# REGULAR COUNCIL MEETING

# A G E N D A

TOWN OF CHINCOTEAGUE

October 2, 2006 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

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1. Consider Adoption of the Minutes
   - Regular Council Meeting of September 21, 2006 **(Page 2 of 30)**

2. Presentation & Resolution in Honor of Jay Wesley Jefferies, (Retirement) **(Page 19 of 30)**

3. Budget & Personnel Committee Report of August 8, 2006 (Councilwoman Conklin)**(Page 20 of 30)**
   *The following action was taken by the Committee and will need to be acted upon:*
   - Consider Amendment to Section 109 – Conflicts of Interest, Employee Handbook
   - Consider Request from EMS Personnel, Reimbursement for Cell Phones

4. Project No. 06-09-002, Emergency Repair, Harbor Boat Ramp **(Page 25 of 30)**

5. Software Purchase, (Harris Company) **(Page 26 of 30)**

6. Mayor & Council Announcements or Comments
   *(Note: Roberts Rules do not allow for discussion under comment period)*

ADJOURN:

**MINUTES OF THE SEPTEMBER 21, 2006**
***CHINCOTEAGUE TOWN COUNCIL MEETING***

**Council Members Present:**
John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolffe, Councilman

## *Call to Order*

Mayor Tarr called the meeting to order at 7:30 p.m.

## *Invocation*

Councilman Howard offered the invocation.

## *Pledge of Allegiance*

Mayor Tarr led the Pledge of Allegiance.

## *Agenda Additions/Deletions and Adoption*

Councilman Wolffe motioned, seconded by Councilman Howard, to add Public Participation as agenda item number 3A and to adopt the agenda as amended. The motion was unanimously approved.

## *1. Approval of Minutes of the September 5, 2006 Regular Council Meeting.*

Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.

## *2. Presentation of Proffers.*

Mr. John Anzivino of Springsted, Incorporated gave a presentation on the proffer process with regards to capital planning. He further explained the three types of proffer systems in Virginia and the requirements associated with each type.

## *3. Recreation and Convention Center Authority Report.*

Councilwoman Conklin reported that the additional septic has recently been installed so that the Center is able to have a full-service kitchen. She stated that rentals have increased, but that the Center continues to have problems with the heating and air-conditioning system.

## *3A. Public Participation.*

- Mrs. Margot Hunt thanked Council for inviting planning consultant, Mr. Ed. McMahon, to give his presentation to Council and the public recently.
- Mrs. Jane Wolffe updated Council on the local YMCA activities. She stated that the local YMCA is associated with the Mid-Atlantic District YMCA and that the local chapter now has a part-time Director whose salary is being funded by a grant.

## *4. Ordinance Committee Report of September 13 and 18, 2006.*

Zoning Administrator Lewis explained why it was necessary for Council to adopt new Floodplain Ordinance, Chapter 30 – Floods.

Councilwoman Conklin motioned, seconded by Councilman Wolffe, to adopt the following Floodplain Ordinance, Chapter 30 – Floods. The motion was unanimously approved.

Chapter 30

**FLOODS***

**Article I. General Provisions**

Sec. 30-1. Purpose.
Sec. 30-2. Applicability.
Sec. 30-3. Compliance and liability.
Sec. 30-4. Abrogation and greater restrictions.
Sec. 30-5. Severability.
Sec. 30-6. Reserved.

**Article II. Floodplain Management**

Sec. 30-7. Definitions.
Sec. 30-8. Reserved.

**Article III. Establishment of Zoning Districts**

Sec. 30-9. Description of districts.
Sec. 30-10. Official floodplain map.
Sec. 30-11. District boundary changes.
Sec. 30-12. Interpretation of district boundaries.
Sec. 30-13. Reserved.

**Article IV. District Provisions**

Sec. 30-14. Permit and application requirements.
Sec. 30-15. General standards.
Sec. 30-16. Specific standards.
Sec. 30-17. Standards for subdivision proposals.

Sec. 30-18. Standards for the coastal high hazard district.
Sec. 30-19. Reserved.

**Article V. Variances**

Sec. 30-20. Factors to be considered.

**Article VI. Enactment**

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***Cross references—**Buildings and building regulations, ch. 14; environment, ch. 22; streets, sidewalks and other public places, ch. 50; utilities, ch. 62; waterways, ch. 70; zoning, app. A; land subdivision and development, app. B.

**State law reference—**Flood Damage Reduction Act, Code of Virginia, §10.1-600 et.seq.

ORDINANCE NO. 30 - FLOODS

AN ORDINANCE AMENDING ORDINANCE NO. 30, THE ORDINANCE OF THE TOWN OF CHINCOTEAGUE, VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE TOWN OF CHINCOTEAGUE, VIRGINIA AS FOLLOWS:

## ARTICLE I. GENERAL PROVISIONS

**Sec. 30-1. Purpose.**

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

(1) regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.

(2) restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.

(3) requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage.

(4) protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

**Sec. 30-2. Applicability.**

These provisions shall apply to all lands within the jurisdiction of the town and identified as being in the 100-year floodplain by the Federal Insurance Administration.

**Sec. 30-3. Compliance and liability.**

(a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

(b) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district, will be free from flooding or flood damages.

(c) Records of actions associated with administering this ordinance will be kept on file and maintained by the Zoning Administrator.

(d) This ordinance shall not create liability on the part of the Town or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**Sec. 30-4. Abrogation and greater restrictions.**

This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

**Sec. 30-5. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

**Sec. 30-6. Reserved.**

## ARTICLE II. FLOODPLAIN MANAGEMENT

**Sec. 30-7. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Base flood elevation* means the Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.

*Basement* means any area of the building having its floor sub-grade (below ground level) on all sides.

*Board of Zoning Appeals* means the board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Coastal high hazard area* means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

*Development* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building* means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

*Flood or flooding* means:

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters; or,

(b) the unusual and rapid accumulation or runoff of surface waters from any source.

(2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural

body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1(a) of this definition.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

*Historic structure* means any structure that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

(4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) by an approved state program as determined by the Secretary of the Interior; or,

(b) directly by the Secretary of the Interior in states without approved programs.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed one a site for greater than 180 consecutive days.

*New construction* means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial

Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*Recreational vehicle* means a vehicle which is:

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) designed to be self-propelled or permanently towable by a light duty truck; and,

(4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

*Special flood hazard area* means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article III, Section 30-10 of this ordinance.

*Start of construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local

code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Sec. 30-8. Reserved.**

## ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

**Sec. 30-9. Description of districts.**

(a) Basis of Districts - The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100)-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for the Town prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated June 1, 1984, as amended.

(1) The Coastal Floodplain District shall be those areas identified as coastal AE or A1-30 Zones on the maps accompanying the Flood Insurance Study. Flood elevations are provided in these tidal floodplains; however, floodway data is not applicable.

(2) The Coastal High Hazard District shall be those areas identified as V1 – V30, VE, or V Zones on the maps accompanying the Flood Insurance Study.

(b) Overlay Concept

(1) The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

(2) Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

(3) In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

**Sec. 30-10. Official floodplain map.**

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the town offices.

**Sec. 30-11. District boundary changes.**

The delineation of any of the Floodplain Districts may be revised by the Town where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

**Sec. 30-12. Interpretation of district boundaries.**

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

**Sec. 30-13. Reserved.**

## ARTICLE IV. DISTRICT PROVISIONS

**Sec. 30-14. Permit and application requirements.**

(a) Permit Requirement - All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, as amended and the Town Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws.

(b) Site Plans and Permit Applications - All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

(1) For structures to be elevated, the elevation of the lowest floor (including basement).

(2) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

(3) The elevation of the one hundred (100)-year flood.

**Sec. 30-15. General standards.**

In all special flood hazard areas the following provisions shall apply:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

**Sec. 30-16. Specific standards.**

In all special flood hazard areas the following provisions shall apply:

(a) Residential Construction - New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than base flood elevation.

(b) Non-Residential Construction - New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than base flood elevation.

(c) Elevated Buildings - Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

(1) not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

(2) be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(3) in the Coastal High Hazard District, follow the standards for elevation outlined in Article IV, Section 30-18.

(4) include, in Zones AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

(a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

(b) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

(c) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

(d) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

(e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

(f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(d) Standards for Manufactured Homes and Recreational Vehicles

(1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new

manufactured home park or subdivision or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

(2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(a) the lowest floor of the manufactured home is elevated no lower than base flood elevation; or,

(b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the grade;

(c) the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

(d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage," any manufactured home placed or substantially improved must meet the standards of Article IV, Section 30-16(d)(2)(a)(b) and (c) above.

(3) All recreational vehicles placed on sites must either:

(a) be on the site for fewer than 180 consecutive days;

(b) be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,

(c) meet all the requirements for new construction, including anchoring and elevation requirements of Article IV, Section 30-16(d)(1) or (2)(a), (b) and (c), above.

**Sec. 30-17. Standards for subdivision proposals.**

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

**Sec. 30-18. Standards for the coastal high hazard district.**

The following provisions shall apply within the Coastal High Hazard District:

(a) All new construction and substantial improvements in Zones V1 – V30 and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:

(1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level (recommend ≥ one foot freeboard); and,

(2) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).

(b) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Article IV, Section 30-18(a).

(c) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1 – V30 and VE. The Floodplain Management Administrator shall maintain a record of all such information.

(d) All new construction shall be located landward of the reach of mean high tide.

(e) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any give year.

(f) The enclosed space below the lowest floor shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.

(g) Prohibit the use of fill for structural support of buildings. When fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.

(h) Prohibit man-made alteration of sand dunes which would increase potential flood damage.

(i) All manufactured homes to be placed or substantially improved within Zones V1 – V30, V, and VE on the Town's Flood Insurance Rate Map on sites must meet the standards of Article IV, Section 30-18(a) though (h) and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision with Zones V1 – V30, V, and VE on the Flood Insurance Rate Map meet the requirements of Article IV, Section 30-16(d)(1) and (2), if they are located:

(1) outside of a manufactured home park or subdivision,

(2) in a new manufactured home park or subdivision,

(3) in an expansion to an existing manufactured home park or subdivision, or

(4) in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage."

(j) Recreational vehicles placed on sites within Zones V1 – V30, V, and VE on the community's Flood Insurance Rate Map must either:

(1) be on the site for fewer than 180 consecutive days,

(2) be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

(3) meet the requirements of Article IV, Section 30-14 and Article IV, Section 30-18(a) though (h).

**Sec. 30-19. Reserved.**

## ARTICLE V. VARIANCES

### Sec. 30-20. Factors to be considered.

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

(a) The showing of good and sufficient cause.

(b) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.

(c) The danger that materials may be swept on to other lands or downstream to the injury of others.

(d) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(e) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(f) The importance of the services provided by the proposed facility to the community.

(g) The requirements of the facility for a waterfront location.

(h) The availability of alternative locations not subject to flooding for the proposed use.

(i) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(j) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(k) The safety of access by ordinary and emergency vehicles to the property in time of flood.

(l) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(m) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a

historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(n) Such other factors which are relevant to the purposes of this ordinance.

All applicants must obtain documentation pertaining to the request for a variance from a Virginia certified engineer to evaluate the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters prior to referring such to the BZA..

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

**ARTICLE VI. ENACTMENT**

ENACTED AND ORDAINED THIS ____ DAY OF _____, 20__. This ordinance shall become effective upon passage.

_____

Attest: John H. Tarr, Mayor

_____

Robert G. Ritter, Jr., Town Manager

## *5. Adjacent Property Owner's Acknowledgement Form – Mr. and Mrs. Kenneth Bogush.*

Mayor Tarr explained that Mr. and Mrs. Kenneth Bogush wish to construct a boat dock on their property on Main Street which is adjacent to the Town's property. He added that the Town has the option to mark the *no comment*, *do not object*, or *object to the project* boxes.

Councilman Wolffe motioned, seconded by Councilman Ross, to mark the *do not object* box on the Adjacent Property Owner's Acknowledgement Form. The motion was unanimously approved.

## *6. Change Order Request – Painting of the Two Water Storage Tanks.*

Public Works Director Cosby explained that the contractor is prepared to begin work on the contract for the painting, repairs and maintenance of the two water storage tanks. He added that the project was originally scheduled for Fall 2004, but was delayed at the Town's request. Public Works Director Cosby informed Council that a change order for an $8,000 increase to the contract was made on March 21, 2005 and that the contractor is now requesting another change order for an additional $27,000 to offset cost increases.

Councilwoman Conklin motioned, seconded by Councilman Howard, to approve the contractor's change order for an additional $27,000 increase to the contract. The motion was unanimously approved.

## *7. Mayor and Council Announcements or Comments.*

- Councilman Ross is concerned that there is no sidewalk in front of the high school and along the side of the school along Hallie Whealton Smith Drive. He suggested that the Town, together with the School Board, ask the contractor to construct this sidewalk at no additional charge.
- Councilwoman Richardson announced that the Planning Commission will meet on September 26 at 7:00 pm. She also asked for Council's support in pursuing the idea of having flood gates installed due to flooding from storms like the recent tropical storm.
- Town Manager Ritter stated that Redman/Johnston want to meet with Council and the Planning Commission on September 28 to discuss the results of the surveys that were recently conducted. Mayor Tarr recommended that the meeting be rescheduled for some time in October.
- Zoning Administrator Lewis recommended that a better communications system be established with the Island residents regarding storm damage. He noted that complete storm damage information is important when reporting the Island's total assessed property damage to FEMA for possible financial assistance for repairs.
- Mayor Tarr stated that the Town received a request from the Shriners to have a "Boot Drive" on the Island on September 30 asking motorists for donations for the Children's Hospital. It was the consensus of Council to approve the Shriners' request.

## *Adjournment of Meeting*

Mayor Tarr announced that the next meeting will be on October 2, 2006 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

_____ _____

Mayor Town Manager

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# RESOLUTION
## OF THE CHINCOTEAGUE TOWN COUNCIL

presented to

# J. Wesley Jeffries

**WHEREAS,** Mr. J. Wesley Jeffries has served the Town of Chincoteague with dedicated interest and devotion to duty for many years in many capacities; and

**WHEREAS,** Mr. Jeffries has announced his plans to retire on September 30, 2006 and has been honored by the Town Council, co-workers and friends, who are deeply appreciative of his many contributions to the community through the years;

**THEREFORE,** by virtue of the authority vested in me as Mayor, and on behalf of the Town Council and all our citizens, I do hereby tender this Resolution to Mr. J. Wesley Jeffries extending our best wishes to him for much success and happiness in the future.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

# MEMORANDUM

TO: Mayor & Council

FROM: Robert G. Ritter, Jr., Town Manager

DATE: September 28, 2006

SUBJECT: Conflict of Interest

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In reviewing the Town's Employee Handbook, I discovered that no where including the Charter or Ordnances does the Town address staff members holding a Council seat. Should an employee serve on the Council there would clearly be a conflict of interest.

To eliminate this from occurring, I recommend an amendment to section 109 of the Employee Handbook. A copy is attached for your review.

The Budget & Personnel Committee has recommended a motion to the Mayor & Council to favorably endorse the following:

**"to amendment Section 109 of the Employee Handbook, Conflict of Interest to include *No compensated employee of the Town shall be eligible to serve on Council."***

See attached minutes of September 19, 2006.

# 109 CONFLICTS OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the Town of Chincoteague wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact your Department Head for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Town of Chincoteague's business dealings. For the purposes of this policy, a relative is any person who is living within the same household that is a dependent.

No "presumption of quilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she disclose to their Department Head as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the Town of Chincoteague does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Town of Chincoteague.

***No compensated employee of the Town shall be eligible to serve on Council.***

# MEMORANDUM

TO: Mayor & Council

FROM: Robert G. Ritter, Jr., Town Manager

DATE: September 28, 2006

SUBJECT: Cell Phone Reimbursement for Emergency Medical Personnel

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I received the attached email from Bryan Rush requesting a $25.00 per month allowance for the EMS employee's personal cell phones. Bryan has indicated that the EMS personnel have turned in their pagers, because they are not being used.

At this time the pagers have not been returned to the company, so we are still receiving a bill for this service. When they are returned, the line item in the budget for pagers can be used for cell phone reimbursement. The Police Department is already receiving a cell phone reimbursement..

The Budget & Personnel Committee has recommended a motion to the Mayor & Council:

**"to authorize reimbursement to the three Emergency Medical Service personnel of $25.00 per month on their paycheck for cell phone use."**

**MINUTES OF THE SEPTEMBER 19, 2006**
**BUDGET AND PERSONNEL COMMITTEE MEETING**

Members Present
Nancy B. Conklin, Chairwoman
Glenn B. Wolffe
Anita W. Speidel

1. Call to Order.
Chairwoman Conklin called the meeting to order at 5:30 p.m.

2. Agenda Adoption.
Chairwoman Conklin asked that the Invocation and Pledge of Allegiance be removed from the agenda as this is not normally done at committee meetings.

Vice Mayor Speidel moved, seconded by Councilman Wolffe to adopt the agenda as corrected. The motion was unanimously approved.

3. Request from Emergency Medical Personnel for Reimbursement for Cell Phones.
Town Manager Ritter explained that the EMS employees have turned in their pager and are requesting a $25.00 per month allowance for their personal cell phones. Police Officers are currently receiving this reimbursement. EMS employees are using their personal cell phones daily in the performance of their duties.

Councilman Wolffe moved, seconded by Vice Mayor Speidel to authorize reimbursement to the three Emergency Medical Services personnel of $25.00 per month on their paychecks. The motion was unanimously approved.

4. Amendment to Section 109 – Conflicts of Interest, of the Employee Handbook.
Town Manager Ritter explained that currently there are no provisions in the Charter, Ordinances, or Employee Handbook that establishes employees holding a council seat as a conflict of interest. Staff has discussed this matter with Mr. Mark Flynn at the Virginia Municipal League who is confident that the Town may prohibit employees from continuing employment once elected to Council.

Section 109 of the Employee Handbook deals with conflicts of interest. The amendment would add the following sentence to this section: **No compensated employee of the Town shall be eligible to serve on Council.**

Councilman Wolffe moved, seconded by Vice Mayor Speidel to recommend to Council an amendment to Section 109 of the Employee Handbook. The motion was unanimously approved.

5. Cooperative Service Agreement between the Town and the U.S. Department of Agriculture.

Town Manager Ritter explained that while in discussions with the Department of Agriculture concerning our continuing deer de-pop program, the Department of Agriculture stated their willingness to work with the Town to capture and remove feral cats using cage traps. They have stated their concerns with over population and other concerns related to this issue. The cost would be approximately $4,102.

Councilman Wolffe asked if the Town really wanted to do this project. He asked is there was a need and he would like to have more details on the scope of this project. He stated that before the Town started the deer de-pop program, studies were performed as to the extent of the problem. He stated there were several areas which he would like to have more information from the Department of Agriculture such as: problem study, extent of the problem, cost breakdown, and long term/short term effects.

The Committee asked that the USDA come to the next Budget and Personnel meeting to discuss this project further.

6. Public Participation.

Mayor Tarr asked that employees provided with the cell phone reimbursement provide the Town with their cell phone numbers. He asked if the Town had reviewed individual plans for accountability of the cell phone reimbursement.

7. Adjournment.

Vice Mayor Speidel moved, seconded by Councilman Wolffe to adjourn the meeting at 8:15 p.m. The motion was unanimously approved.

# MEMORANDUM

**DATE:** September 26, 2006

**TO:** Mayor & Council

**FROM:** Robert G. Ritter Jr., Town Manager

**RE:** **PROJECT NO. 06-09-002 - Emergency Repair of the Harbor Boat Ramp**

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Currently the Harbor boat ramp is closed due to a large whole in the center of the concrete ramp. It was closed due to the potential liability of an axle from a boat trailer breaking off. It was first noticed in July when we had an extreme low tide and has been rapidly becoming larger.

This project involves setting up a coffer dam, de-watering, removing the old ramp, replacing the stone base as needed. The new ramp will be 6" thick 53' long with heavy wire mesh and extra concrete for strength. Adequate funding exists in the boat ramp repair reserve coming from the boat ramp user fees. Five bids were solicited and two bidders responded:

| | Bidder | Response |
|---|---|---|
| A. | B.I.C., Inc | $29,500.00 |
| B. | Arnold Clark Concrete | No Response |
| C. | Allen Clark Construction | No Response |
| **D.** | **Fisher Marine Construction, Inc.** | **$23,500.00** |
| E. | Michele Stevens Construction | No Response |

The Harbor Master and I recommend to Mayor & Council the following motion:

**"Move to award the project number 06-09-002 Emergency repair of the Harbor boat ramp to Fisher Marine Construction, Inc. in the amount of $23,500.00".**

cc: Wayne Merritt, Harbor Master

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# MEMORANDUM

TO: Mayor Tarr and Town Council

FROM: Robert G. Ritter, Jr., Town Manager

DATE: September 27, 2006

SUBJECT: Software Upgrade

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As you are aware, the Town currently has antiquated DOS based software for the financial, tax, and utility billing. Staff has been reviewing software from many different companies and had narrowed the field to two which met the Town's needs and are established within Virginia. Staff has reviewed the information provided by each of these companies and have seen on-site demonstrations of their software. The current FY "07" budget has $ 42,368.00 set aside for software. The two companies are:

| | | |
|---|---|---|
| 1. | Southern Software | $49,142.80 |
| **2.** | **Harris Computer Systems** | **$34,135.00** |

In reviewing the proposals from each company, we considered the most important feature to be the conversion of our current account information and that would balance all water billing, outstanding tax accounts, business license, meals and lodging tax, and payroll. The second most important decision was that the current budget accounts would not have to be re-entered by staff. Harris as well as being the lowest cost vendor could guarantee that they could convert our current information. In addition, Harris offers ecommerce for utility bills which setup charges are included in the above price. This will allow customers the opportunity to view their water accounts online, receive an email when their bill has been posted to their account rather than a paper bill and will allow customers to pay their utility bills online. There will be annual charges associated with this service. A very high estimate of the annual fees is $13,400.00.

Staff and I are recommending to the Mayor & Council the following motion:

**"Move to award the upgrade of the Town's software to Harris Computers in the amount of $34,135.00 plus travel and lodging cost, and for the Town Manager to execute the contract documents."**

HARRIS

# Upgrade Quotation

-Prices effective 30 days from 9/22/2006-

The understanding **Town of Chincoteague** of 6150 Community Drive, Chincoteague, VA 23336 and **Harris Computer Systems** of 5540 Porter Road, Niagara Falls, NY 14304 confirms the purchase of the following licensed software products and or services:

| Licenses: | Price: | Annual Maintenance: |
|---|---|---|
| **FlexiBill Utility Billing System** | **$5000.00*** | $700.00 |
| **Meter Reader – FlexiBill Subsystem** | **$2000.00*** | $200.00 |
| **PayForce** | **$3500.00*** | $600.00 |
| **MicroFund (Includes AP, BA, & BP)** | **$4000.00*** | $600.00 |
| **Cash Management / Reconciliation** | **$2000.00*** | $200.00 |
| **Departmental Purchasing** | **$2000.00** | $150.00 |
| **Central Receipts** | **$2500.00*** | $500.00 |
| **Property Tax Manager** | $1500.00 | $600.00 |
| **Business Licenses (Includes Meals & Lodging)** | $1500.00 | $500.00 |
| **Personal Property Tax** | $1500.00 | $500.00 |
| **Auto Decal System** | $1000.00 | $300.00 |
| **Advantage Database Server 10 User** | $1210.00 | $100.00 |
| **Advanced Budgeting Module** | $1500.00 | $300.00 |
| **Account Bar-Code Subsystem (Includes 1 Scanner)** | $1500.00 | $200.00 |
| **Annual Real / Personal Property Tax Data Import** | N/A | $750.00 |
| **Epson 325 Receipt Printer** | $400.00 | N/A |
| **MMF Cash Drawer** | $225.00 | N/A |

***'Software for Life'* benefit with current paid maintenance contract.**

**License Cost: $31,335.00** **Annual Maintenance: $6,200.00****

**Less "Software for Life" Benefit: $21,000.00**

**Total License Cost: $10,335.00**

****Annual maintenance amounts on the products listed above will be activated when the applicable system is 'live'. Maintenance already paid on legacy products will be prorated and credit will be applied to new maintenance or future invoices. The above listed maintenance amounts will be locked in and not applicable to an annual increase until July of 2009.**

| Professional Services: | Price: |
|---|---|
| **Project Management:** | |
| **Project Management to Coordinate All Activities** | $500.00 |
| **Application Installation / Database Configuration:** | $500.00 |
| **Data Conversions (Estimated based on daily rate):** | |
| **Utility Billing** | $1500.00 |
| **Payroll** | $1500.00 |
| **Accounting** | $1500.00 |
| **Business License** | $1500.00 |
| **Real Estate Property Tax** | $1500.00 |
| **Personal Property Tax** | $1500.00 |
| **iConnect One-Time Setup & Configuration Fee for Account Inquiry** | $900.00 |
| **iConnect One-Time Setup Fee for eBill Setup and Configuration** | $900.00 |

**Application Consulting / Training:**

| | |
|---|---|
| **Estimated 15 Days On-Site** | $12,000.00 |

**Total Services Cost: $23,800.00**

## iConnect Fee Schedule

| **iConnect Web-Application Hosting Fee** (Paid by Purchaser to Harris): | **Price** |
|---|---|
| **Monthly Hosting fee:** – based on estimate of 3000 accounts<br>Calculated as follows: $125 base charge (includes first 1000 accounts)<br>plus $0.03 per account for all accounts in excess of 1000. | $185/month |

**e-Bill Notification**:
(Paid by Purchaser to Harris)

| | |
|---|---|
| **Per-item fee for each generated e-Bill notification**<br>(Note: This e-Bill notification fee should be offset by the elimination of your current costs for forms, postage, and handling-labor whereas a paper bill will no longer be generated) | $0.40/per eBill |

**Estimated ePayment Merchant Account Fees: NOTE: Merchant Account Fees are subject to change and will vary depending on the specific Merchant Account Provider available at the time of implementation.**
(Paid by Purchaser to goEmerchant, LLC. and Purchaser's Acquiring Bank.)

- **Credit Card Payments**
  - $49.00 initial merchant account setup fee.
  - $29.95 annual merchant account fee charged 3 months after initial setup and billed every year thereafter
  - $29.95 monthly credit card network gateway fee.
  - $15.00 monthly bank statement fee
  - $0.25 Batch-Header Fee (typically once per day)
  - 2.25% Qualified Discount Rate plus $0.32 per transaction
  - 3.39% Mid-Qualified Rate plus $0.42 per transaction
  - 3.95% Non-Qualified Rate plus $0.42 per transaction

- **ACH Electronic Check Payments NOTE: This feature will be available Jan 2007.**
  - $9.95 monthly bank statement fee
  - $0.75 per item processing fee
  - $0.75 per 'returned' ACH item fee

**Minimum Hardware Requirements:**

**Application Server**

Pentium III 650 Mhz, 256 MB memory, 250 MB free space in addition to operating system requirements.
Windows 2000 Server SP4 or greater
Windows 2003 Server or greater

Login that runs at console level of server
(Synergy V 7.51 or higher if used by former CSI client)
.NET Framework must be installed.
**ALL** current security patches.
ftp access via internet port 21
http access via internet port 80
RDP, VNC or PcAnywhere setup and working for remote support.
DSL, Cable Modem or T1 Internet connection 640K or faster for semi-daily uploads/downloads of data.

**It is the Purchaser's responsibility to update their website with the required hyperlink which points to the iConnect application residing on the Harris web server. Purchaser must instruct their webmaster to contact Harris for the hyperlink specifications.**

**Term:**
iConnect purchase requires an annual 12-month hosting fee commitment in the first year and for each subsequent annual renewal, and requires signed agreement to Web-Enabled Addendum to Harris Purchase Agreement.

**Total Upgrade Cost: $34,135.00 + Travel & Lodging* & iConnect Related Fees**

*Travel and Lodging costs are to be billed to the Town of Chincoteague at a rate of $200.00 per day of on-site services.

| Optional Products / Services: | Price: | Annual Maintenance: | Initials: |
|---|---|---|---|
| Code Enforcement / Land Records | | $4000.00 | **$800.00** |
| Codes– 12 Hours Phone Training | | $1500.00 | |

**Programming Modification –** A customization will be required in order for the Harris Meals / Lodging system to accommodate rapid payment entry for owners of multiple rental properties. At the present time, payments will need to be entered on each individual rental property. Harris guarantees that a modification will be made to its payment entry system to expedite this process through a payment import routine or the development of a rapid payment entry screen. An analysis to discern the best approach will be conducted with Harris and the **Town of Chincoteague**. Following this analysis, the change will be added to our development schedule to be completed in an agreed upon timeframe.

As a result of this purchase, **Town of Chincoteague** agrees to the following purchase terms and conditions:

**Order Processing**:
Order will be processed with the return of signed document and an initial payment of 25% of the total purchase price as outlined above. Orders will not be processed until both of these two requirements are satisfied.

**Payment terms**:
Balance of purchase price shall be billed after delivery and due Net (15) days. **Delivery Media Type:** CD-ROM

**Payment Schedule**
Remainder of license costs will be billed following installation.
Remainder of professional services will be billed following delivery of each service. The **Town of Chincoteague** will only be responsible for payment on services rendered.

**Delivery warranty**:
Harris specifically warrants that all products and or services contained here in shall be delivered within sixteen weeks of signed documentation. In the event that Harris, for reason unto itself, cannot perform delivery within ten weeks, **Town of Chincoteague** shall be entitled to refund on the portion of the initial payment that applies to the undelivered item.

**Optional Products & Services**
Pricing relating to the Optional Products and Services listed above will be available to the **Town of Chincoteague** until October 1st, 2008.

**Return Policy**:
Should a product outlined above be defective in performance and inoperable, **Town of Chincoteague** will receive full refund, less shipping fees, of amount paid for such product provided written notice has been given to Harris no later than 45 days after delivery and that a solution cannot be provided within 96 business hours after certified receipt of such notice.

Returns for reasons other than product defects shall be subject to a 15% restocking fee.

**Maintenance and support fees (MSF):**
Maintenance and Support fees (MSF) include all program updates, enhancements and general releases as well as access to the Harris support hot line while these fees are in effect. Lapses in annual MSF fees will be monitored and will lead to denial of support and upgrade privileges. In the event of a lapse, Purchaser will be subject to reactivation fees not to exceed 40% of the current annual MSF applied to each year of the lapse including partial year lapses plus the amount representing "the lapsed" MSF fees. The services provided by the technical support staff are outlined in the Harris Software Support Agreement Standard Guidelines.

To ensure effective support Purchaser is required to establish and maintain a communication link between Purchaser and Harris. It is Purchaser's responsibility to ensure the connection is valid at Purchaser's location so that Harris can connect to Purchaser's site and resolve support issues. Current supported methods of connection are:

- PC Anywhere (#1 Recommended Method)
- VPN
- RAS
- Direct Connection (Modem)
- Remote Desktop Connection

**Customization(s):**

Customization(s) not identified on this purchase order or report modifications are quoted as requested and billed at the hourly rate of $125.00.

**Training / Application Consulting:**
Training is available on site or via the Phone. Phone training is billed at $125.00 per hour. On site training is billed at $900.00 per day plus travel, lodging and per diem expenses. Help line support does not include training. New employees must be trained by **Town of Chincoteague** or by making arrangements with Harris. On-site training / consultation may include but is not limited to: software installation / configuration, data validation, system setup, system balancing, interface setup, interface testing, process training, and business requirements gathering. Page 1 of this proposal lists on-site services at $800.00 per day. Any additional days needed will be subject to Harris' daily rate of $900.00 per day.

**Data Conversions**
The success of a data conversion is based on the format and quality of the input data. Unless otherwise indicated, conversion is strictly limited to non-dollar amounts. A listing of data to be converted has been provided to the **Town of Chincoteague** for utility billing, finance, and payroll via an Excel spreadsheet. A typical utility billing conversion includes information such as names, addresses, phone numbers, and services. Only information explicitly listed in this document will be converted. Initial cost estimates for conversion are included in system pricing proposals but these are only estimates until inspections or sample data can be examined to verify data formats and data integrity. Only then can an accurate conversion cost can be established. Any costs associated with obtaining the data from the existing vendor are the responsibility of the Purchaser. Sample data shall be provided in standard fixed length format with ASCII display characters only. Data must be on a media formats readable by Harris. File layouts must include:

| | | |
|---|---|---|
| * Record size | * Field length | * Field starting and ending points |
| * Field name | * Field type | * Data field description |

Where ever possible, the data extraction shall be done twice. The first extraction is to test and create the conversion tools. The second extraction is done when the implementation is ready to go live.

**Acknowledge of Purchase**: By the signing of this purchase order in the space provided below, the parties acknowledge their acceptance of the purchase and agree with the terms of this sale as set forth above.

: **Town of Chincoteague**

By:_____ Date:_____

Title:_____