

COLUMBUS COUNTY BOARD OF COMMISSIONERS

April 02, 2007

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 their regular scheduled meeting on the first Monday.

COMMISSIONERS PRESENT:

Sammie Jacobs, **Chairman**
James E. Prevatte, **Vice Chairman**
Amon E. McKenzie
Bill Memory
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

Jimmy Varner, **County Manager**
Steven W. Fowler, **County Attorney**
June B. Hall, **Clerk to Board**
Leo Hunt, **Interim Finance Officer**

Agenda Items #1, #2 and #3:

MEETING CALLED to ORDER, INVOCATION and PLEDGE of ALLEGIANCE:

At 6:30 P.M., Chairman Sammie Jacobs called the April 02, 2007 Board Meeting to order. The invocation was delivered by Commissioner Ronald Gore. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America, which was led by Vice Chairman James E. Prevatte.

Agenda Item #4: PRESENTATION - 16" X 22" PLAQUE of AMERICAN FLAG and CERTIFICATE:

Lieutenant Colonel Walter Howard Ward, Jr., Commander of Second Airlift Squadron, United States Air Force, stated the following:

1. I am from the Bethel Community and my Mother is Dula Belle Ward;
2. I am in the United States Air Force and I fly C-130's;
3. I was deployed to Southeast Asia during Christmas;
4. I was viewing a list of the names of the soldiers from Columbus County who served in Desert Storm;
5. I was really touched by the steadfast devotion of the citizens of Columbus County, and this is when the idea of this presentation was thought about;
6. I have prepared a plaque which consists of an American Flag that I took with me, on a flight on Christmas Day of last year, in a combat mission over the skies of Kuwait and Iraq; **and**
7. I would like to present this plaque to the Columbus County Commissioners and the citizens of Columbus County for their steadfast devotion.

Chairman Jacobs accepted the plaque from Lieutenant Colonel Ward with great pride and stated the plaque would be hung in an appropriate place to be shared by everyone. Mr. Ward received a standing ovation for his service to this country, and for the generous plaque he presented.

Agenda Item #5: BOARD MINUTES APPROVAL:

Commissioner Norris made a motion to approve the March 19, 2007 Regular Session Board Minutes, as recorded, seconded by Commissioner McKenzie. The motion unanimously carried.

Agenda Item #6: SOUTHEASTERN REGIONAL MENTAL HEALTH, DEVELOPMENTAL DISABILITIES and SUBSTANCE ABUSE SERVICES - APPROVAL of 2007-2010 LOCAL BUSINESS PLAN:

On behalf of Sharen Prevatte, Area Director/CEO, Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services, Kathy Baker, Planning and Collaboration Division, is requesting Board approval of the 2007-2010 Local Business Plan. Ms. Baker stated the following:

1. I would like to thank Commissioner Prevatte for serving on our Board;
2. The 2007-2010 Local Business Plan must be approved by all of the four (4) counties of the

- region;
3. When all the changes were made, we kept four (4) services;
 4. The 2007-2010 Local Business Plan is made up of seven (7) parts, as follows:
 - Governance and Administration LME Functions;
 - Business Management LME Functions;
 - Planning and Collaboration LME Functions;
 - Provider Relations and Development LME Functions;
 - Customer Service/Consumer Affairs LME Functions;
 - Service Management LME Functions;
 - Quality Management LME Functions; **and**
 5. The Board of Directors had a meeting on January 11, 2007 and on March 17, 2007 to scrutinize this plan.

Vice Chairman Prevatte stated this plan was a very detailed plan which would entail a period of three (3) years, and it was unanimously approved by the Board of Directors last week.

Vice Chairman Prevatte made a motion to approve the 2007-2010 Local Business Plan for the Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services, seconded by Commissioner McKenzie. The motion unanimously carried. This document will be on file in the Clerk to the Board's Office, for review.

Agenda Item #7: NORTH CAROLINA WACCAMAW RIVERKEEPERS - REQUEST for SUPPORT of NEW PROGRAM and REQUEST for MONIES:

Kaye King, member of the Waccamaw Riverkeepers Program, requested support from the Board for the new program, and requested monies to help begin the new venture. Ms. King stated the following:

1. I have been working with this program for five (5) years;
2. I am the one who started the Pireway River Sweep and the Pireway Paddle Fest;
3. We have split from the Winyah River Foundation and formed the North Carolina Waccamaw Riverkeepers;
4. The Winyah River Foundation is too heavily concentrated in South Carolina;
5. Senator R.C. Soles, Jr. has agreed to help us get the Federal status as a non-profit organization;
6. On April 21, 2007, we will hold the Pireway River Sweep;
7. The Pireway Paddle Fest will be held on May 19, 2007;
8. Last year, we picked up three (3) tons of trash in one (1) day;
9. Brunswick Electric Membership Corporation is a good sponsor of ours, and they have given us a two thousand and 00/100 (\$2,000.00) dollars grant; **and**
10. I am asking the Board of Commissioners to match this grant that Brunswick Electric Membership Corporation has given to us.

Commissioner Bullard stated that Lumber River needed the same attention as the Waccamaw River.

Vice Chairman Prevatte asked Ms. King if Christine Ellis was working with this group also. Ms. King replied stating that Ms. Ellis was with the Winyah River Foundation which was heavily concentrated in the South Carolina area and not North Carolina.

After additional discussion was conducted regarding this matter, Chairman Jacobs instructed Ms. King to see Leo Hunt, the Interim Columbus County Finance Director, and get a Request for Funds Form to be filled out, and this request would be taken into consideration during the Budget process.

Agenda Item #8: HEALTH - APPROVAL of LOCAL FEE for MODEL WELL PROGRAM:

Dr. Darryl Diefes, Chairman of the Board of Health, and Kimberly Smith, Health Director, requested Board approval of the local fee for the Model Well Program. This Agenda item was tabled at the March 19, 2007 Board Meeting.

Dr. Diefes stated the following:

1. This program has been mandated by the State to become effective as of July, 2008;

2. The State is willing to give a forty thousand and 00/100 (\$40,000.00) dollars grant to be used for water testing kits, if we implement this program one (1) year early to become effective as of July, 2007; **and**
3. The Columbus Board of Health has approved this Model Well Program and it will be officially adopted at our April 25, 2007 Board Meeting.

Vice Chairman Prevatte asked if this charge was for a repair to an existing well. Bill Horne stated this was for a new well or a replacement well.

Commissioner McKenzie asked if the difference between the requested fee of two hundred and 00/100 (\$200.00) dollars and the actual cost of the program of two hundred twenty and 50/100 (\$220.50) dollars would be absorbed by the County. Ms. Smith replied stating yes it would be.

Commissioner Memory asked how many wells had been drilled in Columbus County last year, and if this program would require additional personnel to operate. Bill Horne stated he did not know the exact number of wells drilled, but they had issued approximately two hundred (200) permits for septic tanks, and that usually means a well also. Ms. Smith replied stating they had six (6) inspectors and this program would not require any additional personnel to operate.

Vice Chairman Prevatte stated the charge for personnel should not be inclusive in the fee due to the fact that the program would not require any additional personnel to operate.

Commissioner Gore stated it was his opinion that this program should not be implemented until July, 2008. Dr. Diefes replied stating that the Board of Health has already approved this program and it would be officially adopted at the April 25, 2007 Board of Health Meeting.

After additional discussion was conducted, Commissioner Memory made a motion to accept the Model Well Program, as presented, with a fee of one hundred fifty and 00/100 (\$150.00) dollars for three to four (3 - 4) visits, and after the fourth (4th) visit, an additional fee of twenty-five and 00/100 (\$25.00) dollars for each additional visit that is required. The effective date will be July 01, 2007.

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

AYES: Chairman Jacobs, Vice Chairman Prevatte, Commissioners Memory, McKenzie and Norris
NAYS: Commissioners Bullard and Gore.

The motion passed on a five (5) to two (2) vote.

Agenda Item #9: COOPERATIVE EXTENSION - CLARIFICATION of COMMITTEE APPOINTMENTS for CROSS COUNTY and OTHER COMMITTEES/BOARDS:

Jacqueline Roseboro, County Extension Director, requested clarification on appointments to committees for cross county, and shared the following information with the Board:

1. Cooperative Extension operates and receives funding on three levels, which are Federal, State and local.;
2. Each of the four (4) counties in the region has a Memorandum of Understanding;
3. We use a multi-faceted integrated approach in what we do;
4. We are charged with working on county and district levels;
5. Our advisory group has two (2) roles which are - determining programs and advocacy;
6. Cooperative Extension functions on four (4) levels, which are - County, Regional, District and State;
7. We operate across county lines to make our programs effective and beneficial;
8. Some of our boards/committees are incorporated, the Columbus County Board of Commissioners has no authority over them, and has no appointment to be made to them;
9. I am seeking clarification on the policy that was adopted by the Board of Commissioners, on its second reading, on February 05, 2007, which reads "All committee members must live within the Columbus County boundaries to be eligible to serve";
10. This policy may place restrictions on the very functions our department is set up to accomplish; **and**
11. This policy needs to apply to the appointments that the Columbus County Board of Commissioners makes to the boards/committees within Columbus County.

After in-depth discussion was conducted relative to this request, it was the general consensus of the Board for the Administrative Staff to do a synopsis on this matter and bring it to the Board for consideration.

Agenda Item #10: AGING - APPOINTMENT of HOME & COMMUNITY CARE BLOCK GRANT COMMITTEE MEMBERS and PERMISSION to ADVERTISE for BIDS for NUTRITION PROGRAM:

A. Appointments:

Ed Worley, Aging Director, requested the following appointments be made to the Home and Community Care Block Grant Committee:

<u>DISTRICT</u>	<u>APPOINTEE</u>	<u>EXPIR. DATE</u>
I	Willie Green (Fill vacancy of L.C. Reaves)	June 30, 2007
II	Flora White (Replaces Barbara Sasser)	June 30, 2007
	Betty Williamson (Replaces Ed Worley)	June 30, 2007
IV	Ervin Stocks (Replaces Molly Lawing)	June 30, 2007
V	Ray Canady (New member added)	June 30, 2010
VI	Bobby Worthington (New member added)	June 30, 2010
VII	Kelly Godwin (Fill vacancy of Callie Davis)	June 30, 2007
	Ken Buck (New member added).	June 30, 2010

Mr. Worley stated this action would result in two (2) members from each Commissioner's district serving on this committee.

Commissioner Norris made a motion to approve the above listed appointments to the Home and Community Care Block Grant Committee, seconded by Commissioner McKenzie. The motion unanimously carried.

B. Bid for Nutrition Services:

Mr. Worley stated the three (3) year contract for Nutrition Services will conclude on June 30, 2007, and requested Board approval to advertise in the local newspaper and other avenues, for the three (3) year term bids.

Commissioner Norris made a motion to approve Ed Worley, Aging Director, to advertise in the local newspaper and other avenues, for the three (3) year term bids for Nutrition Services, seconded by Vice Chairman Prevatte. The motion unanimously carried.

Agenda Item #11: PARKS and RECREATION - APPROVAL and ADOPTION of RESOLUTION and REQUEST for LETTER of SUPPORT for the COLUMBUS COUNTY REGIONAL PARK:

Carol Worrell, Parks and Recreation Director, requested Board approval and adoption of the following Resolution of Support for the Columbus County Regional Park, and a letter of support to be forwarded to our local legislators.

RESOLUTION of SUPPORT for the COLUMBUS COUNTY REGIONAL PARK

WHEREAS, Columbus County has been in great need of a centralized multi-purpose facility that would accommodate the needs of our youth, senior citizens and various age groups; **and**

WHEREAS, the proposed **Columbus County Regional Park** would serve as a central location for a recreation facility that would provide the recreational outlets needed, with provisions

for the following:

- Four (4) to five (5) ball fields
- Soccer fields;
- Tennis Courts;
- Skateboard Park; **and**
- Large playing area with safety provisions;

WHEREAS, the proposed **Columbus County Regional Park** will serve as a place to provide the following:

- A destination, both to school groups and families, with great emphasis on learning, and once acquired, knowledge cannot be taken away from anyone;
- A multi-purpose building to serve as a Wellness Center, Senior Center, Parks and Recreation Offices and a Evacuation Center to be utilized during times of disasters;
- The stated multi-purpose building would contain the following features:
 1. An indoor swimming pool with multiple uses as listed below:
 - Therapeutic and recreational purposes;
 - American Red Cross usage for swimming lessons and life guard training; **and**
 - Local schools with “swim teams” for their swim meets, if added to curriculum;
 2. Banquet/Conference room with kitchen facilities for in-house usage and for rental purposes for various events, thus creating revenue;
 3. Indoor basketball court;
 4. Exercise and fitness equipment; **and**
 5. Walking area;
- Be of service to Columbus County residents, of all ages;
- Open the doors for tournament play on the ball fields, thus bringing tourism into Columbus County and generating revenue; **and**
- Great emphasis on childhood and adult obesity, which is rapidly escalating;

WHEREAS, the stated regional facility would serve as a structured and wholesome environment for our citizenry and tourists of all ages;

WHEREAS, it is the desire of the Columbus County Board of Commissioners the proposed Columbus County Regional Park materialize and be successful to meet the various needs of our population.

NOW, THEREFORE, BE IT RESOLVED the Columbus County Board of Commissioners fully supports the proposed Columbus County Regional Park and feels honored to be a crucial part of such a quality endeavor.

APPROVED and **ADOPTED** this the 2nd day of April, 2007.

APPROVED:

/s/ **SAMMIE JACOBS, Chairman**

ATTESTED BY:

/s/ **JUNE B. HALL, Clerk to Board**

Ms. Worrell stated the following:

1. I would like to introduce the members of the Columbus County Youth and Families Association, who are present here tonight as follows:
 - Rhonda Dutton, Executive Chair;
 - Selena Rowell, Chair;
 - Frances Burge; **and**
 - Nakoma Simmons, Secretary;

2. Executive Chair Dutton stated she has been working with a citizen who has agreed to buy the land and donate it to the County, for the purpose of the Regional Park, if the land can be located and purchased at a reasonable price. This said person wishes to remain anonymous;
3. If the Columbus County Regional Park materializes, it will increase tourism in Columbus County and it will increase revenue;
4. I have spoken to Governor Easley, Congressman McIntyre, Senator Soles, and Representative Hill and we have their support; **and**
5. We are actively seeking land for this park, and we have some good prospects.

Commissioner Norris made a motion to approve the Resolution of Support for the Columbus County Regional Park and a Letter of Support to be forwarded to Governor Easley, Congressman McIntyre and our local legislators, seconded by Commissioner McKenzie. The motion unanimously carried.

Agenda Item #12: ECONOMIC DEVELOPMENT - DEPARTMENTAL UPDATE:

James Hinkle, Interim Economic Development Director, delivered the following Departmental Update to the Board:

1. We have three (3) new industries:
 - Hart and Cooley;
 - Eudys Cabinets in Chadbourn; **and**
 - Idaho Timber;
2. We have had two (2) expansions to materialize
 - Filtec Precise; **and**
 - Atlantic Corporation;
3. Over eighty (80%) percent of our prospects are looking for buildings as opposed to looking for sites;
4. InterKordsa is looking hopeful;
5. Conflandey has performed Environmental Study #1 which did not have very good results, and has agreed to an Environmental Study #2;
6. We have a prospect for the Sumatoma Building;
7. It is my opinion that the future for Columbus County is looking bright;
8. Housing will move up gradually; **and**
9. Columbus County has two (2) advantages, and they are being near a port and being in between two (2) interstates.

Agenda Item #13: ADMINISTRATION - APPROVAL to BORROW an ADDITIONAL \$2.5 MILLION for DETENTION PROJECT:

Jim Varner, County Manager, requested Board approval to move forward with securing additional funding for the Detention Project, in the amount of \$2.5 million. This Agenda Item was tabled at the March 19, 2007 Board Meeting.

Commissioner Memory stated when the \$10 million were borrowed, the Columbus County Courthouse was not included in the projects in the usage of this money.

Commissioner McKenzie stated priority projects had to be handled first.

Vice Chairman Prevatte stated the Board could not neglect the Courthouse much longer before the needed renovations were done.

Commissioner McKenzie made a motion to approve Jim Varner, County Manager, to move forward with securing additional funding for the Detention Project, in the amount of \$2.5 million, seconded by Commissioner Memory. The motion unanimously carried.

Agenda Item #14: RESOLUTION - RESOLUTION of ENDORSEMENT for NORTH CAROLINA INTERNATIONAL PORT at SOUTHPORT:

Chairman Jacobs is requesting Board approval and adoption of the following Resolution of Endorsement for Congressman Mike McIntyre's efforts in securing an international port at Southport and for Interstates 74 and 20 to be routed through Columbus County.

**RESOLUTION of ENDORSEMENT
for CONGRESSMAN MIKE McINTYRE'S EFFORTS**

WHEREAS, let it be known that the Columbus County Board of Commissioners wholeheartedly supports Congressman Mike McIntyre's diligent efforts to establish an international port at Southport; **and**

WHEREAS, let it be known the Columbus County Board of Commissioners supports Congressman McIntyre's efforts to secure funding for Interstates 74 and 20 to run through Columbus County; **and**

_____ **WHEREAS**, the proposed North Carolina International Port at Southport would have a very favorable economic impact on Columbus County; **and**

WHEREAS, due to Columbus County's location to Southport, as well as the Wilmington Port, our county could attract a large number of distribution and assembly manufacturing plants that could create a large number of sustainable jobs with good pay; **and**

WHEREAS, with the diminishing tobacco production in Columbus County, accompanied by the closing and/or downsizing of our existing industries, the said port could provide the much-needed livelihood for many of our citizens; **and**

WHEREAS, Interstates 74 and 20, if routed through Columbus County, would promote tourism, as well as provide faster and smoother traffic for citizens and businesses, thus enhancing revenue and attraction for future economic growth; **and**

WHEREAS, Congressman Mike McIntyre's endless and diligent efforts to promote and enhance the economy and livelihood for North Carolina residents is to be commended.

NOW, THEREFORE, BE IT RESOLED the Columbus County Board of Commissioners fully and wholeheartedly supports the efforts of Congressman Mike McIntyre to establish an international port at Southport, and for Interstates 74 and 20 to be routed through Columbus County.

APPROVED and **ADOPTED** this the 2nd day of April, 2007.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
/s/ **SAMMIE JACOBS, Chairman**
ATTESTED BY;
/s/ **JUNE B. HALL, Clerk to Board**

Commissioner Norris made a motion to approve the Resolution of Endorsement for Congressman Mike McIntyre's Efforts, seconded by Vice Chairman Prevatte. The motion unanimously carried.

Agenda Item #15: PROCLAMATION - SPRING LITTER SWEEP 2007 A PROCLAMATION:

Leroy Sellers, Solid Waste Director, requested Board approval and adoption of the following Litter Sweep Spring 2007 by the County of Columbus a Proclamation.

LITTER SWEEP SPRING 2007
by the COUNTY OF COLUMBUS
A PROCLAMATION

WHEREAS, the County of Columbus annually organizes a spring countywide roadside cleanup to ensure clean and beautiful roads in Columbus County; **and**

WHEREAS, the Spring 2007 "**LITTER SWEEP**" roadside cleanup will take place **April 14-28, 2007** and we encourage local governments and communities, civic and professional groups, businesses churches, schools, families and individual citizens to participate in the Columbus County cleanup by sponsoring and organizing local roadside cleanups; **and**

WHEREAS, Adopt-A-Highway volunteers, Columbus County employees, Department of Correction inmates and community service workers, community leaders, local government agencies, community and civic organizations, businesses, churches, schools and environmentally concerned citizens conduct annual community cleanups during "**LITTER SWEEP**" and may receive certificates of appreciation for their participation; **and**

WHEREAS, the great natural beauty of our County and a clean environment are sources of great pride for all Columbus Countians, attracting tourists and aiding in recruiting new industries; **and**

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering and encourage recycling of solid wastes; **and**

WHEREAS, the 2007 spring cleanup will celebrate the 19th anniversary of the North Carolina Adopt-A-Highway Program and its 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean; **and**

WHEREAS, the “*LITTER SWEEP*” cleanup will be a part of educating the children of this Great County regarding the importance of a clean environment to the quality of life in Columbus County.

NOW, THEREFORE, we, the Columbus County Board of Commissioners, do hereby proclaim **April 14 - 28, 2007**, as “*SPRING LITTER SWEEP*” time in Columbus County, and encourage citizens to take an active role in making their communities cleaner.

APPROVED and **ADOPTED** this 2nd day of April, 2007.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
/s/ **SAMMIE JACOBS, Chairman**

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

Commissioner McKenzie made a motion to approve the Litter Sweep Spring 2007 by the County of Columbus A Proclamation, seconded by Commissioner Gore. The motion unanimously carried.

Agenda Item #16: RESOLUTION - NATIONAL COUNTY GOVERNMENT WEEK
APRIL 22-28, 2007 PROTECTING OUR COMMUNITIES:

Chairman Jacobs requested Board approval and adoption of the following National County Government Week April 22 - 28, 2007, Protecting Our Communities.

NATIONAL COUNTY GOVERNMENT WEEK
April 22 - 28, 2007
Protecting Our Communities

WHEREAS, America’s counties provide a variety of essential services. Many of these services work to protect our communities; **and**

WHEREAS, counties protect residents from natural disasters, terrorist attacks, crime and drug abuse; **and**

WHEREAS, counties are the first to respond to emergency situations and are primarily responsible for planning for disasters; **and**

WHEREAS, counties also work to protect families, children and youth; **and**

WHEREAS, there are three thousand sixty-six (3,066) counties in the United States, collectively responsible for the well being of more that two hundred fifty (250) million residents; **and**

WHEREAS, counties provide services that make America’s communities stronger, safer places to live and raise families; **and**

WHEREAS, counties police our streets, fight fires, save lives in hospitals, keep families healthy, repair bridges, plow snow, help troubled youth, train laid-off workers and perform countless other jobs; **and**

WHEREAS, counties have a long history of providing critical services. County governments are the citizen’s local government voice, providing solutions that bring communities together.

IN RECOGNITION OF THE LEADERSHIP, INNOVATION AND VALUABLE SERVICE
PROVIDED BY OUR NATION’S COUNTIES:

NOW, THEREFORE, BE IT RESOLVED that Columbus County, North Carolina, hereby proclaims April 22 - 28, 2007, as **NATIONAL COUNTY GOVERNMENT WEEK** and commends its observance to our citizens.

ADOPTED this the 2nd day of April, 2007.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ **SAMMIE JACOBS**, Chairman, District III

/s/ **AMON E. McKENZIE**, District I

/s/ **LYNWOOD NORRIS**, District V

/s/ **RONALD GORE**, District VII

/s/ **JAMES E. PREVATTE**, Vice Chairman, District II

/s/ **BILL MEMORY**, District IV

/s/ **RICKY BULLARD**, District VI

ATTESTED BY:

/s/ **JUNE B. HALL**, Clerk to Board

Commissioner Memory made a motion to approve and adopt the National County Government Week April 22-28, 2007, Protecting Our Communities, seconded by Commissioner Norris. The motion unanimously carried.

Agenda Item #17: GOVERNING BODY - RULES of PROCEDURE:

Commissioner Bullard requested Board consideration of a set of Rules of Procedure to be prepared by Steven W. Fowler, Columbus County Attorney, and to be approved and adopted by the Board of County Commissioners. Commissioner Bullard stated the following:

1. I am interested in adopting a set of Rules of Procedures and/or Guidelines for the Board to use;
2. We need a set of Closed Session Rules; **and**
3. I would like for this to be on the April 16, 2007 Agenda.

After discussion was conducted, it was the general consensus of the Board for Steven W. Fowler, to prepare a draft copy of these Rules of Procedures and/or guidelines to be distributed to the Board members for their review and consideration of approval and adoption at the April 16, 2007 Board Meeting.

Agenda Item #18: DISCUSSION - STATE MORATORIUM on LANDFILLS:

Commissioner Memory requested Board discussion on the State Moratorium on landfills, and stated the following:

1. I would like for this Board to approve and adopt a Resolution for the State to continue the moratorium on landfills;
2. The existing State moratorium on landfills is set to expire on August 01, 2007;
3. I do not want this Board to do anything that would contradict the action that was done relative to the Riegelridge Landfill, although the vote was not unanimous; **and**
4. It is my belief that we need to table this Agenda Item until the necessary research has been done on this matter.

Commissioner Memory made a motion to table this Agenda Item until the necessary research could be done on the State Moratorium on Landfills, seconded by Commissioner McKenzie. The motion unanimously carried.

Agenda Item #19: APPOINTMENTS - BOARD APPOINTMENTS/RE-APPOINTMENTS:

A. Tabor City Planning and Zoning Board:

Commissioner Norris made a motion to re-appoint Patrick Milligan, as the extra-territorial member, to the Tabor City Planning and Zoning Board, for a three (3) year term, with term expiring April, 2010, seconded by Commissioner McKenzie. The motion unanimously carried.

B. Tabor City Zoning Board of Adjustment:

Commissioner Norris made a motion to re-appoint Timmy Canady and Johnnie Jernigan, Jr., as the extra-territorial members, to the Tabor City Zoning Board of Adjustment, for a three (3) year term, with term expiring April, 2010, seconded by Commissioner McKenzie. The motion unanimously carried.

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

At 8:11 P.M., Commissioner Memory made a motion to recess Regular Session and enter into a **Combination Meeting** for Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, seconded by Commissioner McKenzie. The motion unanimously carried.

This information will be recorded in each Minute Book Number 1 for the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

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

At 8:29 P.M., Commissioner Memory made a motion to adjourn the **Combination Meeting** for Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting and resume Regular Session, seconded by Commissioner McKenzie. The motion unanimously carried.

Agenda Item #22: CONSENT AGENDA ITEMS:

Commissioner Memory made a motion to approve the following Consent Agenda Items, seconded by Commissioner McKenzie. The motion unanimously carried.

A. Budget Amendment:

TYPE	ACCOUNT	DETAILS	AMOUNT
Expenditure	10-465-0300	Temporary Services	5,000
Revenue	10-335-0411	Reynolds Student Internship Program	5,000

B. Tax Refunds:

**TAX REFUNDS (as submitted to the Governing Body from the Tax Office):
April 02, 2007**

Refunds Name: Brown, Macon O Sr. Amount: \$0.00
 Value: \$0.00 Year 005 Account # 15-05257 Bill # 91104 Total \$193.00
 Refund user fee. House is vacant. No trash can.
 17149 Old Lake Rd. Riegelwood NC 28456

Refunds Name: Campbell, Asalene Amount: \$227.03
 Value: \$31,100.00 Year 005 Account # 13-04553 Bill # 92585 Total \$283.01
 Refund a portion of the property value, a portion of the Klondyke Fire (21.77) a portion of the Columbus Rescue (6.22) and a portion of the W2 (27.99). House billed as a stick build house. Should be a double wide.
 94 Union St. Apt 309 Jersey City .NJ 07304

Refunds Name: Elkins, Laura Amount: \$82.62
 Value: \$10,800.00 Year 006 Account # 12-02112 Bill # 28507 Total \$102.06
 Refund the value of a house, the Klondyke Fire (7.56) the Columbus Rescue (2.16) and W2 (9.72). The house burned in 2005.
 5785 Braswell Rd. Cerro Gordo NC 28430

Refunds Name: Gainey, Ruth B. Amount: \$0.00
 Value: \$0.00 Year 006 Account # 12-08820 Bill # 31191 Total \$193.00
 Refund user fee. The house is vacant and does not have a trash can. Make check payable to Marvel Gainey.
 2528 Knob Hill Ct. Colorado Springs CO 80909

Refunds Name: Munn, Ronita Amount: \$0.00
 Value: \$0.00 Year 006 Account # Bill # Total \$176.91
 Refund user fee deposit. Customer did not put home here.
 1047 Graham Rd. Riegelwood NC 28456

Refunds Name: Riddle,d Marshall Amount: \$0.00
 Value: \$0.00 Year 006 Account # 07-14068 Bill # 50220 Total \$193.00
 Refund user fee. House is vacant and does not have a trash can.
 2610 HWY 66 S Kernersville NC 27284

Refunds Name: W & W Electric Motor Shop Amount: \$0.00
 Value: \$0.00 Year 997 Account # 02-09490 Bill # 67103 Total \$100.00
 Refund user fee. Customer using a commercial hauler. See attached letter.
 200 Slippery Log Rd. Whiteville NC 28472

Refunds Name: W & W Electric Motor Shop Amount: \$0.00
 Value: \$0.00 Year 999 Account # 02-09490 Bill # 35018 Total \$100.00
 Refund user fee. Customer using a commercial hauler. See attached letter.
 200 Slippery Log Rd. Whiteville NC 28472

Refunds Name: W & W Electric Motor Shop Amount: \$0.00
 Value: \$0.00 Year 000 Account # 02-09490 Bill # 16769 Total \$125.00
 Refund user fee. Customer using a commercial hauler. See attached letter.
 200 Slippery Log Rd. Whiteville NC 28472

Refunds Name: W & W Electric Motor Shop Amount: \$0.00
 Value: \$0.00 Year 003 Account # 02-09490 Bill # 66651 Total \$177.00
 Refund user fee. Customer using a commercial hauler. See attached letter.
 200 Slippery Log Rd. Whiteville NC 28470

Refunds Name: W & W Electric Motor Shop Amount: \$0.00
 Value: \$0.00 Year 004 Account # 02-07490 Bill # 22971 Total \$177.00
 Refund user fee. Customer using a commercial hauler. See attached letter.
 200 Slippery Log Rd. Whiteville NC 28472

Refunds Name: W & W Electric Motor Shop Amount: \$0.00
 Value: \$0.00 Year 005 Account # 02-09490 Bill # 27162 Total \$177.00
 Refund user fee. Customer using a commercial hauler. See attached letter.
 200 Slippery Log Rd. Whiteville NC 28472

Refunds Name: W & W Electric Motor Shop Amount: \$0.00
 Value: \$0.00 Year 006 Account # 02-09490 Bill # 58518 Total \$193.00
 Refund user fee. Customer using a commercial hauler. See attached letter.
 200 Slippery Log Rd. Whiteville NC 28472

Refunds Name: Willoughby, Paul (Heirs) Amount: \$0.00
 Value: \$0.00 Year 006 Account # 12-32300 Bill # 62065 Total \$386.00
 Refund two user fees. Two mobile homes are vacant and do not have trash cans. Make check payable to Denise Davis.
 9602 Haynes Lennon Rd. Evergreen, NC 28438

AGENDA ADD-ON:

PROCLAMATION - RELAY FOR LIFE MONTH 2007 PROCLAMATION:

Penny Grainger, Chair of the Columbus County Relay For Life Committee, requested Board approval and adoption of the following Relay For Life Month 2007 Proclamation.

RELAY FOR LIFE MONTH 2007 PROCLAMATION

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; **and**

WHEREAS, the American Cancer Society is a voluntary community-based health organization, in our State, dedicated to eliminating cancer as a major health problem; **and**

WHEREAS, the **Relay For Life** is a "Celebration of Hope" benefitting the American Cancer Society; **and**

WHEREAS, the **Relay For Life** is a community affair held throughout the State of North Carolina which presents an opportunity to dust off our camping gear, slip on our walking shoes and network with business associates, family and friends.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Columbus County Board of Commissioners do hereby proclaim the month of April as

“RELAY FOR LIFE MONTH”

throughout the County of Columbus, North Carolina, and urge citizens to recognize and participate in the **Relay** events held in their community.

APPROVED and **ADOPTED** this the 2nd day of April, 2007.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ **SAMMIE JACOBS, Chairman**

ATTESTED BY:

/s/ **JUNE B. HALL, Clerk to Board**

Vice Chairman Prevatte made a motion to approve and adopt the Relay For Life Month 2007 Proclamation, seconded by Commissioner Memory. The motion unanimously carried.

Agenda Item #23: COMMENTS:

Chairman Jacobs opened the floor for any comments. The following people spoke.

A. Public:

James Calvin Nance: I would like to know what has happened to the Noise and/or Nuisance Ordinance that the Board stated they were working on. I have not seen, or heard about, one being approved by the Board.

Chairman Jacobs stated that this was in process and would be completed soon.

B. Department Heads:

1. **Carol Worrell:** we are having eighteen (18) Easter Egg Hunts this coming weekend, and there will a Ribbon Cutting Ceremony in Fair Bluff at their new park.
2. **Jim Varner:** The trees at the old Landfill will need to be re-advertised, due to the fact we did not receive any bids on the second advertisement, and Michael Rhodes withdrew his original bid.

RECESS REGULAR SESSION and enter into CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (a) (1):

At 8:37 P.M., Commissioner McKenzie made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S. § 143-318.11 (a) (1), for the purpose of adopting the January 16, 2007 Closed Session Minutes, seconded by Commissioner Gore. The motion unanimously carried.

Agenda Item #24: CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (a) (1).

ADJOURN CLOSED SESSION and resume REGULAR SESSION:

At 8:59 P.M., Commissioner McKenzie made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner Memory. The motion unanimously carried.

CLOSED SESSION MINUTES - APPROVAL of JANUARY 16, 2007 CLOSED SESSION MINUTES:

Chairman Jacobs stated the January 16, 2007 Closed Session Minutes, relative to the discussion of the Columbus County Department of Aging, were approved and okayed for release.

Agenda Item #25: ADJOURNMENT:

At 9:00 P.M., Commissioner Memory made a motion to adjourn the April 02, 2007 Board Meeting, seconded by Commissioner McKenzie. The motion unanimously carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman

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

Monday, April 02, 2007

8:11 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 Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

Sammie Jacobs, **Chairman**
James Prevatte, **Vice Chairman**
Amon E. McKenzie
Bill Memory
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

Jimmy Varner, **County Manager**
Steven W. Fowler, County Attorney
June B. Hall, **Clerk to Board**
Leo Hunt, **Interim Finance Officer**

MEETING CALLED TO ORDER:

At 8:11 P.M, Chairman Jacobs called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #20: DISCUSSION - WATER DEPARTMENT ADJUSTMENTS:

Commissioner Memory stated the following:

1. This Board has been advised that many dollars are bleeding from the water districts due to various reasons;
2. Staff has been meeting to determine what preventive measures could be taken to eliminate some of this loss;
3. I am requesting that Leo Hunt, Interim Finance Officer, state the recommendations that he has made that will correct the dollars that are bleeding from our water districts; **and**
4. These corrective measures, as recommended by Mr. Hunt, are inclusive in the revised Uniform Rules for All Water Districts and Retail Water Facilities that will be presented in Agenda Item #21.

Mr. Hunt stated the following:

1. Increase the late fee for delinquent payment of the monthly water bill;
2. Any adjustment to the monthly water bill, for leaks, will be based on the monthly water usage being three (3) times the average of the previous six (6) months usage;
3. Metering all water being used (i.e. blowoffs, purchases by other entities);
4. An increase in the re-connect fee for monthly cutoff due to delinquent payment of bill; **and**
5. The water cutoff time to be five (5) days.

Commissioner Bullard asked what the costs would be to connect the water systems to reduce

the amount of water being used for blowoffs.

Leroy Sellers, Public Utilities Director, stated that he and the Administrative staff were working on grants for this purpose, but it would take time for the process to happen.

Commissioner Gore stated that if Columbus County had to borrow the money to get this accomplished, and the savings would be realized in the near future, then it needed to be done.

Jim Varner, County Manager, stated the revised PER's had been sent to Ronnie Pope, USDA, for Water District V, and that Administration had contacted Bond Counsel.

Commissioner McKenzie encouraged everyone to use the water in order to eliminate the blowoffs, and for the Board to consider ten (10) days, in lieu of five (5) days for the water cutoff time due to delinquent payment of monthly water bill.

Agenda Item #21: PUBLIC UTILITIES - DISCUSSION of RECOMMENDED CHANGES to the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES:

Leroy Sellers, Public Utilities Director, requested discussion of the recommended changes to the Uniform Rules, as listed below, for all water districts and retail water facilities operated by the Columbus County Public Utilities Department. This will be the **first reading** of these changes, and will be presented again at the April 16, 2007 Board Meeting for the **second reading** and possible approval and adoption.

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 three (3) times the average bill based on a calculation of the preceding six months and only once in any given year.

Example: For the month of July the customer had a leak and their bill was \$117.00. The customer's water bill for January, February, March, April, May, and June was \$25.00 for each month. The total bills combined for the preceding six months was \$150.00. When you divide the total dollar amount by six months it will give you the average, which is \$25.00. The customer will be responsible for three (3) times the average, which is \$75.00. See Section 13 (C). The total adjustment made to this account would be \$42.00.

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 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 of 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 five (5) 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 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 service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge 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 this service charge. 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 system after paying the cost of the tap into 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 disconnect by the Department will be within a reasonable time after the customer's request.

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 managing 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. Water Advisory Board
3. Utilities Director
4. Water Advisory Board

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 at the rate of \$250.00 per tap. 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, 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: May 01, 2007
Approved and Adopted this 2nd day of April, 2007

Signature: /s/ Sammie Jacobs, Chairman
Columbus County Board of Commissioners

Attest By: /s/ June B. Hall
Clerk to the Board

“Attachment A”**Water Rate Schedule****District I**

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District II

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District III

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District IV

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District V

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

Prison

Every 1,000 Gallons	\$ 6.00
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Guideway School

1 st 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”**Application Fee**

¾ Inch Meter	\$ 500.00
1 Inch Meter	\$ 750.00
2 Inch Meter	\$1,000.00

Security Deposit

Per Account	\$ 50.00
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Late Payment Fee

After Due Date	\$ 5.00
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Reconnection Fee

Per Account \$ 30.00

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 (c) of the North Carolina General Statute.

Commissioner Memory made a motion to approve the Uniform Rules for all water districts and retail water facilities operated by the Columbus County Public Utilities Department, on its first reading, seconded by Commissioner Bullard. The motion unanimously carried.

ADJOURNMENT:

At 8:29 P.M., Commissioner Memory made a motion to adjourn, seconded by Commissioner McKenzie. The motion so carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman

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

Monday, April 02, 2007

8:11 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 Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

Sammie Jacobs, **Chairman**
James Prevatte, **Vice Chairman**
Amon E. McKenzie
Bill Memory
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

Jimmy Varner, **County Manager**
Steven W. Fowler, County Attorney
June B. Hall, **Clerk to Board**
Leo Hunt, **Interim Finance Officer**

MEETING CALLED TO ORDER:

At 8:11 P.M, Chairman Jacobs called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #20: DISCUSSION - WATER DEPARTMENT ADJUSTMENTS:

Commissioner Memory stated the following:

1. This Board has been advised that many dollars are bleeding from the water districts due to various reasons;
2. Staff has been meeting to determine what preventive measures could be taken to eliminate some of this loss;
3. I am requesting that Leo Hunt, Interim Finance Officer, state the recommendations that he has made that will correct the dollars that are bleeding from our water districts; **and**
4. These corrective measures, as recommended by Mr. Hunt, are inclusive in the revised Uniform Rules for All Water Districts and Retail Water Facilities that will be presented in Agenda Item #21.

Mr. Hunt stated the following:

1. Increase the late fee for delinquent payment of the monthly water bill;
2. Any adjustment to the monthly water bill, for leaks, will be based on the monthly water usage being three (3) times the average of the previous six (6) months usage;
3. Metering all water being used (i.e. blowoffs, purchases by other entities);
4. An increase in the re-connect fee for monthly cutoff due to delinquent payment of bill; **and**
5. The water cutoff time to be five (5) days.

Commissioner Bullard asked what the costs would be to connect the water systems to reduce

the amount of water being used for blowoffs.

Leroy Sellers, Public Utilities Director, stated that he and the Administrative staff were working on grants for this purpose, but it would take time for the process to happen.

Commissioner Gore stated that if Columbus County had to borrow the money to get this accomplished, and the savings would be realized in the near future, then it needed to be done.

Jim Varner, County Manager, stated the revised PER's had been sent to Ronnie Pope, USDA, for Water District V, and that Administration had contacted Bond Counsel.

Commissioner McKenzie encouraged everyone to use the water in order to eliminate the blowoffs, and for the Board to consider ten (10) days, in lieu of five (5) days for the water cutoff time due to delinquent payment of monthly water bill.

Agenda Item #21: PUBLIC UTILITIES - DISCUSSION of RECOMMENDED CHANGES to the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES:

Leroy Sellers, Public Utilities Director, requested discussion of the recommended changes to the Uniform Rules, as listed below, for all water districts and retail water facilities operated by the Columbus County Public Utilities Department. This will be the **first reading** of these changes, and will be presented again at the April 16, 2007 Board Meeting for the **second reading** and possible approval and adoption.

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.

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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 three (3) times the average bill based on a calculation of the preceding six months and only once in any given year.

Example: For the month of July the customer had a leak and their bill was \$117.00. The customer's water bill for January, February, March, April, May, and June was \$25.00 for each month. The total bills combined for the preceding six months was \$150.00. When you divide the total dollar amount by six months it will give you the average, which is \$25.00. The customer will be responsible for three (3) times the average, which is \$75.00. See Section 13 (C). The total adjustment made to this account would be \$42.00.

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 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 of 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 five (5) 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 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 service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge 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 this service charge. 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 system after paying the cost of the tap into 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 disconnect by the Department will be within a reasonable time after the customer's request.

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 managing 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. Water Advisory Board
3. Utilities Director
4. Water Advisory Board

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 at the rate of \$250.00 per tap. 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, 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: May 01, 2007
Approved and Adopted this 2nd day of April, 2007

Signature: /s/ Sammie Jacobs, Chairman
Columbus County Board of Commissioners

Attest By: /s/ June B. Hall
Clerk to the Board

“Attachment A”**Water Rate Schedule****District I**

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District II

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District III

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District IV

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District V

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

Prison

Every 1,000 Gallons	\$ 6.00
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Guideway School

1 st 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”**Application Fee**

¾ Inch Meter	\$ 500.00
1 Inch Meter	\$ 750.00
2 Inch Meter	\$1,000.00

Security Deposit

Per Account	\$ 50.00
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Late Payment Fee

After Due Date	\$ 5.00
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Reconnection Fee

Per Account \$ 30.00

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 (c) of the North Carolina General Statute.

Commissioner Memory made a motion to approve the Uniform Rules for all water districts and retail water facilities operated by the Columbus County Public Utilities Department, on its first reading, seconded by Commissioner Bullard. The motion unanimously carried.

ADJOURNMENT:

At 8:29 P.M., Commissioner Memory made a motion to adjourn, seconded by Commissioner McKenzie. The motion so carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman

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

Monday, April 02, 2007

8:11 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 Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

Sammie Jacobs, **Chairman**
James Prevatte, **Vice Chairman**
Amon E. McKenzie
Bill Memory
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

Jimmy Varner, **County Manager**
Steven W. Fowler, County Attorney
June B. Hall, **Clerk to Board**
Leo Hunt, **Interim Finance Officer**

MEETING CALLED TO ORDER:

At 8:11 P.M, Chairman Jacobs called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #20: DISCUSSION - WATER DEPARTMENT ADJUSTMENTS:

Commissioner Memory stated the following:

1. This Board has been advised that many dollars are bleeding from the water districts due to various reasons;
2. Staff has been meeting to determine what preventive measures could be taken to eliminate some of this loss;
3. I am requesting that Leo Hunt, Interim Finance Officer, state the recommendations that he has made that will correct the dollars that are bleeding from our water districts; **and**
4. These corrective measures, as recommended by Mr. Hunt, are inclusive in the revised Uniform Rules for All Water Districts and Retail Water Facilities that will be presented in Agenda Item #21.

Mr. Hunt stated the following:

1. Increase the late fee for delinquent payment of the monthly water bill;
2. Any adjustment to the monthly water bill, for leaks, will be based on the monthly water usage being three (3) times the average of the previous six (6) months usage;
3. Metering all water being used (i.e. blowoffs, purchases by other entities);
4. An increase in the re-connect fee for monthly cutoff due to delinquent payment of bill; **and**
5. The water cutoff time to be five (5) days.

Commissioner Bullard asked what the costs would be to connect the water systems to reduce

the amount of water being used for blowoffs.

Leroy Sellers, Public Utilities Director, stated that he and the Administrative staff were working on grants for this purpose, but it would take time for the process to happen.

Commissioner Gore stated that if Columbus County had to borrow the money to get this accomplished, and the savings would be realized in the near future, then it needed to be done.

Jim Varner, County Manager, stated the revised PER's had been sent to Ronnie Pope, USDA, for Water District V, and that Administration had contacted Bond Counsel.

Commissioner McKenzie encouraged everyone to use the water in order to eliminate the blowoffs, and for the Board to consider ten (10) days, in lieu of five (5) days for the water cutoff time due to delinquent payment of monthly water bill.

Agenda Item #21: PUBLIC UTILITIES - DISCUSSION of RECOMMENDED CHANGES to the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES:

Leroy Sellers, Public Utilities Director, requested discussion of the recommended changes to the Uniform Rules, as listed below, for all water districts and retail water facilities operated by the Columbus County Public Utilities Department. This will be the **first reading** of these changes, and will be presented again at the April 16, 2007 Board Meeting for the **second reading** and possible approval and adoption.

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 three (3) times the average bill based on a calculation of the preceding six months and only once in any given year.

Example: For the month of July the customer had a leak and their bill was \$117.00. The customer's water bill for January, February, March, April, May, and June was \$25.00 for each month. The total bills combined for the preceding six months was \$150.00. When you divide the total dollar amount by six months it will give you the average, which is \$25.00. The customer will be responsible for three (3) times the average, which is \$75.00. See Section 13 (C). The total adjustment made to this account would be \$42.00.

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 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 of 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 five (5) 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 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 service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge 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 this service charge. 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 system after paying the cost of the tap into 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 disconnect by the Department will be within a reasonable time after the customer's request.

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 managing 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. Water Advisory Board
3. Utilities Director
4. Water Advisory Board

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 at the rate of \$250.00 per tap. 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, 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: May 01, 2007
Approved and Adopted this 2nd day of April, 2007

Signature: /s/ Sammie Jacobs, Chairman
Columbus County Board of Commissioners

Attest By: /s/ June B. Hall
Clerk to the Board

“Attachment A”**Water Rate Schedule****District I**

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District II

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District III

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District IV

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District V

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

Prison	
Every 1,000 Gallons	\$ 6.00

Guideway School

1 st 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”**Application Fee**

¾ Inch Meter	\$ 500.00
1 Inch Meter	\$ 750.00
2 Inch Meter	\$1,000.00

Security Deposit

Per Account	\$ 50.00
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Late Payment Fee

After Due Date	\$ 5.00
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Reconnection Fee

Per Account \$ 30.00

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 (c) of the North Carolina General Statute.

Commissioner Memory made a motion to approve the Uniform Rules for all water districts and retail water facilities operated by the Columbus County Public Utilities Department, on its first reading, seconded by Commissioner Bullard. The motion unanimously carried.

ADJOURNMENT:

At 8:29 P.M., Commissioner Memory made a motion to adjourn, seconded by Commissioner McKenzie. The motion so carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman

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

Monday, April 02, 2007

8:11 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 Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

Sammie Jacobs, **Chairman**
James Prevatte, **Vice Chairman**
Amon E. McKenzie
Bill Memory
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

Jimmy Varner, **County Manager**
Steven W. Fowler, County Attorney
June B. Hall, **Clerk to Board**
Leo Hunt, **Interim Finance Officer**

MEETING CALLED TO ORDER:

At 8:11 P.M, Chairman Jacobs called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #20: DISCUSSION - WATER DEPARTMENT ADJUSTMENTS:

Commissioner Memory stated the following:

1. This Board has been advised that many dollars are bleeding from the water districts due to various reasons;
2. Staff has been meeting to determine what preventive measures could be taken to eliminate some of this loss;
3. I am requesting that Leo Hunt, Interim Finance Officer, state the recommendations that he has made that will correct the dollars that are bleeding from our water districts; **and**
4. These corrective measures, as recommended by Mr. Hunt, are inclusive in the revised Uniform Rules for All Water Districts and Retail Water Facilities that will be presented in Agenda Item #21.

Mr. Hunt stated the following:

1. Increase the late fee for delinquent payment of the monthly water bill;
2. Any adjustment to the monthly water bill, for leaks, will be based on the monthly water usage being three (3) times the average of the previous six (6) months usage;
3. Metering all water being used (i.e. blowoffs, purchases by other entities);
4. An increase in the re-connect fee for monthly cutoff due to delinquent payment of bill; **and**
5. The water cutoff time to be five (5) days.

Commissioner Bullard asked what the costs would be to connect the water systems to reduce

the amount of water being used for blowoffs.

Leroy Sellers, Public Utilities Director, stated that he and the Administrative staff were working on grants for this purpose, but it would take time for the process to happen.

Commissioner Gore stated that if Columbus County had to borrow the money to get this accomplished, and the savings would be realized in the near future, then it needed to be done.

Jim Varner, County Manager, stated the revised PER's had been sent to Ronnie Pope, USDA, for Water District V, and that Administration had contacted Bond Counsel.

Commissioner McKenzie encouraged everyone to use the water in order to eliminate the blowoffs, and for the Board to consider ten (10) days, in lieu of five (5) days for the water cutoff time due to delinquent payment of monthly water bill.

Agenda Item #21: PUBLIC UTILITIES - DISCUSSION of RECOMMENDED CHANGES to the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES:

Leroy Sellers, Public Utilities Director, requested discussion of the recommended changes to the Uniform Rules, as listed below, for all water districts and retail water facilities operated by the Columbus County Public Utilities Department. This will be the **first reading** of these changes, and will be presented again at the April 16, 2007 Board Meeting for the **second reading** and possible approval and adoption.

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 three (3) times the average bill based on a calculation of the preceding six months and only once in any given year.

Example: For the month of July the customer had a leak and their bill was \$117.00. The customer's water bill for January, February, March, April, May, and June was \$25.00 for each month. The total bills combined for the preceding six months was \$150.00. When you divide the total dollar amount by six months it will give you the average, which is \$25.00. The customer will be responsible for three (3) times the average, which is \$75.00. See Section 13 (C). The total adjustment made to this account would be \$42.00.

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 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 of 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 five (5) 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 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 service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge 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 this service charge. 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 system after paying the cost of the tap into 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 disconnect by the Department will be within a reasonable time after the customer's request.

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 managing 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. Water Advisory Board
3. Utilities Director
4. Water Advisory Board

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 at the rate of \$250.00 per tap. 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, 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: May 01, 2007
Approved and Adopted this 2nd day of April, 2007

Signature: /s/ Sammie Jacobs, Chairman
Columbus County Board of Commissioners

Attest By: /s/ June B. Hall
Clerk to the Board

“Attachment A”**Water Rate Schedule****District I**

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District II

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District III

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District IV

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District V

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

Prison

Every 1,000 Gallons	\$ 6.00
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Guideway School

1 st 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”**Application Fee**

¾ Inch Meter	\$ 500.00
1 Inch Meter	\$ 750.00
2 Inch Meter	\$1,000.00

Security Deposit

Per Account	\$ 50.00
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Late Payment Fee

After Due Date	\$ 5.00
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Reconnection Fee

Per Account \$ 30.00

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 (c) of the North Carolina General Statute.

Commissioner Memory made a motion to approve the Uniform Rules for all water districts and retail water facilities operated by the Columbus County Public Utilities Department, on its first reading, seconded by Commissioner Bullard. The motion unanimously carried.

ADJOURNMENT:

At 8:29 P.M., Commissioner Memory made a motion to adjourn, seconded by Commissioner McKenzie. The motion so carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman

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

Monday, April 02, 2007

8:11 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 Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

Sammie Jacobs, **Chairman**
 James Prevatte, **Vice Chairman**
 Amon E. McKenzie
 Bill Memory
 Lynwood Norris
 Ricky Bullard
 Ronald Gore

APPOINTEES PRESENT:

Jimmy Varner, **County Manager**
 Steven W. Fowler, County Attorney
 June B. Hall, **Clerk to Board**
 Leo Hunt, **Interim Finance Officer**

MEETING CALLED TO ORDER:

At 8:11 P.M, Chairman Jacobs called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #20: DISCUSSION - WATER DEPARTMENT ADJUSTMENTS:

Commissioner Memory stated the following:

1. This Board has been advised that many dollars are bleeding from the water districts due to various reasons;
2. Staff has been meeting to determine what preventive measures could be taken to eliminate some of this loss;
3. I am requesting that Leo Hunt, Interim Finance Officer, state the recommendations that he has made that will correct the dollars that are bleeding from our water districts; **and**
4. These corrective measures, as recommended by Mr. Hunt, are inclusive in the revised Uniform Rules for All Water Districts and Retail Water Facilities that will be presented in Agenda Item #21.

Mr. Hunt stated the following:

1. Increase the late fee for delinquent payment of the monthly water bill;
2. Any adjustment to the monthly water bill, for leaks, will be based on the monthly water usage being three (3) times the average of the previous six (6) months usage;
3. Metering all water being used (i.e. blowoffs, purchases by other entities);
4. An increase in the re-connect fee for monthly cutoff due to delinquent payment of bill; **and**
5. The water cutoff time to be five (5) days.

Commissioner Bullard asked what the costs would be to connect the water systems to reduce

the amount of water being used for blowoffs.

Leroy Sellers, Public Utilities Director, stated that he and the Administrative staff were working on grants for this purpose, but it would take time for the process to happen.

Commissioner Gore stated that if Columbus County had to borrow the money to get this accomplished, and the savings would be realized in the near future, then it needed to be done.

Jim Varner, County Manager, stated the revised PER's had been sent to Ronnie Pope, USDA, for Water District V, and that Administration had contacted Bond Counsel.

Commissioner McKenzie encouraged everyone to use the water in order to eliminate the blowoffs, and for the Board to consider ten (10) days, in lieu of five (5) days for the water cutoff time due to delinquent payment of monthly water bill.

Agenda Item #21: PUBLIC UTILITIES - DISCUSSION of RECOMMENDED CHANGES to the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES:

Leroy Sellers, Public Utilities Director, requested discussion of the recommended changes to the Uniform Rules, as listed below, for all water districts and retail water facilities operated by the Columbus County Public Utilities Department. This will be the **first reading** of these changes, and will be presented again at the April 16, 2007 Board Meeting for the **second reading** and possible approval and adoption.

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.

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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 three (3) times the average bill based on a calculation of the preceding six months and only once in any given year.

Example: For the month of July the customer had a leak and their bill was \$117.00. The customer's water bill for January, February, March, April, May, and June was \$25.00 for each month. The total bills combined for the preceding six months was \$150.00. When you divide the total dollar amount by six months it will give you the average, which is \$25.00. The customer will be responsible for three (3) times the average, which is \$75.00. See Section 13 (C). The total adjustment made to this account would be \$42.00.

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 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 of 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 five (5) 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 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 service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge 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 this service charge. 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 system after paying the cost of the tap into 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 disconnect by the Department will be within a reasonable time after the customer's request.

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 managing 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. Water Advisory Board
3. Utilities Director
4. Water Advisory Board

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 at the rate of \$250.00 per tap. 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, 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: May 01, 2007
Approved and Adopted this 2nd day of April, 2007

Signature: /s/ Sammie Jacobs, Chairman
Columbus County Board of Commissioners

Attest By: /s/ June B. Hall
Clerk to the Board

“Attachment A”**Water Rate Schedule****District I**

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District II

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District III

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District IV

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District V

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

Prison

Every 1,000 Gallons	\$ 6.00
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Guideway School

1 st 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”**Application Fee**

¾ Inch Meter	\$ 500.00
1 Inch Meter	\$ 750.00
2 Inch Meter	\$1,000.00

Security Deposit

Per Account	\$ 50.00
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Late Payment Fee

After Due Date	\$ 5.00
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Reconnection Fee

Per Account \$ 30.00

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 (c) of the North Carolina General Statute.

Commissioner Memory made a motion to approve the Uniform Rules for all water districts and retail water facilities operated by the Columbus County Public Utilities Department, on its first reading, seconded by Commissioner Bullard. The motion unanimously carried.

ADJOURNMENT:

At 8:29 P.M., Commissioner Memory made a motion to adjourn, seconded by Commissioner McKenzie. The motion so carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman