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June 19, 2014



TOWN COUNCIL

AGENDA

June 19, 2014

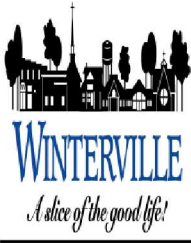
6:00 P.M.

WINTERVILLE TOWN HALL ASSEMBLY ROOM

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. WELCOME**
- V. APPROVAL OF AGENDA**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Approval of Stormwater Review Fee
 - 2. Approval of Contract with VC3 for Information Technology Services
 - 3. Adoption of 2014-2015 Recommended Budget
- VIII. ADJOURN**

SPECIAL NOTICE

Anyone who needs an interpreter or special accommodations to participate in the meeting should notify the Town Clerk at 252-215-2344 at least forty-eight (48) hours prior to the meeting. (Americans with Disabilities Act (ADA) 1991)



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: June 19, 2014

Presenter: Travis Welborn, Public Works
Director

Item to be Considered

Subject: Town of Winterville Phase II Stormwater Permit Review Fee

Action Requested: Adoption of Phase II Stormwater Permit Review Fee

Attachments: NPDES General Permit & Requirements

Prepared By: Travis Welborn, Public Works Director

Date: 6/13/2014

ABSTRACT ROUTING:

TC _____

FD _____

TM tlp – 6/17/2014

Final tlp – 6/17/2014

Supporting Documentation

In order to comply with the regulations adopted by the North Carolina Environmental Management Commission and the Federal Water Pollution Control Act the Town of Winterville was issued a general permit under the National Pollutant Discharge Elimination System (NPDES) to discharge stormwater. The permit requires the Town to adopt and implement a Stormwater Management Plan. As part of that plan, the Town is required to implement an "Illicit Discharge Detection and Elimination Program" and "Post Construction Stormwater Management Program." To comply with these requirements we will hold a Public Hearing on the proposed ordinance on July 8. In order for the proposed permit review fee to be included in the budget for next fiscal year staff recommends adoption of the review fee at the June 19 meeting. This fee will cover the expense of having the Town's consulting Engineer review the submitted plans for compliance. The State charges a fee of \$505. Staff is proposing a fee of \$500. This will allow for approximately 4 hours of review time by our consulting Engineer for each plan submitted.

Budgetary Impact: Stormwater Permit review fee will be used to offset cost of consulting Engineer's review of proposed projects. Proposed fee of \$500.

Recommendation: Staff recommends adoption review fee of \$500

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY

GENERAL PERMIT NO. NCG230000

TO DISCHARGE STORMWATER IN THE EIGHTY NON-COASTAL COUNTIES UNDER
THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended, this permit is hereby issued to owners or operators of small municipal separate storm sewer systems located in the eighty non-coastal counties, hereafter permittees, which are covered by this permit as evidenced by receipt of a Certificate of Coverage from the Environmental Management Commission to allow the discharge of stormwater to the surface waters of North Carolina via a small municipal separate storm sewer system in accordance with the terms and conditions set forth herein.

The General Permit becomes effective on June 1, 2005.

The General Permit expires at midnight on May 31, 2010.

Signed this day May 18, 2005.

Original signed by Alan Klimek

Alan Klimek, P.E., Director

Division of Water Quality

By the authority of the Environmental Management Commission

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PART I PERMIT COVERAGE

1. During the period beginning on the effective date of the Certificate of Coverage and lasting until expiration of the General Permit, the permittee is authorized to discharge stormwater from a small municipal separate storm sewer system (MS4) to the surface waters of North Carolina.
2. The permittee shall manage all discharges authorized hereby in accordance with the terms and conditions of this General Permit, in accordance with the permittee's approved Stormwater Management Plan, in accordance with any approved modifications to the Stormwater Management Plan, and in accordance with any provisions made by the Director. The permittee's approved Stormwater Management Plan and any subsequent approved modifications are enforceable under this permit.
3. Coverage under this General Permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree. In any circumstance where any stormwater control requirement under this General Permit conflicts or overlaps with any stormwater control requirement under any other water quality program, the most stringent requirement shall apply. The Director or his designee shall resolve any dispute as to whether there is a conflict or overlap, and shall determine which requirement shall be deemed the most stringent.
4. This General Permit applies to current and future jurisdictional areas of the permittee.
5. This General Permit is not available to the following regulated entities:
 - (a) Regulated entities with MS4s currently subject to an approved TMDL (Permittees that become subject to an approved TMDL while covered under this General Permit shall apply for an individual permit within one year of receipt of notice from DWQ of the approved TMDL.);
 - (b) Regulated entities located in the twenty coastal counties;
 - (c) Regulated entities with MS4s serving greater than 16,500 population;
 - (d) Regulated entities seeking permit coverage combined with another regulated entity;
 - (e) Regulated entities relying on a DLR delegated (municipal or county) program to meet the requirement to reduce the pollutants in stormwater runoff from construction activities.
6. Any other point source discharge to surface waters of the state is prohibited unless it is:
 - (a) permitted by, and in compliance with, another NPDES discharge permit; or

(b) determined to be incidental non-stormwater discharges as defined in Part VIII of this General Permit. The Director may require that non-stormwater flows of this type be controlled by the permittee.

7. The permit requires the development and proper implementation of the Stormwater Management Plan. The purpose of the Stormwater Management Plan is to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the applicable water quality requirements of the Clean Water Act. Implementation of best management practices consistent with the provisions of the Stormwater Management Plan constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. Successive iterations of the Stormwater Management Plan and other components of this permit will be driven by the objective of assuring that discharges do not cause or contribute to the violation of water quality standards, through the expansion and tailoring of management measures within the scope of the Stormwater Management Plan.

PART II REQUIREMENTS FOR PERMITTED DISCHARGES

SECTION A: STORMWATER MANAGEMENT PLAN IMPLEMENTATION

1. The permittee shall develop and maintain adequate legal authorities to implement all parts of this permit, including the approved Stormwater Management Plan. The permittee shall keep the Director advised of the status of development of the necessary legal authorities and shall pursue these in accordance with the schedules established in the Stormwater Management Plan.
2. The permittee shall maintain adequate funding and staffing to implement and manage all provisions of the Stormwater Management Plan.
3. Provisions of the permittee's Stormwater Management Plan which may be found to conflict with the requirements of Session Law 2004-163, or the Stormwater Management Rule, or 40 Code of Federal Regulations 122.30 and following, will be subsequently amended to comply with the law and regulations.
4. The permittee shall develop, implement, and enforce the Stormwater Management Plan such that the discharge of pollutants from the MS4 is reduced to the maximum extent practicable. The permittee shall implement the Stormwater Management Plan with emphasis given to priority areas and to management measures and programs that are most effective and efficient at the several stages of the plan's implementation.
5. The permittee shall implement public education and outreach, and public involvement programs to comply with the requirements of, and to support the objectives of, this stormwater discharge General Permit and the approved Stormwater Management Plan.
6. The permittee shall implement the pertinent components of the approved Stormwater Management Plan to assure that illicit discharges, spills, and illegal dumping into the MS4 are detected and eliminated.
7. In accordance with the provisions of the approved Stormwater Management Plan, the permittee shall develop, implement, and enforce a program to reduce pollution from construction site runoff.
8. In accordance with the provisions of the approved Stormwater Management Plan, the permittee shall implement a post-construction stormwater management program to regulate stormwater runoff from new development and redevelopment by requiring structural and non-structural best management practices to prevent or minimize post-development impacts to water quality. The program must manage stormwater and protect water quality. This program shall include provisions for long-term operation and maintenance of structural BMPs.

9. In accordance with the provisions of the approved Stormwater Management Plan, the permittee shall develop and implement a program for the evaluation, operation, and maintenance of municipal facilities to reduce the potential for stormwater pollution.
10. The permittee shall monitor and assess the performance of the various management programs and management measures as identified in the permittee's approved Stormwater Management Plan on an annual basis.
11. Proposed modifications to the Stormwater Management Plan, including proposed modifications to the schedules contained therein, must be submitted to the Director for approval.

SECTION B: PUBLIC EDUCATION AND OUTREACH PROGRAM

1. Objectives for Public Education and Outreach Program

- (a) Raise public awareness on the causes and impacts of stormwater pollution.
- (b) Inform the public on steps they can take to reduce or prevent stormwater pollution.

2. BMPs for the Public Education and Outreach Program

The permittee shall implement the following BMPs to meet the objectives of the Public Education and Outreach Program.

BMP	Measurable Goals
(a) Establish a Public Education and Outreach Program	Develop a public education program and implement within 12 months of the Certificate of Coverage issue date. Instead of developing its own materials, the permittee may rely on state-supplied Public Education and Outreach materials, as available, when implementing its program. Incorporate outreach elements for significant minority and disadvantaged communities.
(b) Distribute targeted public education materials	Develop and distribute stormwater educational materials targeting select groups such as school children, households, builders and developers, and businesses likely to have a significant stormwater impact. Identify steps that each targeted group can take to reduce stormwater pollution.
(c) Distribute general public stormwater pollution education materials	Distribute written educational material to a wider public audience. For example, through utility mail outs, or at special civic events, or broadcast spots, or at high traffic businesses.

SECTION C: PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM

1. Objectives for the Public Involvement and Participation Program

- (a) Provide opportunities for the public to participate in program development, implementation, and review.
- (b) Reach out and engage major economic and ethnic groups.
- (c) Comply with applicable state and local public notice requirements.

2. BMPs for the Public Involvement and Participation Program

The permittee shall implement the following BMPs to meet the objectives of the Public Involvement and Participation Program.

BMP	Measurable Goals
(a) Administer a Public Involvement Program	Establish a Public Involvement Program. Conduct at least one public meeting to allow the public an opportunity to review and comment on the stormwater management program. Comply with state and local requirements for public notice. Make specific provisions to reach out and engage all economic and significant ethnic groups.
(b) Organize a volunteer community involvement program	Organize and implement annually a volunteer stormwater related program designed to promote ongoing citizen participation.

SECTION D: ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

1. Objectives for the Illicit Discharge Detection and Elimination Program

- (a) Detect and eliminate illicit discharges, including spills and illegal dumping.
- (b) Address significant contributors of pollutants to the MS4. The permittee may require specific controls for a category of discharges, or prohibit that discharge completely, if one or more of these categories of sources are identified as a significant contributor of pollutants to the MS4.

2. BMPs for the Illicit Discharge Detection and Elimination Program

The permittee shall implement the following BMPs to meet the objectives of the Illicit Discharge Detection and Elimination Program.

BMP	Measurable Goals
(a) Develop and implement an Illicit Discharge Detection and Elimination Program	Develop and implement an Illicit Discharge Detection and Elimination Program. Include provisions for program assessment and evaluation.
(b) Establish and maintain appropriate legal authorities	Establish and maintain adequate legal authorities to prohibit illicit discharges and enforce an approved Illicit Discharge Detection and Elimination Program.
(c) Develop a storm sewer system map	Complete the identification of, locations of, and mapping of stormwater drainage system components. At a minimum, mapping components must include outfalls and receiving streams.
(d) Implement illicit discharge detection procedures	Implement an inspection program to detect dry weather flows at system outfalls. Establish procedures for tracing the sources of illicit discharges and for removing the sources. Develop procedures for identification of priority areas likely to have illicit discharges. Address incidental non-stormwater discharges if they are significant contributors of pollutants to the MS4.
(e) Conduct employee cross-training	Conduct training for selected municipal staff on detecting and reporting illicit discharges.
(f) Provide public education	Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
(g) Establish a public reporting mechanism	Establish and publicize a reporting mechanism for the public to report illicit discharges.

SECTION E: CONSTRUCTION SITE RUNOFF CONTROL PROGRAM

1. Objective for the Construction Site Runoff Control Program

Reduce the pollutants in stormwater runoff from construction activities disturbing one or more acres of land surface and those activities less than one acre that are part of a larger common plan of development.

2. BMPs for the Construction Site Runoff Control Program

The permittee shall implement the following BMP to meet the objective of the Construction Site Runoff Control Program.

BMP	Measurable Goals
(a) Implement a program and establish a regulatory mechanism for erosion and sediment control at construction sites	The permittee shall rely exclusively on the NCDENR Division of Land Resources (DLR) Erosion and Sediment Control Program and the requirements of the active NCG010000, the General Permit to Discharge Stormwater Under the National Pollutant Discharge Elimination System associated with construction activities, as administered exclusively by the DLR.

SECTION F: POST-CONSTRUCTION STORMWATER MANAGEMENT PROGRAM

1. Objectives for the Post-Construction Stormwater Management Program

- (a) Manage stormwater runoff from new development projects and redevelopment projects that disturb an acre or more of land, including projects less than an acre that are part of a larger common plan of development or sale.
- (b) Protect water quality.
- (c) Ensure long term operation and maintenance of BMPs.

2. BMPs for the Post-Construction Stormwater Management Program

The permittee shall implement the following BMPs to meet the objectives of the Post-Construction Stormwater Management Program.

BMP	Measurable Goals
(a) Establish a Post-Construction Stormwater Management Program	Develop, adopt by ordinance (or similar regulatory mechanism), implement, and enforce a program to address stormwater runoff from new development and redevelopment. The ordinance must be reviewed and approved by the Director prior to implementation. Ensure that controls are in place to prevent or minimize water quality impacts. This BMP shall be implemented in accordance with the schedule in the Certificate of Coverage.
(b) Establish strategies which include BMPs appropriate for the MS4	Develop and implement strategies that include a combination of structural and/or non-structural BMPs. Ensure adequate long-term operation and maintenance of structural BMPs. Require annual inspection reports of permitted structural BMPs performed by a qualified professional.
(c) Establish a program to control the sources of fecal coliform to the maximum extent practicable	Control the sources of fecal coliform to the maximum extent practicable. Develop and implement an oversight program to ensure proper operation and maintenance of on-site wastewater treatment systems for domestic wastewater. The permittee shall coordinate this program with the county health department.
(d) Establish trout waters (Tr) protection measures (for programs with development or redevelopment draining to Tr waters)	Develop, adopt, and implement an ordinance (or similar regulatory mechanism) to ensure that the best management practices selected do not result in a sustained increase in the receiving water temperature.
(e) Establish nutrient sensitive waters (NSW) protection measures (for programs with development or redevelopment draining to NSW waters)	Develop, adopt, and implement an ordinance (or similar regulatory mechanism) to ensure that the best management practice for reducing nutrient loading is selected. In areas where the Environmental Management Commission has approved a Nutrient Sensitive Water Urban Stormwater Management Program, the provisions of that program fulfill the nutrient loading reduction requirement. Develop and include a nutrient application (fertilizer and organic nutrients) management program in the Post-construction Stormwater Management Program.

3. Post-construction Stormwater Management Program measures

- (a) Those areas within the jurisdictional area of the permittee that are already subject to the existing state stormwater management programs listed herein are deemed compliant with the post-construction stormwater management model practices identified in (b) below. The listed programs are: the Water Supply Watershed protection programs for WS-I – WS-IV waters, the HQW and ORW waters management strategies, the Neuse River Basin Nutrient Sensitive Waters Management Strategy, the Tar-Pamlico River Basin Nutrient Sensitive Waters Management Strategy, and the Randleman Lake Water Supply Watershed program.
- (b) Model Practices. For those areas within the jurisdictional area of the permittee that are not subject to the post-construction stormwater management provisions of one of the existing state stormwater management programs listed in (a) above, the permittee shall implement the following model practices.
 - (i) The permittee may issue a local stormwater management permit to a development or redevelopment project as either a low density project or a high density project.
 - (ii) A project may be permitted as a low density project if it meets the following criteria:
 - (A) No more than two dwelling units per acre or 24% built-upon area;
 - (B) Use of vegetated conveyances to the maximum extent practicable;
 - (C) All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and,
 - (D) Deed restrictions and protective covenants are required by the locally issued permit and incorporated by the development to ensure that subsequent development activities maintain the development (or redevelopment) consistent with the approved plans.
 - (iii) A project not consistent with the requirements for a low density project may be permitted as a high density project if it meets the following requirements:
 - (A) The stormwater control measures must control and treat the difference between the pre-development and post-development conditions for the 1-year 24-hour storm. Runoff volume drawdown time must be a minimum of 24 hours, but not more than 120 hours;
 - (B) All structural stormwater treatment systems must be designed to achieve 85% average annual removal of total suspended solids;
 - (C) Stormwater management measures must comply with the General Engineering Design Criteria For All Projects requirements listed in 15A NCAC 2H .1008(c);
 - (D) All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and,

- (E) Deed restrictions and protective covenants are required by the locally issued permit and incorporated by the development to ensure that subsequent development activities maintain the development (or redevelopment) consistent with the approved plans.

SECTION G: POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS PROGRAM

1. Objective for the Pollution Prevention and Good Housekeeping for Municipal Operations Program

Prevent or reduce stormwater pollution from municipal operations.

2. BMPs for the Pollution Prevention and Good Housekeeping for Municipal Operations Program

The permittee shall implement the following BMPs to meet the objectives of the Pollution Prevention and Good Housekeeping for Municipal Operations Program.

BMP	Measurable Goals
(a) Develop an operation and maintenance program	Develop an operation and maintenance program that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.
(b) Inspection and evaluation of municipal facilities and operations	Develop an inventory of all facilities and operations owned and operated by the permittee with the potential for generating polluted stormwater runoff. Specifically inspect the stormwater system, the potential sources of polluted runoff, the stormwater controls, and the conveyance systems. Evaluate the sources, document deficiencies, plan corrective actions, and document the accomplishment of corrective actions.
(c) Conduct staff training	Conduct staff training specific for stormwater pollution prevention and good housekeeping procedures.
(d) Review of regulated industrial activities	Conduct an annual review of the industrial activities owned or operated by the permittee that hold a Phase I NPDES stormwater permit. Specifically review the following aspects: the Stormwater Pollution Prevention Plan where one is required, the timeliness of any monitoring reports required by the Phase I permit, and the results of inspections and subsequent follow-up actions at the facilities.

PART III STORMWATER MANAGEMENT PLAN ASSESSMENT AND PERMIT COMPLIANCE ASSESSMENT

1. Implementation of the Stormwater Management Plan shall include documentation of all program components that are being undertaken including, but not limited to, inspections, maintenance activities, educational programs, implementation of BMPs, and enforcement actions. Documentation shall be kept on-file by the permittee for a period of five years and made available to the Director or his authorized representative immediately upon request.

2. The permittee's Stormwater Management Plan shall be reviewed and updated as necessary, but at least on an annual basis. The permittee shall submit a report of this evaluation and monitoring information to the Director. This information shall be submitted each year, within 30 days after the anniversary of the effective date of the permittee's Certificate of Coverage, and it shall cover the previous year's activities as defined by each succeeding anniversary of the Certificate of Coverage effective date. The permittee's reporting shall include appropriate information to accurately describe the progress, status, and results of the Stormwater Management Plan and shall include, as a minimum, the following components:
 - (a) A detailed description of the status of implementation of the Stormwater Management Plan. This shall include information on the development and implementation of all components of the Stormwater Management Plan for the past year and schedules and plans for the year following each report.

 - (b) A description and justification for any proposed changes to the Stormwater Management Plan. This shall include descriptions and supporting information for the proposed changes and how these changes will affect the Stormwater Management Plan (results, effectiveness, implementation schedule, etc.).

 - (c) Documentation of any necessary changes to the programs or the practices for assessment of the management measures implemented through the Stormwater Management Plan. In addition, any changes in the cost of, or funding for, the Stormwater Management Plan shall be documented.

 - (d) A summary of data accumulated as part of the Stormwater Management Plan throughout the year along with an assessment of what the data indicates in light of the Stormwater Management Plan.

 - (e) Information on the annual expenditures and budget anticipated for the year following each report along with an assessment of the continued financial support for the overall Stormwater Management Plan.

 - (f) A summary of activities undertaken as part of the Stormwater Management Plan throughout the year. This summary shall include, but is not limited to, information on the establishment of appropriate legal authorities, project assessments, inspections, enforcement actions, continued inventory and review of the storm sewer system, public education, training, and results of the illicit discharge detection and elimination program.

3. The Director may notify the permittee when the permittee does not meet one or more of the requirements of this permit. Within 30 days of such notice, the permittee shall submit a plan and time schedule to the Director for meeting the permit requirements. The Director may approve the corrective action plan, approve a plan with modifications, or reject the proposed plan. The permittee shall provide certification in writing (in accordance with Part IV, Paragraph 2) to the Director that the changes have been made. Nothing in this paragraph shall be construed to limit the Director's ability to conduct enforcement actions for violations of this permit.

4. The Director may request additional reporting information as necessary to assess the permittee's compliance with this permit, including compliance with the elements of the permittee's Stormwater Management Plan.

PART IV REPORTING AND RECORD KEEPING REQUIREMENTS

1. Records

The permittee shall retain records of all information required by this permit for a period of at least 5 years from the date of acquisition. This period may be extended by request of the Director at any time prior to the end of the five-year period.

2. Report Submittals

(a) Duplicate signed copies of all reports required herein, shall be submitted to the following address:

Division of Water Quality
Surface Water Protection Section
Stormwater Permitting Unit
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

(b) All applications, reports, or information submitted to DWQ shall be signed by a principal executive officer, ranking elected official, or duly authorized representative. A person is a duly authorized representative only if:

- (i) The authorization is made in writing by a principal executive officer or ranking elected official;
- (ii) The authorization specified either an individual or a position having responsibility for the overall operation of a regulated facility or activity or an individual or position having overall responsibility for environmental/stormwater matters; and
- (iii) The written authorization is submitted to the Director.

(c) Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

3. Recording Results

For each activity performed or information collected pursuant to the requirements of this permit, the permittee shall record the following information:

- (a) The dates, exact place, and time of activity or information collected;
- (b) The individual(s) who performed the activity;
- (c) The techniques or methods used; and
- (d) The results of such activity or information collected.

4. Twenty-four Hour Reporting

The permittee shall report to the DWQ central office or the appropriate regional office any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

5. Annual Reporting

The permittee shall submit reporting and program monitoring information on an annual basis, concurrent with the annual assessment of the Stormwater Management Plan.

6. Additional Reporting

The Director may request reporting information on a more frequent basis as deemed necessary either for specific portions of the permittee's Stormwater Management Plan, or for the entire Plan.

7. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in applying to be covered under this permit or in any report to the Director, it shall promptly submit such facts or information.

PART V STANDARD CONDITIONS

SECTION A: COMPLIANCE AND LIABILITY

1. Duty to Comply

The permittee shall comply with all conditions of this general permit. Any general permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for certificate of coverage termination, revocation, re-issuance, or modification; or denial of general permit coverage upon renewal application.

- (a) The permittee shall comply with standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the general permit has not yet been modified to incorporate the requirement.
- (b) The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$27,500 per day for each violation). Any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed \$11,000 per violation with the maximum amount not to exceed \$137,500. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]
- (c) Under state law, a daily civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: North Carolina General Statutes 143-215.6A]
- (d) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently

\$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit that has a reasonable likelihood of adversely affecting human health or the environment.

3. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

6. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

7. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the coverage issued pursuant to this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required by this permit.

8. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more that \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

9. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

10. Permit Actions

Coverage under this permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

SECTION B: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are owned and/or operated by the permittee to achieve compliance with the conditions of this permit.

2. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit.

SECTION C: MONITORING AND RECORDS

1. Representative Sampling

When required herein, stormwater samples collected and measurements taken shall be characteristic of the volume and nature of the permitted discharge. Analytical stormwater sampling shall be performed during a representative storm event. These samples shall be

taken on a day and time that is characteristic of the discharge. Where appropriate, all stormwater samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. When specified herein, monitoring points established in this permit shall not be changed without notification to and approval of the Director.

2. Flow Measurements

Where required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges.

3. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS 143-215.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of any monitoring required by this permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure.

4. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a MS4, an authorized representative of a municipal operator of the MS4 receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

5. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms of this

permit shall be available for public inspection at the offices of the Division of Water Quality. As required by the Act, analytical data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

PART VI LIMITATIONS REOPENER

The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. al.

PART VII ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

The permittee shall pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause the Director to initiate action to revoke coverage under the permit.

PART VIII DEFINITIONS

1. Act
See Clean Water Act.
2. Best Management Practice (BMP)
Measures or practices used to reduce the amount of pollution entering surface waters. BMPs can be structural or non-structural and may take the form of a process, activity, physical structure or planning (see non-structural BMP).
3. Built-upon Area
That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.
4. Clean Water Act
The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.
5. Common Plan of Development
A construction or land disturbing activity is part of a larger common plan of development if it is completed in one or more of the following ways:
 - (a) In separate stages
 - (b) In separate phases
 - (c) In combination with other construction activities.

It is identified by the documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, plats, blueprints, marketing plans, contracts, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot. It can include one operator or many operators.

6. Department
Department means the North Carolina Department of Environment and Natural Resources.
7. Division (DWQ)
The Division of Water Quality, Department of Environment and Natural Resources.
8. Director
The Director of the Division of Water Quality, the permit issuing authority.
9. EMC
The North Carolina Environmental Management Commission.
10. Grab Sample
An individual sample collected instantaneously. Grab samples that will be directly analyzed or qualitatively monitored must be taken within the first 30 minutes of discharge.
11. Hazardous Substance
Any substance designated in 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.
12. Illicit Discharge
Any discharge to a MS4 that is not composed entirely of stormwater except discharges pursuant to an NPDES permit (other than the NPDES MS4 permit), allowable non-stormwater discharges, and discharges resulting from fire-fighting activities.
13. Industrial Activity
For the purposes of this permit, industrial activities shall mean all industrial activities as defined in 40 CFR 122.26.
14. Municipal Separate Storm Sewer System (MS4)
Pursuant to 40 CFR 122.26(b)(8) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
 - (i) Owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved

management agency under Section 208 of the Clean Water Act (CWA) that discharges to waters of the United States or waters of the State;

- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.

15. Non-stormwater Discharge Categories

The following are categories of non-stormwater discharges that the permittee must address if it identifies them as significant contributors of pollutants to the storm sewer system: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, [as defined in 40 CFR 35.2005(20)], uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the definition of illicit discharge and only need to be addressed where they are identified as significant sources of pollutants to waters of the United States).

16. Non-structural BMP

Non-structural BMPs are preventive actions that involve management and source controls such as: (1) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces, and/or minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about minimizing water quality impacts; (4) other measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance, and spill prevention.

17. Outfall

The point of wastewater or stormwater discharge from a discrete conveyance system. See also point source discharge of stormwater.

18. Permittee

The owner or operator issued this permit.

19. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater is or may be discharged to waters of the state.

20. Redevelopment
Any rebuilding activity other than a rebuilding activity that results in no net increase in built-upon area, and provides equal or greater stormwater control than the previous development.
21. Representative Storm Event
A storm event that measures greater than 0.1 inches of rainfall and that is preceded by at least 72 hours in which no storm event measuring greater than 0.1 inches has occurred. A single storm event may contain up to 10 consecutive hours of no precipitation. For example, if it rains for 2 hours without producing any collectable discharge, and then stops, a sample may be collected if a rain producing a discharge begins again within the next 10 hours.
22. Stormwater Runoff
The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.
23. Total Maximum Daily Load (TMDL)
A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. Section 303 of the Clean Water Act establishes the water quality standards and TMDL program.
24. Toxic Pollutant
Any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: June 19, 2014

Presenter: Terri L. Parker, Town Manager

Item to be Considered

Subject: Approval of Contract with VC3 for Information Technology Services

Action Requested: Approval of Contract

Attachments: Copy of Draft Contract

Prepared By: Terri L. Parker, Town Manager

Date: 6/17/2014

ABSTRACT ROUTING:

TC _____

FD _____

TM tlp – 06/17/2014

Final tlp – 06/17/2014

Supporting Documentation

As you may recall during the Budget workshops, I informed Council that moneys were in the Budget for a contract with VC3 for Information Technology (IT) Services. This Contract will take the place of having an in-house full-time IT Director. Bryan Bell will remain on Staff and handle on-site support and related IT duties.

Budgetary Impact: Funds are included in the FY 2014-2015 Budget.

Recommendation: Staff recommends approval of said Contract.



Town of Winterville, NC
VC3Advantage Work Order
ServiceAdvantage Lite

Work Order No. [VC3INC-1097-31835]

under the Master Services Agreement, dated _____.

June 8, 2014

Atlanta Columbia Raleigh

1301 Gervais Street, Suite 1800 | Columbia, SC 29201

800.787.1160



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1. VC3 OVERVIEW

VC3 has been on the leading edge of Information Technology since 1994, providing customer-oriented solutions to both commercial and public sector customers. We implement IT projects and services that can provide above average returns on investment, significantly enhance productivity and lower technology ownership costs.

Current services offerings include:

- Hosted Desktop (Cloud based desktop solutions)
- Hosted and On Premise Voice Solutions (Cloud and premise based voice solutions)
- Managed Support Services
- Website Design and Hosting
- Network Security
- Data Center Services
- Technology Assessments & Security Audits
- Application Development
- Technology Consulting
- Disaster Recovery

VC3’s customers include small, medium, and large organizations throughout the South East. Some of our customers include well-known technology companies in the Fortune 500. These organizations have some of the most stringent and demanding expectations of their technology partners; VC3 has answered their call.

A proud member of the CRN Tech Elite 250, which recognizes the most technologically advanced Information Technology providers in the United States, VC3 has been consistently recognized as a leader in developing internet based applications and web technologies, network technology solutions, and world-class support services. VC3 remains committed to incorporating the latest industry technological advances into the applications and solutions we provide. To that end, VC3 is firmly committed to using industry leading products from such vendors as Cisco, Microsoft, Dell, VM Ware and Citrix, resulting in consistent success in providing our customers with the highest level of return and satisfaction.

The advent of cloud computing has made VC3’s long term strategic goal of offering customized solutions a reality. In 2009, VC3 launched the first of our VC3 Advantage product offerings, which utilizes cloud-based technologies. Our Advantage Customers are realizing reduced costs, improved reliability and flexibility, and worry-free maintenance.

VC3’s multi-dimensional offerings and ongoing success relies heavily on our ability to build solid, long-term relationships with our customers. We sincerely look forward to providing your organization with the highest quality solution.



VC3 was named one of South Carolina’s Fastest-Growing Companies in 2007 and again in 2008. VC3 was also named one of the Best Places To Work in S.C. 2010. For more information, please visit us at www.vc3.com.

2. OVERVIEW OF WORK ORDER

This Work Order is part of, and incorporated into, the Master Services Agreement between Town of Winterville, NC and VC3, Inc. and is subject to the terms and conditions of the Agreement and any definitions contained in the Agreement. If any provision of this Work Order conflicts with the Agreement, the terms and conditions of the Agreement shall control.

3. SUMMARY OF SCOPE OF SERVICES AND FEES

VC3 will provide the following services listed in Table A. This Work Order shall begin and become effective on **July 1, 2014** (Effective Services Start Date) and shall continue for **<36 Months>** unless terminated in accordance with the terms of the Master Services Agreement.

Town of Winterville, NC will be invoiced based on the number of units of each type listed in Table A. The monthly fee is based on the number of supported units of each type listed. Additional services may be added at any time during the life of this contract at the unit rates listed below.

VC3 will audit the Customer's usage of units on a monthly basis; for each unit found in excess of the amount listed in Table A, VC3 will increase the monthly fee by the corresponding amount indicated in Table A. Reductions in Units above the minimum threshold will be reflected on the invoice within 30 days of service removal.

Table A: Services & Fees

Description	Units	Unit Price	Monthly Fee
Initial Setup (One Time)			
Seats (65 Seat Minimum) <i>End User Access to TAC</i>	65	\$ 75.00	\$ 4,875.00
Included Servers*	7		\$ -
Additional Servers	6	\$ 290.00	\$ 1,740.00
Service Desk Application License**	1	\$ 50.00	\$ 50.00
Total			\$ 6,665.00

**Support of the specified number of servers is included as part of the "Per Seat" pricing. Additional servers will be invoiced at the "Additional Servers" rate listed in Table A.*

*** A Service Desk Application License is required per named user that accesses the service desk application to work requests. A one time fee of \$2500 will be charged per named user as well as a monthly \$50 maintenance fee.*



4. DELIVERABLES AND SERVICES

SERVICEADVANTAGE LITE - DELIVERABLES AND SERVICES

VC3 will provide the necessary qualified resources as an escalation path for the customers' POC (Point of Contact) for support of desktop and client related issues as defined below M-F, 8am-5pm. Scheduled and Emergency maintenance windows are detailed in Addendum A.

Included Devices: 'Included Devices' will be defined as applicable devices associated with the unit quantities stated in Table A.

VC3 will provide the following functions and services as part of this Work Order:

A. 24X7 Monitoring and Incident Response Services:

1. VC3 will provide 24X7 Incident response services for all included devices.
2. VC3 will track all incidents through an ITIL (Information Technology Infrastructure Library) based Service Desk system. All requests will be prioritized and processed per the 'Priority' guidelines listed in Addendum A.
3. VC3 will provide 24x7 collection of performance data for the customer's included server and network devices per VC3's best practices.
4. VC3 will provide 24X7 response to critical event driven Incidents.
5. VC3 will utilize industry best practices for remote access, control and management of all devices.
6. VC3 Network Operations Center is staffed from 7:00am to 6:00pm Monday through Friday. After hours incident response will be provided via callback within 1 hour of incident submission.
7. VC3 will minimally provide the Customer's primary Point of Contact and Key personnel access to submit requests to the VC3 Service Desk system. If the "End User Access to TAC" feature is enabled in Table A, all seats are eligible to submit requests.

B. Proactive Services:

1. **Backup Management:** VC3 will monitor and maintain backups for included devices.
2. **Patch Management:** VC3 will perform maintenance activities on included devices such as the application of vendor provided software and firmware updates.
3. **Application Support:** VC3 will interface with third party software vendors and independent contractors as necessary in order to provide resolution of issues encountered on included devices.
4. **Antivirus and Support Tools:** VC3 will deploy the VC3 Remote Support and Anti-Virus agents to all applicable included devices. VC3 will make a "best effort" to automatically deploy these agents to the said devices.
5. **Anti-Spam:** VC3 will provide Spam filtering for all inbound mail.

- C. **VCIO Services:** VC3 will provide the customer with a named 'VCIO' or Virtual Chief Information Officer.



1. **Budgeting:** The VCIO will work with the customer to develop an annual technology budget for recurring expense items and new capital requirements in alignment with organizational goals.
2. **Strategic Planning:** The VCIO will recommend technology solutions as well as provide roadmaps that support key business processes in order to help the customer leverage technology appropriately. The VCIO will work with the customer as part of the annual planning process to understand the current business drivers and goals and make recommendations targeted toward maximizing the effectiveness of the customer's technology investment.
3. **Analyze IT Health data:** The VCIO will perform a quarterly analysis of the data collected by VC3's monitoring systems to proactively resolve issues and assess potential risks within the environment. The VCIO will make this analysis available to key stakeholders and provide direction on business decisions regarding the level of investment.

D. Excluded Services:

1. Support of Client Desktop, Laptop, or mobile devices will be provided on a Time and Materials basis at the hourly rates stated in the Master Services Agreement.
2. Items other than those included above are expressly excluded from the Services provided within this Work Order. Section 7 includes examples of typical services which are excluded from the Scope of Services provided in this Work Order.
3. When customer requests services by VC3 not explicitly included in this agreement, they are agreeing to invoicing of said services per the terms outlined in the Master Services Agreement. In the case of client desktop, laptop or mobile device support, VC3 will provide support upon request from the customer without further approval from the customer and will invoice the customer on a Time and Materials basis at the rates stated in the Master Services Agreement. For all other services which incur additional hourly fees, VC3 will notify the customer that these services are outside the scope of this work order and will receive approval from customer prior to rendering these additional services.

5. CUSTOMER RESPONSIBILITIES

- A. Customer will provide a primary point of contact for VC3 to work with on all services provided in this Work Order.
- B. Customer is responsible for authorizing access for VC3 to sites that are owned / controlled by third parties.
- C. Customer is responsible for proper disposal of customer-owned devices.



- D. Customer will make a best effort to maintain the minimum infrastructure requirements as defined by VC3.
- E. Customer will maintain both hardware and software maintenance agreements with the source Vendor whenever possible to allow for ongoing access to security updates and to provide quick replacement of non-functioning components.

6. ASSUMPTIONS

- A. VC3 will make reasonable efforts to resolve all issues remotely prior to dispatching an engineer onsite. Travel hours incurred will be invoiced according to the Master Services Agreement.
- B. The Work Order will not become effective unless and until it is agreed upon and signed by the customer and VC3.
- C. The Current Server Count is currently greater than 13 total servers. Some work will need to be completed by the Town or as a project to combine several servers and to reduce the server count down to 13 total servers as quoted

7. EXCLUDED SERVICES

Excluded services are those related to functionality upgrades, such as those required to evaluate, specify, purchase, and implement client system or server upgrades such as operating systems, Microsoft Office suite software unless included with a specific VC3 product, third party software deployments or upgrades, or equipment related to these services whose scope exceeds that defined above. VC3 will provide these services to the customer on a Time & Materials Work Order basis at the rates outlined in the Master Services Agreement. If modification or replacement of a hardware device or component is required, customer is responsible for all hardware and hardware vendor services costs, excluding VC3 owned hardware explicitly provided through this work order.

Software development, training and project work, including customer-owned PC upgrades and non-patch upgrades of software, are not included.

8. INVOICING

VC3 will invoice the customer per Table B. VC3 will invoice the implementation fee upon receipt of the signed customer work order. VC3 will invoice the customer a pro-rated monthly fee based on any partial month of service plus the first full month of service on the effective services start date. All subsequent service months will be invoiced at the start of the month in which services



are to be rendered. If additional services are turned on during the course of a month, then fees associated with those services will be included in the next customer invoice. Any taxes related to services purchased or licensed pursuant to this Work Order shall be paid by customer or customer shall present an exemption certificate acceptable to the taxing authorities. Applicable taxes and freight charges shall be billed as a separate item on the invoice.

Table B

Milestone Billing	Milestone Description / Date	Invoice Amount
Implementation Fee	Invoiced at the signing of Work Order	\$6,665.00
Monthly Fee (36 Month Term)	Invoicing to begin at Effective Services Start Date	\$6,665.00

VC3, Inc.

Town of Winterville, NC

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



9. ADDENDUM A – SERVICE DESK PRIORITIES

Incidents and Service Requests are triaged and prioritized to effectively resolve the most important issues in a timely manner. VC3 utilizes the following priorities, criteria and response metrics:

A. Priority 1:

- System/device/service down causing work to cease and critical impact to the organization or a whole department; no workaround available; customer is in danger of or is experiencing a financial loss or the ability to make strategic business decisions is impaired; begin resolution activities immediately.
- **24x7 Support:** Priority 1 incidents will be addressed on a 24 hours a day, 7 days a week basis including holidays.

B. Priority 2:

- System/device/service down causing work to cease and potential business impact for an individual user; no workaround available.
- Level of service degraded causing impact to the organization or a whole department; no workaround available.
- **24x7 Support:** Priority 2 incidents will be addressed on a 24 hours a day, 7 days a week basis including holidays.

C. Priority 3:

- Level of service degraded causing impact to an individual user; no work around available.
- Operational impact to the organization or a whole department though work continues as a result of implementing a workaround or use of other system/device/service.
- A request to enable or configure a system/device/service within 2 business days.
- Incidents related to Backup system failures.
- **Business Hours Support:** Priority 3 incidents will be addressed during normal business hours Monday-Friday, 8:00am to 5:00pm excluding holidays.

D. Priority 4:

- Operational impact to the organization, department or user exists though work continues as a result of implementing a workaround or use of another system/device/service.
- A request to enable or configure a system/device/service within 5 business days.
- **Business Hours Support:** Priority 4 incidents will be addressed during normal business hours Monday-Friday, 8:00am to 5:00pm excluding holidays.

E. Priority 5:

- Operational impact to the organization, department or user is minimal or is mitigated by a reliable workaround.
- A request to enable or configure a system/device/service beyond 5 business days from the date of the request.
- Requests that have longer lead times to implement than possible within 5 business days.



- **Business Hours Support:** Priority 5 incidents will be addressed during normal business hours Monday-Friday, 8:00am to 5:00pm excluding holidays.

Call Priority	Initial Customer Contact Guidelines	Initial Customer Contact Percentages
1	30 Min	95%
2	60 Min	95%
3	4 business hours	95%
4	8 business hours	95%
5	8 Business Hours	95%



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: June 19, 2014

Presenter: Terri L. Parker, Town Manager

Item to be Considered

Subject: Approval of FY 2014-2015 Annual Budget

Action Requested: Approved Budget

Attachments: Draft Ordinance to be distributed at the Council Meeting

Prepared By: Terri L. Parker, Town Manager

Date: 6/17/2014

ABSTRACT ROUTING:

TC _____

FD _____

TM tlp - 06/17/2014

Final tlp - 06/17/2014

Supporting Documentation

The Draft Budget Ordinance will be distributed at the meeting as the Public Hearing on the FY 2014-2015 is taking place on June 17, 2014.

Budgetary Impact: As discussed and presented.

Recommendation: Staff recommends Council approval of the FY 2014-2105 Annual Budget.