



# **Town of Blowing Rock**

## **Board of Commissioners Meeting**

Date: *Tuesday, April 9, 2024, 6:00 p.m.*

Location: *1036 Main Street, Blowing Rock, NC 28605*

### **Agenda**

<b>Item</b>	<b>Topic</b>	<b>Presenter and Participants</b>
I.	<b>CALL TO ORDER – ROLL CALL FOR ATTENDANCE</b>	Mayor Charles Sellers
II.	<b>PLEDGE OF ALLEGIANCE</b>	Mayor Charles Sellers
III.	<b>APPROVAL OF MINUTES – By Roll Call</b> 1. <b>March 12, 2024 – Regular and Closed Session Meeting Minutes</b>  <b>REGULAR AGENDA ADOPTION</b>	Mayor & Council  Mayor & Council
IV.	<b>CONSENT AGENDA:</b> 1. <b>Budget Amendment</b> 2. <b>Fireworks Approval</b> 3. <b>Special Events Request – BRS Rocket Run</b> 4. <b>Special Events Request – Summer Kick-Off</b> 5. <b>Special Events Request – Cornhole Tournament</b> 6. <b>ARPA Policies</b>	Mayor & Council
VI.	<b>PUBLIC COMMENTS</b> <i>Comments shall be limited to three (3) minutes</i>	
VII.	<b>REGULAR AGENDA:</b> 1. <b>Instating a High-Country Poet Laureat – Presentation Request for Support Resolution</b>	Hilda Downer

<b>VIII.</b>	<b>OFFICIALS REPORTS &amp; COMMENTS:</b> <b>1. Mayor</b> <b>2. Council Members</b> <b>3. Town Attorney</b> <b>4. Town Manager</b>	
<b>IX.</b>	<b>CLOSED SESSION – NCGS 143-318.11. (a)(5) Discussion of potential property acquisition.</b>	
<b>X.</b>	<b>ADJOURNMENT/RECESS...Mayor Charles Sellers entertains a motion and second to adjourn or recess the meeting.</b>	

**Draft**  
**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**March 12, 2024**

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, March 12, 2024, at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street Blowing Rock, NC. Present were Mayor Charlie Sellers, Mayor Pro-Tem Doug Matheson and Council Members Cat Perry and David Harwood. Council Members Melissa Pickett and Pete Gherini were unable to attend the meeting. Others in attendance were Interim Town Manager Kevin Rothrock, Town Attorney Tucker Deal, Town Engineer Jared Wright, Interim Planning Director Brian Johnson, Public Works Director Matt Blackburn, Parks and Recreation Director Jennifer Brown, Landscape Director Cory Cathcart, IT Director Thomas Steele, Finance Director Tasha Brown and Town Clerk Hilari Hubner.

**CALL TO ORDER**

Mayor Sellers called the meeting to order at 6:00 p.m. and welcomed everyone. Mayor Sellers verified attendance via roll call.

**THE PLEDGE OF ALLEGIANCE**

**MINUTE APPROVAL**

Council Member Perry made the motion to approve the minutes from the February 13, 2024, regular and closed session meetings, seconded by Council Member Harwood. Unanimously approved.

**REGULAR AGENDA ADOPTION**

Council Member Harwood made a motion to approve the regular meeting agenda as presented, seconded by Council Member Perry. Unanimously approved.

**CONSENT AGENDA**

- 1. Budget Amendment #2024-12**
- 2. 2023 Tax Advertisement Request**
- 3. Mayview Madness Run**

Council Member Harwood made a motion to approve the consent agenda as presented, seconded by Council Member Perry. Unanimously approved.

**SPEAKERS FROM THE FLOOR**

None

**REGULAR AGENDA**

## **1. Street Right-of-Way Maintenance Strategy**

Interim Town Manager Kevin Rothrock stated staff is developing a process for maintenance of Town streets rights-of-way that have vegetative and other physical obstructions. Chapter six (6) of the Town Code requires town streets be kept free of obstructions and that once notified of the violation property owners have three (3) days to remove the obstruction. Interim Manager Rothrock further stated staff would give more than three (3) days for the property owners to remove the obstructions. A possible strategy to eliminate the safety concerns with street obstructions is for the staff to identify all locations where trees, limbs, shrubs, fences, trash enclosures, etc. protrude into the traveled portion of the street. Staff would then contact all property owners or persons responsible for the obstructions and provide forty-five (45) to clear vegetation and 60 (sixty) days to remove physical (fence/wall/built) obstructions. If not corrected within the prescribed timeframes, the Town Street Maintenance Department will clear referenced obstructions.

Mayor Sellers asked if a specific timeframe should be given to the property owner to remove any obstructions since staff will give more than the three (3) days listed in the Town Code.

Council Member Harwood stated he didn't think so and that should be left up to staff to determine.

Interim Manager Rothrock explained staff could work with the property owner and give them a reasonable amount of time to remove the obstructions.

Council Member Harwood asked if the sight line in the ordinance would accommodate a corner like the one at Henkel Street and Chestnut Drive, or if there was another place in the code that addressed that.

Interim Manager Rothrock explained it would.

Council Member Harwood stated he felt there were some blind corners in intersections that are not safe.

Interim Manager Rothrock assured Council staff will canvas all town streets. Staff knows the ones that are problematic, but will find the new ones staff isn't currently aware of.

Council Member Perry asked if this would start immediately.

Interim Manager Rothrock stated it will start within the week. He explained staff didn't want to start until this was brought to Council for discussion and explanation.

Mayor Pro-Tem Matheson made a motion to approve, seconded by Council Member Harwood. Unanimously approved.

## **OFFICIAL REPORTS & COMMENTS**

- Town Engineer Jared Wright gave an update on the Main Street Water/Sewer project. Work is approximately 1/3 complete. Working with the contractor to expedite the work on the downtown portion to get that part completed before the busy season starts.
- Mayor Sellers stated Council had attended the ribbon cutting of the Blowing Rock Academy earlier in the day. Congratulated and thanked staff for their hard work getting that facility opened. Thanked Public Works who spent over 20 hours over the previous weekend trying to unclog a sewer line in Town. He stated we have the best Town employees of any Town anywhere. Announced Shane Fox will be returning as Town Manager beginning May 1<sup>st</sup>. He thanked Interim Manager Kevin Rothrock for his hard work and keeping the Town running during the gap.
- Council Member Perry thanked Public Works for their tireless efforts working on the sewer line problem over the weekend and resolving the issue. Very excited about the Blowing Rock Academy, it's a game changer. She further commented it will be a wonderful asset to recruit and obtain good employees.
- Council Member Harwood echoed what has been said about the Blowing Rock Academy. Welcomed Shane Fox back and stated he looks forward to working with him again. He thanked Interim Manager Rothrock for stepping up, putting up with a lot and guiding the town for the last 10 plus months. He stated he's personally indebted to him for all he's done and is very much appreciative to Interim Manager Rothrock.
- Mayor Pro-Tem Matheson echoed everyone's statements as well. Thanked Interim Manager Rothrock and Public Works for their hard work. Update on the RISK Management meeting he attended in Raleigh. Still offering the account software to anyone interested, not looking like a lot of new income coming into the State this year, not looking at anything coming out from the state on housing – looking more for federal on that, no movement this session on medical marijuana, not much movement on interest rates until around June, good time for Bonds, reviewed some insurance changes.
- Town Attorney Tucker Deal attended the Bi-annual Municipal Attorney's Conference at the School of Government. Made a lot of good contacts. Been working with Interim Planning Director Brian Johnson on some easements for the Middle Fork Greenway.
- Interim Manager Kevin Rothrock reported that Finance Director Tasha Brown is at a class all week at the School of Government in Chapel Hill, thanked Public Works for their long hours and hard work on the sewer issue over the weekend. He signed the TDA Wayfinding contracts, Memorial Park bathroom project will tentatively be completed by the end of the week and an update on the school flashing light – it's a battery issue that is being worked on resolving.

Council took a 10 minute recess before going into closed session.

## **EXECUTIVE SESSION**

At 6:35 PM Council Member Perry made a motion to go into closed session, **NCGS 143-318.11.(3)** – *To consult with attorney retained by the public body in order to preserve the*

*attorney-client privilege*, seconded by Council Member Harwood. Unanimously approved.

**ADJOURNMENT**

At 7:30 p.m. Council returned to open session and with no further business, Council Member Harwood made a motion to adjourn, seconded by Council Member Perry. Unanimously approved.

MAYOR \_\_\_\_\_  
Charlie Sellers, Mayor

ATTEST \_\_\_\_\_  
Hilari Hubner, Town Clerk

**Attachments**

Budget Amendment #2024-12 – Attachment A



# Town of Blowing Rock

1036 Main Street ★ Post Office Box 47 ★ Blowing Rock, North Carolina 28605

To: Mr. Kevin Rothrock, Mayor Sellers, and Members of Town Council  
From: Tasha Brown, Finance Officer  
Subject: Budget Amendment Ordinance to Account for Various Items  
Date: April 9, 2024

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Enclosed please find a Budget Amendment Ordinance for the fiscal year 2023-2024 for your consideration.

- None to report.

The following Internal Budget Amendments (moving funds across line items within departments) were approved by the Town Manager and executed by the Finance Officer during the Month of March 2024:

- Internal Budget Adjustment Request # 2024-13 - PD (\$2,896.28) moved funds from Uniforms - PD to Maint. Contracts – PD
- Internal Budget Adjustment Request # 2024-14 - PD (\$2,896.28) moved funds from PT Parking Enforcement – PD to Maint. Contracts - PD
- Internal Budget Adjustment Request # 2024-15 – C. Govt. (\$12,000) moved funds from Legal Svcs. (\$6,000) – C. Govt. & General Fund Engineering Svcs. (\$6,000) – C. Govt. to Misc. – C. Govt.



**SKYWORKS**  
**PYRO**

Skyworks Pyro  
195 Rodgers Ridge Rd  
Newland, NC 28657  
Ph. 828-260-2619  
events@skyworkspyro.com

Date: 3/3/2024

Attention: Matt McGuire

Re: application for fireworks permit

Please find the attached documents listed below in support of our request for a permit for an outdoor fireworks display.

- Shot list
- Certificate of insurance
- Mapped Site display
- Copy of operator license

**Date/time of show:** Saturday, 06/15/2024, time TBD

**Sponsor & location:** Wedding; Blowing Rock Country Club, 200 Country Club Dr, Blowing Rock, NC

**Ignition system:** Hand fired

**Size of product:** 1.3g & 1.4g

Please let me know if further information is needed.

Thank you,

*Eric Wright*

Eric Wright, President  
Skyworks Pyro





# SKYWORKS PYRO

Skyworks Pyro  
195 Rodgers Ridge Rd  
Newland, NC 28657  
Ph. 828-260-2619  
events@skyworkspyro.com

## Shot List

**Display Date:** 6/15/2024

**Show Sponsor:** Wedding; Blowing Rock Country Club

**Location of Show:**

Blowing Rock Country Club  
200 Country Club Drive  
Blowing Rock, NC 28605

**Shots to be fired:**

<u>Number of shots</u>	<u>Description</u>
192	2.5" shells
216	1.75" shells
14	500 gram cakes



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
2/19/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Ryder Rosacker McCue & Huston (MGD by Hull & Company) 509 W Koenig St Grand Island NE 68801	<b>CONTACT NAME:</b> Kristy Wolfe	<b>FAX (A/C, No):</b> 308-382-7109
	<b>PHONE (A/C, No, Ext):</b> 308-382-2330	<b>E-MAIL ADDRESS:</b> kwolfe@ryderinsurance.com
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
<b>INSURER A:</b> SCOTTSDALE INS CO		41297
<b>INSURED</b> JECO Pyrotechnics Inc 195 Rogers Ridge Rd Newland NC 28657	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	


**COVERAGES****CERTIFICATE NUMBER:** 579721689**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			CPS4054488	10/25/2023	10/25/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)**  
 Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below per attached form CG 24 04 when required by written agreement.  
 Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.  
 Additional Insured: Blowing Rock Country Club; Town of Blowing Rock; Caldwell County, NC  
 Dates of displays: 6/15/2024 & 7/6/2024  
 Location: 200 Country Club Dr. Blowing Rock, NC

**CERTIFICATE HOLDER****CANCELLATION**

Blowing Rock Country Club 200 Country Club Dr. Blowing Rock NC 28605	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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Blowing rock CC - Front 9



X  
Measure distance  
Click on the map to add to your path  
Total distance: 240.70 ft (73.37 m)

**Outdoor Pyrotechnics  
Display**

**OPERATORS  
LICENSE**

**A  
P  
R**



**2  
0  
2  
5**

**Michael Jackson  
License # 3963**



# SKYWORKS PYRO

Skyworks Pyro  
195 Rodgers Ridge Rd  
Newland, NC 28657  
Ph. 828-260-2619  
events@skyworkspyro.com

Date: 3/18/2024

Attention: Matt McGuire

Re: application for fireworks permit

Please find the attached documents listed below in support of our request for a permit for an outdoor fireworks display.

- Shot list
- Certificate of insurance
- Mapped Site display
- Copy of operator license
- Contingency plan
- Copy of ATF license
- Emergency contact numbers

**Date/time of show:** Saturday, 7-6-2024; approximately 9:30pm

**Sponsor & location:** Blowing Rock Country Club, 200 Country Club Dr, Blowing Rock, NC; on the course

**Ignition system:** hand fired

**Size of product:** 1.3g

Please let me know if further information is needed.

Thank you,

*Eric Wright*

Eric Wright, President  
Skyworks Pyro



# SKYWORKS PYRO

Skyworks Pyro  
195 Rodgers Ridge Rd  
Newland, NC 28657  
Ph. 828-260-2619  
events@skyworkspyro.com

## Shot List

**Display Date:** 07/06/2024

**Show Sponsor:** Blowing Rock Country Club

**Location of Show:**

Blowing Rock Country Club  
200 Country Club Dr  
Blowing Rock, NC 28605  
On the golf course

**Shots to be fired:**

<u>Number of shots</u>	<u>Description</u>
192	2.5" shells
216	3" shells
168	4" shells
16	500 gram cakes
2	200 gram cakes



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DATE (MM/DD/YYYY)

2/19/2024

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<b>PRODUCER</b> Ryder Rosacker McCue & Huston (MGD by Hull & Company) 509 W Koenig St Grand Island NE 68801	<b>CONTACT NAME:</b> Kristy Wolfe <b>PHONE (A/C, No, Ext):</b> 308-382-2330 <b>E-MAIL ADDRESS:</b> kwolfe@ryderinsurance.com	<b>FAX (A/C, No):</b> 308-382-7109	
	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
<b>INSURED</b> JECO Pyrotechnics Inc 195 Rogers Ridge Rd Newland NC 28657	<b>INSURER A :</b> SCOTTSDALE INS CO		41297
	<b>INSURER B :</b>		
	<b>INSURER C :</b>		
	<b>INSURER D :</b>		
	<b>INSURER E :</b>		
	<b>INSURER F :</b>		

**COVERAGES**

CERTIFICATE NUMBER: 579721689

REVISION NUMBER:

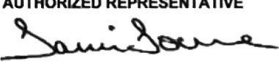
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CPS4054488	10/25/2023	10/25/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
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	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)**

Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below per attached form CG 24 04 when required by written agreement.  
 Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.  
 Additional Insured: Blowing Rock Country Club; Town of Blowing Rock; Caldwell County, NC  
 Dates of displays: 6/15/2024 & 7/6/2024  
 Location: 200 Country Club Dr. Blowing Rock, NC

**CERTIFICATE HOLDER****CANCELLATION**

Blowing Rock Country Club 200 Country Club Dr. Blowing Rock NC 28605	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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Blowing Rock Country Club  
200 Country Club Dr.  
Blowing Rock, N.C. 28605



Discharge Site  
Display Site



**Outdoor Pyrotechnics  
Display**

**OPERATOR'S  
LICENSE**

**F  
E  
B**



**2  
0  
2  
6**

**Robert Painter  
License # 4068**



# SKYWORKS PYRO

## CONTINGENCY PLAN

### 1.3g & 1.4g Outdoor Pyrotechnic Display

In the instance of a catastrophe or malfunction during the firing of an outdoor fireworks display.

- 1) Immediately cease firing of all fireworks.
- 2) Ensure all pyrotechnic materials which have been ignited are doused with water and extinguished.
- 3) Assemble the full pyrotechnic crew in the previously designated area, and ensure the safety of all pyrotechnicians on site.
- 4) Ensure the safety of all spectators viewing the show.
- 5) Immediately contact and remain in continuous contact with the fire department and emergency management on site.
- 6) Contact the show sponsor to discuss the situation and verify the safety of all involved.
- 7) Once all of the above issues have been addressed, if safe to do so, continue discharge of the show.
- 8) If unsafe to continue, remove all live materials from the site and attend to immediate concerns.

Updated 01/04/2024

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF  
Correspondence To  
ATF - Chief, FELC  
244 Needy Road  
Martinsburg, WV 25405-9431

License/Permit  
Number  
**1-NC-011-54-6B-01040**

Chief, Federal Explosives Licensing Center (FELC)

*Mama Howard*

Expiration  
Date  
**February 1, 2026**

Name  
DBA: SKYWORKS PYRO

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

**195 RODGERS RIDGE RD  
NEWLAND, NC 28657-**

Type of License or Permit

**54-USER OF EXPLOSIVES**

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

JECO PYROTECHNICS LLC  
DBA: SKYWORKS PYRO  
195 RODGERS RIDGE RD  
NEWLAND, NC 28657-

*Eric Wright*  
Licensee/Permittee Responsible Person Signature

*President*  
Position/Title

*Eric Wright*  
Printed Name

*1-13-24*  
Date

ATF Form 5400 14/5400.15 Part I  
Revised September 2011

Previous Edition is Obsolete JECO PYROTECHNICS LLC:195 RODGERS RIDGE RD:28657:1-NC-011-54-6B-01040:February 1, 2026:54-USER OF EXPLOSIVES

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)  
244 Needy Road  
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352  
Fax Number: (304) 616-4401  
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

**Change of Address (27 CFR 555.54(a)(1)).** Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

**Right of Succession (27 CFR 555.59).** (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: JECO PYROTECHNICS LLC

Business Name: DBA: SKYWORKS PYRO

License/Permit Number: 1-NC-011-54-6B-01040

License/Permit Type: 54-USER OF EXPLOSIVES

Expiration: February 1, 2026

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

## WARNINGS

1. As provided in Title XI of the Organized Crime Control Act of 1970 (U.S.C. § 842(i)), it is unlawful for any person who (1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of, or addicted to any controlled substance (*as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)*), (4) has been adjudicated as a mental defective or has been committed to a mental institution, to ship, transport, or receive any explosive materials in interstate or foreign commerce, (5) is an alien, other than an alien who is lawfully admitted for permanent residence (*as that term is defined in section 101(a)(20) of the Immigration and Naturalization Act*), or meets any other exception under section 842(i)(5), (6) has been discharged from the armed forces under dishonorable conditions, or (7) having been a citizen of the United States, has renounced the citizenship of that person.
2. **Federal Regulation 27 CFR 555.53 - Licensees and permits issued under this part are not transferable to another person. In the event of the lease, sale, or other transfer of the business or operations covered by the license or permit, the successor must obtain the license or permit required by this part before commencing business or operations.**
3. **Alteration or Changes to the License or Permit. Alterations or changes in the original license or permit or in duplications thereof violates 18 U.S.C. 1001, an offense punishable by imprisonment for not more than 5 years and/or a fine of not more than \$250,000.**

## NOTICES

1. Any change in trade name or control of this business or operations **MUST** be reported within 30 days of the change to the Chief, Federal Explosives Licensing Center (FELC), 244 Needy Road, Martinsburg, WV 25405-9431. (27 CFR 555.56-555.57). A licensee or permittee who reports a Change of Control must, upon expiration of the license or permit, file an ATF Form 5400.13/5400.16.
2. Under § 555.46, Renewal of License/Permit, if a licensee or permittee intends to continue the business or operations described on a license or permit issued under this part during any portion of the ensuing year, the licensee or permittee shall, unless otherwise notified in writing by the Chief, FELC, execute and file with ATF prior to the expiration of the license or permit an application for a license or permit renewal, ATF Form 5400.14/5400.15 Part III, in accordance with the instructions on the form, and the required fee. In the event the licensee or permittee does not timely file an ATF Form 5400.14/5400.15 Part III, the licensee or permittee must file an ATF Form 5400.13/5400.16 as required by § 555.45, and obtain the required license or permit before continuing business or operations. A renewal application will automatically be mailed by ATF to the "mailing address" on the license or permit approximately 60 days prior to the expiration date of the license or permit. **If the application is not received 30 days prior to the expiration date, the licensee or permittee should contact the FELC.**  
**Note:** The user-limited permits are not renewable.
3. This license or permit is conditional upon compliance by you with the Clean Water Act (33 U.S.C. § 1341(a)).
4. **THIS LICENSE OR PERMIT MUST BE POSTED AND KEPT AVAILABLE FOR INSPECTION (27 CFR 555.101).**

ATF Form 5400.14/5400.15 Part I  
Revised October 2011

### Federal Explosives License (FEL) Customer Service Information

*(Continued from front)*

**Discontinuance of Business (27 CFR 555.61)(27 CFR 555.128).** Where an explosives materials business or operations is succeeded by a new licensee or permittee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor, or may be, within 30 days following business discontinuance, delivered to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, WV 25405, or to any ATF office in the division in which the business was located. Where discontinuance of the business is absolute, the records shall be delivered within 30 days following the business discontinuance to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, WV 25405, or to any ATF office in the division in which the business was located.

Explosive materials must be stored in conformance with requirements set forth in 27 CFR, Part 55. It is unlawful for any person to store any explosive materials in a manner not in conformity with these regulations.

**TO REPORT LOST OR STOLEN EXPLOSIVES, YOU MUST IMMEDIATELY NOTIFY ATF:  
CALL TOLL FREE - (888) ATF-BOMB**

✂ Cut Here

Federal Explosives Licensing Center (FELC) Toll-free number: (877) 283-3352  
244 Needy Road Fax number: (304) 616-4401  
Martinsburg, WV 25405-9431 E-mail: FELC@atf.gov

#### ATF Hotline Numbers

Arson Hotline: 1-888-ATF-FIRE (1-888-283-3473)  
Bomb Hotline: 1-888-ATF-BOMB (1-888-283-2662)  
Report Illegal Firearms Activity: 1-800-ATF-GUNS (1-800-283-4867)  
Firearms Theft Hotline: 1-888-930-9275  
Report Stolen, Hijacked or Seized Cigarettes: 1-800-659-6242  
Other Criminal Activity: 1-888-ATF-TIPS (1-888-283-8477)



**SKYWORKS**  
PYRO

**Emergency Contact and Response Form**  
**1.3g & 1.4g fireworks**

**JECO Pyrotechnics LLC, DBA Skyworks Pyro**  
**195 Rodgers Ridge Rd**  
**Newland, NC 28657**  
**Ph. 828-260-2619**

**Infotrac: 1-800-535-5053**  
**Emergency response**  
**(contract # 113891)**

**1<sup>st</sup> point of contact:** Eric Wright, president/operator; Cell # 828-260-2619

**2<sup>nd</sup> point of contact:** Cody Greene, vice president/operator; Cell # 828-387-1473

**3<sup>rd</sup> point of contact:** Beth Wright, secretary/operator, cell # 828-260-4929

**4<sup>th</sup> point of contact:** Shane Cantrell, lead operator, cell # 828-467-9024

# Town of Blowing Rock

## Request for Council Action

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FROM: Jennifer Brown, Director of Parks & Recreation  
SUBJECT: Blowing Rock School Rocket Run  
TO: Town Council  
DATE: April 9, 2024  
REQUESTED BY: Blowing Rock School PTO

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### BACKGROUND:

Blowing Rock PTO is requesting to hold a fun run at Davant Field on May 24, 2024, as an end-of-year celebration and fundraiser for the school. They will have the run, bounce houses, tents, and food trucks. This event is a private event for the school; however, if the public shows up they will not be turned away.

The application was reviewed by department heads and there were no issues.

The application is attached.



Town Of Blowing Rock  
 PO Box 47  
 1036 Main Street  
 Blowing Rock, NC  
 28605  
 Tel 828-295-5200

**Town Of Blowing Rock**  
**Special Events/Activities Application**  
 (Must be submitted to Blowing Rock Parks & Recreation)

The purpose of this application is to provide information about your event or activity in order for various departments and agencies to determine if they need to be involved in the approval and/or permitting process. Depending on the specific event, a permit application and/or fee(s) from individual departments may be required.

The applicant is responsible for providing complete and accurate information on the application, including an attached detailed site plan. The applicant is also responsible for notifying the Parks Department of any changes. Incomplete applications will not be accepted. \*\*A complete application should be submitted at least 90 days prior to the planned event to allow sufficient review time. Town staff may contact you with specific questions. Any official may require a pre-planning meeting.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

Applicant should contact the Parks Department to verify date availability prior to submission of application.

**\*\*NO MORE THAN 2 RACES WILL BE ALLOWED IN ANY GIVEN MONTH**

\*\*if the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.

**APPLICANT INFORMATION**

Name of Event: Blowing Rock School's ROCKET RUN  
 Applicant Name & Title: Erica Brinker, Community Advisor, BRS PTO Board  
 Organization: Blowing Rock School PTO  
 Mailing (Billing) Address: P.O. Box 228  
 City / State / Zip: Blowing Rock NC 28605  
 Daytime Phone: \_\_\_\_\_ Cell: 704-575-5206 Email: ericagreendesign@gmail.com  
 Description of the Event: Fun run and end of year celebration and fundraiser  
 Does the event have a Twitter, Facebook or other social networking page: NO  
 If yes, please list URL(s): \_\_\_\_\_

<b>Event Address:</b> <u>DAVANT FIELD</u>
<b>Date of Event:</b> <u>May 24, 2024</u>
<b>Event Start Time:</b> <u>3:00</u> <b>Event End Time:</b> <u>6:00</u>
<b>Set-Up Begins:</b> <u>10:00 AM</u> <b>Clean-Up Ends:</b> <u>7:00 PM</u>
<b>Preferred Date &amp; Time of Inspection:</b> <u>TBD, whenever!</u>
<b>Estimated Attendance:</b> <u>200+ people</u>
<b>The Event is:</b> <input type="checkbox"/> Private (by invitation only) or <input checked="" type="checkbox"/> Open to General Public <u> geared toward school but we welcome whoever shows up</u>

**APPLICANT'S SIGNATURE** [Signature] **DATE:** 3/4/24

A pre-planning meeting may be required and will be scheduled to include the appropriate staff. The event applicant must attend the meeting. The town reserves the right to require others to attend.

## TENTS & MEMBRANE STRUCTURES

**\*\* Tent** is a structure, enclosure, or shelter, with or without sidewalls or drops **\*\***

Will tent(s) be used for the event?  Yes  No

Number of Tent(s) planned: up to 10

Size of Tent(s) planned: 10' x 10'

Percentage of side walls if any to be used for each tent: 0%

Detail tent location, size, percentage of side walls and spacing for each on required site plan.

**\*\* Membrane structure** is an air-inflated or air supported structure **\*\***

Will inflated/air Supported membrane(s) structures be used for the event?  Yes  No

Number of air inflated/air supported membrane structures planned: 5

Size(s) air inflated/air supported membrane structures planned: 10x15' Roughly

Detail air inflated/air supported membrane structure location(s), size and spacing for each on required Site plan.

## POWER SOURCES

Will you use electric generators?  Yes  No

If yes, will Power Distribution boxes be used?  Yes  No

Provide contact information for contractor supplying generator power:  
Name: Graham Holshouser Phone: 828-964-5341 Email: grahamholshouser@yahoo.com

Will you use electric power from an existing structure?  Yes  No

If yes, will direct wiring to breakers be required?  Yes  No

Provide contact information for person responsible for setup of power:  
Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## HAZARDOUS MATERIALS

Will there be any portable heaters??  Yes  No

Will there be any deep fat fryers??  Yes  No

Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks?  Yes  No

**If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.**

Will there be any fireworks, lasers, torches, candles or pyrotechnics?  Yes  No

**If yes, contact the Blowing Rock Fire & Rescue office at 828-548-2800 for more information.**



### VOICE/MUSIC AMPLICATION

Are there any musical entertainment features related to your event? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no proceed to next section)
If yes, state the number of bands and type of music: Number of bands: <u>0</u> Type(s) of music: <u>Sound System w/speakers and DJ</u>
Will a portable or temporary stage be utilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes*, state the number of portable or temporary stages: _____ Will stage have canopy with frame that supports equipment (lighting, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes* state the size of canopy: _____
Provide contact information for contractor providing stage: Name: _____ Phone: _____ Email: _____
Will your event use amplified sound? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate times: Start time: <u>3:00</u> Finish time: <u>6:00</u>

### ALCOHOL

Will alcoholic beverages be served? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, NC ABC permit required)
Will alcoholic beverages be sold? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, NC ABC permit required)
What type of alcohol will be served? <input type="checkbox"/> Draft Beer <input type="checkbox"/> Can/Bottle Beer <input type="checkbox"/> Wine <input type="checkbox"/> Liquor
Who will be serving the alcohol?
Times for alcohol to be served:
Locations within event site where alcohol will be served: <u>N/A</u>
Have you applied for a North Carolina temporary ABC permit? <input type="checkbox"/> Yes <input type="checkbox"/> No

### MECHANICAL RIDES

Does the event include mechanical rides, or other similar attractions? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please describe attractions: _____
<i>Applicants contracting with amusement ride companies are required to provide the Town of Blowing Rock with a certificate of insurance, naming applicant and the Town of Blowing Rock (if applicable) as additional insured on general liability.</i>

## VENDORS

PLEASE ATTACH COMPLETE LIST OF VENDORS IF ON PUBLIC PROPERTY.

Does the event include food vendors?  Yes  No

If the event will have food vendors, please check the following that apply:

Served  Sold  Free  Catered  Prepared Outdoors

Does the event include food concession and/or cooking areas?  Yes  No

If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other)

(Use additional sheet if necessary)

VENDOR	COOKING METHOD	FOOD ITEM
Dads	Grills	Burgers
Weenie Wagon	Grill	Hot Dogs
Sunset Slush	Cold slushies assembled on site	Slushies

Fire Code requires a fire extinguisher at each cooking location. Event organizers are responsible for arranging health inspections for their events.

Hole Lotta Donuts

Already Prepared

Donuts/Gourmet Popcorn

## EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be completed. (Use additional sheet of paper if necessary)

DATE	TIME	ACTION	ADDITIONAL NOTES
5/24	9:00	Setup tents and tables	
	10:00	Set up signage and welcome table	
	11:00	Set up sponsor tent	
	12:00	Jump Boone Set Up	
	1:00	Food Vendors arrive and set up	
	2:00	Set up teacher games/activities	
	3:00	Event Begins!	
	3:45	First Run (K - 2nd grade)	
	4:15	Second Run (3rd - 5th grade)	
	4:55	Third Run (6th - 8th grade)	

5:35 Closing Remarks + Awards

6:00 End of Event

6:00-7:00 Clean up

## TOWN SERVICES

The Town of Blowing Rock does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment.

### TRASH AND RECYCLING PLAN

In order to determine what types of containers are needed for the event, please answer the following questions: Are you requesting trash/recycle bins from the town?(Additional Fee Will Be Required) Yes / No

How many trash bins are you requesting for trash? 4

How many recycle bins are you requesting? 2

Date and Time for trash or recycling bins to be emptied/picked up:

Delivery Location?

DAVANT FIELD

*\_ Applicants are responsible for cleaning and restoring the site after the event. The cost of any employee overtime incurred because of an applicant's failure to clean and/or restore the site following the event will be paid for by the applicant. If you reasonably believe that no litter will be generated during your event, please state this in your plan.*

### PUBLIC PROPERTY CLEAN-UP

Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event? PTO Volunteers will clean up following the event.

*If town personnel are needed to assist with event site clean-up the applicant will be required to hire off Duty personnel.*

If needed, please list preferred Date & Time for clean-up staff to arrive: \_\_\_\_\_

Will any of the following services be used for the event:

- Water Service       Portable Toilet Services  
 Wastewater Service       Public Restrooms       Public Electric Power

### SAFETY AND SECURITY (CHECK TYPES OF SECURITY USED)

- Beer/Alcohol Security       Stage Security       Event Area Security       Gate Security  
 Road Closure Security       Money Handling Security       Other \_\_\_\_\_  
 Overnight Security      From \_\_\_\_\_: \_\_\_\_\_ To \_\_\_\_\_: \_\_\_\_\_

Dates & Times security will be on site: \_\_\_\_\_

Security provided by: \_\_\_\_\_ Number of Security Personnel: \_\_\_\_\_

*Applicant may be required to hire sworn off-duty Town of Blowing Rock police officers to provide security to insure public safety. The Blowing Rock Police Department will determine the number of security personnel required on site.*

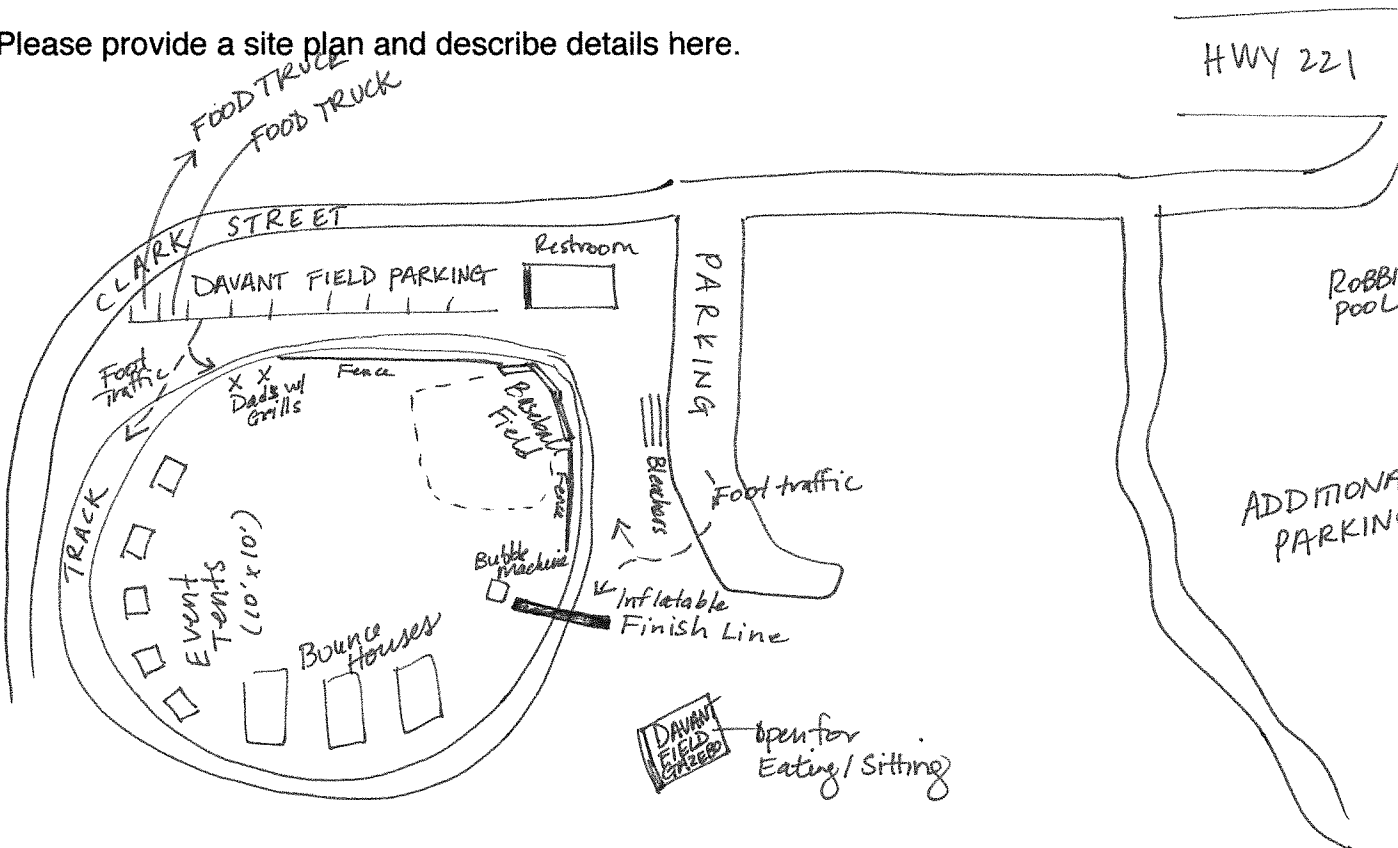
## SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

## SITE PLAN SKETCH

Please provide a site plan and describe details here.



## ATTACHMENT CHECKLIST

In addition to the Special Event Application form, the following supporting documents are required to complete your application package and begin the review process:

### All Events:

- Site Plan Sketch
- Parking Plan for participants and volunteers (May be included in site plan) *See below.*
- Volunteer Plan for events with an anticipated attendance of 100 participants or more (how many, *See below.* their duties)

### All Public Property Events: *→ Does this apply to us?*

- Certificate of Insurance listing the Town of Blowing Rock as certificate holder and additional insured.

### Public Property Event at a Public Park:

- Email from the Parks and Recreation Director indicating approval of the event date. Parks and Recreation Director may be reached at (828) 295-5222 or [jbrown@to-br.us](mailto:jbrown@to-br.us).

### Waiver Request:

- I am requesting a waiver from the Section which prohibits animals from special events on town property. I have included the required safety plan with the application.

### Parking Plan:

*Utilize Davant Field parking lots (2), Robbins Pool Parking Lot and additional overflow @ the Blowing Rock School.*

Volunteer Plan: We will have 20+ volunteers to handle the following responsibilities

- \* SET UP
- \* ACTIVITY MANAGEMENT AT TENTS
- \* WELCOME TABLE
- \* FUN RUN MANAGEMENT
- \* DADS W/ GRILLS PREPPING + SELLING FOOD
- \* EVENT CHAIR MANAGING ALL VOLUNTEERS
- \* ALL CLEAN UP + BREAKDOWN

## USE OF PUBLIC PLACES

**\*\* THIS SECTION IS ONLY TO BE COMPLETED IF REQUESTING TO HOLD AN EVENT IN PUBLIC PLACES AND PARKS \*\***

### **RULES REGULATING THE USE OF PUBLIC PLACES AND PARKS FOR SPECIAL EVENTS**

- The Town Council reserves the right to reject any application as to the use of any area for any special event. If the Town Council learns that the event or vendors participating were misrepresented to the Town Council or that the event in any way fails to comply with the rules regulating the use of public places or fails to comply with any applicable local, state, or federal laws, it reserves the right to rescind any approved application up to and during the course of the event. In the case of a special event being held at a Town-owned facility for which a rental fee is usually charged, the normal rental fee shall be charged to the applicant unless the Town Council waives such rental.
- Application must be filed in the Parks & Recreation Office at least ninety (90) days prior to the time that the applicant desires to first take possession of the area to make preparations for the special event. The applicant for a special event must be a non-profit organization, organized and existing for the purpose of either some charitable or public benefit or for the promotion of business in the area of Blowing Rock. In addition, said non-profit organization may at the request of the Council be required to produce evidence of their non-profit corporation status as defined by state and federal laws. In addition, procedures to be used for selecting participants and vendors must be included with the application.
- The applicant shall provide to the Parks & Recreation Director at least two (2) weeks prior to the beginning of the public participation in the special event a list of all of the vendors or others having booths or display tables during the special event. No other persons may sell merchandise or operate any booth or display tables during the special event, unless the applicant, in writing, requests the Town Manager to amend such list accordingly and permission is granted.
- No motor vehicles or other large equipment or manufactured items or livestock will be permitted within the area unless they are clearly identified and described and the proposed location is stated in the application and specific approval is given.
- The size, type of construction and location of display tables and booths must be described generally in the application; all construction must be safe and self-sustaining; no spikes or other holding devices may be driven into the ground of any street, sidewalk or tied to any tree.
- When food preparation, painting and/or pottery making activities or similar activities are held, appropriate protective materials must be placed over any paved or brick areas for protection.

- No tents may be placed in the area without being described and exhibited to the Fire Prevention Inspectors of the Blowing Rock Fire & Rescue Department and special approval by the Town Council.
- Public address systems can be used only if specifically requested in the application and special permission given, including limitations as to use.
- Sufficient portable toilets shall be provided for the expected number of participants.
- A first-aid station shall be provided, staffed by competent Emergency Medical Technicians, unless a waiver is requested and granted by the Town.
- The applicant shall be responsible for providing trash receptacles of the number and size as the town shall require in order to eliminate litter.
- If the applicant desires to sell alcoholic beverages, it shall specifically so state in its application and shall provide a sketch of the area where the same will be sold and consumed. The area shall be delineated by barricades, with the entrance to be clearly marked and so constructed as to allow ready control of patrons, including viewing of identification to avoid underage persons being within the barricaded area. Signs shall be posted stating that no one shall leave the barricaded area with alcoholic beverages.
- Application must be made to proper State authorities for special permit for sale of alcoholic beverages. Special permit shall be available for inspection by the Town at any time.
- The applicant shall assume full liability for all accidents or claims of accidents as a result of activities taking place at the special event and during the time the area is being readied for the event and while it is being cleaned up following the event. A copy of the insurance policy must be submitted to the Town Manager's office prior to the event. The policy is to be one of comprehensive general liability in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury per person and One Million Dollars (\$1,000,000.00) per occurrence and not less than One Hundred Thousand Dollars (100,000.00) for property damage per occurrence.
- The applicant will be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event.
- Applicants must obtain any special use permits required by the Blowing Rock Fire Inspector, must comply with all applicable provisions of the North Carolina Fire Code and must at all times insure that all fire lanes in the area to be used remain unobstructed.
- Applicants must comply with all applicable Health Department regulations pertaining to the scheduled event.
- Applicants must comply with the requirements of the Blowing Rock Sign Ordinance.
- Applications must comply with any and all local, state, and federal laws pertaining to equal opportunity and should make every effort to make events accessible to the disabled public. In addition, applicants shall not deny access or a vendor's booth to any group based on national origin, race, religion, age, sex, or disability.

Blowing Rock School PTO  
NAME OF NON-PROFIT ORGANIZATION

**BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:**

The Blowing Rock School PTO is an organization whose purpose is to enhance the cooperation of parents, teachers and administrators in the promotion of the welfare of the children of Blowing Rock School and to Aid in their education. We aspire to help every Rocket reach the stars!

**LIST ORGANIZATIONS OFFICERS:**

Erica Brinker - Community Advisor

704-575-5206

TELEPHONE

Ashley Salley - Secretary

850-293-8808

TELEPHONE

Megan Bullock - President

919-601-0740

TELEPHONE

**CHAIRPERSON OF THE SPECIAL EVENT:**

Erica Brinker

704-575-5206

NAME

TELEPHONE

311 Flannery Fork Rd, Blowing Rock, NC 28605

ADDRESS

*The undersigned Applicant is aware of the rules regulating the use of public places and parks for special events, and will abide with the same; and further understands that the Town of Blowing Rock will not be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event. The undersigned Applicant agrees to reimburse the Town of Blowing Rock for the additional cost of providing police department and/or fire department personnel to supervise the event, including services rendered both before, during and after the event itself, to ensure the compliance with all laws and ordinance, to direct traffic and to promote the safety and welfare of participants and other citizens.*

3/4/24

Date

Erica Brinker (2024-2026 President)  
President  
Blowing Rock School PTO  
Non-Profit Organization

Approved by:

\_\_\_\_\_  
TOWN MANAGER

\_\_\_\_\_  
DATE

DATE APPROVED BY BLOWING ROCK TOWN COUNCIL: \_\_\_\_\_



NORTH CAROLINA

**RELEASE AND INDEMNITY AGREEMENT**

WATAUGA COUNTY

**THIS RELEASE AND INDEMNITY AGREEMENT**, entered into by **THE TOWN OF BLOWING ROCK**, a North Carolina Municipal Corporation, party of the first part, and the \_\_\_\_\_, a non-profit organization with its principal place of operation being \_\_\_\_\_ County, North Carolina, party of the second part:

**WITNESSETH**

**WHEREAS**, the party of the first part is desirous of allowing the party of the second part to conduct a special event within the Town Limits of Blowing Rock, North Carolina, pursuant to the Blowing Rock Town Code; and

**WHEREAS**, the party of the second part is desirous of conducting a special event within the Town Limits of Blowing Rock, North Carolina; and

**WHEREAS**, to this end, said party of the second part has heretofore filed with the Town of Blowing Rock an application for approval of said event, and wishes to enter into this Release and Indemnity Agreement pursuant to the Blowing Rock Town Code and the administrative rules of the Town of Blowing Rock;

**NOW, THEREFORE**, for and in consideration of the mutual promises and covenants herein contained, and for other good and sufficient consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. That the party of the second part hereby completely and unequivocally releases the party of the first part, the officials of the party of the first part, and all employees of said party of the first part, and their families, from any and all claims, damages, injuries or rights of action which the party of the second part may incur by reason of the special event being conducted by the party of the second part.
2. That the party of the second part hereby agrees to indemnify and hold harmless the party of the first part for any liability, injury or claim which may arise to the benefit of the party of the second part as a result of the special event being conducted by the party of the second part.
3. That the parties to this Release and Indemnity Agreement stipulate and acknowledge that there exists sufficient consideration for the execution of this instrument.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Witness

# Town of Blowing Rock

## Request for Council Action

---

FROM: Jennifer Brown, Director of Parks & Recreation  
SUBJECT: Summer Kick-Off  
TO: Town Council  
DATE: April 9, 2024  
REQUESTED BY: The Speckled Trout

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### BACKGROUND:

The Speckled Trout is requesting to hold a Summer Kick-Off the weekend of May 31, 2024, through June 2, 2024, in their parking lots between The Speckled Trout and the Outfitters Store. They will have music, yard games, and a food truck.

The application was reviewed by department heads and the only request is that they leave the handicapped parking spaces open to be used.

The application is attached.



Town Of Blowing Rock  
 PO Box 47  
 1036 Main Street  
 Blowing Rock, NC  
 28605

**Town Of Blowing Rock**  
**Special Events/Activities Application**  
 (Must be submitted to Blowing Rock Parks & Recreation)

Tel 828-295-5200

The purpose of this application is to provide information about your event or activity in order for various departments and agencies to determine if they need to be involved in the approval and/or permitting process. Depending on the specific event, a permit application and/or fee(s) from individual departments may be required.

The applicant is responsible for providing complete and accurate information on the application, including an attached detailed site plan. The applicant is also responsible for notifying the Parks Department of any changes. Incomplete applications will not be accepted. \*\*A complete application should be submitted at least 90 days prior to the planned event to allow sufficient review time. Town staff may contact you with specific questions. Any official may require a pre-planning meeting.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

Applicant should contact the Parks Department to verify date availability prior to submission of application.

**\*\*NO MORE THAN 2 RACES WILL BE ALLOWED IN ANY GIVEN MONTH**

\*\*If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.

**APPLICANT INFORMATION**

Name of Event: Summer Kick-off  
 Applicant Name & Title: William Brinker, manager  
 Organization: The Speckled Trout (Outfitters + Restaurant and Bottle Shop)  
 Mailing (Billing) Address: 184 Willy Austin Rd  
 City / State / Zip: Blowing Rock, NC 28605  
 Daytime Phone: 773-8852 Cell: 704-507-2881 Email: outfitters@thespeckledtrout.com  
 Description of the Event: Closing Party, live Music, Games, vendors, Fund Raiser.  
 Does the event have a Twitter, Facebook or other social networking page: no.  
 If yes, please list URL(s): we will post on Instagram & Facebook if approved

Event Address:	<u>916/922 Main Street (between Outfitters + Best)</u>		
Date of Event:	<u>5-31-24 to 6-2-2024 // Alternative Date 6-21-24 to 6-23-24</u>		
Event Start Time:	<u>10am</u>	Event End Time:	<u>8pm</u>
Set-Up Begins:	<u>8am</u>	Clean-Up Ends:	<u>9pm</u>
Preferred Date & Time of Inspection:	<u>Day 1 @ 11am</u>		
Estimated Attendance:	<u>TBD</u>		
The Event is:	<input type="checkbox"/> Private (by invitation only) or <input checked="" type="checkbox"/> Open to General Public		

APPLICANT'S SIGNATURE [Signature] DATE: 3/7/24

A pre-planning meeting may be required and will be scheduled to include the appropriate staff. The event applicant must attend the meeting. The town reserves the right to require others to attend.

### TENTS & MEMBRANE STRUCTURES

\*\* Tent is a structure, enclosure, or shelter, with or without sidewalls or drops \*\*

Will tent(s) be used for the event?  Yes  No

Number of Tent(s) planned: 2-4

Size of Tent(s) planned: 10x10

Percentage of side walls if any to be used for each tent: 0%

Detail tent location, size, percentage of side walls and spacing for each on required site plan.

---

\*\* Membrane structure is an air-inflated or air supported structure \*\*

Will inflated/air Supported membrane(s) structures be used for the event?  Yes  No

Number of air inflated/air supported membrane structures planned: N/A

Size(s) air inflated/air supported membrane structures planned: N/A

Detail air inflated/air supported membrane structure location(s), size and spacing for each on required Site plan.

### POWER SOURCES

Will you use electric generators?  Yes  No

If yes, will Power Distribution boxes be used?  Yes  No

Provide contact information for contractor supplying generator power:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

---

Will you use electric power from an existing structure?  Yes  No

If yes, will direct wiring to breakers be required?  Yes  No

Provide contact information for person responsible for setup of power:

Name: William Bink Phone: 704 672 2881 Email: William@thespottedowl.com

### HAZARDOUS MATERIALS

Will there be any portable heaters??  Yes  No

Will there be any deep fat fryers??  Yes  No

Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks?  Yes  No

If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.

Will there be any fireworks, lasers, torches, candles or pyrotechnics?  Yes  No

If yes, contact the Blowing Rock Fire & Rescue office at 828-548-2800 for more information. ok

### VOICE/MUSIC AMPLIFICATION

Are there any musical entertainment features related to your event? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no proceed to next section)
If yes, state the number of bands and type of music: Number of bands: <u>6 1/2</u> Type(s) of music: <u>Local Mixed Acoustic. Similar to "Times @ the Tent"</u>
Will a portable or temporary stage be utilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes*, state the number of portable or temporary stages: <u>TBD</u>
Will stage have canopy with frame that supports equipment (lighting, etc.)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes* state the size of canopy: <u>TBD</u>
Provide contact information for contractor providing stage: Name: <u>Gilbert Brink</u> Phone: <u>704 507 2881</u> Email: <u>Gilbert@theperfectent.com</u>
Will your event use amplified sound? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate times: Start time: <u>11am</u> Finish time: <u>8pm</u>

### ALCOHOL

Will alcoholic beverages be served? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, NC ABC permit required)
Will alcoholic beverages be sold? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, NC ABC permit required)
What type of alcohol will be served? <input checked="" type="checkbox"/> Draft Beer <input checked="" type="checkbox"/> Can/Bottle Beer <input checked="" type="checkbox"/> Wine <input checked="" type="checkbox"/> Liquor
Who will be serving the alcohol? <u>TST Staff</u>
Times for alcohol to be served: <u>Open dry hours</u>
Locations within event site where alcohol will be served: <u>At Establishments &amp; in the Parking lot in between</u>
Have you applied for a North Carolina temporary ABC permit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### MECHANICAL RIDES

Does the event include mechanical rides, or other similar attractions? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please describe attractions: <u>This might be fun!</u>
Applicants contracting with amusement ride companies are required to provide the Town of Blowing Rock with a certificate of insurance, naming applicant and the Town of Blowing Rock (if applicable) as additional insured on general liability.

### VENDORS

PLEASE ATTACH COMPLETE LIST OF VENDORS IF ON PUBLIC PROPERTY.

Does the event include food vendors?  Yes  No

If the event will have food vendors, please check the following that apply:

Served  Sold  Free  Catered  Prepared Outdoors

Does the event include food concession and/or cooking areas?  Yes  No

If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other)

*(Use additional sheet if necessary)*

VENDOR	COOKING METHOD	FOOD ITEM
TBD	Food Truck	Tacos, etc.

*Fire Code requires a fire extinguisher at each cooking location. Event organizers are responsible for arranging health inspections for their events.*

### EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be completed. (Use additional sheet of paper if necessary)

DATE	TIME	ACTION	ADDITIONAL NOTES
5/31/24	11-8	Music / Community Dance	
6/1/24	11-8	Carnival - Corn holes, etc (Yard Games)	
6/2/24	11-8	Social Areas / Food	

**TOWN SERVICES**

The Town of Blowing Rock does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment.

**TRASH AND RECYCLING PLAN**

In order to determine what types of containers are needed for the event, please answer the following questions: Are you requesting trash/recycle bins from the town?(Additional Fee Will Be Required) Yes (No)

How many trash bins are you requesting for trash? We will provide  
How many recycle bins are you requesting? \_\_\_\_\_  
Date and Time for trash or recycling bins to be emptied/picked up: \_\_\_\_\_

Delivery Location? \_\_\_\_\_

*Applicants are responsible for cleaning and restoring the site after the event. The cost of any employee overtime incurred because of an applicant's failure to clean and/or restore the site following the event will be paid for by the applicant. If you reasonably believe that no litter will be generated during your event, please state this in your plan.*

**PUBLIC PROPERTY CLEAN-UP**

Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event? Private Property

*If town personnel are needed to assist with event site clean-up the applicant will be required to hire off duty personnel.*  
If needed, please list preferred Date & Time for clean-up staff to arrive: \_\_\_\_\_

Will any of the following services be used for the event:

- Water Service
- Portable Toilet Services
- Wastewater Service
- Public Restrooms
- Public Electric Power

No. Private Property

**SAFETY AND SECURITY (CHECK TYPES OF SECURITY USED)**

- Beer/Alcohol Security
- Stage Security
- Event Area Security
- Gate Security
- Road Closure Security
- Money Handling Security
- Other \_\_\_\_\_
- Overnight Security From \_\_\_\_\_: \_\_\_\_\_ To \_\_\_\_\_: \_\_\_\_\_

Dates & Times security will be on site: \_\_\_\_\_

Security provided by: STAFF Number of Security Personnel: \_\_\_\_\_

*Applicant may be required to hire sworn off-duty Town of Blowing Rock police officers to provide security to insure public safety. The Blowing Rock Police Department will determine the number of security personnel required on site.*



**WALK, RUN, CYCLE EVENTS ON PUBLIC ROADWAYS**

Number of participants expected: \_\_\_\_\_ % of participants expected under 18: \_\_\_\_\_

\*Must be at least 100 participants and no more than 2,000 per route.

Number of volunteers expected: \_\_\_\_\_ % of volunteers expected under 18: \_\_\_\_\_

**ADDITIONAL GUIDELINES AND REQUIREMENTS**

Please initial all guidelines below and provide the information requested at the time the application is submitted.

Must use a pre-approved route from the Town/NCDOT and/or pre-approved neighborhood route and/or track or one of the options not on roadways that are available at a park. \_\_\_\_\_

Must include a certificate of liability insurance for walk, run, and/or cycle event if the start/finish are on public property. \_\_\_\_\_

Must include a plan for volunteers for events with an anticipated attendance of 100 participants or more (how many, their duties). \_\_\_\_\_

Must include a parking plan for participants and volunteers (can be included in site plan). \_\_\_\_\_

The provision of twenty foot (20') minimum emergency access lanes throughout the event site. \_\_\_\_\_

Temporary signs may be used to mark a course. No markings of any kind (permanent or temporary) are allowed on roadways, sidewalks, or parking lots. \_\_\_\_\_

Any unauthorized traffic control device or other sign or message placed on the highway right-of-way by a private organization or individual constitutes a public nuisance and should be removed. Any violations of this policy will result in disapproval of future event(s). \_\_\_\_\_

Do not assume, advertise, or promote your event until you have a signed permit from the Blowing Rock Police Department, along with permission from town staff and Blowing Rock Town Council. Conflicts do arise and changes to the request may be necessary. \_\_\_\_\_

Organizers to make sure race starts at the time approved on the application. Any deviated start times shall be requested no later than 30 days prior to the event. A deviated time request cannot be guaranteed approval. \_\_\_\_\_

Event organizers to assist in enforcing safe roadway rules. \_\_\_\_\_

Event volunteers standing throughout the course to direct as well as instruct participants to stay out of the roadway. \_\_\_\_\_

Cancellation of any event must be in writing/email to the permit center no later than 30 days prior to the scheduled date of the event. \_\_\_\_\_

**A VIOLATION OF ANY GUIDELINE REQUIREMENT COULD RESULT IN THE DENIAL OF FUTURE EVENTS.** \_\_\_\_\_

N/A

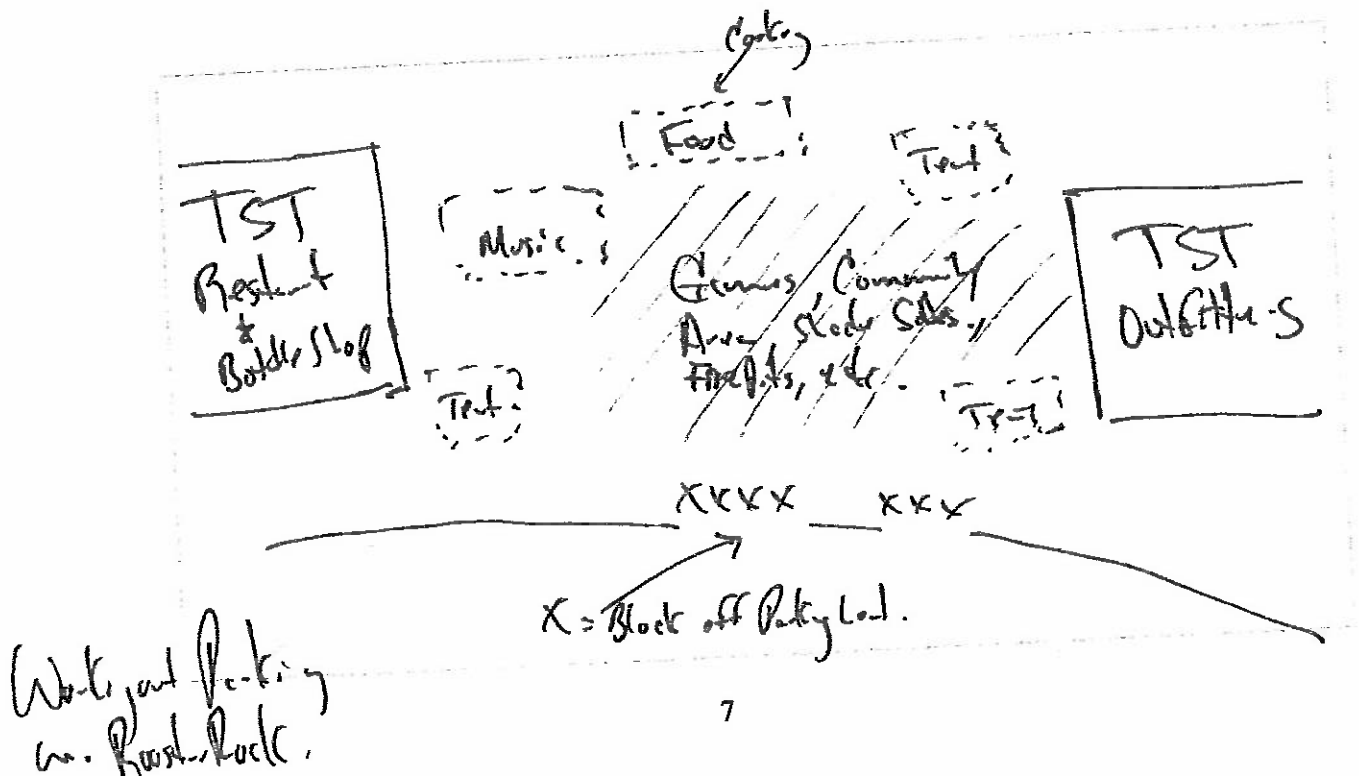
## SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

## SITE PLAN SKETCH

Please provide a site plan and describe details here.



## ATTACHMENT CHECKLIST

In addition to the Special Event Application form, the following supporting documents are required to complete your application package and begin the review process:

### All Events:

- Site Plan Sketch
- Parking Plan for participants and volunteers (May be included in site plan)
- Volunteer Plan for events with an anticipated attendance of 100 participants or more (how many, their duties) — STAFF

### All Public Property Events:

- N/A  Certificate of Insurance listing the Town of Blowing Rock as certificate holder and additional insured.

### Public Property Event at a Public Park:

- N/A  Email from the Parks and Recreation Director indicating approval of the event date. Parks and Recreation Director may be reached at (828) 295-5222 or [jbrown@tobr.us](mailto:jbrown@tobr.us).

### Waiver Request:

- N/A  I am requesting a waiver from the Section which prohibits animals from special events on town property. I have included the required safety plan with the application.

## USE OF PUBLIC PLACES

**\*\* THIS SECTION IS ONLY TO BE COMPLETED IF REQUESTING TO HOLD AN EVENT IN PUBLIC PLACES AND PARKS \*\***

### RULES REGULATING THE USE OF PUBLIC PLACES AND PARKS FOR SPECIAL EVENTS

- The Town Council reserves the right to reject any application as to the use of any area for any special event. If the Town Council learns that the event or vendors participating were misrepresented to the Town Council or that the event in any way fails to comply with the rules regulating the use of public places or fails to comply with any applicable local, state, or federal laws, it reserves the right to rescind any approved application up to and during the course of the event. In the case of a special event being held at a Town-owned facility for which a rental fee is usually charged, the normal rental fee shall be charged to the applicant unless the Town Council waives such rental.
- Application must be filed in the Parks & Recreation Office at least ninety (90) days prior to the time that the applicant desires to first take possession of the area to make preparations for the special event. The applicant for a special event must be a non-profit organization, organized and existing for the purpose of either some charitable or public benefit or for the promotion of business in the area of Blowing Rock. In addition, said non-profit organization may at the request of the Council be required to produce evidence of their non-profit corporation status as defined by state and federal laws. In addition, procedures to be used for selecting participants and vendors must be included with the application.
- The applicant shall provide to the Parks & Recreation Director at least two (2) weeks prior to the beginning of the public participation in the special event a list of all of the vendors or others having booths or display tables during the special event. No other persons may sell merchandise or operate any booth or display tables during the special event, unless the applicant, in writing, requests the Town Manager to amend such list accordingly and permission is granted.
- No motor vehicles or other large equipment or manufactured items or livestock will be permitted within the area unless they are clearly identified and described and the proposed location is stated in the application and specific approval is given.
- The size, type of construction and location of display tables and booths must be described generally in the application; all construction must be safe and self-sustaining; no spikes or other holding devices may be driven into the ground of any street, sidewalk or tied to any tree.
- When food preparation, painting and/or pottery making activities or similar activities are held, appropriate protective materials must be placed over any paved or brick areas for protection.

N/A

- No tents may be placed in the area without being described and exhibited to the Fire Prevention Inspectors of the Blowing Rock Fire & Rescue Department and special approval by the Town Council.
- Public address systems can be used only if specifically requested in the application and special permission given, including limitations as to use.
- Sufficient portable toilets shall be provided for the expected number of participants.
- A first-aid station shall be provided, staffed by competent Emergency Medical Technicians, unless a waiver is requested and granted by the Town.
- The applicant shall be responsible for providing trash receptacles of the number and size as the town shall require in order to eliminate litter.
- If the applicant desires to sell alcoholic beverages, it shall specifically so state in its application and shall provide a sketch of the area where the same will be sold and consumed. The area shall be delineated by barricades, with the entrance to be clearly marked and so constructed as to allow ready control of patrons, including viewing of identification to avoid underage persons being within the barricaded area. Signs shall be posted stating that no one shall leave the barricaded area with alcoholic beverages.
- Application must be made to proper State authorities for special permit for sale of alcoholic beverages. Special permit shall be available for inspection by the Town at any time.
- The applicant shall assume full liability for all accidents or claims of accidents as a result of activities taking place at the special event and during the time the area is being readied for the event and while it is being cleaned up following the event. A copy of the insurance policy must be submitted to the Town Manager's office prior to the event. The policy is to be one of comprehensive general liability in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury per person and One Million Dollars (\$1,000,000.00) per occurrence and not less than One Hundred Thousand Dollars (100,000.00) for property damage per occurrence.
- The applicant will be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event.
- Applicants must obtain any special use permits required by the Blowing Rock Fire Inspector, must comply with all applicable provisions of the North Carolina Fire Code and must at all times insure that all fire lanes in the area to be used remain unobstructed.
- Applicants must comply with all applicable Health Department regulations pertaining to the scheduled event.
- Applicants must comply with the requirements of the Blowing Rock Sign Ordinance.
- Applications must comply with any and all local, state, and federal laws pertaining to equal opportunity and should make every effort to make events accessible to the disabled public. In addition, applicants shall not deny access or a vendor's booth to any group based on national origin, race, religion, age, sex, or disability.

N/A

NAME OF NON-PROFIT ORGANIZATION

BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LIST ORGANIZATIONS OFFICERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE

TELEPHONE

TELEPHONE

CHAIRPERSON OF THE SPECIAL EVENT:

NAME

TELEPHONE

ADDRESS

*The undersigned Applicant is aware of the rules regulating the use of public places and parks for special events, and will abide with the same; and further understands that the Town of Blowing Rock will not be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event. The undersigned Applicant agrees to reimburse the Town of Blowing Rock for the additional cost of providing police department and/or fire department personnel to supervise the event, including services rendered both before, during and after the event itself, to ensure the compliance with all laws and ordinance, to direct traffic and to promote the safety and welfare of participants and other citizens.*

Date

President

Non-Profit Organization

Approved by:

TOWN MANAGER

DATE

DATE APPROVED BY BLOWING ROCK TOWN COUNCIL:

NS/A

NORTH CAROLINA

RELEASE AND INDEMNITY AGREEMENT

WATAUGA COUNTY

THIS RELEASE AND INDEMNITY AGREEMENT, entered into by THE TOWN OF BLOWING ROCK, a North Carolina Municipal Corporation, party of the first part, and the \_\_\_\_\_, a non-profit organization with its principal place of operation being \_\_\_\_\_ County, North Carolina, party of the second part:

WITNESSETH

WHEREAS, the party of the first part is desirous of allowing the party of the second part to conduct a special event within the Town Limits of Blowing Rock, North Carolina, pursuant to the Blowing Rock Town Code; and

WHEREAS, the party of the second part is desirous of conducting a special event within the Town Limits of Blowing Rock, North Carolina; and

WHEREAS, to this end, said party of the second part has heretofore filed with the Town of Blowing Rock an application for approval of said event, and wishes to enter into this Release and Indemnity Agreement pursuant to the Blowing Rock Town Code and the administrative rules of the Town of Blowing Rock;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, and for other good and sufficient consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

N/A

1. That the party of the second part hereby completely and unequivocally releases the party of the first part, the officials of the party of the first part, and all employees of said party of the first part, and their families, from any and all claims, damages, injuries or rights of action which the party of the second part may incur by reason of the special event being conducted by the party of the second part.
2. That the party of the second part hereby agrees to indemnify and hold harmless the party of the first part for any liability, injury or claim which may arise to the benefit of the party of the second part as a result of the special event being conducted by the party of the second part.
3. That the parties to this Release and Indemnity Agreement stipulate and acknowledge that there exists sufficient consideration for the execution of this instrument.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Witness

N/A



# Town of Blowing Rock

## Request for Council Action

---

FROM: Jennifer Brown, Director of Parks & Recreation  
SUBJECT: Cornhole Tournament  
TO: Town Council  
DATE: April 9, 2024  
REQUESTED BY: The Speckled Trout

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### BACKGROUND:

The Speckled Trout is requesting to hold a Summer Kick-Off the weekend of September 20, 2024, through September 22, 2024, in their parking lots between The Speckled Trout and the Outfitters Store. They will have music, cornhole boards, fly fishing clinics, and a food truck.

The application was reviewed by department heads and the only request is that they leave the handicapped parking spaces open to be used.

The application is attached.



Town Of Blowing Rock  
 PO Box 47  
 1036 Main Street  
 Blowing Rock, NC  
 28605

**Town Of Blowing Rock**  
**Special Events/Activities Application**  
 (Must be submitted to Blowing Rock Parks & Recreation)

Tel 828-295-5200

The purpose of this application is to provide information about your event or activity in order for various departments and agencies to determine if they need to be involved in the approval and/or permitting process. Depending on the specific event, a permit application and/or fee(s) from individual departments may be required.

The applicant is responsible for providing complete and accurate information on the application, including an attached detailed site plan. The applicant is also responsible for notifying the Parks Department of any changes. Incomplete applications will not be accepted. \*\*A complete application should be submitted at least 90 days prior to the planned event to allow sufficient review time. Town staff may contact you with specific questions. Any official may require a pre-planning meeting.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

Applicant should contact the Parks Department to verify date availability prior to submission of application.

**\*\*NO MORE THAN 2 RACES WILL BE ALLOWED IN ANY GIVEN MONTH**

**\*\*If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.**

**APPLICANT INFORMATION**

Name of Event: 2nd Annual Cornhole Tournament  
 Applicant Name & Title: William Brinker, Manager  
 Organization: The Speckled Trout (Outfitters + Restaurant and Bottle Shop)  
 Mailing (Billing) Address: 184 Willy Austin Rd  
 City / State / Zip: Blowing Rock, NC 28605  
 Daytime Phone: 773-8852 Cell: 704-507-2881 Email: outfitters@thespeckledtrout.com  
 Description of the Event: Cornhole Tournament + Fundraiser  
 Does the event have a Twitter, Facebook or other social networking page: no  
 If yes, please list URL(s): no

Event Address: <u>916/922 Main Street (between Outfitters + Rest)</u>	
Date of Event: <u>9/20/24-9/22/24 // Alternate Date 10/4/24-10/6/24</u>	
Event Start Time: <u>11am</u>	Event End Time: <u>8pm</u>
Set-Up Begins: <u>8am</u>	Clean-Up Ends: <u>9pm</u>
Preferred Date & Time of Inspection: <u>Day 1 @ 11am</u>	
Estimated Attendance: <u>50-75</u>	
The Event is: <input type="checkbox"/> Private (by invitation only) or <input checked="" type="checkbox"/> Open to General Public	

APPLICANT'S SIGNATURE William Brinker DATE: 3/7/24

A pre-planning meeting may be required and will be scheduled to include the appropriate staff. The event applicant must attend the meeting. The town reserves the right to require others to attend.

## TENTS & MEMBRANE STRUCTURES

\*\* Tent is a structure, enclosure, or shelter, with or without sidewalls or drops \*\*

Will tent(s) be used for the event?  Yes  No

Number of Tent(s) planned: 2

Size of Tent(s) planned: 10x10

Percentage of side walls if any to be used for each tent: N/A

Detail tent location, size, percentage of side walls and spacing for each on required site plan.

---

\*\* Membrane structure is an air-inflated or air supported structure \*\*

Will inflated/air Supported membrane(s) structures be used for the event?  Yes  No

Number of air inflated/air supported membrane structures planned: \_\_\_\_\_

Size(s) air inflated/air supported membrane structures planned: N/A

Detail air inflated/air supported membrane structure location(s), size and spacing for each on required Site plan.

## POWER SOURCES

Will you use electric generators?  Yes  No

If yes, will Power Distribution boxes be used?  Yes  No

Provide contact information for contractor supplying generator power:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

---

Will you use electric power from an existing structure?  Yes  No

If yes, will direct wiring to breakers be required?  Yes  No

Provide contact information for person responsible for setup of power:

Name: William Brinker Phone: 704-507-2851 Email: william@thespeckledtrout.com

## HAZARDOUS MATERIALS

Will there be any portable heaters??  Yes  ~~No~~

Will there be any deep fat fryers??  Yes  ~~No~~

Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks?  Yes  ~~No~~

If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.

Will there be any fireworks, lasers, torches, candles or pyrotechnics?  Yes  ~~No~~ Solo Stove

If yes, contact the Blowing Rock Fire & Rescue office at 828-548-2800 for more information.

### VOICE/MUSIC AMPLIFICATION

Are there any musical entertainment features related to your event?  Yes  No  
 (If no proceed to next section)

If yes, state the number of bands and type of music: Number of bands: TBD  
 Type(s) of music: local artists - similar to "Tuner & the Trout"

Will a portable or temporary stage be utilized?  Yes  No  
 If yes\*, state the number of portable or temporary stages: TBD

Will stage have canopy with frame that supports equipment (lighting, etc.)?  Yes  No  
 If yes\* state the size of canopy: TBD

Provide contact information for contractor providing stage:  
 Name: William Brinker Phone: 704-507-2881 Email: william@thespeckledtrout.com

Will your event use amplified sound?  Yes  No  
 If yes, please indicate times: Start time: 11am Finish time: 8 pm

### ALCOHOL

Will alcoholic beverages be served?  Yes  No (If yes, NC ABC permit required)

Will alcoholic beverages be sold?  Yes  No (If yes, NC ABC permit required)

What type of alcohol will be served?  
 Draft Beer  Can/Bottle Beer  Wine  Liquor

Who will be serving the alcohol? The Speckled Trout Outfitters

Times for alcohol to be served:

Locations within event site where alcohol will be served:  
The Speckled Trout parking lot  
Inside the shop

Have you applied for a North Carolina temporary ABC permit?  Yes  No

### MECHANICAL RIDES

Does the event include mechanical rides, or other similar attractions?  Yes  No

If yes, please describe attractions: \_\_\_\_\_

*Applicants contracting with amusement ride companies are required to provide the Town of Blowing Rock with a certificate of insurance, naming applicant and the Town of Blowing Rock (if applicable) as additional insured on general liability.*

### VENDORS

PLEASE ATTACH COMPLETE LIST OF VENDORS IF ON PUBLIC PROPERTY.

Does the event include food vendors?  Yes  No

If the event will have food vendors, please check the following that apply:

Served  Sold  Free  Catered  Prepared Outdoors

Does the event include food concession and/or cooking areas?  Yes  No

If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other)

*(Use additional sheet if necessary)*

VENDOR	COOKING METHOD	FOOD ITEM
TBD	Food Truck	taos, etc

*Fire Code requires a fire extinguisher at each cooking location. Event organizers are responsible for arranging health inspections for their events.*

### EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be completed. (Use additional sheet of paper if necessary)

DATE	TIME	ACTION	ADDITIONAL NOTES

## TOWN SERVICES

The Town of Blowing Rock does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment.

### TRASH AND RECYCLING PLAN

In order to determine what types of containers are needed for the event, please answer the following questions: Are you requesting trash/recycle bins from the town?(Additional Fee Will Be Required) Yes (No)

How many trash bins are you requesting for trash? X

How many recycle bins are you requesting? X

Date and Time for trash or recycling bins to be emptied/picked up: X

Delivery Location? \_\_\_\_\_

— Applicants are responsible for cleaning and restoring the site after the event. The cost of any employee overtime incurred because of an applicant's failure to clean and/or restore the site following the event will be paid for by the applicant. If you reasonably believe that no litter will be generated during your event, please state this in your plan.

### PUBLIC PROPERTY CLEAN-UP

Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event? Our staff + volunteers will assist closing down

PRIVATE PROPERTY

If town personnel are needed to assist with event site clean-up the applicant will be required to hire off Duty personnel.

If needed, please list preferred Date & Time for clean-up staff to arrive: \_\_\_\_\_

Will any of the following services be used for the event:

Water Service

Portable Toilet Services

Wastewater Service

Public Restrooms  Public Electric Power

PRIVATE PROPERTY

### SAFETY AND SECURITY (CHECK TYPES OF SECURITY USED)

Beer/Alcohol Security  Stage Security  Event Area Security  Gate Security

Road Closure Security  Money Handling Security  Other \_\_\_\_\_

Overnight Security From \_\_\_\_\_: \_\_\_\_\_ To \_\_\_\_\_: \_\_\_\_\_

Dates & Times security will be on site: \_\_\_\_\_

Security provided by: STAFF Number of Security Personnel: \_\_\_\_\_

Applicant may be required to hire sworn off-duty Town of Blowing Rock police officers to provide security to insure public safety. The Blowing Rock Police Department will determine the number of security personnel required on site.

## WALK, RUN, CYCLE EVENTS ON PUBLIC ROADWAYS

Number of participants expected: \_\_\_\_\_ % of participants expected under 18: \_\_\_\_\_

\*Must be at least 100 participants and no more than 2,000 per route.

Number of volunteers expected: \_\_\_\_\_ % of volunteers expected under 18: \_\_\_\_\_

### ADDITIONAL GUIDELINES AND REQUIREMENTS

Please initial all guidelines below and provide the information requested at the time the application is submitted.

Must use a pre-approved route from the Town/NCDOT and/or pre-approved neighborhood route and/or track or one of the options not on roadways that are available at a park. WPB

Must include a certificate of liability insurance for walk, run, and/or cycle event if the start/finish are on public property. WPB

Must include a plan for volunteers for events with an anticipated attendance of 100 participants or more (how many, their duties). WPB

Must include a parking plan for participants and volunteers (can be included in site plan). WPB

The provision of twenty foot (20') minimum emergency access lanes throughout the event site. WPB

Temporary signs may be used to mark a course. No markings of any kind (permanent or temporary) are allowed on roadways, sidewalks, or parking lots. WPB

Any unauthorized traffic control device or other sign or message placed on the highway right-of-way by a private organization or individual constitutes a public nuisance and should be removed. Any violations of this policy will result in disapproval of future event(s). WPB

Do not assume, advertise, or promote your event until you have a signed permit from the Blowing Rock Police Department, along with permission from town staff and Blowing Rock Town Council. Conflicts do arise and changes to the request may be necessary. WPB

Organizers to make sure race starts at the time approved on the application. Any deviated start times shall be requested no later than 30 days prior to the event. A deviated time request cannot be guaranteed approval. WPB

Event organizers to assist in enforcing safe roadway rules. WPB

Event volunteers standing throughout the course to direct as well as instruct participants to stay out of the roadway. WPB

Cancellation of any event must be in writing/email to the permit center no later than 30 days prior to the scheduled date of the event. WPB

A VIOLATION OF ANY GUIDELINE REQUIREMENT COULD RESULT IN THE DENIAL OF FUTURE EVENTS. WPB

★ Note: most of the above are N/A, but initialed in acknowledgment of the guidelines ★

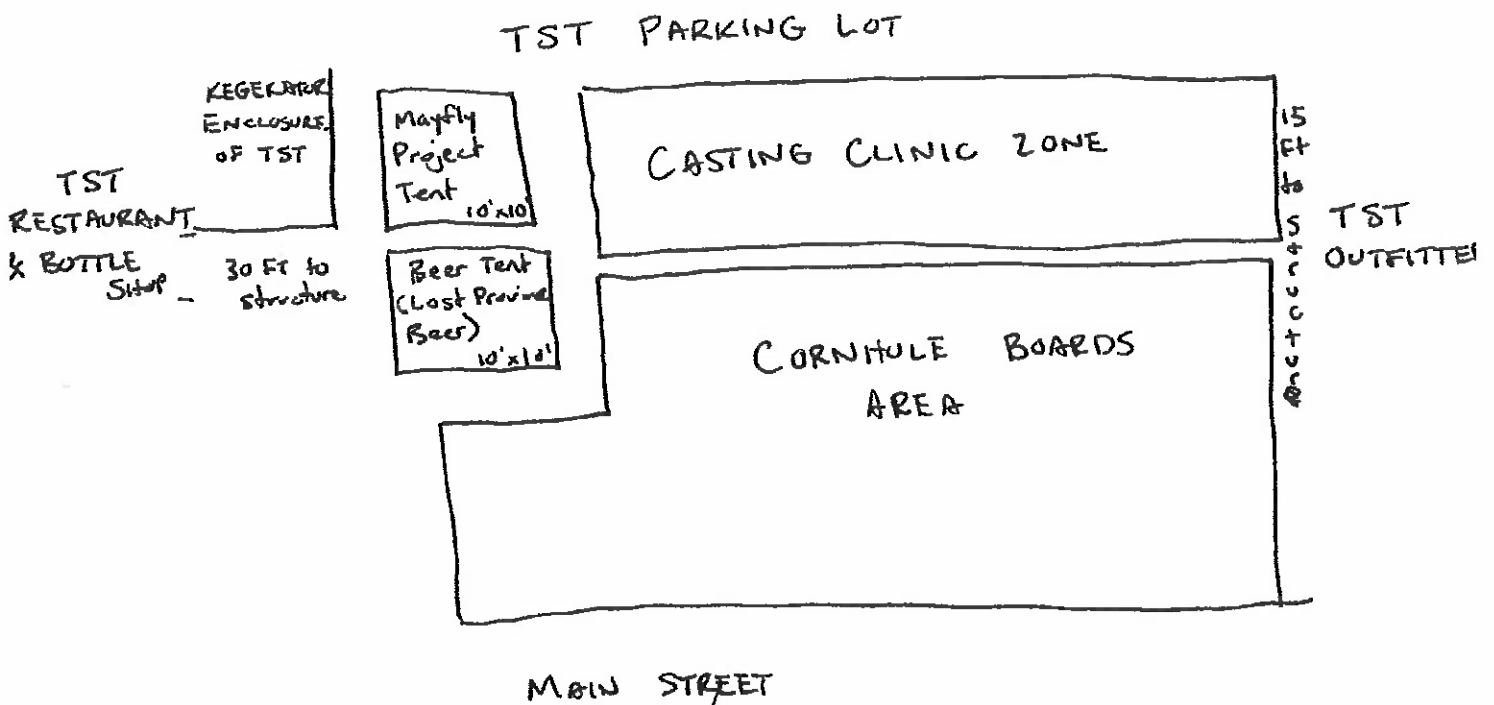
## SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

## SITE PLAN SKETCH

Please provide a site plan and describe details here.



Volunteers / Participants will utilize public parking of Blowing Rock.



## ATTACHMENT CHECKLIST

In addition to the Special Event Application form, the following supporting documents are required to complete your application package and begin the review process:

### All Events:

- Site Plan Sketch
- Parking Plan for participants and volunteers (May be included in site plan)
- Volunteer Plan for events with an anticipated attendance of 100 participants or more (how many, their duties) **STAFF**

### All Public Property Events:

- Certificate of Insurance listing the Town of Blowing Rock as certificate holder and additional insured.

### Public Property Event at a Public Park:

- Email from the Parks and Recreation Director indicating approval of the event date. Parks and Recreation Director may be reached at (828) 295-5222 or [jbrown@toibr.us](mailto:jbrown@toibr.us).

### Waiver Request:

- I am requesting a waiver from the Section which prohibits animals from special events on town property. I have included the required safety plan with the application.

## USE OF PUBLIC PLACES

**\*\* THIS SECTION IS ONLY TO BE COMPLETED IF REQUESTING TO HOLD AN EVENT IN PUBLIC PLACES AND PARKS \*\***

### RULES REGULATING THE USE OF PUBLIC PLACES AND PARKS FOR SPECIAL EVENTS

- The Town Council reserves the right to reject any application as to the use of any area for any special event. If the Town Council learns that the event or vendors participating were misrepresented to the Town Council or that the event in any way fails to comply with the rules regulating the use of public places or fails to comply with any applicable local, state, or federal laws, it reserves the right to rescind any approved application up to and during the course of the event. In the case of a special event being held at a Town-owned facility for which a rental fee is usually charged, the normal rental fee shall be charged to the applicant unless the Town Council waives such rental.
- Application must be filed in the Parks & Recreation Office at least ninety (90) days prior to the time that the applicant desires to first take possession of the area to make preparations for the special event. The applicant for a special event must be a non-profit organization, organized and existing for the purpose of either some charitable or public benefit or for the promotion of business in the area of Blowing Rock. In addition, said non-profit organization may at the request of the Council be required to produce evidence of their non-profit corporation status as defined by state and federal laws. In addition, procedures to be used for selecting participants and vendors must be included with the application.
- The applicant shall provide to the Parks & Recreation Director at least two (2) weeks prior to the beginning of the public participation in the special event a list of all of the vendors or others having booths or display tables during the special event. No other persons may sell merchandise or operate any booth or display tables during the special event, unless the applicant, in writing, requests the Town Manager to amend such list accordingly and permission is granted.
- No motor vehicles or other large equipment or manufactured items or livestock will be permitted within the area unless they are clearly identified and described and the proposed location is stated in the application and specific approval is given.
- The size, type of construction and location of display tables and booths must be described generally in the application; all construction must be safe and self-sustaining; no spikes or other holding devices may be driven into the ground of any street, sidewalk or tied to any tree.
- When food preparation, painting and/or pottery making activities or similar activities are held, appropriate protective materials must be placed over any paved or brick areas for protection.

- No tents may be placed in the area without being described and exhibited to the Fire Prevention Inspectors of the Blowing Rock Fire & Rescue Department and special approval by the Town Council.
- Public address systems can be used only if specifically requested in the application and special permission given, including limitations as to use.
- Sufficient portable toilets shall be provided for the expected number of participants.
- A first-aid station shall be provided, staffed by competent Emergency Medical Technicians, unless a waiver is requested and granted by the Town.
- The applicant shall be responsible for providing trash receptacles of the number and size as the town shall require in order to eliminate litter.
- If the applicant desires to sell alcoholic beverages, it shall specifically so state in its application and shall provide a sketch of the area where the same will be sold and consumed. The area shall be delineated by barricades, with the entrance to be clearly marked and so constructed as to allow ready control of patrons, including viewing of identification to avoid underage persons being within the barricaded area. Signs shall be posted stating that no one shall leave the barricaded area with alcoholic beverages.
- Application must be made to proper State authorities for special permit for sale of alcoholic beverages. Special permit shall be available for inspection by the Town at any time.
- The applicant shall assume full liability for all accidents or claims of accidents as a result of activities taking place at the special event and during the time the area is being readied for the event and while it is being cleaned up following the event. A copy of the insurance policy must be submitted to the Town Manager's office prior to the event. The policy is to be one of comprehensive general liability in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury per person and One Million Dollars (\$1,000,000.00) per occurrence and not less than One Hundred Thousand Dollars (100,000.00) for property damage per occurrence.
- The applicant will be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event.
- Applicants must obtain any special use permits required by the Blowing Rock Fire Inspector, must comply with all applicable provisions of the North Carolina Fire Code and must at all times insure that all fire lanes in the area to be used remain unobstructed.
- Applicants must comply with all applicable Health Department regulations pertaining to the scheduled event.
- Applicants must comply with the requirements of the Blowing Rock Sign Ordinance.
- Applications must comply with any and all local, state, and federal laws pertaining to equal opportunity and should make every effort to make events accessible to the disabled public. In addition, applicants shall not deny access or a vendor's booth to any group based on national origin, race, religion, age, sex, or disability.

\_\_\_\_\_  
**NAME OF NON-PROFIT ORGANIZATION**

**BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**LIST ORGANIZATIONS OFFICERS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**TELEPHONE**

\_\_\_\_\_  
**TELEPHONE**

\_\_\_\_\_  
**TELEPHONE**

**CHAIRPERSON OF THE SPECIAL EVENT:**

\_\_\_\_\_  
**NAME**

\_\_\_\_\_  
**TELEPHONE**

\_\_\_\_\_  
**ADDRESS**

*The undersigned Applicant is aware of the rules regulating the use of public places and parks for special events, and will abide with the same; and further understands that the Town of Blowing Rock will not be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event. The undersigned Applicant agrees to reimburse the Town of Blowing Rock for the additional cost of providing police department and/or fire department personnel to supervise the event, including services rendered both before, during and after the event itself, to ensure the compliance with all laws and ordinance, to direct traffic and to promote the safety and welfare of participants and other citizens.*

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**President**

\_\_\_\_\_  
**Non-Profit Organization**

**Approved by:**

\_\_\_\_\_  
**TOWN MANAGER**

\_\_\_\_\_  
**DATE**

**DATE APPROVED BY BLOWING ROCK TOWN COUNCIL:** \_\_\_\_\_

NORTH CAROLINA

RELEASE AND INDEMNITY AGREEMENT

WATAUGA COUNTY

THIS RELEASE AND INDEMNITY AGREEMENT, entered into by THE TOWN OF BLOWING ROCK, a North Carolina Municipal Corporation, party of the first part, and the \_\_\_\_\_, a non-profit organization with its principal place of operation being \_\_\_\_\_ County, North Carolina, party of the second part:

WITNESSETH

WHEREAS, the party of the first part is desirous of allowing the party of the second part to conduct a special event within the Town Limits of Blowing Rock, North Carolina, pursuant to the Blowing Rock Town Code; and

WHEREAS, the party of the second part is desirous of conducting a special event within the Town Limits of Blowing Rock, North Carolina; and

WHEREAS, to this end, said party of the second part has heretofore filed with the Town of Blowing Rock an application for approval of said event, and wishes to enter into this Release and Indemnity Agreement pursuant to the Blowing Rock Town Code and the administrative rules of the Town of Blowing Rock;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, and for other good and sufficient consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. That the party of the second part hereby completely and unequivocally releases the party of the first part, the officials of the party of the first part, and all employees of said party of the first part, and their families, from any and all claims, damages, injuries or rights of action which the party of the second part may incur by reason of the special event being conducted by the party of the second part.
2. That the party of the second part hereby agrees to indemnify and hold harmless the party of the first part for any liability, injury or claim which may arise to the benefit of the party of the second part as a result of the special event being conducted by the party of the second part.
3. That the parties to this Release and Indemnity Agreement stipulate and acknowledge that there exists sufficient consideration for the execution of this instrument.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Witness

**ALLOWABLE COSTS AND COST PRINCIPLES FOR EXPENDITURE OF AMERICAN  
RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS  
TOWN OF BLOWING ROCK**

**WHEREAS** the Town of Blowing Rock, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the [Assistance Listing](#); and

**WHEREAS** the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) provides, in relevant part:

**Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

[ARP/CSLFRF] Funds may be, but are not required to be, used along with other funding sources for a given project. Note that [ARP/CSLFRF] Funds may not be used for a non-Federal cost share or match were prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the [ARP/CSLFRF] Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the [ARP/CSLFRF] program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the [ARP/CSLFRF] award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of [ARP/CSLFRF] award funds; and

**WHEREAS** Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

**WHEREAS** Subpart E of the UG (specifically, 200.400) states that:

The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.



- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

**BE IT RESOLVED** that the governing board of the Town of Blowing Rock hereby adopts and enacts the following UG Allowable Costs and Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

# Allowable Costs and Costs Principles Policy

## I. Allowable Costs and Costs Principles Policy Overview

[Title 2 U.S. Code of Federal Regulations Part 200](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items. Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

The Town of Blowing Rock shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with the Town's Finance Director and Town Manager, and Town Council who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to either the Town of Blowing Rock's Finance Director or Town Manager. As questions on the allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

## II. General Cost Allowability Criteria

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

### 1. Be necessary and reasonable for the proper and efficient performance and administration of the grant program.

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.
- Whether the cost is identified in the approved project budget or application.

- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town of Blowing Rock or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
- Market prices for comparable goods or services for the geographic area.
- Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to the Town of Blowing Rock, its employees, the public at large, and the federal government.
- Whether the Town of Blowing Rock significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.

2. **Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.
3. **Be authorized and not prohibited under state or local laws or regulations.**
4. **Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**

5. **Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of the Town of Blowing Rock.**
6. **Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.
7. **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**
8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the Town related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms.
9. **Be adequately documented.**

### III. Selected Items of Cost

The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

The Finance Director and Town Manager of the Town of Blowing Rock who are responsible for determining cost allowability must be familiar with the Selected Items of Cost. The Town of Blowing Rock must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. The Finance Director and Town Manager will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, the Town of Blowing Rock’s regulations, and program-specific rules may deem a cost as unallowable, and the Finance Director and Town Manager must follow those non-federal rules as well.

Exhibit A identifies and summarizes the Selected Items of Cost.

### IV. Direct and Indirect Costs

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

*Direct costs* are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in undertaking an eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

*Indirect costs* are (1) costs incurred for a common or joint purpose benefiting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the Town of Blowing Rock may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

## V. Special Provisions for State and Local Governments

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

### § 200.444 General costs of government.

(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in [§ 200.475](#)). Unallowable costs include:

- (1) Salaries and expenses of the Office of the Governor of a [state](#) or the chief executive of a [local government](#) or the chief executive of an [Indian tribe](#);
- (2) Salaries and other expenses of a [state](#) legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
- (3) Costs of the judicial branch of a government;
- (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in [§ 200.435](#)); and
- (5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For [Indian tribes](#) and Councils of Governments (COGs) (see definition for *Local government* in [§ 200.1](#) of this part), up to 50% of salaries and expenses directly attributable to managing and operating [Federal programs](#) by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

### § 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

(1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and

(2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

#### **§ 200.417 INTERAGENCY SERVICE.**

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

## **VI. Cost Allowability Review Process**

### **PREAPPROVAL COST ALLOWABILITY REVIEW**

Before an ARP/CSLFRF-funded project is authorized, the Town Finance Director and Town Manager must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to the Finance Director and Town Manager for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, the Finance Director and Town Manager must review

estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury.

- If a proposed project includes a request for an unallowable cost, the Town Finance Director and or Town Manager will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.
- Once a proposed project budget is pre-approved by the Finance Director and Town Manager the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

### **POST-EXPENDITURE COST ALLOWABILITY REVIEW**

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Town Finance Director and Town Manager must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Town Finance Director or Town Manager will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
- The Town Finance Director and Town Manager must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the Town Finance Director and/or Town Manager must proceed through the local government's normal disbursement process.
- If any cost item is deemed unallowable, the Town Finance Director and/or Town Manager will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Town Finance Director and/or Town Manager may at their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. The Town of Blowing Rock's Town Council must approve any allocation of other funds for this purpose.

- The Finance Director must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

## VII. Cost Transfers

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

### EXHIBIT A

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions
Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable
Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))



Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions
Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435	Allowable with restrictions
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions
Entertainment costs	2 CFR § 200.438	Unallowable with exceptions
Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions
Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions
Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions;

		Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions
Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable
Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations
Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency
Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions
Publication and printing costs	2 CFR § 200.461	Allowable with restrictions

Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions
Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions
Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed
Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions
Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions
Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions
Travel costs	2 CFR § 200.474	Allowable with restrictions
Trustees	2 CFR § 200.475	Not specifically addressed

**Policy Amended and Approved by the Blowing Rock Town Council on April 9, 2024**

# **Town of Blowing Rock, NC**

## **Conflict of Interest Policy**

### **Conflict of Interest Defined:**

A conflict of interest is defined as an actual or perceived interest by a (staff member/Town Council Member) in an action that results in, or has the appearance of resulting in, personal, organizational, or professional gain. A conflict of interest occurs when an employee/Council member has a direct or fiduciary interest in another relationship. A conflict of interest could include:

- Ownership with a member of the Town Council or an employee where one or the other has supervisory authority over the other or with a client who receives services.
- Employment of or by a member of the Town Council or an employee where one or the other has supervisory authority over the other or with a client who receives services.
- Contractual relationship with a member of the Town Council or an employee where one or the other has supervisory authority over the other or with a client who receives services.
- Creditor or debtor to a member of the Town Council or an employee where one or the other has supervisory authority over the other or with a client who receives services.
- Consultative or consumer relationship with a member of the Town Council or an employee where one or the other has supervisory authority over the other or with a client who receives services.

The definition of conflict or interest includes any bias or the appearance of bias in a decision-making process that would reflect a dual role played by a member of the organization or group. An example, for instance, might involve a person who is an employee and a Council member, or a person who is an employee and who hires family members as consultants.

### **Employee Responsibilities:**

It is in the best interest of the Town, individual staff, and Council members to strengthen trust and confidence in each other, to expedite resolution of problems, to mitigate the effect and to minimize organizational and individual stress that can be caused by a conflict or interest.

Employees are to avoid any conflict of interest, even the appearance of a conflict of interest. This organization serves the community as a whole rather than only serving a special interest group.

The appearance of a conflict of interest can cause embarrassment to the organization and jeopardize the credibility of the organization. Any conflict of interest, potential conflict of interest, or the appearance of a conflict of interest is to be reported to an employee's supervisor immediately.

Employees are to maintain independence and objectivity with clients, the community, and organization. Employees are called to maintain a sense of fairness, civility, ethics and personal integrity even though law, regulation, or custom does not require them.

### **Acceptance of Gifts:**

Employees, members of employee's immediate family, and members of the Town Council are prohibited from accepting gifts, money or gratuities from the following:

- a. Persons receiving benefits or services from the organization;
- b. Any person or organization performing or seeking to perform services under contract with the organization; and
- c. Persons who are otherwise in a position to benefit from the action of any employee of the organization.

Employees may, with the prior written approval of their supervisor, receive honoraria for lectures and other such activities while on personal days, compensatory time, annual leave, or leave without pay. If the employee is acting in any official capacity, honoraria received by an employee in connection with activities relating to employment with the Town are to be paid to the Town.

**Policy Amended and Approved by the Blowing Rock Town Council on April 9, 2024**

## **ELIGIBLE PROJECT POLICY**

### **FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

#### **BY THE TOWN OF BLOWING ROCK**

**WHEREAS** the Town of Blowing Rock, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS** US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and

**WHEREAS** US Treasury has issued a [Compliance and Reporting Guidance v.2.1 \(November 15, 2021\)](#) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

**WHEREAS** the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

**BE IT RESOLVED** that the Town of Blowing Rock hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

## **Eligibility Determination Policy for ARPA of 2021 Coronavirus State and Local Fiscal Recovery Funds:**

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds. It also outlines the procedures for determining how [Local Government Name] will spend its ARP/CSLFRF funds.

### **I. Permissible Uses of ARPA/CSLFRF Funding**

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

### **II. Prohibited Uses of ARPA Funding:**

The ARPA/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARPA/CSLFRF funds. Specifically, ARPA/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or

- regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the [Local Government Name] to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
  6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
  7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town of Blowing Rock, and any of its contractors or subrecipients, may not expend any ARPA/CSLFRF funds for these purposes.

### **III. Procedures for Project Approval**

The following are procedures for ARP/CSLFRF project approvals. All Town of Blowing Rock employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing and include all the following:
  - a. Brief description of the project
  - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the [US Treasury Compliance and Reporting Guidance](#).)
  - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARPA funding should review the [Final Rule](#) and [Final Rule Overview](#) prior to submitting a proposal.
  - d. Proposed budget, broken down by cost item, in accordance with the Town of Blowing Rock's Allowable Cost Policy.
  - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Requests for funding must be submitted to the Finance Director for the Town of Blowing Rock for approval. All requests will be reviewed by the Finance Director and Town Manager or ARP/CSLFRF compliance and by the Finance Director for allowable costs and other financial reviews.
3. No ARP/CSLFRF may be obligated or expended before final written approval by the Finance Director with approval from the Town Manager.
4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.
5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Finance Director and Town Manager and may



require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the Town Manager immediately.

6. The Finance Director for the Town of Blowing Rock must collect, and document required information for each EC, for the purpose of completing the required Project and Expenditure reports.
7. The Finance Director for the Town of Blowing Rock must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

**Policy Amended and Approved by the Blowing Rock Town Council on April 9, 2024**

## **Nondiscrimination Policy Resolution**

### **Town of Blowing Rock**

**WHEREAS**, the Town of Blowing Rock has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARP/CSLFRF award”).

**WHEREAS**, CSLFRF funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

**WHEREAS**, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the [LOCAL GOVERNMENT] agree to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

**RESOLVED**, That the governing board of the Town of Blowing Rock hereby adopts and enacts the following nondiscrimination policy, which shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures CSLFRF pursuant to the ARP/CSLFRF award.

## **Nondiscrimination Policy Statement**

It is the policy of the Town of Blowing Rock to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the Town of Blowing Rock, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds ("CSLFRF"), which the Town of Blowing Rock received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CSLFRF award").

### **I. Governing Statutory & Regulatory Authorities**

As required by the CSLFRF [Award Terms and Conditions](#), the Town of Blowing Rock shall ensure that each "activity," "facility," or "program"<sup>1</sup> that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

**II. Discriminatory Practices Prohibited in the Administration of the ARP/CSLFRF Award**

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the [LOCAL GOVERNMENT] shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

### **III. Reporting & Enforcement**

1. The Town of Blowing Rock shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Town of Blowing Rock shall comply with information requests, on-site compliance reviews, and reporting requirements.
2. The Town of Blowing Rock shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The Town of Blowing Rock shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the Town of Blowing Rock in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

Please contact the Town of Blowing Rock's Finance Director with any questions regarding the Town's Nondiscrimination Policy at 828-295-5200.

**Policy Amended and Approved by the Blowing Rock Town Council on April 9, 2024**

**PROGRAM INCOME POLICY RELATED TO THE EXPENDITURE OF AMERICAN  
RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS  
TOWN OF BLOWING ROCK**

**WHEREAS**, the Town of Blowing Rock has received an allocation of funds from the Coronavirus “State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF”) established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (“ARPA”).

**WHEREAS**, the Town of Blowing Rock shall comply with the terms of ARPA, and the U.S. Department of Treasury’s (“Treasury”) federal regulations governing the spending of CSLFRF funds, including the [Final Rule](#), and Treasury’s regulations governing expenditures of CSLFRF funds, including the [Award Terms and Conditions](#), [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) (together the “Federal regulations”), and any additional guidance Treasury has issued or may issue governing the spending of CSLFRF funds.

**WHEREAS**, the Town of Blowing Rock shall comply with the [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part § 200](#) (the “Uniform Guidance”); and

**WHEREAS**, the Town of Blowing Rock shall account for program income per the requirements set forth in the Uniform Guidance, including, but not limited to, [2 C.F.R. § 200.307](#), and as stipulated in [Compliance and Reporting Guidance for the State and Local Recovery Funds](#), which provides: “Recipients of CSLFRF funds should calculate, document, and record the organization’s program income. Additional controls that your organization should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records.”

Now, therefore, be it **RESOLVED**, That the governing board of Town of Blowing Rock hereby adopts and enacts the following policies and procedures for the use of program income earned from the expenditure of CSLFRF funds pursuant to the ARP/CSLFRF award.

## PROGRAM INCOME POLICY

### I. PURPOSE AND SCOPE

Town of Blowing Rock enacts the following procedures for its use of program income earned from the expenditure of CSLFRF funds to ensure compliance with the Uniform Guidance, including, but not limited to, 2 C.F.R. § 200.307, the ARP/CSLFRF award, and all applicable Federal regulations governing the use of program income. The Town of Blowing Rock agrees to administer program income according to the requirements set forth in this policy and as required by the Federal regulations and State law.

The responsibility for following this policy lies with the Town Finance Director and Town Manager, who are charged with the administration and financial oversight of the ARP/CSLFRF award. Questions on the use and/or reporting of program income should be directed to either the Town Finance Director or the Town Manager.

### DEFINITIONS

- a. *ARP/CSLFRF award* means the Federal program governing the use of Coronavirus State and Local Fiscal Recovery Funds as provided in the [Assistance Listing](#) and as administered by the U.S. Department of Treasury pursuant to the American Rescue Plan Act of 2021 (“ARPA”), Pub. L. No. 117-2 (Mar. 11, 2021).
- b. *CSLFRF funds* means the portion of Federal financial assistance from the Coronavirus State Fiscal Recovery Funds and Coronavirus Local Fiscal Recovery Funds (collectively “CSLFRF”) awarded to the Town of Blowing Rock pursuant ARPA.
- c. *Federal award* means the Federal financial assistance that a recipient receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in § 200.101. The Federal award is the instrument setting forth the terms and conditions of the grant agreement, cooperative agreement, or other agreement for assistance.
- d. *Federal awarding agency* means the Federal agency that provides a Federal award directly to a non-Federal entity.
- e. *Federal financial assistance* means the assistance that non-Federal entities receive or administer in the form of grants, cooperative agreements, non-cash contributions, direct appropriations, food commodities, or other financial assistance, including loans.
- f. *Federal program* means all Federal awards which are assigned a single Assistance Listings Number.
- g. *Non-Federal entity* means a State, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.
- h. *Period of performance* means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. The period of performance for the ARP/CSLFRF award ends December 31, 2026.

- i. *Program income* means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance except as provided in [§ § 200.307\(f\)](#).

## II. PROGRAM INCOME OVERVIEW

For purposes of this policy, program income is the gross income earned by the Town of Blowing Rock that is directly generated by a supported activity or earned as a result of the ARP/CSLFRF award during the period of performance, which closes December 31, 2026. 2 CFR 200.1.

Program income includes, but is not limited to, the following sources of income:

- The collection of fees for services performed.
- Payments for the use or rental of real or personal property.
- The sale of commodities or items fabricated under the Federal award.
- The payment of principal and interest on loans is made under the Federal award.

Program income does not include fees or revenue from the following:

- The use of rebates, credits, discounts, and interest earned on any of them.
- Governmental revenues, such as taxes, special assessments, levies, or fines.
- Proceeds from the sale of real property, equipment, or supplies.<sup>1</sup>

## III. USE OF PROGRAM INCOME

Program income earned pursuant to expenditures of CSLFRF is the property of US Treasury and shall be accounted for in one of three ways pursuant to [2 C.F.R. § 200.307\(e\)](#).

**Deduction Method:** Program income must be deducted from total allowable costs to determine net allowable costs. Program income shall be used to reduce Treasury's obligation under the ARP/CSLFRF award rather than to increase the funds committed to a project. Program income shall be used for current costs. The Town of Blowing Rock shall track and account for program income during the period of performance and shall reimburse Treasury, as required. 2 C.F.R. § 200.307(e)(1).

**Addition Method:** With prior approval, program income may be added to the total amount of the ARP/CSLFRF award, thereby increasing the total amount of the award. Program income must be expended on an eligible project or program. 2 C.F.R. § 200.307(e)(2). Pursuant to the terms of the ARP/CSLFRF award, the repayment of



principal and interest on loans made with CSLFRF funds that will mature or be forgiven on or before December 31, 2026, may be accounted for using the addition method (see Section VI).

**Matching or Cost Sharing Method:** With prior approval, program income may be used to meet the cost sharing or matching requirement of the Federal award. The amount of the Federal award shall not change. 2 C.F.R. § 200.307(e)(3).

Unless the ARP/CSLFRF award otherwise stipulates, or the Town of Blowing Rock has received prior approval, the Town of Blowing Rock **shall apply the deduction method** to account for the use of program income.

#### **IV. ALLOCATION OF PROGRAM INCOME**

The Town of Blowing Rock shall only expend program income on costs that are reasonable, allocable, and allowable under the terms of the ARP/CSLFRF award. To adhere to these requirements, the Town of Blowing Rock shall comply with the cost principles included in 2 C.F.R. § 200, as outlined in the Town of Blowing Rock allowable cost policy. The Town of Blowing Rock shall allocate program income to the ARP/CSLFRF award in proportion to the pro rata share of the total funding (e.g., if CSLFRF funds cover half of a project's cost, with general revenue covering the other half, the Town shall allocate 50% of any program income earned to the ARP/CSLFRF award and account for its use pursuant to § 200.307).

#### **V. REPAYMENT OF PRINCIPAL AND INTEREST ON LOANS MADE WITH ARP/CSLFRF FUNDS**

Treasury expects that a significant share of loans made with ARP/CSLFRF funds will be repaid. Accordingly, it has issued guidance on how to appropriately account for the repayment of principal and interest. The Town of Blowing Rock agrees to appropriately account for the return of loan funds according to the ARP/CSLFRF award terms, as follows:

- **For Loans that mature or are forgiven on or before December 31, 2026:** The Town of Blowing Rock may add the repayment of principal and interest (program income) to the ARP/CSLFRF award. When the loan is made, the Town of Blowing Rock shall report the principal of the loan as an expense. The Town of Blowing Rock shall expend the repayment of principal only on eligible uses and is subject to restrictions on the timing of the use of ARP/CSLFRF funds pursuant to the ARP/CSLFRF award. Interest payments received prior to the end of the period of performance will be considered **an addition** to the total award and may be used for any purpose that is an eligible use. *The Town of Blowing Rock is not subject to restrictions under 2 CFR 200.307(e)(1) (the deduction method) in accounting for the use of program income.*

- For Loans with maturities longer than December 31, 2026:** The Town of Blowing Rock is not required to separately account for the repayment of principal and interest on loans that will mature after the ARP/CSLFRF award’s period of performance. The Town of Blowing Rock may use CSLFRF for only the projected cost of the loan. The Town of Blowing Rock may estimate the subsidy cost of the loan, which equals the expected cash flows associated with the loan discounted at the Town of Blowing Rock’s cost of funding. The cost of funding can be determined based on the interest rates of securities with a similar maturity to the cash flow being discounted that were either (i) recently issued by the Town of Blowing Rock or (ii) recently issued by a unit of state, local, or Tribal government similar to the Town of Blowing Rock. If the Town of Blowing Rock has adopted the Current Expected Credit Loss (CECL) standard, it may also treat the cost of the loan as equal to the CECL-based expected credit losses over the life of the loan. The Town of Blowing Rock may measure projected losses either once, at the time the loan is extended, or annually over the covered period. *Under either approach, the Town of Blowing Rock is not subject to restrictions under 2 CFR 200.307(e)(1) (the deduction method) and need not separately track repayment of principal or interest.*
- Revolving Loan Funds:** The Town of Blowing Rock shall treat the contribution of ARP/CSLFRF funds to a revolving loan fund according to approach described above for loans with maturities longer than December 31, 2026.<sup>2</sup> The Town of Blowing Rock may contribute ARP/CSLFRF funds to a revolving loan only if the loan is determined to be for eligible use and the ARP/CSLFRF funds contributed represent the projected cost of loans made over the life of the revolving loan fund.

## **VI. ADDITIONAL PROGRAM INCOME REQUIREMENTS**

- (a) **Identifying, Documenting, Reporting, and Tracking.** To ensure compliance with the requirements of program income as outlined by the Federal regulations, the terms and conditions of the ASP/CSLFRF award, and the requirements set forth herein, each department shall identify potential sources of program income and properly report the program income for the period in which it was earned and dispersed.

Program income shall be accounted for separately. The Town of Blowing Rock shall not commingle program income earned from programs supported by ARP/CSLFRF funds with the general award of ARP/CSLFRF funds the Town of Blowing Rock received from Treasury. Any costs associated with generating program income revenue shall be charged as expenditures to the ARP/CSLFRF award.

- (b) **Program Income Earned After the Period of Performance.** The Town of Blowing Rock shall have no obligation to report program income earned after the period of performance (December 31, 2026). However, the Town of Blowing Rock shall report program income expended after the period of performance if that program income was earned on or before December 31, 2026.
- (c) **Subawards.** The Town of Blowing Rock agrees to ensure that any subrecipient of ARP/CSLFRF funds abides by the award of the terms and conditions of this policy and is aware that the subrecipient is responsible for accounting for and reporting program income to the Town of Blowing Rock on a Monthly basis.
- (d) **Compliance with State law.** Program income shall not be expended for purposes prohibited under State law.
- (e) **Subject to Audit.** The Town of Blowing Rock recognizes that its use of program income may be audited and reviewed for compliance with Federal laws and regulations, State law, and the terms of the ARP/CSLFRF award.

## **VII. IMPLEMENTATION OF POLICY**

The Town's Finance Director will adopt procedures to identify potential program income during the project eligibility and allowable cost review, document actual program income, and follow the requirements in this policy related to the treatment of program income.

**Policy Amended and Approved by the Blowing Rock Town Council on April 9, 2024**

## **Town of Blowing Rock, NC**

### **Record Retention Policy**

**Retention of Records:** It is the policy of the Town of Blowing Rock to follow Treasury's record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the Town of Blowing Rock agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficient evidence compliance with section 603(c) of the Social Security Act "ARPA," Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of right of timely and unrestricted access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

**Covered Records:** For purposes of this policy, records are information, regardless of physical form or characteristics, which are created, received, or retained that evidence the Town of Blowing Rock's expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.
- Documentation of rational to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service).
- Documentation of administrative costs charged to the ARP/CSLFRF award;

- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- Indirect cost rate proposals

**Storage:** Town of Blowing Rock’s records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

**Departmental Responsibilities:** Any department or unit of the Town of Blowing Rock, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the Town of Blowing Rock to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The Finance Director is responsible for identifying the documents that the Town of Blowing Rock must or should retain and arrange for the proper storage and retrieval of records. The Finance Director shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

**Reporting Policy Violations:** The Town of Blowing Rock is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee’s supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Town Manager of the Town of Blowing Rock. The Town of Blowing Rock prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

**Questions About the Policy:** Any questions about this policy should be referred to the Finance Director, Tasha Brown at 828-295-5200 or at [tbrown@tobr.us](mailto:tbrown@tobr.us), who is in charge of administering, enforcing, and updating this policy.

**Policy Amended and Approved by the Blowing Rock Town Council on April 9, 2024**

Thank you Members of Town Council for this time to Review High Country Writers' proposal to Instate a High Country Poet Laureate to serve Watauga and Ashe Counties.

Writers love the High Country yet there are few venues to offer readings or bring poetry to the public. The High Country Writers, in collaboration with the Watauga and Ashe County Arts Councils, would like to establish a High Country Poet Laureate to promote the writing and reading of literature and poetry in Watauga and Ashe Counties. A Poet Laureate has more influence to establish programs and readings in the region, to work in schools, hospitals, and nursing homes; to read poems at civic events or upon request, and to enrich all of the arts by bringing them together at events. A poet laureate makes poetry accessible to everyone, including those too young to write, elementary and high school students, those with mental illness, those with neurodivergence (autism, ADHD), and often overlooked populations such as the elderly. Other NC municipalities and regions have established poet laureates such as Durham, Charlotte, Chapel Hill, Greensboro, Asheville, and Pamlico County. The poet laureate would facilitate development of writing programs and events as well as represent the importance the High Country places on the arts. A poet laureate would increase community involvement of writers and attract them to visit our area for readings and art residencies due to funding we could provide. We would like your support in funding and for a member to serve on the final selection committee. After your approval, there will be a press release in which we would like to give the Town Council credit for the launching of the High Country Poet Laureate due to your support. We hope to appoint the inaugural High Country Poet Laureate in May 2024 for a two year term.

Why it is important including civic events with an enhancement to art form: art sheds light on any event and those in attendance get a fuller experience, a fuller life. Poetry has its place at our presidential inauguration because it honors our nation and all our poets. Poetry offers another dimension of experience no matter how small the parade or event the poem is opening.

The arts are important for developing youth in education at schools. Students need to know poetry and writing is a possibility for them even if they don't make the best grades in school. They may shine in writing poetry. Memorizing the forms of poetry but not writing it does not allow them creative expression. They need to know writing poetry is an option for them and that poets are there for them.

A Poet Laureate provides opportunities for our area to be known for our writers who will, in turn, benefit from recognition. A poet laureate has the clout to request venues and gather artists together, physically and in publication. Few reading venues exist in our area and having the opportunity to read in public is part of a poet's growth to gauge how well a poem works with an audience and for revision purposes of sound. Being a poet laureate promotes the career of poets and will open up other opportunities such as receiving grants and publication. Recognizing a local poet benefits other poets and artists in the high country and, hopefully, help establish a High Country Youth Poet Laureate in the future.

Thank you for your time.

## *High Country Writers*

High Country Writers (HCW) is a writers' organization with a membership of approximately forty-five writers, and is an affiliate of The Arts Council of Watauga County. HCW was founded in 1995 and is located in Boone, North Carolina. Since the group's inception, it has been committed to providing writers with training, tools and resources through its critique groups, along with various author programs and workshops.

HCW has approved the creation of the post of Poet Laureate for Watauga and Ashe counties. Some of the objectives of the Poet Laureate program are as follows:

- To promote poetry as a form of communication having value in this ever-changing world, most especially in the lives of residents in Watauga and Ashe counties
- To inspire an emerging generation of poets and writers
- To encourage the reading and writing of poetry
- To promote poetry as a literary genre that has deep roots among people of all ages and cultures

High Country Writers created a committee to decide the criteria for a Poet Laureate.

The committee has met and determined that the initial criteria for this position will be the following:

- The candidate will be an accomplished poet who has resided in Watauga or Ashe counties for a minimum of one (1) year.
- The candidate will be one who has advocated for poetry as a means to inspire, inform and entertain its people, and is dedicated to continuing to do so.
- The Poet Laureate will also serve as the ambassador of the High Country's literary life, promoting its poetic community and celebrating the written word in North Carolina, always mindful of the fact that poetry matters.
- The poet laureate is an advocate for poetry, language and the arts.

**Roles of the High Country Poet Laureate will include the following:**

- Promote reading, understanding, and writing of poetry
- Develop working relationships among other poets, writers, and teachers

- Plan and teach an introductory workshop on poetry to interested members of the public
- Make use of social media (blog, web site, Facebook, X- formerly known as Twitter) to reach out to prospective poets
- Present in High Country schools to complement the language arts curriculum
- Present their original poetry at public events (writing conferences, swearing-in ceremonies, civic events, holiday celebrations, graduations, and the like)

### **Terms of service**

- Term of *the High Country Poet Laureate* is two (2) years. The poet laureate may apply for a second term but shall serve no more than two (2) consecutive terms. In the event that the poet laureate is unable to complete their term, an interim poet laureate may be appointed by the search committee to complete the term.

### **Eligibility**

- To be considered, a candidate must be at least 21 years of age, a poet and resident of one of the two counties ( Ashe and Watauga) for a minimum of one (1) year, and must spend most of his/her time in-state for the duration of the service
- Interested poets must be available and willing to develop poetry-related activities

### **Attributes the ideal candidate will possess**

- A background in a variety of poetry experiences such as writing, publishing, critiquing, attending courses, public readings, and the like.
- A comfort level in public speaking
- Ability and willingness to advance poetry in the public arena, and to participate in various public gatherings and educational settings throughout their term.

**Funding Sources:** The Watauga Arts Council is in the process of determining several funding sources.

### **Application Process**

A “call for applications” will be sent out via press release to the public. Applications will be available on the HCW website through a program called “Jot Forms.” The applications will be automatically forwarded to the Arts Council who will then distribute to the Peer Review



Committee. The time period for people to apply will be a month.( A copy of the applications will be retained by HCW) All candidates must submit a copy of the following:

- A completed application form available on the High Country Writers website
- A brief statement (**no more than 500 words**) regarding how the poet intends to approach the scope of the position and its objectives
- A sample of 3-5 poems (published or not, with no identifying information)
- Two(2) personal references (include e-mail and phone)
- All finalists will make themselves available for an interview if the selection committee contacts them.

### **Review Structure**

Peer Review Committee: 3 NC writers, (from a neutral writers network) to rank applications. Ranking instructions will be provided to review committee.

### **Selection Committee**

A Selection Committee, the members of which are appointed by the High Country Writers could be chosen from the following menu of representatives:

- A representative from the Watauga Library, or designee
- A current or former state or regional poet laureate
- A representative from the Watauga County Arts Council and Ashe County Arts Council
- A member of High Country Writers
- A donor/business person active in the arts
- A poetry faculty member from ASU
- An elected official

## High Country Poet Laureate Application Form

**Name:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone: (Day)** \_\_\_\_\_ **(Evening)** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Web site:** \_\_\_\_\_

**Please answer the following:**

**Memberships in literary organizations:**

**Publications where your work has appeared:**

**Literary awards and dates awarded:**

**List poetry-related experiences such as writing, publishing, teaching, facilitating groups or workshops, presenting, attending courses, public poetry readings, and the like.**

A brief statement (**no more than 500 words**) regarding how you, if selected, would approach the scope of the position and its objectives:

A sample of 3-5 poems (published or not, with no identifying information)

Two(2) personal references (include e-mail and phone)

All finalists will make themselves available for an interview if the selection committee contacts them.

### **Authorization and Signature Form**

I, \_\_\_\_\_, authorize my name for submission as a candidate for *High Country Writers Poet Laureate*. I am at least 21 years of age and a current resident of either Ashe or Watauga Counties, North Carolina. I verify that the information I furnished in my application for this position is true and complete and that the poems I have submitted are my original work. Additionally, I agree to submit two items to any High Country Writers anthology published during my term as poet laureate.

Applicant's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Applications are to be received no later than 5:00 pm on  
Incomplete or late applications will not be considered.

#### Final Checklist for Candidate

- *Did you complete the application form?*
- *Did you submit a brief statement (500 words or less) on how you will approach the scope of the position and its objectives?*
- *Did you sign and submit the authorization and signature form?*
- *Did you submit 3-5 poems with no identifying information through Submittable?*
- *Did you include two (2) personal references, with e-mails and phone numbers?*
- *Did you submit payment for non members \$35? Members \$10.*

- *Did you submit all materials by* the due date?

A RESOLUTION TO SUPPORT THE ESTABLISHMENT OF A POET LAUREATE FOR THE HIGH COUNTRY:

WHEREAS, the Town of Blwing Rock acknowledges the extensive, diverse, and enriching history of the arts as a vital aspect of our community; and

WHEREAS, the Town of Blowing Rock is dedicated to fostering the arts and actively seeks avenues to invigorate and make the arts more accessible to all residents; and

WHEREAS, poetry serves as a narrative of human emotion and can sustain the emotional memory of a community; and

WHEREAS, poetry allows us to perceive our experience with greater richness and complexity; and

WHEREAS, poetic language has the power to transport us to the frontiers of imagination and aids in articulating our vision of the future; and

WHEREAS, familiarity with poetic traditions enables a deeper understanding of our own culture and acts as a gateway to the diverse cultures of others; and

WHEREAS, the Watauga Arts Council, High Country Writers, Watauga County Public Library, Boone Town Council, Ashe Couty Pubic Library, Ashe County Arts Council, On the Same Page Literary Festival Board of Directors, and the Blowing Rock Town Council aspire to collaborate in achieving the following shared goals for our community:

- Elevate the presence of literary arts in Boone, Blowing Rock, and the entirety of Watauga County and Ashe County.

- Advocate for poetry and literary arts across all sectors of the community.
- Represent the High Country and its longstanding tradition of arts and culture at the state level.
- Encourage engagement in literary activities across all age groups, including collaborative programming with educational institutions (including charter schools, preschools, nurseries, daycares, and after-school programs) and seniors.
- Foster the creation of new literary works, including the potential commissioning of works for significant occasions and public ceremonies.
- Promote the reading of existing and new poetry at civic events, local celebrations, and Town-sponsored functions.
- Amplify the presence of poetry and literary arts locally through radio, print, social media, and as an integral part of community marketing.
- Promote poetry writing among often overlooked populations with behavioral health, substance abuse, and neurodivergent disorders.

NOW, THEREFORE, BE IT RESOLVED that the Blowing Rock Town Council expresses its full support for the establishment of a Poet Laureate for the High Country.