

COLUMBUS COUNTY BOARD OF COMMISSIONERS**Monday, October 18, 2010****6:30 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, for the purpose of conducting their regular scheduled meeting on the third Monday.

COMMISSIONERS PRESENT:

P. Edwin Russ **Chairman**
 Giles E. Byrd, **Vice Chairman**
 Amon E. McKenzie
 James E. Prevatte
 Lynwood Norris
 Ricky Bullard
 Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
 Mike Stephens, **County Attorney**
 June B. Hall, **Clerk to Board**
 Bobbie Faircloth, **Finance Officer**

Agenda Items #1, #2 and #3:**MEETING CALLED to ORDER, INVOCATION, and PLEDGE of ALLEGIANCE:**

At 6:30 P.M., Chairman P. Edwin Russ called the October 18, 2010 Columbus County Board of Commissioners Regular Session Meeting to order. The invocation was delivered by Commissioner Amon E. McKenzie. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America which was led by Boy Scout Troop 500.

Agenda Item #4: BOARD MINUTES APPROVAL:

Commissioner Norris made a motion to approve the October 04, 2010 Regular Session Board Meeting Minutes, as recorded, second by Vice Chairman Byrd. The motion unanimously passed.

AGENDA ADD-ON:

Commissioner McKenzie made a motion to approve the following Agenda Add-on, second by Commissioner Norris. The motion unanimously passed.

Economic Development - Establishment of Public Hearing Date and Time for Incentive Grant for Atlantic Corporation: Gary Lanier, Economic Development Director, requested the Board to establish a date and time for this public hearing. Chairman Russ stated this item would be handled after Agenda Item #11.

Agenda Item #5: PUBLIC INPUT:

No public input was received, either orally or written.

Agenda Item #6: AGING - APPROVAL of SENIOR CENTER GENERAL PURPOSE FUNDING with 25% COUNTY MATCH:

Ed Worley, Executive Director, requested Board approval of the following Senior Center General Purpose Funding, with a twenty-five (25%) percent County match, from the Cape Fear Council of Governments.

CENTER	GRANT	MATCH	TOTAL	
Bolton Senior Center	\$4,082	\$1,361	\$5,443	Satellite
Bug Hill Senior Center	\$4,082	\$1,361	\$5,443	Satellite
Chadbourn Senior Center	\$4,082	\$1,361	\$5,443	Satellite
East Columbus Senior Center	\$4,082	\$1,361	\$5,443	Satellite
Fair Bluff Senior Center	\$4,082	\$1,361	\$5,443	Satellite
Tabor City Senior Center	\$4,082	\$1,361	\$5,443	Satellite

Whiteville Senior Center	\$12,245	\$4,082	\$16,327	Center of Excellence
TOTAL:	\$36,737	\$12,248	\$48,985	

Commissioner Prevatte made a motion to approve the Senior Center General Purpose Funding, with a twenty-five (25%) percent County match, from the Cape Fear Council of Governments, second by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #7: PUBLIC TRANSPORTATION - BOARD APPROVAL of NC DOT TRANSPORTATION CONTRACT for FY 10-11:

Charles Patton, Public Transportation Director, requested Board approval of the North Carolina Department of Transportation Contract for FY 2010-2011, for the annual transportation grant which pays for administration and capital costs.

Vice Chairman Byrd made a motion to approve the North Carolina Department of Transportation Contract for FY 2010-2011, for the annual transportation grant which pays for administration and capital costs, second by Commissioner McKenzie. The motion unanimously passed. A copy of this document will be marked as Exhibit "A", and kept on file in Minute Book Attachments, Book Number 4, in the Clerk to the Board's Office, for review.

Agenda Item #8: PLANNING - ESTABLISHMENT of DATE for WORK SESSION on PROPOSED ABANDONED STRUCTURE ORDINANCE:

Jim Dossett, Planning Director, requested the Board to establish a date and time for a work session to be conducted on the Proposed Abandoned Structure Ordinance.

Commissioner Norris made a motion to establish November 01, 2010, at 5:30 P.M. as the date and time for a work session to be conducted on the Proposed Abandoned Structure Ordinance, second by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #9: TRAVEL and TOURISM - DEPARTMENTAL UPDATE:

Jennifer Holcomb, Travel and Tourism Director, delivered the following Departmental Update to the Board:

1. We have been very busy, and I will tell you a little of what we have been doing in the last ten (10) months;
2. Our occupancy tax has done much better in 2010 than the last two (2) previous years;
3. January and February, 2010 was down, but in March - July, we were up an average of 19.29% , and the August, 2010 figures reflect we were down about 8%;
4. In September and October, 2010 were busy months, and hopefully these percentages will come back up;
5. On a regional and state front, I am hopeful that things are turning around in the tourism industry;
6. I continue to serve as a state representative on two (2) different organizations, as follows:
 - A. North Carolina Tourism Industry Association - Vice President; **and**
 - B. Destination Marketing Association of North Carolina - Secretary;
7. My Board supports my membership in these associations because it helps Columbus County to have a voice and recognition at the State level and will continue in those efforts;
8. My board is made up of eleven (11) voting members, and we have some ex-officio members as well, and seven (7) of which are appointed by you, each of you have a district, and I encourage you to be in constant communication with your appointment;
9. We have a lot of projects going on;
10. We are in the preliminary stages of the Waccamaw River Trail, and what we are looking at now is seeking public input before the planning is even done;
11. We have a major announcement with the Lumber River, and it was designated as one of North Carolina's top ten natural wonders;
12. We were successful in getting two (2) major baseball tournaments that filled up the hotels;
13. The biggest thing that happened was the Cycle NC Event on October 01, 2010, which is an annual event which involves bicycles, and we had eight hundred (800) participants;
14. We had several events this year such as Take the Lake and Southern Farm Days;
15. In 2011, I have agreed to be the Chairperson of the Leadership Columbus Group, which is

- a program run by the Chamber of Commerce and Southeastern Community College, and it is designed to bring in upcoming leaders in Columbus County;
16. I am working on a new Visitor's Guide which will come out in 2011;
 17. I have a new camera with which I am taking pictures and we are loading them into a photo gallery on our website;
 18. My doors are always open, and I look forward to talking with you further.

Agenda Item #10: COLUMBUS COUNTY PERSONNEL POLICY MANUAL - AMENDMENT NUMBER II:

Vice Chairman Byrd requested Board approval of adding **Policy #730 - 2. Requirements - 2.11.** to the Columbus County Personnel Policy Manual, on its second reading.

Commissioner Bullard made a motion to approve adding **Policy #730 - 2. Requirements - 2.11.** to the Columbus County Personnel Policy Manual, on its second reading, second by Vice Chairman Byrd.

A roll-call vote was taken with the following results:

AYES: Vice Chairman Byrd, Commissioner Norris and Bullard; **and**
NAYS: Chairman Russ, Commissioners McKenzie, Prevatte and Gore.

The motion fails on a four (4) to three (3) vote.

Agenda Item #11: SOUTHEASTERN REGIONAL MENTAL HEALTH - APPROVAL of RESOLUTION:

Robert E. Price, LME Attorney, requested the Board to waive their right to approve or block the appointment of a new LME Area Director by the approval of the following Resolution.

RESOLUTION

Adopted at the October 18, 2010,
Meeting of the Board of Commissioners of Columbus County

Commissioner James E. Prevatte introduced the following resolution at the regular meeting of the Board of Commissioners of Columbus County, the motion to approve the resolution was seconded by Commissioner Lynwood Norris, at is was adopted.

WHEREAS, the current area director of Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services will retire from that position at the end of this year; **and**

WHEREAS, NCGS 122C-117(a)(7) makes the appointment of an area director to an area mental health, developmental disabilities and substance abuse authority by its board subject to the approval of the involved Boards of County Commissioners, except that one or more Boards of County Commissioners may waive its authority to approve the appointment; **and**

WHEREAS, waiver of the Board's authority to approve the appointment would be in the best interests of our citizens because it would expedite the appointment of a new director and may allow additional time for the current area director to train the new area director.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that this Board does hereby waive this Board's authority to approve the appointment of a new area director of Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services, but only as to an appointment which is made by February 28, 2011.

/s/ **P. EDWIN RUSS**
Chairman, Board of Commissioners

ATTESTED BY:
/s/ **JUNE B. HALL, Clerk to the Board**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
/s/ **MICHAEL H. STEPHENS,, County Attorney**

Commissioner McKenzie made a motion to approve and adopt the Resolution that will waive the Board's authority to approve the appointment of a new area director of Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services, but only as to an appointment which is made by February 28, 2011, second by Commissioner Norris. The motion unanimously passed.

AGENDA ADD-ON:

Economic Development - Establishment of Public Hearing Date and Time for Incentive Grant for Atlantic Corporation: Gary Lanier, Economic Development Director, requested the Board to establish a date and time a public hearing for the incentive grant for Atlantic Corporation.

Commissioner Prevatte made a motion to establish November 01, 2010, at 6:30 P.M., as the date and time for the Public Hearing for the Incentive Grant for Atlantic Corporation, second by Commissioner Norris. The motion unanimously passed.

RECESS REGULAR SESSION and enter into COMBINATION MEETING of COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V BOARD MEETING:

At 6:55 P.M., Commissioner McKenzie made a motion to recess Regular Session and enter into a **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, second by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

October 04, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

This information will be recorded in Minute Book Number 1 for each Water District, respectively.

Agenda Item #13: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the MONTHLY WATER BILLS for SEPTEMBER, 2010:

Kip McClary, Public Utilities Director, requested Board approval of the adjustments the monthly water bills for September, 2010.

This information will be recorded in Minute Book Number 1 for each Water District, respectively.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Public Utilities Director, requested Board approval of the following **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities.

This information will be recorded in Minute Book Number 1 for each Water District, respectively.

Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICT V - APPROVAL of AWARD to LOW BIDDER and APPROVAL to ISSUE the NOTICE to PROCEED for RIVER ROAD PROJECT:

Kip McClary, Public Utilities Director, requested Board approval of the award to the low bidder and approval to issue the Notice to proceed for the River Road Project.

This information will be recorded in Minute Book Number 1 for Columbus County Water and Sewer District V.

ADJOURN COMBINATION MEETING of COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III IV and V BOARD MEETING and resume REGULAR SESSION.

At 7:19 P.M., Vice Chairman Byrd made a motion to adjourn the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, and resume Regular Session, second by Commissioner Prevatte. The motion unanimously passed.

Agenda Item #16: CONSENT AGENDA ITEMS:

A. Budget Amendments:

Commissioner McKenzie made a motion to approve the following Budget Amendments, second by Commissioner Prevatte. The motion unanimously passed.

TYPE	ACCOUNT	DETAILS	AMOUNT
Expenditures	52-7114-519000	Professional Services	10,450
Revenue	52-3719-449100	Investment Earnings	10,450
Expenditures	10-5176-526001	Departmental Supplies	25,500
	10-5176-531100	Travel	5,000
	10-5176-512100	Salaries	8,000
	10-5176-518100	FICA	1,500
	10-5176-518200	Retirement	1,000
	10-5176-518300	Insurance Contribution	2,000
Revenue	10-3516-433310	ACHIEVE Grant	30,000
	10-3510-499130	Health Dept. Fund Balance	13,000

B. Tax Refunds and Releases:

Vice Chairman Byrd made a motion to approve the following Tax Refunds excepting Account # 13-31727 Paul F. and Doris B. Page, and Account # 13-04117 Page Home Sales, and the following Tax Releases, second by Commissioner McKenzie. The motion unanimously passed.

**TAX REFUNDS (as submitted to the Governing Body Office from the Tax Office);
October 18, 2010**

Refunds Name: Garcia, Lydiac/o Columbus County Tax Amount: \$126.64
Value: \$5,006.00 Year 9999 Account # 11-05242 Bill # 9999 Total \$742.35
Refund value of mobile home for years 2006, 2008 and 2009. Double listed to Act#11-02829 Maribel Andres Noyola. Refund Hallsboro Fire(9.53), refund Columbus Rescue(3.18)
125-A Washington Street Whiteville NC 28472

Refunds Name: Roberts, Charles & Kathleen Amount: \$0.00
Value: \$0.00 Year 010 Account # 1-00546 Bill # 59528 Total \$215.00
Refund user fee. Double wide not liveable.
1005 Whitehall Rd Whiteville NC 28472

~~Refunds Name: Page, Paul F. & Doris B. Amount: \$0.00
Value: \$0.00 Year 010 Account # 13-31727 Bill # 55973 Total \$215.00
Refund user fee. Old store is vacant. Paid in error.
1768 Bird Cage Rd Chadbourn NC 28431~~

~~Refunds Name: Page Home Sales Amount: \$0.00
Value: \$0.00 Year 010 Account # 13-04117 Bill # 55952 Total \$215.00
Refund user fee. Old Sales Office Vacant. Paid in error
1768 Birdcage Rd Chadbourn NC 28431~~

Refunds Name: Stocks, John Amount: \$259.17
Value: \$31,800.00 Year 010 Account # 03-03526 Bill # 65030 Total \$290.97

Refund portion of value on dwelling. House listed with upstairs that was unfinished and storage turned into heated..Refund Old Dock Fire(25.44), refund Columbus Rescue(6.36)
 755 Oscar Ezzell Rd. Nakina NC 28455

**TAX RELEASES (as submitted to the Governing Body Office from the Tax Office):
 October 18, 2010**

Release the Property Value in the name of Antone, Keith Amount: \$239.56
 Value: \$4,100.00 Year: 99999 Account # 13-00197 Bill # 9999 Total \$286.75
 Release value of property years 2001-2006, 2008 -2010. Double listed Act#13-04533 Beverly Under due ETAL. Release Klondyke Fire(21.35), release Columbus Rescue(6.10), release Water District II (19.74)

Release the Property Value in the name of Callahan, Bronya Darlene Amount: \$461.29
 Value: \$56,600.00 Year: 2010 Account # 16-00104 Bill # 0971 Total \$783.83
 Release value of mobile home. Burned Sept 2009. Release Cerro Gordo Fire(56.60), release Columbus Rescue(11.32), release Water District II(39.62)

Release the Property Value in the name of Cummings Cabinets & Countertops, Inc Amount: \$126.28
 Value: \$15,495.00 Year: 2010 Account # 4-00746 Bill # 4157 Total \$138.68
 Release value of business equipment. Listed in Bladen County. Release Buckhead Fire(9.30), release Columbus Rescue(3.10)

Release the Property Value in the name of Moore, Lawrence & Hazel Amount: \$60.31
 Value: \$7,400.00 Year: 2010 Account # 14-10880 Bill # 3964 Total \$61.79
 Release value of property. Double listed Act#14-11340 Abram & Morris Moskow. Release Columbus Rescue(1.48)

Release the Property Value in the name of Town, Brenda L. Amount: \$234.78
 Value: \$30,100.00 Year: 2002 Account # 01-02057 Bill # 5126 Total \$467.80
 Release a portion of value on dwelling. Sold at tax sale for less than taxes due. Release North Whiteville (50.00), release Whiteville Rescue(6.02)

Release the Property Value in the name of Williamson, Robert Nelson Amount: \$61.25
 Value: \$7,515.00 Year: 2010 Account # 11-04034 Bill # 0943 Total \$62.75
 Release value of boat. Boat no longer located at Lake Waccamaw. Release Columbus Rescue(1.50)

Release the User Fee in the name of Alford, Kelly James & Barbara b Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 15-00200 Bill # 5069 Total \$215.00
 Release user fee. Dwelling is vacant.

Release the User Fee in the name of Barnes, Matthew Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 3-03227 Bill # 6300 Total \$144.00
 Release portion of user fee. Using can from Sept. to Dec.

Release the User Fee in the name of Bishop, Larry E. & Donna Kay Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 15-02285 Bill # 7772 Total \$215.00
 Release user fee. Mobile home is used for storage and does not have a can.

Release the User Fee in the name of Blackmon, Glenn B Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 3-05535 Bill # 7869 Total \$215.00
 Release user fee. Dwelling is vacant.

Release the User Fee in the name of Brown, Charles H (Sr) & Monica Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 1-05657 Bill # 9221 Total \$215.00
 Release user fee. Dwelling is vacant.

Release the User Fee in the name of Brown, Shelva Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 3-03638 Bill # 9652 Total \$215.00
 Release user fee. Dwelling is vacant.

Release the User Fee in the name of Chestnut, Fentress L. & Patricia Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 13-08179 Bill # 2277 Total \$215.00
 Release user fee. Dwelling is vacant.

Release the User Fee	in the name of Collins, Bobby C. & Diana M.	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 1-15983 Bill # 999	Total	\$430.00
Release user fees. Uses a commercial hauler.			
Release the User Fee	in the name of Conley, Jimmie Shelton & Mary W	Amount:	\$0.00
Value:	\$0.00 Year: 2009-2 Account # 12-05830 Bill # 9999	Total	\$425.00
Release user fee. Dwelling is vacant.			
Release the User Fee	in the name of Enzor, Billy G.	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 10-00447 Bill # 6641	Total	\$215.00
Release user fee. Dwelling is vacant.			
Release the User Fee	in the name of Etheridge, Carolyn Harrelson	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 3-01534 Bill # 6793	Total	\$215.00
Release user fee. Dwelling is vacant.			
Release the User Fee	in the name of Faulk, Dorothy	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 7-03105 Bill # 7286	Total	\$215.00
Release user fee. Dwelling is vacant.			
Release the User Fee	in the name of Foronda, Frank M. & Virginia	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 1-29000 Bill # 8252	Total	\$53.00
Release user fee. Dwelling is vacant. Can picked up.			
Release the User Fee	in the name of Freeman, W E & Maggie (Heirs)	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 11-09960 Bill # 8945	Total	\$215.00
Release user fee. Dwelling is vacant.			
Release the User Fee	in the name of Hinson, Sara Elizabeth Thompson	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 3-05846 Bill # 4776	Total	\$125.44
Release user fee. Dwelling vacant. Can picked up 8-9-2010			
Release the User Fee	in the name of Long, Beatrice Clewis	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 3-01311 Bill # 9754	Total	\$215.00
Release user fee. Dwelling is vacant.			
Release the User Fee	in the name of Long, Charles Parsley & Vendall J	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 11-15740 Bill # 9782	Total	\$215.00
Release user fee. Dwelling is vacant.			
Release the User Fee	in the name of Long, Velma	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 7-05724 Bill # 0144	Total	\$161.24
Release portion of user fee. Can being delivered 10-1-2010			
Release the User Fee	in the name of Long, Vernon Lee & Patricia Ann(Heirs)	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 3-14920 Bill # 0147	Total	\$215.00
Release user fee. Dwelling is vacant.			
Release the User Fee	in the name of Malpass, E C (ETAL)	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 15-25557 Bill # 0567	Total	\$215.00
Release user fee. Shop is vacant.			
Release the User Fee	in the name of Martin, Mark	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 12-05458 Bill # 0989	Total	\$215.00
Release user fee. Mobile home is vacant and doesn't have a can.			
Release the User Fee	in the name of McCray, Buster & Ruth	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 7-11480 Bill # 1461	Total	\$53.76
Release user fee. Dwelling is vacant. Can picked up Oct 2010.			
Release the User Fee	in the name of McCumbee, Gary Eugene & Loretta Hodge	Amount:	\$0.00
Value:	\$0.00 Year: 2010 Account # 3-01948 Bill # 1518	Total	\$215.00
Release user fee. Dwelling is vacant. Can picked up 9/24/2010			

Release the User Fee in the name of McMillan, Zander(Heirs) Amount: \$0.00
 Value: \$0.00 Year: 2009-2 Account # 1-57140 Bill # 9999 Total \$425.00
 Release user fee. Dwelling is vacant.

Release the User Fee in the name of Mt Zion Missionary Baptist Church Amount: \$0.00
 Value: \$0.00 Year: 2009 Account # 18-00393 Bill # 0606 Total \$1.85
 Release portion of user fee. Billing error.

Release the User Fee in the name of Nye, Benjamin E. Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 8-13940 Bill # 5679 Total \$215.00
 Release user fee. Dwelling is vacant.

Release the User Fee in the name of Perritte, W Jeffrey Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 9-23725 Bill # 6562 Total \$143.32
 Release portion of user fee. Can picked up 4-8-2010

Release the User Fee in the name of Plowman, Walter Scott & Chanteau Yvette Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 7-02429 Bill # 7055 Total \$107.50
 Release portion of user fee. Vacation home.

Release the User Fee in the name of Powell, Gregory Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 01-04412 Bill # 7413 Total \$215.00
 Release user fee. Dwellings is vacant.

Release the User Fee in the name of Register, Paul & Patricia Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 1-04726 Bill # 9084 Total \$215.00
 Release user fee. Mobile home is vacant and does not have a can.

Release the User Fee in the name of Royal Comfort Heirs Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 1-78160 Bill # 0060 Total \$215.00
 Release user fee. Dwelling is vacant.

Release the User Fee in the name of Spivey, Garrett Jason Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 12-03703 Bill # 4036 Total \$215.00
 Release user fee. Dwelling is vacant.

Release the User Fee in the name of Whitehead, Johnny Lee(ETAL) Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 16-00827 Bill # 0283 Total \$215.00
 Release user fee. Dwelling is vacant.

Release the User Fee in the name of Williamson, Hez C (Heirs) Amount: \$0.00
 Value: \$0.00 Year: 2010 Account # 12-30755 Bill # 1144 Total \$215.00
 Release user fee. Dwelling is vacant. Can picked up 4-24-2008

Agenda Item #17: COMMENTS:

Chairman Russ opened the floor for comments. The following spoke.

A. Department Heads:

1. **Bobbie Faircloth, Finance Director:** stated the following:
 - A. At the October 04, 2010 Meeting, Commissioner McKenzie requested information regarding the outstanding debt obligation for the water districts. Below you will find the requested information by district.

WD	MATURITY DATE	INTEREST RATE	DESCRIPTION	BALANCE JULY 01, 2010
I	06/01/2035	5.125%	Water Bonds	\$882,500.00
	06/01/2037	4.875%	Water Series 1998	\$154,000.00
TOTAL:				\$1,036,500.00
II	06/01/2041	4.75%	Water Series 2002A	\$3,761,500.00
	06/01/2041	4.75%	Water Series 2002 B	2,189,000.00

	06/01/2041	4.75%	Water Series 2002C	774,500.00
TOTAL:				\$6,725,000.00
III	06/01/2041	4.75%	Water Series 2002A	\$4,825,000.00
	06/01/2041	4.75%	Water Series 2002 B	\$212,000.00
TOTAL:				\$5,037,000.00
IV	06/01/2050	3.75%	Water Series 2010	\$4,113,000.00
TOTAL:				\$4,113,000.00
V	06/01/2047	4.375%	Water Series 2008	\$4,514,000.00
TOTAL:				\$4,514,000.00

TOTAL ALL DISTRICTS:**\$21,425,500.00**

- B. Commissioner McKenzie also asked if the debt for each district could be refinanced. After contacting Diane Kelly with the Local Government Commission (LGC), she advised that USDA Rural Development does not refinance debt. At this point, our only option is refinancing with a local bank, which will only finance debt for fifteen to twenty (15 - 20) years, and the current interest rate for this term is around four (4%) percent. Ms. Kelly also recommended refinancing only if an interest rate can be obtained that is at least three (3%) percent lower than our current interest rate.

2. **Dalton Dockery, Cooperative Extension Director):** stated the following:

- A. We came before you previously with an idea of selling vegetable crops via the internet, and stated we would come back with an update;
- B. We have held two (2) meetings since then;
- C. This will enable our farmers to sell their produce to restaurants out of the county, and will need some type of distribution system;
- D. At our last meeting at East Columbus High School, we brought a group of farmers together who are interested, and out of that meeting came a name, Downeast Connect;
- E. A bus has been chartered to go to Ruthertfordton County to see how they are doing theirs;
- F. We would like to thank Farm Bureau for paying for the bus we chartered, and we would like to thank Brunswick Electric for paying for the meal; **and**
- G. I would like to invite you to go on this trip, and we will be leaving from the Cooperative Extension Service on October 26, 2010, at 6:00 A.M.

B. **Board of Commissioners:**1. **Commissioner McKenzie:** stated the following:

- A. I would like to thank Boy Scout Troop 500 for their participation in our meeting tonight;
- B. Our next Quarter-Cent Sales Tax Committee Meeting will be on Wednesday, October 20, 2010, at 6:00 P.M.; **and**
- C. I would like to applaud the members of the Quarter-Cent Sales Tax Committee members for their participation at the County Fair.

2. **Commissioner Prevatte:** stated the following:

- A. The Quarter-Cent Sales Tax Education Committee is going very well;
- B. On the Community Advisory Council, we are going to experience some vacancies in the next few months, and this is a difficult council to keep members on;
- C. I do know of five (5) people who might be interested in serving on this committee, and if the Board will agree, I will approach these people to see if they will serve.

It was the general consensus of the Board for Commissioner Prevatte to contact these people.

3. **Commissioner Gore:** stated the following:
 - A. We need to proceed very cautiously on the Uniform Rules for the Water Districts before we place ourselves into a dictatorial position of telling our citizens they will have to pay for this water forever and ever;
 - B. We, as a Board, depend upon staff to supply us with accurate information to enable us to make good sound decisions; **and**
 - C. When staff does not provide accurate information to use, they should be held accountable.

4. **Vice Chairman Byrd:** stated the following:
 - A. I have spoken to Commissioner Gore about the problem with the traffic down between Hallsboro and Hallsboro Artesia Elementary School;
 - B. The Board of Education put up a fence this school year that had not been being there, and this has created some problems with traffic;
 - C. In the mornings and afternoons when parents are bringing or picking up their children, the highway is blocked in both directions, and you have to wait until you can turn in;
 - D. I think we need to send the Department of Transportation a letter and ask them to work faster in finding a solution to this problem; **and**
 - E. I would like to ask this Board to send a letter to the North Carolina Department of Transportation addressing this issue.

MOTION:

Vice Chairman Byrd made a motion for the Board to send a letter to the North Carolina Department of Transportation requesting they look into the traffic problem on Highway 74 at Hallsboro Artesia Elementary School, second by Commissioner Norris. The motion unanimously passed.

- F. I have received numerous complaints about the sign out on the four lane going in and through Hallsboro which is heavily utilized by people going to and from the beach;
- G. There is only one (1) sign, about one hundred fifty yards before you run into Highway 1001, which is a flat intersection;
- H. We need to request they provide better signage;

MOTION:

Vice Chairman Byrd made a motion for the Board to send a letter to the North Carolina Department of Transportation requesting improved signage on Highway 74 indicating Highway 1001 exit which can go back to Clarkton or go to the beach, second by Commissioner Bullard. The motion unanimously passed.

5. **Chairman Russ:** stated the following:
 - A. Congressman McIntyre presented the Department of Aging a \$450,000 check;
 - B. Our senior citizens deserve all of our respect and they need a comfortable place to enjoy their senior years, and I firmly believe in taking care of our seniors and our children;
 - C. Columbus County has been rated as an unhealthy county, and part of this ranking is due to overweight, and I would like to challenge the members of this Board to a contest to see who can lose the most weight, and to all the other county employees; **and**
 - D. I would like for all those who can to participate in the Yam Festival this weekend.

Agenda Item #18: ADJOURNMENT:

At 7:45 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Vice Chairman Byrd. The motion unanimously passed.

APPROVED:

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING**

Monday, October 18, 2010

6:55 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer District I Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. Byrd, **Vice Chairman**
Amon E. McKenzie
James Prevatte
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Mike Stephens, **County Attorney**
June B. Hall, **Clerk to Board**
Bobbie Faircloth, **Finance Officer**

MEETING CALLED TO ORDER:

At 6:55 P.M., Chairman Russ called the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board meeting to order.

Agenda Item #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Prevatte made a motion to approve the October 04, 2010 **Combination Meeting** of Columbus County Water and Sewer District I Board Meeting, second by Commissioner Norris. The motion unanimously passed.

Agenda Item #13: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the MONTHLY WATER BILLS for SEPTEMBER, 2010:

Kip McClary, Public Utilities Director, requested Board approval of the following adjustments the monthly water bills for September, 2010, for Columbus County Water and Sewer District I.

DISTRICT I ADJUSTMENTS FOR THE MONTH OF SEPTEMBER, 2010

DATE	ACCT #	NAME ON ACCOUNT	ADJ AMT	REASON FOR ADJ
9/7/2010	404950	SHELLY GRAINGER	90.00-	CUSTOMER LEAK
9/7/2010	201683.00 98	PATRICIA YOUNG	35.00-	BILLING ERROR

DATE	ACCT #	NAME ON ACCOUNT	ADJ AMT	REASON FOR ADJ
9/14/2010	208638.00 96	CAROLA JORDAN	30.00-	PENALTY WAIVED
9/20/2010	200010.00 97	MICHEAL COX	57.00	NSF
9/20/2010	200010.00 97	MICHEAL COX	25.00	NSF FEE
9/22/2010	302679.00 96	MARGARET THOMPSON	50.00-	DEPOSIT APPLIED
9/24/2010	302970	DANNY THOMPSON	5.00	BILLING ERROR
9/30/2010	207055	L JORDAN	30.00-	PENALTY WAIVED
9/30/2010	100460	JUDY WILLARD	30.00-	PENALTY WAIVED
9/30/2010	603170	MIRANDA PUGH	30.00-	PENALTY WAIVED
9/30/2010	603515	GERALD STACKHOUSE	30.00-	PENALTY WAIVED
9/30/2010	603705	MARJORIE JORDAN	30.00-	PENALTY WAIVED
9/30/2010	602380	SYLVESTER STEPHENS	30.00-	PENALTY WAIVED
9/30/2010	100627	DANNY FIELDS	30.00-	PENALTY WAIVED
9/30/2010	204000	MARION SHEETS	30.00-	PENALTY WAIVED
9/30/2010	603190	VERNETTE RIGGINS	30.00-	PENALTY WAIVED
9/30/2010	207870	K BALDWIN	30.00-	PENALTY WAIVED
9/30/2010	204930	HOWARD JAMES	30.00-	PENALTY WAIVED
9/30/2010	101620	RICHARD GODWIN	30.00-	PENALTY WAIVED
9/30/2010	603280	PATRICIA PUGH	30.00-	PENALTY WAIVED
9/30/2010	207065	ERNESTINE GALLOWAY	30.00-	PENALTY WAIVED
9/30/2010	200850	SHARON JONES	30.00-	PENALTY WAIVED
9/30/2010	102140	STEVEN STANLEY	30.00-	PENALTY WAIVED
9/30/2010	300235	JOSHUA HARRELSON	30.00-	PENALTY WAIVED
9/30/2010	100040	ROBBIE DANIELS	30.00-	PENALTY WAIVED
9/30/2010	204680	REV VERNELL MARTIN	30.00-	PENALTY WAIVED
9/30/2010	206380	GEORGE JONES	30.00-	PENALTY WAIVED
9/30/2010	105195	MITCHELL NORRIS	30.00-	PENALTY WAIVED
9/30/2010	403390	MARTHA HARDWICK	30.00-	PENALTY WAIVED
9/30/2010	405080	JOHN HARDWICK	30.00-	PENALTY WAIVED

DATE	ACCT #	NAME ON ACCOUNT	ADJ AMT	REASON FOR ADJ
9/30/2010	200950	PATRICIA GIVINS	30.00-	PENALTY WAIVED
9/30/2010	600135	LINDA TEDDER	30.00-	PENALTY WAIVED
9/30/2010	207054	PERSELL HAWKINS	30.00-	PENALTY WAIVED
9/30/2010	103670	ALICE MCPHERSON	30.00-	PENALTY WAIVED
9/30/2010	101320	BECKY HEWITT	30.00-	PENALTY WAIVED
9/30/2010	400350	LLOYD HINSON	30.00-	PENALTY WAIVED
9/30/2010	600560	MELISSA CARTRETTE	30.00-	PENALTY WAIVED

Discussion was conducted regarding the following:

1. The large quantity of penalties being waived, and the reason behind the penalties being waived, and the recurrence of these penalties being monthly;
2. The inability of the present Logics Computer Program to eliminate these penalties, thus avoiding a manual deletion;
3. The need for a three (3) day turn-around time to avoid these penalties; **and**
4. Changing the date for the bills to be mailed to the 3rd of the month in lieu of the 1st of the month, and presenting a revised policy to the Board for approval with this information within.

After the lengthy discussion was conducted, it was the general consensus of the Board for a revised policy to be presented with the mailing date of the bills changed from the 1st to the 3rd.

Commissioner Norris made a motion to table the adjustments to the monthly water bills for September, 2010, for Columbus County Water and Sewer District I, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Pubic Utilities Director, requested Board approval of the following revised Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities.

Columbus County Public Utilities Department

**Uniform Rules for All Water Districts and Retail Water Facilities
Operated by Columbus County Public Utilities**

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

Section 1. Introduction

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

Section 2. Policy Administration/Authority

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

Section 3. Definitions

Agent is the legal representative of a corporation or partnership that holds title to property served by the district.

Board of Commissioners is the duly elected governing body of Columbus County.

Building is a structure as defined in the North Carolina Building Code.

Commodity Charge is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

Connections are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

Controlled by is owned, operated, or leased by.

County is Columbus.

Customer is the person legally or equitably responsible for the payment of charges for water services on any premises.

District is the one of the statutory established water service areas in the County and its designated agents.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Improved Street is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral is that portion of the water connection which does not include meter, box, or meter setter of connection.

Main is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

May is permissive (see “shall”).

Occupant is the customer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership, or corporation.

Premise is land, building, or other structure and appurtenances thereto.

Service Line is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

Shall is mandatory (see “may”).

Unusual Conditions is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

Section 4. Water Laterals and Tap-On

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

Section 5. Connections To Be Made By District Only Upon Application

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be

done only after written application therefore has been approved. The only exceptions to this provision will be when a developer's contractor in new subdivisions installs laterals and meter yokes or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

Section 6. Application for Connection

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

Section 7. Disapproval of Applicant

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 8. Separate Water Connections and Meters Required

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.
- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard $\frac{3}{4}$ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.

- (C) Should any portion of the development be sold, the owners shall be responsible for paying whatever additional costs would be involved in bringing the divided development into compliance.
- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), (C), and (D) above.

Section 9. Connections and Meters to Remain Property of the District

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

Section 10. Maintenance of Meters and Connections

All meters and water laterals shall be maintained by the District at the District's expense.

Section 11. Connection to Other Than Water District Supply

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

Section 12. When Water Meters Read

All water meters or water systems controlled by the service district(s) shall be read monthly.

Section 13. Adjustments of Overcharges

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal rate, and no adjustment of the bill shall be made.
- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. The total bills combined for the preceding twelve month period was \$300.00. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average, which is \$25.00. See Section 13 ©. The total adjustment made to this account would be \$75.00.

Section 14. Meter Tests

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

Section 15. Water for Temporary Purposes

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

Section 16. Tampering with Meters and Cutoffs

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by

reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

Section 18. Protection of Water Supply

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

Section 19. Repealing Clause

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

Section 20. Procedures

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.
- (H) The deposit required by this document or part remaining thereof will be refunded upon

payment of final bill and final accounting.

Section 20.1 Procedures for Water Systems During Construction

- (A) During periods of water district construction approved by the commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

Section 21. Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

Section 22. District’s Responsibility and Liability

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.

- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer's premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.
- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

Section 23. Customer's Responsibility

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

Section 24. Access to Premises

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's

services and facilities.

Section 25. Change of Occupancy

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

Section 26. Billing and Collecting

- (A) Meters will be read and bills rendered as follows:
 - 1. Meters will be read once a month, and billing will be accomplished once per month.
 - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same or different services.
- (E) Bills are due when rendered and become delinquent 15 days from "Date Bill Mailed." A delinquent fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within fifteen (15) days of the due date, service may be discontinued by District, and if customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming late or delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction,

requesting immediate payment of the check and a \$25.00 service charge. If the cash payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

Section 27. Suspension of Service

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a delinquent penalty determined by the District is paid for each meter reconnected. In addition, a \$25.00 reconnect fee is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase any service charge, delinquent penalty, or reconnection fee. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charged for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
 2. Emergency repairs.
 3. Insufficiency of supply due to circumstances beyond the District's control.
 4. Legal processes.
 5. Direction of public authorities.

6. Strike, riot, fire, flood, accident, or any unavoidable cause.
 7. Customer's negligence
 8. Acts of God.
- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 28. Termination Clause

~~A customer can disconnect from the water supply system after the cost of the tap has been paid in full and there is no remaining balance on the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed. If the meter is replaced, the customer could, at that time, pay a reconnect fee of \$25.00. The disconnection by the Department will be within a reasonable time after the customer's request.~~

- (A) Properties connected to the water system prior to use of the water service application in 2003 may continue to disconnect from the system by paying a \$25.00 fee.
- (B) Customers who signed the water service application implemented in 2003 agree to the following:
By requesting water service and payment of a connection fee, the recipient of water service hereby understands and agrees to pay a minimum monthly water bill if not connected to the system and using water sixty (60) days after such is made available to the dwelling.
- (C) In the event a property connected to the water system is sole, the seller of said property may bring verification of the sale to the Public Utilities Department and may discontinue service by paying a \$25.00 disconnect fee. Within a reasonable time, the meter will be read and an adjustment of any remaining balance on the account will be done. **The new owner of the property will owe the minimum water bill plus usage for the property beginning with the date the original owner discontinues service.**
- (D) A tenant of a rental property may discontinue service by paying the \$25.00 disconnect fee. Within a reasonable time, the meter will be read and an adjustment of any remaining balance on the account will be done. **The owner of the property will owe the minimum water bill plus usage for the property beginning with the date the tenant discontinues service until a new tenant establishes an account with the Public Utilities Department.**

Section 29. Complaints – Adjustments

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office that manages the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.

- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
1. Office Manager
 2. Utilities Director
 3. Water Advisory Board
 4. Board of Commissioners

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

Section 30. Classifications, Rates, Fees, and Charges - See Attachment "A"

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

- (B) Rate Schedule

1. Residential:

Rates will be established and approved from time to time by the Water District Board.

2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

- (C) Tap-On Fees

1. Tap-On Fee:

A discounted tap on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners. This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on

fee will revert to the District’s Fee schedule and will be subject to all other applicable fees present in this section.

2. See Columbus County Utilities Water Service Schedule. See Attachment “A”.

3. See Columbus County Water Service Fee Schedule. See Attachment “A”.

(D) Application Fee, Deposit, Late Payment Fee, Delinquent Account Penalty, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment “B”.

Section 31. Water System Extensions by Private Entities

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

Section 32. Inclusive Terms

Use of the masculine herein shall include the feminine and neuter and the singular shall include the plural.

Section 33. Governing Law

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

Section 34. Notice

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:
Columbus County Public Utilities Department
612 North Madison Street
Whiteville, N.C. 28472

Section 35. Nondiscrimination

	<u>Construction</u>	<u>Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00
<u>Security Deposit</u>		
Per Account	\$ 50.00	
<u>Late Payment Fee</u>		
After Due Date	\$ 5.00	
<u>Delinquent Account Penalty</u>		
Per Account	\$ 30.00	
<u>Reconnection Fee</u>		
Per Account	\$ 25.00	
<u>Return Check Fee</u>		
Per Check	\$ 25.00	
<u>Meter Testing Fee</u>		
Per Meter	\$ 25.00	
<u>Meter Tampering Fee</u>		

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

14-151.1**CH.14 Criminal Law****14-151.1**

14-151-1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording

apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmetered, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(CC) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

Subsection © Set out Twice - The second version of subsection © set The first
Version of subsection © set out above is effective January 1, 1995. Above is
Effective until January 1, 1995. Editor's Note - Sessions Laws 1993.

Kip McClary, Public Utilities Director, stated the following:

1. There is a discrepancy between the application for water service and the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities;
2. The Water Application reads as follows: By requesting water service and payment of a connection fee, the recipient of water service hereby understands and agrees to pay a minimum monthly water bill if not connected to the system and using water sixty days after such is made available to the dwelling.
3. The Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities reads as follows: A customer can disconnect from the water supply system after the cost of the tap has been paid in full and there is no remaining balance on the account. The customers may pay a disconnect fee of \$25.00 to have the meter

removed. If the meter is replaced, the customer could, at that time, pay a reconnect fee of \$25.00. The disconnection by the department will be within a reasonable time after the customer's request; **and**

- 4. The Water Advisory Board met on September 16, 2010, and has unanimously approved this revision.

Discussion was conducted relative to the following:

- 1. A landowner having to pay for water for the rest of their lives;
- 2. If there is not sufficient revenue from water sales to pay the debt service, where will the difference be derived;
- 3. The lack of cushion in the planning of the water districts and their expansions;
- 4. False information being supplied to the Board on the water districts;
- 5. The need for more accurate information and allowance for loss of customers in the preliminary stages of planning;
- 6. Having consideration for the taxpayers as well as the County Government; **and**
- 7. The sources of false information should be held accountable.

Commissioner McKenzie made a motion to table the approval of the **Revised** Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, until a later date, seconded by Commissioner Bullard. The motion unanimously passed.

REMOVAL of AGENDA ITEM #13 FROM TABLE:

William S. Clark, County Manager, stated that Bobbie Faircloth, Finance Director, has informed him that we need to approve the adjustments to the monthly water bills for September, 2010, **for financial reasons**, which is Agenda Item Number 13.

Commissioner Prevatte made a motion to take Agenda Item Number 13: Columbus County Water and Sewer Districts I, II, III, IV and V - Approval of Adjustments to the Monthly Water Bills for September, 2010, off the table, second by Commissioner Norris. The motion unanimously passed.

Commissioner Prevatte made a motion to approve the adjustments for the monthly water bills for September, 2010, for Columbus County Water and Sewer District I, second by Commissioner Norris. The motion unanimously passed.

ADJOURNMENT:

At 7:19 P.M., Vice Chairman Byrd made a motion to adjourn, second by Commissioner Prevatte. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING**

Monday, October 18, 2010

6:55 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer District II Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. Byrd, **Vice Chairman**
Amon E. McKenzie
James Prevatte
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Mike Stephens, **County Attorney**
June B. Hall, **Clerk to Board**
Bobbie Faircloth, **Finance Officer**

MEETING CALLED TO ORDER:

At 6:55 P.M., Chairman Russ called the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board meeting to order.

Agenda Item #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Prevatte made a motion to approve the October 04, 2010 **Combination Meeting** of Columbus County Water and Sewer District II Board Meeting, second by Commissioner Norris. The motion unanimously passed.

Agenda Item #13: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the MONTHLY WATER BILLS for SEPTEMBER, 2010:

Kip McClary, Public Utilities Director, requested Board approval of the following adjustments the monthly water bills for September, 2010, for Columbus County Water and Sewer District II.

DISTRICT II ADJUSTMENTS FOR THE MONTH OF SEPTEMBER, 2010

DATE	ACCOUNT #	ACCT NAME	ADJ AMT	REASON FOR ADJ
9/3/2010	140608.00 96	BRENDA LEGGETT	35.00-	BILLING ERROR
9/3/2010	131870.00 98	MARK BROWN	243.00-	CUSTOMER LEAK

DATE	ACCOUNT #	ACCT NAME	ADJ AMT	REASON FOR ADJ
9/1/2010	130134	WVOE	5.00-	BILLING ERROR
9/3/2010	110335.00 98	RENEE TURBEVILLE	25.00-	BILLING ERROR
9/7/2010	143005.00 98	DEMETRIUS GAINEY	68.00-	CUSTOMER LEAK
9/14/2010	120040.00 98	INTERNATIONAL PAPER	50.00-	APPLY DEPOSIT
9/14/2010	133280	CARLA FLOYD	256.00-	CUSTOMER LEAK
9/14/2010	144461.00 98	WILLIE NANCE	48.00-	CUSTOMER LEAK
9/14/2010	121305.00 98	ROSA GRAHAM	45.00	NSF
9/14/2010	121305.00 98	ROSA GRAHAM	25.00	NSF FEE
9/20/2010	111775.00 98	TONY FREEMAN	64.00	NSF
9/20/2010	111775.00 98	TONY FREEMAN	25.00	NSF FEE
9/22/2010	141010.00 96	THERESA JOHNSON	30.00-	PENALTY WAIVED
9/24/2010	131690.00 94	LORIA HARDIE	30.00-	PENALTY WAIVED
9/30/2010	132573.00 96	AMELIA BUTLER	140.00-	CUSTOMER LEAK
9/30/2010	141460	DONNIE WILLIAMSON	30.00-	PENALTY WAIVED
9/30/2010	141699	CHARLISSE NEELY	30.00-	PENALTY WAIVED
9/30/2010	141010	THERESA JOHNSON	30.00-	PENALTY WAIVED
9/30/2010	132500	RUTH PINYAN	30.00-	PENALTY WAIVED
9/30/2010	143030	TAKIA WEEKS	30.00-	PENALTY WAIVED
9/30/2010	141910	AVIS HEMMINGWAY	30.00-	PENALTY WAIVED
9/30/2010	120178	JOHN JACKSON	30.00-	PENALTY WAIVED
9/30/2010	132573.00 96	AMELIA BUTLER	30.00-	PENALTY WAIVED
9/30/2010	143030	JAMES GRAHAM	30.00-	PENALTY WAIVED
9/30/2010	143805	TOMMY BROWN	30.00-	PENALTY WAIVED
9/30/2010	122290	HORACE GREEN JR	30.00-	PENALTY WAIVED
9/30/2010	110650	GREGORY CLIFTON	30.00-	PENALTY WAIVED
9/30/2010	132728	PAULA EVANS	30.00-	PENALTY WAIVED
9/30/2010	144270.00 98	LADDIE MCKENZIE	30.00-	PENALTY WAIVED
9/30/2010	121470	ERNESTINE BROWN	30.00-	PENALTY WAIVED

DATE	ACCOUNT #	ACCT NAME	ADJ AMT	REASON FOR ADJ
9/30/2010	141260	BOYCE MCKENZIE	30.00-	PENALTY WAIVED
9/30/2010	131725	ERIC JENKINS	30.00-	PENALTY WAIVED
9/30/2010	110930	DEBORAH HIGH	30.00-	PENALTY WAIVED
9/30/2010	111775	TONEY FREEMAN	30.00-	PENALTY WAIVED
9/30/2010	131690	LORIA HARDIE	30.00-	PENALTY WAIVED
9/30/2010	142600	PENNY REYNOLDS	30.00-	PENALTY WAIVED

Discussion was conducted regarding the following:

1. The large quantity of penalties being waived, and the reason behind the penalties being waived, and the recurrence of these penalties being monthly;
2. The inability of the present Logics Computer Program to eliminate these penalties, thus avoiding a manual deletion;
3. The need for a three (3) day turn-around time to avoid these penalties; **and**
4. Changing the date for the bills to be mailed to the 3rd of the month in lieu of the 1st of the month, and presenting a revised policy to the Board for approval with this information within.

After the lengthy discussion was conducted, it was the general consensus of the Board for a revised policy to be presented with the mailing date of the bills changed from the 1st to the 3rd.

Commissioner Norris made a motion to table the adjustments to the monthly water bills for September, 2010, for Columbus County Water and Sewer District II, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Public Utilities Director, requested Board approval of the following **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities.

Columbus County Public Utilities Department

**Uniform Rules for All Water Districts and Retail Water Facilities
Operated by Columbus County Public Utilities**

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

Section 1. Introduction

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

Section 2. Policy Administration/Authority

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

Section 3. Definitions

Agent is the legal representative of a corporation or partnership that holds title to property served by the district.

Board of Commissioners is the duly elected governing body of Columbus County.

Building is a structure as defined in the North Carolina Building Code.

Commodity Charge is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

Connections are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

Controlled by is owned, operated, or leased by.

County is Columbus.

Customer is the person legally or equitably responsible for the payment of charges for water services on any premises.

District is the one of the statutory established water service areas in the County and its designated agents.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Improved Street is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral is that portion of the water connection which does not include meter, box, or meter setter of connection.

Main is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

May is permissive (see “shall”).

Occupant is the customer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership, or corporation.

Premise is land, building, or other structure and appurtenances thereto.

Service Line is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

Shall is mandatory (see “may”).

Unusual Conditions is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

Section 4. Water Laterals and Tap-On

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

Section 5. Connections To Be Made By District Only Upon Application

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be

done only after written application therefore has been approved. The only exceptions to this provision will be when a developer's contractor in new subdivisions installs laterals and meter yokes or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

Section 6. Application for Connection

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

Section 7. Disapproval of Applicant

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 8. Separate Water Connections and Meters Required

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.
- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard $\frac{3}{4}$ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.

- (C) Should any portion of the development be sold, the owners shall be responsible for paying whatever additional costs would be involved in bringing the divided development into compliance.
- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), (C), and (D) above.

Section 9. Connections and Meters to Remain Property of the District

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

Section 10. Maintenance of Meters and Connections

All meters and water laterals shall be maintained by the District at the District's expense.

Section 11. Connection to Other Than Water District Supply

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

Section 12. When Water Meters Read

All water meters or water systems controlled by the service district(s) shall be read monthly.

Section 13. Adjustments of Overcharges

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal rate, and no adjustment of the bill shall be made.
- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. The total bills combined for the preceding twelve month period was \$300.00. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average, which is \$25.00. See Section 13 ©. The total adjustment made to this account would be \$75.00.

Section 14. Meter Tests

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

Section 15. Water for Temporary Purposes

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

Section 16. Tampering with Meters and Cutoffs

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by

reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

Section 18. Protection of Water Supply

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

Section 19. Repealing Clause

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

Section 20. Procedures

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.
- (H) The deposit required by this document or part remaining thereof will be refunded upon

payment of final bill and final accounting.

Section 20.1 Procedures for Water Systems During Construction

- (A) During periods of water district construction approved by the commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

Section 21. Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

Section 22. District’s Responsibility and Liability

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.

- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer's premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.
- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

Section 23. Customer's Responsibility

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

Section 24. Access to Premises

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's

services and facilities.

Section 25. Change of Occupancy

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

Section 26. Billing and Collecting

- (A) Meters will be read and bills rendered as follows:
 - 1. Meters will be read once a month, and billing will be accomplished once per month.
 - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same or different services.
- (E) Bills are due when rendered and become delinquent 15 days from "Date Bill Mailed." A delinquent fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within fifteen (15) days of the due date, service may be discontinued by District, and if customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming late or delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction,

requesting immediate payment of the check and a \$25.00 service charge. If the cash payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

Section 27. Suspension of Service

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a delinquent penalty determined by the District is paid for each meter reconnected. In addition, a \$25.00 reconnect fee is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase any service charge, delinquent penalty, or reconnection fee. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charged for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
 2. Emergency repairs.
 3. Insufficiency of supply due to circumstances beyond the District's control.
 4. Legal processes.
 5. Direction of public authorities.

6. Strike, riot, fire, flood, accident, or any unavoidable cause.
 7. Customer's negligence
 8. Acts of God.
- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 28. Termination Clause

~~A customer can disconnect from the water supply system after the cost of the tap has been paid in full and there is no remaining balance on the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed. If the meter is replaced, the customer could, at that time, pay a reconnect fee of \$25.00. The disconnection by the Department will be within a reasonable time after the customer's request.~~

- (A) Properties connected to the water system prior to use of the water service application in 2003 may continue to disconnect from the system by paying a \$25.00 fee.
- (B) Customers who signed the water service application implemented in 2003 agree to the following:
By requesting water service and payment of a connection fee, the recipient of water service hereby understands and agrees to pay a minimum monthly water bill if not connected to the system and using water sixty (60) days after such is made available to the dwelling.
- (C) In the event a property connected to the water system is sole, the seller of said property may bring verification of the safe to the Public Utilities Department any may discontinue service by paying a \$25.00 disconnect fee. Within a reasonable time, the meter will be read and an adjustment of any remaining balance on the account will be done. **The new owner of the property will owe the minimum water bill plus usage for the property beginning with the date the original owner discontinues service.**
- (D) A tenant of a rental property may discontinue service by paying the \$25.00 disconnect fee. Within a reasonable time, the meter will be read and an adjustment of any remaining balance on the account will be done. **The owner of the property will owe the minimum water bill plus usage for the property beginning with the date the tenant discontinues service until a new tenant establishes an account with the Public Utilities Department.**

Section 29. Complaints – Adjustments

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office that manages the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.

- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
1. Office Manager
 2. Utilities Director
 3. Water Advisory Board
 4. Board of Commissioners

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

Section 30. Classifications, Rates, Fees, and Charges - See Attachment "A"

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

- (B) Rate Schedule

1. Residential:

Rates will be established and approved from time to time by the Water District Board.

2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

- (C) Tap-On Fees

1. Tap-On Fee:

A discounted tap on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners. This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on

fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

2. See Columbus County Utilities Water Service Schedule. See Attachment "A".
 3. See Columbus County Water Service Fee Schedule. See Attachment "A".
- (D) Application Fee, Deposit, Late Payment Fee, Delinquent Account Penalty, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

Section 31. Water System Extensions by Private Entities

- (A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.
- (B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.
- (C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.
- (D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

Section 32. Inclusive Terms

Use of the masculine herein shall include the feminine and neuter and the singular shall include the plural.

Section 33. Governing Law

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

Section 34. Notice

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:
Columbus County Public Utilities Department
612 North Madison Street
Whiteville, N.C. 28472

Section 35. Nondiscrimination

	<u>Construction</u>	<u>Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00
<u>Security Deposit</u>		
Per Account	\$ 50.00	
<u>Late Payment Fee</u>		
After Due Date	\$ 5.00	
<u>Delinquent Account Penalty</u>		
Per Account	\$ 30.00	
<u>Reconnection Fee</u>		
Per Account	\$ 25.00	
<u>Return Check Fee</u>		
Per Check	\$ 25.00	
<u>Meter Testing Fee</u>		
Per Meter	\$ 25.00	
<u>Meter Tampering Fee</u>		

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

14-151.1 **CH.14 Criminal Law** **14-151.1**

14-151-1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording

apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmetered, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(CC) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

Subsection © Set out Twice - The second version of subsection © set The first
Version of subsection © set out above is effective January 1, 1995. Above is
Effective until January 1, 1995. Editor's Note - Sessions Laws 1993.

Kip McClary, Public Utilities Director, stated the following:

1. There is a discrepancy between the application for water service and the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities;
2. The Water Application reads as follows: By requesting water service and payment of a connection fee, the recipient of water service hereby understands and agrees to pay a minimum monthly water bill if not connected to the system and using water sixty days after such is made available to the dwelling.
3. The Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities reads as follows: A customer can disconnect from the water supply system after the cost of the tap has been paid in full and there is no remaining balance on the account. The customers may pay a disconnect fee of \$25.00 to have the meter

removed. If the meter is replaced, the customer could, at that time, pay a reconnect fee of \$25.00. The disconnection by the department will be within a reasonable time after the customer's request; **and**

4. The Water Advisory Board met on September 16, 2010, and has unanimously approved this revision.

Discussion was conducted relative to the following:

1. A landowner having to pay for water for the rest of their lives;
2. If there is not sufficient revenue from water sales to pay the debt service, where will the difference be derived;
3. The lack of cushion in the planning of the water districts and their expansions;
4. False information being supplied to the Board on the water districts;
5. The need for more accurate information and allowance for loss of customers in the preliminary stages of planning;
6. Having consideration for the taxpayers as well as the County Government; **and**
7. The sources of false information should be held accountable.

Commissioner McKenzie made a motion to table the approval of the **Revised** Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, until a later date, seconded by Commissioner Bullard. The motion unanimously passed.

REMOVAL of AGENDA ITEM #13 FROM TABLE:

William S. Clark, County Manager, stated that Bobbie Faircloth, Finance Director, has informed him that we need to approve the adjustments to the monthly water bills for September, 2010, **for financial reasons**, which is Agenda Item Number 13.

Commissioner Prevatte made a motion to take Agenda Item Number 13: Columbus County Water and Sewer Districts I, II, III, IV and V - Approval of Adjustments to the Monthly Water Bills for September, 2010, off the table, second by Commissioner Norris. The motion unanimously passed.

Commissioner Prevatte made a motion to approve the adjustments for the monthly water bills for September, 2010, for Columbus County Water and Sewer District II, second by Commissioner Norris. The motion unanimously passed.

ADJOURNMENT:

At 7:19 P.M., Vice Chairman Byrd made a motion to adjourn, second by Commissioner Prevatte. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING**

Monday, October 18, 2010

6:55 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer District III Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. Byrd, **Vice Chairman**
Amon E. McKenzie
James Prevatte
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Mike Stephens, **County Attorney**
June B. Hall, **Clerk to Board**
Bobbie Faircloth, **Finance Officer**

MEETING CALLED TO ORDER:

At 6:55 P.M., Chairman Russ called the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board meeting to order.

Agenda Item #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Prevatte made a motion to approve the October 04, 2010 **Combination Meeting** of Columbus County Water and Sewer District III Board Meeting, second by Commissioner Norris. The motion unanimously passed.

Agenda Item #13: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the MONTHLY WATER BILLS for SEPTEMBER, 2010:

Kip McClary, Public Utilities Director, requested Board approval of the following adjustments the monthly water bills for September, 2010, for Columbus County Water and Sewer District III.

DISTRICT III ADJUSTMENTS FOR THE MONTH OF SEPTEMBER, 2010

DATE	ACCT #	ACCT NAME	ADJ AMT	REASON FOR ADJ
9/2/2010	360370.00 97	JAMIE WHITE	50.00-	APPLY DEPOSIT
9/14/2010	331290.00 97	JERRY HEMINGWAY	50.00	UN-APPLY DEPOSIT

DATE	ACCT #	ACCT NAME	ADJ AMT	REASON FOR ADJ
9/14/2010	371053.00 98	SCOTT HASTY	12.00-	WRONG READING
9/14/2010	360448.00 97	NATALIE FRAZIER	37.00-	COMPUTER BATCH ERROR
9/14/2010	330175.00 98	ADDIE HAYNES	25.00	NSF
9/14/2010	330175.00 98	ADDIE HAYNES	25.00	NSF FEE
9/14/2010	341635.00 97	BRIAN SOLES	76.00	NSF
9/14/2010	341635.00 97	BRIAN SOLES	25.00	NSF FEE
9/24/2010	340690.00 97	VELVET HINSON	50.00-	APPLY DEPOSIT
9/24/2010	331290.00 97	JERRY HEMINGWAY	25.00-	BILLING ERROR
9/30/2010	350650	CHRIS DEW	30.00-	PENALTY WAIVED
9/30/2010	341157	TONY WHITE	30.00-	PENALTY WAIVED
9/30/2010	380258	JASON YOUNG	30.00-	PENALTY WAIVED
9/30/2010	331640	KIRK NEWMAN	30.00-	PENALTY WAIVED
9/30/2010	360158	DEANNA WILLIAMS	30.00-	PENALTY WAIVED
9/30/2010	360126	DERRICK EDWARDS	30.00-	PENALTY WAIVED
9/30/2010	371400	DEBORAH SIMMONS	30.00-	PENALTY WAIVED
9/30/2010	340500	JANE LYNN	30.00-	PENALTY WAIVED
9/30/2010	341154	JAMES MATTHEWS	30.00-	PENALTY WAIVED
9/30/2010	341470	CHRISSEY JOHNSTON	30.00-	PENALTY WAIVED
9/30/2010	370228	AMY JENKINS	30.00-	PENALTY WAIVED
9/30/2010	370415	WILLIAM LING	30.00-	PENALTY WAIVED
9/30/2010	360975	GENE HINSON	30.00-	PENALTY WAIVED

Discussion was conducted regarding the following:

1. The large quantity of penalties being waived, and the reason behind the penalties being waived, and the recurrence of these penalties being monthly;
2. The inability of the present Logics Computer Program to eliminate these penalties, thus avoiding a manual deletion;
3. The need for a three (3) day turn-around time to avoid these penalties; **and**
4. Changing the date for the bills to be mailed to the 3rd of the month in lieu of the 1st of the month, and presenting a revised policy to the Board for approval with this information within.

After the lengthy discussion was conducted, it was the general consensus of the Board for a revised policy to be presented with the mailing date of the bills changed from the 1st to the 3rd.

Commissioner Norris made a motion to table the adjustments to the monthly water bills for September, 2010, for Columbus County Water and Sewer District III, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Public Utilities Director, requested Board approval of the following **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities.

Columbus County Public Utilities Department

**Uniform Rules for All Water Districts and Retail Water Facilities
Operated by Columbus County Public Utilities**

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

Section 1. Introduction

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

Section 2. Policy Administration/Authority

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with

321

policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

Section 3. Definitions

Agent is the legal representative of a corporation or partnership that holds title to property served by the district.

Board of Commissioners is the duly elected governing body of Columbus County.

Building is a structure as defined in the North Carolina Building Code.

Commodity Charge is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

Connections are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

Controlled by is owned, operated, or leased by.

County is Columbus.

Customer is the person legally or equitably responsible for the payment of charges for water services on any premises.

District is the one of the statutory established water service areas in the County and its designated agents.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Improved Street is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral is that portion of the water connection which does not include meter, box, or meter setter of connection.

Main is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

May is permissive (see “shall”).

Occupant is the customer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership, or corporation.

Premise is land, building, or other structure and appurtenances thereto.

Service Line is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

Shall is mandatory (see “may”).

Unusual Conditions is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

Section 4. Water Laterals and Tap-On

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

Section 5. Connections To Be Made By District Only Upon Application

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer’s contractor in new subdivisions installs laterals and meter yokes or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

Section 6. Application for Connection

Every application for water service shall list, on forms provided by the District, the property owner, the applicant’s name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

Section 7. Disapproval of Applicant

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District’s ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the

unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 8. Separate Water Connections and Meters Required

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.
- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard $\frac{3}{4}$ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying whatever additional costs would be involved in bringing the divided development into compliance.
- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), (C), and (D) above.

Section 9. Connections and Meters to Remain Property of the District

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

Section 10. Maintenance of Meters and Connections

All meters and water laterals shall be maintained by the District at the District's expense.

Section 11. Connection to Other Than Water District Supply

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

Section 12. When Water Meters Read

All water meters or water systems controlled by the service district(s) shall be read monthly.

Section 13. Adjustments of Overcharges

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal rate, and no adjustment of the bill shall be made.
- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. The total bills combined for the preceding twelve month period was \$300.00. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average, which is \$25.00. See Section 13 ©. The total adjustment made to this account would be \$75.00.

Section 14. Meter Tests

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

Section 15. Water for Temporary Purposes

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service

charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

Section 16. Tampering with Meters and Cutoffs

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

Section 18. Protection of Water Supply

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

Section 19. Repealing Clause

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

Section 20. Procedures

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.
- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

Section 20.1 Procedures for Water Systems During Construction

- (A) During periods of water district construction approved by the commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See "Attachment B" for schedule of fees.

Section 21. Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment "A". Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

Section 22. District's Responsibility and Liability

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District's option, on the customer's property in a location mutually agreed upon. For meter installations on customer's property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer's plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer's lines or piping are installed in such a manner as to prevent cross-connections or backflow.
- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer's premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.
- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

Section 23. Customer's Responsibility

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader.

An easement for the service line and the meter shall be granted to the District.

- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

Section 24. Access to Premises

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

Section 25. Change of Occupancy

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

Section 26. Billing and Collecting

- (A) Meters will be read and bills rendered as follows:
 1. Meters will be read once a month, and billing will be accomplished once per month.
 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule

then in effect and will be based on the amount consumed for the period covered by the meter reading.

- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same or different services.
- (E) Bills are due when rendered and become delinquent 15 days from "Date Bill Mailed." A delinquent fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within fifteen (15) days of the due date, service may be discontinued by District, and if customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming late or delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.
- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

Section 27. Suspension of Service

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a delinquent penalty determined by the District is paid for each meter reconnected. In addition, a \$25.00 reconnect fee is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase any service charge, delinquent penalty, or reconnection fee. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.

- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charged for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
 2. Emergency repairs.
 3. Insufficiency of supply due to circumstances beyond the District's control.
 4. Legal processes.
 5. Direction of public authorities.
 6. Strike, riot, fire, flood, accident, or any unavoidable cause.
 7. Customer's negligence
 8. Acts of God.
- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 28. Termination Clause

~~A customer can disconnect from the water supply system after the cost of the tap has been paid in full and there is no remaining balance on the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed. If the meter is replaced, the customer could, at that time, pay a reconnect fee of \$25.00. The disconnection by the Department will be within a reasonable time after the customer's request.~~

- (A) Properties connected to the water system prior to use of the water service application in 2003 may continue to disconnect from the system by paying a \$25.00 fee.
- (B) Customers who signed the water service application implemented in 2003 agree to the

following:

By requesting water service and payment of a connection fee, the recipient of water service hereby understands and agrees to pay a minimum monthly water bill if not connected to the system and using water sixty (60) days after such is made available to the dwelling.

- (C) In the event a property connected to the water system is sole, the seller of said property may bring verification of the safe to the Public Utilities Department any may discontinue service by paying a \$25.00 disconnect fee. Within a reasonable time, the meter will be read and an adjustment of any remaining balance on the account will be done. **The new owner of the property will owe the minimum water bill plus usage for the property beginning with the date the original owner discontinues service.**
- (D) A tenant of a rental property may discontinue service by paying the \$25.00 disconnect fee. Within a reasonable time, the meter will be read and an adjustment of any remaining balance on the account will be done. **The owner of the property will owe the minimum water bill plus usage for the property beginning with the date the tenant discontinues service until a new tenant establishes an account with the Public Utilities Department.**

Section 29. Complaints – Adjustments

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office that manages the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
1. Office Manager
 2. Utilities Director
 3. Water Advisory Board
 4. Board of Commissioners

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

Section 30. Classifications, Rates, Fees, and Charges - See Attachment “A”

The following classifications, rates, fees, assessments, and charges are adopted:

(A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

(B) Rate Schedule

1. Residential:

Rates will be established and approved from time to time by the Water District Board.

2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

(C) Tap-On Fees

1. Tap-On Fee:

A discounted tap on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners. This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, Delinquent Account Penalty, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

Section 31. Water System Extensions by Private Entities

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

333

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

Section 32. Inclusive Terms

Use of the masculine herein shall include the feminine and neuter and the singular shall include the plural.

Section 33. Governing Law

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

Section 34. Notice

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:
Columbus County Public Utilities Department
612 North Madison Street
Whiteville, N.C. 28472

Section 35. Nondiscrimination

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: _____

Approved and Adopted this 2nd day of August, 2010

Signature: _____
P. Edwin Russ, Chairman
Columbus County Board of Commissioners

Attest By: _____
June B. Hall
Clerk to the Board

“Attachment A”

Water Rate Schedule

<u>District I</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00

<u>District II</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District III</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District IV</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District V</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
	Prison	
	Every 1,000 Gallons	\$ 6.00
<u>Guideway School</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF JULY 2010. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”

<u>Application Fee</u>	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00
<u>Security Deposit</u>		
Per Account	\$ 50.00	
<u>Late Payment Fee</u>		
After Due Date	\$ 5.00	
<u>Delinquent Account Penalty</u>		
Per Account	\$ 30.00	
<u>Reconnection Fee</u>		
Per Account	\$ 25.00	
<u>Return Check Fee</u>		
Per Check	\$ 25.00	
<u>Meter Testing Fee</u>		

Per Meter

\$ 25.00

Meter Tampering Fee

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

14-151.1**CH.14 Criminal Law****14-151.1**

14-151-.1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmetered, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(CC) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

Subsection © Set out Twice - The second version of subsection © set The first Version of subsection © set out above is effective January 1, 1995. Above is Effective until January 1, 1995. Editor's Note - Sessions Laws 1993.

Kip McClary, Public Utilities Director, stated the following:

1. There is a discrepancy between the application for water service and the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities;
2. The Water Application reads as follows: By requesting water service and payment of a connection fee, the recipient of water service hereby understands and agrees to pay a minimum monthly water bill if not connected to the system and using water sixty days after such is made available to the dwelling.
3. The Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities reads as follows: A customer can disconnect from the water supply system after the cost of the tap has been paid in full and there is no remaining balance on the account. The customers may pay a disconnect fee of \$25.00 to have the meter removed. If the meter is replaced, the customer could, at that time, pay a reconnect fee of \$25.00. The disconnection by the department will be within a reasonable time after the customer's request; **and**
4. The Water Advisory Board met on September 16, 2010, and has unanimously approved this revision.

Discussion was conducted relative to the following:

1. A landowner having to pay for water for the rest of their lives;
2. If there is not sufficient revenue from water sales to pay the debt service, where will the difference be derived;
3. The lack of cushion in the planning of the water districts and their expansions;
4. False information being supplied to the Board on the water districts;
5. The need for more accurate information and allowance for loss of customers in the preliminary stages of planning;
6. Having consideration for the taxpayers as well as the County Government; **and**
7. The sources of false information should be held accountable.

Commissioner McKenzie made a motion to table the approval of the **Revised** Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, until a later date, seconded by Commissioner Bullard. The motion unanimously passed.

REMOVAL of AGENDA ITEM #13 FROM TABLE:

William S. Clark, County Manager, stated that Bobbie Faircloth, Finance Director, has informed him that we need to approve the adjustments to the monthly water bills for September, 2010, **for financial reasons**, which is Agenda Item Number 13.

Commissioner Prevatte made a motion to take Agenda Item Number 13: Columbus County Water and Sewer Districts I, II, III, IV and V - Approval of Adjustments to the Monthly Water Bills for September, 2010, off the table, second by Commissioner Norris. The motion unanimously passed.

Commissioner Prevatte made a motion to approve the adjustments for the monthly water bills for September, 2010, for Columbus County Water and Sewer District III, second by Commissioner Norris. The motion unanimously passed.

ADJOURNMENT:

At 7:19 P.M., Vice Chairman Byrd made a motion to adjourn, second by Commissioner Prevatte. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING**

Monday, October 18, 2010

6:55 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer District IV Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. Byrd, **Vice Chairman**
Amon E. McKenzie
James Prevatte
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Mike Stephens, **County Attorney**
June B. Hall, **Clerk to Board**
Bobbie Faircloth, **Finance Officer**

MEETING CALLED TO ORDER:

At 6:55 P.M., Chairman Russ called the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board meeting to order.

Agenda Item #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Prevatte made a motion to approve the October 04, 2010 **Combination Meeting** of Columbus County Water and Sewer District IV Board Meeting, second by Commissioner Norris. The motion unanimously passed.

Agenda Item #13: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the MONTHLY WATER BILLS for SEPTEMBER, 2010:

Kip McClary, Public Utilities Director, requested Board approval of the following adjustments the monthly water bills for September, 2010, for Columbus County Water and Sewer District IV.

DISTRICT IV ADJUSTMENTS FOR THE MONTH OF SEPTEMBER, 2010

DATE	ACCT #	ACCT NAME	ADJ AMT	REASON FOR ADJ
9/7/2010	420700.00 98	CHRISTINE POTTER	196.00-	CUSTOMER LEAK
9/21/2010	410680.00 94	EMILY STEWART	15.67-	BILLING ERROR

9/30/2010	410250.00 97	ANTHONY GRAHAM	30.00-	PENALTY WAIVED
9/30/2010	410500	TIFFANY STEWART	30.00-	PENALTY WAIVED
9/30/2010	410760	DEBORAH JENKINS	30.00-	PENALTY WAIVED
9/30/2010	410425	TWANNA KEEL	30.00-	PENALTY WAIVED

Discussion was conducted regarding the following:

1. The large quantity of penalties being waived, and the reason behind the penalties being waived, and the recurrence of these penalties being monthly;
2. The inability of the present Logics Computer Program to eliminate these penalties, thus avoiding a manual deletion;
3. The need for a three (3) day turn-around time to avoid these penalties; **and**
4. Changing the date for the bills to be mailed to the 3rd of the month in lieu of the 1st of the month, and presenting a revised policy to the Board for approval with this information within.

After the lengthy discussion was conducted, it was the general consensus of the Board for a revised policy to be presented with the mailing date of the bills changed from the 1st to the 3rd.

Commissioner Norris made a motion to table the adjustments to the monthly water bills for September, 2010, for Columbus County Water and Sewer District IV, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Pubic Utilities Director, requested Board approval of the following revised Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities.

Columbus County Public Utilities Department

Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

Section 1. Introduction

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District’s water systems. The District

Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

Section 2. Policy Administration/Authority

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

Section 3. Definitions

Agent is the legal representative of a corporation or partnership that holds title to property served by the district.

Board of Commissioners is the duly elected governing body of Columbus County.

Building is a structure as defined in the North Carolina Building Code.

Commodity Charge is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

Connections are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

Controlled by is owned, operated, or leased by.

County is Columbus.

Customer is the person legally or equitably responsible for the payment of charges for water services on any premises.

District is the one of the statutory established water service areas in the County and its designated agents.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Improved Street is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral is that portion of the water connection which does not include meter, box, or meter setter of connection.

Main is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

May is permissive (see “shall”).

Occupant is the customer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership, or corporation.

Premise is land, building, or other structure and appurtenances thereto.

Service Line is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

Shall is mandatory (see “may”).

Unusual Conditions is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

Section 4. Water Laterals and Tap-On

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

Section 5. Connections To Be Made By District Only Upon Application

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer’s contractor in new subdivisions installs laterals and meter yokes or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

Section 6. Application for Connection

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

Section 7. Disapproval of Applicant

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 8. Separate Water Connections and Meters Required

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.
- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard $\frac{3}{4}$ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying whatever additional costs would be involved in bringing the divided development into compliance.

370

- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), (C), and (D) above.

Section 9. Connections and Meters to Remain Property of the District

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

Section 10. Maintenance of Meters and Connections

All meters and water laterals shall be maintained by the District at the District's expense.

Section 11. Connection to Other Than Water District Supply

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

Section 12. When Water Meters Read

All water meters or water systems controlled by the service district(s) shall be read monthly.

Section 13. Adjustments of Overcharges

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal rate, and no adjustment of the bill shall be made.
- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. The total bills combined for the preceding twelve month period was \$300.00. When

you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average, which is \$25.00. See Section 13 ©. The total adjustment made to this account would be \$75.00.

Section 14. Meter Tests

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

Section 15. Water for Temporary Purposes

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

Section 16. Tampering with Meters and Cutoffs

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his boiler, water heater, or

other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

Section 18. Protection of Water Supply

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

Section 19. Repealing Clause

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

Section 20. Procedures

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.
- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

Section 20.1 Procedures for Water Systems During Construction

- (A) During periods of water district construction approved by the commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

Section 21. Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

Section 22. District’s Responsibility and Liability

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.
- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer’s premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage done by, or resulting from any defect in the piping, fixtures, or appliances on the customer’s

premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.

- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

Section 23. Customer's Responsibility

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

Section 24. Access to Premises

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

Section 25. Change of Occupancy

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

Section 26. Billing and Collecting

- (A) Meters will be read and bills rendered as follows:
 - 1. Meters will be read once a month, and billing will be accomplished once per month.
 - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same or different services.
- (E) Bills are due when rendered and become delinquent 15 days from "Date Bill Mailed." A delinquent fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within fifteen (15) days of the due date, service may be discontinued by District, and if customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming late or delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

Section 27. Suspension of Service

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a delinquent penalty determined by the District is paid for each meter reconnected. In addition, a \$25.00 reconnect fee is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase any service charge, delinquent penalty, or reconnection fee. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charged for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
 2. Emergency repairs.
 3. Insufficiency of supply due to circumstances beyond the District's control.
 4. Legal processes.
 5. Direction of public authorities.
 6. Strike, riot, fire, flood, accident, or any unavoidable cause.
 7. Customer's negligence

8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 28. Termination Clause

~~A customer can disconnect from the water supply system after the cost of the tap has been paid in full and there is no remaining balance on the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed. If the meter is replaced, the customer could, at that time, pay a reconnect fee of \$25.00. The disconnection by the Department will be within a reasonable time after the customer's request.~~

- (A) Properties connected to the water system prior to use of the water service application in 2003 may continue to disconnect from the system by paying a \$25.00 fee.
- (B) Customers who signed the water service application implemented in 2003 agree to the following:
By requesting water service and payment of a connection fee, the recipient of water service hereby understands and agrees to pay a minimum monthly water bill if not connected to the system and using water sixty (60) days after such is made available to the dwelling.
- (C) In the event a property connected to the water system is sold, the seller of said property may bring verification of the sale to the Public Utilities Department and may discontinue service by paying a \$25.00 disconnect fee. Within a reasonable time, the meter will be read and an adjustment of any remaining balance on the account will be done. **The new owner of the property will owe the minimum water bill plus usage for the property beginning with the date the original owner discontinues service.**
- (D) A tenant of a rental property may discontinue service by paying the \$25.00 disconnect fee. Within a reasonable time, the meter will be read and an adjustment of any remaining balance on the account will be done. **The owner of the property will owe the minimum water bill plus usage for the property beginning with the date the tenant discontinues service until a new tenant establishes an account with the Public Utilities Department.**

Section 29. Complaints – Adjustments

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office that manages the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.

(C) The Order of the Appeals Process is as follows:

1. Office Manager
2. Utilities Director
3. Water Advisory Board
4. Board of Commissioners

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

(D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

Section 30. Classifications, Rates, Fees, and Charges - See Attachment “A”

The following classifications, rates, fees, assessments, and charges are adopted:

(A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

(B) Rate Schedule

1. Residential:

Rates will be established and approved from time to time by the Water District Board.

2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

(C) Tap-On Fees

1. Tap-On Fee:

A discounted tap on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners. This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District’s Fee schedule and will be subject to all other applicable fees present in this section.

2. See Columbus County Utilities Water Service Schedule. See Attachment “A”.

3. See Columbus County Water Service Fee Schedule. See Attachment “A”.
- (D) Application Fee, Deposit, Late Payment Fee, Delinquent Account Penalty, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment “B”.

Section 31. Water System Extensions by Private Entities

- (A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.
- (B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.
- (C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.
- (D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

Section 32. Inclusive Terms

Use of the masculine herein shall include the feminine and neuter and the singular shall include the plural.

Section 33. Governing Law

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

Section 34. Notice

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:
 Columbus County Public Utilities Department
 612 North Madison Street
 Whiteville, N.C. 28472

Section 35. Nondiscrimination

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: _____

Approved and Adopted this 2nd day of August, 2010

Signature: _____

P. Edwin Russ, Chairman
Columbus County Board of Commissioners

Attest By: _____

June B. Hall
Clerk to the Board

“Attachment A”

Water Rate Schedule

<u>District I</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District II</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District III</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District IV</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District V</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
	Prison	
	Every 1,000 Gallons	\$ 6.00
<u>Guideway School</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF JULY 2010. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”

<u>Application Fee</u>	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00

2 Inch Meter	\$ 700.00	\$1,000.00
<u>Security Deposit</u>		
Per Account	\$ 50.00	
<u>Late Payment Fee</u>		
After Due Date	\$ 5.00	
<u>Delinquent Account Penalty</u>		
Per Account	\$ 30.00	
<u>Reconnection Fee</u>		
Per Account	\$ 25.00	
<u>Return Check Fee</u>		
Per Check	\$ 25.00	
<u>Meter Testing Fee</u>		
Per Meter	\$ 25.00	
<u>Meter Tampering Fee</u>		

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

14-151.1**CH.14 Criminal Law****14-151.1**

14-151-1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmeasured, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or

otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(CC) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

Subsection © Set out Twice - The second version of subsection © set The first Version of subsection © set out above is effective January 1, 1995. Above is Effective until January 1, 1995. Editor's Note - Sessions Laws 1993.

Kip McClary, Public Utilities Director, stated the following:

1. There is a discrepancy between the application for water service and the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities;
2. The Water Application reads as follows: By requesting water service and payment of a connection fee, the recipient of water service hereby understands and agrees to pay a minimum monthly water bill if not connected to the system and using water sixty days after such is made available to the dwelling.
3. The Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities reads as follows: A customer can disconnect from the water supply system after the cost of the tap has been paid in full and there is no remaining balance on the account. The customers may pay a disconnect fee of \$25.00 to have the meter removed. If the meter is replaced, the customer could, at that time, pay a reconnect fee of \$25.00. The disconnection by the department will be within a reasonable time after the customer's request; **and**
4. The Water Advisory Board met on September 16, 2010, and has unanimously approved this revision.

Discussion was conducted relative to the following:

1. A landowner having to pay for water for the rest of their lives;
2. If there is not sufficient revenue from water sales to pay the debt service, where will the difference be derived;
3. The lack of cushion in the planning of the water districts and their expansions;
4. False information being supplied to the Board on the water districts;
5. The need for more accurate information and allowance for loss of customers in the preliminary stages of planning;
6. Having consideration for the taxpayers as well as the County Government; **and**
7. The sources of false information should be held accountable.

Commissioner McKenzie made a motion to table the approval of the **Revised** Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, until a later date, seconded by Commissioner Bullard. The motion unanimously passed.

REMOVAL of AGENDA ITEM #13 FROM TABLE:

William S. Clark, County Manager, stated that Bobbie Faircloth, Finance Director, has informed him that we need to approve the adjustments to the monthly water bills for September, 2010, **for financial reasons**, which is Agenda Item Number 13.

Commissioner Prevatte made a motion to take Agenda Item Number 13: Columbus County Water and Sewer Districts I, II, III, IV and V - Approval of Adjustments to the Monthly Water Bills for September, 2010, off the table, second by Commissioner Norris. The motion unanimously passed.

Commissioner Prevatte made a motion to approve the adjustments for the monthly water bills for September, 2010, for Columbus County Water and Sewer District IV, second by Commissioner Norris. The motion unanimously passed.

ADJOURNMENT:

At 7:19 P.M., Vice Chairman Byrd made a motion to adjourn, second by Commissioner Prevatte. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman

COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING
Monday, October 18, 2010
6:55 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer District V Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
 Giles E. Byrd, **Vice Chairman**
 Amon E. McKenzie
 James Prevatte
 Lynwood Norris
 Ricky Bullard
 Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
 Mike Stephens, **County Attorney**
 June B. Hall, **Clerk to Board**
 Bobbie Faircloth, **Finance Officer**

MEETING CALLED TO ORDER:

At 6:55 P.M., Chairman Russ called the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board meeting to order.

Agenda Item #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Prevatte made a motion to approve the October 04, 2010 **Combination Meeting** of Columbus County Water and Sewer District V Board Meeting, second by Commissioner Norris. The motion unanimously passed.

Agenda Item #13: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the MONTHLY WATER BILLS for SEPTEMBER, 2010:

Kip McClary, Public Utilities Director, requested Board approval of the following adjustments the monthly water bills for September, 2010, for Columbus County Water and Sewer District V.

DISTRICT V ADJUSTMENTS FOR THE MONTH OF SEPTEMBER, 2010

DATE	ACCT #	ACCT NAME	ADJ AMT	REASON FOR ADJ
9/3/2010	709933.00 98	CHARLES CHATMAN	30.00-	PENALTY WAIVED
9/1/2010	800049.00 98	MARY B WRIGHT	25.00-	BILLING ERROR

9/2/2010	800475	ASHLEY VALAS	25.00-	BILLING ERROR
9/14/2010	709760.00 97	MELTON SMITH	25.00	NSF
9/14/2010	709760.00 97	MELTON SMITH	25.00	NSF FEE
9/30/2010	800637	GORES CHAPEL CHURCH	30.00-	PENALTY WAIVED

Discussion was conducted regarding the following:

1. The large quantity of penalties being waived, and the reason behind the penalties being waived, and the recurrence of these penalties being monthly;
2. The inability of the present Logics Computer Program to eliminate these penalties, thus avoiding a manual deletion;
3. The need for a three (3) day turn-around time to avoid these penalties; **and**
4. Changing the date for the bills to be mailed to the 3rd of the month in lieu of the 1st of the month, and presenting a revised policy to the Board for approval with this information within.

After the lengthy discussion was conducted, it was the general consensus of the Board for a revised policy to be presented with the mailing date of the bills changed from the 1st to the 3rd.

Commissioner Norris made a motion to table the adjustments to the monthly water bills for September, 2010, for Columbus County Water and Sewer District V, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Pubic Utilities Director, requested Board approval of the following **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities.

Columbus County Public Utilities Department

Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

Section 1. Introduction

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District’s water systems. The District

Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

Section 2. Policy Administration/Authority

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

Section 3. Definitions

Agent is the legal representative of a corporation or partnership that holds title to property served by the district.

Board of Commissioners is the duly elected governing body of Columbus County.

Building is a structure as defined in the North Carolina Building Code.

Commodity Charge is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

Connections are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

Controlled by is owned, operated, or leased by.

County is Columbus.

Customer is the person legally or equitably responsible for the payment of charges for water services on any premises.

District is the one of the statutory established water service areas in the County and its designated agents.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Improved Street is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral is that portion of the water connection which does not include meter, box, or meter setter of connection.

Main is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

May is permissive (see “shall”).

Occupant is the customer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership, or corporation.

Premise is land, building, or other structure and appurtenances thereto.

Service Line is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

Shall is mandatory (see “may”).

Unusual Conditions is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

Section 4. Water Laterals and Tap-On

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

Section 5. Connections To Be Made By District Only Upon Application

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer’s contractor in new subdivisions installs laterals and meter yokes or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

Section 6. Application for Connection

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

Section 7. Disapproval of Applicant

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 8. Separate Water Connections and Meters Required

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.
- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard $\frac{3}{4}$ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying whatever additional costs would be involved in bringing the divided development into compliance.

- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), (C), and (D) above.

Section 9. Connections and Meters to Remain Property of the District

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

Section 10. Maintenance of Meters and Connections

All meters and water laterals shall be maintained by the District at the District's expense.

Section 11. Connection to Other Than Water District Supply

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

Section 12. When Water Meters Read

All water meters or water systems controlled by the service district(s) shall be read monthly.

Section 13. Adjustments of Overcharges

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal rate, and no adjustment of the bill shall be made.
- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. The total bills combined for the preceding twelve month period was \$300.00. When

you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average, which is \$25.00. See Section 13 ©. The total adjustment made to this account would be \$75.00.

Section 14. Meter Tests

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

Section 15. Water for Temporary Purposes

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

Section 16. Tampering with Meters and Cutoffs

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his

water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

Section 18. Protection of Water Supply

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

Section 19. Repealing Clause

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

Section 20. Procedures

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.
- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

Section 20.1 Procedures for Water Systems During Construction

- (A) During periods of water district construction approved by the commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

Section 21. Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

Section 22. District’s Responsibility and Liability

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.
- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer’s premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage done by, or resulting from any defect in the piping, fixtures, or appliances on the customer’s

premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.

- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

Section 23. Customer's Responsibility

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

Section 24. Access to Premises

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

Section 25. Change of Occupancy

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

Section 26. Billing and Collecting

- (A) Meters will be read and bills rendered as follows:
 - 1. Meters will be read once a month, and billing will be accomplished once per month.
 - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same or different services.
- (E) Bills are due when rendered and become delinquent 15 days from "Date Bill Mailed." A delinquent fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within fifteen (15) days of the due date, service may be discontinued by District, and if customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming late or delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

401

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

Section 27. Suspension of Service

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a delinquent penalty determined by the District is paid for each meter reconnected. In addition, a \$25.00 reconnect fee is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase any service charge, delinquent penalty, or reconnection fee. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charged for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
 2. Emergency repairs.
 3. Insufficiency of supply due to circumstances beyond the District's control.
 4. Legal processes.
 5. Direction of public authorities.
 6. Strike, riot, fire, flood, accident, or any unavoidable cause.
 7. Customer's negligence

8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 28. Termination Clause

~~A customer can disconnect from the water supply system after the cost of the tap has been paid in full and there is no remaining balance on the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed. If the meter is replaced, the customer could, at that time, pay a reconnect fee of \$25.00. The disconnection by the Department will be within a reasonable time after the customer's request.~~

- (A) Properties connected to the water system prior to use of the water service application in 2003 may continue to disconnect from the system by paying a \$25.00 fee.
- (B) Customers who signed the water service application implemented in 2003 agree to the following:
By requesting water service and payment of a connection fee, the recipient of water service hereby understands and agrees to pay a minimum monthly water bill if not connected to the system and using water sixty (60) days after such is made available to the dwelling.
- (C) In the event a property connected to the water system is sold, the seller of said property may bring verification of the sale to the Public Utilities Department and may discontinue service by paying a \$25.00 disconnect fee. Within a reasonable time, the meter will be read and an adjustment of any remaining balance on the account will be done. **The new owner of the property will owe the minimum water bill plus usage for the property beginning with the date the original owner discontinues service.**
- (D) A tenant of a rental property may discontinue service by paying the \$25.00 disconnect fee. Within a reasonable time, the meter will be read and an adjustment of any remaining balance on the account will be done. **The owner of the property will owe the minimum water bill plus usage for the property beginning with the date the tenant discontinues service until a new tenant establishes an account with the Public Utilities Department.**

Section 29. Complaints – Adjustments

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office that manages the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.

(C) The Order of the Appeals Process is as follows:

1. Office Manager
2. Utilities Director
3. Water Advisory Board
4. Board of Commissioners

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

(D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

Section 30. Classifications, Rates, Fees, and Charges - See Attachment "A"

The following classifications, rates, fees, assessments, and charges are adopted:

(A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

(B) Rate Schedule

1. Residential:

Rates will be established and approved from time to time by the Water District Board.

2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

(C) Tap-On Fees

1. Tap-On Fee:

A discounted tap on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners. This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, Delinquent Account Penalty, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee. See Attachment "B".

Section 31. Water System Extensions by Private Entities

- (A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.
- (B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.
- (C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.
- (D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

Section 32. Inclusive Terms

Use of the masculine herein shall include the feminine and neuter and the singular shall include the plural.

Section 33. Governing Law

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

Section 34. Notice

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:
 Columbus County Public Utilities Department
 612 North Madison Street
 Whiteville, N.C. 28472

Section 35. Nondiscrimination

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: _____

Approved and Adopted this 2nd day of August, 2010

Signature: _____

P. Edwin Russ, Chairman
 Columbus County Board of Commissioners

Attest By:

June B. Hall
Clerk to the Board

“Attachment A”

Water Rate Schedule

<u>District I</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District II</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District III</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District IV</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
<u>District V</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00
	Prison	
	Every 1,000 Gallons	\$ 6.00
<u>Guideway School</u>	1st 2,000 Gallons	\$25.00
	Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF JULY 2010. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”

<u>Application Fee</u>	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00
<u>Security Deposit</u>		
Per Account	\$ 50.00	
<u>Late Payment Fee</u>		
After Due Date	\$ 5.00	
<u>Delinquent Account Penalty</u>		
Per Account	\$ 30.00	

Reconnection Fee

Per Account \$ 25.00

Return Check Fee

Per Check \$ 25.00

Meter Testing Fee

Per Meter \$ 25.00

Meter Tampering Fee

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

14-151.1**CH.14 Criminal Law****14-151.1**

14-151-1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmeasured, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(CC) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be

guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

Subsection © Set out Twice - The second version of subsection © set The first Version of subsection © set out above is effective January 1, 1995. Above is Effective until January 1, 1995. Editor's Note - Sessions Laws 1993.

Kip McClary, Public Utilities Director, stated the following:

1. There is a discrepancy between the application for water service and the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities;
2. The Water Application reads as follows: By requesting water service and payment of a connection fee, the recipient of water service hereby understands and agrees to pay a minimum monthly water bill if not connected to the system and using water sixty days after such is made available to the dwelling.
3. The Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities reads as follows: A customer can disconnect from the water supply system after the cost of the tap has been paid in full and there is no remaining balance on the account. The customers may pay a disconnect fee of \$25.00 to have the meter removed. If the meter is replaced, the customer could, at that time, pay a reconnect fee of \$25.00. The disconnection by the department will be within a reasonable time after the customer's request; **and**
4. The Water Advisory Board met on September 16, 2010, and has unanimously approved this revision.

Discussion was conducted relative to the following:

1. A landowner having to pay for water for the rest of their lives;
2. If there is not sufficient revenue from water sales to pay the debt service, where will the difference be derived;
3. The lack of cushion in the planning of the water districts and their expansions;
4. False information being supplied to the Board on the water districts;
5. The need for more accurate information and allowance for loss of customers in the preliminary stages of planning;
6. Having consideration for the taxpayers as well as the County Government; **and**
7. The sources of false information should be held accountable.

Commissioner McKenzie made a motion to table the approval of the **Revised** Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, until a later date, seconded by Commissioner Bullard. The motion unanimously passed.

REMOVAL of AGENDA ITEM #13 FROM TABLE:

William S. Clark, County Manager, stated that Bobbie Faircloth, Finance Director, has informed him that we need to approve the adjustments to the monthly water bills for September, 2010, **for financial reasons**, which is Agenda Item Number 13.

Commissioner Prevatte made a motion to take Agenda Item Number 13: Columbus County Water and Sewer Districts I, II, III, IV and V - Approval of Adjustments to the Monthly Water Bills for September, 2010, off the table, second by Commissioner Norris. The motion unanimously passed.

Commissioner Prevatte made a motion to approve the adjustments for the monthly water bills for September, 2010, for Columbus County Water and Sewer District V, second by Commissioner Norris. The motion unanimously passed.

Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICT V - APPROVAL of AWARD to LOW BIDDER and APPROVAL to ISSUE the NOTICE to PROCEED for RIVER ROAD PROJECT:

Kip McClary, Public Utilities Director, requested Board approval of the award to the low bidder and approval to issue the Notice to Proceed for the River Road Project.

NOTICE OF AWARD

Date:

Owner's Contract No: N/A

Engineer's Project No.: CC0904

Project: River Road Extension

Owner: Columbus County Water and Sewer District V

Contract: N/A

Bidder: Frank Horne Construction, Inc.

Bidder's Address: P.O. Box 338, Fair Bluff, NC 28439

You are notified that your Bid dated October 05, 2010 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for Columbus County Water and Sewer District V River Road Extension.

The Contract Price of your Contract is Fifty-Six Thousand, One Hundred, Eighty-One, and 92/100 (\$56,181.92) Dollars.

Five (5) copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award. Sets of the Drawings will be delivered separately or otherwise made available to you immediately.

You must comply with the following conditions precedent within fifteen (15) days of the date you receive this Notice of Award.

1. Deliver to the owner five (5) fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security (Bonds) as specified in the Instructions to Bidders (Article 20), General Conditions (Paragraph 5.01), and Supplementary Conditions (Paragraph SC-5.01).
3. Other conditions precedent:

Not Applicable

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten (10) days after you comply with the above conditions, Owner will return to you one (1) fully executed counterpart of the Contract Documents.

OWNER: Columbus County Water and Sewer District V
BY: /s/ **P. EDWIN RUSS, Chairman**

Copy to Engineer

Kip McClary stated the following:

1. We just added two (2) more signups bringing the total to thirty-three (33);
2. Bid specifications were sent out to five (5) contractors, and three (3) responded;
3. We had bids ranging from \$56,00 to \$88,000; **and**
4. Frank Horne Construction was the low bidder at \$56,000, and is waiting to receive the notice to proceed.

Vice Chairman Byrd made a motion to approve the award to the low bidder, Frank Horne Construction, Inc., at the cost of fifty-six thousand, one hundred eighty-one, and 92/100 (\$56,181.92) dollars, for the River Road Extension, and to issue the Notice to Proceed, second by Commissioner Prevatte. The motion unanimously passed.

ADJOURNMENT:

At 7:19 P.M., Vice Chairman Byrd made a motion to adjourn, second by Commissioner Prevatte. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman