

**Hyde County Board of Commissioners**  
**AGENDA ITEM SUMMARY SHEET**

**Meeting Date:** January 4, 2016  
**Presenter:** County Manager Bill Rich  
**Attachment:** Yes

**ITEM TITLE:** OCRACOKE OCCUPANCY TAX BOARD FUNDING AND COUNTY CONTRACTING AGENT FOR FIRE WORKS

**SUMMARY:** At the February 2, 2015 Board of Commissioners Meeting Manager Rich presented request from Ocracoke Civic and Business Association (OCBA) Fireworks Committee to reinstate fireworks on Ocracoke Island for 4<sup>th</sup> of July festivities. Fireworks were banned on the Island after the July 4, 2009 explosion.

Commissioners voted unanimously to approve the Hyde County Board of Commissioners to be "Certificate Holder" and "Sponsor" of fireworks on Ocracoke on July 3, 2015 pending insurance certificate being approved by the County's Insurance Provider and County Attorney and as long as the Ocracoke Occupancy Tax Board fund the fireworks display. Commissioner Simmons was absent.

Citizens report Ocracoke Civic and Business Association, Ocracoke Fire Department, National Park Service and the Ocracoke Occupancy Tax Board support 2016 fireworks on Ocracoke.

OCBA asks the Board of Commissioners to approve the request from the Occupancy Tax Board for the funding and remain the certificate holder for the 2016 Fireworks event.

**RECOMMEND:** Approve request from Ocracoke Occupancy Tax Board for funding. Remain the certificate holder.

---

**Motion Made By:** \_\_\_ Earl Pugh, Jr.  
\_\_\_ Barry Swindell  
\_\_\_ Dick Tunnell  
\_\_\_ Ben Simmons  
\_\_\_ John Fletcher

**Motion Seconded By:** \_\_\_ Earl Pugh, Jr.  
\_\_\_ Barry Swindell  
\_\_\_ Dick Tunnell  
\_\_\_ Ben Simmons  
\_\_\_ John Fletcher

**Vote:** \_\_\_ Earl Pugh, Jr.  
\_\_\_ Barry Swindell  
\_\_\_ Dick Tunnell  
\_\_\_ Ben Simmons  
\_\_\_ John Fletcher

## Lois Stotesberry

---

**From:** Bill Rich <brich@hydecourtync.gov>  
**Sent:** Sunday, December 27, 2015 1:43 PM  
**To:** 'Lois Stotesberry'; Barry Swindell; Ben Simmons; 'Dick Tunnell'; Earl Pugh; Fred Holscher; John Fletcher; Sarah Johnson  
**Subject:** FW: Fireworks

Lois,

Please include in BOC meeting packages. Thanks.

Bill

-----Original Message-----

From: Leslie Gilbert [<mailto:bnlgilbert@icloud.com>]

Sent: Thursday, December 24, 2015 10:24 AM

To: [brich@hydecourtync.gov](mailto:brich@hydecourtync.gov)

Subject: Fireworks

Dear Bill:

We are in favor of fireworks on Ocracoke on July 4th. Please pass that along to Commissioners. Thank you!

Merry Christmas!

Leslie and Bill Gilbert  
The Anchorage Inn and Marina  
Sent from my iPhone



## COUNTY OF HYDE

30 Oyster Creek Road  
PO Box 188  
SWAN QUARTER, NORTH CAROLINA 27885  
[www.hydecountync.gov](http://www.hydecountync.gov)  
252-926-4400

**Hyde County, NC** News Release  
FOR IMMEDIATE RELEASE: December 30, 2015  
CONTACT: Teresa Adams, Public Information Officer  
252-542-0842, [tadams@hydecountync.gov](mailto:tadams@hydecountync.gov)

### **Proposal approved for Fireworks on Ocracoke**

Fireworks may be coming back to Ocracoke! The Ocracoke Occupancy Tax Board unanimously voted to recommend that the Hyde County Board of Commissioners designate \$20000.00 from Ocracoke occupancy tax funds to allow fireworks on Ocracoke July 3, 2016. If approved, they will take place at National Park Service Docks and should be visible around Silver Lake and the village. Pyrotecnico is company that will be coming to Ocracoke to perform the fireworks and is the same company that has been performing the fireworks in Avon. Pyrotecnico has been in business for 115 years.

Ocracoke Occupancy Tax Board  
December 22, 2015 2:00PM  
Ocracoke Community Center

Board members present: Clayton Gaskill, Frank Brown, Trudy Austin, Marlene Matthews

Members absent: David Styron

Call to order by Chairman Frank Brown at 2:00 p.m. Frank turns meeting over to Sunday Home for presentation on 2016 fireworks.

#### Fourth of July fireworks

- Discussion:
  - Sundae Horn discusses the locations, prices, cancelation fees and dates of fireworks for 2016. They would take place on July 3<sup>rd</sup> by pyrotecnico at the Base Docks. It would be an 18 minute show (same as in the past), they would be 300ft which should be visible around the lake and village. The cost would be \$20,000.00. In answer to previous questions on cancelation policy, if we give 30 day notice we could have to pay 25% of amount of contract price. If we give less than 30 days notice we pay 75% of contract price. But we can do a postponement and reschedule within 6 months and pay 25% of contract price.
  - Comments from Jason Wells and Tommy Hucherson on trying to get July 4<sup>th</sup> in the future.

#### Conclusion

- Clayton moves to accept the proposal of \$20,000.00 to support the fireworks show.
- All in Favor of proposal
- Meeting adjourned

## Lois Stotesberry

---

**From:** Bill Rich <brich@hydecourtync.gov>  
**Sent:** Tuesday, December 29, 2015 7:00 PM  
**To:** 'Lois Stotesberry'  
**Subject:** FW: OCBA draft minutes of special meeting on fireworks  
**Attachments:** OCBA fireworks meeting minutes.docx

Please include with package

**From:** Connie Leinbach [<mailto:leinbachconnie@gmail.com>]  
**Sent:** Tuesday, December 29, 2015 12:44 PM  
**To:** Jim Borland; Justin LeBlanc; Kenny Ballance; Rudy Austin; Sundae Horn; [colebin631@hotmail.com](mailto:colebin631@hotmail.com); [doug@douggtanner.us](mailto:doug@douggtanner.us); Angie Todd; [info@blackbeardslodge.com](mailto:info@blackbeardslodge.com); [info@ocracokelightshiprealty.com](mailto:info@ocracokelightshiprealty.com); Amy Howard; The Anchorage Inn; [info@thecovebb.com](mailto:info@thecovebb.com); Village Craftsmen; [ocratradingco@aol.com](mailto:ocratradingco@aol.com); [scarboroughal@hotmail.com](mailto:scarboroughal@hotmail.com); [silverlakemotelandinn@gmail.com](mailto:silverlakemotelandinn@gmail.com); Amy Hilton; Casey Winslow; Amy Hilton; alan sutton; Alton; Amy Howard; Amy Srail Johnson; Ann Ehringhaus; Ann Warner; Ashley & Red Harrell; B.J. Oelschlegel; Barbara Palmer-Sloane; barbara ray; Barry Swindell; Bella Fiore; Betty Helen Chamberlain; Bill Rich; Blue Heron Realty; Bob Chestnut; Brian Carter; Carol Pahl; Cathy Scarborough; Chaeli Moyer; Chuck Hotchkiss; Cindy Fiore; Corky Pentz; Daniela Gilbert; Darlene Styron; David Bundy; David Senseney; David Tweedie; Dick and Janey Jacoby; Donald Davis; Donna Drilling; [downcreekgallery@yahoo.com](mailto:downcreekgallery@yahoo.com); Earl O'Neal; Elizabeth Hotchkiss; Farris & Chrissy O'Neal; Foy Shaw; Frank Brown; Fred Westervelt; Fuller, Edward; Gael Hawkins; George and Betty Helen Chamberlin; gregory honeycutt; Ivey Belch; Jack Whitehead; James Barrie Gaskill; Jamie Tunnell Carter; Janille Turner; Jason Wells; Jeff Schleicher; Jennifer Garrish; Jennifer Rich; Jenny Mason; Joelle LeBlanc; John Fletcher; John Giagu; Judy Eifert; Karen and Barry Burgan; Kari Styron; Katherine S. Parker-Lowe; Kathleen O'Neal; Kay Riddick; Ken DeBarth; Leslie Lanier; Lida & Bill Jones; Marcy Brenner; Mickey Baker; Mickey Roberson; Nancy Carlson; Nancy Leach; Norman Miller; Ocracoke Civic and Business Association; Ocracoke Observer; Ocracoke Waverunners; OIR Beach Outfitters; Old Island Home; Paula schramel; Peggy Wrobleski; Peter Vankevich; Philip Howard; Pony Island; Pony Island Restaurant; Richard Bryant; Rita Hahn; Rob Dennis; Rob Temple; Ruth Fordon; Sand Dollar Motel; Scott Bradley; Silver Lake Motel; Stefen Howard; Sue Dayton; Sunglass Shop; Susan Burt Collins; Susan Paul; Teeters Campground; Teresa O'Neal; The Back Porch; The Castle; Thurston House; Tom Pahl; Valerie Mason; Vera Buxton; wayne clark; WOWV Ocracoke  
**Subject:** OCBA draft minutes of special meeting on fireworks

Dear members:

Those attending the special meeting Dec. 14 on the fireworks proposal approved asking the Occupancy Tax Board to fund this request, which they did on Dec. 22.

Draft minutes are attached.

The Hyde County commissioners will vote on this at their Jan. 4 meeting at 6 p.m. (teleconferenced in the Ocracoke School Commons room).

Thank you.

Connie Leinbach  
OCBA secretary

--

Connie Leinbach  
Ocracoke, NC

# Ocracoke Civic & Business Association, Inc.



## Ocracoke Civic and Business Association DRAFT Minutes

**Special meeting regarding fireworks held Monday Dec. 14, 2015. 12:30 p.m.  
Ocracoke Community Center**

Meeting was called to order by Rudy Austin at 12:32 p.m. Board members present: Connie Leinbach, Jim Borland and Justin LeBlanc.

Others present: Sundae Horn, Darlene Styron, Janey Jacoby, Teresa O'Neal, Peter Vankevich, Ward Garrish, Ed Fuller for the NPS.

Purpose of the meeting was to approve the island's work toward having fireworks during the July 4 holiday 2016.

Darlene, Sundae and Teresa O'Neal have worked on this idea since the OCBA a couple of months ago decided to drop it.

Darlene explained that the island's July 4 tourist attendance has been dwindling in recent years. She said they worked with Justin Pruett of Pyrotecnico of Columbia, S.C., to come up with a less expensive plan than their previous proposal and the National Park Service to find a suitable location from which to launch. Working with Cape Hatteras National Seashore Superintendent David Hallac and Ed Fuller, they decided on the end of the park service public parking area near the boat launch. She said the NPS was willing to do whatever they can to help make this happen.

This spot would be in the center of a large enough setback area from the launch site. To wit: for each inch of fireworks shell, there must be 100 feet of clearance. The company's shells are one inches to eight inches. So, five-inch shells would require a 500-foot safety circle, which is doable at this site. 500-foot shells, the largest used for this show, would rise about three times higher than the Ocracoke water tower. All buildings within the 500-foot circle would have to be vacated during the show, including NPS housing, the DOT overnight housing and kiosk at the ferry dock, the OPS museum building and the parking lot. The boat launch area would also be closed to traffic during that time, possibly during the day, depending on the final site for the shells.

OVFD Fire Chief Albert O'Neal is OK with this plan. Ed Fuller said fire prevention is the main concern and this site is the best spot.

Hyde County commissioners already agreed to be the insurance certificate holder and OCBA would be an additional insured.

Pyrotecnico is doing fireworks in Avon on July 4 and so they would have to launch ours on July 3. The crew would set up on July 2; bring the explosives on July 3; leave after the show and come back July 5 to remove the set-up. This is the best they can do given the timeline, and, if we establish a relationship with them this year, they can possibly commit to providing a show for us in 2017 on July 4. July 3, 2016, is on a Sunday, which allows folks coming in that weekend to see the show and folks checking out on Saturday to possibly stay another day.

Cost of an 18-minute show (which is industry standard) would be \$20,000, which is what the island paid in 2009, the last year we had fireworks.

There are a number of other logistical details that have to be included, such as informing various agencies: the NC Ferry Division, Coast Guard, Marine Fisheries and others, but part of the price of the show is Pyrotecnico obtaining all of the necessary permits. Also, there are wind-safety and weather cancellation clauses in

## Ocracoke Civic & Business Association, Inc.

**DRAFT Minutes *continued***

**Special meeting regarding fireworks held Monday Dec. 14, 2015. 12:30 p.m.  
Ocracoke Community Center**

the contract. If weather prompts a postponement, the show can be done within six months with an additional \$5,000 payment. If it's canceled, we still pay 75 percent of the contract. These contingency costs typical business procedures.

A level-three fire marshal from Dare County would have to sign off on this plan as well.

Connie noted that she received an email from David Senseney against having fireworks because of the lingering pain over the 2009 accident. Fred Westervelt sent an email in favor of fireworks.

While Hyde County would be the sponsor, the OCBA would be the facilitating organization.

**A motion to approve this plan and send a letter to the Ocracoke Occupancy Tax Board to request funding for it was made by Justin LeBlanc and seconded by Jim Borland. Motion approved and carried.**

Meeting adjourned at 1 p.m.

Respectfully submitted,

Connie Leinbach  
Secretary

## Lois Stotesberry

---

**From:** Bill Rich <brich@hydecountync.gov>  
**Sent:** Sunday, December 27, 2015 1:44 PM  
**To:** 'Lois Stotesberry'; Barry Swindell; Ben Simmons; 'Dick Tunnell'; Earl Pugh; Fred Holscher; John Fletcher; Sarah Johnson  
**Subject:** FW: Fireworks

Lois,

Please include in BOC packages. Thanks.

Bill

---

**From:** Tommy Hutcherson [<mailto:tomhutch22@hotmail.com>]  
**Sent:** Wednesday, December 23, 2015 5:02 PM  
**To:** [brich@hydecountync.gov](mailto:brich@hydecountync.gov); [middletownfarms@embarqmail.com](mailto:middletownfarms@embarqmail.com)  
**Subject:** Fireworks

To Bill, Earl and all other county commissioners and officials,

Tommy Hutcherson supports Fireworks on Ocracoke Island. There has been much discussion on this topic in recent years and it is now time to move forward. Please consider the future of "The 4th of July" when voting on this. The 4th is just not the same without them. If anyone wants to talk to me personally about this my cell number is listed below.

Thanks for your consideration,  
Tommy Hutcherson  
Ocracoke Variety Store  
252.921.0282

## Lois Stotesberry

---

**From:** Bill Rich <brich@hydecountync.gov>  
**Sent:** Monday, December 28, 2015 12:10 AM  
**To:** 'Lois Stotesberry'  
**Subject:** FW: Ocracoke Fireworks

Lois,

Please include in the BOC package. Thanks.

Bill

-----Original Message-----

From: darlene styron [mailto:[darlenestyron@gmail.com](mailto:darlenestyron@gmail.com)]  
Sent: Sunday, December 27, 2015 8:19 PM  
To: Dick Tunnell; Earl Pugh; Benjamin and Tonya Simmons; Barry Swindell; Bill Rich  
Cc: Teresa O'Neal; Sundae Horn  
Subject: Ocracoke Fireworks

Hello to all ,

I hope this email finds everyone well and that you and your families have had a great Holiday.

We have reviewed options for Fireworks for the community of Ocracoke for 2-3 years now and have worked on this issue several different ways with the support and approval of the commissions as the certificate holder. Unfortunately because of the added cost of a barge, scheduling issues with the dates and the ability for the fireworks company to get a commitment in due time we have not been able to move forward.

We are proud to say we are closer then ever to having this event take place for 2016. With the support of the Ocracoke Fire Dept, OCBA, National Park Service and the approval for funding from the Occupancy Tax Board we are well on our way. We are very proud to say we have been working with the NPS and they are very excited about the opportunity to work with the county and the community of Ocracoke. If it was not for the NPS we would not have a location for this event. This was a very big part of the puzzle and the location was a big game changer. With NPS granting permission for a location we are no longer in need of a barge and the added cost that was straining this issue.

I am asking as a resident , business owner and member of the fireworks committee that the board will approve the request from the occupancy tax board for the funding and remain the certificate holder for this 2016 Fireworks event. I greatly appreciate your consideration on this approval request.

Darlene Styron

## Lois Stotesberry

---

**From:** Bill Rich <brich@hydecountync.gov>  
**Sent:** Sunday, December 27, 2015 2:48 PM  
**To:** 'Lois Stotesberry'; Barry Swindell; Ben Simmons; 'Dick Tunnell'; Earl Pugh; Fred Holscher; John Fletcher; Sarah Johnson  
**Subject:** FW: Fire works proposal and arial shot.  
**Attachments:** Hyde County - Ocracoke 7-3-16 Proposal.pdf; Hyde County Ocracoke Site Plan.pdf

Lois,

Please enclose this letter from Sundae as well as the two attachments. Thanks.

Bill

---

**From:** Frank Brown [<mailto:frankandjude@embarqmail.com>]  
**Sent:** Tuesday, December 22, 2015 4:11 PM  
**To:** Bill Rich  
**Subject:** Fwd: Fire works proposal and arial shot.

FYI

---

**From:** "Sundae Horn" <[sundaehorn@embarqmail.com](mailto:sundaehorn@embarqmail.com)>  
**To:** "Frank Brown" <[frankandjude@embarqmail.com](mailto:frankandjude@embarqmail.com)>  
**Sent:** Monday, December 21, 2015 11:04:08 PM  
**Subject:** Fwd: Fire works proposal and arial shot.

Hi Frank,

This is the proposal from Pyrotecnico for the fireworks, just in case Connie didn't forward it to you. Since the email exchange below, Justin Pruett has confirmed that they can give us a show on July 3, 2016.

This circle shows 500', which would be ideal. We can go as low as 400' and be okay, meaning they would be visible. The 500' circle includes park housing, park property, OPS, and the ferry building, but not NCCAT. NPS and the ferry division is fully supportive of this event.

50% is due on contract in January, the rest 10 days before the event.

I look forward to seeing you at the meeting tomorrow.

Sundae

Sundae Horn  
PO Box 544  
Ocracoke, NC 27960  
(252) 928-2665  
[sundaehorn@embarqmail.com](mailto:sundaehorn@embarqmail.com)

Begin forwarded message:

**From:** darlene styron <[darlenestyron@gmail.com](mailto:darlenestyron@gmail.com)>

**Subject:** Fire works proposal and arial shot.

**Date:** December 1, 2015 at 3:24:28 PM EST

**To:** Teresa <[itsmetmc@yahoo.com](mailto:itsmetmc@yahoo.com)>, Sundae Horn <[sundaehorn@embarqmail.com](mailto:sundaehorn@embarqmail.com)>

Darlene,

Attached is our tentative proposal (ultimately pending availability) and the revised site plan. Hopefully these two documents will be a big help in your next steps. I assure you figuring out the logistics of this show are of utmost importance to me. Something I am working hard to sort out...

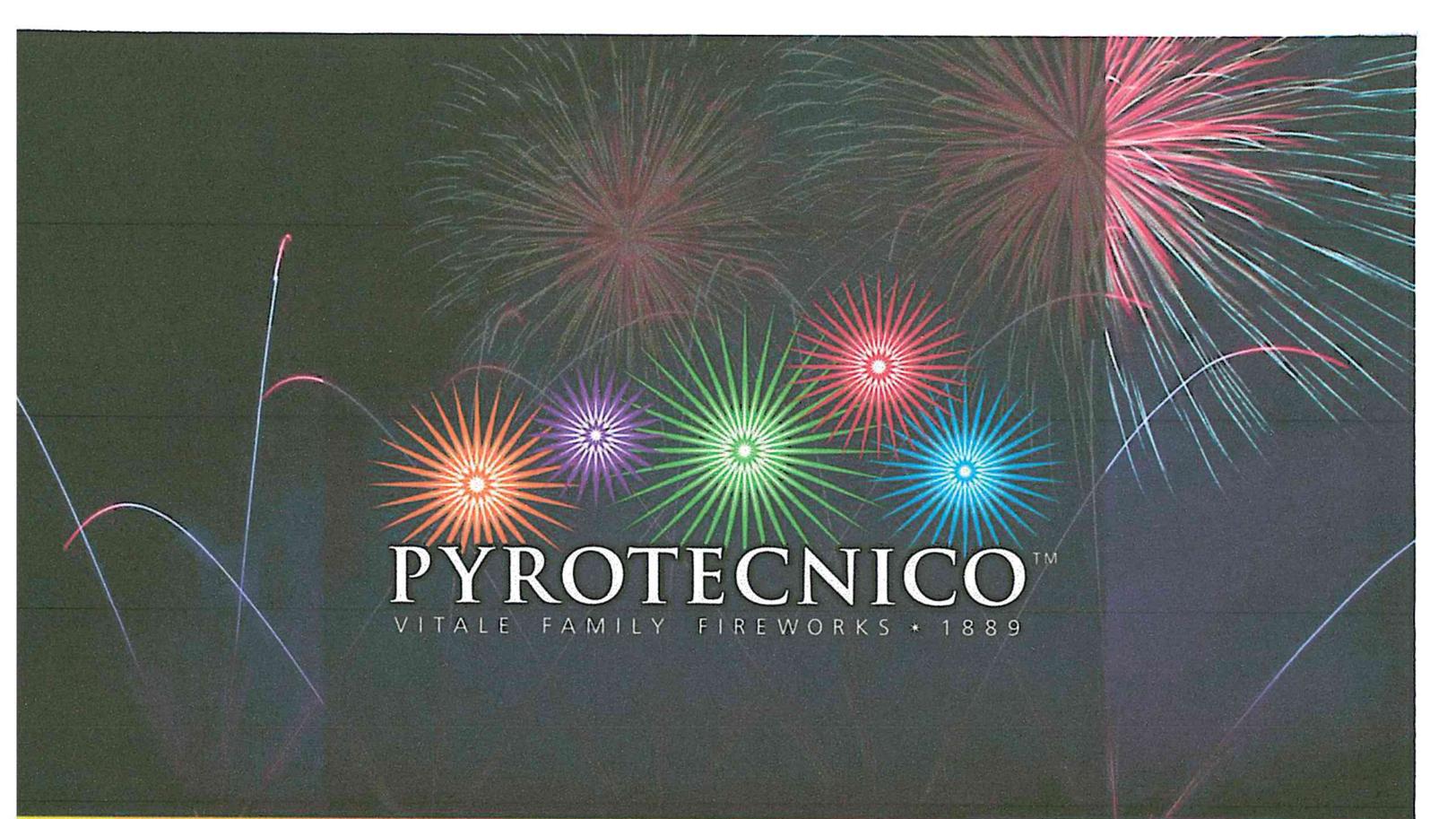
I will keep you posted.

JUSTIN PRUETT

Show Producer | PYROTECNICO | 803.271.5944 (Mobile) | [www.pyrotecnico.com](http://www.pyrotecnico.com)

Hyde County – Ocracoke Island  
July 3, 2016 – 9:15pm approx.  
5" – Max Shell Diameter





**PYROTECNICO™**  
VITALE FAMILY FIREWORKS • 1889

Hyde County  
Ocracoke, NC  
July 3 2016

+



**PYROTECNICO™ fx**

AMPLIFYING EXCITEMENT | SINCE 1889

800.854.4705 • WWW.PYROTECNICO.COM



## OUR CORE VALUES



We produce each show with tireless dedication. We treat each employee, supplier, and regulator with respect. Individual and team initiative drives our company. Imaginative people are the core of our success. Insuring safety is our top priority. Great performances are our passion.

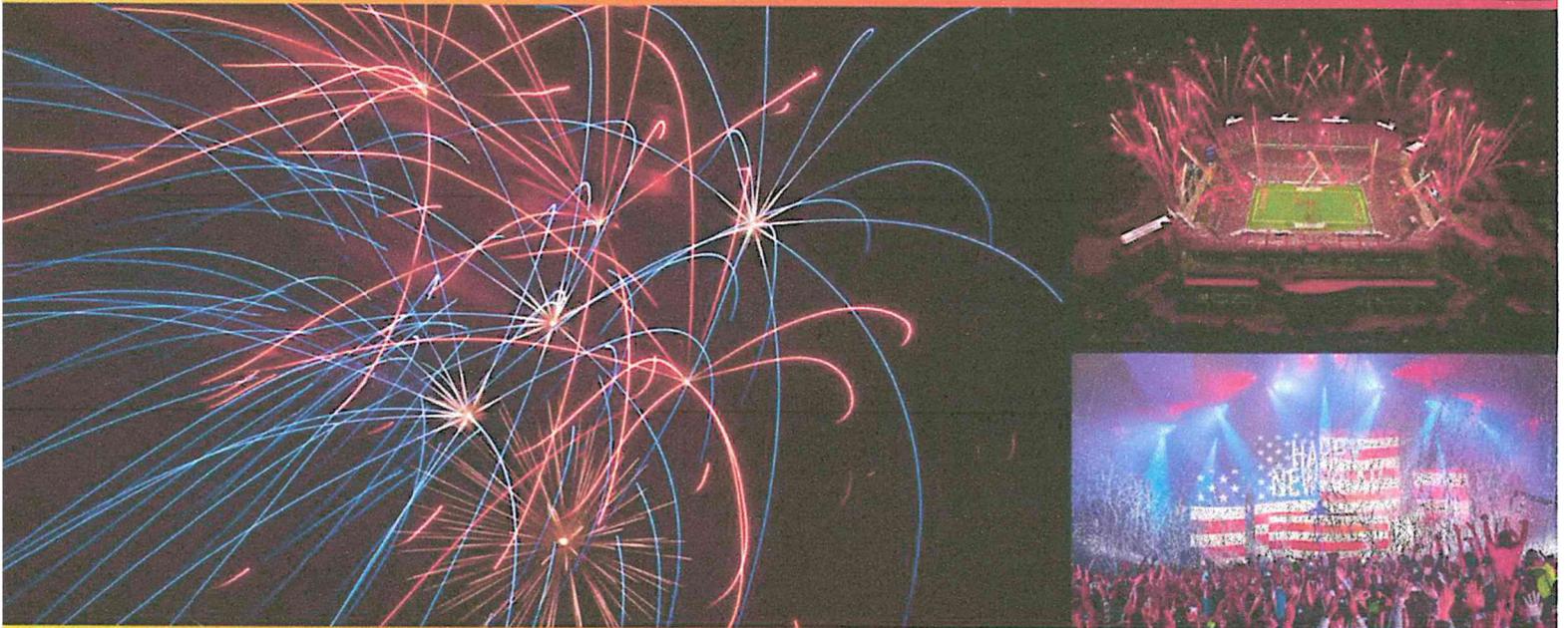
## WHAT THIS MEANS FOR YOUR EVENT

You have a vision for your event and Pyrotecnico will work tirelessly to design a spectacular display to match that vision. Our staff has an unrivaled passion for what we do and that results in superior customer service, advanced display designs, and safe certified/licensed pyrotechnicians for your event.





# YOUR EVENT TEAM



Stephen Vitale - President & CEO - [svitale@pyrotecnico.com](mailto:svitale@pyrotecnico.com)

As the President and CEO of Pyrotecnico, Stephen provides the leadership for all of our employees and creates the philosophy by which we excel. Stephen has 30 years of experience in the fireworks and special effects industries.

Chris Mele - Chief Operating Officer - [cmele@pyrotecnico.com](mailto:cmele@pyrotecnico.com)

With 26 years of experience, Chris oversees the day to day operations and communications, while managing all of the distribution points and facilities in Pyrotecnico's nationwide network.

Rocco Vitale - Creative Director & Show Designer - [rvitale@pyrotecnico.com](mailto:rvitale@pyrotecnico.com)

Rocco designs all shows and creative aspects of productions. Rocco has been in the business for 15 years.

Rick Hoppe - Chief Financial Officer - [rhoppe@pyrotecnico.com](mailto:rhoppe@pyrotecnico.com)

Rick oversees Pyrotecnico's accounting department, and handles Pyrotecnico's daily finances, insurance, and billing.

Chris Liberatore - Regional Sales Manager - [cliberatore@pyrotecnico.com](mailto:cliberatore@pyrotecnico.com)

Chris supervises the servicing of client accounts, ensuring that you are completely satisfied with our service and your crowd will experience the best show they have ever seen.

Justin Pruett - Show Producer - [jpruett@pyrotecnico.com](mailto:jpruett@pyrotecnico.com)

+



# PROPOSAL



Client:  
Hyde County  
Ocracoke Island Fireworks

Event Date: July 3, 2016

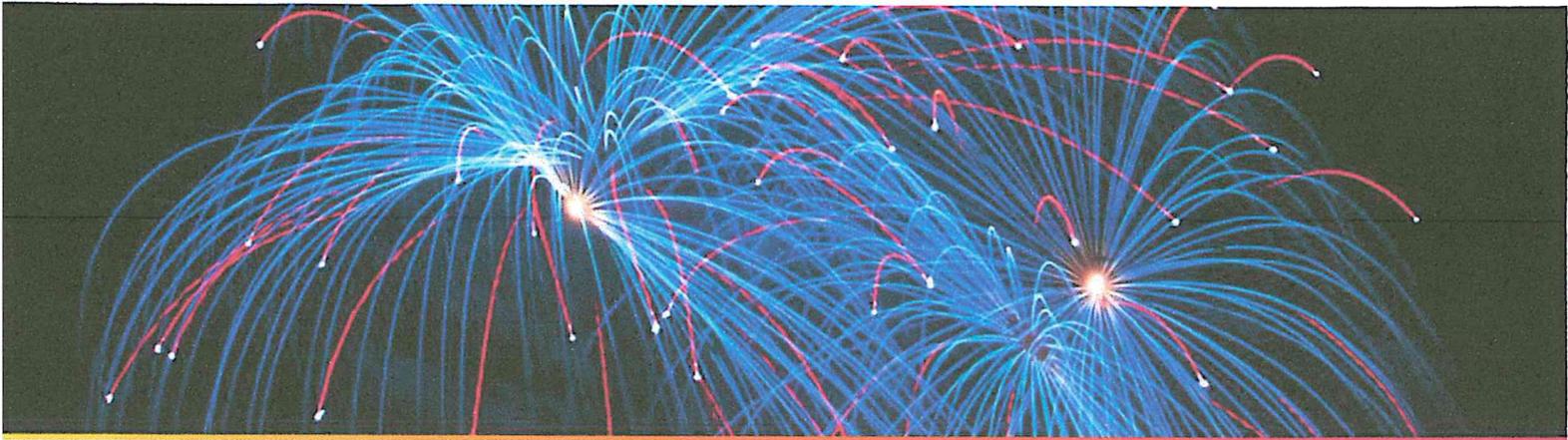
Prepared for: Ms. Darlene Styron

Contract Terms:  
50% deposit due upon signing of contract. The balance is due 10 days prior to the display.

This Presentation Includes:

- All necessary insurance to include 10 million dollar general liability insurance, 10 million in commercial transportation insurance, and state worker's compensation.
- Our trained technicians to produce the display.
- All transportation and delivery costs. Transportation provided by our commercially licensed drivers.
- All necessary safety precautions to provide a safe and spectacular display, assistance with local and state firework display permits.





## Opening Presentation

The Opening Presentation will start your display off "with a bang." A "mini-finale" will excite the crowd and get them energized for a great show.

20 3-inch Assorted Color Changing Star Shells

20 Total Opening Shells

## Body

The majority of your display will be fired during the Body presentation. It will have a balanced pace with constant action. Radiant color combinations like Violet & Lemon, Aqua & Pink, and the always treasured Red, White, & Blue. Amazing effects such as Crossette, Twitter Glittering, Rings, and Color Changing Chrysanthemums will be mixed in to illuminate your skies!

180 3-inch Assorted Aerial Display Shells

Note: Above shells will be individually fired or tied in combination flights of Two, Three, Five or Ten Shells per Flight

150 4-inch Assorted Aerial Display Shells

Note: Above shells will be individually fired or tied in combination flights of Two, Three or Six Shells per Flight

100 5-inch Assorted Aerial Display Shells

Note: Above shells will be individually fired or tied in combination flights of Two, Three or Five Shells per Flight

430 Total Body Shells

## Your Grand Finale Presentation

The Grand Finale Presentation is the ultimate crowd pleaser and most exhilarating part of your display. When the sky erupts with Multi-Color Peonies and Thunderous Salutes, there is no better visual experience. They will end your event in style and leave the audience wanting more!

100 3-inch Titanium Salutes  
200 3-inch Assorted Color Star Shells  
48 4-inch Assorted Color Star Shells  
30 5-inch Assorted Color Star Shells

378 Total Finale Shells





# PRICING



## DETAILS

\$20,000.00 Aerial Fireworks Display

\*Electronically-Fired Display

\*\*Suggested Length - 18 Minutes

\*\*\*Does not include County permit or fire watch fees if applicable

## GRAND TOTAL

**\$20,000.00**





# YOUR SHOW



We take pride in our ability to “layer” the sky with vivid surprises at varying heights and widths, painting the entire sky into beautiful scenes of color. Your show will be unique and precise, with a timeline that will include an opening mini-finale of bursts to kick off the display, followed by a body filled with unique scenes and special effect barrages, and concluding with a grand finale that will light up the sky like nothing your audience has ever seen!



OPENING - - - - - BODY - - - - - FINALE

\*Maximum shell heights will vary for each individual display.  
•On average, shells will reach 100' of elevation for every inch in shell diameter.  
(Example: 2" shells will reach approximately 200' in elevation.)



## AMPLIFYING EXCITEMENT SINCE 1889

### UNMATCHED INNOVATION

Imaginative people are the core of our success, and our creative team is constantly raising the bar and scouring the globe for new technologies. You can rest assured that your display will be innovative and unforgettable in every aspect.

### AWARD-WINNING DISPLAY DESIGN

Our creative team has won many international awards for our unique choreography and impeccable synchronicity, including the coveted Gold Jupiter award among others.

### EXCEPTIONAL TEAM

Our exceptional team will ensure that every aspect of your show is completely taken care of from permitting and safety regulations to show execution and clean up, so you can sit back and enjoy the time leading up to your exciting event. We will have the details under control every step of the way.

### 125 YEARS EXPERIENCE

We are bringing 125 years of experience to the table, giving us the knowledge and ability to use the absolute best technology, techniques, and the most innovative products with the utmost safety. We have lived and breathed fireworks and special effects for 125 years, and we will see your show through from concept to clean up.



800.854.4705 • [WWW.PYROTECNICO.COM](http://WWW.PYROTECNICO.COM)





# THANK YOU

Thank you for the time and consideration that you have given us.

We recognize that your standards of excellence must be matched by the vendors that you select for any event. We are honored to have this opportunity to accomplish something spectacular for your organization, and will always strive to exceed expectations.

Pyrotecnico will work tirelessly throughout this process to ensure that every element of the program runs smoothly. From permitting and license paperwork, to design and choreography, to the safe operation of your display, we will endeavor to provide peace-of-mind throughout our partnership.

+

Justin Pruett | Show Producer  
800. 854. 4705 (Office)  
803. 271. 5944 (Cell)

+



800.854.4705 • [WWW.PYROTECNICO.COM](http://WWW.PYROTECNICO.COM)



## Lois Stotesberry

---

**From:** Bill Rich <brich@hydecourtnc.gov>  
**Sent:** Sunday, December 27, 2015 2:52 PM  
**To:** 'Lois Stotesberry'; Barry Swindell; Ben Simmons; 'Dick Tunnell'; Earl Pugh; Fred Holscher; John Fletcher; Sarah Johnson  
**Subject:** FW: Fire Works/Occupancy Tax

Lois,

Please include in BOC package. Thanks.

Bill

---

**From:** Wayne Clark [<mailto:hwclark@edwardsofocracoke.com>]  
**Sent:** Saturday, December 19, 2015 11:50 AM  
**To:** [brich@hydecourtnc.gov](mailto:brich@hydecourtnc.gov)  
**Subject:** FW: Fire Works/Occupancy Tax

FYI

H. Wayne Clark  
Edwards of Ocracoke  
Rooms and Cottages  
Ocracoke Island, North Carolina  
[www.edwardsofocracoke.com](http://www.edwardsofocracoke.com)

---

**From:** Wayne Clark [<mailto:hwclark@edwardsofocracoke.com>]  
**Sent:** December 18, 2015 10:40 AM  
**To:** NATURAL SELECTIONS; 'jeanmincey@yahoo.com'  
**Cc:** 'Clayton Gaskill'; 'tootoo4u@embarqmail.com'; 'Earl Pugh'  
**Subject:** FW: Fire Works/Occupancy Tax

12/18/15

Frank/John,

I am opposed to this expenditure. The funds could be much better used for other community needs. To blow thousands of \$ up in smoke for a few minutes entertainment makes no sense given the limited resources we have in our community.

If [certain](#) Merchants really benefit from fire works, they should fund it. I question any real benefit as to [increased](#) revenue? Have Bill Rich check the sales tax for that period with and without fire works before decisioning it? I note our lodging is fully occupied with or without fireworks [during this period](#).

H. Wayne Clark

## Lois Stotesberry

---

**From:** Frank Brown <frankandjude@embarqmail.com>  
**Sent:** Tuesday, December 22, 2015 4:09 PM  
**To:** Bill Rich; Lois Stotesberry  
**Cc:** John Fletcher; Connie Leinbach; David Styron; Marlene Matthews; Clayton Gaskill; Trudy Austin  
**Subject:** Ocracoke Occupancy Tax Board Request  
**Importance:** High

At its meeting today December 22, the Ocracoke Occupancy Tax Board voted unanimously, with one member absent, to approve a request by the Ocracoke Civic and Business Association to have fireworks on the evening of July 3, 2016. This proposal has widespread community support and is made possible with the cooperation of the National Park Service, the Ocracoke Fire Department and the Hyde County Government. We understand that Hyde County will be the contractee and we ask that this be placed on the agenda of the January meeting of the Hyde County Commissioners for their approval.

Thank you.

Frank Brown, Chairman

## Lois Stotesberry

---

**From:** Bill Rich <brich@hydecourtync.gov>  
**Sent:** Sunday, December 27, 2015 3:23 PM  
**To:** 'Lois Stotesberry'  
**Subject:** FW: Resolution Requesting the Albemarle Regional Planning Organization to Delay Consideration of Tolling Ferry Routes  
**Attachments:** Letter of Support for Resolution Requesting the Albemarle Regional Planning Organization to Delay Consideration of Tolling Ferry Routes.docx

Lois,

Please include in BOC packages

Bill

---

**From:** Bill Rich [<mailto:billrich3@mindspring.com>]  
**Sent:** Sunday, December 27, 2015 3:17 PM  
**To:** [brich@hydecourtync.gov](mailto:brich@hydecourtync.gov)  
**Subject:** FW: Resolution Requesting the Albemarle Regional Planning Organization to Delay Consideration of Tolling Ferry Routes

---

**From:** Viddia Torbett (Rep. John Torbett) [<mailto:Torbettla@ncleg.net>]  
**Sent:** Sunday, December 13, 2015 11:59 AM  
**To:** Assistant Manager Will Doerfer <[wdoerfer@hydecourtync.gov](mailto:wdoerfer@hydecourtync.gov)>; [awelsh@albemarlecommission.org](mailto:awelsh@albemarlecommission.org); Bill Sexton <[sextonfarms@embarqmail.com](mailto:sextonfarms@embarqmail.com)>; Chairman Barry Swindell <[bsswindell@yahoo.com](mailto:bsswindell@yahoo.com)>; Commissioner Benjamin Simmons III <[twsbciii@aol.com](mailto:twsbciii@aol.com)>; Commissioner Dick Tunnell <[adtunnell@coastalnet.com](mailto:adtunnell@coastalnet.com)>; Commissioner Earl Pugh, Jr. <[middletownfarms@embarqmail.com](mailto:middletownfarms@embarqmail.com)>; Commissioner John Fletcher <[jeanmincey@yahoo.com](mailto:jeanmincey@yahoo.com)>; County Manager Bill Rich <[brich@hydecourtync.gov](mailto:brich@hydecourtync.gov)>; Edward Muzzulin <[e.muzzulin@mchsi.com](mailto:e.muzzulin@mchsi.com)>; H.M. "Butch" Petrey <[Butch.Petrey@CurrituckCountyNC.gov](mailto:Butch.Petrey@CurrituckCountyNC.gov)>; Jack Owens <[jowens@gatescountync.gov](mailto:jowens@gatescountync.gov)>; Jack Shae <[jjshaebg@peoplepc.com](mailto:jjshaebg@peoplepc.com)>; Jeff Smith <[jeffsmith@net-change.com](mailto:jeffsmith@net-change.com)>; Leroy Spivey <[lspivey@tyrrellcounty.net](mailto:lspivey@tyrrellcounty.net)>; Lloyd Griffin III <[legriffin111@gmail.com](mailto:legriffin111@gmail.com)>; Malcolm Fearing <[mkfearing@ncdot.gov](mailto:mkfearing@ncdot.gov)>; Michael McLain <[mmclain@cambencountync.gov](mailto:mmclain@cambencountync.gov)>; Randy Krainiak <[rkrainiak@camdencountync.gov](mailto:rkrainiak@camdencountync.gov)>; Rep. John Torbett <[John.Torbett@ncleg.net](mailto:John.Torbett@ncleg.net)>; Rep. Paul Tine <[Paul.Tine@ncleg.net](mailto:Paul.Tine@ncleg.net)>; Wally Overman <[wallyo@darenc.com](mailto:wallyo@darenc.com)>; 'Lois Stotesberry' <[lstotesberry@hydecourtync.gov](mailto:lstotesberry@hydecourtync.gov)>  
**Subject:** Resolution Requesting the Albemarle Regional Planning Organization to Delay Consideration of Tolling Ferry Routes

Please see the attached letter of support from Representative John Torbett.

Thank you,

Viddia Torbett  
Legislative Assistant  
Representative John A. Torbett  
300 North Salisbury Street, 538 LOB  
Raleigh, NC 27603-5925  
919-733-5868

Services, might be misinterpreted. In order to help everyone carry out their records retention responsibilities, an amendment to each local schedule that includes this item was prepared.

New wording for the disposition instructions for Employee Eligibility Records is "Mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later". The intent of these disposition instructions is no different than those currently published in the county's Records Retention and Disposition Schedule (April 15, 2013) the amendment is purely for the sake of clarity.

No action required.

#### **Courthouse Security**

County Manager Bill Rich reported Chairman Swindell received letters from Wayland J. Sermons, Jr., Senior Resident Superior Court Judge and Seth H. Edwards, DA, requesting immediate attention to courthouse security. Judge Sermons and District Attorney Edwards suggest appointing a courthouse security improvement committee and ask that the committee report back to the Board of Commissioners in time to make recommendations and have them considered in this year's budget.

Commissioner Pugh moved to appoint a Courthouse Security Improvement Committee consisting of Clerk of Court Brandy Pugh, Sheriff Guire Cahoon, Commissioner Dick Tunnell, County Manager Bill Rich, Emergency Management Director Justin Gibbs and Utilities Department Director Clint Berry. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Simmons.

#### **Ocracoke Fireworks**

Manager Bill Rich reported Ocracoke Civic and Business Association (OCBA) Fireworks Committee is working on a project to bring fireworks back to Ocracoke for 4<sup>th</sup> of July festivities. OCBA asked that Hyde County be the sponsor and certificate holder in July 2015.

Commissioner Fletcher moved to approve Hyde County Board of Commissioners to be "certificate holder" and "sponsor" of fireworks on Ocracoke on July 3, 2015 pending insurance certificate being approved by the County's Insurance Provider and County Attorney and as long as the Ocracoke Occupancy Tax Board funds the fireworks display. Commissioner Tunnell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Simmons.

#### **Animal Control**

County Manager Bill Rich reported at the December 1, 2014 Board of Commissioners meeting that Tyrrell County Manager David Clegg agreed to recommend to the Tyrrell County Board of Commissioners an Interlocal Agreement merging Hyde County's Animal Control into Tyrrell County's Animal Control for a 90-day trial period. At that time Hyde County Commissioners tabled voting on the merger to allow Animal Control Officer J. M. Eakes an opportunity to discuss and if he would like to make a counteroffer.

J. M. Eakes, Animal Control Officer, reported a full-time animal control officer is needed and should be placed under supervision of the Sheriff's Department. After discussion, Mr. Eakes stated he would match Tyrrell County's offer to provide animal control in Hyde County.

Manager Rich, Commissioner Pugh, Sheriff Cahoon and Animal Control Officer J. M. Eakes met on January 27<sup>th</sup> to develop an Animal Control program for the County.

Commissioner Pugh moved to approve Mr. Eakes' Animal Control Program for Hyde County with animal control officer call fees of \$20.00 per hour on call; kennel fees billed to the dog owner with the program beginning on March 1, 2015 and operating on a month-to-month basis under the supervision of Sheriff Cahoon (field and calls) and Manager Rich (transparency of bills). Commissioner Tunnell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Simmons.

#### **Update on the Proposed Ocracoke Leash Law Regarding Countywide vs. Ocracoke Only**

County Manager Rich reported that at the previous Board of Commissioners meeting on January 5, 2015 he had been asked by Ocracoke residents to present request for a leash law on Ocracoke Island. After studying the Hyde County Code – Animal Control Ordinance No. 165, Manager Rich reported the County has an adequate leash law. After research, it was determined that Animal Control Ordinance No. 165 has adequate leash law language that can be enforced by the Sheriff's Department.

## Lois Stotesberry

---

**From:** Ocracoke Civic and Business Association <info@ocracokevillage.com>  
**Sent:** Friday, January 30, 2015 11:59 AM  
**To:** middletownfarms@embarqmail.com; adtunnell@coastalnet.com; twsbcsiii@aol.com; Barry Swindell; John Fletcher; Bill Rich; Lois Stotesberry; Sarah Johnson  
**Cc:** Darlene Styron; Connie Leinbach; Tommy Hutcherson; Clyde S austin; Amy Srail Johnson; Justin LeBlanc  
**Subject:** Ocracoke fireworks  
**Attachments:** Evidence of Insurance S Vitale.pdf; Blank Contract.docx; Untitled attachment 00073.txt

Dear Hyde County Board of Commissioners,

A fireworks committee was formed at the January 21 Ocracoke Civic and Business Association meeting with the purpose of trying to bring fireworks back to our 4th of July festivities.

Last spring, Ocracoke residents Trudy Austin (who serves on the Occupancy Tax board) and Tommy Hutcherson (owner of the Ocracoke Variety Store) met with Justin Pruett of Pryotecnico, a pyrotechnical company in Columbia, SC. They are the same company that produces the fireworks for Avon, NC. Also at that meeting was Darren Burrus, who would provide a barge for the fireworks.

Based on the information that Trudy provided for us, we called Justin Pruett to discuss fireworks for 2015. He has provided us with a sample contract and certificate of liability insurance (attached below.) You can find out more about his company at their website, [www.pyrotecnico.com](http://www.pyrotecnico.com)

We will be requesting funding from the Occupancy Tax board, and working with the fireworks company on logistics. But we would like to request that Hyde County be the entity that signs on as "certificate holder" and "sponsor" of the fireworks event, if such an event is possible. Representatives from our committee will speak at the commissioners meeting on Monday and make an official request.

Thank you for your consideration,

Sundae

Sundae Horn  
Director of Travel and Tourism  
Ocracoke Civic and Business Association

[info@ocracokevillage.com](mailto:info@ocracokevillage.com)  
[www.ocracokevillage.com](http://www.ocracokevillage.com)  
252-928-6711  
cell 252-921-0283

Fireworks committee: Darlene Styron, Amy Johnson, Justin LeBlanc, Connie Leainbach, and Sundae Horn



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/14/2015

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

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

<b>PRODUCER</b> MCGRIFF, SEIBELS & WILLIAMS, INC. P.O. Box 10265 Birmingham, AL 35202	<b>CONTACT NAME:</b> Melanie Allen		
	<b>PHONE (A/C, No, Ext):</b> 800-476-2211	<b>FAX (A/C, No):</b>	
<b>E-MAIL ADDRESS:</b> mall@mcgriff.com			
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>	
<b>INSURED</b> S Vitale Pyrotechnic Ind Inc. dba Pyrotecnico P.O. Box 149 New Castle, PA 16103	<b>INSURER A :</b> RLI Insurance Company		13056
	<b>INSURER B :</b> Lexington Insurance Company		19437
	<b>INSURER C :</b> See Below		
	<b>INSURER D :</b>		
	<b>INSURER E :</b>		
<b>INSURER F :</b>			

**COVERAGES**

CERTIFICATE NUMBER: YHWSNPRL

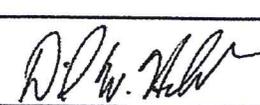
REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		015375417	01/14/2015	01/14/2016	EACH OCCURRENCE	\$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
						MED EXP (Any one person)	\$
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COMP/OP AGG	\$ 2,000,000
						Policy Aggregate:	\$ 5,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> Tri InterChg <input checked="" type="checkbox"/> \$1mil <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		LFT0012743	01/14/2015	01/14/2016	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
						Comp. \$2500 deductible	Coll. \$2500 deductible
B	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$		015375365	01/14/2015	01/14/2016	EACH OCCURRENCE	\$ 9,000,000
						AGGREGATE	\$ 9,000,000
							\$
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	738720960407-California Ins. Co (NAIC# 38865) 738720960406-Continental Indemnity Co.(NAIC# 28258) (Blanket Waiver of Subrogation Incl'd)	06/07/2013	06/07/2015	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER	
						E.L. EACH ACCIDENT	\$ 1,000,000
						E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
						E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
							\$
							\$
							\$
							\$

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

**CERTIFICATE HOLDER****CANCELLATION**

Evidence of Insurance ..	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



## Fireworks Display Contract

THIS CONTRACT (this "Contract") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by and between **Pyrotecnico Fireworks Inc. ("Pyrotecnico")** and \_\_\_\_\_ ("Sponsor"), with its principal place of business located in **Ashburn, Georgia**.

WHEREAS, Pyrotecnico is desirous of providing Sponsor with a fireworks exhibition and display for Sponsor's benefit under such terms and conditions as provided herein, and thereby, the parties agree as follows:

### 1. Fireworks Display.

Pyrotecnico shall sell, furnish and deliver to Sponsor certain fireworks which Pyrotecnico agrees to exhibit and display on

**DATE: July 4, 2015 /Rain Date: \_\_\_\_\_ (Please fill in Rain Date)**

**(Note: Rain dates not available on July 2-4, 2015 – If planning a Rain Date during July 4<sup>th</sup> week, please consult with your Show Producer before submitting)** in accordance with the program set forth and agreed upon at the time of the signing of this Contract, the specifics of which are set forth in the "Fireworks Exhibition and Display Program" attached hereto and incorporated herein by reference thereto (the "Fireworks Display").

### 2. Payment Schedule.

For and in consideration of the Fireworks Display, Sponsor agrees to pay Pyrotecnico the contract price of **\_\$0.00 (Includes \$0 Permit Fee)** (the "Contract Price") paid as follows: **a. 50% of the Contract Price due upon the signing of this Contract b. the balance of the Contract Price due within ten (10) days of completion of Fireworks Display.**

Sponsor agrees to pay interest at the rate of 1½ % per month on any delinquent balance of the Contract Price until paid in full. Payment shall be made by certified check or otherwise as agreed by Pyrotecnico to Pyrotecnico at P.O. Box 149, New Castle, PA 16103. Furthermore, in the event Sponsor fails to perform its obligations and responsibilities as set forth herein and it becomes necessary for Pyrotecnico to enforce its rights by hiring an attorney or third party, Sponsor shall be responsible for all fees and costs incurred by Pyrotecnico to collect said sums.

### 3. Display Responsibilities.

Pyrotecnico and Sponsor will collaborate in the performance of all tasks relating to the Fireworks Display. These tasks include, but are not limited to, (i) procuring and furnishing a place suitable for the Fireworks Display (the "Display Site"), (ii) applying for, obtaining and securing all permits, licenses and approvals required by all applicable local, state and federal laws and regulations as well as those required by any local police and fire departments for the Fireworks Display (collectively, the "Required Approvals") Sponsor is responsible for the payment of all governmental fees and expenses imposed or applied to this exhibition including any fees or expenses incurred after the signing and execution of contract for said show, (iii) providing adequate private and/or public security, police and fire protection, (iv) securing an acceptable location with private and/or public security personnel to park the Pyrotecnico fireworks truck(s) overnight (or for such longer or shorter period as Pyrotecnico may reasonably require in order to effectively provide the Fireworks Display), (v) securing adequate protection to preclude all individuals, other than those authorized by Pyrotecnico, from entering the security area designated by Pyrotecnico, (vi) removing and keeping unauthorized persons, as well as, personal or real property of any kind, including, without limitation, motor vehicles, outside of the area designated by Pyrotecnico as the Display Site, fallout area or safe zone. Pyrotecnico and Sponsor shall fulfill their responsibilities as set forth herein in accordance with all local, state and federal rules, laws, orders and regulations, including those of the National Fire Protection Association (NFPA).

### 4. Crediting.

Sponsor agrees to credit Pyrotecnico as "Fireworks by Pyrotecnico" in all advertising/marketing materials that are within the Sponsors authority.

### 5. Indemnification and Limitation of Liability.

Sponsor shall indemnify, defend and hold Pyrotecnico and its shareholders, directors, officers, employees, agents, representatives and insurers harmless from any and all demands, claims, causes of action, judgments or liability (including, without limitation, the costs of suit and reasonable costs of experts and attorneys) arising from damage to or destruction of property (including, without limitation, real and personal) or bodily or personal injuries (including, without limitation, death), whether arising from tort, contract or otherwise, that occur directly or indirectly from (a) the gross negligence or willful misconduct of Sponsor or its employees, agents, contractors or representatives, or (b) the failure of Sponsor to comply with its obligations and responsibilities as set forth herein. Pyrotecnico shall indemnify, defend and hold Sponsor harmless from any and all demands, claims, causes of action, judgments or liability (including, without limitation, the costs of suit and reasonable costs of experts and attorneys) arising from damage to or destruction of property (including, without limitation, real and personal) or bodily or personal injuries (including, without limitation, death), whether arising from tort, contract or otherwise, that occur directly or indirectly from the gross negligence or willful misconduct of Pyrotecnico or its employees, agents, contractors or representatives. Sponsor shall not under any circumstances be entitled to recover any consequential, incidental, exemplary, special and/or punitive damages from Pyrotecnico, including, without limitation, loss of income, business or profits.



**6. Postponement.**

In the event that weather is such that Pyrotecnico, in its sole and absolute discretion, determines that the Fireworks Display would be impossible or would unnecessarily increase the risk of damage or danger to person and/or property, the parties agree to immediately hold a postponement meeting at which time an attempt to reschedule the Fireworks Display shall be discussed with a view toward reaching a mutually satisfactory postponement time and/or date. If the parties agree to a new scheduled date, then Sponsor shall pay twenty-five percent (25%) of the contract price for expenses Pyrotecnico has incurred. In the event a mutually satisfactory postponement date for the Fireworks Display cannot be determined, this Contract shall become null and void and neither party shall have any further obligation or responsibility hereunder, provided however, that in such event Sponsor shall pay to Pyrotecnico a sum equal to seventy-five percent (75%) of the Contract Price as liquidated damages. All postponed shows must be rescheduled and completed within six (6) months from the date in which they were originally scheduled.

**7. Cancellation.**

If (i) Sponsor cancels this Contract for any reason, or (ii) Pyrotecnico is unable to timely complete all tasks relating to the Fireworks Display in accordance with this Contract with the assistance of Sponsor and cancels this Contract despite both parties best efforts, liquidated damages for such cancellation shall be paid by Sponsor to Pyrotecnico as follows: a. In the event the Fireworks Display is cancelled more than thirty (30) days before the date scheduled for the Fireworks Display, twenty-five percent (25%) of the amount of the Contract Price; b. In the event that the Fireworks Display is cancelled less than 30 days before the date scheduled for the Fireworks Display, seventy-five percent (75%) of the amount of the Contract Price.

In the event that Sponsor chooses to terminate this Contract, it shall do so by written notice via certified mail addressed to Pyrotecnico, P.O. Box 149, New Castle, PA 16103. Notice shall be effective upon receipt of said written notice by Pyrotecnico. Except as provided in Section 6 above with respect to weather postponement, in the event of circumstances beyond the control of either party, such as fire, strikes, delay, or similar causes which prevent the delivery of materials or performances as set forth herein, the parties hereto release one another from any and all obligations and responsibilities contained herein, provided however, sponsor shall pay to Pyrotecnico 25% of contract price as liquidated damages.

**8. Scripted Show and Music Soundtracks**

Sponsor agrees to complete and return signed contract to Pyrotecnico, a minimum of 40 days in advance of show date, for displays designated as "scripted" exhibitions. Furthermore, sponsor agrees to either provide music soundtrack or approve soundtrack created by Pyrotecnico, a minimum of 30 days in advance of show date. If sponsor fails to complete either option, then Pyrotecnico in its sole discretion, reserves the right to complete soundtrack without prior approval from sponsor. Scripting process will be completed based on the soundtrack completed by Pyrotecnico.

**9. Venue.**

In any action on or relating to this Contract, the parties hereto consent to the exclusive jurisdiction and venue of the state courts located in Lawrence County, Pennsylvania and of the federal courts located in the United States District Court for the Western District of Pennsylvania.

**10. Legal Construction.**

If any provision of this Contract is held to be illegal, invalid or otherwise unenforceable, then: (a) the same shall not affect other terms or provisions of this Contract; and (b) such term or provision shall be deemed modified to the extent necessary to render such term or provision enforceable and the rights and obligations of the parties shall be construed and enforced accordingly, preserving to the fullest extent the intent and agreements of the parties set forth herein. Pyrotecnico reserves the right to substitute products of equal or greater value.

**11. Entire Agreement.**

This Contract and the Fireworks Exhibition and Display Program constitutes the entire agreement between the parties hereto, and there are no other understandings, either oral or written, regarding to the subject matter hereof.

IN WITNESS WHEREOF, the undersigned executed this Contract by and through their authorized representatives whose names appear below.

**PYROTECNICO:**  
By: \_\_\_\_\_

**SPONSOR:**  
By: \_\_\_\_\_

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

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



**CONTACT/INSURANCE REQUISITION FORM**

**Please return this form with your signed contract for the Insurance Certificate to be processed.**

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

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Contact Persons Name: \_\_\_\_\_

Main Phone Number: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Accounts Payable Contact: \_\_\_\_\_ Email: \_\_\_\_\_

Display Date & Time: \_\_\_\_\_ Rain Date: \_\_\_\_\_

Contact Person on Site (Day of display), if different from above:

Name: \_\_\_\_\_ Cell Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Display Site Location and Address:

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

Additionally Insured – If Applicable:

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

- Please complete and return this form to Pyrotecnico:
  - Fax to: 724.652.1288 or
  - Email to: [jpruett@pyrotecnico.com](mailto:jpruett@pyrotecnico.com)