King was present in the Council Chamber, and Mayor Smith resumed receiving testimony as part of the public hearing for Case No. RZ/CUP-13-11. Mr. King was placed under oath and offered testimony that mirrored his written request for a continuance.

While Mayor Smith and the Council Members expressed dissatisfaction with the manner in which the public hearing had progressed, especially the initial absence of the applicant during the evening's proceedings, the governing board members also expressed concerns about the interaction of the absence of a board member with the fact that a protest petition had been received in connection with this rezoning request. Because of these circumstances, the applicant would have to receive an affirmative vote from all six

(6) Council Members present in the Council Chamber in order to satisfy the super majority requirements triggered by the protest petition against the requested legislative rezoning.

Ultimately, Mr. Moffitt moved to continue the public hearing to the Council's next regular meeting on October 10, 2013. Mr. Bell seconded the motion. Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye. Mr. Baker voted no.

**(b) Zoning Case SUP-13-05: A quasi-judicial hearing concerning a request for a special use permit authorizing a commercial planned unit development at 1280 East Dixie Drive.**

Mayor Smith opened the public hearing on the above-stated request for a Special Use Permit.

Mr. Nuttall was placed under oath and presented a request from the Applicant, PF – Asheboro Too, LLC, to continue the hearing of this matter. A representative for the Applicant, Mr. Thomas B. Kemp, was placed under oath and was available to answer questions.

No one expressed opposition to this request for a continuance. This meeting was the first time a public hearing has been opened on the question of granting the requested Special Use Permit.

Upon motion by Mr. Baker and seconded by Mr. Bell, Council voted unanimously to continue the above-referenced land use case to the Council's regular October meeting. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**(c) Consideration of a resolution requesting the Planning Board's assistance in modifying the membership roll of the Planning Board to reflect the significant reduction in the city's extraterritorial planning jurisdiction.**

Mr. Nuttall presented and recommended adoption, by reference, of the aforementioned resolution.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**39 RES 9-13**

**A RESOLUTION REQUESTING THE ASSISTANCE OF PLANNING BOARD MEMBERS IN AMENDING THE BOARD'S MEMBERSHIP ROLL TO REFLECT THE REDUCTION IN THE EXTENT OF THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION**

**WHEREAS**, consistent with the authority granted to the city by virtue of Chapter 160A (Cities and Towns), Article 19 (Planning and Regulation of Development) of the North Carolina General Statutes, the Asheboro City Council, after giving proper notice and conducting a public hearing over the course of two (2) regular meetings, redrew the extraterritorial planning jurisdiction boundary line for the City of Asheboro by adopting Ordinance No. 36 ORD 12-12 on December 6, 2012; and

**WHEREAS**, pursuant to the adoption of Ordinance No. 36 ORD 12-12, which was entitled "AN ORDINANCE DEFINING THE BOUNDARY OF THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE CITY OF ASHEBORO," the extraterritorial planning jurisdiction boundary line shown on a map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area," which consisted of seven (7) sheets collectively prepared under Job No. 12030 by Thomas Scaramastra, Professional Land Surveyor with License No. L-4221, was approved and adopted, effective January 1, 2013, as the official boundary line for the extraterritorial planning jurisdiction of the City of Asheboro; and

**WHEREAS**, the said map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" has been recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34; and

**WHEREAS**, by virtue of the adoption of this new extraterritorial planning jurisdiction boundary line with an effective date of January 1, 2013, a substantial amount of territory previously located within the City of Asheboro's extraterritorial planning jurisdiction was released from the city's jurisdiction; and

**WHEREAS**, under North Carolina law, extraterritorial members of a municipality's Planning Board only act on matters affecting the extraterritorial area unless the city's ordinance specifically grants these members equal authority on matters within the city limits; and



Upon motion by Mr. Burks and seconded by Mr. Swiers, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**40 RES 9-13**

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES**

**(A Petition from the Owners of the Parcel of Land Located at 1839 U.S. Highway 64 East)**

**WHEREAS**, Shade Jason Joines and Tish F. Joines have submitted a petition requesting the annexation by the City of Asheboro of their parcel of land (approximately 1.08 acres of land identified by Randolph County Parcel Identification Number 7761839158) located at 1839 United States Highway 64 East; and

**WHEREAS**, the territory for which annexation is requested is situated directly across the right-of-way for United States Highway 64 East from the existing primary corporate limits of the City of Asheboro; and

**WHEREAS**, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

**WHEREAS**, in response to this petition, the City Council has decided to proceed with the statutorily prescribed voluntary annexation proceedings;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the results of her investigation.

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 12<sup>th</sup> day of September, 2013.

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

ATTEST:

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

**CERTIFICATE OF SUFFICIENCY**

**(A Petition from the Owners of the Parcel of Land Located at 1839 U.S. Highway 64 East)**

TO: The City Council of the City of Asheboro, North Carolina

I, Holly H. Doerr, CMC, NCCMC, City Clerk of the City of Asheboro, North Carolina, do hereby certify that, with the assistance of other city staff members in the engineering department, I have investigated the petition signed by Shade Jason Joines and Tish F. Joines. On the basis of the evidence obtained during the course of that investigation, I have concluded that all owners of real property lying in the area for which annexation has been requested, and outside of the public right-of-way for United States Highway 64 East, have signed the mandated petition, and the petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina in order to make this certification effective as of the 12<sup>th</sup> day of September, 2013.

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

**(b) Upon receipt of the clerk's certification of the petition, consideration of a resolution setting the date for a public hearing on the question of annexation.**

As a consequence of the receipt of written certification from the City Clerk as to the sufficiency of said annexation petition, Mr. Leonard presented and recommended

adoption, by reference, of a resolution setting the date for a public hearing on the question of annexation.

Upon motion by Mr. Bell and seconded by Mr. Hunter, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Sweirs voted aye.

41 RES 9-13

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO SECTION 160A-31 OF THE NORTH CAROLINA GENERAL STATUTES**

**(A Petition from the Owners of the Parcel of Land Located at 1839 U.S. Highway 64 East)**

**WHEREAS**, Shade Jason Joines and Tish F. Joines have properly submitted a petition requesting the annexation by the City of Asheboro of their parcel of land (approximately 1.08 acres of land identified by Randolph County Parcel Identification Number 7761839158) located at 1839 United States Highway 64 East; and

**WHEREAS**, the City Council has, by resolution, directed the city clerk to investigate the sufficiency of the annexation petition; and

**WHEREAS**, on the basis of her review of information gathered by city staff members during an investigation of the submitted petition, the city clerk has certified to the City Council the sufficiency of this petition to proceed with setting a date for a public hearing on the question of annexation pursuant to Section 160A-31 of the North Carolina General Statutes;

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

**Section 1.** A public hearing on the question of annexing the area described herein will be held in the Council Chamber of Asheboro City Hall, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a regular meeting of the City Council that will begin at 7:00 o'clock p.m. on the 10<sup>th</sup> day of October, 2013.

**Section 2.** A metes and bounds description of the area proposed for annexation is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

**Section 3.** Notice of the public hearing shall be published in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 12<sup>th</sup> day of September, 2013.

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

ATTEST:

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

**EXHIBIT 1**

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing primary city limits line for the City of Asheboro (as shown on an annexation plat recorded in Plat Book 36, Page 83, Randolph County Public Registry) at a computed point on the southern margin of the public right-of-way for United States Highway 64 and North Carolina Highway 49, the said beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 713,064.184 feet and East 1,769,204.807 feet (NAD 27); thence from the said beginning point proceeding along the existing primary city limits line and the southern margin of the public right-of-way for United States Highway 64 and North Carolina Highway 49 the following course and distance: South 47 degrees 40 minutes 05 seconds West 258.88 feet to a computed point located by means of the North Carolina Coordinate System at the coordinates of North 712,889.849 feet and East 1,769,013.430 feet (NAD 27); thence departing from the existing primary city limits line and proceeding across the public right-of-way for United States Highway 64 and North Carolina Highway 49 the following course and distance: North 43 degrees 44 minutes 02 seconds West 149.28 feet to a ½" existing iron rod flush with the ground at the southwest corner of the Shade J. Joines and Tish F. Joines property that is described in Deed Book 2311, Page 409, Randolph County Public Registry and for which an annexation petition has been submitted; thence along the boundary line for the said Joines property the following courses and

distances: North 43 degrees 44 minutes 02 seconds West 102.52 feet to a 1-½" existing iron pipe that is flush with the ground; thence North 04 degrees 17 minutes 02 seconds East 282.76 feet to a 1" existing iron pipe that is 6" above the ground; thence South 49 degrees 56 minutes 10 seconds East 299.31 feet to a ½" existing iron rod that is flush with the ground and is set on the northern margin of the public right-of-way for United States Highway 64 and North Carolina Highway 49 at the southeast corner of the said Joines property; thence South 49 degrees 56 minutes 10 seconds East 150.60 feet across the public right-of-way for United States Highway 64 and North Carolina Highway 49 to the point and place of BEGINNING, and containing a total of 1.9327 acres of land, more or less, to be annexed (Within the overall annexation area, 1.0735 acres of land, more or less, are located within the Joines property, and 0.8592 of an acre of land, more or less, is located within the public street right-of-way.)

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION PLAT PREPARED FOR CITY OF ASHEBORO (and) SHADE J. & TISH F. JOINES" that was drawn under the supervision of Glenn Lee Brown, Professional Land Surveyor with Registration Number L-3663, from an actual survey made under his supervision. The job number listed on the plat is G13030AX, and the said plat of survey is dated August 24, 2013.

**6. Public comment period.**

Mayor Smith opened the floor for comments from the public.

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

**7. Sunset Theatre Items:**

**(a) Approval of Change Order #6 (Final) on the Sunset Theatre Renovation Project (Rehab Builders, Inc.) increasing the contract amount by \$2,292.00 to \$1,683,157.00.**

Mr. Leonard presented the above-referenced Change Order #6 (Final) on the Sunset Theatre Renovation Project by Rehab Builders, Inc. increasing the contract amount by \$2,292.00 to \$1,683,157.00. This change order is for the addition and completion of the seating lighting that was omitted in the original plans.

Mr. Moffitt moved to approve the above-referenced Change Order #6. Mr. Bell seconded the motion, and Council Members Bell, Baker, Burks, Hunter, Moffitt, and Swiers voted aye.

[A copy of Change Order #6 is on file in the City Clerk's office.]

**(b) Approval of the final amendment (Amendment No. 3) to the agreement with Architect S.W. Cofer, PLLC to increase the total fee by \$10,251.25 to \$216,519.62 in order to account for changes in the requested electrical design services.**

Mr. Leonard presented and recommended approval of the above-referenced Amendment No. 3 to the agreement with Architect S.W. Cofer, PLLC to increase the total fee by \$10,251.25 to \$216,519.62 in order to account for electrical engineering services requested during the course of the project.

Upon motion by Mr. Baker and seconded by Mr. Bell, Council voted unanimously to approve the above-referenced Amendment No. 3 to the agreement with Architect S.W. Cofer, PLLC. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

[A copy of the approved amendment to the agreement is on file in the City Clerk's office.]

**(c) Consideration of an ordinance amending the Sunset Theatre Project Fund (Fund #67) FY 2013-2014.**

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned ordinance.

Upon motion by Mr. Burks and seconded by Mr. Baker, Council voted unanimously to adopt the following ordinance, by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.



**WHEREAS**, the proposed amendments to the regulations governing the operation of the Sunset Theatre 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 city manager and the staff in the cultural and recreation services division;

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

**Section 1.** Article XIV of the City of Asheboro Cultural and Recreation Services Division 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 addressed 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 16<sup>th</sup> day of September, 2013.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 12<sup>th</sup> day of September, 2013.

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

ATTEST:

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

## **EXHIBIT 1**

### **ARTICLE XIV.**

### **SUNSET THEATRE**

#### **SECTION 14.1 APPLICATION**

The City of Asheboro Cultural and Recreation Services Division strives to administer the Sunset Theatre facility in a manner that will provide the citizens of Asheboro with an opportunity for a high quality experience. Under general guidance from the Cultural and Recreation Services Director, designated city employees within the Cultural and Recreation Services Division 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 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 Director as he or she evaluates the needs and priorities of the division. In order to request the use of this facility, an applicant shall accurately complete in its entirety the application form prescribed by the Cultural and Recreation Services 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. No alcoholic beverages other than unfortified wine 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 Division. Multiple dates will require multiple deposits.
4. The Cultural and Recreation Services 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 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 Division), which includes load-in and load-out. At the latest, closing time shall be Midnight, unless otherwise stated. ~~Failure to remove all items prior to the end of the specified rental period shall result in additional rental fees being charged. 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 Division at least, but not 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 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 Cultural and Recreation Services 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 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 without approval.
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 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 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 public address/sound system, accessories, and qualified operator. Any cords shall be secured for the safety of the public and in compliance with current electrical codes. A designated, responsible adult to operate the Theatre sound system, if needed.~~
- ~~b. An operator to run the spotlight, if needed. 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. Approved lighting equipment and qualified operators.~~
- ~~f. Money box and petty cash as needed.~~

- 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 staff members may adjust thermostats.
44. The Cultural and Recreation Services 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 Division for additional information:

- ~~a. Popcorn Popper \$25.00 per day.~~
- ~~b. Ticket Sellers/Takers (hourly charge).~~
- ~~c. Ushers (hourly charge).~~
- ~~d. Spotlight Operator (hourly charge).~~
- ~~e. Ticket design service (\$75.00 for up to 390, 1 side printed tickets).~~
- ~~f. One poster for display case (\$25.00 per poster).~~

- 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)

**(e) Consideration of an ordinance updating, as it relates to the Sunset Theatre, the official schedule of deposits, fees, and charges administered by the City of Asheboro Cultural and Recreation Services Division.**

Mr. Sermon presented and recommended adoption, by reference, of the aforementioned ordinance.

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

**28 ORD 9-13**

**AN ORDINANCE AMENDING THE CULTURAL AND RECREATION SERVICES DIVISION'S SCHEDULE OF FEES**

**WHEREAS**, pursuant to the City of Asheboro Cultural and Recreation Services Division Policy Manual, which is incorporated by reference into the Code of Asheboro by virtue of Section 98.01 of the said Code, the deposits, fees, and other types of charges collected by the Cultural and Recreation Services Division are set forth in the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Division (previously known as the Parks and Recreation Department); and

**WHEREAS**, in preparation for the reopening of the renovated Sunset Theatre, the cultural and recreation services division's leadership team, with the concurrence of the city manager, has recommended to the Asheboro City Council the amendment of certain fees and charges applicable to the operation of the theatre; and

**WHEREAS**, the proposed amendments to the fee schedule 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 city manager and the staff in the cultural and recreation services division;

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

**Section 1.** The Schedule of Deposits, Fees, and Charges administered by the City of Asheboro Cultural and Recreation Services Division is hereby rewritten to provide as specified in EXHIBIT 1. All provisions of the said fee schedule that are not expressly addressed 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 take effect and be in force from and after the 16<sup>th</sup> day of September, 2013.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 12<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
/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: September 16, 2013*

*Denotes Proposed  
Changes*

<b>BASEBALL/SOFTBALL FIELD RENTAL</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
<b>Rental per hour (no lights)</b>	<b>\$15.00</b>	<b>\$20.00</b>
<b>Light Fee (per hour)</b>	<b>\$10.00</b>	<b>\$15.00</b>
<b>Tournament rental</b>		
(1 field) per weekend	<b>\$175.00</b>	<b>\$225.00</b>
(two fields) per weekend	<b>\$300.00</b>	<b>\$400.00</b>
<b>Concession Stand &amp; Restrooms</b>	<b>\$50.00</b>	<b>\$65.00</b>
<b>Additional Field Preparation</b>	<b>\$45.00</b>	<b>\$60.00</b>
<b>DISC GOLF COURSE</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Tournament Rental per Day (8 hours)	<b>\$100.00</b>	<b>\$175.00</b>

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

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

<b>LAKE LUCAS</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Daily fishing permit	<b>\$3.00</b>	<b>\$4.00</b>
Annual fishing permit	<b>\$35.00</b>	<b>\$50.00</b>
Daily Jon boat rental	<b>\$8.00</b>	<b>\$12.00</b>
Daily Canoe/Kayak rental	<b>\$6.00</b>	<b>\$10.00</b>
Daily Canoe/Kayak launch fee	<b>\$2.50</b>	<b>\$3.50</b>
Annual Canoe/Kayak launch fee	<b>\$35.00</b>	<b>\$50.00</b>
Daily launch fee	<b>\$7.00</b>	<b>\$9.50</b>
Annual launch fee	<b>\$100.00</b>	<b>\$135.00</b>
Boat rental spaces	<b>\$75.00</b>	<b>\$25.00</b>

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

<b>ROOM RENTAL</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
1 Hour	<b>\$20.00</b>	<b>\$25.00</b>
1/2 Day	<b>\$60.00</b>	<b>\$75.00</b>
Full Day	<b>\$100.00</b>	<b>\$125.00</b>

<b>ROTARY PAVILION AT BICENTENNIAL PARK</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Security Deposit (refundable)	<b>\$75.00</b>	<b>\$75.00</b>
Daily Rate	<b>\$325.00</b>	<b>\$400.00</b>
	<i>Applies to All</i>	
Non-Profit / Government Rate		<b>\$225.00</b>

<b>SHELTER RENTAL</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
<b>Eastside, Frazier, Kiwanis, Lake Lucas, Memorial Lower, North Asheboro Park</b>		
1/2 Day: <i>10am - 3pm or 3:30pm - Dark</i>	<b>\$10.00</b>	<b>\$20.00</b>
Full Day	<b>\$20.00</b>	<b>\$40.00</b>
<b>Memorial Park Upper</b>		
1/2 Day: <i>10am - 3pm or 3:30pm - Dark</i>	<b>\$18.00</b>	<b>\$35.00</b>
Full Day	<b>\$35.00</b>	<b>\$70.00</b>

<b>SKATE PARK</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Daily Admission	<b>\$1.00</b>	<b>\$2.00</b>
15 Admission Pass	<b>\$10.00</b>	<b>\$25.00</b>
1 Year Unlimited Pass	<b>\$150.00</b>	<b>\$300.00</b>

<b>SUNSET THEATER THEATRE</b>	<i>Applies to All</i>	
Security Deposit		<b>\$100.00</b>
Party Rental (3 hour max)		<b>\$100.00</b>
General Meeting / Party Rental (4 hour max)		<b>\$100.00</b>
Dark / Rehearsal (Multi day use, 4 hour max)		<b>\$50.00</b>
Non-Profit / Government / School Group (Single day use, 8 hour max)		<b>\$125.00</b>
Non-Profit / Government / School Group (Single day use, 8 hour max)		<b>\$150.00</b>
General Meeting (3 hour max)		<b>\$100.00</b>
Private Event (8 hour max)		<b>\$300.00</b>
Commercial / For Profit (8 hour max)		<b>\$350.00</b>
Commercial / For Profit (8 hour max)		<b>\$400.00</b>
<i>Some rates subject to a \$25.00 discount Monday - Thursday</i>		

<b>SWIMMING POOLS</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
<b>Public Swim (day)</b>		
2 years old & under (with paying adult)	<b>No Fee</b>	<b>No Fee</b>
3 years old and above	<b>\$2.50</b>	<b>\$3.25</b>
<b>Public Swim (night)</b>		
2 years old & under (with paying adult)	<b>No Fee</b>	<b>No Fee</b>
3 years old and above	<b>\$2.00</b>	<b>\$2.75</b>
<b>Public Lap Swim</b>	<b>\$1.00</b>	<b>\$1.75</b>
<b>Public Senior Swim</b>	<b>\$1.00</b>	<b>\$1.75</b>
<b>Swimming Lessons (group)</b>	<b>\$25.00</b>	<b>\$30.00</b>
<b>Swimming Lessons (private)</b>	<b>\$50.00</b>	<b>\$60.00</b>
<b>Swim Pass (15 admissions)</b>	<b>\$30.00</b>	<b>\$40.00</b>
<b>*Groups (15+)</b>	<b>\$2.00</b>	<b>\$2.75</b>
<b>*Pool Rental (2 hr. Min.) 0 - 49</b>	<b>\$150.00</b>	<b>\$225.00</b>

*Includes 1 Manager & 2 Lifeguards*

**Pool Rental (2 hr. Min.) 50+**

<b>\$200.00</b>	<b>\$300.00</b>
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*Includes 1 Manager & 3 Lifeguards, add \$20 for each additional Lifeguard required.*

<b>TENNIS CENTER</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Lights per hour per court	<b>\$3.00</b>	<b>\$4.00</b>

<b>YOUTH SPORTS FEES</b>	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Registration Fee	<b>\$20.00</b>	<b>\$50.00</b>
Late Registration Fee	<b>\$10.00</b>	<b>\$10.00</b>

*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.**

**8. Water & Sewer Utility Items:**

**(a) Approval of an agreement with Cavanaugh & Associates, P.A. for the “City of Asheboro 2013 Utility Billing Rate Model Update”**

Mr. Leonard presented and recommended approval of an agreement with Cavanaugh & Associates, P.A. that would allow the City Manager to enter into an agreement in order to update the City’s Water and Sewer Billing Rate Model using data collected over the past three (3) years in order to determine if the City’s rates are in line with its treatment costs.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to approve the above-reference agreement with Cavanaugh & Associates, P.A for the “City of Asheboro 2013 Utility Billing Rate Model Update.” Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

[A copy of this contract is on file in the City Clerk’s office.]

**(b) Consideration of a resolution to adopt the schedule of charges and fees for the Water Resources Division for the 2013-2014 fiscal year.**

Mr. Rhoney presented and recommended adoption, by reference, of a resolution to adopt the schedule of charges and fees for the Water Resources Division for the 2013-2014 fiscal year.

Upon motion by Mr. Moffitt and seconded by Mr. Burks, Council voted unanimously to adopt the following resolution by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**42 RES 9-13**

**RESOLUTION TO ADOPT THE SCHEDULE OF CHARGES AND FEES FOR THE WATER RESOURCES DIVISION FOR THE 2013-2014 FISCAL YEAR**

**WHEREAS**, on December 6, 2012, the second reading and final adoption by the City Council of the City of Asheboro of an ordinance amending certain sections of Chapter 52 of the Code of Asheboro occurred; and

**WHEREAS**, Chapter 52 of the Code of Asheboro is commonly referred to as the sewer use ordinance, and the above-referenced amendments to Chapter 52 became effective on January 1, 2013; and

**WHEREAS**, Section 52.15 of the Code of Asheboro describes the purpose of the sewer use ordinance fees and how the fees are to be set by providing as follows:

It is the purpose of this chapter to provide for the recovery of costs from users of the city’s wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by the POTW Director in a schedule of sewer use charges and fees approved by the City Council. A copy of these charges and fees will be made available from the POTW Director.



**EXHIBIT 1  
City of Asheboro  
Water Resources Division  
Schedule of Charges Fees  
2013-2014 Fiscal Year**

Parameter	Cost/Analysis
Acidity	<del>\$7.00</del> <b>\$8.00</b>
Alkalinity	<del>\$8.00</del> <b>\$10.00</b>
Chlorine	<del>\$7.00</del> <b>\$10.00</b>
F	<del>\$7.00</del> <b>\$10.00</b>
Color	*
Turbidity	<del>\$8.00</del> <b>\$10.00</b>
Total Hardness	<del>\$10.00</del> <b>\$12.00</b>
Calcium Hardness	<del>\$10.00</del> <b>\$12.00</b>
Magnesium Hardness	<del>\$10.00</del> <b>\$12.00</b>
Dissolved Oxygen	<del>\$7.00</del> <b>\$8.00</b>
BOD (5-day)	<del>20.00</del> 25.00
COD	<del>\$15.00</del> <b>\$20.00</b>
TOC	\$30.00
DOC	\$40.00
UV254	\$25.00
pH and Temperature	<del>\$7.00</del> <b>\$8.00</b>
Total Solids	<del>\$8.00</del> <b>\$10.00</b>
Total Suspended Solids	<del>\$8.00</del> <b>\$10.00</b>
Settleable Solids	\$8.00
Chloride	<del>\$10.00</del> <b>\$12.00</b>
Chlororform	*
Cyanide	<del>\$25.00</del> <b>\$30.00</b>
Fluoride	\$15.00
Formaldehyde	*
Sulfate	\$15.00
Sulfide	*
Sulfite	*
Ammonia Nitrogen	<del>\$12.00</del> <b>\$18.00</b>
Total Kjeldahl Nitrogen	<del>\$15.00</del> <b>\$18.00</b>
Nitrate Nitrogen	<del>\$15.00</del> <b>\$20.00</b>
Nitrite Nitrogen	<del>\$12.00</del> <b>\$15.00</b>
Ortho Phosphorus	<del>\$10.00</del> <b>\$12.00</b>
Total Phosphorus	<del>\$12.00</del> <b>\$15.00</b>
Oil & Grease	*
Phenols	*

- red indicates changes

Parameter	Cost/Analysis
Surfactants	\$20.00
Fecal Coliform	<del>\$20.00</del> <b>\$30.00</b>
E-coli (P/A)	<del>\$20.00</del> <b>\$25.00</b>
Total Coliform	<del>\$20.00</del> <b>\$25.00</b>
Heterothrophic Plate Count	<del>\$20.00</del> <b>\$25.00</b>
Chronic Bioassay	*
Annual Pollutant Analysis Monitor - top 10 peak scans for GC/MS organic parameter	*
<b>Metals:</b>	*
Aluminum	*
Antimony	*
Arsenic	\$20.00
Barium	*
Beryllium	*
Boron	*
Cadmium	\$20.00
Calcium	*
Chromium	\$20.00
Chromium (hexavalent)	*
Cobalt	*
Copper	\$20.00
Iron	\$20.00
Lead	\$20.00
Magnesium	*
Manganese	\$20.00
Mercury	\$30.00
Molybdenum	\$20.00
Nickel	\$20.00
Potassium	*
Selenium	\$20.00
Silver	\$20.00
Sodium	\$20.00
Tin	*
Zinc	\$20.00

\*Contracted commercial lab cost

[Due to the features of program used to create the fee schedule printed above, the remainder of this page was intentionally left blank. The remainder of the fee schedule is printed on the next page of these minutes.]

**Composite Sampling Charge**

\$55.00 per day unless site furnished with a flow proportional sampler

\$30.00 per day for sites furnished with a flow proportional sampler

**Hauled Wastewater Charge**

\$65.00 per holding tank discharge except for recreational vehicles  
(maximum tank capacity 2,500 gallons)

\$10.00 per recreational vehicle tank

**Surcharge**

All industrial users of the POTW are subject to industrial waste surcharge on discharges, which exceed the following levels.

Excessive concentration

<u>First Limit</u>	<u>Second Limit</u>	<u>Parameter</u>	<u>Charge per Pounds in Excess</u>
300 mg/l	<del>800 mg/l</del>	BOD	\$0.15
750 mg/l	<del>2000 mg/l</del>	COD	\$0.06
300 mg/l	<del>600 mg/l</del>	TSS	\$0.31
45 mg/l		TKN	\$0.92

**[Due to the features of the program to create the fee schedule printed above, the space between the schedule and Item No. 9 have been intentionally left blank.]**

**9. Upcoming events:**

- North Tower Band concert in Bicentennial Park on Sunday, September 15, 2013 at 7:00 p.m.
- Grand Opening of the Sunset Theatre on Friday, September 20, 2013 at 7:00 p.m.
- Annual Cereal Sale and United Way Campaign kick-off on Saturday, September 21, 2013 at 10:00 a.m. at Randolph Mall (hosted by MOM Brands).
- Open House and Ribbon Cutting at Early Childhood Development Center (Old Balfour School) on Sunday, September 22, 2013 at 3:00 p.m.
- Randolph County Senior Adults Ground Breaking Ceremony on Thursday, September 26, 2013 at 4:30 p.m.
- Elected Officials Picnic on Thursday, September 26, 2013 at 6:30 (hosted by the City of Franklinville).

