



# Town of Blowing Rock

Date: Tuesday, November 12, 2019, 6:00 p.m.

Location: Town Hall, 1036 Main Street, Blowing Rock, NC 28605

## Agenda

Item		Present & Participants
I.	<b>CALL TO ORDER</b>	Mayor Charles Sellers
II.	<b>PLEDGE OF ALLEGIANCE</b>	Mayor Charles Sellers
III.	<b>CONSENT &amp; REGULAR AGENDA ADOPTION</b>  <b>1. Budget Amendment – Parks &amp; Rec</b>  <b>APPROVAL OF MINUTES</b> <b>1. October 8, 2019 – Regular Meeting Minutes</b> <b>2. October 8, 2019 – Closed Session Minutes</b>	Mayor & Council  Mayor & Council
IV.	<b>PUBLIC COMMENTS...</b> <i>comments shall be limited to three (3) minutes</i>	Public
V.	<b>PRESENTATIONS</b>  <b>1. New River Conversancy -- Update</b>	George Santucci
VI.	<b>PUBLIC HEARING</b>  <b>1. Natalie Bovino Annexation – 250 Old US HWY 321</b> <b>2. 4 Forty Four – Conditional Zoning</b>	Kevin Rothrock
VII.	<b>BUSINESS MATTERS:</b>  <b>1. Blowing Rock Chamber – Winterfest</b> <b>2. Bond Resolution – Issuance #3</b> <b>3. Financial Report – Presentation</b>	Parks and Rec Director Jennifer Brown Finance Officer Nicole Norman Finance Officer Nicole Norman
VIII.	<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>	Mayor Charlie Sellers Council Members Allen Moseley Shane Fox
IX.	<b>1. CLOSED SESSION...</b> <i>NCGS 143-318.11. (a)(5) – Discussion of potential property acquisition and NCGS 143-318.11 (a)(3) – Attorney-Client Privilege</i>	Mayor & Council
X.	<b>1. ADJOURNMENT/RECESS...</b> <i>Mayor Charles Sellers entertains a motion and second to adjourn or recess the meeting.</i>	



# Town of Blowing Rock

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

To: Mr. Shane Fox, Mayor Sellers, and Members of Town Council  
From: Nicole Norman, Finance Officer  
Subject: Budget Amendment Ordinance to Account for Various Items  
(Ordinance #2019-15)  
Date: November 12, 2019

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Enclosed please find a Budget Amendment Ordinance for the fiscal year 2019-2020 for your consideration.

**Section 1 (General Fund)** is to appropriate BRAAC fund balance (\$6,000) as requested by the BRAAC board towards the purchase of two lighted trees for Memorial park Christmas lighting with toppers. Draft minutes are attached as the Board discussed funding this initiative via BRAAC Fund Balance.

This section also grosses up the budget for occupancy tax revenues to account for occupancy tax revenues and expenditures/allocations to the TDA in gross form (increase of \$1,048,310) to present the proceeds and expenditures as directed by this year's audit.

**Section 2 (General Capital Projects Fund)** allocates donations made to the Blowing Rock Police Department (\$5,000) towards the reserve started for their Memorial project.

**Section 3 (BRAAC Fund)** transfers BRAAC fund balance (\$6,000) as requested by the BRAAC board towards the purchase of two lighted trees for Memorial park Christmas lighting with toppers. Draft minutes are attached as the Board discussed funding this initiative via BRAAC Fund Balance.

Please let me know if you need further details on the proposed amendment.

2019-2020  
Budget Amendment Ordinance 2019-15

Be it ordained by the Town Council of the Town of Blowing Rock, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020:

**Section 1. To amend the General Fund, the appropriations are to be changed as follows:**

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-4260-215	Maint./Repair- Grounds	\$ 4,500	\$ -	\$ 6,000	\$ 10,500
10-00-4200-326	Occupancy Tax Expense- To TDA	\$ -	\$ -	\$ 1,048,310	\$ 1,048,310
			<u><u>\$ -</u></u>	<u><u>\$ 1,054,310</u></u>	

This will result in a net increase of \$1,054,310 in the appropriations of the General Fund. As a result, the following revenue will be increased.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-3400-402	BRAAC Transfer In	\$ 3,000	\$ -	\$ 6,000	\$ 9,000
10-00-3400-326	Occupancy Tax	\$ 421,127	\$ -	\$ 1,048,310	\$ 1,469,437
			<u><u>\$ -</u></u>	<u><u>\$ 1,054,310</u></u>	

**Section 2. To amend the General Capital Fund, the appropriations are to be changed as follows:**

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
20-10-5000-615	PD Memorial Project Reserve	\$ 1,250	\$ -	\$ 5,000	\$ 6,250
			<u><u>\$ -</u></u>	<u><u>\$ 5,000</u></u>	

This will result in a net increase of \$5,000 in the appropriations of the General Capital Fund. As a result, the following revenue will be increased.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
20-10-3400-250	PD Memorial Project Donations Reserve	\$ 1,250	\$ -	\$ 5,000	\$ 6,250
			<u><u>\$ -</u></u>	<u><u>\$ 5,000</u></u>	

**Section 3. To amend the BRAAC Fund, the appropriations are to be changed as follows:**

<u>Acct. No.</u>		<u>Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
15-00-6100-500	Transfer to General Fund	\$ 3,000	\$ -	\$ 6,000	\$ 9,000
			<u><u>\$ -</u></u>	<u><u>\$ 6,000</u></u>	

This will result in a net increase of \$6,000 in the appropriations of the BRAAC Fund. As a result, the following revenue will be increased.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
15-00-3400-399	Appropriated Fund Balance	\$ -	\$ -	\$ 6,000	\$ 6,000
			<u><u>\$ -</u></u>	<u><u>\$ 6,000</u></u>	

**Section 4. Copies of this budget amendment shall be furnished to the Clerk to the Town Council and to the Finance Officer for their implementation.**

Adopted this 12th day of November, 2019.

Attested by:

Charles Sellers, Mayor

Hilari Hubner, Town Clerk

Blowing Rock Appearance Advisory Commission  
Minutes  
October 3, 2019  
Town Council Chambers 9:00 a.m.

Members Present: Melissa Pickett, Chris Wetmore, Carol Knapp, & Bo Henderson  
Staff Present: Shane Fox, Chris Pate, Baker Stanley & Jennifer Brown

Begin: 9:04 a.m.

End: 11:30 a.m.

**Approve September 5, 2019 Minutes:** Bo made a motion to approve the September 5, 2019 minutes, Melissa seconded, and it was a unanimous vote to approve.

**Budget Update/Annual Fundraising Collection/Hanging Basket Collection:** Jennifer stated that BRAAC has received \$13,490 in general donations, \$3,900 for hanging baskets/planters, and \$2,110 for the cemetery for a total of \$19,500. A total of \$2,991.68 has been spent on the PO Box rental fee and the donation letter requests. Jennifer stated that a little more would be spent on sending out thank you notes and resending letters that were returned.

**Annual Fundraising Letter:** Jennifer stated that even after checking the list many times, there were several returns therfore the address had to be researched. She stated that there was positive feedback from having the donor list added to the donation request letter.

**Christmas Decorations:** Jennifer stated that last year BRAAC purchased three twenty-one-foot tree of lights that were placed in Memorial Park and were lit instead of hanging lights on new trees that had been recently planted. She stated that after discussion with Chris Pate, they felt adding two smaller trees between the large trees would add more lights and give the front of the park a more robust look. Jennifer also showed a tree topper that cold potentially be added to the tops of all or some of the trees. The total for two trees and two tree toppers would cost approximately \$6,000. Carol was hesitant about the tree toppers and Jennifer stated she would ask about sending them back if we did not like them or maybe they could send us a demo. Bo made a motion to approve purchasing the two trees and two tree toppers, if we like them, with fund balance, Melissa seconded it, and it was a unanimous vote to approve.

**Other Business:** Melissa stated that she would like for the Town to move forward with requesting more funding from the Broyhill Foundation because the \$60,000 that they had donated has been spent. After further discussion, it was unanimous to move forward with requesting more funds to continue the improvements in Broyhill.

**Other Business:** Chris Pate gave an update on the Valley Boulevard landscaping that has been contracted with Piedmont. Shane Fox stated that Town staff has spent many hours working proactively with DOT and Piedmont. DOT admitted to allowing some things to slide thinking that would be acceptable; however, they later realized this was not the case. Chris Wetmore asked when they would be planting, what they would be planting, and how they would be planting. Shane reported that while we are not micromanaging, we are working with them. Everything seems to be coming along nicely and after the dry spell has passed, they will resume planting. Piedmont's goal is to complete the terms of their contract and have management turned over to the Town by summer of 2021. Bo asked if the Town was aware of the need to have more employees to maintain Valley Boulevard once it was turned over and Shane stated "yes" and that we have some time to come up with a plan for once the project is complete.

**DRAFT**  
**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**October 8, 2019**

The Town of Blowing Rock Town Council met in regular session on Tuesday, October 8, 2019, at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock, N.C. Present were Mayor Charlie Sellers, Mayor Pro-tem Albert Yount and Council Members Jim Steele, Sue Sweeting, Doug Matheson and Virginia Powell. Others in attendance were Town Manager Shane Fox, Town Attorney Allen Moseley, Town Engineer Doug Chapman from McGill Associates, Public Works and Utilities Director Matt Blackburn, Police Chief Aaron Miller, Planning Director Kevin Rothrock, Building Inspector John Warren, Parks and Recreation Director Jennifer Brown, Finance Officer Nicole Norman and Town Clerk Hilari Hubner who recorded the minutes.

**CALL TO ORDER**

Mayor Sellers called the meeting to order at 6:00 p.m. and welcomed everyone.

**THE PLEDGE OF ALLEGIANCE**

**REGULAR AGENDA ADOPTION**

Council Member Matheson made a motion to adopt the agenda with the removal of the Sunset Gateway Project from the agenda due to the presentation not being finalized, seconded by Council Member Powell. Unanimously approved.

**CONSENT AGENDA**

Bovino Annexation – Resolution #2019-10 and #2019-11

Council Member Sweeting made a motion to approve, seconded by Council Member Matheson. Unanimously approved. **Bovino Annexation – Resolution #2019-10 and #2019-11 – Attachment A & B**

Budget Amendment Ordinance to Account for various items. **Budget Amendment #2019-12 – Attachment C**

Council Member Sweeting, Seconded by Council Member Powell. Unanimously approved.

Samaritan's Purse Tax Release. **Tax Release #2019-3 – Attachment D**

Council Member Steele made a motion to approve, seconded by Council Member Sweeting. Unanimously approved.

**MINUTE APPROVAL**

Council Member Powell made a motion to approve the minutes from the September 10, 2019 Regular Council Meeting, seconded by Council Member Sweeting. Unanimously approved.

Council Member Matheson made a motion to approve the minutes from the September 19, 2019 Special Meeting, seconded by Council Member Sweeting. Unanimously approved.

### **SPEAKERS FROM THE FLOOR**

Ms. Gigi Poole, 147 Dogwood Lane, advised it has been ten months and counting on the Legacy Trail. She explained she appreciates the efforts that have been made but had ruined several pairs of jeans going in between the fence slats, so she won't "kill herself" walking on Main Street into Town. Ms. Poole reminded she has brought up the striping on Main Street and realizes it's NCDOT's responsibility, she advised she doesn't have a voice with them, but the Town does. Ms. Poole thanked Council for their time.

Bob Green 297 Gideon Ridge Rd – Spoke about the traffic noise on Hwy 321/Valley Blvd. Mr. Green advised the noise in the Green Park corridor is mainly caused by speeding trucks going 40 to 50 mph. He further advised he would like to propose changing the speed limit for trucks and have a truck and car speed limit bringing the truck speed limit down to 20 mph. Mr. Green stated on a foggy day you can't hear the trucks, but on a bright sunny day it will vibrate the windows in his home when trucks are speeding and hit their breaks in the curve. Mr. Green concluded he just wanted to start the discussion and thanked Council for their time.

### **PRESENTATIONS:**

#### **1. Blowing Rock Police Department Community Survey**

Dylan Powell, the Town's summer intern, presented the results of the public perception survey of the Blowing Rock Police Department. Mr. Powell advised the goal was to receive back 200 responses but had well exceeded that with 436 responses received, including 29 from businesses and 21 from hotels. Mr. Powell advised the surveys were distributed through the mail via the May/June water bill, posted on the Town's website, in person to downtown businesses and hotels and placed on the counter in Town Hall. Mr. Powell advised

- 96% of the community agrees or strongly agrees that the Blowing Rock Police Department is professional, comforting and prompt.
- 86% of respondents have interacted with the Blowing Rock Police Department
- Respondents that have interacted with the BRPD in the past two years had more favorable view of the BRPD and also rated problems in section four of the survey with greater importance
- Problems in section four were ranked (greatest to least):  
Parking Violations  
Traffic Safety  
Drug/Alcohols Abuse

Property Crime  
Violent Crime

- Permanent residents had a (marginally) less favorable view of the BRPD, were more likely to have interacted with the BRPD, and perceived section four's topics as more major. Seasonal residents had an inverse opinion
- The topics of concern in respondent comments were, in order of prevalence:
  - Traffic-related
  - Parking/tickets
  - Dispatch
  - Violations of the noise ordinance

Council thanked Mr. Powell for his hard work on compiling the survey and survey results.

## **2. Police Presentation**

Chief Aaron Miller presented the "Life Saving" award to Master Police Officer Lance Dotson and Senior Police Officer Caleb Hildebran.

## **3. Heather Ridge – Water Line Completion**

Public Works Director Matt Blackburn advised the Public Works Department completed the Heather Ridge water line replacement this past month. This included the installation of approximately 300 feet of 6" PVC water line, and new fire hydrant and three service taps. Material cost for this project was just under \$6,000. While this section of line is still on a dead end, the hope is that the upgraded line will help to alleviate cloudy water complaints. Mr. Blackburn advised this was the first time since 2007 the Public Works Department has undertaken a waterline replacement in house. He further advised the estimated cost savings was approximately \$20,000 for the Town to do it verses contracting out.

Council thanked Mr. Blackburn for his hard work.

## **AGENDA ITEMS:**

### **1. Blowing Rock Chamber Winterfest Request**

Parks and Recreation Director Jennifer Brown advised Town staff has implemented a Special Events Application to anyone or any organization who is requesting to hold an event in the Town of Blowing Rock.

The Blowing Rock Chamber of Commerce has submitted an application to close Park Avenue on Saturday, January 25, 2020 for some of their events during Winterfest. It would be closed from Main Street to Wallingford.

The dog keg pulls, a band, and the beer garden would be in this area. This will allow them to have more control over the beer garden and the crowd would be more spread out instead of cramming everyone in the American Legion parking lot.

Town staff has reviewed the Special Event application and has given their feedback and approval of the request.

Council Member Powell advised she had looked through the application and thought it looked great, wanted to suggest adding info about Wi-Fi.

Council Member Matheson advised in working last year with the beer garden he remembered the biggest issue was getting people to come through the ID check first before being served beer and there was also issues with controlling them leaving. He asked if there was a plan to better plan to better control that this year. Suzy Barker with the Chamber advised one of the reasons, other than taking up a large amount of parking, the Chamber is requesting to move the location of the beer garden is to have a more defined and enclosed area to eliminate issues from the past. Ms. Barker further advised as stated in their application, the Chamber is requesting using the Police Department parking lot for the beer garden. She explained it is an excellent space, has some natural barriers already and this would allow for only one entrance and one exit.

Council Member Matheson asked if hard spirits would be served again this year. Ms. Barker advised she did not intend to do that this year.

Council Member Sweeting thanked staff for the newly created application, she advised it was excellent and very helpful for Council to see the plan. She stated she had a couple of concerns. The first concern is closing off the entire street and blocking the residents from being able to get in and out, especially if there were to be snow. She explained she was a little concerned about blocking the equipment under Parks and Recreation in case there was a need to get to it for snow removal. She further explained she also was concerned with blocking the Police parking area. Council Member Sweeting stated she felt the residents of that area have been very cordial with Art and the Park and the Farmers Market.

Council Member Sweeting advised her other concern was she had an ethical issue with promoting alcohol next to our Town Park where children are and being in our Police Department parking lot where the Town's DARE officer is. She advised her recommendation was to move both the events to Davant Field. Council Member Sweeting stated she had gone and looked at the location and felt there was plenty of room to have both events in that location.

Council Member Sweeting advised she felt something could comeback on the Town that "we're promoting and selling alcohol near the park and she personally has a real ethical problem with that". She further advised she felt that "we as a Council need to look at what they are saying if we allow this to happen".

Council Member Sweeting made a motion to allow the Chamber to have the Winter Fest events, the Beer Garden and Dog Keg Pull, but would like the location of the events to be held at Davant Field, Council Member Matheson seconded the motion for discussion.

Council Member Matheson as the Chamber what problems they would see in have in their planning with changing locations.

Ms. Barker advised it would be difficult as having the event closer to Town and more accessible to the business district would be much better. She explained it's important to the Chamber to keep these events close to Town near the restaurants and retail district. Ms. Barker further advised although Davant Field is beautiful, it would pull the event away from Town center.

Council Member Sweeting asked if the Chamber had thought about getting shuttles to bring people in from further areas of Town to the event. Ms. Barker advised that could be an option, however would be a huge expense for an already limited budget. She further advised the Chamber felt it would be a more successful event the closer it is to Town.

Some various options were discussed.

Police Chief Aaron Miller advised it was his suggestion to move the keg pull to Park Avenue because the event last year took up parking and with the Town being full it was really affected by the lack of parking. He further advised the entire street did not have to be utilized and could have an emergency lane access for residents as well as emergency vehicles.

Council Member Sweeting asked Chief Miller if he saw a problem with moving the event to Davant Field. He advised he couldn't speak to that, the only thing he could speak to is that would eliminate parking at Davant Field.

Ms. Barker advised she had worked closely with Ms. Brown and Chief Miller over the past few weeks on the planning and felt they had come up with a very good plan for the event.

Council further discussed options.

Chief Miller advised he had suggested the Police parking lot for the beer garden as he felt that was a more controlled area. He explained it helped to separate the beer garden and the keg pull as they both drawn a different crowd to each.

Mayor Sellers stated he felt the Department Heads had worked hard coming up with this plan and asked Council if they would be willing to try it for this year.

Council Member Steele advised he had heard a lot of different suggestions and would ask the Chamber take those into consideration and come back with an "A, B, C" approach as to what their three options are. He further advised it could go back and forth all night debating and he didn't feel "we will get anywhere tonight with a decision".

Mayor Sellers asked Ms. Barker if that would give her enough time. Ms. Barker advised it would be difficult. After further discussion Council Member Steele and Mayor Pro-Tem

Yount suggested the Chamber wait and come back with the "A, B, C" options and when ready the Council can call a special meeting to discuss.

Council Member Sweeting amended her motion, the new motion was to table the request for approximately two weeks and call a special meeting at that time to discuss the new options, seconded by Council Member Matheson. Unanimously approved.

## **2. Financial Report**

Finance Officer Nicole Norman gave the Financial report for September 2019. Council had no questions or concerns.

## **OTHER BUSINESS**

- Mayor Sellers – Advised the Foley Center had been sold as of October 1<sup>st</sup>.
- Mayor Pro-Tem Yount – He was empathetic with Mr. Green's comments on the truck noise on Hwy 321. Suggested getting DOT involved to help control the issue.
- Council Member Matheson – 104 Riders for the AppalCart last month. This is the last month for this year, which is currently running on Saturdays only.
- Council Member Powell – Thanked the Police Department for the "Active Shooter" meeting that Officer Dotson and Officer Church had for the parents as well as their training with the students. Was very proud of their knowledge and professionalism.
- Manager Fox – Updated the following:
  - Sunset Project – only two months from having the project completed.
  - Bass Lake – sidewalk bid opening is October 31<sup>st</sup>.

## **EXECUTIVE SESSION**

At 7:20 p.m. Council Member Matheson made a motion to go into closed session under NCGS 143-318.11(a)(5) – discussion of potential acquisition and NCGS 143-318.11(a)(3) – attorney-client privilege, seconded by seconded by Council Member Steele.

## **ADJOURNMENT**

There being no further business to discuss, Council Member Sweeting made a motion to adjourn at 7:40 p.m., seconded by Council Member Powell. Unanimously approved.

**MAYOR**

Charlie Sellers

**ATTEST**

Hilari Hubner, Town Clerk

## **ATTACHMENTS**

Bovino Annexation – Resolution #2019-10 and #2019-11 – Attachment A & B

Budget Amendment #2019-12 – Attachment C

Tax Release #2019-3 – Attachment D

## MEMORANDUM

TO: Mayor Charlie Sellers and Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: Natalie Bovino Annexation – 250 Old US Highway 321

DATE: October 1, 2019

Natalie Bovino has submitted a petition of voluntary satellite annexation for Council consideration. The 0.826 acre subject property is located in the ETJ along Highway 321 South just outside of the Town corporate limits. The property is zoned GB and further identified by Watauga County PIN 2818-54-5813-000 and 2818-54-6836-000.

### Key points

- The applicant has submitted a petition for satellite annexation with the intention of connecting to Town sewer utilities. Consistent with Town policy, any property that desires connection to Town utilities must be located within the corporate limits.
- At the October 8, 2019 meeting, the Town Council approved Resolution 2019-10 to initiate the satellite annexation process and Resolution 2019-11 to set the date for public hearing.
- Ms. Bovino is responsible for the costs of extending sewer service to her property and for the availability fees for any buildings connected to the system. Public sewer service was installed on a nearby property lot when the lift station was installed for the Chestnut Ridge (Foley Center) PACF. Ms. Bovino has an adequate well to service her property. If there is a future need to connect to Town water, connection and extension costs will be borne by the property owner.

Since the boundaries of the subject property are not contiguous with the Town's corporate limits, the rules for satellite annexation have to be followed. The five basic rules for satellite annexation in North Carolina found in G.S. 160A-58.1(b) are:

- 1) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Blowing Rock;
- 2) No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Blowing Rock;
- 3) The area described is so situated that the Town of Blowing Rock will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- 4) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation, and
- 5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Blowing Rock.

Through staff review of the annexation petition, it appears that all requirements of satellite annexation will be satisfied.

## **RECOMMENDATIONS**

If approved as presented, the annexation will become effective on November 30, 2019. The boundary map will be recorded with the Watauga County Register of Deeds and the office of the North Carolina Secretary of State. A copy of the map will also be delivered to the Watauga County Board of Elections.

## **ATTACHMENTS**

- Ordinance 2019-13 – Bovino Annexation Ordinance
- Aerial Map of Bovino property

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
TOWN OF BLOWING ROCK, NORTH CAROLINA  
(Non-Contiguous)**

**WHEREAS**, the Town of Blowing Rock has been petitioned under G.S.160A-58.1 to annex the area described below; and

**WHEREAS**, the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Blowing Rock Town Hall at 6:00 p.m. on November 12, 2019, after due notice by publication in the *Blowing Rocket*, on October 31, 2019 and November 7, 2019; and

**WHEREAS**, the Board of Commissioners finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- 1) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Blowing Rock;
- 2) No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Blowing Rock;
- 3) The area described is so situated that the Town of Blowing Rock will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- 4) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation, and
- 5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Blowing Rock.

**WHEREAS**, the Board of Commissioners further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

**WHEREAS**, the Board of Commissioners further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Blowing Rock and of the area proposed for annexation will be best served by annexing the area described;

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners Board of the Town of Blowing Rock, North Carolina that:

**Section 1.** By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Blowing Rock effective November 30, 2019:

Being a certain .826 acre parcel on the northwest side of Old U.S. Highway 321 and west of Ski Crest Park Road. Said property is that property as described in Book 1580, Page 198 as situated in the Blowing Rock Township of Watauga County, North Carolina and being more particularly described as follows:

**Commencing** at a 1-1/2" existing iron pipe on the northwest side of Old U.S. Highway 321 and having North Carolina Grid Coordinates of N: 884,732.87', E: 1,215,515.77' NAD83(2011); thence leaving the road and with the line of Apple Ridge Cabins, PUD, N 16°22'27" W a distance of 81.46' to a 1-1/2" existing iron pipe; thence N 44°49'27" E a distance of 82.35' to a 1" exiting iron pipe; thence N 12°49'11" E a distance of 98.08' to a 5/8" iron rebar (old) with cap; thence N 08°33'37" E a distance of 100.86' to a 3/4" existing conduit pipe; thence N 83°38'02" E a distance of 58.21' to a point on the west side of the branch, corner to Nathaniel H. Bush, which bears S 15°03'42" W a distance of 4.62' from a 5/8" iron rebar (old) and also N 49°24'32" W a distance of 38.68' from the northwest corner of the house on the Bush property; thence with the Bush Property, S 00°59'51" E a distance of 123.43' to a 1/2" existing conduit pipe, corner to Bush; thence S 84°29'10" E a distance of 91.54' to a 1/2" iron rebar (new) with cap in the west margin of Ski Crest Park Road; thence with the general west side of Ski Crest Park Road and the northwest side of Old U.S. Highway 321 for three calls, S 03°50'58" W a distance of 43.78' to a point; thence S 37°18'58" W a distance of 43.37' to a point; thence S 56°32'52" W a distance of 232.21' to the **Point of Beginning**; containing 0.826 acres more or less.

**Section 2.** Upon and after November 30, 2019 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Blowing Rock and shall be entitled to the same privileges and benefits as other parts of the Town of Blowing Rock. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3. Town Services and Utility Agreement.**

The primary purpose of the annexation petition is to request Town sewer service. The current Town policy regarding any new extension of public utilities requires that such property be located within the Town's corporate limits, contiguous or satellite. In addition, the voluntary annexation process requires that the cost of extending water and/or sewer lines be borne by the petitioner. The following terms will describe the responsibilities of both the petitioner and Town with respect to the provision of municipal services and public utilities.

The agreements, conditions and obligations of Petitioner set forth herein shall run with and be appurtenant to the title of the territory described in Section 1 and be binding upon Petitioner's successors in title:

- A. Petitioner shall be responsible for all costs associated with extension of public water and sewer to serve the subject property. Specifically, the petitioner is responsible for all costs associated with providing a public sewer line, consistent with the Town Code, from the petitioner's property to the manhole below the pump station located on the south side of the Blowing Rock Lodge property. The petitioner is also responsible for all applicable sewer availability fees.
- B. Given that the petitioner intends to maintain the current private well to serve the subject property, connection to public water is not required at this time. A well meter must be installed to quantify water usage for calculation of sewer usage fees. The well meter costs shall be borne by the petitioner. In any future event where the petitioner needs public water, all costs associated with connection to the Town public water system shall be borne by the petitioner, including availability fees.
- C. All other municipal services will be provided subject to NC General Statutes concerning satellite annexation, including but not limited to garbage and recycling collection.

**Section 4. Municipal Taxes.**

Consistent with NC General Statutes, the Petitioner is responsible for payment of applicable municipal taxes.

**Section 5.** The Mayor of the Town of Blowing Rock shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G. S. 163-288.1.

**ADOPTED** this the 12<sup>th</sup> day of November, 2019.

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Charlie Sellers, Mayor

ATTEST: \_\_\_\_\_

Hilari H. Hubner, Town Clerk

## Bovino Satellite Annexation

Nov 5, 2019



TO: Mayor Charlie Sellers and the Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: CZ 2019-02 Conditional Rezoning from GB to CZ-GB

APPLICANT: Headwaters of the New River, LLC

DATE: November 6, 2019

## REQUEST

The Headwaters of the New River, LLC is requesting a conditional rezoning of the former New River Inn property from General Business to Conditional Zoning – General Business (CZ-GB). The 4.926-acre property is located at 6875 Valley Boulevard. The Applicant is proposing to renovate the former New River Inn office building for use as 4 Forty Four's office building and construct several residential cottages and treehouses and a future commercial building. The property is further identified by Watauga County PINs 2818-31-4831-000.

### *General*

The Applicant is seeking the conditional rezoning to make use of the former New River Inn property by reconstructing and adding to the existing office building along Hwy 321, future construction of another office building, and the construction of up to 16 residential units – both cottages and treehouses.

The Applicant is requesting a 5-year vested rights period upon approval of the rezoning application to allow phasing of the development in response to capital investment and market conditions.

The Applicant is also requesting flexibility with respect to the overall mixture (cottage or treehouse), quantity, and location of the residential units. The plans currently show 10 residential units but the Applicant wants the flexibility to increase the total number of units up to 16 as long as such increase and placement is consistent with the fire access requirements of the NC Fire Code and NC Building Code.

### *Setbacks*

The setback on Hwy 321 is 20 feet from the right-of-way and the side/rear setbacks on the property is 8 feet. The proposed project meets all setback requirements.

### *Floodway/Stream Impacts*

The existing office building is located partially in the 100-year floodway. All new construction will not expand the current footprint and will not add to the floodway encroachment. A flood study and/or certification will be required to verify the new construction will meet the Town's floodplain ordinance.

### ***Architectural Design***

All building materials as proposed on the office building, cottages and treehouses are consistent with the commercial design standards and colors in the Land Use Ordinance.

The proposed office building is designed with a photovoltaic solar panel system on the south facing roof. This system will provide 100% of the daily power needs of the office.

In addition, the Applicant has provided a design of the future office building for consideration and would like the final design and details to be approved administratively.

### ***Access***

Access to the site will be from the current driveway entrance of Hwy 321. The alignment will be shifted slightly to improve connection to the bridge. There is an existing south bound left turn lane for traffic approaching from Boone and the Blue Ridge Parkway. Access to the remainder of the property will be across the existing bridge/culvert and will follow the existing road to the proposed cottages and treehouses. The existing grade on the first hill is approximately 20% and the Applicant is proposing adjusting the road grade to not more than 15% to meet Town Code.

### ***Parking***

The proposed uses in the initial phases of the project require 38 parking spaces and there are 44 spaces proposed. The future office building requires at least 5 spaces and there is room on the site to provide up to 6 additional spaces when this construction is pursued.

### ***Storm Water***

The storm water runoff from the site will be conveyed to an onsite detention system and released to the New River, consistent with the Land Use Ordinance.

### ***Utilities***

A sewer pump station will be installed adjacent to the office building and will pumped under the road to the force main on the west side of 321. Main lines on the project site will be public except for individual residential connections.

All electrical service lines will be provided underground.

### ***Garbage Collection***

Garbage collection will be through roll-out containers and will be picked up by a private service or Town crews.

### ***Greenway Connection***

The Applicant is committed to providing and gifting an easement for the Middle Fork Greenway across the property.

### *Landscaping*

A detailed landscape plan will be submitted for construction drawings. Tree removal on the property will be minimized as the proposed treehouses will be built on posts to reduce grading impacts.

### *Applicant Proposed Conditions*

1. 5-year vested right to commence all phases of the project.
2. Ability to mix the number of cottages and treehouses on the site to meet market demands.
3. Ability to alter the number and location of the residential uses, not to exceed 16 units, as long as the fire apparatus distance requirements are met.
4. Use of the proposed photovoltaic solar system on the southern roof of the office building and future office building.

### **PLANNING BOARD RECOMMENDATION**

At the meeting on October 28, 2019, the Planning Board made a recommendation to approve the conditional rezoning request as submitted.

### **ATTACHMENTS**

1. Site and architectural plan package
2. Ordinance 2019-14 Village on the Headwaters Conditional Zoning District (CZ-GB)
3. Letter dated November 4, 2019 from 4 Forty Four President, Kevin Troyer

**ORDINANCE NO. 2019-14****AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE  
TOWN OF BLOWING ROCK;  
CREATING THE VILLAGE ON THE HEADWATERS  
CONDITIONAL ZONING DISTRICT (CZ-GB)**

**WHEREAS**, the Town of Blowing Rock has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

**WHEREAS**, this Ordinance is consistent with NC General Statutes 160A-381, establishing conditional zoning districts in local zoning jurisdictions; and

**WHEREAS**, this Ordinance is consistent with the Town's 2014 Comprehensive Plan Update for the reasons set out herein; and

**WHEREAS**, the Town of Blowing Rock has reviewed the proposed ordinance and recommends its enactment by the Board of Commissioners;

**NOW, THEREFORE, THE TOWN OF BLOWING ROCK BOARD OF COMMISSIONERS, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING.**

**Section One.** Upon petition of the Headwaters of the New River, LLC, the Official Zoning Map of the Town of Blowing Rock is hereby amended to create the Village on the Headwaters Conditional Zoning District (CZ-GB) as more particularly set forth herein.

**Section Two.** This Ordinance is found to be consistent with the Town of Blowing Rock 2014 Comprehensive Plan Update, particularly with the following policies contained therein:

- LC-1.1 Reuse and redevelopment of property outside the core (Downtown) of the community.
- LC-1.2 Development of an underutilized property in a growth area (Valley Blvd.).
- EDT-1.3 Utilization of an underutilized building in the community that may not be suitable for retail activities, but which has sufficient parking and access to accommodate professional office uses.
- EDT-4.2 Expansion of the availability and diversity of short-term rentals in the Town...existing lodging facilities.

- EDT-4.5 Promote the community as a four-season destination and support efforts to expand activities in the community during the off-peak and shoulder seasons.
- EDT-4.6 Broaden the appeal of the community as a tourist destination for a wider demographic with a particular focus on attracting younger families to the area.
- T-2.3 Support the construction of the Middle Fork Greenway.....
- T-2.9 Identify and mitigate hazards to safe pedestrian and bicycle movement.
- PR-2.4 Provide better physical connections from the town to outdoor recreational opportunities in the local area.
- PR-2.7 Promote the Town as a destination for outdoor recreation enthusiasts.
- ENR-1.1 Ensuring the public has access to natural areas and outdoor recreation opportunities in the community.
- ENR-1.4 Preservation of greenway corridors in conjunction with the development of land as identified in existing plans and Middle Fork Greenway plans.
- ENR-2.2 Development that minimizes the negative environmental effects of development on steep slopes.
- ENR-2.4 Preservation of the Town's mature tree canopy with development activity.
- ENR-2.5 Implement dark-sky compliant outdoor lighting.
- ENR-2.7 Use of innovative techniques for the management of storm water runoff such as low-development design.
- ENR 3.3 Promoting practices that can reduce water and energy consumption.

**Section Three.** The zoning classification of that certain real property shown on the aerial photo map, attached hereto as **Exhibit A** and made a part hereof, is hereby changed from GB, General Business to CZ-GB, Conditional Zoning-General Business. Said property is also identified on Watauga County PINs 2818-31-4831-000.

**Section Four.** The Headwaters of the New River Conditional Zoning District is a conditional zoning district established pursuant to the Land Use Ordinance of the Town of Blowing Rock by means of authority granted by the North Carolina General Statutes. Future development and use of lands situated within the Headwaters of the New River Conditional Zoning District, and the processing of applications to develop and use such lands, shall comply with the conditions set forth on the document entitled, Headwaters of the New River Conditional Zoning District: List of Standards & Conditions, which is attached to this ordinance as **Exhibit B** and incorporated herein. The aforementioned List of Standards & Conditions, made a part thereof, shall run with the land and shall be binding on Headwaters of the New River, LLC, its heirs and assigns.

**Section Five.** Pursuant to Section 16-9.6 of the Town of Blowing Rock Land Use Ordinance, the Master Plan replaces all conflicting development regulations set forth in the Land Development Standards, and such development regulations are varied to the extent they conflict with the Master Plan and List of Standards & Conditions. The Master Plan specifically includes the architectural plans and civil engineering and site plans submitted to Town Council on September 9, 2019 and subsequent construction drawings revised as a result of additional conditions imposed by Town Council after the November 12, 2019 public hearing. Construction drawings include at a minimum: site plan, utility plan, grading plan, landscape plan, and architectural plan and

elevations. Any substantial change to the Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Town Council as an amended conditional zoning district. The following changes to the Master plan shall require approval by the Town Council:

- (a) Land area being added or removed from the conditional district.
- (b) Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
- (c) A change in land use or development type beyond that permitted by the approved master plan.
- (d) When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
- (e) More than 16 residential units.

All other changes to the Master plan shall receive approval by the Administrator, including final design of the future commercial building, and placement and number of residential units if less than 16 units. However, if in the judgment of the Administrator, the requested changes alter the basic development concept of the Conditional Zoning District, the Administrator may require concurrent approval by the Town Council.

**Section Six.** Enactment of this Ordinance constitutes the approval of a site-specific development plan resulting in the establishment of a vested right, pursuant to N.C.G.S. 160A-385.1 (d)(2), to undertake and complete the development and use of the property under the terms and conditions specified in the Master Plan and the List of Standards & Conditions. Such vested right shall have a term of five (5) years from the date of adoption of this Ordinance.

**Section Seven.** The Office of the Zoning Administrator is hereby authorized and directed to modify the Town's Official Zoning Map consistent with this Ordinance.

**Section Eight.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**Section Nine.** All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section Ten.** This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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\_\_\_\_\_  
Mayor

ATTEST:

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\_\_\_\_\_  
Town Clerk

CZ 2019-03 Headwaters of the New River  
GB to CZ-GB



EXHIBIT A

## **Exhibit B**

Ordinance No. 2019-14  
Headwaters of the New River Conditional Zoning District  
Conditional Zoning – GB  
PINs 2818-31-4831-000  
6875 Valley Blvd

### **List of Standards & Conditions**

#### *Applicant Proposed Conditions*

1. 5-year vested right to commence all phases of the project.
2. Ability to mix the number of cottages and treehouses on the site to meet market demands.
3. Ability to alter the number and location of the residential uses, not to exceed 16 units, as long as the fire apparatus distance requirements are met.
4. Use of the proposed photovoltaic solar system on 100% of the southern facing roof of the office building and future office building.



November 4, 2019

Mr. Kevin Rothrock  
Planning Director  
Town of Blowing Rock  
PO Box 47  
Blowing Rock, NC 28605

RE: The Village on the Headwaters  
Conditional Zoning - Requested Conditions

Dear Mr. Rothrock:

With respect to the aforementioned project, the applicant, The Headwaters of the New River, LLC, requests the following four conditions to be applied to the application and become a part of the ordinance:

1. **Vested Right Period:** In accordance with NCGS 160A-3851.1(d)(2), the applicant is requesting a vested right of five (5) years. This condition is in response to the size and phasing of the development, level of investment, and anticipated market conditions.
2. **Mixture and Quantity of Residential Units:** The application displays the following mix, and quantity, of residential units:

a. One 1-bedroom cottage	Requires 1.5 parking spaces
b. Three 2-bedroom cottages	Requires 6 parking spaces
c. Three 1-bedroom treehouses	Requires 4.5 parking spaces
d. Three 2-bedroom treehouses	Requires 6 parking spaces

Displayed number of units = 10.

Maximum number of units requested = 16

Number of units allowed by density = 20

Number of parking spaces required for 10 units = 21 (includes 3 spaces to satisfy the requirement of 1 space per 4 units)

As market conditions evolve and end user desires are determined, conditions may warrant a change in the mix of cottages to treehouses and further, the mix of 1-bedroom units versus 2-bedroom units. The applicant requests the right to change this mix during the vested right period as long as the number of units does not exceed a maximum of 16 units and/or the number of parking spaces required does not exceed the amount to be provided. Such changes shall be accommodated administratively by the Planning Director.

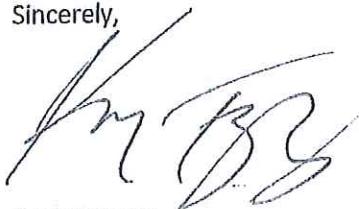
3. **Placement of Residential Units:** The application indicates the location and orientation of each residential unit. As the development evolves it may be necessary to modify the location and orientation of treehouses and cottages. Factors that may necessitate the relocation of units include, but not limited to, topography, subterranean conditions, specimen tree locations and

viewsheds. The applicant requests the right to change the location of the residential units to accommodate these conditions. The Town of Blowing Rock has prescribed that all portions of the residential units' first floor exterior walls should be within 200 feet, or less, from the point of access of the fire apparatus [fire truck]. This distance is measured along the path of travel. Any relocation of cottages and/or treehouses will continue to adhere to this distance requirement. Such a change in location and/or orientation shall be accommodated administratively by the Planning Director.

4. **Photovoltaic Systems:** A photovoltaic system employs solar modules, each comprising a number of solar cells, which generate electrical power. The applicant desires to use clean energy where applicable in this development. The south facing roof planes of the office building and the future commercial building are ideal for the placement of solar panels. It is anticipated that these roof planes will provide sufficient square footage for panels that will generate 100% of the daytime power requirements for the office building and future commercial building. Currently, the Blowing Rock Town Code limits roof plane coverage to 20%. The applicant requests the right to utilize 100% of the south facing roof planes on these two buildings for photovoltaic panels as a condition of the ordinance.

Thank you for your attention to these requests. Should you have questions or need clarification, please contact David Harwood at Sketchline Architecture, PLLC. David can be reached at (828) 729-3290.

Sincerely,



Kevin Troyer  
President & CEO

## Town of Blowing Rock Request for Council Action

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FROM: Jennifer Brown Director of Blowing Rock Parks & Recreation  
SUBJECT: 2020 Winterfest  
TO: Town Council  
DATE: November 12, 2019  
REQUESTED BY: Suzy Barker, Event & Communication Specialist, Blowing Rock Chamber of Commerce

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Public Hearing       Yes     No     Will be required  
Properly Advertised     Yes     No     Will be required

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### BACKGROUND:

The Blowing Rock Chamber of Commerce has submitted to two special event applications for the dog keg pull during Winterfest on January 25, 2020.

Option one is requesting to close Park Avenue from Main Street to the Police Department parking lot and use that section for the dog keg pull. The original proposed beer garden would be on private property.

Option two is requesting to close Wallingford from Park Avenue to Laurel Lane and have the dog keg pull in that section. Again, the original request of a beer garden would be on private property.

Town staff has reviewed the Special Event application and has given feedback and is in support of either option.

### STATEMENT OF PLAN CONSISTENCY:

It is the opinion of staff that the proposed action     IS     IS NOT    consistent with the Comprehensive Plan for Blowing Rock or other officially adopted plan (list if other: \_\_\_\_\_).

Specifically, this action is in accord with the following sections of the Comprehensive Plan:

### ATTACHMENTS:

1. Special Event Application

### COUNCIL ACTION:

To approve the temporary closure of Park Avenue on Saturday, January 25, 2020 during Winterfest for some of their events.



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

Town Of Blowing Rock  
PO Box 47  
1036 Main Street  
Blowing Rock, NC  
28605  
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: K-9 Keg Pull

Applicant Name & Title: Suzy Barker, Event Coordinator

Organization: Blowing Rock Chamber of Commerce

Mailing (Billing) Address: Po Box 406

City / State / Zip: Blowing Rock, NC 28605

Daytime Phone: 8282957851 Cell: 8284061231 Email: suzy@blowingrock.com

Description of the Event: Keg Pull Dog Race

Does the event have a Twitter, Facebook or other social networking page: Blowing Rock WinterFest

If yes, please list URL(s): Blowingrockwinterfest.com

Event Address: Park Ave

Date of Event: 1/25/2020

Event Start Time: 11:00am Event End Time: 4:00pm

Set-Up Begins: 7:00am Clean-Up Ends: 6:00pm

Preferred Date & Time of Inspection: 1/25/2020 at 10:00am

Estimated Attendance: 200

The Event is:  Private (by invitation only) or  Open to General Public

APPLICANT'S SIGNATURE

DATE: 10/11/19

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: 4

Size of Tent(s) planned: 10x10ft

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

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:

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: N/A 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: Suzy Barker Phone: 8284061231 Email: suzy@blowingrock.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.

### VOICE/MUSIC AMPLIFICATION

Are there any musical entertainment features related to your event? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If no proceed to next section)	
If yes, state the number of bands and type of music: Number of bands: N/A	
Type(s) of music: N/A	
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: N/A	
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: N/A	
Provide contact information for contractor providing stage: Name: N/A Phone: _____ Email: _____	
Will your event use amplified sound? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please indicate times: Start time: 11:00am Finish time: 4:00pm	

### 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? N/A	
Times for alcohol to be served: N/A	
Locations within event site where alcohol will be served: N/A	
Have you applied for a North Carolina temporary ABC permit? <input type="checkbox"/> Yes <input checked="" 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: N/A	
<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

*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
1/24/20	3:00pm	Partners K-9 arrives on location and drops off materials for event	No Parking past midnight signs come go up
1/25/20	7:00am	Begin set up / Barricade Road	No Parking over midnight signs come down
	9:00am	Event Registration Opens	
	11:00am	Event Begins	
	4:00pm	Event Ends	
	6:00pm	Clean Up Ends	
		Road will open	

## 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? Yes / No

How many trash bins are you requesting for trash? N/A

How many recycle bins are you requesting? N/A

Delivery Location? N/A

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

N/A

*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? Volunteers will help clean up / put any trash in dumpster located close by

*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: No

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: Event Volunteers 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. \_\_\_\_\_**

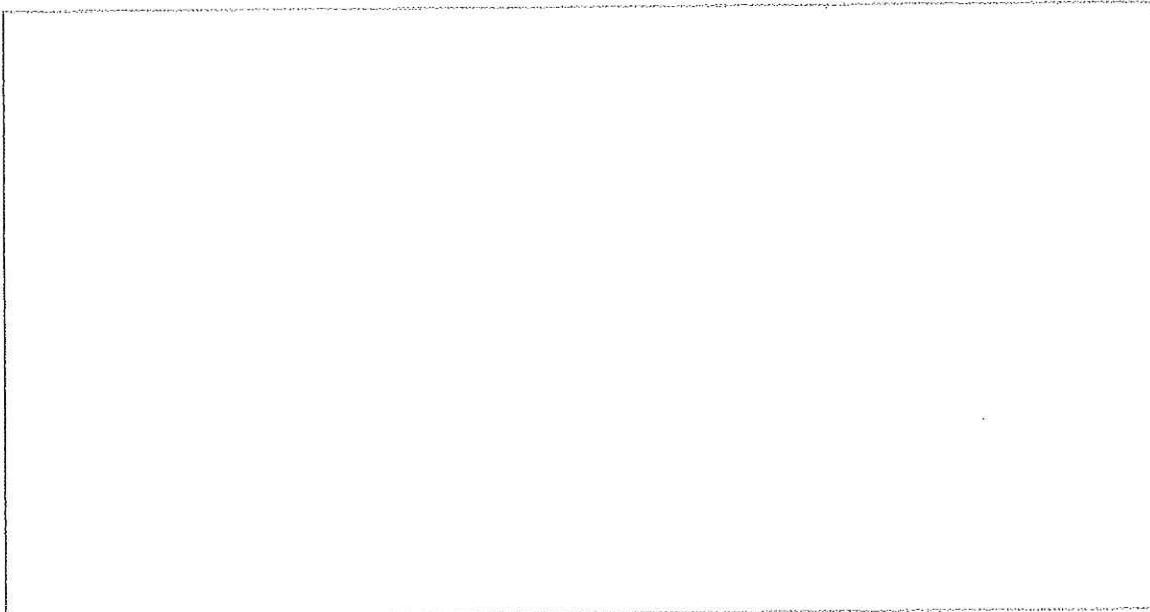
## SITE PLAN

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 see attached documents



## 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)

**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@tobr.us](mailto:jbrown@tobr.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 Town Manager's 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 Town Manager 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 the 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 Chamber of Commerce

**NAME OF NON-PROFIT ORGANIZATION**

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

To promote, protect and improve business through the cultural, social, and economic development of Blowing Rock.

**LIST ORGANIZATIONS OFFICERS:**

Billy Chick \_\_\_\_\_

TELEPHONE \_\_\_\_\_

Jim McDowell \_\_\_\_\_

TELEPHONE \_\_\_\_\_

Ben Powell \_\_\_\_\_

TELEPHONE \_\_\_\_\_

**CHAIRPERSON OF THE SPECIAL EVENT:**

Suzy Barker \_\_\_\_\_

8282957851 \_\_\_\_\_

NAME

TELEPHONE \_\_\_\_\_

132 Park Ave, 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.*

10-11-19

Date

*Suzanne Barker*  
President Event Coordinator  
Blowing Rock Chamber of Commerce  
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 Blowing Rock Chamber of Commerce, a non-profit organization with its principal place of operation being Watauga County, North Carolina, party of the second part:

WITNESS ETH

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

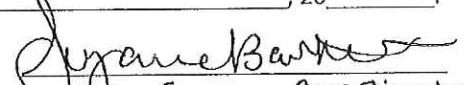
WHEREAS, the party of the second part is desirous of conducting a special event within the Town Limits of Blowing Rock, North Carolina; and

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:

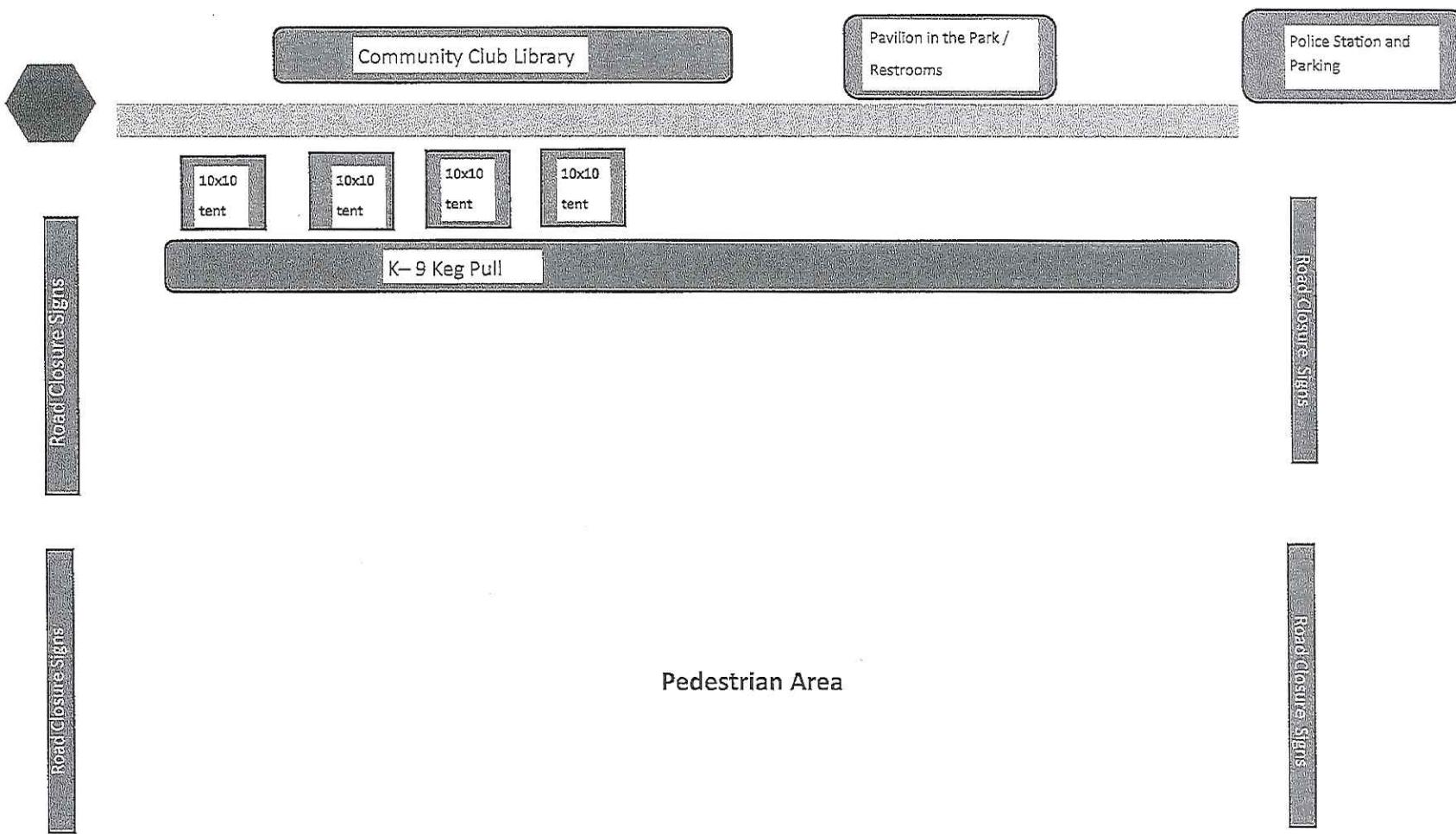
1. That the party of the second part hereby completely and unequivocally releases the party of the first part, the officials of the party of the first part, and all employees of said party of the first part, and their families, from any and all claims, damages, injuries or rights of action which the 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 11th day of October, 2019.

  
Diane Barker  
President Events Coordinator

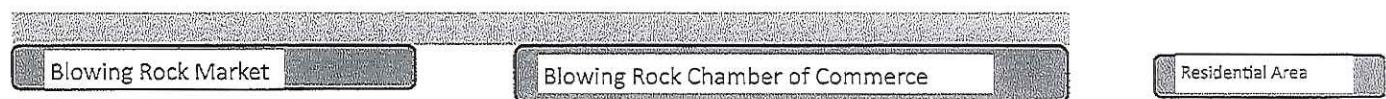
\_\_\_\_\_  
Witness

Main Street



Park Ave

Entrance to Blowing Rock Market Parking Lot



**K-9 Keg Pull Site Plan**

**No Parking after Midnight**

**Road Closure at 7 AM on January, 25<sup>th</sup>, 2020**

**Site Plan is attached**

- Park Ave will be closed for traffic and used a pedestrian area
  - The K-9 Keg Pull will be located in the street front of the police department
    - Open to pedestrians
    - K9 Keg Pull has a course that is approx. 100ft and there is a fencing around the track
    - 10x10 pop up tents will be used for event registration
- For the “unused” space on Park Ave
  - Signage towards Main Street promoting Beer Garden, Keg Pull, and Mountain Alliance Auction

**Parking Plan for Participants and Volunteers**

- Participants would park in surrounding public parking areas
  - Maple Street Lot
  - American Legion Parking Deck
  - Pool Parking Lot
- Volunteers and vendors would be instructed to park at the pool parking lot

**Volunteer Plan**

**K-9 Keg Pull**

**Begin Setting up by 7am**

In addition to Partners Canine Staff, Chamber volunteers or staff will be around to help manage

**Crowd control, etc..**



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

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

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: K-9 Keg Pull

Applicant Name & Title: Suzy Barker, Event Coordinator

Organization: Blowing Rock Chamber of Commerce

Mailing (Billing) Address: Po Box 406

City / State / Zip: Blowing Rock, NC 28605

Daytime Phone: 8282957851 Cell: 8284061231 Email: suzy@blowingrock.com

Description of the Event: Keg Pull Dog Race

Does the event have a Twitter, Facebook or other social networking page: Blowing Rock Winterfest

If yes, please list URL(s): blowingrockwinterfest.com

Event Address: <u>Wallingford Street</u>
Date of Event: <u>1/25/2020</u>
Event Start Time: <u>11:00am</u> Event End Time: <u>4:00pm</u>
Set-Up Begins: <u>7:00am</u> Clean-Up Ends: <u>6:00pm</u>
Preferred Date & Time of Inspection: <u>1/25/20 at 9:00am</u>
Estimated Attendance: <u>200</u>
The Event is: <input type="checkbox"/> Private (by invitation only) or <input checked="" type="checkbox"/> Open to General Public

APPLICANT'S SIGNATURE: Suzanne Barker DATE: 10/11/19

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: 4

Size of Tent(s) planned: 10x10 ft

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: 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: \_\_\_\_\_ 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 AMPLIFICATION

Are there any musical entertainment features related to your event? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If no proceed to next section)
If yes, state the number of bands and type of music: Number of bands: N/A Type(s) of music: N/A
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: N/A 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: N/A
Provide contact information for contractor providing stage: Name: N/A Phone: _____ Email: _____
Will your event use amplified sound? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate times: Start time: 11:00am Finish time: 4:00pm

### 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? N/A
Times for alcohol to be served: N/A
Locations within event site where alcohol will be served: N/A
Have you applied for a North Carolina temporary ABC permit? <input type="checkbox"/> Yes <input checked="" 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: N/A
<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
N/A		

*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
1/24/20	3:00pm	Partners K-9 arrives on location and drops off materials for event	No Parking after Midnight signs go up
1/25/20	7:00am	Begin Event Setup / Barricade Road	No Parking after Midnight signs come down
	9:00am	Event Registration	
	11:00am	Event Begins	
	4:00pm	Event Ends	
	6:00pm	Clean up Ends	
		Road Opens	

## 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? Yes / No

How many trash bins are you requesting for trash? None

How many recycle bins are you requesting? None

Delivery Location? N/A

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

N/A

*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? Volunteers

*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: N/A

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: Event Volunteers      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. \_\_\_\_\_**

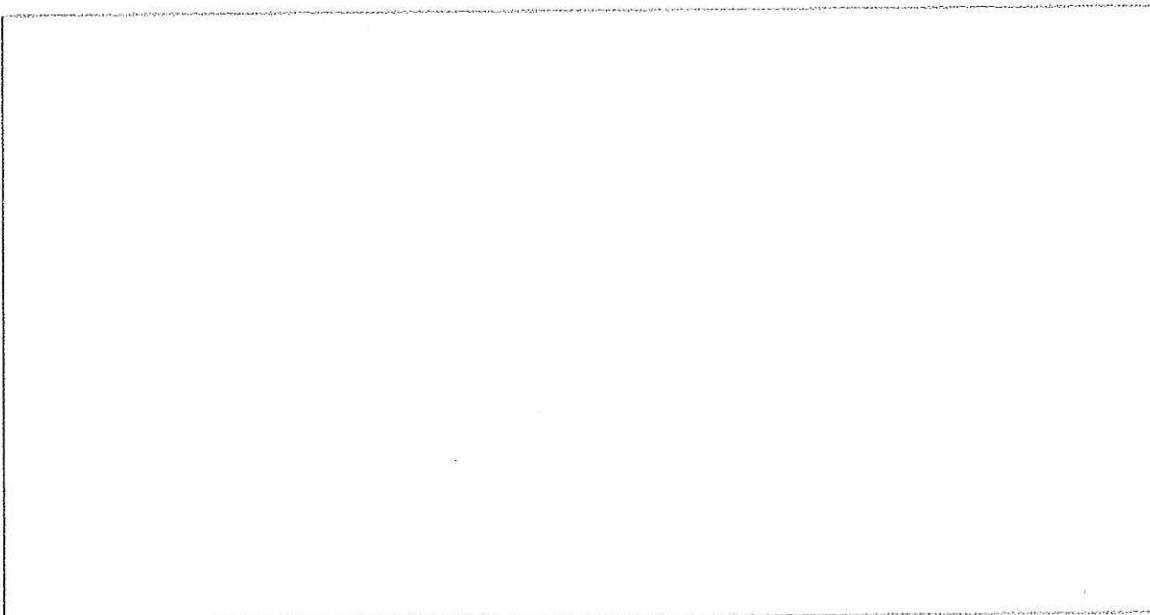
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- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances 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 see attached documents.



### 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:

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- Site Plan Sketch
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- 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@tobr.us](mailto:jbrown@tobr.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.

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- 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 Chamber of Commerce

NAME OF NON-PROFIT ORGANIZATION

BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:

To promote, protect and improve business through the cultural, social, and economic development of Blowing Rock.

LIST ORGANIZATIONS OFFICERS:

Billy Chick

TELEPHONE

Ben Powell

TELEPHONE

Jim McDowell

TELEPHONE

CHAIRPERSON OF THE SPECIAL EVENT:

Suzy Barker

8282958751

NAME

TELEPHONE

132 Park Ave, 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.*

10-11-19

Date

*Suzanne Barker*  
President event coordination  
Blowing Rock Chamber of Commerce  
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 Blowing Rock Chamber of Commerce, a non-profit organization with its principal place of operation being Watauga 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

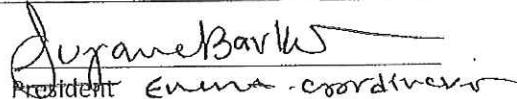
WHEREAS, the party of the second part is desirous of conducting a special event within the Town Limits of Blowing Rock, North Carolina; and

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;

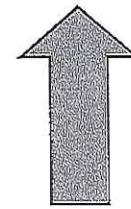
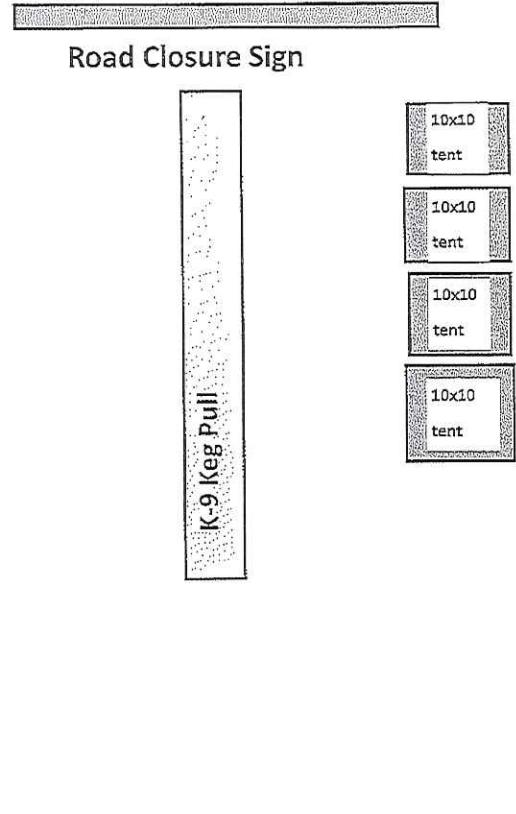
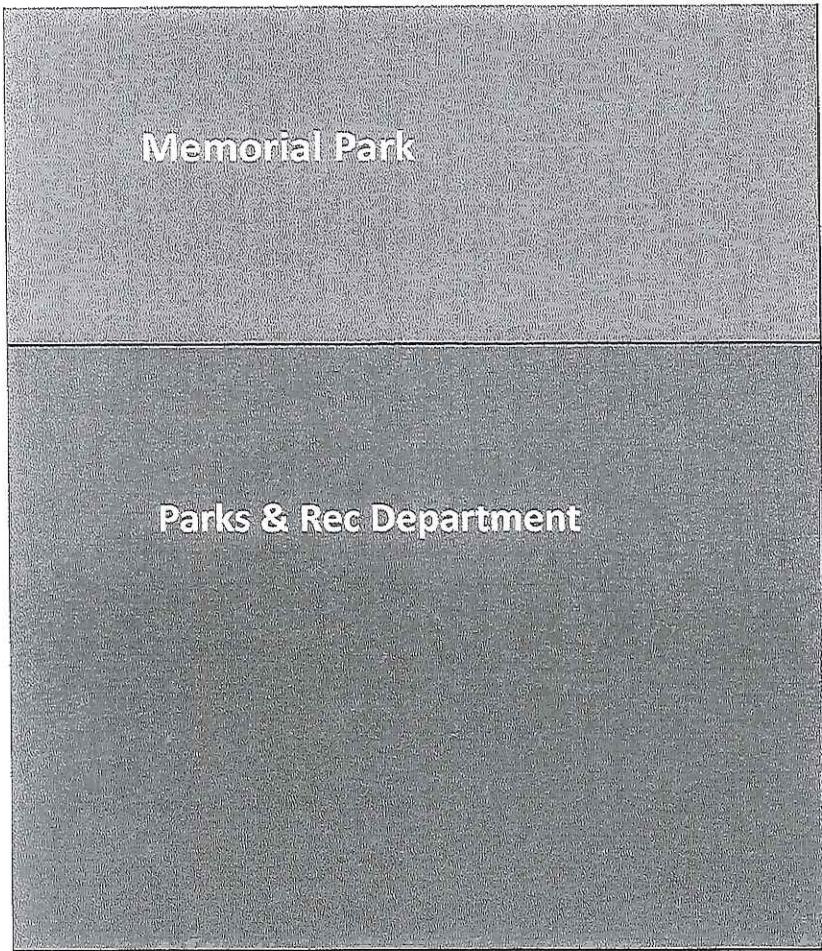
NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, and for other good and sufficient consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

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.

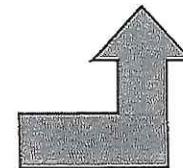
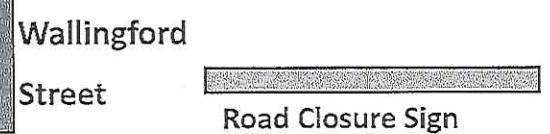
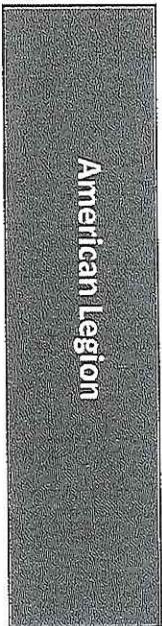
This the 11th day of October, 2019.

  
Dyanne Banks  
President Events-coordinator

\_\_\_\_\_  
Witness



American Legion parking / Parking Deck



Park Ave

## **K-9 Keg Pull Site Plan**

**No Parking after Midnight**

**Road Closure at 7 AM on January, 25<sup>th</sup>, 2020**

**Site Plan is attached**

- Wallingford Street will be closed for traffic and used a pedestrian area
  - The K-9 Keg Pull will be located in the street front of the police department
    - Open to pedestrians
    - K9 Keg Pull has a course that is approx. 100ft and there is a fencing around the track
    - 10x10 pop up tents will be used for event registration

### **Parking Plan for Participants and Volunteers**

- Participants would park in surrounding public parking areas
  - Maple Street Lot
  - American Legion Parking Deck
  - Pool Parking Lot
- Volunteers and vendors would be instructed to park at the pool parking lot

### **Volunteer Plan**

#### **K-9 Keg Pull**

**Begin Setting up by 7am**

In addition to Partners Canine Staff, Chamber volunteers or staff will be around to help manage

**Crowd control, etc..**

I, Hilari H. Hubner, duly appointed Town Clerk of the Town of Blowing Rock, North Carolina, *DO HEREBY CERTIFY*, as follows:

1. A regular meeting of the Town Council of the Town of Blowing Rock, a municipal corporation of the State of North Carolina, was duly held on November 12, 2019, proper notice of such meeting having been given as required by North Carolina statute, and minutes of said meeting have been duly recorded in the minutes of the Town in accordance with law for the purpose of recording the minutes of said Town Council.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened and the place where such meeting was held, the members of said Town Council who attended said meeting and the unanimous adoption of the Resolution set forth in the attached extract by members of the Town Council.

*WITNESS* my hand and the corporate seal of the Town of Blowing Rock, North Carolina, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL)

---

Hilari H. Hubner  
Town Clerk of the  
Town of Blowing Rock, North Carolina

#### **EXTRACTS FROM MINUTES OF THE TOWN COUNCIL**

A regular meeting of the Town Council of the Town of Blowing Rock, North Carolina, was duly held on November 12, 2019 at 6:00 p.m. in the Council Chambers, at Blowing Rock Town Hall, 1036 Main Street, Blowing Rock, North Carolina. Mayor Charles Sellers presiding.

The following members were present:

The following members were absent:

\* \* \* \*

Council Member \_\_\_\_\_ moved that the following resolution, copies of which having been made available to the Town Council, be adopted, which motion was duly seconded, and unanimously adopted by the Council:

**RESOLUTION NO. 2019-\_\_\_\_\_**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BLOWING ROCK,  
NORTH CAROLINA PROVIDING FOR THE ISSUANCE OF UP TO \$4,370,000  
GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2020 OF THE  
TOWN OF BLOWING ROCK, NORTH CAROLINA**

*WHEREAS*, the Bond Orders hereinafter-described have been adopted, authorizing bonds to be issued by the Town of Blowing Rock in the maximum principal amount of \$1,000,000 for the Parks and Recreation Project, \$1,000,000 for the Sewer Improvement Project, \$9,000,000 for the Street and Sidewalk Improvement Project and \$2,000,000 for the Water Improvement Project (as such Projects are defined below);

*WHEREAS*, \$6,935,000 principal amount of the bonds authorized by said Bond Orders have been issued (with \$4,660,000 of such par amount allocated to the Street and Sidewalk Improvement Project, \$580,000 of such par amount allocated to the Parks and Recreation Project, \$1,030,000 of such par amount allocated to the Water Improvement Project and \$665,000 of such par amount allocated to the Sewer Improvement Project), no notes have been issued in anticipation of the receipts of the sale of any of the Bonds (as defined below) and it is desirable at this time to make provision for the issuance of an additional up to \$4,370,000 of Bonds authorized by said Bond Orders;

*WHEREAS*, copies of the form of the following document relating to the transactions described above have been filed with the Town and have been made available to the Town Council of the Town (**the “Town Council”**): the Preliminary Official Statement with respect to the Bonds to be dated on or about November 26, 2019, together with the Official Statement with respect to the Bonds to be dated on or about December 10, 2019 (**collectively, the “Official Statement”**);

*NOW, THEREFORE, BE IT RESOLVED* by the Town Council of the Town of Blowing Rock, North Carolina (**the “Town”**), as follows:

**Section 1.** For purposes of this Resolution, the following words will have the meanings ascribed to them below:

**“Bond Orders”** means the Bond Orders relating to the (i) Water Improvement Project, (ii) Sewer Improvement Project, (iii) Street and Sidewalk Improvement Project and (iv) Parks and Recreation Project, each authorizing a portion of the Bonds, adopted by the Town Council on July 29, 2014 and each approved by the vote of a majority of the voters who voted thereon at a referendum duly called and held on November 4, 2014.

**“Bonds”** means the Town of Blowing Rock, North Carolina General Obligation Public Improvement Bonds, Series 2020.

**“Code”** means the Internal Revenue Code of 1986, as amended. Each reference to a section of the Code herein will be deemed to include the United States Treasury Regulations proposed or in effect with respect thereto.

**“Federal Securities”** means (a) direct obligations of the United States of America for the timely payment of which the full faith and credit of the United States of America is pledged or (b) obligations issued by any agency controlled or supervised by and acting as an instrumentality of the United States of America, the timely payment of the principal of and interest on which is fully guaranteed as full faith and credit obligations of the United States of America, which obligations, in either case, may be certificates representing ownership of United States Treasury bond principal at maturity or coupons for accrued periods of interest, which bonds or coupons are held in the capacity of custodian and independent of the seller of such certificates by a bank or trust company organized and existing under the laws of the United States of America or any of its states.

**“Fitch Ratings”** means Fitch Inc., a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns, and, if such corporation for any reason no longer performs the functions of a securities rating agency, “Fitch Ratings” will refer to any other nationally recognized securities rating agency other than Moody’s and S&P designated by the Town.

**“LGC”** means the Local Government Commission of North Carolina.

**“Moody’s”** means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, “Moody’s” will be deemed to refer to any other nationally recognized rating agency other than S&P and Fitch Ratings designated by the Town.

**“Nonarbitrage and Tax Certificate”** means the Nonarbitrage and Tax Certificate executed by the Town related to the Bonds.

**“Parks and Recreation Project”** means one or more capital projects to provide or improve parks and recreation facilities, including without limitation land, athletic fields, parks, playgrounds, recreation centers, shelters, permanent and temporary stands, swimming pools, wading pools, and lighting.

**“Projects”** means the Parks and Recreation Project, the Sewer Improvement Project, the Street and Sidewalk Improvement Project and the Water Improvement Project.

**“S&P”** means Standard & Poor’s Ratings Services, a Standard & Poor’s Financial Services LLC business, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, “S&P” will be deemed to refer to any other nationally recognized rating agency other than Fitch Ratings and Moody’s designated by the Town.

**“Sewer Improvement Project”** means one or more capital projects to provide or improve sanitary sewer systems, including without limitation community sewerage facilities for the collection, treatment, and disposal of sewage or septic tank systems and other on-site collection and disposal facilities.

**“Street and Sidewalk Improvement Project”** means one or more capital projects to provide or improve streets and sidewalks, including without limitation bridges and alleys; paving, grading, resurfacing, and widening streets; sidewalks, curbs and gutters, culverts and drains; traffic controls, signals, and markers; lighting; and grade crossings and the elimination thereof and grade separations.

**“Water Improvement Project”** means one or more capital projects to provide or improve water systems, including without limitation facilities for the supply, storage, treatment and distribution of water.

**Section 2.** The Town shall issue not to exceed \$4,370,000 in total aggregate principal amount of its Bonds. The Town’s full faith and credit are irrevocably pledged for the payment of the principal of and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Council will levy and collect an annual ad valorem tax, without restriction as to rate or amount, on all locally taxable property in the Town sufficient to pay the principal of and interest on the Bonds as the same become due. The provisions of this resolution shall constitute a contract between the Town and the holders of the Bonds for so long as any of the Bonds and interest thereon are outstanding.

**Section 3.** The Bonds shall be dated as of their date of issuance and pay interest semiannually on May 1 and November 1, beginning May 1, 2020. The Bonds are being issued to provide funds (a) to finance the capital costs of the Projects and (b) pay costs of issuing the Bonds, all pursuant to and in accordance with the Bond Orders.

**Section 4.** The Town Council has ascertained and hereby determines that the average period of usefulness of the capital projects being financed by the proceeds of the Bonds is not less than 20 years computed from the date of issuance of the Bonds.

**Section 5.** The Bonds shall be stated to mature (subject to adjustment as hereinafter set forth) annually, on November 1 in the years 2020 through 2039, inclusive, in the principal amounts of \$220,000 for each maturity from November 1, 2020 through November 1, 2035, inclusive, \$215,000 for each maturity from November 1, 2036 through November 1, 2037, inclusive, and \$210,000 for each maturity from November 1, 2038 through November 1, 2039, inclusive. The Bonds shall bear interest at a rate or rates to be determined by the LGC at the

time the Bonds are sold (provided, however that the true interest cost of the Bonds shall not exceed 2.95% per annum), which interest to the respective maturities thereof shall be payable as set forth above until payment of such principal sum. Notwithstanding the foregoing, the Town reserves the right to increase or decrease the aggregate principal amount of the Bonds by an amount not to exceed \$260,000 and, in the event of such increase or decrease, the principal amount of any maturity of the Bonds will be increased or decreased by an amount not to exceed \$65,000 per maturity to be determined by the Finance Officer of the Town, provided that no such annual installment of principal shall be more than four times as great in amount as the smallest prior installment of principal, and further provided that the first such installment shall be not more than 3 years after the date of the Bonds and the last such annual installment shall be not later than the end of the unexpired period of usefulness of the Projects. The Finance Officer of the Town is hereby authorized and directed to make any such adjustments, if appropriate, on behalf of the Town. Principal, premium, if any, and interest on the Bonds will be payable in lawful money of the United States of America.

**Section 6.** The Bonds are to be numbered from "R-1" consecutively and upward and shall bear interest from their date at a rate or rates which will be hereafter determined on the sale thereof computed on the basis of a 360-day year of twelve 30-day months.

**Section 7.** The Bonds are to be registered as to principal and interest, and the Finance Officer of the Town is hereby appointed Registrar for the Bonds (**the "Registrar"**) and directed to maintain the registration records with respect thereto. The Bonds shall bear the original or facsimile signatures of the Mayor or Town Manager of the Town and the Town Clerk of the Town. An original or facsimile of the seal of the Town is to be imprinted on each of the Bonds.

**Section 8.** The Bonds will initially be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity of the Bonds will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the Bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the Bonds will be payable to DTC or its nominee as registered owner of the Bonds in immediately available funds. The principal of and interest on the Bonds will be payable to owners of Bonds shown on the records of DTC at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date. The Town will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

If (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Finance Officer for the Town determines that the continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Town will discontinue the book-entry system with DTC. If the Town fails to identify another qualified securities depository to replace DTC, the Town will authenticate and deliver replacement bonds in accordance with DTC's rules and procedures.

**Section 9.** The Bonds maturing prior to November 1, 2030 (or such other date as may be decided by the Finance Officer of the Town in consultation with the Town's financial advisor)

will not be subject to redemption prior to maturity. The Bonds maturing on November 1, 2030 (or such other date as may be decided by the Finance Officer of the Town in consultation with the Town's financial advisor) and thereafter will be redeemable, at the option of the Town, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than November 1, 2029 (or such other date as may be decided by the Finance Officer of the Town in consultation with the Town's financial advisor), at the prices as follows: a redemption price of 100% of such principal amount (or such other price as may be decided by the Finance Officer of the Town in consultation with the Town's financial advisor, provided however such redemption price shall be not greater than 102% of the principal amount to be redeemed), plus interest accrued to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the Town in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. So long as a book-entry system with DTC is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC and its participants shall determine in accordance with its own procedures which of the Bonds within a maturity are to be redeemed.

Notice of redemption shall be given by electronic transmission, overnight mail, delivered by hand or mailed by first class mail, postage prepaid, in accordance with DTC procedures, to DTC or its nominee as the registered owner of the Bonds. Such notice shall be mailed or otherwise provided not more than 60 days nor less than 30 days prior to the date fixed for redemption. The Town will not be responsible for mailing notices of redemption to anyone other than DTC or its nominees. Notwithstanding the foregoing, the Town will also mail or transmit by facsimile or in electronic format a copy of the notice of redemption, within the time set forth above, to the LGC and to the Municipal Securities Rulemaking Board through the EMMA system. Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the Registrar on or prior to the redemption date of moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed, and that if such moneys are not so received, such notice shall be of no force or effect and such Bond shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the redemption price and interest on such Bonds are not received by the Registrar on or prior to the redemption date, the redemption shall not be made and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

**Section 10.** The Bonds and the provisions for the registration of the Bonds and for the approval of the Bonds by the Secretary of the LGC are to be in substantially the form set forth in Appendix A.

**Section 11.** The Town covenants that it will not take or permit, or omit to take or cause to be taken, any action that would adversely affect the exclusion from gross income of the recipient thereof for federal income tax purposes of the interest on the Bonds, and, if it should take or permit, or omit to take or cause to be taken, any such action, the Town will take or cause to be taken all lawful actions within its power necessary to rescind or correct such actions or

omissions promptly upon having knowledge thereof. The Town acknowledges that the continued exclusion of interest on the Bonds from the owner's gross income for federal income tax purposes depends, in part, on compliance with the arbitrage limitations imposed by Section 148 of the Code. The Town covenants that it will comply with all the requirements of Section 148 of the Code, including the rebate requirements, and that it will not permit at any time any of the proceeds of the Bonds or other funds under its control be used, directly or indirectly, to acquire any asset or obligation, the acquisition of which would cause the Bonds to be "arbitrage bonds" for purposes of Section 148 of the Code. The Town Manager and Finance Officer are each hereby authorized to execute a Nonarbitrage and Tax Certificate with respect to the Bonds.

The Town Council on behalf of the Town designates the Bonds as eligible for the "small issuer exception" to the rebate requirements of Section 148(f)(2) and (3) of the Code pursuant to Section 148(f)(D)(vii) of the Code, as the Town is a governmental unit with general taxing powers, no bond which is a part of the Bonds will be a private activity bond, 95% or more of the net proceeds of the Bonds are to be used for local governmental activities of the Town, and the aggregate face amount of all tax-exempt bonds, excluding private activity bonds to be issued by the Town during the calendar year 2020, is not reasonably expected to exceed \$5,000,000.

The Town Council, on behalf of the Town, certifies by this resolution that it does not reasonably anticipate the issuance by it or its subordinate entities of more than \$10,000,000 in "qualified tax-exempt obligations" (excluding private activity bonds) during the calendar year 2020 and will not designate (excluding any bonds deemed designated pursuant to the provisions of § 265(b)(3)(D)(ii) of the Code), or permit the designation by any of its subordinate entities of any bonds during the calendar year 2020 which would cause the \$10,000,000 limitation of Section 265(b)(3)(D) of the Code to be violated, and hereby designates the Bonds as "qualified tax-exempt obligations" for the purpose of § 265(b)(3) of the Code.

**Section 12.** The sale proceeds of the Bonds shall be utilized by the Town to pay costs of the Projects and costs of issuance of the Bonds, and invested in accordance with the requirements of the Local Government Budget and Fiscal Control Act, Article 3 of Chapter 159, General Statutes of North Carolina, as amended. The Finance Officer is hereby directed to create and establish a special fund to be designated "Town of Blowing Rock, North Carolina General Obligation Bonds, Series 2020 Project Fund" (**the "Project Fund"**) and shall establish separate accounts within the Project Fund to track the expenditure of proceeds of the Bonds related to each of the Projects. The Finance Officer shall deposit net proceeds from the sale of the Bonds in the Project Fund. The Finance Officer shall keep and maintain adequate records pertaining to the proceeds of the Bonds and all disbursements thereof so as to satisfy the requirements of the laws of the State of North Carolina, to properly allocate proceeds of the Bonds to the individual Projects in accordance with the limitations of the Bond Orders and to assure that the Town maintains its covenants with respect to the exclusion of the interest on the Bonds from gross income for purposes of federal income taxation.

**Section 13.** The LGC is hereby requested to sell the Bonds through a competitive sale to the bidder whose bid results in the lowest interest cost to the Town, determined on the basis of the true interest cost method.

**Section 14.** The Mayor, the Town Manager, the Finance Officer and the Town Clerk of the Town are hereby authorized and directed to cause the Bonds to be prepared and, when

they shall have been duly sold by the LGC, to execute the Bonds and to turn the Bonds over to the Registrar for delivery through the facilities of DTC to the purchaser or purchasers to whom they may be sold by the LGC.

**Section 15.** The form and content of the Notice of Sale and the Preliminary Official Statement together with the final Official Statement related to the Bonds are in all respects authorized, approved and confirmed. The Town Manager and the Finance Officer are authorized to deem the Preliminary Official Statement "final" for purposes of Rule 15c2-12 (**the "Rule"**) promulgated by the Securities and Exchange Commission (**the "SEC"**). The Mayor, the Town Manager, the Finance Officer and the Town Clerk of the Town are authorized, empowered and directed to execute and deliver the Official Statement in substantially the form and content presented to the Town Council, but with such changes, modifications, additions or deletions therein as shall to the Mayor, Town Manager or the Finance Officer of the Town deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the approval of the Town Council of any and all changes, modifications, additions or deletions therein from the form and content of the Official Statement presented to the Town Council. The actions of Town employees and representatives, in collaboration with the LGC to prepare the text of the Official Statement are ratified, approved and confirmed. The Council approves the LGC's distribution of the Official Statement to prospective purchasers of the Bonds. The Council acknowledges that it is the Town's responsibility to ensure that the Official Statement, in its final form, neither contains an untrue statement of a material fact nor omits to state a material fact required to be included therein for the purpose for which such Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading. By the adoption of this resolution, the Council members approve the Official Statement as materially correct and complete, and further acknowledge and accept their own responsibility for causing the Town to fulfill these responsibilities for the Official Statement.

**Section 16.** The Mayor, the Town Manager, the Finance Officer and the Town Clerk of the Town are authorized and directed to execute and deliver for and on behalf of the Town any and all additional certificates, agreements, instruments, documents, opinions or other papers and perform all other acts as may be required by the documents contemplated hereinabove or as may be deemed necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution. All actions of the Mayor, the Town Manager, the Finance Officer, the Town Clerk, the Town Attorney and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby ratified, approved and authorized.

**Section 17.** The Town agrees, in accordance with the Rule and for the benefit of the Registered Owners and beneficial owners of the Bonds, as follows:

(1) by not later than seven months after the end of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2020, to the Municipal Securities Rulemaking Board (**the "MSRB"**) in an electronic format as prescribed by the MSRB, the audited financial statements of the Town for such Fiscal Year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or if such audited financial statements are not then available, unaudited financial statements of the Town for such Fiscal Year to be replaced subsequently by

audited financial statements of the Town to be delivered within 15 days after such audited financial statements become available for distribution;

(2) by not later than seven months after the end of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2020, to the MSRB, (a) the financial and statistical data as of a date not earlier than the end of the preceding Fiscal Year for the type of information included under the captions "**THE TOWN--Debt Information**" and "**--Tax Information**" (excluding information on overlapping units) in the Official Statement and (b) the combined budget of the Town for the current Fiscal Year to the extent such items are not included in the audited financial statements referred to in clause (1) above;

(3) in a timely manner not in excess of 10 business days after the occurrence of the event, to the MSRB, notice of any of the following events with respect to the Bonds:

- (a) principal and interest payment delinquencies;
- (b) non-payment related defaults, if material;
- (c) unscheduled draws on the debt service reserves reflecting financial difficulties;
- (d) unscheduled draws on credit enhancements reflecting financial difficulties;
- (e) substitution of any credit or liquidity providers, or their failure to perform;
- (f) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds or other material events affecting the tax status of the Bonds;
- (g) modification to the rights of the beneficial owners of the Bonds, if material;
- (h) call of any of the Bonds, if material, and tender offers;
- (i) defeasance of any of the Bonds;
- (j) release, substitution or sale of any property securing repayment of the Bonds, if material;
- (k) rating changes;

(l) bankruptcy, insolvency, receivership or similar event of the Town;

(m) the consummation of a merger, consolidation, or acquisition involving the Town or the sale of all or substantially all of the assets of the Town, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to such actions, other than pursuant to its terms, if material;

(n) appointment of a successor or additional trustee or the change of name of a trustee, if material;

(o) incurrence of a financial obligation (as defined below) of the Town, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Town, any of which affect beneficial owners of the Bonds, if material; and

(p) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Town, any of which reflect financial difficulties.

(4) in a timely manner to the MSRB, notice of the failure by the Town to provide the required annual financial information described in (1) and (2) above on or before the date specified.

For purposes of this Section, the term "financial obligation" means a: (A) debt obligation; (B) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (C) guarantee of (A) or (B), but shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

The Town agrees that its undertaking under this Section is intended to be for the benefit of the registered owners and the beneficial owners of the Bonds and is enforceable by any of the registered owners and the beneficial owners of the Bonds, including an action for specific performance of the Town's obligations under this Section, but a failure to comply will not be an event of default and will not result in acceleration of the payment of the Bonds. An action must be instituted, had and maintained in the manner provided in this Section for the benefit of all of the registered owners and beneficial owners of the Bonds.

All documents provided to the MSRB as described in this Section shall be provided in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB. The Town may discharge its undertaking described above by providing such information in a manner the SEC subsequently authorizes in lieu of the manner described above.

The Town may modify from time to time, consistent with the Rule, the information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the Town, but:

(1) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law or change in the identity, nature or status of the Town;

(2) the information to be provided, as modified, would have complied with the requirements of the Rule as of the date of the Official Statement, after taking into account any amendments or interpretations of the Rule as well as any changes in circumstances; and

(3) any such modification does not materially impair the interest of the registered owners or the beneficial owners, as determined by parties unaffiliated with the Town (such as nationally recognized bond counsel) or by the approving vote of the registered owners of a majority in principal amount of the Bonds.

Any annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section terminate on payment, or provision having been made for payment in a manner consistent with the Rule, in full of the principal of and interest on the Bonds.

**Section 18.** Those portions of this Resolution other than Section 17 may be amended or supplemented, from time to time, without the consent of the owners of the Bonds if in the opinion of nationally recognized bond counsel, such amendment or supplement would not adversely affect the interests of the owners of the Bonds and would not cause the interest on the Bonds to be included in the gross income of a recipient thereof for federal income tax purposes. This Resolution may be amended or supplemented with the consent of the owners of a majority in aggregate principal amount of the outstanding Bonds, exclusive of Bonds, if any, owned by the Town, but a modification or amendment (1) may not, without the express consent of any owner of Bonds, reduce the principal amount of any Bond, reduce the interest rate payable on it, extend its maturity or the times for paying interest, change the monetary medium in which principal and interest is payable, or reduce the percentage of consent required for amendment or modification and (2) as to an amendment to Section 17, must be limited as described therein.

Any act done pursuant to a modification or amendment consented to by the owners of the Bonds is binding on all owners of the Bonds and will not be deemed an infringement of any of the provisions of this Resolution, whatever the character of the act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after consent has been given, no owner of a Bond has any right or interest to object to the action, to question its propriety or to enjoin or restrain the Town from taking any action pursuant to a modification or amendment.

If the Town proposes an amendment or supplemental resolution to this Resolution requiring the consent of the owners of the Bonds, the Registrar shall, on being satisfactorily indemnified with respect to expenses, cause notice of the proposed amendment to be sent to each owner of the Bonds then outstanding by first-class mail, postage prepaid, to the address of such owner as it appears on the registration books; but the failure to receive such notice by mailing by

any owner, or any defect in the mailing thereof, will not affect the validity of any proceedings pursuant hereto. Such notice shall briefly set forth the nature of the proposed amendment and shall state that copies thereof are on file at the principal office of the Registrar for inspection by all owners of the Bonds. If, within 60 days or such longer period as shall be prescribed by the Town following the giving of such notice, the owners of a majority in aggregate principal amount of Bonds then outstanding have consented to the proposed amendment, the amendment will be effective as of the date stated in the notice.

**Section 19.** Nothing in this Resolution shall preclude (a) the payment of the Bonds from the proceeds of refunding bonds or (b) the payment of the Bonds from any legally available funds.

If the Town causes to be paid, or has made provisions to pay, on maturity or on redemption before maturity, to the owners of the Bonds the principal of the Bonds (including interest to become due thereon) and, premium, if any, on the Bonds, through setting aside trust funds or setting apart in a reserve fund or special trust account created pursuant to this Resolution or otherwise, or through the irrevocable segregation for that purpose in some sinking fund or other fund or trust account with an escrow agent or otherwise, moneys sufficient therefor, including, but not limited to, interest earned or to be earned on Federal Securities, the Town shall so notify Moody's and S&P, and then the such Bonds shall be considered to have been discharged and satisfied, and the principal of the Bonds (including premium, if any, and interest thereon) shall no longer be deemed to be outstanding and unpaid; provided, however, that nothing in this Resolution requires the deposit of more than such Federal Securities as may be sufficient, taking into account both the principal amount of such Federal Securities and the interest to become due thereon, to implement any such defeasance.

If such a defeasance occurs and after the Town receives an opinion of a nationally recognized accounting firm that the segregated moneys or Federal Securities together with interest earnings thereon are sufficient to effect a defeasance, the Town shall execute and deliver all such instruments as may be necessary to effect such a defeasance and desirable to evidence such release, discharge and satisfaction. Provisions shall be made by the Town, for the mailing of a notice to the owners of the Bonds that such moneys are so available for such payment.

**Section 20.** If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions hereof or of the Bonds authorized hereunder.

**Section 21.** The selection and retaining of First Tryon Advisors as financial advisor and Sands Anderson PC as bond counsel to the Town is hereby confirmed and ratified.

**Section 22.** All resolutions or parts thereof of the Town Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

**Section 23.** This Resolution is effective on the date of its adoption.

.....

## APPENDIX A

### Form of Bond

No. R-

\$

**UNITED STATES OF AMERICA  
STATE OF NORTH CAROLINA  
TOWN OF BLOWING ROCK**

**INTEREST**

**RATE**

**MATURITY DATE**

\_\_\_\_\_, \_\_\_\_\_

**DATED DATE**

\_\_\_\_\_, 2020

**CUSIP**

**REGISTERED OWNER: CEDE & Co.**

**PRINCIPAL SUM:**

**DOLLARS**

**GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2020**

*THE TOWN OF BLOWING ROCK, NORTH CAROLINA (the "Town") acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner named above, on the Maturity Date specified above, upon surrender hereof, the Principal Sum shown above and to pay to the Registered Owner hereof interest thereon from the date of this Bond until it shall mature at the Interest Rate per annum specified above, payable on May 1, 2020 and semiannually thereafter on November 1 and May 1 of each year. Principal of and interest on this Bond are payable in immediately available funds to The Depository Trust Company ("DTC") or its nominee as registered owner of the Bonds and is payable to the owner of the Bonds shown on the records of DTC at the close of business on the 15<sup>th</sup> day of the month preceding an interest payment date or a bond payment date. The Town is not responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.*

This Bond is one of an issue of the Town's \$4,370,000 General Obligation Public Improvement Bonds, Series 2020 (**the "Bonds"**), of like date and tenor, except as to number, denomination, rate of interest and maturity. The Bonds are issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act, bond orders adopted by the Town Council of the Town on July 29, 2014, each approved by the vote of a majority of the voters who voted thereon at a referendum duly called and held on November 4, 2014, and a resolution adopted by the Town Council of the Town on November 12, 2019 (**the "Resolution"**).

The Town's full faith and credit are pledged for the payment of principal of and interest on this Bond.

The Bonds maturing prior to November 1, 2030 will not be subject to redemption prior to maturity. The Bonds maturing on November 1, 2030 and thereafter will be redeemable, at the option of the Town, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than November 1, 2029, at the prices as follows: a redemption price of 100% of such principal amount, plus interest accrued to the date fixed for redemption.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, and that the amount of this Bond, together with all other indebtedness of the Town, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond is not valid or obligatory for any purpose until the certification hereon has been signed by an authorized representative of the Local Government Commission.

*IN WITNESS WHEREOF*, the Town has caused this Bond to bear the original or facsimile of the signatures of the Mayor of the Town and the Town Clerk of the Town and an original or facsimile of the seal of the Town to be imprinted hereon and this Bond to be dated as of \_\_\_\_\_, 2020.

[Form of bond – not for signature]

(SEAL)

---

Town Clerk

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Mayor

Date of Execution: \_\_\_\_\_, 2020

The issue hereof has been approved under the provisions of The Local Government Bond Act.

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Secretary of the Local Government Commission

**CERTIFICATE OF AUTHENTICATION**

This Bond is one of the Bonds described in the within mentioned Bond Resolution.

**Registrar – Town of Blowing Rock Finance Officer**

---

Nicole Norman

Date of Authentication: \_\_\_\_\_, 2020

**FORM OF ASSIGNMENT**

**ASSIGNMENT**

*FOR VALUE RECEIVED* the undersigned hereby sells, assigns and transfers unto

---

(Please print or typewrite Name and Address,  
including Zip Code, and Federal Taxpayer Identification or  
Social Security Number of Assignee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

---

Attorney to register the transfer of the within Bond on the books kept for registration thereof,  
with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature guaranteed by:

---

**NOTICE:** Signature must be guaranteed by a participant of the Securities Transfer Agent Medallion Program ("STAMP") or similar program.

---

**NOTICE:** The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration, enlargement or any change whatever.

**TRANSFER FEE MAY BE REQUIRED**

\* \* \* \*

The undersigned Town Clerk of the Town of Blowing Rock, North Carolina, DOES HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of said Town Council at a meeting held on November 12, 2019, and is a true copy of so much of said minutes as relates in any way to the adoption of the resolution set forth above. A quorum was present and acting throughout such meeting.

I further certify that due notice of such meeting was provided as required by North Carolina General Statutes Section 143-318.12.

**WITNESS** my signature and the seal of the Town of Blowing Rock, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[SEAL]

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Town Clerk  
Town of Blowing Rock, North Carolina

Rating:  
S&P:   
(See "Rating" herein)

## PRELIMINARY OFFICIAL STATEMENT DATED NOVEMBER \_\_, 2019

### NEW ISSUE—Book-Entry Only

*This Official Statement has been prepared by the Local Government Commission of North Carolina and the Town of Blowing Rock, North Carolina (the "Town") to provide information in connection with the sale and issuance of the Bonds described herein. Selected information is presented on this cover page for the convenience of the user. To make an informed decision regarding the Bonds, a prospective investor should read this Official Statement in its entirety. Unless indicated, capitalized terms used on this cover page have the meanings given in the Official Statement. The Town has deemed the Preliminary Official Statement "final" for purposes of S.E.C. Rule 15c2-12 except for information which may be omitted pursuant to Rule 15c2-12.*

**\$4,370,000**

### **Town of Blowing Rock, North Carolina**

### **General Obligation Public Improvement Bonds, Series 2020**

**Dated:** Date of Delivery

**Due:** As shown on inside cover page

*Tax Treatment*

In the opinion of Bond Counsel and subject to the qualifications described herein, interest on the Bonds paid by the Town is not includable in gross income for federal income tax purposes and is exempt from current State of North Carolina income taxes. See "Tax Treatment" herein for additional information regarding tax consequences arising from ownership or receipt of interest on the Bonds, including information regarding the application of federal alternative minimum tax provisions to the Bonds and certain other federal, State and local tax consequences. The Bonds will be "qualified tax-exempt obligations" within the meaning of Internal Revenue Code Section 265(b)(3).

*Redemption*

The Bonds are subject to optional redemption at the times and price as set forth herein.

*Security*

The Bonds constitute general obligations of the Town, secured by a pledge of the faith and credit and taxing power of the Town.

*Interest Payment Dates*

May 1 and November 1, commencing May 1, 2020.

*Denominations*

\$5,000 or any integral multiple thereof.

*Expected Closing/ Settlement*

January 8, 2020

*Bond Counsel*

Sands Anderson PC, Durham, North Carolina

*Financial Advisor*

First Tryon Advisors, Charlotte, North Carolina

*Sale Date*

December 10, 2019

*Sale of Bonds*

Pursuant to sealed bids in accordance with the Notice of Sale.

*The date of this Official Statement is December \_\_, 2019*

## MATURITY SCHEDULE

### \$4,370,000 General Obligation Public Improvement Bonds, Series 2020

Due November 1 of the Year Indicated

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Yield<sup>1</sup></u>	<u>CUSIP<sup>2</sup></u>
2020	\$220,000			
2021	220,000			
2022	220,000			
2023	220,000			
2024	220,000			
2025	220,000			
2026	220,000			
2027	220,000			
2028	220,000			
2029	220,000			
2030	220,000			
2031	220,000			
2032	220,000			
2033	220,000			
2034	220,000			
2034	220,000			
2036	215,000			
2037	215,000			
2038	210,000			
2039	210,000			

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<sup>1</sup>Information obtained from underwriters of the Bonds.

<sup>2</sup> CUSIP® is a registered trademark of the American Bankers Association. CUSIP Global Services is managed on behalf of the American Bankers Association by S&P Capital IQ. Copyright©2019 CUSIP Global Services. All rights reserved. CUSIP data herein is provided by S&P Capital IQ, a division of McGraw-Hill Financial, Inc. CUSIP data herein is provided for convenience of reference only. The Local Government Commission, the Town and their respective agents do not take responsibility for the accuracy of such data. Also, investors should be aware that under certain circumstances the CUSIP identification number assigned to a maturity of the Bonds may be changed to a new replacement number.

## TOWN OF BLOWING ROCK, NORTH CAROLINA

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### TOWN COUNCIL

Charles Sellers .....	Mayor
<b>Albert Yount</b> .....	Mayor Pro-Tem
Doug Matheson .....	Council Member
Virginia Powell .....	Council Member
<b>Jim Steele</b> .....	Council Member
Sue Sweeting .....	Council Member

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### TOWN STAFF

Shane Fox .....	Town Manager
Nicole M. Norman .....	Finance Officer
Allen Moseley, Esq. ....	Town Attorney

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### FINANCIAL ADVISOR

First Tryon Advisors  
Charlotte, North Carolina

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### BOND COUNSEL

Sands Anderson PC  
Durham, NC

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## INTRODUCTION

This Official Statement, including the cover page and the appendices hereto, is intended to furnish information in connection with the public invitation for bids for the purchase of \$4,370,000 General Obligation Public Improvement Bonds, Series 2020 (the "Bonds"), of the Town of Blowing Rock, North Carolina (the "Town").

The information furnished herein includes a brief description of the Town and its economic conditions, government, debt management, tax structure, financial operations, budget, pension plans and litigation. The Town has assisted the Local Government Commission of North Carolina (the "Commission") in gathering and assembling the information contained herein.

This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy any securities other than the Bonds offered hereby, nor there any offer or solicitation of such offer or sale of the Bonds in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. Neither the delivery of this Official Statement nor the sale of any of the Bonds implies that the information herein is correct as of any date subsequent to the date thereof. The information contained herein is subject to change after the date of this Official Statement, and this Official Statement speaks only as of its date.

This Official Statement is deemed to be a final official statement with respect to the Bonds within the meaning of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended (the "Rule"), except, when it is in preliminary form, for the omission of certain pricing and other information to be made available by the successful bidder or bidders for the Bonds to the Commission. In accordance with the requirements of such Rule, the Town has agreed in a resolution adopted by the Town Council of the Town prior to the sale of the Bonds to certain continuing disclosure obligations. See the caption "Continuing Disclosure" herein.

## THE LOCAL GOVERNMENT COMMISSION OF NORTH CAROLINA

The Commission, a division of the Department of State Treasurer, State of North Carolina (the "State"), is a State agency that supervises the issuance of the bonded indebtedness of all units of local government and assists these units in the area of fiscal management. Appendix A to this Official Statement contains additional information concerning the Commission and its functions.

## THE BONDS

### Description

The Bonds will be dated their date of delivery and will bear interest from their date at the interest rates set forth on the inside front cover page. Interest on the Bonds will be payable semiannually on each May 1 and November 1, commencing May 1, 2020. The Bonds will mature, subject to the redemption provisions set forth below, on the dates set forth on the inside cover page of this Official Statement.

Payments will be made to the person shown as owner at the end of the calendar day on the 15<sup>th</sup> day of the month (whether or not that day is a business day) preceding the payment date.

The Bonds will be issuable as fully registered bonds in a book-entry system under which The Depository Trust Company ("DTC") will act as securities depository nominee for the Bonds. Purchases and transfers of the Bonds may be made only in authorized denominations of \$5,000 and in accordance with the practices and procedures of DTC. See Appendix F hereto for a description of DTC and its book-entry system.

The Finance Officer of the Town has been appointed Bond Registrar for the Bonds.

### Redemption Provisions

The Bonds maturing on or prior to November 1, 2029 will not be subject to redemption prior to maturity. The Bonds maturing on November 1, 2030 and thereafter will be redeemable, at the option of the Town, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than November 1, 2029, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, plus interest accrued to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the Town in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or any integral multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such bond by \$5,000 and, further, that so long as a book-entry system with DTC is used for determining beneficial ownership of bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC shall determine by lot the amount of interest of each Direct Participant in the Bonds to be redeemed. If less than all of the Bonds then subject to redemption shall be called for redemption, the particular maturities and amounts of the Bonds or portions of Bonds to be redeemed shall be determined by the Town in its discretion.

Notice of redemption shall be given to Cede & Co., DTC's nominee, as the registered owner of the Bonds, in such manner as required by DTC. Such notice shall be sent not more than 60 days nor less than the 30 days prior to the date fixed for redemption. The Town will not be responsible for sending notices of redemption to anyone other than Cede & Co.

On the date fixed for redemption, notice having been given as hereinabove provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed plus accrued interest thereon to the date fixed for redemption have been deposited by the Town to be held in trust for the registered owners of the Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof called for redemption shall cease to accrue. If a portion of a Bond shall have been selected for redemption, a new Bond or Bonds

of the same maturity, of any authorized denomination or denominations and bearing interest at the same rate for the unredeemed portion of the principal amount of such Bonds.

Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed, and that if such moneys are not so received, such notice shall be of no force or effect and such Bond shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the redemption price and interest on such Bonds are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

#### **Authorization and Purpose**

The Bonds are being issued pursuant to the provisions of The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, four bond orders duly adopted by the Town Council on July 29, 2014, which orders were each approved by the vote of a majority of qualified voters of the Town who voted thereon at a referendum duly called and held on November 4, 2014 and a resolution duly adopted by the Town Council on November 12, 2019. The Bonds are being issued to pay for water, sewer and street facilities improvements in the Town.

#### **Security**

The Bonds are general obligations of the Town. The Town is authorized by law to levy on all the real property and tangible personal property taxable by the Town such ad valorem taxes as may be necessary to pay the Bonds and the interest thereon without limitation as to rate or amount.

(Remainder of page left intentionally blank)

## THE TOWN

### General Description

The Town is located in two counties, Watauga and Caldwell, in the northwestern part of the State. The Town is 3,600 feet above sea level and covers an area of 3.1 square miles. The majority of the Town's land area and population is located in Watauga County, with the remainder in Caldwell County. The Town was incorporated on March 11, 1889. Approximately 7.8% of the Town's population is located in Caldwell County and 92.2% is located in Watauga County.



The Town sits astride the Eastern Continental Divide and is primarily accessed by U.S. Highways 321 and 221. The Town is recognized as a resort town offering outdoor activities such as hiking, camping, and skiing, as well as dining and shops and boutiques, and attracts visitors from many places. Distances from these major cities are as follows:

Raleigh, NC .....	196 miles
Charlotte, NC .....	93 miles
Washington, DC .....	402 miles
New York, NY .....	622 miles
Atlanta, GA .....	293 miles

The Town was first settled during the Civil War when early settlers sought refuge from the conflicts of war in the remote mountains. After the war, soldiers joined their families in the Town. As the years passed, seasonal residents seeking relief from the heat of lower altitudes became a common addition to the village. With them came the economic base of the community. Farmland was turned into sites for hotels and shops, geared to visitors from the lowlands. With the coming of the automobile and improved communications of the 1900's, the Town developed into a vacation destination. The cool climate draws many visitors. The average temperatures for the Town are as follows: summer, 65 degrees; fall, 42 degrees; winter, 34 degrees; and spring, 56 degrees. The average snowfall is 30.4 inches and average rainfall is 65.75 inches.

Cultural opportunities in the area include Horn in the West, an outdoor drama nearby in the Town of Boone, North Carolina and many concerts, recitals, and productions performed on the campus of Appalachian State University in Boone. From May to October, there are concerts in the Town in Memorial Park almost every Sunday afternoon. Art in the Park, a juried arts and crafts show, is held on Saturdays once a month from May to October. The Tour of Homes, the Blowing Rock Charity Horse Show, the Scottish Highland Games, and a July 4<sup>th</sup> parade are summer highlights.

Recreational activities include canoeing, kayaking and fishing as well as riding trails, golf courses, campgrounds, hiking trails, picnic areas, and skiing. There are 21 hotels, motels, inns, and resorts in the Town, ranging from bed and breakfast inns, log cabin rentals, deluxe hotels, moderately priced motels, and full-service resorts, for a total of approximately 570 rooms. Log cabins, large mountain homes and condominium units are also available as rentals. Visitors may shop in a selection of apparel, antique and specialty stores, or at the Tanger factory outlet shopping center.

The governing body of the Town is comprised of five council members and a mayor. The Council members are elected for four-year staggered terms and the Mayor is elected every two years. The Town has one of the lowest municipal real property tax rates in the State of North Carolina at 39 cents per \$100 of assessed property valuation. The Town operates its own community water and wastewater facilities and provides police, fire and rescue protection 24-hours a day. The Town's Public Works Department maintains roads, buildings and grounds and provides other essential services.

The Town adopted a Comprehensive Plan Update in 2014. This policy document outlines the short and long-term goals of the community and assists the elected officials and staff in making decisions. The first Blowing Rock Comprehensive Plan was adopted in 1982 and updated in 1993 and 2004, with the latest update in 2014. With input from citizens, property and business owners, and visitors, the Comprehensive Plan focuses on topics related to the overall quality of life and sustainability of the community.

Comprehensive Plan topics include:

1. Land Use and Community Character
2. Economic Development and Tourism
3. Transportation
4. Municipal Services and Infrastructure
5. Parks & Recreation
6. Natural and Environmental Resources
7. Historic and Cultural Resources
8. Financial Resources

Through citizen workshops and public involvement, the following 10 projects were identified as being the highest priority to undertake at the outset of the Comprehensive Plan implementation. The list is not in priority rank or in any particular order.

- Planning for Downtown Overhead Utility Relocation
- Middle Fork Greenway Extension (through Town)
- Multi-use Path from Downtown to Bass Lake
- Valley Boulevard Gateway Enhancements
- Illustrative Architectural and Site Design Standards
- Complete Downtown Streetscape Project
- Continue Utility Facilities Plan Implementation
- Expand Culture/Arts Use of Town Facilities
- Develop Arts/Cultural Center on Park Avenue
- Middle Fork Greenway Completion (to Boone)

## Demographic Characteristics

The United States Department of Commerce, Bureau of the Census, has recorded the population of the Town to be as follows:

<u>1990</u>	<u>2000</u>	<u>2010</u>
1,263	1,418	1,241

The population of the Town as estimated by the North Carolina Office of State Budget and Management is as follows:

<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
1,285	1,280	1,287	1,307	1,327	1,347

Per capita income data for Watauga County, the State and the U.S., are presented in the following table:

<u>Year</u>	<u>County<sup>1</sup></u>	<u>State</u>	<u>U.S.</u>
2013	\$ 29,929	\$ 38,078	\$ 44,826
2014	31,880	39,976	47,025
2015	33,374	41,814	48,940
2016	34,295	42,707	49,831
2017	35,542	44,222	51,640

Per capita income data for Caldwell County, the State and the U.S., are presented in the following table:

<u>Year</u>	<u>County<sup>1</sup></u>	<u>State</u>	<u>U.S.</u>
2013	\$28,753	\$ 38,078	\$ 44,826
2014	30,003	39,976	47,025
2015	31,714	41,814	48,940
2016	32,232	42,707	49,831
2017	33,815	44,222	51,640

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<sup>1</sup>Separate data for the Town are not available.

Source: United States Department of Commerce, Bureau of Economic Analysis. (Most recent available data).

## Commerce and Industry

The Town is a seasonal community with 1,347 year-round residents and an estimated 8,000 residents during the summer months. The largest employers within the Town's corporate limits are Appalachian Regional Healthcare Systems, Samaritan's Purse, Appalachian Ski Mtn. Inc., Chetola Mountain Resort at Blowing Rock, and Food Lion.

- Appalachian Regional Healthcare Systems' mission is to support the provision of high quality, compassionate healthcare for the mountain region of northwest North Carolina and northeast Tennessee. Locations include: Charles Cannon Jr. Memorial Hospital in Linville, Watauga Medical Center in Boone, Appalachian Regional Medical Associates in Boone, Blowing Rock Rehabilitation and Devant Extended Care Center in the Town and Appalachian Regional Healthcare Foundation.
- Samaritan's Purse is an evangelical Christian humanitarian organization that provides aid to people locally and worldwide in physical need as a key part of Christian missionary work. The 26,000 square foot facility is located in the Town and is used for trainings, conferences, meetings, and faith-based community events.
- Having its beginning December 4, 1968, the area was known previously as Blowing Rock Ski Lodge, a public, stock owned company that first opened in the winter of 1962-63. It was the first ski area in Northwestern North Carolina and the second oldest ski area in the State. Originally consisting of a 12,000 square foot base lodge and three slopes serviced by two rope tows and a T-bar. Today, Appalachian Ski Mtn. has twelve slopes including two terrain parks serviced by one double chair lift, two quad chairlifts, two conveyor lifts and one handle-pull lift with the base lodge covering 46,000 square feet.
- Chetola Mountain resort is set on an 87-acre estate from the 1800s. It is an upscale mountain resort that includes a lodge, inn and restaurant.
- Food Lion, based in Salisbury, N.C. since 1957, operates more than 1,100 grocery stores in 10 Southeastern and Mid-Atlantic states. The company employs over 63,000 associates and serves approximately 10 million customers weekly throughout its stores. Food Lion has a full service 29,000 square foot grocery store in the Town that employs 56 people.

Listed below are the largest employers in Watauga County\*:

<u>Company</u>	<u>Industry</u>	<u>Employment Range</u>
Appalachian State University	Education and Health Services	1,000+
Appalachian Regional Healthcare Systems	Education and Health Services	1,000+
Watauga County Board of Education	Education and Health Services	500-999
Samaritan's Purse, Inc.	Education and Health Services	500-999
Clinical Trial Services	Professional and Business Services	250-499
Watauga County Government	Public Administration	250-499
Wal-Mart Associates, Inc.	Trade, Transportation and Utilities	250-499
Mast General Store	Trade, Transportation and Utilities	100-249
Appalachian Ski Mtn. Inc.	Leisure and Hospitality	100-249
Town of Boone	Public Administration	100-249

\*Separate data for the Town are not available.

Source: North Carolina Department of Commerce Watauga County Employer Profile 2019 1<sup>st</sup> quarter.

Listed below are the largest employers in Caldwell County\*:

<u>Company</u>	<u>Industry</u>	<u>Employment Range</u>
Caldwell County Schools	Education and Health Services	1,000+
Merchants Distributors, LLC	Manufacturing	1,000+
Bernhardt Furniture Co., Inc.	Trade, Transportation and Utilities	1,000+
Caldwell Memorial Hospital Inc.	Education and Health Services	500-999
Caldwell County Government	Public Administration	500-999
Wal-Mart Associates, Inc.	Trade, Transportation and Utilities	500-999
Caldwell Comm. College & Tech. Inst.	Education and Health Services	500-999
Sealed Air	Manufacturing	250-499
Sealed Air Corp.	Trade, Transportation and Utilities	250-499

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\*Separate data for the Town are not available.

Source: North Carolina Department of Commerce Caldwell County Employer Profile 2019 1<sup>st</sup> quarter.

Construction activity in the Town is indicated in the following table of building permits:

<u>Fiscal Year Ended June 30</u>	<u>New Commercial</u>		<u>New Residential</u>		<u>Total Value</u>
	<u>Number</u>	<u>Value</u>	<u>Number</u>	<u>Value</u>	
2015	4	\$ 1,831,880	6	\$ 3,238,932	\$ 5,070,812
2016	3	4,190,000	5	2,725,420	6,915,420
2017	1	85,000	10	7,803,260	7,888,260
2018	2	3,600,500	16	11,289,452	14,889,952
2019	1	2,375,000	6	6,328,500	8,703,500

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Source: Town of Blowing Rock Planning and Inspections Department.

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Total taxable retail sales for Watauga County for the most recent five fiscal years are shown in the following table:

<u>Fiscal Year Ended/ Ending June 30</u>	<u>Total Taxable Sales</u>	<u>Increase Over Previous Year</u>
2015	\$ 725,223,019	6.3%
2016	774,529,812	6.8
2017	850,798,900	9.9
2018	871,741,338	2.5
2019	924,948,419	6.1

Total taxable retail sales for Caldwell County for the most recent five fiscal years are shown in the following table:

<u>Fiscal Year Ended/ Ending June 30</u>	<u>Total Taxable Sales</u>	<u>Increase (Decrease) Over Previous Year</u>
2015	\$ 560,528,987	13.4%
2016	571,758,036	2.0
2017	569,037,210	(0.5)
2018	582,851,945	2.4
2019	635,352,678	9.0

Source: North Carolina Department of Revenue, Sales and Use Tax Division. Separate data for the Town are not available.

## Employment

The North Carolina Department of Commerce, Division of Employment Security has estimated the percentage of unemployment in Watauga County and Caldwell County to be as follows:

	<u>Watauga County</u>					<u>Caldwell County</u>			
	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>		<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
January	4.8%	4.7%	3.9%	4.1%	January	5.6%	5.3%	4.3%	4.8%
February	4.8	4.5	4.0	3.9	February	5.5	4.8	4.2	4.5
March	4.9	4.5	3.8	4.0	March	5.3	4.3	3.9	4.4
April	4.3	3.6	3.3	3.1	April	4.9	3.8	3.5	3.8
May	4.5	3.9	3.3	3.8	May	4.9	4.2	3.5	4.3
June	4.9	4.2	4.0	4.1	June	5.3	4.4	4.1	4.8
July	4.7	4.4	3.6	4.1	July	5.3	4.7	4.0	4.6
August	4.7	4.4	3.6	4.0	August	5.4	4.7	4.0	4.6
September	4.0	3.5	2.8	3.0	September	5.1	4.0	3.3	3.7
October	4.1	3.4	3.0	N/A	October	5.0	4.5	3.5	N/A
November	4.0	3.6	3.1	N/A	November	5.0	4.2	3.7	N/A
December	4.2	3.5	3.3		December	4.9	4.1	4.0	

The unemployment rate for 2018 averaged 3.5% in Watauga County and 3.8% in Caldwell County, respectively, as compared to 3.9% for the State and 3.9% for the United States.

Source: NC Department of Commerce. Separate data for the Town not available.

## Government and Major Services

### GOVERNMENT STRUCTURE

The Town has had a Council-Manager form of government since 1986. Municipal elections are held every two years. The Mayor is elected at large and serves a two-year term. Council members are elected at-large and serve four-year terms with three or two members of Council being elected every two years, depending on the election cycle of alternating terms. All Council members have an equal vote. The Council sets Town policies, enacts ordinances, and appoints the Town Manager and Town Attorney. The Mayor votes only in the case of a tie. The Town Manager administers the daily operations and programs of the Town through supervision of the department heads, other staff members and employees.

### EDUCATION

Blowing Rock Elementary School which is part of the Watauga County School Administrative Unit is within the corporate limits of the Town. Watauga County Schools include approximately 4,600 students and over 650 professional personnel. The Town has no financial responsibility for the consolidated school system. The Watauga County Board of Commissioners is the primary funding source of the system, along with State and federal funds.

The following table shows the number of public schools and average daily membership over the past five years for the Watauga County Schools:

School Year	Total School Units	ELEMENTARY		SECONDARY	
		Kindergarten ADM	Grades 1-8 ADM	Grades 9-12 ADM	Total ADM
2015-16	9	350	2,613	1,367	4,330
2016-17	9	331	2,680	1,359	4,371
2017-18	9	349	2,727	1,399	4,475
2018-19	9	337	2,851	1,413	4,601
2019-20	9	344	2,851	1,469	4,664

Note: ADM — average daily membership (determined by the actual records at the schools) is computed by Watauga County Schools, LEA Data Coordinator on a uniform basis as for all public schools in the State. The ADM computation is used as a basis for teacher allotments.

Source: Watauga County Schools, LEA Data Coordinator.

A portion of the Town is also located in Caldwell County. The following table shows the number of public schools and average daily membership over the past five years for Caldwell County Schools:

School Year	Total School Units	ELEMENTARY		SECONDARY	
		Kindergarten ADM	Grades 1-8 ADM	Grades 9-12 ADM	Total ADM
2015-16	26	875	7,360	3,825	12,060
2016-17	26	787	7,082	3,946	11,815
2017-18	26	826	6,927	3,848	11,601
2018-19	26	817	6,820	3,737	11,374
2019-20	26	817	6,778	3,646	11,241

Note: ADM — average daily membership (determined by the actual records at the schools) is computed by Caldwell County Schools, on a uniform basis as for all public schools in the State. The ADM computation is used as a basis for teacher allotments.

Source: Public Schools of North Carolina State Board of Education, Department of Public Instruction for Caldwell County Schools.

Higher education needs are met by Caldwell Community College which offers a variety of two year vocational and basic education programs, college transfer curriculums, as well as continuing

education courses. Four year degrees are offered at Appalachian State University, which is one of 16 universities in the University of North Carolina system. Appalachian State is located 8 miles from Blowing Rock in Boone and has a student enrollment of 19,280.

#### TRANSPORTATION

The Town is primarily accessed by U. S. Highways 321 and 221, and by the Blue Ridge Parkway. U. S. Highway 321 north to Boone is four lanes, and 6.5 miles south of Blowing Rock the four-lane divided road resumes. The North Carolina Department of Transportation has completed a project which has widened the remaining ten miles of Highway 321 to four lanes. Betterments along the area of the project that are already complete include decorative fencing, new traffic light mast arms, sidewalk repair and extensions. Landscape enhancements and public art remain to be complete in the next year to conclude the Blowing Rock portion of the project.

The nearest airport with scheduled commercial flights is in Charlotte, North Carolina, 100 miles south of Blowing Rock. Major air terminals are also located in Greensboro and Asheville, North Carolina, as well as Johnson City, Tennessee. A small airstrip is located eight miles north in Boone, and a regional facility in Hickory, North Carolina, located fifty miles south of Blowing Rock can accommodate corporate and charter jets. There are ample motor freight carriers serving the Town and surrounding area.

The Town is part of the Rural Transportation Organization formed in 2001 to provide planning for future transportation needs for the seven-county mountain region of North Carolina in conjunction with the North Carolina Department of Transportation.

Construction and maintenance of streets in the Town are a high priority in the Town's budget. Approximately \$76,200 in State Powell Bill funds are received from the State each fiscal year. The Town Council has allocated additional funding in some years to maintain 31.305 miles of local streets.

#### MEDICAL AND HEALTH-RELATED FACILITIES

Effective October 1, 2013, Blowing Rock Hospital became Blowing Rock Rehabilitation & Davant Extended Care Center. Davant Care Center is a 72-bed skilled nursing and rehabilitation facility. Located in Blowing Rock, the center offers private or semi-private rooms, each with its own bathroom. Residents have access to a garden area with a gazebo as well as an activity room and day room for relaxation and socializing. The center also has outdoor views of the mountains and access to shopping, restaurants and activities.

Construction of the \$28 million post-acute care facility to replace the previous facility was completed in December of 2016. The facility named the Foley Center at Chestnut Ridge in Blowing Rock, offers a neighborhood concept with short and long term rehabilitation, memory care, long term care and palliative care.

#### PUBLIC UTILITY ENTERPRISES

The Town owns and operates a water treatment and distribution system and a wastewater treatment and collection system, which provide services to customers inside and outside the Town limits.

*Water System* — The water system consists of a plant processing capacity of 1 million gallons per day (MGD) with an average daily use of 0.3401 MGD. The system serves 2,205 accounts consisting of 2,007 residential and 198 commercial customers. The Town has 3.5 million gallons of treated water storage. Raw water is supplied from the Town's reservoir, which is fed by Brick House Creek, with Chetola Lake being used as a backup water source. In 2011, a potable waterline interconnection was constructed between Boone and Blowing Rock for emergency water supply. Also, the Town has

considered the land adjacent to its current reservoir if necessary, to expand the storage capacity of the reservoir from 45 million gallons to 60 million gallons. The Town continues to plan for growth and expansion of the system to meet the future needs of the community.

*Sanitary Sewer System* — The wastewater system consists of a treatment plant with capacity of .8 MGD with an average daily influent of .3456 million gallons. The system serves 1,889 customers consisting of 1,642 residential and 247 commercial customers. In recent years a new, more powerful electric generator that can support the entire plant was installed. In addition, upgrades have been completed on the diffusers and digesters to help the plant run more efficiently.

#### PARKS AND RECREATION AND LANDSCAPING

The Town operates a year-round parks and recreation and landscaping department with a budget for fiscal year 2019-2020 of \$1,066,509. In addition to the full time staff of eight employees, each summer approximately thirty seasonal employees are hired to oversee a summer day camp program serving 160 children, staff the ten year old Robbins Pool at Broyhill Park which is the only public outdoor swimming pool in Watauga County, and staff a building in Memorial Park that provides athletic equipment for residents and visitors to use.

The Parks and Recreation Department offers four special events each year. There is an annual Easter Egg Hunt and activities, July 4<sup>th</sup> Festival with games, concerts, horseshoe tournament and parade, Halloween Festival with games, hayrides, Monster March, trick-or-treating, costume contest, and moonlight scavenger hunt, and the Christmas in the Park/Lighting of the Town Festival with caroling, hayrides, visits with Santa, and parade.

Other programs that are organized through this department include kinder basketball, kinder t-ball, and kinder soccer which are offered for children in the entire County from ages three to five. There is also a Monday Night Concert Series during July and August and an outdoor movie night every other Thursday from the end of June to the first of August.

The Recreation Department oversees landscaping and rentals of all the Town areas and facilities including a new gazebo in Memorial Park for concerts, an American Legion building for meetings, parties, receptions etc., Broyhill gazebo for weddings, the newly renovated Blowing Rock Clubhouse, Davant ball field, and the Recreation Center.

#### PUBLIC SAFETY

The Blowing Rock Police Department provides services to the community 24 hours a day. During the year of 2018, only 75 property crimes were reported to the Police Department. The national real estate firm Trulia gives the Town its safest rating. A high emphasis is placed on the continuing education and training of officers.

Blowing Rock Fire & Rescue is a combination regular paid staff and volunteer department currently working out of three stations, serving a 58 square-mile district that includes the Town and nearby rural communities. Staff members are employees of the Town as part of a partnership that provides the citizens and visitors with Paramedic care, Heavy Rescue response, and as of December 1, 2015, a Property Protection Class 4 rating. The headquarters station contributed much to the improved rating and the service provided. Station 1 was a collaborative investment totaling more than \$5 million by combining efforts and improving services and quality of life significantly. A third station was completed in September 2017 in the district's northern service area.

#### **SOLID WASTE**

The Town's Sanitation Division is responsible for the collection of solid waste from all residences and commercial properties in Town. Curbside residential pick-up is once a week. Commercial service is offered three days per week.

Solid waste is transported to a transfer station at the Watauga County Landfill in the Town of Boone. Watauga County charges the Town a tipping fee for each ton of commercial solid waste that is delivered to the County's landfill. The County charges a mixed rate tipping fee for solid waste since each residential property owner is assessed an annual disposal fee on their County property tax bill and waste deposited at the Landfill consists of a mix of residential and commercial refuse.

#### **RECYCLING**

The Town contracts with Republic Services to provide residential curbside recycling which is collected bi-weekly throughout Town to encourage recycling. The program collects recyclables including paper, plastic, glass and aluminum/steel cans, with the Town furnishing the recycling container. Cardboard pick-up is not provided, but it can be dropped off at two Watauga County convenience center locations, the nearest of which is located just outside of the Town limits.

Within the Town of Blowing Rock, it is mandatory that businesses participate in the recycling program. The Sanitation Division collects recyclable cardboard once a week for small volume businesses, and then transports the recyclable materials to the Watauga County Recycling Center. Large volume businesses must privately contract for cardboard and glass recycling service.

#### **Debt Information**

##### **LEGAL DEBT LIMIT**

In accordance with the provisions of the State Constitution and The Local Government Bond Act, as amended, allowing for the issuance of all presently authorized bonds, including those being offered by this Official Statement, the Town has the statutory capacity to incur additional net debt in the approximate amount of approximately \$92,539,000 as of June 30, 2019. For a summary of certain constitutional, statutory and administrative provisions governing or relating to the incurrence of debt by units of local government of the State, see Appendix B.

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OUTSTANDING GENERAL OBLIGATION DEBT

**General Obligation Bonds**

	<u>June 30, 2016</u>	<u>June 30, 2017</u>	<u>June 30, 2018</u>	<u>June 30, 2019</u>
Parks and Recreation	\$ 440,000	\$ 417,692	\$ 535,384	\$ 505,772
Streets	3,060,000	2,904,854	4,349,708	4,111,083
Water and Sewer	<u>1,135,000</u>	<u>1,077,454</u>	<u>1,579,908</u>	<u>1,493,145</u>
Total Outstanding Debt	\$4,635,000	\$4,400,000	\$6,465,000	\$6,110,000

Most Recent Bonds Issued:

2017-18 \$2,300,000 General Obligation Public Improvement Bonds, Series 2018, 10.25 years average maturity, 2.9366% true interest cost.

GENERAL OBLIGATION DEBT RATIOS

<u>At June 30</u>	<u>Total GO Debt</u>	<u>Assessed Valuation</u>	<u>Total GO Debt to Assessed Valuation</u>	<u>Population<sup>1</sup></u>	<u>Total GO Debt Per Capita</u>
2016	\$4,635,000	\$1,101,061,712	.42%	1,307	\$3,546
2017	4,400,000	1,108,171,708	.40	1,327	3,316
2018	6,465,000	1,114,586,575	.58	1,347	4,800
2019	6,110,000	1,143,236,713	.53	1,347 <sup>2</sup>	4,536
After the Bonds now offered are issued	\$10,480,000	\$1,143,236,713	.92%	1,347 <sup>2</sup>	\$7,780

<sup>1</sup>Estimates of North Carolina Office of State Budget and Management.

<sup>2</sup>For purposes of this schedule, the 2018 population is being used.

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GENERAL OBLIGATION DEBT SERVICE REQUIREMENTS AS OF JUNE 30, 2019 AND MATURITY SCHEDULE

Fiscal Year Ending June 30th	Utilities		Other		Total		Bonds Now Offered	
	Existing Debt		Existing Debt		Existing Debt			
	Principal	Interest	Principal	Interest	Principal	Interest		
2020	\$ 86,763.22	\$ 125,717.62	\$ 268,236.78	\$ 388,794.88	\$ 355,000.00	\$ 514,512.50	\$ -	
2021	86,763.22	123,105.82	268,236.78	380,706.68	355,000.00	503,812.50	220,000.00	
2022	86,763.22	120,494.04	268,236.78	372,618.46	355,000.00	493,112.50	220,000.00	
2023	86,763.22	117,882.26	268,236.78	364,530.24	355,000.00	482,412.50	220,000.00	
2024	86,763.22	115,270.48	268,236.78	356,442.02	355,000.00	471,712.50	220,000.00	
2025	86,763.22	113,243.04	268,236.78	350,169.46	355,000.00	463,412.50	220,000.00	
2026	86,763.22	111,215.60	268,236.78	343,896.90	355,000.00	455,112.50	220,000.00	
2027	85,545.83	107,970.77	264,454.17	333,841.73	350,000.00	441,812.50	220,000.00	
2028	85,545.83	105,979.85	264,454.17	327,682.65	350,000.00	433,662.50	220,000.00	
2029	85,545.83	103,988.93	264,454.17	321,523.57	350,000.00	425,512.50	220,000.00	
2030	85,545.83	101,998.01	264,454.17	315,364.49	350,000.00	417,362.50	220,000.00	
2031	84,328.44	98,789.72	260,671.56	305,422.78	345,000.00	404,212.50	220,000.00	
2032	84,328.44	96,777.76	260,671.56	299,199.74	345,000.00	395,977.50	220,000.00	
2033	84,328.44	94,679.52	260,671.56	292,710.48	345,000.00	387,390.00	220,000.00	
2034	84,328.44	92,523.72	260,671.56	286,043.78	345,000.00	378,567.50	220,000.00	
2035	84,328.44	90,276.88	260,671.56	279,095.64	345,000.00	369,372.52	220,000.00	
2036	68,411.50	72,084.34	211,588.50	222,975.66	280,000.00	295,060.00	220,000.00	
2037	26,782.58	28,523.44	83,217.42	88,626.56	110,000.00	117,150.00	215,000.00	
2038	26,782.58	27,653.02	83,217.42	85,921.98	110,000.00	113,575.00	215,000.00	
2039							210,000.00	
2040							210,000.00	
Totals	\$ 1,493,144.72	\$ 1,848,174.82	\$ 4,616,855.28	\$ 5,715,567.70	\$ 6,110,000.00	\$ 7,563,742.52	\$ 4,370,000.00	

BONDS AUTHORIZED AND UNISSUED

<u>Purpose</u>	<u>Date Approved</u>	<u>Bonds Authorized and Unissued</u>	<u>Bonds Now Offered</u>	<u>Balance</u>
Parks and Recreation	11/04/2014	\$ 420,000	\$ --	\$ 420,000
Streets	11/04/2014	4,340,000	3,690,000	650,000
Water	11/04/2014	970,000	380,000	590,000
Sewer	11/04/2014	335,000	300,000	35,000
		\$ 6,065,000	\$ 4,370,000	\$ 1,695,000

DEBT INFORMATION FOR OVERLAPPING UNITS AS OF JUNE 30, 2019

<u>Unit</u>	<u>2018 Population<sup>1</sup></u>	<u>Assessed Valuation</u>	<u>Tax Rate Per \$100</u>	<u>Debt Authorized and Unissued</u>		<u>Total GO Debt</u>		<u>Total GO Debt Per Capita</u>
				<u>Utility</u>	<u>Other</u>	<u>Utility</u>	<u>Other</u>	
Watauga County	57,067	\$9,218,301,283	\$0.353	\$ --	\$ --	\$ --	\$ --	\$ --
Caldwell County	83,291	7,025,307,210	0.630	--	--	--	--	--

<sup>1</sup>North Carolina Office of State Budget and Management.

OTHER LONG-TERM COMMITMENTS

As of June 30, 2019, the following installment purchase contracts were outstanding:

Installment contract, dated October 10, 2006, final maturity in 2026, with a face amount of \$4,700,000, due in annual payments of \$235,000 plus interest at 4.22%, collateralized by building and land (Fire/Rescue Building). This debt has an outstanding balance of \$1,645,000.

Installment contract, dated March 6, 2012, final maturity in 2033, with a face amount of \$550,398, due in annual payments of \$27,519 plus interest at 2.445%, funding received through N.C. Department of Natural Resources (Wastewater Treatment Plant Improvements). This debt has an outstanding balance of \$375,336.

Installment contract, dated May 14, 2010, final maturity in 2031, with a face amount of \$1,000,131, due in annual payments of \$37,824 plus interest at 0.00%, funding received through the NC Drinking Water and Revolving Loan and Grant Program and was matched 100% by American Reinvestment and Recovery Act grant funds (Water Interconnect). This debt has an outstanding balance of \$453,888.

Installment contract, dated September 2015, final maturity in 2020, with a face amount of \$402,265 due in quarterly payments of \$104,529 plus interest at 1.5%, collateralized by vehicles. This debt has an outstanding balance of \$102,976.

Installment contract, dated August 25, 2009, final maturity in 2025, with a face amount of \$1,000,000, due in two annual interest payments of \$40,800 followed by annual payments of \$76,923 plus interest at 4.08%, collateralized by a parking facility (BRAHM Parking Facility). This debt has an outstanding balance of \$461,538.

Installment contract, dated May 5, 2015, final maturity in 2030, with a face amount of \$1,700,580, due in annual payments of \$113,372 plus interest at 2.83%, collateralized by a building (Public Works Warehouse). This debt has an outstanding balance of \$1,247,092.

Installment contract dated September 2016, final maturity 2021, with a face amount of \$312,000 plus interest of 1.37%, collateralized by vehicles. This debt has an outstanding balance of \$158,485.

Installment contract, dated September 2017, final maturity of 2022, with a face amount of \$404,804 due in annual installment of \$97,990 plus interest at 2.41%, collateralized by vehicles. This debt has an outstanding balance of \$306,818.

#### DEBT OUTLOOK

The major funding initiative plans for fiscal year 2019-20 include funding annual capital equipment and vehicle purchases through a single capital equipment funding package. This includes funding for the following equipment: two dual band radios, replacement body/vehicle cameras, a dump truck, a pick-up truck, a storage building, roof replacement, a commercial heater, a finished water flow meter, a hydraulic power pack and a sewer camera van. These purchases will total approximately \$300,000 and increase debt service in the general fund by approximately \$51,860 and \$24,840 in the utility fund annually.

A general obligation bond referendum with four different questions was placed before the Town voters on November 4, 2014 totaling \$13,000,000 in bond funding authority consisting of \$9,000,000 in street improvements, \$1,000,000 in park improvements, \$2,000,000 in water line and system improvements and \$1,000,000 in sewer line and system improvements. Bonds in the amount of \$4,635,000 were issued in 2016 to fund the first phase of these projects, with another \$2,300,000 issued in 2018. Borrowing of funds to finance the third phase of these improvements is accomplished with the issuance of the Bonds now offered.

#### Tax Information

##### GENERAL INFORMATION

	Fiscal Year Ended or Ending June 30			
	2016	2017	2018	2019 <sup>4</sup>
Assessed Valuation:				
Assessment Ratio <sup>1</sup>	100%	100%	100%	100%
Real Property	\$ 1,080,288,700	\$ 1,088,545,203	\$ 1,094,832,124	\$ 1,115,576,740
Personal Property	14,169,309	12,836,659	11,042,340	19,307,110
Public Service Companies <sup>2</sup>	6,603,703	6,789,846	8,712,111	8,352,863
Total Assessed Valuation	\$ 1,101,061,712	\$ 1,108,171,708	\$ 1,114,586,575	\$ 1,143,236,713
Rate per \$100 Valuation	.34	.37	.38	.39
Levy	\$ 3,633,504	\$ 3,767,784	\$ 4,230,065	\$ 4,425,996

<sup>1</sup>Percentage of appraised value has been established by statute.

<sup>2</sup>Valuation of railroads, telephone companies and other utilities as determined by the North Carolina Property Tax Commission.

<sup>3</sup>Breakdown is estimated based on audit.

<sup>4</sup>Estimate based on adopted budget figures and public service companies' discovery billing.

Note: Caldwell County revaluation was effective in tax year 2013 and Watauga County was effective in tax year 2014. Revaluations are required at least every 8 years in both counties by state statute.

Source: State Form TR-2 Municipal Certification provided by Town of Blowing Rock Tax Collector.



## TAX COLLECTIONS

<u>Year Ended June 30</u>	<u>Prior Years' Levies Collected</u>	<u>Current Year's Levy Collected</u>	<u>Percentage of Current Year's Levy Collected</u>
2014	\$ 27,912	\$ 3,132,273	98.34%
2015	51,645	3,337,422	98.84
2016	67,653	3,576,494	98.92
2017	46,492	3,709,986	99.13
2018	21,307	4,132,342	98.49
2019	52,034	4,338,628	98.68

Note: Collections do not include motor vehicles or penalties.

## TEN LARGEST TAXPAYERS FOR FISCAL YEAR 2018-19

<u>Name</u>	<u>Type of Business</u>	<u>Assessed Valuation</u>	<u>Tax Levy</u>	<u>Percent of Total Levy</u>
Tanger Properties LTD PTNRP	Retail	\$ 9,594,300	\$ 37,418	0.91%
Blue Ridge Electric Membership Corp.	Power Company	6,419,793	25,037	0.61
Lewis, Kenneth D.	Residence	5,549,900	21,645	0.53
Main & Sunset, LLC	Land Development	5,052,400	19,704	0.48
Chestnut Investment Partners, LLC	Land Development	4,993,100	19,473	0.48
RSK LLC.	Resort	4,712,300	18,378	0.45
Rankin, Kay H.	Residence	4,438,000	17,308	0.42
Blowing Rock Country Club Inc.	Country Club/Golf Course	4,310,400	16,811	0.41
Watauga Partners, LLC	Land Development	4,028,100	15,710	0.38
Chetola Lake POA	Resort/Condos	3,994,000	15,577	0.38
Totals		\$53,092,193	\$207,062	5.06%

Note: Total 2018-19 Ad Valorem Levy, excluding motor vehicles, is \$4,091,050.

## 2019-20 Budget Commentary

Property tax collections and revenues from sales tax are projected to show modest growth due to projected growth in the fiscal year 2018-19 ad valorem tax base of approximately 1.3%, a budgeted real property tax rate increase from 38 to 39 cents and the continuation of the ad valorem method of sales tax distribution set by Watauga County for the seventh consecutive year. The Town will use these revenues to maintain existing programs and fund planned capital improvements, including the increase in debt service expected with the general obligation borrowing in the winter of 2019.

Prior to fiscal year 2016, a funding source available to all North Carolina municipalities including Blowing Rock was Privilege License Taxes on trades, occupations, professions, businesses and franchises carried on within the municipality. This tax ranged from \$2.50 to \$100 per business. The North Carolina General Assembly eliminated the authority of municipalities to levy a privilege license tax effective July 1, 2015, so this revenue source was eliminated from the Town's budget beginning in fiscal year 2016. This revenue source for the Town typically averaged approximately \$16,000 per year and peaked at nearly \$22,000 in fiscal year 2012.

Budgeted expenditures in the General Fund are expected to increase only slightly (4.89%), as a result of continued gradual rising costs associated with inflation-driven increases in operation and maintenance costs.

Water use has continued to gradually decline over the past decade due to more efficient fixtures being installed by customers. The utility customer base has remained fairly steady, which offers fewer gallons among which to spread the largely fixed costs of providing dependable water and sewer services. To help ensure the system is able to recover its costs and not be subsidized by tax revenues to pay increased debt service costs associated with planned water and sewer capital improvements, a \$2.00 base charge increase for both water and sewer along with a \$0.25 increase in the per thousand gallon rate for gallons consumed greater than 5,000 per two-month billing period has been implemented. These changes are expected to increase a typical customer's bill by 4%. General operating expenses may also increase slightly as a result of rising costs associated with inflation driven increases in operation and maintenance costs.

The Town's budget supports 67 full-time employees. Personnel costs, including benefits, represent approximately 46% of the total combined operating budget. Following a comprehensive classification and pay study, Town Council committed to phasing in its implementation over four years to move toward the market salary levels for positions identified. The final phase of this implementation was achieved in the fiscal year 2017-18 budget. Strides now work towards a merit based evaluation system to facilitate pay increases as warranted going forward.

### **Pension Plans**

The Town participates in the North Carolina Local Governmental Employees' Retirement System and the Supplemental Retirement Income Plan.

*North Carolina Local Governmental Employees' Retirement System* — The North Carolina Local Governmental Employees' Retirement System is a service agency administered through a board of trustees by the State for public employees of counties, cities, boards, commissions and other similar governmental entities. While the State Treasurer is the custodian of system funds, administrative costs are borne by the participating employer governmental entities. The State makes no contributions to the system.

The system provides, on a uniform system-wide basis, retirement and, at each employer's option, death benefits from contributions made by employers and employees. Employee members contribute six percent of their individual compensation. Each employer makes a normal contribution plus, where applicable, a contribution to fund any accrued liability over a 24-year period. The normal contribution rate, uniform for all employers, was 7.75% of eligible payroll for general employees and 8.50% of eligible payroll for law enforcement officers for fiscal year ended June 30, 2019. The contribution rates for the fiscal year ending June 30, 2020 were set at 8.95% for general employees and 9.70% for law enforcement officers. The accrued liability contribution rate is determined separately for each employer and covers the liability of the employer for benefits based on employees' service rendered prior to the date the employer joins the system.

Members qualify for a vested deferred benefit that is unreduced at age 65, with at least five years of creditable service, or at age 60 with 25 years of credit, at any age with 30 years credit; reduced benefit at age 50 with at least 20 years credit or at age 60 with at least five years of creditable service. Benefit payments are computed by taking an average of the annual compensation for the four consecutive years of membership service yielding the highest average. This average is then adjusted by a percentage formula, by a total years of service factor, and by an age service factor if the individual is not eligible for unreduced benefits. Contributions to the system are determined on an actuarial basis.

For additional information concerning the Town's participation in the North Carolina Local Governmental Employees' Retirement System and the Supplemental Retirement Income Plan of North Carolina see the Notes to the Town's Audited Financial Statements.

Financial statements and required supplementary information for the North Carolina Local Governmental Employees' Retirement System are included in the Comprehensive Annual Financial Report ("CAFR") for the State. Please refer to the State's CAFR for additional information.

The Town also contributes to a Supplemental Retirement Income Plan (Plan), a defined contribution pension plan administered by the Department of State Treasurer and a Board of Trustees. The Plan provides retirement benefits to both law enforcement officers and general employees of the Town. The supplemental Retirement Income Plan for Law Enforcement Officers and General Employees is included in the Comprehensive Annual Financial Report (CAFR) for the State of North Carolina.

### **Other Post-Employment Benefits**

The post-employment healthcare benefits are provided through a cost-sharing multiple-employer defined benefit plan administered by the Executive Administrator and the Board of Trustees of the Comprehensive Major Medical Plan (the Plan). The Executive Administrator and the Board of Trustees of the Plan establish premium rates except as may be established by the NC General Assembly in an appropriation act. The Plan's benefit and contribution provisions are established by Chapter 13-7, Article 1 and Chapter 135, Article 3 of the General Statutes and may be amended only by the North Carolina General Assembly. By General Statute, the Plan accumulates contributions from employers and any earnings on those contributions in the Retiree Health Benefit Fund. These assets shall be used to provide health benefits to retired and disabled employees and their applicable beneficiaries. These contributions are irrevocable. Also by law, these assets are not subject to the claims of creditors of the employers making contributions to the plan.

The State of North Carolina issues a publicly available financial report that includes financial statements and required supplementary information for the State's Major Comprehensive Medical (also, referred to as the State Health Plan). An electronic version of this report is available by accessing the North Carolina Office of the State Controller's internet home page <http://www.ncosc.net/> and clicking on "Financial Reports", or by calling the State Controller's Financial Reporting Section at (919) 981-5454.

### **Litigation**

The Town is not aware of any litigation or other contingent liabilities which it expects would materially adversely affect its ability to meet its financial obligations.

### **CONTINUING DISCLOSURE**

In a resolution adopted by the Town Council, the Town has undertaken, for the benefit of the beneficial owners of the Bonds, to provide to the Municipal Securities Rulemaking Board ("MSRB"), the following:

- (a) by not later than seven months from the end of each fiscal year of the Town, beginning with fiscal year ending June 30, 2020, audited financial statements of the Town for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Town are not available by seven months from the end of such fiscal year, unaudited financial statements of the Town for such fiscal year to be replaced subsequently by audited financial statements of the Town to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the Town, beginning with fiscal year ending June 30, 2020, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under headings "THE TOWN - Debt Information" and "Tax Information" in this Official Statement (excluding any information on overlapping units) and (ii) the combined budget of the Town for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, not in excess of ten business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds; if material;
- (8) Bond calls, if material, and tender offers;
- (9) defeasance of any of the Bonds;
- (10) release, substitution or sale of any property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar proceedings of the Town;
- (13) the consummation of a merger, consolidation, or acquisition involving the Town or the sale of all or substantially all of the assets of the Town, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) incurrence of a financial obligation (as defined below) of the Town, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Town, any of which affect beneficial owners of the Bonds, if material; and

- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the Town, any of which reflect financial difficulties; and
- (d) in a timely manner, to the MSRB, notice of a failure of the Town to provide required annual financial information described in (a) or (b) above on or before the date specified.

The Town shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The Town may discharge its undertaking described above in any manner that the U.S. Securities and Exchange Commission subsequently authorizes in lieu of the manner described above.

For purposes of sections 15 and 16 above, "financial obligation" means (a) a debt obligation, (b) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (c) a guarantee of either clause (a) or (b). The term "financial obligation" shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with Rule 15c2-12.

At present, Section 159-34 of the General Statutes of North Carolina requires the Town's financial statements to be prepared in accordance with generally accepted accounting principles and to be audited in accordance with generally accepted auditing standards.

The resolution adopted by the Town also provides that if the Town fails to comply with the undertaking described above, any beneficial owner of the Bonds then outstanding may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

Pursuant to such resolution, the Town reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Town, provided that:

- (a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Town;
- (b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 ("Rule 15c2-12") as of the date of this Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and
- (c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the Town (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds then outstanding pursuant to the terms of such resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information is required to explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The undertaking described above will terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

During the past five years, the Town has not failed to comply, in any material respect, with any undertaking previously made by the Town pursuant to the requirements of Rule 15c2-12.

#### APPROVAL OF LEGAL PROCEEDINGS

Certain legal matters related to the authorization and issuance of the Bonds are subject to the approval of Sands Anderson PC, Durham, North Carolina, Bond Counsel for the Town ("Bond Counsel"). Bond Counsel's approving legal opinion will be provided at the Town's expense and will be available at the time of the delivery of the Bonds. The proposed form of Bond Counsel's opinion is attached as Appendix E.

#### RATING

S&P Global Ratings has given the Bonds a rating of █. This rating reflects only the respective view of such organization, and an explanation of the significance of such rating may be obtained only from the respective organization providing such rating. Certain information and materials not included in the Official Statement were furnished to such organization. There is no assurance that such rating will remain in effect for any given period of time or that any or all will not be revised downward or withdrawn entirely. Any downward revision or withdrawal of a rating may have an adverse effect on the market prices of the Bonds.

#### TAX TREATMENT

**Opinion of Bond Counsel.** In the opinion of Bond Counsel, under existing law, interest on the Bonds (1) will not be included in gross income of the owners thereof for federal income tax purposes, (2) will not be an item of tax preference for purposes of the federal alternative minimum income tax, and (3) will be exempt from existing State of North Carolina income taxes. Bond Counsel will express no other opinion regarding the federal or North Carolina tax consequences of the ownership of or the receipt or accrual of interest on the Bonds.

Bond Counsel will give its opinion in reliance upon certifications by Town representatives and others as to certain facts relevant to the opinion. The Town has covenanted to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), regarding, among other matters, the use, expenditure and investment of the proceeds derived from the sale of the Bonds and the timely payment to the United States of any arbitrage profit with respect to the Bonds. The Town's failure to comply with such covenants could cause interest on the Bonds to be included in gross income for federal income tax purposes retroactively to date of issuance of the Bonds.

**Designation for Purchase by Financial Institutions.** The Code generally provides that financial institutions may not deduct any of the interest expense (the "cost of carry") allocable to tax-exempt obligations acquired after August 7, 1986, except that financial institutions may deduct 80% of the cost of carry allocable to "qualified tax-exempt obligations." An obligation's status as a qualified tax-exempt obligation depends, among other things, on (1) an affirmative act of designation by the obligor and (2) the obligor's compliance with certain restrictions in the Code.

The Town has designated the Bonds as qualified tax-exempt obligations and has covenanted to comply with the applicable restrictions in the Code. In the opinion of Bond Counsel, under existing law, the Bonds will be qualified tax-exempt obligations. Bond Counsel's opinion in this regard relies upon certifications by Town representatives as to certain facts material to the opinion.

**Other Tax Consequences.** In addition to the matters addressed above, prospective purchasers of the Bonds should be aware that the ownership of tax-exempt obligations may result in collateral federal income tax consequences to certain taxpayers, including without limitation, financial institutions, property and casualty insurance companies, certain S corporations, certain foreign corporations subject to the branch profits tax, corporations subject to the environmental tax, recipients of Social Security or Railroad Retirement benefits and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry tax-exempt obligations. Prospective purchasers of the Bonds should consult their tax advisors as to the applicability and impact of such consequences.

Interest on the Bonds may or may not be subject to state or local taxation in jurisdictions other than North Carolina. Prospective purchasers of the Bonds should consult their own tax advisors as to the status of interest on the Bonds under the tax laws of any such jurisdiction other than North Carolina.

**Discount Bonds and Premium Bonds.** \_\_\_\_\_, as lead underwriter, has advised the Commission that the initial public offering prices of the Bonds maturing on November 1, \_\_\_\_\_ to \_\_\_\_\_ inclusive, (the "Discount Bonds"), are less than the respective amounts payable at maturity. An amount not less than the difference between the initial public offering prices of the Discount Bonds and the amounts payable at maturity constitutes original issue discount ("OID"). Owners of Discount Bonds should consult their own tax advisors as to the determination for federal tax purposes of the amount of OID properly accruing each year with respect to the Discount Bonds and as to federal tax consequences and the treatment of OID for State of North Carolina and local tax purposes.

\_\_\_\_\_, as lead underwriter, has also advised the Commission that the initial public offering prices of the Bonds maturing on November 1, \_\_\_\_\_ to \_\_\_\_\_, inclusive, (the "Premium Bonds"), are greater than the amounts payable at maturity. The difference between the amount payable at maturity of the Premium Bonds and the tax basis of the Premium Bonds to a purchaser (other than a purchaser who holds Premium Bonds as inventory, stock in trade or for sale to customers in the ordinary course of business) who purchases the Premium Bonds at the initial offering price is "Bond Premium." Bond Premium is amortized over the term of the Premium Bonds for federal income tax purposes. Owners of the Premium Bonds are required to decrease their adjusted basis in the Premium Bonds by the amount of amortizable Bond Premium attributable to each taxable year the Premium Bonds are held. Owners of the Premium Bonds should consult their tax advisors with respect to the precise determination for federal income tax purposes of the treatment of Bond Premium upon the sale or other disposition of the Premium Bonds and with respect to State of North Carolina and local tax consequences of owning and disposing of the Premium Bonds.

Bond Counsel's opinion will not expressly pass on the status of any amounts as either Original Issue Discount or Bond Premium.

#### **FINANCIAL ADVISOR**

First Tryon Advisors has served as the financial advisor (the "*Financial Advisor*") to the Town with respect to the sale of the 2020 Bonds. The Financial Advisor's fee for services rendered with respect to the sale of the 2020 Bonds is contingent on the issuance and delivery of the 2020 Bonds. The Financial Advisor is not obligated to undertake, and has not undertaken, either to make an independent verification of or to assume responsibility for the accuracy, completeness, or fairness of the information contained in this Official Statement and the appendixes thereto.

#### **UNDERWRITING**

The underwriters for the Bonds are \_\_\_\_\_

The underwriters have jointly and severally agreed, subject to certain conditions, to purchase all but not less than all of the Bonds. If all of the Bonds are sold at the public offering yields here-

inabove set forth, the underwriters anticipate total selling compensation of \_\_\_\_.\* The public offering prices or yields of the Bonds may be changed from time to time by the underwriters.

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\*Information provided by underwriters.

## MISCELLANEOUS

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact.

References herein to the State Constitution and legislative enactments are only brief outlines of certain provisions thereof and do not purport to summarize or describe all provisions thereof.

The execution of this Official Statement has been duly authorized by the Local Government Commission of North Carolina and the Town Council of the Town.

### LOCAL GOVERNMENT COMMISSION OF NORTH CAROLINA

By

Greg C. Gaskins  
*Secretary of the Commission*

TOWN OF BLOWING ROCK, NORTH CAROLINA

By

Charles Sellers  
*Mayor*

By

Shane Fox  
*Town Manager*

By

Nicole M. Norman  
*Finance Officer*

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*Notice of Sale and Bid Form*

**Note:**

- Bonds are to be awarded on a True Interest Cost (TIC) basis as described herein.
- No bid for fewer than all of the bonds offered or for less than 100% of the aggregate principal amount of the bonds will be entertained.
- The Town has designated the bonds as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code.
- If fewer than three conforming bids are received for the bonds offered, the Town may require the winning bidder to “hold the offering price” as described herein with respect to any maturities of the Bonds that have not satisfied the 10% test (as defined herein) for five business days.

**Town of Blowing Rock,  
North Carolina**

**\$4,370,000  
General Obligation Public Improvement Bonds,  
Series 2020**

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*Sealed and Electronic Bids Will Be Received Until 11:00 A.M., North Carolina Time,  
December 10, 2019*

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**NOTICE OF SALE  
TOWN OF BLOWING ROCK, NORTH CAROLINA  
\$4,370,000  
GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2020**

Sealed and electronic bids (as described below) will be received until 11:00 A.M., North Carolina Time, December 10, 2019, by the undersigned at its office at 3200 Atlantic Avenue, Longleaf Building,

Raleigh, North Carolina 27604, such bids to be opened in public at said time and place on said day, for the purchase of \$4,370,000 General Obligation Public Improvement Bonds, Series 2020 of the Town of Blowing Rock, North Carolina (the "Town"), dated their date of delivery, and maturing (subject to the right of prior redemption) annually, November 1, \$220,000 in 2020 to 2035, inclusive, \$215,000 in 2036 and 2037, inclusive and \$210,000 in 2038 and 2039, inclusive. There will be no auction.

Proposals may be delivered by hand, by mail or electronically. Electronic proposals must be submitted via BiDCOMP/PARITY, but no proposal shall be considered which is not actually received by the Local Government Commission (the "Commission") at the place and on or prior to the date and time specified above for submission of bids. The Commission shall not be responsible for any failure, misdirection or error in the means of transmission selected by any firm submitting a proposal.

The Town reserves the right to change, cancel or reschedule, from time to time, the date or time established for the receipt of bids and will undertake to notify registered prospective bidders via notification published on BiDCOMP/PARITY, or by other means as necessary. The Town may change the scheduled delivery date for the Bonds by notice given in the same manner as that set forth for a change in the date for the receipt of bids.

To the extent any instructions or directions set forth in BiDCOMP/PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about BiDCOMP/PARITY, potential purchasers may contact BiDCOMP/PARITY at (212) 849-5021. Each prospective purchaser is solely responsible for making necessary arrangements to access BiDCOMP/PARITY for purposes of submitting its proposal in a timely manner and in compliance with this Notice of Sale. The terms of this Notice of Sale and the sale of the bonds shall be governed by North Carolina law.

The Commission does not have a registration process for prospective purchasers. Prospective purchasers who intend to submit their proposal by BiDCOMP/PARITY must register and be contracted customers of i-Deal LLC's BiDCOMP competitive bidding system before the sale. By submitting a bid for the bonds, the prospective purchaser represents and warrants to the Commission that such proposal is submitted for and on behalf of the prospective purchaser by an officer or agent who is duly authorized to bind the prospective purchaser to a legal, valid and enforceable contract for the purchase of the bonds. **Neither the Commission nor the Town have reviewed or verified the accuracy or completeness of the information contained in BiDCOMP/PARITY and assume no responsibility for the accuracy or completeness of such information.**

The bonds will be issued as fully registered bonds in a book-entry only system under which The Depository Trust Company, New York, New York ("DTC") will act as securities depository for the bonds as fully described in the Preliminary Official Statement described below. Purchases and transfers of the bonds may be made only in authorized denominations of \$5,000 and in accordance with the practices and procedures of DTC. Interest on the bonds will be payable on May 1, 2020 and semiannually thereafter on each May 1 and November 1, and the principal of the bonds will be payable at maturity to DTC or its nominee, as registered owner of the bonds.

The bonds will be general obligations of the Town, for the payment of the principal of and interest on which all the taxable real and tangible personal property within the Town will be subject to the levy of an ad valorem tax, without limitation as to rate or amount.

The bonds maturing on or prior to November 1, 2029 will not be subject to redemption prior to maturity. The bonds maturing on November 1, 2030 and thereafter will be redeemable prior to maturity, at the option of the Town, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than November 1, 2029, at the redemption price of the principal amount of bonds to be so redeemed, plus accrued interest to the redemption date. If less than all of the bonds of any one maturity are called for redemption, the particular bonds or portions of bonds to be redeemed shall be selected by lot in such manner as the Town in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in an authorized denomination and that, in selecting bonds for redemption, each bond shall be considered as representing that number of bonds which is obtained by dividing the principal amount of such bond by the minimum authorized denomination. So long as a book-entry system with DTC is used for determining beneficial ownership of the bonds, if less than all of the bonds within a maturity are redeemed, DTC shall determine by lot the amount of interest of each Direct Participant in the bonds within such maturity to be redeemed.

Notice of redemption will be given to the registered owners of the bonds and to the Municipal Securities Rulemaking Board, as provided in the Resolution authorizing the issuance of the bonds (the "Bond Resolution"). Such notice will be given not less than 30 nor more than 60 days prior to the date fixed for redemption.

Bidders are requested to name the interest rate or rates, in multiples of 1/8 or 1/20 of 1%, and each bidder must specify in its bid the amount and the maturities of the bonds of each rate. Any number of interest rates may be named, provided the difference between the lowest and highest rates named in the bid shall not exceed 3.5%. All bonds maturing on the same date must bear interest at the same rate, and the interest rate on any bond shall be the same throughout its life. No bid for less than all the bonds offered or for less than 100% of the aggregate principal amount of the bonds will be entertained. The bonds will be awarded to the bidder offering to purchase the bonds at the lowest interest cost to the Town, such cost to be determined in accordance with the true interest cost (TIC) method by doubling the semiannual interest rate, compounded semiannually, necessary to discount the debt service payments from the interest payment dates to the proposed delivery date (January 8, 2020), and equal to the price bid.

Each bid delivered by hand or mail must be submitted on a form to be furnished with additional information by the undersigned and must be enclosed in a sealed envelope marked "Bid for Bonds (Town of Blowing Rock General Obligation Public Improvement Bonds, Series 2020)." A good faith deposit (the "Deposit") in the amount of **\$87,400** will be required for each bid. The Deposit may be submitted in the form of an official bank check, a cashier's check or a certified check upon an incorporated bank or trust company payable unconditionally to the order of the State Treasurer of North Carolina accompanying the bid. Alternatively, the successful bidder's Deposit may be in the form of a wire transfer sent by the successful bidder upon initial notification of the award of the bonds. Award or rejection of bids will be made on the date above stated for receipt of bids, and any checks of unsuccessful bidders will be returned immediately. If the Deposit of the successful bidder is provided by check, the check of the successful bidder will be cashed by the State Treasurer. If the bonds are awarded to a bidder whose Deposit is by wire transfer, the successful bidder must submit its Deposit to the State Treasurer not later than 2:00 P.M. North Carolina Time on the date of the award of the bonds, to the bank account instructed to the successful bidder by the Commission during the initial notification of the award. If the Deposit is not received by that time, the Commission will reject its award to the initial successful bidder and will contact the next lowest bidder and offer said bidder the opportunity to become the successful bidder, on the terms as outlined in said bidder's bid, so long as a wire transfer of the Deposit is submitted by said bidder within two hours of the time offered. The Commission will not award the bonds to the successful bidder absent receipt of the Deposit prior to awarding the bonds. The Deposit of the successful bidder will be invested solely for the benefit of the County, and no interest on the Deposit will accrue to the successful bidder. At closing, the principal amount of the Deposit will be applied, without interest, as partial payment for the bonds. In the event that the successful bidder fails to comply with the terms of its bid, the Deposit and any interest earnings will be retained as and for full liquidated damages. If the Town fails to deliver the bonds, then the Deposit and any interest earnings will be remitted to the successful bidder as and for full liquidated damages.

The winning bidder shall assist the Town in establishing the issue price of the bonds and shall execute and deliver to the Town at the time of delivery of the bonds an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or pric-

es of the bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the Town and Bond Counsel to the Town.

The Town intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of bonds) will apply to the initial sale of the Bonds (the “competitive sale requirements”) because:

- (1) the Commission shall disseminate this Notice of Sale for the Bonds to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Commission expects to receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds for the Bonds; and
- (4) the Commission expects to award the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the lowest interest cost as set forth in the Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

**In the event that the competitive sale requirements for the Bonds as specified above are not satisfied, the Town shall so advise the winning bidder and the provisions set forth below shall apply.** Upon such event, the Town may determine to treat (i) the first price at which 10% of a maturity of the bonds (the “10% test”) is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity (the “hold-the-offering-price rule”), in each case applied on a maturity-by-maturity basis. The winning bidder for the bonds shall promptly advise the Town upon the award of the bonds of (i) each maturity of the bonds that satisfies the 10% test and (ii) the initial offering price to the public of each maturity of the bonds that does not satisfy the 10% test. Any maturities of the bonds that do not satisfy the 10% test as of the date and time of award of the bonds shall be subject to the hold-the-offering-price rule as described below. The winning bidder may not cancel its bid in the event that the hold-the-offering-price rule applies to any maturity of the bonds. Bidders should prepare their bids on the assumption that some or all of the maturities of the bonds will be subject to the hold-the-offering-price rule in order to establish the issue price of the bonds in the event the competitive sale requirements for the Bonds are not satisfied.

By submitting a bid for the Bonds, the winning bidder shall (i) confirm that the underwriters have offered or will offer the bonds to the public on or before the sale date at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the bonds, that the underwriters will neither offer nor sell unsold bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public.

The winning bidder shall promptly advise the Town when the underwriters have sold 10% of each maturity of the bonds subject to the hold the offering price rule to the public at prices that are no higher than the initial offering price for such maturity, if that occurs prior to the close of the fifth (5th) business day after the sale date.

If the competitive sale requirements are not satisfied, then until the 10% test has been satisfied as to each maturity of the bonds, the winning bidder agrees to promptly report to the Town the

prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until the 10% test has been satisfied as to the bonds of that maturity or until all bonds of that maturity have been sold.

The Town acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The Town further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the bonds.

The CUSIP Service Bureau will be requested to assign CUSIP identification numbers to the bonds. Assignment of CUSIP identification numbers is solely within the discretion of the CUSIP Service Bureau, and neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery of or pay for the bonds in accordance with the terms of its bid. All expenses in relation to the printing of CUSIP numbers on the bonds and the CUSIP Service Bureau charge for the assignment of such numbers shall be paid for by the Town.

The successful bidder will be required to furnish prior to the delivery of the bonds a certificate substantially in the form attached to the Notice of Sale and Bid Form relating to the bonds and acceptable to Bond Counsel as to the "issue price" of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended (the "Code").

The Town Council of the Town has adopted a resolution undertaking, for the benefit of the beneficial owners of the bonds, to provide the information described under the heading "Continuing Disclosure" in the Preliminary Official Statement relating to the bonds in the manner provided therein.

The bonds will be delivered on or about **January 8, 2020**, against payment therefor in federal reserve funds, at DTC.

The approving opinion of Sands Anderson PC, Durham, North Carolina, Bond Counsel, the proposed form of which appears in the Official Statement relating to the bonds, will be furnished without cost to the purchaser. There will also be furnished the usual closing papers.

**The Town has designated the bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code.**

The right to reject all bids and to waive any irregularities or informalities is reserved.

Copies of the Preliminary Official Statement, including the Notice of Sale and Bid Form relating to the bonds, may be obtained from the Local Government Commission, 3200 Atlantic Avenue, Longleaf Building, Raleigh, North Carolina 27604 (919-814-3400).

The Preliminary Official Statement is deemed to be a final official statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information to be made available by the successful bidder to the Commission for inclusion in a final Official Statement for the bonds (the "Final Official Statement"). By the submission of a bid for the bonds, the successful bidder contracts for the receipt of up to one hundred (100) copies of the Final Official Statement which will be delivered by the Commission to the successful

bidder by December 19, 2019. In order to complete the Final Official Statement the successful bidder must furnish on behalf of the underwriters of the bonds the following information to the Commission by facsimile transmission (919-855-5812) or overnight delivery received by the Commission within 24 hours after the receipt of bids for the bonds:

- a. Initial offering prices (expressed as a price or yield per maturity).
- b. Selling Compensation (aggregate total anticipated compensation to the underwriters expressed in dollars).
- c. The identity of the underwriters if the successful bidder is a part of a group or syndicate.
- d. Any other material information necessary for the Final Official Statement but not known to the Town or the Commission (such as the bidder's purchase of credit enhancement).
- e. The successful bidder must provide the initial public offering prices, as the Town will not include in the Official Statement an "NRO" ("not reoffered") designation to any maturity of the bonds.

Concurrently with the delivery of the bonds, the Mayor, the Town Manager and the Finance Officer of the Town will deliver to the purchaser of the bonds a certificate stating that, to the best of their knowledge, the Preliminary Official Statement did not, as of its date and as of the sale date, and the Final Official Statement does not, as of the date of delivery of the bonds, contain an untrue statement of a material fact or omit to state a material fact required to be included therein for the purpose for which the Preliminary Official Statement or the Final Official Statement is to be used or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds for inclusion in the Final Official Statement.

In addition, concurrently with the delivery of the bonds, the Secretary of the Commission will deliver to the purchaser of the bonds a certificate stating that nothing has come to his attention which would lead him to believe that the Preliminary Official Statement, as of its date and as of the date of sale, and the Final Official Statement, as of the date of delivery of the bonds, contained or contains an untrue statement of a material fact or omitted or omits to state a material fact required to be included therein for the purpose for which the Preliminary Official Statement or the Final Official Statement is to be used or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the bonds for inclusion in the Final Official Statement.

**LOCAL GOVERNMENT COMMISSION  
Raleigh, North Carolina**

Greg C. Gaskins  
Secretary of the Commission

## CERTIFICATE AS TO ISSUE PRICE

[NOTE: A certificate in substantially the following form will be required if the competitive bidding requirements described in the Notice of Sale are satisfied for the Bonds. If the competitive bidding requirements are not satisfied for both the bonds, a certificate evidencing compliance with the 10% test and/or the hold-the-offering-price rule (as each is described in the Notice of Sale), as applicable for each maturity, shall be required.]

The undersigned, on behalf of [NAME OF UNDERWRITER REPRESENTATIVE] (the "Representative"), on behalf of itself and [NAMES OF OTHER UNDERWRITERS] (collectively, the "Underwriting Group"), hereby certifies as follows with respect to the sale of the \$4,370,000 Town of Blowing Rock, North Carolina, General Obligation Public Improvement Bonds, Series 2020 (the "Bonds").

### 1. Reasonably Expected Initial Offering Price.

(a) As of the Sale Date, the reasonably expected initial offering prices of the Bonds to the Public by the Underwriter are the prices listed in Schedule A attached hereto (the "Expected Offering Prices"). The Expected Offering Prices are the prices for the Maturities of the Bonds used by the Underwriter in formulating its bid to purchase the Bonds. Attached hereto as Schedule B is a true and correct copy of the bid provided by the Representative to purchase the Bonds.

(b) Neither the Representative nor any member of the Underwriter was given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by the Representative constituted a firm offer to purchase the Bonds by the Underwriting Group.

### 2. Defined Terms.

(a) "Maturity" means Bonds with the same credit and payment terms. Bonds with different maturity dates are treated as separate Maturities.

(b) "Public" means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this certificate generally means any two or more persons who have greater than 50% common ownership, directly or indirectly.

(c) "Sale Date" means December 10, 2019.

(d) "Underwriter" means (i) any person that agrees pursuant to a written contract with the Town (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents the Representative's interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Town with respect to certain of the representations set forth in the Tax Certificate delivered in connection with the issuance of the Bonds and with respect to compliance with the federal income tax rules affecting the Bonds, and by Sands Anderson PC, Bond Counsel, in connection with rendering its opinion that the interest on the Bonds is not included in the gross income of the owners of the Bonds.



for purposes of federal income taxation, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that Bond Counsel may give to the Town from time to time relating to the Bonds.

Dated: \_\_\_\_\_, 2020.

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

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

SCHEDULE A  
INITIAL OFFERING PRICES

<u>Due November 1</u>	<u>Principal Amount Maturing</u>	<u>Expected Offering Price</u>
2020	\$220,000	_____
2021	220,000	_____
2022	220,000	_____
2023	220,000	_____
2024	220,000	_____
2025	220,000	_____
2026	220,000	_____
2027	220,000	_____
2028	220,000	_____
2029	220,000	_____
2030	220,000	_____
2031	220,000	_____
2032	220,000	_____
2033	220,000	_____
2034	220,000	_____
2035	220,000	_____
2036	215,000	_____
2037	215,000	_____
2038	210,000	_____
2039	210,000	_____

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SCHEDULE B  
(Attach Bid Form)

## BID FOR BONDS

, 2019

*Local Government Commission  
3200 Atlantic Avenue, Longleaf Building  
Raleigh, North Carolina 27604*

*Ladies and Gentlemen:*

*Subject to the provisions and in accordance with the terms set forth in the Notice of Sale and Bid Form relating to the bonds hereinafter mentioned, which provisions and terms are hereby made a part of this bid, we make the following bid for the \$4,370,000 General Obligation Public Improvement Bonds, Series 2020 of the Town of Blowing Rock, North Carolina, described in said Notice of Sale, this bid being for not less than all of said bonds:*

*For the \$4,370,000 General Obligation Public Improvement Bonds, Series 2020 maturing and bearing interest as follows:*

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2020	\$220,000	_____ %	2030	\$220,000	_____ %
2021	220,000	_____ %	2031	220,000	_____ %
2022	220,000	_____ %	2032	220,000	_____ %
2023	220,000	_____ %	2033	220,000	_____ %
2024	220,000	_____ %	2034	220,000	_____ %
2025	220,000	_____ %	2035	220,000	_____ %
2026	220,000	_____ %	2036	215,000	_____ %
2027	220,000	_____ %	2037	215,000	_____ %
2028	220,000	_____ %	2038	210,000	_____ %
2029	220,000	_____ %	2039	210,000	_____ %

*We will pay \$4,370,000 (plus a premium of \$\_\_\_\_\_ ) for all of said bonds.*

*We will accept delivery of the bonds at The Depository Trust Company in accordance with the Notice of Sale. We understand that if notified that we are the successful bidder, we will be required to advise the County, the financial advisor and the Commission by telephone of the initial offering prices and yields to the public of each maturity of the bonds at the time of such notification and, within 30 minutes, to confirm that information by facsimile transmission (919-855-5812).*

**One of the following two paragraphs must be checked and completed as appropriate**

( ) *We enclose herewith a check for \$87,400, payable to the State Treasurer of North Carolina, to provide the good faith deposit required by the Notice of Sale. In the event this bid is the successful bid, then said check will be cashed in accordance with the terms of the Notice of Sale. Otherwise, said good faith deposit is to be returned to the undersigned.*

( ) *A good faith deposit of \$87,400 is not enclosed, but will be delivered to the State Treasurer of North Carolina by wire transfer by 2:00 p.m. on the date hereof if the undersigned is the successful bidder for said bonds in accordance with the terms in the Notice of Sale. Said good faith deposit is to be applied in accordance with the terms in the Notice of Sale.*

*The closing papers referred to in said Notice of Sale are to include a certificate, dated as of the day of the delivery of the bonds, stating that there is no litigation pending or, to the knowledge of the signer(s) of such certificate, threatened affecting the validity of the bonds.*

*To communicate changes in the principal amounts after the bids are opened as described in the Notice of Sale and to obtain initial offering prices and yields of said bonds, please contact \_\_\_\_\_ at \_\_\_\_\_.*

*Name*

*Telephone Number*

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*Name of Firm*

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*Authorized Officer*

*(No addition or alteration, except as provided above, is to be made to this bid, which may be detached from the annexed Notice of Sale. Bidder may for information only enter his calculation of true interest cost to be \_\_\_\_\_ %. This information is neither required nor to be construed as a part of the foregoing bid.)*

## **FINANCIAL REPORT AS OF OCTOBER 31, 2019**

### **Financial Overview**

We are 33% into fiscal year 2019-20. Final year end totals for the previous fiscal year will be presented in the FY 2018-19 audit in December.

The 2019 property tax billing was completed in September. To date, we have collected \$1,441,764 or 33% of budget (this is approximately 2% below last year at this time). With collections being one month in arrears, we have collected \$24,276 or 29% of motor vehicle taxes for the three months of collections in the new fiscal year (this is 4% above budget pace at this time).

Sales tax revenues are collected two months in arrears, so for the two months of revenues collected so far, we have collected \$335,555 or 18% for the fiscal year (this is 10% above last year's revenues at this time). Building permit fees to date total \$29,667 or 59% (6% higher than last year at this time) and zoning fees total \$4,807 or 48% (18% above last year at this time).

The third utility billing of the fiscal year will occur in late December. Collections for the current fiscal year total \$349,889 or 38% (remaining 9% above last year's collections at this time) and \$283,845 or 37% (5% above last year's collections at this time) for water and sewer fees respectively. Water and sewer connection fees to date remain at \$6,000 for water or 30% of budget and \$8,747 for sewer or 40% of budget, both continue to be significantly lower than last year at this time due to the Inn at Cornish project fees paid last year.

Overall expenditures for the General Fund are at 31% (1% below last year at this time) and 27% (5% above last year at this time) for the Water/Sewer Fund. Overall revenue for the General Fund is at 25% (2% below last year at this time) and 33% for the Water/Sewer Fund (2% higher than last year). Since many of our revenues are collected in arrears, these totals are expected at this point in the fiscal year. All department expenditures are in line with budget at this time with the exception of the Public Buildings department which is due to annual debt service payments having recently been made. See the attached report for departmental breakdowns.

Attached is the monthly financial report in numbers. Please let me know if you have any questions on these reports.

### **Department Activity Notes**

I am pleased to report we have completed audit activities with Town Auditors Martin Starnes & Associates, CPAs, P.A., and have submitted the Town's audit report to the NC Local Government Commission (LGC) for their review. Following successful review by the NCLGC, the audit report will be presented to Council. Anticipated to be at the December regular meeting. The TDA audit document completed by Combs, Tennant & Carpenter has also been complete and approved by the NCLGC, with a presentation to the TDA Board to take place at the Boards annual retreat in December.

### **Bond Activity Update Summary**

The Town Manager and I recently completed a Bond rating call with S&P Global Ratings in order to obtain a rating for the Town to complete the issuance of Bonds to fund phase III of the Town's General Obligation projects. This issuance consisted of the following breakdown of projects and amounts

<i>Description</i>	<i>Current Budget</i>
Paving	2,074,085.00
Sunset Dr Streetscape- Construction	\$ 1,732,511.00
Suset Dr. Streerscape- Contingency	\$ 86,626.00
Sunset Dr Streetscape- Engineering/Testing	\$ 55,000.00
From Issue 1 for Streetscape	\$ (37,625.00)
From Issue 2 for Streetscape	\$ (220,891.00)
	\$ 3,689,706.00
<i>Description</i>	<i>Current Budget</i>
	\$ -
<i>Description</i>	<i>Current Budget</i>
Sunset Dr. Streetscape- Water-Construction	\$ 379,670.00
Sunset Dr. Streetscape- Water-Contingency	\$ 18,984.00
Sunset Dr. Streetscape- Water- Engineering/Testing	\$ 23,000.00
From Issue 1 for Streetscape	\$ (44,360.00)
	\$ 377,294.00
<i>Description</i>	<i>Current Budget</i>
Sunset Dr. Streetscape-Sewer-Construction	\$ 487,980.00
Sunset Dr. Streetscape- Sewer- Contingency	\$ 24,399.00
Sunset Dr. Streetscape- Sewer- Engineering/Testing	\$ 28,000.00
Sewer Lines/Repairs	\$ 119,729.00
From Issue 1 for Streetscape	\$ (354,108.00)
From Issue 4 for Streetscape	\$ (3,000.00)
	\$ 303,000.00

Funds are expected to be received following the sale of the bonds on the public market in January 2020.

Following this issuance, one more phase of projects remains that will total \$1,695,000. Planning will now take place for the projects anticipated in this issuance, with plans to issue the final phase of debt associated with the GO Bonds in early 2021.

Follows is the current funding plan and projects list for funds remaining to be issued in the fourth and final phase of borrowing:

Thank you,

Nicole M. Norman  
Finance Officer

<i>Description</i>	<i>Budget Per Bond Planning</i>
Future Sidewalks	\$ 612,890.00
Council + Int.- Transportation	\$ 10,114.00
	\$ 623,004.00
<i>Description</i>	<i>Budget Per Bond Planning</i>
Rec. Dept. Improvements	\$ 204,614.00
Tennis/Parking Retaining Walls	\$ 115,000.00
New Stairways & Sidewalk in Park	\$ 73,036.00
TH Retaining Wall	\$ 38,695.00
	\$ 431,345.00
<i>Description</i>	<i>Budget Per Bond Planning</i>
Maple St.	\$ 86,250.00
Goforth	\$ 359,853.00
West Green Hill	\$ 162,852.00
	\$ 608,955.00
<i>Description</i>	<i>Budget Per Bond Planning</i>
Other Lines/Repairs	\$ 29,000.00
Allocated to Sunset SS	\$ 3,000.00
	\$ 32,000.00

**TOWN OF BLOWING ROCK**  
**FINANCIAL SUMMARY REPORT**  
As of October 31, 2019, 33% of Fiscal Year 2019-20

<b>GENERAL FUND</b>			
	Annual Budget	Actual to Date	Y-T-D % Collected
<b>REVENUES</b>			
Current Year Levy of Property Taxes	\$ 4,359,606	\$ 1,441,764	33.07%
Motor Vehicle Taxes	84,572	24,276	28.70%
Utilities Franchise Taxes	374,400	-	0.00%
Local Option Sales Taxes	1,821,591	335,555	18.42%
Fund Balance Appropriated	120,000	-	0.00%
All Other Revenues	1,879,734	349,906	18.61%
	<u><u>\$ 8,639,903</u></u>	<u><u>\$ 2,151,501</u></u>	<u><u>24.90%</u></u>
<b>EXPENDITURES</b>			
Governing Board	\$ 56,181	\$ 12,939	23.03%
Central Government	1,819,857	482,535	26.52%
Public Buildings	599,880	480,795	80.15%
Administrative/Finance	457,122	138,437	30.28%
Police	1,422,290	400,642	28.17%
Emergency Services	1,088,664	317,271	29.14%
Planning and Inspections	300,550	87,300	29.05%
Street	1,415,126	269,642	19.05%
Sanitation	406,463	142,188	34.98%
Parks and Rec/Landscaping	1,073,770	330,755	30.80%
	<u><u>\$ 8,639,903</u></u>	<u><u>\$ 2,662,504</u></u>	<u><u>30.82%</u></u>
<b>Y-T-D FUND BALANCE INCREASE (DECREASE)</b>	<u><u>\$ -</u></u>	<u><u>\$ (511,003)</u></u>	

Property Tax Collection As a Percentage of Total Levy (Motor Vehicles Not Included)	<b>FY 2020</b>	<b>FY 2019</b>	<b>FY 2018</b>	<b>FY 2017</b>
38.01%	100.05	98.49%	99.13%	

<b>WATER AND SEWER FUND</b>			
	Annual Budget	Actual to Date	Y-T-D % Collected
<b>REVENUES</b>			
Water Revenue	\$ 928,200	\$ 349,889	37.70%
Sewer Revenue	773,680	283,845	36.69%
Connection Fees	42,000	14,747	35.11%
Fund Balance Appropriation	40,000	-	0.00%
All Other Revenues	212,511	15,089	7.10%
	<u><u>\$ 1,996,391</u></u>	<u><u>\$ 663,569</u></u>	<u><u>33.24%</u></u>
<b>EXPENDITURES</b>			
Administrative	\$ 620,464	\$ 147,841	23.83%
Plant Operations	814,503	243,491	29.89%
Field Operations	488,482	151,522	31.02%
Contribution to Fund Balance/Contingency	72,942	-	0.00%
	<u><u>\$ 1,996,391</u></u>	<u><u>\$ 542,854</u></u>	<u><u>27.19%</u></u>
<b>Y-T-D FUND BALANCE INCREASE (DECREASE)</b>	<u><u>\$ -</u></u>	<u><u>\$ 120,716</u></u>	